



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

TELEPHONE (530) 872-6291 FAX (530) 877-5059

www.townofparadise.com

Management Staff:

Lauren Gill, Interim Town Manager
Dwight L. Moore, Town Attorney
Joanna Gutierrez, Town Clerk
Craig Baker, Community Development Director
Gabriela Tazzari-Dineen, Police Chief
George Morris, Jr., Unit Chief
CAL FIRE/Butte County Fire
Paradise
Gina Will, Finance Director/Town Treasurer

Town Council:

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

TOWN COUNCIL AGENDA

REGULAR MEETING – 6:00 PM – June 11, 2013

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

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

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

1. OPENING

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

- c. Invocation
- d. Roll Call
- e. Presentations/Proclamations:
 - (1) Certificates of Appreciation for Donations/Proclamations:
 - Green Ridge Landscaping
 - Rotary Club of Paradise
 - Relay for Life Event
 - (2) Presentation by Rob Cone, Division Chief, CAL FIRE/Paradise Fire

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

3. CONSENT CALENDAR

Following Council concurrence to waive the entire reading of the two proposed ordinances and reading by title only the ordinances referenced in items 3g and 3h, one roll call vote will be taken for all items placed on the consent calendar.

- 3a. Approve Minutes of the May 14, 2013 Regular Meeting and the May 21, 2013 Special Meeting.
- 3b. Approve Cash Disbursements in the amount of \$3,639,212.41.
- 3c. Approve agreement with CSU Chico Research Foundation on behalf of Geographic Information Center (GIC), to provide GIS maintenance updates, which includes existing GIS data and Map Book updates, and GIS support services, for individual departments including dispatch, to the Town of Paradise Geographical Information System for the period July 1, 2013 through June 30, 2014 in the amount of \$10,000.00.
- 3d. Adopt Resolution No. 13-27, A Resolution of the Town Council of the Town of Paradise Establishing Credit Card Security Policy.
- 3e. Adopt Resolution No. 13-28, A Resolution of the Town Council of the Town of Paradise Authorizing Certain Police, Fire and Public Works Vehicles to be Surplus Property and Authorizing Disposal Thereof.
- 3f. Authorize the Mayor and Town Manager to execute the Sixth Amendment to Dismissal and Tolling Agreement between Town of Paradise and Oak Creek Estates.
- 3g. (1) Waive second reading of the entire Town Ordinance No. 529 and approve reading by title only; and, (2) Adopt Town Ordinance No.529, an Ordinance of the Town of Paradise relating to Noise Control. Approval allows for an administrative fee to be charged to recover cost of police department response to repeated violations)

- 3h. (1) Waive first reading of Town Ordinance No. 530 and approve reading by title only; and, (2) Introduce Town Ordinance No. 530, "An Ordinance Amending Sections 5.12.020 and 5.12.110 of the Paradise Municipal Code relating to Bingo Games". Approval will provide minor revision to language in the "Eligible Organizations" section and align bingo prize value to the \$500 limit as allowed by California Penal Code.

4. PUBLIC HEARING PROCEDURE

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

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

5. PUBLIC HEARINGS

- 5a. Conduct a public hearing to consider the Planning Commission recommendation for Town Council adoption of text amendments to the Town's land use regulations contained in Paradise Municipal Code Title 17 (Zoning). If adopted, the amendments would affect municipal code sections related to home occupation regulations with the objective of permitting the establishment of Cottage Food Operations (CFOs), pursuant to Government Code section 51035. Upon conclusion of the public hearing the Town Council will consider:

- (1) Concurring with the project "CEQA determination" finding adopted by the Planning Commission on May 21, 2013, and embodied within Planning Commission Resolution No. 13-03; (2) Waiving the first reading of Town Ordinance No. 531 and approve reading by title only; and, (3) Introducing Town Ordinance No. 531, An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.33 Relating to Home Occupations and Cottage Food Operations"; **(ROLL CALL VOTE)** OR (4) Adopting an alternative directive to town staff regarding this agenda item.

6. PUBLIC COMMUNICATION

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

7. COUNCIL CONSIDERATION

- 7a.** Consider (1) Approving Agreement between Town of Paradise and Paradise Irrigation District (PID) accepting \$32,000 for the purpose of installing a 0.17' overlay along Bille Road between Fern Lane and Posey Lane. Thereafter, PID will have no further obligation to restore Bille Road pursuant to Encroachment Permit EN12-00024; and, (2) Contingent upon PID Board approval of said Town of Paradise and PID Agreement, award Contract No. 13-04, Bille Road Overlay – Posey to Fern, to Folsom Lake Asphalt of Rancho Cordova, CA in the amount of their base bid of \$72,296.10. **(ROLL CALL VOTE)**

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Discuss and consider directing staff to include a budget allocation for purchase of a memorial wreath for presentation by the Mayor or designed public official at the Veterans Memorial Day ceremony in Paradise to honor local men and women who have served in our nation's armed forces. **(RAWLINGS)**
- 8b. Council oral reports of their representation on Committees/Commissions.
- 8c. Discussion of future agenda items

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports

10. CLOSED SESSION – None.

11. ADJOURNMENT

- 11a. Consider adjourning to June 25, 2013 at 6:00 pm for the purpose of holding an adjourned regular meeting.

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

TOWN OF PARADISE



CERTIFICATE OF APPRECIATION

**is hereby presented to Derek & Cynthia Onstein
Green Ridge Landscaping**

**For Donation of weekly Landscaping Services to maintain the
Town of Paradise Gateway at Neal Road & Skyway**

**A public resource that welcomes residents and visitors to the community
with a stunning visual display of trees and plants**

Date: June 11, 2013

*Timothy Titus, Mayor
Town of Paradise*

TOWN OF PARADISE



CERTIFICATE OF APPRECIATION

is hereby presented to Rotary Club of Paradise

**For Donation of \$3,500 to purchase equipment to launch the
Town of Paradise Live Stream Program**

**A public resource that will facilitate accessibility to local government and
enhance transparency through live broadcast of public meetings**

Date: June 11, 2013

*Timothy Titus, Mayor
Town of Paradise*

Town of Paradise, California

PROCLAMATION

WHEREAS, cancer is a group of diseases characterized by uncontrolled growth and spread of abnormal cells which, if not controlled, can result in premature death; and

WHEREAS, cancer is predicted to strike one out of every three Americans sometime in their lifetime; and

WHEREAS, the American Cancer Society is a voluntary community-based coalition of local citizens dedicated to eliminating cancer as a major health problem through financial support and education awareness; and

WHEREAS, the "RELAY FOR LIFE" event financially benefits the American Cancer Society's research and patient support programs, and educationally benefits our local citizens; and

WHEREAS, the American Cancer Society's Relay For Life in Paradise on June 22nd and June 23rd is a community event that allows an opportunity to network with businesses, associates, family and friends, with the same goal of making a difference in the battle against cancer; and,

WHEREAS, the color purple is the signature color of the American Cancer Society's Relay For Life events signifying the passion that cancer survivors and their families and loved ones feel for the eradication of this disease; and, the "RELAY FOR LIFE" event is also recognized by the "PURPLE RIBBON CAMPAIGN" to show support to those individuals living with cancer and to honor those individuals that have lost their lives to the dreaded disease of cancer.

NOW, THEREFORE, I, Timothy Titus, Mayor of the Town of Paradise hereby declare the weekend of June 22nd and June 23rd, 2013, as the "Relay for Life Weekend" in the Town of Paradise and recognize and honor the citizens of all ages of the Town of Paradise, as well as our local business community for their generous support of the Relay for Life and the American Cancer Society's fight against cancer and search for a cure.

IN WITNESS WHEREOF I have hereunto set my hand and caused the official seal of the Town of Paradise to be affixed hereto this 11th day of June, 2013.



Timothy Titus, Mayor

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – May 14, 2013**

OPENING

The Regular Meeting of the Paradise Town Council was called to order by Mayor Timothy Titus at 6:01 p.m. in the Town Hall Council Chamber located at 5555 Skyway, Paradise, California. Following the Pledge of Allegiance to the Flag of the United States of America, an invocation was offered by Town of Paradise Chaplain Lloyd Tremain.

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

COUNCIL MEMBERS ABSENT: None.

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

Presentations:

- (1) Dean Fender, President of Rotary Club of Paradise, presented the Town Council a check in the amount of \$3,500 to purchase equipment to live stream public meetings
- (2) Fire Safe Council Presentation by Phil John, Vice Chair
- (3) Presentation by InReach - Police Department Mobile Phone Application
- (4) Northern Recycling and Waste Services Annual Report of franchised waste services provided to the Town of Paradise by Doug Speicher (940-10-20)

ITEMS DEFERRED FROM PREVIOUS MEETINGS - None.

CONSENT CALENDAR

Mayor Titus called for public comment on consent calendar items.

1. Ward Habriel stated that he thinks the purchase of equipment itemized in agenda item 3f is unnecessary as there are other places the firefighter PPE’s can be decontaminated.

MOTION by Lotter, seconded by Rawlings, adopted all items on the Consent Calendar by a unanimous roll call vote.

- 3a. Approved Minutes of the April 9, 2013 Regular Meeting and the April 23, 2013 Special Council Meeting.
- 3b. Approved cash disbursements in the amount of \$897,755.78. (310-10-29)
- 3c. Accepted a donation of labor and equipment from Green Ridge Landscaping to maintain the Neal Road/Skyway Gateway facility valued in an amount \$2,140 per year. (395-50-13)
- 3d. (1) Waived second reading of entire Ordinance No 528 and approved reading by title only; and, (2) Adopted Ordinance No. 528, An Ordinance Amending Town of Paradise Municipal Code Section 10.02.060 - Prima Facie Speed Limit to reflect speed limit modification along Pearson Road between Cherry Lane and Pentz Road. (540-16-97 & 490-20-04))
- 3e. Adopted Resolution No. 13-24, A Resolution Declaring Town of Paradise Fire Department Equipment Surplus and Authorizing Disposal of Said Equipment. (Outdated communication equipment including radios, pagers and cell phones.) (380-10-03)
- 3f. Pursuant to Paradise Municipal Code section, 2.45.120, (1) Made the finding that the bid shall not be awarded to the lowest bidder in light of the circumstances; and, (2) Approved purchase of UniMac Washer/Extractor from Longfellow Commercial Appliance in the budgeted amount of \$10,942.63. [Equipment is necessary to comply with OSHA/NFPA requirements for decontaminating Firefighter Personal Protective Equipment (PPE) after contamination from working in hazardous environments]. (440-30-04)
- 3g. Reviewed and acknowledged receipt of the 3rd Quarter Investment Report for the Fiscal Year Ended June 30, 2013. (360-30-05)
- 3h. Adopted Resolution No. 13-25, A Resolution of The Town Council of The Town Of Paradise Establishing Privacy and Refund Policies for Internet Transactions. (110-10-36)
- 3i. Reviewed and acknowledged receipt of the Fiscal Year 2011/12 financial statement audit report as submitted. (385-10-31)
- 3j. Adopted Resolution No. 13-26, A Resolution of the Town Council of the Town of Paradise, California, Authorizing the Execution and Delivery of a Lease with Option to purchase, and authorizing certain actions in connection therewith. (Lease purchase with Leasource Financial Services, Inc., for the refurbish of two (2) police vehicles in the amount of \$51,687.06 approved by Council on April 9, 2013.) (380-45-51)

PUBLIC HEARING PROCEDURE

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

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

PUBLIC HEARINGS

Following reports and power point presentation from town staff regarding the various recommendations proposed on the revised fee schedule, Mayor Titus opened the public hearing at 7:25 p.m.

1. Fred Aldred stated that the Paradise Tea Party has looked at the entire presentation, had discussions with Council Members and the Town Manager, and they applaud the efforts that have been made relating to the updated master fee schedule and thanked the staff and Council for their efforts.

Mayor Titus closed the public hearing at 7:27 p.m. Following discussion, Council concurred to delay action on the proposed master fee schedule until after discussion and action is consider on related agenda items 7b, noise ordinance regulations amendment; 7c, alarm system proposed ordinance regulations; and 7e, business registration proposed ordinance, at this time.

Agenda Item 7b: Following a report from Police Chief Gabriela Tazzari-Dineen regarding the proposed amendment to the Town's noise ordinance that would allow an administrative fee to be charged to recover the cost of police department response to repeated violations of the noise control statutes, Mayor Titus opened the matter for public comment.

1. Fred Aldred stated that he is against the proposed amendment as brings us to that 'slippery slope' of what's next with regard to fees being associated with police services that he believes are already paid for with tax dollars.

7b. MOTION by Lotter, seconded by Culleton, (1) Waiving the reading of entire proposed Ordinance No. 529 and approved reading by title only; and, (2), Introduced Ordinance No. 529, An Ordinance Adding Section 9.18.415 to the Paradise Municipal Code relating to Noise. **(ROLL CALL VOTE)** Approval of the ordinance will allow for an administrative fee to be charged to recover the cost of police department response to repeated violations of the noise control statutes.

Agenda Item 7c: Police Chief Tazzari-Dineen reported to Council regarding the proposed amendment to the Town's existing alarm system ordinance. The purpose of the alarm ordinance is to provide a permit and registration system with appropriate regulations to facilitate the reduction of false alarms, to provide police response and administration, and to advance the proper use of alarm systems by alarm users.

Chief Tazzari-Dineen stated that if the revision is approved, the Town's alarm ordinance would be administered in-house rather than as a contracted service; an annual registration fee assessed; one free false alarm would be allowed; and authority provided for citation after a fourth false alarm, for assessment of fines for persons not registering systems and for alarm providers who fail to provide a monthly customer list. First response fees would be lower and a waiver of registration fee allowed for residential systems if no false alarms occurred within one year. Chief Tazzari-Dineen stated that there are over 1,000 alarm systems in the Town of Paradise with more than 500 calls for service related to false alarms and this ordinance would provide incentives to ensure that alarms systems are properly maintained and more like to be fixed when not working.

Mayor Titus opened the matter for public comment.

1. Paul Lyons asked for clarification regarding the fee to register an alarm as he does not remember ever having to pay this fee.

Council discussed deferring consideration of the proposed revised alarm ordinance to a future meeting to provide opportunity to clarify applicability of certain provisions to residential and commercial alarm systems, whether or not registered systems would be re-assessed the one-time annual registration fee, and any other matters associated with the proposed ordinance.

7c. MOTION by Lotter, seconded by Bolin, deferred to a future agenda the discussion and introduction of the ordinance proposed to repeal Chapter 9.60 of the Paradise Municipal Code and adding a new Chapter 9.60 to the Paradise Municipal Code Relating to Alarm Systems. Council vote was unanimous.

Agenda Item 7e: Town Manager Lauren Gill reported to Council regarding the business registration ordinance proposed for inclusion in the Paradise Municipal Code. This new program would be implemented using the Town's existing Accella software, providing citizens with a new opportunity to process application and payment of fees using electronic means. A business registry could be created that would further the Town Council goal of providing enhanced public safety by providing a point of contact, increasing building security for the business owners through knowledge of business locations and floor plans, and also enhance safety for emergency responders by providing current information on a building's floor plan and/or existence of hazardous materials associated with a business operation. A business directory would be created on the Town's website to provide an additional resource for residents and visitors

searching for information related our local business operations. The proposed annual fee of \$54 would be payable by all businesses and would cover staff time associated with creation, implementation and maintenance of the business registry and the directory on the Town's website.

Mayor Titus opened the matter for public comment.

1. Fred Aldred stated that he doesn't think a business registration is necessary, rather, that the registration is an additional source of revenue for the Town and not for protection of the people.
2. Kelly Conner, on behalf of the Paradise Chamber of Commerce, stated that a business registry would be a benefit to the people, the cost must be minimal, the Chamber could partner with the Town with a web link, and informed Council that a Round Table committee had been formed after a meeting with the former Town Manager and the question she has is, how are people going to be educated about this proposed program as there is a lot of resistance to the suggestion.
3. Larry Duncan stated that he thinks the registration fee is a license, which is a tax, and that it would be appropriate for the Council to hold a protest hearing.
4. Bill Hartley, stated that he is a retired police officer, has a son in fire service, and is concerned about what might in the various businesses that would pose a danger to emergency responders, and that knowing exact locations is critical to response – one shouldn't have to go through the phone book – and that the community would be better protected if it had a business registry program.
5. Linda Horton-Lyons stated that she has been a merchant for 31 years in Paradise and in Chico, and asked the Town Council to table the matter of a business registration program and provide opportunity for citizens to work on a solution with the Town Council.
6. Cliff Jacobson stated that he deals with hazardous materials on a daily basis, that he is required to have an emergency response plan as emergency responders must know what they are facing in order to properly respond, and in the absence of such information, and emergency personnel may not be in a position to respond to a fire and be forced to let a building burn that could have been saved, and that he thinks many business owners are not aware of the requirement to have such an emergency response plan. He further stated that the proposed fee is a small price to pay is amazed the Town doesn't already have a business license requirement.
7. Tom Maxwell stated that he is a small business owner, is against the proposed business registration program, and that although a \$54 fee is not a lot, he thinks there will be increases in the future and would like government to step back.

8. Kimball Shirey, representative of the Paradise Chamber of Commerce, stated they do not support the registration program in its current form and supports postponing the decision and holding additional public forums.
9. Daniel Wentland stated that this is town and not a city, categories of fees have been discussed in the past, surveys have come back with 80% rejection, thinks we do not need a registration program and this fee will only increase, such as the tree permit fee has increased over the years, and that he agrees with the suggestion of the Chamber of Commerce.

Mayor Titus closed the public comment on agenda item 7e. Council discussed their thoughts regarding the business registration proposal, including their responsibility for safety of emergency responders, the definition of a business, possible duplication of certain services as some businesses are already required to have license, and the importance of a clear statement of purpose and the public benefit of such a program which would include an understanding within the community that the business registration is of benefit, and that the program fee is strictly for cost recovery and is not a revenue source.

7e. MOTION by Culleton, seconded by Bolin, directed Town staff to meet with the Paradise Chamber of Commerce, the business community, concerned citizens and two Council Members to work together towards a solution relating to establishment of a business registration program and to bring the matter back to the Council. Council vote was unanimous.

Mayor Titus called for a ten-minute recess at 9:00 pm and reconvened the meeting at 9:12 pm. Mayor Titus stated that he would like to address public communication at this time prior to considering action on agenda item 5a.

PUBLIC COMMUNICATION

1. Colin Dever stated that he has a developmental disability, discussed his positive experiences with, and provided the Town Council with information on, the Far Northern Regional Center (FNRC) and the services and support it provides for people with developmental disabilities. FNRC has an office in Redding and in Chico.
2. Ward Habriel presented Council with a written request to enforce the Paradise Municipal Code relating to public nuisance abatement on property located at 5357 Sawmill Road, Paradise California.

PUBLIC HEARING (Conclusion)

5a. MOTION by Lotter, seconded by Culleton, (1) Deleted proposed new fees for business registration and alarm fees and directed staff to re-insert the previous fees in the Master Schedule of Fees; and, (2) Adopted Resolution No. 13-27, A Resolution of the Town Council of the Town of Paradise Establishing a

New Master Schedule of Fees for Town Services (repealing the fees scheduled previously adopted by Resolution No. 09-43 and 09-48 – except for fees relating to alarms systems.) Roll call vote was unanimous. (395-20-18)

7. COUNCIL CONSIDERATION

Mayor Titus called for public comment on agenda item 7a.

1. Ward Habriel stated that, in light of the Town's objective to buy local, he opposes the Council awarding a contract to an out-of-town contractor.
- 7a. **MOTION by Lotter, seconded by Bolin**, awarded Contract No. 13-03, for the Paradise Micro-Surfacing Project 2013, to Intermountain Slurry Seal of Reno, NV in the amount of their base bid of \$291,949.02. Roll call vote was unanimous. (510-20-59 & 950-40-18)
- 7b. See page 3. Ordinance No. 529, amendment to provisions of the Town's municipal code relating to noise control was discussed and introduced prior to action on item 5a. Approval of the ordinance will allow for an administrative fee to be charged to recover the cost of police department response to violations of the noise control statutes.
- 7c. See page 4. The ordinance proposed to amend provisions of the Town's municipal code relating to alarm systems was deferred to a future agenda.
- 7d. Following a report from Community Development Director Craig Baker regarding the correspondence from Department of Alcoholic Beverage Control relating to the request of the owner of the business located at 9225 Skyway ABC to modify certain conditions assigned to the liquor license, Mayor Titus opened the matter for public comment.
1. Don Clark asked why the Blues Society could not be allowed to play on Thursday night.

Police Chief Tazzari-Dineen stated that the restrictions on live music were placed on the business by the Department of Alcoholic Beverage Control, and, that the business does not abide by the current restrictions.

2. Larry Duncan stated that he has no financial connection with the Optimo and the reason he is here is because the restrictions were placed on the business under a prior owner, that four of the calls relating to security were because the security guy was not wearing an appropriate shirt, that he thinks this business is being singled out, stating that he thinks one of the reasons the owner got in trouble is because he allowed live music on New Year's Eve which happened to fill on a Wednesday.
3. Larry Duncan II stated that he is an eleven-year employee of the Optimo, that the new owner was unaware of the restrictions on the liquor license, that when the business owner was notified of violations the business complied, that he thinks live music would have no negative impact, that other bars have

higher calls of service, have no restrictions on live music, that the Optimo loses business to competing bars because they aren't allowed to have live music, and that he is ok with closing at midnight on the weekdays.

4. Ward Habriel stated that if a business has restrictions it cannot compete fairly.
5. Daniel Patterson stated that he lives two doors down from the Optimo and has never heard loud music from that location.
6. Chris Tennant stated that he is the bartender at the Optimo and thinks the owner should be given a chance to compete fairly.
7. Nay H. Leal, previous owner of the Optimo, stated that when she took over the bar to protect the restaurant there were restrictions placed on the liquor license and she would like the new people to make a living here.
8. Wayne Wise asked the Council to consider the workers at the Optimo and that he thinks it is unfair to penalize the owners for stupidity of individual patrons, and that he would like live music to be allowed.
9. Jian Lin Xie (Woody) stated that he has good employees at the Optimo, discussed the operation of the business and security issues, and that he would like to have Karaoke at the Optimo on Wednesday and Thursday nights.

Community Development Director Baker stated that the conditions placed on the liquor license were agreed to by the licensee on January 1, 2012, explained that this is a Type 47 license assigned to an eating establishment, and that reference to the Optimo as a bar is not legally accurate.

7d. MOTION by Lotter, seconded by Rawlings, directed staff to communicate a written objection to the petition to modify conditions assigned to the liquor license for Lynn's Optimo Restaurant to the Department of Alcoholic Beverage Control (ABC), with the exception of a minor modification to Condition #10 as recommended by the Paradise Police Department. (Note: Condition #10 requires Petitioner/licensee to be present while premise is providing live entertainment.) Roll call vote was unanimous. (550-50-01)

7e. See page 6. The ordinance proposed to add a section to the Paradise Municipal Code relating to a business registration program was deferred.

COUNCIL COMMUNICATION (Council Initiatives)

8a. No reports.

- 8b. Council discussed formation of a committee or hiring a consultant in the near future to assist Council/Staff in investigating long term solutions to the Town's revenue deficits, including research as to what other cities are doing that has been successful.
- 8c. Council concurred to designate Council Member Culleton as the voting delegate, Council Member Rawlings as alternate #1 and Council Member Bolin as alternate #2 to take action on proposed resolutions that establish League policy that will be presented at the Annual Business Meeting at the League of Cities Annual Conference in Sacramento, California, September 18-20, 2013. (150-50-65)

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- 9a. Town Manager oral reports

Manager Gill introduced Dave Berman who discussed plans to promote Paradise as an 'art destination' for local photographers/artists and providing a signature gallery at Town Hall for display and sale of artwork inspired by the beauty of the local area.

Council concurred with the Town Attorney suggestion that Council adopt a resolution that would clarify policy relating to art displays at the Town Hall.

10. CLOSED SESSION

Mayor Titus opened the closed session matters to public comment.

- 1. Ward Habriel stated that the Town has lost its Fire Department, is understaffed at the Police Department, the Town is full of empty business, and that he thinks this is a sign of failed management and poor stewardship.

At 10:15 Mayor Titus announced that the Town Council would adjourn to closed session for the following matters:

- 10a. Pursuant to Government Code Section 54957.6, the Town Council hold a closed session to meet with Dwight Moore and Crystal Peters, its designated representatives, regarding labor relations as they relate to the employment agreement for Town Manager services with Lauren Gill.

Pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the employment agreement with Lauren Gill for Town Manager services.

The Town Council meeting will be reconvened to consider taking action relating to a proposed employment agreement with Lauren Gill for Town Manager services.

- 10b. Pursuant to Government Code Section 54957.6, the Town Council hold a closed session to meet with Dwight Moore and Crystal Peters, its

designated representatives, regarding labor relations as they relate to the employment agreement for Town Clerk services with Joanna Gutierrez.

Pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the employment agreement for Town Clerk services with Joanna Gutierrez.

- 10c. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with its designated representative, Lauren Gill, regarding labor relations as they relate to the agreement for Town Attorney Services with Dwight Moore.

Pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the agreement for Town Attorney services with Dwight Moore.

- 10d. Pursuant to Government Code section 54956.9(b), the Town Council will hold a closed session to meet with the Town Attorney relating to the following pending litigation: Town of Paradise v. Sierra Preservation Partners, LLC, et al., Butte County Superior Court Case No. 157389.

At 11:30 pm Mayor Titus reconvened the Council meeting and announced that no action was taken in closed session and that direction was given relating to the pending litigation, Town of Paradise vs. Sierra Preservation Partners, LLC.

11. ADJOURNMENT

Mayor Titus adjourned the Council Meeting at 11:30 p.m.

DATE APPROVED:

By: _____
Timothy Titus, Mayor

Joanna Gutierrez, CMC, Town Clerk

**MINUTES
PARADISE TOWN COUNCIL
SPECIAL MEETING – 9:00 AM – May 21, 2013**

1. OPENING

The Special Meeting of the Paradise Town Council was called to order at 9:00 a.m. by Mayor Timothy Titus in the Town Hall Council Chamber at 5555 Skyway, Paradise, California with Council Member Bolin leading the Pledge of Allegiance to the Flag of the United States of America.

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

COUNCIL MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Assistant Town Clerk Dina Volenski, Interim Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Associate Civil Engineer Marc Mattox, HR/Risk Management Analyst Crystal Peters, Public Works Manager Paul Derr and Finance Director Gina Will

2. CLOSED SESSION

At 9:02 a.m., Mayor Titus announced that pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Dwight Moore, Gina Will and Crystal Peters, its designated representatives, regarding labor relations as they relate to employment agreements for professional services as follows:

1. For Town Manager services with Lauren Gill,
2. For Town Clerk services with Joanna Gutierrez,
3. For Town Attorney services with Dwight L. Moore;

And that pursuant to Government Code Section 54957, the Town Council will hold a closed session relating to the duration of the employment agreements for professional services as follows:

1. For Town Manager services with Lauren Gill,
2. For Town Clerk services with Joanna Gutierrez,
3. For Town Attorney services with Dwight L. Moore;

And that pursuant to Government Code section 54956.9(b), the Town Council will hold a closed session to meet with the Town Attorney relating to the following pending litigation: Town of Paradise v. Sierra Preservation Partners, LLC, et al., Butte County Superior Court Case No. 157389.

3. COUNCIL CONSIDERATION

Mayor Titus reconvened the Town Council meeting at 11:11 a.m.

3. Following a **MOTION by Lotter, seconded by Culleton**, the Town Council by unanimous roll call vote adopted the following three (3) agreements with the following changes:
 - 3a. An employment agreement with Lauren Gill for Town Manager services with the following changes: page 3, section 4, item A and C, change 90 days to 45 days; page 4 section 5b, delete annually and insert every 3 months; section 8, item A change January 1st to July 1st, 2014 and section 8, item C, adding Employee Benefits in accordance with Exhibit B.
 - 3b. An amended and restated employment agreement with Joanna Gutierrez for Town Clerk services changing the termination date to June 30, 2015, and;
 - 3c. An amended and restated employment agreement with Dwight Moore for Town Attorney services including a 120-day written notice termination clause.

The Town Attorney announced that the Town Council, by a unanimous vote, directed the Town Attorney to dismiss the pending litigation, with prejudice regarding: Town of Paradise v. Sierra Preservation Partners, LLC, et al., Butte County Superior Court Case No. 157389.

4. ADJOURNMENT

Mayor Titus adjourned the Special Council meeting at 11:16 a.m.

DATE APPROVED:

By: _____
Timothy Titus, Mayor

Dina Volenski, Assistant Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

FOR THE PERIOD OF
MAY 1, 2013 - MAY 31, 2013

May 1, 2013 - May 31, 2013

Check Date	Pay Period End	DESCRIPTION	AMOUNT
05/10/13	05/05/13	Net Payroll - Direct Deposits & Checks	\$111,282.16
05/24/13	05/19/13	Net Payroll - Direct Deposits & Checks	\$110,252.16
TOTAL NET WAGES PAYROLL			\$221,534.32

Accounts Payable

PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.	\$375,947.58
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.	\$3,041,730.51
TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE (Detail attached)	<u>\$3,417,678.09</u>
GRAND TOTAL CASH DISBURSEMENTS	<u><u>\$3,639,212.41</u></u>

APPROVED BY: _____
LAUREN GILL, INTERIM TOWN MANAGER

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

TOWN OF PARADISE

CASH DISBURSEMENT REPORT

From Payment Date: 5/1/2013 - To Payment Date: 5/31/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - US Bank TOP AP Checking									
<u>Check</u>									
58310	05/01/2013	Open			Accounts Payable	BUZZARD , CHRIS	\$687.61		
58311	05/01/2013	Open			Accounts Payable	HAUNSCHILD, MARK	\$220.55		
58312	05/01/2013	Open			Accounts Payable	HOUSEWORTH, JERILYN	\$76.85		
58313	05/01/2013	Open			Accounts Payable	MOBILITE INVESTMENTS II, LLC	\$112.49		
58314	05/01/2013	Open			Accounts Payable	MOORE, DWIGHT, L.	\$12,650.00		
58315	05/01/2013	Open			Accounts Payable	ROUGH JR., CHARLES L.	\$81.77		
58316	05/01/2013	Open			Accounts Payable	US BANCORP OFFICE EQUIP FINANCE SERVICES	\$547.84		
58321	05/01/2013	Open			Accounts Payable	WESTAMERICA BANK	\$770.70		
58322	05/01/2013	Open			Accounts Payable	WHALEN, SUZANNE	\$40.88		
58323	05/01/2013	Open			Accounts Payable	BLOOD SOURCE	\$44.00		
58324	05/01/2013	Open			Accounts Payable	Met Life	\$6,829.79		
58325	05/01/2013	Open			Accounts Payable	OPERATING ENGINEERS	\$616.00		
58326	05/01/2013	Open			Accounts Payable	PARADISE FIREFIGHTERS ASSOCIATION	\$62.50		
58327	05/01/2013	Open			Accounts Payable	PARADISE FIREFIGHTERS ASSOCIATION - PAC DUES	\$26.00		
58328	05/01/2013	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$2,301.79		
58329	05/01/2013	Open			Accounts Payable	SUN LIFE INSURANCE	\$3,646.66		
58330	05/01/2013	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$664.96		
58331	05/01/2013	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$130.00		
58332	05/02/2013	Open			Accounts Payable	AgendaPal Corporation	\$399.00		
58333	05/02/2013	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$81.41		
58334	05/02/2013	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$91.14		
58335	05/02/2013	Open			Accounts Payable	AT&T MOBILITY	\$101.68		
58336	05/02/2013	Open			Accounts Payable	BEARING BELT CHAIN CO.	\$29.51		
58337	05/02/2013	Open			Accounts Payable	Big O Tires	\$45.00		
58338	05/02/2013	Open			Accounts Payable	BOYS AND GIRLS CLUB	\$10,855.00		
58339	05/02/2013	Open			Accounts Payable	BUTTE CO AIR QUALITY MANAGEMENT DISTRICT	\$239.50		
58340	05/02/2013	Open			Accounts Payable	BUTTE COUNTY PUBLIC HEALTH DEPARTMENT - CHICO	\$878.00		
58341	05/02/2013	Open			Accounts Payable	California Society of Municipal Finance Officers	\$110.00		
58342	05/02/2013	Open			Accounts Payable	Centerline Striping Company Inc	\$1,613.35		
58343	05/02/2013	Open			Accounts Payable	CHOICE PROPERTY SERVICES	\$150.00		
58344	05/02/2013	Open			Accounts Payable	CITY OF CHICO	\$2,108.81		
58345	05/02/2013	Open			Accounts Payable	CREATIONS ENGRAVING	\$10.75		
58346	05/02/2013	Open			Accounts Payable	DAVE GAYLORD ENTERPRISES	\$1,800.00		
58347	05/02/2013	Open			Accounts Payable	DAVID ROWE TREE SERVICE	\$550.00		
58348	05/02/2013	Open			Accounts Payable	DODGE, JEFFREY, L.	\$132.00		
58349	05/02/2013	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$247.37		
58350	05/02/2013	Open			Accounts Payable	FLEET TRUCK SUPPLY INC	\$386.24		
58351	05/02/2013	Open			Accounts Payable	FLORES, LUIS, A.	\$91.00		
58352	05/02/2013	Open			Accounts Payable	FOOTHILL MILL & LUMBER	\$214.86		

CASH DISBURSEMENT REPORT

From Payment Date: 5/1/2013 - To Payment Date: 5/31/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58353	05/02/2013	Open			Accounts Payable	FP/FRANCOTYP-POSTALIA MAILING SOLUTIONS	\$103.86		
58354	05/02/2013	Open			Accounts Payable	Goodyear Tire & Rubber Company	\$1,079.10		
58355	05/02/2013	Open			Accounts Payable	GRAPHIC IMPRESSIONS	\$228.81		
58356	05/02/2013	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$118.25		
58357	05/02/2013	Open			Accounts Payable	HELENA SPECIALTY PRODUCTS	\$212.86		
58358	05/02/2013	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$231.60		
58359	05/02/2013	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$469.12		
58360	05/02/2013	Open			Accounts Payable	INTERSTATE SALES	\$169.46		
58361	05/02/2013	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$75.00		
58362	05/02/2013	Open			Accounts Payable	JC NELSON SUPPLY COMPANY	\$608.51		
58363	05/02/2013	Open			Accounts Payable	JOHN REGH INLAND LEASING	\$427.85		
58364	05/02/2013	Open			Accounts Payable	KEN'S HITCH & WELDING	\$18.29		
58365	05/02/2013	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$381.00		
58366	05/02/2013	Open			Accounts Payable	L & L SURVEYING	\$162.00		
58367	05/02/2013	Open			Accounts Payable	Larson, Tiffany	\$60.00		
58368	05/02/2013	Open			Accounts Payable	LAW OFFICES OF RICHARD L. CRABTREE	\$3,448.50		
58369	05/02/2013	Open			Accounts Payable	LEHR AUTO ELECTRIC STOMMEL, INC.	\$379.65		
58370	05/02/2013	Open			Accounts Payable	MARQUIS, JOSH	\$139.54		
58371	05/02/2013	Open			Accounts Payable	MCGREGOR CONSTRUCTION CO INC	\$29.00		
58372	05/02/2013	Open			Accounts Payable	MID VALLEY TERMITE	\$135.00		
58373	05/02/2013	Open			Accounts Payable	MJB WELDING SUPPLY, INC.	\$31.04		
58374	05/02/2013	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$14,216.20		
58375	05/02/2013	Open			Accounts Payable	NORTHSTATE CLEANING SERVICE	\$320.00		
58376	05/02/2013	Open			Accounts Payable	O'REILLY AUTO PARTS	\$77.46		
58377	05/02/2013	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$922.37		
58378	05/02/2013	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$7,297.75		
58379	05/02/2013	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$601.94		
58380	05/02/2013	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$562.90		
58381	05/02/2013	Open			Accounts Payable	PILGRIM, CHRIS	\$15.25		
58382	05/02/2013	Open			Accounts Payable	PMAM CORPORATION	\$231.00		
58383	05/02/2013	Open			Accounts Payable	RAMOS, DANIEL J.	\$81.00		
58384	05/02/2013	Open			Accounts Payable	RIEBES AUTO PARTS	\$8.46		
58385	05/02/2013	Open			Accounts Payable	SIEMENS INDUSTRY, INC	\$4,163.71		
58386	05/02/2013	Open			Accounts Payable	Smith, Jake	\$15.25		
58387	05/02/2013	Open			Accounts Payable	STARR, RUSSELL	\$133.00		
58388	05/02/2013	Open			Accounts Payable	The Door Company	\$398.00		
58389	05/02/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$709.14		
58390	05/02/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$123.97		
58391	05/02/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$25.79		
58392	05/02/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$46.83		
58393	05/02/2013	Open			Accounts Payable	THRIFTY ROOTER	\$325.00		
58394	05/02/2013	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$126.00		

TOWN OF PARADISE
CASH DISBURSEMENT REPORT

From Payment Date: 5/1/2013 - To Payment Date: 5/31/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58395	05/02/2013	Open			Accounts Payable	TURNBOW, DAVID LYNN	\$50.00		
58396	05/02/2013	Open			Accounts Payable	TURNBOW, DEBBIE	\$74.00		
58397	05/02/2013	Open			Accounts Payable	UNIFORMS TUXEDOS & MORE	\$859.95		
58398	05/02/2013	Open			Accounts Payable	Wendy Brown	\$15.54		
58399	05/02/2013	Open			Accounts Payable	WESTAMERICA BANK	\$4,887.66		
58400	05/02/2013	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$1,497.70		
58401	05/02/2013	Open			Accounts Payable	ZOLL MEDICAL CORP.	\$80.14		
58402	05/10/2013	Open			Accounts Payable	FMS DMS CBE GROUP INC.	\$37.65		
58403	05/10/2013	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$475.00		
58404	05/10/2013	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$1,081.37		
58405	05/10/2013	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$248.07		
58406	05/13/2013	Voided/Spoiled	New Bank	05/13/2013	Converted/Imported		\$0.00	\$0.00	\$0.00
58407	05/16/2013	Open			Accounts Payable	ACE RENTALS	\$18.14		
58408	05/16/2013	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$76.75		
58409	05/16/2013	Open			Accounts Payable	AMERIGAS	\$1,340.05		
58410	05/16/2013	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$91.14		
58411	05/16/2013	Open			Accounts Payable	AT&T	\$104.70		
58412	05/16/2013	Open			Accounts Payable	AT&T	\$1,000.11		
58413	05/16/2013	Open			Accounts Payable	AT&T CALNET 2-REPEATER LINES	\$200.43		
58414	05/16/2013	Open			Accounts Payable	AT&T-COMMUNITY PARK	\$15.61		
58415	05/16/2013	Open			Accounts Payable	AT&T/CAL NET 2	\$4,089.16		
58416	05/16/2013	Open			Accounts Payable	BASIC LABORATORY	\$1,857.60		
58417	05/16/2013	Open			Accounts Payable	BEARING BELT CHAIN CO.	\$29.51		
58418	05/16/2013	Open			Accounts Payable	BROWER'S TOW SERVICE, INC.	\$300.00		
58419	05/16/2013	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$1,508.50		
58420	05/16/2013	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$354.00		
58421	05/16/2013	Open			Accounts Payable	CERTIFION CORPORATION D.B.A. ENTERSECT	\$84.95		
58422	05/16/2013	Open			Accounts Payable	CLARK ROAD ANIMAL HOSPITAL	\$21.60		
58423	05/16/2013	Open			Accounts Payable	COMCAST CABLE	\$82.43		
58424	05/16/2013	Open			Accounts Payable	COMCAST CABLE	\$82.43		
58425	05/16/2013	Open			Accounts Payable	COMCAST CABLE	\$87.43		
58426	05/16/2013	Open			Accounts Payable	DEL JOHNSON A/C & HEATING, INC.	\$819.59		
58427	05/16/2013	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$587,579.99		
58428	05/16/2013	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,750.00		
58429	05/16/2013	Open			Accounts Payable	FAILSAFE TESTING	\$550.00		
58430	05/16/2013	Open			Accounts Payable	FLEET TRUCK SUPPLY INC	\$49.03		
58431	05/16/2013	Open			Accounts Payable	GILBERT, MATT	\$165.00		
58432	05/16/2013	Open			Accounts Payable	HOUGHTON, JEFF	\$200.00		
58433	05/16/2013	Open			Accounts Payable	I-5 RENTALS	\$3,168.75		
58434	05/16/2013	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$7,359.85		
58435	05/16/2013	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$1,242.89		
58436	05/16/2013	Open			Accounts Payable	JOHN REGH INLAND LEASING	\$427.85		
58437	05/16/2013	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$540.64		

TOWN OF PARADISE
CASH DISBURSEMENT REPORT

From Payment Date: 5/1/2013 - To Payment Date: 5/31/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58438	05/16/2013	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$25.00		
58439	05/16/2013	Open			Accounts Payable	MARQUIS, JOSH	\$103.51		
58440	05/16/2013	Open			Accounts Payable	MENDON'S NURSERY	\$163.40		
58441	05/16/2013	Open			Accounts Payable	NATIONAL IMPRINT CORPORATION	\$87.00		
58442	05/16/2013	Open			Accounts Payable	NORTH STATE RENDERING INC	\$50.00		
58443	05/16/2013	Open			Accounts Payable	NORTHSTAR ENGINEERING INC	\$337.50		
58444	05/16/2013	Open			Accounts Payable	O'REILLY AUTO PARTS	\$155.28		
58445	05/16/2013	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$92.22		
58446	05/16/2013	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$216.56		
58447	05/16/2013	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$887.65		
58448	05/16/2013	Open			Accounts Payable	PETTY CASH CUSTODIAN, VALERIE LYNCH	\$195.31		
58449	05/16/2013	Open			Accounts Payable	PICKERING, ROBERT	\$247.50		
58450	05/16/2013	Open			Accounts Payable	PLI GLOBAL	\$1,500.00		
58451	05/16/2013	Open			Accounts Payable	RIEBES AUTO PARTS	\$13.95		
58452	05/16/2013	Open			Accounts Payable	SAFEGUARD FIRE PROTECTION	\$1,317.19		
58453	05/16/2013	Open			Accounts Payable	SIERRA HEATING & AIR CONDITIONING	\$500.00		
58454	05/16/2013	Open			Accounts Payable	SILVERADO AVIONICS, INC	\$81.14		
58455	05/16/2013	Open			Accounts Payable	SINCLAIR'S AUTOMOTIVE & TOWING	\$277.50		
58456	05/16/2013	Open			Accounts Payable	Smith, Jake	\$681.00		
58457	05/16/2013	Open			Accounts Payable	STAPLES BUSINESS ADVANTAGE	\$262.41		
58458	05/16/2013	Open			Accounts Payable	T.B.S. MOBILE SERVICES	\$285.00		
58459	05/16/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$4.40		
58460	05/16/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$31.36		
58461	05/16/2013	Open			Accounts Payable	Tractor Supply Credit Plan	\$34.39		
58462	05/16/2013	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$1,420.00		
58463	05/16/2013	Open			Accounts Payable	VERIZON WIRELESS	\$215.78		
58464	05/16/2013	Open			Accounts Payable	VERIZON WIRELESS	\$63.41		
58465	05/16/2013	Open			Accounts Payable	Vigilant Canine Services	\$175.00		
58466	05/16/2013	Open			Accounts Payable	VILLAGE PRINTER, INC.	\$872.25		
58467	05/16/2013	Open			Accounts Payable	WELLS FARGO BANK NA	\$2,500.00		
58468	05/24/2013	Open			Accounts Payable	FMS DMS CBE GROUP INC.	\$21.33		
58469	05/24/2013	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$475.00		
58470	05/24/2013	Open			Accounts Payable	Peters, Crystal	\$419.00		
58471	05/24/2013	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$1,081.37		
58472	05/24/2013	Open			Accounts Payable	STATE OF CALIFORNIA FRANCHISE TAX BOARD	\$368.78		
58473	05/30/2013	Open			Accounts Payable	ACCESS INFORMATION MANAGEMENT	\$78.51		
58474	05/30/2013	Open			Accounts Payable	AgendaPal Corporation	\$399.00		
58475	05/30/2013	Open			Accounts Payable	ALPINE ELECTRIC	\$80.00		
58476	05/30/2013	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$91.14		
58477	05/30/2013	Open			Accounts Payable	BATTERIES PLUS	\$150.12		
58478	05/30/2013	Open			Accounts Payable	Big O Tires	\$96.00		
58479	05/30/2013	Open			Accounts Payable	BUTTE/GLENN TRAINING OFFICERS ASSOCIATION	\$50.00		

TOWN OF PARADISE

CASH DISBURSEMENT REPORT

From Payment Date: 5/1/2013 - To Payment Date: 5/31/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58480	05/30/2013	Open			Accounts Payable	COMCAST CABLE	\$120.60		
58481	05/30/2013	Open			Accounts Payable	CRAFICO INC	\$6,361.75		
58482	05/30/2013	Open			Accounts Payable	DON'S SAW & MOWER	\$17.18		
58483	05/30/2013	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$33.28		
58484	05/30/2013	Open			Accounts Payable	FRED PRYOR SEMINARS	\$199.00		
58485	05/30/2013	Open			Accounts Payable	Goodyear Tire & Rubber Company	\$720.50		
58486	05/30/2013	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$118.25		
58487	05/30/2013	Open			Accounts Payable	HINDERLITER, DE LLAMAS & ASSOCIATES INC.	\$481.99		
58488	05/30/2013	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$20.00		
58489	05/30/2013	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$75.00		
58490	05/30/2013	Open			Accounts Payable	LEAGUE OF CALIFORNIA CITIES	\$30.00		
58491	05/30/2013	Open			Accounts Payable	LES SCHWAB TIRE CENTER - MOTORPOOL	\$99.50		
58492	05/30/2013	Open			Accounts Payable	LONGFELLOWS COMMERCIAL APPLIANCE SERVICE, INC.	\$10,942.63		
58493	05/30/2013	Open			Accounts Payable	M D Plumbing	\$565.44		
58494	05/30/2013	Open			Accounts Payable	MAGOON SIGNS	\$507.40		
58495	05/30/2013	Open			Accounts Payable	O'REILLY AUTO PARTS	\$652.12		
58496	05/30/2013	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$139.72		
58497	05/30/2013	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$6,981.85		
58498	05/30/2013	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$985.99		
58499	05/30/2013	Open			Accounts Payable	PETERSON TRACTOR CO	\$395.08		
58500	05/30/2013	Open			Accounts Payable	PMAM CORPORATION	\$217.50		
58501	05/30/2013	Open			Accounts Payable	RADAR SHOP	\$462.00		
58502	05/30/2013	Open			Accounts Payable	RAYMOND AND SHEILA GROOM	\$13,905.66		
58503	05/30/2013	Open			Accounts Payable	RIEBES AUTO PARTS	\$8.18		
58504	05/30/2013	Open			Accounts Payable	SIEMENS INDUSTRY, INC	\$5,119.93		
58505	05/30/2013	Open			Accounts Payable	SIERRA SAFETY ASSOCIATES	\$263.38		
58506	05/30/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$245.70		
58507	05/30/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$390.50		
58508	05/30/2013	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$6.41		
58509	05/30/2013	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$126.00		
58510	05/30/2013	Open			Accounts Payable	UNIFORMS TUXEDOS & MORE	\$1,902.64		
58511	05/30/2013	Open			Accounts Payable	VERIZON WIRELESS	\$532.20		
58512	05/30/2013	Open			Accounts Payable	VERIZON WIRELESS	\$570.15		
58513	05/30/2013	Open			Accounts Payable	WESTAMERICA BANK	\$2,826.80		
58514	05/30/2013	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$326.06		
58515	05/30/2013	Open			Accounts Payable	BLOOD SOURCE	\$44.00		
58516	05/30/2013	Open			Accounts Payable	Met Life	\$6,923.48		
58517	05/30/2013	Open			Accounts Payable	MYERS STEVENS TOOHEY & COMPANY	\$20.00		
58518	05/30/2013	Open			Accounts Payable	OPERATING ENGINEERS	\$616.00		
58519	05/30/2013	Open			Accounts Payable	PARADISE FIREFIGHTERS ASSOCIATION	\$62.50		
58520	05/30/2013	Open			Accounts Payable	PARADISE FIREFIGHTERS ASSOCIATION - PAC DUES	\$26.00		

TOWN OF PARADISE
CASH DISBURSEMENT REPORT

From Payment Date: 5/1/2013 - To Payment Date: 5/31/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
58521	05/30/2013	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$2,279.54		
58522	05/30/2013	Open			Accounts Payable	SUN LIFE INSURANCE	\$3,675.84		
58525	05/30/2013	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$672.57		
58526	05/30/2013	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$130.00		
Type Check Totals:					211 Transactions		\$804,965.96	\$0.00	\$0.00
<u>EFT</u>									
41	05/01/2013	Open			Accounts Payable	CALPERS	\$112,251.44		
42	05/10/2013	Open			Accounts Payable	CALPERS - RETIREMENT	\$32,857.60		
43	05/10/2013	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$4,471.68		
44	05/10/2013	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$2,371.96		
45	05/10/2013	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$19,909.81		
46	05/24/2013	Open			Accounts Payable	CALPERS - RETIREMENT	\$32,809.20		
47	05/24/2013	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$4,340.88		
48	05/24/2013	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$2,172.12		
49	05/24/2013	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$19,505.39		
50	05/30/2013	Open			Accounts Payable	CALPERS	\$112,278.30		
51	05/31/2013	Open			Accounts Payable	US BANK	\$2,269,743.75		
Type EFT Totals:					11 Transactions		\$2,612,712.13		

AP - US Bank TOP AP Checking Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	210	\$804,965.96	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	211	\$804,965.96	\$0.00
EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	11	\$2,612,712.13	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	11	\$2,612,712.13	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	221	\$3,417,678.09	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	1	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00

CASH DISBURSEMENT REPORT

From Payment Date: 5/1/2013 - To Payment Date: 5/31/2013

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Grand Totals:					Total	222	\$3,417,678.09	\$0.00	
					Checks	Status	Count	Transaction Amount	Reconciled Amount
						Open	210	\$804,965.96	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	1	\$0.00	\$0.00
						Stopped	0	\$0.00	\$0.00
						Total	211	\$804,965.96	\$0.00
					EFTs	Status	Count	Transaction Amount	Reconciled Amount
						Open	11	\$2,612,712.13	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	0	\$0.00	\$0.00
						Total	11	\$2,612,712.13	\$0.00
					All	Status	Count	Transaction Amount	Reconciled Amount
						Open	221	\$3,417,678.09	\$0.00
						Reconciled	0	\$0.00	\$0.00
						Voided	1	\$0.00	\$0.00
						Stopped	0	\$0.00	\$0.00
						Total	222	\$3,417,678.09	\$0.00



**Town of Paradise
Council Agenda Summary
Date: June 11, 2013**

Agenda Item: 3(c)

Originated by: Josh Marquis; IT Manager

Reviewed by: Lauren Gill, Town Manager

Subject: **Geographic Information Center (GIC) 2013/2014 Maintenance Contract**

Council Action Requested:

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

Background:

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

Discussion:

As mentioned above, the GIC provides a variety of services under the agreement. In addition to technical support, the maintenance of data involves the GIC receiving data revisions from the Town, County and other agencies, compiles these changes and corrections, and is then available to the Town for its use. For example, when a parcel in the Town is subdivided, the new lot is sent to the GIC (in addition to other agencies) and they make this change in the data. Additionally, the GIC creates specialized maps and data for various projects, such as soils map, snow load map, etc. Without this maintenance service, it would be extremely difficult for the Town to correct and maintain this data in a correct and efficient manner due to staffing limitations and specialization of work. The GIC has proved to be a valuable asset to the Town in times where mapping and other specialized information is required in a timely manner.

Fiscal Impact Analysis:

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

ATTACHMENTS:

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

ATTACHMENT 1

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

AGREEMENT WITH THE CSU, CHICO RESEARCH FOUNDATION

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

IDENTITY OF CLIENT

Name: Town of Paradise

Address: 5555 Skyway
Paradise, CA 95969

Contact person: Lauren Gill

Business Telephone Numbers:

Phone # 530.872.6291,,104

Fax # 530.877.5059

FOUNDATION

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

Contact person for contractual matters:

John Miner, Contracts Officer
Office of Sponsored Programs
Phone: (530) 898-5700

Contact person for project matters:

Jason Schwenkler, Director
Geographical Information Center
Phone: (530) 898-4372
Fax: (530) 898-6317

WORKSCOPE

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

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

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

**SERVICE
SPECIFICATIONS**

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

none

Said data shall be provided to FOUNDATION on or before _____

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

Other specifications: _____

**TERMS OF
PAYMENT**

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

INDEPENDENCE

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

INSURANCE

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

INDEMNITY

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

OWNERSHIP

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

**TERMINATION
WITHOUT
CAUSE**

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

**TERMINATION
WITH CAUSE**

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

CHOICE OF LAW

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

**TERMS OF
AGREEMENT**

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

This agreement becomes effective upon signature of both parties.

FOUNDATION:

Carol Sager, Director
Printed Name of Foundation's Signatory

BY: _____
Signature

Date: _____

CLIENT: Lauren Gill
Printed Name of Client's Signatory

BY: _____
Signature

Date: _____

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: June 11, 2013**

Agenda Item: 3(d)

Originated by: Josh Marquis, IT Manager
Reviewed by: Lauren Gill, Town Manager
Subject: Credit Card Security Policy

Council Action Requested:

Consider adopting a resolution establishing credit card security policy.

Alternatives:

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

Background:

In order to be Payment Card Industry Data Security Standard (PCI DSS) compliant a Credit Card Security Policy is required and is also good practice for any entity dealing with credit card information.

Conclusion:

Staff recommends adopting the attached credit card security policy as presented so that the Town can continue implementing online transactions and ensure existing actions are compliant.

Fiscal Impact Analysis:

There is no fiscal impact related to adopting this resolution.

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
ESTABLISHING A CREDIT CARD SECURITY POLICY**

WHEREAS, the Town Council desires to provide its citizens with the ability to perform business transactions online through the Town of Paradise Website.

WHEREAS, it is required that the Town have an adopted credit card security policy.

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

Section 1. The Town Council adopts the Credit Card Security Policy attached hereto as Exhibit A.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 11th day of June, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: _____
Timothy Titus, Mayor

ATTEST:

Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

Credit Card Security Policy

This document sets forth the Town of Paradise's credit card security policy as required by the Payment Card Industry Data Security Standard (PCI DSS) Program. The Town of Paradise is committed to these security policies to protect information utilized by the Town of Paradise in attaining its business goals. All Users are required to adhere to the policies described within this document.

Scope of Compliance

The PCI requirements apply to all systems that store, process, or transmit cardholder data. Currently, the Town of Paradise cardholder environment consists only of an application connected to the internet, but does not include storage of cardholder data on any computer system.

Due to the limited nature of the in-scope environment, this document is intended to meet the PCI requirements as defined in Self-Assessment Questionnaire (SAQ) C, ver. 2.0, October, 2010.

Requirements:

1. Build and Maintain a Secure Network

Firewall Configuration

Firewalls shall restrict connections between untrusted networks and any system in the cardholder data environment. An "untrusted network" is any network that is external to the networks belonging to the Town of Paradise, and/or which is out of the Town's ability to control or manage. (PCI Requirement 1.2)

Inbound and outbound traffic shall be restricted to that which is necessary for the cardholder data environment. All other inbound and outbound traffic shall be specifically denied. (PCI Requirement 1.2.1)

All open ports and services shall be documented. Documentation shall include the port or service, source and destination, and a business justification for opening said port or service. (PCI Requirement 1.2.1)

Perimeter firewalls shall be installed between any wireless networks and the cardholder data environment. These firewalls shall be configured to deny or control (if such traffic is necessary for business purposes) any traffic from the wireless environment into the cardholder data environment. (PCI Requirement 1.2.3)

Firewall configuration shall prohibit direct public access between the Internet and any system component in the cardholder data environment as follows:

- Direct connections are prohibited for inbound and outbound traffic between the Internet and the cardholder data environment (PCI Requirement 1.3.3)
- Outbound traffic from the cardholder data environment to the Internet shall be explicitly authorized (PCI Requirement 1.3.5)
- Firewalls shall implement stateful inspection, also known as dynamic packet filtering (PCI Requirement 1.3.6)

Any mobile and/or employee-owned computers shall not have access to the cardholder data environment. (PCI Requirement 1.4)

2. Do not use Vendor-Supplied Defaults for System Passwords and Other Security Parameters

Vendor Defaults

Vendor-supplied defaults shall always be changed before installing a system on the network. Examples of vendor-defaults include passwords, SNMP community strings, and elimination of unnecessary accounts. (PCI Requirement 2.1)

Default settings for wireless systems shall be changed before implementation. Wireless environment defaults include, but are not limited to:

- default encryption keys
- passwords
- SNMP community strings
- default passwords/passphrases on access points
- other security-related wireless vendor defaults as applicable

Firmware on wireless devices shall be updated to support strong encryption for authentication and transmission of data over wireless networks. (PCI Requirement 2.1.1)

Unneeded Services and Protocols

Only necessary services, protocols, daemons, etc., as needed for the function of the system may be enabled. All services and protocols not directly needed to perform the device's specified function shall be disabled. (PCI Requirement 2.2.2)

Non-Console Administrative Access

Credentials for non-console administrative access shall be encrypted using technologies such as SSH, VPN, or SSL/TLS. Encryption technologies shall include the following: (PCI Requirement 2.3)

- Shall use strong cryptography, and the encryption method shall be invoked before the administrator's password is requested.
- System services and parameter files shall be configured to prevent the use of telnet and other insecure remote login commands.
- Shall include administrator access to web-based management interfaces

3. Protect Stored Cardholder Data

Prohibited Data

Processes shall be in place to securely delete sensitive authentication data post-authorization so that the data is unrecoverable. (PCI Requirement 3.2)

Payment systems shall adhere to the following requirements regarding non-storage of sensitive authentication data after authorization (even if encrypted):

- The full contents of any track data from the magnetic stripe (located on the back of a card, equivalent data contained on a chip, or elsewhere) are not stored under any circumstance. (PCI Requirement 3.2.1)
- The card verification code or value (three-digit or four-digit number printed on the front or back of a payment card) is not stored under any circumstance. (PCI Requirement 3.2.2)
- The personal identification number (PIN) or the encrypted PIN block are not stored under any circumstance. (PCI Requirement 3.2.3)

Displaying PAN

The Town of Paradise shall mask the display of PANs (primary account numbers), and limit viewing of PANs to only those employees and other parties with a legitimate need. A properly masked number shall show only the first six and the last four digits of the PAN. (PCI requirement 3.3)

4. Encrypt Transmission of Cardholder Data Across Open, Public Networks

Transmission of Cardholder Data

Cardholder data sent across open, public networks shall be protected through the use of strong cryptography or security protocols (e.g., IPSEC, SSL/TLS). Only trusted keys and/or certificates can be accepted. For SSL/TLS implementations HTTPS shall appear as part of the URL, and cardholder data may only be entered when HTTPS appears in the URL. (PCI Requirement 4.1)

Industry best practices (for example, IEEE 802.11i) shall be used to implement strong encryption for authentication and transmission for wireless networks transmitting cardholder data or connected to the cardholder data environment. (PCI Requirement 4.1.1)

Sending unencrypted PANs by end-user messaging technologies is prohibited. Examples of end-user technologies include email, instant messaging and chat. (PCI requirement 4.2)

5. Use and Regularly Update Anti-Virus Software or Programs

Anti-Virus

All systems, particularly personal computers and servers commonly affected by viruses, shall have installed an anti-virus program which is capable of detecting, removing, and protecting against all known types of malicious software. (PCI Requirement 5.1, 5.1.1)

All anti-virus programs shall be kept current through automatic updates, be actively running, be configured to run periodic scans, and capable of generating audit logs. Anti-virus logs shall be retained in accordance with PCI requirement 10.7. (PCI Requirement 5.2)

6. Develop and Maintain Secure Systems and Applications

Security Patches

All critical security patches shall be installed within one month of release. This includes relevant patches for operating systems and all installed applications. (PCI Requirement 6.1)

7. Restrict Access to Cardholder Data by Business Need to Know

Limit Access to Cardholder Data

Access to Town of Paradise's cardholder system components and data is limited to only those individuals whose jobs require such access. (PCI Requirement 7.1)

Access limitations shall include the following:

- Access rights for privileged user IDs shall be restricted to the least privileges necessary to perform job responsibilities. (PCI Requirement 7.1.1)
- Privileges shall be assigned to individuals based on job classification and function (also called "role-based access control"). (PCI Requirement 7.1.2)

8. Assign a Unique ID to Each Person with Computer Access

Remote Access

Two-factor authentication shall be incorporated for remote access (network-level access originating from outside the network) to the network by employees, administrators, and third parties. (PCI Requirement 8.3)

Vendor Accounts

All accounts used by vendors for remote maintenance shall be enabled only during the time period needed. Vendor remote access accounts shall be monitored when in use. (PCI Requirement 8.5.6)

9. Restrict Physical Access to Cardholder Data

Physically Secure all Media Containing Cardholder Data

Hard copy materials containing confidential or sensitive information (e.g., paper receipts, paper reports, faxes, etc.) are subject to the following storage guidelines:

All media shall be physically secured. (PCI requirement 9.6)

Strict control shall be maintained over the internal or external distribution of any kind of media containing cardholder data. These controls shall include:

- Media shall be classified so the sensitivity of the data can be determined. (PCI Requirement 9.7.1)

- Media shall be sent by a secure carrier or other delivery method that can be accurately tracked. (PCI Requirement 9.7.2)

Logs shall be maintained to track all media that is moved from a secured area, and appropriate approval shall be obtained prior to moving the media. (PCI Requirement 9.8)

Strict control shall be maintained over the storage and accessibility of media containing cardholder data. (PCI Requirement 9.9)

Destruction of Data

All media containing cardholder data shall be destroyed when no longer needed for business or legal reasons. (PCI requirement 9.10)

Hardcopy media shall be destroyed by shredding, incineration or pulping so that cardholder data cannot be reconstructed. Container stored information waiting to be destroyed shall be secured to prevent access to the contents. (PCI requirement 9.10.1)

10. Regularly Test Security Systems and Processes

Testing for Unauthorized Wireless Access Points

At least quarterly, Town of Paradise shall perform testing to ensure there are no unauthorized wireless access points present in the cardholder environment. (PCI Requirement 11.1)

This testing shall detect and identify any unauthorized wireless access points, including at least the following:

- WLAN cards inserted into system components
- Portable wireless devices connected to system components (for example, by USB, etc.)
- Wireless devices attached to a network port or network device

If automated monitoring is utilized (for example, wireless IDS/IPS, NAC, etc.) it shall be configured to generate alerts

Detection of unauthorized wireless devices shall be included in the Incident Response Plan (see PCI Requirement 12.9).

Vulnerability Scanning

At least quarterly, and after any significant changes in the network (such as new system component installations, changes in network topology, firewall rule modifications, product upgrades), the Town of Paradise shall perform vulnerability scanning on all in-scope systems. (PCI Requirement 11.2)

Internal vulnerability scans shall be repeated until passing results are obtained, or until all "high" vulnerabilities as defined in PCI Requirement 6.2 are resolved. (PCI Requirement 11.2.1, 11.2.3)

Quarterly vulnerability scan results shall satisfy the ASV Program guide requirements (for example, no vulnerabilities rated higher than a 4.0 by the CVSS and no automatic failures. External vulnerability scans shall be performed by an Approved Scanning Vendor (ASV), approved by the Payment Card Industry Security Standards Council (PCI SSC). (PCI Requirement 11.2.2, 11.2.3)

11. Maintain a Policy that Addresses Information Security for Employees and Contractors

Security Policy

The Town of Paradise shall establish, publish, maintain, and disseminate a security policy that addresses how the company will protect cardholder data. (PCI Requirement 12.1)

This policy shall be reviewed at least annually, and shall be updated as needed to reflect changes to business objectives or the risk environment. (PCI requirement 12.1.3)

Critical Technologies

The Town of Paradise shall establish usage policies for critical technologies (for example, remote-access technologies, wireless technologies, removable electronic media, laptops, tablets, personal data/digital assistants (PDAs), email, and internet usage. (PCI requirement 12.3)

These policies shall include the following:

- Explicit approval by authorized parties to use the technologies (PCI Requirement 12.3.1)
- Authentication for use of the technology (PCI Requirement 12.3.2)
- A list of all such devices and personnel with access (PCI Requirement 12.3.3)
- Acceptable uses of the technologies (PCI Requirement 12.3.5)
- Acceptable network locations for the technologies (PCI Requirement 12.3.6)
- Automatic disconnect of sessions for remote-access technologies after a specific period of inactivity (PCI Requirement 12.3.8)
- Activation of remote-access technologies for vendors and business partners only when needed by vendors and business partners, with immediate de-activation after use (PCI Requirement 12.3.9)

Security Responsibilities

The Town of Paradise's policies and procedures shall clearly define information security responsibilities for all personnel. (PCI Requirement 12.4)

Incident Response Policy

The IT Manager shall establish, document, and distribute security incident response and escalation procedures to ensure timely and effective handling of all situations. (PCI requirement 12.5.3)

Incident Identification

Employees shall be aware of their responsibilities in detecting security incidents to facilitate the incident response plan and procedures. All employees have the responsibility to assist in the incident response procedures within their particular areas of responsibility. Some examples of security incidents that an employee might recognize in their day to day activities include, but are not limited to,

- Theft, damage, or unauthorized access (e.g., papers missing from their desk, broken locks, missing log files, alert from a security guard, video evidence of a break-in or unscheduled/unauthorized physical entry)
- Fraud – Inaccurate information within databases, logs, files or paper records

Reporting an Incident

The IT Manager shall be notified immediately of any suspected or real security incidents involving cardholder data:

- Contact the IT Manager via email **and** phone to report any suspected or actual incidents.
- Do not communicate with anyone outside your supervisor(s), Town Manager, or the IT Manager about any details or generalities surrounding any suspected or actual incident. All communications with law enforcement or the public shall be coordinated by the Town Manager.
- Document any information you know while waiting for the Town Manager or IT Manager to respond to the incident. If known, this shall include date, time, and the nature of the incident. Any information you can provide will aid in responding in an appropriate manner.

Incident Response

Responses can include or proceed through the following stages: identification, severity classification, containment, eradication, recovery and root cause analysis resulting in improvement of security controls.

Contain, Eradicate, Recover and perform Root Cause Analysis

1. Notify applicable card associations.

Visa

Provide the compromised Visa accounts to Visa Fraud Control Group within ten (10) business days. For assistance, contact 1-(650)-432-2978. Account numbers shall be securely sent to Visa as instructed by the Visa Fraud Control Group. It is critical that all potentially compromised accounts are provided. Visa will distribute the compromised Visa account numbers to issuers and ensure the confidentiality of entity and non-public information. See Visa's "What to do if compromised" documentation for additional activities that shall be performed. That documentation can be found at http://usa.visa.com/download/business/accepting_visa/ops_risk_management/cisp_what_to_do_if_compromised.pdf

MasterCard

Contact your merchant bank for specific details on what to do following a compromise. Details on the merchant bank (aka. the acquirer) can be found in the Merchant Manual at http://www.mastercard.com/us/wce/PDF/12999_MERC-Entire_Manual.pdf. Your merchant bank will assist when you call MasterCard at 1-(636)-722-4100.

Discover Card

Contact your relationship manager or call the support line at 1-(800)-347-3083 for further guidance.

2. Alert all necessary parties. Be sure to notify:
 - a) Merchant bank
 - b) Local FBI Office
 - c) U.S. Secret Service (if Visa payment data is compromised)
 - d) Local authorities (if appropriate)
3. Perform an analysis of legal requirements for reporting compromises in every state where clients were affected. The following source of information shall be used:
<http://www.ncsl.org/programs/lis/cip/priv/breach.htm>
4. Collect and protect information associated with the intrusion. In the event that forensic investigation is required the IT Manager will work with the Town Attorney and the Town Manager to identify appropriate forensic specialists.
5. Eliminate the intruder's means of access and any related vulnerabilities.
6. Research potential risks related to or damage caused by the intrusion method used.

Root Cause Analysis and Lessons Learned

Not more than one week following the incident, the Town Manager, IT Manager, and all other affected parties shall meet to review the results of any investigation to determine the root cause of the compromise and evaluate the effectiveness of the Incident Response Plan. Review other security controls to determine their appropriateness for the current risks. Any identified areas in which the plan, policy or security control can be made more effective or efficient, shall be updated accordingly.

Security Awareness

The Town of Paradise shall establish and maintain a formal security awareness program to make all personnel aware of the importance of cardholder data security. (PCI Requirement 12.6)

Service Providers

The Town of Paradise shall implement and maintain policies and procedures to manage service providers. (PCI requirement 12.8)

This process shall include the following:

- Maintain a list of service providers (PCI requirement 12.8.1)

- Maintain a written agreement that includes an acknowledgement that the service providers are responsible for the security of the cardholder data the service providers possess (PCI requirement 12.8.2)
- Implement a process to perform proper due diligence prior to engaging a service provider (PCI requirement 12.8.3)
 - Monitor service providers' PCI DSS compliance status (PCI requirement 12.8.4)



TOWN OF PARADISE Council Agenda Summary

AGENDA NO. 3(e)

ORIGINATED BY: Wes Dinsmore, Fleet Manager

REVIEWED BY: Lauren Gill, Interim Town Manager

SUBJECT: Surplus Town Vehicles

COUNCIL ACTION REQUESTED: Adopt a resolution declaring certain vehicles as surplus property and authorizing disposal thereof by the Town Manager.

BACKGROUND: Periodically, the Town accumulates various vehicles, pieces of equipment, furniture and other property, which are either no longer functional, required, or are obsolete. Staff is requesting that certain vehicles declared as surplus so that they can be disposed of in a legally appropriate manner.

DISCUSSION: The following police, fire and public works department vehicles are recommended to be declared surplus and authorized for disposal through public auction, salvage, recycling or discarding:

1. PD-3 a 2001 Crown Victoria Police car (bad engine and trans). Vin#2FAFP71W31X18558
2. PD-4 a 2001 Crown Victoria Police car. VIN#2FAFP71W11X185587
3. PD-30 a 1988 GMC Jimmy. Vin#1GNEV18K0JF184767
4. PD-36 a 1994 International truck armored car (must be returned to company that donated it). Vin#1HTSCACMXRH583943
5. PD-35 1984 Ford mini bus. Vin#1FDJE3417EHB79054
6. Fire P-2 2000 Ford Expedition. Vin#1FMPU16L8YL801545
7. PW-1 Code enforcement 1994 Jeep. Vin#1J4FJ28SXRL244169
8. PW-61 Onsite 2004 Dodge Dakota 4x4. Vin#1D7HG12K34S750026

RECOMMENDATION: Adopt the proposed resolution approving the above-listed vehicles surplus and authorize disposal by the Town Manager.

FISCAL IMPACT: The actual net proceeds (after any deduction for sales services and/or advertising) from any auction, salvage or sealed bid sale are unknown at this time. However, the net proceeds will be distributed to the vehicle/equipment fund (Fund 7615) and credited to the department from which the vehicle/equipment was originally purchased.

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE DECLARING
CERTAIN POLICE, FIRE AND PUBLIC WORKS VEHICLES TO BE SURPLUS PROPERTY
AND AUTHORIZING DISPOSAL THEREOF**

WHEREAS, the Town of Paradise wishes to dispose of certain police, fire and public works department vehicles that are no longer functional or necessary to the Town's operations through public auction, internet sale, salvage or other legal method.

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

Section I. The Town hereby declares the following vehicles to be surplus:

1. PD-3 a 2001 Crown Victoria Police car (bad engine and trans).Vin#2FAFP71W31X18558
2. PD-4 a 2001 Crown Victoria Police car.VIN#2FAFP71W11X185587
3. PD-30 a 1988 GMC Jimmy. Vin#1GNEV18K0JF184767
4. PD-36 a 1994 International truck armored car (must be returned to company that donated it). Vin#1HTSCACMXRH583943
5. PD-35 1984 Ford mini bus.Vin#1FDJE3417EHB79054
6. Fire P-2 2000 Ford Expedition.Vin#1FMPU16L8YL801545
7. PW-1 Code enforcement 1994 Jeep. Vin#1J4FJ28SXRL244169
8. PW-61 on site 2004 Dodge Dakota 4x4.Vin#1D7HG12K34S750026

Section 2. Pursuant to Paradise Municipal Code Section 2.45.130, the Town Manager is hereby authorized to dispose of the property set forth in Section 1 through public auction, internet, sale, salvage, donation or other legal method.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 11th day of June, 2013, by the following votes:

AYES:

NOES:

ABSENT:

NOT VOTING:

Timothy Titus, Mayor

ATTEST:

BY: _____
Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

BY: _____
Dwight L. Moore, Town Attorney

TOWN OF PARADISE
Council Agenda Summary
Date: June 11, 2013

Agenda No. 3f

ORIGINATED BY: Dwight L. Moore, Town Attorney

REVIEWED BY: Lauren M. Gill, Town Manager

SUBJECT: Sixth Amendment to Dismissal and Tolling Agreement between
Town of Paradise and Oak Creek Estates

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

1. Authorize the Mayor and Town Manager to execute the Sixth Amendment to Dismissal and Tolling Agreement between Town of Paradise and Oak Creek Estates; **OR**
2. Take no action and provide direction.

BACKGROUND: On November 7, 2003, the Town and Oak Creek Estates entered into a Dismissal and Tolling Agreement relating to the discontinuation of litigation in which the Town had prevailed on an appeal concerning whether the Oak Creek Estates subdivision had been approved by operation of law. Although the Town prevailed on the appeal, the trial court still has jurisdiction to decide other causes of action that were not part of the appeal. The remaining causes of action relate to inverse condemnation and California planning law. On July 10, 2012, the Council authorized the fifth amendment to the agreement under which the litigation was tolled until June 1, 2013. Based on California statutory and case law, the Town would also prevail on both remaining causes of action in the lawsuit.

DISCUSSION: Oak Creek Estates has requested the Town to extend the tolling agreement for an additional year. To grant this request, the Dismissal and Tolling Agreement needs to be amended by extending the tolling date to June 1, 2014. In light of this, the attached Sixth Amendment to the Dismissal and Tolling Agreement has been prepared for your consideration.

FINANCIAL IMPACT: There is no financial impact associated with the Amendment to the Dismissal and Tolling Agreement.

Attachments

SIXTH AMENDMENT TO DISMISSAL AND TOLLING AGREEMENT

This Sixth Amendment dated _____, 2013 is to the Agreement dated November 7, 2003 between the Town of Paradise (the "Town") and Oak Creek Estates, a General Partnership, formerly Oak Creek Estates, Limited Partnership, ("Oak Creek"). A copy of the Agreement is attached as Exhibit "A".

In consideration of the terms and conditions herein, the Town and the Oak Creek Estates agree that the Agreement shall be amended as follows:

1. Section 3(b) of the Agreement shall be amended to read as follows:

All time limitations and statutes of limitation that may be applicable to the remaining claims and causes of action alleged by OAK CREEK in its said Petition and Complaint, and the defenses thereto alleged by the TOWN, shall be tolled until no later than June 1, 2014, unless extended by the PARTIES in writing, and this tolling agreement shall preserve the *status quo* as of the Effective Date through the date of termination or expiration of this Agreement.

2. Conflicts between the Agreement or the prior Amendments and this Sixth Amendment shall be controlled by this Sixth Amendment. All other provisions within the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to Agreement to be executed on the date first written above.

TOWN OF PARADISE

**OAK CREEK ESTATES, General
Partnership (Formerly Oak Creek
Estates, a Limited Partnership)**

By:_____

By:_____

By:_____

APPROVED AS TO FORM:

ATTEST:

By:_____
Dwight L. Moore, Town Attorney

By:_____
Joanna Gutierrez, Town Clerk

DISMISSAL AND TOLLING AGREEMENT
BY AND BETWEEN
THE TOWN OF PARADISE
AND
OAK CREEK ESTATES, A GENERAL PARTNERSHIP
(Formerly, Oak Creek Estates, a Limited Partnership)

This Agreement is made and entered into by the Town Council of the Town of Paradise (the "TOWN"), and Oak Creek Estates, a General Partnership, formerly Oak Creek Estates, Limited Partnership, ("OAK CREEK") (collectively, the "PARTIES" and singularly "PARTY").

The purpose of this Agreement is to avoid the continuation of litigation between the TOWN and OAK CREEK by providing for the dismissal of said litigation without prejudice, and to toll all applicable time limitations, as set forth below.

The PARTIES, in consideration of the covenants set forth herein, agree as follows:

1. This Agreement shall be effective November 7, 2003 (the "Effective Date").
2. OAK CREEK alleges that it has claims or causes of action against the TOWN arising from, or otherwise related to, the TOWN's September 3, 1996 conditional approval of OAK CREEK's tentative subdivision map application for the Oak Creek Estates Project, as more fully described in OAK CREEK's Petition and Complaint on file in the civil action entitled *Oak Creek Estates, Limited Partnership v. Town of Paradise et al.*, Butte County Superior Court, Case No. 120072 (the "Lawsuit"). The TOWN alleges that it has defenses to all of OAK CREEK's claims or causes of action alleged in the Lawsuit. In accordance with the California Court of Appeal, Third Appellate District's recent issuance of its Remittitur and Opinion regarding the Lawsuit, the Butte County Superior Court approved and filed the Stipulation and Order On Remittitur, dated September 8, 2003. Pursuant to the Order, OAK CREEK may proceed with prosecuting

its remaining causes of action, and the TOWN may proceed with its remaining defenses thereto, consistent with the appellate court's Opinion and Remittitur.

3. In order to avoid the continuing burden and expense of the Lawsuit, the PARTIES agree that:

(a) Not later than 10 days from the Effective Date, OAK CREEK will file with the Butte County Superior Court, and serve on the TOWN, a dismissal *without prejudice* of the Lawsuit, and this dismissal shall be as to all Defendants and Respondents named therein.

(b) All time limitations and statutes of limitation that may be applicable to the remaining claims and causes of action alleged by OAK CREEK in its said Petition and Complaint, and the defenses thereto alleged by the TOWN, shall be tolled until no later than November 7, 2007, unless extended by the PARTIES in writing, and this tolling agreement shall preserve the *status quo* as of the Effective Date through the date of termination or expiration of this Agreement.

(c) If OAK CREEK transfers and conveys to another party fee title to OAK CREEK's real property that is the subject of the Lawsuit, the parties each agree that notwithstanding the provisions of the preceding subparagraph (b), each party fully waives and releases any and all claims and causes of action that are alleged in the Lawsuit or arise therefrom, and that such waiver and release shall be as against all parties and persons named in the Lawsuit. Each party further agrees that such waiver and release shall be as to any and all rights or benefits that each party may then have, including but not limited to any rights under the tolling provisions in the preceding subparagraph (b), or may have in the future, under the terms of California Civil Code Section 1542, which section provides as follows: "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor." "Should OAK CREEK repurchase the real property that is the subject of the Lawsuit

within the tolling period set forth in subparagraph (b), above and pursuant to the repurchase conditions set forth in paragraph 7.0 of the agreement between OAK CREEK and Sierra Preservation Partners LLC entitled "Purchase and Sale Agreement" (dated September 10, 2003) and the Option Agreement, Exhibit B to the Purchase and Sale Agreement, this waiver and release, as provided in this subparagraph (c), shall be null, void, and of no effect.

(d) Subject to the preceding subparagraph (c), OAK CREEK may, within the tolling period, either re-file the Lawsuit, or file and prosecute to completion a motion to set aside the dismissal of the Lawsuit, and upon the re-filing of the Lawsuit, or upon any order granting any motion to set aside the dismissal of the Lawsuit, the parties shall have the same rights, claims and defenses in the litigation as exist on the date of this Agreement; provided, however, that this Agreement is made without prejudice to the TOWN's right to object to or to oppose any motion to set aside the dismissal of the Lawsuit, or any similar motion.

(e) Each PARTY waives and releases all claims against the other PARTY as to all costs, interest and attorneys fees that have been incurred in the Lawsuit as of the Effective Date.

4. This Agreement does not constitute and may not be used as evidence of any admission of actual or potential liability, responsibility or error on the part of any PARTY to this Agreement.

5. This Agreement contains the entire understanding and agreement between the PARTIES with respect to matters addressed herein, and no statement, promise, or inducement made by any of the PARTIES or agent of the PARTIES that is not contained in this Agreement shall be valid or binding. This Agreement may not be enlarged, modified, or altered except in writing signed by the PARTIES.

6. Any written notice required under this Agreement shall be sent via certified mail, return receipt requested. Such notice shall be tendered as follows:

As to OAK CREEK:

Robert Buckthal
1881 Paseo Del Cajon
Pleasanton, CA 94566
(925) 846-3156

AND

Steven P. Belzer, Esq.
Law Office of Steven P. Belzer
1201 K Street, Suite 1230
Sacramento, California 95814
(916) 442-6500

As to the TOWN:

Town Manager
Town of Paradise
5555 Skyway
Paradise, CA 95969-4931

AND

Timothy M. Taylor, Esq.
Somach Simmons & Dunn
813 Sixth Street, Third Floor
Sacramento, California 95814
(916) 446-7979

Any PARTY may change its address for notice purposes by sending a notice of address change to the other PARTY pursuant to the provision of notice procedures in this Paragraph 6.

7. This Agreement shall be binding upon and shall operate in favor of the employees, agents, officers, directors, predecessors, successors, parents, subsidiaries, and assigns of each PARTY.

8. Should any provisions of this Agreement be declared or determined by any court of competent jurisdiction to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby.

9. The PARTIES represent that those executing this Agreement on their behalf are authorized to bind that PARTY to this Agreement and are acting within the scope of their authority.

10. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

11. This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original. Facsimile signatures on this Agreement shall be acceptable.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first written above.

TOWN OF PARADISE

By: 

Daniel Wentland, Mayor

Dated: 11/12/03

APPROVED AS TO FORM:

SOMACH, SIMMONS & DUNN
A Professional Corporation

By: 

Dated: November 10, 2003

Timothy M. Taylor, Esq.
Attorneys for Town of Paradise, *et al.*

OAK CREEK ESTATES, GENERAL PARTNERSHIP
(Formerly Oak Creek Estates, a Limited Partnership)

By: [REDACTED]
Robert Buckthal, General Partner

Dated: 11-9-03

APPROVED AS TO FORM:

LAW OFFICE OF STEVEN P. BELZER

By: [REDACTED]
Steven P. Belzer, Esq.
Attorneys for Oak Creek Estates, a General Partnership

Dated: 11-10-03



**TOWN OF PARADISE
COUNCIL AGENDA SUMMARY
DATE: June 11, 2013**

ORIGINATED BY: Gabriela Tazzari-Dineen, Chief of Police **AGENDA ITEM: 3(g)**

REVIEWED BY: Lauren Gill, Interim Town Manager

SUBJECT: Adoption of Town Ordinance No.529

COUNCIL ACTION REQUESTED: Adopt a MOTION TO:

- (1) Waive second reading of the entire Town Ordinance No. 529 and approve reading by title only; AND
- (2) Adopt Town Ordinance No.529, an Ordinance of the Town of Paradise relating to Noise Control.

BACKGROUND: On May 14, 2013, the Town Council approved the first reading of the proposed amended Noise Control Ordinance.

DISCUSSION: The existing noise control ordinance does not currently contain a section pertaining to cost recovery fees for the expense the town incurs for the enforcement of this chapter. Therefore, Section 9.18.415 has been added to allow the Town to recover said costs.

Town Staff recommends that the Town Council adopt the motion waiving the second reading of this entire ordinance, read it by title only and formally adopt Town Ordinance No. 529. Once adopted, the provisions of this ordinance will be effective thirty days thereafter.

FINANCIAL IMPACT: A cost of approximately \$95 per printed page to publish the adopted ordinance within the local newspaper. In addition, an approximate cost of \$17 per page will be borne by the Town for codification of the ordinance.

**TOWN OF PARADISE
ORDINANCE NO. 529**

**AN ORDINANCE OF THE TOWN OF PARADISE ADDING A SECTION TO
THE PARADISE MUNICIPAL CODE RELATING TO NOISE**

The Town Council of the Town of Paradise, State of California does **ordain as follows**:

SECTION 1. Section 9.18.415 is hereby added to the Paradise Municipal Code to read:

There shall be an administrative fee charged for the cost to the police department to respond to violations of this chapter in accordance with the Master Fee Schedule resolution adopted by the town council.

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

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 11TH day of June 2013, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Timothy Titus, Mayor

ATTEST:

By: _____
Joanna Gutierrez, Town Clerk

APPROVED AS TO FORM:

By: _____
Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: June 11, 2013**

Agenda Item: 3(h)

**Originated and
Reviewed by:**

Lauren Gill, Interim Town Manager

Subject: Amendment to the Paradise Municipal Code regarding Bingo

COUNCIL ACTION REQUESTED:

Adopt a MOTION TO:

1. Waive first reading of Town Ordinance No. 530 and read by title only [role call vote]; and
2. Introduce Town Ordinance No. 530, "An Ordinance Amending Sections 5.12.020 and 5.12.110 of the Paradise Municipal Code relating to Bingo Games".

BACKGROUND:

It was brought to our attention by Supervisor Teeter that the above code sections are not compatible with State Law. The State places a limit of \$500.00 on a Bingo prize value, while the Town limits the prize value at \$250.00. Making this change will allow charity groups and clubs that offer bingo games to compete with a higher value and draw more participation. Many charitable organizations that offer Bingo as entertainment benefit the community in many ways. Raising the limits allows these groups to compete with other groups in the region and therefore afford them an opportunity to provide more benefit to the community they serve.

The proposed code changes revise the bingo prize value and aligns it with the figure outlined in the State's Penal Code. These revisions were made in addition to minor language revisions under the "Eligible Organizations" section.

FINANCIAL IMPACT:

The General Fund will incur a one-time cost of approximately \$6.50 per column inch to publish the adopted ordinance within the local newspaper and an approximate cost of \$17 per page for codification of the ordinance.

STAFF RECOMMENDATION:

Town staff recommends that the Town Council waive the first reading of the ordinance; read it by title only; and introduce Town Ordinance No. 530 (copy attached).

**TOWN OF PARADISE
ORDINANCE NO. 530**

**AN ORDINANCE AMENDING SECTIONS 5.12.020 AND 5.12.110 OF THE
PARADISE MUNICIPAL CODE RELATING TO BINGO GAMES**

**THE TOWN COUNCIL OF THE TOWN OF PARADISE DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Section 5.12.020 of the Paradise Municipal Code is amended to read as follows:

Section 5.12.020 Eligible Organizations.

Organizations exempted from the payment of the bank and corporation tax Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l and 23701w of the Revenue and Taxation Code and mobile home park associations and senior citizens' organizations and charitable organizations affiliated with a school district are eligible to apply to the town for a license to conduct bingo games in the town under the provisions of Section 326.5 of the Penal Code and the provisions of this Chapter.

SECTION 2. Section 5.12.110 of the Paradise Municipal Code is amended to read:

Section 5.12.12.110 Prize Value.

The total value of prizes awarded during the conduct of any bingo game shall not exceed the dollar amount set forth in Penal Code section 326.5(n) either in cash or kind, or both, for each separate game, which is held.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 13th day of August, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Timothy Titus, Mayor

Attest:

Joanna Gutierrez, Town Clerk

Approved as to form:

Dwight L. Moore, Town Attorney



**TOWN OF PARADISE
Council Agenda Summary
Date: June 11, 2013**

Agenda Item 5(a)

ORIGINATED BY: Craig Baker, Community Development Director

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Public Hearing: Consideration of a Planning Commission Resolution Recommending Town Council Amendment of the Text Regulations of Chapter 17.33 of the Paradise Municipal Code Related to Home Occupation Regulations and Cottage Food Operations

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

RECOMMENDATION: Adopt a **MOTION TO:**

1. Concur with the project "CEQA determination" finding adopted by the Planning Commission on May 21, 2013, and embodied within Planning Commission Resolution No. 13-03; **AND**
2. Waive the first reading of Town Ordinance No. ____ and read by title only (roll call vote); **AND**
3. Introduce Town Ordinance No. ____, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.33 Relating to Home Occupations and Cottage Food Operations"; **OR**
4. Adopt an alternative directive to town staff regarding this agenda item.

BACKGROUND:

On January 1, 2013, AB 1616, "The California Homemade Food Act," became law in California. The law essentially declares that "cottage food operations" (CFOs) are to be considered an accessory residential land use and local jurisdictions must adopt a process for permitting them in residential zones, subject to certain standards. Under the law, a cottage food operation is an enterprise within a private home in which homemade food products are prepared or packaged for direct and/or indirect sales to consumers. The law places the following requirements on CFOs, among others:

1. Securing registration or a permit from the local county health agency (depending on the size of the operation);
2. Restrict operation to the portions of the home designated in the registration or permit obtained from the county health agency;
3. Have gross receipts of no more than \$35,000 in 2013, \$45,000 in 2014 or \$50,000 in 2015 and in subsequent years; and
4. Only make foods that are considered to be non-hazardous by the State Public Health Officer, including certain baked goods, candy, dried fruit, dried pasta, fruit pies, granola and popcorn, among others.

Through the law, local jurisdictions are given the option to permit CFOs in one of the following three ways: **1)** Permit CFOs outright, **2)** grant a non-discretionary permit to operate a CFO, or **3)** require CFOs to apply for a permit to use a residence for its operation. The Town of Paradise currently requires most businesses operating from residences to secure a Town-issued home occupation permit pursuant to Chapter 17.33 of the Town's adopted zoning regulations. The Town's existing Home Occupation permit process is non-discretionary and the proposed text amendments would not alter the regulations in a manner that would make them discretionary in nature. Therefore, if adopted, the proposed zoning code amendments attached to this memorandum in the form of an ordinance document would implement the 2nd option under the new law.

During its meeting on May 21, 2013, the Planning Commission conducted a public hearing regarding these proposed text amendments and adopted Planning Commission Resolution No. 13-03 and its exhibit "A" as prepared by staff. The resolution document identifies and recommends Town Council adoption of several amendments to the text contained within PMC Chapter 17.33, as described within this agenda summary. A copy of the resolution document is attached for your review.

DISCUSSION:

Upon reviewing the zoning regulations of various local jurisdictions in California that have adopted code text amendments in response to AB 1616, staff prepared several proposed amendments to the Town's existing Home Occupation Regulations. If adopted, these text amendments would **1)** establish a definition for cottage food operations in section 17.33.200, **2)** amend section 17.33.300 to establish CFOs as a type of home occupation and assure that CFO (and other wastewater-generating home occupations) have a valid operating permit for the

existing sewage disposal system serving affected residence, **3)** amend section 17.33.500 specifically to accommodate the requirements of AB 1616 for CFOs.

The attached ordinance document, drafted in consultation with the Town Attorney and in accordance with the Planning Commission's recommendation, endorses Town Council adoption of Town zoning code amendments that are necessary to conform with State Law regarding CFOs, while continuing to protect the quality and peaceful function of residentially-zoned areas of the Town of Paradise.

If introduced and ultimately adopted as recommended by the Town Council, the mechanism established by these proposed amendments would result in a requirement for a CFO operator to secure issuance of a Town-approved home occupation permit subject to a one time processing fee (current fee: \$266.60; scheduled to increase to \$270.03). The permit would not need to be renewed annually.

Attached with this council agenda summary for your consideration and recommended introduction in an ordinance document prepared by town staff that reflects the contents of the recommended PMC text amendments contained within Planning Commission Resolution No. 13-03. Text amendments in the ordinance are shown in "shaded" and "strike-out" print.

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

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

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

Attachments

**ATTACHMENTS
FOR
COUNCIL AGENDA ITEM 5(a)**

1. Notice of Public Hearing to be held on June 11, 2013 before the Paradise Town Council, published in the Paradise Post
2. Notice of Exemption adopted by the Planning Commission and signed by the Town Planning Director
3. Excerpt of draft minutes from the May 21, 2013 Planning Commission meeting
4. Planning Commission Resolution No. 13-03, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.33 of the Paradise Municipal Code Relative to Home Occupations and Cottage Food Operations"
5. Current Town of Paradise Home Occupation Regulations
6. Assembly Bill No. 1616, The California Homemade Food Act
7. Summary of Assembly Bill No. 1616 including a listing of "non-potentially hazardous foods" permitted to be sold by CFOs
8. Ordinance No. ____, "An Ordinance Amending Text Regulations Within Paradise Municipal Code Chapter 17.33 Relating to Home Occupations and Cottage Food Operations"

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

NOTICE IS HEREBY GIVEN by the Town Council that a public hearing will be held on **Tuesday, June 11, 2013** at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matter:

- a. Item determined to be exempt from environmental review

PARADISE MUNICIPAL CODE: Consideration of a Planning Commission recommendation for Town Council adoption of text amendments to the Town's land use regulations contained in Paradise Municipal Code Title 17 (Zoning). If adopted, the amendments would affect municipal code sections related to home occupation regulations with the objective of permitting the establishment of Cottage Food Operations (CFOs), pursuant to Government Code section 51035.

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

Joanna Gutierrez, Town Clerk

NOTICE OF EXEMPTION

To: File

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

Project Title: Paradise Municipal Code Amendments-Home Occupation Regulations

Project Applicant: Town of Paradise

Project Location: N/A

Project Description: Proposed text amendments to current Home Occupation Regulations to accommodate Cottage Food Operations, pursuant to Government Code section 51035.

Approving Public Agency: Town of Paradise

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

Exempt Status:
☐ Ministerial (Section 15268)
☐ Emergency Project (Section 15269)
☐ Categorical Exemption
☒ General Rule Exemption - 15061

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

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

Signature:



Planning Director

Date:

May 21, 2013

EXCERPT FROM MAY 21, 2013 DRAFT PLANNING COMMISSION MINUTES

5. PUBLIC HEARING

5a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption):

PARADISE MUNICIPAL CODE: Planning Commission consideration of a recommendation for Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code Title 17 (Zoning Ordinance). If adopted, the amendments would amend Paradise Municipal Code sections related to home occupation regulations so as to permit the establishment of Cottage Food Operations (CFO), pursuant to Government Code section 51035.

Community Development Director Craig Baker discussed the proposed text amendments and indicated that a resolution has been provided showing the proposed edits to the Home Occupation Permit Regulations in shaded and strike through text, recommendation is to discuss proposed amendment, open public hearing, receive public comment and adopt resolution 13-03.

Chair Jones opened the public hearing at 6:27 p.m. There were no speakers for or against the matter and Chair Jones closed the hearing at 6:27 p.m.

Commissioners asked how the Town would know if a septic system has failed, will there be more inspections, what kind of monitoring system would be in place and that the property, if it is a rental, have permission from the property owner.

Mr. Baker stated that the Town's legal counsel suggests that septic systems be treated as residential systems, which is how the State seems to want them handled. Mr. Baker further stated that all land use applications must have written consent from the property owner before a permit will be issued if the applicant is not the owner.

Commissioner Wentland was concerned with the new language in Section 17.33.300, "It shall be unlawful to establish a home occupation without a Town-issued permit under this Chapter."

Mr. Baker stated that it is standard language recommended by the Town Attorney that makes it easier for the Town to enforce laws.

Commissioner Wentland was also concerned with the language in Section 3, 17.33.500-Required standards and criteria, Item G. regarding the number of employees working at one time.

Mr. Baker explained that this item was included so that there could only be one employee working at any given time, there could be two part-time employees, but they would have to be there at different times, thereby allowing for flexibility to hire part-time employees, consistent with the existing State law.

Commissioners inquired as to the differences in the three options that jurisdictions have in permitting CFOs and why option two (2) was chosen.

Mr. Baker explained that option 2 was chosen as the best fit for Paradise and CFOs considering the existing Town Home Occupation Permit regulations are already designed to accommodate a variety of home occupations, including food preparation.

Mr. Baker explained that if a CFO is on a private road, written consent from homeowners who have a legal interest in the private road easement must be obtained. However, Mr. Baker also explained that if the home occupation does not generate public traffic such as patrons, deliveries, product shipments, then no consent from the neighbors is necessary.

Commissioners asked about the sales being conducted in the home of the CFO.

Mr. Baker explained that the sales could be made in the home, but not in the attached garage or structure outside of the dwelling and that generally, food products made were perhaps more often to be taken to a farmers market or similar venue.

Commissioners inquired if there could be an exemption/exclusion for specific groups making products for fundraising purposes possibly with sales less than a specific dollar amount.

Mr. Baker stated that if products being made by a CFO are for sale, they are generally subject to AB 1616.

Commissioners asked what the incentive would be for a homeowner or owner of a business to get a permit if they are already producing products, how many CFOs are currently in the Town of Paradise and what the penalty is for violating the ordinance.

Mr. Baker explained that the incentive could be for tax purposes, a desire to be lawful and legitimate, to protect the investment, that there is a one-time fee, with approval in 7-10 days after submittal of the application; that the number of CFOs in the Town of Paradise is not currently known and that the penalty for violating the ordinance would most likely be requiring the individual to obtain a permit.

Commissioners inquired about the increase fees due to the Master Fee Schedule.

Mr. Baker explained that an updated Master Fee Schedule was adopted by Council and will be in effect in a few weeks, that the small increase for Home Occupation permits was to ensure cost recovery for processing applications.

MOTION by Neumann, seconded by Wentland to Adopt Planning Commission Resolution No. 13-03, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.33 of the Paradise Municipal Code Relative to Home Occupations and Cottage Food Operations" approving option two (2) grant a non-discretionary permit to operate a CFO.

After some discussion, no action was taken on this motion.

Additional discussion followed the initial motion:

Commissioner Zuccolillo expressed his concern with the low dollar amount of what the occupant is able to sell (up to \$50,000 pursuant to AB 1616), felt that the cost of the permit is an overly burdensome fee, would be ok with a nominal fee and is not sure what they are getting for the cost.

Chair Neumann stated that the one-time fee did not seem unreasonably high, considering staff time spent processing a home occupation permit.

Mr. Baker stated that the amount of the one-time service fee is based on cost recovery for the average time spent processing a home occupation permit. Ms. Hartman stated that the fee covers engineering review of site distance for safety issues regarding traffic, wastewater staff verifies that the sewage disposal system is up to date, planning reviews for consistency with zoning regulations and the building/fire marshal may need to recommend conditions and possibly inspect for fire extinguishers.

Commissioners asked about individuals currently producing products at home if they were unlawful and that if an individual is baking cookies for a fundraiser that they would need to purchase a home occupancy permit and confirming that the law does not give an option for an exclusion for fundraisers.

Mr. Baker stated that the law only appears to provide three options for local jurisdictions; 1. Make CFOs a permitted use in residential zones with no review, 2. Make them subject to a non-discretionary permit, or 3. Require a use permit with some discretion; perhaps with noticing and a public hearing.

After discussion, Mr. Baker suggested that the ordinance could be reviewed in six months, have Attorney Moore come to the next Planning Commission meeting to provide legal opinion or the Commission could request a legal opinion as part of a motion.

The motion was amended as follows:

AMENDED MOTION by Neumann, seconded by Wentland to Adopt Planning Commission Resolution No. 13-03, " A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.33 of the Paradise Municipal Code Relative to Home Occupations and Cottage Food Operations" approving option two (2) grant a non-discretionary permit to operate a CFO and asked that the Town Attorney provide a legal opinion to determine if fundraising activities fall under AB 1616.

ROLL CALL VOTE:

AYES:	Commissioners Clarkson, Neumann, Wentland and Chair Jones
NOES:	Commissioner Zuccolillo
ABSTAIN:	None
ABSENT:	None

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 13-03**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO CHAPTER 17.33 OF THE
PARADISE MUNICIPAL CODE RELATIVE TO HOME OCCUPATIONS AND COTTAGE FOOD
OPERATIONS**

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

WHEREAS, the State of California has adopted legislation known as "The California Homemade Food Act" (Assembly Bill 1616) that requires local zoning ordinances to make certain provisions for "cottage food operations" as defined in California Government Code Section 113400, and

WHEREAS, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt the foregoing Paradise Municipal Code (PMC) amendments to regulate cottage food operations consistent with the requirements of State Law, and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on May 21, 2013 to study and consider recommending Town Council adoption of text amendments to PMC Chapter 17.33 as proposed by Town staff; and

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

WHEREAS, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendments to PMC Chapter 17.33 are warranted at this time in order to regulate cottage food operations consistent with the requirements of State Law.

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

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapter 17.33 as set forth in

RESOLUTION NO. 13-03

"Exhibit A" attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendments are not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.

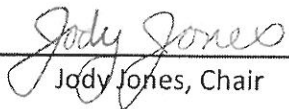
PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 21st day of May, 2013 by the Following Vote:

AYES: James Clarkson, Stephanie Neumann, Dan Wentland and
Jody Jones, Chair

NOES: Michael Zuccolillo

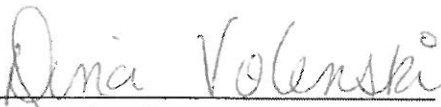
ABSENT: None

ABSTAIN: None



Jody Jones, Chair

ATTEST:



Dina Volenski, Assistant Town Clerk

2
EXHIBIT "A"

SECTION 1. Section 17.33.200 of the Paradise Municipal Code shall be amended as follows:

"Home occupation" means an accessory commercial activity or business service, conducted on the site of a dwelling unit by the inhabitants thereof, in a manner clearly incidental to the residential character of the site, and in accord with the provisions of this chapter, including cottage food operations. It shall not include activities that are limited solely to the use of a desk, telephone and personal computer.

"Home occupation permit" means a nondiscretionary permit issued by the planning director, based upon the specific standards and criteria contained in this chapter, and authorizing the establishment of a home occupation, including a cottage food operation.

"Cottage food operation" when used in this chapter shall have the same meaning as provided for in Health and Safety Code section 113758, as may be amended.

SECTION 2. Section 17.33.300 of the Paradise Municipal Code shall be amended as follows:

17.33.300 - Permit requirements.

It shall be unlawful to establish a home occupation without a Town-issued permit under this Chapter. Home occupations (including cottage food operations, or CFO) shall be permitted as an accessory land use activity related to a dwelling unit subject to obtaining town approval and issuance of a home occupation permit. To apply for a home occupation permit, the following information must be submitted to the town community development department:

- A. A completed home occupation permit application form and detailed plot plan drawn to scale, along with payment of the processing fee in effect at the time of application. If the applicant is not the owner of the property, proof of agency on behalf of or from the property owner must be submitted in writing in order to legally process the application.
- B. A detailed written project description that describes the proposal, the setting of the neighborhood, proximity to neighboring residences, the level of noise generated by the proposal, parking demand of the home occupation, and the anticipated increase in traffic generated by the project.
- C. A written explanation describing how the proposed home occupation complies with the standards and criteria set forth in Section 17.33.500 of this chapter.
- D. Any additional information deemed necessary by the planning director to fully understand the proposed project.

- E. If the property upon which the home occupation would be conducted is afforded access by a private road, the applicant shall submit written evidence indicating that all property owners having legal interest in the private road have no objection to the proposed home occupation.
- F. If the type of proposed home occupation or cottage food operation has the potential to increase wastewater flows (e.g., food processing, catering, hair and nail salons or pet grooming), the application must be accompanied by material evidence showing that the existing sewage disposal system serving the residence has a valid and current Operating Permit issued by the Town of Paradise.

SECTION 3. Section 17.33.500 of the Paradise Municipal Code shall be amended as follows:

17.33.500 - Required standards and criteria.

The planning director shall grant a permit for a home occupation as an accessory residential use on property zoned for residential use, provided that the use complies with all of the following standards and criteria:

- A. The location of the home occupation is the principal residence of the applicant and is clearly incidental and secondary to the use of the property for residential purposes.
- B. No major structural changes are proposed which will significantly alter the character of the residence or change its occupancy classification pursuant to the California Uniform Building Code.
- C. Any traffic or parking needs generated by the proposed home occupation would not be out of character with the existing traffic levels and ~~patterns~~ parking demands of the surrounding residential neighborhood.
- D. The proposed home occupation shall not create levels of new light and glare inconsistent with existing amounts of light and glare within the surrounding residential.
- E. The proposed home occupation shall not adversely increase noise levels or noise durations beyond permissible residential noise levels or noise durations within the surrounding neighborhood as regulated by the Paradise Municipal Code.
- F. The proposed home occupation shall not generate vibration, dust, odor, heat, solid waste, electrical interference or other characteristics in excess of that customarily associated with similar residential uses in the surrounding neighborhood.

- G. Employment shall be limited to members of the family residing on the premises, and to one additional full-time equivalent nonresident employee. In no event may more than one part time employee be working at any one time.
- H. The total floor area used for the home occupation, including area within accessory buildings, may be as large as fifty (50) percent of the net floor area of the dwelling unit, but shall in no case exceed seven hundred fifty (750) square feet; provided however that a cottage food operation shall be restricted to the registered or permitted area of the residence as approved by the Butte County Environmental Health Department.
- I. Signs shall be limited to one unlighted sign and not larger than six (6) square feet in area. Such sign may be attached flat on the building wall or may be located elsewhere on the site except in a required yard setback area.
- J. No equipment, materials or products associated with the home occupation use shall be stored or displayed where visible from off the premises.
- K. The proposed home occupation shall not involve the storage or use of other than a minimal quantity of five (5) or fewer gallons of toxic, explosive or flammable materials; provided all such materials shall be subject to approval by the town fire chief.
- L. A proposed home occupation that generates public traffic use in addition to the existing level of traffic use of a private road easement affording its access shall not be permitted unless written consent thereof to such use is provided by all property owners having legal interest in the private road easement.
- M. Any proposed home occupation affording access by use of a private road easement shall be conducted in a manner that shall not overburden the vehicular use of the private road easement.
- N. Any cottage food operation (CFO) shall meet the following additional requirements:
 - 1. The requirements set out in Health and Safety Code Sections 114365, 114365.2 and 114365.5.
 - 2. A CFO shall be restricted to the primary kitchen of the residence.
 - 3. A CFO shall comply with the restrictions on gross annual sales as set forth in Health and Safety Code section 113758, as may be amended.
 - 4. A CFO shall obtain and maintain a registration and/or operating permit from the Butte County Environmental Health Department. A copy of such registration/permit must be furnished to the Town of Paradise within fifteen days of its issuance.

5. No CFO shall conduct sales in an attached garage, detached accessory structure or outside of the dwelling.
6. If direct sales are proposed at the site of the CFO, no third parties or customers shall be permitted to dine at the CFO.

Chapter 17.33
HOME OCCUPATION REGULATIONS*

Sections:

17.33.100	Purpose.
17.33.200	Definitions.
17.33.300	Permit requirements.
17.33.400	Permits reviewed by the planning director.
17.33.500	Required standards and criteria.
17.33.600	Required findings.
17.33.700	Fees.
17.33.800	Revocation of home occupation permit.

17.33.100 Purpose. Home occupation regulations are intended to allow limited business activities in residential zoned districts when conducted by the occupants of a dwelling in a manner wholly accessory to and compatible with the residential characteristics of the surrounding neighborhood.
(Ord. 313 § 5(part), 1998)

17.33.200 Definitions. For the purposes of this chapter, certain words and phrases are defined as follows:

"Home occupation" means an accessory commercial activity or business service, conducted on the site of a dwelling unit by the inhabitants thereof, in a manner clearly incidental to the residential character of the site, and in accord with the provisions of this chapter. It shall not include activities that are limited solely to the use of a desk, telephone and personal computer.

"Home occupation permit" means a nondiscretionary permit issued by the planning director, based upon the specific standards and criteria contained in this chapter, and authorizing the establishment of a home occupation.
(Ord. 313 § 5(part), 1998)

17.33.300 Permit requirements. Home occupations shall be permitted as an accessory land use activity related to a dwelling unit subject to obtaining town approval and issuance of a home occupation permit. To apply for a home occupation permit, the following information must be submitted to the town community development department:

A. A completed home occupation permit application form and detailed plot plan drawn to scale, along with payment of the processing fee in effect at the time of application. If the applicant is not the owner of the property, proof of agency on behalf of or from the property owner must be submitted in writing in order to legally process the application;

*Prior ordinance history: 214 and 264.

B. A detailed written project description that describes the proposal, the setting of the neighborhood, proximity to neighboring residences, the level of noise generated by the proposal, parking demand of the home occupation, and the anticipated increase in traffic generated by the project;

C. A written explanation describing how the proposed home occupation complies with the standards and criteria set forth in Section 17.33.500 of this chapter;

D. Any additional information deemed necessary by the planning director to fully understand the proposed project;

E. If the property upon which the home occupation would be conducted is afforded access by a private road, the applicant shall submit written evidence indicating that all property owners having legal interest in the private road have no objection to the proposed home occupation.

(Ord. 313 § 5(part), 1998)

17.33.400 Permits reviewed by the planning director. The planning director shall review and act upon all home occupation permit (and/or modifications thereof) applications once all the required information has been submitted. Because the permits are nondiscretionary, no formal notice or public hearing are required. In reviewing home occupation permit applications (and/or application for modifications thereof), the planning director shall determine if the actual proposal complies with the standards and criteria listed in Section 17.33.500 of this chapter. The planning director shall consider the required findings contained in Section 17.33.600 of the chapter. If the planning director is unable to make any one of the required findings, the proposed home occupation permit [or modification(s) thereof] shall be denied.

(Ord. No. 473, § 2, 12-11-2007; Ord. 313 § 5(part), 1998)

17.33.500 Required standards and criteria. The planning director shall grant a permit for a home occupation as an accessory residential use on property zoned for residential use, provided that the use complies with all of the following standards and criteria:

A. The location of the home occupation is the principal residence of the applicant and is clearly incidental and secondary to the use of the property for residential purposes.

B. No major structural changes are proposed which will significantly alter the character of the residence or change its occupancy classification pursuant to the California Uniform Building Code.

C. Any traffic generated by the proposed home occupation would not be out of character with the existing traffic levels and patterns of the surrounding residential neighborhood.

D. The proposed home occupation shall not create levels of new light and glare inconsistent with existing amounts of light and glare within the surrounding residential.

E. The proposed home occupation shall not adversely increase noise levels or noise durations beyond permissible residential noise levels or noise durations within the surrounding neighborhood as regulated by the Paradise Municipal Code.

F. The proposed home occupation shall not generate vibration, dust, odor, heat, solid waste, electrical interference or other characteristics in excess of that customarily associated with similar residential uses in the surrounding neighborhood.

G. Employment shall be limited to members of the family residing on the premises, and to one additional nonresident employee.

H. The total floor area used for the home occupation, including area within accessory buildings, may be as large as fifty (50) percent of the net floor area of the dwelling unit, but shall in no case exceed seven hundred fifty (750) square feet.

I. Signs shall be limited to one unlighted sign and not larger than six (6) square feet in area. Such sign may be attached flat on the building wall or may be located elsewhere on the site except in a required yard setback area.

J. No equipment, materials or products associated with the home occupation use shall be stored or displayed where visible from off the premises.

K. The proposed home occupation shall not involve the storage or use of other than a minimal quantity of five (5) or fewer gallons of toxic, explosive or flammable materials; provided all such materials shall be subject to approval by the town fire chief.

L. A proposed home occupation that generates public traffic use in addition to the existing level of traffic use of a private road easement affording its access shall not be permitted unless written consent thereof is provided by all property owners having legal interest in the private road easement.

M. Any proposed home occupation affording access by use of a private road easement shall be conducted in a manner that shall not overburden the vehicular use of the private road easement.

(Ord. No. 414, § 3, 3-9-2004; Ord. 313 § 5(part), 1998)

17.33.600 Required findings. In order to approve a home occupation permit application, the planning director shall successfully make the following findings:

A. The proposed home occupation complies with all the applicable standards and criteria contained in Section 17.33.500 of this chapter;

B. The proposed home occupation will not have a significant adverse effect upon the health and safety of the citizens of Paradise or the community in general.
(Ord. 313 § 5(part), 1998)

17.33.700 Fees. The planning director or his/her designee is authorized to administer and collect a fee necessary to process the home occupation permit application. The fee shall be identified on the applicable master fee schedule adopted and periodically amended by the town council.

(Ord. 313 § 5(part), 1998)

17.33.800 Revocation of home occupation permit. After providing the permittee with written notification and a public meeting, the planning director is vested with the administrative authority to officially revoke a home occupation permit whenever evidence exists and a

17.33.800

determination is rendered verifying that a home occupation activity is not being conducted in a manner that complies with the required standards and criteria of this chapter and/or its town adopted and assigned conditions of approval.

(Ord. No. 473, § 3, 12-11-2007; Ord. 344 § 5, 2000; Ord. 313 § 5(part), 1998)

ASSEMBLY BILL

No. 1616

Introduced by Assembly Member Gatto

February 8, 2012

An act to amend Sections 110460, 111940, 111955, 113789, 114021, and 114023 of, and to add Article 5 (commencing with Section 113400) to Chapter 11 of Part 6 of Division 104 of, the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as introduced, Gatto. Food safety: cottage food operations. Existing law, the Sherman Food, Drug, and Cosmetic Law (Sherman Law), requires the State Department of Public Health to regulate the manufacture, sale, labeling, and advertising activities related to food, drugs, devices, and cosmetics in conformity with the Federal Food, Drug, and Cosmetic Act. The Sherman Law makes it unlawful to manufacture, sell, deliver, hold, or offer for sale any food that is misbranded. Food is misbranded if its labeling does not conform to specified federal labeling requirements regarding nutrition, nutrient content or health claims, and food allergens. Violation of this law is a misdemeanor.

The existing California Retail Food Code provides for the regulation of health and sanitation standards for retail food facilities, as defined by the State Department of Public Health. Under existing law, local health agencies are primarily responsible for enforcing the California Retail Food Code. That law also prohibits food stored or prepared in a private home from being used or offered for sale in a food facility. A violation of these provisions is a misdemeanor.

This bill would exempt a cottage food operation, as defined, from specified food processing establishment, Sherman Law, and California Retail Food Code requirements. This bill would require a cottage food operation to meet specified requirements relating to sanitation, packaging, and labeling. This bill would authorize the State Public Health Officer to adopt implementing regulations, as specified, and procedures for a registration system. This bill would also authorize the State Public Health Officer to access the registered area of a private home where a cottage food operation is located, as specified. This bill would prescribe civil penalties for a violation of its provisions, and would provide for local permitting of cottage food operations.

By imposing duties on local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Small businesses have played an important role in helping
4 slow economies recover and prosper as an engine of job creation.
5 During the 1990s, small businesses created the majority of new
6 jobs and now account for 65 percent of United States employment.

7 (b) California, and the United States as a whole, are facing
8 growing obesity and obesity-related disease epidemics.

9 (1) Two-thirds of American adults and nearly one-third of
10 children and teens are obese or overweight, placing them at risk
11 for developing chronic diseases such as diabetes, heart disease,
12 and cancer.

13 (2) One in every nine California children, one in three teens,
14 and over half of adults are already overweight or obese. This
15 epidemic affects virtually all Californians.

1 (3) These health conditions are preventable and curable through
2 lifestyle choices that include consumption of healthy fresh foods.

3 (c) For decades, low-income and rural communities have faced
4 limited opportunities to purchase healthy foods. Often, without
5 cars or convenient public transportation options, low-income
6 residents in these areas must rely for much of their shopping on
7 expensive, fatty, processed foods sold at convenience and corner
8 stores.

9 (d) There is a growing movement in California to support
10 community-based food production, sometimes referred to as
11 "cottage food," "artisanal food," "slow food," "locally based food,"
12 or "urban agriculture" movements. These movements seek to
13 connect food to local communities, small businesses, and
14 environmental sustainability.

15 (e) Increased opportunities for entrepreneur development
16 through microenterprises can help to supplement household
17 incomes, prevent poverty and hunger, and strengthen local
18 economies.

19 (f) At least 25 other states have passed laws that allow small
20 business entrepreneurs to use their home kitchens to prepare, for
21 sale, foods that are not potentially hazardous.

22 (g) Even some bake sales are currently illegal in California.

23 (h) It is the intent of the Legislature to enact a homemade food
24 act specifically designed to help address these challenges and
25 opportunities.

26 SEC. 2. Section 110460 of the Health and Safety Code is
27 amended to read:

28 110460. No person shall engage in the manufacture, packing,
29 or holding of any processed food in this state unless the person
30 has a valid registration from the department, except those engaged
31 exclusively in the storing, handling, or processing of dried beans.
32 The registration shall be valid for one calendar year from the date
33 of issue, unless it is revoked. The registration shall not be
34 transferable. *This section shall not apply to a cottage food*
35 *operation, as defined in Section 113400.*

36 SEC. 3. Section 111940 of the Health and Safety Code is
37 amended to read:

38 111940. (a) If any person violates any provision of Chapter 4
39 (commencing with Section 111950), Chapter 5 (commencing with
40 Section 112150), Chapter 6 (commencing with Section 112350),

1 Chapter 7 (commencing with Section 112500), Chapter 8
2 (commencing with Section 112650), Chapter 10 (commencing
3 with Section 113025), ~~or~~ Article 3 (commencing with Section
4 113250) of Chapter 11, *or Article 5 (commencing with Section*
5 *113400) of Chapter 11*, of this part, or Chapter 4 (commencing
6 with Section 108100) of Part 3, or any regulation adopted pursuant
7 to these provisions, the department may assess a civil penalty
8 against that person as provided by this section.

9 (b) The penalty may be in an amount not to exceed one thousand
10 dollars (\$1,000) per day. Each day that a violation continues shall
11 be considered a separate violation.

12 (c) If, after examination of a possible violation and the facts
13 surrounding that possible violation, the department concludes that
14 a violation has occurred, the department may issue a complaint to
15 the person charged with the violation. The complaint shall allege
16 the acts or failures to act that constitute the basis for the violation
17 and the amount of the penalty. The complaint shall be served by
18 personal service or by certified mail and shall inform the person
19 so served of the right to a hearing.

20 (d) Any person served with a complaint pursuant to subdivision
21 (c) of this section may, within 20 days after service of the
22 complaint, request a hearing by filing with the department a notice
23 of defense. A notice of defense is deemed to have been filed within
24 the 20-day period if it is postmarked within the 20-day period. If
25 a hearing is requested by the person, it shall be conducted within
26 90 days after the receipt by the department of the notice of defense.
27 If no notice of defense is filed within 20 days after service of the
28 complaint, the department shall issue an order setting the penalty
29 as proposed in the complaint unless the department and the person
30 have entered into a settlement agreement, in which case the
31 department shall issue an order setting the penalty in the amount
32 specified in the settlement agreement. When the person has not
33 filed a notice of defense or where the department and the person
34 have entered into a settlement agreement, the order shall not be
35 subject to review by any court or agency.

36 (e) Any hearing required under this section shall be conducted
37 pursuant to the procedures specified in Section 100171, except to
38 the extent they are inconsistent with the specific requirements of
39 this section.

1 (f) Orders setting civil penalties under this section shall become
2 effective and final upon issuance thereof, and payment shall be
3 made within 30 days of issuance. A copy of the order shall be
4 served by personal service or by certified mail upon the person
5 served with the complaint.

6 (g) Within 30 days after service of a copy of a decision issued
7 by the director after a hearing, any person so served may file with
8 the superior court a petition for writ of mandate for review of the
9 decision. Any person who fails to file the petition within this
10 30-day period may not challenge the reasonableness or validity of
11 the decision or order of the director in any judicial proceeding
12 brought to enforce the decision or order or for other remedies.
13 Section 1094.5 of the Code of Civil Procedure shall govern any
14 proceedings conducted pursuant to this subdivision. In all
15 proceedings pursuant to this subdivision, the court shall uphold
16 the decision of the director if the decision is based upon substantial
17 evidence in the whole record. The filing of a petition for writ of
18 mandate shall not stay any corrective action required pursuant to
19 the Miscellaneous Food, Food Facility, and Hazardous Substances
20 Act, as defined in subdivision (b) of Section 27, or the accrual of
21 any penalties assessed pursuant to this section. This subdivision
22 does not prohibit the court from granting any appropriate relief
23 within its jurisdiction.

24 (h) The remedies under this section are in addition to, and do
25 not supersede, or limit, any and all other remedies, civil or criminal.

26 SEC. 4. Section 111955 of the Health and Safety Code is
27 amended to read:

28 111955. "Food processing establishment," as used in this
29 chapter, shall mean any room, building or place or portion thereof,
30 maintained, used or operated for the purpose of commercially
31 storing, packaging, making, cooking, mixing, processing, bottling,
32 canning, packing, slaughtering or otherwise preparing or handling
33 food except restaurants. *"Food processing establishment" shall*
34 *not include a cottage food operation, as defined in Section 113400.*

35 SEC. 5. Article 5 (commencing with Section 113400) is added
36 to Chapter 11 of Part 6 of Division 104 of the Health and Safety
37 Code, to read:

Article 5. Cottage Food Operations

113400. This article shall be known, and may be cited, as the California Homemade Food Act.

113401. Unless the context otherwise requires, the meaning of terms used in this article, as applicable, shall be the same as the definitions found under the California Retail Food Code (Part 7 (commencing with Section 113700)). Additionally, for the purposes of this article, the following definitions apply:

(a) "Adulterated" means either of the following:

(1) Food that bears or contains any poisonous or deleterious substance that may render the food impure or injurious to health.

(2) Food that is manufactured, prepared, or stored in a manner that deviates from a HACCP plan, as defined in Section 113801, so as to pose a discernable increase in risk.

(b) "Cottage food operation" means a private home where cottage food products are prepared or packaged to be sold directly to consumers, including through the internet or mail order, and to in-state retail food facilities pursuant to this article.

(c) "Cottage food products" means foods that are prepared for sale in the home kitchen of a person's primary private home and are not potentially hazardous food, as defined in Section 113871. Cottage food products include, but are not limited to, nonpotentially hazardous baked goods, jams, jellies, fruit butters, preserves, pickles with a pH level of 4.6 or below when measured at 75 degrees Fahrenheit, candy, granola, dry cereals, popcorns, nut mixes, dried fruit, chocolate covered nonperishable nuts and dried fruit, dry baking mixes, roasted coffees, dry teas, honey, and similar products specified in rules adopted by the department.

(d) "Home kitchen" means a kitchen primarily intended for use by residents of a private home. It may contain one or more stoves or ovens, including a double oven, and shall be designed for residential use.

(e) "Registered area" means the portion of a private home that contains a home kitchen where the preparation, packaging, storage, or handling of cottage food products occurs.

(f) "Potentially hazardous food" has the meaning provided in Section 113871.

(g) "Private home" means a dwelling, or an area within a rental unit, where individuals reside.

1 113402. A cottage food operation is subject to the following
2 requirements:

3 (a) Preparation, packaging, or handling of cottage food products
4 shall not occur in the home kitchen simultaneously with any other
5 domestic activities. Prohibited activities may include, but are not
6 limited to:

- 7 (1) Family meal preparation.
8 (2) Dishwashing unrelated to cottage food production.
9 (3) Clothes washing or ironing.
10 (4) Kitchen cleaning unrelated to cottage food production.

11 (b) Infants, small children, or pets shall not be allowed in the
12 home kitchen during the preparation, packaging, or handling of
13 any cottage food products.

14 (c) All food contact surfaces, equipment, and utensils used for
15 the preparation, packaging, or handling of any cottage food
16 products shall be washed, rinsed, and sanitized before each use.

17 (d) All food preparation and food equipment storage areas shall
18 be maintained free of rodents and insects.

19 (e) A person involved in the preparation and packaging of
20 cottage food products shall comply with all of the following:

- 21 (1) The person may not work in the home kitchen when sick
22 with a contagious illness.
23 (2) The person shall wash his or her hands before any food
24 preparation and food packaging activity.

25 113403. A cottage food operation shall package and label any
26 food it produces or packages for sale in compliance with labeling
27 requirements of the Federal Food, Drug, and Cosmetic Act (21
28 U.S.C. Sec. 343-1 et seq.).

29 113404. (a) The director may adopt regulations reasonably
30 necessary to implement this article. The regulations may include,
31 but are not limited to, all of the following:

- 32 (1) Sanitary procedures, in addition to those required by this
33 article.
34 (2) Labeling requirements, which shall be in compliance with
35 applicable regulations adopted pursuant to the Federal Food, Drug,
36 and Cosmetic Act (21 U.S.C. Sec. 343-1 et seq.).
37 (3) Procedures for a registration system, including provisions
38 for reasonable fees so that individuals may obtain a registration to
39 operate a cottage food operation. The director, however, shall not
40 require an inspection prior to allowing a food operation to register.

1 (4) If a registration system and provisions for reasonable fees
2 are established, these fees shall not exceed the reasonable
3 regulatory costs of administering the registration program.

4 (b) The director may not set a maximum annual gross sales
5 amount for a cottage food operation.

6 113405. (a) For purposes of determining compliance with this
7 article, the director may access, for inspection purposes, the
8 registered area of a private home where a cottage food operation
9 is located only if the director has, on the basis of a consumer
10 complaint, reason to suspect that adulterated or otherwise unsafe
11 food has been produced in the home kitchen. The director shall
12 not conduct routine inspections of cottage food operations.

13 (b) All inspections shall be made at reasonable times and, when
14 possible, during regular business hours.

15 (c) If the director is denied access to the registered area where
16 access was sought for the purpose of enforcing this article, the
17 director may apply to any court of competent jurisdiction for a
18 search warrant authorizing access to the registered area, and a court
19 may issue a search warrant for the purpose requested.

20 (d) Access under this section is limited to the registered area
21 and solely for the purpose of enforcing or administering this article.

22 113406. All of the following shall apply to cottage food
23 operations:

24 (a) A city, county, or city and county shall not prohibit cottage
25 food operations in any residential dwellings, but shall do one of
26 the following:

27 (1) Classify these operations as a permitted use of residential
28 property for zoning purposes.

29 (2) Grant a nondiscretionary permit to use a residence as any
30 cottage food operation that complies with local ordinances
31 prescribing reasonable standards, restrictions, and requirements
32 concerning spacing and concentration, traffic control, parking, and
33 noise control relating to those homes. Any noise standards shall
34 be consistent with local noise ordinances implementing the noise
35 element of the general plan. The permit issued pursuant to this
36 paragraph shall be granted by the zoning administrator, or if there
37 is no zoning administrator, by the person or persons designated
38 by the planning agency to grant these permits, upon the certification
39 without a hearing.

1 (3) Require any cottage food operation to apply for a permit to
2 use a residence for its operation. The zoning administrator, or if
3 there is no zoning administrator, the person or persons designated
4 by the planning agency to handle the use permits, shall review and
5 decide the applications. The use permit shall be granted if the
6 cottage food operation complies with local ordinances, if any,
7 prescribing reasonable standards, restrictions, and requirements
8 concerning the following factors: spacing and concentration, traffic
9 control, parking, and noise control relating to those homes. Any
10 noise standards shall be consistent with local noise ordinances
11 implementing the noise element of the general plan. The local
12 government shall process any required permit as economically as
13 possible. Fees charged for review shall not exceed the costs of the
14 review and permit process. An applicant may request a verification
15 of fees, and the city, county, or city and county shall provide the
16 applicant with a written breakdown within 45 days of the request.
17 The application form for cottage food operation permits shall
18 include a statement of the applicant's right to request the written
19 fee verification.

20 (b) In connection with any action taken pursuant to paragraph
21 (2) or (3) of subdivision (a), a city, county, or city and county shall
22 do all of the following:

23 (1) Upon the request of an applicant, provide a list of the permits
24 and fees that are required by the city, county, or city and county,
25 including information about other permits that may be required
26 by other departments in the city, county, or city and county, or by
27 other public agencies. The city, county, or city and county shall,
28 upon request of any applicant, also provide information about the
29 anticipated length of time for reviewing and processing the permit
30 application.

31 (2) Upon the request of an applicant, provide information on
32 the breakdown of any individual fees charged in connection with
33 the issuance of the permit.

34 (3) If a deposit is required to cover the cost of the permit,
35 provide information to the applicant about the estimated final cost
36 to the applicant of the permit, and procedures for receiving a refund
37 from the portion of the deposit not used.

38 (c) Use of a residence for the purposes of a cottage food
39 operation shall not constitute a change of occupancy for purposes
40 of the State Housing Law (Part 1.5 (commencing with Section

1 17910) of Division 13), or for purposes of local building and fire
2 codes.

3 (d) Cottage food operations shall be considered residences for
4 the purposes of the State Uniform Building Standards Code and
5 local building and fire codes.

6 SEC. 6. Section 113789 of the Health and Safety Code is
7 amended to read:

8 113789. (a) "Food facility" means an operation that stores,
9 prepares, packages, serves, vends, or otherwise provides food for
10 human consumption at the retail level, including, but not limited
11 to, the following:

12 (1) An operation where food is consumed on or off the premises,
13 regardless of whether there is a charge for the food.

14 (2) Any place used in conjunction with the operations described
15 in this subdivision, including, but not limited to, storage facilities
16 for food-related utensils, equipment, and materials.

17 (b) "Food facility" includes permanent and nonpermanent food
18 facilities, including, but not limited to, the following:

19 (1) Public and private school cafeterias.

20 (2) Restricted food service facilities.

21 (3) Licensed health care facilities.

22 (4) Commissaries.

23 (5) Mobile food facilities.

24 (6) Mobile support units.

25 (7) Temporary food facilities.

26 (8) Vending machines.

27 (9) Certified farmers' markets, for purposes of permitting and
28 enforcement pursuant to Section 114370.

29 (10) Farm stands, for purposes of permitting and enforcement
30 pursuant to Section 114375.

31 (c) "Food facility" does not include any of the following:

32 (1) A cooperative arrangement wherein no permanent facilities
33 are used for storing or handling food.

34 (2) A private home, *including a cottage food operation, as*
35 *defined in Section 113400.*

36 (3) A church, private club, or other nonprofit association that
37 gives or sells food to its members and guests, and not to the general
38 public, at an event that occurs not more than three days in any
39 90-day period.

1 (4) A for-profit entity that gives or sells food at an event that
2 occurs not more than three days in a 90-day period for the benefit
3 of a nonprofit association, if the for-profit entity receives no
4 monetary benefit, other than that resulting from recognition from
5 participating in an event.

6 (5) Premises set aside for wine tasting, as that term is used in
7 Section 23356.1 of the Business and Professions Code and in the
8 regulations adopted pursuant to that section, that comply with
9 Section 118375, regardless of whether there is a charge for the
10 wine tasting, if no other beverage, except for bottles of wine and
11 prepackaged nonpotentially hazardous beverages, is offered for
12 sale for onsite consumption and no food, except for crackers, is
13 served.

14 (6) Premises operated by a producer, selling or offering for sale
15 only whole produce grown by the producer, or shell eggs, or both,
16 provided the sales are conducted on premises controlled by the
17 producer.

18 (7) A commercial food processing plant as defined in Section
19 111955.

20 (8) A child day care facility, as defined in Section 1596.750.

21 (9) A community care facility, as defined in Section 1502.

22 (10) A residential care facility for the elderly, as defined in
23 Section 1569.2.

24 (11) A residential care facility for the chronically ill, which has
25 the same meaning as a residential care facility, as defined in Section
26 1568.01.

27 (12) Premises set aside by a beer manufacturer, as defined in
28 Section 25000.2 of the Business and Professions Code, that comply
29 with Section 118375, for the purposes of beer tasting, regardless
30 of whether there is a charge for the beer tasting, if no other
31 beverage, except for beer and prepackaged nonpotentially
32 hazardous beverages, is offered for sale for onsite consumption,
33 and no food, except for crackers or pretzels, is served.

34 SEC. 7. Section 114021 of the Health and Safety Code is
35 amended to read:

36 114021. (a) Food shall be obtained from sources that comply
37 with all applicable laws.

38 (b) Food stored or prepared in a private home shall not be used
39 or offered for sale in a food facility, *unless that food is prepared*

1 *by a cottage food operation that meets the requirements of Article*
2 *5 (commencing with Section 113400) of Chapter 11 of Part 6.*

3 SEC. 8. Section 114023 of the Health and Safety Code is
4 amended to read:

5 114023. Food in a hermetically sealed container shall be
6 obtained from a food processing plant that is regulated by the food
7 regulatory agency that has jurisdiction over the plant, *or from a*
8 *cottage food operation that meets the requirements of Article 5*
9 *(commencing with Section 113400) of Chapter 11 of Part 6.*

10 SEC. 9. If the Commission on State Mandates determines that
11 this act contains costs mandated by the state, reimbursement to
12 local agencies and school districts for those costs shall be made
13 pursuant to Part 7 (commencing with Section 17500) of Division
14 4 of Title 2 of the Government Code.

O

Cottage Food Law Bill Summary

What the California Homemade Food Act, AB 1616, will accomplish – a summary

The new law will go into effect in January. It creates a new category of food production called a cottage food operation, which, unlike other types of commercial food facilities, can be operated out of a home kitchen. The types of foods that a cottage food operation can sell are limited to “non-potentially hazardous foods,” which are foods that are unlikely to grow harmful bacteria or other toxic microorganisms at room temperature. The list of foods includes:

- Baked goods without cream, custard, or meat fillings, such as breads, biscuits, churros, cookies, pastries, and tortillas
- Candy, such as brittle and toffee
- Chocolate-covered nonperishable foods, such as nuts and dried fruit
- Dried fruit
- Dried pasta
- Dry baking mixes
- Fruit pies, fruit empanadas, and fruit tamales
- Granola, cereals, and trail mixes
- Herb blends and dried mole paste
- Honey and sweet sorghum syrup
- Jams, jellies, preserves, and fruit butter that comply with the standard described in Part 150 of Title 21 of the Code of Federal Regulations
- Nut mixes and nut butters
- Popcorn
- Vinegar and mustard
- Roasted coffee and dried tea
- Waffle cones and pizelles
- Other foods that the Director of the California Department of Public Health chooses to add

**TOWN OF PARADISE
ORDINANCE NO. ____**

**AN ORDINANCE AMENDING PARADISE MUNICIPAL CODE CHAPTER SECTIONS 17.33.200,
17.33.300, and 17.33.500 RELATING TO HOME OCCUPATIONS AND
COTTAGE FOOD OPERATIONS**

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

SECTION 1. Section 17.33.200 of the Paradise Municipal Code shall be amended as follows:

"Home occupation" means an accessory commercial activity or business service, conducted on the site of a dwelling unit by the inhabitants thereof, in a manner clearly incidental to the residential character of the site, and in accord with the provisions of this chapter, including cottage food operations. It shall not include activities that are limited solely to the use of a desk, telephone and personal computer.

"Home occupation permit" means a nondiscretionary permit issued by the planning director, based upon the specific standards and criteria contained in this chapter, and authorizing the establishment of a home occupation, including a cottage food operation.

"Cottage food operation" when used in this chapter shall have the same meaning as provided for in Health and Safety Code section 113758, as may be amended. Food preparation relating to a fundraising activity occurring no more than three (3) days within a ninety (90) day period shall not be considered a cottage food operation.

SECTION 2. Section 17.33.300 of the Paradise Municipal Code shall be amended as follows:

17.33.300 - Permit requirements.

It shall be unlawful to establish a home occupation without a Town-issued permit under this Chapter. Home occupations (including cottage food operations, or CFO) shall be permitted as an accessory land use activity related to a dwelling unit subject to obtaining town approval and issuance of a home occupation permit. To apply for a home occupation permit, the following information must be submitted to the town community development department:

- A. A completed home occupation permit application form and detailed plot plan drawn to scale, along with payment of the processing fee in effect at the time of application. If the applicant is not the owner of the property, proof of agency on behalf of or from the property owner must be submitted in writing in order to legally process the application.
- B. A detailed written project description that describes the proposal, the setting of the neighborhood, proximity to neighboring residences, the level of noise generated by the proposal, parking demand of the home occupation, and the anticipated increase in traffic generated by the project.

- C. A written explanation describing how the proposed home occupation complies with the standards and criteria set forth in Section 17.33.500 of this chapter.
- D. Any additional information deemed necessary by the planning director to fully understand the proposed project.
- E. If the property upon which the home occupation would be conducted is afforded access by a private road, the applicant shall submit written evidence indicating that all property owners having legal interest in the private road have no objection to the proposed home occupation.
- F. If the type of proposed home occupation or cottage food operation has the potential to increase wastewater flows (e.g., food processing, catering, hair and nail salons or pet grooming), the application shall be accompanied by material evidence showing that the existing sewage disposal system serving the residence has a valid and current Operating Permit issued by the Town of Paradise.

SECTION 3. Section 17.33.500 of the Paradise Municipal Code shall be amended as follows:

17.33.500 - Required standards and criteria.

The planning director shall grant a permit for a home occupation as an accessory residential use on property zoned for residential use, provided that the use complies with all of the following standards and criteria:

- A. The location of the home occupation is the principal residence of the applicant and is clearly incidental and secondary to the use of the property for residential purposes.
- B. No major structural changes are proposed which will significantly alter the character of the residence or change its occupancy classification pursuant to the California Uniform Building Code.
- C. Any traffic or parking needs generated by the proposed home occupation would not be out of character with the existing traffic levels and ~~patterns~~ parking demands of the surrounding residential neighborhood.
- D. The proposed home occupation shall not create levels of new light and glare inconsistent with existing amounts of light and glare within the surrounding residential.
- E. The proposed home occupation shall not adversely increase noise levels or noise durations beyond permissible residential noise levels or noise durations within the surrounding neighborhood as regulated by the Paradise Municipal Code.

- F. The proposed home occupation shall not generate vibration, dust, odor, heat, solid waste, electrical interference or other characteristics in excess of that customarily associated with similar residential uses in the surrounding neighborhood.
- G. Employment shall be limited to members of the family residing on the premises, and to one additional full-time equivalent nonresident employee. In no event may more than one part time employee be working at any one time.
- H. The total floor area used for the home occupation, including area within accessory buildings, may be as large as fifty (50) percent of the net floor area of the dwelling unit, but shall in no case exceed seven hundred fifty (750) square feet; provided however that a cottage food operation shall be restricted to the registered or permitted area of the residence as approved by the Butte County Environmental Health Department.
- I. Signs shall be limited to one unlighted sign and not larger than six (6) square feet in area. Such sign may be attached flat on the building wall or may be located elsewhere on the site except in a required yard setback area.
- J. No equipment, materials or products associated with the home occupation use shall be stored or displayed where visible from off the premises.
- K. The proposed home occupation shall not involve the storage or use of other than a minimal quantity of five (5) or fewer gallons of toxic, explosive or flammable materials; provided all such materials shall be subject to approval by the town fire chief.
- L. A proposed home occupation that generates public traffic use in addition to the existing level of traffic use of a private road easement affording its access shall not be permitted unless written consent ~~thereof~~ to such use is provided by all property owners having legal interest in the private road easement.
- M. Any proposed home occupation affording access by use of a private road easement shall be conducted in a manner that shall not overburden the vehicular use of the private road easement.
- N. Any cottage food operation (CFO) shall meet the following additional requirements:
 - 1. The requirements set out in Health and Safety Code Sections 114365, 114365.2 and 114365.5.
 - 2. A CFO shall be restricted to the primary kitchen of the residence.
 - 3. A CFO shall comply with the restrictions on gross annual sales as set forth in Health and Safety Code section 113758, as may be amended.

**TOWN OF PARADISE
ORDINANCE NO. ____**

4

4. A CFO shall obtain and maintain a registration and/or operating permit from the Butte County Environmental Health Department. A copy of such registration/permit must be furnished to the Town of Paradise within fifteen days of its issuance.
5. No CFO shall conduct sales in an attached garage, detached accessory structure or outside of the dwelling.
6. If direct sales are proposed at the site of the CFO, no third parties or customers shall be permitted to dine at the CFO.

SECTION 4. Town Council finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Sections 15061 (b) (3) and 15301.

SECTION 5. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this _____ day of _____, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Timothy Titus, Mayor

ATTEST:

JOANNA GUTIERREZ, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney

TOWN OF PARADISE
Council Agenda Summary
Date: June 11, 2013

Agenda No. 7(a)

ORIGINATED BY: Marc Mattox, Associate Civil Engineer

REVIEWED BY: Lauren Gill, Interim Town Manager

SUBJECT: Bille Road Overlay, Posey to Fern

COUNCIL ACTION REQUESTED:

1. Approve Agreement between Town of Paradise and Paradise Irrigation District (PID), accepting \$32,000 for the purpose of installing a 0.17' overlay along Bille Road between Fern Lane and Posey Lane. Thereafter, PID will have no further obligation to restore Bille Road pursuant to Encroachment Permit EN12-00024.
2. Contingent upon PID Board approval of said Town of Paradise and PID Agreement, award Contract No. 13-04, Bille Road Overlay – Posey to Fern, to Folsom Lake Asphalt of Rancho Cordova, CA in the amount of their bid of \$72,296.10.

Background:

Bille Road, a Town-maintained collector, historically has been difficult to maintain due to consistent drainage issues and increased volumes since the roadway was originally designed and constructed. On March 29, 2012 the Town of Paradise issued Encroachment Permit EN12-00024, included as Exhibit A of Attachment 1 to Paradise Irrigation District (PID) for their water main replacement project. Conditions of the Permit require the Applicant to restore trenches to Town approved standards.

Prior to Permit issuance, staff took preconstruction photos which showed existing roadway conditions, including several failures. However, during construction of PID's water main project, conditions have worsened.

PID has completed all work on the subject project excepting final trench restoration including final paving and raising water valve to grade. Per plan, as shown in Exhibit B of Attachment 1, PID is required to install a 3" hot mix asphalt layer along all trenches. This final item of work would marginally improve roadway conditions along this roadway segment.

On March 28, 2013, staff approached PID with the possibility of finding a solution which provides a greater benefit to our community. Staff requested PID to prepare a statement of costs for final trench restoration per plan. These costs were determined to be \$32,000. Staff estimated a full 2" road overlay for the project limits would be \$70,000. This information was determined to be worthwhile in exploring the alternative of PID contributing the \$32,000 towards a Town overlay project.

On May 13, 2013, at a staff level, PID gave indication such an arrangement may be possible, pending Town Council and PID Board approval. Understanding the construction season is in full swing, staff informally bid an overlay which would satisfy both the Town and PID's obligations for project completion. A project diagram is shown as Exhibit C of Attachment 1.

Analysis:

The Bille Road Overlay – Posey to Fern project was advertised for bid on May 22, 2013 using procedures outlined by the California Public Contract Code. Plans and Specifications were provided to a total of 13 local, regional and national construction exchanges. In addition, Plans and Specifications were purchased by 3 contractors.

On June 4, 2013, three bids were received by the Town Clerk and publicly opened. A list of bids received and the engineer's estimate are shown below:

Company	Total Bid
Folsom Lake Asphalt of Rancho Cordova, CA	72,296.10
Franklin Construction of Chico, CA	75,154.00
Knife River Construction of Chico, CA	97,131.00
Engineer's Estimate	\$70,000

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

Staff is recommending award of Contract No. 13-04, Bille Road Overlay – Posey to Fern, to Folsom Lake Asphalt of Rancho Cordova, CA in the amount of their bid of \$72,296.10, contingent upon PID Board approval on June 18, 2013.

The Town Attorney has prepared a formal Agreement, Attachment 1, for Council's approval and PID Board's approval to implement the efforts.

With Council approval and award, staff proposes the following schedule:

Council Award Contract:	June 11, 2013	
PID Board Meeting:	June 19, 2013	
Execute Agreement:	June 2013	(if approved)
Construction:	Summer 2013	(if approved)

Financial Impact:

Funding for the Bille Road Overlay will come from Paradise Irrigation District and gas tax funds. PID, if approved at their regularly scheduled June 19 board meeting, will contribute \$32,000 towards the project. There are sufficient gas tax funds available to cover the remaining \$47,525.71 required for this project. A detailed project accounting description is shown below:

Item	Paradise Irrigation District	Gas Tax	Total
Construction Contract	\$32,000.00	40,296.10	\$72,296.10
Construction Contingency (10%)		7,229.61	\$7,229.61
Total	\$32,000.00	47,525.71	\$79,525.71

Alternatives:

Do not approve subject Agreement and reject all bids.

AGREEMENT

This Agreement (hereinafter Agreement) entered into this _____ day of June, 2013, by and between the Paradise Irrigation District (PID) and the Town of Paradise (Town) [hereinafter PID and Town collectively referred to as Parties].

RECITALS

WHEREAS,

1. On March 29, 2012, Town issued PID an Encroachment Permit EN12-00024 for certain trenching work on Bille Road, Paradise. A copy of the Encroachment Permit is attached as Exhibit A.
2. As a condition of the encroachment permit and as part of its normal operations, PID restores road paving to, at a minimum, the standards shown in Exhibit B. In the absence of this Agreement, PID would typically restore Bille Road's pavement to Town trench restoration standards shown in Exhibit B.
3. PID and Town have determined that PID would spend not more than \$32,000 to restore PID's trenching work within Bille Road in accordance with the Town's specifications.
4. In lieu of PID actually restoring the trenched portions of Bille Road, PID and Town have determined that it is in the public interest for PID to deposit \$32,000 with the Town, which will be used, along with Town funds, to complete a more comprehensive improvement project by the Town for the full width of Bille Road, as described in Exhibit C.

TERMS OF AGREEMENT

NOW THEREFORE, in consideration of the mutual covenants set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

I. SPECIFIC TERMS

1. Upon execution of this Agreement, PID agrees to pay Town a lump sum amount of \$32,000 for the purpose of the Town installing a 0.17' overlay along the full width of Bille Road between Fern Lane and Posey Lane in accordance with Town specifications.
 - a. Upon payment of \$32,000 to Town, PID will have no further obligations to restore or repair its trenching work on Bille Road performed under Encroachment Permit EN12-00024. Town understands and acknowledges that payment by PID under this Agreement fully satisfies its obligations and that PID shall not be responsible for any cost overages, labor or material costs,

or any other item or expense beyond the express terms set forth herein or in any way exceeding \$32,000.

2. Town agrees to use the \$32,000, along with other funds, to faithfully perform or cause to be performed the street improvements on Bille Road, as described in Exhibit C.
3. Town will contract for all labor, material, supplies and other services necessary to undertake such street improvement work on Bille Road, and will pay all the costs associated with it.

II. STANDARD TERMS

- A. **GOVERNING LAW:** This Agreement, as a binding contract between the Parties, will be governed by, and construed under, the laws of the State of California.
- B. **AMENDMENTS:** This Agreement may be amended at any time through mutual written consent of the Parties.
- C. **ACCOUNTING:** Town will account for the money disbursed by PID pursuant to this Agreement separately from all other Town funds. Town will maintain audit and accounting procedures that are in accordance with generally accepted accounting principles and practices. Town will keep complete and accurate records of all receipts, disbursements, and interest earned on expenditures of such funds. Town will require its contractors or subcontractors to maintain books, records, and other documents pertinent to their work in accordance with generally accepted accounting principles and practices.
- D. **DISPUTES:** Each Party agrees to provide a minimum of thirty (30) days written notice to the other Party prior to bringing any administrative or legal action related to the subject matter of this Agreement. Within the 30 day notice period, the Parties will meet and confer at least once regarding the dispute. Both Parties will negotiate in good faith to resolve any such dispute.
- E. **HOLD HARMLESS:** Town hereby agrees to indemnify PID , and its officers, agents, and employees against, and to hold the same free and harmless from any and all claims, demands, damages, losses, costs, expenses, or liability due or incident to, either in whole or in part, and whether directly or indirectly, arising out of the subject matter of this Agreement. Before commencing construction of the Bille Road pavement work, Town shall require the Contractor for the project to provide insurance in amounts and from entities acceptable to Town.
- F. **OFFICERS AND AGENTS:** Town's agents, employees and contractors, in carrying out this Agreement, will act in an independent capacity and not as officers, employees, or agents of PID. PID assumes no liability for Town's collective or individual actions in carrying out of any activity related to this Agreement. Town will be solely responsible for any and all liability, including but not limited to personal injury or property damage

that may arise from Town's collective or individual actions in carrying out any and all activities related to this Agreement, excepting for such injury, damage, or loss caused by the negligence or willful misconduct of PID or its officers, agents, or employees.

- G. **NO THIRD PARTY RIGHTS:** The Parties to this Agreement do not intend to create rights in, or grant remedies to, any third party as a beneficiary of this Agreement, or of any duty, covenant, obligation or undertaking established herein.
- H. **ENTIRE AGREEMENT:** This Agreement, constitutes the complete and exclusive agreement of the Parties with respect to the subject matter hereof, and supersedes all discussions, negotiations, representations, warranties, commitments, offers, contracts, and writings prior to the effective date of this Agreement, with respect to its subject matter.
- I. **NON-SEVERABLE TERMS:** The terms of this Agreement are not severable one from another. This Agreement is made on the understanding that each term is in consideration and support of every other term, and each term is a necessary part of the Agreement. If a court of competent jurisdiction rules that any provision of this Agreement is invalid, this Agreement is deemed modified to conform to such ruling. The Parties shall meet and confer to formalize the modification language.
- J. **EFFECT OF WAIVER:** The failure of any Party to insist, on any occasion, upon strict performance of any provision of this Agreement will not be considered a waiver of any obligation, right or duty of, or imposed upon, any Party hereto.
- K. **TERM OF AGREEMENT:** The term of this Agreement shall be from the date of execution until all work on Bille Road by Town is completed, or any claims or lawsuits related to such work are fully resolved, whichever is later.

IN WITNESS THEREOF, the Paradise Irrigation District and the Town of Paradise, intending to be legally bound, have caused this Agreement to be executed through their duly authorized representatives.

PARADISE IRRIGATION DISTRICT

By: _____ Date: _____
George Barber, General Manager

TOWN OF PARADISE

By: _____ Date: _____
Lauren Gill, Interim Town Manager

TOWN OF PARADISE
DEPARTMENT OF PUBLIC WORKS
5555 SKYWAY, PARADISE, CA 95969
(530) 872-6291

EN12-
PERMIT # 00024

ENCROACHMENT PERMIT
(SEE PAGE 2 FOR GENERAL CONDITIONS)

JOB SITE ADDRESS: Bille Rd @ Lucky John to 100' West of Skyway APN: _____
OWNER NAME: PID MAIL ADDRESS: _____ PHONE: _____
CONTRACTOR NAME: PID PHONE: 877-4971

SELECT TYPE OF WORK TO BE DONE

☐ DRIVEWAY ☐ ASPHALT ☐ CONCRETE ☐ CULVERT REQUIRED (LOCATION & SIZE TO BE APPROVED BY TOWN ENGINEER PRIOR TO INSTALLATION.)

☐ CURB ☐ GUTTER ☐ SIDEWALK ☒ UTILITY ☐ OTHER _____

DESCRIPTION OF WORK: INSTALL VALVES, SERVICES, HYDRANTS, TIE-INS. (PRIVATE CONTRACTOR WILL INSTALL WATER MAIN)

THE ABOVE MENTIONED IMPROVEMENTS ARE TO BE COMPLETED PRIOR TO FINALIZATION OF THE FOLLOWING PROJECT:

BUILDING PERMIT # _____ USE PERMIT # _____ SITE PLAN # _____

PARCEL MAP # _____ SUBDIVISION # _____ OTHER _____

CONTRACTORS LICENSE LAW

I DECLARE UNDER PENALTY OF PERJURY (CHECK ONE):

- ☐ I AM LICENSED UNDER PROVISIONS OF CHAP. 9, DIV. 3 OF THE BUSINESS AND PROFESSIONS CODE AND MY LICENSE IS IN FULL FORCE AND EFFECT.
LICENSE # _____ CLASSIFICATION _____
- ☐ I, AS THE OWNER, OR MY EMPLOYEES WITH WAGES AS THEIR SOLE COMPENSATION, WILL DO THE WORK, AND THE STRUCTURE IS NOT INTENDED OR OFFERED FOR SALE. (SEC. 7044)
- ☐ I AM EXEMPT UNDER SEC. _____, BUSINESS AND PROFESSIONAL CODE FOR THIS REASON _____

ITEM	EACH	QTY	TOTAL
FILING	45.00	1	45.00
RESIDENTIAL DW			
CURB & GUTTER			
SIDEWALK			
DRIVEWAY			
UTILITY			
OTHER <u>TERP</u>	5.40	1	5.40
TOTAL			50.40
REFUND			
ADDITIONAL FEES			

50.40

WORKERS COMPENSATION INSURANCE

I DECLARE UNDER PENALTY OF PERJURY (CHECK ONE):

- ☐ THE PERMIT IS FOR \$500.00 (VALUATION) OR LESS.
- ☐ I HAVE PLACED ON FILE WITH THE TOWN OF PARADISE INSPECTION DEPARTMENT A CERTIFICATE OF WORKERS COMPENSATION INSURANCE OR A CERTIFICATE OF CONSENT TO SELF-INSURE.
- ☐ I SHALL NOT EMPLOY ANY PERSON IN ANY MANNER SO AS TO BECOME SUBJECT TO THE W.C. LAWS OF CALIFORNIA.

NOTICE TO APPLICANT: IF, AFTER MAKING THIS STATEMENT, SHOULD YOU BECOME SUBJECT TO W.C. PROVISIONS OF THE LABOR CODE, YOU MUST FORTHWITH COMPLY WITH SUCH PROVISIONS OR THIS PERMIT SHALL BE DEEMED REVOKED.

DATE 7/5/12 RECEIPT # _____

APPROVED BY _____

NOTE: THIS PERMIT EXPIRES ONE (1) YEAR FROM THE APPROVAL DATE UNLESS OTHERWISE NOTED. IF YOU REQUIRE AN EXTENSION OF TIME, PLEASE CONTACT THE TOWN ENGINEERS OFFICE.

NOTE: A MINIMUM OF 24-HOURS NOTICE IS REQUIRED TO SCHEDULE AN INSPECTION BY THE TOWN IN CONNECTION WITH THIS ENCROACHMENT PERMIT.

I CERTIFY THAT I HAVE READ THIS APPLICATION AND STATE THAT THE ABOVE INFORMATION IS CORRECT. I AGREE TO COMPLY TO THE GENERAL CONDITIONS (SEE PAGE 2) AND TO ALL TOWN ORDINANCES AND STATE LAWS RELATING TO BUILDING CONSTRUCTION, AND HEREBY AUTHORIZE REPRESENTATIVES OF THE TOWN OF PARADISE TO ENTER UPON THE ABOVE MENTIONED PROPERTY FOR INSPECTIONS PURPOSES. I ALSO AGREE TO WAIVE, INDEMNIFY AND KEEP HARMLESS THE TOWN AND ITS AGENTS AGAINST ALL LIABILITIES, JUDGMENTS, COSTS, AND EXPENSES WHICH MAY IN ANY WAY ACCRUE AGAINST SAID AGENCY IN CONSEQUENCE OF THE GRANTING OF THIS PERMIT

SIGNATURE _____ DATE 3-29-12 OWNER ☐ CONTRACTOR ☒ AGENT ☐

Exhibit A

1. IT IS UNDERSTOOD AND AGREED THAT THE TOWN HAS PRIOR RIGHT TO THE USE OF ITS RIGHT-OF-WAY. IT IS FURTHER UNDERSTOOD AND AGREED BY THE PERMITTEE THAT THE DOING OF ANY WORK UNDER THIS PERMIT SHALL CONSTITUTE AN ACCEPTANCE OF ALL THE PROVISIONS CONTAINED HEREIN AND FAILURE ON THE PERMITTEE'S PART TO COMPLY WITH ALL PROVISIONS WILL BE CAUSE FOR REVOCATION OF THIS PERMIT. EXCEPT AS OTHERWISE PROVIDED FOR PUBLIC AGENCIES AND FRANCHISE HOLDERS, THE PERMIT IS REVOCABLE AT ANY TIME. THIS PERMIT IS TO BE ON THE JOB AT ALL TIMES WHILE THE WORK IS BEING DONE.
2. ALL WORK SHALL BE DONE SUBJECT TO THE SUPERVISION OF AND TO THE SATISFACTION OF THE PUBLIC WORKS DEPARTMENT OF THE TOWN. THE PERMITTEE SHALL, AT ALL TIMES DURING THE PROGRESS OF THE WORK, KEEP THE TOWN ROADWAY IN AS NEAT AND CLEAN A CONDITION AS IS POSSIBLE AND UPON COMPLETION OF THE WORK GRANTED HEREIN, SHALL LEAVE THE TOWN ROADWAY IN A THOROUGHLY NEAT, CLEAN AND USABLE CONDITION.
3. THE PERMITTEE AGREES BY THE ACCEPTANCE OF THIS PERMIT TO PROPERLY MAINTAIN ANY ENCROACHMENT PLACED BY THE PERMITTEE ON ANY PART OF THE TOWN ROADWAY AND TO IMMEDIATELY REPAIR ANY INJURY TO ANY PORTION OF THE ROADWAY WHICH OCCURS AS A RESULT OF THE ENCROACHMENT, UNTIL SUCH TIME AS THE PERMITTEE MAY BE RELIEVED OF THE RESPONSIBILITY OF SUCH ENCROACHMENT BY THE TOWN DEPARTMENT OF PUBLIC WORKS.
4. IT IS FURTHER AGREED BY THE PERMITTEE THAT WHENEVER CONSTRUCTION, RECONSTRUCTION, OR MAINTENANCE WORK UPON THE HIGHWAY MAY REQUIRE, THE INSTALLATION PROVIDED FOR HEREIN SHALL, UPON REQUEST OF THE TOWN DEPARTMENT OF PUBLIC WORKS, BE IMMEDIATELY REMOVED BY AND AT THE SOLE EXPENSE OF THE PERMITTEE.
5. NO MATERIAL USED FOR FILL OR BACKFILL IN THE CONSTRUCTION OF THE ENCROACHMENT SHALL BE BORROWED OR TAKEN FROM WITHIN THE TOWN RIGHT-OF-WAY.
6. AT LEAST ONE TEN FOOT (10') LANE OF ANY PUBLIC ROAD, UNDER THE JURISDICTION OF THE TOWN OF PARADISE, AND OTHER PUBLIC ROADS JUNCTIONING OR INTERSECTING THEREWITH, SHALL BE KEPT OPEN FOR TRAVEL BY THE GENERAL PUBLIC AT ALL TIMES. NO PUBLIC ROAD UNDER THE JURISDICTION OF THE TOWN SHALL BE CLOSED TO TRAVEL BY THE GENERAL PUBLIC WITHOUT SPECIAL PERMISSION, IN WRITING, OF THE TOWN ENGINEER.
7. THE PERMITTEE, BY THE ACCEPTANCE OF THIS PERMIT, SHALL ASSUME FULL RESPONSIBILITY FOR ALL LIABILITY FOR PERSONAL INJURY OR DAMAGE TO PROPERTY WHICH MAY ARISE OUT OF THE WORK HEREIN PERMITTED OR WHICH MAY ARISE OUT OF THE FAILURE ON THE PART OF THE PERMITTEE TO DO THE WORK PROVIDED FOR UNDER THIS PERMIT. IN THE EVENT ANY CLAIM OF SUCH LIABILITY IS MADE AGAINST THE TOWN OR ANY DEPARTMENT, OFFICIAL, OR EMPLOYEE THEREOF, THE PERMITTEE SHALL DEFEND, INDEMNIFY, AND HOLD THEM AND EACH OF THEM HARMLESS FOR SUCH A CLAIM.
8. ALL EXCAVATIONS SHALL BE BACKFILLED AND COMPACTED IMMEDIATELY AFTER WORK THEREIN HAS BEEN COMPLETED. TRENCHES SHALL NOT BE LEFT OPEN FARTHER THAN 300 FEET IN ADVANCE OF THE PIPE LAYING OPERATIONS UNLESS OTHERWISE PERMITTED BY THE ENGINEER. UNLESS OTHERWISE PERMITTED UNDER THE SPECIAL CONDITIONS, BACKFILL SHALL BE PLACED AND MECHANICALLY COMPACTED IN SUCH A MANNER THAT THE RELATIVE COMPACTION THROUGHOUT THE ENTIRE FILL WITHIN THE TOWN ROAD RIGHT-OF-WAY SHALL CONFORM TO THE PERCENTAGE OF COMPACTION AS STATED BELOW. PERMITTEE SHALL NOTIFY THE TOWN INSPECTOR 24 HOURS BEFORE BACKFILLING AND / OR PAVING.
 - a. THE RELATIVE COMPACTION FROM THE BOTTOM OF THE EXCAVATION TO A PLANE TWO AND ONE-HALF FEET (2.5') BELOW FINISH SUBGRADE SHALL BE NO LESS THAN NINETY PERCENT. (90%) AS DETERMINED BY TEST METHOD NO. CALIF. 216-C OF THE MATERIALS AND RESEARCH DEPARTMENT, STATE OF CALIFORNIA, TRANSPORTATION DEPARTMENT, DIVISION OF HIGHWAYS, OR OTHER APPROVED TEST METHOD.
 - b. THE RELATIVE COMPACTION FROM A PLANE TWO AND ONE HALF FEET (2.5') BELOW THE FINISH SUBGRADE TO FINISH SURFACE GRADE SHALL BE NO LESS THAN NINETY-FIVE PERCENT (95%) AS DETERMINED BY THE ABOVE TESTING METHOD. PERMITTEE SHALL BEAR ALL COSTS AND RESPONSIBILITY FOR COMPACTION TESTS.
 - c. MATERIAL FOR USE AS TRENCH BACKFILL IN ANY EXISTING OR PROPOSED ROADWAY SECTION SHALL BE SAND UNLESS THERE IS PRIOR APPROVAL OF ALTERNATE MATERIALS, SHALL BE PLACED IN EIGHT INCH (8") LIFTS, AND BE COMPACTED TO A RELATIVE COMPACTION OF NOT LESS THAN 95% WITHIN 2.5' OF SUBGRADE.
 - d. MATERIAL FOR USE AS BACKFILL IN ROADSIDE GUTTER EXCAVATIONS SHALL BE THE NATIVE MATERIAL AND BE COMPACTED TO A RELATIVE COMPACTION OF NO LESS THAN 90%.
 - e. ANY PAVEMENT CUTTING SHALL BE SCORED, OR SAW CUT BEFORE TRENCHING.
 - f. MINIMUM DEPTH OF COVER OVER ALL UNDERGROUND FACILITIES SHALL BE 30 INCHES, EXCEPT DRAINAGE CULVERTS.
 - g. ALL INSTALLATIONS, PARALLEL WITH ROADWAY, SHALL BE PLACED AS CLOSE TO THE RIGHT-OF-WAY AS POSSIBLE.
 - h. ALL PAVEMENTS, CURBS, GUTTERS, SIDEWALKS, BORROW DITCHES, PIPES, HEADWALLS, ROAD SIGNS, TREES, SHRUBBERY AND / OR OTHER PERMANENT ROAD FACILITIES IMPAIRED BY OR AS A RESULT OF, CONSTRUCTION OPERATIONS AT THE CONSTRUCTION SITE(S), OR AT OTHER LOCATION(S) OCCUPIED BY MATERIALS AND / OR EQUIPMENT SHALL BE RESTORED IMMEDIATELY UPON BACKFILLING OF THE EXCAVATION TO THE ORIGINAL GRADES AND CROSS SECTIONS, AND TO A CONDITION AS GOOD AS, OR BETTER THAN, EXISTING PRIOR TO CONSTRUCTION.
 - i. ALL SURFACING MATERIALS OF ROADWAYS AND DRIVEWAY APPROACHES CUT OR DAMAGED BY OR AS A RESULT OF CONSTRUCTION OPERATIONS SHALL BE REPLACED WITHIN ONE WEEK FOLLOWING THE BACKFILLING OF EXCAVATION, WEATHER PERMITTING, WITH COMPACTED LAYERS OF SURFACING MATERIALS AT LEAST AS THICK AS THE EXISTING, AND NO LESS THAN TWO INCHES (2") OF ASPHALT CONCRETE OVER EIGHT INCHES (8") OF AGGREGATE BASE, ACCORDING TO CURRENT CALIFORNIA STATE SPECIFICATIONS.
9. WHENEVER NECESSARY TO SECURE PERMISSION FROM ABUTTING PROPERTY OWNERS, SUCH AUTHORITY MUST BE SECURED BY THE PERMITTEE PRIOR TO STARTING WORK.
10. THE FUTURE SAFETY AND CONVENIENCE OF THE TRAVELING PUBLIC SHALL BE GIVEN EVERY CONSIDERATION IN THE LOCATION AND TYPE OF CONSTRUCTION. PERMITTEE SHALL CAUSE TO BE PLACED, ERECTED AND MAINTAINED ALL WARNING SIGNALS, LIGHTS, BARRICADES, SIGNS, AND OTHER DEVICES OR MEASURES ESSENTIAL TO SAFEGUARD TRAVEL BY THE GENERAL PUBLIC OVER AND AT THE SITE OF WORK AUTHORIZED HEREIN.
11. IF THE CONSTRUCTION WORK COVERED BY THIS PERMIT IS TO BE DONE BY A PRIVATE CONTRACTOR HIRED BY THE APPLICANT, APPLICANT SHALL NOTIFY CONTRACTOR AS TO THE SPECIAL CONDITIONS AND REQUIREMENTS CONTAINED HEREIN.
12. PERMITTEE AGREES THAT IF THE ROADWAY AND / OR 99 ENT AREA IS NOT LEFT IN AN ACCEPTABLE MANNER TO THE TOWN ENGINEER, AND IF SUCH NOTICED DEFICIENCIES ARE NOT CORRECTED WITHIN THIRTY (30) DAYS OF WRITTEN NOTICE THEREOF, PERMITTEE AGREES TO PAY THE TOWN OF PARADISE FOR ANY AND ALL COSTS NECESSARY TO CORRECT SAID DEFICIENCIES.



Town of Paradise

INVOICE

Public Works Department
5555 Skyway
Paradise, CA. 95969

Date: April 5, 2012

TO Paradise Irrigation District
P.O. Box 2409
Paradise, CA. 95967-2409

Contact : *Matt Gilbert*
Office (530) 872-6291 EX 108
mgilbert@townofparadise.com

Incident/Service: Encroachment permit fee for public utility purposes

ENCROACHMENT PERMIT NUMBER:	EN12-00024	JOB #	
-----------------------------	------------	-------	--

PLEASE NOTE YOUR PERMIT NUMBER ON YOUR CHECK

Location:	Bille Road @ Lucky John to 100' west of Skyway		
Description:	Install valves, services, hydrants, & tie-ins. (Private contractor will install the water main under a separate permit)		
TERMS: Net cash. Fees are due and payable 30 days from date of invoice. Legal action (including attachment of credit ratings) may be instituted for collection. A late charge of 1 1/2 % may be imposed each and every month on all past due balances. This late charge is liquidated damages measured by the time the money is wrongfully withheld plus administrative costs related to collection and accounting for a late payment.		Total Amount Due	\$50.40
Notes: Total Amount Due: Per this invoice is for filling fees only Inspection fees: Will be invoiced @ \$65.00 per hour +12% TERU. All inspection fees will be calculated and invoiced upon completion of the project.		MAKE REMITTANCE TO: Town of Paradise Public Works 5555 Skyway Paradise, CA 95969-4931 Billing Dept Engineering: Account: 1010-45-4740-3402-228	
<i>Thank you</i>		<div style="border: 1px solid black; padding: 2px 10px;">100</div>	

RECEIPT

PARADISE
PARADISE
5555 SKYWAY
PARADISE

Application: EN12-00024
Application Type: Engineering/Encroachment/NA/NA
Address:

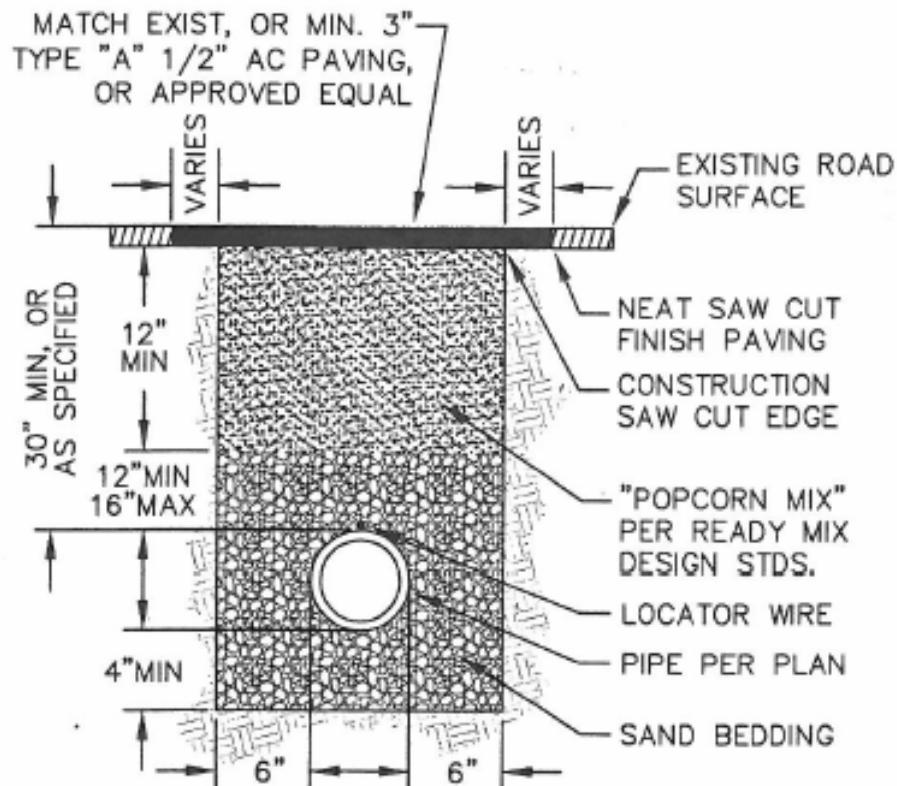
Receipt No.	8436					
Payment Method	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
Check	43307	\$50.40	05/10/2012	MGILBERT		

Owner Info.: TOWN OF PARADISE
5555 SKYWAY
PARADISE, CA 95969

Work Description: Bille Road @ Lucky John to 100' west of Skyway Install valves, services, hydrants, & tie-ins

DETAIL 1 (NOT TO SCALE)

STREET TRENCHING DETAIL



APPROVED BY DENNIS J. SCHMIDT
DIRECTOR OF PUBLIC WORKS / TOWN ENGINEER

T.O.P. NOTES TO DETAIL 1

1. ALL MATERIALS SHALL BE APPROVED BY THE TOWN ENGINEER AND SHALL BE COMPACTED TO 95% RELATIVE DENSITY. A DETAILED COMPACTION REPORT SHALL BE REQUIRED.
2. ALL WORK SHALL CONFORM TO ORDINANCE NO. 321 & STANDARDS ENFORCED BY THE TOWN OF PARADISE.
3. REFER TO THE MOST CURRENT CA-MUTCD VERSION FOR TRAFFIC CONTROL.
4. PRIOR TO FINISHED PAVING, THE EDGES SHALL BE NEAT CUT, CLEANED, AND TACKED WITH ASPHALT EMULSION PAINT BINDER.
5. FINISHED PAVING SURFACE SHALL PASS A STRAIGHT-EDGE TEST FOR CONFORMANCE TO THE EXISTING ROADWAY SURFACE PER REQUIREMENTS OF SECTION 39-6.03 OF THE 2006 STANDARD CALTRANS SPECIFICATIONS.
6. ASPHALT SEAMS SHALL BE SEALED WITH RUBBERIZED HOT MELT CRACK SEAL PRIOR TO FINAL ACCEPTANCE AT END OF ONE-YEAR INSPECTION PERIOD, AND RE-APPLIED IF NECESSARY AT THE END OF THE TWO YEAR WARRANTY PERIOD.
7. ANY ROADWAY SURFACE DAMAGED BY CONTRACTOR'S OPERATIONS, OR TRAFFIC DURING CONSTRUCTION PERIOD, SHALL BE REMOVED AND REPLACED. CONSTRUCTION PERIOD SHALL BE DEFINED AS BEGINNING AT TIME OF INITIAL EXCAVATION AND ENDING WITH PROJECT ACCEPTANCE BY TOWN OF PARADISE.

Project Area Quantities

Mobilization	1	LS
Conform Grind - 0.17'	2,200	SF
Install Asphalt Overlay - 0.17'	467	TON
Thermo Detail 22 (Recessed Markers)	1,977	LF
Shoulder Backing (From Grindings)	3,954	LF
Raise Covers and Valves	1	LS

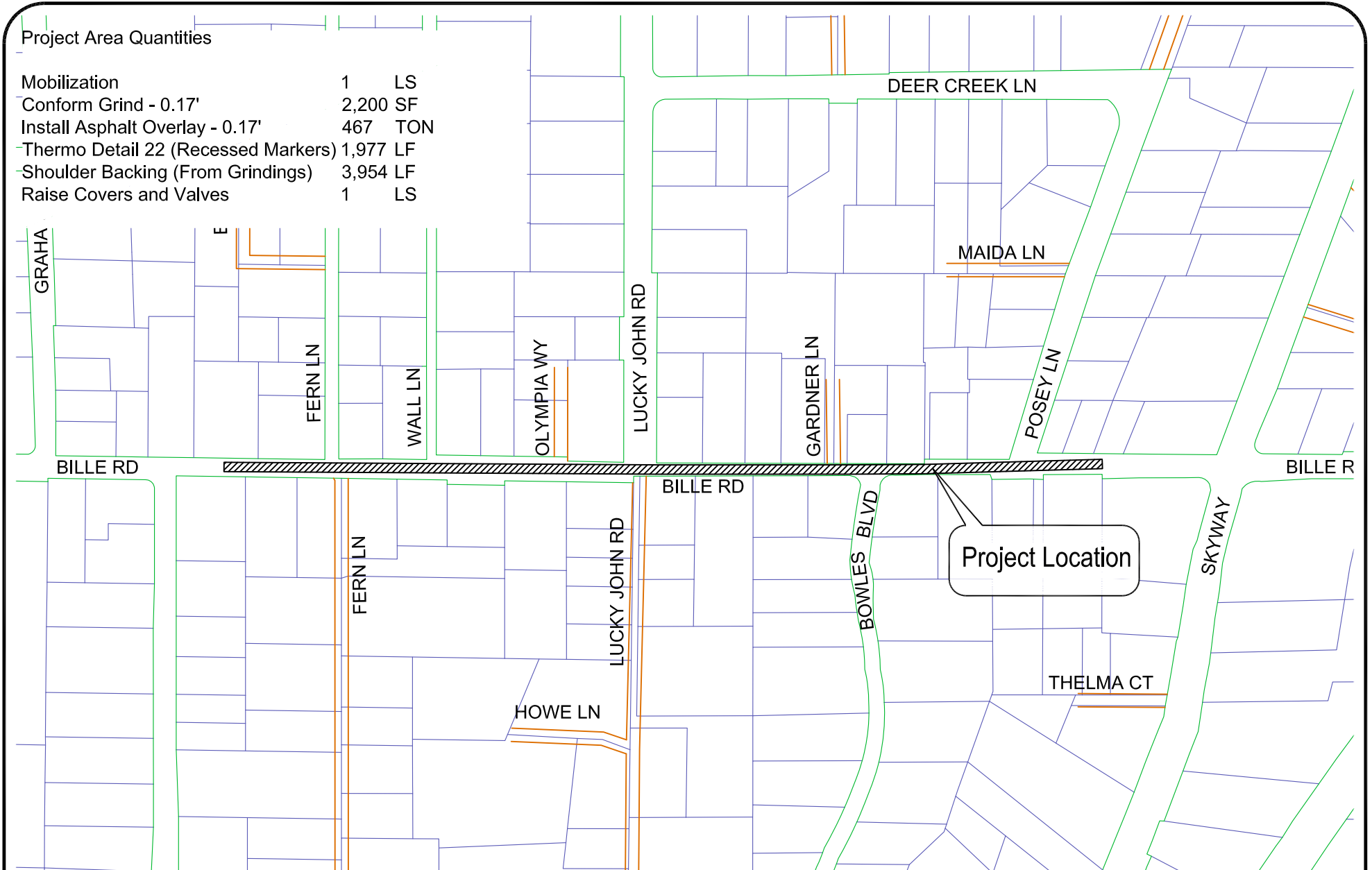


Exhibit C



TOWN OF PARADISE PUBLIC WORKS DEPARTMENT

5555 Skyway
Paradise, California 95969
Phone: (530) 872-6291 Fax: (530) 877-5059

103



SCALE 1" = 300'

Bille Road Overlay
Posey Lane to Fern Lane
Project Location Map 1 of 1