



Town of Paradise Town Council Meeting Agenda 6:00 PM – August 11, 2020

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

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

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

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

PUBLIC COMMENT

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

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

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

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

Alternately you may send an email with the subject line:

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

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

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

1. OPENING

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

- 1e. Vegetative Waste Options/Forest Management Presentation by Calli-Jane DeAnda from the Butte County Fire Safe Council.
- 1f. Update on the Paradise Sewer Project - Marc Mattox, Town Engineer/Public Works Director.
- 1g. Update on Public Safety Power Shutoff (PSPS) Grant regarding Traffic Signal Equipment- Marc Mattox, Town Engineer/Public Works Director
- 1h. Update on Urgency Ordinance No. 598 relating to Interim Housing in the Town of Paradise - Katie Simmons, Disaster Recovery Director

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.](#) Approve minutes from the July 14, 2020 Regular Town Council meeting.
- [2b.](#) Approve July 2020 Cash Disbursements in the amount of \$2,560,767.85
- [2c.](#) Adopt Resolution No. 20-25, A Resolution of the Town Council of the Town of Paradise Acknowledging receipt of a report made by the Fire Chief of the Paradise Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.
- [2d.](#) Adopt Resolution No. 20-26, A Resolution of the Town Council of the Town of Paradise certifying to the County of Butte the validity of the legal process used to place direct charges (special assessments) on the secured tax roll.
- [2e.](#) Adopt Resolution No. 20-27, A Resolution of the Town Council of the Town of Paradise appointing a Director and Alternate to Northern California Cities Self Insurance Fund (NCCSIF).

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

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

5. PUBLIC HEARINGS - None

6. COUNCIL CONSIDERATION

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

- 6a. 1. Consider waiving second reading of entire Town Ordinance 597 and approve reading by title only; and, 2 Adopt Town Ordinance No. 597, an Ordinance Amending Chapter 8.58 of the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management to include a requirement for property clearance at point of transfer. “(ROLL CALL VOTE); **OR**
2. Consider waiving the first reading of Town of Paradise Ordinance No. 597 and read by title only; and 2. Re-introduce Town Ordinance No. 597 “An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management to include an Advisory for property buyers at time of transfer” (ROLL CALL VOTE)
- 6b. 1. Discuss the process and timing for establishing the new Measure V Citizen’s Oversight Committee; and,
2. Consider selecting one of three options to determine how the Council will set up interviews for the Measure V Citizen’s Oversight Committee:
- a. Designate two Council Members to screen and interview applicants and bring back a recommendation to the full Council for appointment of nine members on February 9, 2021.
- b. The full Town Council screen and interview the applicants at a special meeting.
- c. Council direct applicants to be pre-screened by a sub-committee based on Council designated criteria and forward nine recommended or preferred applications for Town Council to consider; and,
3. Consider adopting Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise Approving By-laws for the Governance of the Measure V Citizen Oversight committee approved by the voters on November 6, 2018. (ROLL CALL VOTE)
- 6c. Consider authorizing the Town Manager to send the attached letter to the Butte County Grand Jury, a letter from the Mayor responding to finding in the 2019-20 Grand Jury Report. (ROLL CALL VOTE)
- 6d. Consider approving an amendment increasing Mark Thomas’ Professional Services Agreement Contract 19-00 to the amount of \$435,000 for services through January 13, 2021. (ROLL CALL VOTE)
- 6e. Consider adopt Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise approving the plans and specifications for the Interim Safety Striping and Marking Improvement Project and authorizing advertisement for bids on the project. (ROLL CALL VOTE)

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

- 7a1. Consider designating a voting delegate and two (2) alternate(s) and providing direction to the Town's voting delegate regarding the League of California Cities proposed Resolution(s) for the 2020 League General Assembly to be held October 9, 2020.

7a2. Discuss previously adopted Urgency Ordinance No. 598 relating to Interim housing, accessory buildings and unoccupied recreational vehicle inside the Campfire area. (SCHUSTER)

7b. Council reports on committee representation

7c. Future Agenda Items

8. STAFF COMMUNICATION

8a. Town Manager Report

- Community Development Director Update

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:	

TOWN/ASSISTANT TOWN CLERK SIGNATURE	

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – July 14, 2020**

1. OPENING

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

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

COUNCIL MEMBERS ABSENT: None

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

- 1a. Mayor Bolin read proclamations recognizing Planning Commissioners James Clarkson and Stephanie Neumann for their service. The proclamations were accepted by Planning Commissioners Clarkson and Neumann.

2. CONSENT CALENDAR

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

- 2a. Approved minutes from the June 30, 2020 Adjourned Town Council meeting.
- 2b. Approved June 2020 Cash Disbursements in the amount of \$1,311,842.90.
- 2c. 1. Adopted Resolution No. 20-16, A Resolution of the Town Council of the Town of Paradise declaring certain furniture, desks, chairs and cabinets to be surplus property.
- 2d. 1. Adopted Resolution No. 20-17, A Resolution of the Town Council of the Town of Paradise accepting Contract No. 16-08, Skyway/Black Olive Drive Signalization Project, performed by ST Rhoades Construction of Redding, CA.
- 2e. 1. Authorized the expenditure of \$20,300 from General Fund reserves to leverage a \$50,000 grant given by the North Valley Community Foundation Butte Strong Fund for the Broadband Feasibility Study.

3. ITEMS REMOVED FROM CONSENT CALENDAR - None

4. PUBLIC COMMUNICATION - None

5. PUBLIC HEARINGS - None

6. COUNCIL CONSIDERATION

Administrative Services Director/Town Treasurer Brooke Kerrigan provided a brief overview of the 2020/2021 Budget. (A detailed presentation of the budget was previously presented at the June 30, 2020 Adjourned Town Council Meeting)

1. Gregg Mowers questioned if there was anything in the resolution to protect future Councils from using the money from the PG&E Settlement in other ways.

Town Attorney Moore stated that one Council cannot bind another Councils decisions.

- 6a. **MOTION by Schuster, seconded by Zuccolillo**, adopted the following resolutions 20-18 through 20-24 related to the 2020/2021 Fiscal Year Budget. Roll call vote was unanimous.

Adopted Resolution No. 20-18 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 2020-2021 Fiscal Year ending June 30, 2021.

Adopted Resolution No. 20-19, A Resolution of the Town Council of the Town of Paradise Approving and Adopting the Annual Appropriation Limit for Fiscal Year 2020-2021.

Adopted Resolution No. 20-20, A Resolution of the Town Council of the Town of Paradise Amending the General Fund Reserves for Fiscal Year 2020-2021.

Adopted Resolution No. 20-21, A Resolution of the Town Council of the Town of Paradise approving and Adopting the Town of Paradise Capital Improvement Plan (CIP) and Disaster Recovery Plan for the 2020-2021 Fiscal Year.

Adopted Resolution No. 20-22, A Resolution of the Town Council of the Town of Paradise, California adopting the amended Salary Pay Plan for Town of Paradise Employees for the Fiscal Year 2020-2021.

Adopted Resolution No. 20-23, A Resolution of the Town Council of the Town of Paradise, Pacific Gas and Electric (PG&E) Settlement Funds Planning for Future Sustainability of Town Operations.

Adopted Resolution No. 20-24, A Resolution of the Town Council of the Town of Paradise Approving the Request for Proposals (RFP) for Investment and Advisory Services.

CAL FIRE Division Chief Garrett Sjolund provided an overview of the proposed Ordinance regarding defensible space and hazardous fuel management.

Aubrey Pruis from the Paradise Association of Realtors provided the Town Council with statistics about the Real Estate market in the Town and stated that he would share the information regarding the proposed ordinance with the local real estate community, escrow offices and publicize it nationally.

1. Warren Bullock stated that out of the area escrow companies are not always aware of our regulations and sometimes items get missed: inquired as to the turn around time for inspections to be completed and that property values could be affected by the ordinance.
- 6b. **MOTION by Jones, seconded by Crowder**, waived the first reading of Town Ordinance No. 597 and read by title only; and, 2. Introduced Town Ordinance No. 597. "An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management". Roll call vote was unanimous.
- 6c. **MOTION by Zuccolillo, seconded by Crowder**, waived the reading of entire Town of Paradise Urgency Ordinance No.598 and adopted Town of Paradise Ordinance No. 598, "An Urgency Ordinance of the Town Council of the Town of Paradise Repealing Urgency Ordinance No. 593 and Adopting New Ordinance Relating to Interim Housing, Accessory Building(s) and Unoccupied Recreational Vehicle Inside the Camp Fire Area". Roll call vote was unanimous.
- 6d. Town Engineer Marc Mattox provided Town Council with an informational update relating to the status of Town-wide undergrounding of utilities.
MOTION by Jones, seconded by Schuster authorized staff to file a formal complaint to the California Public Utilities Commission relating to the public welfare and safety issues arising out of Comcast and AT&T's lack of participation in a Town-wide joint trench opportunity and 2. Authorized staff to notice the public hearing for the creation of a Rule 20A Underground Utility District consisting of all parcels with property boundaries along On-System Federal-Aid Arterials and Collectors within 45 days if no agreement is reached between PG&E, Comcast and AT&T for Town-wide joint trench participation. Roll call vote was unanimous.
- 6e. **MOTION by Schuster, seconded by Crowder**, authorized the Town Manager to execute a license agreement with Nicki Jones relating to the proposed license area expansion for 6265 Skyway. Roll call vote was unanimous.
- 6f. **MOTION by Crowder, seconded by Jones**, authorized the Town Manager to enter into an Agreement between the Town of Paradise and Pacific Gas and Electric Company relating to transference of 2" conduit from the

ongoing joint trench work for electrical undergrounding. Roll call vote was unanimous.

- 6g. 1. Megan Armstrong from Butte County Public Health supports the ban on flavored tobacco
2. Shelly Brantley supports the ban on flavored tobacco.

Town Clerk Volenski read the names of emails received supporting and opposing the ban on flavored tobacco and shared that 192 petitions had been received that oppose the ban on flavored tobacco.

Support

Shelly Brantley, Ellen Michels and Bruce Baldwin

Oppose

Amritpal Hayey/Jivtesh Gill and Rima Khoury

1. **MOTION by Jones and seconded by Schuster** waived second reading of the entire Town Ordinance No. 596 and approved reading by title only; and, 2. Adopted Town Ordinance No. 596, "An Ordinance of the Town of Paradise Amending Section 8.46.020 of the Paradise Municipal Code and Adding Section 8.46.025 to the Paradise Municipal Code Relating to Prohibiting the Sale of Flavored Tobacco". Ayes of Jones, Schuster and Bolin, Mayor; Noes of Crowder and Zuccolillo. Motion passes.
- 6n. 1. Kevin Phillips thanked the Town Council for the trust in appointing him to the position of Town Manager.

MOTION by Crowder, seconded by Zuccolillo, approved the Employment Agreement with Kevin Phillips for the Town Manager position effective August 31, 2020. Roll call vote was unanimous.

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items

- 7a1. Consider designating a voting delegate and two (2) alternate(s) and providing direction to the Town's voting delegate regarding the League of California Cities proposed Resolution(s) for the 2020 League General Assembly to be held October 9, 2020.

Council Member Schuster asked that this item be postponed until the August meeting due to uncertainty of the meeting being held in person or virtually. All Council concurred to place the item on the August agenda.

- 7a2. Council Member Crowder brought to the Town Council's attention that needle distribution, unless prohibited, is able to be distributed in the Town and requested that a resolution be placed on the next Town Council agenda.

Town Attorney Moore stated that research needs to be done to determine if the Town has any authority regarding the issue and that an Ordinance would need to be brought to the Council.

Town Council concurred to have staff research and place an Ordinance on the next Council agenda banning the distribution of needles in the Town of Paradise.

7b. Council reports on committee representation

Council Member Jones attended the Butte County Association of Governments meeting and reported that Caltrans moved up the 99-Neal Road signalization project to the Fall due to safety concerns.

Council Member Schuster attended the Butte County Tourism Business District meeting and reported the occupancy rates are up in the County; and the Best Western in Paradise is open.

7c. Future Agenda Items

Council Member Jones asked that the Town Council send a strongly worded letter to the state addressing safety concerns and the need for urgency in getting the program going.

8. STAFF COMMUNICATION

8a. Town Manager Report

Disaster Recovery Director Katie Simmons provided an update on the private and state hazard tree removal program.

Assistant to the Town Manager Colette Curtis provided an update on the United States Department of Agriculture grants that the Town has applied for.

Community Development Director Susan Hartman provided an update on the Community Development activities in the Town of Paradise.

9. CLOSED SESSION

At 8:38 p.m. Mayor Bolin announced that the Town Council would adjourn to closed session for the following item:

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

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

At 9:01 p.m. Mayor Bolin announced that the Town Council met with the Town Attorney regarding the Blue Oaks Terrace Neighborhood Advisory Committee v. Town of Paradise and was given a brief update on the status of the litigation. No action was taken.

10. ADJOURNMENT

Mayor Bolin adjourned the Town Council meeting at 9:01 p.m.

Date Approved:

Greg Bolin, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

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



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

Check Date	Pay Period End	Description	Amount	Total
7/10/2020	7/5/2020	Net Payroll - Direct Deposits and Checks	\$155,138.71	
7/24/2020	7/19/2020	Net Payroll - Direct Deposits and Checks	<u>\$137,449.39</u>	
TOTAL NET WAGES PAYROLL				292,588.10
<hr/>				
Accounts Payable				
Payroll Vendors: Taxes, PERS, Dues, Insurance, Etc.			208,496.81	
Operations Vendors: Supplies, Contracts, Utilities, Etc.			<u>\$2,059,682.94</u>	
TOTAL CASH DISBURSEMENTS ACCOUNTS PAYABLE				<u>2,268,179.75</u>
 GRAND TOTAL CASH DISBURSEMENTS				 <u><u>2,560,767.85</u></u>

APPROVED BY: _____
Lauren Gill, Town Manager

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

TOWN OF PARADISE
Payment Register
 From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
AP - US Bank TOP AP Checking							
<u>Check</u>							
76310	07/01/2020	Open			Accounts Payable	4LEAF, Inc	\$269,134.07
76311	07/01/2020	Open			Accounts Payable	ACCELA, INC.	\$48,314.15
76312	07/01/2020	Open			Accounts Payable	ACI ENTERPRISES, INC.	\$463.32
76313	07/01/2020	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$12.80
76314	07/01/2020	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$441.86
76315	07/01/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,745.97
76316	07/01/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$108.98
76317	07/01/2020	Open			Accounts Payable	AT&T MOBILITY	\$310.74
76318	07/01/2020	Open			Accounts Payable	AT&T/CALNET3 - REPEATER LINES	\$208.60
76319	07/01/2020	Open			Accounts Payable	AT&T/CALNET3 - COMMUNITY PARK	\$20.89
76320	07/01/2020	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$2,685.11
76321	07/01/2020	Open			Accounts Payable	AT&T/CALNET3 - TH/FDPD FIBER LINES	\$1,080.06
76322	07/01/2020	Open			Accounts Payable	Batteries Plus Bulbs	\$560.13
76323	07/01/2020	Open			Accounts Payable	Bidwell Truck Accessories	\$5,983.95
76324	07/01/2020	Open			Accounts Payable	Big O Tires	\$140.00
76325	07/01/2020	Open			Accounts Payable	BUTTE CO NEAL ROAD LANDFILL	\$43.37
76326	07/01/2020	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$176.50
76327	07/01/2020	Open			Accounts Payable	C4 Polygraph, LLC	\$350.00
76328	07/01/2020	Open			Accounts Payable	CHICO POWER EQUIPMENT	\$82.80
76329	07/01/2020	Open			Accounts Payable	ENTERPRISE FM TRUST	\$1,073.32
76330	07/01/2020	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$274.78
76331	07/01/2020	Open			Accounts Payable	Herc Rentals Inc.	\$4,494.85
76332	07/01/2020	Open			Accounts Payable	HireRight, Inc.	\$24.39
76333	07/01/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$2,975.64
76334	07/01/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$95.38
76335	07/01/2020	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$243.03

TOWN OF PARADISE
Payment Register
From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76336	07/01/2020	Open			Accounts Payable	INTERSTATE SALES	\$885.71
76337	07/01/2020	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$925.00
76338	07/01/2020	Open			Accounts Payable	L.N. CURTIS & SONS	\$4,354.18
76339	07/01/2020	Open			Accounts Payable	Law Office of Gregory P. Einhorn	\$1,665.00
76340	07/01/2020	Open			Accounts Payable	LIEBERT CASSIDY WHITMORE	\$4,225.00
76341	07/01/2020	Open			Accounts Payable	Mark Thomas & Company Inc	\$32,823.92
76342	07/01/2020	Open			Accounts Payable	MOBILE MINI INC	\$311.14
76343	07/01/2020	Open			Accounts Payable	MOORE, DWIGHT, L.	\$18,579.00
76344	07/01/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$230.45
76345	07/01/2020	Open			Accounts Payable	National Academies of Emergency Dispatch	\$50.00
76346	07/01/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$266.57
76347	07/01/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$1,651.97
76348	07/01/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$109.60
76349	07/01/2020	Open			Accounts Payable	PARADISE ALLIANCE CHURCH	\$95.00
76350	07/01/2020	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$84.41
76351	07/01/2020	Open			Accounts Payable	Peek, Jeffrey & Cindy	\$2,649.92
76352	07/01/2020	Open			Accounts Payable	Pro Aggregate	\$381.81
76353	07/01/2020	Open			Accounts Payable	R B SPENCER INC	\$530.25
76354	07/01/2020	Open			Accounts Payable	RAY MORGAN COMPANY INC	\$54.89
76355	07/01/2020	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$43.06
76356	07/01/2020	Open			Accounts Payable	S.T. Rhoades Construction, Inc.	\$118,358.02
76357	07/01/2020	Open			Accounts Payable	SBA Monarch Towers III LLC	\$148.01
76358	07/01/2020	Open			Accounts Payable	Shelby's Pest Control, Inc.	\$200.00
76359	07/01/2020	Open			Accounts Payable	Spherion Staffing	\$9,560.66
76360	07/01/2020	Open			Accounts Payable	Tahoe Pure Water Co.	\$37.50
76361	07/01/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$503.04
76362	07/01/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$471.17
76363	07/01/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$26.36

TOWN OF PARADISE
Payment Register
From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76364	07/01/2020	Open			Accounts Payable	TIAA COMMERCIAL FINANCE, INC	\$906.47
76365	07/01/2020	Open			Accounts Payable	Towne Carpet	\$46,968.35
76366	07/01/2020	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$86.00
76367	07/01/2020	Open			Accounts Payable	VALLEY CLINICAL & CONSULTING SERVICES	\$450.00
76368	07/01/2020	Open			Accounts Payable	VOLENSKI, DINA	\$29.89
76369	07/01/2020	Open			Accounts Payable	WESTAMERICA BANK	\$20,137.76
76370	07/01/2020	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$36.02
76371	07/01/2020	Open			Accounts Payable	Aflac	\$146.92
76372	07/01/2020	Open			Accounts Payable	Met Life	\$7,434.41
76373	07/01/2020	Open			Accounts Payable	OPERATING ENGINEERS	\$901.00
76374	07/01/2020	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$1,654.36
76375	07/01/2020	Open			Accounts Payable	SUN LIFE INSURANCE	\$4,368.13
76376	07/01/2020	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$610.54
76377	07/01/2020	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$80.00
76378	07/08/2020	Voided	Incorrect Vendor		Accounts Payable	Becker Family Trust, Sandra	\$875.25
76379	07/08/2020	Open			Accounts Payable	Campbell, John	\$747.97
76380	07/08/2020	Open			Accounts Payable	Craft, Kenneth	\$1,051.07
76381	07/08/2020	Open			Accounts Payable	Flaherty, Carrie & Matthew	\$1,220.73
76382	07/08/2020	Open			Accounts Payable	Hernandez, Juliana	\$1,161.62
76383	07/08/2020	Open			Accounts Payable	Huth, Walter	\$958.89
76384	07/08/2020	Open			Accounts Payable	Kennedy, Jay	\$519.07
76385	07/08/2020	Open			Accounts Payable	Kruse, Lee	\$853.43
76386	07/08/2020	Open			Accounts Payable	Mason, Johnathan, Thomas	\$809.78
76387	07/08/2020	Open			Accounts Payable	McCarthy, Paul	\$809.78
76388	07/08/2020	Open			Accounts Payable	Minsart, Daniel	\$940.71
76389	07/08/2020	Open			Accounts Payable	Parks, Beverly	\$911.61
76390	07/08/2020	Open			Accounts Payable	Peters, Russell	\$962.53
76391	07/08/2020	Open			Accounts Payable	Smith, Jeffery	\$835.24

TOWN OF PARADISE

Payment Register

From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76392	07/08/2020	Open			Accounts Payable	Vega, Kenneth	\$465.70
76393	07/10/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00
76394	07/10/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76
76395	07/16/2020	Open			Accounts Payable	3 CORE, INC.	\$5,500.00
76396	07/16/2020	Open			Accounts Payable	4LEAF, Inc	\$258,416.20
76397	07/16/2020	Open			Accounts Payable	ACCESS INFORMATION PROTECTED	\$66.15
76398	07/16/2020	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$270.58
76399	07/16/2020	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$452.51
76400	07/16/2020	Open			Accounts Payable	American Flagpole	\$358.80
76401	07/16/2020	Open			Accounts Payable	APPLY-A-LINE, INC.	\$5,825.00
76402	07/16/2020	Open			Accounts Payable	AT&T MOBILITY	\$242.49
76403	07/16/2020	Open			Accounts Payable	Baker, Williams	\$86.12
76404	07/16/2020	Open			Accounts Payable	Becker Family Trust	\$875.25
76405	07/16/2020	Open			Accounts Payable	Biometrics4ALL, Inc	\$15.75
76406	07/16/2020	Open			Accounts Payable	Browns Towing	\$440.00
76407	07/16/2020	Open			Accounts Payable	Bug Smart	\$83.00
76408	07/16/2020	Open			Accounts Payable	BUTTE CO RECORDER	\$50.00
76409	07/16/2020	Open			Accounts Payable	CALIFORNIA BUILDING STANDARDS COMMISSION	\$3,915.00
76410	07/16/2020	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF CONSERVATION	\$12,506.31
76411	07/16/2020	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$64.00
76412	07/16/2020	Open			Accounts Payable	CITY CLERKS ASSOCIATION OF CALIFORNIA	\$45.00
76413	07/16/2020	Open			Accounts Payable	CITY OF FOSTER CITY	\$3,570.00
76414	07/16/2020	Open			Accounts Payable	COMCAST CABLE	\$139.78
76415	07/16/2020	Open			Accounts Payable	COMCAST CABLE	\$244.78
76416	07/16/2020	Open			Accounts Payable	COMCAST CABLE	\$389.78
76417	07/16/2020	Open			Accounts Payable	CRAIG DREBERTS AUTOMOTIVE	\$1,019.78
76418	07/16/2020	Open			Accounts Payable	Creative Composition Inc	\$125.43
76419	07/16/2020	Open			Accounts Payable	Culligan of Chico	\$130.10

TOWN OF PARADISE
Payment Register
From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76420	07/16/2020	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$37,934.72
76421	07/16/2020	Open			Accounts Payable	Ernst & Young US LLP	\$50,639.00
76422	07/16/2020	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$78.52
76423	07/16/2020	Open			Accounts Payable	Golden State Emergency Vehicle Service, Inc.	\$63.28
76424	07/16/2020	Open			Accounts Payable	GREEN RIDGE LANDSCAPING	\$4,958.50
76425	07/16/2020	Open			Accounts Payable	HDR Engineering, Inc	\$143,504.84
76426	07/16/2020	Open			Accounts Payable	Herc Rentals Inc.	\$2,917.47
76427	07/16/2020	Open			Accounts Payable	HINDERLITER, DE LLAMAS & ASSOCIATES INC.	\$458.65
76428	07/16/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$2,717.69
76429	07/16/2020	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$717.60
76430	07/16/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$682.17
76431	07/16/2020	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$425.00
76432	07/16/2020	Open			Accounts Payable	Jennifer Arbuckle	\$6,905.00
76433	07/16/2020	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$1,065.15
76434	07/16/2020	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$438.59
76435	07/16/2020	Open			Accounts Payable	L.N. CURTIS & SONS	\$22.63
76436	07/16/2020	Open			Accounts Payable	LES SCHWAB TIRE CENTER - MOTORPOOL	\$333.10
76437	07/16/2020	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$63.87
76438	07/16/2020	Open			Accounts Payable	Meyers Police K-9 Training, LLC	\$600.00
76439	07/16/2020	Open			Accounts Payable	MID VALLEY TITLE & ESCROW	\$40,395.00
76440	07/16/2020	Open			Accounts Payable	MOBILE MINI INC	\$2,159.13
76441	07/16/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$37.54
76442	07/16/2020	Open			Accounts Payable	Nesci Appraisal Service	\$450.00
76443	07/16/2020	Open			Accounts Payable	NORTHERN RECYCLING & WASTE SERVICES, INC.	\$3,681.56
76444	07/16/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$41.00
76445	07/16/2020	Open			Accounts Payable	Pacific Credit Services (PCS)	\$500.89
76446	07/16/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$222.48
76447	07/16/2020	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$706.03

TOWN OF PARADISE
Payment Register
From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76448	07/16/2020	Open			Accounts Payable	PARADISE SANITATION COMPANY	\$615.00
76449	07/16/2020	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$2,580.00
76450	07/16/2020	Open			Accounts Payable	PETTY CASH, CHRISTINA SHOEMAKER	\$82.00
76451	07/16/2020	Open			Accounts Payable	Redline Installations Inc	\$1,288.01
76452	07/16/2020	Open			Accounts Payable	RENTAL GUYS - CHICO	\$95.45
76453	07/16/2020	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$130.29
76454	07/16/2020	Open			Accounts Payable	Riebes Auto Parts-Public Works	\$16.19
76455	07/16/2020	Open			Accounts Payable	SAFEGUARD FIRE PROTECTION	\$815.67
76456	07/16/2020	Open			Accounts Payable	Sisler, Edward & Patricia	\$100.00
76457	07/16/2020	Open			Accounts Payable	Spherion Staffing	\$15,212.81
76458	07/16/2020	Open			Accounts Payable	Stratti	\$2,510.80
76459	07/16/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$565.19
76460	07/16/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$214.62
76461	07/16/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$1,697.64
76462	07/16/2020	Open			Accounts Payable	TYLER TECHNOLOGIES, INC.	\$990.00
76463	07/16/2020	Open			Accounts Payable	UNITED RENTALS, INC.	\$2,049.73
76464	07/16/2020	Open			Accounts Payable	VERIZON WIRELESS	\$2,762.71
76465	07/16/2020	Open			Accounts Payable	White Glove Cleaning Svc Inc, Theresa Contreras	\$630.00
76466	07/16/2020	Open			Accounts Payable	Brashers, Sandra	\$1,691.55
76467	07/24/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00
76468	07/24/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76
76469	07/30/2020	Open			Accounts Payable	ACCESS INFORMATION PROTECTED	\$44.69
76470	07/30/2020	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$53.60
76471	07/30/2020	Open			Accounts Payable	Akin, David	\$62.12
76472	07/30/2020	Open			Accounts Payable	Antonio Olvera & Megan Wise	\$419.48
76473	07/30/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$108.96
76474	07/30/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,041.78
76475	07/30/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,782.20

TOWN OF PARADISE

Payment Register

From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76476	07/30/2020	Open			Accounts Payable	AT&T MOBILITY	\$165.34
76477	07/30/2020	Open			Accounts Payable	AT&T/CALNET3 - REPEATER LINES	\$208.61
76478	07/30/2020	Open			Accounts Payable	AT&T/CALNET3 - COMMUNITY PARK	\$21.74
76479	07/30/2020	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$4,683.17
76480	07/30/2020	Open			Accounts Payable	AT&T/CALNET3 - TH/FDPD FIBER LINES	\$1,105.56
76481	07/30/2020	Open			Accounts Payable	Bear Electric Solutions	\$1,425.00
76482	07/30/2020	Open			Accounts Payable	Big O Tires	\$110.00
76483	07/30/2020	Open			Accounts Payable	Blue Flamingo Marketing Advocates	\$7,960.00
76484	07/30/2020	Open			Accounts Payable	BUTTE CO SHERIFF'S OFFICE	\$86,365.60
76485	07/30/2020	Open			Accounts Payable	BUTTE COLLEGE, PUBLIC SERVICE CENTER	\$100.00
76486	07/30/2020	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$96.00
76487	07/30/2020	Open			Accounts Payable	COMCAST CABLE	\$389.78
76488	07/30/2020	Open			Accounts Payable	CRAIG DREBERTS AUTOMOTIVE	\$1,026.12
76489	07/30/2020	Open			Accounts Payable	Creative Composition Inc	\$26.81
76490	07/30/2020	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$68,737.70
76491	07/30/2020	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$199.12
76492	07/30/2020	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$1,386.00
76493	07/30/2020	Open			Accounts Payable	Entersect	\$549.75
76494	07/30/2020	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$585.40
76495	07/30/2020	Open			Accounts Payable	FOOTHILL MILL & LUMBER	\$50.68
76496	07/30/2020	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$129.31
76497	07/30/2020	Open			Accounts Payable	Herc Rentals Inc.	\$4,376.21
76498	07/30/2020	Open			Accounts Payable	HOUSE DETECTIVE TERMITE CONTROL, INC.	\$175.00
76499	07/30/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$6,587.57
76500	07/30/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$31.14
76501	07/30/2020	Open			Accounts Payable	INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS	\$210.00
76502	07/30/2020	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$173.29
76503	07/30/2020	Open			Accounts Payable	INTERSTATE SALES	\$884.93

TOWN OF PARADISE
Payment Register
From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76504	07/30/2020	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$675.00
76505	07/30/2020	Open			Accounts Payable	Merck Animal Health	\$513.45
76506	07/30/2020	Open			Accounts Payable	Middleton's Carpet Cleaning	\$125.00
76507	07/30/2020	Open			Accounts Payable	MOORE, DWIGHT, L.	\$147,000.00
76508	07/30/2020	Open			Accounts Payable	MUNICIPAL CODE CORP	\$749.00
76509	07/30/2020	Open			Accounts Payable	NCCSIF TREASURER	\$77,509.25
76510	07/30/2020	Open			Accounts Payable	NCCSIF TREASURER	\$208,495.00
76511	07/30/2020	Open			Accounts Payable	NORMAC INC	\$182.96
76512	07/30/2020	Open			Accounts Payable	North State Tire Co. Inc.	\$329.80
76513	07/30/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$411.04
76514	07/30/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$356.71
76515	07/30/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$12,199.52
76516	07/30/2020	Open			Accounts Payable	PARADISE ALLIANCE CHURCH	\$95.00
76517	07/30/2020	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$1,249.62
76518	07/30/2020	Open			Accounts Payable	RAY MORGAN COMPANY INC	\$1,193.05
76519	07/30/2020	Open			Accounts Payable	Redline Installations Inc	\$1,216.82
76520	07/30/2020	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$407.44
76521	07/30/2020	Open			Accounts Payable	Riley, Dee	\$52.54
76522	07/30/2020	Open			Accounts Payable	Shelby's Pest Control, Inc.	\$100.00
76523	07/30/2020	Open			Accounts Payable	SHERWIN-WILLIAMS - CHICO	\$96.49
76524	07/30/2020	Open			Accounts Payable	Spherion Staffing	\$12,295.63
76525	07/30/2020	Open			Accounts Payable	Stratti	\$44,075.11
76526	07/30/2020	Open			Accounts Payable	SWRCB	\$14,230.00
76527	07/30/2020	Open			Accounts Payable	Tahoe Pure Water Co.	\$52.50
76528	07/30/2020	Open			Accounts Payable	THOMAS ACE HARDWARE	\$161.11
76529	07/30/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$494.64
76530	07/30/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$19.75
76531	07/30/2020	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$86.00

TOWN OF PARADISE
Payment Register
 From Payment Date: 7/1/2020 - To Payment Date: 7/31/2020

Number	Date	Status	Void Reason	Recon/ Void Date	Source	Payee Name	Transaction Amount
76532	07/30/2020	Open			Accounts Payable	VALLEY OAK VETERINARY CENTER	\$69.80
76533	07/30/2020	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$376.00
76534	07/30/2020	Open			Accounts Payable	VistaNet Inc.	\$2,129.00
76535	07/30/2020	Open			Accounts Payable	World Graphics	\$312.65
Type Check Totals:					226 Transactions		\$1,989,220.50
<u>EFT</u>							
1022	07/01/2020	Open			Accounts Payable	CALPERS	\$107,848.02
1023	07/10/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$35,223.43
1024	07/10/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$11,904.87
1025	07/10/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,278.62
1026	07/10/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$39,273.36
1027	07/13/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$2,923.20
1028	07/24/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$35,080.58
1029	07/24/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$7,378.74
1030	07/24/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,278.62
1031	07/24/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$25,645.06
Type EFT Totals:					10 Transactions		\$279,834.50
AP - US Bank TOP AP Checking Totals							

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	225	\$1,988,345.25	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$875.25	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	226	\$1,989,220.50	\$0.00



Town of Paradise
Council Agenda Summary
Date: August 11, 2020

Agenda Item: 2(c)

ORIGINATED BY: Garrett Sjonlund, Fire Chief
REVIEWED BY: Lauren Gill, Town Manager
SUBJECT: Approve and adopt a resolution accepting the SB 1205 Mandated Inspection Report

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise Acknowledging receipt of a report made by the Fire Chief of the Paradise Fire Department regarding the inspection of certain occupancies required to perform annual inspections in such occupancies pursuant to Sections 13146.2 and 13146.3 of the California Health and Safety Code.

Background:

On December 2, 2016, at approximately 11:20 pm, in the Fruitvale neighborhood of Oakland, California, a fire broke out in a warehouse known as the Ghost Ship. The warehouse had been converted into an artist collective and included dwelling units. At the time of the fire, the warehouse was hosting a concert.

Residential and entertainment uses were not allowed under the warehouse's permits at the time of the fire. A total of 36 people perished in the fire; the deadliest in the history of Oakland. It was also the deadliest building fire in the United States since The Station Nightclub fire in 2003, and it was the deadliest mass-casualty event in Oakland since the Loma Prieta earthquake.

The California State Fire Marshal, through the California Health and Safety Code, mandates that certain occupancies are to be inspected annually. During the grand jury investigation of the Ghost Ship Fire, it was determined that, while the State had mandated inspections on various occupancies, these inspections were not mandated to be reported to any governing body. Senate Bill 1205, authored by Senator Jerry Hill, was successful in requiring the mandated reporting of annual inspections to its administering authority on an annual basis.

SB1205, Hill. Fire protection services: inspections: compliance reporting.

Existing law required the chief of any city or county fire department or district providing fire protection services and his or her authorized representatives to inspect every building used as a public or private school within his or her jurisdiction, for the purpose of enforcing

specified building standards, not less than once each year, as provided. Existing law requires every city or county fire department or district providing fire protection services that are required to enforce specified building standards to annually inspect certain structures, including hotels, motels, lodging houses, and apartment houses, for compliance with building standard, as provided.

This bill would require every city or county fire department, or district required to perform the above-described inspections to report annually to its administering authority, as defined, on the department's or district's compliance with the above-described inspection requirements, as provided. The bill would require the administering authority to acknowledge receipt of the report in a resolution or a similar formal document. To the extent this bill would expand the responsibility of a local agency, the bill would create a state-mandated local program.

Analysis:

The California State Fire Marshal mandates inspections to be performed annually in all public and private schools (Group E Occupancy), large family daycares, hotels, motels, lodging houses, and apartment houses, (Group R-1, R-2, R2.1, R-4 Occupancy), and high rises. Jails and care facilities (Group I Occupancy) shall be performed every two years.

Paradise Fire Department is currently responsible for 32 occupancy inspections within the Town of Paradise. Of these, 15 are considered priority building inspections and subject to mandatory annual reporting requirements to the Paradise Town Council. For fiscal year 2019/2020, Paradise Fire Department engine company personnel and Fire Marshal personnel completed 15 of the 15 priority building inspections for a compliance rate of 100% for this reporting period. Inspection of these priority building occupancies were limited greatly by Covid-19 restrictions.

Financial Impact:

The State of California allows, through the Health and Safety Code, "Any fee charged pursuant to the enforcement authority of this section shall not exceed the estimated reasonable cost of providing the service for which the fee is charged, pursuant to Section 66014 of the Government Code". Fire inspection fees for schools (E Occupancies) are not permitted to be collected at this time per California Health and Safety Code Section 13143. Fire inspection fees for apartments, hotels, and motels have been established, and there is cost recovery on these inspections.

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE,
CALIFORNIA ACKNOWLEDGING RECEIPT OF A REPORT MADE BY THE FIRE
CHIEF OF THE PARADISE FIRE DEPARTMENT REGARDING THE INSPECTION OF
CERTAIN OCCUPANCIES REQUIRED TO PERFORM ANNUAL INSPECTIONS IN
SUCH OCCUPANCIES PURSUANT TO SECTIONS 13146.2 AND 13146.3 OF THE
CALIFORNIA HEALTH AND SAFETY CODE.**

WHEREAS, California Health & Safety Code Section 13146.4 was added in 2018, and became effective on September 27, 2018; and,

WHEREAS, California Health & Safety Code Sections 13146.2 and 13146.3 require all fire departments, including the Paradise Fire Department, that provide fire protection services to perform annual inspections in every building used as a public or private school, hotel, motel, lodging house, apartment house, and certain residential care facilities for compliance with building standards, as provided and,

WHEREAS, California Health & Safety Code Section 13146.2 requires all fire departments, including the Paradise Fire Department, that provide fire protection services to report annually to its administering authority on its compliance with Sections 13146.2 and 13146.3 and,

WHEREAS, the Town Council of the Town of Paradise intends this Resolution to fulfill the requirements of the California Health & Safety Code regarding acknowledgment of the Paradise Fire Department's compliance with California Health and Sections 13146.2 and 13146.3.

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

Section 1. That the Town Council expressly acknowledges the compliance of the Paradise Fire Department with California Health and Safety Code Sections 13146.2 and 13146.3 in the area encompassed by the Town of Paradise, as follows:

A. EDUCATIONAL GROUP E OCCUPANCIES:

Educational Group E occupancies are generally those public and private schools, used by more than six persons at any one time for educational purposes through the 12th grade. Within the Town of Paradise, there lie 6 Group E occupancies, buildings, structures and/or facilities.

During calendar/fiscal year 2019, the Paradise Fire Department completed the annual inspection of 6 Group E occupancies, buildings, structures and/or facilities. This is a compliance rate of 100 % for this reporting period.

B. RESIDENTIAL GROUP R OCCUPANCIES:

Residential Group R occupancies, for the purposes of this resolution, are generally those occupancies containing sleeping units, and include hotels, motels, apartments (three units or more), etc. as well as other residential occupancies (including a number of residential care facilities). These residential care facilities have a number of different sub-classifications, and they may contain residents or clients that have a range of needs, including those related to custodial care, mobility impairments, cognitive disabilities, etc. The residents may also be non-ambulatory or bedridden. Within the Town of Paradise, there lie 9 Group R (and their associated sub-categories) occupancies of this nature.

During calendar/fiscal year 2019/2020, the Paradise Fire Department completed the annual inspection of 9 Group R occupancies, buildings, structures and/or facilities. This is a compliance rate of 100 % for this reporting period.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 11th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

By: _____
Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: August 11, 2020**

Agenda Item: 2(d)

Originated by: Brooke Kerrigan, Administrative Services Director/Town Treasurer

Reviewed by: Lauren Gill, Town Manager

Subject: Direct Assessments for Butte County Property Tax Roll

Council Action Requested:

1. Adopt Resolution No. 20-___, 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. Authorize the Town Manager and Administrative Services Director to approve direct charge (special assessment) changes; and,
3. Authorize the Town Manager and Administrative Services Director to execute the governing authority certification related to the direct assessments on the property tax roll.

Alternatives:

Direct staff to bill the fees directly to Town citizens.

Background:

For over ten years Butte County has provided the Town an economical means of collecting direct assessments by placing them on the property tax roll. It is efficient, cost effective, and provides a higher percentage of collection as compared to the Town billing each citizen directly. It also provides convenience to citizens as they receive fewer invoices and pay directly to fewer agencies.

Discussion:

Butte County has requested approval of the above documents for housekeeping and as a means of protecting the process for both agencies. As has been the case for several years, for 2020/21, the Town will place assessments on the property tax roll related to:

- 1) Animal Control Services
- 2) Annual Septic Operating Permits

Fiscal Analysis:

The County receives \$0.30 per parcel per assessment type for this service. This fee has already been factored into the 2020/21 budget.

TOWN OF PARADISE
RESOLUTION NO. 20-___

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.

WHEREAS, the notices and election for special assessment fees for the purpose of the Paradise Animal Control Services and Shelter to be included on the regular County property tax bill for property owners of the Town of Paradise was completed on November 2, 2004; and

WHEREAS, the regulatory fees for the purpose of the Paradise Annual Septic Operating Permit to be included on the regular County property tax bill for property owners of the Town of Paradise was completed on May 14, 2013; and

WHEREAS, the Town of Paradise is placing the special assessments on the Butte County secured property tax roll for collection; and

WHEREAS, the Town of Paradise has complied with all laws pertaining to the levy of the special assessments, including Proposition 218, to be collected, respectively per Government Code Section 50075 et seq. and Health and Safety Code Section 6980, and

WHEREAS, the assessments are being levied without regard to property valuation of the properties involved; and

WHEREAS, the Town of Paradise agrees that it shall be solely liable and responsible, and will defend and hold the County of Butte harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessments, fees, charges or taxes placed on the roll for the Town by the County; and

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

SECTION 1. The list submitted with parcel numbers and amounts are certified as being correct, the Town Manager or Administrative Services/Town Treasurer is hereby authorized to sign any documents required and directed to give the list to the Butte County Auditor on behalf of the Town of Paradise for placement on the secured tax roll for collection:

1. Prop 218 or Compliance Certification and Hold Harmless Statement
2. Property Tax Data Bill Form
3. Authority to Approve Direct Assessment Charges
4. Parcel Listing

UPON MOTION OF COUNCIL MEMBER _____, SECONDED BY COUNCIL MEMBER _____, THE FOLLOWING WAS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE THIS 11TH DAY OF AUGUST, 2020 BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

BY: _____
Dina Volenski, CMC, Town Clerk

APPROVED AS TO LEGAL FORM:

BY: _____
Dwight L. Moore, Town Attorney

BUTTE COUNTY AUDITOR-CONTROLLER
2020/21

AUTHORITY TO APPROVE DIRECT CHARGE (SPECIAL ASSESSMENT) CHANGES

DISTRICT/AGENCY TOWN OF PARADISE

TAX CODE 79002 & 79003

The following persons are authorized to approve changes to our Agency's Special Assessment:

TYPED NAME

SIGNATURE

Lauren Gill, Town Manager

Brooke Kerrigan, Administrative Services
Director/Town Treasurer

Greg Bolin

Mayor
Title

Date



**Town of Paradise
Council Agenda Summary
Date: August 11, 2020**

Agenda Item. 2(e)

Originated by: Brooke Kerrigan, Administrative Services Director / Town Treasurer

Reviewed by: Lauren Gill, Town Manager

Subject: Adopt a resolution appointing a Director and Alternate to Northern California Cities Self Insurance Fund (NCCSIF)

Council Action Requested:

1. Adopt Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise updating and assigning representatives to NCCSIF Board of Directors
2. Do not adopt a resolution at this time

Background:

As a matter of procedure it is necessary to adopt a resolution appointing the Town's designated representatives for Northern California Cities Self Insurance Fund (NCCSIF) director and alternate for the Town of Paradise.

Adoption of the attached resolution will ensure that the Town is a full voting member on the NCCSIF Board of Directors. The resolution appoints Brooke Kerrigan, Administrative Services Director / Town Treasurer and Crystal Peters, Human Resources Manager, as alternate.

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PARADISE, CALIFORNIA, RESCINDING
RESOLUTION NO. 05-27 AND APPOINTING REPRESENTATIVE
TO THE NORTHERN CALIFORNIA CITIES SELF-INSURANCE FUND**

WHEREAS, the Town Council of the Town of Paradise has by its adoption of Resolution No. 85-24 approved the participation of the Town of Paradise in the Northern California Cities Joint Powers Authority for the provision of public liability insurance, and

WHEREAS, this same Joint Powers Agreement provides that the Town Council will, by resolution, appoint a representative and an alternate to the Board of Directors of this authority.

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

SECTION 1. The Town Council rescinds Resolution No. 05-27 and does hereby appoint the following persons to represent the Town of Paradise on the Board of Directors of the Northern California Cities Self-Insurance Fund:

Representative: Brooke Kerrigan, Administrative Services Director/Treasurer
Alternate: Crystal Peters, Human Resources Director

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 11th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

By: _____
Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: August 11, 2020**

Agenda Item: 6(a)

ORIGINATED BY: Garrett Sjolund, Fire Chief

REVIEWED BY: Lauren M. Gill, Town Manager

SUBJECT: Second Reading of Ordinance 597 an Ordinance Amending Chapter 8.58 of the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management

COUNCIL ACTION REQUESTED:

1. Consider waiving second reading of entire Town Ordinance 597 and approve reading by title only; and, 2 Adopt Town Ordinance No. 597, an Ordinance Amending Chapter 8.58 of the Paradise Municipal Code Relating to Defensible Space and Hazardous Fuel Management to include a requirement for property clearance at point of transfer. “(ROLL CALL VOTE); **OR**
2. Consider waiving the first reading of Town of Paradise Ordinance No. 597 and read by title only; and 2. Re-introduce Town Ordinance No. 597 “An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management to include an Advisory for property buyers at time of transfer” (ROLL CALL VOTE)

BACKGROUND:

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

With these factors in mind, Town Council heard a presentation from Paradise Fire Chief Sjolund at their July 14, 2020 Council meeting regarding a proposed change to the Town’s existing weed

abatement ordinance under Section 8.58.060 of the Paradise Municipal Code. In preparation for this meeting, staff spoke with the President of the Paradise Association of Realtors and received preliminary support. At the July 14 meeting, Council voted to approve Ordinance No. 597 to modify the Paradise Municipal Code to strengthen the Town's weed enforcement procedures and require property clearance prior to property transfer. The next steps in the process would be a second reading to adopt the ordinance at the August Council meeting, and if approved, the ordinance would go into effect 30 days later on September 11, 2020.

Additional Information Pertinent to this Agenda Item

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

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

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

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

ANALYSIS: Due to the new information received since the last Council meeting, and analysis that has been done regarding intended results and impacts, there are two options for the Council to consider. The first (Option 1) is to adopt the ordinance proposed at the July 14th Council meeting that was approved by roll call vote with no changes. The second (Option 2) is to introduce a revised ordinance that includes a requirement for property buyers to receive and acknowledge the terms of Paradise Municipal Code Section at the time of property transfer, but does not make the transfer contingent upon the clearance of the property.

Option 1:

This ordinance has no changes to the ordinance introduced at the July 14, 2020 Council meeting:

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

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

- E. Prior to transfer of ownership of a parcel from the owner to another, the owner shall obtain a Certificate of Compliance from the Town that the parcel is not in violation of this section.

The approval of this ordinance would be the second reading of the ordinance, after its introduction at the July 14, 2020 meeting. If adopted, this ordinance would go into effect 30 days from today – September 11, 2020.

Administrative Procedure

With this option, the seller of the property would be required to have the property cleared prior to transfer. The buyer would also receive a copy of the weed abatement ordinance and would be asked to sign and acknowledge their responsibility to comply by keeping the property clear to the standards stated in the ordinance. The process for this action would be as follows:

1. At the opening of escrow, the Title Company would contact the Town's Code Enforcement Admin to request an inspection.
2. Code Enforcement Admin contacts Code Enforcement Officer/Fire inspector to perform the inspection.
3. Inspection is performed same day or next day.
4. Inspector submits a picture of the property to Code Enforcement Admin with either:
 - a. Certificate of Compliance stating that the property has been cleared to the standards of Ordinance 597.
 - b. Notice that the property requires clearance.
5. Code Enforcement Admin submits information back to Title Company.
6. Any fee associated with the inspection would be remitted to the Town of Paradise from the Title Company. Staff ran an analysis of this fee and came up with a fee of \$61.54.

Option 2:

This ordinance would keep the majority the changes from the ordinance introduced in July. The only change would be in Section E to require the buyer receive and acknowledge the terms of this ordinance:

- E. At the time of transfer of ownership of a parcel from the owner to another, the buyer shall sign an acknowledgment and agree to the terms of Chapter 8.58.**

The approval of this ordinance would be followed by the second reading at the September 8, 2020 Council Meeting. If adopted, this ordinance would go into effect 30 days from the September meeting – October 8, 2020.

Administrative Procedure

With option 2, the seller would face no requirements prior to sale. The buyer of the property would receive an advisory in their information from the Title Company that requires them to acknowledge the responsibility to maintain their property to the standards stated in the ordinance. Property owners would then be subject to the same inspection and citation process if the property is not cleared to the appropriate standard. The process for the advisory would be as follows:

1. The Town of Paradise will submit the adopted ordinance and an acknowledgement form to Title Companies and Real Estate Professionals.
2. The Title Company and/or Real Estate professional will present the information to buyers at the time of property transfer for their signature acknowledging their responsibilities for weed abatement according to the ordinance.
3. The Title Company and/or Real Estate professional will provide a copy of the signed acknowledgement to the Town to be included in the property file.

FINANCIAL IMPACT:

Option 1: The required inspections at the time of property transfer will necessitate staff time to schedule and perform the inspection. These tasks will be carried out by the Code Enforcement Administrative Staff, Code Enforcement Officer and/or Fire Inspector. The staff time associated with this process has been determined to be \$61.54 by the Administrative Services Director. This cost could either be passed along to the seller of the property, or the Council could choose to offer this service at no cost to the seller.

Option 2: There is no inspection action required in this option. Because there is no cost to the town, no fees will be charged for this option.

LIST OF ATTACHMENTS

1. Ordinance No. 597 "An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management". (Point of Sale restriction for sellers)
2. Ordinance No. ____ "An Ordinance Amending Paradise Municipal Code Section 8.58.060 Relating to Defensible Space and Hazardous Fuel Management". (Advisory to property buyers)

**TOWN OF PARADISE
ORDINANCE NO. 597**

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

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

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

8.58.060 Defensible Space/Hazardous Fuel Management Requirements

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

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

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

5. Remove the portion of any tree which extends within ten (10) feet of the outlet of any chimney or stovepipe. Maintain any tree adjacent to or overhanging any structure free of dead and dying wood.
 6. Clear flammable vegetation on each side of a street or driveway for a horizontal distance of ten (10) feet and a vertical height of fourteen (14) feet. Cut vegetation within ten (10) feet of a street or driveway on the property to four (4) inches above ground. The Fire Chief, or his or her designee, may require a distance greater than ten (10) feet. This applies to public and private driveway(s) and any public or private streets that border or bisect property.
- B. No property owner shall permit on improved or unimproved parcel any accumulation of combustible materials, dead, dying or diseased trees, or green waste within thirty (30) feet of the property line when such accumulation endangers or encroaches on the required Defensible Space for structures or buildings on an adjacent property. The Fire Chief, or his or her designee, may require a distance greater than thirty (30) feet but not to exceed one hundred (100) feet, when it is determined that the greater distance is necessary to provide Defensible Space for structures or building on an adjacent property.
- ~~C. Pursuant to section 8.58.110, 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.~~
- C. An unimproved parcel of one and one-half (1.5) acres or less in size shall be required to provide fuel modification to the entire parcel. Fuel modification requirements shall consist of the following:
1. Weeds, dry grass and brush are required to be mowed to a height of four (4) inches.
 2. Ladder fuels (vegetation, brush and small trees under mature trees) shall be removed.
 3. Trees shall be pruned up to six (6) feet from the ground. For shorter height trees, pruning shall not exceed 1/3 of the overall tree height. Tree placement shall be

planned to ensure the mature canopy is no closer than ten (10) feet to the edge of any structure.

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

- D. In the event the Fire Chief, or his or her designee, finds that additional fuel management is necessary to significantly reduce the risk of transmission of flame or heat to adjacent properties and means of egress and ingress, the Fire Chief, or his or her designee, may mandate fuel modification of an area more or less than the preceding widths or heights of this section.
- E. Prior to transfer of ownership of a parcel from the owner to another, the owner shall obtain a Certificate of Compliance from the Town that the parcel is not in violation of this section.

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

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

Greg Bolin, Mayor

ATTEST:

DINA VOLENSKI, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney

**TOWN OF PARADISE
ORDINANCE NO. 597**

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

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

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

8.58.060 Defensible Space/Hazardous Fuel Management Requirements

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

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

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

5. Remove the portion of any tree which extends within ten (10) feet of the outlet of any chimney or stovepipe. Maintain any tree adjacent to or overhanging any structure free of dead and dying wood.
 6. Clear flammable vegetation on each side of a street or driveway for a horizontal distance of ten (10) feet and a vertical height of fourteen (14) feet. Cut vegetation within ten (10) feet of a street or driveway on the property to four (4) inches above ground. The Fire Chief, or his or her designee, may require a distance greater than ten (10) feet. This applies to public and private driveway(s) and any public or private streets that border or bisect property.
- B. No property owner shall permit on improved or unimproved parcel any accumulation of combustible materials, dead, dying or diseased trees, or green waste within thirty (30) feet of the property line when such accumulation endangers or encroaches on the required Defensible Space for structures or buildings on an adjacent property. The Fire Chief, or his or her designee, may require a distance greater than thirty (30) feet but not to exceed one hundred (100) feet, when it is determined that the greater distance is necessary to provide Defensible Space for structures or building on an adjacent property.
- ~~C. Pursuant to section 8.58.110, 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.~~
- C. An unimproved parcel of one and one-half (1.5) acres or less in size shall be required to provide fuel modification to the entire parcel. Fuel modification requirements shall consist of the following:
1. Weeds, dry grass and brush are required to be mowed to a height of four (4) inches.
 2. Ladder fuels (vegetation, brush and small trees under mature trees) shall be removed.
 3. Trees shall be pruned up to six (6) feet from the ground. For shorter height trees, pruning shall not exceed 1/3 of the overall tree height. Tree placement shall be

planned to ensure the mature canopy is no closer than ten (10) feet to the edge of any structure.

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

D. In the event the Fire Chief, or his or her designee, finds that additional fuel management is necessary to significantly reduce the risk of transmission of flame or heat to adjacent properties and means of egress and ingress, the Fire Chief, or his or her designee, may mandate fuel modification of an area more or less than the preceding widths or heights of this section.

E. At the time of transfer of ownership of a parcel from the owner to another, the buyer shall sign and agree to the terms of this Section 8.58.060.

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 _____ 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Greg Bolin, Mayor

ATTEST:

DINA VOLENSKI, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: August 11, 2020**

Agenda Item: 6(b)

Originated by: Dina Volenski, Town Clerk

Reviewed by: Lauren Gill, Town Manager

Subject: Consider timeline and make-up of the voter-approved Citizen Oversight Committee, as required by Paradise Municipal Code Section 3.22.075 relating to voter-approved 0.50 percent sales tax measure

Council Action Requested:

1. Discuss the process and timing for establishing the new Measure V Citizen's Oversight Committee; and,
2. Consider selecting one of three options to determine how the Council will set up interviews for the Measure V Citizen's oversight:
 - a. Designate two Council Members to screen and interview applicants and bring back a recommendation to the full Council for appointment of nine members on February 9, 2021.
 - b. The full Town Council screen and interview the applicants at a special meeting.
 - c. Council direct applicants to be pre-screened by a sub-committee based on Council designated criteria and forward nine recommended or preferred applications for Town Council to consider; and,
3. Consider adopting Resolution No. 20-___, A Resolution of the Town Council Approving By-laws for the Governance of the Measure V Citizen Oversight Committee approved by the voters on November 6, 2018.

Background:

On November 6, 2018, the Citizens of Paradise approved Measure V, the extension of the 0.05 percent sales tax increase that will be in effect for 10 years beginning April 1, 2021 and ending March 31, 2031. The Camp Fire happened two days after the November 6, 2018 General Election delaying the priority of discussing the possible formation of the Measure V Oversight Committee and updating the recommended by-laws. With Measure C ending on March 31, 2021, it is time for the Town Council to begin the process of discussing the best way to move forward with establishing the Oversight committee and bylaws for the new Board.

Discussion:

Upon reviewing the Council's adopted Ordinance, reviewing past practices and discussing preferred options with the Measure C Committee at their meeting of July 28, 2020, the following options are available for Council to consider regarding the timeline and makeup of the new Measure V Committee:

Make-up of the Committee:

The Measure V sales tax measure includes the formation of an oversight committee and Ordinance No. 545 establishes the nine-member committee and its purpose. Discussions with our current Measure C Committee resulted in their recommendation of keeping with a nine-member committee made up of a cross-section of residents of the community. The committee also recommended using "intent to rebuild" when considering residency.

Ordinance 545 establishes that the citizen oversight committee be in effect until the ordinance sunsets, which is March 31, 2031.

The members also thought that continuity on the Committee would provide an easier transition from MCCOC to the MVCOC. The majority of the current Measure C committee stated, if given the opportunity, would like to stay on as members or re-apply for a position on the new MVCOC committee.

Time Schedule:

With Council consensus, an item will be placed on the January 12, 2021, Town Council Agenda requesting that applications to the Oversight committee be made available to the public. A media release will be distributed advertising the positions and the applications will also be placed on Facebook and the Town's Website.

Application Process:

There are three options to consider regarding the process:

1. The first option asks Council to designate two Council members to screen and interview applicants and bring back a recommendation at the February 9, 2021, Town Council Meeting. This option allows the sub-committee to meet individually with applicants and make a recommendation to the full Council. The full Council would have final approval/veto for all recommended applications. The benefit of this option is that a two-member subcommittee is less cumbersome when it comes to scheduling appointments. It is also less intimidating for some applicants who may prefer a more personal approach to the selection process. The downside is that the full Council is not involved in the initial pre-screening. However, it is important to note that all Council members

will receive all the applications at the same time as the sub-committee and be apprised of all information given to the sub-committee.

2. The second option would ask the Town Council to screen and interview the applicants as a full Council. If so, the recommended alternative would be to direct staff to set a date and time for a special meeting on or prior to February 2, 2021 for that purpose. The Town Council would then make the appointments at the February 9, 2020 Council meeting. This option requires all applicants to be screened and selected in public. This could be a lengthy and cumbersome process and could also be potentially awkward for some applicants.
3. The third option is a hybrid of the previous two options and provides that the Council direct applicants be pre-screened by the sub-committee before the February 9, 2020 Council meeting based on Council designated criteria (e.g. pre-determined number of applicants for the Council as a whole to select from.) The sub-committee would also provide a list of nine recommended or preferred applications for the Town Council to consider. The benefit of this option is that it allows the council to use a sub-committee to pre-screen applicants, but also gives Council an opportunity to ask questions of the final applicants before making the final selection at the regular meeting of February 9th.

In addition to any of the three options above, staff is also requesting that the Council consider the attached by-laws and consider adopting the by-laws as part of the Council directive. The Town Council adopted by-laws is a typical action taken by the Council for council-appointed committees or commissions and will provide governance of the Measure V Citizen Oversight Committee.

1. Adopt Resolution No. 20-___, A Resolution of the Town Council Approving By-laws for the Governance of the Measure V Citizen Oversight Committee approved by the voters on November 6, 2018. The proposed Bylaws for the Measure V Citizen Oversight Committee are attached to this agenda summary. The bylaws are similar to the Measure C Citizen Oversight Committee with changes being made to the name of the committee and duration of the committee responsibilities.

Fiscal Impact: The fiscal impact will be minimal and will consist of staffing and related costs (e.g. advertising, noticing, agenda preparation, etc.) The ordinance calls for the committee to meet at least quarterly (four times per year) to perform its Measure V budget oversight function.

**TOWN OF PARADISE
ORDINANCE NO. 545**

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

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

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

CHAPTER 3.22
Temporary Transactions and Use Tax

Sections:

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

3.22.010 Title

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

3.22.020 Operative Date

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

3.22.030 Purpose

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

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

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

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

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

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

3.22.040 Contract with State

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

3.22.050 Transactions Rate Tax

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

3.22.060 Place of Sale

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

Equalization.

3.22.070 Use Tax Rate

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

3.22.075 Citizens Oversight Committee

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

3.22.080 Adoption of Provisions of State Law

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

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

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

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

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

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

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

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

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

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

3.22.100 Permit not Required

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

3.22.110 Exemptions and Exclusions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.22.120 Amendments

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

3.22.130 Enjoining Collection Forbidden

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

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

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

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

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

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

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


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

AYES: Steve "Woody" Culleton, Jody Jones,
John J. Rawlings and Scott Lotter, Mayor

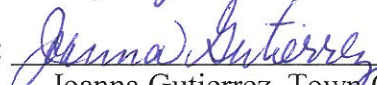
NOES: None


ABSENT: Greg Bolin

NOT VOTING: None

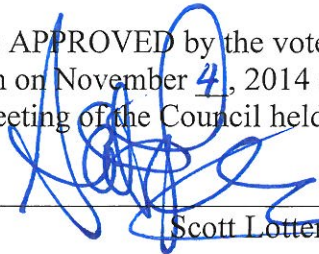


Scott Lotter, Mayor

ATTEST: *July 8, 2014*
By: 
Joanna Gutierrez, Town Clerk

APPROVED AS TO FORM:
By: 
Dwight L. Moore, Town Attorney

I hereby certify that this ordinance was APPROVED by the voters of the Town of Paradise, State of California, at a regular election on November 4, 2014 and by the Town Council of the Town of Paradise at a regular meeting of the Council held on December 9, 2014.



Scott Lotter, Mayor

Attest: 
Joanna Gutierrez, Town Clerk

**TOWN OF PARADISE
ORDINANCE NO. 569**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
EXTENDING, SUBJECT TO VOTER APPROVAL, THE TOWN'S
EXISTING GENERAL TRANSACTIONS AND USE TAX FOR AN
ADDITIONAL TEN YEARS TO MARCH 31, 2031, PURSUANT TO
REVENUE & TAXATION CODE SECTIONS 7251 ET SEQ.**

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

WHEREAS, on November 4, 2014, a majority of the Town's voters approved Ordinance No. 545 (Measure C), codified as Paradise Municipal Code Chapter 3.22, which authorized a one-half of one percent (0.50%) general transactions and use tax for six years; and

WHEREAS, the funds generated by Ordinance No. 545 have been used by the Town Council to purchase new Police Vehicles and Fire Engines and other public safety equipment; to purchase equipment, additional open hours and training for Animal Control, and as funding for road improvement projects in the Town of Paradise; and

WHEREAS, it is proposed by the Town Council that the existing one half of one percent (0.50%) transactions and use tax be extended by Town voters beyond its current March 31, 2021 termination date to March 31, 2031.

SECTION 1. Paradise Municipal Code section 3.22.050 is hereby amended to read:

3.22.050 Transactions Rate Tax

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the Town of Paradise at the rate of one-half of one percent (0.50%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory until March 31, 2031.

SECTION 2. Paradise Municipal Code section 3.22.070 is hereby amended to read as follows:

3.22.070 Use Tax Rate

An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible personal property purchased from any retailer until March 31, 2031 for storage, use or other consumption in said territory at the rate of one-half of one percent (0.50%) of the sales price of such property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

SECTION 3. TERMINATION DATE. The tax levied by this ordinance shall continue at the rate of one-half of one percent (0.50%) until March 31, 2031. The authority to levy the tax imposed by this ordinance shall expire on March 31, 2031.

SECTION 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. EFFECTIVE DATE. This ordinance relates to an extension of the Town's existing transactions and use tax and shall take effect and become operative only if approved by a majority of voters at the Regular Municipal Election to be held on November 6, 2018. If approved by the voters, the transactions and use tax codified under Chapter 3.22 of the Paradise Municipal Code will be extended to 11:59 p.m. on March 31, 2031. If the measure fails, this ordinance shall be rendered inoperative and void, however, the defeat of the ordinance shall not operate to extinguish or amend the existing transactions and use tax as presently constituted and approved on November 4, 2014, which will expire on March 31, 2021.

SECTION 6. CEQA. This ordinance and the contemplated levy of the transactions and use tax referenced herein is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") codified as 21000 et seq. of the California Public Resources Code because it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor does it involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment.


PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of May, 2018 by the following vote:

- AYES: Greg Bolin, Scott Lotter, Melissa Schuster and Jody Jones, Mayor
- NOES: Mike Zuccolillo
- ABSENT: None
- ABSTAIN: None



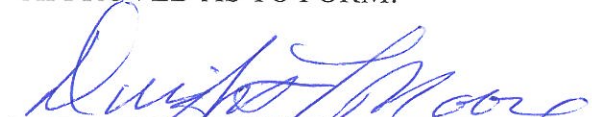
Jody Jones, Mayor

ATTEST: *March 25, 2019*



Dina Volenski, Town Clerk

APPROVED AS TO FORM:



Dwight L. Moore, Town Attorney

I hereby certify that this ordinance was APPROVED by the voters of the Town of Paradise, State of California, at a regular election on November 6, 2018 and by the Town Council of the Town of Paradise at a regular meeting of the Council held on December 11, 2018.

Jody Jones
Jody Jones, Mayor

Attest: Dina Volenski
Dina Volenski, CMC, Town Clerk

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
APPROVING BY-LAWS FOR THE GOVERNANCE OF THE MEASURE V CITIZEN
OVERSIGHT COMMITTEE**

WHEREAS, the Town Council of the Town of Paradise desires to set forth certain procedures relating to the conduct of the Town Council appointed Citizen Oversight Committee required by voter approval of Measure V on November 6, 2018.

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

Section 1. The formation of the Citizen Oversight Committee is a requirement of Ordinance No. 545 adopted by voter approval of the Town Council ballot on November 4, 2014 that established a temporary 0.50 percent transaction and use tax that was extended by Ordinance No. 569 on November 6, 2018 and will automatically expire in 10 years.

Section 2. That the Measure V Citizen Oversight Committee shall be established for the same ten-year term as provided for the 0.50 percent transaction and use tax established by Ordinance No. 569.

Section 3. That the Measure V Citizen Oversight Committee by-laws shall be adopted as attached to this resolution as Exhibit A; and,

Section 4. The resolution shall become effective on the date of adoption by the Town Council.

PASSED AND ADOPTED by the Town of Paradise Town Council on this __ day of August, 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Greg Bolin, Mayor

ATTEST:

APPROVED AS TO FORM:

Dina Volenski , CMC, Town Clerk

Dwight L. Moore, Town Attorney

**BYLAWS OF THE MEASURE V
CITIZEN OVERSIGHT COMMITTEE**

Section 1. Name of Committee.

The official name shall be the "Measure V Citizen Oversight Committee".

Section 2. Place of Meeting.

The regular place of meetings of the Measure V Citizen Oversight Committee shall be at least quarterly at the Paradise Town Hall located at 5555 Skyway, Paradise, California, on the fourth Tuesday, at 4:00 p.m., unless otherwise cancelled or adjourned to another day or place pursuant to the Ralph M. Brown Act.

Section 3. Purpose & Powers.

The Measure V Citizen Oversight Committee shall have the duties established by Town Council Ordinance No. 545 and codified in Section 3.22.075 of the Paradise Municipal Code. Its meetings shall be held in accordance with the Ralph M. Brown Act. The committee is required to meet at least quarterly with the Town Manager and the Town Finance Director during the preparation of each fiscal year budget to make recommendations to the Town Council regarding how the proceeds from the implementation of Ordinance No. 569 will be allocated for the ensuing budget year.

Section 4. Members and Officers.

The Measure V Citizen Oversight Committee shall be a nine-member committee appointed by the Town Council. Members shall be residents and registered voters of Paradise. Substitutes are not allowed.

Section 5. Chairperson.

The Measure V Citizen Oversight Committee shall annually select one of its members to serve as Chairperson of the committee and shall preside at all meetings.

Section 6. Vice-Chairperson.

The Measure V Citizen Oversight Committee shall select one of its members to serve as Vice Chairperson who shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson.

Section 7. Secretary.

The Measure V Citizen Oversight Committee shall designate a member to serve as the Secretary to the committee. The Secretary shall keep the records, shall act as secretary at meetings of the committee, shall record all votes, and shall keep a record of the

Resolution No. 20-___
Exhibit "A"

proceedings of the Measure V Citizen Oversight Committee in a journal of proceedings to be kept for such purpose and shall perform all duties incident to the office. The Secretary shall maintain a record of all official proceedings of the Measure V Citizen Oversight Committee and its programs.

Section 8. Vacancies.

When a seat of the Measure V Citizen Oversight Committee becomes vacant, Town staff will inform the Town Council and schedule appointment to the vacancy at a regular or special meeting. Such appointments are to take place within 60 days of the creation of the vacancy.

Section 9. Compensation.

Measure V Citizen Oversight Committee members shall serve without compensation or reimbursement for expenses.

Section 10. Rosenberg's Rules.

Except as may be provided in the California Brown Act and these bylaws, the meeting procedures of the Measure V Citizen Oversight Committee shall be governed by the latest revised edition of Rosenberg's Rules of Order.

Section 11. Amendments.

The Bylaws may be amended by a majority vote of the Town Council.



**Town of Paradise
Council Agenda Summary
Date: August 11, 2020**

Agenda Item: 6(c)

Originated and: Lauren Gill, Town Manager
Reviewed by
Subject: Concur with the Attached Response for the 2019-20 Butte County Grand Jury's Final Report, as Required by Penal Code Section 933 and 933.05

COUNCIL ACTION REQUESTED:

Authorize the Town Manager to send the attached letter to the Butte County Grand Jury, a letter from the Mayor responding to finding in the 2019-20 Grand Jury Report

Background:

During its 2019-2020 session, the Butte County Grand Jury reviewed several issues in Butte County. According to Penal Code Sections 933(c) and 933.05, the Council, and sometimes individual departments, is required to respond to the findings and/or recommendations in the report. The final and official response should come from the Town Council as a whole; therefore, Council is being asked to concur with the response letter from the Mayor, which is included herein for council action before submitting to the Grand Jury.

Discussion:

The 2019-20 Grand Jury looked at a number of issues in Butte County, and interviewed Town of Paradise staff as part of their effort. The Butte County Grand Jury Report indicated only one finding for the Town of Paradise:

F1. The resiliency of all interviewees is admirable in the face of rebuilding from the ashes.

The response to this finding is included in the attached letter from the Mayor. The letter thanks the Grand Jury members for their time and thoughtful finding for the Town of Paradise.

Fiscal Impact Analysis:

None



TOWN OF PARADISE
5555 Skyway
Paradise, CA 95969
(530) 872-6291

August 11, 2020

The Honorable Tamara L. Mosbarger
Supervisor Court of California, County of Butte
One Court Street
Oroville, CA 95965

RE: Response to the FY 2019-20 Grand Jury Report

Dear Honorable Judge Tamara L. Mosbarger,

On behalf of the entire Paradise Town Council and the citizens of the Town of Paradise, I would like to thank each of the 2019-20 Grand Jury members for their service to our community. The Town Council has reviewed the conclusion, findings, and recommendations as written in the 2019-20 Grand Jury Final Report. Although there was no required response from the Town of Paradise, we would like to address the one finding in the report related to the Town of Paradise.

FINDINGS

F1. The resiliency of all interviewees is admirable in the face of rebuilding from the ashes.

Town of Paradise Response

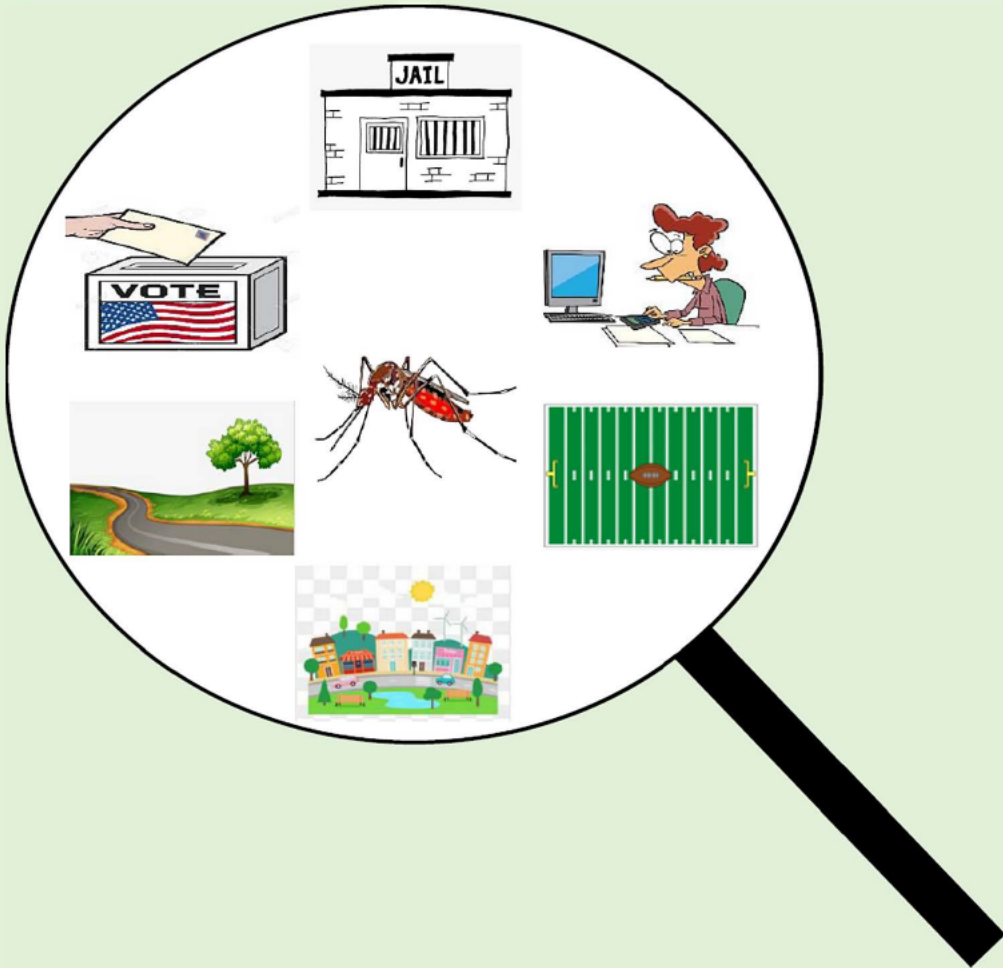
The Camp Fire changed the lives of all those who experienced it, particularly the first responders and civil servants who worked through the disaster and into recovery. We would like to take this opportunity to thank the Butte County Grand Jury for listening to our experiences and noting the resilience of our staff. The Town of Paradise continues to move our Long Term Recovery Projects forward, and we look forward to future visits by the Butte County Grand Jury to update them on our progress.

On behalf of the Town Council and the Town Staff, I would like to again thank the Butte County Grand Jury for thoroughly and thoughtfully examining issues that affect our community.

Sincerely,

Greg Bolin
Mayor, Town of Paradise

2019-2020 BUTTE COUNTY GRAND JURY REPORT



2019-2020
BUTTE COUNTY
GRAND JURY FINAL REPORT

Superior Court of California
County of Butte
JUN 19 2020
By Kimberly Flener, Clerk Deputy



2019-2020 BUTTE COUNTY GRAND JURY MISSION STATEMENT

The 2019-2020 Butte County Grand Jury is responsible for reviewing various levels, branches, and agencies of government within this county. These reviews are conducted to ensure the various government branches and agencies are performing their duties and operating in an appropriate manner which best serves the citizens of Butte County. When necessary, the Grand Jury may also hear and determine the appropriateness of certain criminal indictments.

JUNE 4, 2020

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PREFACE



2019-2020 Butte County Grand Jury

The Honorable Judge Michael R. Deems

Judge of the Superior Court of California, County of Butte

Dear Judge Deems,

On behalf of the 2019-2020 Butte County Grand Jury, it is my honor and privilege to present the 2019-2020 Butte County Grand Jury Final Report for your review and consideration. The eight reports which follow have been approved by the Grand Jury. It is our intent that these reports and our year of service will be of benefit to the citizens of Butte County.

We are grateful this year for the use of the rooms at the Butte County Law Library in Oroville. The Library has served our needs well, and we hope that as long as the County has the use of that facility, it can be used by future Grand Juries.

The Grand Jury visited many County departments, cities and other government entities and conducted numerous interviews. Although some of the investigations did not result in the issuance of individual reports, we wish to express our appreciation for the willing and competent assistance that many agencies provided. Also, we wish to thank the officials who made presentations to the Jury, the County Counsel and the Court Staff who always assisted us in a helpful and professional manner. We also wish to note that while one juror of the Grand Jury is affiliated with one of the entities, and one juror is employed by one of the departments we reviewed, those persons did not participate in any of the interviews, analysis and writing regarding those entities.

2019 and 2020 were election years. These were the first all-mail ballot elections for Butte County. The Butte County Registrar of Voters invited members of the current Butte County Grand Jury to serve on the Logic and Accuracy Board. Prior to the special election on November 5, 2019 and the primary election on March 3, 2020, three members of our Grand Jury observed the testing of mechanical and electronic equipment, verifying that the ballot counting program accurately tallied the test ballots. On election night, they observed the ballot count process. These jurors concluded that the entire process assured that the final vote tallies accurately reflected the votes cast in Butte County.

The 2019-2020 Grand Jury has worked as a team. I personally wish to express my gratitude and appreciation to the members of the Grand Jury for their dedication and year of service to Butte County. The final four months of our service we were under a Stay-at-Home Order due to COVID-19. I commend jurors for diligently completing their interviews and report writing via teleconferencing. The Grand Jury sincerely thanks our families, friends and employers for their support and understanding during our service.

Respectfully Submitted,

Susan Blood

Susan Blood, Foreperson

2019-2020 Butte County Grand Jury



2019-2020 Butte County Grand Jury

To: The Citizens of Butte County

The term of the 2019-2020 Butte County Grand Jury is coming to a close. The seventeen members of the Jury have been privileged to serve for the past year. Serving has been a rewarding and interesting experience for all of us, and we are pleased to have had this opportunity to serve our community.

The Grand Jury functions primarily as a “watchdog”, representing the citizens of the County in providing oversight of the operations of governmental entities within the County. Another section of this report gives more details about how the jury is organized and functions.

In this letter we would like to comment on the importance of the complaints and observations, which the Grand Jury receives from the citizens of the County. While each Grand Jury is independent and free to investigate such matters as its members decide, many investigations have their origin in correspondence received from citizens of the County. Complaints are received, acknowledged and given due consideration. Because each Grand Jury sets its own priorities and has considerable time constraints, some complaints may not result in investigations.

An investigation undertaken by a Grand Jury typically takes several months to complete. If a report is written following the investigation, several weeks must be added to the process. Because of this, complaints received early in the Grand Jury’s term, which in Butte County always begins July 1st of each year, have a better chance of being selected for investigation. Complaints received later in the term may be passed on to the next Grand Jury, which may or may not choose to investigate them.

The process for making complaints or expressing concerns is straightforward. Instructions and a complaint form are available on the Butte County website, www.buttecounty.net.

Service on the Grand Jury is voluntary. We urge those citizens who receive a letter offering this opportunity to give it serious consideration. For those able to devote the time and energy, it is a very worthwhile and rewarding opportunity to become a better-informed citizen and contribute to your community.

We have been pleased to have had this opportunity. We thank our family members and friends who have supported this year of service. We thank the many governmental employees and board members who have so willingly contributed to this process. And we thank the citizens of the County for this opportunity to serve.

Sincerely,

Members of the 2019-2020 Butte County Grand Jury

ACKNOWLEDGEMENTS

The 2019-2020 Butte County Grand Jury wishes to express its sincere appreciation and thanks to the following individuals, departments and organizations for their professional assistance, guidance and support during this term.

- The citizens of Butte County, whose concern for the public good led them to lodge complaints about perceived wrongdoing within local government entities.
- Butte County Board of Supervisors: Bill Connelly, Debra Lucero, Steve Lambert, Doug Teeter, and Tami Ritter. We appreciated your cooperation and candidness.
- Candace Grubbs, County Clerk-Recorder/Registrar of Elections for her availability, assistance, support of the Grand Jury and dedication to Butte County.
- Dennis Schmidt, Butte County Public Works Division Director and staff for its continued support of our work throughout the year.
- Sheriff Kory Honea and staff for a guided tour of the Butte County Jail and Sheriffs' Work Alternative Program.
- Nino Pinocchio and staff for a guided tour of the Butte County Juvenile Hall.
- Butte County Mosquito and Vector Control District Manager Matthew Ball who went out of his way to assist the Grand Jury with information.
- Durham Mosquito District Manager Aaron Amator.
- Stephen Lucas, LAFCo Executive Officer, for providing information that was essential to our study.
- The Town of Paradise for being resilient and overcoming the obstacles in rebuilding the Town.
- Andy Pickett, Butte County Deputy Chief Administration Officer and staff for their support.
- Art Robison, Director Information Services for his availability to the Grand Jury during the Shelter-at-Home Order.
- Dr. Corey Willenberg, Oroville Union High School Superintendent for his cooperation and support.
- Our families, friends, and employers for their support and understanding of our unique responsibility.

In Addition, the 2019-2020 Grand Jury would like to thank the staff of the Superior Court of California, County of Butte, and express particular gratitude for the assistance and support provided by:

- Presiding Judge Clare Keithley, Judge Michael R. Deems and Judge Tamara Mosbarger for presiding over the 2019-2020 Butte County Grand Jury.
- Kimberly Flener, Court Executive Officer
- Bruce Alpert, County Counsel and staff
- Brad Stephens, Assistant County Counsel
- Kim Dionne, Court Services Specialist
- Thia Osborn, Court Services Specialist
- Katie Ray, Court Services Specialist
- Shari McCracken, Butte County Chief Administrative Officer
- Megan Jessee, Deputy Chief Administrator Officer
- Graciela Gutierrez, Butte County Auditor-Controller
- Keaton Denlay, Elections Office Manager
- Madison Wyman, Assistant Registrar
- Kory Calvin, Assistant Registrar

2019-2020 MEMBERS OF THE GRAND JURY

Susan Blood	Oroville	Foreperson
Jeffrey Wiles	Oroville	Foreperson Pro Tempore
Margaret Krehbiel	Chico	Recording Secretary
Barbara Hubler	Oroville	Corresponding Secretary
Lidia Vargas	Gridley	Sergeant-At-Arms
James Marxmiller	Chico	Treasurer
Mark Chrisman	Chico	
Stephen Dunbar	Chico	
Sandra Harrington	Chico	
Sara Heimbecher	Chico	
John Hollister	Chico	
Diane Larson	Chico	
Geraldine Mahood	Chico	
David Pegg	Chico	
Betty Pennington	Chico	
Mark Riggs	Oroville	
Erin Wooldridge	Chico	

We wish to acknowledge those jurors who served briefly on the 2019-2020 Grand Jury who were unable to complete their term. We thank you and appreciate the time you were able to serve.

2019-2020 BUTTE COUNTY GRAND JURY

FINAL RESOLUTION

Whereas, the 2019-2020 Butte County Grand Jury has conducted the business of its term and has reached certain conclusions, and

Whereas, the 2019-2020 Butte County Grand Jury desires to disclose the substance of those conclusions for the benefit of local government, its agencies and the citizens of Butte County.

Now, therefore, be it resolved that the attached papers, commendations, findings and recommendations are adopted as the Grand Jury Final Report and submitted to the Presiding Judge of the Superior Court of California, County of Butte, to be entered as a public document pursuant to California Law.

The above resolution was passed and adopted by the 2019-2020 Butte County Grand Jury at the Butte County Superior Court in Oroville on the 4th day of June 2020.

Susan Blood, Foreperson

THE ROLE OF THE GRAND JURY

Many forms of Government have been tried, and will be tried, in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time....

--Winston Churchill

In the 18th century, the greatest experiment in human governance began: a new nation founded on a system of citizen-led democracy. In a world dominated by monarchs and dictators, this radical idea of a citizen-run government was met with derision, skepticism and war. Citizen-led democracy, over 240 years, has proven to be the greatest form of government the world has ever known, creating opportunity for prosperity, peace and harmony for all who desire it.

The model of the citizen-run government elevates the requirements of a nation's occupant. Freedom comes with responsibility and requires dedication of time and resources from every citizen. The Grand Jury serves as one of these responsibilities, crucial to the health and continuity of our society.

The Grand Jury serves as a structure for citizens to voluntarily engage with their local government in a position of authority and acting in secret. The Grand Jury has autonomy to investigate any area of county or city government, and the right to subpoena information if not satisfied with what is provided. Citizens can refer issues of government misconduct to the Grand Jury, who may proceed with an investigation if deemed appropriate. The subjects of investigations or departmental reviews are determined solely by the Grand Jury and remain confidential until the end of the one-year term.

The 17 members of the 2019-2020 Grand Jury have now completed their final report. Thank you for doing part of your civic duty by reading it. Butte County and all citizen led democracies will either thrive with an informed and engaged citizenry or collapse without it.

The tyranny of a prince in an oligarchy is not so dangerous to the public welfare as the apathy of a citizen in a democracy.

--Charles de Montesquieu

California Penal Code Sections

June 4, 2020

The Grand Jury Final Report has been filed on this date pursuant to California Penal Code §933. A copy of the report is enclosed.

Penal Code §933

§933. Report of findings and recommendations; Comment by governing board of agency and by mayor.

(a) Each grand jury shall submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters during the fiscal or calendar year. Final reports on any appropriate subject may be submitted to the presiding judge of the superior court at any time during the term of service of a grand jury. A final report may be submitted for comment to responsible officers, agencies, or departments, including the county board of supervisors, when applicable, upon finding of the presiding judge that the report is in compliance with this title. For 45 days after the end of the term, the foreperson and his or her designees shall, upon reasonable notice, be available to clarify the recommendations of the report.

(b) One copy of each final report, together with the responses thereto, found to be in compliance with this title shall be placed on file with the clerk of the court and remain on file in the office of the clerk. The clerk shall immediately forward a true copy of the report and the responses to the State Archivist who shall retain that report and all responses in perpetuity.

(c) No later than 90 days after the grand jury submits a final report on the operations of any public agency subject to its reviewing authority, the governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body, and every elected county officer or agency head for which the grand jury has responsibility pursuant to Section 914.1 shall comment within 60 days to the presiding judge of the superior court, with an information copy sent to the board of supervisors, on the findings and recommendations pertaining to matters under the control of that county officer or agency head and any agency or agencies which that officer or agency head supervises or controls. In any city and county, the mayor shall also comment on the findings and recommendations. All of these comments and reports shall forthwith be submitted to the presiding judge of the superior court who impaneled the grand jury. A copy of all responses to grand jury reports shall be placed on file with the clerk of the public agency and the office of the county clerk, or the mayor when applicable, and shall remain on file in those offices. One copy shall be placed on file with the applicable grand jury final report by, and in the control of the currently impaneled grand jury, where it shall be maintained for a minimum of five years.

(d) As used in this section “agency” includes a department.

Penal Code §933.05

- (a) For purposes of subdivision (B) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding.
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For purposes of subdivision (B) Section 933, as to each grand jury finding, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.
- (c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.
- (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release.
- (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental.
- (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

COMMENTS REGARDING RESPONSES TO THE 2018-2019

BUTTE COUNTY GRAND JURY REPORT

BACKGROUND

Under California state law and in accordance with Penal Code Section 933, local government agencies, officials, or department heads are required to respond in writing to Grand Jury reports. The governing body of any agency that is the subject of the report has ninety days to submit a response, while elected officials and department heads have sixty days to respond.

All requested responses to applicable Findings must agree or disagree, either wholly or partially, with the Grand Jury Findings. Responses to applicable Recommendations must include whether the Recommendation has been implemented, not yet been implemented but will be, will not be implemented, or requires further analysis. Respondents are required to explain disagreements with both Findings and Recommendations.

DISCUSSION

The final 2018-2019 Butte County Grand Jury report contained a total of thirty-seven (37) recommendations. Of the 37 Recommendations, 10 have been implemented, 1 will be implemented, 14 require further analysis and 12 of the Recommendations will not be implemented. There were also thirty-three (33) responses to the 2018-2019 Grand Jury Report's Findings. The full breakdown of the required responses to the Recommendations and Findings are shown in the following Table 1. Additionally, there were invited responses from others. Those statistics are shown separately in Table 2.

Find the actual full Responses to the 2018-2019 Butte County Grand Jury Report at the following link:

<http://www.buttecounty.net/administration/Grand-Jury/Grand-Jury-Report-for-Fiscal-Year-2018-2019>

REQUIRED RESPONSES

The responses to the 2018-2019 Grand Jury report were received on time and in accordance with California state law. Respondents included Butte County Board of Supervisors, Butte County Chief Administrative Officer, Butte County Emergency Services Officer, Butte County Sheriff, Butte County Public Works Director, Butte County Development Services, Chico City Council and the Town of Paradise.

TABLE 1

2018-2019 BUTTE COUNTY GRAND JURY REPORT REQUIRED RESPONSES

Required Respondents to the 2018-2019 Grand Jury Reports	Findings					Recommendations			
	Yes Agree	No Disagree	Partially Agree	Partially Disagree	Neither Agree nor Disagree	Yes Implemented	Yes- Will be Implemented	No- Will not be implemented	Requires Further Analysis
Butte County Board of Supervisors (2)	7	1	1	3	1*	4		4	2
Butte County Chief Administrative Officer	5	1	1	3	1*	2		3	2
Butte County Emergency Services Officer	1		1	1		3	1	1	2**
Butte County Sheriff	2	1				1			4
Butte County Public Works Director	2							3^	
Butte County Development Services								1*	
Chico City Council	1								1
Town of Paradise									3^^

(2) Responses for two Reports , * Not in their jurisdiction or N/A, ** R12 Referred to the Sheriff's Office,

^ R9 & R10 Not in their jurisdiction, ^^ Generally agree, but currently unable to determine implementation

INVITED RESPONSES

Invitations to respond to the 2018-2019 Grand Jury report included entities related to, and those entities and/or persons possibly interested in, the report. These responses are not required but were given to those whom the Grand Jury felt may also have valuable input to the Report. Respondents included Butte County Fire Department and Butte County Department of Employment and Social Services (DESS). DESS responses came from a combination of Directors, Program Managers and Supervisors.

**TABLE 2
2018-2019 BUTTE COUNTY GRAND JURY REPORT INVITED
RESPONSES**

Invited Respondents to the 2018-2019 Grand Jury Reports	Findings					Recommendations			
	Yes Agree	No Disagree	Partially Agree	Partially Disagree	Neither Agree nor Disagree	Yes Implemented	Yes-Will be Implemented	No-Will not be implemented	Requires Further Analysis
Department of Employment and Social Services	7	2				4	5	1	3
Butte County Fire Department	1			1	2*			1	

* Not in their jurisdiction or N/A

As of the publication date for this Grand Jury's 2019-2020 Report, these Invited Responses, in full, are located **in the body** of the **Butte County Board of Supervisors** heading portal.

This can be directly located at the following portal link:

<http://www.buttecounty.net/Portals/1/GrandJury/18-19/ButteCountyBoardofSupervisorsGrandJuryResponse.pdf?ver=2019-10-22-140609-947>

In addition to the Required and Invited responses, there were some additional and unsolicited responses on a variety of the Findings and Recommendations from the 2018-2019 Grand Jury Report. Those can be found in the full and actual responses at the previously listed links.

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Butte County Audit Report

SUMMARY

On November 8, 2019 Butte County honored the first anniversary of the Camp Fire, California's most deadly wildfire. The Grand Jury wanted to know what impact the Camp Fire may have had on the County Auditor-Controller's Office to perform its duties. In addition to a change in leadership, some expected financial resources were lost. However, many new resources such as Property Tax Backfill, FEMA, PG&E, and donations became available.

GLOSSARY

- Property Tax Backfill: State general funds to compensate counties for property tax money lost due to a disaster.
- FEMA: Federal Emergency Management Agency
- PG&E: Pacific Gas & Electric
- S&P: Standard and Poor's

BACKGROUND

California state law authorizes the Grand Jury to look at how the county conducts an audit of its operations and the result of that study. The 2019-2020 Grand Jury explored the actions of the Auditor-Controller in managing the various post-fire funds and calculating the Property Tax Backfill estimate submitted to the State of California. We further reviewed other Camp Fire effects on the department and the unexpected personnel changes over the past year.

METHODOLOGY

- **Attended:**
 - Butte County Audit Committee Meeting on November 12, 2019.
- **Reviewed:**
 - County of Butte Comprehensive Annual Financial Report for fiscal year ending on June 30, 2019, prepared under the supervision of the Butte County Auditor-Controller's Office
 - County of Butte Single Audit Report for fiscal year ending on June 30, 2019, prepared by the accounting firm of CliftonLarsonAllen, L.L.P.
 - County of Butte Landfill Fund Financial Statements for fiscal year ending on June 30, 2019 and the related Audit Report prepared by the accounting firm CliftonLarsonAllen, L.L.P.
 - Butte County Auditor-Controller procedure manuals
- **Toured:**
 - Butte County Auditor-Controller's Office and met with the staff
- **Interviewed:**
 - Butte County Auditor-Controller
 - Butte County Chief Administrative Officer
 - Butte County Deputy Chief Administrative Officer
 - Manager of Property Taxes and Grants
 - Butte County Assessor

DISCUSSION

The Grand Jury was concerned about department morale stemming from new management and from post Camp Fire effects on the workers. After meeting with the Auditor-Controller and staff, our overall impression was they were very motivated and felt supported. Following the Camp Fire, the Auditor-Controller's Office immediately lost some personnel, but managed the extra workload by promoting from within the department and providing overtime. The new

Auditor-Controller provided cross training so all the employees could step in and perform other duties as needed. While doing so, they received another Certificate of Achievement for Excellence in Financial Reporting and maintained the S&P A+ credit rating for the County. Many of the PG&E and FEMA funds are still pending, as of this report, but are being closely monitored. The Auditor-Controller worked with personnel from the counties of Lake, Napa, and Sonoma, also affected by wildfires, to gain insight on how to implement the Property Tax Backfill needs of Butte County. The Auditor-Controller's Office has worked closely with the Assessor's Office and other departments to develop a formula for determining the backfill numbers submitted to the State of California.

Due to the additional efforts of the Auditor-Controller's Office, Butte County received the entire three-year Property Tax Backfill monies requested from the state. This money is now being held in trust for annual apportionment from the Auditor-Controller's Office.

FINDINGS

F1. The Auditor Controller's Office performed extremely well for the citizens of Butte County while adjusting to the changes experienced over the last year and preparing for the future needs of our County.

RECOMMENDATIONS

None.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



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Executive Director/CEO

*State of California
Office of the State Controller*

***Award for Counties
Financial Transactions Reporting***

Presented to

County of Butte

*For its Year-End Financial Transaction Report
For the Fiscal Year Ended June 30, 2018*

Betty T. Yee

Betty T. Yee

Dated this 24th day of October 2019

Butte County Correctional Facilities

SUMMARY

In accordance with California State Penal Code Section 919(b), the 2019-2020 Butte County Grand Jury (BCGJ) observed the operation and management of the Butte County Jail (BCJ) and Butte County Juvenile Hall. In addition, the BCGJ toured the Sheriff's Work Alternative Program and attended a presentation by the Butte County Gang Task Force. These were conducted in the fall of 2019.

GLOSSARY

- AB 109 – CA Assembly Bill 109 *The Public Safety Realignment Act*
- BCGJ – 2019-2020 Butte County Grand Jury
- BCJ – Butte County Jail
- CA SB 1004, Proposition 63 (Revision Sept. 2018) *Mental Health Services Act*
- IMQ – Institute for Medical Quality
- MAT – Medication Assisted Treatment
- Prop 47 – CA Proposition 47 *Reduced Penalties for Certain Felonies to Misdemeanors*
- Prop 57 – CA Proposition 57 *Public Safety and Rehabilitation for Non-Violent Crimes*
- SWAP – Sheriff's Work Alternative Program

BACKGROUND

Butte County Jail

The BCGJ learned that the BCJ is two county jails combined into one facility. One section of the facility was built in 1963, and the other section was built in 1994. The daily jail inmate population fluctuates between 570-590 inmates, with a maximum jail capacity of 614.

Butte County Juvenile Hall

Juvenile Hall's capacity is 60 youth: 25 detention youth, 15 youth in Camp Condor (a court ordered program for juvenile offenders) and 20 youth in the CA Transitional Age Youth Program.

Sheriff's Work Alternative Program (SWAP)

The SWAP daily population number varies between 60 – 67 inmates. SWAP crew sizes are 8-12 inmates. Sheriff's Deputies supervise each crew.

METHODOLOGY

- **Interviewed:**
 - Butte County Sheriff's Department supervisors and staff
 - Butte County Inmate Advocate
 - Wellpath staff
- **Presentations:**
 - Butte County Sheriff
 - Butte County Gang Awareness Program
- **Toured:**
 - Butte County Jail:
 - Medical, Dental and Mental Health Departments (Wellpath)
 - Butte County SWAP
 - Butte County Juvenile Hall
- **Documents:**
 - Butte County Jail:
 - BCJ Inmate Grievance Procedures
 - BCJ Inmate Complaint log
 - Butte County Sheriff's Office Corrections Division, *Jail Information Handbook*, 1/2019
 - Wellpath:
 - Wellpath Butte County Policy and Procedures Manual

- Accreditation Report: *The Corrections and Detentions Health Care Committee*
 - Wellpath Complaint log
 - *Professional Service Contract Butte County Jail*, 1/14/2015 through 1/13/2018
- **Websites:**
 - Hutchinson, J (12/21/2019) Jail plans to heavily extend capacity, timeline remains murky.
<https://www.chicoer.com/2019/12/21/jail-plans-to-heavily-extend-capacity-timeline-remains-murky/>
 - SB-1004 Mental Health Services Act: Prevention and Early Intervention:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1004
 - California Realignment, Stanford Criminal Justice Center (SCJC):
<https://law.stanford.edu/stanford-criminal-justice-center-sjcj/california-realignment/>

DISCUSSION

In 2011, AB109, the Public Safety Realignment Act, was passed by California voters. This initiative is described as a process of change in the California Criminal Justice System. AB109 transfers responsibility for supervising certain types of felony offenders and state prison parolees from state prison and state parole to county jails and/or probation offices. The increased inmate population is directly related to policy changes at the State level. As a result, if one is convicted of one of approximately 500 felony crimes that are considered non-serious, non-violent and non-sexual, an offender will be sentenced to county jail and/or non-custodial mandatory supervision (probation).

Prior to AB 109, a convicted felon would have been sentenced to California State Prison. If a convicted felon was serving a prison sentence for a realignment crime after the passage of AB109, the inmate would be released to the supervision of the county probation department instead of the state parole system. This amended the sentencing of felony crimes in California. A

felony crime prior to AB109 was defined as an offense that could be punished with state prison time. Now, the sentencing time is served in the county jail even though the crimes are still considered a felony.

On November 4, 2014, Prop 47 was passed by California voters. Prop 47 reduced the penalties for certain theft and drug crimes from felonies down to misdemeanors. After Prop 47, those previously convicted of felonies could file a motion with the court to modify their sentence. Thus, the inmates would move from state prison to county jail if the re-sentencing request was successful. In the same filing, the convicted individuals could petition the Court for a reduction in their classification from a felony to a misdemeanor.

In California, the maximum penalty for misdemeanors is one year in county jail and/or a fine up to \$1,000. In contrast, even the least serious felonies in California carry a minimum sentence of sixteen months to two or more years in state prison and/or a fine up to \$10,000.

The intent of Prop 57, passed by voters in 2016, is to rehabilitate inmates. A convicted felon could become eligible for early release under Prop 57, which incentivizes inmates to take responsibility for their own rehabilitation with credit earning opportunities for sustained good behavior, as well as in-prison programs and activities participation. This proposition increased the chance of early parole for California inmates serving California state prison sentences for non-violent felonies. This early release has the potential to impact County jails. After an inmate has served the basic sentence, not including any enhancements, the release takes effect, which could put an active criminal back on the street to re-offend. This convicted criminal could then end up returning to County jail if caught committing a crime that had been reduced by Prop 47.

The Butte County Sheriff immediately realized these changes would have a major impact on the jail and took action. The Sheriff began to collaborate and form partnerships with numerous Butte County agencies, stakeholders and/or vendors with expertise in inmate education and counseling:

- GED and remedial studies
- Career and job opportunity development
- Drug and alcohol rehabilitation
- Domestic violence and anger control counseling

- Family and community networking
- Literacy programs
- Housing support
- Child support services

The daily inmate population hovers at near capacity, and the jail is understaffed. At the time of the BCGJ tour, there were forty jail staff job vacancies. While current staff covers the required shifts, mandatory overtime is required. The BCJ is utilizing approximately 2,455 hours of overtime per month.

Wellpath, contracted provider of Health Care

The BCGJ investigated Wellpath, the contracted provider that provides inmate healthcare. The last bi-annual (every two years) accreditation was completed in 2017. The Institute for Medical Quality (IMQ), a subsidiary of the California Medical Association, has announced that it is winding down operations and is no longer accepting applications or renewals for correctional facility accreditation. According to the Wellpath representative, IMQ has agreed to perform the bi-annual accreditation that was due in 2019. The pending accreditation review for 2019 had not been scheduled at the time of the BCGJ interviews.

Mental Health SB 1004 (Amended 8/20/2018)

SB 1004 addresses mental health care processes including strategies, priorities, funding and treatment.

Effects of delayed treatment:

- Exposure to violence, assault and sexual victimization
- Significant risks of mental health conditions that older adults face

Effects of early treatment:

- Improved outcomes from investing in prevention and early intervention
- Early detection of the first episode of psychosis

The need for a 36-bed mental health ward became clear to the BCGJ to help in treatment of those inmates experiencing a mental health crisis.

The BCJ is currently providing an opioid alternative program called the Medication Assisted Treatment (MAT). MAT includes assessment, counseling, physician review, monitoring, and case management. The BCJ physician has received Opioid Treatment Program certification to oversee this program. The physician utilizes medications that are alternatives to opioids, such as Suboxone. Suboxone is used to treat narcotic (opioid) addiction by blocking the effects of opioid medications. Coupled with counseling and behavioral therapies, this medication provides a whole person approach to the treatment of substance abuse related to central nervous system depressants. MAT provides assessment, diagnosis, treatment and recovery services to individuals facing substance abuse challenges. Commonly abused medications include Oxycodone, Hydrocodone, Codeine, Morphine, Heroin and/or Fentanyl.

Medical Health Care

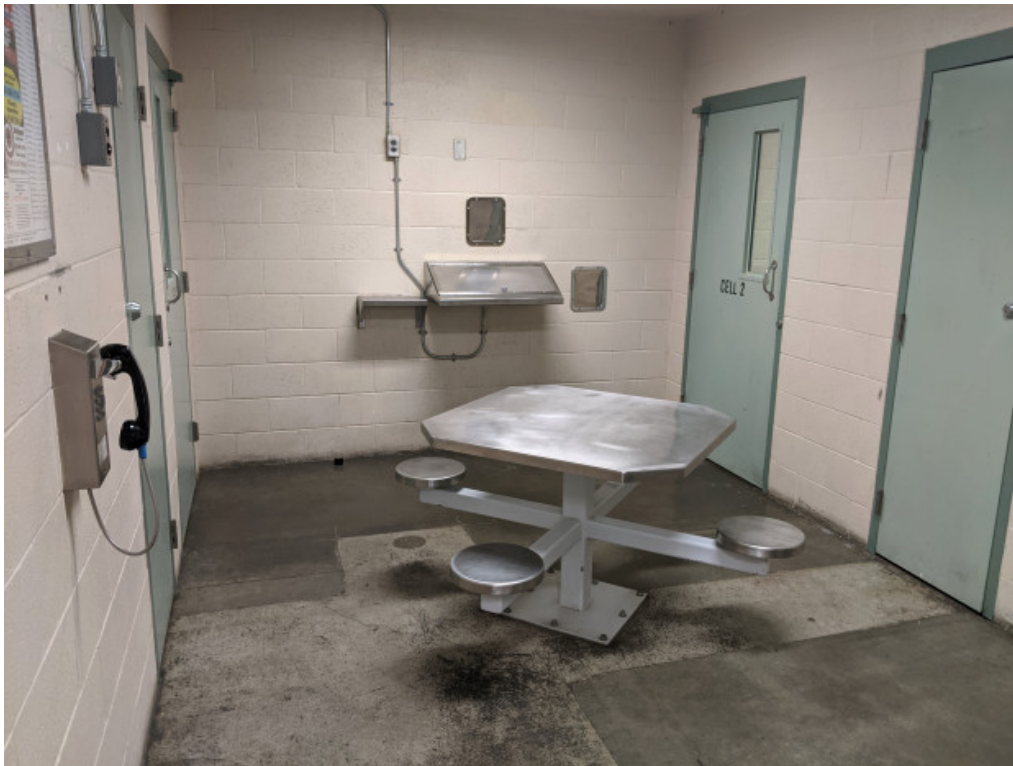
The BCGJ reviewed the grievance procedure and the inmate complaint process per the *Jail Information Handbook*, from the initiation of a complaint to resolution. The BCGJ found the process lengthy and difficult to navigate. Correction Officers that receive and handle each grievance can affect the entire process. Due to the multiple steps and number of staff involved, the grievance process is open to interpretation by anyone along the chain of command. Also, if the grievance form is not filled out correctly, it goes back to the inmate. Simplifying the steps would make it easier for everyone to navigate through the process.

The medical facility's non-electric examination table has visible cracks, which poses an infection control threat. This could lead to the spread of viruses (COVID-19) and other diseases.

Cracked Medical Examination Table



Medical Day Room: three cells surrounding the room where sick inmates are housed.



(source - Jake Hutchison - Enterprise-Record, Dec 21, 2019)

Juvenile Hall

The BCGJ inspected the operation and management of Juvenile Hall. The facility was clean and well-managed, with caring and compassionate staff. The BCGJ found the staffing to be adequate. The BCGJ was impressed by the following:

- Table Mountain School – fully accredited
- Lunch program –subsidized lunches with all meals planned by a nutritionist
- Welding program

Examples of Welding Projects



Juvenile Hall Mission Statement



Sheriff's Work Alternative Program

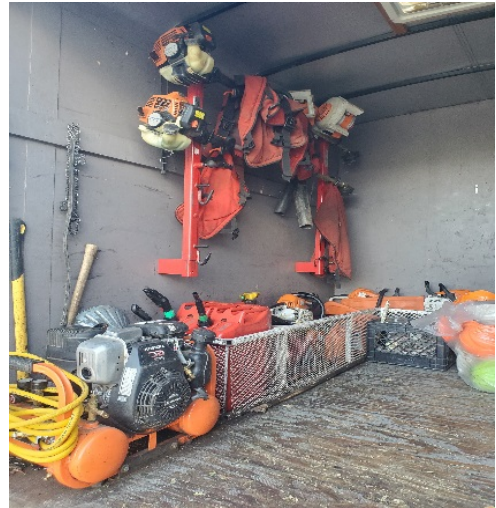
SWAP is offered as an alternative to serving time in jail to individuals that are eligible. Eligibility is based on court orders, type of charges, number of days to serve, other cases pending and previous attendance history. SWAP usually has 60-67 inmates at a time. Four Correctional Officers are assigned to work with the SWAP program. A crew consists of 8-12 inmates.

The BCGJ was impressed by the following programs:

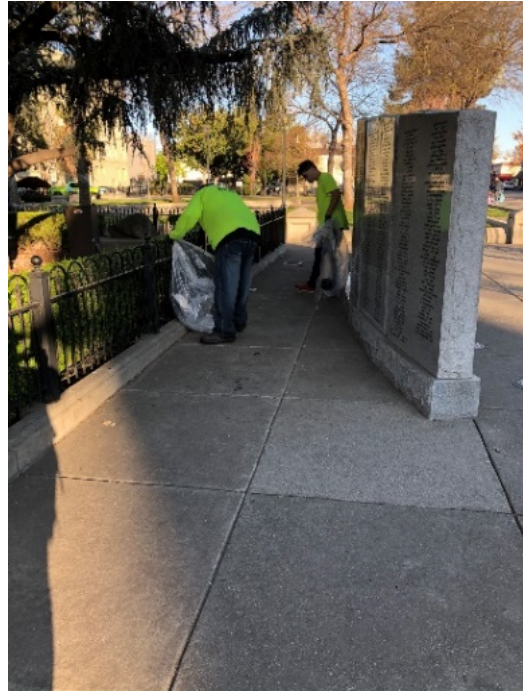
Inmate Bicycle Refurbishing Program



SWAP Work Crew Trailers



Butte County Park Cleanup Crew Hard at Work



Fire / Fuel Reduction crew and roadside clean up making a difference



Computer Lab

The BCJ computer lab is located in the Day Reporting Center. The computers are used for G.E.D. and remedial studies. During the tour, it was pointed out that the computers are old and need to be upgraded.

Computer Lab

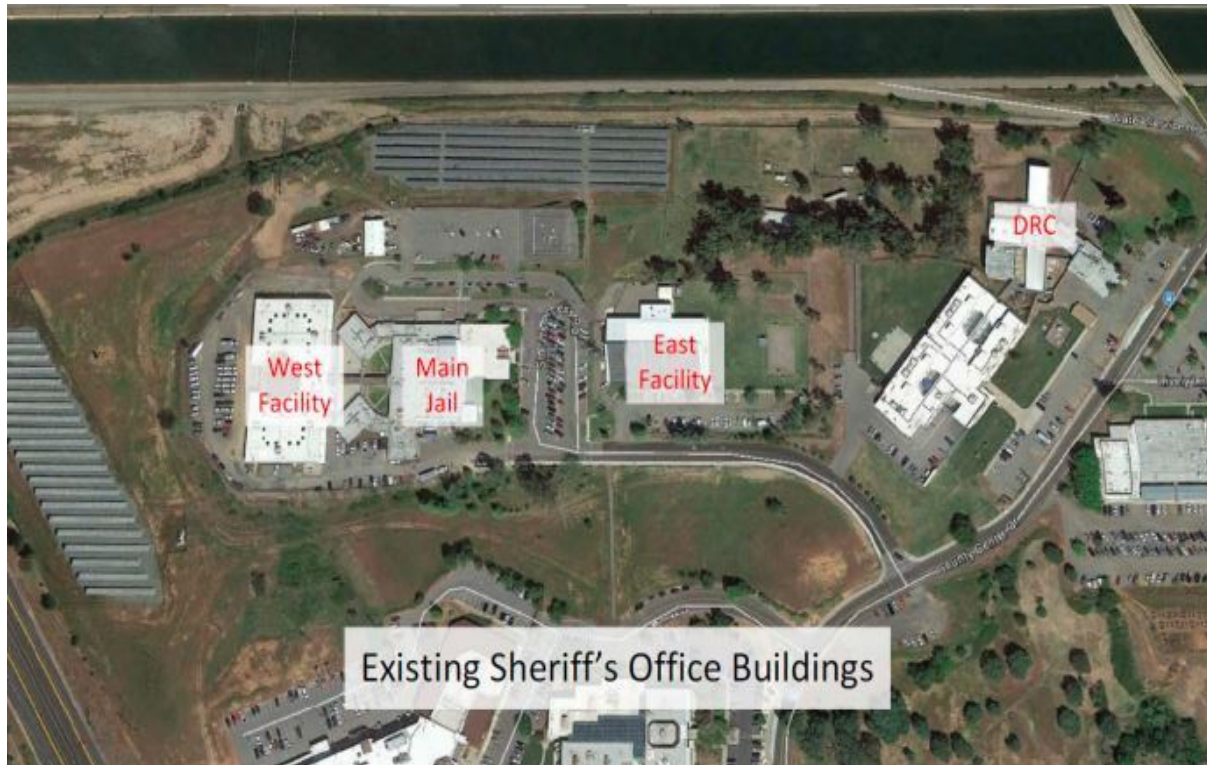


Dogs for a Veteran Program, helping Vets heal



Existing Jail Facilities

Main Jail built in 1963; West Facility added in 1994; East Facility Staff offices; SWAP Day Reporting Center (DRC).



(Photo courtesy of Butte County Sheriff's Office)

Main Jail Built in 1963

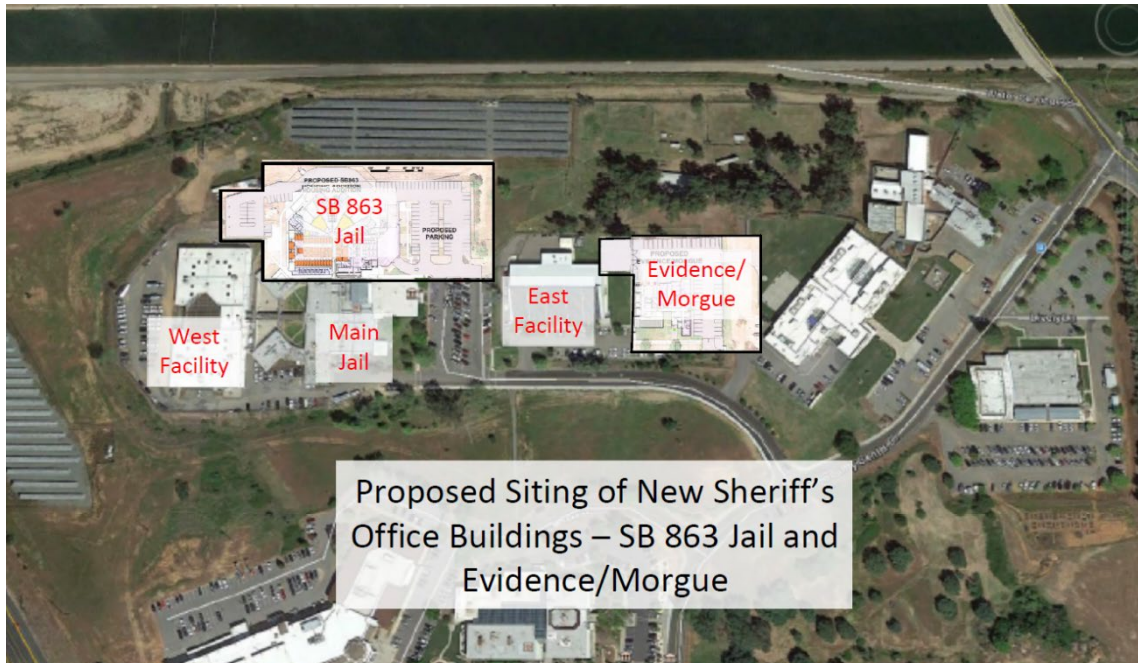


(Photos by Bill Husa, Mercury-Register, August 29, 2018 and KRCR, Tyler May, October 8, 2013)

Planned Funding for a New Butte County Jail

In 2014, the Butte County Sheriff's Office received \$40 million in matching grant funding through CA Senate Bill 863. This grant requires that the county provide a match of \$4 million. Unfortunately, the new jail project had to be postponed, due to unintended consequences of the Camp Fire (Nov. 8, 2018), which caused major increases in the cost of material and labor. Plans for building the new jail facilities were in motion until the bids were received. The lowest bid was \$12 million over budget. The Sheriff, after reviewing the blueprints, plans to re-bid the project to local architects, with the expectation that the new bids will come in within the authorized budget. The new jail will address the overcrowding inmate population and will increase the much-needed mental health bed availability from three to thirty-six beds.

Plans for New Jail Complex



ACKNOWLEDGEMENTS

The BCGJ wishes to commend the Butte County Sheriff for his leadership, foresight and decision-making skills. Butte County is extremely fortunate to have a man of his caliber in the position of Sheriff. The Sheriff leads by example in his care for the community and his actions are emulated by his staff.

The BCGJ found that the Sheriff, Officers, administrative staff and contracted employees demonstrate compassionate care for the inmates under their supervision. On a daily basis, the staff is working under extremely antiquated conditions, overcrowding and mandatory overtime. The BCGJ commends everyone for their exemplary, committed service.

FINDINGS

- F1. The BCJ was constructed in 1963, and in 1994 the second facility was built. The age of these two buildings contributes to the need for a new jail facility.
- F2. The daily BCJ inmate population fluctuates between 570-590 inmates, with a maximum jail capacity of 614 creating potential areas of concern for both inmates and staff.
- F3. Overcrowding could potentially lead to the spread of disease and viruses.
- F4. AB 109, Prop 47 and Prop 57 have negatively impacted the jail population and the Probation Departments.
- F5. The grievance process is difficult to maneuver and subject to interpretation.
- F6. The medical examination table is an infection control hazard.
- F7. The computer lab, located in the Day Reporting Center, is outdated.
- F8. Juvenile Hall is professionally managed and adequately staffed.
- F9. BCJ inmate programs are a positive model for the State of California.
- F10. BCJ inmate programs are clearly a benefit for Butte County.

RECOMMENDATIONS

- R1. Butte County Sheriff's Office should continue the pursuit of a new jail facility with the process that is currently in progress.
- R2. Butte County Sheriff's Office should simplify the inmate grievance procedure. For example, create a flow chart showing the responsibilities of the inmate and a separate flow chart for the Correctional Officers by January 3, 2021.
- R3. Butte County Sheriff's Office, or responsible party, needs to replace the existing examination table per *Professional Service Contract* by October 1, 2020 (before the start of flu season).
- R4. Butte County Sheriff's Office should upgrade the outdated Computer Lab and workstations by January 3, 2021.

REQUIRED RESPONSES

Pursuant to Penal Code section 933 and 933.05, the following responses are *required*:

From the following governing bodies:

- **Butte County Board of Supervisors:** respond to F1, F2, F3, F4 and R1 within 90 days

From the following elected county officials:

- **Butte County Sheriff:** respond to F1, F2, F3, F4, F5, F6, F7 and R1, R2, R3, R4 within 60 days.

INVITED RESPONSES

The Grand Jury invites the following individual to respond:

- **Butte County Inmate Advocate:** respond to F4, F5 and R2 within 60 days.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Butte County Mosquito Abatement Districts

Consolidation, Commendations and Concerns

SUMMARY

The purpose of this report is to provide information about what the Durham and Oroville Mosquito Abatement Districts (DMAD and OMAD) are doing to comply with the Local Agency Formation Commission's (LAFCO) 2018 recommendation that they consolidate to form a single Mosquito and Vector Control District. The 2016 -2017 Butte County Grand Jury (BCGJ) also recommended this consolidation. Three years in, it is time to assess the steps they have taken to consolidate the Districts. This is important to the community because warming trends have increased the threat mosquitoes pose to Butte County residents. The 2019-2020 BCGJ re-interviewed all the involved entities and researched current information to update the status of those recommendations. In the process, the BCGJ discovered other areas of concern and commendation. This resulted in a secondary focus on the Butte County Mosquito and Vector Control District. The BCGJ also looked at mosquito problems created by the Camp Fire and issues with the Butte County Department of Public Health (BCDPH) website.

GLOSSARY

- BCDPH – Butte County Department of Public Health
- BCGJ – 2019-2020 Butte County Grand Jury
- BCMVCD – Butte County Mosquito and Vector Control District
- BOT – Board of Trustees
- Brown Act – Passed in 1953; protects the rights of California citizens to attend and participate in meetings of local legislative bodies and establishes the right to public information.

- CalPERS – California Public Employees Retirement System
- Dip – A volume of water equal to one pint used to check for mosquito larvae
- DMAD – Durham Mosquito Abatement District
- GLACVCD – Greater Los Angeles County Vector Control District
- IVMP – Integrated Vector Management Plan: A plan that is submitted annually from BCMVCD and DMAD to LAFCO
- LAFCO – Local Agency Formation Commission: Regional service planning agencies of the State of California
- MSR – Municipal Service Review: A LAFCO public report
- MSR/SOI – 2018 Final Municipal Service Review and Sphere of Influence Plan for the Mosquito Abatement Districts of Butte County
- OMAD – Oroville Mosquito Abatement District
- SOI – Sphere of Influence: An area in which an organization has power to affect events and developments
- WNV – West Nile Virus

BACKGROUND

At the time of the 2016-2017 BCGJ Report, Butte County had three mosquito abatement districts:

- **Oroville Mosquito Abatement District (OMAD):** Established 1915; served the City of Oroville; has been absorbed by BCMVCD as recommended by LAFCO; 12.25 square miles.

- **Durham Mosquito Abatement District (DMAD):** Established in 1918; originally served Durham and adjacent rice fields; 64 square miles; BCMVCD now treats the rice fields.
- **Butte County Mosquito Vector Control District (BCMVCD):** Established in 1948; served the rest of Butte County and Hamilton City in Glenn County; currently includes the 15,000 acres of rice fields adjacent to Durham. Only BCMVCD has aerial spraying capabilities and a fully functional lab with an entomologist on staff.

The 2016-2017 BCGJ Report recommended that pending the results of the *2018 Municipal Service Review and Sphere of Influence Plans for Butte Abatement Districts Within Butte County* (MSR/SOI), LAFCO initiate the process of consolidating OMAD and DMAD under BCMVCD. This recommendation was made, in part, because of the 2016-2017 BCGJ Finding that OMAD and DMAD were limited in their ability to fulfill the duties of a vector control district. A second Finding was that BCMVCD offered more services to the residents of their district than did the other districts and with a lower parcel tax. LAFCO's MSR/SOI came to the same conclusion as the 2016-2017 BCGJ and soon thereafter began initiating consolidation. For these reasons, this Grand Jury felt an update on consolidation and current conditions would be beneficial to Butte County residents.

METHODOLOGY

The 2019-2020 Butte County Grand Jury performed the following actions:

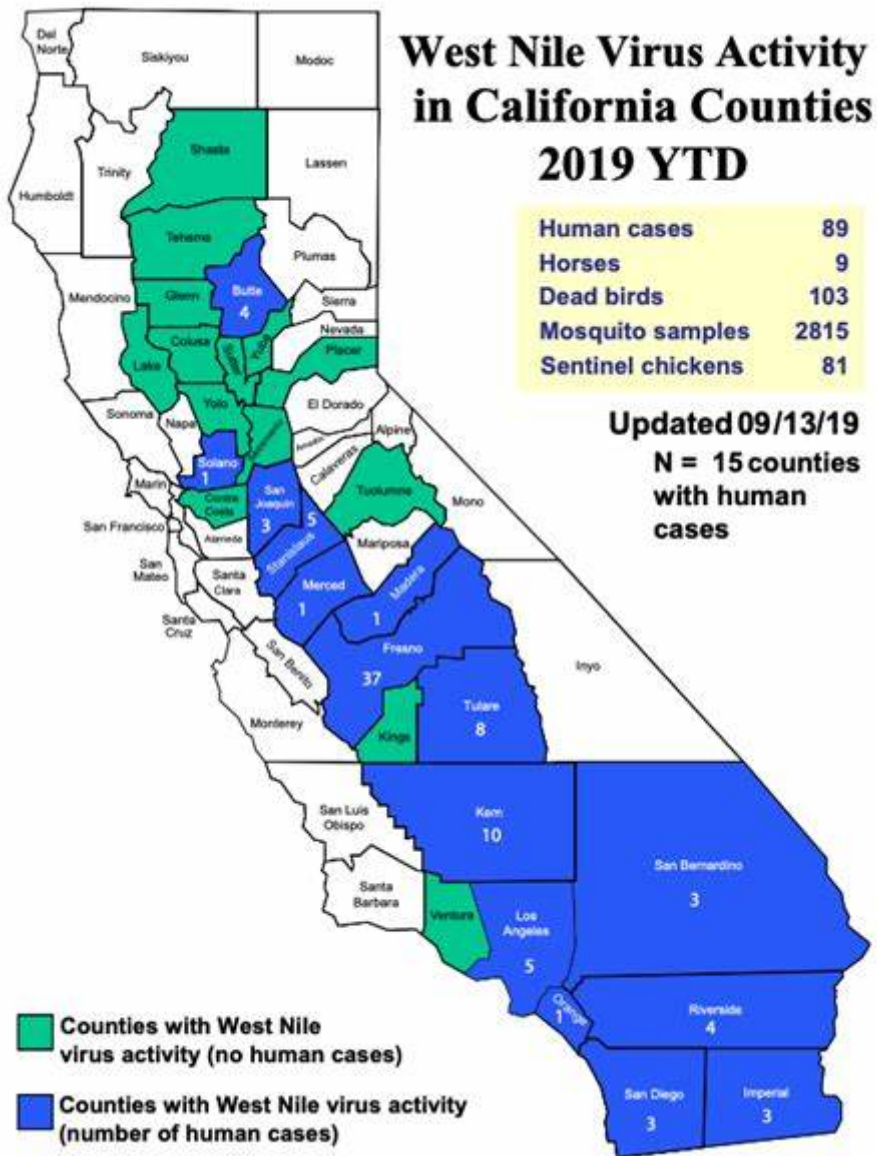
- **Interviewed:**
 - Director of Butte County Water and Resource Conservation
 - District Manager of Butte County Mosquito and Vector Control District
 - District Manager Durham Mosquito Abatement District
 - Legal Representative of Oroville Mosquito Abatement District
 - Executive Officer of the Butte Local Agency Formation Commission
 - Director of Butte County Department of Public Health
 - Butte County Board of Supervisor District 4

- **Toured:**
 - Butte County Mosquito and Vector Control District (BCMVCD) headquarters and laboratory
- **Attended:**
 - Local Agency Formation Commission (LAFCO) Board Meeting
- **Documents:**
 - LAFCO 2018 *Municipal Service Review and Sphere of Influence Plans for Butte Abatement Districts Within Butte County*
 - Prior Butte County Grand Jury reports pertaining to vector control and abatement districts
- **Websites:**
 - Butte County Mosquito and Vector Control District
<http://www.bcmvcd.com/>
 - Butte County Public Health
<http://www.buttecounty.net/publichealth/home>
 - CA Department of Public Health - Aedes aegypti & albopictus mosquitos
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Aedes-aegypti-and-Aedes-albopictus-mosquitoes.aspx>
 - CA Department of Public Health - Mosquitoes and Mosquito Borne Diseases
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/MosquitoesandMosquitoBorneDiseases.aspx>
 - CDC Potential Range of Zika in the US
<https://www.cdc.gov/zika/vector/range.html>
 - CDC Microcephaly & Other Birth Defects
https://www.cdc.gov/zika/healtheffects/birth_defects.html
 - Durham Mosquito Abatement District
<http://www.durhammad.com/>
 - Greater Los Angeles County Vector Control District
<https://www.glacvcd.org>

- *LAFCO 2018 Municipal Service Review and Sphere of Influence Plans for Butte Abatement Districts Within Butte County*
<http://buttelafco.org/sites/default/files/resources/Final%20Mosquito%20MSR-SOI%20Plans%20%202018.pdf>
- West Nile Activity in California
<http://www.westnile.ca.gov/>
- Wikipedia:
 - Butte County Mosquito Vector Control District
 - Greater Los Angeles County Vector Control District

DISCUSSION

There are currently 23 different species of mosquito in Butte County. Some of these can carry West Nile Virus (WNV), Malaria, Western Equine Encephalitis, Saint Louis Encephalitis, heartworm and other diseases. Mosquitoes know no boundaries and can fly from one-quarter of a mile to twenty miles per day on their own, depending on mosquito species, wind velocity and altitude. WNV in the United States spread from coast to coast in only five years, primarily through bird migration. For the year 2019, the State of California reported 89 cases of WNV, four of those in Butte County. *Aedes aegypti* (Yellow Fever) mosquitoes, which are carriers of the Zika virus, were recently trapped in Placer County. The mosquito season in Butte County used to run April through October, but a few years ago districts were still fogging until mid-November. In addition, some newer species of mosquitoes arriving in Butte County remain active during the winter months, a situation known as “overwintering.”



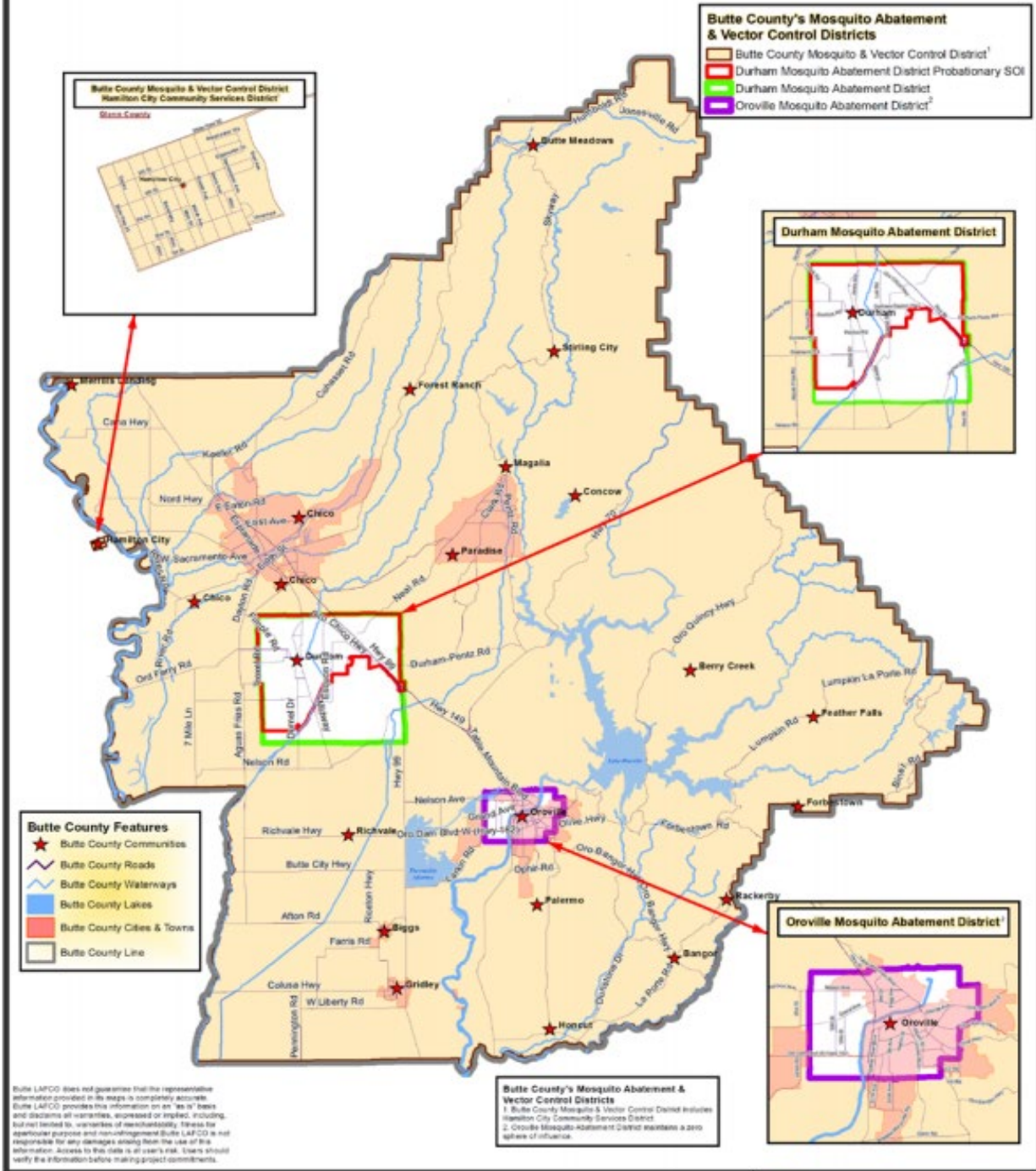
Due to these continuing and accelerating mosquito threats, LAFCO’s 2018 MSR/SOI recommended that the three mosquito abatement districts in Butte County be reorganized to form a single, countywide mosquito abatement and vector control district.

At the time of this report, BCMVCD has assumed responsibility for the treatment of OMAD’s SOI, although OMAD has not yet been legally dissolved. Residents of Oroville now pay less for their mosquito treatment service with no complaints registered to date. DMAD, however,

appealed to remain an operating district and was given a Probationary SOI pending the completion of certain conditions. The DMAD Board of Trustees (BOT) requested to remain an operating district in response to the majority of Durham residents' preference to keep DMAD, despite the higher parcel tax and heavy reliance on adulticide treatment. LAFCO is not authorized to dissolve any district against the wishes of the community.

In June 2018, LAFCO gave Durham a 0% SOI and removed DMAD's responsibility for treatment of 15,000 acres of rice fields due to inadequate mosquito abatement practices. DMAD did not have planes with which to treat rice fields and now treats only the town of Durham. BCMVCD, which has three planes for aerial treatment, now sprays the Durham rice fields. The kill rate of mosquito larvae treatment (larvicide) by plane is 85 – 100%, which reduces the spread of disease in Butte County. BCMVCD spent \$100,000 to spray the rice fields last year of which DMAD contributed approximately \$12,000 in property tax revenue. The total cost covered treating only one-third of the rice fields: areas nearest populations and those that tested "hot" for mosquito larvae. A "hot" test varies according to several factors such as proximity to populations, species of mosquito and time of year. One to three larvae per dip is usually considered "hot".

Butte County's Mosquito Abatement & Vector Control Districts



Butte Local Agency Formation Commission

Butte County's Mosquito Abatement and Vector Control Districts Jurisdictional Boundaries

Action: MAD, VCD MSR, SOI Plan Adoption	Date: 12-07-2017	Res.: 02 2017/18	Agent: Steve Lucas

Butte County's Mosquito Abatement and Vector Control Districts Jurisdictional Boundaries



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Update: 01-01-2018

Data: Butte County & LAFCO

The 2018 LAFCO MSR/SOI included several recommendations to DMAD and BCMVCD:

- Immediately develop an Integrated Vector Management Plan (IMVP) that addresses all aspects of vector control as established by the Mosquito and Vector Control Association of California.
- Immediately reach out to the Butte County Department of Public Health (BCDPH) for guidance and fully participate in BCDPH mosquito and vector control coordination efforts.
- Post to its website an IVMP which includes past and current annual budgets; employee compensation reports; BOT meeting dates; BOT current and past meeting notices, agendas and minutes; MSR and SOI plans; and a map of the District jurisdictional boundaries.
- Fully cooperate with each other. The level of cooperation should have begun immediately with regularly scheduled coordinated meetings between the districts.

Durham Mosquito Abatement District

DMAD is in the process of complying with LAFCO recommendations and conforming to the Brown Act. On February 21, 2018, and March 28, 2018, a DMAD Board of Trustees member conducted public meetings at the Durham Memorial Town Hall to address these issues. DMAD's District Manager, LAFCO and Public Health representatives, and approximately 60 community members attended the meetings. Soon thereafter, DMAD began the process of posting the minutes, agenda and a working budget on its website.

Recently, on February 6, 2020, the DMAD District Manager made a presentation to the LAFCO Board meeting to explain steps taken and request additional direction from LAFCO. In response, LAFCO extended DMAD's probationary SOI for six months (August 2020) at which time LAFCO will reconsider the status of DMAD's probationary SOI.

Oroville Mosquito Abatement District

At the February 6, 2020 LAFCO meeting, the OMAD Board of Trustees adopted a resolution of application to dissolve the District and annex the territory to BCMVCD, which is currently providing services to OMAD under contract. Previously, BCMVCD agreed to absorb the CalPERS costs of OMAD employees.

LAFCO Recommendation to Cooperate

The 2018 LAFCO MSR/SOI recommended that the three mosquito abatement districts fully cooperate with each other. The level of cooperation was to have begun immediately with regularly scheduled coordinated meetings between the districts. At this time, the two districts have not scheduled any regular meetings, but have collaborated informally and attended some of the same training.

Butte County Mosquito and Vector Control District

BCMVCD does not have sufficient funding to treat all the rice fields, wetlands and agricultural areas throughout Butte County. Funding for Mosquito and Vector Control Districts is derived almost entirely from property taxes which underfunds rural areas like Butte County. For example, the Greater Los Angeles County Vector Control District (GLACVCD) comprises 1,340 square miles, represents six million residents, and has a budget of 16.7 million dollars.

BCMVCD covers a larger area of 1,600 square miles, (including mosquito breeding agricultural land), represents a population of 220,000 residents (as of the 2010 US census) and has a budget of 3.5 million dollars.

Butte County farmers do not spray their own fields for mosquitoes and rely solely on BCMVCD for that service. Last year BCMVCD observed 100,000 – 110,000 acres of rice planted in Butte County. Due to budget and staffing constraints, BCMVCD has a treatment threshold of one mosquito per dip which resulted in BCMVCD treating approximately 36,000 acres (one-third) of

its rice fields last year. The remaining 60,000 acres of rice were also breeding mosquitoes. However, BCMVCD's only option under its current dip policy was to let those mosquitoes develop and watch them fly. With more consistent funding, BCMVCD could reduce the treatment threshold and treat more acres of rice and other mosquito breeding grounds.

BCMVCD currently has three aircraft, all configured for different applications. One plane is set up for liquid larvicide, a second for dry larvicide and the third for liquid adulticide. However, none of its three aircraft are twin engine. Thus, under FFA law, the district cannot legally fly over Chico, Oroville, Biggs, Gridley, Richvale and other Butte County towns to make adult mosquito applications. In order to address emergency situations in urban areas, BCMVCD would need to contract with an aerial applicator owning a twin-engine aircraft. The District has received quotes and estimates the total cost per application, including pesticide, at \$70,000. Four to six applications per urban area each year could be required within the District's service area. BCMVCD does not have the budget to support this, so instead makes applications only outside urban areas, creating a buffer zone to keep mosquitoes out of urban areas.

Another limiting factor is that BCMVCD has only one pilot. For this reason, only one or two applications can be made per week. Due to lack of available funds, the District does not begin these applications until late July (when mosquito populations have reached the critical threshold and virus is present) to ensure treatments are 100% effective. Despite the best efforts of BCMVCD, Butte County is usually in the top five counties of WNV infections per capita and in the top five counties in mosquito production statewide.

To obtain more funding under Proposition 218, each year BCMVCD hosts a public hearing for the Board to consider lowering or raising resident parcel tax assessment. At that time, the Board also seeks input from the voting public. BCMVCD went to the voters in 2014 for its current benefit assessment, and the public approved an increase which went into effect in 2018. BCMVCD does not believe that going to the voters for a rate increase is appropriate this year because many residents are struggling financially due to the Camp Fire and the COVID-19 Pandemic.

BCMVCDD has had some success obtaining grants and additional funding, in part, due to its close working relationships with LAFCO and other California mosquito districts. Butte LAFCO was the driving force for obtaining \$310,000 from the Butte Strong Fund for Camp Fire mosquito treatment and an \$80,000 USDA grant to help cover the cost of the District's new tank truck. However, BCMVCDD management must wear many hats and has limited time available for researching funding opportunities or applying for grants. Better funded districts have personnel designated for this purpose. BCMVCDD management believes that BCDPH, LAFCO and other agencies are mindful of the need for funding and are pursuing funding opportunities. In addition, BCMVCDD management believes that time dedicated to acquiring funding is an area for improvement.

BCMVCDD's draft of its 2020-2021 budget includes \$50,000 for public education and outreach, which accounts for 1.43% of the BCMVCDD budget. This will fund the District's radio, TV and printed public service announcements; public notices; fair and expo entry fees; brochures; outreach materials; and newspaper leaflets. Public education focuses on increasing public awareness of the role residents can play in eliminating mosquito breeding grounds around their homes and the role of personal protection against mosquito bites and diseases. BCMVCDD management believes public education plays a vital role in controlling mosquitoes, particularly in Butte County urban areas.

At its March 2020 meeting, the BCMVCDD Board of Trustees (BOT) allocated \$16,000 for the creation of a new District website. This website will be secure, mobile friendly, easy to navigate and in compliance with all state and federal laws, including the American Disability Act (ADA).

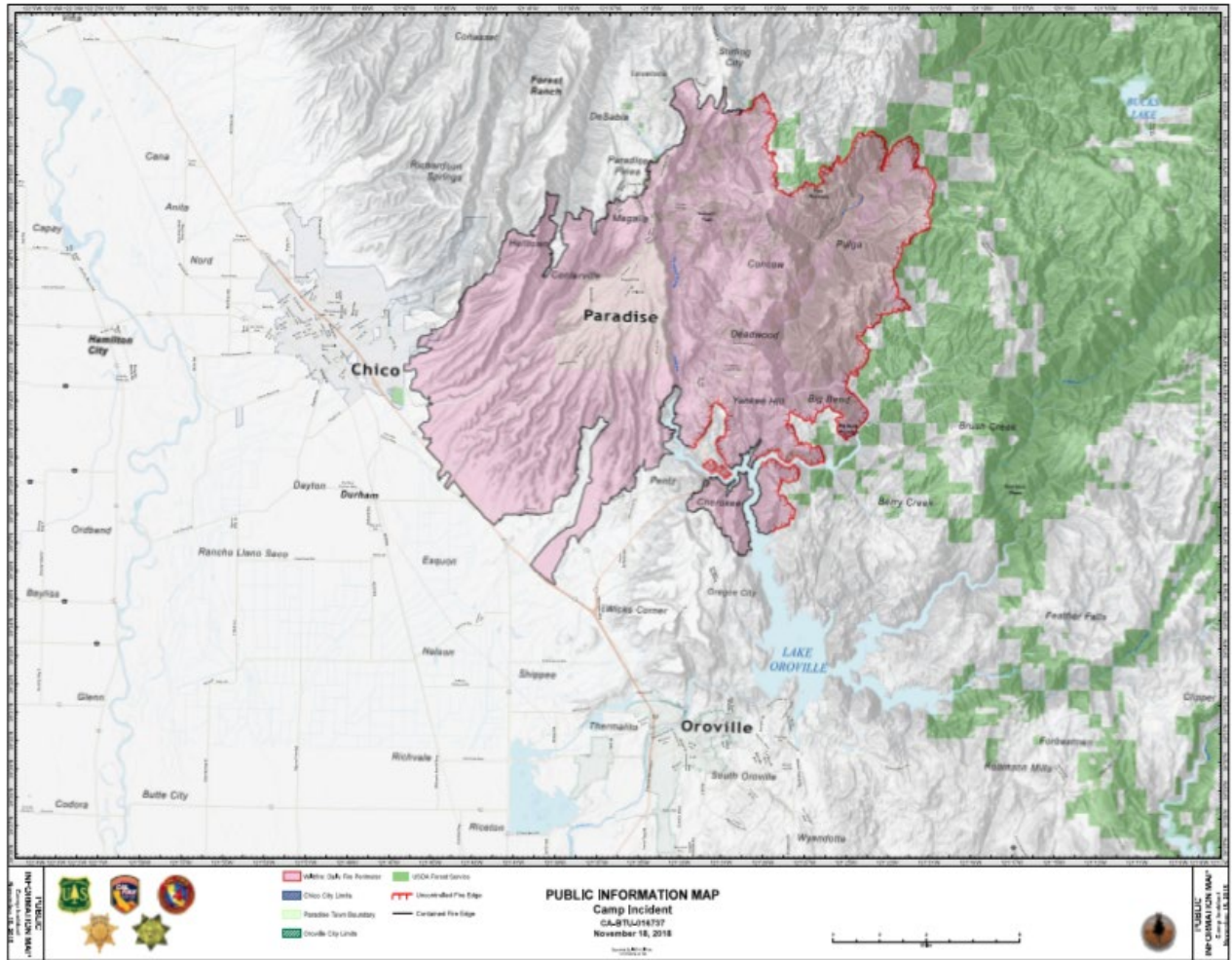
Camp Fire Issues

In addition to its usual duties, following the Camp Fire, BCMVCDD immediately began identifying and treating new potential mosquito breeding grounds in the affected area. Abandoned swimming pools, along with ditches, drains, and damaged septic tanks became active breeding grounds for mosquitoes. The FEMA clean-up in the Burn Scar area did not include any pools; they were left as is. BCMVCDD began aerial surveillance to spot unmaintained pools.

When field staff spotted a pool or pond on the ground, staff checked the situation and put larvicide briquettes in the standing water. BCMVCD also offered free mosquito fish to the Burn Scar property owners. Septic tanks throughout the Burn Scar created a problem because lids melted, opening up underground water sources for egg-laying mosquitoes. At the time of this report, BCMVCD continues to treat the Paradise area with no WNV detected.

BCMVCD has lost revenue because of the disappearing Paradise property tax base. So far, a three-year California State property tax backfill has helped mitigate the loss. The District has received two years of this compensation and hopes the final year of backfill will be disbursed this coming year. The backfill covers lost taxes based on assessed property values, but not revenue lost from the District's special benefit assessment. Next year, State backfill funding will end and because Paradise is not being repopulated to pre-fire levels, BCMVCD will face an extremely difficult budgetary situation. BCMVCD received \$310,000 of the Butte Strong Fund from the North Valley Community Foundation and applied for insurance and PG&E compensation money following the Camp Fire.

Camp Fire Burn Scar Map



Butte County Department of Public Health

LAFCO recommended BCDPH work closely with the Mosquito Control Districts by establishing partnerships to educate and keep the public informed. BCDPH hosts monthly West Nile Virus Task Force meetings May through September of each year. At these meetings, BCDPH provides updates to case counts and public education and outreach efforts. The mosquito control districts can share surveillance data, control strategies, and public education and outreach projects. Attendees of these meetings include the BCDPH Public Health Officer, Information Officer, Epidemiologist, and the BCMVCD District Manager. As of this report, no representatives from DMAD have been attending although they have been invited each of the past two years.

Information on mosquito borne illness is not highlighted on the BCDPH website. There is no menu item, heading, or tab to access such information. A user needs to type specific disease names into the search bar to locate articles on the subject.

ACKNOWLEDGEMENTS

The Butte County employees and the mosquito abatement district employees that this BCGJ interviewed are knowledgeable, cooperative, dedicated and professional. This BCGJ also commends their willingness to work together for the good of all Butte County residents.

FINDINGS:

F1: Mosquito migration northward poses health risks to Butte County residents: West Nile Virus, Dengue, Yellow Fever, Zika and others.

F2: Butte County has significant vector risk due to the large agriculture base, wetlands and estuaries, all breeding grounds for mosquitoes.

F3: Mosquito Abatement and Vector Control Districts are funded almost entirely by property taxes which underfunds a rural area like Butte County.

F4: Butte County would benefit from regularly scheduled meetings between BCMVCD and DMAD.

Butte County Department of Public Health

F5: BCDPH Mosquito and vector public information and outreach needs to be expanded.

F6: BCDPH website is not user friendly on the topic of mosquitoes.

Butte County Local Agency Formation Commission

F7: LAFCO is limited in its effort to integrate DMAD and BCMVCD.

F8: LAFCO has reduced Butte County's risk by removing DMAD's SOI over 15,000 acres of rice fields.

F9: LAFCO has provided excellent oversight and direction for BCMVCD and DMAD.

Butte County Mosquito and Vector Control District

F10: BCMVCD excels in mosquito abatement despite its limited budget.

F11: BCMVCD did a great job identifying and treating mosquitoes in the Camp Fire Burn Scar area following the crisis.

F12: BCMVCD will face budgetary problems when tax-backfill funds end next year because Paradise is not being repopulated to its pre-Camp Fire level.

F13: BCMVCD would benefit from more funding for public education and outreach.

F14: BCMVCD's funding is not adequate to thoroughly protect Butte County.

F15: BCMVCD would benefit from personnel dedicated to acquiring funds.

Durham Mosquito Abatement District

F16: DMAD's website has improved.

F17: DMAD customers are satisfied with their level of service and cost.

F18: Butte County would benefit from the DMAD District Manager's regular attendance at BCDPH monthly West Nile Virus Task Force Meetings.

F19: DMAD would benefit from more funding for public education and outreach.

RECOMENDATIONS:

Butte County Department of Public Health

R1: Butte County Department of Public Health should add the term Mosquitoes to its search engine and to its drop-down menu on the BCDPH website by January 1, 2021.

R2: Butte County Department of Public Health should increase access to public information regarding mosquito disease prevention by creating a link on their website home page and through increased public service announcements by January 1, 2021.

Butte County Mosquito and Vector Control District

R3: BCMVCD should create a new position dedicated to finding new funding by January 1, 2021.

R4: BCMVCD should increase the funding for public information and outreach by January 1, 2021.

Durham Mosquito Abatement District

R5: DMAD should thoroughly comply with LAFCO's recommendations regarding its website by September 1, 2020.

R6: DMAD District Manager should regularly attend the BCDPH West Nile Virus Task Force Meetings beginning September 1, 2020.

R7: DMAD should increase the funding for public information and outreach by January 1, 2021.

RESPONSES

Pursuant to Penal Code 933, the following responses are *required*:







From the following governing bodies:

- **Director, Butte County Mosquito Vector Control:** F12, F13, F14, F15 and R3, R4 within 90 days.
- **Director, Butte County Department of Public Health:** F5, F6 and R1, R2 within 60 days.
- **Board of Trustees, Durham Mosquito Abatement District:** F18, F19 and R5, R6, R7 within 90 days.

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

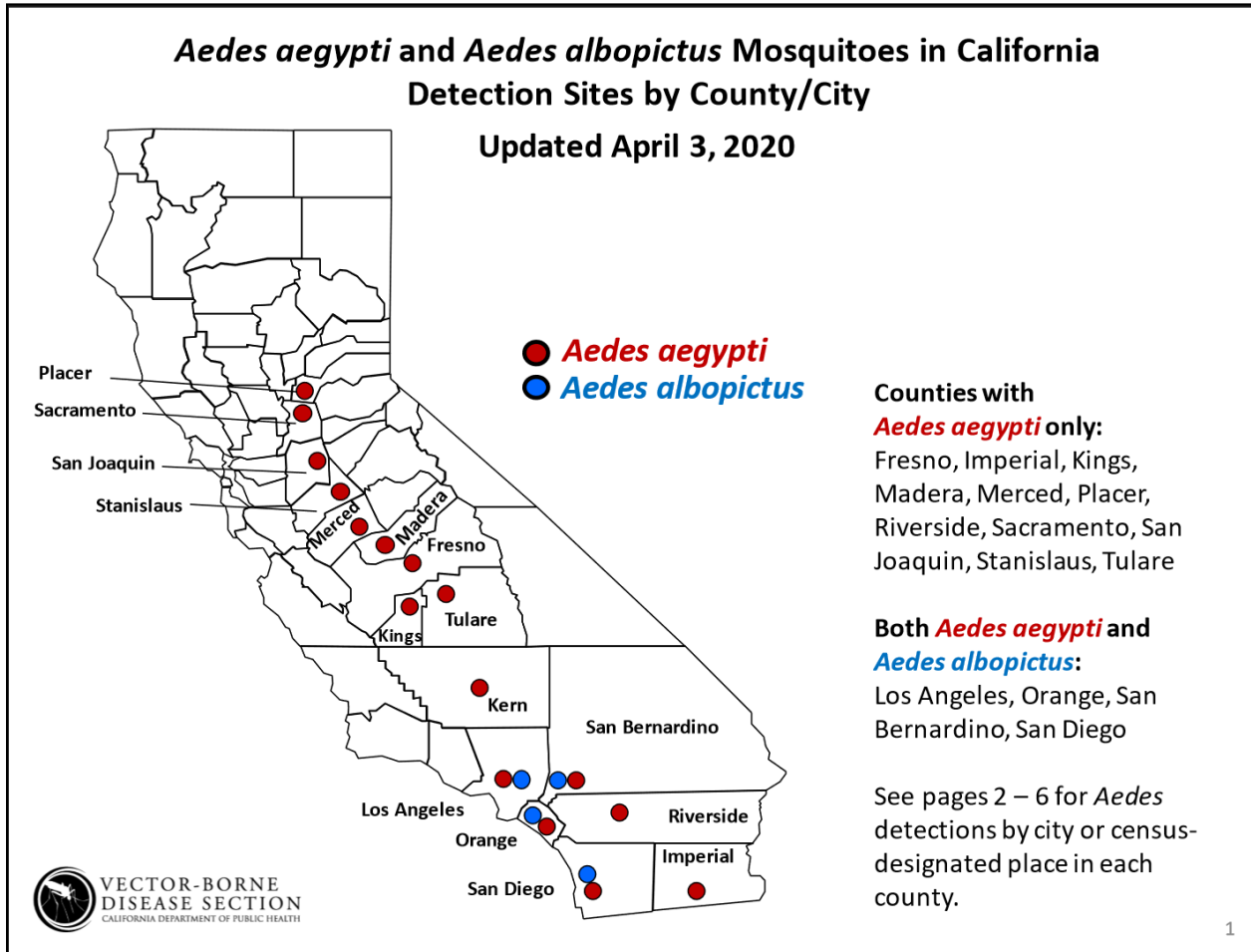
APPENDIX I

Species	Common Name	Breeding Sources	Diseases	Bites	Description	Image
<i>Culex tarsalis</i>	western encephalitis mosquito	Ponds, vegetated pools, and agricultural areas	West Nile virus (mostly affects birds, humans, and horses), St. Louis encephalitis virus (humans), and Western equine encephalitis virus (humans and horses)	Dawn, dusk, and after dark	Light brown, with a light-colored band around its proboscis	 <small>Content Provider: CDC Photo Credit: James Gathany, 2005</small>
<i>Culex pipiens/Culex quinquefasciatus</i>	northern/southern house mosquito	Ponds, drains, underground, foul water, and artificial containers	West Nile virus (mostly affects birds, humans, and horses), St. Louis encephalitis virus (humans)	Dawn, dusk, and after dark	Brown, with dark-scaled unbanded legs and an unbanded proboscis	 <small>Content Provider: CDC/William Braggion Photo Credit: James Gathany, 2001</small>
<i>Aedes aegypti</i>	yellow fever mosquito	Standing water in containers; even as small as a bottle cap; thrives in urban areas	Zika, dengue, chikungunya, and yellow fever viruses	Daytime, and near dawn and dusk	Dark brown, with two white stripes in the shape of a lyre on its back; white bands on legs	 <small>Photo Credit: Joao P. Burini, 2011</small>
<i>Aedes albopictus</i>	Asian tiger mosquito	Standing water in containers; even as small as a bottle cap; thrives in urban areas	Zika, dengue, chikungunya, and yellow fever viruses	Daytime, and near dawn and dusk	Black, with one white "racing" stripe on its thorax; white bands on legs	 <small>Photo Credit: Kevin Stohlgren, 2015</small>
<i>Aedes sierrensis</i>	western tree-hole mosquito	Tree holes, tires, and other containers	Dog heartworm (parasite transmitted to dogs and occasionally cats)	Daytime and dusk	Dark brown, with white bands on legs	 <small>Photo Credit: R. Berg, www.bugguide.net</small>
<i>Anopheles freeborni</i>	western malaria mosquito	Vegetated pools, algal mats, and agricultural areas	Malaria (about 30-40 species worldwide transmit malaria)	Dawn, dusk, and after dark	Light brown, with dashed black marks on wings; typically rests with abdomen pointed up	 <small>Content Provider: CDC Photo Credit: Yasser, 2008</small>

Created by the California Department of Public Health Vector-Borne Disease Section, September 2016

<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/GuidetoImportantMosquitoesinCA.pdf>

APPENDIX II



<https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/AedesDistributionMap.pdf>

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Public Works Roads Report

SUMMARY

Butte County Public Works has many divisions that serve the County. However, the focus of this report is road maintenance, repair and the funding this requires. Butte County has elected to be subject to the California Uniform Public Construction Cost Accounting Act (CUPCCAA). Butte County Public Works utilizes Street Saver, an analytic tool, to leverage its funding. This is important to Butte County as road conditions have further deteriorated due to the Oroville Dam Spillway failure, the Camp Fire, normal usage, and delayed maintenance. A secondary focus of this report is the handling of public complaints. Public Works uses Butte County Connect (BCC) to provide better communication between Public Works and the public. Overall, a lack of funding, manpower and training hinder Public Works' performance.

GLOSSARY

- BCC – Butte County Connect
- BCGJ – 2019-2020 Butte County Grand Jury
- BOS – Butte County Board of Supervisors
- CalPERS – California Public Employees Retirement System
- CUPCCAA – California Uniform Public Construction Cost Accounting Act
- FEMA – Federal Emergency Management Act
- HUTA – Highway Users Tax Account
- ISAP – Information Systems Analyst Principal
- PCI – Pavement Condition Index
- RMRA – Road Maintenance and Rehabilitation Account
- RWC – Road Work Crew
- SB 1 – Road Repair and Accountability Act (2017)

BACKGROUND

The Public Works Department employs 144 people who make up three separate divisions:

- Road & Bridge Engineering/Permits/Land Development/Drainage/Surveys/Right of Way
- Fleet Services/Administration/Construction/Road Operations
- Solid Waste/Landfill

Road maintenance is the process of road preservation that requires less than one inch of new pavement. Repair is the complete reconstruction of the road. Public Works uses the Street Saver analytic software to assist in projecting the life expectancy of a road. Butte County has elected to be subject to the California Uniform Public Construction Cost Accounting Act (CUPCCAA). This allows Butte County to perform larger repair projects. It is also important to note that Public Works is only responsible for roads in unincorporated areas, not for city or private roads. Road conditions have further deteriorated due to the Oroville Dam Spillway failure, the Camp Fire, normal usage, and delayed maintenance.

METHODOLOGY

- **Interviewed:**
 - Public Works Director
 - Assistant Public Works Director
 - Superintendent of Road/Maintenance Operations
 - Fleet Services Coordinator
 - Senior Administrative Analyst
 - Information System Analyst Principal
 - Butte County Board of Supervisors Districts 1-5
- **Documents:**
 - California SB 1 (2017-2018)
 - California State Budget: Transportation Proposals (2018-2019)

- AB 1591 Transportation Funding (2015-2016)
 - Butte County Public Works Budget (2019-2020)
 - Butte County Public Works Construction Projects (2019-2020)
 - Butte County Public Works Work Program (2019-2020)
 - Butte County Public Works Fiscal Budget Schedule A (2019-2020)
 - Butte County Road and Bridge Capital Projects
 - Butte County Public Works Revenue Impact Analysis
 - Butte County Connect Program List of Open and Closed Work Orders
 - Butte County Street Saver Program
 - HUTA Revenues (2019-2020) and (2020-2021)
- **Websites:**
 - Blankley, B. The Center Square (February 25, 2020). Critics argue Gov. Newsom is diverting gas tax money to projects voters did not approve of.
<https://www.washingtonexaminer.com/politics/critics-argue-gov-newsom-is-diverting-gas-tax-money-to-projects-voters-did-not-approve-of>
 - Fresno Bee Editorial Board (Fresno Bee Oct. 11, 2019). Did Governor Newsom pull a fast one on California with the gas tax?
<https://www.fresnobee.com/opinion/editorials/article235929407.html>
 - Governor Newsom Executive Order (September 20, 2019) N-19-19.
<https://www.gov.ca.gov/wp-content/uploads/2019/09/9.20.19-Climate-EO-N-19-19.pdf>
 - Rosales, E. YourCentralValley.com (Oct. 4, 2019). CBS47 Investigation: Gov. Newsom redirects gas tax money to fund railway systems, not highways.
<https://www.yourcentralvalley.com/news/cbs47-investigates/cbs47-investigation-gov-newsom-redirects-gas-tax-money-it-wont-fun-highways-railway-system/>

DISCUSSION

Funding

Many residents wonder why roads in their communities are in such poor condition and why their property taxes are not used for improvements. In fact, Butte County taxes fund almost none of our needed road work. County funding for Public Works' road budget has been declining since 1980, and that budget is normally funded by the State. Butte County residents' property taxes

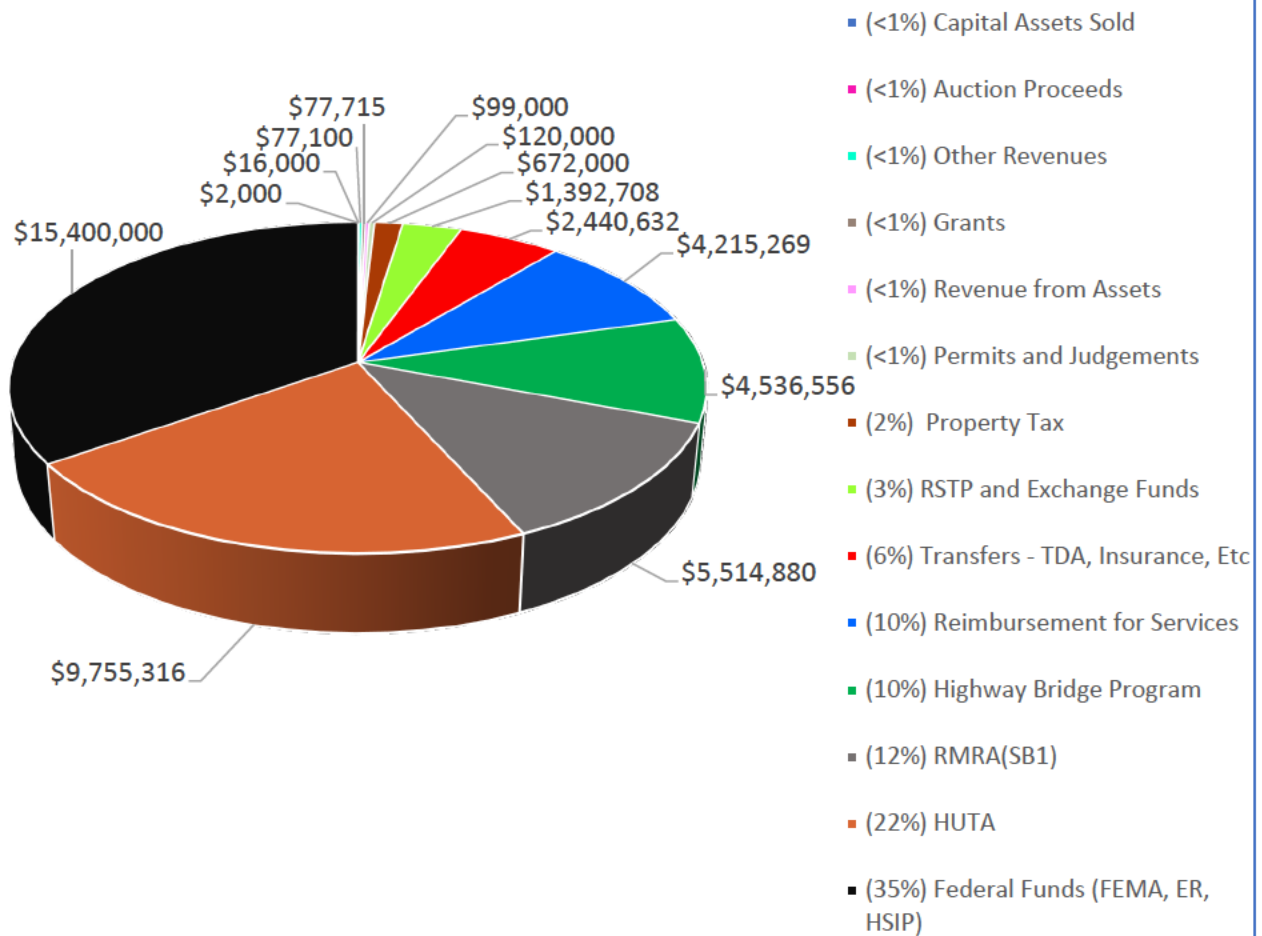
provide less than 2% of Public Works' annual funding. At the time of this report, Butte County property taxes totaled \$672,000 of the \$44.3 million of the 2019-2020 budget. Temporary FEMA funding has been a large part of Public Works road budget since the Camp Fire. This report does not focus on bridge construction projects, which account for \$4.5 million of the 2019-2020 total budget. Bridge construction projects are primarily federally funded.

Funding Sources

- SB 1: California State Road Repair and Accountability Act of 2017
 - HUTA: California State Highway Users Tax Account. Gas tax money from SB 1 is deposited into this account. HUTA distributes money to county agencies.
 - RMRA: California State Road Maintenance and Rehabilitation Account. Gas tax money from SB 1 is deposited into this account. RMRA distributes money to county agencies.
- HBP: California State Highway Bridge Program
- California State Grants: Available for improving motorist safety or air quality
- Butte County Property Tax Discretionary Funds: Tax funds collected from a non-obligated account and assigned to Public Works
- FEMA: Federal Emergency Management Agency - post-disaster assistance

Note: The State of California controls SB 1 funds, and these can be redirected by the Governor at any time. This occurred in 2019 when Governor Newsom, through Executive Order N-19-19, redirected \$1 billion from this fund.

FIGURE 1
Butte County Public Works FY 2019-20 Revenue Sources



CUPCCAA

The County has elected to be subject to CUPCCAA which promotes uniformity of cost accounting standards and bidding procedures on construction work performed or contracted by public entities in the state. California state law severely limits what counties can spend to repair their roads. Since Public Works is under CUPCCAA, it can perform road repair projects costing up to \$60,000 per project per year. This is substantially higher than the \$5,000 per project per year limit set by state law.

CUPCCAA defines road paving of less than one inch thick as maintenance and does not regulate it. Historically, the primary road maintenance program for Public Works has been chip seal, which is a slurry mixture of tar and ¼” road base aggregate (gravel). Public Works can perform

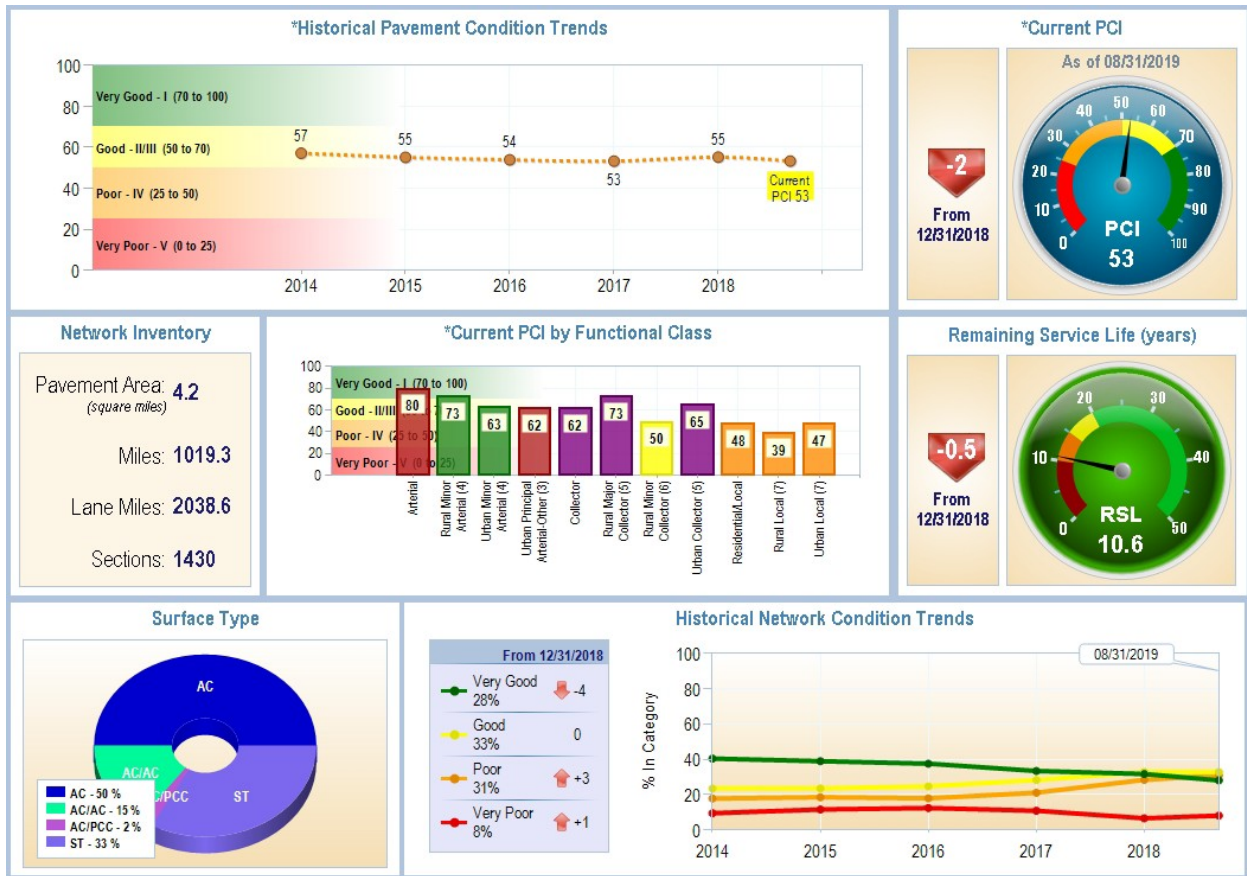
this type of project without any spending restrictions from the state, provided funds are available for the maintenance.

Many Butte County roads currently in use were constructed without the engineering available today. Large areas of Butte County sit on a bed of red clay soil. Over time, the roads built on this soil break down to a point requiring repair (rebuilding) prior to repaving. When this occurs, under CUPCCAA guidelines, a road repair project can only be completed by Public Works in \$60,000 annual increments. Under this requirement, it can take several years for Public Works to complete a road repair project. Alternately, Public Works can seek bids from outside contractors to rebuild an entire section of road. Contracted road projects range in cost between \$500,000 to \$1,000,000 per mile to repair. The repair cost depends on many different factors, including road topography, rural versus urban areas, etc. The prioritization of road repair is based on average daily vehicle use, current road conditions, road location, budget, and safety.

Street Saver

Public Works utilizes an analytic tool called Street Saver, which assists with the logistics of scheduling road maintenance and repair. Street Saver benefits Public Works by producing a very accurate evaluation of road conditions. An important feature of Street Saver is its ability to incorporate a Pavement Condition Index (PCI) into the data. PCI is a numerical index between 0 – 100 which indicates the life expectancy of the pavement. County engineers determine this number by assessing the roads. Currently, the average PCI for all Butte County roads is 53. A road that has been evaluated at less than 50 PCI is considered in poor condition requiring repair/rebuilding rather than maintenance. Unfortunately, many roads in Butte County have no PCI designation because Public Works does not have the money to hire additional engineers to perform necessary evaluations. Quotes from outside engineering firms to calculate the PCI on Butte County roads have proven to be prohibitively expensive at an estimated cost of \$750,000.

Street Saver Analytical Tool



Butte County Connect

In 2016, Butte County purchased a software program called PublicStuff to promote strong communication between the public and county government. Renamed Butte County Connect (BCC), its purpose is to facilitate the reporting of residents' complaints and/or concerns. Public Works uses this platform to receive complaints regarding roads and other issues. BCC also produces customized reports for Public Works administrators. This software initially cost Butte County \$36,000. Butte County also pays the yearly subscription fee of \$20,000. Currently, three county departments use BCC: Development Services (Code Enforcement), Public Health, and Public Works. Public Works pays approximately \$7,000 of that yearly subscription cost.

BCC features smartphone and web page computer access. The smartphone application can be found and downloaded from either the Google Play or Apple App Store. This allows the public to use a smartphone to report a road condition to Public Works and attach a photo if necessary.

BCC is also accessible through the Butte County website on the Public Works page; however, a link to BCC on the Butte County home page does not exist.

Public Works staff utilizes BCC for phone-in complaints as well. BCC retains all complaints made to Public Works. If determined to be a safety concern, the Road Work Crew (RWC) Supervisor is alerted immediately by Public Works staff. Currently, all complaints default to medium priority and are reviewed by staff. There is no consistent updating of the BCC complaint to the most accurate priority level. Nine employees can change the priority level. However, the resident logging the complaint has no option to suggest which priority is appropriate. As a result, the priority level is not being utilized fully.

BCC was given a soft rollout on January 6, 2017. On February 8, 2017, the Oroville Dam Spillway failure occurred. The dam became the most important issue for Public Works and Butte County, so the soft rollout of BCC was largely overlooked.

The RWC Supervisor plays a vital role in the execution of the BCC program. Once a report is made, the RWC Supervisor receives an email notification on a smartphone or tablet. Public Works investigates the complaint, and if possible, addresses it immediately. Using BCC, the supervisor can notify the public of the repair, or explain when the repair can begin. When the job is done, the RWC Supervisor should close out the work order in BCC.

Management can extract data from the program to research work activity and produce reports. Reports can be custom or standard and include entries from residents awaiting complaint resolution or requests for pothole repair on a specific road. Public Works management values BCC and believes it is an effective tool. The Public Works Information Systems Analyst Principal (ISAP) has customized the software and can continue to customize it as needed.

The 2017-2018 Butte County Grand Jury made a recommendation to Public Works that RWC Supervisors update the complaint log upon completion of the job. The Director of Public Works agreed with the Recommendation and indicated a correction would occur. Currently, updates to the complaint log are not consistently entered upon completion.

Training

Training on BCC was provided to personnel prior to the soft roll out in January 2017. However, the rapid succession of natural disasters these past few years has required employees to perform beyond their normal duties. As a result, RWC Supervisors were asked to work with a new reporting platform without enough in-depth training. Also, the soft rollout did not adequately inform the public of this program. Most people continue to call in their concerns to Public Works instead of entering them into BCC via a smartphone or a computer. When the office staff receives the complaint over the phone, the complaint is entered into BCC, generating a work order. A training tutorial designed for employees and the public is missing. The Public Works ISAP performed the initial training and believes that more is needed. Additionally, the ISAP believes a re-rollout of BCC would be beneficial.

In addition to training on BCC, the Director of Public Works believes training is needed department wide. However, due to the recent emergencies faced countywide, Public Works training has been given a lower priority.

The American Public Works Association (APWA) provides guidelines for writing procedures and creating training manuals. The Public Works Director estimates a two-year, full-time employee commitment to create and implement a fully accredited training program. Safety training required by Occupational Safety and Health Administration (OSHA) consistently takes place.

Public Works recognizes the need to cross train the RWC workers, especially in jobs that require a specific acquired skill set. The Director encourages succession planning: workers passing on critical knowledge before retiring. However, allocating a backup person for all jobs is not financially feasible. Training is an ongoing concern for Public Works due to the Board of Supervisors' (BOS) mandate for a 10% reduction in work force, the loss of personnel post Camp Fire, as well as recent retirements.

Employees

Public Works has job openings for managers, engineers, and entry level workers. Wages in Butte County are not as competitive as in surrounding counties, which makes it difficult to attract and

retain employees. Additionally, the BOS decision to reduce the Butte County workforce by 10%, and follow a fiscally conservative wage policy, is discouraging many qualified candidates from applying for Butte County jobs.

Other factors are also discouraging potential applicants. The post-Camp Fire housing shortage contributes to this problem. The rigorous vetting process to become a Butte County employee also restricts some potential applicants from qualifying for employment. Employee retention is also affected by the costly employee contributions which are mandated for the benefit package. Many employees work only five years to become vested in CalPERS, then leave Butte County to pursue higher paying opportunities. Previously, Public Works retained employees for decades. This recent higher turnover rate has placed a strain on Public Works. Native knowledge acquired from years of working at Public Works is disappearing.

ACKNOWLEDGMENTS

The BCGJ found Public Works employees to be dedicated, knowledgeable, forthcoming and professional. The BCGJ was also impressed by the willingness of Public Works employees to work together for the good of all Butte County residents during recent and ongoing emergencies.

FINDINGS

- F1. Public Works operates on a BOS countywide mandate of a 10% reduction in work force, which hampers its ability to complete jobs in a timely manner.
- F2. BOS' county employee compensation policies are fiscally conservative to the point of discouraging potential qualified applicants.
- F3. All Butte County roads should have a current PCI rating to provide a complete picture of necessary road maintenance or repair.
- F4. The BCC link is difficult to locate on the Butte County website.
- F5. Public Works needs a BCC tutorial for its employees and the public.
- F6. BCC is not being utilized to its maximum potential because complaint logs are not consistently updated upon completion of the jobs.

- F7. Public Works staff would benefit from training on the BCC program from the perspective of a public user.
- F8. BCC is not utilized to its maximum potential because the priority feature is often bypassed by the nine staff members using the program and priority levels are not consistently assigned.
- F9. BCC software requires continuing customization.
- F10. A full-time dedicated employee is needed to develop and implement all necessary training.

RECOMMENDATIONS

- R1. BOS work with stakeholders to reconsider and revise the pay scale, benefits, hiring guidelines, etc. in order to attract quality applicants and retain employees by the time the next contract negotiations begin.
- R2. Public Works define and develop a policy for consistent use of the BCC priority level feature for all Public Works staff who have access to enter or change the priority data by January 3, 2021.
- R3. Public Works ISAP place a link to BCC in a prominent place on Butte County's homepage by October 31, 2020.
- R4. Public Works ISAP add a feature to BCC that allows employees to view complaints from the general public's perspective by October 31, 2020.
- R5. Public Works create a BCC tutorial and introduce it to Public Works employees through training and to the public through Public Service Announcements by March 31, 2021.
- R6. Public Works management work with ISAP to simplify BCC to maximize its use for Public Works employees by March 31, 2021.
- R7. Public Works hire or train a full-time employee to develop and implement a training program for its employees by September 1, 2021.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are *required*:

From the following governing body:

- **Butte County Board of Supervisors:** F1, F2, F10 and R1, R7 within 90 days

INVITED RESPONSES

The Grand Jury invites the following response:

From the following governmental official:

- **The Director of Public Works:** F3, F4, F5, F6, F7, F8, F9, F10 and R2, R3, R4, R5, R6, R7 requested within 60 days

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

The Status of Government in Butte County: The Face of our Past, Current and Future

SUMMARY

Butte County has experienced many changes in its various programs, operations and departments. The County installed a new radio system to improve communications between State, County and City agencies. Also, Butte County was part of a pilot program beginning in November 2019 to convert to an all-mail ballot election. In 2014 a new County Hall of Records was built in Oroville. Renovations were required post Camp Fire at the Paradise Veteran's Memorial Hall. Due to COVID-19, the State's Stay-At-Home Order has impacted County business operations. Butte County has devised new ways to creatively tackle, overcome and solve current and future problems facing the County.

GLOSSARY

- BCEO - Butte County Elections Office
- BCGJ - 2019-2020 Butte County Grand Jury
- BCIS - Butte County Information Systems
- CAL FIRE - California Department of Forestry and Fire Protection
- CSUC - California State University, Chico

BACKGROUND

The 2019-2020 Butte County Grand Jury (BCGJ) determined it was important to talk with leaders and tour as many offices and departments of our county as possible. This examination of County government resulted in a report on the following: Butte County Information Systems, Butte County Dispatch Center, Butte County Elections Office, Butte County Hall of Records and Butte County Veteran Memorial Halls.

The County is working to implement a new information system to provide a higher level of security to combat the increasing cyber threats. Butte County has also implemented a new radio system due to issues that arose during the Camp Fire.

Butte County has converted to using vote-by-mail ballots for its elections. Voter Assistance Centers replace polling places to assist the voter who has issues with voter registration or the ballot, or the voter who wishes to vote in person. Secure Ballot Drop Boxes make it possible for a voter to drop off a ballot.

On July 10, 2014, groundbreaking occurred for the Hall of Records building, a long-anticipated event. Originally, the County Hall of Records was housed with the other Administrative departments. The Butte County Clerk-Recorder has been placing one dollar from every document fee into a special building fund. The special building fund along with a grant from the United States Department of Agriculture of \$8.5 million provided the full funding of the Hall of Records.

Butte County Veterans Memorial Halls provide important locations for veterans and their families to come together and receive support.

METHODOLOGY

Interviewed:

- Butte County Auditor-Controller
- Butte County Board of Supervisors Districts 1-5
- Butte County Chief Administrative Officer
- Butte County Deputy Chief Administrative Officer
- Butte County Clerk-Recorder/Registrar of Voters
- Butte County Counsel
- Director of the Butte County Information Systems

Toured:

- Oroville Veterans Memorial Hall
- Oroville Veterans Memorial Park
- Butte County Elections Division
- Butte County Hall of Records
- 911 Dispatch Center
- Butte County Jail
- Butte County Juvenile Hall
- Butte County Sheriff's Work Alternative Program

Documents:

Aylworth, Roger H. (July 10, 2014 at 12:00 a.m., updated: June 4, 2018 at 10:20 a.m.) Butte County Hall of Records project launched. *Retrieved from URL*
[https://www. Orovillemr.com/2014/07/10/butte-county-hall-of-records-project-launched/](https://www Orovillemr.com/2014/07/10/butte-county-hall-of-records-project-launched/)

Participated in Oversight:

- November 2019 First Assembly District Election
- March 2020 Primary Election

DISCUSSION**Butte County Information Systems**

Butte County Information Systems (BCIS) has 25 employees and a budget of \$6 million. BCIS provides information services and equipment for all County departments except Behavioral Health. BCIS maintains the County website and the software used on County owned computers. It also provides the radio system used by the Sheriff's Department, the District Attorney's Office

and Public Works. Additional areas of responsibility which require information services include property taxes, elections, building permits and cybersecurity.

BCIS updated the County radio system to increase capacity with a new 700-megahertz band system. All local municipalities except Chico, which elected not to adopt it, will access the system.

BCIS has an enterprise agreement with Microsoft Corporation for the County computers which run Microsoft Office and Windows 10. The last server upgrade was in 2014. Approximately 400 computers are replaced on a three to four-year cycle. The network switches and routers are replaced on a five to eight-year cycle.

Cybersecurity is an important function of the department. The County's system experiences nearly one million attacks per month. The County installed an email filter that dropped the number to 150,000 per month. The County could install other firewalls, but they are expensive.

In order to maintain the data center, staff backs up the servers daily and back-up generators have been installed.

Issues that arose during the Camp Fire included the loss of the network in Paradise, incompatible radios for emergency responders and an insufficient number of radios for the Coroner and the Geographic Information System for the homes that were lost. Temporary microwave stations were installed in the Paradise area to get the area back online. Motorola donated \$1 million for radios. The department worked with California Department of Forestry and Fire Protection (CAL FIRE) to provide the necessary information on homes lost in the fire.

The COVID-19 pandemic has increased the network usage due to the use of Zoom (videoconferencing), voice over internet protocol (VOIP), Skype (videoconferencing) and the call center.

Butte County Dispatch Center

Butte County operates a consolidated dispatch facility at the Government Center in Oroville. The dispatch center has back up power for emergency operations. All 911 calls for fire and medical issues are routed to CAL FIRE for dispatching. Eight 911 lines feed into the dispatch center. If all lines are busy, overflow calls will rollover to the Chico Police Department Dispatch Center

after the third ring. The Oroville, Paradise and Gridley Police Department calls are designed to rollover to the Butte County Sheriff's Department Dispatch Center when their dispatchers are busy. A minimum of two dispatchers work every shift. On an average day, they receive approximately 350-400 calls resulting in 200-250 incident reports. Dispatchers also monitor code enforcement.

The day of the Camp Fire the call center received 2,872 emergency calls and logged 1,317 incidents, overwhelming the dispatch center. After the Camp Fire, the Sheriff's Dispatch Center was contracted to cover dispatching for the Town of Paradise 911 calls along with its normal dispatching for the Butte County Sheriff's Department.

The Federal Emergency Management Agency (FEMA) wireless alert system or notification system IPAWS (Integrated Public Aware System) has a 90-character limitation for text messages. On Nov. 8, 2018, 30,000 messages were sent. Half failed due to congested and damaged communication towers. The dispatchers also manage the "Code Red" emergency mobile alert system that reverse dials to landlines, VOIP (Voice Over Internet Protocol) lines and cell phones to auto call with voice or text messages. Butte County Telecommunication personnel installed emergency communication equipment to restore the radio system.

Hall of Records – Elections – Recorder Building



Butte County Elections Office

During election years, the Grand Jury serves an additional role as the Logic and Accuracy Board for elections. Three Grand Jurors volunteered to be on the Accuracy Board/Election Observer Panel and to be trained for both the November 5, 2019 and March 3, 2020 elections. The purpose of the panel was to observe all procedures of the ballot counting process. The Accuracy Panel helps to ensure accuracy of the election and gives the Butte County voters confidence in the process.

The California Legislature passed Senate Bill 450 (California Voter's Choice Act) which was signed by the Governor in 2016. This law authorizes counties to conduct any election as an all-mail ballot election. Counties choosing to do so must provide ballot drop off locations, vote centers and conduct outreach.

November 5, 2019 was the first election that was conducted exclusively by mail in ballot. All future elections in Butte County will be Vote-by-Mail. The November election was a special election for 1st Assembly District with two candidates; it was a test for the new process and equipment.

This new election model allows voters to choose how, when, and where to vote and additionally:

- Mails every voter a ballot
- Expands in-person early voting
- Allows votes to be cast at any voting center in the County

Beginning in 2020, all California counties can opt to use the Voter's Choice Act which provides flexible voting options and expands the voting period. Butte County and four other counties adopted the model three years early as part of a pilot program. This helped those who were displaced by the Camp Fire and still wished to vote on issues in their districts.

Five direct mailings went out to Butte County voters. The Chico Enterprise Record and the Chico News and Review printed 19 articles about the upcoming election. To reach younger voters, the Butte County Elections Office (BCEO) posted information and short videos on Twitter, which in total received over 25,000 views. BCEO held many events and took actions, including:

- Two presentations at the Board of Supervisors Meetings
- Five advisory committee meetings
- Five public workshops
- Ten presentations to community organizations
- Five community event tables
- Five radio interviews/public service announcements
- Two community meetings/town halls
- Voting instructions provided at California State University, Chico (CSUC) for the Voting 101 course
- Ads placed on the Department of Motor Vehicles screens in Chico and Oroville

BCEO mailed a Vote-by-Mail ballot packet with prepaid postage on February 3, 2020 to all registered voters. BCEO set up 13 Voter Assistance Centers throughout the County. Three centers were open from February 22, 2020 through March 3, 2020: ten were only open for four days, February 29, 2020 through March 3, 2020. BCEO distributed ten Ballot Drop Boxes for completed ballots throughout the County. Sheriff's Department, Sheriff's Team of Active Residents in Service (STARS) or BCEO department staff picked up the completed ballots daily.

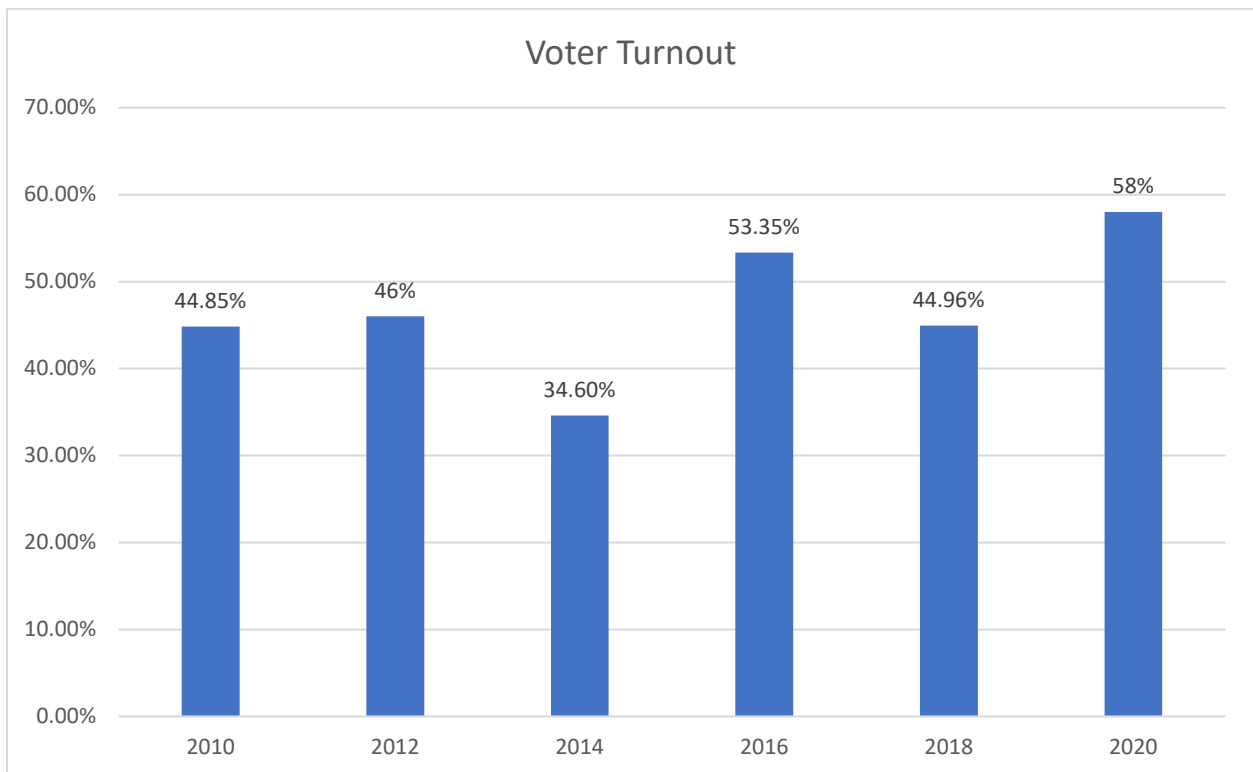
Several factors contributed to long lines and extended voting time on election day. BCEO advised many CSUC voters to vote at the Silver Dollar Fairgrounds or the Masonic Family Center. However, these facilities were also experiencing larger than expected turnout. Issues causing these long lines included the following:

- Many people waited until the last day to vote
- A majority of voters needed to change party affiliation
- People had not been previously registered making them conditional voters
- Some voters received a ballot but did not bring it to the voter assistance center
- Secretary of State's centralized voter registration database system (VoteCal) was both slow and non-responsive

Due to the COVID-19 virus, the Governor’s Shelter-in-Place Order resulted in the Elections Office staff being greatly reduced, which led to limited time to review needed adjustments for the upcoming November 2020 General Election. Regardless of the staff reduction, items they are working on include the following:

- Redesign the layout of the Voter Assistance Centers to accommodate larger numbers of voters
- Separate the voters into lines for faster service and social distancing
- Use radio, television, public service announcements and paid ads to reach voters
- Provide more laptops to facilitate voter check-in process
- Collaborate with CSUC to send out student voting information via text or emails
- Provide fewer voter assistance centers
- Open voter assistance centers for only four days

Even with all the challenges of instituting the new Vote-by-Mail process, the March 3, 2020 voter turnout of 58% was higher than turnouts for previous primary elections.



Butte County Hall of Records

The Butte County Hall of Records facility has been recently constructed and is organized to meet the needs of this multi-tasked office of County Clerk, Recorder and Elections. Besides providing a functioning work environment for the public and employees, the building also serves as a repository and museum displaying the recorded document history of Butte County. Document restoration by volunteers is an ongoing process. The Butte County Archives is dedicated to the maintenance and safe keeping of the County's historic records. These documents help tell the true story of Butte County and many of its people from 1850 to the present.

Oroville Veterans Memorial Hall



Butte County has five Veterans Memorial Halls, two in Chico and one in Oroville, Gridley and Paradise.

The Paradise Veterans Memorial Hall did not burn in the Camp Fire; however, CALFIRE parked heavy equipment over the two septic tanks causing them to crack. A contract to repair the damaged septic tanks states that the repair will be completed within 100 days of signature. When the repair is finished and restrictions from COVID-19 have been lifted, the Veterans Memorial Hall will reopen, possibly in August or September 2020.

The Oroville Veterans Memorial Hall was completed in 1928. It has three stories, including a ballroom with a stage, dining hall with a large kitchen, public rooms of assorted sizes and a Vets Only Room. Military art, photos and memorabilia are displayed throughout the facility. Information about programs of interest or assistance to veterans is available.

Oroville Veterans Memorial Park



The Oroville Veterans Memorial Park is located adjacent to the Oroville Veterans Memorial Hall overlooking the Feather River. This park includes a wall with names of local fallen war service veterans engraved on it. Future plans for the facility include a large flagpole that will be lit at night. The Oroville Veterans Memorial Park Committee is requesting donations for a statue of a bugle boy in full uniform.

The Bugle Boy



FINDINGS

- F1. Butte County is doing a good job identifying, overcoming and solving current and future problems facing this county.
- F2. All agencies within Butte County will benefit by using the same radio communication system for seamless transmission during emergencies.
- F3. The November election was a successful test of the new process and equipment.
- F4. Voter turnout for the March 2020 Primary was highly successful.
- F5. Long lines and extended voting time on Election Day caused frustration for voters and poll workers in Chico.

RECOMMENDATIONS

- R1. Chico Police Department radio system needs to be compatible with the Butte County 700 Megahertz radio communications system. Testing to be completed by January 1, 2021.

- R2. Butte County Elections should complete the redesign of the layout for Voter Assistance Centers to accommodate larger numbers of voters by October 15, 2020.
- R3. Butte County Elections should collaborate with CSUC to send out student voting information via text or email by October 1, 2020.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are *required*:

From the following governing body:

- **Butte County Registrar of Voters:** F5 and R2, R3 within 60 days

INVITED RESPONSES

The Grand Jury invites the following response:

From the following governing body:

- **Chico Police Department:** F2 and R1 within 90 days

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

Oroville Union High School District

Athletic Facilities

SUMMARY

The 2019-2020 Butte County Grand Jury (BCGJ) chose to look at the Oroville Union High School District (OUHSD), specifically District security cameras, Harrison Stadium, the athletic facilities at Oroville High School (OHS) and Las Plumas High School (LP), and the health and safety of the student population. Both High Schools use OUHSD's Harrison Stadium facilities. OUHSD also uses the facilities for special events. Other than noted, OUHSD takes great care to provide for the health and safety of the students. The BCGJ found areas of concern with the athletic facilities and security cameras.

GLOSSARY

- BCGJ - 2019-2020 Butte County Grand Jury
- LP - Las Plumas High School
- OHS - Oroville High School
- OUHSD - Oroville Union High School District
- SARC - School Accountability Report Card - A required annual report on elementary and secondary schools including the safety, cleanliness, and adequacy of school facilities, including any needed maintenance to ensure good repair.

BACKGROUND

The 2008 Bond Measure G provided \$12 million for the renovation of Harrison Stadium, used by both LP and OHS. OUHSD contracts with outside entities for special events, such as middle school graduations. OUHSD places facility use fees in a fund for maintenance and refurbishing. Harrison Stadium athletic field consists of an Epic System and artificial turf manufactured by Mondo. The stadium also has an all-weather track, two sets of bleachers, locker room, snack bar and restrooms.

The Epic System of the football field consists of three layers:

- Epic Center - An irrigation cooling system for the turf
- Ecofill® - Black beads (factory-manufactured polyolefin-based granule infill) that provides cushioning
- Turf - Synthetic grass system

In 2010, OUHSD completed the renovation of Harrison Stadium. In 2014, the contractor replaced the football field's infill with Ecofill®.

While California law requires oversight of high school facilities, Harrison Stadium is not part of that mandate. The BCGJ also noted that the most recent School Accountability Report Card (SARC) for both LP and OHS addressed only the restrooms and drinking fountains.

METHODOLOGY

- **Interviewed:**
 - Butte County Superintendent of Schools
 - Superintendent of the Oroville Union High School District
 - Las Plumas High School Athletic Director
 - Oroville High School Athletic Director
 - OUHSD Maintenance Director
 - OUHSD maintenance staff
- **Toured:**
 - Harrison Stadium
 - Las Plumas High School athletic facilities
 - Oroville High School athletic facilities
- **Reviewed:**
 - Manufacturers Recommended Maintenance for Harrison Field
 - Complaints and maintenance records for OHS, LP and Harrison Stadium
- **Websites:**
 - Butte County Superintendent of Schools website:
<http://www.bcoe.org>

- California Department of Education
<https://www.cde.ca.gov/ta/ac/sa/legislation.asp>
- Las Plumas High School
<https://www.ouhsd.org/lphs>
- Oroville High School District
<https://www.ouhsd.org>
- Oroville High School
<https://www.ouhsd.org/ohs>

DISCUSSION

After reviewing the documentation and interviewing key personnel, the BCGJ toured the facilities at Harrison Stadium, and Oroville and Las Plumas High Schools.

Harrison Stadium

OUHSD had not adequately maintained the football field at Harrison Stadium between the end of the football season and the beginning of the soccer season. A layer of black beads covered the field. The black Ecofill® beads were also present in the drainage culvert that drains to the street gutter system and into the Feather River. High rain inflows left a high-level mark in the culvert.

Although the BCGJ asked about the field cooling system, it did not receive any documentation to indicate when the cooling system was used or when regular maintenance of the system was performed.

Issues discovered at Harrison Stadium on January 17, 2020:

- Security cameras were not functional
- Girls' restroom ceiling in the locker room had water damage from a leak; the ceiling had not been repaired and paint was peeling off the walls
- Black Ecofill® beads were in large patches covering the field
- Black Ecofill® beads were in the drain culvert
- Track had a worn area

Girls' Restroom in the Locker Room at Harrison Stadium



Oroville High School

The BCGJ toured OHS facilities including a baseball and a softball diamond, practice football field, track, weight room, wrestling mat room, indoor snack bar, girls' and boys' locker rooms, and a gymnasium. The outside facilities had plush, well-groomed dark green grass. BCGJ found areas of concern, including a damaged weight room drinking fountain with the front push bar broken off and a cracked, vinyl weight bench surface. The weight bench is a health issue due to the potential spread of infection and viruses.

Oroville High School Weight Room



Las Plumas High School

LP is located on 64 acres. The BCGJ toured its practice field, track and the new gymnasium. The BCGJ observed that the practice field surface was uneven, and the grass was sparse. The grass had distinct circular patterns from watering and did not resemble the grass at Oroville High School.

In 2016, the LP Booster Club disbanded due to internal conflicts. Historically, high school booster clubs provide funds and support for athletic programs.

Security Monitoring Cameras

LP and OHS have security cameras in place. The cameras are networked and are monitored through staff's computers and cell phones. Harrison Stadium security cameras are connected via DSL to a local site for viewing. This prevents remote real-time viewing which creates a potential safety and security concern.

COVID-19 Pandemic

During our investigation of the high schools, the BCGJ observed that OUHSD responded to the COVID-19 pandemic in a timely manner. Instructors maintained communication with students, providing online instruction and work packets for those without computer access. OUHSD provided Chromebooks and Hotspots for over 400 students who needed the equipment for online classes.

FINDINGS

- F1. The lack of maintenance documentation at Harrison Stadium for the athletic field creates a lack of accountability.
- F2. The water damage found at Harrison Stadium girls' bathroom, in the locker room, presents a health hazard.
- F3. The water run-off from the Harrison Stadium football field drains into a culvert and out to the street gutter, carrying black Ecofill® beads to the river which creates an environmental concern.
- F4. Security cameras which are not functioning at Harrison Stadium pose a potential safety and security risk.
- F5. The Harrison Stadium security cameras would provide better security if they were networked for remote access for real-time viewing.
- F6. Improved maintenance at the LP practice field would reduce the risk of injuries.
- F7. It would be financially beneficial for LP Athletics to re-establish the Booster Club.
- F8. In the OHS weight room, the broken water fountain push bar creates a safety hazard.
- F9. In the OHS weight room, the cracked, vinyl weight bench surface creates an unhealthy infection and virus control issue.
- F10. OUHSD has responded to the current pandemic with efficiency by providing for students' educational needs.

RECOMMENDATIONS

- R1. OUHSD should document maintenance and retain records of Harrison Stadium athletic field and its equipment, including scheduled maintenance performed, and runtimes of equipment, by January 1, 2021.
- R2. OUHSD should repair the water damage in the Harrison Stadium girls' restroom in the locker room by January 1, 2021.
- R3. OUHSD should groom Harrison Stadium field as recommended by the manufacturer prior to sporting events and document it accordingly by January 1, 2021.
- R4. OUHSD should operate the Harrison Stadium field's cooling water system on a regular basis to maintain functionality and retain documentation, starting no later than October 1, 2020.
- R5. OUHSD should repair or replace the security camera system to provide real time capabilities at Harrison Stadium by January 1, 2021.
- R6. OUHSD should level and maintain LP's practice field by January 1, 2021.
- R7. LP should work to re-establish the Booster Club by September 1, 2021.
- R8. OUHSD should repair or replace the broken, water-fountain push-bar in the OHS weight room by September 1, 2020.
- R9. OUHSD should replace the damaged weight bench in the OHS weight room by September 1, 2020.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the following responses are *required*:

From the following governing bodies:

- **Oroville Union High School District:** respond to F1, F2, F3, F4, F5, F6, F7, F8, F9 and R1, R2, R3, R4, R5, R6, R7, R8, R9 within 90 days.

INVITED RESPONSES

The Grand Jury invites the Administration to respond:

- **Las Plumas High School:** respond to F6, F7 and R6, R7 within 60 days
- **Oroville High School:** respond to F8, F9 and R8, R9 within 60 days

The governing bodies indicated above should be aware that comment or response must be conducted subject to the notice, agenda, and open meeting requirements of the Brown Act.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

APPENDIX I

OHS Baseball Diamond



OHS Practice Field



APPENDIX II

LP Practice Field



DISCLAIMER

This report was issued by the Grand Jury with the exception of a juror who is affiliated with OUHSD. This grand juror was excluded from all parts of the investigation, including interviews, deliberations, and the writing and approval of this report.

BUTTE STRONG – CITIES OF BUTTE COUNTY

SUMMARY

Since 2017, the five incorporated cities in Butte County - Biggs, Chico, Gridley, Oroville and the Town of Paradise - have had to address a yearly crisis.

- The 2017 Oroville Dam Crisis
- The 2018 Wall Fire
- The 2018 Camp Fire
- The 2019 Public Safety Power Shutoffs
- The 2020 COVID-19 Stay-at-Home Executive Order

These events created challenges for each city government, but each met and addressed its obligations. The 2019-2020 Butte County Grand Jury chose to review how each city handled its challenges. The Grand Jury conducted initial interviews with the city management of Biggs, Chico, Gridley, Oroville and the Town of Paradise which all were affected by the Camp Fire.

The City of Chico estimates post Camp Fire financial impacts at \$500 million, largely due to a 20% increase in population. In the future, some financial offsets will be made to this cost. However, this unprecedented fire added additional strain to issues Chico was dealing with pre fire. California Public Employees Retirement System (CalPERS) payments limit Chico's revenue. The City of Chico continues to deal with insufficient revenue to repair roads, make infrastructure improvements, and meet public safety needs, staffing levels, and pension payments.

Post Camp Fire the City of Gridley became one of the main Federal Emergency Management Agency (FEMA) sites for survivors. The population has increased 20% due to the influx of Camp Fire survivors. The City leased its industrial park to FEMA for placement of temporary housing units. FEMA paid for all the utilities used at the housing location. The City benefited from the extra revenue generated by the population increase and has used the revenue to improve roads and city parks while maintaining a balanced budget. The nearby City of Biggs' population increased 17% post Camp Fire.

Oroville has dealt with numerous challenges during the last three years. As a result of the Camp Fire, Oroville has experienced population growth, and FEMA assisted with necessary housing.

The November 8, 2018 Camp Fire destroyed the Town of Paradise. The 2016 population pre Camp Fire was 26,551 residents, but only 2,034 in April 2019 based on a State of California survey. The ongoing recovery process has many components, and the Town Council is addressing each issue to make Paradise a safer, stronger, more resilient town.

GLOSSARY

- CAL FIRE - California Department of Forestry and Fire Protection
- CalPERS - California Public Employees Retirement System
- FEMA - Federal Emergency Management Agency
- NCPA - Northern California Power Agency
- OES - California Office of Emergency Services
- PCI – Pavement Condition Index
- PG&E – Pacific Gas and Electric Company
- PID - Paradise Irrigation District
- WAPA - Western Area Power Administration

City of Biggs Mural



BIGGS

METHODOLOGY

- **Interviewed:**
 - The City Administrator
 - The Chief of Gridley Police
 - Butte County Board of Supervisor District 4
- **Website:**
 - City of Biggs website:
<http://www.biggs.ca.us>
- **Documents:**
 - City of Biggs 2019 budget

DISCUSSION

The City of Biggs is a small farming community with a population of 1,724 (2018) and a total area of 0.6 square miles. The City of Biggs was founded in 1871 and was incorporated in 1903.

The City is an agriculture city encompassing 338 acres. Biggs has been relatively unaffected by the Camp Fire. While some Camp Fire survivors moved into Biggs, most stayed with relatives until permanent housing could be found. The California Department of Finance estimated the post-Camp Fire population of Biggs to be 2,066 (2019), an increase of 342 residents.

The City of Biggs is a general law city consisting of a City Council, Mayor and Administrator. The City has an operating budget of approximately \$6.7 million. Most of the City's revenue is generated from property tax, sales tax and its ownership of private utilities.

The City operates its own sewer, water and electrical systems. The City of Biggs Electric Utility has partial ownership of a geothermal steam field in Lake County. Biggs also benefits from long-term contracts for power allocation from the Federal Western Area Power Administration's Central Valley Project at Shasta Dam. Biggs partners with Gridley to fund the Gridley Biggs Electric Department, which handles the operation and maintenance of the system. The City is under mandate to create its own wastewater treatment plant and re-route some of its sewer lines. This is a multi-million-dollar, three-stage project. Stage one is almost complete.

The City of Biggs is a small municipality with few government employees. Biggs had a public safety contract with the City of Gridley police department. When the contract expired, the City of Biggs contracted with Butte County Sheriff's Department, saving the City money.

“OUR HANDS” SCULPTURE in FRONT of CHICO CITY HALL

By Donna Billick



City of Chico

METHODOLOGY

- **Interviewed:**
 - The City Manager
 - The Chief of Police
 - Butte County Board of Supervisors Districts 2, 3 and 5

- **Attended:**
 - City Council meeting

- **Reviewed:**
 - 2019 annual budget for City of Chico

- **Websites:**

- Chavez, Colton, KRCC staff (11/24/2019) A look inside Chico's needle exchange program, aiming to curb the spread of diseases. *Retrieved from URL <https://krccrtv.com/news/deprecated-butte-county/a-look-inside-chicos-needle-exchange-program-aiming-to-curb-the-spread-of-diseases>*

DISCUSSION

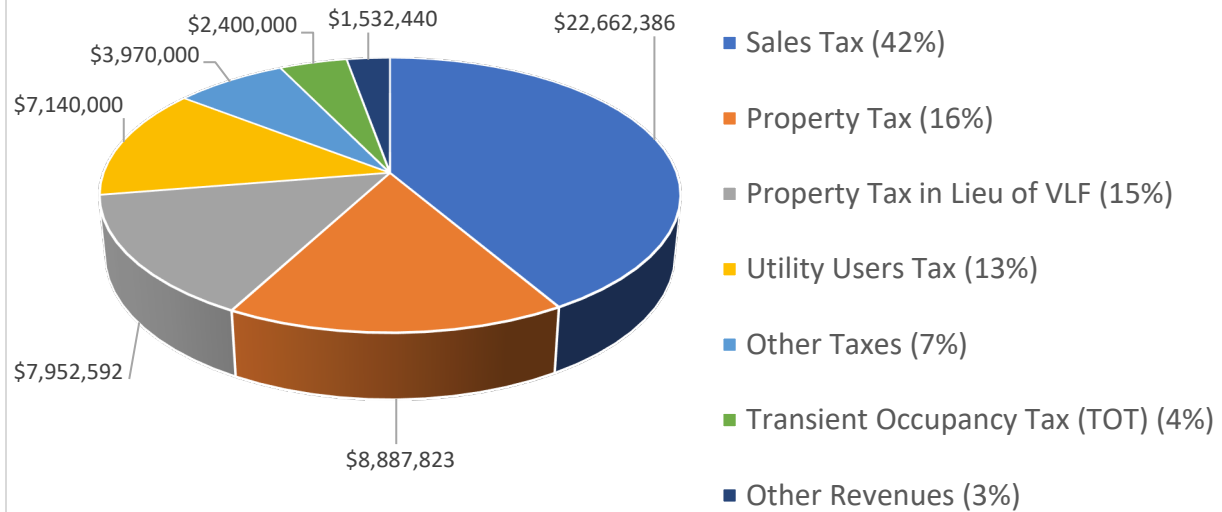
John Bidwell founded the City of Chico in 1860. It was incorporated in 1872 and is a Charter City, the largest city in Butte County. A Charter is an agreement between the citizens of Chico and the State of California. Under California law municipal government is conducted either as a general law city, which is governed as provided in the California Government Code, or as a charter city as provided in a document adopted by the city. Only the citizens of Chico can vote to change the City charter. The City spans over 33 square miles with a population of 91,567 in January 2016 (pre-Camp Fire) and 111,706 in 2018 (post-Camp Fire), an increase of approximately 20%.

The City of Chico employs 407 individuals in eight departments:

- Administration Services
- Community Development-Building & Code Enforcement
- Community Development-Planning & Housing
- Fire
- Human Resources and Risk
- Police
- Public Works-Engineering
- Public Works-Operations

Chico's main revenue source is local taxes: property taxes, utility user tax, and transient occupancy tax. The City of Chico estimates its total tax revenue for 2019-20 to be \$54 million (see Figure 1 below).

Figure 1
Council Adopted Tax Revenues 2019-20



The City Manager, City Attorney and City Clerk are hired by and report directly to the City Council. The City Manager hires and fires all other personnel. The City Manager and management handle all daily operations and fiscal decisions, except for the budget.



CITY OF CHICO READER'S GUIDE TO THE BUDGET

This guide is intended to help the reader understand the information available in this budget document and how it is organized. The document contains the Annual Budget for the City of Chico, Successor Agency to the Chico Redevelopment Agency and the Capital Improvement Program.

TOTAL APPROPRIATIONS

The most frequently asked budget questions relate to the total General Fund budget and total budget appropriations. The following table was prepared as an easy reference summarizing the total appropriations as adopted by the City Council in the Proposed Budget.

	<u>FY2018-19 Council Adopted</u>	<u>FY2019-20 Council Adopted</u>
Operating*		
General/Park Funds	\$51,449,864	\$53,214,325
Successor Agency Funds	8,750,750	8,751,145
Improvement District Funds	821,021	956,507
Other Funds	31,103,604	32,170,567
	<u>\$92,125,239</u>	<u>\$95,092,544</u>
Capital		
General/Park Funds	\$1,537,407	\$861,365
Other Funds	37,445,903	39,002,323
	<u>\$38,983,310</u>	<u>\$39,863,688</u>
Total Budget		
General/Park Funds	\$52,987,271	\$54,075,690
Successor Agency Funds	8,750,750	8,751,145
Improvement District Funds	821,021	956,507
Other Funds	68,549,507	71,172,890
	<u>\$131,108,549</u>	<u>\$134,956,232</u>

* Operating Expenditures include Debt Service payments

GUIDE TO THE CITY OF CHICO BUDGET

Below is a description of the contents of City of Chico Budget. Major sections are divided into three sections: City of Chico (green tab), Capital Improvement Program (blue tab), and the Successor Agency to the Chico Redevelopment Agency (gold tab).

CalPERS

The financial situation facing Chico is problematic. The CalPERS unfunded liability, as of June 30, 2018 (latest available information from the state system) is \$141 million. Unfunded accrued/actuarial liabilities are the calculated cost of promised benefits that are greater than the current value of a fund's asset. The yearly payments keep increasing along with the unfunded amount. The 2019-20 budgeted payment is \$11.4 million, almost 20% of projected tax revenue. The State system gives the unfunded dollar amount to the city. This amount rises more than it recedes each year even after the City makes multi-million-dollar payments. This situation is not unique to Chico. Many other municipalities in California are facing the same issue, and some of these municipalities have a higher unfunded amount and higher payments.

The fiscal year 2019-20 budget for Chico is \$135 million, and the unfunded liability is more than the budget. This problem cannot be solved locally. It will require either a change in state law or judiciary changes through the court system if state law is not changed. To manage this difficult situation, the city of Chico has created a fund (903) to deal with CalPERS payments. As of fiscal year 2019-20, the amount in the fund is \$2.4 million which can only be used for CalPERS payments.

City of Chico
2019-20 Annual Budget
Fund Summary
CALPERS UNFUNDED LIABILITY RSV FUND

FUND 903 CALPERS UNFUNDED LIABILITY RSV	FY16-17	FY17-18	FY2018-19		FY2019-20	
	Actual	Actual	Council Adopted	Modified Adopted	City Mgr Recomm	Council Adopted
Revenues						
42691 CalPERS UAL Svc Chg - Misc.	0	3,993,184	4,332,153	4,332,153	4,877,981	4,877,981
42692 CalPERS UAL Svc Chg - Safety	0	3,364,796	4,026,264	4,026,264	4,737,797	4,737,797
44101 Interest on Investments	0	(34,002)	0	0	0	0
Total Revenues	0	7,323,978	8,358,417	8,358,417	9,615,778	9,615,778
Expenditures						
Operating Expenditures						
099 Debt Service	0	6,547,673	7,598,561	7,598,561	8,741,616	8,741,616
Total Operating Expenditures	0	6,547,673	7,598,561	7,598,561	8,741,616	8,741,616
Capital Expenditures						
Total Capital Expenditures	0	0	0	0	0	0
Total Expenditures	0	6,547,673	7,598,561	7,598,561	8,741,616	8,741,616
Other Financing Sources/Uses						
From:						
3001 General	541,455	0	500,000	500,000	0	0
To:						
9904 Pension Stabilization Trust	0	0	0	(1,041,455)	0	0
Total Other Sources/Uses	541,455	0	500,000	(541,455)	0	0
Excess (Deficiency) of Revenues And Other Sources	541,455	776,305	1,259,856	218,401	874,162	874,162
Non-Cash / Other Adjustments	0	(0)				
Cash Balance, July 1	0	541,455	1,196,222	1,317,759	1,536,160	1,536,160
Cash Balance, June 30	541,455	1,317,759	2,456,078	1,536,160	2,410,322	2,410,322

Fund Name: Fund 903 - CalPERS Unfunded Liability Reserve
Authority: City Resolution and Budget Policy E.4.k.
Use: Committed
Authorized Capital Uses: None
Authorized Other Uses: Operating
Description: Fund to account for annual payments of CalPERS Unfunded Liability.

Remarks: Beginning in FY2017-18, each department will set aside a set percentage of payroll costs to fund the annual payment of the CalPERS unfunded liability. A target reserve of 10% of the annual unfunded liability expenditure will be retained in the fund.

Camp Fire

The impact of the Camp Fire coupled with future and unfunded dollar amounts to CalPERS creates difficult fiscal decisions. The financial impact to the City from the Camp Fire is estimated by the City to be \$500 million. The City received one reimbursement from FEMA in the amount of \$7,302 to cover the cost of FEMA required high-efficiency particulate air (HEPA) filters for the offices. The City received \$549,862 in property tax back fill from the State of California. The Office of the Butte County Auditor-Controller determined the dollar amount of the tax back fill. The City also received \$3 million in relief from a State approved appropriation. Chico is using the bulk of the \$3 million to implement technology upgrades and pay for a new radio communication system.

However, there is no guarantee of any more compensation coming to the City. Since Chico is not in the Burn Scar, State and Federal agencies have communicated that disaster emergency funds cannot be expended to address or mitigate the impacts to the City. California's Office of Emergency Services (OES) will possibly direct more dollars to the city, but that is an unknown. City staff estimate the \$500 million Camp Fire financial impacts as follows:

- \$196 million in personnel costs over the next twelve years to service the increased population
- \$235 million for expansion of facilities
- \$34.8 million for roadways
- \$15 million for the sewer system

Roads

The City's roadways 2019 Pavement Condition Index (PCI) is 52¹. This number indicates needed maintenance or repair and will soon be lower if no repairs or maintenance are performed. A PCI below 50 usually requires complete reconstruction. Reconstruction is considerably more expensive than maintenance. For fiscal year 2019/20, \$2.5 million is budgeted for Capital

¹ City of Chico Chamber of Commerce "2020 Special Report"

Expenditures which includes road maintenance/repair. The Gas Tax Fund (Fund 307) funds road work/repairs. Fiscal year 2019/20 Fund 307 revenue is \$4.8 million.

The City of Chico staff, following the best government accounting practices, has set up a Public Infrastructure Fund (Fund 943), which is used for infrastructure projects and includes some of the waste hauler franchise fee. This revenue comes into the General Fund and is then allocated. The Fund 943 balance is \$68,000.

**City of Chico
2019-20 Annual Budget
Fund Summary
GAS TAX FUND**

FUND 307 GAS TAX	FY16-17	FY17-18	FY2018-19		FY2019-20	
	Actual	Actual	Council Adopted	Modified Adopted	City Mgr Recomm	Council Adopted
Revenues						
41181 RSTP Exchange	875,426	928,592	875,000	875,000	875,000	875,000
41201 State Gas Tax-Sec 2105	569,523	412,260	537,000	512,921	512,875	512,875
41204 State Gas Tax-Sec 2106	400,518	295,266	360,000	352,641	352,609	352,609
41207 State Gas Tax-Sec 2107	752,962	546,919	667,000	669,916	669,855	669,855
41210 State Gas Tax-Sec 2107.5	7,500	0	7,500	7,500	7,500	7,500
41211 State Gas Tax-Sec 2103	251,894	314,786	716,000	338,723	795,377	795,377
41213 State Gas Tax - SB1	0	430,463	1,550,000	1,460,717	1,517,728	1,517,728
41214 State Gas Tax-SB1 Loan Repaymt	0	106,160	106,140	104,141	104,141	104,141
44101 Interest on Investments	8,966	18,048	0	0	0	0
44519 Reimbursement-Other	9,567	0	0	0	0	0
Total Revenues	2,876,356	3,052,494	4,818,640	4,321,559	4,835,085	4,835,085
Expenditures						
Operating Expenditures						
000 Funds Administration	0	78	0	0	0	0
Total Operating Expenditures	0	78	0	0	0	0
Capital Expenditures						
12058 Bicycle Path-LCC to 20th St Pk	1,013	38,730	0	73,215	0	0
12066 Cohasset Road Widening	756	0	0	0	0	0
16011 Traffic Safety Improvements	178,148	68,812	200,000	436,517	200,000	200,000
16038 Bruce Road Reconstruction	0	0	0	0	500,000	500,000
17027 Bridge Plan of Action	14,670	7,901	0	18,265	0	0
18906 Annual Ped/ADA Improvements	0	1,703	60,000	97,397	100,000	100,000
18907 STREET IMPROVEMENTS & MAINTENA	111,670	2,266,869	1,600,000	1,548,907	1,650,000	1,650,000
19012 Manzanita Corridor Reconstruct	1,618	0	0	0	0	0
50057 Pavement Mgmt/Assessment Prog	15,261	6,903	100,000	130,923	30,000	30,000
50126 1st and 2nd Streets Couplet	50,637	3,752	0	175,328	0	0
50227 Retroreflectivity Signage	38,943	17,499	30,900	136,084	25,750	25,750
50229 FCC Radio Narrowbanding-GSD	14,109	0	0	0	0	0
50231 Salem St at LCC	0	196	0	39,804	0	0
50232 Guynn Rd at Lindo Channel	0	18,048	0	1,952	0	0
50233 Pomona Ave at LCC	0	288	0	39,712	0	0
50307 Annual Bikeway Maintenance	3,154	140,612	0	0	0	0
50336 Walnut Ave (SR32) Road Diet	12,820	618	0	75,562	0	0
50340 Nord Ave (SR32) Roundabouts	0	0	23,000	23,000	0	0
50357 Ivy Street Bridge at LCC	0	0	150,000	150,000	0	0
50373 Annual Bridge Rehabilitation	0	0	200,000	200,000	0	0
65983 E. 10th Street Storm Drainage	0	0	0	10,000	0	0
Total Capital Expenditures	442,799	2,571,931	2,363,900	3,156,666	2,505,750	2,505,750
Total Expenditures	442,799	2,572,009	2,363,900	3,156,666	2,505,750	2,505,750
Other Financing Sources/Uses						
From:						
3001 General	0	90,678	0	0	0	0
To:						
9001 General	(2,050,000)	(2,050,000)	(2,050,000)	(2,050,000)	(2,050,000)	(2,050,000)
Total Other Sources/Uses	(2,050,000)	(1,959,322)	(2,050,000)	(2,050,000)	(2,050,000)	(2,050,000)
Excess (Deficiency) of Revenues And Other Sources						
	383,557	(1,478,837)	404,740	(885,107)	279,335	279,335
Fund Balance, July 1	1,980,387	2,363,944	422,049	885,107	0	0
Fund Balance, June 30	2,363,944	885,107	826,789	0	279,335	279,335

Fund Name: Fund 307 - Gas Tax
 Authority: Streets and Highway Code 2103, 2105, 2106, 2107, 2107.5 and Resolution
 Use: Restricted
 Authorized Capital Uses: Major programs, buildings and facilities, major equipment
 Authorized Other Uses: Operating
 Description: Right of way acquisition, maintenance, street sweeping, construction and improvement of street facilities.

City of Chico
2019-20 Annual Budget
Fund Summary

Attachment A - Fund Summaries

PUBLIC INFRASTRUCTURE REPLACEMENT FUND

FUND 943 PUBLIC INFRASTRUCTURE REPLACEMENT	FY16-17	FY17-18	FY2018-19		FY2019-20	
	Actual	Actual	Council Adopted	Estimated Final	City Mgr Recomm	Council Adopted
Revenues						
Total Revenues	0	0	0	0	0	0
Expenditures						
Operating Expenditures						
Total Operating Expenditures	0	0	0	0	0	0
Capital Expenditures						
16038 Bruce Road Reconstruction	0	0	0	0	300,000	0
18907 STREET IMPROVEMENTS & MAINTENA	0	471,725	800,000	928,275	1,066,674	0
Total Capital Expenditures	0	471,725	800,000	928,275	1,366,674	0
Total Expenditures	0	471,725	800,000	928,275	1,366,674	0
Other Financing Sources/Uses						
From:						
3001 General	0	866,674	800,000	1,064,000	904,000	0
To:						
Total Other Sources/Uses	0	866,674	800,000	1,064,000	904,000	0
Excess (Deficiency) of Revenues And Other Sources	0	394,949	0	135,725	(462,674)	0
Fund Balance, July 1	0	0	0	394,949	530,674	0
Fund Balance, June 30	0	394,949	0	530,674	68,000	0

Fund Name: Fund 943 - Public Infrastructure Replacement
 Authority: Budget Policy E.4.r.
 Use: Committed
 Authorized Capital Uses: Major programs, buildings and facilities, major equipment
 Authorized Other Uses: None
 Description: Fund established to accumulate additional waste hauler revenues received to be spent on capital projects.

City Staff

The City of Chico has not given city hall staff any pay raises in the last ten years. However, police (2017), public safety management (2017), and dispatchers (2016) did receive raises.

Police Department

The department consists of 158 employees and is budgeted for 168. Of the 158 on staff, 98 are sworn officers with a budget for 108 officers. With approximately 20% more residents in Chico post Camp Fire, more sworn officers and support staff are needed. However, officer recruitment is difficult, largely due to low wages. After recruiting a candidate, another year to year and a half is required to complete the hiring process. This includes the Police Academy and department training. Technology upgrades such as automatic license plate readers and onboard computers will help relieve some of the pressure for more sworn officers. However, revenue is needed for either to occur.

The Chico Police Department continues to deal with the ever-changing policy decisions made at both the state and local level. AB 109, the State Prison Realignment Act, moved convicted criminals from state prison to county jails, affecting county jail population. Proposition 47 downgraded a variety of non-serious, non-violent crimes that had previously been considered felonies to misdemeanors. These include shoplifting, grand theft, receiving stolen property, forgery, fraud, and writing bad checks.

A criminal may now steal something under \$950 daily, and the crime will never rise to felony status. If a perpetrator is pursued and apprehended, the consequence can be a small fine or a brief stay in jail. This lack of prosecution, and/or reduction in jail time if prosecuted, effects public safety, allowing repeat offenders to remain in the community.

Proposition 57 allows for early inmate release and moves up parole consideration of nonviolent offenders who have served the full-term of the sentence for their primary (not including enhancements) offense. This includes those who demonstrate that their release to the community would not pose an unreasonable risk of violence to the community. The early release component allows a convicted criminal to return to the community early. These new laws are impacting both the City of Chico and the Police Department.

The needle distribution program managed by the North Valley Harm Reduction Coalition (NVHRC) is impacting Chico. The California Department of Public Health authorized NVHRC to provide these syringe services, and the program is effective through October 2021. The Chico Police Department did not endorse this program. The Chico Police Department believes it is attracting high-risk drug users to the community, enabling addiction, and creating syringe litter throughout the community.

The homeless population continues to be a major concern. A solution will require a collaborative effort from the community, homeless service providers, and the Police Department, an effort which requires compassion and accountability.

Another challenge for the Chico Police Department will be the hiring of a new Police Chief. On June 5, 2020, the current Chief will have retired after serving for five years in this position. The

retiring Chief will work with the city manager in the hiring process. The search could be ongoing, nation-wide and, as with any upper management personnel change, internal policy could be affected.

Conclusion

Chico faces several financial obstacles including insufficient revenues for CalPERS payments, along with the need for improved infrastructure, road repair/maintenance, public safety and staff salaries. Due to Chico's growth, the infrastructure and roads need improving. To meet the safety concerns of the growing population, public safety improvements need to be made. Both financial and personnel issues also need to be addressed.

CITY OF GRIDLEY MURAL



CITY OF GRIDLEY

METHODOLOGY

- **Interviewed:**
 - City Administrator
 - Chief of Police
 - Butte County Board of Supervisors District 4

- **Document:**
 - 2019-20 City of Gridley Operating Budget and Capital Improvement Plan

- **Website:**
 - City of Gridley
gridley.ca.us

DISCUSSION

The City encompasses 2.08 square miles with a population of 7,224 (2019 post Camp Fire). The City Administrator is also the City's Finance Director and Parks and Recreation Department Head, responsible for day-to-day operations and fiscal decisions. The City is a general law city, operating on the powers expressly given to it under state law. The City uses the council/city administrator form of government. The City Administrator reports directly to the City Council and the Mayor. The main sources of revenue for the City of Gridley are property taxes, sales tax and transient occupancy tax. An additional revenue source is the Gridley Biggs Electric Company, a private City-owned utility that includes the purchase and sale of electricity.

Police

Gridley appointed an interim City Police Chief prior to the Camp Fire. The City has recently hired a permanent Police Chief. The City Police Department has met many goals. It has upgraded to an electronic policy manual, gone to paperless reports and took part in all community events. It now uses an online reporting system to report property crimes and uses Community Service Officers to aid in non-violent crime reporting.



The department is vetting new recruits to become sworn Police Officers and non-sworn Community Service Officers. It plans on sponsoring the candidates through the Police Academy. Other plans include:

- Place a citizen crime map on the City website to allow public access to police activity
- Implement a completely self-funded new K-9 Program
- Increase volunteer programs
- Increase social media/community engagement
- Participate in the Sacramento High Tech Task Force *Internet Crimes Against Children Program*.

Budget

The City of Gridley's total yearly budget is \$18.8 million. Revenues include the following:

- \$6 million from the city owned electric utilities
- \$2 million from the city owned sewer and water utilities
- \$10.8 million property and sales taxes

Police and Fire account for 72% (\$13.5 million) of the City's General Fund budget expenditures. Health Insurance Premiums and CalPERS retirement costs contribute to this amount. CalPERS estimates local Government contributions will rise from 5% of payroll to 9% over the next five years. The City currently has 15% in reserves. The goal is to reach 20% reserves by 2024 by increasing the reserve amount 1% per year.

Four years ago, Gridley was in financial trouble and had to make decisions to balance its budget. One of those resulted in employee layoffs. The City contracts with CAL FIRE for fire protection. The personnel and equipment are provided by CAL FIRE with the city matching half the cost. The City chose not to fund one of the firefighter positions, resulting in the loss of one fire truck, as it could not be properly staffed. This budget period, the city plans to bring that fire position back and will get the fire truck back in service. Gridley is obligated to pay 25% of that position. Butte County notified the City that the 25% cost would be paid by the County, using FEMA money. The City also applied for and received a Staffing for Adequate Fire and

Emergency Response (SAFER) Grant. This grant will fund three more firefighter positions, all at no cost to the City.

Gridley's population increased 20% post Camp Fire. The Butte County Fairgrounds, in the heart of the City, became the largest Red Cross emergency camp in Butte County. The other Red Cross location was the Silver Dollar Fair Grounds in Chico. The Red Cross took a significant amount of time to deliver supplies to the Butte County Fair Grounds. In the meantime, the residents of Gridley took it upon themselves to donate and take care of the Camp Fire survivors, providing them with necessities. Local donations of \$100,000 were given to Gridley for marketing and for developing lot lines for future businesses.

The City agreed to lease FEMA the industrial park for a 400-space trailer park. The lease is costing FEMA \$129,000 per month for a period no longer than two and a half years. FEMA pays all the electric and utility bills. FEMA spent \$50 million developing the necessary infrastructure and built the park to the highest standards for future use. However, under a legal obligation, the site must convert back to an industrial park. FEMA estimated the cost to revert the site back to an industrial park at \$500,000. The city requested FEMA give it the funds to do the removal. The City Administrator believes his Public Works employees can do the job for \$20,000.

For years, residents complained about entering Highway 99 from West Liberty Road. With the addition of the FEMA Park, located off West Liberty Road, just West of Highway 99, California Department of Transportation agreed to put in a permanent stop light at that intersection at no cost to the City. This mitigated the increased traffic volume from businesses in the industrial park.

Another benefit to the City is the increase in new development of permanent housing. Pre Camp Fire the City was building 15 to 20 houses per month. Post Camp Fire building is now 40 to 60 houses per month. FEMA is keeping its commitment to dissolve the FEMA Camp. FEMA holds monthly meetings with the occupants, helping them locate permanent housing within the deadline.

The City of Gridley is considering the funds from FEMA a one-time revenue source. For that reason, the City is not investing in long-term projects that would overspend the revenue. Instead,

the City created the City Accounts Quality Streets Initiative, allowing it to invest in paving equipment, and is now repaving the most damaged roads using City employees to complete the work. Any leftover transit tax is being used to supplement the funding for this work. So far, the City has repaved a little over one mile of roadway, and a five-year plan is in place to repave the most severely damaged roads.

As stated previously, the City owns its electrical utility. Out of 480 cities in the state, Gridley is one of 40 cities that produces electricity. 15 cities, including Gridley, belong to the Northern California Power Agency (NCPA). The City Administrator is the representative for the City to the NCPA, which purchases electricity and sets regulations. The City also built two solar farms with panels purchased from the NCPA. This asset generates \$6 million in annual revenue. The City Electric employees also provide additional labor to the road maintenance crews in repaving the roads.

The North Valley Community Foundation donated \$25,000, and National Football League star Aaron Rodgers donated \$50,000. The City used these funds for additional playground equipment to help meet the needs of more children due to the 20% increase in population. The additional equipment is rated safe for children of all grade levels. The City has invested over \$200,000 in equipment, upgrades and maintenance to the city parks.

Post Camp Fire, the City has made improvements to its infrastructure. The City has plans for future growth while maintaining a balanced budget and a reserve fund.

City of Oroville Mural on Montgomery Street



CITY OF OROVILLE

City of Gold

METHODOLOGY

- **Interviewed:**
 - Butte County Board of Supervisors District 1
 - City of Oroville City Administrator
- **Website:**
 - City of Oroville website URL:
<http://www.cityoforoville.org>

DISCUSSION

Located in the Sierra Nevada Foothills, Oroville, the Butte County Seat, is the 2nd largest municipality in the County with a population of 19,204². Oroville became a Charter City on January 3, 1906.

Lake Oroville is the second largest reservoir in California with the tallest earthfill dam in the United States. The Lake Oroville Spillway failed on February 7, 2017. Sheriff Honea, Butte County Sheriff, called for the evacuation of Oroville on February 12, 2017 because of an expected failure of the Emergency Spillway. That failure would have flooded the City and low-lying areas along the Feather River Basin in Butte, Yuba and Sutter Counties. On February 14, 2017 emergency management officials reduced the evacuation order to an evacuation watch and allowed people to return to the evacuated areas.

Oroville faced another disaster with the November 8, 2018 Camp Fire which required the evacuation of 52,000 people. Following the Camp Fire, the City of Oroville experienced a population growth of 20%. Oroville hosted one of the Red Cross evacuation centers and then developed FEMA temporary housing locations. The State approved a one-time appropriation of \$2 million for the City of Oroville. City leaders had to decide how to allocate the money to address public safety, roads, traffic and other issues.

FEMA placed temporary housing in the City of Oroville at Rosewood Estates subdivision on Mono Avenue. This subdivision is housing 40 families in temporary units through July 2020. After the FEMA housing is removed, the City plans to place a permanent subdivision on the property, using some of the infrastructure which is now in place for the trailers. FEMA also placed 70 trailers at Lake Oroville Bidwell Canyon Campground that was closed to the public.

Recently, both the 2019 Power Safety Emergency Shutoffs and the 2020 COVID-19 pandemic caused reduction of normal business operations for the City of Oroville.

Revenue generated from sales, utility and property taxes enable the City to allow new businesses to open, which strengthens the local economy. The main revenue for the City is local taxes. Measure U, passed by voters in November 2018, increased Oroville sales tax by 1% (one cent on

² Wikipedia, Oroville, California

the dollar), resulting in a current rate of 8.5%. This 1% increase is expected to generate \$4.2 million annually. Additional sales tax revenue could be used to alleviate the water pooling at the well by the roundabout near Montgomery Street during heavy rains.

**CITY OF OROVILLE
SUMMARY SCHEDULES**

Summary of Revenues by Resource

GENERAL FUND	2017-18 ACTUAL	2018-19 BUDGET	2018-19 PROJECTED	2019-20 PRELIMINARY
Taxes				
Sales and Use	\$ 4,364,469	\$ 4,397,121	\$ 4,752,421	\$ 5,182,867
Property	3,073,978	3,013,948	3,094,146	3,164,438
Utility User	1,964,304	1,845,407	1,801,034	1,876,386
Franchise Fees	833,108	787,000	873,156	890,619
Transient Occupancy	711,980	639,540	897,819	936,797
Other Taxes	42,732	34,500	39,226	40,444
Total Taxes	10,990,571	10,717,516	11,457,802	12,091,551
License, Permits and Franchises				
Licenses	75,053	79,061	71,953	74,112
Permits	342,189	272,500	408,264	416,829
Total License, Permits and Fees	417,242	351,561	480,217	490,941
Other Revenues				
Fines and Forfeitures	73,050	61,000	63,865	68,000
Interest, Rents and Concessions	162,626	97,600	75,855	166,054
Intergovernmental Revenues	198,131	127,813	111,780	115,545
Charges for Services	342,186	291,500	450,504	458,146
Other Revenues	1,129,286	278,740	1,009,853	520,030
Operating Transfers In	826,663	907,585	696,282	918,431
Total Other Revenues	2,731,942	1,764,238	2,408,139	2,246,206
TOTAL GENERAL FUND REVENUES	\$ 14,139,755	\$ 12,833,315	\$ 14,346,158	\$ 14,828,698

The CALTRANS project to widen State Highway 70 created a need for a new truck stop at Oroville Dam Boulevard and Feather River Boulevard. The widening project will begin in

November 2020 with completion targeted for November 2022. Approximately 17,000 vehicles travel the corridor daily. The new highway will have five lanes: two northbound, two southbound and a middle turn lane. The projected cost to Caltrans is \$104.6 million.

Fire Department

Oroville Fire Department was initially founded in 1856. The department covers 13 square miles and protects 5,372 homes, various additional buildings, one airport and three industrial parks.

Currently, it has 13 firefighters and does not have enough revenue for more. Pre-Camp Fire, 13 firefighters served a population of 12,000 to 15,000. The Fire Department now serves more than 23,000 people. Response time is within five minutes for 90% of fire and medical incidents. The Fire Department has many partnerships:

- Oroville Aid Agreement with Butte County Fire
- California Department of Fire and Forestry
- Butte County Hazardous Materials Team
- Butte Interagency Rescue Group

Police Department

The Police Department includes the following:

- Patrol and Traffic division: Made up of four Sergeants and sixteen Officers. The units operate 24 hours a day, seven days a week.
- School Resource Officer (SRO): Most important role is counselor or problem solver. The SRO serves Oroville Union High School District, primarily Oroville High School. The SRO helps maintain a safe school environment through the handling of assaults, theft, burglary, bomb threats, weapons, alcohol and drug incidents on and off campus.
- Municipal Law Enforcement Officers (MLEs): Assists patrol officers in crime prevention and patrol services to the community. MLEs are members of the Police Department who handle non-hazardous situations: taking reports where available, responding to most thefts, dealing with lost and found property, and searching for runaway juveniles and missing persons. MLEs also direct traffic at accident scenes, fires, or other locations as needed.

- K-9 Unit was re-established in 2007. More recently, the K-9 team raised funds from the local community to revitalize the program.
- Support Division:
 - Communications
 - Records
 - Detectives/Investigations
 - Butte Interagency Narcotic Task Force
 - Administrative Services
 - Volunteers
 - Chaplain
 - Evidence/Property
 - Special assignments under the supervision of the Lieutenant

Town of Paradise Mural on the Skyway



Town of Paradise The Road to Recovery

METHODOLOGY

- **Interviewed:**
 - Town Manager
 - Butte County Board of Supervisors District 5
 - Paradise Irrigation District Manager
- **Website:**
<http://www.townofparadise.com>

DISCUSSION

The Town of Paradise covers 18.32 square miles, was incorporated in 1979, and pre Camp Fire was the second most populated city in Butte County. A five-member council, led by an elected

Mayor, governs the Town. The Council is the policy making body for the Town, and Town staff directed by the Town Manager implements these policies.

The Camp Fire ongoing recovery process has many components. The first is financial. The State of California agreed to backfill property taxes for three years. Property taxes account for almost 60% of the Town's revenue. A sales tax increase that Paradise voters approved in November 2014 (Measure C), a half cent tax increase, was initially set to sunset in March 2021, but has been extended by voters for ten more years.

The Butte Strong Foundation and various State grants have provided the funds for community projects. The Town received a USA Grant that included matching funds from Tri-Counties Bank. This grant and the matching funds were used to purchase a fire truck to replace one that burned in the Camp Fire. A special fund will be created and used for utilities, roads, and water. All donations that have come into the Town are handled by the Town's Finance Department. These donations go into a separate Special Donation Fund, which is audited by the Town and the State of California.

The Town has an agreement with Pacific Gas & Electric Company (PG&E) regarding the financial settlement. When it is approved, the money from the settlement will only be used for operational purposes.

The second component of the recovery is debris removal from the properties that were destroyed in the fire. 7,575 properties in Butte County have been cleared of 2.4 million tons of debris and ash. FEMA controlled and directed the debris removal. After the FEMA debris removal, private property owners could clean their properties through OES or a private contractor. Almost all the debris removal was completed by the end of November 2019. After debris removal, private property owners could not inhabit their properties, even temporarily, prior to the property being certified clean per Butte County Ordinance 575. Allowing property owners to reoccupy their properties prior to debris removal or certification could have cost the County \$1.7 billion in FEMA reimbursement. Fortunately, this was resolved.

The third component is ongoing tree removal. Over 400,000 trees are being removed: 100,000 are the Town's responsibility, 200,000 will be removed by OES, and 90,000 by PG&E. Private property owners need to address unsafe trees on their properties and remove those that create a

public safety hazard. All trees within ten feet of the roadways, within ten feet of homes, or ones which could be a hazard to a power line must be removed; most were compromised by the fire.

The tree removal project focuses on removing marketable dead and dying trees which are 12 inch or more in diameter. The hope is to use the lumber manufactured from these trees in the new construction. Certain requirements and limited funding allow the Town to help certain property owners (not all) who are within the footprint of the fire. To meet the requirement, a property owner needs a building permit for the property where the tree removal will occur. 70% of the dead or dying trees to be removed are conifers (a cone bearing tree). 20 harvestable trees per property would offset the high cost of the tree removal.

A fourth component is roads. The Town was incorporated in 1979. Many private and county roads existed at the time of the incorporation that were not designed and/or built under the direction of a traffic engineer. This lack of design created difficult evacuation routes which impeded evacuation when the fire occurred. The Town is planning on hiring a traffic engineer to oversee the repair and rebuilding of Town roads. The plan is for the engineer to inspect all Town roads and facilitate proper construction/design to improve both the evacuation routes and the quality of roads.

The Town is providing weekly construction updates to inform the public of new projects and the status of projects already in progress. These updates are posted on the Town's website.

Bank of America gifted the Town a building, which has been remodeled and is now the Central Resource Center, a one-stop resource helping fire survivors, property owners, and investors. The resources include assistance from the following entities:

- Town of Paradise
- Butte County
- OES
- PG&E
- State Licensing Board
- Various other agencies

Assistance is also available for financing and grant applications, including help from representatives of the Housing Advocacy Center. Rebuilding advocates offer services free of

charge to assist with rebuilding plans, insurance and financing, to name a few. As of March 25, 2020, 694 building permits had been issued, and 81 homes had been rebuilt.

A fifth component is water. Paradise Irrigation District (PID) issued a water advisory in December 2018, following the fire. PID has worked with state and federal agencies, scientists, and engineers to put a recovery plan in place. This plan includes a rigorous process of inspecting all main line lateral connections that allow water onto owners' properties. The advisory has been lifted on a customer-to-customer basis.

Steps required before receiving a letter of certification lifting the advisory:

- Main approval: PID engineers perform water sampling on the main lines that deliver the treated water to the service lateral on the owner's property. Testing needs to meet California drinking water guidelines. Currently, 97% of the lines tested have met the state standard and are certified.
- Service Lateral Approval: The service lateral is a smaller diameter pipe that delivers water from the main line onto the owner's property to be consumed. This pipe is the one most likely not to meet the state standard. If it fails, PID will need to replace the service lateral, which would be paid by the homeowner.
- Expert Panel Approval: Panel members consist of PID staff and engineers familiar with the flow and intricacies that might vary from service lateral to service lateral.

The Town of Paradise has a goal of placing all utilities underground. This will contribute to fire safety and aesthetics. Paradise asked PG&E to put its 190 miles of power lines underground. AT&T and Comcast have not committed to this plan. In October 2019, the Town passed a "dig once" ordinance that limits trenching to once every five years for projects. This is intended to encourage all service providers to put conduit underground when trenches are open for other utility work.

A sixth component to the recovery process is a new sewer system. The Town has never had a sewer system; pre Camp Fire septic tanks handled the sewage. A January 2020 estimate for the sewer project was in the \$1.25 million range and would be completed in two phases. Phase one is estimated to cost \$401,490, and phase two is estimated at \$850,954. The project estimate exceeds the grant funding from the United States Department of Agriculture and the State of California.

Town staff is working with the State Water Board to hopefully locate funding to bridge the estimated gap.

The final component to recovery is homeowner insurance post Camp Fire. Insurance companies have denied renewal or cancelled some Burn Scar area residents' homeowners policies. Some have been unable to obtain or afford a new homeowners' policy. This situation has impacted both homeowners who lost their homes and those who did not. In 2018, the California Insurance Commissioner was able to get relief for those affected through a new law that allowed at least one year of continued coverage for homeowners with homes standing in fire zones. Additionally, new state legislation allows homeowners whose homes became uninhabitable due to a wildfire to renew their homeowners' policies for at least two years.

Police Department

The Town Police Department has 49 employees, including 16 sworn officers as of April 1, 2020. The Camp Fire destroyed the dispatch center, so Paradise contracted with Butte County Sheriff's Department to receive 911 emergency calls and dispatch.

The population has declined since the Camp Fire; however, Paradise still covers 18 square miles that need patrolling. The presence of squatters has increased since the Camp Fire. Trail cameras will be helpful to deter both illegal camping and other property crimes while allowing Police Officers to patrol a larger area. Farmers Insurance Company gifted the Paradise Police Officer Association \$10,000 for trail cameras.

Fire Department

The Town contracts with CAL FIRE for local fire protection. Currently, 14 firefighters are assigned to Paradise. The Town retains and maintains the facilities, equipment and apparatus. Paradise Fire & Rescue has the following equipment:

- Two front line engines
- Two reserve engines
- One Type 3 engine
- One ladder truck
- One Type 3 squad

- One breathing support trailer
- Three staff vehicles

The Town contracts with CAL FIRE for local fire protection personnel. Staffing is three to an engine, including a captain, engineer and firefighter. Station 81, in the Town of Paradise, houses the administrative offices of Fire Chief, Battalion Chief, Fire Prevention Inspector and Administrative Assistant.

FINDINGS

CITY OF CHICO

- F1. The City of Chico’s mandatory required contributions to CalPERS are putting an ever-increasing burden on the general fund, which impedes the city’s ability to provide essential services.
- F2. The City of Chico is experiencing financial impacts and population growth from the Camp Fire.
- F3. The City of Chico roads need attention due to lack of maintenance.
- F4. The City of Chico staff has performed well while dealing with a higher population since the Camp Fire and has not received a pay increase in ten years.
- F5. The Chico Police Department is understaffed.
- F6. The Chico Police Department could experience a major change with the retirement of the current Chief this June.
- F7. The City of Chico has been very fortunate to have received five years of service from the retiring Chief of Police.

CITY OF GRIDLEY

- F8. The City of Gridley became a hub for the Camp Fire Survivors and has seen a significant improvement to its infrastructure.

F9. The City of Gridley’s positive community response to the Camp Fire survivors was overwhelming.

F10. The City of Gridley is financially positioned to accommodate the extra population which has not burdened the City’s finances.

CITY OF OROVILLE

F11. The City of Oroville is resilient and has made a strong comeback from the experiences of the past three years.

F12. The State Highway 70 widening is coming to fruition thanks to the support of Butte County’s District 1 Supervisor Bill Connelly and will most likely reduce head-on collisions thus saving lives.

TOWN OF PARADISE

F13. The resiliency of all interviewees is admirable in the face of rebuilding from the ashes.

RECOMMENDATIONS

CITY OF CHICO

R1. The City of Chico needs to find additional revenue sources by March 1, 2021.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requests responses as follows

From the following governing bodies:

- **The City of Chico City Council:** F1, F2, F3, F5 and R1 within 90 days.

The governing bodies indicated above should be aware that comments or response must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.



TOWN OF PARADISE
Council Agenda Summary
Date: August 11, 2020

Agenda No. 6 (d)

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

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Engineering Consultant Support Services Contract Increase Request

COUNCIL ACTION REQUESTED:

1. Consider approving an amendment increasing Mark Thomas' Professional Services Agreement Contract 19-00 to the amount of \$435,000 for services through January 13, 2021.

Background:

In light of the 2018, Camp Fire and following consultation with Caltrans Division of Local Assistance and Federal Highways Administration, the Town of Paradise awarded a sole-source contract to Mark Thomas of Sacramento, CA. This contract procurement was approved unanimously by Paradise Town Council on December 11, 2018.

The contract scope of services include the following for disaster related, existing and potential future projects, on an as-needed basis:

- General Project Management and Administration
- Capital Improvement Program Preparation and Management
- Project Specific Grant Administration and Cost Recovery
- Project Programming Support
- Private Development Plan Check
- Engineering Design Support
- Construction Management Support and Inspection Services
- Surveying and Private Development Surveying Reviews

The procurement of this contract was in compliance with 23 CFR 172.7(a)(3), with the approval of Caltrans Division of Local Assistance Public Interest Finding. Town of Paradise Municipal Code 2.45.070(c) as these professional services are unique given the circumstances and are not appropriate for competitive bidding.

Analysis:

Mark Thomas' Professional Services Agreement (PSA), Contract 19-00 was extended an additional twelve months to cover approved task order work from January 14, 2020 to January 13, 2021. The extension authorized an additional \$177,000 to cover approved task order work for a twelve-month period. The PSA currently has \$40,047 remaining for the approved twelve-month period. Staff has identified additional disaster-related task orders to complete plans, specifications, and estimates for the following Emergency Relief projects:

- On-System Culvert Replacement,
- On-System Road Sign Replacement,
- On-System Hardscape Replacement, and
- Neal Road Rehabilitation.

These projects are time sensitive with fast approaching deadlines for construction authorization. The total cost to complete these tasks is \$296,313, which would exceed the currently approved contract amount by \$256,266. A copy of these proposed task orders are included in this Agenda Summary.

Financial Impact:

The cost associated with the scope of services identified above to be completed by Mark Thomas will be reimbursable per each project's respective funding agreement under the Emergency Relief Program.



MARK THOMAS

July 28, 2020

Mr. Marc Mattox
Town of Paradise
5555 Skyway
Paradise, CA 95969

SA-19102

**RE: STAFF SUPPORT SERVICES - TASK ORDERS #11, #12, #13 and #14
Final Design for Various On-System Repairs**

Dear Mr. Mattox:

Per your request, we have prepared the enclosed scope and fees for the following Task Orders:

- TO #11 ER38Y0 (009) Culvert Replacement Project
- TO #12 ER38Y0 (011) Hardscape Replacement Project
- TO #13 ER38Y0 (013) On-System Sign Replacements Project
- TO #14 ER38Y0 (025) Neal Road Rehabilitation Project

The scope of work and fees have been developed based on the Damage Assessment Forms (DAF) approved by Caltrans and FHWA. The following table summarizes the Preliminary Engineering costs shown on the DAF's as they relate to our fees.

Federal Project #	PE Value	Mark Thomas Fee
ER38Y0 (009)	\$73,900	\$72,886
ER38Y0 (011)	\$69,500	\$66,618
ER38Y0 (013)	\$26,000	\$24,161
ER38Y0 (025)	\$143,000	\$132,648
Total	\$312,400	\$296,313



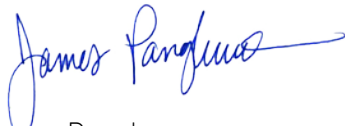
▶ July 28, 2020

Mark Thomas currently has **\$40,047.00** remaining out of the **\$177,000** budget for 2020. Inclusive of the subject Task Orders, the contract amount must be increased to **\$433,266**. We recommend the total contract value be increased to **\$435,000** to provide flexibility for completing additional task should they arise.

If you have any questions, please let me know. Please provide written approval of this request as a notice to proceed. If you have any questions regarding our proposal, please contact me at (916) 501-5515 or jpangburn@markthomas.com.

Sincerely,

MARK THOMAS



James Pangburn
Senior Project Manager, Associate

Attachments
Scope and Fee for Subject Task Orders



Town of Paradise – Staff Support Services

Task Order #11 - On System Culvert Replacement – ER38YO (009)

PROJECT UNDERSTANDING AND APPROACH

The Town of Paradise (“Town”) proposes to repair property that was damaged as a result of a wildfire known as the “Camp Fire.” The Town has obtained federal aid under Title 23 of the United States Code (USC) to perform these repairs. As such, the project would require environmental documentation under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). We understand the Town will be handling environmental services in-house.

This project includes the repair or replacement of storm drain culverts crossing on-system roads. This scope of work is based on the approved Damage Assessment Form (DAF) #1 and includes 34 individual locations. There six culverts which are of diameter of 24-inches or greater. Mark Thomas will include hydrology and hydraulic analysis of these culverts so they are properly sized.

SCOPE OF WORK

TASK 1. PROJECT MANAGEMENT

1.1 Project Management

Mark Thomas (MT) will provide management of the performance of their work as described in the scope below. Management activities shall also include development and maintenance of a critical path method (CPM) design schedule and progress reports to be distributed monthly. The schedule and billings shall be submitted in the form and in enough detail to track the project status and contract expenditures as outlined by the Town at the beginning of the project.

1.2 Meetings

A total of two (2) web-based project meetings are proposed with this scope of work. This scope also includes one (1) visit to the sites.

TASK 1 DELIVERABLES

- Meeting Agendas & Minutes for 2 meetings with Town



TASK 2. SURVEYING AND MAPPING (Sam)

2.1 Control Surveys

Mark Thomas will set at minimum three control points per site, unless sites are intervisible between one another. Project control will be based on the California State Plane Coordinate system (CCS83), Zone 2, and vertically based on NAVD88 derived from Static GPS observations, unless other control is provided. It is assumed each location identified in the DAF is a standalone site and will have site specific control that will not be connected to other sites.

2.2 Topographic Surveys

Topographic data will be collected for repair and replacement of storm drain culverts for up to 34 locations. Each location will include collecting topographic data for the culvert invert, size of pipe, 3 cross sections (including face of culvert) upstream and 3 cross sections downstream along the ditch at intervals of 20', and AC and/or original ground spot shots near and around the culvert. It is assumed only a small sample size (10-15 points) of spot shots will be collected per site in addition to the cross sections to adequately show existing conditions.

2.3 Record ROW Delineation (Optional Task)

Mark Thomas GIS technician will obtain Butte County based GIS linework to graphically show adjoining parcels and right of way. The GIS linework will be bolstered by publicly accessible record maps and documents along with any physical evidence, which includes existing monuments of record and/or a split of existing improvements, collected during the Control & Topographic phases of this task. This scope of work does not include a definitive boundary retracement and is based solely on publicly obtained record information.

If the Town approves this optional task, coordination must be made before the first day of survey crew mobilization to efficiently collect physical evidence for right of way delineation.

TASK 2 DELIVERABLES

- An ASCII point file with Point Number, Northing, Easting, Elevation, and Description for all topographic data points.



TASK 3. HYDROLOGY AND HYDRAULIC ANALYSIS

3.1 Hydrology and Hydraulic Analysis

This task includes hydrology and hydraulic analysis for six (6) locations where the existing culvert sizes are 24" (4 pipes) 30" (1 pipe) and 42" (1 pipe). The intent of the analysis is to ensure the pipes are not currently undersized. This task will include the following activities:

- Review of existing topographic information. Mark Thomas will use LiDAR data provided by the Town and supplemental surveys developed in Task 2.2.
- Review of Town / Butte County Standards for culvert design
- Review hydrology and culvert hydraulics
- Recommendations for Upsizing, if required
- Recommendations for Headwalls and energy dissipation, if required.
- Documenting outputs from Civil 3D – Hydro-flow Software

3.2 Technical Memorandum

The analysis developed in Task 3.1 will be documented in a brief technical memorandum.

TASK 2 DELIVERABLES

- Culvert Analysis Technical Memorandum (PDF)

TASK 4. PREPARE PLANS, SPECIFICATIONS & ESTIMATE (PS&E)

4.1 95% PS&E

Mark Thomas will prepare PS&E for the culvert replacement / repair for the 34 locations shown in the DAF. The following sheets will be included in the PS&E:

Sheet Title	Number of Sheets
Title Sheet	1
General Notes	1
Drainage Plan / Profiles / Pavement Restoration / Striping Restoration	34
Construction Details	8
Total	44



4.2 100% PS&E

Based on comments provided by the Town, Mark Thomas will prepare the 100% plans. The final PS&E will include technical specifications and the frontend boiler plate provided by the Town.

TASK 4 DELIVERABLES

- Draft and Final Plans (Full Size PDF and ACAD Drawing Files)
- Draft and Final Estimate (MS Excel)
- Draft and Final Specifications (MS Word)

TASK 5. BIDDING ASSISTANCE

5.1 Bidding Assistance


Mark Thomas will attend a pre-bid meeting and answer contractor questions during the bidding process. This scope assumes the Town will prepare any addendums required during the bidding period.

Assumptions and Exclusions

- The Town will conduct necessary studies and prepare documents for environmental clearance.
- All work shall be within the existing Town right of way. No right of way engineering, appraisal, or acquisition services are included in this scope of work.
- LiDAR data will be provided by the Town.



COST PROPOSAL FOR PROJECT SCOPE: Paradise-On System Culvert Replacement (TO #11)

													Total MT Cost	TOTAL COST	
		Sr. Project Manager \$234	Project Engineer \$144	Design Engineer II \$126	Design Engineer I \$101	Technician \$90	Survey Manager \$187	Project Surveyor \$153	Sr. Survey Technician \$116	1 Person Field Crew \$136	Sr. Project Accountant \$128	Sr. Project Coordinator \$122			Total Hours
1.0	PROJECT MANAGEMENT														
1.1	Project Management	8								4	8	20	\$3,360	\$3,360	
1.2	Meetings	8	12									20	\$3,594	\$3,594	
	Subtotal Phase 1	16	12	0	0	0	0	0	0	4	8	40	\$6,954	\$6,954	
2.0	SURVEYING & MAPPING														
2.1	Control Surveys						8	16	20			44	\$5,798	\$5,798	
2.2	Topographic Surveys			4	8		6	12	24	40		94	\$12,488	\$12,488	
	Subtotal Phase 2	0	0	4	8	0	6	20	40	60	0	0	138	\$18,286	
3.0	HYDROLOGY & HYDRAULIC ANALYSIS FOR CULVERT REPAIR														
3.1	Hydrology & Hydraulic Analysis			40								40	\$5,032	\$5,032	
3.2	Technical Memorandum		2	24								26	\$3,307	\$3,307	
	Subtotal Phase 3	0	2	64	0	0	0	0	0	0	0	66	\$8,339	\$8,339	
4.0	PREPARE PLANS, SPECIFICATIONS & ESTIMATE (PS&E)														
4.1	95% PS&E	4	20		80	80						184	\$19,075	\$19,075	
4.2	100% PS&E	4	20		80	80						184	\$19,075	\$19,075	
	Subtotal Phase 4	8	40	0	160	160	0	0	0	0	0	368	\$38,150	\$38,150	
5.0	BIDDING ASSISTANCE														
5.1	Bidding Assistance		2	6								8	\$1,042	\$1,042	
	Subtotal Phase 5	0	2	6	0	0	0	0	0	0	0	8	\$1,042	\$1,042	
	TOTAL HOURS	24	56	74	168	160	6	20	40	60	4	8	620		
	OTHER DIRECT COSTS												\$116	\$116	
	TOTAL COST	\$5,611	\$8,043	\$9,310	\$16,975	\$14,368	\$1,119	\$3,050	\$4,645	\$8,160	\$511	\$979	\$72,886	\$72,886	
	OPTIONAL TASKS														
2.3	Record R/W Delineation			4			6	16	24			50	\$6,850	\$6,850	
	Subtotal Optional Tasks	0	0	4	0	0	6	16	24	0	0	50	\$6,850	\$6,850	
	TOTAL HOURS - OPTIONAL	0	0	4	0	0	6	16	24	0	0	50			
	OTHER DIRECT COSTS - OPTIONAL													\$0	
	TOTAL COST - OPTIONAL	\$0	\$0	\$503	\$0	\$0	\$1,119	\$2,440	\$2,787	\$0	\$0	\$0	\$6,850	\$6,850	

Town of Paradise – Staff Support Services

Task Order #12 - On System Hardscape Replacement ER38YO (011)

PROJECT UNDERSTANDING AND APPROACH

The Town of Paradise (“Town”) proposes to repair property that was damaged as a result of a wildfire known as the “Camp Fire.” The Town has obtained federal aid under Title 23 of the United States Code (USC) to perform these repairs. As such, the project would require environmental documentation under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). We understand the Town will be handling environmental services in-house.

This project includes the repair or replacement of hardscape improvements for on-system roads. This scope of work is based on the approved Damage Assessment Form (DAF) #3 and includes 30 individual locations. This scope also includes replacement of damage streetlights and minor landscaping areas.

SCOPE OF WORK

TASK 1. PROJECT MANAGEMENT

1.1 Project Management

Mark Thomas (MT) will provide management of the performance of their work as described in the scope below. Management activities shall also include development and maintenance of a critical path method (CPM) design schedule and progress reports to be distributed monthly. The schedule and billings shall be submitted in the form and in enough detail to track the project status and contract expenditures as outlined by the Town at the beginning of the project.

1.2 Meetings

A total of two (2) web-based project meetings are proposed with this scope of work. This scope also includes one (1) visit to the sites.

TASK 1 DELIVERABLES

- Meeting Agendas & Minutes for 2 meetings with Town



TASK 2. SURVEYING AND MAPPING

2.1 Control Surveys

Mark Thomas will set at minimum three control points per site, unless sites are intervisible between one another. Project control will be based on the California State Plane Coordinate system (CCS83), Zone 2, and vertically based on NAVD88 derived from Static GPS observations, unless other control is provided. It is assumed each location identified in the DAF is a standalone site and will have site specific control that will not be connected to other sites.

2.2 Topographic Surveys

Topographic data will be collected for repair and replacement of hardscape improvements for up to 30 locations. Each location will include collecting topographic data for sidewalks, curb & gutter, curb ramps, driveways, building corners, AC dikes, asphalt spot shots and surface visible utilities and drainage structures. Topographic data will be limited to conform areas.

2.3 Record Right of Way Delineation (Optional Task)

Mark Thomas GIS technician will obtain Butte County based GIS linework to graphically show adjoining parcels and right of way. The GIS linework will be bolstered by publicly accessible record maps and documents along with any physical evidence, which includes existing monuments of record and/or a split of existing improvements, collected during the Control & Topographic phases of this task. This scope of work does not include a definitive boundary retracement and is based solely on publicly obtained record information.

If the Town approves this optional task, coordination must be made before the first day of survey crew mobilization to efficiently collect physical evidence for right of way delineation.

TASK 2 DELIVERABLES

- An ASCII point file with Point Number, Northing, Easting, Elevation, and Description for all topographic data points and control.



TASK 3. PREPARE PLANS, SPECIFICATIONS AND ESTIMATE (PS&E)

3.1 95% PS&E

Mark Thomas will prepare PS&E for the hardscape replacement / repair for the 30 locations shown in the DAF. The following sheets will be included in the PS&E:

Sheet Title	Number of Sheets
Title Sheet	1
General Notes	1
Typical Section	1
Layouts	30
Construction Details	2
Landscape Restoration Plan	30
Street Lighting Restoration Plans	4
Total	69

3.2 100% PS&E

Based on comments provided by the Town, Mark Thomas will prepare the 100% plans. The final PS&E will include technical specifications and the front-end boilerplate provided by the Town.

TASK 3 DELIVERABLES

- Draft and Final Plans (Full Size PDF and ACAD Drawing Files)
- Draft and Final Estimate (MS Excel)
- Draft and Final Specifications (MS Word)

TASK 4. BIDDING ASSISTANCE

4.1 Bidding Assistance

Mark Thomas will attend a pre-bid meeting and answer contractor questions during the bidding process. This scope assumes the Town will prepare any addendums required during the bidding period.




Assumptions and Exclusions

- The Town will conduct necessary studies and prepare documents for environmental clearance.
- All work shall be within the existing Town right of way. No right of way engineering, appraisal, or acquisition services are included in this scope of work.
- LiDAR data will be provided by the Town.



COST PROPOSAL FOR PROJECT SCOPE: Paradise-On System Hardscape Replacement (TO #12)

													TOTAL COST		
		Sr. Project Manager \$234	Project Engineer \$144	Design Engineer II \$126	Design Engineer I \$101	Technician \$90	Survey Manager \$187	Project Surveyor \$153	Survey Technician \$84	1 Person Field Crew \$136	Sr. Project Accountant \$128	Sr. Project Coordinator \$122		Total Hours	Total MT Cost
1.0	PROJECT MANAGEMENT														
1.1	Project Management	8									4	8	20	\$3,360	\$3,360
1.2	Meetings	8	12										20	\$3,594	\$3,594
	Subtotal Phase 1	16	12	0	0	0	0	0	0	0	4	8	40	\$6,954	\$6,954
2.0	SURVEYING & MAPPING														
2.1	Control Surveys							8	10	20			38	\$4,776	\$4,776
2.2	Topographic Surveys			4	8		4	16	30	60			122	\$15,166	\$15,166
	Subtotal Phase 2	0	0	4	8	0	4	24	40	80	0	0	160	\$19,942	\$19,942
3.0	PREPARE PLANS, SPECIFICATIONS & ESTIMATE (PS&E)														
3.1	95% PS&E	4	20		120	72							216	\$22,398	\$22,398
3.2	100% PS&E	4	16		80	48							148	\$15,627	\$15,627
	Subtotal Phase 3	8	36	0	200	120	0	0	0	0	0	0	364	\$38,025	\$38,025
4.0	BIDDING ASSISTANCE														
4.1	Bidding Assistance		4	8									12	\$1,581	\$1,581
	Subtotal Phase 4	0	4	8	0	0	0	0	0	0	0	0	12	\$1,581	\$1,581
	TOTAL HOURS	24	52	12	208	120	4	24	40	80	4	8	576		
	OTHER DIRECT COSTS													\$116	\$116
	TOTAL COST	\$5,611	\$7,468	\$1,510	\$21,016	\$10,776	\$746	\$3,660	\$3,344	\$10,880	\$511	\$979		\$66,618	\$66,618
	OPTIONAL TASKS														
2.3	Record R/W Delineation			4			4	16	30				54	\$6,198	\$6,198
	Subtotal Optional Tasks	0	0	4	0	0	4	16	30	0	0	0	54	\$6,198	\$6,198
	TOTAL HOURS - OPTIONAL	0	0	4	0	0	4	16	30	0	0	0	54		
	OTHER DIRECT COSTS - OPTIONAL													\$0	\$0
	TOTAL COST - OPTIONAL	\$0	\$0	\$503	\$0	\$0	\$746	\$2,440	\$2,508	\$0	\$0	\$0		\$6,198	\$6,198

Town of Paradise – Staff Support Services

Task Order #13 - On System Roadside Sign Replacement ER38YO (013)

PROJECT UNDERSTANDING AND APPROACH

The Town of Paradise (“Town”) proposes to repair property that was damaged as a result of a wildfire known as the “Camp Fire.” The Town has obtained federal aid under Title 23 of the United States Code (USC) to perform these repairs. As such, the project would require environmental documentation under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). We understand the Town will be handling environmental services in-house.

This project includes the repair or replacement of roadside signs for on-system roads. This scope of work is based on the approved Damage Assessment Form (DAF) #5 and includes 123 individual locations.

SCOPE OF WORK

TASK 1. PROJECT MANAGEMENT

1.1 Project Management

Mark Thomas (MT) will provide management of the performance of their work as described in the scope below. Management activities shall also include development and maintenance of a critical path method (CPM) design schedule and progress reports to be distributed monthly. The schedule and billings shall be submitted in the form and in enough detail to track the project status and contract expenditures as outlined by the Town at the beginning of the project.

1.2 Meetings

A total of one (1) web-based project meeting are proposed with this scope of work. This scope also includes one (1) visit to the sites.

TASK 1 DELIVERABLES

- Meeting Agendas & Minutes for 1 meeting with Town



TASK 2. PREPARE PLANS, SPECIFICATIONS AND ESTIMATE (PS&E)

2.1 95% PS&E

Mark Thomas will prepare PS&E for the roadside sign replacement locations shown in the DAF and will include 123 locations. The following sheets will be included in the PS&E:

Sheet Title	Number of Sheets
Title Sheet	1
General Notes	1
Key Map	1
Sign Plans	20
Sign Details	2
Total	25

2.2 100% PS&E

Based on comments on the 95% plans, Mark Thomas will prepare the 100% plan submittal.

TASK 2 DELIVERABLES

- Draft and Final Plans (Full Size PDF)
- Draft and Final Estimate (MS Excel)
- Draft and Final Specifications (MS Word)

TASK 3. BIDDING ASSISTANCE

Based on comments provided by the Town, Mark Thomas will prepare the 100% plans. The final PS&E will include technical specifications and the front-end boilerplate provided by the Town.

3.1 Bidding Assistance

Mark Thomas will attend a pre-bid meeting and answer contractor questions during the bidding process. This scope assumes the Town will prepare any addendums required during the bidding period.




Assumptions and Exclusions

- The Town will conduct necessary studies and prepare documents for environmental clearance.
- All work shall be within the existing Town right of way. No right of way engineering, appraisal, or acquisition services are included in this scope of work.
- LiDAR data will be provided by the Town.



COST PROPOSAL FOR PROJECT SCOPE: Paradise-On System Roadside Sign Replacement (TO #13)

								Total Hours	Total MT Cost	TOTAL COST
		Sr. Project Manager \$234	Project Engineer \$144	Design Engineer II \$126	Design Engineer I \$101	Sr. Project Accountant \$128	Sr. Project Coordinator \$122			
1.0	PROJECT MANAGEMENT									
1.1	Project Management	2	2			2	2	8	\$1,255	\$1,255
1.2	Meetings	2	2					4	\$755	\$755
	Subtotal Phase 1	4	4	0	0	2	2	12	\$2,010	\$2,010
2.0	PREPARE PLANS, SPECIFICATIONS & ESTIMATE (PS&E)									
2.1	95% PS&E		8	20	84			112	\$12,153	\$12,153
2.2	100% PS&E		24		60			84	\$9,509	\$9,509
	Subtotal Phase 2	0	32	20	144	0	0	196	\$21,662	\$21,662
3.0	BIDDING ASSISTANCE									
3.1	Bidding Assistance		2		2			4	\$489	\$489
	Subtotal Phase 3	0	2	0	2	0	0	4	\$489	\$489
	TOTAL HOURS	4	38	20	146	2	2	212		
	OTHER DIRECT COSTS								\$0	\$0
	TOTAL COST	\$935	\$5,458	\$2,516	\$14,752	\$255	\$245		\$24,161	\$24,161

Town of Paradise – Staff Support Services

Task Order #14 - Neal Road Pavement Rehabilitation ER38YO (025)

PROJECT UNDERSTANDING AND APPROACH

The Town of Paradise (“Town”) proposes to repair property that was damaged as a result of a wildfire known as the “Camp Fire.” The Town has obtained federal aid under Title 23 of the United States Code (USC) to perform these repairs. As such, the project would require environmental documentation under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). We understand the Town will be handling environmental services in-house.

This scope of work is based on the approved Damage Assessment Form (DAF) #9 and includes 1.6 miles of pavement rehabilitation along Neal Road (from Wayland to Skyway). This scope also includes replacement of the existing loop detectors at the Skyway / Neal Road traffic signal.

SCOPE OF WORK

TASK 1. PROJECT MANAGEMENT

1.1 Project Management

Mark Thomas (MT) will provide management of the performance of their work as described in the scope below. Management activities shall also include development and maintenance of a critical path method (CPM) design schedule and progress reports to be distributed monthly. The schedule and billings shall be submitted in the form and in enough detail to track the project status and contract expenditures as outlined by the Town at the beginning of the project.

1.2 Meetings

A total of two (2) web-based project meetings are proposed with this scope of work. This scope also includes one (1) visit to the sites.

TASK 1 DELIVERABLES

- Meeting Agendas & Minutes for 2 meetings with Town



TASK 2. SURVEYING AND MAPPING

2.1 Control Surveys

Mark Thomas will set project control for approximately 1.6 miles along Neal Road (from Wayland to Skyway). Control will be based on the California State Plane Coordinate system (CCS83), Zone 2, and vertically based on NAVD88, unless other control is provided. Control set by Mark Thomas will be derived from Static GPS observations.

2.2 Topographic Surveys

Topographic data will be collected for pavement rehabilitation along Neal Road (from Wayland to Skyway) and will be collected within the existing edge of pavement (EP) of Neal Road. Topographic survey will consist of cross-sections every 500 feet collecting EP on both sides of Neal Road and crown of road. Additional EP and crown data will be collected at roadway angle points, curves and tapers. Survey will also include the centerline of driveways and spot shots showing driveway slope. This task includes surface visible utilities, culverts or manholes and other drainage structures within the pavement rehabilitation areas.

2.3 Record Right of Way Delineation

Mark Thomas GIS technician will obtain Butte County based GIS linework to graphically show adjoining parcels and right of way. The GIS linework will be bolstered by publicly accessible record maps and documents along with any physical evidence, which includes existing monuments of record and/or a split of existing improvements, collected during the Control & Topographic phases of this task. This scope of work does not include a definitive boundary retracement and is based solely on publicly obtained record information.

TASK 2 DELIVERABLES

- An ASCII point file with Point Number, Northing, Easting, Elevation, and Description for all topographic data points and control.
- One (1) electronic Record Right of Way Map in AutoCAD DWG format (2015 or newer).



TASK 3. GEOTECHNICAL ENGINEERING

In order to determine the existing pavement section thickness, pavement alternatives, cost, and current traffic index Crawford & Associates, Inc., will core the pavement to determine the existing HMA and AB section thicknesses. During coring, we will collect samples of the HMA, AB and subgrade soil for laboratory testing. Following pavement coring and R-value testing we will determine the existing traffic index for the pavement and provide updated rehabilitation alternatives based on assumed gravel factors (to be confirmed during mix design) for consideration by the Town and the Design team.

3.1 Geotechnical / Pavement Design Report

CAInc will perform the following and prepare a Geotechnical/Pavement Design Memo for the project.

Coordination and Preliminary Review

CAInc will meet with the design team to discuss preliminary design plans, project design needs, issues and schedules. We will obtain a Town of Paradise encroachment permit.

Pavement Coring and Sampling

To measure the existing structural pavement sections (AC and AB), CAINC will perform 8 to 10 pavement cores along Neal Road. An Engineer/Geologist will direct the coring and sampling.

Preliminary Pavement Section Analysis

Following the results of our pavement coring and R-value testing, CAINC will discuss the current calculated traffic indexes and potential rehabilitation options along Neal Road with the Town and design team.

Pavement Design Memo

CAInc will prepare a Pavement Design Report including the following:

- Project description; Existing pavement conditions including dig out and replacement locations;
- New structural pavement sections including traditional asphalt and aggregate base and deep lift asphalt; Rehabilitation recommendations;
- Recommendations for grading and construction, including ground preparation, materials excavation, stability, and placement;
- Risk Management and Limitations;
- Vicinity Map; and
- Site Plan with pavement core locations, pavement conditions notes.

TASK 3 DELIVERABLES

- Draft Pavement Design Memo
- Final Pavement Design Memo



TASK 4. PREPARE PLANS, SPECIFICATIONS AND ESTIMATES (PS&E)

4.1 95% PS&E

Mark Thomas will prepare PS&E for the Neal Road pavement rehabilitation as shown in the DAF. The following sheets will be included in the PS&E:

Sheet Title	Number of Sheets
Title Sheet	1
General Notes	1
Typical Section	1
Layout	8
Construction Details	6
Signing and Striping Plan	8
Loop Restoration Plan	2
Total	27

4.2 100% PS&E

Based on comments provided by the Town, Mark Thomas will prepare the 100% plans. The final PS&E will include technical specifications and the frontend boiler plate provided by the Town.

TASK 4 DELIVERABLES

- Draft and Final Plans (Full Size PDF)
- Draft and Final Estimate (MS Excel)
- Draft and Final Specifications (MS Word)

TASK 5. BIDDING ASSISTANCE

5.1 Bidding Assistance

Mark Thomas will attend a pre-bid meeting and answer contractor questions during the bidding process. This scope assumes the Town will prepare any addendums required during the bidding period.



Assumptions and Exclusions

- No replacement of existing drainage features are included in this scope.
- The Town will conduct necessary studies and prepare documents for environmental clearance.
- All work shall be within the existing Town right of way. No right of way engineering, appraisal, or acquisition services are included in this scope of work.
- LiDAR data will be provided by the Town.
- The Town will waive the encroachment permit fee for geotechnical investigations.
- Traffic control will consist of lane shifts and the use of flaggers.
- Pavement cores will be backfilled with concrete with black dye.



COST PROPOSAL FOR PROJECT SCOPE: Paradise-Neal Road Pavement Rehabilitation (TO #14)

													Subs	TOTAL COST	
	Sr. Project Manager \$234	Project Engineer \$144	Design Engineer II \$126	Design Engineer I \$101	Technician \$90	Sr. Project Surveyor \$169	Project Surveyor \$153	Sr. Survey Technician \$116	2 Person Field Crew \$263	Sr. Project Accountant \$128	Sr. Project Coordinator \$122	Total Hours	Total MT Cost		Crawford & Associates
1.0 PROJECT MANAGEMENT															
1.1 Project Management	12									4	4	20	\$3,806	-	\$3,806
1.2 Meetings	8	12										20	\$3,594		\$3,594
Subtotal Phase 1	20	12	0	0	0	0	0	0	0	4	4	40	\$7,399	\$0	\$7,399
2.0 SURVEYING & MAPPING															
2.1 Control Surveys						2	4	8	10			24	\$4,507	-	\$4,507
2.2 Topographic Surveys				4		2	4	8	50			68	\$15,431	-	\$15,431
2.3 Record R/W Delineation						8	24	24				56	\$7,797	-	\$7,797
Subtotal Phase 2	0	0	0	4	0	12	32	40	60	0	0	148	\$27,734	\$0	\$27,734
3.0 GEOTECHNICAL ENGINEERING															
3.1 Geotechnical / Pavement Design Report		4		8								12	\$1,383	11,157	\$12,540
Subtotal Phase 3	0	4	0	8	0	0	0	0	0	0	0	12	\$1,383	\$11,157	\$12,540
4.0 PREPARE PLANS, SPECIFICATIONS & ESTIMATE (PS&E)															
4.1 95% PS&E	2	40	120	180	80							422	\$46,681	-	\$46,681
4.2 100% PS&E	2	40	80	100	40							262	\$29,973	-	\$29,973
Subtotal Phase 4	4	80	200	280	120	0	0	0	0	0	0	684	\$76,654	\$0	\$76,654
5.0 BIDDING ASSISTANCE															
5.1 Bidding Assistance	2	4	8									14	\$2,049	-	\$2,049
Subtotal Phase 5	2	4	8	0	0	0	0	0	0	0	0	14	\$2,049	\$0	\$2,049
TOTAL HOURS	26	100	208	292	120	12	32	40	60	4	4	898			
OTHER DIRECT COSTS													\$0	\$6,272	\$6,272
TOTAL COST	\$6,079	\$14,362	\$26,168	\$29,504	\$10,776	\$2,025	\$4,880	\$4,645	\$15,780	\$511	\$489		\$115,219	\$17,429	\$132,648



TOWN OF PARADISE
Council Agenda Summary
Date: August 11, 2020

Agenda No. 6(e)

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

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 20-___, A Resolution approving the plans and specifications for the Interim Safety Striping and Marking Improvement Project and authorizing advertisement for bids on the project.

Background:

As an interim safety project, staff has identified portions of Skyway, Clark Road, Pentz Road, Wagstaff Road and Bille Road for thermoplastic long-line striping, and twenty-two intersections in need of thermoplastic markings. A project exhibit is included in this agenda summary.

The list of streets and intersections in need of striping/markings is extensive Town-wide. This interim safety project will address the highest priority areas, arterials and collectors, in order to ensure safety for drivers and pedestrians. The approved On-System Road Rehabilitation project, anticipated to begin construction in 2022, will replace thermoplastic striping and markings on all federal-aid roads throughout the Town.

Analysis:

Public Works has prepared the plans, specifications, and cost estimate for the Interim Safety Striping and Marking Improvement Project. With Council approval of the plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Advertise for bid:	August 13-27, 2020
Award Contract:	August 31, 2020
Construction:	Fall 2020

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

Financial Impact:

Funding for the Interim Safety Striping and Marking Improvement Project is proposed to come from local transportation funds (Transit). The total estimated construction cost is \$125,000. A detailed project accounting description will be made available at the time of contract award.

**TOWN OF PARADISE
RESOLUTION NO. _____**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF
PARADISE APPROVING THE PLANS, SPECIFICATIONS AND
ESTIMATES FOR INTERIM SAFETY STRIPING AND MARKING
IMPROVEMENT PROJECT AND AUTHORIZING ADVERTISEMENT
FOR BIDS ON THE PROJECT.**

WHEREAS, staff has identified portions of Skyway, Clark Road, Pentz Road, Wagstaff Road and Billie Road for thermoplastic long-line striping, and twenty-two intersections in need of thermoplastic markings: and,

WHEREAS, maintenance of the Town’s traffic striping and markings is critical to public safety; and,

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

Section 1. The design, plans, specifications and estimates for the Interim Safety Striping and Marking Improvement Project described in the Town Council Agenda Summary for this Resolution are hereby approved.

Section 2. The Public Works Department is authorized to advertise the Interim Safety Striping and Marking Improvement Project.

Section 3. Interim Safety Striping and Marking Improvement Project is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14 California Code of Regulations Section 15301.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 11th day of August, 2020, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

By: _____
Greg Bolin, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

Council Action Advised by August 31, 2020

June 30, 2020

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: _____

**2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____
(circle one) (signature)

Date _____ Phone _____

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254

Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

Guidelines for the Annual Conference Resolutions Process

Article V: Membership Meetings

Section 1: Annual Conference.

- (a) **Time and Place.** The League's regular Annual Conference is held at the time and place as the League Board determines. In case of any unusual conditions or extraordinary emergency, the League Board may, at its discretion, change the time or place of the meeting.
- (b) **Conference Program Planning.** The League Board shall establish an Annual Conference program planning process that provides for input from representative segments of the League's membership.

Section 2: Special Meetings.

Special meetings of the League may be called by the League Board and shall be called by the League Board upon the written request of five percent or more of the Member Cities.¹ Any written request by Member Cities shall describe the general nature of the business to be transacted and the text of any proposed resolution(s).

Section 3: City Delegates as General Assembly.

- (a) **Designation.** Each Member City may, with the approval of the city council, designate a city official as the city's designated voting delegate and, in the event that the designated voting delegate is unable to serve in that capacity, up to two alternate voting delegates.
- (b) **Membership Decision-making Body.** Designated voting delegates (or their alternates) constitute the League's General Assembly.
- (c) **Registration for Annual Conference.** For General Assemblies held in conjunction with the Annual Conference, **designated voting delegates must register to attend the Annual Conference**

¹ See Cal. Corp. Code § 7510 ("special meetings of members for any lawful purpose may be called by 5 percent or more of the members").

Section 4: Notice of Meetings. (*Mailing of Resolutions packet/with meetings*)

(a) **General.** Notice shall be given to all Member Cities of the time and place of all regular and special meetings by faxing or mailing a written notice at least fifteen days prior to each meeting, or by publishing a notice of the meeting at least two weeks prior to the meeting in an official publication of the League; provided, however, that failure to receive such notice does not invalidate any proceedings at such meeting.

(b) **Special Notice Requirements for Special Meetings.** Any notice of the calling of a special meeting shall specify the purpose of the special meeting in such detail to enable Member Cities to determine whether they should attend. In the event a special meeting is requested by five percent or more of the Member Cities, the notice shall also set forth the text of any proposed resolution(s).

Section 5: Parliamentarian.

The League President shall appoint a Parliamentarian to resolve procedural issues at the League's General Assembly and in Resolutions Committee meetings.

Section 6: Credentials.

Designated voting delegates must register with the Credentials Committee. The League President shall appoint a three-person Credentials Committee no later than the first day of the General Assembly. In case of dispute, this committee determines the right of a member to participate.

Article VI: Resolutions

Section 1: Role and Scope of Resolutions.

Resolutions adopted by the League's General Assembly and such League Board policies as are not inconsistent with such resolutions constitute League policy. All resolutions shall be germane to city issues.

Section 2: Origination.

Resolutions may originate from city officials, city councils, regional divisions², functional departments³, policy committees, or the League Board or by being included in a petition signed by designated voting delegates of ten percent of the number of Member Cities.

Section 3: Resolutions Committee for Annual Conference Resolutions.

(a) **Resolutions Committee Composition.** The League President establishes a Resolutions Committee sixty days prior to each Annual Conference, which committee shall consist of:

- (i) One elected official from each regional division, appointed by the regional division;
- (ii) One elected official from each policy committee, appointed by the policy committee;

² "Regional divisions" are defined in Article IX of these bylaws.

³ "Functional departments" are defined in Article X of these bylaws.

- (iii) One member from each functional department, appointed by the department; and
- (iv) Up to ten additional members (at least five of whom are elected officials) as the League President deems necessary to achieve geographic and population balance, as well as recognize the multiplicity of city functions not represented by the other appointments, including, but not limited to, the perspectives of board and commission members as well as professional staff.

(b) Presidential Appointments. In the event a regional division, policy committee or functional department does not make its appointment to the Resolutions Committee, the League President may make the appointment on the regional division's, policy committee's or functional department's behalf.

(c) Chair. The League President shall also appoint to the Resolutions Committee a committee chair and vice chair.

(d) Minimum Committee Size and Composition. In the event the full committee is not in attendance at the Annual Conference, the League President shall appoint a sufficient number of city officials in attendance to achieve a total of thirty. No less than two-thirds of the members of the Resolutions Committee shall be elected officials.

(e) Committee Consideration of Proposed Resolutions. Except for resolutions of courtesy, commendation, appreciation or condolence, no resolution expressing the opinion or policy of the League on any question may be considered or discussed by the League's General Assembly, unless it has been first submitted to, and reported on, by the Resolutions Committee.

Section 4: Procedure for Resolution Review for the Annual Conference.

(a) Timing. Except for petitioned resolutions, all resolutions shall be submitted to the Resolutions Committee, at the League's headquarters, not later than sixty days prior to the opening session of the League's Annual Conference.

(b) Referral to Policy Committees.

(i) Review and Recommendations. Except for resolutions of courtesy, commendation, appreciation or condolence, all resolutions submitted to the Resolutions Committee shall be referred by the League President to an appropriate policy committee for review and recommendation prior to the opening general session of the Annual Conference.

(ii) Report to Resolutions Committee. Policy committees shall report their recommendations on such resolutions to the Resolutions Committee. The inability of a policy committee to make a recommendation on any resolution does not preclude the Resolutions Committee from acting upon it.

Section 5: Resolutions Proposed by Petition for the Annual Conference.

(a) Presentation by Voting Delegate. A designated voting delegate of a city may present by petition a resolution to the League President for consideration by the Resolutions Committee

and the General Assembly at the Annual Conference. These resolutions are known as “petitioned resolutions.”

- (b) **Contents.** The petition shall contain the specific language of the resolution and a statement requesting consideration by the League’s General Assembly.
- (c) **Signature Requirements.** The petition shall be signed by designated voting delegates registered with the Credentials Committee who represent ten percent of the number of Member Cities.
- (d) **Time Limit for Presentation.** The signed petition shall be presented to the League President no later than twenty-four hours prior to the time set for convening the League’s General Assembly.
- (e) **Parliamentarian Review.** If the League President finds that the petition has been signed by designated voting delegates of ten percent of the number of Member Cities, the petition shall be reviewed by the Parliamentarian for form and substance. The Parliamentarian’s report shall then be presented to the chair of the Resolutions Committee. Among the issues that may be addressed by the Parliamentarian’s report is whether the resolution should be disqualified as being either
 - (i) Non-germane to city issues or
 - (ii) Identical or substantially similar in substance to a resolution already under consideration
- (f) **Disqualification.** The Resolutions Committee may disqualify a petitioned resolution as either being
 - (i) Non-germane to city issues or
 - (ii) Identical or substantially similar to a resolution already under consideration.
- (g) **Consideration by General Assembly.** The petitioned resolution and the action of the Resolutions Committee will be considered by the League’s General Assembly following consideration of other resolutions.
- (h) **Availability of List of Voting Delegates.** A list of voting delegates shall be made available during the Annual Conference to any designated voting delegate upon request.

Section 6. Special Meeting Resolution Procedures.

- (a) **Germane-ness.** All resolutions must be germane to the meeting purpose specified in the special meeting notice.
- (b) **Opportunity for Member Review.** All resolutions to be proposed during the General Assembly shall be available for membership review by electronic (for example, by posting on the League’s website) or other means at least 24 hours prior to the beginning of the special meeting.

(c) Parliamentarian Review. The Parliamentarian shall review all proposed resolutions for form and substance. The Parliamentarian’s report shall be presented to the General Assembly.

Section 7: Full Debate.

The opportunity for full and free debate on each resolution brought before the General Assembly shall occur prior to consideration of a resolution.

Article XI: Voting

Section 1: Quorum.

- (a) In General.** A majority of the members of the League’s Board, functional department, regional division, committee or other kind of subsidiary body constitutes a quorum for the purpose of making decisions.⁴
- (b) General Assembly.** The presence, at the General Assembly, of credentialed voting delegates (or alternates) representing a majority of Member Cities, constitutes a quorum.⁵
- (a) Failure to Achieve Quorum.** In the event that a body other than the League Board of directors lacks a quorum, all votes taken by that body will be advisory to the League Board, which shall be advised that a quorum was not present. In the event that the League’s Board is unable to achieve a quorum, the League Board will adjourn until such time as a quorum can be achieved.

Section 2: Voting Methods.

- (a) General Assembly.** All voting in meetings of the General Assembly of the League, its regional divisions, functional departments, committees and other kinds of subsidiary bodies is by voice vote.
- (b) Alternative Methods.** If the presiding official cannot determine the outcome of the voice vote or three or more Member Cities request, an alternative method of voting may be used. An alternative voting method may be by any means (show of hands, written ballot, display of voting cards, etc.) which allows the presiding official to accurately determine the outcome of the vote.
- (c) Roll Call Vote.** A roll call may be demanded by representatives of ten percent or more of the voting body.⁶
- (d) Voting Cards.** A voting card will be issued to each Member City’s designated voting delegate upon presentation of evidence of the delegate’s designation by the Member City.
- (e) Proxy Voting.** Proxy voting is not allowed.

⁴ See Cal. Corp. Code § 7511(a)(8) (noting that a board meeting may continue to transact business after a quorum is lost as long as items approved receive a majority of the quorum, unless a higher approval threshold exists for approval of a certain type of action).

⁵ See Cal. Corp. Code § 7512(c) (noting that a membership meeting may continue to transact business after a quorum is lost as long as items approved receive a majority of the quorum, unless a higher approval threshold exists for approval of a certain type of action—for example, bylaws approval).

⁶ For the League’s General Assembly, the “voting body” is all delegates registered with the Credentials Committee.

NOTE: A two-thirds vote of approval of those voting is necessary to amend these bylaws.

Article XVI: Amendments

Section 1: Consideration.

These bylaws may be amended by the League's General Assembly (see Article XVI, section 5 for procedures) or by a mail ballot to Member Cities (see Article XI, section 5 for procedures).

Section 2: Vote Threshold.

A two-thirds vote of approval of those voting is necessary to amend these bylaws.

Section 3: Who May Propose.

Amendments may be proposed by the League Board or by petition of ten percent of Member Cities. The proponent may specify whether the amendment is to be considered at the General Assembly or by mail ballot.

Section 4: Board Review.

Any amendment proposed by petition shall be submitted to the League Board in writing for its review. The League Board's recommendation and reasons following its review shall accompany all materials relating to the proposed amendment.

Section 5: Procedure for Consideration by General Assembly.

- (a) **Notice.** The meeting notice required by Article V, section 4 for League meetings shall include notice of any proposal to amend the League's bylaws, along with the subject of the proposed amendment(s).
- (b) **Consideration by General Assembly.** The proposed amendment, along with any action by the League Board pursuant to section 4 of this Article, shall be considered by the General Assembly along with any resolutions presented pursuant to Article VI.

Section 6: Effective Date.

After approval, amendments go into effect after the expiration of the protest period (see Article XVI, section 7) unless otherwise specified in the amendment.

Section 7: Protest and Suspension until Next Conference.

If, within sixty days after the adoption of any amendment, one-third or more of the Member Cities submit a written protest against such amendment, the amendment is automatically suspended until the next Annual Conference, when it may be taken up again for reconsideration and vote.