



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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[www.townofparadise.com](http://www.townofparadise.com)

## **Management Staff:**

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

## **Town Council:**

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

# TOWN COUNCIL AMENDED AGENDA

## REGULAR MEETING – 6:00 PM – January 13, 2015

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

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

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

## **1. OPENING**

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

- c. Invocation
- d. Roll Call
- e. Presentations:
  - (1) Boys and Girls Club “Cigarette Butt Kickers” - Report to Council regarding effects of second hand smoke and other issues related to smoking.
  - (2) Presentation by Division Chief David Hawks – Sawmill Peak
  - (3) Paradise Police Department Employee/Volunteers of the Year:

Officer of the Year:	Tiffany Larson
Dispatcher of the Year:	Carol Ladrini
Civilian Employee of the Year:	Shawn Jordan
VIPS of the Year:	Karen Horne
PASH of the Year:	Mary Rudolph

## **2. ITEMS DEFERRED FROM PREVIOUS MEETINGS**

### **3. CONSENT CALENDAR**

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

- 3a. Approve the minutes of the December 9, 2014 Regular Council Meeting.
- 3b. Approve the cash disbursements for December 2014 in the amount of \$628,092.06.
- 3c. Approve the Amended and Restated lease of Town of Paradise Fire Station #83 to First Responder Emergency Medical Services, Inc. to more clearly define areas of responsibility and authorize the Mayor and Town Manager to execute the amended agreement.
- 3d. Acknowledge receipt of the 1st Quarter Investment Report for the Fiscal Year Ended June 30, 2015.
- 3e. Adopt Resolution No. 15-02, A Resolution of the Town Council of the Town of Paradise Authorizing Town Manager to Execute Agreements With the State Board of Equalization for Implementation of a Local Transactions and Use Tax.
- 3f. Approve additional assistance in the Business & Housing Department by hiring Cathy Messenger on an hourly, temporary basis. The cost will be funded by associated Cal Home and HOME grant funds received by the

Town for First Time Home Buyer (FTHB), Owner-Occupied Rehabilitation (OOR) and Tenant Based Rental Assistance (TBRA) programs.

3g. (1) Waive the second reading of entire Ordinance No. 552 and approve reading by title only; and, (2) Adopt Ordinance No. 552, An Ordinance Amending Section 10.02.060 (C) of the Paradise Municipal Code regarding Vehicular Speed Limits.

3h. Consider adopting Resolution No. 15-03, A Resolution of the Town Council of the Town of Paradise Authorizing the Town Manager to execute a Memorandum of Understanding between the City of Chico, City of Oroville, City of Gridley and the Town of Paradise for AB-109 funds. **(ROLL CALL VOTE)** Funds are to offset costs of front line law enforcement necessitated by AB-109 State legislation that shifted certain prison responsibilities from the State to the counties.

#### **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. (1) Conduct a public hearing regarding the Planning Commission recommendation that the Town Council amend the text regulations in the Paradise Municipal Code relating to residential density bonuses and consider:

(2) Waiving the reading of entire Ordinance No. \_\_\_\_ and approve reading by title only; and, introducing Ordinance No. \_\_\_\_, An Ordinance Amending Text Regulations Within Chapter 17.44 regarding Residential Density Bonuses. **(ROLL CALL VOTE)** If adopted by the Town Council as recommended by the Planning Commission, the amendments would modify PMC Chapter 17.44 to make it compliant with the density bonus requirements set forth in California State Government Code Section 65915 in order to be consistent with the recently adopted Housing Element of the Paradise General Plan.

- 5b. (2) Conduct a public hearing to solicit comments and/or suggestions regarding the 2015-2020 Community Development Block Grant Program (CDBG) Consolidated Plan and the 2015-2016 CDBG Annual Plan. The Town is required to develop a Consolidated Plan every five years to continue to receive grant funding from the U.S. Department of Housing and Urban Development. A second hearing will be held on March 10, 2015 at 6:00 p.m. and adopting scheduled for April 14, 2015.
- (2) Consider approving the formation of a public services sub-committee to consider input and requests for public services funding; and
- (3) Consider appointing two Council members to the public services sub-committee to determine whether or not to recommend changes to the levels of funding for the 2015-2016 program year.

## **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 formation of a Measure C Citizen Oversight Committee and consider the following actions:

(1) Designate two Council Members to screen applications and interview applicants for the purpose of providing a written recommendation to the full Council at the February 10, 2015, meeting for appointment of nine applicants to serve on the oversight committee and direct staff to assist the two Council Members in scheduling the dates and times for interviews.

OR,

(2) Set a special meeting to occur no later than February 3, 2015, for the purpose of Town Council screening of applicants and to provide direction to staff to bring back the top nine applicants for appointment at the February 10, 2015 regular meeting.

(3) Provide alternate direction relating to the number of applicants for the full Council to consider for appointment at the February 10, 2015 meeting.

(4) Adopt Resolution No. 15-04, A Resolution Approving By-laws for the Governance of the Measure C Citizen Oversight Committee. **(ROLL CALL VOTE)**

- 7b. Consider (1) Award of Contract 14-03, Paradise Signal Upgrades Project, to Pelagic Engineering of Oxnard, CA in the amount of their bid of \$277,685.00 for the base bid and additive alternate bid; **OR**, (2) Award of Contract 14-03, Paradise Signal Upgrades Project, to Pacific Excavation

of Elk Grove, CA in the amount of their bid of \$254,619.00 for the base bid only. **(ROLL CALL VOTE)**

- 7c. Consider waiving the first reading of Town Ordinance No. \_\_\_\_ and approve reading by title only; and, introducing Ordinance No. \_\_\_\_, An Ordinance of the Town of Paradise Amending Sections 8.46.020, 8.46.040 and 8.46.060 Regulating Smoking and Electronic Cigarettes. **(ROLL CALL VOTE)**

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

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

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

- 9a. Town Manager oral reports
- 9b. Community Development Director oral reports

## **10. CLOSED SESSION**

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

## **11. ADJOURNMENT**

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

**MINUTES**  
**PARADISE TOWN COUNCIL**  
**REGULAR MEETING – 6:00 PM – December 09, 2014**

**1. OPENING**

The December 9, 2014, Council Meeting was called to order by Mayor Scott Lotter at 6:00 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California. Following the Pledge of Allegiance to the Flag of the United States of America, Council Member John Rawlings offered an invocation.

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

**COUNCIL MEMBERS ABSENT:** None.

**STAFF PRESENT:** Town Clerk Joanna Gutierrez, Town Manager Lauren Gill, Town Attorney Dwight L. Moore, Finance Director Gina Will, Community Development Director Craig Baker, Building Official/Fire Marshal Anthony Lindsey, Police Chief Gabriela Tazzari-Dineen, Butte Unit Chief Greg McFadden, North Division Chief David Hawks, Assistant Town Clerk Dina Volenski, Housing Supervisor Kate Anderson, Town Engineer Marc Mattox, Public Works Manager Paul Derr and Code Enforcement Officer Rick Trent.

(1) Building Official/Fire Marshal Anthony Lindsey displayed a power point that showed the before and after pictures of Fire Station 81 and again thanked the Alliance Kingdom Builders (AKB) and the other organizations that supported the volunteer effort relating to the Fire Station 81 Reroof & Repairs Project

(2) Mayor Lotter reported on accomplishments achieved under this term as Mayor including the following:

New Commercial Businesses: Celestino’s Pizza, Feather River Hospital endoscopy clinic, two Dollar General Stores, Big 5, AT&T and Verizon Towers

Blighted Property/Nuisance Abatement: Egg Roll Express demolition complete, demolition permit for buildings at Skyway/Pearson, Crestview property resolved, Center Street Apartments resolved, and Carousel Motel in process. Collaborated with businesses and Chamber of Commerce for an acceptable outdoor merchandise display ordinance that reduced the amount of merchandise stores could display outside building to eliminate look of blight in Town.

Staffing: Police Department recruitment incentive program boosted hiring. Dispatch Supervisor transition is in progress. Hiring of a part-time animal control officer is in process. Animal Control has increased hours at the shelter, an improved licensing process and recipient of facility improvements through volunteer efforts. Paradise Fire Department transition to Cal Fire is complete, including transition of division and unit chiefs.

Facility Improvements: Animal Control facility and Fire Station 81 were both improved by community volunteer efforts, including AKB (fire station) and PASH and Rotary (Animal Control).

Road Projects: Downtown Skyway Safety Project and the ensuing beautification project for the downtown. Mayor Lotter thanked Paradise Rotary for a street furniture grant of \$10,000 and PG&E for 36 new planters with trees/shrubs for the downtown corridor (over \$18,000). The Town obtained four new Highway Safety Improvement Project (HSIP) grants:

1. Signal preemption and backup battery
2. Wagstaff/Clark intersection improvements
3. Cypress Curve
4. Pearson Road shoulder widening

The Town applied for and was awarded two Active Transportation Program (ATP) Grants this year (100% funded):

1. Pearson Rd Safe Routes to school (SR2S) Connectivity Project - \$1,388,000
2. Maxwell Dr SR2S Project - \$968,000

The total allocation to the Town is \$2,356,000 reimbursed at 100%.

Housing Assistance: Received \$1 Million Dollar Home Grant Award for housing programs. By the end of 2014, the Housing department will have **assisted 22 households** during this calendar year, eleven first-time homebuyers and eleven owner-occupied rehabilitation projects. A total of **\$581,769.32 in loans/grants**; \$429,350 in First Time Home Buyer loans and \$152,419.32 in owner occupied rehabilitation loans/grants have been extended through the programs.

Community Events: Party in the park in partnership with the Chamber of Commerce, the Paradise Ice Rink at the Recreation and Park District, and the Arlan Hudson Make a Difference work day.

Budget: The Council adopted a balanced budget and provided a ballot measure for the citizens to decide whether or not a temporary ½ percent retail sales tax that automatically expires after six years should be implemented. The ballot measure passed and the Council is forming a nine-member citizen oversight committee in order that the community may engage in the process to allocate "Measure C" revenues.

(3) **MOTION by Rawlings, seconded by Bolin**, adopted Resolution No. 14-50, A Resolution Reciting the Facts of the General Municipal Election Consolidated with the Statewide General Election held on November 4, 2014, Declaring the Result and Such Other Matters as Provided by Law. Roll call vote was unanimous. (530-10-45)

Jody Jones and Scott Lotter were each elected to a four-year term of office and the Town's Ordinance No. 545 was adopted by the voters, approving a 1/2 percent retail sales tax that will automatically expire in six years.

(4) Town Clerk Gutierrez presented of Certificates of Election and administered the Oaths of Office to Jody Jones and Scott Lotter.

(5) Town Clerk opened nominations for the position of Mayor for a one-year term commencing December 9, 2014 and ending December 8, 2015.

Council Member Culleton nominated Greg Bolin.

**MOTION by Culleton, seconded by Jones**, closed the nominations for position of Mayor. Council vote was unanimous.

Roll call vote on the nomination for Greg Bolin to serve a one-year term as Mayor beginning December 9, 2014 and ending December 8, 2015: Ayes of Culleton, Jones, Rawlings and Lotter; abstention by Bolin. Greg Bolin received a majority vote and will serve as Mayor. The Mayor serves as the presiding officer at Council meetings and is responsible for maintaining order at the meetings; executes certain documents approved by the Town Council, such as contracts, resolutions and ordinances and warrants drawn on the town treasury; and, represents the Town at various ceremonial events. The Mayor and Vice Mayor also review and approve requests for proclamations.

Town Clerk Gutierrez opened nominations for the position of Vice Mayor for a one- year term commencing December 9, 2014 and ending December 8, 2015.

Council Member Culleton nominated Jody Jones.

Council Member Lotter nominated John Rawlings.

**MOTION by Culleton, seconded by Lotter**, closed the nominations for position of Vice-Mayor. Roll call vote was unanimous.

Roll call votes on the nomination for Jody Jones to serve a one-year term as Vice-Mayor beginning December 9, 2014 was unanimous. Jody Jones will serve as Vice-Mayor and act on behalf of the Mayor in his absence.

(6) Presentation to Scott Lotter recognizing his year of service as Mayor of Paradise.

## **2. ITEMS DEFERRED FROM PREVIOUS MEETINGS** – None.

## **3. CONSENT CALENDAR**

Following a **MOTION by Culleton, seconded by Jones**, consent calendar items 3a – 3h were approved as presented:

3a. Approved the Minutes of the 11/12/14 Regular Council Meeting.

3b. Approved cash disbursements for November 2014 in the amount of \$1,748,001.15. (310-10-30)



- 3c. (1) Waived second reading of the entire Town Ordinance No. 550 and approved reading by title only; and, (2) Adopted Town Ordinance No. 550, "An Ordinance Amending Section 17.06.940 within the Paradise Municipal Code Regarding Exterior Displays of Merchandise in Commercial Zones. The intent of the proposed ordinance is to add prefabricated storage sheds and carports as a category of merchandise that would not be subject to outdoor merchandise display area limitations currently in place in the Town. (540-16-119)
- 3d. (1) Waived second reading of the entire Town Ordinance No. 551 and approved reading by title only; and, (2) Adopted Town Ordinance No. 551, "An Ordinance Amending Text Regulations within Paradise Municipal Code Chapter 5.11 Related to: Vending, Hawking, Peddling and Sales." The intent of the proposed ordinance is to limit sales from private property that is not a fixed place of business to food concessions (prepared food and drinks, produce, etc.) and flowers. (540-16-120)
- 3e. (1) Authorized the award of contract for Snow Plow Equipment for Public Works Vehicle #5 for the sum of \$6,664.97 to SNOQUIP, Inc. of West Sacramento; and, (2) Authorized the award of contract for Pickup Truck size Sanding Unit for the sum of \$5,426.70 also to SNOQUIP, Inc. of West Sacramento. (380-45-52)
- 3f. Ratified the Town-PG&E Stearns-DeMille Paving Agreement executed on November 5, 2014 which accepts \$218,000 in funds for the purposes of a complete roadway overlay in the subject project area. (510-20-90)
- 3g. Accepted donation of exterior paint from Kelly-Moore Paints of Chico for the Paradise Fire Station #81 valued at \$2,900.00. (395-50-13 & 440-65-021)
- 3h. Ratified the contract with Modern Building Company of Chico, California, dated October 24, 2014, for the 2014 Paradise Fire Station 81 Emergency Repairs Project in the amount of \$105,041.02, accepted the work as complete and authorized the filing of a Notice of Completion for the project. (440-65-021 & 510-20-91)

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

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

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

#### **5. PUBLIC HEARINGS – None.**

## **6. PUBLIC COMMUNICATION**

1. Katie from the Boys & Girls Club stated that she belongs to the “Cigarette Butt Kickers” and that this group has been working to make our community safer and healthier by collecting evidence from parks, observing businesses and educating the public regarding the dangers of second-hand smoke by participating at events such as the Farmers Market. Katie asked if their group could be on the January agenda to address this issue and discuss their progress.
2. Phil Kelley congratulated Mayor Greg Bolin for all of his achievements in the Town of Paradise.

## **7. COUNCIL CONSIDERATION**

- 7a. Council appointed Council Representatives to various local committees and commissions per the exhibit attached to these minutes. (120-10-10)
- 7b. **MOTION by Lotter, seconded by Culleton**, (1) Authorized the Town Clerk to advertise for applicants to serve on a nine-member Citizen Oversight Committee as required by Paradise Municipal Code Section 3.22.075; and (2) Set the application deadline for January 22, 2015 at 5:00 pm and tentatively scheduled appointments for the February 10, 2015 Council Agenda. Roll call vote was unanimous. (395-70-15)

Following a motion by Culleton, seconded by Jones, to nominate Mayor Bolin and Council Member Lotter to serve on a sub-committee to screen applications and interview applicants, Town Attorney Moore informed Council that because the action to form a sub-committee of two Council members is not on the agenda, he recommends that the Council schedule the action on the January 13, 2015 Council meeting agenda.

Council directed staff to bring the matter of formation of the Measure C Citizen Oversight Committee back to the January 13, 2015 Council meeting in order that the Council may appoint a sub-committee of two Council members to screen applications and to interview applicants, and for the Council to further discuss details of the process, such as including the number of applicants and alternate applicants for the sub-committee to include in their recommendation to the Council.

- 7c. **MOTION by Lotter, seconded by Rawlings**, (1) Waived the reading of entire Ordinance No. 552 and approved reading by title only; and, (2) Introduced Ordinance No. 552, An Ordinance Amending Section 10.02.060 (C) of the Paradise Municipal Code regarding Vehicular Speed Limits. Roll call vote was unanimous. (540-16-121)
- 7d. **MOTION by Lotter, seconded Jones**, adopted Resolution No. 14-51, A Resolution of the Town Council of the Town of Paradise, California, Reporting Unexpended Development Impact Fees in Accordance with Government Code Section 66001 and 66006. Roll call vote was unanimous. (740-10-13)

- 7e. **MOTION by Lotter, seconded by Culleton**, approved general fund budget adjustments which will increase net income and increase the ending fund balance by \$53,856. Roll call vote was unanimous. (340-40-13)

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

- 8a. Council Member Culleton stated that he met with the Boys and Girls Club group, the Cigarette Butt Kickers, who are working with the American Lung Association to expand on the State law that outlaws smoking in the entry ways of public buildings to include the entry ways of all buildings. Council Member Culleton also informed that he has met with the Town Attorney and that he would like the Town Council to consider directing staff to amend the regulations in Paradise Municipal Code 8.46 to ban the smoking of e-cigarettes and other electronic smoking devices in public places to further protect an individual's right to fresh air.

Public comment:

1. Ward Habriel stated that he does not think there is any need to wait to ban vapor cigarettes, that he thinks it is a bad habit that is not healthier than smoking cigarettes, shared his experiences with persons smoking e-cigarettes (vap'ing) at the racetrack and at a home and garden show, and that the vapors from these devices are just as bothersome as cigarette smoke.

2. Ellen Michels stated that she is speaking as a Paradise resident because she is a Butte County Public Health employee and cannot advocate one way or another on this issue. Ms. Michels informed Council that she is available as a resource to share facts, and there are three issues relating to electronic cigarettes: (1) There is not enough information to say that the vapors are not harmful. The FDA is looking at regulating the devices and not where the devices can be used. The e-juice in the vapors is attractive to children and there has been a five-fold increase in poisoning of children from these devices; (2) Allowing these smoking devices in public will undermine the efforts to ban smoking in public places, as the devices are used where cigarettes are banned, rather than as a means to help people to quit smoking; and, (3) The advertising for these devices targets another generation of youth to use nicotine.

**Council concurred** to direct staff to bring back amendments to the regulations to update the Paradise Municipal Code Chapter 8.46 to update the code to reflect State law, e-cigarette and other vaporizing paraphernalia and vapor lounges.

- 8b. Council oral reports of their representation on Committees/Commissions.

Vice Mayor Jones attended a Town Hall meeting at the Paradise Alliance Church to hear the "Fire at Sawmill Peak" presentation, three Destination Downtown meetings and informed that progress is being made on a logo and a ribbon cutting is scheduled for January 10, 2015 at 3:00 p.m. VM Jones also met with the Town Manager regarding the sewer project and attended the Water Advisory Committee meeting and was updated on the groundwater status report for the Board of Supervisors to be presented on February 10, 2015. Vice Mayor Jones was appointed by the League of California Cities president to serve on the Transportation Policy Committee.

Council Member Culleton organized a Cowboy Poetry fund raiser for the Gold Nugget Museum and informed that the ice rink is not nearly as successful this year as it was last year due to the rainy weather.

Council Member Lotter attended the VIPS Appreciation Dinner and informed Council that Karen Horne was honored as VIP of the Year. CM Lotter also attended the LAFCo board meeting and that LAFCo has issues with the City of Chico and the 62 illegal sewer connections that have been allowed.

Council Member Rawlings attended two Downtown beautification meetings and the PASH Fund Raiser at Town Hall.

Mayor Bolin attended the Truck Parade.

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

9a. Town Manager oral reports: None.

9b. Community Development Director oral reports: None

## **10. CLOSED SESSION**

- 10a. At 8:30 p.m. Mayor Bolin announced that pursuant to Government Code Section 54956.9(d) (1), the Town Council would hold a closed session with the Town Attorney and the Town Manager relating to the following pending litigation: Town of Paradise, a Municipal Corporation, vs. Rose E. Kallunki; Pacific Gas and Electric Company; Doe 1 through Doe 50, inclusive, Butte County Superior Court Case No. 161781.

Mayor Bolin reconvened the meeting at 8:50 p.m. Town Attorney Moore announced that Council was updated on the pending litigation against Rose Kallunki, et. al., and that no action was taken in the closed session.

## **11. ADJOURNMENT**

Mayor Bolin adjourned the Council Meeting at 8:50 p.m.

DATE APPROVED:

By: \_\_\_\_\_  
Greg Bolin, Mayor

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



## 2015 TOWN COUNCIL REPRESENTATION

### 2015 REPRESENTATION

#### BUTTE COUNTY COMMITTEES/COMMISSIONS

<b>BUTTE COUNTY</b>		<b>Bolin</b>	<b>Culleton</b>	<b>Jones</b>	<b>Lotter</b>	<b>Rawlings</b>
1	Air Quality Management District			Rep		Alt
2	Association of Governments			R		A
3	City Selection Committee (Mayor)	R				
4	Disaster Services Council (Mayor)	R				
	Local Area Formation Commission (LAFCo) (Lotter through 5/2015 – Appointed by City Selection Committee)					
5	Waste Mgt Local Task Force		R		A	
6	Water Advisory Committee (4-year term)		R			
7	City/County Ad Hoc Committee	R		R		
8	Lake Oroville Supplemental Benefits Funds- Alternate: Citizen Sam Dresser					R

#### LOCAL COMMITTEES/COMMISSIONS

<b>PARADISE</b>		<b>Bolin</b>	<b>Culleton</b>	<b>Jones</b>	<b>Lotter</b>	<b>Rawlings</b>
1	Paradise Community Village				R	
2	Paradise Irrigation District Liaison	R				R
3	Paradise Rec. & Park District Liaison	R	R			
4	Onsite Ad Hoc Committee	R			R	
5	Investment Committee (Mayor & Council Member)	R		R		
6	Oversight Board to Successor Agency (Mayor Appointment )		R			

# **TOWN OF PARADISE**

## **CASH DISBURSEMENTS REPORT**

FOR THE PERIOD OF  
DECEMBER 1, 2014 - DECEMBER 31, 2014

December 1, 2014 - December 31, 2014

Check Date	Pay Period End	DESCRIPTION	AMOUNT
12/05/14	11/30/14	Net Payroll - Direct Deposits & Checks	\$115,142.02
12/19/14	12/14/14	Net Payroll - Direct Deposits & Checks	\$111,809.39
<b>TOTAL NET WAGES PAYROLL</b>			<b>\$226,951.41</b>

**Accounts Payable**

PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.	\$249,597.18
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.	\$151,543.47
<b>TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE</b> (Detail attached)	<b><u>\$401,140.65</u></b>
<b>GRAND TOTAL CASH DISBURSEMENTS</b>	<b><u><u>\$628,092.06</u></u></b>

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

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

TOWN OF PARADISE  
**CASH DISBURSEMENTS REPORT**

From Payment Date: 12/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - US Bank TOP AP Checking									
Check									
61521	12/01/2014	Open			Accounts Payable	BRUNO, SHERRY	\$53.77		
61522	12/01/2014	Open			Accounts Payable	BUZZARD , CHRIS	\$592.07		
61523	12/01/2014	Open			Accounts Payable	HAUNSCHILD, MARK	\$318.55		
61524	12/01/2014	Open			Accounts Payable	HOUSEWORTH, JERILYN	\$129.85		
61525	12/01/2014	Open			Accounts Payable	MARABLE, VIRGINIA	\$180.26		
61526	12/01/2014	Open			Accounts Payable	MOORE, DWIGHT, L.	\$13,800.00		
61527	12/01/2014	Open			Accounts Payable	SBA Monarch Towers III LLC	\$116.99		
61528	12/01/2014	Open			Accounts Payable	US BANCORP OFFICE EQUIP FINANCE SERVICES	\$599.86		
61529	12/01/2014	Open			Accounts Payable	WEGENER, WILL	\$1,363.22		
61530	12/01/2014	Open			Accounts Payable	WESTAMERICA BANK	\$770.70		
61531	12/05/2014	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$550.00		
61532	12/05/2014	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$402.52		
61533	12/04/2014	Open			Accounts Payable	BLOOD SOURCE	\$42.00		
61534	12/04/2014	Open			Accounts Payable	Met Life	\$7,459.99		
61535	12/04/2014	Open			Accounts Payable	OPERATING ENGINEERS	\$588.00		
61536	12/04/2014	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$1,956.76		
61537	12/04/2014	Open			Accounts Payable	SUN LIFE INSURANCE	\$4,009.70		
61538	12/04/2014	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$689.38		
61539	12/04/2014	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$140.00		
61540	12/11/2014	Open			Accounts Payable	ACE RENTALS	\$17.75		
61541	12/11/2014	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$51.26		
61542	12/11/2014	Open			Accounts Payable	AT&T MOBILITY	\$53.76		
61543	12/11/2014	Open			Accounts Payable	AWARDS COMPANY	\$388.19		
61544	12/11/2014	Open			Accounts Payable	BACKGROUNDS & MORE	\$325.00		
61545	12/11/2014	Open			Accounts Payable	BATTERIES PLUS	\$38.51		
61546	12/11/2014	Open			Accounts Payable	Bauer Compressors	\$1,712.00		
61547	12/11/2014	Open			Accounts Payable	Big O Tires	\$170.00		
61548	12/11/2014	Open			Accounts Payable	Brookfield, Lisa	\$95.00		
61549	12/11/2014	Open			Accounts Payable	BUTTE CO RECORDER	\$39.00		
61550	12/11/2014	Open			Accounts Payable	CAL-LINE EQUIPMENT INC	\$39.71		
61551	12/11/2014	Open			Accounts Payable	COMCAST CABLE	\$78.82		
61552	12/11/2014	Open			Accounts Payable	DAY WIRELESS SYSTEMS - MILWAUKIE, OR	\$11.50		
61553	12/11/2014	Open			Accounts Payable	DODGE, JEFFREY, L.	\$141.00		
61554	12/11/2014	Open			Accounts Payable	Eagle Security Systems	\$1,915.00		
61555	12/11/2014	Open			Accounts Payable	ENTENMANN-ROVIN COMPANY	\$74.74		
61556	12/11/2014	Open			Accounts Payable	FLAG CENTER	\$472.62		
61557	12/11/2014	Open			Accounts Payable	FLORES, LUIS, A.	\$176.00		
61558	12/11/2014	Open			Accounts Payable	FLORES, MICHAEL	\$82.00		
61559	12/11/2014	Open			Accounts Payable	FLORES, TIMOTHY, C.	\$95.00		
61560	12/11/2014	Open			Accounts Payable	FRANK'S REFRIGERATION & HEATING INC.	\$11,100.00		
61561	12/11/2014	Open			Accounts Payable	GILBERT, MATT	\$49.13		
61562	12/11/2014	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$118.25		
61563	12/11/2014	Open			Accounts Payable	GRIGG, JAMES	\$72.00		



# TOWN OF PARADISE

## CASH DISBURSEMENTS REPORT

From Payment Date: 12/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
61564	12/11/2014	Open			Accounts Payable	HELENA SPECIALTY PRODUCTS	\$306.12		
61565	12/11/2014	Open			Accounts Payable	HINDERLITER, DE LLAMAS & ASSOCIATES INC.	\$500.01		
61566	12/11/2014	Open			Accounts Payable	Huddleston, Rock	\$149.12		
61567	12/11/2014	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$2,715.99		
61568	12/11/2014	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$393.13		
61569	12/11/2014	Open			Accounts Payable	LES SCHWAB TIRE CENTER - MOTORPOOL	\$52.00		
61570	12/11/2014	Open			Accounts Payable	Loom Moose Lodge	\$2,700.00		
61571	12/11/2014	Open			Accounts Payable	MANN, URRUTIA, NELSON, CAS & ASSOC, LLP	\$14,000.00		
61572	12/11/2014	Open			Accounts Payable	MARK THOMAS & COMPANY INC	\$2,907.83		
61573	12/11/2014	Open			Accounts Payable	Meeks Lumber & Hardware	\$92.12		
61574	12/11/2014	Open			Accounts Payable	MJB WELDING SUPPLY, INC.	\$79.39		
61575	12/11/2014	Open			Accounts Payable	MOBILE MINI, LLC - CA	\$244.02		
61576	12/11/2014	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$5,081.18		
61577	12/11/2014	Open			Accounts Payable	O'REILLY AUTO PARTS	\$682.11		
61578	12/11/2014	Open			Accounts Payable	OROVILLE FORD	\$19.22		
61579	12/11/2014	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$180.95		
61580	12/11/2014	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$277.59		
61581	12/11/2014	Open			Accounts Payable	PARROTT, BUD	\$6.44		
61582	12/11/2014	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$880.00		
61583	12/11/2014	Open			Accounts Payable	RAMOS, DANIEL J.	\$128.00		
61584	12/11/2014	Open			Accounts Payable	SIEMENS INDUSTRY, INC	\$4,285.05		
61585	12/11/2014	Open			Accounts Payable	SINCLAIR'S AUTOMOTIVE & TOWING	\$432.00		
61586	12/11/2014	Open			Accounts Payable	SKYWAY AUTO TUNE	\$838.75		
61587	12/11/2014	Open			Accounts Payable	Solarcity Corporation	\$105.12		
61588	12/11/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$126.24		
61589	12/11/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$219.64		
61590	12/11/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$128.99		
61591	12/11/2014	Open			Accounts Payable	TURNBOW, DEBBIE	\$20.00		
61592	12/11/2014	Open			Accounts Payable	Vigilant Canine Services	\$175.00		
61593	12/11/2014	Open			Accounts Payable	VistaNet Inc.	\$53.75		
61594	12/11/2014	Open			Accounts Payable	WESTAMERICA BANK	\$2,826.80		
61595	12/11/2014	Open			Accounts Payable	WILKEY, PO, JOHN	\$122.40		
61596	12/11/2014	Open			Accounts Payable	WSROP Graphic Communications	\$158.00		
61597	12/16/2014	Open			Accounts Payable	HASKINS, ROBERT	\$5,107.09		
61598	12/19/2014	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$550.00		
61599	12/19/2014	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$402.52		
61600	12/23/2014	Open			Accounts Payable	ACCESS INFORMATION MANAGEMENT	\$48.00		
61601	12/23/2014	Open			Accounts Payable	ACI ENTERPRISES, INC.	\$463.32		
61602	12/23/2014	Open			Accounts Payable	AgendaPal Corporation	\$399.00		
61603	12/23/2014	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$51.26		
61604	12/23/2014	Open			Accounts Payable	AT&T	\$104.83		

TOWN OF PARADISE  
**CASH DISBURSEMENTS REPORT**

From Payment Date: 12/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
61605	12/23/2014	Open			Accounts Payable	AT&T	\$1,001.25		
61606	12/23/2014	Open			Accounts Payable	AT&T CALNET 2-REPEATER LINES	\$200.66		
61607	12/23/2014	Open			Accounts Payable	AT&T-COMMUNITY PARK	\$16.75		
61608	12/23/2014	Open			Accounts Payable	AT&T/CAL NET 2	\$3,310.09		
61609	12/23/2014	Open			Accounts Payable	Bickley's Air Conditioning	\$85.25		
61610	12/23/2014	Open			Accounts Payable	BUTTE CO SHERIFF'S OFFICE	\$1,223.45		
61611	12/23/2014	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$1,666.50		
61612	12/23/2014	Open			Accounts Payable	CALIFORNIA CHAMBER OF COMMERCE	\$122.11		
61613	12/23/2014	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$901.00		
61614	12/23/2014	Open			Accounts Payable	COMCAST CABLE	\$248.82		
61615	12/23/2014	Open			Accounts Payable	COMCAST CABLE	\$78.82		
61616	12/23/2014	Open			Accounts Payable	COMCAST CABLE	\$213.82		
61617	12/23/2014	Open			Accounts Payable	CREATIONS ENGRAVING	\$21.32		
61618	12/23/2014	Open			Accounts Payable	CRITICAL REACH, INC	\$285.00		
61619	12/23/2014	Open			Accounts Payable	DAVID ROWE TREE SERVICE	\$120.00		
61620	12/23/2014	Open			Accounts Payable	DEL JOHNSON A/C & HEATING, INC.	\$155.00		
61621	12/23/2014	Open			Accounts Payable	DEPARTMENT OF PESTICIDE REGULATION-CASHIER	\$60.00		
61622	12/23/2014	Open			Accounts Payable	DEPARTMENT OF PESTICIDE REGULATION-CASHIER	\$60.00		
61623	12/23/2014	Open			Accounts Payable	DON'S SAW & MOWER	\$130.61		
61624	12/23/2014	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$151.99		
61625	12/23/2014	Open			Accounts Payable	FOOTHILL MILL & LUMBER	\$47.26		
61626	12/23/2014	Open			Accounts Payable	HireRight, Inc.	\$46.50		
61627	12/23/2014	Open			Accounts Payable	HUNTERS PEST CONTROL	\$55.00		
61628	12/23/2014	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$9,470.29		
61629	12/23/2014	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$372.32		
61630	12/23/2014	Open			Accounts Payable	INTERNATIONAL INSTITUTE OF MUNICIPAL CLERKS	\$195.00		
61631	12/23/2014	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$476.57		
61632	12/23/2014	Open			Accounts Payable	JEFF'S TRUCK SERVICE & POWER, INC.	\$226.24		
61633	12/23/2014	Open			Accounts Payable	JOHN REGH INLAND LEASING	\$427.85		
61634	12/23/2014	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$126.50		
61635	12/23/2014	Open			Accounts Payable	King, Edith	\$13.96		
61636	12/23/2014	Open			Accounts Payable	L&W Metals Mfg. LLC	\$6,522.03		
61637	12/23/2014	Open			Accounts Payable	LIFE ASSIST INC	\$1,161.00		
61638	12/23/2014	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$25.00		
61639	12/23/2014	Open			Accounts Payable	MATT WOLFE	\$272.00		
61640	12/23/2014	Open			Accounts Payable	MID VALLEY TITLE & ESCROW	\$227.00		
61641	12/23/2014	Open			Accounts Payable	MILLER GLASS INC	\$89.99		
61642	12/23/2014	Open			Accounts Payable	MUNICIPAL CODE CORP	\$266.60		
61643	12/23/2014	Open			Accounts Payable	MYERS STEVENS TOOHEY & COMPANY	\$129.60		
61644	12/23/2014	Open			Accounts Payable	NORTH STATE RENDERING	\$130.00		

TOWN OF PARADISE  
**CASH DISBURSEMENTS REPORT**

From Payment Date: 12/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
61645	12/23/2014	Open			Accounts Payable	O'REILLY AUTO PARTS	\$781.65		
61646	12/23/2014	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$882.46		
61647	12/23/2014	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$118.22		
61648	12/23/2014	Open			Accounts Payable	PARADISE AUTO BODY	\$2,338.72		
61649	12/23/2014	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$444.06		
61650	12/23/2014	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$1,201.25		
61651	12/23/2014	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$560.00		
61652	12/23/2014	Open			Accounts Payable	PERKINS MOBILE AUTO GLASS	\$105.00		
61653	12/23/2014	Open			Accounts Payable	PESTICIDE APPLICATORS PROF ASSOC	\$45.00		
61654	12/23/2014	Open			Accounts Payable	PESTICIDE APPLICATORS PROF ASSOC	\$45.00		
61655	12/23/2014	Open			Accounts Payable	PETTY CASH CUSTODIAN, HELEN CHEUNG	\$23.24		
61656	12/23/2014	Open			Accounts Payable	Riebes Auto Parts	\$215.36		
61657	12/23/2014	Open			Accounts Payable	Rogers, Sandra	\$32.00		
61658	12/23/2014	Open			Accounts Payable	SINCLAIR'S AUTOMOTIVE & TOWING	\$122.50		
61659	12/23/2014	Open			Accounts Payable	SKYWAY AUTO TUNE	\$429.00		
61660	12/23/2014	Open			Accounts Payable	SWISS LINK INC	\$176.00		
61661	12/23/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$85.02		
61662	12/23/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$272.83		
61663	12/23/2014	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$19.25		
61664	12/23/2014	Open			Accounts Payable	Tri Flame Propane	\$170.64		
61665	12/23/2014	Open			Accounts Payable	UNIFORMS TUXEDOS & MORE	\$1,940.80		
61666	12/23/2014	Open			Accounts Payable	VALLEY CLINICAL & CONSULTING SERVICES	\$450.00		
61667	12/23/2014	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$1,150.00		
61668	12/23/2014	Open			Accounts Payable	VERIZON WIRELESS	\$461.78		
61669	12/23/2014	Open			Accounts Payable	VERIZON WIRELESS	\$570.15		
61670	12/23/2014	Open			Accounts Payable	VERIZON WIRELESS	\$210.93		
61671	12/23/2014	Open			Accounts Payable	WESTAMERICA BANK	\$4,987.11		
61672	12/23/2014	Open			Accounts Payable	WILKEY, PO, JOHN	\$354.12		
61673	12/23/2014	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$180.09		
61674	12/31/2014	Open			Accounts Payable	BRUNO, SHERRY	\$118.37		
61675	12/31/2014	Open			Accounts Payable	BUZZARD, CHRIS	\$741.23		
61676	12/31/2014	Open			Accounts Payable	HASKINS, ROBERT	\$1,392.84		
61677	12/31/2014	Open			Accounts Payable	HAUNSCHILD, MARK	\$424.55		
61678	12/31/2014	Open			Accounts Payable	HONEYWELL, JANICE, J.	\$955.41		
61679	12/31/2014	Open			Accounts Payable	HOUSEWORTH, JERILYN	\$170.85		
61680	12/31/2014	Open			Accounts Payable	JEFFORDS, ROBERT, D.	\$478.07		
61681	12/31/2014	Open			Accounts Payable	MARABLE, VIRGINIA	\$212.62		
61682	12/31/2014	Open			Accounts Payable	MOORE, DWIGHT, L.	\$13,800.00		
61683	12/31/2014	Open			Accounts Payable	SBA Monarch Towers III LLC	\$121.67		
61684	12/31/2014	Open			Accounts Payable	US BANCORP OFFICE EQUIP FINANCE SERVICES	\$599.86		

TOWN OF PARADISE  
**CASH DISBURSEMENTS REPORT**

From Payment Date: 12/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
61685	12/31/2014	Open			Accounts Payable	WESTAMERICA BANK	\$770.70		
Type Check Totals:					165 Transactions		\$167,584.34		
<u>EFT</u>									
247	12/05/2014	Open			Accounts Payable	CALPERS - RETIREMENT	\$31,642.27		
248	12/05/2014	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$4,638.54		
249	12/05/2014	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$1,845.94		
250	12/05/2014	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$19,783.82		
251	12/04/2014	Open			Accounts Payable	CALPERS	\$113,702.29		
252	12/19/2014	Open			Accounts Payable	CALPERS - RETIREMENT	\$33,854.01		
253	12/19/2014	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$4,849.72		
254	12/19/2014	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$2,145.94		
255	12/19/2014	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$20,343.78		
256	12/18/2014	Open			Accounts Payable	FP/FRANCOTYP-POSTALIA MAILING SOLUTIONS	\$750.00		
Type EFT Totals:					10 Transactions		\$233,556.31		

AP - US Bank TOP AP Checking Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	165	\$167,584.34	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	165	\$167,584.34	\$0.00
EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	10	\$233,556.31	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	10	\$233,556.31	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	175	\$401,140.65	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00

**CASH DISBURSEMENTS REPORT**

From Payment Date: 12/1/2014 - To Payment Date: 12/31/2014

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Total	175	\$401,140.65	\$0.00	
Grand Totals:									
		<b>Checks</b>	<b>Status</b>	<b>Count</b>			<b>Transaction Amount</b>	<b>Reconciled Amount</b>	
			Open	165			\$167,584.34	\$0.00	
			Reconciled	0			\$0.00	\$0.00	
			Voided	0			\$0.00	\$0.00	
			Stopped	0			\$0.00	\$0.00	
			<b>Total</b>	<b>165</b>			<b>\$167,584.34</b>	<b>\$0.00</b>	
		<b>EFTs</b>	<b>Status</b>	<b>Count</b>			<b>Transaction Amount</b>	<b>Reconciled Amount</b>	
			Open	10			\$233,556.31	\$0.00	
			Reconciled	0			\$0.00	\$0.00	
			Voided	0			\$0.00	\$0.00	
			<b>Total</b>	<b>10</b>			<b>\$233,556.31</b>	<b>\$0.00</b>	
		<b>All</b>	<b>Status</b>	<b>Count</b>			<b>Transaction Amount</b>	<b>Reconciled Amount</b>	
			Open	175			\$401,140.65	\$0.00	
			Reconciled	0			\$0.00	\$0.00	
			Voided	0			\$0.00	\$0.00	
			Stopped	0			\$0.00	\$0.00	
			<b>Total</b>	<b>175</b>			<b>\$401,140.65</b>	<b>\$0.00</b>	



**TOWN OF PARADISE  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda No. 3(c)**

**ORIGINATED BY:** Joanna Gutierrez, Town Clerk

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

**SUBJECT:** Amendment to Lease of Fire Station #83 to First Responder

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**COUNCIL ACTION REQUESTED:**

(1) Authorize the amended lease of the Town of Paradise Fire Station #83 located on Wagstaff Road to First Responders Emergency Medical Services, Inc.; and, (2) Direct the Town Manager and Mayor to execute the lease as approved by the Town Attorney for the facility.

**Background:**

The Town Council approved a lease agreement with First Responder for use of the Fire Station #83 facility located on Wagstaff Road.

**Discussion:**

The lease requires amendments regarding the date, utilities and the actual portion of Fire Station #83 being leased.

**Fiscal Impact Analysis:** Approval of the amended lease of the facilities will not affect the projected increase of revenue to the General Fund.

**AMENDED AND RESTATED**  
**TOWN OF PARADISE**  
**LEASE**

**Recitals**

This amended and restated lease is entered into on December 15, 2014 by and between the Town of Paradise, referred to in this lease as "Landlord," and First Responder Emergency Medical Services, Inc., referred to in this lease as "Tenant".

Subject to the terms and conditions set forth in this lease, Landlord hereby leases to Tenant a portion of that certain real property known as Fire Station 83 located at 1250 Wagstaff Road, Paradise, California, which is described in Exhibit "A" and referred to as "Premises" hereafter.

**1. Term/Basic Rent**

Tenant's occupancy of the Premises shall be a month-to-month tenancy [or term such as a year] at a rental rate of \$1,500 per month, payable on the first business day of every month, subject to all the terms and conditions provided in this lease. All rent shall be paid by Tenant at the Office of the Town Manager in Town Hall, 5555 Skyway, Paradise, California, or any other place that landlord may designate by written notice given to Tenant. The commencement date of this lease shall be ~~November 4~~ December 15, 2014. As a month-to-month tenancy, this lease may be terminated with a Thirty (30) day notice from either party.

**2. Use of Premises**

The Premises shall be used by Tenant solely for the purpose of providing emergency medical services described in Exhibit "B" and for no other uses without the prior expressed

written consent of Landlord.

### **3. Prohibited Uses**

Tenant shall not commit or permit the commission of any acts on the Premises or use or permit the use of the Premises in any way that:

- A. Increases the existing rates for, or causes cancellation of, any fire, casualty, liability, or other insurance policy insuring the Premises or its contents;
- B. Violates or conflicts with any law, statute, ordinance, or governmental rule or regulation, whether now in force or hereinafter enacted, governing the Premises;
- C. Obstructs or interferes with the rights of Landlord to use the Landlord's other real property or services to the Premises or,
- D. Constitutes the commission of waste on the Premises or the commission or maintenance of nuisance as defined by the laws of California.

### **4. Alterations by Tenant**

No alteration, addition, or improvement to the Premises shall be made by Tenant without the prior written consent of Landlord. Concurrently with requesting Landlord's consent to the proposed alterations, addition, or improvement, Tenant shall submit to Landlord preliminary plans for the alteration, addition, or improvement. Landlord shall, at its sole discretion, approve or disapprove the proposed alteration, addition, or improvement, within thirty (30) days after receipt of Tenant's written request for approval. If Landlord fails to approve or disapprove the proposed alteration, addition, or improvement within the same thirty (30) day period, the proposed alteration, addition, or improvement shall be deemed disapproved. If Landlord gives such prior written consent to any alteration, addition, or improvement to the Premises,



Landlord and Tenant shall agree in writing at that time to the date when that undertaking shall be completed. Tenant shall obtain all necessary governmental permits required for any alteration, addition, or improvement approved by Landlord and shall comply with all applicable governmental law, regulations, ordinances, and codes. Any alteration, addition, improvement made by Tenant after consent has been given, and any fixtures installed as part of the construction, shall, at Landlord's option, become the property of Landlord on the expiration or other earlier termination of this lease; provided, however, that Landlord shall have the right to require Tenant to remove the fixtures at Tenant's sole cost on termination of this lease. If Tenant is required by Landlord to remove the fixtures on termination of this lease, Tenant shall repair and restore any damages to the Premises caused by such removal.

#### **5. Mechanics' Liens**

If Tenant causes any alterations, additions, or improvements to be made to the Premises, Tenant agrees to keep the Premises free of liens for both labor and materials. If a lien is placed on the Premises in connection with any construction, repair, or replacement work that Tenant may or must cause to be performed under this lease, which results in a final judgment, Landlord may pay the amount of that judgment. Tenant shall reimburse Landlord for the full amount paid and all other expenses relating thereto within thirty (30) days after that amount is paid by Landlord; otherwise Tenant shall be in default under this lease.

#### **6. Maintenance and Repairs**

A. Tenant shall, during the term of this lease, maintain the Premises in a good, clean, and safe condition and shall on expiration or earlier termination of this lease surrender the Premises to Landlord in as good condition and repair as existed on the date of this lease,

reasonable wear and tear and damage by the elements excepted. Tenant shall maintain all landscaping in good condition on the Premises. All Tenant maintenance and repairs of the Premises shall be to Landlord's reasonable satisfaction and within a reasonable time period.

- B. Except as otherwise provided in this lease, Landlord shall perform, at Landlord's total expense, all normal repairs and maintenance for the Premises; provided; however, Tenant shall be responsible for any intentional or negligent damage caused by the Tenant to the Premises. Any repairs by Landlord shall be made promptly with first-class materials, in a good and workmanlike manner, in compliance with all applicable laws of all governmental authorities, and in a style, character, and quality conforming to the existing conditions. Except in the case of an emergency, Landlord shall not enter the Premises for the purpose of effecting the repairs, alterations, or improvements other than during normal business hours, and shall give the Tenant 24 hours notice of the intention to enter for those purposes.
- C. Except for cases of emergency, Landlord shall make all repairs required hereunder as soon as is practical. In the event Landlord has not made a repair referred to in a written notice from Tenant to Landlord within sixty (60) days after the date of that notice, Tenant shall have the right to have the repair performed and be reimbursed by Landlord for the reasonable costs relating to the repair.

## **7. Inspection by Landlord**

Tenant shall permit Landlord or Landlord's agents, representatives, or employees to enter the Premises at all reasonable times for the purpose of inspecting the Premises to determine whether Tenant is complying with the terms of this lease and for the purpose of doing other lawful acts that may be necessary to protect Landlord's interest in the Premises under this lease.

## **8. Rules and Regulations**

Landlord shall have the right to establish, modify, amend, and enforce reasonable rules and regulations with respect to the Premises. Tenant shall fully and faithfully comply with and observe the rules and regulations for the Premises ("the Premises Rules and Regulations"), including any additions or amendments to the Premises Rules and Regulations that may be hereafter enacted by Landlord at Landlord's sole discretion. Tenant acknowledges receipt of a copy of the Premises Rules and Regulations, which are attached to and made a part of this lease as Exhibit "C". Landlord shall not be liable in any way for failure of any other occupant of the Premises of which the Premises is a part to comply with and observe these rules and regulations.

## **9. Taxes**

Tenant shall be solely responsible for the payment of any possessory taxes imposed by the County of Butte or State of California as a result of this lease.

## **10. Utilities**

- A. Tenant shall, at Tenant's own cost and expense, provide gas and electricity to the Premises and the other portions of the building at the location.
- B. Landlord shall provide, at its own cost and expense, for solid waste collection service and water service to the Premises.

### **11. Tenant's Liability Insurance**

For the mutual benefit of Landlord and Tenant, Tenant shall, during the term of this lease, cause to be issued and maintained commercial liability insurance in the sum of at least \$2,000,000.00 for injury to or death of one person in any one accident, insuring the Tenant against liability for injury and/or death occurring in or on the Premises. Landlord shall be named as an additional insured and the policy shall contain cross liability endorsements. The Tenant shall maintain all such insurance in full force and effect during the entire term of this lease and shall pay all premiums for the insurance. Evidence of insurance and of the payment of premiums shall be delivered to Landlord.

### **12. Insurance for Tenant's Personal Property**

Tenant agrees to keep, at Tenant's sole expense, all of Tenant's personal property, including trade fixtures and equipment of Tenant that maybe on or in the Premises from time to time, insured against loss or damage by fire and by any peril included within fire and extended coverage insurance for an amount that will insure the ability of Tenant to fully replace the personal property, trade fixtures, and equipment. Tenant's obligation to insure artifacts shall be limited to the availability of such coverage.

### **13. Indemnification**

A. Landlord shall not be liable to Tenant, and Tenant hereby waives all claims against Landlord, for any injury or damage to any person or property in or about the Premises or any part of the Premises by or from any cause whatsoever, except

injury or damage resulting from the acts or omissions of Landlord or Landlord's authorized agents.

- B. Tenant shall hold Landlord harmless from and defend Landlord against any and all claims or liability for any injury or damage to any person or property whatsoever occurring in, on, or about the Premises when that injury or damage was caused in part or in whole by the act, neglect, fault of, or omission of any duty by Tenant, its agents, servants, employees, or invitees.

#### **14. Destruction of Premises**

If the Premises is damaged or destroyed by any cause not the fault of Tenant, Landlord may, at Landlord's sole election, repair the Premises or terminate this lease. In the event Landlord terminates this lease, neither party shall have any further obligations hereunder.

#### **15. Assignment and Subletting**

Tenant shall not encumber, assign, sublet, or otherwise transfer this lease, any right or interest in this lease, or any right or interest in the Premises without first obtaining the expressed written consent of Landlord. Furthermore, Tenant shall not sublet the Premises or any part of it or allow any other persons, other than Tenant's employees and agents, to occupy or use the Premises or any part of it without the prior written consent of Landlord. A consent by Landlord to one assignment, subletting, or occupation and use by another person shall not be deemed to be a consent to any subsequent assignment, subletting, or occupation and use by another person. Any encumbrance, assignment, transfer, or subletting without the prior written consent of Landlord, whether voluntary or involuntary, by operation of law or otherwise, is void and

shall, at the option of Landlord, terminate this lease. The consent of Landlord to any assignment of Tenant's interest in this lease or the subletting by Tenant of the Premises shall not be unreasonably withheld.

#### **16. Acts Constituting Breach by Tenant**

The following shall constitute a default under and a breach of this lease by Tenant: The nonpayment of rent when due, when the nonpayment continues for ten (10) days after written notice to pay rent or surrender possession of the Premises has been given by Landlord to Tenant;

- A. A failure to perform any provision, covenant, or condition of this lease other than one for the payment of rent, when that failure is not cured within thirty (30) days after written notice of the specific failure is given by Landlord to Tenant;
- B. The breach of this lease and abandonment of the Premises before expiration of the term of this lease;
- C. A receiver is appointed to take possession of all or substantially all of Tenant's property located at the Premises or Tenant's interest in this lease, when possession is not restored to Tenant within thirty (30) days.
- D. Tenant makes a general assignment for the benefit of creditors;
- E. The execution, attachment, or other judicial seizure of substantially all of Tenant's assets located at the Premises or of Tenant's interest in this lease, when the seizure is not discharged within fifteen (15) days; or
- F. The filing by or against Tenant of a petition to have Tenant adjudged bankrupt or of a petition for reorganization or arrangement under the federal bankruptcy law (unless, in the case of a petition filed against Tenant, it is dismissed within sixty (60) days.

The notice provided for in subsections (A) and (B) of this Paragraph 16 are not intended to replace, but rather are in addition to, any required statutory notices for unlawful detainer proceedings under Code of Civil Procedure Section 1161 et seq.

### **17. Landlord's Remedies**

If Tenant breaches or is in default under this lease, Landlord, in addition to any other remedies given Landlord by law or equity, may:

- A. Continue this lease in effect by not terminating Tenant's right to possession of the Premises and thereby be entitled to enforce all Landlord's rights and remedies under this lease as it becomes due under this lease; or terminate this lease and all rights of Tenant under the lease and recover from Tenant the following:
- The amount, at the time of award, of the unpaid rent that had been earned at the time of termination of the lease;
  - The amount, at the time of award, of the unpaid rent that would have been earned under the term of the lease until the time that the Premises are leased to another tenant by the Landlord.
  - Any other amount necessary to compensate Landlord for all detriment proximately caused by Tenant's failure to perform Tenant's obligations under this lease; or
- B. In lieu of, or in addition to, bringing an action for any or all of the recoveries described in subparagraph (A) of this paragraph, bring an action to recover and regain possession of the Premises in the manner provided by the California law of unlawful detainer then in effect.

### **18. Termination Notice**

No act of Landlord, including, but not limited to, Landlord's entry on the Premises, or efforts to re-let the Premises, or the giving by Landlord to Tenant of a notice of default, shall be construed as an election to terminate this lease unless a written notice of the Landlord's election to terminate this lease is given to Tenant. In the event Landlord terminates this lease for any reason, Tenant shall not be entitled to receive any relocation benefits from Landlord.

### **19. Waiver of Breach**

The waiver by Landlord of any breach by Tenant of any of the provisions of this lease shall not constitute a continuing waiver or a waiver of any subsequent default or breach by Tenant either of the same or a different provision of this lease.

### **20. Notices**

Except as otherwise expressly provided by law, any and all notices or other communications required or permitted by this lease or by law to be served on or given to either party to this lease by the other party shall be in writing, and shall be deemed duly served and given when personally delivered to the party to whom it is directed or any managing employee of that party or, in lieu of personal service, when deposited in the United States mail, first-class postage prepaid, addressed to Landlord at 5555 Skyway, Paradise, California 95969 or to Tenant at 333 Huss Drive, Suite 100, Chico, California 95928. Either party may change its address for purposes of this paragraph by giving written notice of the change to the other party in the manner provided in this paragraph.

### **21. Attorney's Fees**

If any litigation is commenced between the parties to this lease concerning the Premises,



this lease, or the rights and duties of either, in relation to the Premises or the lease, the party prevailing in that litigation shall be entitled, in addition to any other relief granted, to a reasonable sum for its attorneys' fees in that litigation or in a separate action brought for that purpose.

## **22. Binding on Heirs and Successors**

This lease shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors, and assigns of the parties, but nothing in this paragraph shall be construed as consent by Landlord to any assignment of this lease or any interest therein by Tenant except as provided in Paragraph 15 of this lease.

## **23. Time of Essence**

Time is expressly declared to be of the essence in this lease.

## **24. Sole and Only Agreement**

This instrument constitutes the sole and only full, final, and complete agreement between Landlord and Tenant regarding the Premises or the leasing of the Premises to Tenant, and correctly sets forth the obligations of Landlord and Tenant to each other as of its date. Any agreements or representations respecting the Leased Premises or their leasing by Landlord to Tenant not expressly set forth in this instrument are null and void. All prior negotiations between the parties are subsumed into this lease to the extent they have been agreed to, and if not agreed to by the parties, such negotiations are not set forth in the terms and conditions of this lease. This lease shall not be extended, amended, modified, altered, or changed, except in writing signed by Landlord and Tenant.

**LANDLORD: Town of Paradise**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Lauren M. Gill, Town Manager

\_\_\_\_\_  
Date

**TENANT:** First Responder Emergency Medical Services, Inc.

By:\_\_\_\_\_

\_\_\_\_\_  
Date

Federal Tax ID #\_\_\_\_\_

APPROVED AS TO FORM:

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

ATTEST:

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

EXHIBIT "A"

PREMISES DESCRIPTION

all that real property situate in the

County of Butte

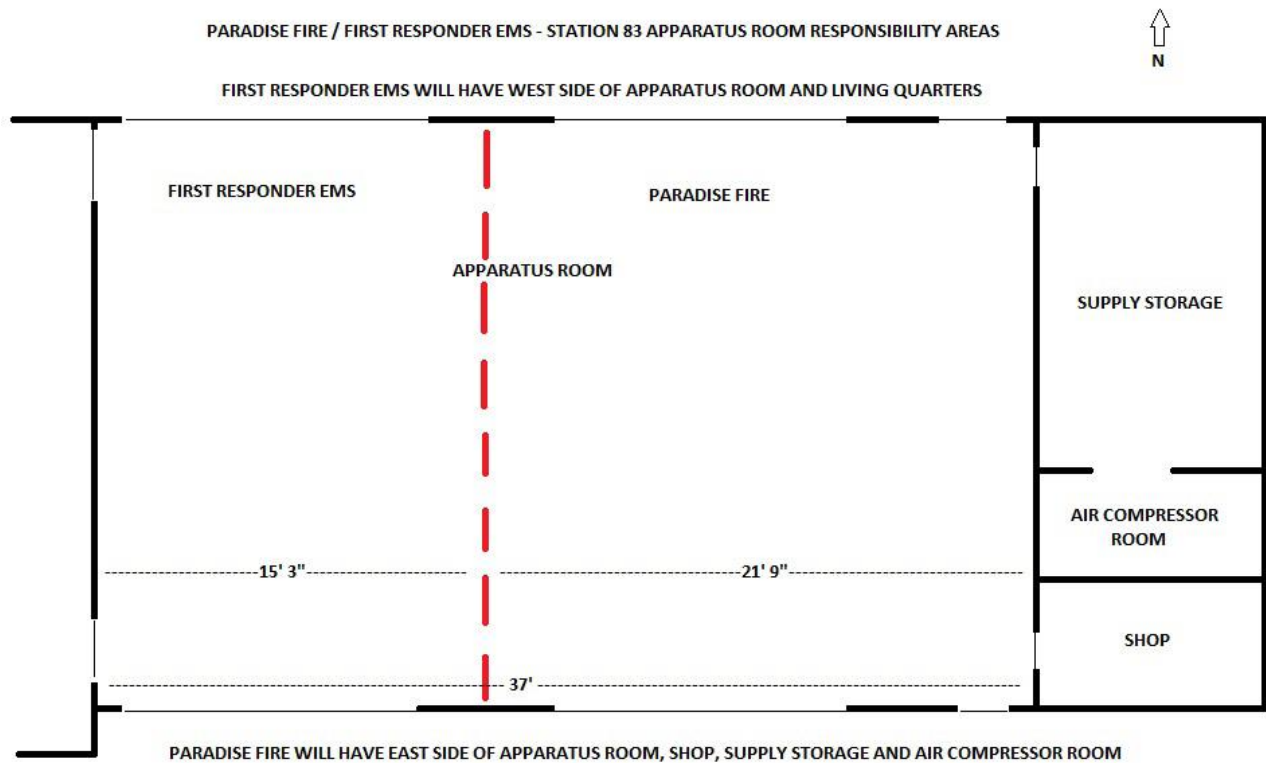
, State of California, described as follows:

A portion of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 11, Township 22 North, Range 3 East, M.D.B. & M., more particularly described as follows:

Beginning at the Northwest corner of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 11, Township 22 North, Range 3 East, M.D.B. & M., said point being located at the intersection of the center lines of Wagstaff Road and Harvey Road; thence along the centerline of Wagstaff Road, North  $89^{\circ} 52'$  East, 140.0 feet; thence South parallel with the West line of the Northeast quarter of the Northeast quarter of the Southeast quarter of said Section, 145.88 feet; thence South  $89^{\circ} 52'$  West, parallel with the center line of the Wagstaff Road, 140.0 feet to the West line of the Northeast quarter of the Northeast quarter of the Southeast quarter of said Section and the center line of said Harvey Road; thence North along said last mentioned line 145.88 feet to the point of beginning.

The building now situate on the above real property shall remain the personal property of grantors, to be removed by grantors from said real property in accordance with an Agreement of even date herewith.

The premises shall be the portion of the building on the premises described as from the centerline of the apparatus room westward as shown on the following drawing:



## **EXHIBIT “B”**

### **USE OF PREMISES**

Tenant’s employees will use the Premises as parking area for personal vehicles and company vehicles in the parking areas and as crew quarters in the living spaces and maintain them in a safe and habitable condition and in accordance with applicable federal, state, and local laws. Tenant intends to use the Premises to provide functional air conditioning and heating systems, furniture, cooking and cold food storage devices, and functional bathroom/shower, and functional sleeping room facilities as a part of its ambulance crew’s daily work. First responder will use premises to provide basic cable or satellite service or Internet service for news, weather, and emergency information to ambulance crews. Tenant will use the Premises to store ambulance medical and cleaning supplies in accordance with local, state and federal regulations. Tenant’s employees shall not remove any furnishings or other provided items from the crew quarters and employees shall reasonably care, clean, and maintain such items at the Premises.

## **EXHIBIT “C”**

### **PREMISES RULES AND REGULATIONS**

#### **1. Entryways**

Tenant shall not obstruct in any way the entryways and passages of the Premises or use them for any other purposes than ingress.

#### **2. Signs**

No sign placard, picture, name, advertisement, or notice shall be displayed in or on the Premises without the express written consent of Landlord, and Landlord may remove, at the expense of the Tenant, any sign, placard, picture, name, advertisement, or notice so displayed. Landlord recognizes and agrees to mutually agree with Tenant on signage identifying the Premises as ambulance quarters only and identifying the address and the need to call 911 if emergency assistance is needed.

#### **3. Locks and Keys**

No additional lock or locks shall be placed on any door in the Premises by any Tenant without the express written consent of Landlord. Each Tenant shall receive, without cost, two keys to each door having a lock to the Premises. If any Tenant desires extra keys to any door, Tenant must obtain them from Landlord and Landlord may impose a charge for them.

#### **4. Wiring and Electricity**

Wiring of any kind shall be introduced in the Premises and connected only as directed by Landlord and no boring or cutting for wires will be allowed except with the prior consent of Landlord. Landlord shall prescribe the location of all telephone and call boxes affixed to the Premises.

#### **5. Connection of Machinery**

Tenant shall not connect any apparatus, machinery, or device with the electric wires, water, or air pipes of the Premises without the consent of Landlord.

#### **6. Landlord's Office and Employees**

Any request of a Tenant for service or any other matter connected with the Premises must be made to and at the office of Landlord at 5555 Skyway, Paradise, CA. Employees of Landlord shall perform no work or do anything outside their regular daily duties except on order of the Landlord.

#### **7. Further Rules and Regulations**

Landlord reserves the right to amend these rules and regulations and to make any other and further rules and regulations for the Premises that, from time to time in the judgment of Landlord, are required for the orderly and safe conduct of Premises operations.



**Town of Paradise  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda Item: 3(d)**

**Originated by:** Gina S. Will, Finance Director/Town Treasurer  
**Reviewed by:** Lauren Gill, Interim Town Manager  
**Subject:** Quarterly Investment Report

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**Council Action Requested:**

Review and file the 1st Quarter Investment Report for the Fiscal Year Ended June 30, 2015; or,

**Alternatives:**

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

**Background:**

Attached is a report on the Town's cash and investments for the quarter ended September 30, 2014.

A US Bank checking account is currently being used for payroll, accounts payable and other operating purposes. Most accounts payable disbursements are drawn through checks, and most payroll disbursements are processed through direct deposit. Deposits are fully collateralized and after reserve requirements, provide an earnings credit rate of 0.50% up to the amount of monthly fees. As the earnings credit rate is currently higher than the yield provided by LAIF, staff is currently maximizing the earnings potential in this account.

The Town uses the State of California managed Local Agency Investment Fund (LAIF) for investment of cash in excess of immediately needed operating capital. With same day liquidity and comparable yields, LAIF is currently the best investment option for the Town. Funds are able to be transferred electronically through phone authorization between LAIF and the Town checking account. The Town will continue to research other investment options that match LAIF's liquidity and security in order to improve investment yield.

In June of 2011, the Town established an irrevocable trust to begin funding the future obligations associated with retiree health as required by GASB 45. The funds are being managed by Self-Insured Schools of California (SISC) and can only be used for the payment of retiree health benefits.

The Town establishes escrow funds at the start of each new lease. The escrow fund is drawn down to zero through the process of purchasing equipment against the lease. Interest is accrued on any unspent escrow balance. The "other" investment type represents these available escrow funds as well as petty cash balances. As of September 30, 2014, Town Council had just approved a lease for the purchase of certain budgeted IT and public works equipment which will be financed over the useful life of the equipment. The escrow account was newly established and none of the funds had yet been spent.



## **Discussion**

The GASB 45 trust investment managed by SISC experienced a 1.95% loss on investment during the 1st quarter of 2014/15. Since June 2011, the \$50,000 investment has earned \$14,676.45 which is a 29% return. SISC reports that they see this loss as a natural pullback from a 5 year US bull market. Also, the International Monetary Fund reported global economic slowdown during this quarter. Overall the Town should not be concerned. Long term, SISC has been successful with its allocation model of approximately 60% equity and 40% fixed income. Financial growth seldom reflects a straight line and small financial corrections are common over time.

For over a year, the Town Treasurer has directed the Trustee, Wells Fargo Bank, to invest the reserve funds of the Pension Obligation Bond, the Paradise Redevelopment 2006 Note, and the Paradise Redevelopment 2009 Bond in accordance with the Town's investment policy. The reserve funds had been yielding less than 0.01% in mutual funds. The reserve funds are now invested in CD's which will yield between 0.25% and 0.40% over three to five months. While these investments and balances are not part of the Town's idle or operating cash, the yield will ultimately lessen the amount the Town will be required to contribute in future debt service payments.

Finally, staff is researching changes to California Government Code 53601 that went into effect January 1, 2015. There may be some permitted investments worth including in the next Investment Policy revision. All Town investments meet the guidelines of the current policy.

## **Fiscal Impact Analysis:**

Isolating the gain from the GASB 45 trust, the Town earned \$1,951.65 for the quarter ended September 30, 2014. That is compared to \$1,020.96 for the quarter ended September 30, 2013. Again, isolating the GASB 45 return, the Town realized two basis points less in yield compared to a year ago, but had about \$925,000 more in average balances invested.

**TOWN OF PARADISE**  
**QUARTERLY SUMMARY OF INVESTMENTS**  
**For Quarter Ended September 30, 2014**

<u>Investment</u>	<u>Type</u>	<u>For Quarter Ended Sept. 30, 2014</u>			<u>For Quarter Ended Sept. 30, 2013</u>			<u>Net Change</u>
		<u>Yield</u>	<u>Book Value</u>	<u>Market Value*</u>	<u>Yield</u>	<u>Book Value</u>	<u>Market Value*</u>	
US Bank	Checking	0.50%	1,371,419.54	1,371,419.54	0.50%	975,986.04	975,986.04	395,433.50
Local Agency Investment Fund (LAIF)	Various	0.25%	507,502.80	507,594.80	0.27%	352,375.32	352,575.23	155,127.48
SISC GASB 45 Trust B	Various	-1.95%	64,676.45	64,676.45	5.95%	59,421.79	59,421.79	5,254.66
Fiscal Agents & Petty Cash	Other	0.00%	86,286.54	86,286.54	0.00%	1,950.00	1,950.00	84,336.54
	Totals		2,029,885.33	2,029,977.33		1,389,733.15	1,389,933.06	640,152.18
Total Quarterly Earnings on accrual basis			668.40		4,360.46			
Total Annual Earnings (July 1st - September 30th)			668.40		4,360.46			

\* Market Value determined by LAIF

**Reserve Funds Invested**

Pension Obligation Bond	\$	890,000.00
Paradise RDA Note 2006	\$	31,000.00
Paradise RDA Bond 2009	\$	340,000.00
	\$	1,261,000.00

<u>Issuer</u>	<u>FDIC Number</u>	<u>Yield</u>	<u>Settlement Date</u>	<u>Maturity Date</u>	<u>Type</u>	<u>Investment</u>	<u>Earnings</u>
First Merit Bank	13675	0.400%	09/10/14	03/10/15	CD	249,000.00	493.91
Bank India	33648	0.350%	08/29/14	02/25/15	CD	249,000.00	429.78
Citizens NA	57957	0.350%	08/27/14	02/27/15	CD	249,000.00	439.33
Bank Baroda	33681	0.300%	06/30/14	09/30/14	CD	249,000.00	188.28
Peoples United Bank	27334	0.300%	08/27/14	02/27/15	CD	143,000.00	216.26
Comenity Cap	57570	0.250%	06/30/14	09/30/14	CD	122,000.00	76.87
						1,261,000.00	1,844.43

In compliance with the California Code Section 53646; the Treasurer of the Town of Paradise hereby certifies that sufficient investment liquidity and anticipated revenues are available to meet the Town's budgeted expenditure requirements for the next six months.

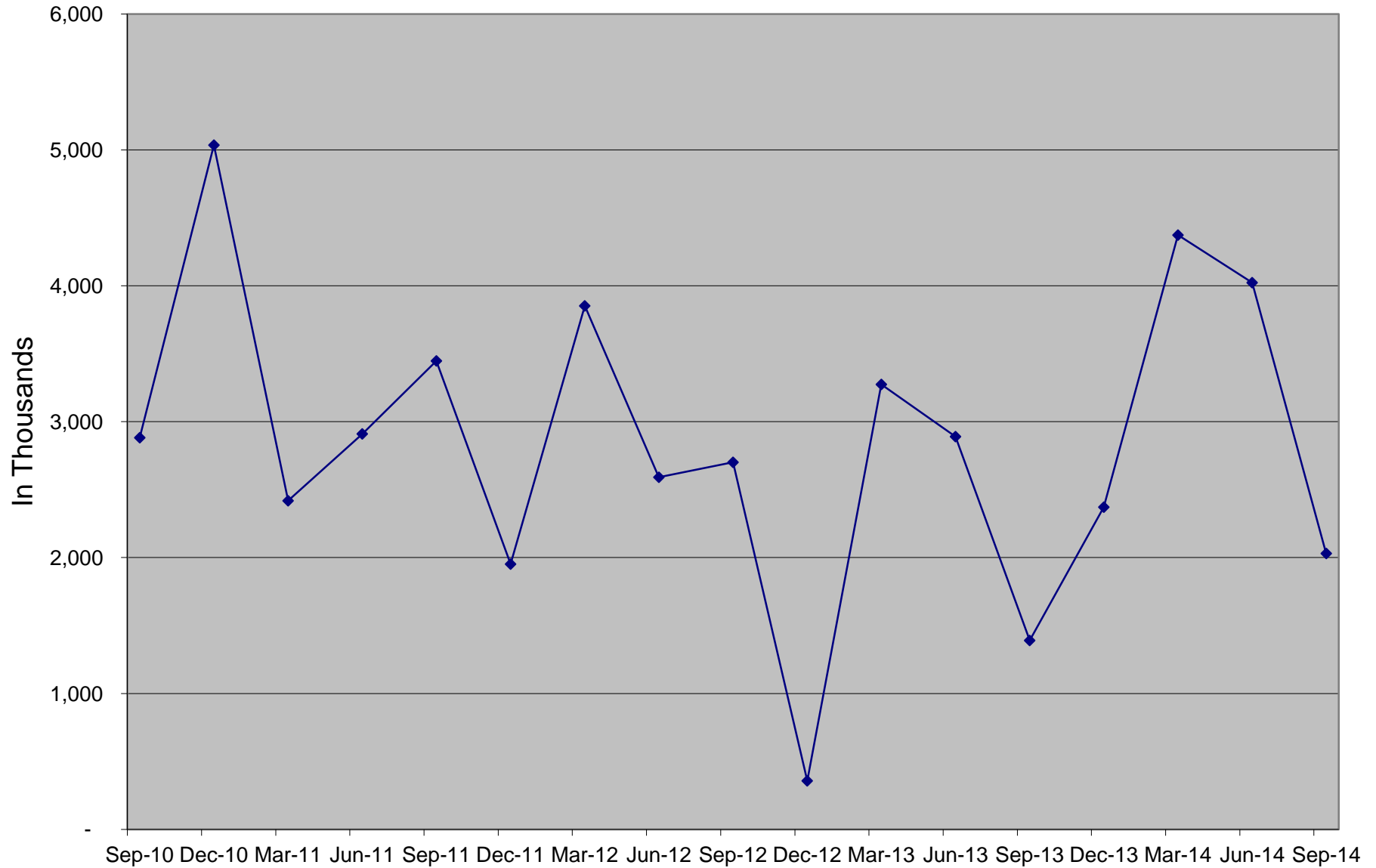
Investments in the report meet the requirements of the Town of Paradise's adopted investment policy.

Respectfully submitted,

/s/

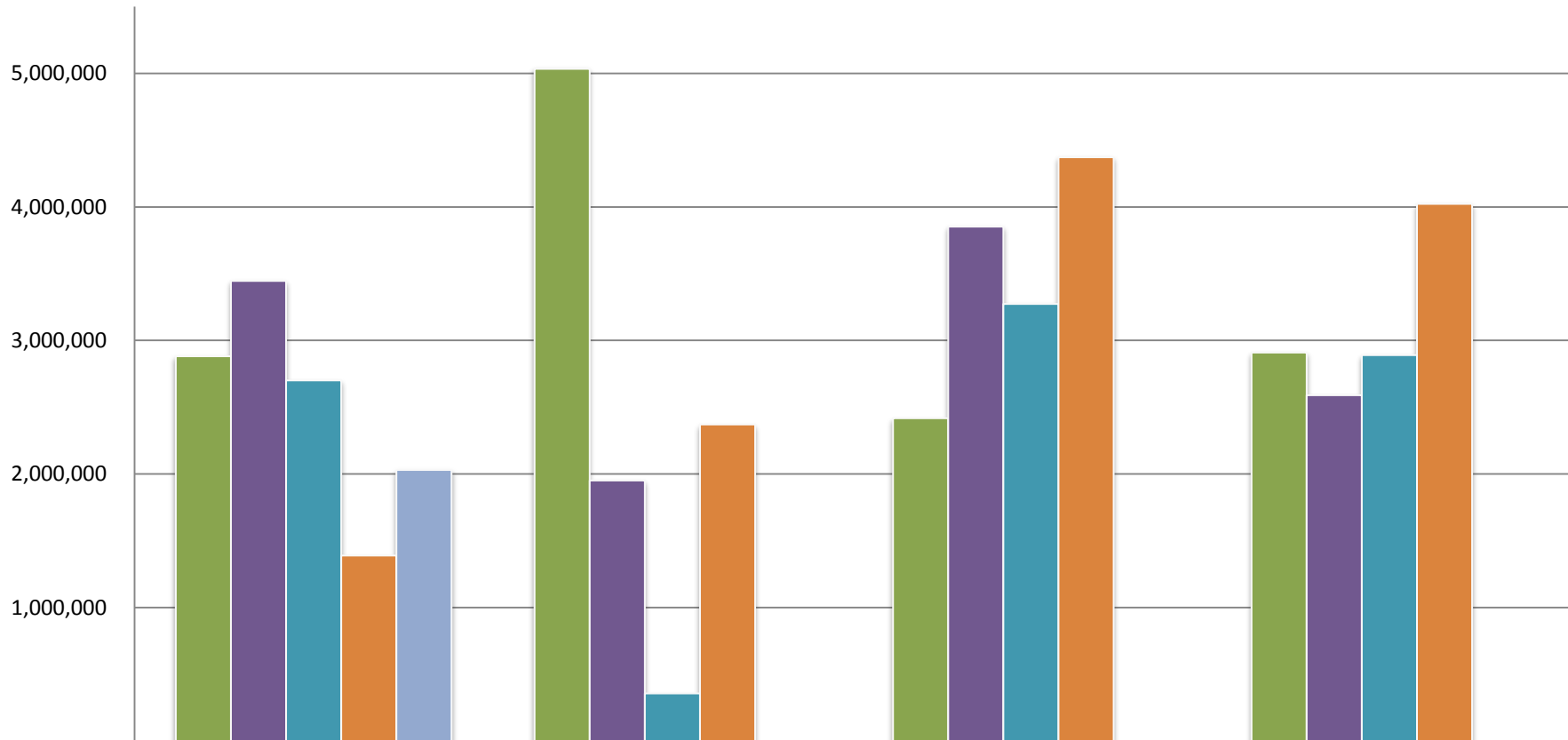
Gina S. Will  
Finance Director/Town Treasurer

**Town of Paradise  
Investment Balances  
September 2010 - September 2014**



	Sep-10	Dec-10	Mar-11	Jun-11	Sep-11	Dec-11	Mar-12	Jun-12	Sep-12	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14
Series1	2,882	5,035	2,418	2,910	3,447	1,952	3,852	2,591	2,701	357	3,274	2,890	1,390	2,371	4,373	4,023	2,030

# Town of Paradise Investment Balances 2010/11 - 2014/15



	Sept. 30th	Dec. 31st	March 31st	June 30th
2010/11	2,881,720	5,034,579	2,417,553	2,910,472
2011/12	3,446,611	1,952,141	3,852,176	2,591,170
2012/13	2,701,104	357,101	3,274,156	2,890,429
2013/14	1,389,733	2,370,880	4,372,599	4,022,638
2014/15	2,029,885			



**Town of Paradise  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda Item: 3(e)**

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

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

**Subject:** State Board of Equalization Documents Related to the Administration of the Local Transactions and Use Tax "Measure C"

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**Council Action Requested:**

1. Approve a resolution of the Town Council of the Town of Paradise authorizing Town Manager to execute agreements with the State Board of Equalization for implementation of a local transactions and use tax, or

**Alternatives:**

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

**Background:**

On July 8, 2014, the Town Council approved Ordinance No. 545 adding Chapter 3.22 to the Paradise Municipal Code and providing for a local transactions and use tax. On November 4, 2014, citizens approved Ordinance No. 545 known as Measure C. The State Board of Equalization (Board) is the agency responsible for administering and collecting the taxes starting April 1, 2015.

**Discussion:**

In order for the Board to set up the systems and processes necessary to administer this temporary tax, the Board requires the Town to enter into a Preparatory Agreement and an Administration Agreement. Both of these agreements are attached for Council review.

The annual administrative fee for the Board administering and collecting this tax is about 1% of the revenue collected. So, on an estimated \$850,000 per year the estimated fee is \$8,500. The Board also charges a one-time preparatory cost to program appropriate systems and notify appropriate parties of the implementation of this new tax. By law, the maximum preparatory cost is \$175,000. However, the actual amount charged is typically less for smaller cities where fewer notification mailings are required. The fee is further reduced by other jurisdictions implementing a tax at the same time as efficiencies are achieved through group implementation. The Board was unable to provide an estimate at this time; however, research completed by staff estimates that this fee will be in the \$50,000 range.

**Fiscal Analysis:**

Board fees related to the administration of this new tax will be deducted from tax proceeds. With a conservative estimate of \$200,000 in taxes earned April 1, 2015 – June 30, 2015 the net after deducting the preparatory cost and the administrative fee is \$148,000.

**TOWN OF PARADISE  
RESOLUTION NO. 15-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF  
THE TOWN OF PARADISE  
AUTHORIZING TOWN MANAGER TO EXECUTE  
AGREEMENTS WITH THE STATE BOARD OF EQUALIZATION FOR  
IMPLEMENTATION OF A LOCAL TRANSACTIONS AND USE TAX.**

**WHEREAS**, on July 8, 2014, the Town Council approved Ordinance No. 545 adding Chapter 3.22 to the Paradise Municipal Code and providing for a local transactions and use tax; and

**WHEREAS**, on November 4, 2014, the Town voters approved Ordinance No. 545; and

**WHEREAS**, the State Board of Equalization (Board) administers and collects the transactions and use taxes for all applicable jurisdictions within the State of California; and

**WHEREAS**, the Board will be responsible to administer and collect the transactions and use tax for the Town; and

**WHEREAS**, the Board requires that the Town of Paradise enter into a “Preparatory Agreement” and an “Administration Agreement” prior to implementation of said taxes; and

**WHEREAS**, the Board requires that the Town Council authorize the agreements.

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

**Section 1.** The “Preparatory Agreement” attached as Exhibit A and the “Administrative Agreement” attached as Exhibit B are hereby approved and the Town Manager is hereby authorized to execute each agreement.

**PASSED AND ADOPTED** by the Paradise Town Council of the Town of Paradise, County of Butte, State of California, on this \_\_\_\_ day of January, 2015, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

\_\_\_\_\_  
GREG BOLIN, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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



The foregoing resolution was introduced and adopted at a regular meeting of the Town Council of the Town of Paradise held on \_\_\_\_\_, 2015 by the following vote, to wit:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

DATED: \_\_\_\_\_

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

\_\_\_\_\_  
Greg Bolin, Mayor

# **EXHIBIT A**

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE  
TOWN OF PARADISE TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the Town of Paradise, hereinafter called Town, and the STATE BOARD OF EQUALIZATION, hereinafter called *Board*, do agree as follows:

1. The Board agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the Town and whose ordinance has been adopted by the Town.

2. The Town agrees to pay to the Board at the times and in the amounts hereinafter specified all of the Board's costs for preparatory work necessary to administer the Town's transactions and use tax ordinance. The Board's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Board's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Board. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the Town.

4. Any dispute as to the amount of preparatory costs incurred by the Board shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Board shall be billed by the Board periodically, with the final billing within a reasonable time after the operative date of the ordinance. The Town shall pay to the Board the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by the Town for the Board's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization  
P.O. Box 942879  
Sacramento, California 94279-0032  
Attention: Administrator, RAAS

Communications and notices to be sent to Town shall be addressed to:

Paradise Town Manager  
5555 Skyway  
Paradise, CA 95969

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer Town's transactions and use tax ordinance has been completed and the Board has received all payments due from the Town under the terms of this agreement.

TOWN OF PARADISE

STATE BOARD OF EQUALIZATION

By \_\_\_\_\_  
Lauren M. Gill, Town Manager

By \_\_\_\_\_  
Brian Manuel, Administrator  
Return Analysis & Allocation Section

APPROVED AS TO FORM:

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

## **EXHIBIT B**

**AGREEMENT FOR STATE ADMINISTRATION  
OF TOWN OF PARADISE TRANSACTIONS AND USE TAXES**

The Town Council of the Town of Paradise has adopted, and the voters of the Town of Paradise (hereafter called "Town") have approved by the required majority vote, the Town of Paradise Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the State Board of Equalization, (hereinafter called the "Board") and the Town do agree as follows:

**ARTICLE I  
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

"District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section 7285.9, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

"Town Ordinance" shall mean the Town's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No. 545, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II  
ADMINISTRATION AND COLLECTION  
OF TOWN TAXES**

**A. Administration.** The Board and Town agree that the Board shall perform exclusively all functions incident to the administration and operation of the Town Ordinance.

**B. Other Applicable Laws.** Town agrees that all provisions of law applicable to the administration and operation of the State Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the Town Ordinance. Town agrees that money collected pursuant to the Town Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Board pursuant to Article IV of this Agreement, and transmitting to Town the amount to which Town is entitled.

**C. Transmittal of money.**

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the Town Ordinance shall be transmitted to Town periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by Town's self-imposed limits or by final judgment of any court of the State of California holding that Town's Ordinance is invalid or void, all district taxes collected under the provisions of the Town Ordinance shall be transmitted to Town not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the Town designated and authorized by the Town. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

**D. Rules.** The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the Town Ordinance and the distribution of the district taxes collected thereunder.

**E. Preference.** Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Board shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the state, cities, counties, cities and counties, redevelopment agencies, other districts, and Town as their interests appear.

**F. Security.** The Board agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of Town for district taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and Town shall not participate in any security now held by the Board.

**G. Records of the Board.**

When requested by resolution of the legislative body of the Town under section 7056 of the Revenue and Taxation Code, the Board agrees to permit authorized personnel of the Town to examine the records of the Board, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the Town, pertaining to the ascertainment of transactions and use taxes collected for the Town. Information obtained by the Town from examination of the Board's records shall be used by the Town only for purposes related to the collection of transactions and use taxes by the Board pursuant to this Agreement.

**H. Annexation.** Town agrees that the Board shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Board. The notice shall include the name of the county or counties annexed to the extended Town boundary. In the event the Town shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the Town showing the area annexed and the location address of the property nearest to the extended Town boundary on each side of every street or road crossing the boundary.

**ARTICLE III**  
**ALLOCATION OF TAX**

**A. Allocation.** In the administration of the Board's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:



1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Board, to all districts with which the Board has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Board, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

**B. Vehicles, Vessels, and Aircraft.** For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Board in determining the place of use.

#### **ARTICLE IV**

#### **COMPENSATION**

The Town agrees to pay to the Board as the Board's cost of administering the Town Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Board for the Town.

#### **ARTICLE V**

#### **MISCELLANEOUS PROVISIONS**

**A. Communications.** Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in United States mail.

Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization  
P.O. Box 942879  
Sacramento, California 94279-0032  
Attention: Administrator, RAAS

Communications and notices to be sent to the Town shall be addressed to:

Paradise Town Manager  
5555 Skyway  
Paradise, CA 95969

**Unless otherwise directed, transmittals of payment of Town transactions and use taxes will be sent to the address above.**

**B. Term.** The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on April 1, 2015. This Agreement shall continue until December 31 next following the expiration date of the Town Ordinance, and shall thereafter be renewed automatically from year to year until the Board completes all work necessary to the administration of the Town Ordinance and has received and disbursed all payments due under that Ordinance.

**C. Notice of Repeal of Ordinance.** Town shall give the Board written notice of the repeal of the Town Ordinance not less than 110 days prior to the operative date of the repeal.

**ARTICLE VI**  
**ADMINISTRATION OF TAXES IF THE**  
**ORDINANCE IS CHALLENGED AS BEING INVALID**

**A. Impoundment of funds.**

1. When a legal action is begun challenging the validity of the imposition of the tax, the Town shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the Town shall transmit to the Board the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

**B. Costs of administration.** Should a final judgment be entered in any court of the State of California, holding that Town's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Board may retain all payments made by Town to Board to prepare to administer the Town Ordinance.

2. Town will pay to Board and allow Board to retain Board's cost of administering the Town Ordinance in the amounts set forth in Article IV of this Agreement.

3. Town will pay to Board or to the State of California the amount of any taxes plus interest and penalties, if any, that Board or the State of California may be required to rebate or refund to taxpayers.

4. Town will pay to Board its costs for rebating or refunding such taxes, interest, or penalties. Board's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Board's staff for use in making these rebates or refunds and any other costs incurred by Board which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Board's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Board. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by Town.

6. Any dispute as to the amount of costs incurred by Board in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Board in connection with such refunds shall be billed by Board on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding Town's Ordinance invalid or void becomes final. Thereafter Board shall bill Town on or before the 25th of each month for all costs incurred by Board for the preceding calendar month. Town shall pay to Board the amount of such costs on or before the last day of the succeeding month and shall pay to Board the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Board costs incurred in making those refunds.

TOWN OF PARADISE

STATE BOARD OF EQUALIZATION

By \_\_\_\_\_  
Lauren M. Gill, Town Manager

By \_\_\_\_\_  
Brian Manuel, Administrator  
Return Analysis & Allocation Section

APPROVED AS TO FORM:

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

Attest: Joanna Gutierrez  
Town Clerk

TOWN OF PARADISE  
ORDINANCE NO. 545

By: Joanna Gutierrez  
Dated: November 24, 2014

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

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

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

CHAPTER 3.22  
Temporary Transactions and Use Tax

Sections:

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

**3.22.010 Title**

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

**3.22.020 Operative Date**

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

**3.22.030 Purpose**

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

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

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

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

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

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

#### **3.22.040 Contract with State**

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

#### **3.22.050 Transactions Rate Tax**

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

#### **3.22.060 Place of Sale**

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

Equalization.

### **3.22.070 Use Tax Rate**

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

### **3.22.075 Citizens Oversight Committee**

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

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

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

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

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

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this Town shall be substituted therefor. However, the substitution shall not be made when:
1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
  2. The result of that substitution would require action to be taken by or against this Town or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this ordinance.

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

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

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

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

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

### **3.22.100 Permit not Required**

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

### **3.22.110 Exemptions and Exclusions**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **3.22.120 Amendments**

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

### **3.22.130 Enjoining Collection Forbidden**

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

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

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

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

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

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

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

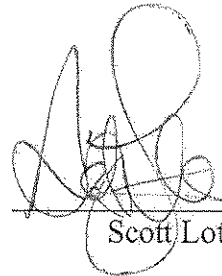
**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of July, 2014 by the following vote:

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

NOES: None

ABSENT: Greg Bolin

NOT VOTING: None

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

ATTEST: *July 8, 2014*

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

**APPROVED AS TO FORM:**

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

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

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

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



**Town of Paradise  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda Item: 3(f)**

**Originated by:** Kate Anderson, Housing Program Supervisor  
**Reviewed by:** Lauren Gill, Town Manager  
**Subject:** Assistance in Housing

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**Council Action Requested:**

1. Approve additional assistance in the Business & Housing Department by hiring Cathy Messenger on an hourly, temporary basis ; OR
2. Refer the matter back to staff to explore other options.

**Background:**

The Town of Paradise has received a total of \$3,700,000 in grant funds for its housing programs over the past two years. Each grant has a three-year term to spend down the grant funds, and any funds that are not expended by the deadline are disencumbered by the State. Points are given on future grant applications to those jurisdictions that fully-expend their prior award.

In addition to these new funds, loans that are paid back to the Town must be used before the new funds can be drawn; to-date, the Town has received \$211,694.66 in loan repayments during the past two years.

A total of \$2,031,045 of grant funds remains to be drawn -- \$281,395 in 2012 HOME funds for housing rehabilitation (OOR) or first-time homebuyers (FTHB) expires January 31, 2016, \$749,650 in CalHome funds for FTHB expires June 14, 2016, and \$1,000,000 in 2014 HOME funds for OOR and tenant-based rental assistance (TBRA) expires January 2018.

Since Business & Housing Services is fully-funded by its grants, the staffing needs fluctuate depending on the available grants. With the equivalent of one full-time employee working solely on housing programs during 2014, Business & Housing Services assisted 21 households by extending a total of \$574,644 in loans/grants. Administration costs and/or activity delivery costs can be drawn from these grants, typically as a percentage of the actual loan/grant extended, to off-set actual costs, including personnel.

**Discussion:**

Staff considered several options that would assist Business & Housing Services in spending down the awarded grant funds in a timely manner:

1. Contract with a consultant on a per-project basis. There is a local consultant available with the required experience. The cost could be as much as \$63,710 per year.
2. Staff considered reinstating a permanent 24-hour-per-week employee position, Housing Program Analyst. This position had existed for five years but was eliminated in 2011/12 when the housing market slowed due to the depressed economy. The cost to reinstate this position starts at \$24,264 per year but can take up to three months to hire and train. Due to the high cost of benefits, the long lead time before this position is in place, and the temporary nature of these grants, this option is less than desirable given the eminent deadlines.
3. Staff looked into temporary assistance through an employment agency. This option would allow us to staff-up quickly, at a rate of \$21.20 per hour, and could cost as much as \$44,096 per year. However, temporary employment can come with the possibility of having to train more than one person within the year.
4. Staff has utilized a retiree from Business & Housing Services in the past to assist during its busiest times. Cathy Messenger brings with her over seven years of direct experience working for Business & Housing Services. At an estimated 18 hours per week, it would cost the Department \$18.82 per hour or \$18,115.20 per year.

**Conclusion:**

Staff recommends we hire Cathy Messenger on an hourly, temporary basis, as there would be little training necessary and her work is known and trusted. In addition, Staff will utilize the services of a whole-house inspector on rehabilitation projects that are extensive

**Fiscal Impact Analysis:**

The costs associated with this agenda item are fully covered by the grant. There is no impact to the general fund. It is anticipated that the additional cost for this labor contract will be approximately \$18,115.20 in 2015. The increased activity delivery that we receive on the additional projects we do will fund the anticipated increase to the budget.



**TOWN OF PARADISE  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda No. 3(g)**

**ORIGINATED BY:** Marc Mattox, Town Engineer  
**REVIEWED BY:** Lauren Gill, Town Manager  
**SUBJECT:** Engineering & Traffic Survey / Speed Limit Adjustments

**COUNCIL ACTION REQUESTED:**

1. Waive second reading of the entire Town Ordinance No. 552 and approve by reading and title only; and
2. Adopt Town Ordinance No. 552, "An Ordinance Amending Section 10.02.060 of the Paradise Municipal Code Regarding Vehicular Speed Limits".

**Background:**

The Town of Paradise has the responsibility and duty of studying, recommending, constructing and maintaining traffic control measures for public roadways within the Town limits. The Town Council is required to legally establish speed limits defined by local ordinances in concurrence with the California Vehicle Code (CVC) and the California Manual of Uniform Traffic Control Devices (MUTCD). The method of establishing radar-enforceable speed limits is through the completion of engineering and traffic surveys for desired roadway segments.

Chapter 10.02 of the Town of Paradise Municipal Code formally governs the establishment of speed limits based upon Engineering & Traffic Surveys approved by the Town Engineer. The purpose of maintaining established speed limits is to safeguard life and property.

The Town of Paradise Engineering and Traffic Speed Survey was last approved on January 14, 2014. This survey is required to be updated when roadway conditions change or every 5-7 years.

The current survey identifies 46 public road segments for investigation and approval of posted speed limits.

**Analysis:**

During the last eleven months under the new Engineering & Traffic Survey, several issues have been documented which need to be addressed.

- Segment 20, Oliver Road between Castle Drive & Wagstaff Road (30 MPH)

The 2014 Engineering & Traffic Survey called for this segment along Oliver Road between Castle Drive and Wagstaff Road to be raised from 25 MPH to 30 MPH. Staff has re-evaluated this segment and determined the default prima facie speed limit (25 MPH) is most appropriate considering the sight distance, narrow roadway, and residential district present.

- Segment 33 & 34, Skyway between Town Limits and Neal Road (50 MPH)

This segment of roadway serves as a transition between rural divided four-lane highways to the Town of Paradise urbanized area. The 2014 Survey called for the segment between Town Limits and Neal Road to be considered uniform, whereas due to the transitional nature of the segment, a division from two segments (eastbound and westbound) is more appropriately described as three segments below:

- 33. Skyway (Westbound) between Town Limits and Princeton Way
- 34. Skyway (Eastbound) between Town Limits and Princeton Way
- 47. Skyway between Princeton Way and Neal Road

Staff has performed new Engineering & Traffic Surveys to reflect the above segments and found the appropriate speed limits per the California Vehicle Code need to be revised.

- Segment 41, Skyway between Clark Road and Pentz Road (35 MPH)

The limits of Segment 41 are between Clark Road and Pentz Road along Skyway. Without a defined segment between Pentz Road and Town Limits, the speed limit in this stretch may not hold in court, if challenged. As a result, staff proposes the wording of Segment 41 to be revised to "Skyway between Clark Road and Town Limits".

All modifications to Paradise Municipal Code 10.02.060.C recommended by staff for Council consideration are shown in the table below:

Segment No.	Segment	Start	End	Speed Limit (mph)
<del>20</del>	<del>Oliver Road</del>	<del>Castle Drive</del>	<del>Wagstaff Road</del>	<del>30</del>
33	Skyway (Eastbound)	Town Limits	<del>Neal Road</del> <b>Princeton Way</b>	50
34	Skyway (Westbound)	Town Limits	<del>Neal Road</del> <b>Princeton Way</b>	<del>50</del> <b>45</b>
41	Skyway	Clark Road	<del>Pentz Road</del> <b>Town Limits</b>	35
<b>47</b>	<b>Skyway</b>	<b>Princeton Way</b>	<b>Neal Road</b>	<b>45</b>

On December 9, 2014, the Town Council introduced the above-noted Town ordinance for purposes of eventual adoption. The intent of the proposed ordinance is to provide Paradise Police Department the continued authority to utilize radar while performing speed enforcement in the Town of Paradise. The ordinance is presented using justification provided by the preparation of an Engineering & Traffic Survey in compliance with the California Vehicle Code and California Manual of Uniform Traffic Control Devices.

#### Alternatives:

Reject proposed changes and provide alternate direction.



Town of Paradise  
2014 Engineering & Traffic Survey

Segment No.:	33 rev. 11/2014
Primary Street:	Skyway (Eastbound)
Segment Start:	Town Limits
Segment End:	Princeton Way
Observation Location:	2,000' east of Crossroads
Observation By and Date:	Marc Mattox, 11/10/14

Posted Speed Limit: 50	
Weather:	Sunny/Dry
Time Start:	10:00 AM
Time End:	10:25 AM
Street Width (ft):	24      Segment Length (mi): 0.74
Approved By:	Marc A. Mattox, PE

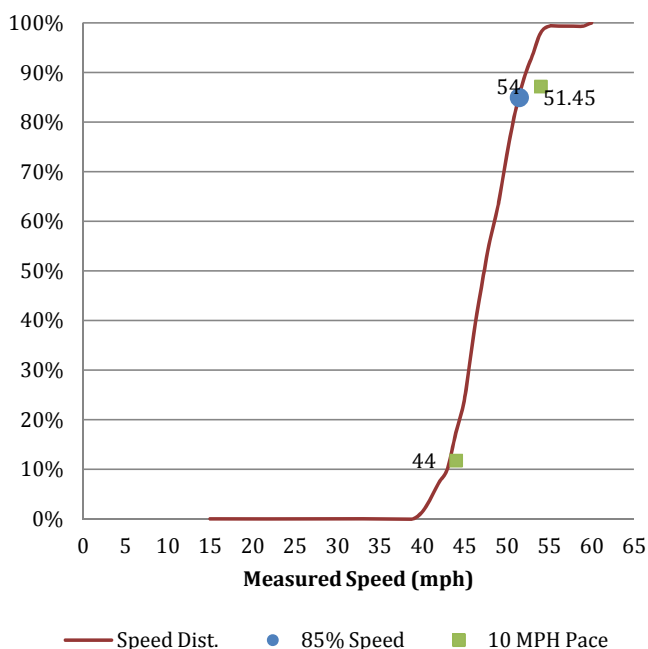
Speed (MPH)	Total Vehicles Recorded	Cumulative Total	Percent Cumulative
15		0	0.0%
16		0	0.0%
17		0	0.0%
18		0	0.0%
19		0	0.0%
20		0	0.0%
21		0	0.0%
22		0	0.0%
23		0	0.0%
24		0	0.0%
25		0	0.0%
26		0	0.0%
27		0	0.0%
28		0	0.0%
29		0	0.0%
30		0	0.0%
31		0	0.0%
32		0	0.0%
33		0	0.0%
34		0	0.0%
35		0	0.0%
36		0	0.0%
37		0	0.0%
38		0	0.0%
39		0	0.0%
40	2	2	1.3%
41	4	6	4.0%
42	5	11	7.3%
43	4	15	10.0%
44	11	26	17.3%
45	10	36	24.0%
46	18	54	36.0%
47	16	70	46.7%
48	14	84	56.0%
49	11	95	63.3%
50	15	110	73.3%
51	13	123	82.0%
52	10	133	88.7%
53	7	140	93.3%
54	7	147	98.0%
55	2	149	99.3%
56		149	99.3%
57		149	99.3%
58		149	99.3%
59		149	99.3%
60	1	150	100.0%

**Special Notes and/or Conditions Not Readily Apparent to Drivers**

Two lanes in eastbound direction.

Road Analysis	Speed Data Analysis
<b>California Vehicle Code</b>	Total Count = 150
Narrow Roadway? YES	Average Speed = 48.02
Residential District? NO	Median Speed = 48.00
<b>CA Road System Map</b>	Std. Deviation = 3.64
Major Collector? NO	85% Speed = 51.50
Minor Arterial? NO	<b>Critical Speed = 50</b>
Principal Arterial? YES	10 MPH Pace Low = 44
<b>Collision History</b>	10 MPH Pace High = 54
2 Year Collisions = 3	Percent in Pace = 88%
Collisions Per Mile = 2.03	<b>Recommended Speed Limit (MPH) 50</b>
Rate Above Average? NO	

**Cumulative Speed Curve**



Town of Paradise  
2014 Engineering & Traffic Survey

Segment No.:	34 rev. 11/2014
Primary Street:	Skyway (Westbound)
Segment Start:	Town Limits
Segment End:	Princeton Way
Observation Location:	1,800' east of Crossroads
Observation By and Date:	Marc Mattox, 11/10/14

Posted Speed Limit: 50	
Weather:	Sunny/Dry
Time Start:	10:45 AM
Time End:	11:10 AM
Street Width (ft):	24      Segment Length (mi): 0.64
Approved By:	Marc A. Mattox, PE

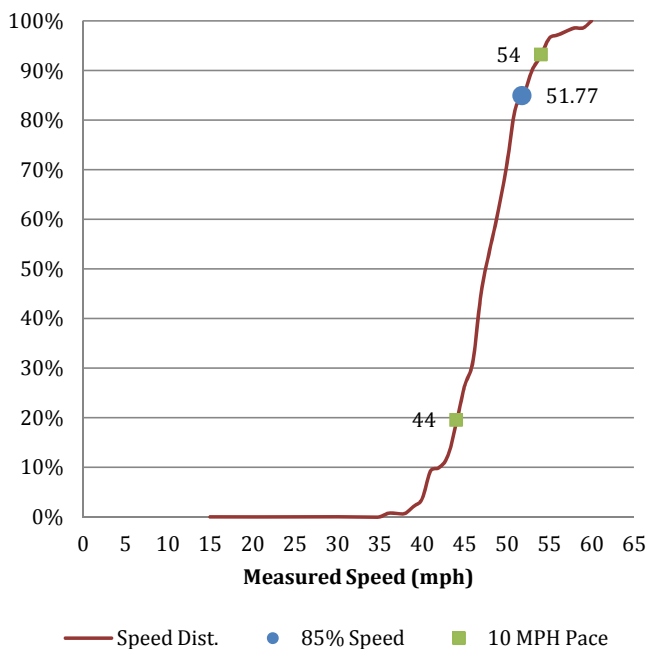
Speed (MPH)	Total Vehicles Recorded	Cumulative Total	Percent Cumulative
15		0	0.0%
16		0	0.0%
17		0	0.0%
18		0	0.0%
19		0	0.0%
20		0	0.0%
21		0	0.0%
22		0	0.0%
23		0	0.0%
24		0	0.0%
25		0	0.0%
26		0	0.0%
27		0	0.0%
28		0	0.0%
29		0	0.0%
30		0	0.0%
31		0	0.0%
32		0	0.0%
33		0	0.0%
34		0	0.0%
35		0	0.0%
36	1	1	0.7%
37		1	0.7%
38		1	0.7%
39	2	3	2.1%
40	2	5	3.5%
41	8	13	9.2%
42	1	14	9.9%
43	3	17	12.1%
44	9	26	18.4%
45	11	37	26.2%
46	7	44	31.2%
47	20	64	45.4%
48	12	76	53.9%
49	11	87	61.7%
50	13	100	70.9%
51	16	116	82.3%
52	4	120	85.1%
53	7	127	90.1%
54	4	131	92.9%
55	5	136	96.5%
56	1	137	97.2%
57	1	138	97.9%
58	1	139	98.6%
59		139	98.6%
60	2	141	100.0%

**Special Notes and/or Conditions Not Readily Apparent to Drivers**

Two lanes in westbound direction. Speed limit reduction consideration included lack of tapers, shoulders and frequency of encroachments in high-speed area. Trees and shrubs obstruct driveways. Frequently used by pedestrian. Residences and businesses are within roadway frontage.

Road Analysis	Speed Data Analysis
<b>California Vehicle Code</b>	Total Count = 141
Narrow Roadway? YES	Average Speed = 48.14
Residential District? NO	Median Speed = 48.00
<b>CA Road System Map</b>	Std. Deviation = 4.30
Major Collector? NO	85% Speed = 51.80
Minor Arterial? NO	<b>Critical Speed = 50</b>
Principal Arterial? YES	10 MPH Pace Low = 44
<b>Collision History</b>	10 MPH Pace High = 54
2 Year Collisions = 6	Percent in Pace = 81%
Collisions Per Mile = 4.69	<b>Recommended Speed Limit (MPH) 45</b>
Rate Above Average? NO	

**Cumulative Speed Curve**



Town of Paradise  
2014 Engineering & Traffic Survey

Segment No.:	47
Primary Street:	Skyway
Segment Start:	Neal Road
Segment End:	Princeton Way
Observation Location:	Longview Drive
Observation By and Date:	Marc Mattox, 11/10/14

Posted Speed Limit: 50	
Weather:	Sunny/Dry
Time Start:	11:15 AM
Time End:	11:45 AM
Street Width (ft):	60      Segment Length (mi): 0.29
Approved By:	Marc A. Mattox, PE

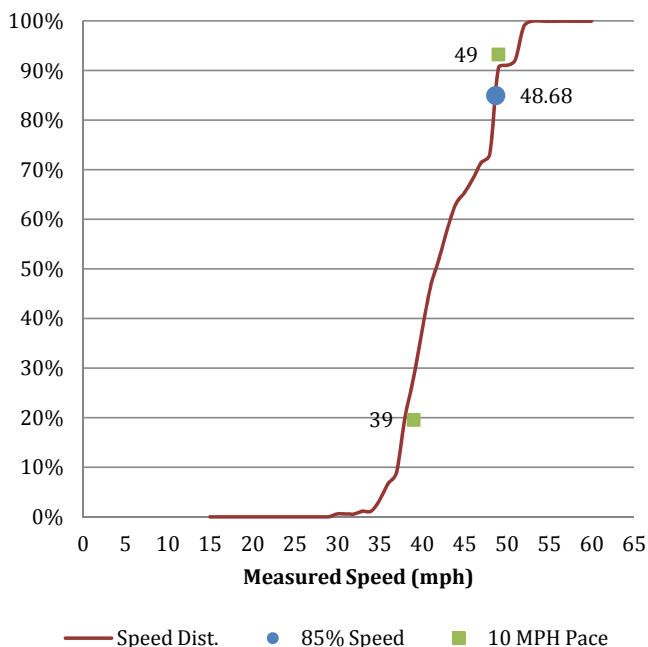
Speed (MPH)	Total Vehicles Recorded	Cumulative Total	Percent Cumulative
15		0	0.0%
16		0	0.0%
17		0	0.0%
18		0	0.0%
19		0	0.0%
20		0	0.0%
21		0	0.0%
22		0	0.0%
23		0	0.0%
24		0	0.0%
25		0	0.0%
26		0	0.0%
27		0	0.0%
28		0	0.0%
29		0	0.0%
30	1	1	0.6%
31		1	0.6%
32		1	0.6%
33	1	2	1.1%
34		2	1.1%
35	4	6	3.4%
36	6	12	6.7%
37	4	16	8.9%
38	20	36	20.1%
39	14	50	27.9%
40	17	67	37.4%
41	16	83	46.4%
42	10	93	52.0%
43	11	104	58.1%
44	9	113	63.1%
45	4	117	65.4%
46	5	122	68.2%
47	6	128	71.5%
48	3	131	73.2%
49	31	162	90.5%
50	1	163	91.1%
51	2	165	92.2%
52	12	177	98.9%
53	2	179	100.0%
54		179	100.0%
55		179	100.0%
56		179	100.0%
57		179	100.0%
58		179	100.0%
59		179	100.0%
60		179	100.0%

**Special Notes and/or Conditions Not Readily Apparent to Drivers**

Two lanes in each direction with center two-way left-turn lane. Horizontal curve present. Medical clinic adjacent to zone. 2 bicyclists observed. Transition segment between speed zones. Speed limit reduction consideration included lack shoulders and frequency of encroachments in high-speed area.

Road Analysis	Speed Data Analysis
<b>California Vehicle Code</b>	Total Count = 179
Narrow Roadway? NO	Average Speed = 43.21
Residential District? NO	Median Speed = 42.00
<b>CA Road System Map</b>	Std. Deviation = 5.09
Major Collector? NO	85% Speed = 48.70
Minor Arterial? NO	<b>Critical Speed = 50</b>
Principal Arterial? YES	10 MPH Pace Low = 39
<b>Collision History</b>	10 MPH Pace High = 49
2 Year Collisions = 6	Percent in Pace = 70%
Collisions Per Mile = 10.3	<b>Recommended Speed Limit (MPH) 45</b>
Rate Above Average? NO	

**Cumulative Speed Curve**



**TOWN OF PARADISE  
ORDINANCE NO. 552**

**AN ORDINANCE AMENDING SECTION 10.02.060  
OF THE PARADISE MUNICIPAL CODE  
REGARDING VEHICULAR SPEED LIMITS**

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

SECTION 1: Section 10.02.060 of the Paradise Municipal Code is hereby amended to read as follows:

A. The town council establishes a prima facie speed limit of twenty-five miles per hour for all town maintained public roads not listed or otherwise set forth in this chapter.

B. In accordance with Section 22352 of the California Vehicle Code, the following established school zones shall have a prima facie speed limit of twenty-five miles per hour anytime children are present:

1. Buschmann Road, from Scottwood Road to Clark Road.
2. Pearson Road, from Academy Drive to Clark Road.
3. Recreation Drive, from Buschmann Road north five hundred thirty feet (to end of town maintained road).
4. Maxwell Drive, from Elliott Road to Central Park Drive.
5. Pentz Road, from Merrill Road to Dean Road.
6. Pentz Road, from Bille Road to Wagstaff Road.

C. The town council also establishes posted speed limits on certain highways as follows:

Segment ID	Primary Street	Start	End	Recommended Speed Limit
1	Bille Road	Cliff Drive	Skyway	30
2	Bille Road	Skyway	Clark Road	30
3	Bille Road	Clark Road	Pentz Road	30
4	Buschmann Road	Foster Road	Clark Road	30
5	Central Park Drive	Maxwell Drive	Clark Road	30
6	Clark Road	Skyway	Wagstaff Road	35
7	Clark Road	Wagstaff Road	Bille Road	35
8	Clark Road	Bille Road	Elliott Road	35
9	Clark Road	Elliott Road	Pearson Road	35
10	Elliott Road	Skyway	Clark Road	30
11	Elliott Road	Clark Road	Sawmill Road	30
12	Foster Road	Buschmann Road	Roe Road	30
13	Foster Road	Roe Road	Town Limits	30
14	Honey Run Road	Skyway	Honey View Terrace	25

15	Neal Road	Skyway	Roe Road	30
16	Neal Road	Roe Road	Town Limits	35
17	Nunneley Road	Academy Drive	Clark Road	35
18	Nunneley Road	Clark Road	Sawmill Road	30
19	Oliver Road	Skyway	Castle Drive	25
20	Oliver Road	Castle Drive	Wagstaff Road	30
21	Pearson Road	Skyway	Black Olive Drive	30
22	Pearson Road	Black Olive Drive	Clark Road	30
23	Pearson Road	Clark Road	Butte View Terrace	35
24	Pearson Road	Butte View Terrace	Pentz Road	35
25	Pentz Road	Skyway	Wagstaff Road	35
26	Pentz Road	Wagstaff Road	Bille Road	35
27	Pentz Road	Bille Road	Del Rio Way	35
28	Pentz Road	Del Rio Way	Pearson Road	35
29	Pentz Road	Pearson Road	Town Limits	35
30	Rocky Lane	Skyway	Wagstaff Road	30
31	Roe Road	Neal Road	Foster Road	30
32	Sawmill Road	Bille Road	Pearson Road	30
33	Skyway Eastbound	Town Limits	Princeton Way	50
34	Skyway Westbound	Town Limits	Princeton Way	45
35	Skyway	Neal Road	Pearson Road	35
36	Skyway	Pearson Road	Elliott Road	30
37	Skyway	Elliott Road	Bille Road	30
38	Skyway	Bille Road	Wagstaff Road	35
39	Skyway	Wagstaff Road	Rocky Lane	35
40	Skyway	Rocky Lane	Clark Road	35
41	Skyway	Clark Road	Town Limits	35
42	Stearns Road	De Mille Road	County Club Drive	30
43	Valley View Drive	Oliver Road	End	30
44	Wagstaff Road	Oliver Road	Skyway	30
45	Wagstaff Road	Skyway	Clark Road	30
46	Wagstaff Road	Clark Road	Pentz Road	30
47	Skyway	Princeton Way	Neal Road	45

**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 13<sup>th</sup> day of January, 2015, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

\_\_\_\_\_  
Greg Bolin, Mayor

**ATTEST:**

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

**APPROVED AS TO FORM:**

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



**TOWN OF PARADISE  
COUNCIL AGENDA SUMMARY  
DATE: January 13, 2015**

**AGENDA ITEM: 3(h)**

**ORIGINATED BY:** Gabriela Tazzari-Dineen, Chief of Police

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

**SUBJECT:** Adopt Resolution 15-\_\_\_\_ Authorizing the Town Manager to enter into a Memorandum of Understanding between the City of Chico, City of Oroville, City of Gridley and the Town of Paradise for AB-109 funds.

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

(1) Adopt Resolution 15- \_\_\_\_ Authorizing the Town Manager to enter into a Memorandum of Understanding between the City of Chico, City of Oroville, City of Gridley and Town of Paradise for AB-109 funds

**BACKGROUND:** In 2011, Governor Brown signed Assembly Bill (AB) 109 to reduce overcrowding and reduce costs in California's State prisons. In November 2012, California voters approved Proposition 30 which protected ongoing funding to counties for Realignment. Each county was directed to create a Community Corrections Partnership (CCP) to develop and recommend implementation of the realignment. Initial distributions of funds were disbursed to the County Sheriff's Department and Butte County Probation Department.

On January 17, 2012 the Board of State and Community Corrections (BSCC) provided funding to front line law enforcement intended to assist local police agencies in offsetting the impact of AB109. The initial funding for police departments was \$24 million dollars. The funds were allocated to the county police chief level with one of the cities tasked to serve as the fiscal agent. The local police chiefs were designated as the governing body of this grant and therefore distribution of the funds and all decisions regarding the intent for the use of the funds are approved by this committee. This funding is guaranteed for three fiscal years.

The FY 2012/2013 AB-109 Grant Funds for Butte County was \$210,127, of which Paradise Police Department received \$52,930 for equipment, overtime and for a police officer's salary.

The FY 2013/2014 AB-109 Grant Funds for Butte County was \$240,771, of which Paradise Police Department received \$59,000 for overtime and for a police officer's salary.

The County received the last disbursement for FY 2014/15 in the amount of \$350,212, of which Paradise Police Department will receive \$85,250 for mutual aid responses, training and a police officer's salary

**DISCUSSION:** Since 2012, the chiefs from all four Butte County police departments have been meeting regarding the AB-109 grant funds for the County. The Committee researched and reviewed the guidelines and restrictions associated with the funds, which states the funds should be used:

- Regionally
- In collaboration with other police departments to address crime impacts in their communities
- In partnership or collaboration with county probation
- Employing best and promising practices
- Focusing on serious, violent crimes and habitually non-compliant offenders
- Supported by crime and data analysis for greatest impact and to provide evaluative information to support demonstration of outcomes

Additionally, the Committee was tasked to select one city as the fiscal agent for the funds. The City of Chico was designated as the fiscal agent.

The committee met, discussed, and voted on how best to distribute the AB-109 funds. “Exhibit A”, an MOU regarding the FY 14/15 AB 109 Grant describes the breakdown of the disbursements per agency.

The Paradise Police Department will receive funds for the following purpose:

**\$2,500 Crisis Intervention Training (CIT):**

Crisis Intervention Training has been offered by Butte County College for the last few years. All Butte County Law Enforcement agencies have attempted to send as many officers and dispatchers to the course as possible; however, many, including the Paradise Police Department, have experienced staffing and budget cuts that affected the participation in this very valuable training. The Chief’s Committee met and agreed that this training is very beneficial to officers, CSOs, and dispatchers in dealing with persons that are experiencing a behavioral health issue/crisis and therefore committed funds per agency for this specific training.

This expenditure of AB-109 funds is directly in line with the grant’s guidelines of working in partnership or collaboration with other police departments to address crime and focus on serious and violent offenders.

**\$5,000 Mutual Aid Response (overtime or regular time):**

The Paradise Police Department participates in many mutual aid responses within the County. These responses vary but may include assisting with a request for extra patrol during a special event that may include the potential for criminal activity, warrant, and gang operations, assisting in a critical incident such as an officer involved shooting response or other like incidents. Participation in these events/incidents is sometimes limited by staffing or budget. The Chief’s Committee met and discussed the immense value of having all of Butte County agencies participate more fully and therefore it was decided that each agency receive \$5,000 for regular time or overtime costs in exchange for more participation.



This expenditure of AB-109 funds is in line with the set guidelines of working in partnership or collaboration with other police departments to address crime and focus on serious and violent offenders.

**\$77,750 for a police officer position:**

During the last few years the police department endured large budget cuts that resulted in a reduction of 6 police officer positions. Although the workforce has decreased, crime and calls for service has remained steady; causing the department to become re-active rather than pro-active in its law enforcement approach. The budget restrictions are still in place and the current FY14/15 budget does not include unfreezing any police officers position.

The first disbursement of AB-109 funds were approved at the August 13, 2013 Council meeting; of which \$40,250 was set aside for a future hire of a new police officer. At the November 12, 2013 Council approved the second disbursement; of which \$ 54,000 was set aside for a future hire of a new police officer. A police officer position costs the Town approximately \$79,000, which includes salary and benefits. Both disbursement funds were placed in a dedicated AB-109 fund with the specific intent of hiring a police officer.

On November 20 2014, the Chief's Committee met and agreed through an MOU to dedicate \$77,750 of the third disbursement to each agency for a police officer's salary and/or to mitigate impacts of AB109.

If accepted by Council, this third disbursement of funds dedicated to hire a new police officer will total \$172,000. This combined amount exceeds the salary of an officer for two years, to include the hiring costs of background and equipment (\$158,000 salary and approximately 4,000 background and equipment for a total of 162,000 for the two year).

If a police officer was hired using the AB-109 funds on or about April 1, 2015, the funds would pay that officer's salary and benefits for at least 2 years or through at least the closing of fiscal year 17/18.

It is unknown at this time if the State will extend the AB-109 funding after the three years of guaranteed disbursements. If the State continues to provide this funding, the AB-109 funds will pay for approximately 50% for the officer's salary after June 2017. If the State chooses to discontinue the funding, and if the Town's financial situation allows, the position can then be paid for through the general fund. If neither AB-109 funds nor the general fund can sustain the position, the officer may be able to fill a vacancy created by a retirement (at least 2 current employees are eligible for retirement at any time; one of which is expected to retire June 2016, and the other potential retirement December 2017).

This expenditure of AB-109 funds is directly in line with the grant's guidelines of addressing crime impacts by increasing the number of police officers on the street; thus having the ability for more pro-active police work.

**FINANCIAL IMPACT:** This represents a supplemental budget appropriation of \$85,250 for Fiscal Year 14/15.

TOWN OF PARADISE  
RESOLUTION NO. 15-\_\_

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXECUTE A  
MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF CHICO,  
CITY OF OROVILLE, CITY OF GRIDLEY AND THE TOWN OF PARADISE  
FOR AB-109 FUNDS

WHEREAS, the State of California has allocated grant funds intended to assist local police agencies in offsetting the impacts of Assembly Bill (AB)109 (Public Safety Realignment) and has allocated those funds for each county and dispersed them to the City of Chico as the selected fiscal agent for the funds; and

WHEREAS, the grant designates Police Chiefs as the committee with sole authority to allocate funds; and

WHEREAS, the Police Chiefs within Butte County have met and agreed on an appropriate distribution and use of those funds between and by their jurisdictions; and

WHEREAS, the Town of Paradise will receive up to \$85,250 for specific police department operations and equipment.

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

Section 1. The Town hereby authorizes the Town Manager to execute the Memorandum of Understanding between the City of Chico, the City of Oroville, the City of Gridley and the Town of Paradise relating to AB 109 Funds as set forth in the attached Exhibit A.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 13th of January, 2015, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Greg Bolin, Mayor

ATTEST:    DATE: \_\_\_\_\_

APPROVED AS TO FORM:

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

\_\_\_\_\_  
Dwight Moore, Town Attorney

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE CITY OF CHICO, CALIFORNIA, CITY OF OROVILLE, CITY OF  
GRIDLEY, AND TOWN OF PARADISE, CALIFORNIA**

**FISCAL YEAR 2014/15 AB109 GRANT**

**WHEREAS**, the State of California has allocated grant funds intended to assist local police agencies in offsetting the impacts of AB 109 and has allocated those funds by County and dispersed them to certain police departments who are intended to be the fiscal agent for such funds; and

**WHEREAS**, the City of Chico has received the amount of \$350,212 from the State of California, as the fiscal agent for the funds to be used by the City of Chico, City of Oroville, City of Gridley, and Town of Paradise; and

**WHEREAS**, the Police Chiefs for those cities have met and agreed on an appropriate distribution and use of those funds between and by those jurisdictions:

**NOW THEREFORE**, the City of Chico, City of Oroville, City of Gridley and Town of Paradise agree as follows:

The City of Chico shall disburse the funds as follows to be used for the purposes set forth below:

City of Chico:

Crisis Intervention Training (CIT):	\$ 7,500
Mutual Aid	\$ 5,000
Mitigate Impacts of AB109	\$77,750
Administrative Costs (for serving as fiscal agent)	\$ 4,212

Total: \$94,462

City of Oroville:

Crisis Intervention Training (CIT):	\$ 2,500
Mutual Aid	\$ 5,000
Mitigate Impacts of AB109	\$77,750

Total: \$85,250

City of Gridley:

Crisis Intervention Training (CIT):	\$ 2,500
Mutual Aid	\$ 5,000
Mitigate Impacts of AB109	\$77,750

Total:	\$85,250
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Town of Paradise:

Crisis Intervention Training (CIT):	\$ 2,500
Mutual Aid	\$ 5,000
Operations (Police Officer Salary)	\$77,750

Total:	\$85,250
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Each of these Parties hereto assumes all responsibility for using the funds distributed to it in compliance with all regulations and conditions which may apply to the use of the grant funds. The funds shall be used for enforcement activities that are related to the impacts of AB 109 or which focus on serious, violent crimes and habitually non-compliant offenders. The funds may be used in collaboration with other police departments or in collaboration with county probation. Each of the Parties hereto shall keep accurate records of how the funds are spent and shall retain those records for a minimum of five years.

This Agreement may be executed in counterparts, and all so executed shall be binding upon all Parties hereto, notwithstanding that the signatures of the Parties designated representatives do not appear on the same page.

CITY OF CHICO

CITY OF OROVILLE

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By: Mark Orme  
City Manager

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By: Randy Murphy  
City Manager

Approved as to form:

Approved as to form:

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Vince Ewing, City Attorney

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Scott E. Huber, City Attorney

CITY OF GRIDLEY

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By: Dean Price  
City Administrator

Approved as to form:

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Brant Bordsen, City Attorney

TOWN OF PARADISE

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By: Lauren Gill  
Town Manager

Approved as to form:

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Dwight Moore, City Attorney



**TOWN OF PARADISE  
Council Agenda Summary  
Date: January 13, 2015**

**AGENDA NO. 5(a)**

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

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

**SUBJECT:** Public Hearing: Consideration of a Planning Commission Resolution Recommending Town Council Amendment of the Text Regulations of the Paradise Municipal Code Related to Residential Density Bonuses

**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 October 21, 2014, and embodied within Planning Commission Resolution No. 14-5; **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 Chapter 17.44 of the Paradise Municipal Code Regarding Residential Density Bonuses"; **OR**
4. Adopt an alternative directive to town staff.

**BACKGROUND:**

In 2004, SB 1818 amended section 65915 of the California Government Code pertaining to the residential density bonus law. The law essentially lowered the required total affordable housing units in a construction project required to receive a density bonus. The law made the following changes:

<b>Projects Eligible for a Density Bonus</b>		
<b>Income Level</b>	<b>2004</b>	<b>As Amended by SB 1818</b>
Lower	20% tdu	10% tdu
Very Low	10% tdu	5% tdu
Senior Housing Development	50% tdu	All senior citizen housing developments (as defined by sections 51.3 & 51.12 of the Civil Code) or an age-restricted mobile home park (defined in Civil Code sections 798.76 & 799.5)
Moderate Condos or Planned Development (for-sale common interest development)	20% tdu	10% tdu

Note: tdu = total dwelling units

Upon reviewing the existing Paradise Municipal Code (PMC) zoning regulations within Chapter 17.44, the Town's Housing Element consultant, Pacific Municipal Consultants, identified text within the Town's adopted zoning regulations that was not consistent with state law, particularly those that require a density bonus to be provided to developments with 5 percent of housing units for very low-income units and to developments with 10 percent of housing units for low-income units. In addition, the current PMC requirements to enter into a development agreement and demonstrate alternative site design go beyond the requirements of state law to receive a density bonus. As such, an implementation measure was developed as part of the recently adopted Housing Element for the removal of requirements or restrictions that are more stringent than established by state law.

Section 17.44.020 *Applicability* of the PMC still references the old density bonus eligibility standards in place prior to 2004. As a state mandate, the Town must adopt an ordinance to implement the amendments enacted by SB 1818. Housing Implementation Measure #4 contained within the recently adopted Housing Element identifies the revision of the existing density bonus ordinance to be consistent with Government Code Sections 65915 and 65917 as necessary. If adopted, the proposed zoning code amendments attached to this agenda summary would implement State law in our local codes.

During its meeting on October 21, 2014, the Planning Commission conducted a public hearing regarding these proposed text amendments. At the conclusion of the hearing, the Planning Commission adopted Planning Commission Resolution No. 14-5 and its Exhibit A, recommending Town Council adoption of the proposed amendments to PMC Chapter 17.44. A copy of the Planning Commission's adopted resolution document is attached for your review.

**DISCUSSION:**

Paradise Municipal Code section 17.45.500 (*Procedures for zoning district(s) or zoning text amendments*) provides for the Planning Director to initiate the process of zoning code text amendments whenever the public necessity, convenience or general welfare are sufficiently compelling as to warrant Planning Commission and Town Council consideration of such amendments. The attached ordinance document, drafted in consultation with the Town Attorney, endorses Town Council adoption of Town zoning code amendments that are necessary to conform to State Law regarding density bonuses.

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

Attached with this Council agenda summary for your consideration and recommended introduction is an ordinance document prepared by town staff that reflects the contents of the recommended PMC text amendments contained within Planning Commission Resolution No. 14-5. Recommended text amendments in the ordinance are shown in “shaded” (additions) and “~~strike-out~~” (deletions) print.

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

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



### **LIST OF ATTACHMENTS**

1. Notice of Public Hearing to be held on January 13, 2015 before the Paradise Town Council, published in the Paradise Post
2. Notice of Exemption signed by the Town Planning Director
3. Excerpt of draft minutes from the October 21, 2014 Planning Commission meeting
4. Planning Commission Resolution No. 14-5, "A Resolution of the Paradise Planning Commission Recommending Town Council adoption of Text Amendments to Chapter 17.44 of the Paradise Municipal code Relative to Residential Density Bonuses"
5. Ordinance No. \_\_\_\_, "An Ordinance Amending Chapter 17.44 within the Paradise Municipal Code Regarding Residential Density Bonuses"

**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, January 13, 2015** at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following matter:

- a. Item determined to be exempt from environmental review

**PARADISE MUNICIPAL CODE:** Town Council consideration to introduce an ordinance that, if adopted, would result in proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council as recommended by the Planning Commission, the amendments would modify PMC Chapter 17.44 to make it compliant with the density bonus requirements set forth in California State Government Code Section 65915 in order to be consistent with the recently adopted Housing Element of the Paradise General Plan.

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

Joanna Gutierrez, Town Clerk

## 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-Residential Density  
Bonus Regulations

**Project Applicant:** Town of Paradise

**Project Location:** N/A

**Project Description:** Proposed text amendments to current zoning regulations  
affecting residential density bonuses.


**Approving Public Agency:** Town of Paradise

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

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

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

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

**Signature:**   
\_\_\_\_\_  
Planning Director

**Date:** October 21, 2014

## EXCERPT OF THE DRAFT PLANNING COMMISSION MINUTES FROM OCTOBER 21, 2014

### 5. PUBLIC HEARING

- 5a. Assistant Planner Hartman reported to the Planning Commission regarding their consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would modify PMC Chapter 17.44 to make it compliant with the density bonus requirements set forth in Government Code Section 65915 in order to be consistent with the recently adopted Housing Element of the Paradise General Plan. The project is exempt from the requirements of the California Environmental Quality Act (CEQA).

Ms. Hartman informed the Commissioners that there have been no projects since 2004 that would have been eligible to apply for a density bonus. Implementation would more likely occur if the Town had a sewer. The density threshold was lowered to encourage affordable housing, and the Town must comply with the statutory intent.

Commissioner Neumann expressed concern that this will make it more difficult for developers to obtain grant funding for affordable housing projects.

Assistant Planner Hartman informed the Commission that the amendment is to make the zoning regulations compliant with existing State Law and will actually lower the bar for developers seeking a density bonus..

Chair Zuccolillo opened the public hearing at 6:25 p.m. There were no speakers for or against the matter and Chair Zuccolillo closed the hearing at 6:25 p.m.

**MOTION by Nichols, seconded by Clarkson,** adopted Town of Paradise Planning Commission Resolution No. 14-05, A Resolution of the Paradise Planning Commission Recommending Town Council adoption of Text Amendments to Chapter 17.44 of the Paradise Municipal code Relative to Residential Density bonuses. Roll call vote of Commissioners present was unanimous; Wentland absent.

**TOWN OF PARADISE PLANNING COMMISSION  
RESOLUTION 14-05**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING  
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO CHAPTER 17.44 OF THE  
PARADISE MUNICIPAL CODE RELATIVE TO RESIDENTIAL DENSITY BONUSES**

**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**, Government Code section 65915 has modified the requirements relating to the State's density bonus law; and

**WHEREAS**, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt amendments to the Paradise Municipal Code (PMC) to administer residential density bonuses consistent with the requirements of Government Code section 65915; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on October 21, 2014 to study and consider recommending Town Council adoption of text amendments to PMC Chapter 17.44 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 17.44 are warranted at this time in order to administer residential density bonuses consistent with the requirements of Government Code section 65915.

**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 17.44 as set forth in

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

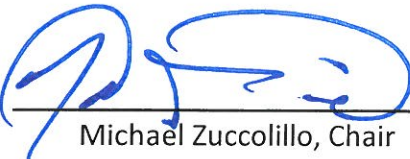
**PASSED AND ADOPTED** by the Planning Commission of the Town of Paradise this 21st day of October, 2014 by the Following Vote:

**AYES:** Jim Clarkson, Stephanie Neumann, Martin Nichols and  
Mike Zuccolillo, Chair.

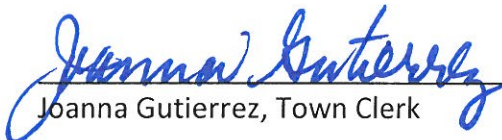
**NOES:** None

**ABSENT:** Daniel Wentland

**ABSTAIN:** None

  
\_\_\_\_\_  
Michael Zuccolillo, Chair

**ATTEST:** *October 22, 2014*

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

## EXHIBIT "A"

**SECTION 1.** Section 17.44.020 of the Paradise Municipal Code shall be amended as follows:

When a developer proposes to enter into an agreement to construct affordable units pursuant to Government Code section 65915 to provide at least twenty (20) percent of the total units of a housing development for lower income households, as defined in the California Health and Safety Code Section 50105, the developer shall be eligible for a housing density bonus or incentives if the housing development consists of five (5) or more units and complies with any one of the criteria set forth in subsection 65915 (b)(1) of the Government Code.

**SECTION 2.** Section 17.44.030 of the Paradise Municipal Code shall be amended as follows:

Any person requesting a housing density bonus or incentives shall apply for an development agreement with the town. ~~To fully qualify for the density bonus program, the developer must demonstrate a commitment to alternative site design such as, clustering the units on a portion of the site, and providing an open space buffer from surrounding developments.~~ A housing density bonus or incentives shall be granted by approval of the development agreement which shall specify the density bonus and/or incentives, and any conditions attached to the approval of such bonus and/or incentive; provided, in no event shall the agreement be for less than thirty (30) years concerning any affordability requirements.

**SECTION 3.** Section 17.44.040 of the Paradise Municipal Code shall be amended as follows:

Prior to town action on an development agreement providing housing density bonus or incentives, the planning commission shall consider the proposed development agreement and make a recommendation to the town council. Thereafter, the town council shall consider whether to approve the proposed agreement.

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

**AN ORDINANCE AMENDING TEXT REGULATIONS WITHIN  
PARADISE MUNICIPAL CODE CHAPTER 17.44 REGARDING RESIDENTIAL DENSITY BONUSES**

**SECTION 1.** Section 17.44.020 of the Paradise Municipal Code shall be amended as follows:

When a developer proposes to enter into an agreement to construct affordable units pursuant to Government Code Section 65915 ~~to provide at least twenty (20) percent of the total units of a housing development for lower income households, as defined in the California Health and Safety Code Section 50105,~~ the developer shall be eligible for a housing density bonus or incentives if the housing development consists of five (5) or more units.

**SECTION 2.** Section 17.44.030 of the Paradise Municipal Code shall be amended as follows:

Any person requesting a housing density bonus or incentives shall apply for an development agreement with the town. ~~To fully qualify for the density bonus program, the developer must demonstrate a commitment to alternative site design such as, clustering the units on a portion of the site, and providing an open space buffer from surrounding developments.~~ A housing density bonus or incentives shall be granted by approval of the development agreement which shall specify the density bonus and/or incentives, and any conditions attached to the approval of such bonus and/or incentive.

**SECTION 3.** Section 17.44.040 of the Paradise Municipal Code shall be amended as follows:

Prior to town action on an development agreement providing housing density bonus or incentives, the planning commission shall consider the development agreement and make a recommendation to the town council.

**SECTION 4. CEQA COMPLIANCE.** The Town Council finds and determines that the enactment of this Ordinance is not a "project" as that term is used in the California Environmental Quality Act ("CEQA;" Cal. Pub. Resources Code Section 21000 et seq.) or the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.). Therefore, no environmental assessment is required or necessary.

**SECTION 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.



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

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte,  
State of California, on this \_\_\_\_th day of \_\_\_\_\_, 2015 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Greg Bolin, Mayor

**ATTEST:**

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Joanna Gutierrez, CMC, Town Clerk

**APPROVED AS TO FORM:**

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Dwight L. Moore, Town Attorney



**Town of Paradise  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda Item: 5(b)**

**Originated by:** Colette Curtis, Administrative Analyst

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

**Subject: Public Hearing for the Community Development Block Grant Program (CDBG) 2015-2020 Consolidated Plan and 2015-2016 Action Plan**

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**Council Action Requested:**

1. Conduct a public hearing to solicit comments and/or suggestions regarding the 2015-2020 Consolidated Plan and the 2015-2016 Annual Plan.
2. Approve the formation of a public services sub-committee to consider input and requests for public services funding ; and
3. Appoint two Council members to the public services sub-committee to determine whether or not to recommend changes to the levels of funding for the 2015-2016 program year.

**Background:**

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

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

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

### **Consolidated Plan Overview:**

The Town is required to develop a new Consolidated Plan every five years in order to continue receiving grant funding from HUD. The document is a unified vision for community development and includes a strategic plan for addressing the housing, community development, and economic development needs of the Town for the next five years. The Consolidated Plan includes the following elements: housing and community development needs assessment, housing market analysis, a comprehensive analysis of impediments to fair housing choice, a 5-year strategic plan that establishes goals and measurable objectives and housing and community development priorities. The Plan also includes the 2015-2016 Annual Plan which outlines the goals for the coming year that address priority needs and objectives stated in the Strategic Plan.

### **Annual Plan Overview:**

The Town has not received its funding allocation for the program year, but is estimating that HUD will allocate approximately \$173,000, to the Town of Paradise for programs and projects that directly benefit the town's low and moderate-income residents. A sampling of eligible program activities includes:

- Assistance to community-based organizations
- Economic development and business assistance
- Homeless assistance
- Land acquisition
- Mortgage subsidies for first time homebuyers
- Program administration and planning
- Public facilities and improvements
- Residential housing rehabilitation

### **Annual Action Plan and Public Meetings:**

Over the next several weeks, staff will prepare a Draft Consolidated Plan and Draft Annual Action Plan. The Plans will be available for public viewing and comment prior to its adoption by Council and prior to submission to the U.S. Department of Housing and Urban Development. The dates of the comment period and public hearings are as follows:

- **Public Hearing No. 2:** Tuesday, March 10, 2015 at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers at 5555 Skyway, Paradise, California. This public hearing is to solicit suggestions and/or comments from the public regarding the 2015-2020 Consolidated Plan and the 2015-2016 CDBG funding priorities and outlines general information about the CDBG program. The public is encouraged to submit written comments on any aspect of the CDBG funding to Lauren Gill, 5555 Skyway, and Paradise, CA 95969.
- **The Draft Annual Plan** will be available to the public on March 10, 2015. The plan will be available on the Town's website ([www.townofparadise.com](http://www.townofparadise.com)); at the

Butte County Public Library on Clark Road in Paradise, at the Paradise Senior Center; at the Family Resource Center and at the Paradise Chamber of Commerce. The public comment period is from March 10th through April 10th, 2015. Written comments should be addressed to Lauren Gill, 5555 Skyway, Paradise, CA 95969.

- **Town Council on the final Annual Plan:** Tuesday, April 14, 2014, at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers at 5555 Skyway, Paradise, California. The Council will consider adopting the final 2015-2016 Annual Plan and 2015-2010 Consolidated Plan and receive additional public comment at this time.

### **Public Services Funding Process:**

As part of the Community Development Block Grant (CDBG) Annual Plan process, the Town Council may elect, but is not required, to allocate up to 15% of its Program Year funding for public services agencies. The agencies must be legal, non-profit organizations that provide services to low- and moderate-income residents.

Last year, the Town Council directed staff to establish a sub-committee consisting of two council representatives and two staff members to hold preliminary interviews with interested subrecipients. The purpose of the subcommittee was to meet with the subrecipients and make a formal recommendation to the Council for final approval.

With the reduction CDBG funding, the subcommittee will be asked to consider whether to recommend a change in funding levels to the agencies for this program year. Local public agencies that are considering applying for these funds should be aware that their funding may be reduced and/or eliminated this program year. If the Council wishes to pursue public service agency input at this time, the following schedule will be required in order to meet the HUD Annual Plan submission deadline.

<b>Date</b>	<b>Action</b>
Jan. 13	Town Council Meeting – 1 <sup>st</sup> Public Hearing.
Jan. 12	Subrecipient Funding Applications available.
Feb. 12	Subrecipient applications due to the Town.
TBD – Mar	Meetings with Subrecipients and interviews scheduled.
Mar. 10	Town Council Meeting – 2 <sup>nd</sup> Public Hearing & review of DRAFT of Annual Plan and Consolidated Plan.
Mar. 10	30-day public comment period begins (Annual Plan draft and Consolidated Plan draft are posted on Town's website, and available at Town Hall, Senior Center, Paradise Library, Chamber and Family Resource Center.
Apr. 10	30-day public comment period complete.
Apr. 14	Town Council Meeting – Town Council considers approval of Consolidated Plan and Action Plan.
May 15	Deadline to submit 20-15-2020 Consolidated Plan and 2015-2016 Annual Plan with Subrecipient funding requests.

## **Discussion:**

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

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

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

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

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

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

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

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

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

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

**Fiscal Impact Analysis:**

The impact of this agenda item and subsequent actions related to the CDBG Program is positive. It will result in the award of approximately \$173,000 in federal funds as we estimate the Town may receive approximately the same amount of funding as last year.



**Town of Paradise  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda Item: 7(a)**

**Originated by:** Joanna Gutierrez, Town Clerk

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

**Subject:** Formation of a Citizen Oversight Committee as required by Paradise Municipal Code Section 3.22.075 relating to voter-approved 0.50 percent sales tax measure

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**Council Action Requested:**

1. From the alternatives discussed below, consider and select the process for appointing a nine-member Citizen Oversight Committee, which is required by Measure C. The committee will assist with recommendations and oversight of the recent voter-approved 0.50 percent sales tax increase, and
2. Adopt Resolution No. 15-\_\_\_, A Resolution of the Town Council Approving By-laws for the Governance of the Measure C Citizen Oversight Committee.

**Background:**

At the December 9, 2014 meeting, the Town Council authorized staff to advertise for applicants willing to serve on a nine-member Citizen Oversight Committee and to schedule committee appointments for the February 10, 2015 Council meeting.

The Town Council also directed staff to bring back recommendations regarding the formation of the committee with an option to designate two Council Members to pre-screen applications and to meet with applicants. The council sub-committee would then make a recommendation to the full Town Council for final approval on February 10, 2015.

**Alternatives Discussion:** Upon reviewing past practices and considering Council preference, the following options are available for Council to consider:

1. The first option allows Council to designate two Council members to screen and interview applicants and bring back a recommendation to the full Council for appointment of nine-members on February 10, 2015. This option allows the sub-committee to meet individually with applicants and make a recommendation to the full Council. The full Council would have final approval/veto for all recommended applications. The benefit of this option is that a two-member subcommittee is less cumbersome when it comes to scheduling appointments. It is also less intimidating for some applicants who may prefer a more personal approach to the selection process. The downside

is that the full Council is not involved in the initial pre-screening. However, it is important to note that all Council members will receive all of the applications at the same time as the sub-committee and; therefore, be apprised of all information given to the sub-committee.

2. The second option is provided if the Town Council would like to screen and interview the applicants as a full Council. If so, the recommended alternative would be to direct staff to set a date and time for a special meeting on or prior to February 3, 2015 for that purpose. The Town Council would then make the appointments at the February 10, 2015 Council meeting. This option requires all applicants to be screened and selected in public. This could be a lengthy and cumbersome process and could also be potentially awkward for some applicants.
3. The third option is a hybrid of the previous two options and provides that the Council direct applicants be pre-screened by the sub-committee before the February 10, 2015 Council meeting based on Council designated criteria (e.g. pre-determined number of applicants for the Council as a whole to select from.) The sub-committee would also provide a list of nine recommended or preferred applications for the Town Council to consider. The benefit of this option is that it allows the council to use a sub-committee to pre-screen applicants, but also gives Council an opportunity to ask questions of the final applicants before making the final selection at the regular meeting of February 10<sup>th</sup>.

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

**Fiscal Impact:** The fiscal impact will be minimal and will consist of staffing and related costs (e.g. advertising, noticing, agenda preparation, etc.) It is anticipated that the citizens' oversight committee will initially meet relatively frequently but should require less meetings over time as the committee gets familiar with the budget and with the process. The ordinance calls for the committee to meet at least quarterly (four times per year) to perform its Measure C budget oversight function.



**TOWN OF PARADISE  
RESOLUTION NO. 15-\_\_**

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

WHEREAS, the Town Council of the Town of Paradise desires to set forth certain procedures relating to the conduct of the Town Council appointed Measure C Citizen Oversight Committee required by voter approval of Measure C on November 4, 2014 that adopted Town of Paradise Ordinance No. 545.

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

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

Section 2. That the Measure C Citizen Oversight Committee shall be established for the same six-year term as provided for the 0.50 percent transaction and use tax established by Ordinance No. 545.

Section 3. That the Measure C Citizen Oversight Committee by-laws are attached to this resolution as Exhibit A; and,

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

PASSED AND ADOPTED by the Town of Paradise Town Council on this 13th day of January, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By: \_\_\_\_\_  
Greg Bolin, Mayor

ATTEST:

APPROVED AS TO FORM:

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

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

## **BYLAWS OF THE MEASURE C CITIZEN OVERSIGHT COMMITTEE**

### **Section 1.   Name of Committee.**

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

### **Section 2.   Place of Meeting.**

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

### **Section 3.   Purpose & Powers.**

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

### **Section 4.   Members and Officers.**

The Measure C Citizen Oversight Committee shall be a nine-member committee appointed by the Town Council. Members shall be residents and registered voters of Paradise.

### **Section 5.   Chairperson.**

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

### **Section 6.   Vice-Chairperson.**

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

### **Section 7.   Secretary.**

The Measure C Citizen Oversight Committee shall designate a member to serve as the Secretary to the committee. The Secretary shall keep the records, shall act as

secretary at meetings of the committee, shall record all votes, and shall keep a record of the proceedings of the Measure C Citizen Oversight Committee in a journal of proceedings to be kept for such purpose and shall perform all duties incident to the office. The Secretary shall maintain a record of all official proceedings of the Measure C Citizen Oversight Committee and its programs.

Section 8. Vacancies.

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

Section 9. Compensation.

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

Section 10. Rosenberg's Rules.

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

Section 11. Amendments.

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



**TOWN OF PARADISE  
MEASURE C - CITIZEN OVERSIGHT COMMITTEE APPLICATION**

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**Application Deadline: 5:00 p.m. on January 22, 2015**

The Town Council is seeking applicants to serve on a nine-member Measure "C" Citizen Oversight Committee. This committee will meet at least quarterly with the Town Manager and the Town Finance Director to review the proposed annual budget and to make recommendations relating to the proceeds of the "Measure C" funds, the temporary ½ percent sales tax that will automatically expire in six years. Applicants shall be full-time residents and registered voters in the Town of Paradise. Successful applicants will be required to file a California Form 700 Statement of Economic Interest financial disclosure, a public document that informs the public of financial interests within the Town of Paradise jurisdiction.

Return to Joanna Gutierrez, Town Clerk, 5555 Skyway. For information call 530-872-6291 or email [jgutierrez@townofparadise.com](mailto:jgutierrez@townofparadise.com). Business hours: 8am - 5pm, Monday through Thursday.

<b>Name:</b>			
<b>Address:</b>			
<b>Cell Phone:</b>		<b>Home/Work Phone:</b>	
<b>Email Address:</b>			

The Town Council desires to appoint a committee that represents a cross-section of our community. Please provide a brief biographical sketch that includes experience and education. Also, please state why you want to serve on the committee and what you believe qualifies you to be a member of this oversight committee.

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_



**TOWN OF PARADISE**  
**Council Agenda Summary**  
**Date: January 13, 2015**

**Agenda No. 7(b)**

**ORIGINATED BY:** Marc Mattox, Town Engineer

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

**SUBJECT:** Paradise Signal Upgrades Project Contract Awards

**COUNCIL ACTION REQUESTED:**

1. Award Contract 14-03, Paradise Signal Upgrades Project, to Pelagic Engineering of Oxnard, CA in the amount of their bid of \$277,685.00 for the base bid and additive alternate bid; or,
2. Award Contract 14-03, Paradise Signal Upgrades Project, to Pacific Excavation of Elk Grove, CA in the amount of their bid of \$254,619.00 for the base bid only.

**Background:**

On April 29, 2013, Caltrans announced Cycle 5 Call-for-Projects for the Highway Safety Improvement Program (HSIP). The purpose of this program is to achieve a significant reduction in traffic fatalities and serious injuries on all public roads. The HSIP requires a data-driven, strategic approach to improving highway safety on all public roads that focuses on performance.

On November 14, 2013, Caltrans approved the Paradise Signal Upgrades Project for Federal funding. This project was selected based upon the calculated high Benefit-Cost Ratio using actual collision data between 2006 and 2011 and implementation of safety countermeasures. The project includes the addition of battery backup systems, emergency vehicle pre-emption systems, and pedestrian countdown signal heads to all Town-owned traffic signals.

On May 13, 2013, Town Council approved Program Supplement Agreement No. 015-N for Project HSIPL-5425 (026) to assure receipt of \$282,000 in Federal funds for the project.

On September 9, 2014 Town Council adopted a resolution approving the project Plans, Specifications and Estimates for the Paradise Signal Upgrades Project and authorized solicitation of bids.

On November 12, 2014 Town Council rejected all bids and directed staff to re-advertise the subject project due to issues with the lowest bid. This second bid cycle allowed staff to scope the project down slightly and incorporates an "add-alternate" bid portion to ensure the project could be awarded within budget. This additive-alternate has been identified as replacement of pedestrian pushbuttons at various signalized intersections.

**Analysis:**

The Paradise Signal Upgrades Project was again formally advertised for bids on November 19, 2014. The project advertisement was published in the Paradise Post on November 22 and December 3, 2014, in compliance with public contract codes and Federal-aid requirements. Plans and Specifications were provided to 13 local, regional, and national construction exchanges. In addition, Plans and Specifications were purchased by 9 contractors.

On December 17, seven bids were received by the Town Clerk and publicly opened. A list of bids received are shown in the table below:

Bid No.	Bidder's Name	Base Bid Amount	Additive Alternate #1 Bid Amount	Total Base + Additive Alternate No. 1 Amount
1	Pelagic Engineering	\$260,885.00	\$16,800.00	<b>\$277,685.00</b>
2	Studebaker Brown Electric	\$255,150.00	\$31,100.16	\$286,250.16
3	Pacific Excavation	<b>\$254,619.00</b>	\$33,264.00	\$287,883.00
4	All Phase Excavating	\$263,500.00	\$50,400.00	\$313,900.00
5	St. Francis Electric	\$313,110.00	\$21,840.00	\$334,950.00
6	Tennyson Electric	\$343,568.00	\$21,000.00	\$364,568.00
7	M & M Electric	\$334,133.00	\$43,848.00	\$377,981.00

The project specifications provide the following provisions for awarding a contract:

*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.*

This specification means the Town Council may elect to award to the lowest base bid OR the lowest total base bid + additive alternate bid.

Pacific Excavation is the lowest base bidder (\$254,619.00), while Pelagic Engineering is the lowest combined base and additive alternate bidder (\$277,685.00). Both bids have been reviewed and meet all prescribed requirements.

Pacific Excavation's bid included multiple references with projects similar in scale and complexity. Pacific Excavation recently completed the signalization portion of the Town's Pearson Road reconstruction project.

Pelagic Engineering's bid provided project references for two speed feedback sign projects valued at \$14,454 and \$180,860. In addition, a third project reference provided was for battery backup systems valued at \$73,365. The most recent project reference provided was from August 2012.

### Financial Impact:

The Paradise Signal Upgrades Project is funded using a Highway Safety Improvement Program grant award and gas tax funds. A breakdown of all potential project costs for each bidder is shown below:

Option A: Award to Pelagic Engineering (Base + Additive Alternate)

Item / Phase	Federal HSIP Grant	Gas Tax	Total
Preliminary Engineering	\$13,500	\$1,500	<b>\$15,000</b>
Construction Contract ( <i>Pelagic Engineering</i> )	\$249,917	\$27,768	<b>\$277,685</b>
Construction Contingency ( <i>Pelagic Engineering</i> )	\$18,583	\$9,185	<b>\$27,768</b>
Town Project Management / Inspection	\$0	\$15,000	<b>\$15,000</b>
<b>Total</b>	<b>\$282,000</b>	<b>\$53,453</b>	<b>\$335,453</b>

Option B: Award to Pacific Excavation (Base Only – No Pushbutton Replacements)

Item / Phase	Federal HSIP Grant	Gas Tax	Total
Preliminary Engineering	\$13,500	\$1,500	<b>\$15,000</b>
Construction Contract ( <i>Pacific Excavation</i> )	\$229,157	\$25,462	<b>\$254,619</b>
Construction Contingency ( <i>Pacific Excavation</i> )	\$22,916	\$2,546	<b>\$25,462</b>
Town Project Management / Inspection	\$13,500	\$1,500	<b>\$15,000</b>
<b>Total</b>	<b>\$279,073</b>	<b>\$31,008</b>	<b>\$310,081</b>

Option A is more costly by \$25,372, of which \$22,445 would be directly attributable to local gas tax funds with budget adjustments needed.

**Alternatives:**

Delay or modify recommended action.



**TOWN OF PARADISE  
Council Agenda Summary  
Date: January 13, 2015**

**Agenda No. 7(c)**

**ORIGINATED BY:** Dwight L. Moore, Town Attorney  
Lauren M. Gill, Town Manager

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

**SUBJECT:** Paradise Municipal Code Amending Chapter 8.46 – Smoking Regulations

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**COUNCIL ACTION REQUESTED:**

1. Waive the first reading of Town Ordinance No. \_\_\_\_ and read by title only; and
2. Introduce Ordinance No. \_\_\_\_ An Ordinance of the Town of Paradise Amending Sections 8.46.020, 8.46.040 and 8.46.060 Regulating Smoking and Electronic Cigarettes

**Background:**

In the 1990's, the Town of Paradise became one of the leaders of municipalities in the regulation of smoking tobacco by adopting an ordinance restricting the use of tobacco within the Town limits. Since then, the State of California, along with many other cities, has also enacted similar laws to protect public health.

At its meeting of December 9, 2014, Councilmember Culleton placed an item on the agenda for the Town Council to consider—amending the Town's current smoking regulations, including adding e-cigarettes to the list of prohibited smoking devices. After a brief discussion, a majority of the Town Council directed staff to review and amend our current ordinance to include language that prohibits the use of e-cigarettes and other vaping devices. At the same time, Council directed staff to review and update our ordinance to be consistent with State law, which preempts our ordinance.

Also at the December 9, 2014 meeting, Council was approached by a group from the Boys and Girls Club (Cigarette Butt-Kickers,) working cooperatively with the American Lung Association and the California Health Collaborative, who want the Council to consider expanding the areas in Town where smoking is prohibited to include certain outdoor spaces due to the negative impacts of smoking.

**Discussion:**

The Town Attorney reviewed the Town's current smoking ordinance and the State's smoking regulations, including newly enacted State regulations. The Attorney also reviewed the information provided by the group from the Boys and Girls Club, American Lung Association and the California Health Collaborative.

Per Council direction, attached is an amended ordinance that prohibits the use of e-cigarettes and similar devices in the same manner as cigars, cigarettes and pipes. The amended ordinance contains one small change regarding no smoking in bars, which is consistent with State law.



Based on discussions at the previous meeting and council directive, there are two options for council to consider:

Option 1: Adopt the attached amended ordinance that is consistent with State Law and that also prohibits the use of e-cigarettes in the same manner as cigarettes.

Option 2: Includes the changes in Option 1 but also includes some of the concerns from the Boys and Girls Club, such as smoking within 20 feet of all businesses (public and private). State law only addresses public buildings.

For a point of reference, the City of Chico's smoking ordinance prohibits smoking "...within 20 feet of a doorway, operable window or other opening to any enclosed area, place of employment or outdoor café in which smoking is prohibited, except while actively passing by on the way to another destination and provided that the smoke does not enter any of those areas where smoking is prohibited." The City of Oroville's smoking ordinance does not address the issue of smoking within 20 feet of doorways.

As another point of reference, the City of Chico does not address e-cigarettes, but the City of Oroville does prohibit the use of e-cigarettes.

**Financial Impact:**

If adopted, this proposed ordinance would not directly increase the Town's costs to enforce Chapter 8.46.

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

**AN ORDINANCE OF THE TOWN OF PARADISE  
AMENDING PARADISE MUNICIPAL CODE SECTIONS 8.46.020,  
8.46.040 AND 8.46.060 REGULATING SMOKING AND ELECTRONIC CIGARETTES**

The Town of Paradise does ordain as follows:

**SECTION 1.** Section 8.46.020 of the Paradise Municipal Code is hereby amended to read:

**8.46.020 - Definitions.**

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section unless it shall be apparent from the context that they have a different meaning:

A. "Bar" means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages and which is enclosed and separated from areas dedicated primarily to dining and the service of food. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

B. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

C. "Dining area" means any enclosed area containing a counter or tables upon which meals are served.

D. "Employee" means any person who is employed by any employer in the consideration for direct or indirect monetary wages or profits, and any person who volunteers his or her time or service for a nonprofit entity.

E. "Employer" means any person, partnership, corporation, including municipal corporation, or nonprofit entity, who employs the services of one or more individual persons.

F. "Enclosed area" means all space between a floor and ceiling which is enclosed on all sides by solid walls or windows (exclusive of doors or passageways) which extend from the floor to the ceiling, including all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures.

G. "Nonprofit entity" means any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational, character-building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion

of the objects or purposes of the organization and not to private financial gain. A public agency is not a "nonprofit entity" within the meaning of this section.

H. "Place of employment" means any enclosed area under the operation or control of a public or private employer which employees normally frequent during the course of employment including, but not limited to, work areas, individual and group offices, employee lounges and restrooms, conference and classrooms, employee cafeterias and hallways. For purposes of this chapter, "place of employment" shall not include those places "where smoking is not regulated" as set forth in Section 8.46.060.

I. "Public place" means any enclosed area to which the public is invited or in which the public is permitted including, but not limited to, banks, educational facilities, health facilities, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a "public place."

J. "Restaurant" means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a "bar" as defined in Section 8.46.020(A).

K. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

L. "Service line" means any indoor line at which one or more persons are waiting for or are receiving service of any kind, whether or not such service involves the exchange of money.

M. "Smoking" means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, hookah pipe, pipe or a functioning electronic-operated device creating vapors or smoke from tobacco, nicotine, marijuana, any weed or plant or other substance in any manner or any form.

N. "Sports arena" means sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys, pool halls and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

**SECTION 2.** Section 8.46.040 of the Paradise Municipal Code is hereby amended to read:

**8.46.040 – Prohibitions of smoking in enclosed public places.**

A. Smoking shall be prohibited in all enclosed public places within the town, including but not limited to the following places, and with the following exceptions:

1. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including but not limited to attorneys' offices and other offices, banks, hotels and motels;

2. Any facility which is primarily used for exhibiting any motion picture, stage drama, lecture, musical recital or other similar performance, except when smoking is part of a stage production and in this event the only smoking permitted in such a facility will be that smoking that is part of and incident to the performance;

3. **Bars**

**3 4.** Buses, shuttle buses, taxi cabs and other means of public transit sponsored by or subject to the authority of the town, and ticket, boarding and waiting areas of public transit depots;

**4 5.** Common areas in apartment buildings, condominiums, retirement facilities, nursing homes and adult day care facilities;

**5 6.** Elevators;

**6 7.** Every room, chamber, place of meeting or public assembly, including school buildings, under the control of any board, council, commission, committee, including joint committees, or agencies of the town or any political subdivision of the state of California during such time as a public meeting is in progress, to the extent the same is subject to the jurisdiction of the town;

**7 8.** Polling places;

**8 9.** Public areas of galleries, libraries, and museums when open to the public;

**9 10.** Restaurants;

**10 11.** Restrooms;

**11 12.** Retail stores;

**12 13.** Service lines;

**13 14.** Sports arenas and convention halls;

**14 15.** Waiting rooms, hallways, wards and semi-private rooms of health facilities, including but not limited to hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility as a nonsmoking establishment or facility.

**SECTION 3.** Section 8.46.060 of the Paradise Municipal Code is hereby amended to read:

**8.46.060 - Where smoking is not regulated.**

A. Notwithstanding any other provisions of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

~~1.~~ ~~Bars;~~

~~21.~~ Private residences, unless such residence is used as a child care or health care facility;

~~32.~~ Retail stores that deal exclusively in the sale of tobacco and smoking paraphernalia;

~~43.~~ Restaurants, hotel and motel conference meeting rooms and ~~public or~~ private assembly rooms while these places are being used for private functions.

B. Notwithstanding any other provision of this section, any owner, operator, manager or other person who controls any establishment described in this section may declare that entire establishment as a nonsmoking establishment.

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

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise, County of Butte, State of California, on this \_\_\_\_ day of \_\_\_\_\_, 2015 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Greg Bolin, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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

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