



Town of Paradise Town Council Meeting Agenda 6:00 PM – March 11, 2025

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

Mayor, Steve Crowder
Vice Mayor, Steve “Woody” Culleton
Council Member, Greg Bolin
Council Member, Heidi Lange
Council Member, Ronald Lassonde

Town Manager, Jim Goodwin
Town Attorney, Scott E. Huber
Town Clerk/Elections Official, Melanie Elvis
CDD, Planning & Onsite, Susan Hartman
CDD, Building & Code Enforcement, Tony Lindsey
Finance Director/Town Treasurer, Aimee Beleu
Public Works Director/Town Engineer, Marc Mattox
Division Chief, CAL FIRE/Paradise Fire, Garrett Needles
Chief of Police, Eric Reinbold
Recovery & Economic Development Director, Colette Curtis
Human Resources & Risk Management Director, Crystal Peters
Information Systems Director, Luis Marquez

Meeting Procedures

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

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

1. OPENING

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

- 1e. Town Council recognition of Employee Service to the Town of Paradise for 2024 presented by Mayor Crowder.

5 Years:

Derek Archuleta
Justin Kanner
Amanda Oakley
Brock Stratton
Montana Wood

10 Years:

John Alvies
Matthew Gates
Michael Houdek
Andrea Lui

20 Years:

Susan Hartman
Robert Larson
Kevin Peppas

25 Years:

Robert Pickering

- 1f. Presentation by Paradise Irrigation District Manager Kevin Phillips on partnering with the Town on the Paradise Sewer Project. (**Introduction by Marc Mattox, Town Engineer**)

- 1g. p7 Camp Fire Recovery Updates - Written reports are included in the agenda packet.

Colette Curtis, Recovery and Economic Development Director - recovery projects, advocacy, economic recovery and development, communications, emergency operations and Housing updates.

Marc Mattox, Public Works Director/Town Engineer -infrastructure and sewer updates.

Tony Lindsey, CDD-Building and Code Enforcement- Code Enforcement update.

2. CONSENT CALENDAR

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

- 2a. p31 Approve minutes from the February 11, 2025 Special and Regular Town Council Meetings. (**Melanie Elvis/Town Clerk**)
- 2b. p39 Approve February 2025 Cash Disbursements in the amount of \$6,696,322.59. (**Aimee Beleu/Finance Director**)
- 2c. p47 Adopt Resolution No. 2025-___, “A Resolution of the Town Council of the Town of Paradise Amending and Re-Adopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate by Reference the Fair Political Practices Commission's Standard Model Conflict of Interest.” (**Melanie Elvis/Town Clerk**)
- 2d. p53 Adopt Resolution No. 2025-___ “A Resolution of the Town Council of the Town of Paradise Rescinding Resolution No. 14-37 and Adopting the Revised Council Member Handbook.” (**Melanie Elvis/Town Clerk**)
- 2e. p258 Acknowledge receipt of and file the Planning Commission’s annual report concerning implementation status of the 1994 Paradise General Plan and Housing Element for the 2024 calendar year. (**Susan Hartman/Community Development Director**)
- 2f. p288 1. Waive second reading of the entire Town Ordinance No. 644 and approve reading by title only (roll call vote); and, 2. Adopt Town Ordinance No. 644, " An Ordinance Amending Text Regulations Within Paradise Municipal Code Titel 5 [Business Licenses]; Title 17 [Zoning] Relative to the Central Business Zoning District; Vending Licenses; Farmers Markets; and the Walkable Downtown Core”. (**Susan Hartman/Community Development Director**)
- 2g. p294 1. Waive the second reading of Town Ordinance No. 643 and read by title only; and, 2. Adopt Town Ordinance No. 643 “An Ordinance of the Town Council of the Town of Paradise Rezoning Certain Real Property From “C-F” (Community-Facilities) to a “C-B” (Central Business) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 Et. Seq. (TOP: PL24-00128)”. (**Susan Hartman/Community Development Director**)
- 2h. p296 Concur with staff recommendation to file a CEQA Notice of Exemption for the Go Paradise: Neal Gateway Project. (**Marc Mattox/Town Engineer**)
- 2i. p302 Adopt Resolution No. 2025- __, “A Resolution of the Town Council of Town of Paradise accepting the work performed under the Off-System Roadway Rehabilitation Project - 2023, Contract 8407.1 CON performed by Hat Creek Construction & Materials, Inc.” (**Marc Mattox/Town Engineer**)

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

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

5. PUBLIC HEARINGS

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

Public Hearing Procedure:

- A. Staff Report
- B. Mayor opens the hearing for public comment in the following order:
 - i. Ask Town Clerk if there are any cards submitted
 - ii. Ask if there is anyone else wishing to comment
- C. Mayor closes the hearing
- D. Council discussion and vote

- 5a. p307 1. Conduct a public hearing to solicit comments and/or suggestions regarding the Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan; and, 2. Adopt the Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan as submitted; or, 3. Revise the Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan as submitted; and, 4. Authorize staff to submit the adopted Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan to the U.S. Department of Housing and Urban Development should no public comment be received. (ROLL CALL VOTE) (**Colette Curtis/Recovery & Economic Development Director**)

6. COUNCIL CONSIDERATION

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

- 6a. p438 1. Consider approving the Notice of Vacancy for the expiration of term for Planning Commissioner Kim Morris; and, 2. Approve the Planning Commission application and authorize staff to advertise the scheduled Planning Commission vacancy; and, 3. Designate two Town Council Members to serve on an interview panel for the Planning Commission interview process; and, 4. Schedule appointment to the vacancy at the May 13, 2025 Regular Town Council meeting with appointment to become effective June 30, 2025. (ROLL CALL VOTE) (**Melanie Elvis/Town Clerk**)
- 6b. p442 1. Consider approving the Notice of Vacancy created by a Committee Member's resignation; and, 2. Approve the Measure V application and authorize staff to advertise the Measure V Committee vacancy; and, 3. Designate two Town Council Members to serve on an interview panel for the Measure V interview process; and, 4. Schedule appointment to the vacancy at the May 13, 2025 Regular Town Council meeting with appointment to become effective immediately. (ROLL CALL VOTE) (**Melanie Elvis/Town Clerk**)
- 6c. p447 Consider adopting Resolution No. 2025-___ "A Resolution of the Town Council of the Town of Paradise Awarding Construction Contract No. 8407.3 CON, 2025 Off-System Road Rehabilitation Project, to DeSilva Gates Construction LLC in the amount of their base bid and designating authority to the Town Manager to Execute an Agreement with DeSilva Gates Construction LLC and to approve contingency expenditures not exceeding 10%". (ROLL CALL VOTE) (**Marc Mattox/Town Engineer**)

- [6d.](#) p454 Adopt Resolution No. 2025-____, “A resolution of the Town Council of the Town of Paradise approving the plans, specifications and estimate for the On-System Road Rehabilitation – 2025 Misc / HSIP Systemic Intersection Safety Improvement Project and authorizing advertisement for bids on the project”. (ROLL CALL VOTE) (**Marc Mattox/Town Engineer**)
- [6e.](#) p460 Hear an informational update on the closure of Honey Run Road and potential next steps. (**Marc Mattox/Town Engineer**)
- [6f.](#) p461 Consider approving a Memorandum of Understanding between the Butte Fire Safe Council and Town of Paradise for a Ground Cover and Native Plant Garden Pilot Project along the Yellowstone Kelly Trailway near the Paradise Community Park. (ROLL CALL VOTE) (**Marc Mattox/Town Engineer**)
- [6g.](#) p466 Consider authorizing Town Manager to enter into an agreement with Urban Design Associates (UDA) to complete Phase 3 of the Downtown Strategy. (ROLL CALL VOTE) (**Colette Curtis/Recovery & Economic Development Director**)
- [6h.](#) p472 1. Adopt Resolution No. 2025-____, “A Resolution of the Town Council of the Town of Paradise adopting a new resolution authorizing submittal of an application to the California State Department of Housing and Community Development; if approved, execution of a standard agreement, any amendments thereto, and of any related documents necessary to participate in the HOME Investment Partnership Program; and, 2. Authorize staff to create a deferred loan agreement with Kingdom Development LLC to develop the Cape Cod Apartments using \$2 million of HOME Investment Partnership Program Income funding. (ROLL CALL VOTE) (**Colette Curtis/Recovery & Economic Development Director**)
- [6i.](#) p476 1. Provide staff with direction on desired changes, if any, to the Paradise Municipal Code to present at a future council meeting; or, 2. Provide alternative direction to town staff. (**Tony Lindsey/Community Development Director & Jason Finney/Fire Chief**)
- [6j.](#) p482 Consider approving the reinstatement of the Community Service Officer/ Records Position. (ROLL CALL VOTE) (**Eric Reinbold/Police Chief**)
- [6k.](#) p484 1. After presentation, review and file the financial information provided by staff concerning the FY 2024-25 operating and capital budgets; and 2. Adopt Resolution No. 2025- ____ “A Resolution of the Town Council of the Town of Paradise Adopting Budget Amendments to the 2024/2025 Fiscal Year Budget.” (ROLL CALL VOTE) (**Aimee Belev/Finance Director**)

7. COUNCIL INITIATED ITEMS AND REPORTS

- 7a. Council initiated agenda items
- 7b. Council reports on committee representation
- 7c. Future Agenda Items

8. STAFF COMMUNICATION

8a. Town Manager Report

9. CLOSED SESSION – None

10. ADJOURNMENT

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

TOWN/ASSISTANT TOWN CLERK SIGNATURE	



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 1(g)

ORIGINATED BY: Colette Curtis, Recovery and Economic Development Director
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Monthly Recovery Update
LONG TERM RECOVERY PLAN: Yes

COUNCIL ACTION REQUESTED:

1. None

Background:

This report continues the Monthly Updates provided to keep the Town Council apprised of important developments related to the recovery of the Town of Paradise from the Camp Fire. Included in this update are items related to recovery projects, advocacy economic recovery and development, communications and emergency operations.

Analysis:

ECONOMIC DEVELOPMENT

CDBG-DR Economic Development

- The Town of Paradise submitted an application for a Workforce Training Center, located on the Paradise High School campus.
- The project is a partnership between the Town of Paradise, Butte College, PUSD, Valley Contractors Workforce Foundation, and NoRETC.
- The Standard Agreement is being routed for signature.

Healthcare

- The Town of Paradise and Adventist Health Feather River Foundation are working together to create a Strategic Healthcare Recovery Plan to assess current inventory, existing gaps, projections, and a strategic plan for filling the gaps.
- A public meeting was held on February 19th at 6pm.
- The Plan is expected to be ready by late Spring 2025.

Biz Pro Academy

- In an effort to make the path to opening a business in Paradise easier, the Town is creating a training program for local volunteers to help potential business owners through the process as mentors.
- The program is under development, with a goal of holding the first training scheduled for April 24, 2025.

- Presenters will include The Paradise Ridge Chamber of Commerce, 3CORE, SBDC and Town Staff.
- Topics will include the Town's business start up process, discussion of different types of businesses and their specific needs, resources available, and financing.

Utility Box Mural Program

- 9 Submissions were received, and are being evaluated by the selection committee at the Paradise Art Center.
- Selection decisions will be announced withing the next month, with installation slated for April 2025.

Downtown Strategy Phase 3

- Council will consider hiring UDA to complete Phase 3 of the downtown strategy to create actionable steps and options for implementation.
- This item is on tonight's agenda.

RECOVERY

Community Development Block Grant Disaster Recovery Mitigation Planning Public Services (CDBG DR MIT PPS)

- HCD has awarded a grant to update the Long Term Community Recovery Plan.
- Once the Standard Agreement is signed, the Town will issue a request for proposals to complete a comprehensive update.

Office of Land Use and Climate Innovation Grant

- Town was awarded \$739,680 through the Extreme Heat and Community Resilience Program
- Funding will be used to create a Climate Resilience Plan which will identify prospective resiliency projects such as
 - Community Evacuation/Cooling/Heating Centers
 - Shade Tree Planting
 - Fuels Reduction Projects
 - Green space projects
- The Town is partnered with RCAC to do public outreach and complete the plan by December 2025
- Identified projects may be eligible for future implementation funds through the same grant source.

Overall Hazard Mitigation Project Update

Years of efforts are complete on the pre-award work on all our projects. **All projects are fully approved and funded.**

Category 4 Tree Removal Program

- Project is fully funded and moving forward.
- Work has officially begun on completing the required property survey work in order to have properties ready for tree removal as soon as weather allows. 340 of 375 properties have been prepped for tree removal as of 2/28/25.
- Pending weather, we anticipate tree removal beginning during the 2nd half of March.

Early Warning System

- All 21 Towers are standing and operational.
- 20 of the 21 Towers are now fully complete.
- Infrastructure for the in-home units is in process and expect the first units to arrive and be distributed in the coming months.
- We are working with contractors to turn over full control of the system to the TOP dispatch center.
- The operational guidelines were presented to Town Council and approved in November 2024.

Residential Ignition Resistant Retrofit Program

- Project is fully funded and moving forward.
- All necessary Archeological and Architectural survey contracts are in place and pre-construction survey work is beginning on properties moving forward with improvements
- As of January 13, 2025, Town staff has met with 88 of the enrolled property owners to assist them in moving forward with the bid process and selecting contractors for work.

Hazardous Fuels Reduction Program

- Project is fully funded and moving forward.
- Town staff is working with involved monitoring tribes on a plan and timeline for implementation.

Defensible Space Code Enforcement

- The Defensible Space Code Enforcement project was fully approved and obligated in November 2023 by FEMA and CalOES.
- Town Council approved implementation plan in January 2024.
- Grant funded staff has been hired and is in place and working in the community.

EMERGENCY MANAGEMENT

- The Town remains ready for any winter storm related EOC events.

Financial Impact:

None.



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 1(g)

ORIGINATED BY: Nadia Alekseev, Housing Program Technician
REVIEWED BY: James Goodwin, Town Manager
SUBJECT: Housing Recovery Update
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. None

Background:

This report provides the Town Council with an update on Housing activities.

Analysis:

We have 38.5% of our pre-disaster housing stock to-date (1,720 surviving units + 3,319 new CofOs to-date = 5,039 habitable dwellings / 13,091 housing units before the Camp Fire). Our total number of habitable dwellings does not include the number of mobile homes replaced in mobile home parks because those permits are issued by HCD instead of the Building Dept., but mobile homes in parks are included in the total number of pre-fire housing units. Tax data shows 126 mobile homes in parks, so after accounting for units that were not destroyed, there is a preliminary count of 85 new units, equaling 5,124 total habitable dwellings in Paradise.

Town of Paradise Owner-Occupied Rehabilitation/Reconstruction Program (\$16 million) -- This program helps homeowners rehabilitate or reconstruct their home. We have completed 63 homes, 7 are under construction, and 9 applications in process. HCD has allowed the grantees to increase loan amounts under the CalHome OOR program to \$250,000 when reconstructing a residence. The Housing Dept. made a "last call" for applicants who need to rebuild their home because the expenditure deadline for funds is at the end of 2025. However, the Housing Dept will continue to review applications for as long as funding allows. OOR funds can also be paired with the Recovery & Economic Development Department's Residential Retrofit program. That program's grant is limited to 75% of each projects' cost, but Housing may be able to cover the homeowner's 25% if the applicant also meets the OOR eligibility requirements.

Town of Paradise First-Time Homebuyer Program (\$7 million) -- Helping to make homeownership more affordable. We have assisted 55 households to date and have 21 applications in process.

CDBG-DR Multifamily Rental Housing Program (\$55 million) -- Affordable rental housing. Seven (7) projects are eligible for funding; a total of 292 units.

- **CHIP project-** scattered site (4 units) has leased up
- **Eaglepointe-** 5975 Maxwell Dr (43 units) 67% leased, continue to accept applications (see flyer attached with additional information).

- **Mayer Commons-** 1561 Kay Ct (12 units) scheduled to be completed in April of 2025. A waiting list is available for those who are interested (see flyer attached).
- **Northwind Senior-** 6983 Pentz Rd (21 units) scheduled to be completed in May of 2025.
- **Cypress Family-** 1633 Cypress Ln (70 units) scheduled to be completed in December of 2025.

The 2 remaining projects are Cypress Senior (70 units), and Clark Rd. (72 units); currently working on securing additional funding and will be applying for tax credits in March of 2025.

CDBG (2024 Annual Allocation=\$52,474; unspent funds=\$90,410.48) – CDBG entitlement grants are on a 5-year plan cycle called the Consolidated Plan, and this year is the 5th year in the current plan. Public comments are still being accepted; the link is posted on the Town’s website. The Draft of the CDBG 5-year Consolidated Plan will be published on Town’s website in mid-March.

HOME Infill New Construction (\$700,000) -- Create affordable housing for first-time homebuyers. Grant has been awarded but still waiting for Standard Agreement from HCD.

Permanent Local Housing Allocation (PLHA) (\$399,166) – Allocates matching funds to North Valley Housing Trust to administer for affordable housing projects. A predevelopment loan of \$400,000 has been made for a multi-family project (\$200,000 of PLHA funds) and another \$75,000 of PLHA funds was loaned to build a small, single-family home. That home was just finished and sold to a low-income first-time homebuyer and Camp Fire survivor. The funds spent to construct the house were repaid to the Trust through the buyer’s purchase, meaning the Trust can now build another small, single-family home to sell to a different buyer.

Financial Impact:

None.

Mayer Commons

NEW AFFORDABLE HOUSING IN PARADISE
COMING SPRING 2025



2 ONE BEDROOM
UNITS



8 TWO BEDROOM
UNITS



2 THREE
BEDROOM UNITS

Located at 1561 Kay Court in Paradise, Mayer Commons will house seniors, disabled, individuals and families that meet the income qualifications of the project. (*income qualifications vary between 30-60% of Area Median Income*)

All units will serve households whose incomes are considered low income.

AMENITIES INCLUDE:

Spacious Floor Plans

Covered Picnic Area

Dishwasher

Refrigerator

In-Unit Washer/ Dryer

Covered Patio or Balcony

Children's Playground

Solid Surface Countertops

Energy Efficient Heating and
Cooling

For more
information, or to
join the Waitlist,
please contact:

Susan Critser

Regional Property Manager
530-893-8228 Ext 240

scritser@rsc-associates.com

DRE# 01312715

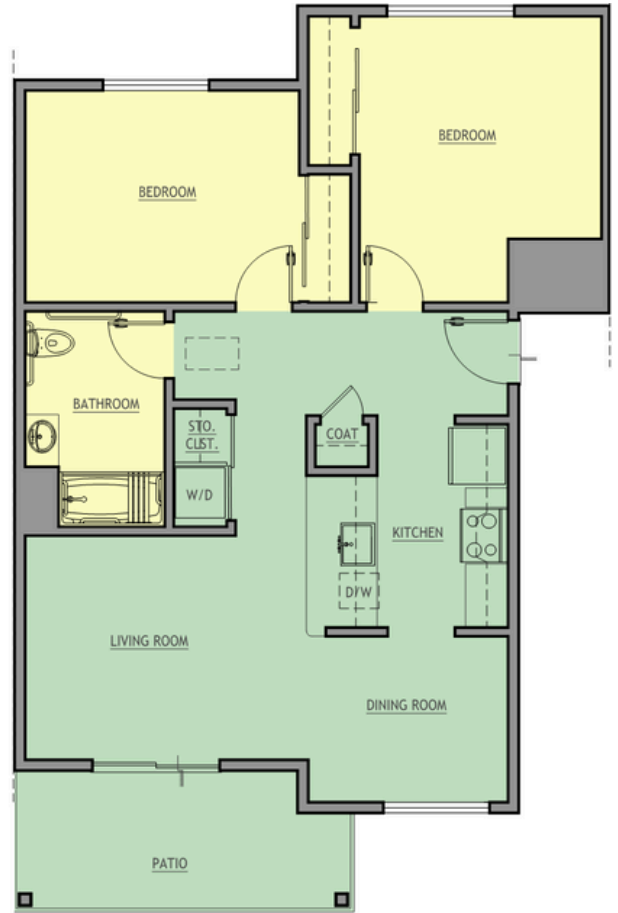
RSC
ASSOCIATES, INC.
PROPERTY MANAGEMENT



AVAILABLE FLOOR PLANS



 ONE BEDROOM UNIT



 TWO BEDROOM UNIT



 THREE BEDROOM UNIT

*FLOOR PLANS ARE FOR ILLUSTRATIVE PURPOSES. AVAILABLE APARTMENTS MAY VARY.

BRAND NEW!

AFFORDABLE HOUSING IN PARADISE

EaglePointe Apartments features a range of amenities that enhance residents' living experiences. The fitness center provides convenient workout facilities, while the community room with a lounge and kitchen is perfect for socializing. Families can enjoy the large outdoor playground and community garden, promoting outdoor activities. Sports enthusiasts will appreciate the half basketball court for casual games, and on-site parking offers easy access to vehicles, making EaglePointe a comfortable and welcoming community.



EAGLEPOINTE

APARTMENTS



- FEATURES**
- DISHWASHER
 - REFRIGERATOR
 - STOVE AND OVEN
 - DISPOSAL
 - WASHER AND DRYER
 - HOOKUPS
 - PRIVATE BALCONY/PATIO WITH STORAGE SPACE



- COMMUNITY**
- LEASING OFFICE
 - FITNESS CENTER
 - COMMUNITY ROOM WITH LOUNGE AND KITCHEN
 - LARGE OUTDOOR PLAYGROUND
 - COMMUNITY GARDEN
 - HALF BASKETBALL COURT
 - ON-SITE PARKING



EAGLEPOINTE

5975 Maxwell Drive | Paradise, CA 95969
P:(530) 806-6556 | eaglepointe@cresapts.com



WELCOME HOME

DISCOVER YOUR IDEAL SPACE

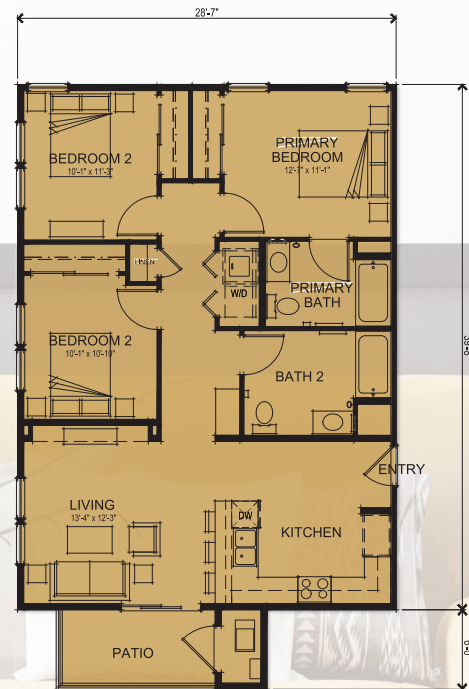
Welcome to Eaglepointe Apartments, where comfort meets convenience in our spacious new apartment floor plans! Offering a thoughtful selection of one, two, and three-bedroom layouts, each design maximizes living space and natural light to create a warm and inviting atmosphere.



1 BED • 1 BATH
 SQ FT _____
 APT# _____
 AVAILABLE _____



2 BED • 1 BATH
 SQ FT _____
 APT# _____
 AVAILABLE _____



3 BED • 2 BATH
 SQ FT _____
 APT# _____
 AVAILABLE _____

EAGLEPOINTE

5975 Maxwell Drive | Paradise, CA 95969
 P:(530) 806-6556 | eaglepointe@cresapts.com





**TOWN OF PARADISE
Council Agenda Summary
Date: March 11, 2025**

Agenda No. 1(g)

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

REVIEWED BY: Jim Goodwin, Town Manager

SUBJECT: Camp Fire Recovery Updates - Infrastructure

COUNCIL ACTION REQUESTED:

- 1. None, written monthly update only.

Background:

This report continues the Monthly Disaster Recovery Updates provided to keep the Town Council apprised of important developments related to the recovery of the Town of Paradise from the Camp Fire.

Analysis:

Road Rehabilitation

The Town of Paradise is endeavoring to pave every public road mile by the end of 2026. These projects are funded through Camp Fire Recovery Projects and are sequenced behind undergrounding of utilities and water service later replacements.

As of March 2025, the following paving progress can be reported:

	March 2025
Completed	40.7 miles
Awarded/In-Progress	5.9 miles
Planned 2025/2026	49.6 miles
Total	96.2 miles

Paradise Town Council will be considering advertisement and award of 2025 projects during this Council meeting under separate items.

Paradise Sewer Project

The Paradise Sewer Project has a renewed direction to phase a collection system as well as construct a local wastewater treatment plant.

The first Sewer Project Ad Hoc Advisory Committee Meeting was held on January 30, 2025. Action items of this meeting were to increase public engagement opportunities with a specific community meeting and invitation for private stakeholders to present industry ideas on next steps. The Committee set a goal of achieving a revised project description in less than four months so that work can continue appropriate environmental considerations and funding pursuits.

The table below has been established to summarize the current status of funding needs:

Project Phase	Budgeted	Secured
Pre-Construction <ul style="list-style-type: none"> • Environmental • Design • Right of Way • Permitting 	\$30M	\$30M <ul style="list-style-type: none"> • CDBG-DR Planning
Construction <ul style="list-style-type: none"> • Construction Contract • Construction Management • Contingency 	TBD	\$15M <ul style="list-style-type: none"> • CDBG-DR Infrastructure
Operations & Maintenance <ul style="list-style-type: none"> • Start-up Equipment • Staffing 	TBD	\$0
Total	TBD	\$45M

At this time, staff is pursuing additional project funds through the State Water Board and Army Corps of Engineers. More information will be provided in subsequent updates as these potential sources are studied further for alignment with revised project direction.

A new version of the www.ParadiseSewer.com website was launched on February 18, 2025.

Staff has issued a call to private sector stakeholders to provide input on potential alternatives for the project's wastewater treatment and dispersal process. This call to action has reached all approved Town of Paradise onsite septic operators as well as other community vendors who have expressed interest in participating.

A community meeting has been scheduled for March 5, 2025. At this meeting, members of the public will have an opportunity to hear project updates as well as critical information on the needs of the project in addition to sharing ideas for project consideration.

Copies of the private sector interest form and community meeting information are attached to this update.



TOWN OF PARADISE SEWER PROJECT

Since its 1979 incorporation, the Town of Paradise has sought a wastewater solution for commercial and dense residential areas most vulnerable to groundwater degradation and economic stagnation. A 2020 assessment compared local treatment and discharge options with a regional alternative to the Chico Water Pollution Control Plant. With support from the Central Valley Regional Water Quality Control Board (CVRWQCB), the Town Council approved and certified a Programmatic Environmental Impact Report in November 2022. Recent cost estimates show the regional alternative is not feasible, so options for a local, scalable treatment facility are being explored.

PROJECT BENEFITS

The Paradise Sewer Project will bring benefits to the Town and region:



Provide wastewater disposal surety to help businesses and jobs return to Paradise, and spur on recovery



Allow for more densely-populated residential development in the Town to help increase affordable housing



Improve Paradise groundwater quality by decreasing septic tank discharges



Create a wastewater solution supported by the CVRWQCB and Town Council

YOU'RE INVITED TO ATTEND A COMMUNITY MEETING!

Please join us to learn more about the Paradise Sewer Project and provide valuable input into project alternatives. Participants will have the opportunity to hear a brief presentation and talk directly with project team members.

**Wednesday, March 5, 2025
6-8 p.m.**

Paradise Town Hall
5555 Skyway
Paradise, CA 95969

STAY INFORMED

The Town of Paradise is committed to continuously informing and proactively engaging the community throughout the project development process. Visit the project website to stay updated and learn about future engagement opportunities.

For additional questions, please contact:

Kieran Jellema

(530) 872-6291 ext. 178

kjellema@townofparadise.com

Paradise Town Hall
5555 Skyway
Paradise, CA 95969

PRSRT STD
U.S. POSTAGE
PAID
Sacramento, CA
Permit No. 1491

STAY INFORMED

The Town of Paradise is committed to continuously informing and proactively engaging the community throughout the project development process. Visit the project website to sign-up for electronic updates and learn about future engagement opportunities.

For additional questions, please contact:

Kieran Jellema

(530) 872-6291 ext. 178

kjellema@townofparadise.com

***MAILER WAS SENT
TO ALL ADDRESSES
AND OWNER
ADDRESSES WITHIN
ORIGINAL SEWER
SERVICE AREA***



TOWN OF PARADISE SEWER PROJECT

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**Wednesday, March 5, 2025
6:00 – 8:00 p.m.**

Paradise Town Hall
5555 Skyway
Paradise, CA 95969



Town of Paradise
Public Works Department
5555 Skyway
Paradise, CA 95969
(530) 872-6291

Wastewater Treatment Technology Alternative Application

The Town of Paradise is soliciting technology ideas in determining the best wastewater treatment alternative for the Paradise Sewer Project. In an effort to ensure all ideas are considered, the Town is inviting community and vendor input. Understanding the basic scope of the project and complexities driven by a reduced population as a result of the 2018 Camp Fire, staff has prepared a list of preferred criteria for consideration of potential options. Please refer to the Project Requirements checklist below.

Proposed treatment technology name/description:

Name, title & organization of Contact Person:

Email of Contact Person:

Phone number of Contact Person:

Treatment Technology Requirements - check each box that the proposed treatment technology fulfills:

- There are at least 5 full-scale installations of proposed treatment technology (provide list of locations)
- There is at least 1 permitted California installation that Town staff could visit (indicate on list of locations)
- Proposed treatment technology can treat a flow of 0.1 MGD (min) and scale up to treat 1 MGD (provide information about scalability)
- Proposed treatment technology can receive and treat municipal, commercial, or industrial waste
- Proposed treatment technology can meet the Central Valley Regional Water Quality Control Board waste discharge requirements for either land discharge (*SWRCB Order WQ 2014-0153-DWQ*) or surface water discharge (*NPDES Municipal General Order R5-2023-0025*):

Land Discharge Requirements:

Step 1 - Effluent Limitations Based on Technology Performance		
Activated Sludge, MBR, or similar (not including residential aerobic treatment units)		
Constituent	Units	Limit
BOD	mg/L	30 (monthly average), 45 (7-day average)
TSS	mg/L	30 (monthly average), 45 (7-day average)
Wastewater Pond or Tricking Filter ¹ (not including residential recirculating sand filters)		
Constituent	Units	Limit
BOD	mg/L	90 ²
TSS	--	Not Applicable

Step 2 - Effluent Limits Based on Low/High Threat Situation (flow rate >20,000 gpd)		
Constituent	Units	Limit
Total N	mg/L	--
Low Threat	mg/L	50 % ³
High Threat	mg/L	10

Surface Water Discharge Requirements:

Table 3. Effluent Limitations – Secondary Treatment Requirements

Parameters	Units	Average Monthly Effluent Limitation (AMEL)	Average Weekly Effluent Limitation (AWEL)	Maximum Daily Effluent Limitation (MDEL)
Biochemical Oxygen Demand, 5-day @ 20°Celsius (BOD ₅)	milligrams per liter (mg/L)	30	45	60
BOD ₅	pounds per day (lbs/day)	See Table Note 1	See Table Note 1	See Table Note 1
Total Suspended Solids (TSS)	mg/L	30	45	60
TSS	lbs/day	See Table Note 1	See Table Note 1	See Table Note 1
Settleable Solids	milliliters per liter (mL/L)	0.1	0.2	--

Table 3 Note:

1. As specified in the Notice of Applicability, mass-based effluent limitations shall be established based on the design average dry weather flow.

(b) **Percent Removal.** The average monthly percent removal of BOD₅ and TSS shall not be less than 85 percent.

(c) **Total Coliform Organisms.** Effluent total coliform organisms shall not exceed the following at Monitoring Location EFF-001 or other monitoring locations specified in the Notice of Applicability:

- (1) 23 most probable number (MPN) per 100 mL, as a 7-day median; and
- (2) 240 MPN/100 mL, more than once in any 30-day period.

Provide the following additional documentation:

- List of other facilities/processes needed to meet effluent requirements (headworks, screens/filters, primary clarification, disinfection, etc.)
- List of acceptable residuals/solids management processes
- Modifications necessary to meet Title 22 effluent quality limits
- Include in the list of full-scale installations if each installation received state or federal grant funding, and if so from which agencies.

If you are interested in scheduling an appointment with Town staff to discuss your solution which meets these minimum requirements, please complete this form with your information and submit via email to Kieran Jellema at kjellema@townofparadise.com or deliver a hard copy to Town Hall at 5555 Skyway, Paradise, CA. All information must be received by Friday, March 21, 2025. Staff anticipates scheduling follow-up meetings with interested parties as soon as possible.

NOTE: Submittal of your completed copy of this checklist and all required documentation does not guarantee a meeting with Town staff nor does it guarantee that the Proposed Treatment Technology will be included in the Paradise Sewer Project Alternative Analysis.

Capital Project Updates

Below is an abbreviated Project List intended to show the current status of each project. More information on each project's scope and schedule can be found at www.townofparadise.com/pwe. Typical project progressions and timeframes are as follows:

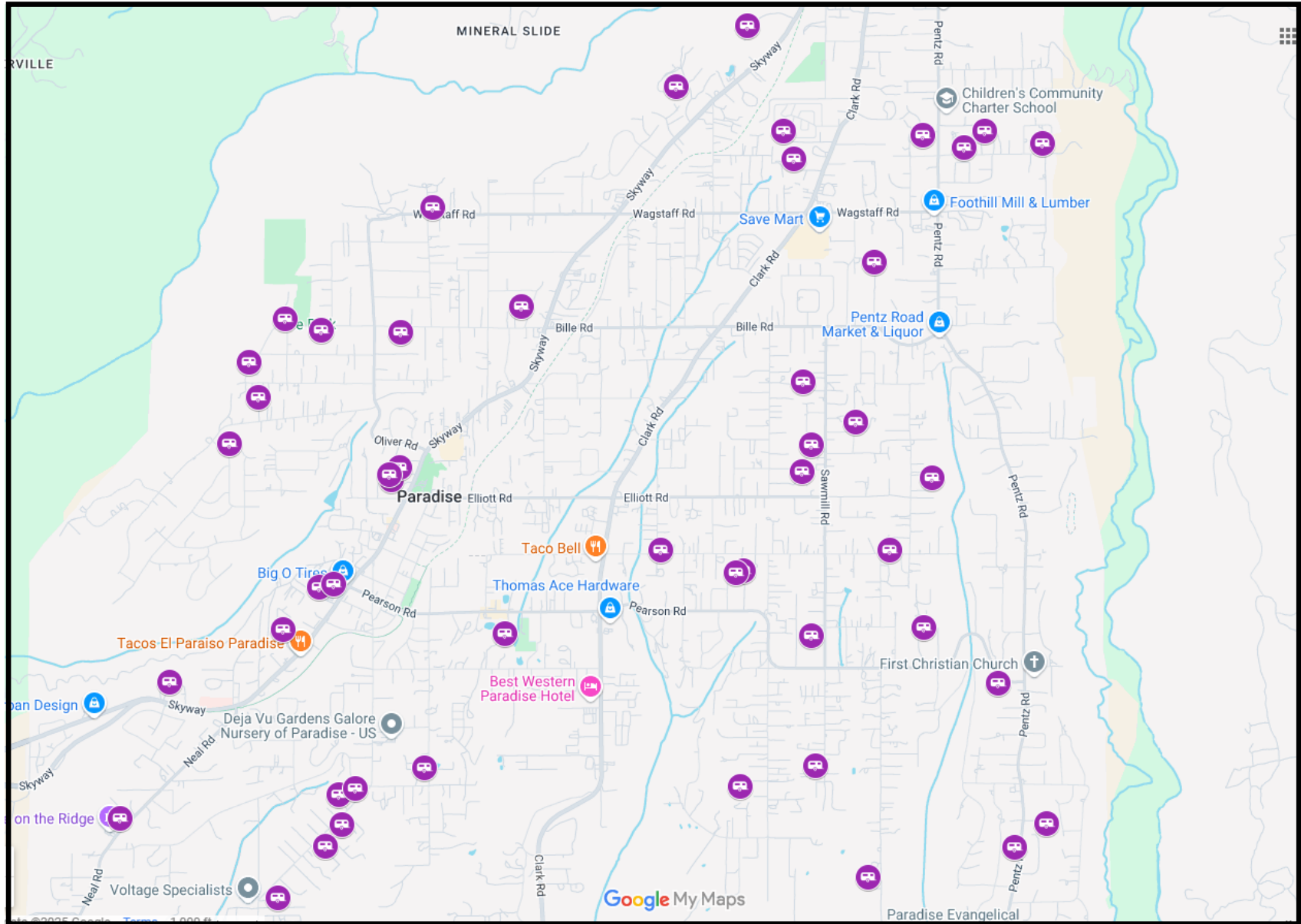
- (1) Environmental, 6-24 months
- (2) Design, 12 months
- (3) Right of Way, 6-12 months
- (4) Construction, 6-24 months

Project ID	Project Title	Project Phase	Anticipated Construction Completion Year
7301	On-System Culvert Replacement	Complete	-
7302	On-System Hardscape Replacement	Complete	-
7303	On-System Road Rehabilitation	Construction	2026
7304	On-System Sign Replacement	Complete	-
7307	Neal Road Rehabilitation	Design	2028
8404	Camp Fire Hydrant Repairs	Design	2025
8407	Off-System Road Rehabilitation	Construction	2026
8408	Off-System Culvert Repair	Complete	-
9389	Pentz Pathway Project Phase II	Design	2028
9390	Paradise ATP Gateway Project (Neal Road Class I)	Environmental	2028
9391	Oliver Curve Pathway Phase I	Design	2028
9394	Paradise Sewer Project	Design	2031
9421	Forest Service Road Improvements	Environmental	2027
9422	Foster/Black Olive Intersection Improvements	Environmental	2027
9423	Elliott/Nunneley Road Extension	Environmental	2027
9424	Skyway Link ATP (Bille to Wagstaff)	Environmental	2027
9425	Upper Skyway Widening (Bille to Wagstaff)	Environmental	2027
9426	Skyway/Pentz Intersection Improvements	Environmental	2028
9427	Pentz Road Widening	Environmental	2028
9428	Roe Road Phase 1 (Pentz to S. Libby)	Environmental	2028
9430	Pearson-Hilltop Guard Rail	Design	2025
9433	Animal Shelter Expansion	Construction	2025
9434	Roe Road Phase 2 (S. Libby to Clark)	Environmental	2028

Funding Pursuits

Below is a listing of active funding pursuits related to infrastructure recovery and status updates:

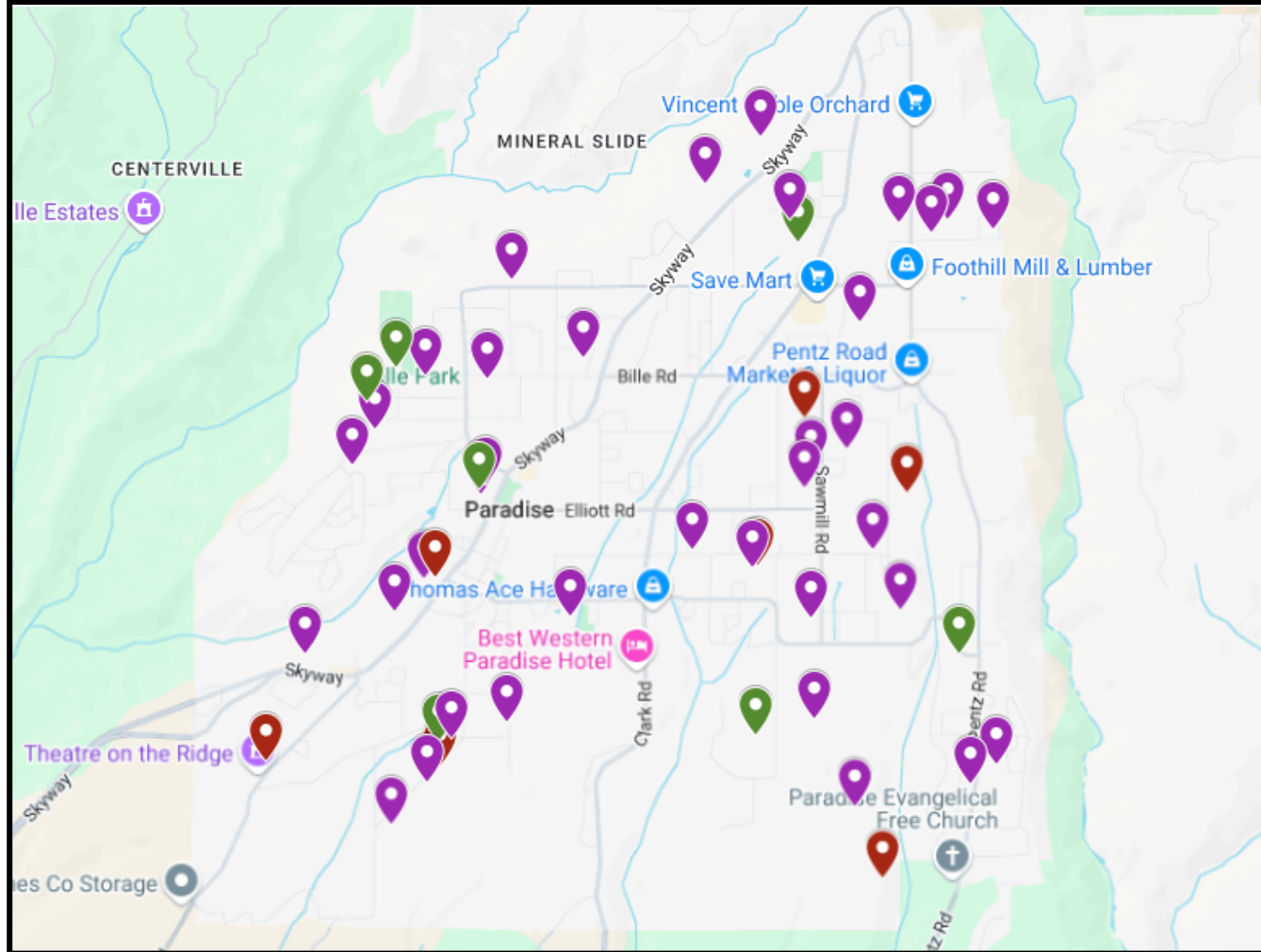
Program	Project Title	Amount Requested	Anticipated Award Notification	Notes
BUILD 2025	Roe Road Extension Phase 2 Project	\$25M	June 2025	Project was not selected in Round 1 (RAISE 2024 carryover) and has been submitted for Round 2 funding.
Federal CDBG-DR MIT RIP	Evacuation Route Changeable Message Sign Project	\$5.4M	Summer 2024	Project has been formally awarded. Town waiting on HCD Agreements to advance to project kickoff.
Federal CDBG-DR MIT RIP	Storm Drain Resiliency Project	\$3.9M	Summer 2024	Project has been formally awarded. Town waiting on HCD Agreements to advance to project kickoff.
Federal CDBG-DR MIT RIP	Private Road Identification Safety Project	\$960,000	Summer 2024	Project has been formally awarded. Town waiting on HCD Agreements to advance to project kickoff.






RV TUP Extended 50

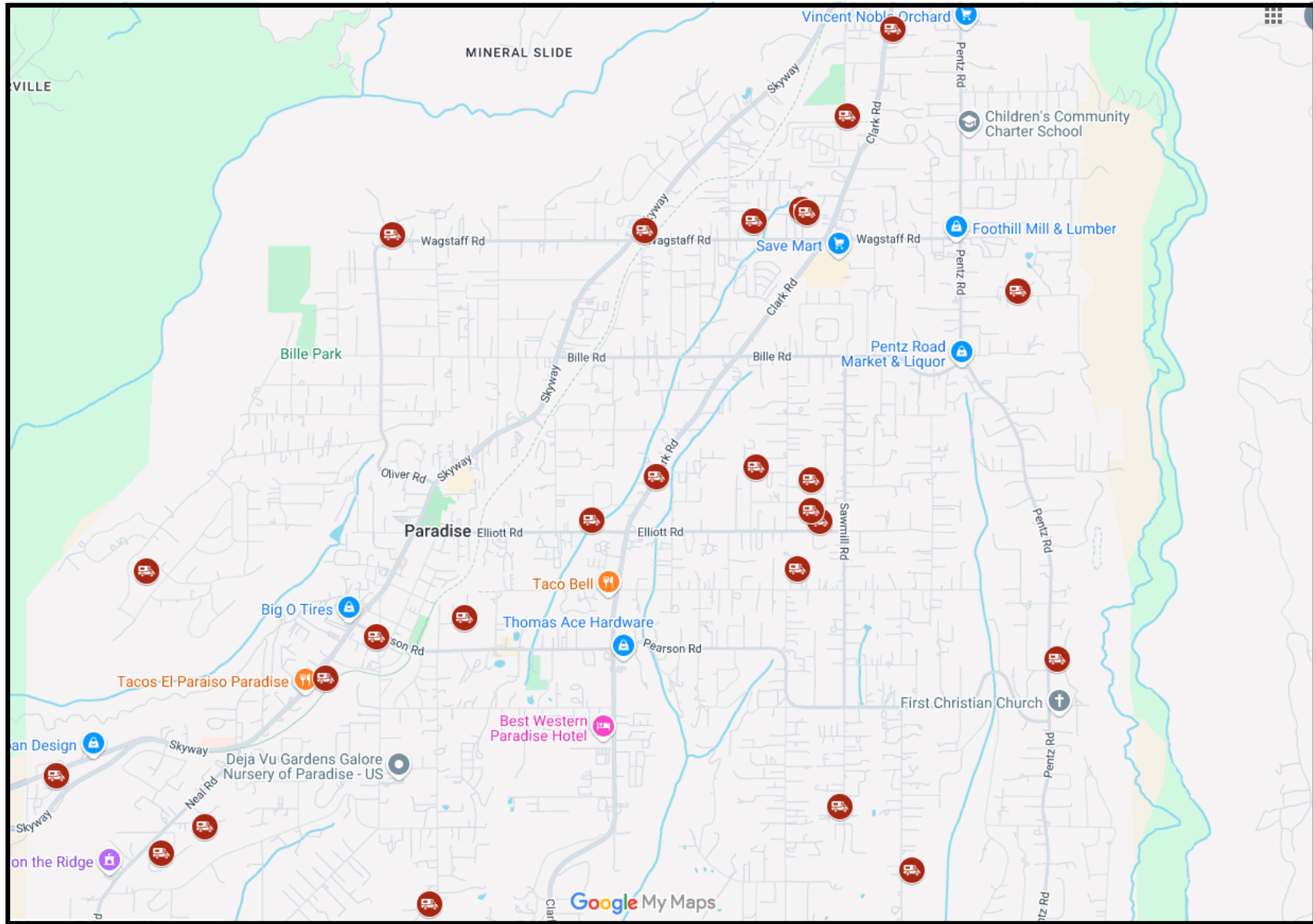
Observed Breakdown

TUPs under ORD 632 2/26/2025



-  Vacant lot - No RV (7)
-  RV appears unoccupied/stored (8)
-  RV appears occupied (35)

TUP Violations 2/26/2025



Violations w/ TUP 0



RV no TUP 27



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 1(g)

ORIGINATED BY: Tony Lindsey, Community Development Director,
 Building & Code Enforcement
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Camp Fire Recovery Updates – Code Enforcement
LONG-TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. None

Background:

The Code Enforcement Division is committed to fostering a safe and appealing living and working environment. Our mission is to uphold and enhance our community's overall quality through the fair and impartial implementation of an enforcement program to rectify violations of municipal codes and land use regulations. In collaboration with residents, neighborhood associations, public service agencies, and other Town departments, we strive to:

- Promote voluntary compliance with Town codes.
- Identify and address violations promptly and fairly.
- Foster collaboration efforts to address community concerns.
- Actively engage with the community in navigating the code enforcement process.

Analysis:

Under the original Urgency Ordinance, 206 RV Temporary Use Permits (TUPs) were issued. However, only 50 are currently permitted to be occupied (Exhibit A).

	February	January
Parcels permitted to occupy an RV	50	54
Accessory structures	13	13

Expiration notices were mailed and posted at each permitted site. Of these, 35 appeared occupied, 8 seemed unoccupied or stored, and 7 sites were vacant.

RV Code Enforcement activity. Parcels with RV violations. (Exhibit B):

	February	January
Occupied/Unoccupied RVs	27	26
Occupied RVs with TUP Violations	0	1
Compliance gained/RV cases closed	7	1

The Community Enhancement Outreach Team, comprised of Disaster Case Managers, Fire Prevention, Housing, Police Department, and Code Enforcement personnel, visited permitted and unpermitted RV sites. Throughout these visits, the team engaged with community members to address unmet needs and provided information about available assistance programs.

	February	January
Sites Visited	17	18
Community members contacted	18	19
Tenants	7	7
Owner-occupied	10	11
Supplied contact information	17	12
Do not qualify/refused	0	1

Fire Prevention is crucial to our community's safety and supports our continued economic growth. It focuses on three primary goals: Education, Engineering, and Enforcement. Our defensible space and hazardous fuel management ordinance requires property owners to uphold fire-safe conditions regardless of residency. The dedicated Fire Prevention team conducts weed abatement inspections on 11,195 parcels throughout our community to ensure compliance and reduce fire hazards.

Escrow defensible space inspections	February	January
• Clearance requests received	94	83
• Certificates issued	82	77
• Land Surveyor's Certifications	26	19
• First inspection compliance rate	79%	83%
Weed abatement inspections		
• Compliant parcels	10,852 – 97%	10,830 – 97%
• Active Code cases	258	301
• Commercial parcels	15	16
• Residential parcels	243	361

In October, 396 properties were identified as priorities due to overgrown vegetation posing a public nuisance. Risk Management approved 12 weed abatement contractors, and abatement efforts started in early December. Currently, 366 properties have complied, with 248 self-abating and 118 abated by the Town, leaving 30 properties, including 15 tax-delinquent ones, still outstanding. The total expenditure on this project has reached \$227,513, averaging \$1,516 per parcel. This cost is below the estimated \$1,600 per parcel and within the total budget of \$441,760.

Other Code Enforcement Items:

Abandoned Vehicle Authority	February	January
• Vehicle Tows	8	5

Additionally, Code Enforcement received complaints covering various issues, including waste and refuse problems, zoning violations, construction without the required permits, fire hazards, concerns about vehicles, unauthorized dwellings, cannabis, and the absence of garbage service.



**MINUTES
PARADISE TOWN COUNCIL
SPECIAL MEETING – 4:45 PM – FEBRUARY 11, 2025**

1. OPENING

The Special meeting of the Paradise Town Council was called to order by Mayor Crowder at 4:45 p.m. in the Council Chambers located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Heidi Lange, Ronald Lassonde, and Steve Crowder, Mayor.

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Jim Goodwin, Town Attorney Scott E. Huber, Town Clerk/Elections Official Melanie Elvis, Finance Director Aimee Belev, Human Resources & Risk Management Director Crystal Peters, and Information Systems Technician Travis Thompson.

At 4:47 p.m. Mayor Crowder announced that the Town Council would adjourn to Closed Session for the following items:

2. CLOSED SESSION

- 2a. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with the Town Manager, Human Resources Director, Town Attorney, regarding labor relations between the Town of Paradise and the Paradise Police Management & Mid-Management Association.
- 2b. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with the Town Manager, and Town Attorney regarding labor relations between the Town of Paradise and the Paradise Police Officers Association, Confidential Mid-Management Association, General Employees Unit, Police Mid-Management Unit and the Management Group.
- 2c. Pursuant to Government Code Section 54956.9(d)(2), the Council will meet with the Town Manager and Town Attorney regarding potential exposure to litigation – one case.
- 2d. REAL PROPERTY. Pursuant to Gov. Code section 54956.8, the Council will meet with Real Property Negotiators, Town Manager and Town Attorney, regarding the following properties: APN 052-202-013-000. The negotiators for the property owner(s) are unknown at this time.

After reconvening from Closed Session at 6:00 p.m., Mayor Crowder announced the following actions:

2a. The Town Council adopted Resolutions No. 2025-05 and 2025-13, both titled “A Resolution of the Town Council of the Town of Paradise approving a side letter to the Memorandum of Understanding with the Paradise Police Management & Mid-Management Association.” Roll call vote was unanimous. Copies of the adopted resolutions are available for public view at the Town Clerk’s seat. 2b – 2d. Direction was given; no action was taken.

3. ADJOURNMENT

Mayor Crowder adjourned the Council meeting at 6:01 p.m.

Date approved:

By:

Attest:

Steve Crowder, Mayor

Melanie Elvis, Town Clerk



TOWN COUNCIL Meeting Minutes

6:00 PM – February 11, 2025

1. OPENING

The Regular meeting of the Paradise Town Council was called to order by Mayor Crowder at 6:01 p.m. in the Town Council Chamber located at 5555 Skyway, Paradise, California who led the Pledge of Allegiance to the Flag of the United States of America. An invocation was offered by Council Member Lassonde.

COUNCIL MEMBERS PRESENT: Greg Bolin, Steve “Woody” Culleton, Heidi Lange, Ronald Lassonde, and Steve Crowder, Mayor

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Jim Goodwin, Town Attorney Scott E. Huber, Town Clerk/Elections Official Melanie Elvis, Community Development Director Tony Lindsey, Community Development Director Susan Hartman, Public Works Director/Town Engineer Marc Mattox, Recovery and Economic Development Director Colette Curtis, Finance Director Aimee Beleu, Police Chief Eric Reinbold, Fire Chief Jason Finney, Information Systems Technician Travis Thompson, Police Officer Derek Archuleta, Dispatcher Amanda Oakley and Animal Control Officer Andrew Anaya.

1a. Police Chief Eric Reinbold presented special recognitions to the following sworn, and non-sworn police personnel and volunteers for their exemplary contributions to the department: Officer of the Year: Officer Derek Archuleta; Dispatcher of the Year: Dispatcher Amanda Oakley; Civilian Employee of the Year: Animal Control Officer Andrew Anaya; VIP of the Year: Frank Dodini; and PASH Volunteer of the Year: Laurie Burns. Chief Reinbold also thanked Lieutenant Anthony Borgman for his years of service to the Town of Paradise and wished him well in his retirement.

1b. Camp Fire Recovery Updates - Written reports are included in the agenda packet. (110-60-061)

Colette Curtis, Recovery and Economic Development Director - recovery projects, advocacy, economic recovery and development, communications, emergency operations and Housing updates.

Marc Mattox, Public Works Director/Town Engineer -infrastructure and sewer updates.

Tony Lindsey, CDD-Building and Code Enforcement- Code Enforcement update.

2. CONSENT CALENDAR

MOTION by Bolin, seconded by Lassonde, approved consent calendar items 2a through 2e with item 2f being removed from the consent calendar by Council Member Culleton. Roll call vote was unanimous.

- 2a. Approved the minutes from the January 14, 2025 Special and Regular Town Council meetings and the minutes from the January 21, 2025 Special Town Council meeting.
- 2b. Approved January 2025 Cash Disbursements in the amount of \$6,643,909.16. (310-10-035)
- 2c. Concurred with staff recommendation to file CEQA Notice of Exemptions for Maintenance Culvert Replacements on Nunneley, Ingalls and Scottwood Roads. (910-30-004)
- 2d. 1. Waived the second reading of the entire Town Ordinance No. 642 and approved reading by title only; and, 2. Adopted Town Ordinance No. 642, "An Ordinance of the Town Council of the Town of Paradise Amending Sections 8.58.010-8.58.60 of the Paradise Municipal Code related to Defensible space/hazardous fuel management Fuel Break Requirements". (540-16-211)
- 2e. 1. Adopted Resolution No. 2025-06, "A Resolution of The Town Council of the Town of Paradise Authorizing Disposal of Certain Town Records Maintained in the Human Resources Department Pursuant to Government Code Section 34090"; and, 2. Adopted Resolution No. 2025-07, "A Resolution of The Town Council of the Town of Paradise Authorizing Disposal of Certain Town Records Maintained in the Finance Department Pursuant to Government Code Section 34090." (160-20-016)
- 2f. ITEM WAS REMOVED FROM THE CONSENT CALENDAR BY COUNCIL MEMBER CULLETON.

3. ITEMS REMOVED FROM CONSENT CALENDAR

- 2f. Town Engineer Marc Mattox provided an overview of three proposed Construction Management contracts.

MOTION by Bolin, seconded by Culleton, 1. Concurred with staff's recommendation of Consor North American, Inc., Psomas, and Unico Engineering, Inc. to perform professional construction management, inspection and materials testing services on a variety of federally, state and locally funded efforts, contingent upon Caltrans Office of Audits and Investigation acceptance of financial document submittals; and, 2. Approved the attached Master Agreement for Professional Services and authorize the Town Manager to execute up to three agreements relating to On-Call Construction Management, Inspection and Materials Testing Services; and, 3. Adopted Resolution 2025-08 "A Resolution of the Town

Council of the Town of Paradise, Designating Authority to the Paradise Town Manager to execute The Master Agreement for Professional Services and Individual Task Orders under the resultant master agreement for RFQ 2024-001 On-Call Construction Management, Inspection and Materials Testing Services up to the maximum contract aggregate amount of twenty three million, four hundred and ten thousand, nine hundred and ninety five dollars (\$23,410,995) to expedite and facilitate camp fire recovery efforts.” Roll call vote was unanimous. (510-20-469, 510-20-470, 510-20-471)

4. PUBLIC COMMUNICATION

1. Carrie Max thanked Town Engineer Marc Mattox for his department’s help in making sure the paving and drainage on her street was done correctly.

5. PUBLIC HEARINGS

- 5a. Community Development Director Susan Hartman provided an overview of proposed Ordinance No. 643 relating to the rezone of certain real property in the Walkable Downtown Core.

Mayor Crowder opened the public hearing at 6:50 p.m.

1. Carrie Max asked who was proposing the change, the Town or the property owners?

Community Development Director Susan Hartman clarified that Town staff was recommending the change based on community and stakeholder feedback.

Mayor Crowder closed the public hearing at 6:51 p.m.

MOTION by Bolin, seconded by Culleton 1. Concurred with the project “CEQA determination” finding embodied within Planning Commission Resolution No. 2025-01; and, 2. Concurred with the project recommended General Plan Land Use Map amendment and rezone action adopted by the Planning Commission on January 21, 2025, and embodied within Planning Commission Resolution No. 2025-01; and, 3. Adopted Town of Paradise Resolution No. 2025-09, “A Resolution of the Town Council of the Town of Paradise Amending the Land Use Map of the 1994 Paradise General Plan (TOP: PL24-00128)”; and, 4. Waived the first reading of the entire Town Ordinance No. 643 and read by title only; and, 5. Introduced Town of Paradise Ordinance No. 643. “An Ordinance of the Town Council of the Town of Paradise Rezoning Certain Real Properties From “C-F” (Community Facilities) to the “C-B” (Central Business) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 Et. Seq. (TOP: PL24-00128)”. Roll call vote was unanimous. (760-40-061, 540-16-212)

- 5b. Community Development Director Susan Hartman provided an overview of proposed Ordinance No. 644 which would amend text regulations within

Paradise Municipal Code Title 5 and Title 17 relative to the Central Business Zoning District; Vending Licenses; Farmers Markets; and the Walkable Downtown Core.

Mayor Crowder opened the public hearing at 7:05 p.m.

1. Vicky Smith said she had rental property on Fir St. and didn't think it fair that Council could take away how she could make money.

Mayor Crowder closed the public hearing at 7:08p.m.

MOTION by Bolin, seconded by Lassonde 1. Concurred with the project "CEQA determination" finding presented and considered by the Planning Commission on January 21, 2025, and embodied within Planning Commission Resolution No 2025-02; and, 2. Waived the first reading of the entire Town Ordinance No. 644 and read by title only; and, 3. Introduced Town Ordinance No. 644, "An Ordinance Amending Text Regulations within Paradise Municipal Code Title 5 [Business Licenses] and Title 17 [Zoning] Relative to the Central Business Zoning District; Vending Licenses; Farmers Markets; and the Walkable Downtown Core". Roll call vote was unanimous. (750-85-008, 540-16-213)

6. COUNCIL CONSIDERATION

6a. Town Engineer Marc Mattox provided an overview of the On-System Road Rehabilitation Project – Clark Road 2025.

MOTION by Culleton, seconded by Bolin, adopted Resolution No. 2025-10, "A Resolution of the Town Council of the Town of Paradise approving the plans, specifications and estimate for the On-System Road Rehabilitation Project – Clark Road 2025 and authorizing advertisement for bids on the project". Roll call vote was unanimous. (950-40-074)

6b. Town Engineer Marc Mattox provided an informational update relating to the Town's progress for completion of FEMA and FHWA funded Camp Fire repairs to public roadways. Council provided direction to review the Town's CDBG-DR Action Plan and budget at the March 11, 2025 Town Council meeting. (710-10-099)

6c. **MOTION by Lange, seconded by Culleton** appointed Council Members Bolin and Culleton to serve on a Facilities Ad Hoc Committee to review and advise on next steps relating to the Town of Paradise's overall facilities as well as facilities replacement needs resulting from the 2018 Camp Fire. AYES: Bolin, Culleton, Lange and Crowder; NOES: Lassonde; ABSENT: None; ABSTAIN: None. (280-05-006, 120-10-010)

6d. Town Engineer Marc Mattox reviewed Council action which approved the purchase of the Pierce Type 3 Engine in 2023 and provided an overview of staff's recommendation to issue an advanced payment for the engine to receive a discount in the approximate amount of \$30,000.

MOTION by Bolin, seconded by Culleton, authorized the Town Manager to issue advanced payment for previously Town Council approved purchase of Pierce Type 3 Fire Engine. Roll call vote was unanimous. (510-20-399)

- 6e. **MOTION by Lassonde, seconded by Bolin** appointed Mayor Crowder and Council Member Lassonde to serve on an Ad Hoc CAL FIRE Contract Negotiations Committee. Roll call vote was unanimous. (120-10-010, 440-05-025)
- 6f. Recovery & Economic Development Director Colette Curtis provided an overview of proposed Ordinance 641 which would authorize implementation of a Community Choice Aggregation program and a resolution which would request membership in Pioneer Community Energy in a Joint Exercise of Powers Agreement.

MOTION by Bolin, seconded by Lange 1. Waived the entire second reading of Town Ordinance No. 641 and approved reading by title only; and, 2. Adopted Town Ordinance No. 641, "An Ordinance of the Town Council of the Town of Paradise Authorizing Implementation of a Community Choice Aggregation Program in the Town of Paradise Under Public Utilities Code Section 366.2." and, 3. Adopted Resolution. No. 2025-11 "A Resolution of the Town Council of the Town of Paradise Requesting Membership in Pioneer Community Energy and Approving the Amended and Restate Joint Exercise of Powers Agreement as Amended Through Amendment No. 6." Roll call vote was unanimous. (540-16-210, 430-05-025)

- 6g. Town Engineer Marc Mattox provided an overview of the condition of a culvert on Bille Road and Olympia Way and the need to authorize an emergency repair and replacement response.

MOTION by Bolin, seconded by Lassonde 1. Adopted Resolution No. 2025-12, "A Resolution of The Town Council of The Town of Paradise Declaring an Emergency and Authorizing Repair or Replacement of the Bille Road at Olympia Way 18" Culverts Without Observance of Public Bidding Requirements"; and, 2. Authorized the Town Manager to execute agreements for a contractor and/or materials for the subject project. Roll call vote was unanimous. (910-30-004)

7. COUNCIL INITIATED ITEMS AND REPORTS

- 7a. Council initiated agenda items – None
- 7b. Council reports on committee representation:

Council Member Bolin attended the monthly LAFCo meeting.

Council Member Lange attended a Neighbor 2 Neighbor event hosted by PRPD; attended the Continuum of Care monthly meeting and a Sewer Committee meeting.

Council Member Lassonde attended the Explore Butte County Community meeting.

Mayor Crowder attended the City Select meeting and participated in several news interviews regarding the L.A. fires.

7c. Future Agenda Items – None

8. STAFF COMMUNICATION

8a. Town Manager Report – None

8b. Community Development Director Susan Hartman provided status updates on current building permits within the Town of Paradise.

9. CLOSED SESSION - None

10. ADJOURNMENT

Mayor Crowder adjourned the meeting at 8:14 p.m.

Date approved:

By:

Attest:

Steve Crowder, Mayor

Melanie Elvis, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

FOR THE PERIOD OF
February 1, 2025 - February 28, 2025



CASH DISBURSEMENTS REPORT
February 1, 2025 - February 28, 2025

Check Date	Pay Period End	Description	Amount	Total
2/14/2025	2/9/2025	Net Payroll - Direct Deposits and Checks	\$ 255,913.36	
2/28/2025	2/28/2025	Net Payroll - Direct Deposits and Checks	<u>\$ 250,347.78</u>	\$ 506,261.14
 Accounts Payable				
		Payroll Vendors: Taxes, PERS, Dues, Insurance, Etc.	389,712.60	
		Operations Vendors: Supplies, Contracts, Utilities, Etc.	<u>\$5,800,348.85</u>	
		TOTAL CASH DISBURSEMENTS ACCOUNTS PAYABLE		<u>6,190,061.45</u>
		GRAND TOTAL CASH DISBURSEMENTS		<u><u>\$ 6,696,322.59</u></u>

APPROVED BY: _____
 Aimee Belev - Finance Director/Town Treasurer

APPROVED BY: _____
 Jim Goodwin - Town Manager

Payment Register

From Payment Date: 2/1/2025 - To Payment Date: 2/28/2025

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP TCB - General Checking									
<u>Check</u>									
88409	02/05/2025	Open			Accounts Payable	4LEAF, Inc	\$1,992.00		
88410	02/05/2025	Open			Accounts Payable	AirData UAV, Inc.	\$960.00		
88411	02/05/2025	Open			Accounts Payable	All Things Trees	\$7,950.00		
88412	02/05/2025	Open			Accounts Payable	Amazon Capital Services	\$698.28		
88413	02/05/2025	Open			Accounts Payable	American Dream Construction, Inc	\$8,000.00		
88414	02/05/2025	Open			Accounts Payable	AT&T	\$87.86		
88415	02/05/2025	Open			Accounts Payable	AWARDS COMPANY	\$203.29		
88416	02/05/2025	Open			Accounts Payable	Big O Tires	\$184.36		
88417	02/05/2025	Open			Accounts Payable	Broad & Gusman	\$4,000.00		
88418	02/05/2025	Open			Accounts Payable	Bureau Veritas North America, Inc	\$13,200.00		
88419	02/05/2025	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$86.10		
88420	02/05/2025	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$516.00		
88421	02/05/2025	Open			Accounts Payable	Coastland	\$4,492.36		
88422	02/05/2025	Open			Accounts Payable	Cole Huber LLP	\$10,044.95		
88423	02/05/2025	Open			Accounts Payable	CONTINENTAL BATTERY COMPANY	\$131.71		
88424	02/05/2025	Open			Accounts Payable	Corning Ford Inc.	\$131,710.10		
88425	02/05/2025	Open			Accounts Payable	Crossfire Tree & Vegetation Services	\$3,025.00		
88426	02/05/2025	Open			Accounts Payable	D8 Enterprises Inc.	\$6,000.00		
88427	02/05/2025	Open			Accounts Payable	DADCO CONSTRUCTION	\$25,783.00		
88481	02/05/2025	Open			Accounts Payable	De Lage Landen Public Finance LLC	\$1,562.50		
88482	02/05/2025	Open			Accounts Payable	DIVISION OF THE STATE ARCHITECT	\$38.80		
88483	02/05/2025	Open			Accounts Payable	DOBRICH & SONS SEPTIC	\$5,566.50		
88484	02/05/2025	Open			Accounts Payable	Dokken Engineering, Inc.	\$98,408.86		
88485	02/05/2025	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$141.00		
88486	02/05/2025	Open			Accounts Payable	Eagle Security Systems	\$2.06		
88487	02/05/2025	Open			Accounts Payable	Golden State Emergency Vehicle Service, Inc.	\$267.09		
88488	02/05/2025	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$301.72		
88489	02/05/2025	Open			Accounts Payable	HDR Engineering, Inc	\$90,794.64		
88490	02/05/2025	Open			Accounts Payable	Helping Hands Ca	\$2,200.00		
88491	02/05/2025	Open			Accounts Payable	HLP, INC / CHAMELEON SOFTWARE PRODUCTS	\$2.10		
88492	02/05/2025	Open			Accounts Payable	HQE Systems, Inc.	\$342,840.90		
88493	02/05/2025	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$48.90		
88494	02/05/2025	Open			Accounts Payable	INDUSTRIAL EQUIPMENT	\$56.83		
88495	02/05/2025	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$491.18		
88496	02/05/2025	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$373.30		
88497	02/05/2025	Open			Accounts Payable	KEN'S PARADISE HITCH & WELDING	\$898.29		
88498	02/05/2025	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$191.16		
88499	02/05/2025	Open			Accounts Payable	KP Research Services, Inc.	\$1,250.00		
88500	02/05/2025	Open			Accounts Payable	L.N. CURTIS & SONS	\$81.42		
88501	02/05/2025	Open			Accounts Payable	Law Office of Gregory P. Einhorn	\$1,120.00		
88502	02/05/2025	Open			Accounts Payable	LEAGUE OF CALIFORNIA CITIES	\$100.00		
88503	02/05/2025	Open			Accounts Payable	Mark Thomas & Company Inc	\$22,738.27		

Payment Register

From Payment Date: 2/1/2025 - To Payment Date: 2/28/2025

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
88504	02/05/2025	Open			Accounts Payable	Mercy Housing California 113, L.P.	\$1,696,644.24		
88505	02/05/2025	Open			Accounts Payable	MID VALLEY TITLE & ESCROW	\$508.10		
88506	02/05/2025	Open			Accounts Payable	MORGAN TREE SERVICE	\$12,950.00		
88507	02/05/2025	Open			Accounts Payable	MUNIMETRIX SYSTEMS CORP	\$39.99		
88508	02/05/2025	Open			Accounts Payable	NAPA Auto Parts	\$40.64		
88509	02/05/2025	Open			Accounts Payable	NATIONAL PUBLIC SAFETY INFORMATION BUREAU	\$170.53		
88510	02/05/2025	Open			Accounts Payable	North State Tire Co. Inc.	\$675.05		
88511	02/05/2025	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$6,825.75		
88512	02/05/2025	Open			Accounts Payable	NORTHSTAR	\$8,212.00		
88513	02/05/2025	Open			Accounts Payable	NV5, Inc.	\$1,822.59		
88514	02/05/2025	Open			Accounts Payable	NV5, Inc.	\$3,336.49		
88515	02/05/2025	Open			Accounts Payable	O'REILLY AUTO PARTS	\$299.05		
88516	02/05/2025	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$1,868.90		
88517	02/05/2025	Open			Accounts Payable	OROVILLE FORD	\$412.17		
88518	02/05/2025	Open			Accounts Payable	Oroville Tow & Salvage	\$200.00		
88519	02/05/2025	Open			Accounts Payable	Pace Systems, Inc.	\$2,774.56		
88520	02/05/2025	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$20,851.49		
88521	02/05/2025	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$3,897.66		
88522	02/05/2025	Open			Accounts Payable	PARADISE POST	\$365.17		
88523	02/05/2025	Open			Accounts Payable	PARADISE SANITATION COMPANY	\$730.00		
88524	02/05/2025	Open			Accounts Payable	Peters, Habib, McKenna, Juhl- Rhodes & Cardoza, LLP	\$2,153.50		
88525	02/05/2025	Open			Accounts Payable	R B SPENCER INC	\$1,315.26		
88526	02/05/2025	Open			Accounts Payable	Reconstruction & Recovery Advisors Inc	\$865.37		
88527	02/05/2025	Open			Accounts Payable	Reconstruction & Recovery Advisors Inc	\$4,365.98		
88528	02/05/2025	Open			Accounts Payable	Sacramento Sheriff Department Training Trust Fund	\$664.00		
88529	02/05/2025	Open			Accounts Payable	Savage Training Group LLC	\$1,793.00		
88530	02/05/2025	Open			Accounts Payable	SCM General Contractor	\$1,600.00		
88531	02/05/2025	Open			Accounts Payable	Spherion Staffing	\$9,227.89		
88532	02/05/2025	Open			Accounts Payable	SUTTER BUTTES COMMUNICATIONS, INC.	\$4,657.41		
88533	02/05/2025	Open			Accounts Payable	T MOBILE USA, INC.	\$3,845.61		
88534	02/05/2025	Open			Accounts Payable	Tahoe Pure Water Co.	\$119.80		
88535	02/05/2025	Open			Accounts Payable	Thau Handyman Services DBA Fire Safe NorCal	\$4,750.00		
88536	02/05/2025	Open			Accounts Payable	THOMAS ACE HARDWARE	\$263.08		
88537	02/05/2025	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$412.15		
88538	02/05/2025	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$13.11		
88539	02/05/2025	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$22.25		
88540	02/05/2025	Open			Accounts Payable	THRIFTY ROOTER	\$9,136.57		
88541	02/05/2025	Open			Accounts Payable	Traffic Safety Warehouse , Munico Corp	\$3,780.46		
88542	02/05/2025	Open			Accounts Payable	Tri Flame Propane	\$240.50		
88543	02/05/2025	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$95.00		

Payment Register

From Payment Date: 2/1/2025 - To Payment Date: 2/28/2025

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
88544	02/05/2025	Open			Accounts Payable	WILLDAN FINANCIAL SERVICES	\$2,000.00		
88545	02/05/2025	Open			Accounts Payable	Wood Rodgers, Inc.	\$36,199.05		
88546	02/05/2025	Open			Accounts Payable	Baccala, Lauren, A	\$52.75		
88547	02/05/2025	Open			Accounts Payable	Chris Kraft Builders INC	\$3,555.64		
88548	02/05/2025	Open			Accounts Payable	Hartman, David	\$2,148.92		
88549	02/05/2025	Open			Accounts Payable	Husa, William	\$240.66		
88550	02/05/2025	Open			Accounts Payable	Mentus, Andrey	\$298.67		
88551	02/06/2025	Open			Accounts Payable	Amazon Capital Services	\$23.73		
88552	02/06/2025	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$102.91		
88553	02/06/2025	Open			Accounts Payable	AT&T/CALNET3 - REPEATER LINES	\$197.05		
88554	02/06/2025	Open			Accounts Payable	AT&T/CALNET3 - COMMUNITY PARK	\$29.97		
88555	02/06/2025	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$33.19		
88556	02/06/2025	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$3,523.17		
88557	02/06/2025	Open			Accounts Payable	AT&T/CALNET3 - TH/FDPD FIBER LINES	\$1,057.74		
88558	02/06/2025	Open			Accounts Payable	Brush Masters	\$500.00		
88559	02/06/2025	Open			Accounts Payable	Calif Dept of Tax and Fee Administration	\$614.53		
88560	02/06/2025	Open			Accounts Payable	Employment Development Dept	\$1,101.00		
88561	02/12/2025	Open			Accounts Payable	Golden State Fire Apparatus, Inc	\$599,397.89		
88562	02/14/2025	Open			Accounts Payable	Aflac	\$57.98		
88563	02/14/2025	Open			Accounts Payable	Met Life	\$14,153.76		
88564	02/14/2025	Open			Accounts Payable	OPERATING ENGINEERS	\$910.00		
88565	02/14/2025	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$2,579.46		
88566	02/14/2025	Open			Accounts Payable	SUN LIFE INSURANCE	\$10,093.48		
88567	02/14/2025	Open			Accounts Payable	SUPERIOR VISION SVC INC	\$911.06		
88568	02/14/2025	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$145.00		
88569	02/14/2025	Open			Accounts Payable	ICMA 457 - MissionSquare	\$2,584.51		
88570	02/14/2025	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$656.29		
88571	02/20/2025	Open			Accounts Payable	ADVANCED DOCUMENT CONCEPTS	\$12.24		
88572	02/20/2025	Open			Accounts Payable	ALHAMBRA	\$303.53		
88573	02/20/2025	Open			Accounts Payable	All Things Trees	\$3,500.00		
88574	02/20/2025	Open			Accounts Payable	Alvies, John	\$38.00		
88575	02/20/2025	Open			Accounts Payable	Amazon Capital Services	\$543.48		
88576	02/20/2025	Open			Accounts Payable	Archuleta, Derek, S	\$187.00		
88577	02/20/2025	Open			Accounts Payable	ARI Investigations, Inc.	\$7,451.08		
88578	02/20/2025	Open			Accounts Payable	Asbury Environmental Services	\$141.69		
88579	02/20/2025	Open			Accounts Payable	AT&T	\$4,185.63		
88580	02/20/2025	Open			Accounts Payable	AWARDS COMPANY	\$141.59		
88581	02/20/2025	Open			Accounts Payable	Bear Electrical Systems, Inc	\$1,520.00		
88582	02/20/2025	Open			Accounts Payable	Biometrics4ALL, Inc	\$13.50		
88583	02/20/2025	Open			Accounts Payable	Brush Masters	\$4,580.00		
88584	02/20/2025	Open			Accounts Payable	Bug Smart	\$125.00		
88585	02/20/2025	Open			Accounts Payable	BUTTE CO RECORDER	\$53.50		
88586	02/20/2025	Open			Accounts Payable	CALIFORNIA CRIMINAL JUSTICE WARRANT SERVS.	\$100.00		

Payment Register

From Payment Date: 2/1/2025 - To Payment Date: 2/28/2025

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
88587	02/20/2025	Open			Accounts Payable	CALIFORNIA POLICE CHIEFS ASSOCIATION	\$1,390.00		
88588	02/20/2025	Open			Accounts Payable	Caltronics Business Systems/J.J. R Ent Inc	\$1,293.04		
88589	02/20/2025	Open			Accounts Payable	CCUG	\$125.00		
88590	02/20/2025	Open			Accounts Payable	CLEANING CONNECTION, THE	\$200.00		
88591	02/20/2025	Open			Accounts Payable	Cole Huber LLP	\$50,434.22		
88592	02/20/2025	Open			Accounts Payable	COMCAST CABLE	\$296.75		
88593	02/20/2025	Open			Accounts Payable	COMCAST CABLE	\$425.73		
88594	02/20/2025	Open			Accounts Payable	COMPLETE ASPHALT SERVICE CO. INC. (CASCO)	\$107.25		
88595	02/20/2025	Open			Accounts Payable	Contech Engineered Solutions	\$2,451.52		
88596	02/20/2025	Open			Accounts Payable	Cooper, Andrew	\$57.00		
88597	02/20/2025	Open			Accounts Payable	Crossfire Tree & Vegetation Services	\$5,735.40		
88598	02/20/2025	Open			Accounts Payable	De Lage Landen Public Finance LLC	\$781.25		
88599	02/20/2025	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$979,881.81		
88600	02/20/2025	Open			Accounts Payable	Eidhammer, Trenton	\$513.50		
88601	02/20/2025	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$367.00		
88602	02/20/2025	Open			Accounts Payable	Entersect	\$109.95		
88603	02/20/2025	Open			Accounts Payable	Explore Butte County	\$7,528.28		
88604	02/20/2025	Open			Accounts Payable	Free Style Embroidery	\$186.73		
88605	02/20/2025	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$182.25		
88606	02/20/2025	Open			Accounts Payable	GREEN RIDGE LANDSCAPING	\$7,215.00		
88607	02/20/2025	Open			Accounts Payable	Guardian Public Safety Background Investigations	\$1,450.00		
88608	02/20/2025	Open			Accounts Payable	Gustavo Diaz	\$700.50		
88609	02/20/2025	Open			Accounts Payable	Hat Creek Construction & Materials, Inc.	\$89,773.14		
88610	02/20/2025	Open			Accounts Payable	Hawkins Delafield & Wood LLP	\$10,000.00		
88611	02/20/2025	Open			Accounts Payable	Helping Hands Ca	\$1,800.00		
88612	02/20/2025	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$13,196.83		
88613	02/20/2025	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$310.53		
88614	02/20/2025	Open			Accounts Payable	J2 Electric	\$1,950.00		
88615	02/20/2025	Open			Accounts Payable	Jeffrey Martinez	\$150.00		
88616	02/20/2025	Open			Accounts Payable	Jennifer Arbuckle	\$3,375.00		
88617	02/20/2025	Open			Accounts Payable	JL Services Bookkeeping Notary Live Scan LLC	\$35.00		
88618	02/20/2025	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$379.95		
88619	02/20/2025	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$846,788.68		
88620	02/20/2025	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$68,006.41		
88621	02/20/2025	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$766.97		
88622	02/20/2025	Open			Accounts Payable	KOEFAN INDUSTRIES	\$1,200.00		
88623	02/20/2025	Open			Accounts Payable	L.N. CURTIS & SONS	\$510.30		
88624	02/20/2025	Open			Accounts Payable	LEXIPOL, LLC	\$6,285.88		
88625	02/20/2025	Open			Accounts Payable	LIFE ASSIST INC	\$297.65		
88626	02/20/2025	Open			Accounts Payable	Matrix Consulting Group, LTD	\$2,000.00		
88627	02/20/2025	Open			Accounts Payable	Meyers Police K-9 Training, LLC	\$1,625.00		
88628	02/20/2025	Open			Accounts Payable	MODERN BUILDING INC.	\$266,215.30		

Payment Register

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
88629	02/20/2025	Open			Accounts Payable	Mooretown Rancheria Forestry Contract Services	\$19,111.30		
88630	02/20/2025	Open			Accounts Payable	MOTOROLA SOLUTIONS, INC.	\$4,744.62		
88631	02/20/2025	Open			Accounts Payable	NAPA Auto Parts	\$74.33		
88632	02/20/2025	Open			Accounts Payable	NICHOLS, ROBERT	\$57.00		
88633	02/20/2025	Open			Accounts Payable	NICOLETTI, CHRISTOPHER	\$144.13		
88634	02/20/2025	Open			Accounts Payable	North State Tire Co. Inc.	\$786.41		
88635	02/20/2025	Open			Accounts Payable	NORTHERN RECYCLING & WASTE SERVICES, INC.	\$3,493.71		
88636	02/20/2025	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$7,932.48		
88637	02/20/2025	Open			Accounts Payable	NORTHSTAR	\$4,992.50		
88638	02/20/2025	Open			Accounts Payable	O'REILLY AUTO PARTS	\$1,708.20		
88639	02/20/2025	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$522.54		
88640	02/20/2025	Open			Accounts Payable	Oroville Tow & Salvage	\$200.00		
88641	02/20/2025	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$18,433.55		
88642	02/20/2025	Open			Accounts Payable	PARADISE AUTO BODY	\$3,084.88		
88643	02/20/2025	Open			Accounts Payable	PARADISE POST	\$619.60		
88644	02/20/2025	Open			Accounts Payable	PARADISE RIDGE CHAMBER OF COMMERCE	\$30,000.00		
88645	02/20/2025	Open			Accounts Payable	Payton Haury	\$19.00		
88646	02/20/2025	Open			Accounts Payable	PERKINS MOBILE AUTO GLASS	\$75.00		
88647	02/20/2025	Open			Accounts Payable	PICKERING, ROBERT	\$57.00		
88648	02/20/2025	Open			Accounts Payable	Radco Trucking, Radco Trucking	\$510.00		
88649	02/20/2025	Open			Accounts Payable	Spherion Staffing	\$4,097.98		
88650	02/20/2025	Open			Accounts Payable	Tahoe Pure Water Co.	\$90.70		
88651	02/20/2025	Open			Accounts Payable	Thau Handyman Services DBA Fire Safe NorCal	\$500.00		
88652	02/20/2025	Open			Accounts Payable	The Ferguson Group	\$5,000.00		
88653	02/20/2025	Open			Accounts Payable	THOMAS ACE HARDWARE	\$367.11		
88654	02/20/2025	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$1,047.28		
88655	02/20/2025	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$34.18		
88656	02/20/2025	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$34.89		
88657	02/20/2025	Open			Accounts Payable	TOM'S TREE SERVICE	\$25,035.00		
88658	02/20/2025	Open			Accounts Payable	Top Notch Commercial Cleaning Inc.	\$6,800.00		
88659	02/20/2025	Open			Accounts Payable	Tri Flame Propane	\$388.15		
88660	02/20/2025	Open			Accounts Payable	Tuck, Kevin	\$19.00		
88661	02/20/2025	Open			Accounts Payable	Utility Associates, Inc.	\$33.00		
88662	02/20/2025	Open			Accounts Payable	VERIZON WIRELESS	\$570.15		
88663	02/20/2025	Open			Accounts Payable	VERIZON WIRELESS	\$1,369.79		
88664	02/20/2025	Open			Accounts Payable	WILKEY, JOHN	\$57.00		
88665	02/20/2025	Open			Accounts Payable	Williams Scotsman, Inc. (Mobile Mini)	\$157.35		
88666	02/20/2025	Open			Accounts Payable	Anderson, David	\$104.22		
88667	02/20/2025	Open			Accounts Payable	Bailey, Brain	\$54.91		
88668	02/20/2025	Open			Accounts Payable	Braeu, Josef	\$50.00		
88669	02/20/2025	Open			Accounts Payable	Amazon Capital Services	\$1,456.24		
88671	02/26/2025	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$2,326.79		
88672	02/26/2025	Open			Accounts Payable	TOM'S TREE SERVICE	\$3,535.00		
88673	02/27/2025	Open			Accounts Payable	Amazon Capital Services	\$1,197.08		

Payment Register

From Payment Date: 2/1/2025 - To Payment Date: 2/28/2025

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
Type Check Totals:					211 Transactions		\$5,833,541.39		
<u>EFT</u>									
107	02/13/2025	Open			Accounts Payable	CALPERS - RETIREMENT	\$68,377.57		
108	02/10/2025	Open			Accounts Payable	CALPERS	\$152,811.51		
109	02/14/2025	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$12,788.51		
110	02/14/2025	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$12,031.73		
111	02/14/2025	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$41,395.92		
112	02/18/2025	Open			Accounts Payable	CALPERS - RETIREMENT	\$69,114.82		
Type EFT Totals:					6 Transactions		\$356,520.06		
AP TCB - General Checking Totals									

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	211	\$5,833,541.39	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	211	\$5,833,541.39	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$356,520.06	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	6	\$356,520.06	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	217	\$6,190,061.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	217	\$6,190,061.45	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	211	\$5,833,541.39	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	211	\$5,833,541.39	\$0.00

EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	6	\$356,520.06	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Total	6	\$356,520.06	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	217	\$6,190,061.45	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	217	\$6,190,061.45	\$0.00



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 2(c)

ORIGINATED BY: Melanie Elvis, Town Clerk
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Amendment to positions listed in the Town of Paradise
Conflict of Interest Code
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 2025-___, "A Resolution of the Town Council of the Town of Paradise Amending and Re-Adopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate by Reference the Fair Political Practices Commission's Standard Model Conflict of Interest."

Background:

Government Code Section 87300, et seq., requires every local government agency to adopt and promulgate a Conflict of Interest Code that sets forth Town officials/employees who make decisions that might benefit them financially and, as such, must publicly disclose certain financial interests. The proposed resolution incorporates by reference the Fair Political Practices Commission (FPPC) adopted regulation (2 Cal. Code of Reg., Section 18730) which contains the terms of a standard model Conflict of Interest Code.

Analysis:

Upon review, it was determined that as a Council appointed body, the Building/Fire Code Board of Appeals is required to complete a Form 700 Statement of Economic Interest. This is the only addition to Appendix B. The proposed resolution also takes into consideration the filing requirements for the 87200 filers, i.e., Town Council, Planning Commission, the Town Manager, Attorney and Finance Director, naming the FPPC their filing officer as required by AB1170.

Financial Impact:

None.

**TOWN OF PARADISE
RESOLUTION NO. 2025-____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE AMENDING
RESOLUTION NO. 2023-06 AND RE- ADOPTING CONFLICT OF INTEREST CODE FOR THE
AGENCIES AND DEPARTMENTS OF THE TOWN OF PARADISE WHICH INCORPORATE BY
REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL
CONFLICT OF INTEREST**

WHEREAS, the Political Reform Act, Government Code Section 87300, et seq., requires every local government agency to adopt and promulgate a Conflict of Interest Code; and

WHEREAS, the Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Reg., Section 18730, which contains the terms of a standard model Conflict of Interest Code, which can be incorporated by reference, and which will be amended to conform to amendments in the Political Reform Act; and

WHEREAS, this Town Council has determined that the attached Appendices A, B and C accurately set forth those positions which should be designated and the categories of financial interests which should be made reportable;

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

1. The provisions of Title 2 of the California Code of Regulations Section 18730 and any amendment to it duly adopted by the Fair Political Practices Commission along with the attached Appendices in which Town officials and employees are designated and disclosure categories are set forth, are hereby amended and re-adopted and incorporated by reference and constitute the Conflict of Interest Codes of the Town of Paradise.

2. Persons holding designated positions shall file statements of economic interest pursuant to Section 18730. All designated employees shall file their statement with the Paradise Town Clerk to whom the Town Council hereby delegates the authority to carry out the duties of filing officer.

3. Statements of economic interest for members of the Town Council, Planning Commission, Town Manager, Town Attorney, Finance Director/Town Treasurer shall be e-filed directly the Fair Political Practices Commission.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 11th day of March, 2025, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Steve Crowder, Mayor

ATTEST:

APPROVED AS TO FORM

Melanie Elvis, Town Clerk

Scott E. Huber, Town Attorney

**APPENDIX A
RESOLUTION NO. 2025-__**

GENERAL PROVISIONS

When a designated employee is required to disclose investments and sources of incomes, he/she need only disclose investments in business entities and sources of income which do business in the Town of Paradise, plan to do business in the Town of Paradise or have done business in the Town of Paradise within the past two years. In addition to other activities, a business entity is doing business within the Town of Paradise if it owns real property within the Town limits. When a designated employee is required to disclose interests in real property, he need only disclose real property which is located in whole or in part within, or no more than two miles outside, the boundaries of the Town of Paradise or within two miles of any land owned or used by the Town of Paradise.

Designated employees shall disclose their financial interest pursuant to the appropriate disclosure category as indicated in Appendix B.

DISCLOSURE CATEGORIES

Category 1: Designated Employees Whose Duties are Broad and Indefinable

All sources of income, interests in real property, and investments and business positions in business entities.

Category 2: Designated Employees Whose Duties Involve Contracting or Purchasing

Contracts or makes purchases for entire agency: Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the agency.

Contracts or makes purchases for specific department within the agency: Investments and business positions in business entities and sources of income which provide services, supplies, materials, machinery or equipment of the type utilized by the designated employee's department or division.

Category 3: Designated Employees Whose Duties Involve Regulatory, Permit, or Licensing Powers

All investments and business positions in business entities and sources of income which are subject to the regulatory permit or licensing authority of the Town.

Category 4: Designated Employees Whose Decisions May Affect Real Property Interests

Investments and business positions in business entities and sources of income which engage in land development, construction or the acquisition or sale of real property, and all interests in real property.

**APPENDIX B
RESOLUTION 2025-___**

Town Council	1
Successor Agency to Paradise Redevelopment Agency Directors	1
Planning Commissioners	1
Measure V Oversight Committee	1
Building Code Board of Appeals	1
Town Manager/Successor Agency Manager	1
Assistant Town Manager	1
Town Attorney/Successor Agency Counsel	1
Finance Director/Town Treasurer-/Successor Agency Finance Director	1
Town Clerk/Elections Official/Successor Agency Secretary	1
Human Resources/Risk Management Director	1
Recovery and Economic Development Director	1
Project Manager	1
Housing Program Manager	4
Housing Program Technician	4
Information Systems-Director	2
Fleet Services Supervisor	2
Senior Mechanic	2
Chief of Police	1
Police Lieutenant	2
Fire Chief	1
Fire Battalion Chief	2
Building Official/ Fire Marshall	3
Community Development Director (CDD) -Onsite	1
Community Development Director (CDD) -Building	1
Community Development Manager	2
Assistant/Associate Planner	1
Senior Planner	1
Senior Supervising Code Enforcement Officer	3
Code Enforcement Officer I/II	3
CDD Permit Coordinator	3
Fire Inspectors I/II	3
Construction Inspector I/II	3
Building/Onsite Inspector I/II	3
Onsite Sanitary Official	3
Senior Building/Onsite Inspector	3

TOWN OF PARADISE
RESOLUTION NO. 2025--___

Senior Accountant	3
Accounting Manager	3
Accountant	3
Public Works Director/Town Engineer	1
Assistant/Associate Engineer	3
Principal Engineer	3
Engineering Division Manager	3
Capital Projects Manager	1
Senior Capital Project Manager	1
Infrastructure Program Manager	3
Public Works Manager	2

APPENDIX C

Consultant/Contract Employee Disclosure Category

Consultants/contract employees shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Town Attorney may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's/contractor's duties and, based upon that description, a statement of the extent of disclosure requirements. The Town Attorney's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 2(d)

ORIGINATED BY: Melanie Elvis, Town Clerk/Elections Official
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Update the Council Member Handbook
LONG TERM RECOVERY PLAN: No.

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 2025-____ “A Resolution of the Town Council of the Town of Paradise Rescinding Resolution No. 14-37 and Adopting the Revised Council Member Handbook.”

Background:

The Town Council first adopted a Council Member Handbook on October 7, 1981. Since then, there have been several iterations of the handbook which have been amended to update and include current policies, procedures and other general information over the years. The most recent handbook was adopted in 2014 by Resolution No. 14-37.

At the December 10, 2024, Town Council Meeting, staff prepared a revised version of the Council Member Handbook containing updates to Town department descriptions, Council’s role in an Emergency Operations Center, training requirements, an overview of the Public Contract Code and eliminated outdated contracts. Council tabled the item with a request for more time to review the proposed changes. The only comments staff received were minor text corrections.

Analysis:

The purpose of the Council Member Handbook is to provide a basic overview of the challenges and unique factors affecting the Town Council and at the same time offer information of both the technical and general natures regarding management, policies and organization of the Council and Town government.

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

This version of the handbook updates Town department descriptions, the role of a Town Council Member in the Emergency Operations Center, training requirements, includes an overview of the Public Contract Code, a description of the Building/Fire Code Board of Appeals Council appointed body, and eliminates outdated contracts.

Financial Impact:

None.

**TOWN OF PARADISE
RESOLUTION 2025-___**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE RECINDING
RESOLUTION NO. 14-37 AND ADOPTING THE REVISED COUNCIL MEMBER HANDBOOK**

WHEREAS, the Town Council of the Town of Paradise wishes to revise its Council Members Handbook, first adopted by Resolution No. 81-41 and revised by Resolution No. 88-50, 96-09, 00-36, 06-04 and 14-37; and,

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

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 11th day of March 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Steve Crowder, Mayor

ATTEST:

Melanie Elvis, Town Clerk/Elections Official

APPROVED AS TO FORM:

Scott E. Huber, Town Attorney

Town of Paradise

Council Members Handbook



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LIST OF ATTACHMENTS

1. **ORGANIZATIONAL CHART Updated 2024/2025**
2. **Conduct of Meetings.....** RESOLUTION 2024-09, Amending and Restating Procedure Relating to Conduct of Town Council Meetings
3. **Mayor’s Role** RESOLUTION 12-48, Approving the Role of the Mayor Relating to the Paradise Town Council/Manager Form of Government

RESOLUTION 88-55, Amending Resolution #83-40 and #85-41, Adopting Policies Concerning the Town of Paradise (Related to Selection of Mayor and Vice Mayor)
4. **Purchasing.....** CHAPTER 2.45, PARADISE MUNICIPAL CODE, Establishing Purchasing System for Town of Paradise
5. **Successor Agency** RESOLUTION 12-08, Establishing the Successor Agency of the Paradise Redevelopment Agency Pursuant to Assembly Bill 1X26

All California Redevelopment Agencies were dissolved by AB 1X 26 on February 1, 2012 which necessitated naming a Successor Agency of the Paradise Redevelopment Agency.
6. **Conflict of Interest.....** A PUBLIC OFFICIAL’S CONFLICT OF INTEREST OVERVIEW & CHECKLIST
7. **Ralph M. Brown Act.....** OPEN & PUBLIC VI A Guide to the Ralph M. Brown Act
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I. INTRODUCTION

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

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

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

II. ETHICS AND CONFLICT OF INTEREST

California has a complex set of ethics laws to guide local officials in their service to their communities. This handbook does not duplicate those laws. It is the responsibility of elected officials to familiarize themselves with these laws and to seek the advice of the Town Attorney if they have questions regarding a particular set of circumstances.

Generally speaking, legal requirements relating to public official ethics fall into three categories:

- Laws designed to prevent public officials' personal financial interests from influencing public agency decisions.
- Laws limiting personal advantages and perks relating to public office.
- Laws relating to open government, fair processes and impartial decision-making.

Keeping the following four core principles in mind can help guide decisions and actions:

1. Public officials may **not** use their offices for **personal financial gain**.
2. Holding public office does **not** entitle one to **personal advantages or perks**.
3. **Transparency** promotes public trust and confidence.
4. Merit-based decision-making based on **fair processes** produces the best results for the public.

Town of Paradise Resolution No. 2023-06 requires all council members to file statements of economic interest pursuant to California Code of Regulations Section 18730 as adopted or subsequently amended by the fair Political practices Commission. All council members are also required by AB 1234 to complete ethics training every two years. Ethics laws are only minimum

standards. It is simply not possible to write laws that prevent all actions that might diminish the public's trust. For this reason, the laws should be viewed as a floor for conduct, not a ceiling. Just because a given course of conduct is legal does not mean that it is ethical (or that the public will perceive it as such). Council members should exercise their powers free from personal bias – including biases that have nothing to do with financial gains or losses. They should also strive to avoid the perception of impropriety in conduct and decision-making.

III. GENERAL INFORMATION REGARDING THE TOWN DEMOGRAPHICS

Paradise, first settled in the early 1800's, was incorporated November 27, 1979, with a population of just under 23,000. Following the 2018 Camp Fire, Paradise has a current population of just over 10,000, is located in Butte County and is approximately 18 square miles with over 100 miles of public roads and streets.

In 2018, 95% of the Town was destroyed by wildfire. Since then, Town staff and cooperating agencies have worked tirelessly to bring Paradise back to its former glory using the community directed Long-Term-Recovery Plan as its guide.

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

Paradise has something for everyone. Many organizations are active on the ridge, including, but not limited to, churches, agricultural groups, business and professional associations, cultural arts, fraternal organizations, political and labor groups, recreation and sports, senior citizen organizations, service organizations and social services.

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

The Paradise Recreation and Park District (PRPD), Paradise Irrigation District (PID), Paradise Unified School District and the Paradise Cemetery District are separate entities and have their own elected Boards of Directors and employees. Paradise is proud of its museum of local history located on Pearson Road. Community festivals include *Gold Nugget Days*, celebrating the discovery of a 50+ pound gold nugget on the upper ridge once known as Dogtown, which is sponsored by the Gold Nugget Museum; *Johnny Appleseed Days*, celebrating the apple industry once a major industry in Paradise, sponsored by the Paradise Ridge Chamber of Commerce and local merchants, *Chocolate Festival*, celebrating all things chocolate, a fund raiser for youth programs in the community, and *Party in the Park*, sponsored by the Paradise Ridge Chamber of Commerce.

IV. TOWN GOVERNMENT STRUCTURE

FORM OF GOVERNMENT

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

TOWN COUNCIL

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

1. Mayor

The Mayor shall be selected each year by the members of the Council at the first regular meeting in December for a term of one year. The Mayor may serve successive terms if selected to do so by the majority of the Council. The Mayor is responsible for presiding at the Council meetings, for ceremonial duties and signing certain documents and shall have no regular administrative duties. The Mayor does not possess veto power over Council actions.

2. Vice Mayor

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

B. COUNCIL APPOINTED POSITIONS

1. Town Manager

The Town Manager is the Chief Administrative Officer of the Town, advises the Council on the affairs of the Town and is responsible for directing and coordinating all municipal activities and administering the policies set by Council. The Town Manager appoints all department directors with the exception of the Town Attorney which is also a Council appointed position. The Town Manager also serves as the Town's Emergency Services Director. (PMC Chapter 2.04)

2. Town Attorney

The Town Attorney is an independent contractor rather than an in-house employee and is appointed by the Town Council. The Town Attorney is the legal advisor for the Council, the Manager and department directors. The Town Attorney represents the Town in legal actions, acts as prosecuting attorney, handles the acquisition or condemnation of real property, supervises assessment district proceedings, and prepares or reviews all ordinances, resolutions and contracts. The Town Attorney acts as counsel or co-counsel on all civil litigation brought against the Town. (PMC Chapter 2.06)

C. TOWN DEPARTMENTS SUPERVISED BY THE TOWN MANAGER

1. Town Clerk/Elections Official

The Town Clerk reports directly to the Town Manager and is responsible for maintaining the records of Council actions, and permanent records of all Town Council transactions. The Clerk takes official minutes of all Council meetings, including minutes of Closed Sessions, which are kept in a confidential file. (Provisions for Closed Sessions are set forth in the Ralph M. Brown Act.) The Town Clerk coordinates and distributes all Council correspondence, the filing officer for the requirements of the Fair Political Action Commission, coordinates all claims against the Town and is the agent for service of process. No original records shall be removed from the Town Clerk's Dept. The Town Clerk also serves as the Elections Official for the Town of Paradise. (PMC Chapter 2.10)

2. Police Department

The Police Chief answers directly to the Town Manager. The Police Department is responsible for Operations (patrol officers), Investigations (detectives), Communications (Dispatch/911), and Animal Control. (PMC Chapter 2.24)

3. Fire Department

The Town of Paradise contracts with the California Department of Forestry and Fire Protection (CAL FIRE) for services pursuant to an agreement approved by Resolution No. 12-35 on October 9, 2012. The current term of the agreement is from July 1, 2021 to June 30, 2025. The Fire Department is responsible for fire suppression, fire prevention, medical emergency response and the volunteers. (PMC Chapter 2.20, Resolution No. 21-14)

4. Financial Services Department

The Finance Services Director answers directly to the Town Manager. This department is responsible for the finances of the Town (accounts receivable, accounts payable, annual budget, payroll, required state and federal reports financial analysis and internal auditing). The Finance Director also serves as the Town Treasurer. (PMC Chapter 2.16)

5. Community Development Department

The Community Development Directors answer directly to the Town Manager. This department oversees six divisions. The Community Development Director – Planning and Wastewater oversees the Wastewater, Planning, and Solid Waste. The Community Development Director – Building and Code Enforcement oversees the Building, Code Enforcement and Fire Prevention divisions. (PMC Chapter 2.12)

6. Engineering and Public Works Department

The Public Works Director/Town Engineer answers directly to the Town Manager. This department is responsible for Engineering (drainage projects, capital

improvement projects, street and road improvements), the Paradise Sewer Project, the Fleet Maintenance (maintenance of Police, Fire, Public Works and all Town vehicles and equipment) and Public Works (streets, drainage, site improvements, brush removal). (PMC Chapter 2.12.060)

7. Human Resources/Risk Management

The Human Resources Director/Risk Management answers directly to the Town Manager, and under the general direction of the Town manager, plans, directs, supervises and coordinates activities related to human resources and risk management for the Town; organizes and administers various human resources functions and activities such as recruitment, testing, training, classification, wage/salary administration, benefits administration, workers compensation, safety and training programs; and assures compliance with applicable ordinances and codes. (PMC Chapter 2.32)

8. Information Systems Department

The Information Systems Director answers directly to the Town Manager. The position is responsible for the technical design, planning, implementation, maintenance, management and administration of the Town's information technology systems and telephone communications systems; provides highly technical and responsible staff assistance to the entire Town organization and the Emergency Operations Center when activated. (Resolution No. 21-31)

9. Recovery & Economic Development Department

The Recovery and Economic Development Director answers directly to the Town Manager. The department was created after the 2018 Camp Fire to plan, direct and oversee the Town's recovery and economic development, emergency management and advocacy projects and programs as outlined in the Long-Term Recovery Plan as well as the Business and Housing Division. (Resolution No. 21-31)

D. COUNCIL APPOINTED COMMISSIONS AND COMMITTEES

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

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

1. Planning Commission

The Planning Commission consists of five Commissioners who must reside within

the Town limits, or be registered voters in the Town of Paradise, each appointed by the Town Council to four-year terms of office. This Commission makes final decisions as well as recommendations to the Town Council on most development and land use applications. They also advise the Council on long-range planning and General Plan matters. Meetings are held on the 3rd Tuesday of each month in the Town Hall Council Chambers at 6:00 p.m. (PMC Chapter 2.12 Article III)

2. Measure V Citizen Oversight Committee

The Measure V Citizens Oversight Committee, established by the same local law which proposed the sales tax (Ordinance No. 545), reviews the spending of tax revenue. The committee consists of a 9-member board of residents and business owners in the Town of Paradise. The purpose of the committee is to provide independent recommendations and assist in monitoring and reporting of spending of tax monies. The committee meets at least quarterly as well as during the Town's budget preparation with the Town Manager and Finance Director to ensure that the funds are appropriately allocated. (PMC Chapter 3.22.075)

3. Building/Fire Code Board of Appeals

The Building/Fire Code Board of Appeals was first established by Town Council by minute order on March 2, 1999. The purpose of the committee is to resolve questions about building official decisions regarding application and interpretation of technical code. Meetings are held on an "as needed" basis whenever there is an appeal of a decision of a building official. The committee consists of a seven-member board: a licensed architect, licensed civil engineer, licensed electrician, licensed general contractor, licensed mechanical contractor, licensed plumber and licensed real estate agent. The Building Official is an ex-officio, non-voting member who serves as secretary to the board.

V. COUNCIL LEGISLATIVE ACTS:

A. ORDINANCES

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

B. RESOLUTIONS

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

referendum by the electorate and become effective immediately upon adoption.

C. MOTIONS (MINUTE ORDERS)

A motion requires majority Council approval for procedural or administrative action. Motions are usually used for disposition of business items on the agenda. When the Town Council is not prepared to take a definite action or when further study or information is needed, the Town Council may refer the matter to staff, an advisory body or a citizens' group for study or report. Except where otherwise required by law, Council adheres to Rosenburg's Rules of Order, Revised, to govern the conduct of regular Town Council meetings.

VI. PUBLIC PARTICIPATION IN COUNCIL MEETINGS

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

VII. COUNCIL/MAYOR RELATIONS

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

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

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

VIII. MANAGER/MAYOR/COUNCIL RELATIONS

Maintaining a positive and constructive relationship between the Council and the Manager is essential to the success and continued progress of the Town and depends largely on all parties maintaining open lines of communication between each other, as well as maintaining a mutually respectful working relationship.

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

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

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

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

IX. TOWN'S PERSONNEL SYSTEM

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

X. COUNCIL RELATIONS WITH ADMINISTRATIVE PERSONNEL

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

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

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

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

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

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

XI. PERFORMANCE EVALUATIONS

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

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

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

XII. GETTING THE JOB DONE

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

One of the greatest challenges is embracing, and helping the public understand that the true function of a Council Member is to be a generalist in policy making, with actual administration carried forward by the Town Manager and principal subordinates and employees.

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

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

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

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

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

The Council will have plenty of volunteer help. Various interest groups purporting to represent the will of a majority of citizens will be there whenever any important issue is involved. These groups often represent a minority of the citizenry, but they should be given consideration

so far as they provide valuable clues to the state of public opinion. Personal investigation, such as talking to individuals and with small groups, club members, and church and civic organizations, is very important.

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

XIII. OTHER DUTIES AND RESPONSIBILITIES

A. COUNCIL MEETINGS

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

B. COMMITTEE/COMMISSION REPRESENTATION

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

C. CONTACT WITH CITIZENS/COMPLAINT PROCEDURE

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

D. PLACING ITEMS ON THE AGENDA

Any Council Member may place an item on the agenda for Council discussion under the **Council Initiatives** section of the agenda by contacting the Town Clerk or Deputy Town Clerk before the scheduled deadline for submitting Agenda items and it will be placed on the Agenda under that Council Member's name. If

the item requires additional information or substantial work on the part of Town staff, the Council as a body must make the determination to refer the matter to staff to bring back at a future Council Meeting.

E. PRESS, RADIO AND TELEVISION

Handling the press is a major factor when issues are “warm” at Town Hall. It is not the responsibility of press, radio or television to keep a Council Member from making premature or erroneous statements. Usually, as decisions shape up, the Council Member can pretty well determine in advance what the news angle will be and prepare accordingly for the inevitable telephone call. The Mayor is the official spokesperson for the Council as a body; individual Council Members may only represent themselves.

F. COUNCIL COMPENSATION

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

2.08.041 Salaries.

A. The salary established by this section is enacted under Section 36516 Government Code, which authorizes the town council to provide by ordinance that each member of the council may receive salary based upon the population of the town as determined by estimates made by the state Department of Finance.

B. The latest estimate of population of the town of Paradise made by the state Department of Finance is twenty-six thousand, three hundred fifty.¹

C. Each member of the town council may receive the sum of three hundred dollars as provided in Section 36516 of the Government Code. The salary is payable at the same time and in the same manner as the salary is paid to the officers and employees of the town.

D. The salary prescribed by this section is exclusive of any other amount payable to a member of the town council as reimbursement for actual and necessary expenses incurred in the performance of official duties.

E. The town council finds and determines that the members of the council are the equivalent of thirty-two hour per week, part-time employees.

F. Town council members shall be eligible for enrollment in the town's health benefits package based upon the same terms as provided to town management employees.

G. Subsections C and F shall become operative upon the date when a member of the town council becomes eligible for the salary and benefits prescribed by virtue of beginning a new term of office. Until such operative date, the town council and the mayor shall continue to receive the salary and compensation in accordance with Ordinance No. 183.

H. The three hundred dollar salary as set forth in subsection C for council members electing to enroll in the town's health benefits package as set forth in subsection G shall be applied toward the town's contribution cap portion of the health benefits premium for thirty-two hour per week, part-time employees. In addition, council members shall be required to pay any amount exceeding the maximum amount paid by the town for its thirty-two hour per week, part-time employees.

I. Town Council members shall each receive a monthly travel allowance of ninety dollars to reimburse them for routine town related travel costs within Butte County.

J. The salary set forth in subsection C. shall be implemented as of July 1, 2006 and shall be payable thereafter each month to town council members. (Ord. 157(part), 1986: Ord. 183, §1, 1988: Ord. 366, §1, 2001: Ord. No. 454, § 1, 9-26-06)

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

¹ Following the Camp Fire, the latest estimate of population is ten thousand, six hundred fifty.

G. Emergency Management – The Council’s Role in the EOC

The Emergency Operations Plan was adopted in 2022 to provide an outline of the concept of operations, emergency response, recovery, mitigation, and preparedness. Within the scope of this plan, during an emergency Town Council’s role falls under the Public Information officer.

2.6 Emergency Public Information

The Town will be responsible for disseminating information about the emergency to keep the public informed about what has happened, the actions of emergency response departments, and to summarize the expected outcomes of the emergency actions. The Town’s media center location for briefings, conferences, and information distribution will be located at Paradise Town Hall (5555 Skyway, Paradise, CA 95969). **The spokesperson for the Town during a disaster may include the Mayor, Vice Mayor, Town Council representative, and/or the Town PIO.**² The PIO, per ICS roles and responsibilities, will develop public information materials for dissemination and receive approval from the IC prior to the appointed Town spokesperson disseminating information. Different channels of communication will be utilized, depending on the level of working infrastructure (power, internet, etc.). During a major disaster, the usefulness of these channels may be limited. The Town will ensure that any information shared with the public will be accessible to all, including those in the access and functional needs (DAFN) community. Communication systems are outlined in section 2.1. Through outreach programs, the Town will also communicate and educate the public (including businesses, individuals, and residents) on the risks and issues faced by the community and provide resources to mitigate risks and support preparedness. Outreach programs should address information on established emergency plans and procedures and delineate the roles and responsibilities of first responders and the public immediately following an emergency and during a sustained response.

H. Town Council is required to complete several trainings on either an annual or biannual basis. Council Members must complete Sexual Harassment training every two years per California Government Code Sections 12950.1 and 532.35 and Workplace Violence, De-escalation Trainings required by SB 533, every year. The Town Clerk Department maintains a schedule of required trainings and will coordinate with Council to make sure it is completed in a timely manner. Trainings are a necessary part of a Council Member’s role and help limit the liability that can

be brought upon the Town.

XIV. DISSOLUTION OF THE PARADISE REDEVELOPMENT AGENCY REQUIRED FORMATION OF THE SUCCESSOR AGENCY

The Paradise Redevelopment Agency, along with all redevelopment agencies in the State of California, was dissolved by act of the legislature of the State of California.

² The spokesperson for the Town during an emergency is the PIO under the direction of the Incident Commander and EOC Director. The Mayor's role is to speak for the Council as a body and to address the media at the PIO's discretion. The PIO is responsible for official public messaging.

The Paradise Town Council acts as the Successor Agency to the Town of Paradise Redevelopment Agency and is overseen by an Oversight Board.

XV. BALANCING TEAMWORK AND CONFLICT

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

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

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

XVI. CHECK LIST FOR COUNCIL MEMBERS

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

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

1. Do I understand the basic principles of Council/Manager government?
2. Am I prepared to exert leadership in policy making and leave **the execution and implementation** of policy to the Manager?
3. Do I use the Town Manager's office and the Town Clerk's Office to get facts and figures which lead to sound policy?
4. Am I working as a team with my colleagues on the Council and with the Town Manager and staff?
5. Have I familiarized myself with the California State Code and Council rules?
6. Do I make an effort to understand reports and recommendations prepared for Council's information and action?
7. Am I fair in presenting complaints directly to the Manager rather than going to subordinates?
8. Do I give the Manager reasonable time to explain a problem or to bring a recommendation?
9. Do I make an effort to understand the objectives of a proposed ordinance or ordinance amendment?

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



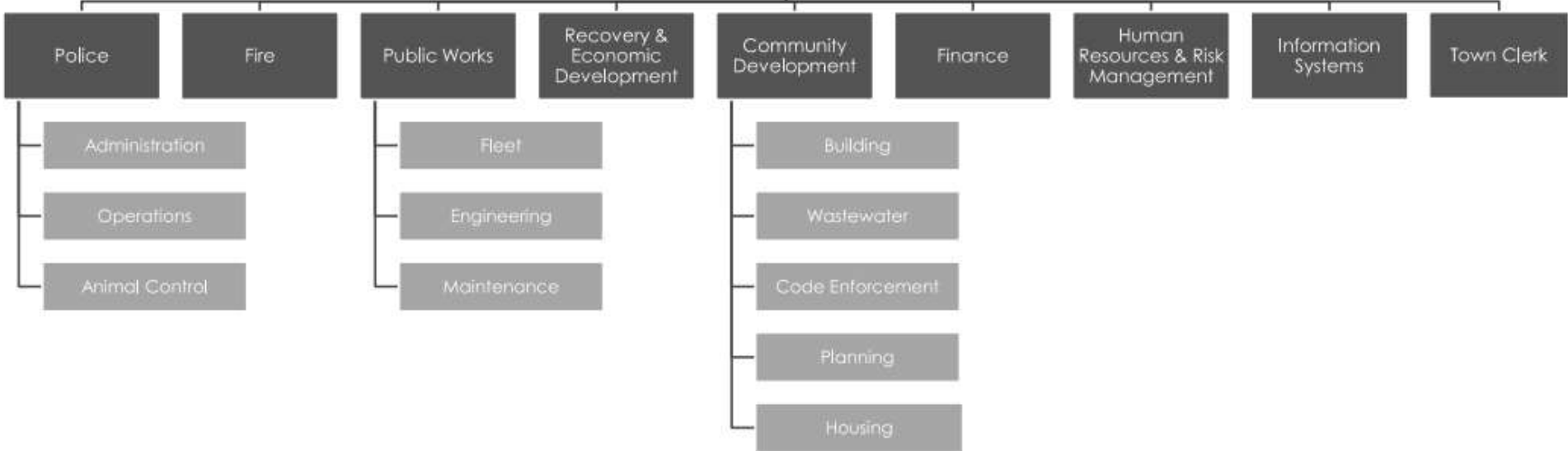
Organization Chart

Citizens of Paradise Town Council

Planning Commission, Successor Agency to the RDA, Measure V Oversight Committee

Town Attorney

Town Manager



**TOWN OF PARADISE
RESOLUTION NO. 2024-09**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
REPEALING RESOLUTION NO. 15-45 AND AMENDING AND RESTATING
PROCEDURE RELATING TO CONDUCT OF TOWN COUNCIL MEETINGS**

WHEREAS, it is necessary to update certain sections of the resolution to comply with current procedures and/or law relating to the Conduct of Council meetings, and

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

I. AGENDA PREPARATION

A. Agenda Deadline. All reports, ordinances, resolutions, contract documents or other matters to be submitted to the Council at the scheduled regular meeting on the first Tuesday of the month shall be posted to the automated agenda system at least eleven (1) days prior to the regular Town Council meeting. The Town Manager may determine that it is imperative that an item not meeting the Agenda deadline be heard by the Council. In such case, an item may be added to the agenda and an Amended Agenda may be prepared, distributed and posted so long as it meets the requirements of the applicable sections of the open meetings laws contained in Chapter 9 of the California Government Code known as the Brown Act.

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

C. Agenda Availability. The Agenda and Agenda Packet shall be available on the Town's Website for each Council Member, department director and the public at 8:00 a.m. on the Thursday preceding the scheduled Regular Meeting.

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

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

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

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

II. AGENDA POSTING

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

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

III. NO ACTION UNLESS POSTED

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

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

IV. NO ACTION UNLESS POSTED – EXCEPTIONS

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

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

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

1. Work stoppage or other activity which severely impairs public health,

safety, or both, as determined by a majority of the members of the legislative body.

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

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

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

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

V. PUBLIC PARTICIPATION

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

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

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

D. Oral Presentations. The purpose of oral and written presentations at Council meetings is to hear the public expression thereon and to solicit information on facts and

circumstances not otherwise known. The Council considers that such presentations are helpful in arriving at its' decisions.

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

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

G. Removal - Disorderly Conduct. Any person or persons who engages in indecorous or disorderly conduct, as defined in Government Code 54957.95, including, but not limited to hand clapping, stamping of feet, whistling, using profane language, yelling or similar demonstration which conduct disturbs the peace and good order of the meeting, shall, at the request of the Presiding Officer or the Council, be removed from the Council chambers.

H. Removal - Disobey Orders. Any person who refuses to comply with the lawful orders of the Presiding Officer shall, at the request of the Presiding Officer or the Council, be removed from the Council Chamber by the Sergeant-at-Arms.

I. Ruling of Chair - Appeal The ruling of the Presiding Officer to bar from further audience at that meeting shall be final and conclusive, subject only to the right of appeal by any Council Member to the entire Council.

J. Oral Presentation - Matters on the Agenda.

1. Order. The public shall have the opportunity to address each item placed on the Agenda after each agenda item has been called, introduced for discussion with staff members, consultants, or applicants, and any presentations made with reference to the agenda item.

2. Written Request Encouraged Each person wishing to be recognized and to speak on any listed agenda item may complete a written request and submit it to the Town Clerk prior to the beginning of the scheduled Council meeting. The Town of Paradise shall provide the request form. Each person shall state his/her name and it is requested that they provide their address and specify which agenda item he/she wishes to discuss and give an estimate of how long the presentation will last. Persons who have not submitted written requested may be allowed to speak as time permits, at the discretion of the Council.

3. Time. Each agenda item shall be allotted a total of 15 minutes during which public discussion may take place, unless additional time is allowed by a majority of the Council. If there are numerous speakers, they will have to

divide the 15 minutes among the speakers, with a maximum of 3 minutes per speaker. Speakers on a given item may yield their time to another speaker on the same item with the approval of the Council; but total time shall not exceed 15 minutes or such additional time as a majority of the Council may allow.

K. Oral Presentation - Matters Not on Agenda

1. Public Communications. Each Council Agenda shall contain a public communication section where the public shall be given an opportunity to speak to the Council on items of interest to the public which are not listed on the Agenda for discussion or action.

2. Time. A person speaking shall be required to limit his/her total time as to all subjects in an aggregate of three (3) minutes unless additional time is granted by a majority of the Town Council. If more time is necessary the item should be requested to be placed on a future Agenda for Council consideration.

VI. **ADDRESSING THE COUNCIL – PROCEDURE**

A. Recognition. No person shall address the Council unless he/she has been first recognized by the Presiding Officer.

B. Podium. All speakers shall make their remarks from the podium.

C. Speaker Identification. The speakers shall first identify themselves by name and it is requested that they state their address and any parties they represent before making their comments.

D. Subject Matter. The speaker's comments shall be limited to the matter which is pending before the Council.

E. Public Communication to the Council. The purpose of public communication is to inform the Council. Therefore, all remarks shall be made to the Council as a whole and not to individual members. Questions to individual Council Members and individual staff members should be addressed to those persons during time when Council is not in session.

VII. **PUBLIC HEARINGS PROCEDURE**

A. Time. Public Hearings shall be divided into four major sections: (1) Staff reports for a total of 15 minutes maximum; (2) Proponents presentation for a total of 15 minutes maximum; (3) Opponents presentations for a total of 15 minutes maximum; and (4) Rebuttals (if requested) for a total of 15 minutes maximum or 3 minutes maximum per speaker. If there are numerous speakers for any of the four sections, they will have to divide the 15 minutes total maximum among the speakers. Additional time may be granted by a

majority of the Council. **(Note: the current procedure is as follows: Public Hearings shall be divided into four major sections: (1) Staff reports (2) The Mayor opens the hearing for public comment in the following order: i. Asks the Town Clerk if there are any cards submitted; ii. Asks if there is anyone else wishing to comment (3) Closes the hearing (4) Council discussion and vote.)**

B. Spokesperson for a Group/Committee. In order to expedite matters and avoid repetitious presentations, whenever a group of persons wish to address the Council on the same subject matter the Presiding Officer shall inquire whether or not the group has a spokesperson and, if so, that he/she be heard. Speakers from the group, following such spokesperson, shall be limited to facts not presented by the group spokesperson.

C. Evidence -Received. After the agenda item has been called and introduced, the Council shall receive all oral and written staff reports, reports of consultants to the staff presentations by applicants and their consultants relative to the matter being considered. The rules of evidence shall be substantially relaxed in order to afford full presentation of facts essential for judicious consideration on the matter which is the subject of the public hearing.

D. Written Material. Written material for Public Hearings to be submitted by either proponents or opponents shall be delivered to the Town Clerk by noon on the business day preceding the hearing with copies provided for the Town Manager, Town Attorney, Town Council and one copy for Public Viewing. Eight (8) copies total.

E. Unreviewed Written Materials. Written materials presented to the Council for the first time at or immediately prior to the public hearing, which have not been previously reviewed by staff or Council, may be accepted into evidence at the discretion of the Council. Sufficient copies should be made for each Council Member, the Town Manager, Town Attorney, Town Clerk and at least one extra copy for public viewing/the press. Nine (9) copies total.

F. Closing. When the presentation of evidence has been completed, or when in the opinion of the Presiding Officer or the majority of the Council, sufficient evidence has been presented, the Presiding Officer shall order the public hearing closed and no further evidence shall be accepted or heard.

G. Reopening. A public hearing on any matter, once closed, cannot be reopened on the date set for hearing unless by a 4/5 vote of the Council. Nothing herein, however, is intended to prevent or prohibit the reopening of public hearing at any subsequent, regular or special meeting of the Council. No public hearing may be reopened without the same notice as required for the original public hearing.

H. Continuance. If at any time it appears to the Presiding Officer or the majority of the Council, that inadequate evidence has been presented to afford judicious consideration of any matter before the Council, continuation of such hearing may be ordered to afford the applicant, his/her opponents, or the Town staff, adequate time to assemble additional evidence for the Council's consideration. A continuance may also be granted for matters covered by, and in conformance with, Section XVII(I) of this resolution.

I. Date of Continuance. Any continuation shall be to a date certain, which date shall be publicly announced and shall constitute notice to all parties and to the public that such further evidence will be taken at the time and place specified.

IX. QUORUM

A. Quorum. Three (3) members of the Council shall constitute a quorum for the transaction of business.

B. Deferral/Conflict of Interest. Where there is no quorum, the Mayor, Vice-Mayor or any member of the Council may adjourn or if no member of the Council is present, the Town Clerk shall adjourn such meeting. For the purpose of considering any item which is subject to the vote of the Council, when a member disqualifies himself/herself due to conflict of interest, his/her presence shall not be considered in determining the presence of a quorum. If by such disqualification a quorum of voting Council Members does not remain, consideration of such items shall be deferred until a quorum of Council Members who have no conflict are present to discuss and vote on the matter.

X MEETINGS TO BE PUBLIC

A. Open to the Public. All regular and special meetings and study session of the Council shall be open to the public. The Council may hold closed sessions in the manner and form provided by law for such closed sessions.

XI. CLOSED SESSIONS

A. Non-disclosure. No member of the Council, employee of the Town or persons present during a closed session of the Council shall disclose to any person the content or substance of any confidential discussion which took place during said closed session, unless the Council votes to authorize disclosure of such information by a majority vote.

XII. PRESIDING OFFICER

A. Chairing Meeting. The Mayor, or in his/her absence, the Vice-Mayor, shall take the chair at the hour appointed for the meeting and shall call the meeting to order. In the absence of the Mayor and the Vice-Mayor, the Town Clerk or his/her assistant shall call the Council to order, whereupon a Temporary Chairman shall be selected by the Council Members present. Upon the arrival of the Mayor or the Vice-Mayor, as the case may be, the person who is then presiding shall relinquish the chair at the conclusion of the business then before the Council.

B. Presiding Officers Duties. The Presiding Officer shall preserve strict order and decorum at all Council meetings, state questions coming before the Council, announce its decision on all subjects and decide all questions or order; subject, however, to appeal by any Council Member as provided herein.

The Presiding Officer may make motions, debate and vote on all questions and on Roll Call his/her name should be called last.

C. Public Debate. The Presiding Officer controls public debate so that repetitive or irrelevant statements are not made, so that where public participation is in order, everyone will have a chance to speak before other persons have a second chance to speak, to expedite business at hand and to prevent Council meetings from being used as a forum for libel, slander or otherwise defamation of persons under the cloak of the "public privilege."

D. Signing Documents. The Mayor shall sign all ordinances and resolutions adopted and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice-Mayor shall sign such documents. In the absence of the Mayor and the Vice-Mayor, the Temporary Chairman shall sign such documents.

XIII. ORDER OF BUSINESS

A. Order of Business. All regular meetings of the Council shall take up for consideration and disposition matters in substantially the following order, except as may otherwise be agreed by a majority of the Council:

1. Opening

- a. Call to Order
- b. Flag Salute
- c. Invocation
- d. Roll Call
- e. Introductions, Proclamations, Presentations

2. Consent Calendar

3. Items Removed from Consent Calendar

4. Public Communication

This is the time for members of the audience who have completed a "Request to Address Council" card and given it to the Clerk to present items not on the Agenda. Comments should be limited to a maximum of three (3) minutes duration. The Town Council is prohibited by State Law from taking action on any item presented if it is not listed on the Agenda.

(A total of 30 minutes maximum will be allotted for this Agenda Item. Each speaker will be allowed a maximum of 3 minutes each, with the total time of 30 minutes divided between all speakers if there are more than ten.)

5. Public Hearings – Procedure on Cover Page

6. Council Consideration

7. Council Communication/Initiatives

8. Staff/Commission/Committee Communication

9. Closed Session

10. Adjournment

B. Directory. The provisions of this section shall be directory and not mandatory.

XIV. ROLL CALL

A. Roll Call. Before proceeding with the business of the Council, the Town Clerk shall call the roll of the members and the name of those present shall be entered in the minutes.

XV. CONSENT CALENDAR

A. Consent Calendar. Actions recommended by the staff or the Mayor to be listed in a Consent Calendar shall be listed in a summary form.

B. Reading of Resolutions/Ordinances. Each ordinance and resolution by reference on the written agenda is deemed to have been read by title only.

C. Adoption of Consent Calendar. The adoption of the Consent Calendar may be made in one motion by the Council; provided, however, that any Council Member may request that the Council defer action on any matters on the Consent Calendar and place it/them on the regular agenda. In such event, the Presiding Officer shall order that such matter (except for reading by title only as set forth in this section, unless a full reading is specifically requested) be removed from the said Consent Calendar and be placed for Council consideration.

D. All Items Adopted. Adoption of the Consent Calendar and approval of the same shall constitute an affirmative vote for each and every item contained thereon.

E. Adopted by Roll Call. The Consent Calendar shall be adopted only by roll call.

XVI. RULES OF DEBATE

A. Rules of Debate. The Presiding Officer may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all Council Members, and shall not be deprived of any of the rights and privileges of a Council Member by reason of his/her acting as the Presiding Officer.

B. Rosenberg's Rules of Order. Except as otherwise provided in this resolution or provided by law, Rosenberg's Rules of Order, Revised shall govern the conduct of regular meetings of the Council.

C. Objections to Informal Procedures. Objections to the use of informal procedures by the Council or the failure of the Council to act strictly in accordance with Rosenberg's Rules of Order shall be deemed waived by all Council Members, unless a Council Member express his/her objections at the time when such procedure is used.

D. Taking Matters Out of Order. The Presiding Officer may at any time, by consent of a majority of the Council, permit a member to introduce an ordinance, matter, resolution or motion out of the regular Agenda order.

E. Dividing Issues. If a matter contains two or more divisible propositions, the Presiding Officer may, and upon the request of a Council Member shall, unless appealed, divide the same.

F. Points of Order. The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal and request full Council ruling on the question. In the event of an appeal, the questions shall be: "Shall the decision of the Presiding Officer be sustained?" The majority vote shall conclusively determine such question of order.

G. Point of Personal Privilege. The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questions, or where the welfare of the Council is concerned.

H. Gaining the Floor. Every Council Member desiring to speak shall first address the chair and gain recognition by the Presiding Officer. Such member shall confine himself/herself to the question under debate, avoiding reference to character and indecorous language.

I. Interruptions of a Council Member. A Council Member, once recognized, shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order or personal privilege is raised by another Council Member, or unless the speaker chooses to yield to a question by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determine and, if determined to be in order, he/she may proceed. A Council Member, when speaking, shall speak to the subject matter of the item on the floor, and shall keep his/her remarks to a reasonable length. If a Council Member fails to do so, he/she may be called to order by a point of order.

Members of the Town staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

J. Propriety of Conduct - Council. Members of the Council must observe order and decorum and shall not by conversation otherwise, delay or interrupt the proceedings of the Council or in any way make or disturb any other member of the Council while speaking, or refuse to obey the orders of the Council or the Presiding Officer, except as in this resolution otherwise provided.

XVII. VOTING

A. Passage of Motion. The passage of every motion shall be by roll call and entered in full upon the record.

B. Roll Call Vote Required. All ordinances, resolutions granting a franchise, and resolutions and orders for the payment of money shall be by roll call vote. Any member of the Council may demand a roll call vote on any matter before the Council.

C. Explanation of Vote. It shall not be in order for any Council Member to explain their vote during the roll call, except in conformance with Section XVIII below.

D. Disqualification. Every member should vote unless disqualified for cause, but no Council Member shall be forced to vote.

E. Tie Votes. Tie votes shall be lost motions and result in a rejection of the matter voted upon.

F. Change of Vote. After the roll call has been completed but before the result of the vote is announced, a member may change his/her vote. A member may not change his/her vote after the vote has been announced unless a majority consent is obtained.

G. Failure to Vote. A Council Member who is silent, or inattentive, or fails to vote without stating his/her abstention or without being disqualified, shall be deemed to have cast a "yes" vote.

H. Conflict of Interest. A Council Member who is disqualified by reason of conflict of interest shall be recorded as "absent" and a Council Member who states he/she is abstaining shall be recorded as "not voting."

1. Appeals from Planning Commission Actions. With regard to any matter that comes before the Town Council on appeal from determinations or actions taken by the Planning Commission, at least three (3) affirmative votes shall be required to uphold any appeal from said determinations or actions. Failure to obtain three (3) affirmative votes shall constitute rejections of any such appeal.

In the event that there is less than a full Council present and qualified to vote on any appeal from Planning Commission determinations or actions, the appellant may continue the public hearing and the Town Council's determination on the appeal until a date certain when a full Council is expected to be available to hear and vote on said appeal. The appellant is required to exercise his/her said option to continue prior to the opening of the public hearing on the appeal and prior to any vote or action being taken by the Town

Council on the appeal. In the event the appellant chooses to have the matter heard and decided by less than a full Council, the action taken by the Town Council on the appeal at the meeting at which the appeal is heard shall be considered final. Any continuances granted pursuant to this section shall conform to the provisions of Section VIII of this resolution.

XVIII. RIGHT TO RECORD REASONS FOR VOTE

A. Reasons Entered into the Minutes. Any Council member shall have the right to have the reasons for his/her vote on any action before the Council entered in the minutes. Such statement shall be made in substantially the following manner: "I would like the minutes to show that I favor/oppose this action for the following reasons..."

XIX. RECONSIDERATION

A. Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only at the meeting when such action was taken. It may be made either immediately during the same session, or a recessed or adjourned session thereof. Such a motion to reconsider shall be made only by one of the Council Members who voted with the prevailing side. Nothing herein shall be construed to prevent any Council member from making or remaking the same or another motion at a subsequent meeting of the Council.

XX. ENFORCEMENT OF ORDER

A. Sergeant-At-Arms. The Chief of Police is designated as Sergeant-at-Arms of the Council and shall carry out all orders by the Presiding Officer for the purpose of maintaining order at the Council meeting. In the absence of the Chief of Police or any member of the Police Department, the Presiding Officer may designate any person to act as Sergeant-at-Arms.

B. Enforcement of Rules. Any Council Member may move to require the Presiding Officer to enforce these rules. An affirmative vote of the majority of the Council shall require the Presiding Officer to enforce said rules.

XXI. PROCEDURAL RULES - VIOLATION SHALL NOT INVALIDATE

A. Substantial Compliance. Insofar as practicable, the business of the Council shall be conducted substantially in the order and the manner provided in this resolution. However, the failure to observe or enforce such procedural rules shall in no manner affect the regularity, validity or legality of any action or proceeding taken by the Council. The Council, in its discretion, reserves the right to govern its own proceedings.

XXII. TESTIMONY UNDER OATH

A. Testimony Under Oath. The Presiding Officer may require any person addressing the Council to be sworn as a witness and testify under oath. The Presiding Officer shall require a witness to be sworn if directed to do so by a majority of the Council.

XXIII. MINUTES OF COUNCIL

A. Minutes. The official minutes of the Town Council will be kept by the Town Clerk in the Minute Book, with the record of each particular type of business transacted set off in the paragraph with the proper subheads.

B. Record Business Passed by Council. The Clerk shall be required to make a record only of such business actually passed upon by the Council, and shall not be required to record the remarks of any member of the Council or any other person, except as specifically provided by this resolution.

C. Persons Addressing Council. The names and addresses (if volunteered) of persons addressing the Council and the subject matter of their remarks shall be entered in the minutes.

D. Directory. The provisions of this section shall be directory and not mandatory.

XIV. INVESTIGATIONS AND HEARINGS

A. Investigations and Hearings. The Council shall have the discretionary right to make investigations and hold hearings with respect to all matters within its legislative power and all matters pertaining to the administration of the business of the Town.

B. Power of Subpoena. The Council shall have the power of subpoena as provided in Sections 37104 and 37109 of the Government Code. The Council may order the Clerk and the Chief of Police or his/her representative to issue subpoenas for any witnesses or records necessary for the production of evidence at any duly scheduled meeting of the Council.

XV. SMOKING AT MEETINGS

A. Smoking. No person shall smoke any cigarette, e-cigarette, vapor device, cigar or pipe during any meeting of the Town Council.

XVI. ADJOURNMENT

A. Time of Adjournment. It shall be the policy of the Town Council to adjourn its meetings at or before 11:00 p.m. If the Council has not completed all items of the Agenda by 11:00 p.m., the Council, shall, at that time, either (1) waive the adjournment hour by formal

motion; or (2) determine a future date(s) and time(s) at which the remaining Agenda items will be heard. Violation of this section shall not invalidate the action taken.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 13th day of February, 2024, by the following vote:

AYES: Greg Bolin, Steve Crowder, Steve "Woody" Culleton, Rose Tryon, and Ronald Lasonde, Mayor

NOES: None

ABSENT: None

ABSTAIN: None

Attest: *February 14, 2024*
Dina Volenski

Dina Volenski, CMC, Town Clerk

Ronald Lasonde

Ronald Lasonde, Mayor

Approved as to Form:
Scott E. Huber

Scott E. Huber, Town Attorney

**TOWN OF PARADISE
RESOLUTION NO. 12-48**

**A RESOLUTION APPROVING THE ROLE OF THE MAYOR
RELATING TO THE PARADISE TOWN COUNCIL/MANAGER FORM
OF GOVERNMENT**

WHEREAS, it is deemed in the best interests of the Town of Paradise to formalize the role and responsibilities of the Mayor.

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

SECTION 1.

- a. The Mayor shall officially preside over all regular and special Town Council meetings, and special community meetings, or town hall forums sponsored by the Town.
- b. The Mayor shall officially represent the town at community events.
- c. The Mayor shall make presentations, on behalf of the Town, to regional and community-based organizations.
- d. The Mayor shall be the primary Town spokesperson to the media.
- e. The Mayor shall represent the Town to various intergovernmental entities and committees.
- f. The Mayor shall lead the Town's advocacy efforts with the state and federal governments concerning issues, programs, and projects of importance to the Town.
- g. The Mayor shall sign all Council approved agreements and contracts that the Council has authorized the Mayor to sign.
- h. The Mayor shall sign all warrant checks over \$10,000.
- i. The Mayor shall meet with community groups and individual citizens on various issues facing the community.
- j. The Mayor shall confer on a regular basis with the Town Manager on pending Town issues, including providing the Town Manager with input on upcoming Council agendas.

**Town of Paradise
Resolution No. 12-48**


- k. The Vice-Mayor shall perform the role and responsibilities of the Mayor, in the absence of the Mayor.

SECTION 2.

That adoption of this resolution provides a more complete definition of the role of Mayor than has existed heretofore; recognizes the importance that the position of Mayor has in our community; respects the equal policy-making authority that the Mayor shares with the other elected Town Council Members; and supports Paradise's Council/Manager form of municipal government and the Town Manager's ability to effectively perform their executive management duties and responsibilities.

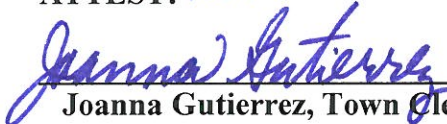
PASSED AND ADOPTED by the Town Council of the Town of Paradise, this 11th day of December, 2012, by the following vote:

AYES: Greg Bolin, Steve "Woody" Culleton, Scott Lotter, John J. Rawlings and Tim Titus, Mayor
NOES: None
ABSENT: None
NOT VOTING: None




Tim Titus, Mayor

ATTEST: 12-14-2012



Joanna Gutierrez, Town Clerk

APPROVED AS TO FORM:



Dwight L. Moore, Town Attorney

TOWN OF PARADISE

RESOLUTION NO. 88-55

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AMENDING RESOLUTION #83-40 AND 85-41, ADOPTING
POLICIES CONCERNING THE TOWN OF PARADISE

WHEREAS, Resolution No. 83-40 and 85-41 set forth certain policies concerning the procedures of operation of the Town Council and actions of its members; and

WHEREAS, the Town Council now wishes to amend and change some of those policies;

NOW, THEREFORE, BE IT RESOLVED that paragraph 1 and 2 of Resolution No. 83-40 and 85-41 are hereby amended to read as follows:

1. The Mayor shall be elected each year by the Council at the first regular meeting in December. Said term shall be for one year. Any Council Member may be nominated for election to the office of Mayor, including the Council Member who served as Mayor during the previous year. Election requires the affirmative votes of at least three (3) members of the Council.

2. The Vice Mayor's election and term of office shall be the same as described for the Mayor above.

PASSED AND ADOPTED by the Town Council, Town of Paradise, this 6th day December, 1988, by the following vote:

AYES: William L. Allen, Larry Duncan, Robert D. Jeffords, Jr.,
Howard Johnson and Lise A. Young

NOES: None.

ABSENT: None.

NOT VOTING: None.



Mayor William L. Allen

ATTEST:



FRANKIE RUTLEDGE, CMC, Town Clerk

APPROVED AS TO FORM:



DONALD STANTON, Town Attorney

Chapter 2.45 PURCHASING SYSTEM

Sections:

- 2.45.010 Purpose and policy.
- 2.45.020 Definitions.
- 2.45.030 Purchasing officer—Designated.
- 2.45.040 Purchasing officer—Powers and duties.
- 2.45.050 Decentralized purchasing procedures.
- 2.45.060 Requisition, bid, and alternative purchasing forms.
- 2.45.070 Bidding—Generally.
- 2.45.080 Formal contract procedures.
- 2.45.090 Informal bidding procedures.
- 2.45.100 Bidding for public works projects.
- 2.45.110 Inspection and testing.
- 2.45.120 Award to other than lowest responsible and responsive bidder.
- 2.45.130 Disposition of surplus supplies and equipment.
- 2.45.140 Operational authority of purchasing officer.
- 2.45.150 Conflicts.
- 2.45.160 Penalty for violation.

2.45.010 Purpose and policy.

- A. The town council declares that it shall be the public policy of the town to make all purchases of supplies and services in a manner that is fair, efficient, and economical. The town purchasing system is intended to:
 - 1. Provide for public confidence;
 - 2. Guarantee fair and equitable treatment for all involved;
 - 3. Employ effective broad based free and open competition;
 - 4. Guarantee maximum value for town expenditures;
 - 5. Be performed in a thoroughly professional manner, with honesty and integrity, and in compliance with applicable laws and regulations;
 - 6. Provide safeguards for maintaining a quality procurement system.
- B. This chapter shall apply to contracts for the procurement of town supplies and services. It shall apply to every expenditure of public funds irrespective of the source of funds. When the procurement involves the expenditure of federal funds, the procurement shall be

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Chapter 2.45 PURCHASING SYSTEM

conducted in accordance with all applicable federal laws and regulations and with the terms/conditions of any grant, gift or bequest consistent with law. (Ord. 341 § 1 (part), 2000)

2.45.020 Definitions.

A. The following definitions shall apply to this chapter:

"Activity or using agency" means any department, agency or other unit of town government which derives its support wholly or in part from the town.

"Brand name or equal specification" means a specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance, and other salient characteristics needed to meet town requirements, and which provides for the submission of equivalent products.

"Brand name specification" means a specification limited to one or more items by manufacturers' names or catalog numbers.

"Business" means any corporation, partnership, sole proprietorship, joint stock company, joint venture, limited liability company or partnership, or any other private legal entity.

"Change order" means a written order signed and issued by the purchasing officer or his/her designee, directing the contractor to make changes to the contract.

"Contract modification" means any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.

"Confidential information" means any information which is available to an employee because of the employee's status as an employee of the town and is not a matter of public knowledge or available to the public on request under the California Public Records Act.

"Contract" means a written agreement for the procurement of supplies or services.

"Contractor" means any person having a contract with the town or a using agency thereof.

"Cost analysis" means the evaluation of cost data for the purpose of arriving at costs actually incurred or estimates of costs to be incurred, prices to be paid, and costs to be reimbursed. A cost analysis or a price analysis, as appropriate, shall be conducted prior to award of formal bids not awarded under competitive sealed bidding.

"Cost data" means factual information concerning the cost of labor, material, overhead and other cost components which are expected to be incurred or which have been incurred by the contractor in performing the contract.

"Cost-reimbursement contract" means a contract under which a contractor is reimbursed for costs which are allowed and allocable in accordance with the contract terms and the provisions of this chapter, and a set fee or profit, if any.

"Department director" means the positions of community development director, public works director/town engineer, chief of police, chief of fire department, town clerk and others so designated by the town council.

"Direct or indirect participation" means involvement through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any

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specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

"Emergency" means any event or combination of circumstances resulting in operational stoppage or causing potentially significant delays in town services, including, but not limited to, natural or man made disasters.

"Gratuity" means a payment, loan, subscription, advance, deposit of money, service, or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value is received.

"Immediate family" means a spouse, children, parents, brothers and sisters.

"Invitation for bids" means all documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.

"Person" means any individual, corporation, partnership, limited liability company or partnership, union, committee, club, other organization, or group of individuals.

"Price analysis" means the evaluation of price data, without analysis of the separate cost components and profit as in cost analysis, which may assist in arriving at prices to be paid and costs to be reimbursed.

"Pricing data" means factual information concerning prices of items substantially similar to those being procured. Prices in this definition refer to offered or proposed selling prices, historical selling prices and current selling prices. The definition refers to data relevant to both prime and subcontract prices.

"Procurement" means the buying, purchasing, renting, leasing, or otherwise acquiring of any supplies or services. It also includes all functions that pertain to obtaining any supply, service, or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

"Purchasing limits" means those amounts established by the town council, for specific contracts.

"Public agency" means a public entity subject to, or created by the town.

"Request for proposals" means all documents, whether attached or incorporated by reference, utilized for soliciting proposals.

"Responsible bidder or offer" means a person who has the capability, in all respects, to perform fully the contract requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which assure good faith performance.

"Responsive bidder" means a person who has submitted a bid which conforms in all material respects to the requirements set forth in the invitation for bids.

"Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific and tangible product other than reports or studies.

"Specification" means any description of the physical or functional characteristics or of the nature of a supply, service, or construction item drafted so as to promote overall economy and to encourage maximum practical competition. It may include a description of any requirement for inspecting, testing, or preparing a supply or service.

Chapter 2.45 PURCHASING SYSTEM

"Supplies" means all property, including, but not limited to, equipment, materials, printing, insurance, and leases of real property, excluding land or permanent interest in land.

"Using agency" means any town department, commission, board, or public agency requiring supplies or services pursuant to this chapter. (Ord. 341 § 1 (part), 2000)

2.45.030 Purchasing officer—Designated.

The town manager, or his or her designee, shall be the purchasing officer. The purchasing officer shall direct and supervise the town purchasing program. The purchasing officer shall endeavor to obtain as full and open a competition as possible on all purchases of services and supplies. The purchasing officer shall establish reasonable methods and procedures for the efficient and economical functioning of the purchasing program. (Ord. 341 § 1 (part), 2000)

2.45.040 Purchasing officer—Powers and duties.

A. The purchasing officer shall have the authority to:

1. Purchase supplies, materials, equipment and services required by any using agency in accordance with the purchasing procedures prescribed by this chapter.
2. Enter into any contract permitted by law, including, but not limited to, equipment service contracts, lease-purchase agreements and rental agreements, subject to town council authorization, any restrictions set forth in this chapter or specifically provided by law;
3. Maintain, when feasible, full and open competition among bidders on all purchases;
4. Prepare, recommend and implement rules governing the purchase of supplies, equipment and services for the town and recommend revisions and amendments where applicable;
5. Prescribe and maintain such forms as are reasonably necessary to the operation of this chapter and other rules and regulations;
6. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any department or which become unsuitable for town use;
7. Delegate purchasing authority to department directors in conformity with Section 2.45.050 and general conformity with this chapter. (Ord. 341 § 1 (part), 2000)

2.45.050 Decentralized purchasing procedures.

With town council approval, the town manager may authorize any department director to independently purchase or contract for supplies, equipment, or services. All such purchases shall be made in conformity with the procedures established by this chapter. Such authorization to purchase independently may be rescinded at any time. Ultimate authority and responsibility for compliance with this chapter shall rest with the purchasing officer. (Ord. 341 § 1 (part), 2000)

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2.45.060 Requisition, bid, and alternative purchasing forms.

All town departments shall submit requests to the purchasing officer by standard requisition, bid forms or by other alternative means as may be established by purchasing officer for acquiring supplies, materials, equipment and services as required for their operations and purposes within the limits of funds appropriated therefor. The purchasing officer, after reviewing a request may require the department to justify the quality requisitioned. (Ord. 341 § 1 (part), 2000)

2.45.070 Bidding—Generally.

Purchases of supplies and equipment shall be by bid process pursuant to Sections 2.45.080 and 2.45.090 of this chapter except when one of the following conditions applies:

- A. When an emergency requires that a purchase order be placed immediately with the nearest available source of supply;
- B. When the commodity can be obtained from only one vendor. A commodity shall be considered obtainable only from one vendor when only one vendor offers it for sale, lease or rental, or when only one vendor is able to do so within the time frame and/or under the terms and conditions which reasonably meet the needs of the town, or when there is a sole distributor or manufacturer of a product or service such that there is no acceptable substitute within a specific geographical area;
- C. When the professional services are unique and not appropriate for competitive bidding;
- D. When, through cooperative purchasing with the state, the county, and other public agencies, the advantages of large-scale buying may be obtained;
- E. When purchasing from or selling to another governmental agency is beneficial to the interests of the town;
- F. When there is a breakdown in essential machinery, essential services, or when unforeseen circumstances arise, including delays by contractors, delays in transportation, and unanticipated volume of work, which require the immediate attention of a professional or immediate service/repair in order to protect public health, safety and welfare;
- G. When computer software is required for a specific town service or activity and its selection is evaluated and determined by the purchasing officer based on the software being the most effective solution for the service or activity. (Ord. 341 § 1 (part), 2000)

(Ord. No. 499, § 1, 5-11-2010)

2.45.080 Formal contract procedures.

Except as otherwise provided in this chapter, purchases of supplies, equipment or services with a total projected value of two hundred fifty thousand dollars (\$250,000.00) or more (including tax, shipping, etc.,) shall be by formal written bid for a lowest responsible bidder pursuant to the following procedure:

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A. Notices inviting bids shall include a general description of the goods or services to be purchased or sold, shall state where bid packets and specifications may be obtained, and the time and place for opening bids.

B. Notices inviting bids shall be published at least ten (10) days before the date of the opening of the bids. Notices shall be published at least once in a newspaper of general circulation in the town, or if there is none, shall be posted in public places in the town.

C. The purchasing officer, or his or her designee, shall also solicit bids from responsible prospective suppliers whose names are on a bidders' list or who have made a written request that their names be added to the bidders' list.

D. When deemed necessary by the purchasing officer, or his or her designee, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to have the bid security returned provided, however, a successful bidder shall forfeit his, her or its bid security upon refusal or failure to execute an awarded contract within ten (10) days after the notice of award of the contract has been mailed by the town. The town council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. In such event, if the town council awards the contract to the next lowest bidder, the amount of the lower bidder's security shall be applied by the town to the contract price differential between the lowest bid and the second lowest bidder. If the town council rejects the remaining bid presented and re-advertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids and the surplus, if any, shall be returned to the lowest bidder. If the town council rejects the remaining bids presented and re-advertises, the amount of the lowest bidder's security may be used to offset the cost of receiving new bids and the surplus, if any, shall be returned to the lowest bidder.

E. Sealed bids shall be submitted to the purchasing officer, or his or her designee, and shall be identified as "bid" for the specific supplies or services on the envelope. Bids shall be opened in public at the time and place stated in the public notice. A tabulation of all bids received shall be open for public inspection during regular business hours for a period of not less than thirty (30) calendar days after the bid opening. The purchasing officer, or designee, requesting bids shall maintain all formal bid records for a period of three (3) years after the completion of the purchase. These records, while so kept, shall be open to public inspection.

F. The town council shall have the right to waive any non-material irregularities or informalities in the bidding or in the procedures as set forth in this chapter.

G. In its discretion, the town council may reject any and all bids presented, re-advertise for bids or authorize the purchasing officer to award a contract after negotiating for the most reasonable cost under existing conditions. The right to reject any or all bids is expressly reserved to the town. The decision of the town council shall be final.

H. Except as otherwise provided in this chapter, contracts shall be awarded to the lowest responsible and responsive bidder. Contracts, which exceed the budgeted amount, or which are not budgeted, shall be awarded only by the town council. The town manager shall be authorized to enter into a written agreement after the town council awards the contract.

I. If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, the town council may, in its discretion, accept the one it chooses or accept the lowest bid made by negotiation with the tied bidders.

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J. Performance Bonds. The town council shall have the authority to require a low bidder to provide a performance bond before entering into a contract in such amount as it shall find reasonably necessary to protect the best interest of the town.

K. Cost or Pricing Data. The low bidder shall submit cost or pricing data when the contract is expected to exceed one hundred thousand dollars (\$100,000.00). The submission of cost or pricing data relating to the award of a contract is not required when:

1. The contract price is based on adequate price competition;
2. The contract price is based on established catalog prices or market prices;
3. The contract price is set by law or regulation; or
4. It is determined in writing by the purchasing officer that the requirements above may be waived. Such determination shall include the reasons for such waiver.

After award of a contract, contractor shall submit cost or pricing data prior to the pricing of any change order or contract modification, including adjustments to contracts awarded by competitive sealed bidding, if the initial pricing of the contract required it, and the change order or modification involves aggregate increases or aggregate decreases in total costs expected to exceed five thousand dollars (\$5,000.00). The submission of cost or pricing data relating to the pricing of a change order or contract modification shall not be required when:

1. Unrelated and separately priced adjustments for which cost or pricing data would not be required are consolidated for administrative convenience; or
2. It is determined in writing by the purchasing officer that the requirements above may be waived. Such determination shall include the reasons for such waiver.

A contractor, actual or prospective, required to submit cost or pricing data in accordance with this section, shall certify that, to the best of his, her or its knowledge and belief, the cost or pricing data submitted was accurate, complete, and current as of a mutually specified date prior to the award of the contract or the pricing of the change order or contract modification.

Any contract award, change order, or contract modification, under which the submission and certification of cost or pricing data are required, shall contain a provision stating that the price to the town, including profit or fee, shall be adjusted to exclude any significant sums by which the town finds that such price was increased because the contractor-furnished costs or pricing data were inaccurate, incomplete, or not current.

(Ord. No. 583, § 1, 10-8-2019, eff. 11-7-2019; Ord. No. 576, § 1, 4-9-2019; Ord. 341 § 1 (part), 2000)

2.45.090 Informal bidding procedures.

Purchases of supplies, equipment, and services with total projected values more than ten thousand dollars (\$10,000.00) but less than two hundred fifty thousand dollars (\$250,000.00)

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may be made by the purchasing officer, or his or her designee, by the informal bid process pursuant to the procedure prescribed in this section and without observing the procedure described in [Section 2.45.080](#) of this chapter.

A. Informal bid purchases shall, whenever possible, be based on at least three (3) bids. Upon examination of all bids, a contract shall be awarded to the low bidder.

B. The purchasing officer, or designee, may solicit informal bids by written requests to prospective vendors, via fax machine, by telephone, computer or by any other means deemed effective.

C. The purchasing officer, or designee, shall maintain all informal bid orders and bids for a period of three (3) years after the completion of the purchase. These records, while so kept, shall be open to public inspection.

D. The purchasing officer, or designee, shall have the right to waive any nonmaterial irregularity or informality in such bids.

E. At the discretion of the purchasing officer, any/all purchases may be required to follow formal contact procedures of [Section 2.45.080](#).

(Ord. No. 583, § 2, 10-8-2019, eff. 11-7-2019; Ord. No. 576, § 2, 4-9-2019; Ord. 341, § 1 (part), 2000)

2.45.100 Bidding for public works projects.

Public works projects as defined by the California Public Contract Code shall be bid, advertised and awarded in accordance with applicable sections of the California Public Works Contract Code. (Ord. 341 § 1 (part), 2000)

2.45.110 Inspection and testing.

The purchasing officer or designee may cause an inspection of the supplies and equipment delivered to determine their conformance with the specifications set forth in the order. The purchasing officer, or designee, shall have the authority to require chemical or physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. (Ord. 341 § 1 (part), 2000)

2.45.120 Award to other than lowest responsible and responsive bidder.

Notwithstanding any provision of this chapter to the contrary, supplies, equipment and/or services may be purchased from other than the lowest responsible and responsive bidder in any case in which the town council shall find that, in light of all circumstances applicable to the particular purchase, including, but not limited to, location of the vendor and the amount of staff time required for the administration of the contract and/or cost/impact of changing vendors, the town will acquire the supplies, equipment or service at lower net cost by effecting its purchase from a party other than the lowest responsible bidder. (Ord. 341 § 1 (part), 2000)

2.45.130 Disposition of surplus supplies and equipment.

All town departments shall submit to the purchasing officer, at such times and in such forms as the purchasing officer shall prescribe, reports showing all supplies and equipment which are not longer used or which have become obsolete or worn out. The purchasing officer shall have the authority to exchange for or trade in on new supplies and equipment all supplies and equipment which have become unsuitable for town use.

- A. Such items declared to be surplus shall be offered for sale on a competitive bid basis. Bids may be solicited by written request, telephone, fax machine, computer, by public auction, by use of an auction service, by advertisement in any newspaper or magazine or by a combination of such methods.
- B. When, after a reasonable effort has been made to obtain competitive bids, no offers are received or any item or town-owned personal property declared to be surplus, the purchasing officer is authorized to dispose of such item for the highest scrap value that can be obtained therefor and if a reasonable effort to do so produces no opportunity to sell the same for scrap, the purchasing officer may cause its destruction or any other disposition thereof.
- C. The Town may sell obsolete or surplus property to any other tax-supported governmental agency at an established "fair market value" without other bids.
- D. The Town may provide surplus equipment to a governmental agency as permitted by law.
- E. With the approval of the town council, the town may donate surplus personal property to any non-profit agency or entity which is exempt from federal income tax. (Ord. 341, § 1 (part), 2000)

2.45.140 Operational authority of purchasing officer.

- A. The purchasing officer shall have the power to settle any protest regarding the solicitation or award of a Town contract, or any claim arising out of the performance of a Town contract, prior to an appeal to the town council or the commencement of an action in a court of competent jurisdiction; provided, however, the settlement of claim shall not exceed two hundred fifty thousand dollars.
- B. If, prior to the bid opening or the closing date for receipt of proposals, the purchasing officer, after consultation with the town attorney, determines that a solicitation is in violation of federal, state, or this Code, the solicitation shall be canceled or revised to comply with applicable law.
- C. If, after bid opening or the closing date for receipt of proposals, the purchasing officer, after consultation with the town attorney, determines that solicitation or a proposed award of a contract is in violation of federal, state, or this Code, the solicitation or proposed award shall be canceled. (Ord. 341, § 1 (part), 2000)

2.45.150 Conflicts.

- A. All conflict of interest laws of the State of California shall apply to purchases pursuant to this chapter, including, but not limited to the following:

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- i) Purchases made under the State of California HOME Program subject to HOME Final Rule 24 CFR 92.356—Conflict of interest.
 - (1) Applicability. In the procurement of property and services, the conflict of interest provisions in 24 CFR 85.36; 24 CFR 84.42; and 24 CFR 92.356 apply.
 - (2) Conflicts Prohibited. No persons described in paragraph (3) of this section who exercise or have exercised any functions or responsibilities with respect to activities assisted with HOME funds and/or other federal or state funds regulated by the Code of Federal Regulations sections cited above, or who are in a position to participate in a decision making process or gain inside information with regard to these activities, may obtain a financial interest or benefit from a HOME-assisted or other state and/or federal program, or have an interest in any contract, subcontract or agreement with respect thereto, or the proceeds there under, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter.
 - (3) Persons Covered. The conflict of interest provisions of paragraph (2) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the Town of Paradise.
- ii) In accordance with 24 CFR 85.36 persons covered by paragraph i) (3) are subject to the following standards of conduct:
 - (1) An official or employee of the Town shall not engage in conduct that would tend to discredit or dishonor their position with the Town of Paradise. Such appointed officials and employees must avoid conflicts of private interests with public duties and responsibilities and shall not do indirectly what may not be done directly.
 - (2) Disciplinary action generally does not follow an occasional error in judgment which occurs in good faith and is unintentional. However, misconduct, dishonesty, and fraud shall be the basis for severe disciplinary action, including removal for cause.
 - (3) Officials and employees occupying designated positions are required to file an annual statement of economic interests with the Town Clerk, as prescribed by state regulation and Town of Paradise Resolution No. 2023-06
 - (4) Each new employee must be informed of the obligation to submit a statement of economic interest if they fall within the listed designated position categories.
 - (5) Any employee whose job performance is adversely affected by the taking of alcohol, non-prescription drugs, or other substances shall be subject to disciplinary action, in accordance with the Paradise Municipal Code or the Memorandum of Understanding that covers the employee.
 - (6) Each employee is required to be familiar with the Town's standards and statutory provisions relating to ethical behavior and other standards of conduct. Each employee is expected to secure the advice of their supervisor or the Personnel Officer or other appropriate official when in doubt about the meaning or application of any conduct requirement applying to their particular situation.
 - (7) The political activities of Town employees shall conform to pertinent provisions of state and federal laws. Appointed officials and employees must avoid and refrain from any political involvement and/or partisan political activities which could impede, impair, or jeopardize the impartial discharge of their duties.

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- (8) Handle all matters of personnel based on merit and objectivity so that fairness and impartiality govern all personnel decisions thereby avoiding any form of discrimination or preferential treatment.

(Ord. No. 398, § 1, 2003)

2.45.160 Penalty for violation.

Any person who violates this chapter shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars or by imprisonment for not more than six months in the county jail, or both. (Ord. 341, § 1 (part), 2000)

Memo

To: Town Council
From: Melanie Elvis, Town Clerk
cc: Jim Goodwin, Town Manager
Date: March 11, 2025
Re: Paradise Municipal Code: Purchasing Policy Chapter 2.45

On December 10, 2025 at the Regular Town Council meeting, Town Council adopted Urgency Ordinance No. 640 which amends portions of Chapter 2.45 of the Paradise Municipal Code (PMC) relating to the Town's purchasing system and guidelines. The ordinance expires in 10 months and 15 days.

- Removes language which may apply bidding requirements for to all work irrespective of the funding source;
- Clarifies that Professional Services Agreements are exempt from the bidding requirements of Chapter 2.45; and
- The Urgency Ordinance is effective immediately for a period of 45 days, unless extended by the Council

**TOWN OF PARADISE
RESOLUTION NO. 12-08**

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF PARADISE ELECTING TO BE THE SUCCESSOR AGENCY OF THE
PARADISE REDEVELOPMENT AGENCY PURUANT TO ASSEMBLY BILL 1X 26**

WHEREAS, on December 29, 2011, the California Supreme Court ruled in *California Redevelopment Association v. Matosantos* that Assembly Bill 1X 26 was not unconstitutional. As a result, the Paradise Redevelopment Agency, and all other California Redevelopment Agencies, will be dissolved on February 1, 2012; and

WHEREAS, the Supreme Court also held that Assembly Bill 1X 27 was unconstitutional, which would have permitted redevelopment agencies to elect to continue existing by providing certain payments to the State of California; and

WHEREAS, based on Health and Safety Code subsection 34171(j) and section 34173 of Assembly Bill 1X 26, the Town of Paradise will be the Successor Agency of the Paradise Redevelopment Agency.

WHEREAS, in addition, the Town Council needs to determine whether the Town of Paradise will be the Successor Housing Agency of the Paradise Redevelopment Agency.

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

Section 1. Pursuant to the provisions of Assembly Bill 1X 26, the Town Council hereby elects and confirms that the Town of Paradise shall be the Successor Agency of the Paradise Redevelopment Agency.

Section 2. In addition, the Town Council hereby elects to be the Successor Housing Agency of the Paradise Redevelopment Agency in accordance with the provisions of Assembly Bill 1X 26.

Section 3. This resolution shall take effect immediately.

Section 4. The Town Clerk is directed to forward a certified copy of this resolution to the Butte County Auditor-Controller no later than January 13, 2012.

**TOWN OF PARADISE
RESOLUTION NO. 12-08**

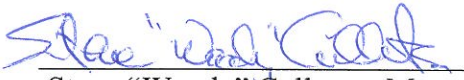
PASSED AND ADOPTED by the Paradise Town Council of the Town of Paradise, County of Butte, State of California, on this 10th day of January 2012, by the following vote:

AYES: Joe DiDuca, Scott Lotter, Tim Titus, Alan White and
Steve "Woody" Culleton, Mayor

NOES: None

ABSENT: None


NOT VOTING: None


Steve "Woody" Culleton, Mayor

ATTEST: *1-12-2012*


JOANNA GUTIERREZ, Town Clerk

APPROVED AS TO FORM:


DWIGHT L. MOORE, Town Attorney



An Overview of Conflicts of Interest Under the Political Reform Act

May 2022

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I. The Basic Prohibition

Government Code Section 87100 of the Political Reform Act (the “Act”)¹ prohibits a public official at any level of state or local government from making, participating in making, or attempting to use the official’s position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest. Government Code Section 87103 provides that an official has a “financial interest” within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect on one or more of the official’s interests as identified and distinguishable from the decision’s effect on the public generally.

Taken together, these provisions of the Act prohibit an official from taking part in a decision if it is reasonably foreseeable that the decision would have a material financial effect on one or more of the official’s financial interests identified in Section 87103 distinguishable from the decision’s effect on the public generally.

II. Making, Participating in Making, or Attempting to Influence a Decision

Regulation 18704 defines “making a decision,” “participating in a decision,” and “using official position to attempt to influence a decision” for purposes of the Act’s conflict of interest provisions. If an official has a disqualifying conflict of interest under Section 87100, the official is prohibited from making, participating in making, or attempting in any way to use the official’s official position to influence the decision.

A. General Definitions

Making a Decision: An official makes a decision if the official authorizes or directs any action, votes, appoints a person, obligates or commits the official’s agency to any course of action, or enters into any contractual agreement on behalf of the agency. (Regulation 18704(a).)

Participating in a Decision: An official participates in a decision if the official provides information, an opinion, or a recommendation for the purpose of affecting the decision without significant intervening substantive review. (Regulation 18704(b).)

Using Official Position to Attempt to Influence a Decision: An official uses an official position to influence a decision if the official contacts or appears before: (1) any official in the official’s agency, or in an agency subject to the authority or budgetary control of the official’s agency, for the purpose of affecting a decision; or (2) any official in any other government agency for the purpose of affecting a decision, and the official purports to act within the official’s authority or on behalf of the official’s agency in making the contact. (Regulation 18704(c).)

B. Exceptions

Regulation 18704(d) provides that “making, participating in, or using official position to influence a decision” do not include any of the following:

Ministerial: Actions that are solely ministerial, secretarial, or clerical. (Regulation 18704(d)(1).)

Appearances as a Member of the General Public: An appearance by an official as a member of the general public before an agency in the course of its prescribed governmental function if the official is appearing on matters related solely to the official’s personal interests, including interests in:

- Real property owned entirely by the official, members of the official’s immediate family, or the official and members of the official’s immediate family;
- A business owned entirely by the official, members of the official’s immediate family, or the official and members of the official’s immediate family; or
- A business over which the official, members of the official’s immediate family, or the official and members of the official’s immediate family solely or jointly exercise full direction and control. (Regulation 18704(d)(2).)

Terms of Employment: Actions by an official relating to the official’s compensation or the terms or conditions of the official’s employment or consulting contract. However, an official may not make a decision to appoint, hire, fire, promote, demote, or suspend without pay or take disciplinary action with financial sanction against the official or the official’s immediate family, or set a salary for the official or the official’s immediate family different from salaries paid to other employees of the agency in the same job classification or position. (Regulation 18704(d)(3).)

Public Speaking: Communications by an official to the general public or media. (Regulation 18704(d)(4).)

Academic Decisions: Teaching decisions, including an instructor’s selection of books or other educational materials at the official’s own school or institution, or other similar decisions incidental to teaching; or decisions by an official who has teaching or research responsibilities at an institution of higher education relating to the official’s professional responsibilities, including applying for funds, allocating resources, and all decisions relating to the manner or methodology with which the official’s academic study or research will be conducted. (Regulation 18704(d)(5).) However, this exception does not apply to an official who has institution-wide administrative responsibilities as to the approval or review of academic study or research at the institution unrelated to the official’s own work. (*Ibid.*)

Architectural and Engineering Documents: Drawings or submissions of an architectural, engineering, or similar nature prepared by an official for a client to submit in a proceeding before the official’s agency if: (i) the work is performed pursuant to the official’s profession; and (ii) the official does not make any contact with the agency other

than contact with agency staff concerning the process or evaluation of the documents prepared by the official. (Regulation 18704(d)(6)(A).)

Also, an official's appearance before a design or architectural review committee or similar body of which the official is a member to present drawings or submissions of an architectural, engineering, or similar nature prepared for a client if: (i) the committee's sole function is to review architectural designs or engineering plans and to make recommendations to a planning commission or other agency; (ii) the committee is required by law to include architects, engineers, or persons in related professions, and the official was appointed to the body to fulfill this requirement; and (iii) the official is a sole practitioner. (Regulation 18704(d)(6)(B).)

Additional Consulting Services: Recommendations by a consultant regarding additional services for which the consultant or consultant's employer would receive additional income if the agency has already contracted with the consultant, for an agreed upon price, to make recommendations concerning services of the type offered by the consultant or the consultant's employer, and the consultant does not have any other economic interest, other than in the firm, that would be foreseeably and materially affected by the decision. (Regulation 18704(d)(7).)

III. Financial Interests

The first step in determining whether an official has a disqualifying conflict of interest under the Act is identifying the official's financial interests with respect to the decision at issue. Section 87103 identifies the following financial interests which may give rise to an official's disqualifying conflict of interest under the Act:

- A business entity in which the official has a direct or indirect investment worth \$2,000 or more (Section 87103(a)); or in which the official is a director, officer, partner, trustee, employee, or holds any position of management (Section 87103(d)).
- Real property in which the official has an interest worth \$2,000 or more. (Section 87103(b).)
- A source of income totaling \$500 or more in value provided or promised to, or received by, the official within the 12 months prior to the time when the decision is made. (Section 87103(c).)
- A giver of a gift or gifts totaling \$500² or more in value provided or promised to, or received by, the official within the 12 months prior to the time when the decision is made. (Section 87103(e).)
- The official's personal finances and those of "immediate family," defined in Section 82029 as the spouse and dependent children. (Section 87103.)

IV. Foreseeability of Financial Effect

A. Explicitly Involved

A financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest is explicitly involved in the decision. (Regulation (18701(a).) An official's financial interest is "explicitly involved" in a decision if the interest is a "named party in, or the subject of," the decision, and an interest is the "subject of a proceeding" if the decision involves the issuance, renewal, denial, or revocation of any license, permit, other entitlement to, or contract with, the interest.³ Additionally, an official's real property interest is explicitly involved in any decision affecting the real property as described in Regulation 18702.2(a)(1) through (6), discussed further below. (*Ibid.*)

B. Not Explicitly Involved

When an official's financial interest is not explicitly involved in a decision, the financial effect of the decision is reasonably foreseeable if the effect can be recognized as a realistic possibility and more than hypothetical or theoretical. The effect need not be likely to be reasonably foreseeable. (Regulation 18701(b).)

Factors to be considered when determining if a decision's effect on an official's not explicitly involved interest is reasonably foreseeable include, but are not limited to, the following:

- The extent to which the occurrence of the effect is contingent upon intervening events (other than future governmental decisions by the official's agency or an agency subject to the budgetary control of the official's agency). (Regulation 18701(b)(1).)
- Whether the official should anticipate a financial effect on the financial interests at issue as a potential outcome under normal circumstances when using appropriate due diligence and care. (Regulation 18701(b)(2).)
- Whether the official has an interest of the type that would typically be affected by the terms of the decision. (Regulation 18701(b)(3).)
- Whether the decision is of the type that would be expected to have a financial effect on businesses and individuals similarly situated to those businesses and individuals in which the official has a financial interest. (*Ibid.*)
- Whether a reasonable inference can be made that the financial effects of the decision on the official's financial interest might compromise an official's ability to fulfill their duty to act in the best interests of the public. (Regulation 18701(b)(4).)
- Whether the decision will provide or deny an opportunity, or create an advantage for one of the official's financial interests. (Regulation 18701(b)(5).)

- Whether the official has the type of financial interest that would cause a similarly situated person to weigh the advantages and disadvantages of the decision on the official's financial interest in formulating a position. (Regulation 18701(b)(6).)

V. Materiality Standards

Regulation 18702(a) provides that the next step in the analysis is to determine if the decision's reasonably foreseeable financial effect on the official's financial interest is material. If the official's interest is in:

- A business entity, then apply the materiality standards of Regulation 18702.1. (Regulation 18702(a)(1).)
- A real property, then apply the materiality standards of Regulation 18702.2. (Regulation 18702(a)(2).)
- A source of income, then apply the materiality standards of Regulation 18702.3. (Regulation 18702(a)(3).)
- A source of a gift or gifts, then apply the materiality standards of 18702.4. (Regulation 18702(a)(4).)
- Their personal finances or those of immediate family, then apply materiality standard of 18702.5. (Regulation 18702(a)(5).)

A. Business Entity Interests

Regulation 18702.1 sets forth the materiality standards applicable to a decision's reasonably foreseeable financial effect on a business in which an official has an interest, and provides that the effect is material if any of the following standards is met:

- The business is explicitly involved in the decision, meaning that the business is "a named party in, or the subject of, the decision, including any decision in which the business:
 - Initiates the proceeding by filing an application, claim, appeal, or other request for action concerning the business with the official's agency. (Regulation 18702.1(a)(1)(A).)
 - Offers to sell a product or service to the official's agency. (Regulation 18702.1(a)(1)(B).)
 - Bids on, or enters into, a contract with the official's agency, or is identified as a subcontractor on a bid or contract with the agency. (Regulation 18702.1(a)(1)(C).)
 - Is the named or intended manufacturer or vendor of any products to be purchased by the official's agency with an aggregate cost of \$1,000 in any 12-month period. (Regulation 18702.1(a)(1)(D).)

- Applies for a permit, license, grant, tax credit, exception, variance, or other entitlement from the official's agency. (Regulation 18702.1(a)(1)(E).)
- Is the subject of any inspection, action, or proceeding under the regulatory authority of the official's agency. (Regulation 18702.1(a)(1)(F).)
- Is subject to an action taken by the official's agency that is directed at the entity. (Regulation 18702.1(a)(1)(G).)
- The decision may result in an increase or decrease of the business's annual gross revenues, or the value of its assets and liabilities, in an amount equal to or more than:
 - \$1,000,000; or
 - Five percent of the business's annual gross revenues, and the increase or decrease is \$10,000 or more. (Regulation 18702.1(a)(2).)
- The decision may cause the business to incur or avoid additional expenses or to reduce or eliminate expenses in amount equal to or more than:
 - \$250,000; or
 - One percent of the business's annual gross revenues, and the increase or decrease is at least \$2,500. (Regulation 18702.1(a)(3).)
- The official knows or has reason to know that business has an interest in real property and:
 - The property is a named party in, or the subject of, the decision under Regulations 18701(a) and 18702.2(a)(1) through (6); or
 - There is clear and convincing evidence the decision would have a substantial effect on the property. (Regulation 18702.1(a)(4).)

Thus, if the decision's reasonably foreseeable financial effect on an official's business interest meets any of the four standards above, that effect is material, and the official is disqualified from taking part in the decision.

Small Shareholder Exception: Regulation 18702.1(b) sets forth the "Small Shareholder Exception," which provides that a decision's reasonably foreseeable financial effect on an official's financial interest in a business is not material under Regulation 18702.1(a)(1) or (a)(4)(A) if both:

- The official's only financial interest in the business is an "investment interest" under Section 87103(a) valued at \$25,000 or less; and
- The official's interest in the business is less than one percent of the business's shares.

If the Small Shareholder Exception applies, the official is not disqualified.

B. Real Property Interests

Regulation 18702.2 provides the materiality standards applicable to a decision's reasonably foreseeable financial effect on real property in which an official has an interest as either an owner or lessee.

Explicitly Involved Real Property Interest: It is reasonably foreseeable a decision will have a material financial effect on an official's interest in real property any time the interest is explicitly involved in the decision. Therefore, the decision's reasonably foreseeable effect is material in any of the types of decisions described in Regulation 18702.2(a)(1) to (6), including a decision that:

- Involves the adoption of or amendment to a development plan or criteria applying to the property. (Regulation 18702.2(a)(1).)
- Determines the property's zoning or rezoning, other than a zoning decision applicable to all properties designated in that category; annexation or de-annexation; inclusion in or exclusion from any city, county, district, or local government subdivision or other boundaries, other than elective district boundaries. (Regulation 18702.2(a)(2).)
- Would impose, repeal, or modify any taxes, fees, or assessments that apply to the property. (Regulation 18702.2(a)(3).)
- Authorizes the sale, purchase, or lease of the property. (Regulation 18702.2(a)(4).)
- Involves the issuance, denial or revocation of a license, permit or other land use entitlement authorizing a specific use of or improvement to the property or any variance that changes the permitted use of, or restrictions placed on, the property. (Regulation 18702.2(a)(5).)
- Involves construction of, or improvements to, streets, water, sewer, storm drainage or similar facilities, and the property will receive new or improved services that provide a benefit or detriment disproportionate to other properties receiving the services. (Regulation 18702.2(a)(6).)

Not Explicitly Involved Real Property Interest: A decision's reasonably foreseeable financial effect on an official's interest in real property is material if it is of a type described in Regulation 18702.2(a)(7) through (8), (b) or (c), including a decision that:

- Involves property located 500 feet or less from the official's property unless there is clear and convincing evidence that the decision will not have any measurable impact on the official's property. (Regulation 18702.2(a)(7).)
- Involves property located more than 500 feet but less than 1,000 feet from the official's property, and the decision would change the official's property's: development potential; income producing potential; highest and best use; character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality; or market value (Regulation 18702.2(a)(8)(A) through (E).)

- Involves property located 1,000 feet or more from the property line of the official's property if there is clear and convincing evidence the decision would have a substantial effect on the official's property. (Regulation 18702.2(b).)
- Involves property leased by the official and the decision will:
 - Change the termination date of the lease;
 - Increase or decrease the potential rental value of the property;
 - Change the official's actual or legally allowable use of the property; or
 - Change the official's use and enjoyment of the property. (Regulation 18702.2(c)(1) through (4).)

Real Property Interest 1,000 Feet or More from Property Involved in Decision: As mentioned above, Regulation 18702.2(b) sets forth a presumption that the financial effect of a decision involving property located 1,000 feet or more from the property line of the official's property is not material. That presumption, however, may be rebutted with clear and convincing evidence the decision would have a substantial effect on the official's real property interest.

Exceptions for Planning Objectives or Policy: A decision's reasonably foreseeable financial effect on an official's real property interest is not material, and therefore the official is not disqualified from the decision, if the decision solely concerns:

- Repairs, replacement or maintenance of existing streets, water, sewer, storm drainage or similar facilities. (Regulation 18702.2(d)(1).)
- Adoption or amendment of a general plan, as defined in Regulation 18702.2(e)(2), if certain specified conditions are met. (See Regulation 18702.2(d)(2).)

Common Area Exception to the Definition of Interest in Real Property: Regulation 18702.2(e)(4) provides that an "interest in real property," as defined in Section 82033, does not include "any common area as part of the official's ownership interest in a common interest development as defined in the Davis-Stirling Common Interest Development Act (Civil Code Sections 4000 et seq.)"

C. Source of Income Interests

Regulation 18702.3 sets forth the materiality standards applicable to a decision's reasonably foreseeable financial effect on a source of income to an official, and provides that the effect is material if any of the following criteria is met:

- The source is explicitly involved in the decision because it is "a named party in, or the subject of, the decision," including a claimant, applicant, respondent, or contracting party. (Regulation 18702.3(a)(1).)
- The source is an individual and any of the following applies:

- The decision may affect the individual’s income, investments, or other assets or liabilities by \$1,000 or more (excluding an interest in a business entity or real property). (Regulation 18702.3(a)(2)(A).)
- The official knows or has reason to know that the individual has an interest in a business entity that will be financially affected under the materiality standards applicable to a business set forth in Regulation 18702.1. (Regulation 18702.3(a)(2)(B).)
- The official knows or has reason to know that the individual: (i) has a real property interest and the property is explicitly involved in the decision; or (ii) there is clear and convincing evidence the decision would have a substantial effect on the property. (Regulation 18702.3(a)(2)(C).)
- The source is a nonprofit organization and any of the following applies:
 - The decision may result in an increase or decrease of the organization’s annual gross receipts, or the value of the organization’s assets or liabilities, in an amount equal to or more than: (i) \$1,000,000; or (ii) five percent of the organization’s annual gross receipts and the increase or decrease is equal to or greater than \$10,000. (Regulation 18702.3(a)(3)(A).)
 - The decision may cause the organization to incur or avoid additional expenses or to reduce or eliminate expenses in an amount equal to or more than: (i) \$250,000; or (ii) one percent of the organization’s annual gross receipts and the change in expenses is equal to or greater than \$2,500. (Regulation 18702.3(a)(3)(B).)
 - The official knows or has reason to know that the organization has a real property interest and: (i) the property is explicitly involved in the decision; (ii) there is clear and convincing evidence the decision would have a substantial effect on the property. (Regulation 18702.3(a)(3)(C).)
- The source is a business that will be financially affected under the materiality standards applicable to a business set forth in Regulation 18702.1 (Regulation 18702.3(a)(4).)
- If there is a nexus between the decision and income received by the official or official’s spouse. Otherwise referred to as the nexus test, any reasonably foreseeable financial effect on an official’s source of income interest is material if the decision “will achieve, defeat, aid, or hinder a purpose or goal of the source and the official or the official’s spouse receive or is promised the income for achieving the purpose or goal. (Regulation 18702.3(b).)

Exception for Retail Sales: Section 87103.5(a) provides that a retail customer of a business engaged in retail sales of good or services to the public generally is not a source of income to an official who owns a 10-percent or greater interest in the business if: the retail customers of the business constitute a significant segment of the public generally, and the amount of income received from an individual customer is not distinguishable from the amount of income received from its other customers.

Section 87103.5(b) sets forth a similar retail sales exception for a jurisdiction with a population of 10,000 or less that is located within a county with 350 or fewer retail businesses.

For purposes of applying Section 87103.5, Regulation 18702.3(c) provides that the retail customers of a business entity constitute a significant segment of the public generally if the business is open to the public and provides goods or services to customers that comprise a broad base of persons representative of the jurisdiction. (Regulation 18702.3(c)(1).)

Income from an individual customer is not distinguishable from the amount of income received from other customers when the official is unable to recognize a significant monetary difference between the business provided by the individual customer and the other customers of the business. (Regulation 18702.3(c)(2).) An official is unable to recognize a significant monetary difference when the business:

- Is of the type that sales to any one customer will not have a significant impact on the business's annual net sales; or
- Has no records that distinguish customers by amount of sales, and the official has no other information that the customer provides significantly more income to the business than an average customer. (*Ibid.*)

Income from a Government Entity: The materiality standards of Regulation 18702.3 do not apply where a government entity qualifies as a source of income as defined in Section 82030, including where an official is paid by the entity as a consultant or contractor. (Regulation 18702.3(d).) Under Regulation 18703(e)(7), an official with an interest in such an entity is disqualified from taking part in a decision only if there is a unique effect on the official. (*Ibid.*)

D. Source of Gift Interests

Regulation 18702.4 provides the materiality standards applicable to a decision's reasonably foreseeable financial effect on the source of a gift to an official, and provides that the decision's effect is material if:

- The source is explicitly involved in the decision because the source "is named or otherwise identified as the subject of the proceeding," including a claimant, applicant, respondent, or contracting party. (Regulation 18702.4(a).)
- The source is an individual that will be financially affected under the materiality standard applicable to a decision's reasonably foreseeable financial effect on an official's personal finances set forth in Regulation 18702.5 or the official knows or has reason to know that the individual has an interest in a business or real property that will be financially affected under the materiality standards provided in Regulation 18702.1 or 18702.2, respectively. (Regulation 18702.4(b))

- The source is a nonprofit organization that will receive a measurable financial benefit or loss as a result of the decision or the official knows or has reason to know that the nonprofit has an interest in real property that will be financially affected under the materiality standards in Regulation 18702.2. (Regulation 18702.4(c).)
- The source is a business that will be financially affected under the materiality standards in Regulation 18702.1. (Regulation 18702.4(d).)

E. Interest in Personal Finances

Regulation 18702.5(a) provides the materiality standard applicable to a decision's reasonably foreseeable financial effect on an official's personal finances, including those of immediate family. Also known as the personal financial effect rule, a reasonably foreseeable effect on the official's personal finances is material if the decision may result in the official or the official's immediate family receiving a financial benefit or loss of \$500 or more in any 12-month period due to the decision.

Exceptions: Under Regulation 18702.5(b), however, a decision's effect on an official's personal finances and those of immediate family is not material if the decision would:

- Affect only the salary, per diem, or reimbursement for expenses the official or their immediate family member receives from a federal, state, or local government agency, unless the decision is:
 - To appoint (except as specified), hire, fire, promote, demote, suspend without pay or otherwise take disciplinary action with financial sanction against the official or their immediate family; or
 - To set a salary for the official or a member of their immediate family which is different from salaries paid to other employees of the government agency in the same job classification or position, or when the member of the official's immediate family is the only person in the job classification or position. (Regulation 18702.5(b)(1).)
- Appoint the official to be a member of any group or body created by law or formed by the official's agency for a special purpose. However, if the official will receive a stipend for attending meeting of the group or body aggregating \$500 or more in any 12-month period, the effect is material unless the appointing body posts all of the following on its website:
 - A list of each appointed position and its term. (Regulation 18702.5(b)(2)(A).)
 - The amount of the stipend for each appointed position. (Regulation 18702.5(b)(2)(B).)
 - The name of the official who has been appointed to the position. (Regulation 18702.5(b)(2)(C).)

- The name of any official who has been appointed to be an alternate for the position. (Regulation 18702.5(b)(2)(D).)
- Appoint the official to be an officer of the governing body of which the official is already a member (such as a decision to appoint a city councilmember to be the city’s mayor.) (Regulation 18702.5(b)(3).)
- Establish or change the benefits or retirement plan of the official or the official’s immediate family member, and the decision applies equally to all employees or retirees in the same bargaining unit or other representative group. (Regulation 18702.5(b)(4).)
- Result in the payment of any travel expenses incurred by the official or their immediate family while attending a meeting as an authorized representative of an agency. (Regulation 18702.5(b)(5).)
- Permit the official’s use of any government property, including automobiles or other modes of transportation, mobile communication devices, or other agency-provided equipment for carrying out the official’s duties, including any nominal, incidental, negligible, or inconsequential personal use while on duty. (Regulation 18702.5(b)(6).)
- Result in the official’s receipt of any personal reward from their use of a personal charge card or participation in any other membership rewards program, so long as the reward is associated with the official’s approved travel expenses and is no different from the reward offered to the public. (Regulation 18702.5(b)(7).)

Effect on Personal Finances and a Business or Real Property Interest: If a decision would have a reasonably foreseeable financial effect on a business or real property interest of an official, any related effect on the official’s personal finances is not considered separately, and the effect is only analyzed under the respective materiality standards for business and real property interests, i.e. Regulations 18702.1 and 18702.2. (Regulation 18702.5(c).)

VI. The Public Generally Exception

Under Section 87103, if a decision’s financial effect on an official’s financial interest is indistinguishable from the decision’s effect on the public generally, the official is not disqualified from taking part in the decision. Regulation 18703 sets forth the “Public Generally Exception.”

The General Rule: A decision’s financial effect on an official’s financial interest is indistinguishable from its effect on the public generally if the official establishes that a “significant segment” of the public is affected and the “effect on the official’s interest is not unique” compared to the effect on the significant segment. (Regulation 18703(a).)

A “significant segment” of the public is defined as:

- At least 25 percent of:
 - All businesses or nonprofit entities within the official’s jurisdiction;
 - All real property, commercial real property, or residential real property within the official’s jurisdiction; or
 - All individuals within the official’s jurisdiction. (Regulation 18703(b)(1).)
- At least 15 percent of residential real property within the official’s jurisdiction if the only interest the official has in the decision is the official’s primary residence. (Regulation 18703(b)(2).)

A unique effect on an official’s financial interest includes a disproportionate effect on:

- The development potential or use of the official’s real property, or the income producing potential of the official’s real property or business;
- An official’s business or real property resulting from the proximity of a project that is the subject of a decision;
- An official’s interests in business entities or real properties resulting from the cumulative effect of the official’s multiple interests in similar entities or properties that is substantially greater than the effect on a single interest;
- An official’s interest in a business or real property resulting from the official’s substantially greater business volume or larger real property size when a decision affects all interests by the same or similar rate or percentage;
- A person’s income, investments, assets or liabilities, or real property if the person is a source of income or gifts to the official; and
- An official’s personal finances or those of immediate family. (Regulation 18703(c)(1)-(6).)

“Jurisdiction” means:

- The jurisdiction of the state or local government agency as defined in Section 82035;
- The designated geographical area the official was elected to represent; or
- The area to which the official’s authority and duties are limited if not elected. (Regulation 18703(d).)

Specific Rules for Special Circumstances: Regulation 18703(e) also provides seven Specific Rules for Special Circumstances which govern the Public Generally Exception’s applicability in those special circumstances. Under these rules, a decision’s financial effect is deemed indistinguishable from its effect on the public generally if there is no unique effect on the official’s interest and the official establishes:

- **Public Services and Utilities:** The decision sets or adjusts the amount of an assessment, tax, fee, or rate for water, utility, or other similar public services that is applied equally, proportionally, or by the same percentage to the official's interest and other businesses, properties, or individuals subject to the assessment, tax, fee, or rate. However, an official is not permitted to take part in a decision that would impose the assessment, tax, or fee, or determine the boundaries of a property or who is subject to the assessment, tax, or fee. An official is only permitted to take part in setting or adjusting the assessment, tax, or fee amount, once other related decisions have already been made. (Regulation 18703(e)(1).)
- **General Use or Licensing Fees:** The decision affects the official's personal finances as a result of an increase or decrease to a general fee or charge, such as parking rates, permits, license fees, application fees, or any general fee that applies to the entire jurisdiction. (Regulation 18703(e)(2).)
- **Limited Neighborhood Effects:** The decision affects residential real property limited to a specific location, encompassing more than 50, or five percent, of the residential real properties in the official's jurisdiction, and the decision establishes, amends, or eliminates ordinances that restrict on-street parking, impose traffic controls, deter vagrancy, reduce nuisance or improve public safety, provided the body making the decision gathers sufficient evidence to support the need for the action at a specific location. (Regulation 18703(e)(3).)
- **Rental Properties:** The decision is limited to establishing, eliminating, amending, or otherwise affecting the respective rights or liabilities of tenants and owners of residential rental property, including a decision regarding a rent control ordinance or tenant protection measures, provided all of the following criteria are met:
 - The decision applies to all residential rental properties within the official's jurisdiction other than those excepted by the Costa-Hawkins Rental Housing Act (Civil Code Sections 1954.50, et seq.). (Regulation 18703(e)(4)(A).)
 - The official owns three or fewer residential rental units. (Regulation 18703(e)(4)(B).)
 - Only interests resulting from the official's leasehold interest as a lessor of residential real property and the lessee or owner of the official's primary residence are affected by the decision. (Regulation 18703(e)(4)(C).)
- **Required Representative Interest:** The decision is made by a board or commission and the law that establishes the board or commission requires certain appointees have a representative interest in a particular industry, trade, or profession or other identified interest, and the public official is an appointed member representing that interest. This provision applies only if the effect is on the industry, trade, or profession or other identified interest represented. (Regulation 18703(e)(5).)

- **State of Emergency:** The decision is made pursuant to an official proclamation of a state of emergency when required to mitigate against the effects directly arising out of the emergency. (Regulation 18703(e)(6).)
- **Governmental Entities:** The decision affects a federal, state, or local government entity in which the official has an interest. (Regulation 18703(e)(7).)

VII. Legally Required Participation

Section 87101 provides that the prohibition of Section 87100 does not prevent an official from making or participating in the making of a decision to the extent the official's participation is legally required for the action or decision to be made. However, the existence of a tied vote does not make the disqualified official's participation legally required.

No Alternative Source of Decision: Regulation 18705(a) provides that an official who is financially interested in a decision may establish that the official is legally required to make or to participate in the making of a decision within the meaning of Section 87101 only if there exists no alternative source of decision consistent with the purposes and terms of the statute authorizing the decision.

“Quorum” Defined: Regulation 18705(d) provides that a “quorum” is the minimum number of members required to conduct business. When the vote of a supermajority is required to adopt an item, a “quorum” is the minimum number of members needed to adopt the item.

Narrowly Construed: Regulation 18705(c) requires the regulation be narrowly construed, and specifically provides that the regulation shall not to be construed:

- To permit an official who is otherwise disqualified under Section 87100 to vote to break a tie. (Regulation 18705(c)(1).)
- To allow a member of any agency who is otherwise disqualified under Section 87100 to vote if a quorum can be convened of other members of the agency who are not disqualified, whether or not those other members are actually present at the time of the disqualification. (Regulation 18705(c)(2).)

Random Means of Selection: Regulation 18705(c)(3) requires participation by the smallest number of officials with a conflict that are “legally required” for the decision to be made under Section 87101 and permits a “random means of selection” (e.g. drawing straws) to be used to select only the number of officials necessary to make the decision. When an official is selected, that official is selected for the duration of the proceedings in all related matters until their participation is no longer legally required, or the need for invoking the exception no longer exists. (Regulation 18705(c)(3).)

Public Identification of an Otherwise Disqualified Official's Financial Interests in a Decision:

Regulation 18705(b) provides that when an official who has a financial interest in a decision is legally required to make or participate in making that decision, the official must state the existence of the potential conflict as follows:

- The official must disclose the existence of the conflict of interest and describe with particularity the nature of the official's disqualifying financial interest or interests. This requirement is satisfied if the official discloses:
 - The type of financial interest or interests involved in the decision, and;
 - Other specified information identifying the interest depending on the type of interest at issue.
- The official or another officer or employee of the agency must summarize the circumstances under which the conflict may arise.
- The official or another officer or employee of the agency must disclose the legal basis for the determination that there is no alternative source of decision.

Manner of Disclosure: The disclosures required by Regulation 18705(b) must be disclosed as follows:

- If the decision is made during an open session of a public meeting, the disclosures must be made orally before the decision is made;
- If the decision is made during a closed session of a public meeting, the disclosures must be made orally during open session either before the body goes into closed session or immediately thereafter;
- If the decision takes place outside of a public meeting, the disclosures must be made in writing; and
- In all three circumstances immediately above, the disclosures must be made part of the public record, as specified. (Regulation 18705(b)(4).)

VIII. Segmentation

Under the Act's conflict of interest provisions, each governmental decision must be analyzed independently to determine if the decision will have a disqualifying effect on an official's financial interest. (*In re Owen* (1976) 2 FPPC Ops. 77.) Accordingly, an agency may segment a decision in which an official has a disqualifying conflict of interest to allow the official to participate in associated decisions which would not have a disqualifying effect on the official's interests under Regulation 18706.

Required Conditions for Segmentation: Regulation 18706(a) provides that an agency may segment a decision in which an official is financially interested, to allow the official

to participate in associated decisions in which the official is not financially interested, provided all the following conditions are met:

- The decision in which the official is financially interested can be broken down into separate decisions that are not inextricably interrelated to the decision in which the official has a disqualifying financial interest;
- The decision in which the official is financially interested is segmented from the other decisions;
- The decision in which the official is financially interested is considered first and a final decision is reached by the agency without the disqualified official's participation in any way; and
- Once the decision in which the official is financially interested has been made, the official's participation in associated decisions does not result in a reopening of, or otherwise financially affect, the decision from which the official was disqualified.

“Inextricably Interrelated”: Regulation 18706(b) provides that decisions are “inextricably interrelated” when the result of one decision will effectively determine, affirm, nullify, or alter the result of another decision.

Budget and General Plan Decisions Affecting Entire Jurisdiction: Regulation 18706(c) provides that once all separate decisions related to a budget or general plan affecting the entire jurisdiction have been finalized, the official may participate in the final vote to adopt or reject the agency's budget or general plan.

IX. Disqualification Requirements

Section 87105 governs the recusal of a public official specified in Section 87200 from a decision from which the official has been disqualified. Subdivisions (a)(1)-(3) of that section require the disqualified official to: identify the potential conflict of interest to publicly identify the official's financial interest or interests at issue; recuse from voting, discussing or attempting to influence the matter; and leave the room until after the matter is concluded. Subdivision (a)(4) excludes members of the Legislature from these recusal requirements.

Regulation 18707 provides further direction and guidance on the recusal requirements applicable to a public official specified in Section 87200 who is disqualified from a decision relating to an agenda item noticed for consideration at a public meeting subject to open meeting laws (i.e. the Bagley-Keene Act (Section 11120 et seq.) or the Brown Act (Section 54950 et seq.)).

Form and Content of Public Identification: The disqualified official must publicly identify each type of financial interest, identified in Section 87103, held by the official

that gives rise to the disqualifying conflict of interest. (Regulation 18707(a)(1).) The identification must be oral and part of the public record (Regulation 18707(a)(1)(B)), and provide the following information, as applicable:

- For a business interest: the name of the business, a general description of its activities, and any position held by the official. (Regulation 18707(a)(1)(A)(i).)
- For a real property interest: the property's address, assessor's number, or identification that the property is the official's personal residence. (Regulation 18707(a)(1)(A)(ii).)
- For a source of income interest: the name of the source of income. (Regulation 18707(a)(1)(A)(iii).)
- For a source of gift interest: the name of the source of gift. (Regulation 18707(a)(1)(A)(iv).)
- For all interests: the nature of the expense, liability, asset, or income affected. (Regulation 18707(a)(1)(A)(v).)

Timing: The public identification required by Regulation 18707(a)(1) must be made immediately prior to consideration of the agenda item. (Regulation 18707(a)(2).)

- Partial absence from a meeting does not excuse the disqualified official's public identification requirement. (*Ibid.*)
- If the official leaves a meeting in advance of an agenda item from which the official is disqualified, the official must provide the public identification required by Regulation 18707(a)(1) prior to leaving the meeting. (Regulation 18707(a)(2).)
- If the official first joins a meeting after consideration of the agenda item, the official must provide the public identification immediately upon joining the meeting. (*Ibid.*)

Recusal and Leaving the Room: The disqualified official must recuse, leave the room after the public identification required by Regulation 18707(a)(1), and refrain from participation in the decision. (Regulation 18707(a)(3).) The disqualified official does not count toward achieving a quorum while the item is discussed. (*Ibid.*)

- For an agenda item on a consent calendar (uncontested items), the official may remain in the room during the consent calendar. (Regulation 18707(a)(3)(A).)
- If the official has a "personal interest" in the agenda item, as defined in Regulation 18704(d)(2) and wishes to speak or appear as a member of the general public, the official may leave the dais and speak or observe from the area reserved for members of the public after making the public identification required by Regulation 18707(a)(1) and recusing. (Regulation 18707(a)(3)(B).)

Special Rules for Closed Session: The public identification required by Regulation 18707(a)(1) must be made orally during the open session before the body goes into

closed session and may be limited to a declaration that the official's recusal is because of a conflict of interest under Section 87100. (Regulation 18707(a)(4).) The declaration must be made part of the official public record. (*Ibid.*) The official must not be present when the decision is considered in closed session or knowingly obtain or review a recording or any other non-public information regarding the decision. (*Ibid.*)

Other Decisions: For a decision other than an agenda item involving a public official specified in Section 87200 (governed by Regulation 18707(a)), Regulation 18707(b) provides the following:

- If the official determines not to act because of a financial interest, the official's determination may be accompanied by an oral or written disclosure of the interest.
- The official's presence will not be counted toward achieving a quorum.
- During a closed meeting of the agency, a disqualified official must not be present when the decision is considered, or knowingly obtain or review a recording or any other nonpublic information regarding the decision.
- An agency may adopt a local rule requiring the official to step down from the dais or leave the chambers.

Confidential Information: Regulation 18707(c) expressly provides that nothing in Regulation 18707 is intended to cause any disclosure that would reveal the confidences of a closed session or any other privileged information contemplated by law, including privileged information under Regulation 18740.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission (the "Commission") are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

² We note that the annual gift limit is adjusted biennially. The current gift limit is prescribed in Regulation 18940.2. The adjusted annual gift limit amount in effect for the period January 1, 2021, to December 31, 2022, is \$520.

³ For an official's interest in a business entity or real property, Regulation 18702.1(a) and Regulation 18702.2(a)(1)-(6), provide additional guidance for determining if the interest is explicitly involved.

A Public Official's Conflict Of Interest Checklist

KEY CONCEPTS

A public agency's decision should be based solely on what best serves the public's interests.

The law is aimed at the perception, as well as the reality, that a public official's personal interests may influence a decision. Even the temptation to act in one's own interest could lead to disqualification, or worse.

Having a conflict of interest does not imply that you have done anything wrong; it just means you have financial or other disqualifying interests.

Violating the conflict of interest laws could lead to monetary fines and criminal penalties for public officials. Don't take that risk.

BASIC RULE

A public official may not participate in a decision - including trying to influence a decision if the official has financial or, in some cases, other strong personal interests in that decision. When an official has an interest in a contract, the official's agency may be prevented from even making the contract.

WHEN TO SEEK ADVICE FROM AGENCY COUNSEL

The rules are very complex. Talk with your agency counsel 1) early and often 2) when an action by your public agency 3) may affect (positively or negatively) 4) any of the following:

Income. Any source of income of \$500 or more (including promised income) during the prior 12 months for you or your spouse/domestic partner.

Business Management or Employment. An entity for which you serve as a director, officer, partner, trustee, employee, or manager.

Real Property. A direct or indirect interest in real property that you or your immediate family (spouse/domestic partner and dependent children) have, including such interests as ownership, leaseholds (but not month-to-month tenancies), and options to purchase. Be especially alert when any of these are located within 500 feet of the subject of your decision.

Personal Finances. Your or your immediate family's (spouse/domestic partner and dependent children) personal expenses, income, assets, or liabilities.

Gift Giver. A giver of a gift of \$590 or more to you in the prior 12 months to you, including promised gifts. (2024 limit)

Lender/Guarantor. A source of a loan (including a loan guarantor) to you.

Contract. You or a member of your family would have an interest (direct or indirect) in a contract with the agency.

Business Investment All interest in a business that you or your immediate family (spouse/domestic partner and dependent children) have a direct or indirect investment worth \$2000 or more.

Related Business Entity. An interest in a business that is the parent, subsidiary or is otherwise related to a business where you:

Have a direct or indirect investment worth \$2000 or more; or
Are a director, officer, partner, trustee, employee, or manager,

Business Entity Owning Property. A direct or indirect ownership interest in a business entity or trust of yours that owns real property.

Campaign Contributor. A campaign contributor of yours.

Other Personal interests and Biases. You have important, but non-financial, personal interests or biases (positive or negative) about the facts or the parties that could cast doubt on your ability to make a fair decision.

WHAT WILL HAPPEN NEXT?

Agency counsel will advise you whether 1) you can participate in the decision and, 2) if a contract is involved, whether the agency can enter into the contract at all. Counsel may suggest asking either the Fair Political Practices Commission or the State Attorney General' to weigh in.

EVEN IF IT'S LEGAL, IS IT ETHICAL?

The law sets only minimum standards. Ask yourself whether members of the public whose opinion you value will question whether you can act solely in the public's interest. If they might, consider excusing yourself voluntarily from that particular decision-making process.

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A GUIDE TO THE RALPH M. BROWN ACT

REVISED JANUARY 2024



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Chapter 1

IT IS THE PEOPLE’S BUSINESS

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Chapter 1

IT IS THE PEOPLE'S BUSINESS



The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the act's initial section, declaring the Legislature's intent:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."¹

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."²

The Brown Act's other unchanged provision is a single sentence:

"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."³

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body discusses, deliberates, or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference or videoconference.

PRACTICE TIP: The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Social Media posts, comments, and “likes” can result in a Brown Act violation. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions, and some state legislatures have banned the practice. On the other hand, widespread video streaming and videoconferencing of meetings has greatly expanded public access to the decision-making process.

Narrow exemptions

The express purpose of the Brown Act is to ensure that local government agencies conduct the public’s business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.⁴

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multimember government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency’s business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.⁵

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents and staff. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

Public participation in meetings

In addition to requiring the public’s business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public’s participation is further enhanced by the Brown Act’s requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and limits on the time allotted to each speaker. For more information, see chapter 4.

PRACTICE TIP: Think of the government’s house as being made of glass. The curtains may be drawn only to further the public’s interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Some public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately, such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and businesslike, but it may be perceived as unresponsive and untrustworthy.

PRACTICE TIP: Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling, for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.⁶ Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.

A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly.
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time.



- A local agency's right to confidentially address certain negotiations, personnel matters, claims, and litigation.
- The right of the press to fully understand and communicate public agency decision-making.

A detailed and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law and look at its unique circumstances to determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action are to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series titled "Your Secret Government" that ran in May and June 1952.

Out of the series came a decision to push for a new state open-meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill, and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open-meeting laws, such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open-meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

PRACTICE TIP: The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at <https://www.calcities.org/home/resources/open-government2>. A current version of the Brown Act may be found at <https://leginfo.ca.gov>.

ENDNOTES

- 1 Cal. Gov. Code, § 54950.
- 2 Cal. Const., Art. 1, § 3, subd. (b)(1).
- 3 Cal. Gov. Code, § 54953, subd. (a).
- 4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Const., Art. 1, § 3, subd. (b)(2).
- 5 Cal. Gov. Code, § 54952.2, subds. (b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533.
- 6 Cal. Gov. Code, § 54953.7.



Chapter 2

LEGISLATIVE BODIES

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Chapter 2

LEGISLATIVE BODIES

The Brown Act applies to the legislative bodies of local agencies. It defines “legislative body” broadly to include just about every type of decision-making body of a local agency.¹



What is a “legislative body” of a local agency?

A “legislative body” includes the following:

- The “**governing body** of a local agency” and certain of its subsidiary bodies; “or any other local body created by state or federal statute.”² This includes city councils, boards of supervisors, school boards, and boards of trustees of special districts. A “local agency” is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision, or other local public agency.³ A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.⁴ The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.⁵ Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.⁶

- **Newly elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.⁷ Thus, meetings between incumbents and newly elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation, but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

PRACTICE TIP: The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions, and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.⁸
- **Standing committees** of a legislative body, irrespective of their composition, which have either (1) a continuing subject matter jurisdiction or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.⁹ Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates committees on budget and finance or on public safety that are not limited in duration or scope, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee “shall not exercise continuing subject matter jurisdiction” or the fact that the committee does not have a fixed meeting schedule is not determinative.¹⁰ “Formal action” by a legislative body includes authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.¹¹ A majority of the members of a legislative body may attend an open and public meeting of a standing committee of that body, provided the members who are not part of the standing committee only observe.¹² For more information, see chapter 3.
- The governing body of any **private organization** either (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company, or other entity or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity’s governing board.¹³ These include some nonprofit corporations created by local agencies.¹⁴ If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.¹⁵ When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.¹⁶

PRACTICE TIP: It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a nonexempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have “continuing jurisdiction.”

- Q.** The local chamber of commerce is funded in part by the city. The mayor sits on the chamber's board of directors. Is the chamber board a legislative body subject to the Brown Act?
- A.** *Maybe. If the chamber's governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*
- Q.** If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?
- A.** *Yes. But if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital) first leased under Health and Safety Code subsection 32121(p) after Jan. 1, 1994, which exercises "material authority" delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.¹⁷

What is not a "legislative body" for purposes of the Brown Act?

- A temporary advisory committee composed **solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.¹⁸ Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.¹⁹
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.²⁰

- Q.** A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?
- A.** *No, because the committee has not been established by formal action of the legislative body.*
- Q.** During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?
- A.** *Possibly, because the direction from the city council might be regarded as a formal action of the body, notwithstanding that the city manager controls the committee.*

- Individual decision-makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads is not subject to the Brown Act since such assemblies are not those of a legislative body.²¹
- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.²²
- County central committees of political parties are also not Brown Act bodies.²³

Legal counsel for a governing body is not a member of the governing body, therefore, the Brown Act does not apply to them. But counsel should take care not to facilitate Brown Act violations by members of the governing body.²⁴

ENDNOTES

- 1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1127.
- 2 Cal. Gov. Code, § 54952, subs. (a) and (b).
- 3 Cal. Gov. Code, § 54951; Cal. Health & Saf. Code, § 34173, subd. (g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Cal. Ed. Code § 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.
- 4 *Torres v. Board of Commissioners of Housing Authority of Tulare County* (1979) 89 Cal.App.3d 545, 549-550.
- 5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990).
- 6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354, 362.
- 7 Cal. Gov. Code, § 54952.1.
- 8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805.
- 9 Cal. Gov. Code, § 54952, subd. (b)
- 10 79 Ops.Cal.Atty.Gen. 69 (1996).
- 11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793.
- 12 Cal. Gov. Code § 54952, subd. (c)(6).
- 13 Cal. Gov. Code, § 54952, subd. (c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996, who, after that date, is made a nonvoting board member by the legislative body. Cal. Gov. Code § 54952, subd. (c)(2).
- 14 Cal. Gov. Code, § 54952(c)(1)(A); *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 300; *Epstein v. Hollywood Entertainment Dist. II Business Improvement District* (2001) 87 Cal.App.4th 862, 876; see also 85 Ops.Cal.Atty.Gen. 55 (2002).
- 15 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 300 fn. 5.
- 16 "The Brown Act, Open Meetings for Local Legislative Bodies," California Attorney General's Office (2003), p. 7.

- 17 Cal. Gov. Code, § 54952, subd. (d).
- 18 Cal. Gov. Code, § 54952, subd. (b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.
- 19 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129.
- 20 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973).
- 21 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870, 878-879.
- 22 *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1513.
- 23 59 Ops.Cal.Atty.Gen. 162, 164 (1976).
- 24 *GFRCO, Inc. v. Superior Court of Riverside County* (2023) 89 Cal.App.5th 1295, 1323; *Stockton Newspapers, Inc. v. Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95, 105 (a series of individual telephone calls between the agency attorney and the members of the body constituted a meeting).



Chapter 3

MEETINGS

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Chapter 3

MEETINGS



The Brown Act only applies to meetings of local legislative bodies. It defines a meeting as “any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body.”¹ The term *meeting* is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.²

Brown Act meetings

Brown Act meetings include a legislative body’s regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **“Regular meetings”** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.³
- **“Special meetings”** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act’s notice requirements for special meetings and are subject to 24-hour posting requirements.⁴
- **“Emergency meetings”** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.⁵
- **“Adjourned meetings”** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.⁶

Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:⁷

Individual contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on their own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, as long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.

Community meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.

"I see we have four distinguished members of the city council at our meeting tonight," said the chair of the Environmental Action Coalition. "I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?"

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.

- Q.** The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for reelection and all three participate. All of the candidates are asked their views on a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?
- A.** Yes, because the chamber of commerce, not the city, is organizing the debate. The city should not sponsor the event or assign city staff to help organize or run the event. Also, the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates. Finally, incumbents participating in the event should take care to limit their remarks to the program set by the chamber and safeguard due process by indicating they will keep an open mind regarding specific applications that might come before the council.
- Q.** May the three incumbents accept an invitation from the editorial board of a local paper to all candidates to meet as a group and answer questions about and/or debate city issues?
- A.** No, unlike the chamber of commerce event, this would not be allowed under the Brown Act because it is not an open and publicized meeting.

Other legislative bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of (1) another body of the local agency and (2) a legislative body of another local agency.⁸ Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony, trying to influence the outcome of proceedings before a subordinate body, or discussing the merits with interested parties.

Q. The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?

A. *No, because the members are attending and participating in an open meeting of another governmental body that the public may attend.*

Q. The members then proceed upstairs to the office of their local assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?

A. *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the assembly member.*

Standing committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting, and they must sit where members of the public sit).⁹

Q. The legislative body establishes a standing committee of two of its five members that meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?

A. *She may attend, but only as an observer; she may not participate.*

Q. Can the legislative body establish multiple standing committees with partially overlapping jurisdiction?

A. *Yes. One result of this overlap in jurisdiction may be that three or more of the members of the legislative body ultimately end up discussing an issue as part of a standing committee meeting. This is allowed under the Brown Act provided each standing committee meeting is publicly noticed and no more than two of the five members discuss the issue at any given standing committee meeting.*

Social or ceremonial events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attend the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. As long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.¹⁰ This is the equivalent of a seventh exception to the Brown Act's definition of a "meeting."

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements. Staff may provide written briefings (e.g., staff updates, emails from the city manager, confidential memos from the city attorney) to the full legislative body, but apart from privileged memos, the written materials may be subject to disclosure as public records as discussed in chapter 4.

Retreats, trainings, and workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, trainings, or workshops are subject to the requirements of the Brown Act. This is the case whether the gathering focuses on long-range agency planning, discussion of critical local issues, satisfying state-mandated ethics training requirements, or team building and group dynamics.¹¹



- Q.** The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?
- A.** *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings include only a portion of a legislative body, but eventually they comprise a majority. The Brown Act provides that “[a] majority of the members of a legislative body shall not, outside a meeting ... use a series of communications of any kind, directly or through

intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.”¹² The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.

The serial meeting may occur by either a “daisy chain” or a “hub and spoke” sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D, and so on until a quorum has discussed, deliberated, or taken action on an item within the legislative body’s subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, D, and so on (the spokes) until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body

or one of its members, communicates with a majority of members (the spokes) one by one for discussion, deliberation, or a decision on a proposed action.¹³ Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members’ respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.”¹⁴

The Brown Act is violated, however, if several one-on-one meetings or conferences lead to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum



Photo credit: Courtesy of the City of West Hollywood. Photo by Jon Viscott.

of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.¹⁵

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.¹⁶ Such a memo, however, may be a public record.¹⁷

The phone call was from a lobbyist. “Say, I need your vote for that project in the south area. How about it?”

“Well, I don’t know,” replied Board Member Aletto. “That’s kind of a sticky proposition. You sure you need my vote?”

“Well, I’ve got Bradley and Cohen lined up and another vote leaning. With you, I’d be over the top.”

Moments later, the phone rings again. “Hey, I’ve been hearing some rumbles on that south area project,” said the newspaper reporter. “I’m counting noses. How are you voting on it?”

The lobbyist and the reporter are facilitating a violation of the Brown Act. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members’ positions by asking, “You sure you need my vote?” The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.

The mayor sat down across from the city manager. “From now on,” he declared, “I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don’t want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting.”

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.”¹⁸ Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation, or action taken among the majority of the legislative body.

“Thanks for the information,” said Council Member Kim. “These zoning changes can be tricky, and now I think I’m better equipped to make the right decision.”

“Glad to be of assistance,” replied the planning director. “I’m sure Council Member Jones is OK with these changes. How are you leaning?”

“Well,” said Council Member Kim, “I’m leaning toward approval. I know that two of my colleagues definitely favor approval.”

PRACTICE TIP: When briefing legislative body members, staff must exercise care not to disclose other members’ views and positions.

The planning director should not disclose Jones' prospective vote, and Kim should not disclose the prospective votes of two colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

- Q.** Various social media platforms and websites include forums where agency employees and officials can discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?
- A.** *Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.*
- Q.** A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?
- A.** *No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.*

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the “reply all” option that may inadvertently result in a Brown Act violation. Staff should consider using the “bcc” (blind carbon copy) option when addressing an email to multiple members of the legislative body and remind recipients not to “reply all.”

Social media should also be used with care. A member of the legislative body cannot respond directly to any communication on an internet-based social media platform that is made, posted, or shared by any other member of the legislative body. This applies to matters within the subject matter jurisdiction of the legislative body. For example, if one member of a legislative body “likes” a social media post of one other member of the same body, that could violate the Brown Act, depending on the nature of the post.¹⁹

Finally, electronic communications (such as text messaging) among members of a legislative body during a public meeting should be discouraged. If such communications are sent to a majority of members of the body, either directly or through an intermediary, on a matter on the meeting agenda, that could violate the Brown Act. Electronic communications sent to less than a majority of members of the body during a quasi-judicial proceeding could potentially raise due process concerns, even if not per se prohibited by the Brown Act. Additionally, some legislative bodies have rules governing electronic communications during meetings of the legislative body and how their members should proceed if they receive a communication on an agenda item that is not part of the record or not part of an agenda packet.

Informal gatherings

Members of legislative bodies are often tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.²⁰ A gathering at which a quorum of the legislative body discusses matters within their jurisdiction violates the Brown Act even if that gathering occurs in a public place. The Brown Act is not satisfied by public visibility alone. It also requires public notice and an opportunity to attend, hear, and participate.

Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop’s Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive’s presence does not lessen the potential for a violation of the Brown Act.

Technological conferencing

Except for certain non-substantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But in an effort to keep up with modern technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.²¹ While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

Teleconference is defined as “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both.”²² In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following teleconferencing requirements:²³

- Teleconferencing may be used for all purposes during any meeting.
- At least a quorum of the legislative body must participate from locations within the local agency’s jurisdiction.
- Additional teleconference locations may be made available for the public.
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable.
- Agendas must be posted at each teleconference location, even if a hotel room or a residence.
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location.
- All votes must be by roll call.



Photo credit: Courtesy of the City of West Hollywood. Photo by Jon Viscott.

Q. A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C., to New York. May she?

A. *She may not participate or vote because she is not in an open, noticed, and posted teleconference location.*

Until Jan. 1, 2026, teleconferencing may also be used on a limited basis where a member indicates their need to participate remotely for “just cause” (e.g., childcare or a contagious illness) or due to

“emergency circumstances” (e.g., a physical or family medical emergency). This teleconferencing option has extremely detailed requirements, and careful review is needed. If the City experiences a technical issue that prevents members of the public from viewing the meeting and/or offering comments virtually, then no further action can be taken until the technical issue is resolved.²⁴

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.



Location of meetings

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.²⁵

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:²⁶

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party.
- Inspect real or personal property that cannot be conveniently brought into the local agency’s territory, provided the meeting is limited to items relating to that real or personal property.

Q. The agency is considering approving a major retail mall. The developer has built other similar malls and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

A. *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.*

- Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice.
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction.

- Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.
- Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.
- Visit the office of its legal counsel for a closed session on pending litigation when to do so would reduce legal fees or costs.²⁷

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential employee from another district.²⁸ A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.²⁹

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.³⁰ State law has also allowed for virtual meetings under certain emergency situations.³¹

ENDNOTES

- 1 Cal. Gov. Code, § 54952.2, subd. (a).
- 2 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870.
- 3 Cal. Gov. Code, § 54954, subd. (a).
- 4 Cal. Gov. Code, § 54956.
- 5 Cal. Gov. Code, § 54956.5.
- 6 Cal. Gov. Code, § 54955.
- 7 Cal. Gov. Code, § 54952.2, subd. (c).
- 8 Cal. Gov. Code, § 54952.2, subd. (c)(4).
- 9 Cal. Gov. Code, § 54952.2, subd. (c)(6). See 81 Ops.Cal.Atty.Gen. 156 (1998).
- 10 Cal. Gov. Code, § 54953.1.
- 11 "The Brown Act," California Attorney General (2003), p. 10.
- 12 Cal. Gov. Code, § 54952.2, subd. (b)(1).
- 13 *Stockton Newspapers, Inc. v. Redevelopment Agency of the City of Stockton* (1985) 171 Cal.App.3d 95.
- 14 Cal. Gov. Code, § 54952.2, subd. (b)(2).
- 15 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518.
- 16 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.
- 17 Cal. Gov. Code, § 54957.5, subd. (a).
- 18 Cal. Gov. Code, § 54952.2, subd. (b)(2).
- 19 Cal. Gov. Code, § 54952.2, subd. (b)(3).

- 20 Cal. Gov. Code, § 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964).
- 21 Cal. Gov. Code, § 54953, subd. (b)(1).
- 22 Cal. Gov. Code, § 54953, subd. (b)(4).
- 23 Cal. Gov. Code, § 54953. Until Jan. 1, 2024, the legislative body could use teleconferencing “during a proclaimed state of emergency” by the Governor in specified circumstances, and teleconference locations were exempt from certain requirements, such as identification in and posting of the agenda.
- 24 Cal Gov. Code, § 54953, subd. (f) (which will become Govt. §54953(e) as of Jan. 1, 2024).
- 25 Cal. Gov. Code, § 54954, subd. (b).
- 26 Cal. Gov. Code, § 54954, subd. (b)(1)-(7).
- 27 94 Ops.Cal.Atty.Gen. 15 (2011).
- 28 Cal. Gov. Code, § 54954, subd. (c).
- 29 Cal. Gov. Code, § 54954, subd. (d).
- 30 Cal. Gov. Code, § 54954, subd. (e).
- 31 Cal. Gov. Code, § 54953, subd. (e) (exp. January 1, 2026).



Chapter 4

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Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION



Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

Agendas for regular meetings

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location “freely accessible to members of the public.”¹ The courts have not definitively interpreted the “freely accessible” requirement. The California Attorney General has interpreted this

provision to require posting in a location open and accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.² This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.³ While posting an agenda on an agency’s internet website will not, by itself, satisfy the “freely accessible” requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if (1) the local agency has a website and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body or (b) has members that are compensated, with one or more members that are also members of a governing body.⁴

- Q.** May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city’s website or if the website was not operational during part or all of the 72-hour period preceding the meeting?
- A.** *At a minimum, the Brown Act calls for “substantial compliance” with all agenda posting requirements, including posting to the agency website.⁵ Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties that cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance.⁶ This inquiry requires a fact-specific examination of whether the agency or its legislative body made “reasonably effective efforts to notify interested persons of a public meeting” through online posting and other available means.⁷ The Attorney General’s opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public*

awareness, among other factors.⁸ For these reasons, obvious website technical difficulties might not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.

The agenda must state the meeting time and place and must contain “a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.”⁹ For a discussion of descriptions for open and closed-session agenda items, see chapter 5. Special care should be made to describe on the agenda each distinct action to be taken by the legislative body, while an overbroad description of a “project” must be avoided if the “project” is actually a set of distinct actions, in which case each action must be listed separately on the agenda.¹⁰ For example, the listing of an “initiative measure” alone on an agenda was found insufficient where the agency was also deciding whether to accept a gift from the measure proponent to pay for the election.¹¹

PRACTICE TIP: Putting together a meeting agenda requires careful thought.

Q. The agenda for a regular meeting contains the following items of business:

- Consideration of a report regarding traffic on Eighth Street.
- Consideration of a contract with ABC Consulting.

Are these descriptions adequate?

A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read, “Consideration of a contract with ABC Consulting in the amount of \$50,000 for traffic engineering services regarding traffic on Eighth Street.”*

Q. The agenda includes an item entitled City Manager’s Report, during which time the city manager provides a brief report on notable topics of interest, none of which is listed on the agenda.

Is this permissible?

A. *Yes, as long as it does not result in extended discussion or action by the body.*

A brief general description may not be sufficient for closed-session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions.¹² Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted or upon distribution to all, or a majority of all, of the members of the legislative body, whichever occurs first. If the local agency has an internet website, this requirement can be satisfied by emailing a copy of, or website link to, the agenda or agenda packet if the person making the request asks for it to be emailed. Further, if requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.¹³



Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed. Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation and each radio and television station that has requested such notice in writing. This notice must be delivered at least 24 hours before the time of the meeting by personal delivery or any other means that ensures receipt.

The notice must state the time and place of the meeting as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda, that is, with a brief general description. Some items must appear on a regular, not special, meeting agenda (e.g., general law city adoption of an ordinance or consideration of local agency executive compensation).¹⁴

As noted above, closed session items should be described in accordance with the Brown Act's safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: at a site that is freely accessible to the public, and on the agency's website if (1) the local agency has a website and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body or (b) has members that are compensated, with one or more

members that are also members of a governing body.¹⁵

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.¹⁶ If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.¹⁷ A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.¹⁸

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.¹⁹ News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.

News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings

A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.²⁰

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member's official duties, such as for travel, meals, and lodging.

Educational agency meetings

The Education Code contains some special agenda and special meeting provisions.²¹ However, they are generally consistent with the Brown Act. An item is probably void if not posted.²² A school district board must also adopt regulations to make sure the public can place matters affecting the district's business on meeting agendas and can address the board on those items.²³

Notice requirements for tax or assessment meetings and hearings

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses.²⁴ Although written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments, as those are governed by the California Constitution, Article XIII C or XIII D, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a



mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.²⁵ As a practical matter, the Constitution's notice requirements have preempted this section of the Brown Act.

Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:²⁶

- When a majority decides there is an “emergency situation” (as defined for emergency meetings).
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action, and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.” This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline.
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

“I’d like a two-thirds vote of the board so we can go ahead and authorize commencement of phase two of the East Area Project,” said Chair Lopez.

“It’s not on the agenda. But we learned two days ago that we finished phase one ahead of schedule — believe it or not — and I’d like to keep it that way. Do I hear a motion?”

The desire to stay ahead of schedule generally would not satisfy “a need for immediate action.” Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

“We learned this morning of an opportunity for a state grant,” said the chief engineer at the regular board meeting, “but our application has to be submitted in two days. We’d like the board to give us the go-ahead tonight, even though it’s not on the agenda.”

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

PRACTICE TIP: Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

- First, make two determinations: (1) that there is an immediate need to take action and (2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to “briefly respond” to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body’s rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on their own activities.²⁷ However, caution should be used to avoid any discussion or action on such items.



Council Member Jefferson: I would like staff to respond to Resident Joe’s complaints during public comment about the repaving project on Elm Street. Are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute PowerPoint presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council’s agenda but was raised during the public comment period for items not on the agenda. Council Member Jefferson properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public's right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise "fulfill any condition precedent" to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.²⁸

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.²⁹ This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.³⁰

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.³¹

Action by secret ballot, whether preliminary or final, is flatly prohibited.³²

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.³³

Q. The agenda calls for election of the legislative body's officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A. *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt or disrupt proceedings.³⁴ Ejection is justified only when audience members actually disrupt the proceedings,³⁵ or, alternatively, if the presiding member of the legislative body warns a person that their behavior is disruptive and that continued disruption may result in their removal (but no prior warning is required if there is a use of force or true threat of force).³⁶ If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to readmit an individual or individuals not responsible for the disturbance.³⁷

Records and recordings

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.³⁸ A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.³⁹

- Q.** In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?
- A.** *No. The memorandum is a privileged attorney-client communication.*
- Q.** In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?
- A.** *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*

A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A nonexempt or otherwise non-privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose, and the agendas for all meetings of the legislative body must include the address of this office or location.⁴⁰ The location designated for public inspection must be open to the public, not a locked or closed office. Alternatively, the documents can be posted on the city's website for public review if statutory requirements are met.⁴¹

A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body.
- After the meeting if prepared by some other person.⁴²

This requirement does not prevent assessing a fee or deposit for providing a copy of a public record pursuant to the California Public Records Act except where required to accommodate persons with disabilities.⁴³

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.⁴⁴ The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.⁴⁵

In addition, the public is specifically allowed to use audio or videotape recorders or still or motion picture cameras at a meeting to record meetings of legislative bodies, absent a reasonable finding by the body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.⁴⁶

PRACTICE TIP: Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record but must respect a speaker's desire for anonymity.

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.⁴⁷

The public's right to speak during a meeting

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, as long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.⁴⁸

- Q.** Must the legislative body allow members of the public to show videos or make a PowerPoint presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?
- A.** *Probably, although the agency is under no obligation to provide equipment.*

Moreover, the Brown Act, as well as case law, prevents legislative bodies from prohibiting public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself.⁴⁹ However, this prohibition does not provide immunity for defamatory statements.⁵⁰

- Q.** May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?
- A.** *No, as long as the criticism pertains to job performance.*
- Q.** During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?
- A.** *There is no case law on this subject. Some would argue that purely campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section where relevant to the governing of the agency and an implicit criticism of the incumbents' performance of city business.*

The legislative body may adopt reasonable regulations, including a limit on the total time permitted for public comment and a limit on the time permitted per speaker.⁵¹ Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.⁵²

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a regular (but not special) public meeting if all interested members of the public had the opportunity to

speak on the item before or during its consideration, and if the item has not been substantially changed.⁵³

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.⁵⁴

ENDNOTES

- 1 Cal. Gov. Code, § 54954.2, subd. (a)(1).
- 2 78 Ops.Cal.Atty.Gen. 327 (1995).
- 3 88 Ops.Cal.Atty.Gen. 218 (2005).
- 4 Cal. Gov. Code, §§ 54954.2, subd. (a)(1) and 54954.2, subd. (d).
- 5 Cal. Gov. Code, § 54960.1, subd. (d)(1).
- 6 99 Ops.Cal.Atty.Gen. 11 (2016).
- 7 *North Pacifica LLC v. California Coastal Commission* (2008) 166 Cal.App.4th 1416, 1432.
- 8 99 Ops.Cal.Atty.Gen. 11 (2016).
- 9 Cal. Gov. Code, § 54954.2, subd. (a)(1).
- 10 *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 (legislative body's approval of California Environmental Quality Act [CEQA] action [mitigated negative declaration] without specifically listing it on the agenda violates the Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis). See also *GI Industries v. City of Thousand Oaks* (2022) 84 Cal.App.5th 814 (depublished) (Brown Act requires CEQA finding of exemption to be listed on agenda items that are projects under CEQA).
- 11 *Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194.
- 12 Cal. Gov. Code, § 54954.5.
- 13 Cal. Gov. Code, § 54954.1.
- 14 Cal. Gov. Code, §§ 36934; 54956, subd. (b).
- 15 Cal. Gov. Code, § 54956, subds. (a) and (c).
- 16 Cal. Gov. Code, § 54955.
- 17 Cal. Gov. Code, § 54954.2, subd. (b)(3).
- 18 Cal. Gov. Code, § 54955.1.
- 19 Cal. Gov. Code, § 54956.5.
- 20 Cal. Gov. Code, § 54952.3.
- 21 Cal. Edu. Code, §§ 35144, 35145, and 72129.
- 22 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196.
- 23 Cal. Edu. Code, § 35145.5
- 24 Cal. Edu. Code, § 54954.6
- 25 See Cal. Const. Art. XIII C, XIII D; Cal. Gov. Code, § 54954.6, subd. (h).
- 26 Cal. Gov. Code, § 54954.2, subd. (b).
- 27 Cal. Gov. Code, § 54954.2, subd. (a)(2); *Cruz v. City of Culver City* (2016) 2 Cal.App.5th 239 (six-minute colloquy on non-agenda item with staff answering questions and advising that matter could be placed on future agenda fell within exceptions to discussing or acting upon non-agenda items).



- 28 Cal. Gov. Code, § 54953.3.
- 29 Cal. Gov. Code, § 54961, subd. (a); Cal. Gov. Code, § 11135, subd. (a).
- 30 Cal. Gov. Code, § 54952.2, subd. (c)(2).
- 31 Cal. Gov. Code, § 54953, subd. (b).
- 32 Cal. Gov. Code, § 54953, subd. (c).
- 33 Cal. Gov. Code, § 54953, subd. (c)(2).
- 34 Cal. Gov. Code, §§ 54957.9, 54957.95.
- 35 *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966 (silent and momentary Nazi salute directed toward mayor is not a disruption); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 (city council may not prohibit “insolent” remarks by members of the public absent actual disruption); but see *Kirkland v. Luken* (S.D. Ohio 2008) 536 F.Supp.2d 857 (finding no First Amendment violation by mayor for turning off microphone and removing speaker who used foul and inflammatory language that was deemed as “likely to incite the members of the audience during the meeting, cause disorder, and disrupt the meeting”).
- 36 Cal. Gov. Code, § 54957.95.
- 37 Cal. Gov. Code, § 54957.9.
- 38 Cal. Gov. Code, § 54957.5.
- 39 Cal. Gov. Code, § 54957.5, subd. (d).
- 40 Cal. Gov. Code, § 54957.5(b); see also *Sierra Watch v. Placer County* (2021) 69 Cal.App.5th 1.
- 41 Cal. Gov. Code § 54957.5.
- 42 Cal. Gov. Code, § 54957.5, subd. (c).
- 43 Cal. Gov. Code, § 54957.5, subd. (d).
- 44 Cal. Gov. Code, § 54953.5, subd. (b).
- 45 Cal. Gov. Code, § 54957.5, subd. (d).
- 46 Cal. Gov. Code, § 54953.5, subd. (a).
- 47 Cal. Gov. Code, § 54953.6.
- 48 Cal. Gov. Code, § 54954.3, subd. (a).
- 49 Cal. Gov. Code, § 54954.3, subd. (c); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800.
- 50 Cal. Gov. Code, § 54954.3, subd. (c).
- 51 *Ribakoff v. City of Long Beach* (2018) 27 Cal.App.5th 150 (public comment time limit of three minutes for each speaker did not violate First Amendment).
- 52 Cal. Gov. Code, § 54954.3, subd. (b); *Chaffee v. San Francisco Public Library Commission* (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992).
- 53 Cal. Gov. Code, § 54954.3, subd. (a); *Preven v. City of Los Angeles* (2019) 32 Cal.App.5th 925.
- 54 Cal. Gov. Code, § 54954.3, subd. (a).



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Chapter 5

CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.¹



As summarized in chapter 1 of this guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.² The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city's position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. However, there is no prohibition in putting overlapping exceptions on an agenda in order to provide an opportunity for more robust closed session discussions. As an example, a city council cannot give direction to the city manager about a property

negotiation during a performance evaluation exception. However, if both real property negotiation and performance evaluation exceptions are on the agenda, those discussions might be conducted. Similarly, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.³

In this chapter, the grounds for convening a closed session are called "exceptions" because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions applies to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),⁴ the Brown Act does not authorize closed sessions for other contract negotiations.

Agendas and reports

Closed session items must be briefly described on the posted agenda, and the description must state the specific statutory exemption.⁵ An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly put on the agenda as a

PRACTICE TIP: Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

closed session item or unless it is properly added as a closed-session item by a two-thirds vote of the body after making the appropriate urgency findings.⁶

The Brown Act supplies a series of fill-in-the-blank sample agenda descriptions for various types of authorized closed sessions that provide a “safe harbor” from legal attacks. These sample agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multijurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor’s Office.⁷

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda, and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.⁸ The legislative body must take public comment on the closed session item before convening in a closed session.

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report vary according to the reason for the closed session and the action taken.⁹ The announcements may be made at the site of the closed session, as long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.¹⁰

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential “minute book” be kept to record actions taken at closed sessions.¹¹ If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.¹² A court may order the disclosure of minute books for the court’s review if a lawsuit makes sufficient claims of an open meeting violation.

Litigation

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation.¹³ The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. Essentially, a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.¹⁴ The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body’s conferring with its own legal counsel and required support staff.¹⁵ For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.¹⁶

PRACTICE TIP: Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.

The California Attorney General has opined that if the agency's attorney is not a participant, a litigation closed session cannot be held.¹⁷ In any event, local agency officials should always consult the agency's attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.¹⁸

Existing litigation

- Q.** May the legislative body agree to settle a lawsuit in a properly noticed closed session without placing the settlement agreement on an open session agenda for public approval?
- A.** *Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.*¹⁹

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local

agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.²⁰

Anticipated exposure to litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on "existing facts and circumstances" as defined by the Brown Act.²¹ The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the "existing facts and

circumstances" must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff. If an agency receives a documented threat of litigation, and intends to discuss that matter in closed session, the record of a litigation threat must be included in the body's agenda packet.²²



Anticipated initiation of litigation by the local agency

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency's rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed session. Other actions, such as when final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.²³ Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

Real estate negotiations

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A "lease" includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body's negotiator on price and terms of payment.²⁴ Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues, such as site design, architecture, or other aspects of the project for which the transaction is contemplated.²⁵

Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase "price and terms of payment" in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of "price and terms of payment." Others take a narrower, more literal view of the phrase.*

The agency's negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern,²⁶ and the names of the parties with whom its negotiator may negotiate.²⁷

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person as soon as the agency is informed of it.²⁸

"Our population is exploding, and we have to think about new school sites," said Board Member Jefferson.

"Not only that," interjected Board Member Tanaka, "we need to get rid of a couple of our older facilities."

"Well, obviously the place to do that is in a closed session," said Board Member O'Reilly. "Otherwise we're going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar."

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

Public employment

The Brown Act authorizes a closed session “to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee.”²⁹ The purpose of this exception — commonly referred to as the “personnel exception” — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.³⁰ The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.³¹ That authority may be delegated to a subsidiary appointed body.³²

An employee must be given at least 24 hours’ notice of any closed session convened to hear specific complaints or charges against them. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses,³³ and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session.³⁴ The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.³⁵ If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.³⁶

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.³⁷

- Q.** Must 24 hours’ notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?
- A.** *No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.*

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.³⁸ An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, “employee” specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager, or superintendent. Examples of the latter include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.³⁹ Action on individuals who are not “employees” must also be public — including discussing and voting on appointees to committees, debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay. That means, among other things, there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee’s ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.⁴⁰ However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.⁴¹

“I have some important news to announce,” said Mayor Garcia. “We’ve decided to terminate the contract of the city manager effective immediately. The council has met in closed session, and we’ve negotiated six months’ severance pay.”

“Unfortunately, that has some serious budget consequences, so we’ve had to delay phase two of the East Area Project.”

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager’s evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution must be exercised not to discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,⁴² on employee salaries and fringe benefits for both represented (“union”) and unrepresented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an “employee” includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.⁴³

PRACTICE TIP: The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

PRACTICE TIP: Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.⁴⁴

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.⁴⁵ The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations – school and community college districts

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization.
2. A meeting of a mediator with either side.
3. A hearing or meeting held by a fact finder or arbitrator.
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.⁴⁶

Public participation under the Rodda Act also takes another form.⁴⁷ All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.⁴⁸ The final vote must be in public.

Other Education Code exceptions

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.⁴⁹

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.⁵⁰ Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.⁵¹

PRACTICE TIP: Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

Joint powers authorities

The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.⁵²

License applicants with criminal records

A closed session is permitted when an applicant who has a criminal record applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant's attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw it, the body must deny the license in public, either immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.⁵³

Public security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings; essential public services, including water, sewer, gas, or electric service; or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials, including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.⁵⁴ Action taken in closed session with respect to such public security issues is not reportable action.

Multijurisdictional law enforcement agency

A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an ongoing criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.⁵⁵

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.⁵⁶

Hospital peer review and trade secrets

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals under other provisions of law:⁵⁷

1. A meeting to hear reports of hospital medical audit or quality assurance committees or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss "reports involving trade secrets" — provided no action is taken.



A “trade secret” is defined as information that is not generally known to the public or competitors and that (1) “derives independent economic value, actual or potential” by virtue of its restricted knowledge; (2) is necessary to initiate a new hospital service or program or facility; and (3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district’s dissolution.⁵⁸

Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to review the Brown Act carefully to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently

encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including a response to a confidential final draft audit report from the Bureau of State Audits,⁵⁹ consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,⁶⁰ hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medical services,⁶¹ discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations concerning rates of payment,⁶² and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.⁶³

PRACTICE TIP: Meetings are either open or closed. There is nothing “in between.”⁶⁴

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official or essential role in the closed session subject matters must be excluded from closed sessions.⁶⁵

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?

A. *No, attendance in closed sessions is reserved exclusively for the agency’s advisors.*

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.⁶⁶ It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.⁶⁷ Only the legislative body acting as a body may agree to divulge confidential closed session information. With regard to attorney-client privileged communications, the entire body is the holder of the privilege, and only the entire body can decide to waive the privilege.⁶⁸

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is “improper” for officials to disclose information regarding pending litigation that was received during a closed session,⁶⁹ though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.⁷⁰ In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief and, if the breach is a willful disclosure of confidential information, disciplinary action against an employee and referral of a member of the legislative body to the grand jury.⁷¹

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure (1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; (2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or (3) is information that is not confidential.⁷²

The interplay between these possible sanctions and an official’s First Amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

“I want the press to know that I voted in closed session against filing the eminent domain action,” said Council Member Chang.

“Don’t settle too soon,” reveals Council Member Watson to the property owner, over coffee. “The city’s offer coming your way is not our bottom line.”

The first comment to the press may be appropriate if it is a part of an action taken by the city council in closed session that must be reported publicly.⁷³ The second comment to the property owner is not. Disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.

PRACTICE TIP: There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

ENDNOTES

- 1 Cal. Gov. Code, § 54962.
- 2 Cal. Const. , Art. 1, § 3.
- 3 61 Ops.Cal.Atty.Gen. 220 (1978); but see Cal. Gov. Code, § 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations and other related matters).
- 4 Cal. Gov. Code, § 54957.1.
- 5 Cal. Gov. Code, § 54954.5.
- 6 Cal. Gov. Code, § 54954.2.
- 7 Cal. Gov. Code, § 54954.5.
- 8 Cal. Gov. Code, §§ 54956.9, 54957.7.
- 9 Cal. Gov. Code, § 54957.1, subd. (a).
- 10 Cal. Gov. Code, § 54957.1, subd. (b).
- 11 Cal. Gov. Code, § 54957.2.
- 12 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal. Code Regs. § 18707.
- 13 But see *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363 (protection of the attorney-client privilege alone cannot by itself be the reason for a closed session).
- 14 Cal. Gov. Code, § 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).
- 15 82 Ops.Cal.Atty.Gen. 29 (1999).
- 16 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471.
- 17 “*The Brown Act*,” California Attorney General (2003), p. 40.
- 18 Cal. Gov. Code, § 54956.9, subd. (g).
- 19 See e.g., *Avco Community Developers, Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785; *Trancas Property Owners Assn. v. City of Malibu* (2006) 138 Cal.App.4th 172.
- 20 *Trancas Property Owners Assn. v. City of Malibu* (2006) 138 Cal.App.4th 172.
- 21 Cal. Gov. Code, § 54956.9, subd. (e).
- 22 *Fowler v. City of Lafayette* (2020) 46 Cal.App.5th 360.
- 23 Cal. Gov. Code, § 54957.1.
- 24 Cal. Gov. Code, § 54956.8.
- 25 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904. See also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner, and timing of consideration and other items that cannot be disclosed without revealing price and terms).
- 26 73 Ops.Cal.Atty.Gen. 1 (1990).
- 27 Cal. Gov. Code, §§ 54956.8, 54954.5, subd. (b).
- 28 Cal. Gov. Code, § 54957.1, subd. (a)(1).
- 29 Cal. Gov. Code, § 54957, subd. (b).
- 30 63 Ops.Cal.Atty.Gen. 153 (1980); but see *Duwall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session but only if related to the evaluation of a particular employee).

- 31 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002).
- 32 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty.Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.
- 33 Cal. Gov. Code, § 54957, subd. (b)(3).
- 34 88 Ops.Cal.Atty.Gen. 16 (2005).
- 35 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860.
- 36 Cal. Gov. Code, § 54957, subd. (b); but see *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges when there was a public evidentiary hearing prior to closed session).
- 37 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87.
- 38 *Moreno v. City of King* (2005) 127 Cal.App.4th 17.
- 39 Cal. Gov. Code, § 54957.
- 40 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165.
- 41 Cal. Gov. Code, § 54957.1, subd. (a)(5).
- 42 Cal. Gov. Code, § 54957.6.
- 43 Cal. Gov. Code, § 54957.6, subd. (b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not “employees” of the district).
- 44 Cal. Gov. Code, § 54957.6; 51 Ops.Cal.Atty.Gen. 201 (1968).
- 45 Cal. Gov. Code, § 54957.1, subd. (a)(6).
- 46 Cal. Gov. Code, § 3549.1.
- 47 Cal. Gov. Code, § 3540.
- 48 Cal. Gov. Code, § 3547.
- 49 Cal. Edu. Code, § 48918; but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings).
- 50 Cal. Edu. Code, § 72122.
- 51 Cal. Edu. Code, § 60617.
- 52 Cal. Gov. Code, § 54956.96.
- 53 Cal. Gov. Code, § 54956.7.
- 54 Cal. Gov. Code, § 54957.
- 55 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354.
- 56 Cal. Gov. Code, § 54957.8.
- 57 Cal. Gov. Code, § 54962.
- 58 Cal. Health and Saf. Code, § 32106.
- 59 Cal. Gov. Code, § 54956.75.
- 60 Cal. Gov. Code, § 54956.81.

- 61 Cal. Gov. Code, § 54956.86.
- 62 Cal. Gov. Code, § 54956.87.
- 63 Cal. Gov. Code, § 54956.95.
- 64 Ops.Cal.Atty.Gen. 34 (1965)
- 65 82 Ops.Cal.Atty.Gen. 29 (1999); 2022 WL 1814322, 105 Ops. Cal.Atty.Gen. 89 (2022).
- 66 Cal. Gov. Code, § 54963.
- 67 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327. See also Cal. Gov. Code, § 54963.
- 68 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363.
- 69 80 Ops.Cal.Atty.Gen. 231 (1997).
- 70 76 Ops.Cal.Atty.Gen. 289 (1993).
- 71 Cal. Gov. Code, § 54963.
- 72 Cal. Gov. Code, § 54963.
- 73 Cal. Gov. Code, § 54957.1.



Chapter 6

REMEDIES

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Chapter 6

REMEDIES



A violation of the Brown Act can lead to invalidation of the agency's action, payment of a challenger's attorney fees, public embarrassment, and even criminal prosecution. As explained below, a legislative body often has an opportunity to correct a violation prior to the filing of a lawsuit. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation of action taken

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the grounds that they violate the Brown Act.¹ The following actions cannot be invalidated:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites the wrong Brown Act section but adequately advises the public that the legislative body will meet with legal counsel to discuss potential litigation in closed session.²
- Those involving the sale or issuance of notes, bonds, or other indebtedness, or any related contracts or agreements.³
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment.⁴
- Those connected with the collection of any tax.⁵
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.⁶

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation, or within 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that a legislative body may act only on items posted on the agenda.⁷ The legislative body then has up to 30 days to cure and correct its action.⁸ The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and, if so, consider correcting the action to avoid the costs of litigation. If the legislative body does not act, any lawsuit must be filed within the next 15 days.⁹

Although just about anyone has standing to bring an action for invalidation,¹⁰ the challenger must show prejudice as a result of the alleged violation.¹¹ An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.¹²

Declaratory relief to determine whether past action violated the act

Any interested person, including the district attorney, may file a civil action to determine whether a past action of a legislative body constitutes a violation of the Brown Act and is subject to a mandamus, injunction, or declaratory relief action.¹³ Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a “cease and desist” letter to the legislative body clearly describing the past action and the nature of the alleged violation.¹⁴ The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.¹⁵ If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, the interested person has 60 days to file an action.¹⁶

The legislative body’s unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar.¹⁷ The unconditional commitment must be substantially in the form set forth in the Brown Act.¹⁸ No legal action may thereafter be commenced regarding the past action.¹⁹ However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act, and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.²⁰

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.²¹

Civil action to prevent future violations

The district attorney or any interested person can file a civil action asking the court to do the following:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body.
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body.
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law.
- Compel the legislative body to audio-record its closed sessions.²²

PRACTICE TIP: A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.

It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future when the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.²³ A court may not compel elected officials to disclose their recollections of what transpired in a closed session.²⁴

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to audio record its future closed sessions.²⁵ In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the audio recording if it finds there is good cause to think the Brown Act has been violated and make public a certified transcript of the relevant portion of the closed session recording.²⁶

Costs and attorney's fees

A plaintiff who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.²⁷ When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney's fees will be awarded against the agency if a violation of the Brown Act is proven.

An attorney's fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.²⁸

Misdemeanor penalties

A violation of the Brown Act is a misdemeanor if (1) a member of the legislative body attends a meeting where action is taken in violation of the Brown Act, and (2) the member intends to deprive the public of information that the member knows or has reason to know the public is entitled to.²⁹

"Action taken" is not only an actual vote but also a collective decision, commitment, or promise by a majority of the legislative body to make a positive or negative decision.³⁰ If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.³¹ In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.³² There is no case law to support this view. If anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.³³

PRACTICE TIP: Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

Voluntary resolution

Successful enforcement actions for violations of the Brown Act can be costly to local agencies. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body and its members. It is in the agency's interest to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

Overall, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.



Photo credit: Courtesy of the City of West Hollywood. Photo by Jon Viscott.

ENDNOTES

- 1 Cal. Gov. Code, § 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision), sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions), 54954.6 (tax hearings), 54956 (special meetings), and 54596.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but they are subject to the other remedies listed in section 54960.1.
- 2 *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196, 1198.
- 3 Cal. Gov. Code, § 54960.1(d)(2).
- 4 Cal. Gov. Code, § 54960.1(d)(3).
- 5 Cal. Gov. Code, § 54960.1(d)(4).
- 6 Cal. Gov. Code, § 54960.1(d)(5).
- 7 Cal. Gov. Code, § 54960.1, subs. (b), (c)(1).
- 8 Cal. Gov. Code, § 54960.1, subd. (c)(2).
- 9 Cal. Gov. Code, § 54960.1, subd. (c)(4).
- 10 *McKee v. Orange Unified School District* (2003) 110 Cal.App.4th 1310, 1318-1319.
- 11 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 561.
- 12 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118.
- 13 Cal. Gov. Code, § 54960.2, subd. (a); Senate Bill No. 1003, Section 4 (2011-2012 Session).
- 14 Cal. Gov. Code, § 54960.2, subs. (a)(1), (2).
- 15 The legislative body may provide an unconditional commitment after the 30-day period. If the commitment is made after the 30-day period, however, the plaintiff is entitled to attorneys' fees and costs. Cal. Gov. Code, § 54960.2, subd. (b).
- 16 Cal. Gov. Code, § 54960.2, subd. (a)(4).
- 17 Cal. Gov. Code, § 54960.2, subd. (c)(2).

- 18 Cal. Gov. Code, § 54960.2, subd. (c)(1).
- 19 Cal. Gov. Code, § 54960.2, subd. (c)(3).
- 20 Cal. Gov. Code, § 54960.2, subd. (d).
- 21 Cal. Gov. Code, § 54960.2, subd. (e).
- 22 Cal. Gov. Code, § 54960, subd. (a).
- 23 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524; *Accord Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904, 916 and fn.6.
- 24 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36.
- 25 Cal. Gov. Code, § 54960, subd. (b).
- 26 Cal. Gov. Code, § 54960, subd. (c).
- 27 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein.
- 28 Cal. Gov. Code, § 54960.5.
- 29 Cal. Gov. Code, § 54959. A misdemeanor is punishable by a fine of up to \$1,000 or up to six months in county jail, or both (California Penal Code section 19). Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.
- 30 Cal. Gov. Code, § 54952.6.
- 31 61 Ops.Cal.Atty.Gen. 283 (1978).
- 32 California Government Code section 1222 provides that “[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor.”
- 33 The principle of statutory construction known as *expressio unius est exclusio alterius* supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.



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Public Contracting: Purchasing Requirements and Renewable Energy/ Energy Efficient Projects

Thursday, May 5, 2022

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**LEAGUE OF CALIFORNIA CITIES
2022 CITY ATTORNEYS SPRING CONFERENCE**

**PUBLIC CONTRACTING: PURCHASING
REQUIREMENTS AND RENEWABLE ENERGY/
ENERGY EFFICIENT PROJECTS**

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Preface

The intent of this paper is to help city attorneys determine what procurement methods are allowed and not allowed when engaging in public contracting. Choosing the right public contracting procurement method is already difficult, but as elected officials become more concerned with the impact of climate change on their communities, city attorneys will be tasked with guiding cities through the state's purchasing requirements for renewable energy and energy efficient projects. These projects may or may not be procured as energy conservation contracts. Further complicating matters, vendors may also propose procurement methods that are viable to some California public agencies but not available to cities.

Therefore, this paper is an attempt to aid city attorneys in understanding the different ways that cities can structure purchases for goods and services, including renewable energy and energy efficient projects. Various procurement methods will be discussed, including: (1) formal or informal request for proposals, (2) sole-source procurement; (3) design-build contracts; (4) cooperative purchasing/"piggybacking", (5) job order contracts; and (6) energy conservation contracts.

The paper covers the advantages and disadvantages of each procurement method to assist city attorneys in deciding which procurement methods are the best (and allowed) for their city given the particular circumstances applicable to their jurisdiction

Disclaimers

We offer this overview of the requirements of California law without regards for the specific regulations that vary in each local agency. We recommend that each local agency and each specific project be evaluated separately for their compliance with local conditions, as well as the restrictions or requirements imposed by California law. This memorandum is not intended to be and should not be relied upon as a legal opinion or guarantee regarding public contracting. This memorandum is only intended to provide information regarding purchasing requirements and renewable energy and energy efficiency projects. Neither you nor any other person should rely exclusively on this memorandum in deciding how a project should be procured or entered into under California law.

Introduction to Public Contracting

Cities are required to adopt policies and procedures governing bidding regulations and purchases of supplies and services by the city. (Gov. Code, § 54202).¹ Such local policies and procedures may not be inconsistent with state statutes. This paper does not address procurement of supplies and services, which may have their own procurement requirements, such as Government Code § 4525 et seq., for contracts for professional services. Rather, the focus of this paper is to address common and emerging issues in public contracting for public projects.

In this context “public contracting” is when cities or other government agencies purchase materials, goods, or services for “public projects” defined under Public Contract Code section 20161 as:

- (a) A project for the erection, improvement, painting, or repair of public buildings and works.
- (b) Work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow.
- (c) Street or sewer work except maintenance or repair.
- (d) Furnishing supplies or materials for any such project, including maintenance or repair of streets or sewers.

The procurement method known as competitive bidding is required for public projects over \$5,000 for general law cities. (Pub. Contract Code, § 20162). Similarly, the Public Contract Code applies to charter cities in the absence of an express exemption, city charter provision, or an ordinance that directly conflicts with the Public Contract Code. (Pub. Contract Code, § 1100.7).

Competitive Bidding Process

The competitive bidding process is central to how government agencies contract for public works projects. The competitive bidding process is intended to protect the public fisc, guard against favoritism, fraud and corruption, waste, and to ensure that cities are receiving a high level of services for the lowest price. (*Chung v. City of Monterey*)

¹ City attorneys should also become familiar with their city’s purchasing regulations before advising their clients on contract procurement, especially as these ordinances may still apply even if no bids are received after the city posts a notice inviting bids and the city no longer has to follow the state’s formal competitive bidding requirement.

Park (2012) 210 Cal. App. 4th 394). The competitive bidding process is the procurement method most often used by cities.

Formal Competitive Bidding

The Public Contract Code applies to virtually all public entities in California. Public agencies², with limited exceptions, have a duty to publicly bid certain contracts, particularly construction contracts, under the Public Contract Code. Specific provisions applicable to cities are set forth in § 20160-§ 20175.2 of the Public Contract Code.

Public Contract Code section 100 contains an express declaration of legislative intent, stating that the purpose of the code is:

- (a) To clarify the law with respect to competitive bidding requirements.
- (b) To ensure full compliance with competitive bidding statutes as a means of protecting the public from misuse of public funds.
- (c) To provide all qualified bidders with a fair opportunity to enter the bidding process, thereby stimulating competition in a manner conducive to sound fiscal practices.
- (d) To eliminate favoritism, fraud, and corruption in the awarding of public contracts.

The importance of competitive bidding stems from the California Constitution and more than 140 years of California Supreme Court precedent precluding all payments on contracts violating the competitive bidding laws. As stated in *Konica Business Machines U.S.A., Inc. v. Regents of University of California* (1988) 206 Cal. App. 3d 449, 456-7:

The purpose of requiring governmental entities to open the contracts process to public bidding is to eliminate favoritism, fraud, and corruption; avoid misuse of public funds; and stimulate advantageous marketplace competition. [citations omitted] Because of the potential for abuse arising from deviations from strict adherence to standards which promote these public benefits, the letting of public contracts universally receives close judicial scrutiny and contracts awarded without strict compliance with bidding requirements will be set aside. This preventative approach is applied even where it is certain there was in fact no corruption or adverse

² As will be discussed *infra*, the applicability of certain procurement procedures and methods available to other non-municipal public agencies are increasingly being marketed to cities when such procurement types are in fact *not* available to cities.

effect upon the bidding process, and the deviations would save the entity money. [citations omitted] The importance of maintaining integrity in government and the ease with which policy goals underlying the requirement for open competitive bidding may be surreptitiously undercut, mandate strict compliance with bidding requirements.

The strong public policy supporting competitive bidding as the required method for public projects for cities in California is difficult to avoid. While some vendors approach cities with examples of projects within California proceeding under other less formal methods in order to avoid the complexities of the formal bidding process, competitive bidding remains the default required procurement method for California cities.

The formal competitive bidding process usually involves public advertisement for the submission of sealed bids, the public opening of bids, and the award of contracts to the lowest responsible bidder that is responsive to the solicitation for bids. This process is almost exclusively governed by the Public Contract Code.³

The notice inviting bids is the first step in the formal competitive bidding process and must be published or posted at least 10 days before the bids are opened. (Pub. Contract Code, § 20164). The notice must be published at least twice, not less than five days apart, in a newspaper that is published in the city and posted in at least three public places in the city designated by ordinance as a place where public notices are posted. (*Id.*). When a city opens the bids, it must choose the lowest responsible bid that is responsive to the notice. If two or more bids have the same cost and are responsive, the city may choose one. (Pub. Contract Code, § 20166). The city also has the authority to reject all bids presented and readvertise the bid or if no bids are received, it no longer has to follow the competitive bidding process. (*Id.*).

It is illegal to split or separate a public project into smaller work orders or contracts in an attempt to avoid competitive bidding requirements. (Pub. Contract Code § 20163). Attorneys should be aware that intentional violation of this requirement is a misdemeanor. (*Id.*)

The advantage of the formal competitive bidding process is that the uniform method is well understood by contractors and city employees, and that it is structured with the intention to obtain the best deal for the city at the lowest cost.

³ If a city has adopted the Uniform Public Construction Cost Accounting Act (Pub. Contract Code §§ 22000 *et seq.*) or the project is valued less than \$5,000, then the Local Agency Public Construction Act (Pub. Contract Code §§ 21160 *et seq.*) will apply.

The disadvantage of the formal competitive bidding process is that the process can be cumbersome and complicated, and in many instances the costs associated with the administration and preparation of the bid process outweigh the cost savings associated with the closed bid process. Staff that is already understaffed must engage in a lengthy paper chase of design, bidding, noticing, and public meetings. The process takes a significant amount of time in what is often a foreign process to new or recently promoted employees. If city staff is unfamiliar with the formal competitive bidding process, a bid protest or legal challenge may also arise. City attorneys should work closely with city staff to ensure that they are comfortable with the formal competitive bidding process to avoid potential issues.

Informal Bidding: the Uniform Public Construction Cost Accounting Act

In response to the issues associated with the formal competitive bidding process, the legislature created the Uniform Public Construction Cost Accounting Act (UPCCAA) (Pub. Contract Code, § 22000-22045). If a city chooses to be subject to the UPCCAA then certain less-formal contracting procedures may be used for certain contracts valued at \$200,000 or less. (Pub. Contract Code, § 22032). Each public agency that elects to become subject to the uniform construction accounting procedures must adopt a resolution accepting the procedures and notify the State Controller that it has adopted a resolution. (Pub. Contract Code, § 22030).⁴ Cities then have to enact an informal bidding ordinance to govern the selection of contractors to perform public projects. (Pub. Contract Code, § 22034). The ordinance must include specified information, such as how notice to contractors will be provided and that City Council may delegate the authority to award informal contracts to the public works director, city manager, purchasing agent, or other appropriate person. (Pub. Contract Code, § 22034). UPCCAA provides a number of specific requirements for this informal contracting procedure. Cities must give notice to contractors describing the project in general terms, how to obtain more detailed information about the project, and state the time and place when bids must be submitted. (*Id.*).

For purposes of UPCCAA, “public project” means any of the following:

- (1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility.

⁴ The State Controller maintains a list of all such public agencies.

(2) Painting or repainting of any publicly owned, leased, or operated facility.

(3) In the case of a publicly owned utility system, “public project” shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

(Pub. Contract Code, § 22002(c)).

However, “public project” does **not** include maintenance work, which is defined as all of the following:

(d) (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.

(2) Minor repainting.

(3) Resurfacing of streets and highways at less than one inch.

(4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

(5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

“Facility” means “any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.” (Pub. Contract Code, § 22002(e)).

Just as with the formal competitive bidding process, cities may reject all bids and declare that the project can be done more efficiently by city staff and provide to the lowest responsible bidder at least two business days’ advance notice of the city’s intent to reject the bids. (Pub. Contract Code, § 22038). The city is also required to award the contract to the lowest responsible bidder. (*Id.*). And if no bids are receiving, the city can perform the work itself or by negotiating directly with a contractor. (*Id.*).

City attorneys should recognize opportunities for their clients to engage in the informal bidding process. One advantage of the informal bidding process is that the procurement method is simpler and more efficient than the formal competitive bidding

process, but does not sacrifice the city's vigilance against waste and fraud. Informal bidding can also be run by the public works director or city manager, which frees up city council to focus on other matters.

The disadvantage of the informal competitive bidding process is that cities may not be familiar with the process, because they typically use the formal competitive bidding process and may therefore be subject to a bid protest or legal challenge due to an error caused by this unfamiliarity.

Federally Funded Projects

Cities sometimes accept federal grants for public works projects. When cities accept these funds, they are typically required to comply with federal laws and regulations that govern how these funds must be spent and documentation of the spending. (Gov. Code, § 53702). For instance, cities received funds under the American Rescue Plan Act, which provided funds to state, local, and tribal government to respond to and recover from the COVID-19 public health emergency and resulting fiscal crisis. The Department of the Treasury released a Final Rule for the bill, which provided that funds from the Rescue Plan Act could be used for projects that reduce energy consumption of public-owned treatment facilities, including installing energy efficient lighting, HVAC, and electronic equipment.⁵

The Final Rule also noted that whether cities may spend money on public works projects “which enhance environmental quality, remediate pollution, promote recycling or composting, or increase energy efficiency or electrical grid resilience[,]” depends on whether these projects respond to the disproportionate impacts of the pandemic on certain communities and would depend on the specific issue they address and the project's connection to the public health and economic impacts of the pandemic.

The Department of Energy also supports a number of grant, loan, and financing programs that aid state and local governments.

The Office of Management and Budget (“OMB”), a federal government agency, has issued guidance for how cities and other public agencies that receive awards of federal funds may use the funds. These regulations are entitled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, which has been termed the “Super Circular.” The Super Circular can be found at 2 Code of Federal Regulations 200. The Super Circular was updated in 2020 and 2021 and the citations in the California Municipal Law Handbook may not be current.

All procurement contracts with federal money involved must be conducted in a manner providing “full and open competition” consistent with the applicable federal procurement rules. (2 C.F.R. § 200.319 (2022)). There are five methods of procurement that a city may use when it receives a federal grant:

- 1) Micropurchases;
- 2) Small purchase procedures;
- 3) Sealed bids (formal advertising);
- 4) Competitive proposals;
- 5) Noncompetitive negotiation.

Micropurchases

A micropurchase is the acquisition of supplies or services using a simplified acquisition procedure. Generally, the threshold for using this procurement method is for purchases of \$10,000 or less. (48 C.F.R. part 2, subpart 2.1).⁶ Cities may award contracts for micropurchases without soliciting competitive quotes if the city can document with research, experience, purchase history or other information that the price is reasonable. (2 C.F.R. § 200.320(a)(1)(ii)). Cities can also use the micropurchase method for contracts up to \$50,000 by ordinance, but the city must maintain documentation that it can make available to federal auditors explaining why it raised the micropurchase threshold and documentation of any of the following:

- 1) A qualification as a low-risk auditee;⁷
- 2) An annual internal institutional risk assessment;⁸ or
- 3) For public agencies, a threshold that is consistent with state law. (2 C.F.R. § 200.320(a)(1)(iv)).

Small Purchase Procedures

⁶ This threshold is generally adjusted for inflation and city attorneys should check the threshold before employing this procurement method.

⁷ A “low-risk auditee” is an agency that meets the requirements in 2 C.F.R. § 200.520 for the preceding two audit cycles, such that an annual audit was performed and the auditor did not identify any deficiencies in internal control or report a substantial doubt about the auditee's ability to continue as a going concern.

⁸ The term “annual internal institutional risk assessment” is not defined in the C.F.R.

A small purchase is the purchase of property, supplies, or services which is greater than the micropurchase threshold but less than \$250,000. (2 C.F.R. § 200.320(a)(2)).⁹ Cities may also establish a small purchase threshold that is less than \$250,000 based on internal controls, and evaluation of risk, and the city's documented procurement procedures. For these small purchases, cities can use "small purchase procedures." Small purchase procedures are when a city gets price or rate quotations from an adequate number of qualified sources. (*Id.*). Cities are still required to comply with state or local small purchase dollar limits under if they develop their own small purchase threshold. If the city does decide to use the small purchase procedure, then price or rate quotations must be obtained from an adequate number of qualified sources. (2 C.F.R. § 200.320(a)(2)(i)).

Sealed Bids

Sealed bids are a procurement method where a city publicly solicits bids and a firm fixed-price contract (lump sum or unit price) is awarded to the lowest responsible bidder whose bid conforms with all material terms and conditions of the invitation for bids. (2 C.F.R. § 200.320(b)). In order for sealed bidding to be a feasible procurement method, the following conditions should be present:

- 1) A complete, adequate, and realistic specification or purchase description is available;
- 2) Two or more responsible bidders are willing and able to effectively compete against one another for the contract; and
- 3) The type of project is suitable for a firm fixed price contract and the selection of the successful contractor can be made primarily based on price. (2 C.F.R. § 200.320(b)(1)(i)).

The sealed bidding procurement method is a type of formal procurement method and cities that use the method must formally advertise the invitation to bid. To use the sealed bid procurement method, cities must abide by the following requirements:

- 1) Cities must publicly advertise and solicit bids from an adequate number of qualified sources and give these sources sufficient time to respond before the bids are opened;

⁹ Similar to the micropurchase threshold, the small purchase threshold is adjusted for inflation regularly. (See 2 C.F.R. § 200.1). The small purchase procurement threshold is sometimes referred to as the "simplified acquisition threshold."

- 2) The invitation for bids must include specifications and attachments allowing bidders to properly respond;
- 3) The bids must be publicly opened at the time and place specified in the invitation for bids; and
- 4) Payment discounts may only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of. (2 C.F.R. § 200.320(b)(1)(ii)).

Cities may reject any or all bids if they can demonstrate a sound reason. (*Id.*).

Competitive Proposal Procurement

The competitive proposal procurement method is another type of formal procurement method. Competitive proposal procurement method is typically used when conditions are not appropriate to use the sealed bids process. (2 C.F.R. § 200.320(b)(2)). Under this procurement method, cities publish a request for proposal and a fixed-price or cost reimbursement contract is awarded to the lowest, responsive bidder. A city choosing to use the competitive proposal procurement method must follow four requirements:

- 1) The city's requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- 2) The city must have a written method for conducting technical evaluations of the proposals received and making selections;
- 3) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the city, with price and other factors considered; and
- 4) The city may use competitive proposal procedures for qualifications-based procurement of architectural/engineering ("A/E") professional services, where an offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. (2 C.F.R. § 200.320(b)(2)(i)-(iv)).

The procurement method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. This procurement method is often referred to as “qualifications-based procurement.” Qualifications-based procurement cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort. (2 C.F.R. § 200.320(b)(2)(iv)).

Noncompetitive Negotiation

Noncompetitive negotiation or noncompetitive procurement is a procurement method where a city solicits a proposal from only a single source or from multiple sources. (2 C.F.R. § 200.320(c)). Noncompetitive negotiation can only be used by cities in five specific circumstances:

- 1) The property or service sought is does not exceed the micropurchase threshold of \$10,000;
- 2) The property or service sought by the city is only available from a single source;
- 3) An emergency exists that will not allow the city to suffer the delay from publicizing a competitive solicitation;
- 4) The city receives written permission from the federal agency that awarded the city the money;
- 5) The city deems competition inadequate after soliciting bids from a number of sources. (2 C.F.R. § 200.320(c)(1)-(5)).

The Green Energy Transition

As elected officials become more concerned with the impact of climate change on their communities, city attorneys will be tasked with guiding cities through the state’s purchasing requirement for renewable energy and energy efficient projects. In 2011, Governor Brown signed SB 411 into law which required California to get 33% of its electricity from renewable sources, such as wind and solar energy, by the year 2020. In 2015, Governor Brown signed SB 350 into law, which increased California’s renewable electricity procurement goal from 33% in 2020 to 50% by 2030.¹⁰ In 2018, that goal was

¹⁰ [Stats. 2015, ch. 547; Sen. Bill No. 571 \(2015–2016 Reg. Sess.\) \(“SB 350”\).](#)

pped to 60% by 2030.¹¹ The California Energy Commission's Renewables Portfolio Standard stipulates that 100% of the state's energy must be carbon-free by 2045.

On their own, elected municipal officials are also charting a clean energy future for their cities. For instance, the City of Los Angeles unveiled a plan in 2021 to become the first major city in the United States to eliminate fossil fuels from its power supply.¹² San Diego's Climate Action Plan, unanimously passed by its City Council in 2015, calls for the City to only use electricity from renewable sources by 2035. In 2008, San Francisco adopted an ordinance amending the City's Environment Code to create greenhouse gas emissions targets and direct various city departments to take necessary actions to meet these goals. As part of the plan to reduce greenhouse gases, the ordinance charges the San Francisco Public Utilities Commission with developing a plan to completely move San Francisco away from using fossil fuels by 2030. In 2007, San Jose adopted Green Vision, a plan for improving the city's sustainability. One of Green Vision's ten goals is to acquire all of San Jose's electricity from renewable sources by 2022.

And it is not just large cities in California that are joining the transition to renewable energy. According to the Sierra Club, 54 jurisdictions in California have adopted building codes to reduce their reliance on gas, including smaller cities such as Solana Beach, Fairfax, Emeryville, Santa Cruz, Windsor, and Davis.¹³ Research by the UCLA Luskin Center for Innovation indicates that the local demand for renewable energy is helping the state exceed its clean energy goals. Research by the Luskin Center found that one of the main drivers of this trend is community choice aggregators, which buy clean energy on behalf of their residents and businesses.¹⁴

So, by choice and state pressure, elected local officials are making the decision to build and invest more in renewable energy, energy efficiency, and energy conservation projects.

Renewable Energy and Energy Efficiency Projects

As renewable energy, energy efficiency, and energy conservation projects become more of a political imperative for municipal elected officials, city attorneys will be tasked with guiding these officials through the procurement process. This section runs down the

¹¹ The State released the first joint agency report and summary document explaining how the State's electricity system can become carbon free by 2045.

¹² Sammy Roth, [Los Angeles now has a road map for 100% Renewable Energy](#), Los Angeles Times (March 24, 2021).

¹³ Matt Gough, [California's Cities Lead the Way to a Gas-Free Future](#), Sierra Club (July 22, 2021).

¹⁴ Michael Einstein, [Local demand is helping California surpass renewable energy targets](#), UCLA Newsroom (February 1, 2021).

six procurement methods which cities may use for public works projects, with particular focus on how these procurement methods can be used for renewable energy and energy efficiency projects.

Formal or Informal Request for Proposals

The City may draft a formal or informal request for proposals to consider when selecting contractors and providers for its public works projects. A request for a proposal (“RFP”) and request for qualifications (“RFQ”) are invitations to contractors and providers to submit proposals for public works contracts. Cities then evaluate these proposals based on price, quality, and other relevant factors. When a City issues an RFQ, it invites contractors to submit statements of qualifications. Cities typically use RFQs when choosing the most qualified service provider is the city’s paramount objective. RFPs and RFQ procurement allow cities to consider multiple selection criteria, not just price. By contrast, with competitive bidding it all boils down to submitting a bid—i.e., a lump sum price—and selection of the responsive bid from responsible bidders is based solely on the best price.

Cities may also employ a two-step process, by first using an RFQ process to narrow a pool of qualified respondents, then inviting only the qualified respondents to submit proposals under an RFP process.

Unlike the competitive bidding process, the legal guardrails around an RFP or RFQ are light. However, public attorneys should ensure that their clients do not use the RFP or RFQ process when competitive bidding is required by statute or a city’s own purchasing requirements. City attorneys should also ensure that submitted proposals are evaluated based on the stated criteria.¹⁵ Otherwise, cities may be forced to redo the RFP or RFQ process. Finally, unlike the competitive bidding process where contractors’ bids must be opened and announced in public and are subject to immediate disclosure as public records, the California Supreme Court has ruled that proposals submitted to public agencies in response to an RFP are not subject to disclosure under the California Public Records Act until the agency has completed negotiations with proposers. (*Michaelis, Montenari & Johnson v. Superior Court* (2006) 38 Cal.4th 1065, 1072-75.) The Supreme Court applied the “catchall” exception set forth in Government Code section 6255 and concluded that the public interest in protecting an agency’s bargaining position during contract negotiations outweighs the public interest in disclosing proposals before the negotiations are concluded.

¹⁵ In *Eel River Disposal & Resource Recovery, Inc. v. County of Humboldt* (2013) 221 Cal.App.4th 209, a county improperly deviated from its own stated evaluation criteria and procedures in its RFP by adding a new criterion (local preference) during the evaluation process.

The advantages of using an RFP or RFQ process when selecting contractors for public works projects is that cities may consider the quality of the services or materials to be provided and are not limited to just considering price as with competitive bidding. Doing so may enable cities to achieve the best services or materials for public benefit. Cities may also negotiate on price with qualified contractors, which may save taxpayer money. The disadvantages of using an RFP or RFQ process when selecting contractors is that it may be more time-consuming than the competitive bidding process as it takes staff time to draft an RFP or RFQ and city attorneys should ensure that city staff do not deviate from the stated evaluation criteria and judge the resulting proposals and statement of qualifications under other factors. Otherwise, cities may be forced to redo the entire process.

Sole-Source Procurement

In order to foster competition and achieve the lowest possible bid price and the highest possible quality of services and materials, cities are generally prohibited from including provisions in their bid documents which limit competition or which require a single source to be the provider of materials or products. (Pub. Contract Code, § 3400.) The motivating concept behind this provision is that competitive bidding is designed to prevent favoritism, cronyism, and kickbacks in the award of public contracts and that restrictions on sole-source procurement encourage private companies to “develop and implement new and ingenious materials, products, and services that function as well, in all essential respects, as materials, products, and services that are required by a contract, but at a lower cost to taxpayers.” (Pub. Contract Code, § 3400, subd. (a).) The prohibition on bidding provisions limiting competition is set forth in Public Contract Code section 3400(b) as follows:

“No agency . . . nor any public officer or person charged with the letting of contracts for the construction, alteration, or repair of public works shall draft or cause to be drafted specifications for bids . . . in a manner that limits the bidding, directly or indirectly, to any one specific concern.”

Public agencies are generally prohibited from “calling for a designated material, product, thing or service by specific brand or trade name unless the specifications list at least two brands or trade names of comparable quality or utility and is followed by the words ‘or equal’ so that bidders may furnish any equal material, product, thing, or service.” The exceptions to this general requirement are set forth in Public Contract Code section 3400. The four statutorily recognized exceptions are:

- (1) A field test or experiment is necessary to determine a product’s suitability for future use;

- (2) the designation of a particular material or product is necessary to match others in use;
- (3) in order to obtain a material that is only available from one source;
or
- (4) to respond to a declaration of emergency.

To take advantage of the fourth exception, the city council must declare an emergency by four-fifths vote. (Pub. Contract Code, § 3400, subd. (c)(4)(A).) The city can also use sole-source procurement when there has been an emergency declaration by the state, state agency, or county. In that scenario, the city council must include the findings for the emergency in the invitation for bid or RFP.

The advantages related to using a sole-source procurement method are that including such a requirement ensures that the required material, product, or service is included and that the goal of the public works project is achieved. The disadvantages related to using a sole-source procurement method are that it may increase the cost of the public works project and it may not be strictly necessary for the city to have required the named material, product, or service. Therefore, city attorneys should also check with city staff when they recommend including a sole-source procurement requirement for a public works project.

Design-Build Contracts

Design-build contracts are public works contracts in which both the design and construction services for the project are contracted from a single entity—often called a design-build entity. (Pub. Contract Code, § 22161, subd. (c)). In contrast, under the traditional design-bid-build method, the design and construction aspects of a public works project are conducted and bid by two different firms: a design firm and a construction firm. The rationale behind the design-build procurement method is that this method of contracting should be used when a contractor can combine functions and reduce project costs and complete the project quicker. (Pub. Contract Code, § 22161, subd. (a)). The design-build method reduces the risk cities face as to “delay claims” that arise out of the “city’s” plans (developed by the design professionals) causing delay claims to the contractor.

Cities may only use design-build contracts for public works projects worth over \$1 million. (Pub. Contract Code, § 22162, subd. (a)). Cities must also design a conflict-of-interest policy for design-build contracts. (Pub. Contract Code, § 22162, subd. (c)).

Cities wishing to enter into a design-build contract must follow a four-step process. First, the city must prepare documents setting the scope and estimated price of the project as well technical plans and specifications covering the quality of materials and equipment to be used. (Pub. Contract Code, § 22164, subd. (a)(1)). The plans must be put together by a licensed design professional (*Id.*)

Second, the city issues a RFQ to create a shortlist of qualified design-build entities for the project. (Pub. Contract Code, § 22164, subd. (b)).

Third, the city determines which companies have the experience, capability, and financial capacity to complete the project. (Pub. Contract Code, § 22164, subd. (b)). In its RFQ, the city must include information about it intends to evaluate potential design-build entities.

Fourth, the city issues an RFP for final selection of a bidder based on competitive bidding or best value including price, design, expertise, life cycle costs, labor force availability, and safety record. (Pub. Contract Code, § 22164, subd. (d)). Then the city awards the contract to a bidder. Design-build entities cannot be prequalified unless they provide an enforceable commitment that they along with all their subcontractors will use “a skilled and trained workforce.” (Pub. Contract Code, § 22164, subd. (c)). This requirement does not apply, however, when the city has a project labor agreement governing the work.¹⁶

City attorneys should be familiar with design-build contracts, especially because many solar power projects are design-build projects. The advantage of design-build contracts is that a city only has to contract with one bidder, making it easier for city staff to coordinate, especially if there are changes to the design of the project. Work may also be started quicker with the initial design of the project. The disadvantage of design-build contracts is that the city may find it difficult to evaluate different design proposals, especially with regard to their constructability and site suitability.

Cooperative Purchasing/“Piggybacking”

Under a local purchasing ordinance, cities may—without prior competitive bidding—contract with suppliers who have been awarded contracts by the state or other local agencies for the purchase of goods, information technology, and services. This is often called “piggybacking” or intra-government purchasing. (Pub. Contract Code, § 10298(a)). The idea behind this procurement method is that cities do not need to conduct

¹⁶ Project labor agreement means a “prehire collective bargaining agreement that establishes terms and conditions of employment for a specific construction project or projects and is an agreement described in Section 158(f) of Title 29 of the United States Code.” (Pub. Contract Code, § 2500).

their own competitive bidding process since one has already been conducted and doing so would just be duplicative.

Such state contracts typically take the form of master agreements, price schedules, or multiple award schedules that allow the state to take advantage of leveraged pricing that can be obtained through the state's buying power. The local agency may make these purchases directly from the vendors or the state may provide assistance to local agencies in making these acquisitions. (See Pub. Contract Code, §§ 10298-10299, 12100-12113).

In contracting for renewable energy projects, city attorneys representing multiple agencies may advise their clients that banding together to increase purchasing power parity is acceptable. Additionally, as far as we are aware the state has not encouraged cities to "piggyback" on renewable energy projects and services that it has contracted for. However, that is likely because the scale of services and materials required by the state is at a scale significantly greater than for municipalities. "Piggybacking" on state renewable and energy efficient projects may be something for city attorneys to keep their eyes on in the years to come.

Job Order Contracts

A general law city may not enter into a job order contract.¹⁷ While counties and other government agencies are permitted to engage in this procurement method, cities are not specifically allowed to. A job order contract is an agreement for a fixed price per unit for the performance of minor construction, renovation, alteration, painting, and repair of existing facilities. A job order contract is generally a multi-year contract on siting of a base year and multiple option years where the delivery of services is guaranteed at a fixed price during the term, but the agency has not yet specified the location or delivery time of the services. When the contract is awarded the specific project to be performed is not identified. These contracts are prohibited for general law cities because there is no provision in state law allowing such contracts. (See 76 Ops Cal Atty Gen 126 (1993)).

City attorneys should advise their clients to avoid job order contracts. This is especially crucial as many solar and renewable energy companies work with entities, such as community college districts and other local agencies, that are eligible for job order contracts and may pressure cities to enter into job order contract arrangements. Every city attorney should inform their clients that agencies subject to the Uniform Public Construction Cost Accounting Act are required to adopt—and bidders permitted to

¹⁷ Counties may enter into job order contracts of less than \$3 million (Pub. Contract Code, § 20128.5). Additionally, there are statutory carveouts for the Los Angeles Unified School District and other non-municipal agencies (See Pub. Contract Code, § 20919 et. seq.).

examine—plans, specifications, and working details for all public projects in excess of \$75,000. (Pub. Contract Code, § 22039, 22040.).

Energy Conservation Contracts

In order to promote energy conservation and the use of renewable energy sources, the Legislature has special contracting procedures for renewable energy and energy efficiency projects. The Government Code defines which projects qualify, such as projects for energy conservation facilities, alternate energy equipment—such as solar, biomass, wind, geothermal, hydroelectric—and conservation measures and services. (Gov. Code, § 4217.11).¹⁸

The Government Code also sets out a separate contracting procedure for these energy conservation contracts. Cities can use future cost avoidance and savings from these energy projects to pay for the upfront costs of energy efficient measures through a guaranteed savings program. This contracting method comes from the Energy Conservation Contract statutes (Gov. Code, § 4217.10-4217.18.)

The law gives cities broad latitude in entering into and structuring these energy conservation contracts. As Government Code section 4217.18 states:

“The provisions of this chapter shall be construed to provide the greatest possible flexibility to public agencies in structuring agreements entered into hereunder so that economic benefits may be maximized and financing and other costs associated with the design and construction of alternate energy projects may be minimized. To this end, public agencies and the entities with whom they contract under this chapter should have great latitude in characterizing components of energy conservation facilities as personal or real property and in granting security interests in leasehold interests and components of the alternate energy facilities to project lenders.”

Therefore, energy conservation contracts are a possible procurement method for cities to explore and employ. Care must be taken to document the required findings and present such in the requisite public hearing.

Hearing Requirement

¹⁸ “Energy conservation facility” means alternate energy equipment, cogeneration equipment, or conservation measures located in public buildings or on land owned by public agencies.

To employ this contracting method, a city has to hold a public hearing that is posted two weeks in advance. (Gov. Code, § 4217.12). The public agency can use the RFP process to select a qualified provider or can choose from a qualified pool of providers.

A hearing is not required if a city is going to impose energy conservation measures related to electrical or thermal energy rates from a public utility, the Public Utilities Commission, or the State Energy Resources Conservation and Development Commission. (Gov. Code, § 4217.15).

Findings Requirement

Competitive bidding is not required for renewable energy and energy efficiency contracts. Instead, renewable energy and energy efficiency projects may be sole-sourced or procured through either a formal or informal request for proposals process under Government Code § 4217.10 *et seq.* if the city council is able to make two findings about the project at a regular meeting, following a public hearing:

1. “That the anticipated cost to the public agency for thermal or electrical energy or conservation services provided by the energy conservation facility under the contract will be less than the anticipated marginal cost to the public agency of thermal, electrical, or other energy that would have been consumed by the public agency in the absence of those purchases.
2. “That the difference, if any, between the fair rental value for the real property subject to the facility ground lease and the agreed rent, is anticipated to be offset by below-market energy purchases or other benefits provided under the energy service contract.”

(Gov. Code, § 4217.12).

The definitions of “Conservation measures”, “Conservation services”, “Energy conservation facility”, and “Energy service contract” are found at subsections (c) through (f) of Government Code § 4217.12.

There is no published case law on what constitutes sufficient findings for a city. However, the statute gives cities broad authority as articulated in Government Code section 4217.18.

Finally, the regular meeting at which the public hearing will be held (and the findings made) must be publicly noticed at least 2 weeks before the proposed meeting date. The resulting contract—whether it be a design-build contract, power purchase

agreement, or other energy services contract— may be on the terms that are deemed to be in the best interest of the city. (Gov. Code, § 4217.13).

Cities may also continue to enter into contracts and leases for energy conservation projects in any other manner authorized by law. (Gov. Code, § 4217.17).

Government Code Section 1090 Issues

Energy conservation contracts also raise issues related to Government Code section 1090, which prohibits public officers, while acting in their official capacities, from making contracts in which they are financially interested. A contract that violates Section 1090 is void. (*Thomson v. Call* (1985) 38 Cal.3d 633, 646.). The Fair Political Practices Commission (“FPPC”) has opined that Government Code section 1090 prohibited the City of Pleasanton from entering into two separate contracts with the same energy services company where the second contract’s scope of work would be established through services performed under the initial contract. (Advice Letter, No. A-20-042; Advice Letter, No. A-19-057.).

Subsequently, the FPPC opined that the Pleasanton could enter into an energy services contract with a company who is given the authority to determine the scope of work for the contract and then performs the work that the city selects, after the contract is amended to reflect the actual work that the city authorizes the company to perform. The FPPC stated that “Section 1090 would not prohibit the City from contracting with a company to both determine the scope of work and then perform the work so long as all of the contemplated services are contained in a single contract.” (Advice Letter, No. A-20-143.).

Since the contract that Pleasanton was proposing required amendment after the company provided options detailing the scope of work it could perform, the FPPC stated that Section 1090 would prohibit Pleasanton from entering two separate contracts with the same energy services company where the scope of work in the subsequent amended contract would be established through services performed under the initial contract. The FPPC’s reasoning is based on the holding that “changes to existing contracts are themselves ‘contracts’ under section 1090.” (See, e.g., *City of Imperial Beach v. Bailey* (1980) 103 Cal.App.3d 191, 193; see also 98 Ops.Cal.Atty.Gen. 102 (2015)). Simply put, Section 1090 prohibits cities from entering into a contract with a company to develop energy related improvement options and then hire that same firm to perform the work.

Qualified Energy Services Companies

A city may also create a pool of qualified energy service companies based on qualifications, experience, pricing, or other pertinent factors from which to award

“energy savings contracts” or contracts for an “energy retrofit project” through a competitive selection process. (Pub Util. Code, § 388). “Energy retrofit project” means a project where a local agency works with a qualified energy service company to identify, develop, design, and implement energy conservation measures in existing facilities to reduce energy or water use or make more efficient use of energy or water.¹⁹ “Energy savings” means a measured and verified reduction in fuel, energy, or water consumption when compared to an established baseline of consumption. (Pub. Util. Code, § 388, subd. (c)(2)).

The pool of qualified energy service companies and contractors must be reestablished by a city at least every 2 years or it will expire. (Pub. Util. Code, § 388, subd. (b)).

Conclusion

Cities have a variety of contract procurement methods at their disposal. City attorneys should be familiar with these methods and the situations in which each contract procurement method is advantageous for their client to use. Additionally, city attorneys should familiarize themselves with the contracting procedure for energy conservation contracts as cities may elect to use this contracting procedure more in the coming years as the push to use clean energy continues to gain in importance for elected officials.

¹⁹ “Qualified energy service company” means a company with a demonstrated ability to provide or arrange for building or facility energy auditors, selection and design of appropriate energy savings measures, project financing, implementation of these measures, and maintenance and ongoing measurement of these measures as to ensure and verify energy savings.



Relationship Between City Council and City Manager Staff

A Key Ingredient for Success: An Effective City Council/City Manager Relationship

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Introduction

Mayors and councilmembers need to have effective working relationships with a number of key audiences in order to successfully undertake their responsibilities. These audiences include citizens/voters, community groups, the press, other governmental agencies, other elected officials, nonprofit organizations and many more. However, critical to a successful and satisfying career on the city council in a city council/city manager form of government is a successful and effective working relationship with the city manager. This article suggests the necessary ingredients for a mutually successful council/manager working relationship.

The City Council/City Manager Form of Local Government:

The "Council/Manager Plan" is designed for the elected city council to set policy direction as the direct representatives of the community with the city manager providing the professional expertise to manage the organization and carry out the council's direction. Policy direction is provided in a variety of ways, including through local laws/ordinances, planning policies (general plan and zoning), financial policies, the annual budget and capital improvement plan, the adoption of city council policies and through numerous other program directives.

The city manager is responsible for carrying out the council's policy direction through the day-to-day management of city functions, including the oversight of city operating departments. Key tasks associated with this role include the hiring and supervision of department heads, the implementation of the annual budget and the assurance of quality service delivery. This "plan" is predicated on the philosophy that elected representatives are better able to make community value judgments on behalf of residents and translate these values into policy direction—the "what" in city government. It is also based on the belief that professional staff are best able to determine the "how" of implementing policies and delivering day-to-day services due to their experience and training. Since both roles are closely related, it is the city manager's responsibility to coordinate between both realms to assure the effective delivery of services consistent with city council direction.

This is often referred to as the policy/administration dichotomy (the separation of these responsibilities)—which, oftentimes, has a good deal of "gray" on the boundaries. When it works most effectively, the elected officials focus on the big picture of policy

development and minimize their role relating to administrative implementation while the staff works to avoid an undue influence on policy development while focusing on policy implementation and service delivery. While the line between the two can become blurred, the city council/city manager system is subject to failure if the line is disregarded.

If the city council and the city manager have an effective and mutually supportive working relationship, the likelihood of the policy and administrative roles being effectively coordinated increases significantly, resulting in a more successful city governance and management.

Among the issues to consider in trying to establish the best possible city council/city manager working relationship are the following:

- The relationship cannot be taken for granted and requires attention and work to establish and maintain. If not diligently pursued, it will not be accomplished.
- The work of city councils is not easy! Not only do you confront the typical challenges of group decision-making, but the "group" in this case may not have a great deal in common. Also, the issues can be weighty and controversial. The decision-making is also done in public, often on TV or the Web, scrutinized by the public and press, and anyone can join in on the deliberations.
- Among the factors that can get in the way of an effective relationship include:
 - Not understanding/appreciating/respecting each other's roles.
 - Differing philosophies.
 - Differing personalities.
 - Challenging issues.
 - External pressures from the media, community groups, employee organizations, etc.
- Fully appreciate that you need to establish a good working relationship with your fellow councilmembers and the city manager in order to maximize:
 - Organizational performance.
 - Organizational reputation.
 - Value to the community.

- Personal reputation.
- Community pride and confidence.
- Don't underestimate how important it is to a city manager to have a good working relationship with the city council. It has been reported that the relationship with the city council is the primary factor impacting a city manager's job satisfaction. Among the reasons for this are the following:
 - City councils are the source of formal performance feedback. Like almost everyone, positive feedback from supervisor(s) is very important.
 - City councils control the city manager's job security.
 - City councils determine the city manager's compensation.
 - City councils establish the city manager's "parameters of success."
 - City council support for the city manager, particularly during tough times, is of tremendous value.

Recommended Practices:

So while the stakes are high and the challenges significant, there are a variety of "best practices" and techniques that can improve the odds of your individual success as a mayor or councilmember, as well as the success of the city council and city as a whole.

The following are offered as ideas to consider in your efforts to establish and maintain a strong and effective working relationship with your city manager:

- **Recognize that you are now "different" than before you were elected (and more than you may realize):**

You are now viewed as a community/city leader and what you do and say can have a much greater impact. Your comments will now be viewed as representing "the city." What you do and say will also be more closely scrutinized. You should be aware that the city staff will view you much differently now that you are one of the organization's leaders. Even an offhand comment can be viewed as a directive for action. So even though you may not view yourself any differently than before you were elected, don't underestimate to what degree others are viewing you differently.

- **Understand and respect the city council/city manager plan of governance:**

It is critical for you to understand why your city is organized under this plan of governance and how it should operate. It is important to understand and appreciate the distinction between policymaking and implementation and the different roles played by individual councilmembers, the city council as a whole, the city manager and the city staff.

- **Allow time for you and the city manager to get to know each other and develop a working relationship:**

Try not to overly rely on what you have heard from others regarding what it will be like to work with the manager—others' views may or may not be accurate. Most city managers understand the need to work very hard to adjust to the issues, concerns and priorities of the new city council. Try to be open-minded to your ability to establish a productive and effective working relationship with the manager.

- **City managers will do their best to carry out the policy direction of the city council (even when there is a major change in policy direction):**

Professional city managers are committed to carry out the policy direction of the city council regardless if they personally agree or disagree with the policy as long as what they are asked to implement is:

- Legal.
- Ethical.
- Within their/the city's authority.

It is often misunderstood that when a city manager effectively implements a city council's policy, the manager personally agrees with the policy or can only implement city services consistent with that policy. City managers can change the organization's approach to an issue as may be directed by a new city council. Avoid overly associating the city manager with the policies that the city has previously implemented at the direction of the previous council.

- **Take your role seriously, but not yourself:**

This common advice is particularly important for mayors and councilmembers. While you are doing important and serious work on behalf of the community, you will do it better and more effectively if you keep the normal "ups and downs" and "wins and losses" in perspective. You were elected to make tough decisions on

oftentimes controversial issues. It's a given that you will be criticized and there will be those who vehemently disagree with your decisions. That is unavoidable. Develop a thick skin and do your best to not take personally the conflicts and disagreements that are a normal part of your new role. If you don't develop a thick skin, you will overreact to criticism.

Additionally, you are now part of an organization and will be blamed/criticized for the actions of the organization that you had nothing to do with. That is the reality of your new role and you should keep that in mind.

And remember, the city manager is not always to blame when things go wrong, though he/she should take appropriate responsibility for the organization's actions. It can be easy to focus your frustration on the city manager. You will be happier and more effective if you can experience the normal "ups and downs" of city life without needing to always find someone at fault.

Whatever the issue or encounter, try not to take it personally. Try to keep personal likes and dislikes out of the equation. Your fellow councilmembers and the city manager are not your family or personal friends; they are your "professional colleagues," and you need to work effectively with them even if you would not select them as friends.

Lastly, always "live to fight another day." There are always future issues to decide; focus on those versus the votes already taken. And always remember not to burn bridges due to a difficult defeat; you will need those "bridges" for future votes!

- **Appreciate the legitimate difference between the "community perspective" and the "professional/technical" perspective:**

While you will primarily view issues from your perspective as a resident/citizen in a manner similar to the other residents of the community, the city staff will often have a more "technical/professional" perspective. What might make a great deal of sense to the staff looking at an issue from a purely "business" point of view may not be the right answer based on community perspectives and values. While the city manager will do his or her best to bridge the gap between the two points of view, it is very helpful for councilmembers to understand that while the staff should be sensitive to community values, they will often raise issues based on their professional training that can differ from a purely community values point of view. An appreciation for these varied perspectives is critical to the council-staff relationship. That does not mean the one perspective is "right" while the other is "wrong"; but both parties should try to understand and appreciate the views of the other.

- **Don't fall into the trap of feeling you are VERY special:**

While being elected to a city council is an honor bestowed upon you by the voters, keep that "honor" in perspective. Citizens view electing you as showing trust in your judgment in representing their interests in community decision-making. They did not elect you because they felt you were personally deserving of special rights and privileges. Don't expect the city manager or staff to be able to assist you in ways outside your formal role on the city council. By and large, they will be required to treat you just the same as any other citizen on matters outside the realm of your official duties. Any compensation and "perks" of office should be visible and public.

- **Professional city managers will not "play favorites":**

Professional city managers will strive to have a positive working relationship with all the members of the city council regardless of personality, philosophy or positions on specific issues. They will also not let personal likes or dislikes affect how he or she interacts with councilmembers, and you should not expect the manager to act otherwise.

- **It is critical to city managers to have clear policy direction:**

The city manager and the city organization cannot carry out the policy direction of the city council if that direction is not clearly established. The clearer the direction, the more effectively the manager and staff can implement. Even when the council is split on an issue, the majority's will needs to be clearly stated. The manager should seek clarification from the city council when necessary.

- **Be sensitive to the need for city managers to sometimes tell you "what you don't want to hear":**

One of the least favorite tasks for a city manager is to tell an individual councilmember or the council as a whole something they don't want to hear. This could range from a mistake the organization has made to informing a councilmember that something they want done (or want to do) cannot be done or is not appropriate. While city managers try to be as flexible as possible in meeting the needs of the city council, you will not be well served by a manager who will not tell you when something is not appropriate or cannot be achieved simply to avoid appearing uncooperative. While the manager needs to be clear why the request cannot be fulfilled, it is very helpful to understand the manager has a professional obligation to give you advice contrary to what you would like to hear when he/she is so required.

- **Why managers can't always do what you want them to do:**

The manager can often be confronted with a situation of an individual council-member wanting something done that is not consistent with the wishes of the city council. The manager needs to respond to the direction of the city council as a whole. While managers try to be as responsive as possible to the needs/desires of individual members, on matters of any consequence, the direction of the city council will often be required.

- **Take your role to evaluate your city manager's performance seriously:**

Like any other employee, the city manager benefits from regular and thoughtful performance evaluations. Performance evaluations are an important communication tool between the manager and council. Working for multiple individuals is challenging enough without clear and consistent feedback on performance. At least annual evaluations should be conducted. This provides the opportunity to communicate how the council views the manager's performance, including areas of strength and areas for potential additional emphasis. This is also the only opportunity for the council as a whole to provide this input in private. Use this valuable communication tool effectively.

- **Tolerance for organizational imperfection (mistakes!):**

While no one likes mistakes, they are unavoidable in the context of organizational life. Cities are complex organizations dealing with a wide variety of services with unique and sometimes challenging clientele. It is not a matter of whether mistakes will be made, but when. It is critical as a leader of your city that you react to mistakes appropriately. While mistakes should be avoided to the greatest extent possible, overreacting can cause further damage. You should expect that mistakes will be addressed promptly, fully disclosed and that steps will be taken to avoid repeating the same mistakes again. You will need to trust the manager to follow up and effectively address the situation when organizational miscues occur. So, have high expectations but recognize that mistakes will occur, even in the best organizations and try not to overreact when they do.

- **Support of reasonable risk-taking:**

High-performing organizations will occasionally need to take "reasonable risks" in order to achieve community objectives. Sometimes these endeavors will not be successful. However, organizations that avoid ANY unnecessary risk are not likely to accomplish a great deal. While city councils need to be informed and concur that the risk being taken is reasonable for the potential benefit being gained, councils should also be understanding that projects and initiatives that have inherent unknowns may not always turn out as hoped. Intolerance for any

mistakes/risk will breed an overly conservative organization and will stifle creativity and flexibility and the benefits these values can bring.

- **Try to focus feedback on service quality, not individuals:**

An ongoing challenge is the difficulty of reconciling the ultimate responsibility of the city council for city service quality versus the need to avoid interfering in the daily management of the organization. It is much better for the city council to communicate service level or quality concerns to the city manager versus performance judgments regarding individual staff members. It is particularly inappropriate for individual members or the council as a whole to try to direct the manager to hire, fire, or promote members of the city staff.

- **Don't expect managers to take sides in councilmember disputes:**

Regardless of how they may personally feel, most city managers will avoid, at all costs, "taking sides" in disputes between councilmembers. While on occasion the manager might try to help reconcile councilmembers, don't expect the manager to take your side in a dispute with a fellow member. Even if they may agree with you, most managers will avoid taking part in public or private criticism of councilmembers unless professionally required to do so in extreme cases.

- **Don't jump to conclusions regarding citizen/customer feedback:**

While it is your responsibility to be available to listen to citizen and customer feedback regarding the city organization, be careful not to jump to conclusions based on what you are told. Oftentimes an individual may sound completely sincere and credible while providing you an inaccurate account of their experience with the city organization. It is best to not jump to conclusions, one way or the other, until the manager is able to provide you a response to the concern. It is embarrassing to criticize staff for poor performance only to find out that the information you relied on was not accurate. At the same time, the manager needs to not be overly defensive regarding staff performance until he or she also has heard "both sides of the story."

- **Don't expect the manager to exercise "political leadership":**

While managers are inherently leaders of their organizations and, to varying degrees, in their communities, their role is not to be political leaders. That is, it is not intended for the manager to be "out front" on community policy issues. Sometimes city councils want managers to take leadership (advocate publicly) on controversial issues to avoid potential political consequences to themselves. While tempting, this is contrary to the intent of the council/manager plan under which the elected officials are to take the lead on purely policy matters.

- **Disagree with the recommendation/don't attack the "messenger":**

When dealing with a difficult issue at a council meeting, it can be tempting to not only disagree with the recommendation being presented, but to challenge/discredit the manager or staff member presenting the recommendation. The best practice is to focus your comments on the recommendation, not the individual. Having a policy discussion devolve into a personal attack is uncomfortable and embarrassing to everyone involved. Even if you are frustrated by the recommendation, it is poor form to attack the presenter. If you do have concerns regarding how a recommendation was developed or presented, that should be provided privately to the manager.

P.S.: Don't play "stump the staff" by trying to ask questions at the meeting that you think staff will have difficulty answering on the spot. It doesn't really make you look smarter, nor is it helpful to the deliberations to ask a question that cannot be answered. While staff members should work diligently to anticipate questions, it is not possible to anticipate all possible questions. If you really want the answer, get the question answered before the meeting or provide a heads up regarding what you will be asking.

- **Conduct yourself at council meetings in a professional/businesslike manner:**

Even on very controversial topics with greatly varying opinions, the council deliberation can be and should be "businesslike" and professional. While it may be more entertaining (possibly from a reality TV perspective) to see councilmembers and citizens yelling and having temper tantrums, it gets in the way of thoughtful deliberations and only tends to lower the respect for the council and city in the eyes of your constituents.

- **Consider the use of council team-building and goal-setting workshops:**

Recognizing the importance of both effective councilmember/councilmember and council/city manager working relationships, often an investment of time in team-building workshops is very worthwhile. These workshops allow for a thoughtful conversation of working relationships outside the context of discussing specific issues. These discussions can help create a better understanding of work styles and perspectives.

Additionally, recognizing that clear direction and priorities are critical for effective council/manager relations, goal-setting workshops can be very effective forums for establishing city council and organizational priorities.

- **Have a clear understanding with the manager of the type and frequency of communication you prefer:**

While a fundamental value of city managers is to provide regular and complete information equally to each councilmember, councilmembers can vary significantly regarding the type and frequency of contact with the manager they desire. While the manager will use written reports in one form or another as a base line of information to all the members, it is important for the manager to understand your preference for how information should be communicated, including the frequency of personal contact. While some members prefer regular "face-to-face" contact with the city manager, others prefer less time-intensive information-sharing methods. While sharing the same information among all councilmembers, it is helpful for you and the manager to understand how much and what type of contact you prefer.

- **Do your homework:**

It takes time and effort to be a successful councilmember. It makes the manager's and staff's job a lot easier if you have reviewed the reports and related materials provided to you prior to the city council meeting. This facilitates efficient meetings, accelerates decision-making and gives the impression that staff and council are working well as a team. Additionally, it will avoid you appearing unprepared to your fellow councilmembers, the staff and your constituents.

- **Trust above all:**

As in all relationships, the city council/manager relationship must be based on trust. Other potential obstacles such as differing personalities, styles, philosophies, etc., can be overcome if there is mutual trust. Without trust, little else will be successful. Both parties need to treat each other with respect and be truthful and forthcoming in their dealings.

- **No Surprises:**

Both the manager and council should do their best to make sure that important information is not first learned from others. While in this age of instant communication this is more difficult, and in some cases impossible, the parties should do their best to make sure that noteworthy information to which they are privy is not communicated to other organizational leaders by third parties (particularly the media). The manager needs to work hard to make sure that the council is not taken off guard while councilmembers should keep the city manager in the loop as well. "Surprises" can have a very negative impact on the working relationship in that it speaks directly to the trust issue.

- **Work through the city manager to get things done:**

While practice and philosophy can vary to some degree between cities, councilmembers should generally work through the city manager to obtain action by staff. Individual councilmembers are not authorized to direct staff, though routine referral of citizen requests (or to simply request information) is sometimes appropriate depending on local practice. Coordinating through the manager will make sure the issue is sent to the right staff person for action and will allow the manager to confirm timely follow-up. This also helps the manager stay informed regarding issues of community concern.

- **Council/Mayor Role:**

It is also important to make sure there is clarity between the council, the manager and the mayor on respective roles. At times there can be a conflict between the role the mayor views themselves as playing and the expectations of the remainder of the council. It is difficult if the manager gets caught in a dispute over these respective roles. In particular, how the city manager relates to the mayor versus the other councilmembers needs to be clear.

- **Don't blame the manager or staff for carrying out the direction of the city council:**

The city manager and staff are required to faithfully carry out the direction of the city council, regardless if they did or did not recommend it and regardless if some councilmembers oppose it. Respect the staff for faithfully carrying out the will of the council, whether or not you share the view of the council majority.

- **If the council/manager relationship is not going well:**

If you or the council are having difficulty with the city manager, try your best to resolve the issue. First of all, find an appropriate way to communicate the concerns. The manager can't respond if he/she is not aware of the concern. As noted earlier, try to obtain clear council consensus for the expectations for the manager and communicate those expectations clearly. Try to be optimistic regarding the possibility of the manager making adjustments to satisfy the concerns of the council and give sufficient time to do so. Additionally, provide the manager opportunities to respond to the feedback and communicate how he/she will address the concerns.

- **If all else fails and there needs to be a "parting of the ways":**

A forced separation of the manager is not a good experience for the council, the manager or the city. It can be costly, controversial and can cast everyone in a negative light. It can also erode citizen confidence in the city. Assuming all

reasonable steps have been taken to avoid a forced transition and recognizing a parting based on "irreconcilable differences" is always better than an "ugly, contested divorce" (in an "ugly divorce," both parties end up looking bad), keep the following in mind:

- Keep it professional.
- Don't unnecessarily damage the manager's reputation—it is not needed to make a change.
- Provide a reasonable period of time for the manager to find another position or provide reasonable severance—it takes time to find a manager's job.
- Remember, how you handle the transition of the current manager will have an impact on the quality of the candidate pool for the next manager.

Summary/Concluding Thoughts:

An unstable council/manager relationship has negative consequences for the city council, the manager, the organization and the community. A positive and mutually supportive relationship will increase the odds of having a high-performing and successful city. The councilmembers and manager need to make creating, supporting and sustaining the relationship a high priority. If made a high priority, the odds of success are great.

Remember that your service on the city council is a unique honor that has been bestowed on you by your fellow citizens. While it is often a challenge, with inherent difficulties, someone needs to do it and your community has selected you for that responsibility. You have been selected to serve in a professional and honorable manner, during good times and bad. Your service on the city council will be over soon enough. Conduct yourself in a manner that will allow you to look back with pride—not only for what you accomplished, but also the way in which you conducted yourself (which will likely be remembered the longest).

Leadership & Governance: Tips for Success

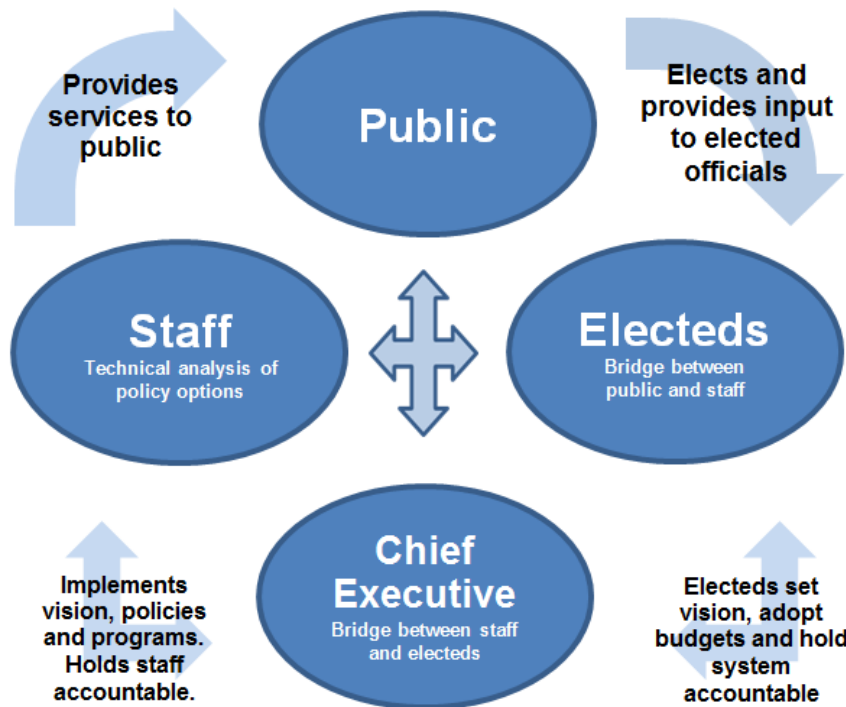
Electeds and Staff Bring a Different & Necessary Perspective

Understanding and embracing different perspectives is part of what makes our democratic institution at the local level so great. Both perspectives are vital when making decisions in the community's interests.

- Elected officials focus on what their constituents value and need from the agency; and
- Staff has technical expertise in policy areas and what can work, given their day-to-day experiences with implementing agency policies, practices and service delivery that can help inform the decision-making process.¹

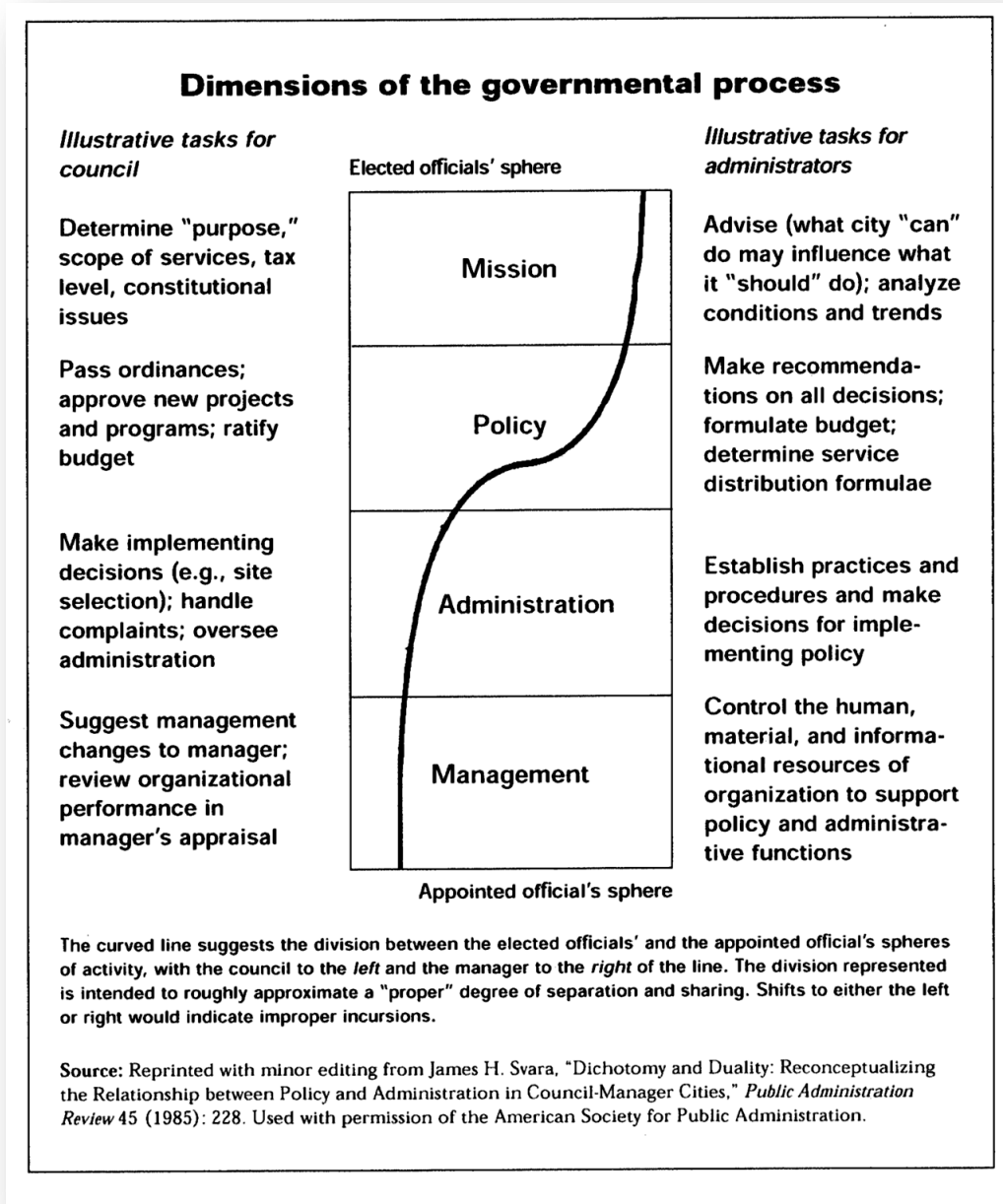
Bridging Function

Elected officials play a key bridging function between the community needs and staff; the chief executive officer in turn plays a bridging function between elected officials and staff.



Role Division

Current thinking is that elected and appointed officials operate in all four dimensions of the governance process: mission, policy, administration and management, although to differing degrees.² The graphic³ below illustrates this phenomenon. The curved line illustrates the division of roles between governing boards and executive staff; how this line looks for each local agency varies.



Role Clarity

A shared understanding of the chief executive's role and the governing board's expectations optimizes the working relationship. This understanding is informed by local charter and ordinance provisions that provide the overall framework for the relationship.

- The process of developing such a shared understanding begins with the hiring process and each participant in the process being forthright about their respective expectations.
- An annual evaluation process is an ongoing opportunity for such communication, particularly as governing board members change.

Staff will be most able to perform to expectations if those expectations are clear and mutually acceptable.

Tips for Governing Board Members

Setting Goals and Priorities. A helpful practice is to have the governing board establish priorities and strategic goals for the organization; such goals and priorities are a tool to guide the chief executive and staff on where to focus their efforts.⁴

Establishing an annual time for board reflection on community priorities would also offer an opportunity to discuss decorum among members and the executive-board relationship.

Limited Resources Means Difficult Trade-offs. An unhappy reality is that there are likely insufficient resources to accomplish everything that the community and elected governing board members desire. This reality creates challenges for the chief executive in proposing a budget as well as well as managing the agency work force.

Finding Common Ground. A key skill for a governing board member is finding areas of agreement and common interests with other board members. Within the parameters of the state's open meeting laws, work with the other governing board members to find areas of agreement on what courses of action best serves the public's interests.

In the event that board members disagree, clear ground rules can quell acrimony before it becomes a public spectacle.

When the Governing Board Changes

Staff's job is to implement the policies adopted by the governing body. This includes implementing changes in policy direction when the philosophy of the governing board changes.

New majorities on boards sometimes impute the policy preferences of the previous boards to staff. This causes them to worry that staff will not be as diligent in implementing changes to previous policies. They sometimes believe staff has to change in order for policies to change.

This is another area where frank and ongoing communication is helpful. Most professional staff understand that policy directions change and that their role is to implement that change, as long as the policy falls within the bounds of the laws and public service ethics.

Allow a certain amount of time for staff and the new majority to get to know one another and see if a productive working relationship can occur.

Understanding that Public Policymaking Involves Value Choices. Policy choices tend to be choices among different values, including the values of fairness, compassion, efficiency, individual rights, common good and others. The “correct” answer is likely to be an elusive goal,⁵ particularly since members of the community as well as other members of the governing board are likely to give different values different weight.

Chief Executive Works for the Entire Board. All members of the body were elected by the community to participate in the agency’s decision-making processes. As a result, the chief executive’s responsibility is to strive for positive working relationships with all members of the body equally and provide information equally to all members of the body.

Communications Needs. Let the chief executive know what kinds of communications work for you. While the chief executive’s job is to share information with all members of the governing body equally (and typically through a combination of written communications and one-on-one meetings), governing body members will often have different communications preferences as to what combination of these two techniques work best for them.

Transparent Decision-Making. The governing board makes decisions (and gives staff direction) at open and well-publicized governing board meetings. These decisions occur after listening to, inquiring of and learning from interactions with all segments of the community and staff.

The Benefits of Collaboration. Be forthright on your objectives and goals with the chief executive, so he or she can do what is possible to help you achieve them (as opposed to “going around” him or her). A chief executive will try to be as responsive as possible to the needs of individuals on the governing board; however understand that significant tasks are likely to require governing body buy in and some tasks may conflict with priorities and policies adopted by the full governing body.

Ground Rules. A helpful practice is for the governing board as an entity to adopt, regularly review and update how the board will conduct its meetings and make decisions.⁶ Such protocols typically address meeting procedures (agenda preparation, how to put issues on the agenda, debate and voting procedures (parliamentary rules) and standards of decorum (civility).⁷

Managing Difficult Board Members. Staff’s role is to provide information to enable elected officials to knowledgeably participate in the decision-making process. However, from time to time, there will be difficult and divisive board members that create a challenging and uncomfortable environment for both the board and staff. There is no one-size-fits-all solution to solve such a problem. In the end, the board must manage its own behavior—not staff.⁸

Staff Preparation. If you have questions, concerns and/or information needs (or know that members of the community do), provide staff a heads up in advance of meetings so staff can be prepared to address them.

Unwelcome Information. One of staff’s least favorite roles is providing information and analysis that will make one or more governing board members unhappy. Typically, providing such information is part of staff’s job to avoid surprising the board. If pursuing a given course of action could have negative outcomes (a lawsuit, unintended consequences or a chance that a given goal will not be achieved), it is

staff's job to let the board know so the board can factor such information and risks into the decision. If possible, staff will also try to identify options and alternatives for reducing the risk of negative outcomes.

Directing Questions and Criticisms. Question, and if appropriate, criticize ideas, policies, programs or outcomes, but not the individuals involved (whether those individuals are fellow elected officials, staff or members of the public). Remember that staff is your tool to accomplish your objectives. Public praise for things you like will motivate; public criticism and embarrassment will discourage. Criticism or information regarding staff missteps should be directed to the chief executive to address.

Responding to Mistakes and Disappointing Outcomes. Mistakes are likely to happen in any organization. If something bad happened, ask what measures can and will be taken to prevent such missteps in the future.⁹

Tips for Chief Executive & Staff

Clear Goals and Priorities. A key task is for the governing body and chief executive work together to assure staff has clear direction on the agency's goals and priorities.

Goal setting workshops can be useful forums for establishing governing board and organizational priorities. This includes holding annual workshops in which goals are set, reviewed, updated and/or retained, as well as direction on how the group wants to be kept updated on progress, goals and priorities.¹⁰ Follow up, of course, is critical to maximizing a goal setting session's value.¹¹

Such clarity enables staff to know where to devote scarce/limited resources in proposing budget and work program priorities for the governing board's consideration.

Documented goals and priorities serve as a reference point when issues and potentially competing priorities come up throughout the year. Priorities may need to change of course; the key is if a new priority is added, an old one must be subtracted.¹²

Engaging a broad range of the community in the conversation about hard choices can help the governing body in aligning agency goals with community wishes. Such processes offer important opportunities to inform and consult the community on what can be difficult tradeoffs due to scarce resources. Such engagement can also make the resulting decisions more enduring.

Focus on the Core Functions. For those areas over which the agency has discretion (for example, non-state mandated efforts without maintenance of effort requirements), the conversation can focus on identifying what is most important for the agency to accomplish. This tends to be an intersection of three things: what the community is passionate about, what the organization can be best at and what resources are available.¹³

Identifying this intersection does not necessarily mean that tasks outside the intersecting area will not get accomplished. Some functions may be more effectively accomplished by other agencies, community-based organizations or the private sector.

Capacity Building. The entire community benefits from well-prepared and knowledgeable local officials. Some tools for assisting with this goal include:¹⁴

- Leadership academies that help the public, including potential future governing board candidates, understand key elements of the agency's work and processes.
- Candidate orientations that provide information about agency functions, pending policy issues, including budget issues and any regulations that apply to the campaigning process.
- Newly elected official orientations conducted as soon as possible after election results are certified. Content should include the nuts and bolts of how to accomplish objectives in their new role, as well as briefings on current issues the agency faces, the status of long-range plans and capital projects, and the budget process. Connecting newly elected officials with former electeds who are respected in the community and can offer advice and share experience is also helpful.¹⁵
- Ongoing education through local workshops, references to helpful information about local governance and policy issues and conference attendance.

Credit for Commitment to Elective Office. One dimension of staff's role is to help governing board members receive the recognition they deserve for their actions as public servants.¹⁶ As media opportunities occur, ensure the electeds are aware so they may receive recognition for their service on community issues.

Evenhandedness. A positive working relationship with all governing body members regardless of personality, philosophy, positions on issues or whether the member is in the majority or minority on the body (remember majorities can change) can be another important success strategy. Communication preference may require that you spend more time with certain members. "Evenhandedness" does not necessarily mean communicating with all decision-makers in the same way.

A Sustained Effort. Successful relationships require ongoing effort and attention. Communication is a central element of this effort.

- Staff's role is to present information and analysis objectively, fairly and without spin.
- This includes willingness, when necessary, to deliver unwelcome information and minimize surprises for the governing board.

When Elected Officials Disagree with Staff Recommendations and Analysis. Professionals recognize smart, conscientious and reasonable people can disagree on the best course of action (particularly given the differing perspectives that staff and electeds contribute to the analysis of what best serves the community's interests).

- Such disagreements are not and should not be taken personally.
- All governing board decisions must be faithfully implemented, even those which differed from what staff recommended.
- Staff should never speak ill of elected officials, even to seemingly sympathetic and discreet listeners. Word of what was said inevitably seems to get back.

Attention to Detail. Doing the small things well helps governing board members trust staff on the big items.

Defining Success. Enjoying good relationships with elected officials is a worthy goal, with a few caveats.

- Be clear on the lines (legal, ethical and professional) over which you are not willing to step, before finding yourself in a difficult situation.
- As difficult as it may be, your professional reputation for competence and integrity in the long term is a more valuable career asset than keeping a particular job.

More Resources

International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999)

International City/County Management Association and National League of Cities, *Leading Your Community: A Guide for Local Elected Leaders* (2008)

This resource reflects the insights and thoughts of a number of individuals, including: Kevin C. Duggan, West Coast Director, International City/County Management Association, Pete Kutras, Retired County Executive, Santa Clara, and Principal Consultant, Municipal Resource Group, LLC, Richard A. Haffey, County Executive Officer, Nevada County, and William Chiat, Director, CSAC Institute for Excellence in County Government.

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¹ International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999) at 22.

² *Working Together: A Guide for Elected and Appointed Officials*, at 19-20.

³ Based on the work of James H. Svara in "Dichotomy and Duality: Reconceptualizing the Relationship between Policy and Administration in Council-Manager Cities," *Public Administration Review* 45 (1998): 228. This material is reproduced with permission of John Wiley & Sons, Inc.

⁴ Kevin C. Duggan, A Key Ingredient for Success: An Effective City Council/City Manger Relationship, at 9.

⁵ Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine*, August 2009, available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

⁶ See International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999), at 59. Mike Conduff, Council Relations, *PM Magazine* (June 2012), available at <http://webapps.icma.org/pm/9405/public/council.cfm?author=&title=Council%20Relations&subtitle=>

⁷ See International City/County Management Association and National League of Cities, *Leading Your Community: A Guide for Local Elected Leaders* (2008) at 30-33.

⁸ Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine* (August 2009), available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

⁹ A Key Ingredient for Success: An Effective City Council/City Manger Relationship, at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

¹⁰ Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine* (August 2009) available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

¹¹ Mike Conduff, ICMA-CM, A Great Retreat!, *PM Magazine* (April 2012) available at <http://webapps.icma.org/pm/9403/public/council.cfm?author=&title=Council%20Relations&subtitle=>

¹² Frank Benest, Ten New Rules for Elected Officials in Times of Economic Meltdown (2011) available at <http://www.ca-ilg.org/post/leadership-strategies-times-economic-meltdown>.

¹³ Adapted from Jim Collins, *Good to Great in the Social Sectors*, 2005 at 19 (the "hedgehog concept"). Also recommended by Frank Benest in Ten New Rules for Elected Officials in Times of Economic Meltdown (2011) available at <http://www.ca-ilg.org/post/leadership-strategies-times-economic-meltdown>.").

¹⁴ From Mike Conduff, Council Relations, *PM Magazine* (June 2012), available at <http://webapps.icma.org/pm/9405/public/council.cfm?author=&title=Council%20Relations&subtitle=>

¹⁵ Preparing Councils for Their Work, *PM Magazine*, available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle=>

¹⁶ This concept is part of the International City/County Management Association's Code of Ethics:

Tenet 6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

Board/Executive Staff Communications Strategies

Establish Communication Priorities at the Beginning of the Relationship

Establishing rapport and communication styles early on will help throughout the board members' and executive's appointment tenure.

Ongoing Communications/No Surprises

A mutual goal in executive/board member communications is for each to keep the other informed of developments relevant to the others' roles and responsibilities. Another important goal is to avoid situations in which either elected officials or the chief executives are surprised.

Board Workshops

A board workshop, or series of workshops, can help to set goals and priorities for the agency. Workshops and communicating about decorum are key tools for the governing body. Such workshops enable the board to establish overall goals and priorities the community and objectives for the chief executive to pursue. Workshops can also create mutual expectations among board members on how they will work together to achieve goals.

Role of the Chair

One member of the board may be selected to serve as chair of the board. The chair may handle issues among the electeds as they arise so staff is not in the middle of any situations. An executive can work directly with the chair on agenda setting and logistical priorities.

Tailored Communications Methodologies

On a more day-to-day basis, regular communications between the chief executive and elected officials are advisable. How those communications occur will vary according to the preferences and styles of the individuals involved. Elected officials are likely to vary in how, when and where they want to engage in

communication with staff. As one former elected official observed, “One size does not fit all, but all need to feel fit.”

Although the mode of communication may vary; all board members should receive the same information. The method and amount of time for delivering and receiving communication may differ among members. Understanding the communication needs of each elected official is a key executive task.

Regular in-Person Meetings

Experts suggest that one-on-one meetings between the agency chief executive and each governing body member should occur frequently - if not weekly, then biweekly or monthly.

- Regular meetings with governing board are especially important when the body is divided.¹ If the chief executive meets only with members of the majority, the executive may undermine perceptions of staff objectivity and neutrality.
- Although staff is bound to implement the policy adopted by the majority, the relationship the chief executive develops must be with the body as a whole as well as with each individual who makes up the body.

Weekly Updates

Some agencies find a weekly newsletter/email from the chief executive to governing body is helpful practice.

- These should be informational only - not an effort to achieve consensus among decision-makers outside open and publicized meetings.²
- Executives and governing board members also need to be aware that such communications are public documents subject to disclosure to the media or in litigation.

Voice-to-Voice for Sensitive Matters

Communications relating to confidential or sensitive matters are best accomplished in person or by telephone.

Newly Elected Official Orientations

A helpful practice is for each newly-elected governing board member and the chief executive to meet individually early on. The meeting can include a tour of agency facilities and a briefing on key issues, as well as a preview of issues to be covered in any additional orientation sessions planned. It also offers elected officials the opportunity to get their most pressing questions answered.³ For more information, visit ILG’s *New to Public Service* resources at: www.ca-ilg.org/new-public-service.

Staff Reports

Another form of communication between staff and elected officials (and others) are the staff reports the governing body receives in preparation for meetings. Good communication between the governing board and staff about the board's needs and expectations is important. In general, the following are recognized as good practices.⁴

- **Complete Information.** Staff reports should contain all of the information necessary to make an informed decision. This includes options and alternatives when appropriate, as well as anticipating questions and concerns.
- **Usability.** Complete information is useful only if it is in useable form. Executive summaries, graphics, tables and decision-trees are ways to summarize complex information in an easier-to-understand manner.
- **Plain Language.** Acronyms, jargon and technical language should be avoided. Any term that is likely to be unfamiliar to the average resident should be either defined or avoided in favor of more easily understandable wording. Be succinct and prepare executive summaries for the members as often as possible.
- **Analytic Framework.** Agency staff should use a consistent framework for presenting policy analyses. Typical components include: problem definition, options and alternatives, evaluation of options, staff recommendation, implementation and evaluation.

Subjects of Communication

Board/executive communications should include not only what is happening or needs to happen, but how decision-making processes occur. This can be especially important on major or potentially contentious issues. The governing body may feel it needs additional time to evaluate the difficult issues presented or engage in additional public engagement processes to hear and consider public input.

More Resources

International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials* (1999)

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¹ Julia Novak and John Nalbandian, Preparing Councils for Their Work, *PM Magazine* (August 2009) available at <http://webapps.icma.org/pm/9107/public/feature3.cfm?author=Julia%20Novak%20and%20John%20Nalbandian&title=Preparing%20Councils%20for%20Their%20Work&subtitle>

² See *Wolfe v. City of Fremont*, 144 Cal. App. 4th 533 (2006); Cal. Gov't Code § 54952.2(b):

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or *through intermediaries*, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in *separate* conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

See also *Open and Public IV: A User's Guide to the Ralph M. Brown Act* (2010) at 17 (noting that chief executive officer briefings can be a violation of the state's open meeting laws when the process reveals information about governing body members' respective views).

³ From Mike Conduff, Council Relations, *PM Magazine* (June 2012), available at <http://webapps.icma.org/pm/9405/public/council.cfm?author=&title=Council%20Relations&subtitle>

⁴ International City/County Management Association, *Partnerships in Local Governance: Effective Council-Manager Relations* (1989) at 42-45 (chapter by Kevin C. Duggan and Terry Ellis "Preparing Staff to Work with the Council").

Dealing with Bumps in the Road

At some point in the journey, the board/executive relationship may encounter difficulties. In fact, a consistently comfortable relationship could in itself be an indicator that one or both parties may be avoiding both testing ideas and possible conflict to the detriment of the agency and public they serve.

Strategies to Try¹

1. **Avoid Complacency.** Strong relationships require ongoing investment of time. The environment, challenging situations, changes in players, unanticipated demands and day-to-day politics all place stress on board/executive relationships. Take time to step back and assess relationships on an ongoing basis. Be prepared to adjust approaches if necessary.
2. **Communicate.** Often, communication is the first place where relationships begin to suffer. Something happens; human nature can be to avoid confrontation and uncomfortable discussions. When communication barriers emerge, schedule time for a private face-to-face and earnest discussion with the individual in question. Acknowledge any elephants-in-the-room, share perspectives of what happened, and explore how to improve the relationship.
3. **Address Issues Directly.** Avoidance tends to make problems fester; rarely does avoidance cause problems to go away.
4. **View the Relationship as a Partnership.** Work together to address community needs without focusing on distinctions between policy and administration. Each party to the relationship should feel that their contributions are valued and respected.
5. **Avoid Being a Barrier to Staff Contact with Electeds.** Electeds may prefer to deal with staff directly; staff should keep the chief executive in the loop when significant issues come up in their conversations with members of the governing body.
6. **Focus Credit and Attention on Elected Officials².** The center of positive attention at governing body meetings or at community meetings should be elected officials, not staff.
7. **Try to See the Situation from Others' Perspectives.** Ask open-ended, non-judgmental and even-toned questions. Take a step back to assess what happened and is happening in the relationship. Ask clarifying questions to understand the perspective of the other person; share your own perspective in neutral terms. Examine the problem and not the individuals. Treat the situation as a learning opportunity to avoid future missteps.

8. **Delve Deeper.** Listen for the meaning behind the words. Try to identify the underlying issues, which may have both a logical and an emotional dimension. What are the values, beliefs and anxieties that might be at stake? Sometimes the issue is not more data and facts; it is about connecting on a more personal level. Sometimes people just want to be acknowledged and understood.
9. **Accept Responsibility.** You have surely contributed to the difficulties in a relationship, intentionally or unintentionally. Accept responsibility, apologize if necessary, discuss how to avoid a repeat and move on.
10. **DWYSYWD (“Do What You Say You Will Do”).** People may judge your commitment to a board/executive relationship by what you do, not what you say. If a relationship has been damaged, the first thing people will look for is evidence of commitment to rebuild the relationship. Do what you said you will do. It will be noticed. Start with simple steps (for example, gather information, arrange a meeting, resolve a problem, or create a follow-up plan). These can be immediate and observable demonstrations of your sincerity in wanting to address concerns.
11. **Find a Confidant.** Serving as an elected official or a chief executive can be a solitary world. Identify an objective sounding board to bounce ideas off of and test assumptions and theories. The best confidants are typically outside your organization. They say what you need to hear, not necessarily what you want to hear and can help you navigate through difficult issues.
12. **Take Care of Yourself.** Maintaining a balance in the demands of public service and personal life is challenging. Make time to get away, to decompress, to work off frustrations, to reflect, and create space between public service and your private life. Working through difficulties requires a certain mental and emotional stamina. In addition, people can overreact when they are tired and under stress. Even if it is only an hour at the gym or a long weekend, make time for yourself.

Red Flags for Relationship Attention²

- **Instinct.** If your sense is something isn't as good as it might be, you may well be right. Don't hope it goes away.
- **Information Flows Diminish.** Sometimes one party will feel the other isn't keeping them properly informed or they aren't getting the information they need to do their respective jobs well. Other times, the issue may be that people communicate less and less frequently or information isn't being shared equally.
- **Interpersonal Relations.** Another warning sign is when the chief executive or board member stops being included in conversations that he or she would ordinarily be included in. Watch for any signs of changes in the relationship changes (less forthright/more evasive)
- **Performance Reviews.** Avoiding an annual review (the board doesn't want to give one or the chief executive doesn't want to receive one) can be a sign of trouble.
- **Badmouthing.** This usually signifies significant frustration levels.
- **Focal Point is the Staff.** Another potential sign of trouble is when the chief executive or other staff become the focus of media or election attention.
- **Dissatisfaction with Staff.** Governing board members are dissatisfied with key staff and the chief executive is perceived as not addressing the problem and/or being able to get things done.
- **Trust Diminishes.** The governing board regularly second guesses the executive's recommendations.

About the Institute for Local Government

This tip sheet is a service of the Institute for Local Government (ILG) whose mission is to promote good government at the local level with practical, impartial and easy-to-use resources for California communities. ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities, the California State Association of Counties and the California Special Districts Association.

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¹ Heifetz, Ronald A. and Marty Linsky, *Leadership on the Line: Staying Alive through the Dangers of Leading*, 2002, Harvard Business School Press, Boston.

²International City/County Management Association and National League of Cities, *Working Together: A Guide for Elected and Appointed Officials*, 1999 at pages 63-71.

Attributes of Exceptional Councils

Leading public organizations and governing with colleagues on a council is a challenging art of community service. The Institute recognizes that many aspects of leadership and governance are not intuitive. This piece is intended to provide councilmembers and city managers insight into the attributes of exceptional councils as well as provide practical tips to help them become exceptional.

1. Exceptional councils develop a sense of team – a partnership with the city manager to govern and manage the city

The mayor, councilmembers and city manager see themselves and work as a team as they undertake a series of tasks to further their common purpose. The individual team members work in a coordinated and collaborative manner with a high degree of respect, trust and openness. The team values diversity in style and perspective. The team thinks and acts strategically as it examines issues/situations and decides on a course of action serving their city's mission and goals.

KEY CHARACTERISTICS

- Successfully transition from candidate to a member of the council.
- Become a champion of the city. Make decisions based on the needs and interests of the community at-large / the greater good.
- Develop, communicate and support policy goals and council decisions.
- Demonstrate a willingness to work collaboratively (as a team) and have a citywide perspective.

BEST PRACTICE TIPS

Build capacity to create a more effective team. The governance team (mayor, councilmembers and city manager) should get to know each other; how each person approaches issues, decision making style and so on. This can be accomplished at annual meetings or workshops through-out the year. In the event that councilmembers disagree, clear ground rules (norms of behavior and practice) can help quell acrimony before it becomes a problem. It's important to remember that trust is built around understanding and respect, not necessarily agreement.

2. Exceptional councils have clear roles and responsibilities that are understood and adhered.

Exceptional councils understand their role is to serve as policy maker - to represent the values, beliefs and priorities of their community while serving in the community's best interest. They carry out a variety of responsibilities including: developing and adopting a vision for the city; focusing and aligning plans, policies, agreements and budgets in furtherance of this vision; and holding themselves and the city manager accountable for results.

Exceptional councils understand that the city manager is responsible for the day-to-day operations of the city. The city manager is responsible for undertaking and accomplishing the policy objectives of the council. Exceptional councils recognize the subject matter expertise of staff and utilize their knowledge and experience to guide and inform decision making.

KEY CHARACTERISTICS

- Understand the role of local government and their responsibilities.
- Know their role- to set vision and policy, avoid micromanagement.
- Councilmembers should strive to be informed about the issues facing the city and be prepared to ask questions of staff and each other.

BEST PRACTICE TIPS

Create a shared understanding of the city manager's role and the council's expectations to optimize the working relationships. This shared understanding is informed by local charter and ordinance provisions that provide the overall framework for the relationship. The council should make time to have conversations during retreats and or study sessions to define and/or reveal and refine their role and responsibilities. Since role clarity between the city council and city management is critical to mutual success, having clear protocols helps avoid misunderstandings.

3. Exceptional councils honor the relationship with staff and each other

Exceptional councils understand that a good working relationship with staff is vital for the city to be run successfully. Exceptional councils treat each other and staff with dignity and respect. They act with civility and a high level of professional decorum. Councilmembers build trust by not playing the “gotcha game” and strive to have a no secrets, no surprises approach as an operating norm. Finally, they respect the diversity of styles and perspectives among their colleagues and staff and are open to new ideas.

KEY CHARACTERISTICS

- Councilmembers have the ability to respectfully disagree (to disagree without being disagreeable). They are able to leave it at the dais; debates are about policy, not personality.
- Exceptional councilmembers reflect positive decorum/model of leadership by providing respectful tone with colleagues.
- Establish a set of behaviors ahead of time, potentially documented in a code of conduct, to help promote civility and respect.

BEST PRACTICE TIPS

Set council priorities and strategic goals at an annual meeting; these goals and priorities are a tool to guide the city manager and staff on where to focus their efforts. This annual meeting provides time for the council to reflect on community priorities as well as offer an opportunity to discuss their decorum and their relationship among each other and the relationship between the city manager/staff and the council.

4. Exceptional councils routinely conduct effective meetings

Open and public meetings are central to democratic decision-making. Exceptional councils master the art of effective meetings. They develop and adhere to meeting protocols and processes. They spend time planning and organizing the agenda with the aim of having a more focused meeting. They allocate the council’s time and energy appropriately (focused on the council’s role and responsibilities) and meeting short- and long-term priorities. They honor the public’s participation and engagement and they generally start on time and are held during reasonable hours.

Exceptional councils use public meetings not only for their intended purpose, information sharing and decision-making,

KEY CHARACTERISTICS

- Councilmembers are respectful of each other, the public and everyone’s time.
- Councilmembers use engaging body language as a way to demonstrate respect.
- Issues are not personalized, thoughtful dialogue is the objective.
- Agenda packets are read, councilmembers come prepared and have an open mind
- Respect is demonstrated for varied opinions.
- Everyone strives to be civil and act with decorum.

but they also use the meeting to demonstrate respect and civility for each other, staff and the public. Exceptional councilmembers prepare in advance of the meeting, remain focused on the city goals and objectives and mindful of their role and responsibilities.

BEST PRACTICE TIPS

Develop and adopt (with regular reviews and updates), guidelines for conducting meetings and making decisions. These governance protocols typically address meeting procedures (agenda preparation, how to put issues on the agenda, debate and voting procedures (parliamentary rules) and standards of decorum (civility)). As part of a regular self-assessment, councils should evaluate their meetings and their effectiveness and adjust behavior and practices for better results.

5. Exceptional councils hold themselves and the city accountable

Exceptional councils operate openly, ethically and work to engage the community in a myriad of decisions impacting the prosperity and well-being of their community. Toward that end, exceptional councils consistently provide short- and long-term strategic direction and goals, as well as provide budget, program and policy oversight.

Exceptional councils hold themselves accountable for the conduct, behavior and effectiveness of the council. They establish clear priorities and goals and hold the city manager accountable for results. And finally, they embrace accountability as a process and tool to calibrate ongoing efforts to address and meet policy and program objectives.

KEY CHARACTERISTICS

- Councilmembers operate ethically and with integrity.
- Councils conduct team building / goal setting exercise to track progress towards mutually agreed upon goals
- Councils taking responsibility for the results (good and bad).
- Councils celebrate success.
- Councilmembers hold themselves responsible for adhering to operating protocols and codes of conduct.

BEST PRACTICE TIPS

Annually evaluate council and city manager performance toward achieving the city's priorities and goals (consider having this be part of an annual goal setting meeting). Council should consider assessing its own behavior and effectiveness as part of its annual self-assessment.

6. Exceptional councils have members who practice continuous personal learning and development

Governance is not intuitive. In addition, the policy and economic environment impacting cities are ever changing. Exceptional councils continually provide the opportunity to build their knowledge and skills, to enhance their understanding of key issues, increase their awareness of best practices and sharpen their leadership and governance skills.

KEY CHARACTERISTICS

- Stay informed on key issues
- Gain key insights and knowledge on all aspects of governing, from budgets to plans and everything in between.
- Learning to listen is sometimes more important than learning to give a speech.

BEST PRACTICE TIPS

Seek out national, state and local professional growth and educational opportunities. These opportunities can focus on the nuts and bolts of governing to helping you gain valuable information and/or insights on key policy issues facing your city. In addition, city run orientations for newly elected officials provide a good way to acclimate new members to the council's norms and protocols as well as the budget and key policy issues.

SEXUAL HARASSMENT

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. **“Quid pro quo”** (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. **“Hostile work environment”** sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with CRD within three years of the last act of harassment or retaliation.

CRD serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If CRD finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. CRD may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with CRD and a Right-to-Sue Notice has been issued.

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

SEXUAL HARASSMENT

FACT SHEET



Civil Rights
Department
STATE OF CALIFORNIA

CIVIL REMEDIES

- Damages for emotional distress from each employer or person in violation of the law
- Hiring or reinstatement
- Back pay or promotion
- Changes in the policies or practices of the employer

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

1. Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
 2. Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
 3. Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
 - Be in writing.
 - List all protected groups under the FEHA.
 - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
 - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
 - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of CRD and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
 - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally.
- Employers with 50 or more employees are required to

include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
 - Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.
4. Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:
 - Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
 - Sending the policy via email with an acknowledgment return form.
 - Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
 - Discussing policies upon hire and/or during a new hire orientation session.
 - Using any other method that ensures employees received and understand the policy.
 5. If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.
 6. In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

TO FILE A COMPLAINT

Civil Rights Department

calcivilrights.ca.gov/complaintprocess

Toll Free: 800.884.1684

TTY: 800.700.2320

Workplace Violence Prevention in General Industry (Non-Health Care Settings) – Information for Employers

According to the Occupational Safety and Health Administration (OSHA), workplace violence affects nearly 2 million American workers annually. SB 553 addresses workplace violence by requiring employers to implement basic protections to protect employees while at work.

This fact sheet is an overview of the **California Senate Bill 553** (SB 553), which was signed into law on September 30, 2023. SB 553 amended Labor Code section 6401.7 to require employers to develop and implement a workplace violence prevention plan in accordance with newly codified Labor Code section **6401.9**, which sets out the requirements for the plan. Starting July 1, 2024, the majority of employers in California must establish, implement, and maintain a Workplace Violence Prevention Plan that includes:

- Prohibiting employee retaliation.
- Accepting and responding to reports of workplace violence.
- Employee workplace violence training and communication.
- Emergency response.
- Workplace violence hazard assessments.
- Other requirements, such as maintaining a Violent Incident Log.

What must employers know?

All employers, employees, places of employment, and employer-provided housing must comply with the new Labor Code requirements, except those listed in subsection (b) of Labor Code 6401.9.

This fact sheet only provides an overview. Employers should review the full requirements of **California Senate Bill 553** (SB 553), which includes Labor Code section 6401.9.



Creating a workplace violence prevention plan

Labor Code section 6401.9 outlines the elements of a workplace violence prevention plan required by section 6401.7:

- Every covered employer is required to establish, implement, and maintain an effective workplace violence prevention plan.
- The plan needs to include the following:
 - The names of persons responsible for its implementation.
 - Effective procedures for employee involvement in developing and implementing the plan.
 - Methods to coordinate implementation of the plan with other employers, when applicable.
 - Procedures for employers to handle and respond to reports of workplace violence, while ensuring no retaliation against the reporting employee.
 - Procedures to ensure compliance from employees, including supervisors.
 - Procedures to communicate with employees regarding workplace violence matters.



Violent incident log requirements

Employers must maintain a log of all incidents of workplace violence even if the incident did not result in injury. This log must include information on every workplace violence incident, based on employee statements, witness statements, and investigation findings. Incident information must include at least the following:

- Incident date, time, location.
- Workplace violence “Type” (1, 2, 3, and/or 4).
- Detailed description of the incident.
- Classification of who committed the violence.
- The circumstances at the time of the incident.
- Where the incident occurred.
- Specific incident characteristics, such as physical attacks, weapon involvement, threats, sexual assault, animal incidents, or other events.
- What the consequences of the incident were, including any involvement law enforcement.
- What steps were taken to protect employees from further threat or hazards.
- Who completed the log, including their name, job title, and the date completed.

Note: Employers must exclude personal identifying information that would identify any person involved in a violent incident.

Training employees on workplace violence

- Employers must provide effective training and ensure that training materials are easy to understand and match the workers’ education, reading skills, and language.
- Employers must provide employees with an initial training and annually thereafter.
- The training is required to cover various aspects, including the following:
 - Familiarizing employees with the plan, how to obtain a copy, and how to participate in the development and implementation of the employer’s plan.

- Emergency response protocols.
- Training provisions.
- Procedures to identify and evaluate workplace violence hazards that include inspections with the following frequency:
 - When the plan is first set up.
 - Periodically scheduled.
 - After violent incidents.
 - Whenever a new hazard becomes known.
- Procedures to timely correct workplace violence hazards identified and evaluated.
- Procedures for post-incident response and investigation.
- Procedures that allow for plan review
 - Annually.
 - When a deficiency is observed or becomes apparent.
 - After a workplace violence incident.
- Any other procedure necessary for employee health and safety as required by the Division and Standards Board.
- The plan must be in effect at all times and in all work areas and be specific to the hazards and corrective measures for each work area and operation.
- The written plan may be incorporated as a stand-alone section in the written injury and illness prevention program required by section **3203** of title 8 of the California Code of Regulations or maintained as a separate document.

- Definitions and requirements of Labor Code section 6401.9.
- How to report workplace violence incidents without fear of retaliation.
- Understanding of job-specific violence hazards and preventive measures.
- Purpose of the violent incident log and how to obtain related records.
- Opportunities for interactive discussions with someone knowledgeable about the employer's plan.
- When new or previously unidentified workplace violence hazards are discovered, or changes are made to the plan, the employer must provide additional training that focuses on the specific hazard or plan modifications.

Employer responsibilities with workplace violence recordkeeping requirements

- The plan must be in writing and easily accessible to employees, authorized employee representatives, and Cal/OSHA representatives.
- Records of workplace violence hazard identification, evaluation, and correction must be created and maintained for a minimum of five years.
- Training records must be created and maintained for a minimum of one year.
- Violent incident logs must be maintained for a minimum of five years.
- Records of workplace violence incident investigations under must be maintained for a minimum of five years.



Additional information and resources

As required by **title 8, section 342(a). Reporting Work-Connected Fatalities and Serious Injuries**, Employers have a legal responsibility to immediately report to Cal/OSHA any serious injury or illness, or death (including any due to workplace violence) of an employee occurring in a place of employment or in connection with any employment.

Additional regulations that may apply to workplace violence and exposure can be found in the following title 8 sections:

- **Section 342** (Reporting Work-Connected Fatalities and Serious Injuries).
 - For instructions on reporting, go to **Report a Work-Related Accident – Employers**.
- **Section 3203** (Injury and Illness Prevention).
- **Section 14300** (Employer Records-Log 300).
 - For information on The Log of Work-Related Injuries and Illnesses (Cal/OSHA Form 300), go to **Brief Guide to Recordkeeping Requirements**.

June 2024





Ethics Training for Local Government Officials

Government Code section 53235 requires ethics training for specified local government officials. The training can consist of self-study materials, an online course, or in-person training. The Attorney General's Office anticipates that an online training course may be developed to satisfy core curriculum requirements, but additional local training would still be necessary to address purely local issues.

Persons wishing to create a local ethics training course must consult with the Attorney General and the Fair Political Practices Commission concerning the sufficiency and accuracy of course content. (Gov. Code, § 53235, subd. (c).) In response to this requirement for consultation with the Attorney General, the following outline has been prepared to provide uniform guidance from the Office of the Attorney General regarding appropriate course content. The outline also provides links to relevant educational materials regarding ethics. Due to the demand for ethics training, it is anticipated that the Office of the Attorney General will be unable to review and comment on individual course materials. This outline provides uniform guidance, but the course preparer must be familiar with applicable law and the publications issued by the Attorney General and the Fair Political Practices Commission.

Of course, review of this outline and/or the linked materials, or completion of an ethics course, is no substitute for competent legal advice in a given situation. You should seek the advice of counsel if you have a specific legal question.

Curriculum Accuracy

For in-person training, the ethics law portion of any course should be delivered by an attorney licensed to practice law in California and knowledgeable about California's ethics laws. (For online and self-study training materials, the course should be prepared under the supervision of such an attorney.)

All course content should comply with the ethics laws contained in California's Constitution, statutes and common law. In addition, the course content should be consistent with the publications issued by the Office of the Attorney General, including, but not necessarily limited to, publications on conflicts of interest, the Brown Act and the Public Records Act. (See the "Publications" link on the Attorney General's web site.) Course content should also comply with the informational materials issued by the Fair Political Practices Commission, which are available at www.fppc.ca.gov

Course Sufficiency

Local government officials must receive training in two areas. Instruction should be provided on general ethics principles (Gov. Code, § 53235, subd. (d)), and the training must provide a brief summary of specific laws concerning conflicts of interests, perquisites of office and government transparency.

General Ethics Principles

The discussion of general ethical principles should include the manner in which values such as trustworthiness, respect, fairness and responsibility promote public trust in government. It should also include the importance of avoiding even the appearance of impropriety.

Conflicts of Interest, Perquisites of Office, Government Transparency

The training regarding conflicts of interest, perquisites of office and governmental transparency should include the following:

(1) Laws relating to personal financial gain by public servants, including, but not limited to:

- (A) Laws prohibiting bribery (Pen. Code, § 68).
- (B) Conflicts of Interest under the Political Reform Act (Gov. Code, §§ 87100, 87103).
- (C) Contractual Conflicts of Interest (Gov. Code, § 1090 et seq.).
- (D) Conflicts of Interest and Campaign Contributions (Gov. Code, § 84308).
- (E) Conflicts of Interest When Leaving Office (Gov. Code, §§ 87406.3, 87407).

(2) Laws relating to claiming perquisites of office, including, but not limited to:

- (A) Limitations on the Receipt of Gifts (Gov. Code, §§ 86203, 89503, 89506).
- (B) Honoraria Ban (Gov. Code, § 89502).
- (C) Misuse of Public Funds (Pen. Code, § 424; Gov. Code, § 8314; *Fair Political Practices Commission v. Suitt* (1979) 90 Cal.App.3d 125; *Stanson v. Mott* (1976) 17 Cal.3d 206).
- (D) Prohibitions against gifts of public funds (Cal. Const., art. XVI, § 6).
- (E) Mass mailing restrictions (Gov. Code, § 89001).

- (F) Prohibitions against acceptance of free or discounted transportation by transportation companies (Cal. Const., art. XII, § 7).
- (3) Government transparency laws, including, but not limited to:
- (A) Economic interest disclosure under the Political Reform Act (Gov. Code, §§ 87200 et seq.).
 - (B) Brown Act (Gov. Code, §§ 54950 et seq.).
 - (C) Public Records Act (Gov. Code, §§ 6250 et seq.).
- (4) Laws relating to fair processes, including, but not limited to:
- (A) Common law bias prohibitions.
 - (B) Due process requirements.
 - (C) Doctrine of Incompatible Offices (Gov. Code, §§ 1099).
 - (D) Competitive bidding requirements for public contracts.
 - (E) Disqualification from participating in decisions affecting family members (anti-nepotism laws).

A self-study or online course should include testing to assess the official's retention of the information presented. (§ 53235, subd. (d).)

Both in-person and self-study training materials should refer participating local agency officials to additional resources to assure that the participating official has access to the full range of information required by these curriculum guidelines. These resources may be found on the Attorney General's webpage at www.caag.state.ca.us, the Fair Political Practices Commission webpage at www.fppc.ca.gov, and the Institute for Local Government at www.ca-ilg.org/AB1234Compliance.

Once the initial ethics training has been completed, agencies may wish to focus more intensely on specific areas of concern in subsequent training sessions and provide a more cursory review of the enumerated laws. We recognize that the two hours of mandatory training is a basic minimum, and encourage agencies to provide additional training throughout the year in order to promote ethical and transparent government at the local level.

Training Deadlines

Initial Compliance Period: Local agency officials in local agency service as of January 1, 2006 (except for officials whose term of office ends before January 1, 2007), must complete their training by December 31, 2006. For local agency officials who commence service after January 1, 2006, they must complete their training by no later than one year after their first day of service in public office.¹

Subsequent Compliance Periods: After the initial training, each official must complete a training course once in each subsequent two-year period.

Learning Objectives

The Attorney General would encourage every course preparer to assure that his or her course content will satisfy the following desirable objectives:

- (1) Alert officials to the kinds of financial interests, relationships and/or activities that may either be prohibited or trigger disclosure or disqualification obligations under ethics laws described in Government Code section 53234(d).
- (2) Advise officials to 1) avoid prohibited activities, 2) comply with disclosure, disqualification and other affirmative ethics law requirements, and 3) consult with qualified legal counsel and/or regulatory authorities regarding the specifics of any situation that may involve prohibited or required conduct.
- (3) Note that ethics laws create minimum standards for ethical conduct by public officials; the public's expectations and ethics principles are likely to create a higher standard for behavior.
- (4) Advise participants of the legal and other consequences of violating ethics laws.
- (5) Include examples of conduct scenarios that are covered by the ethics laws in question.

¹ Government Code section 53235.1(b) provides as follows:

Each local agency official who commences service with a local agency on or after January 1, 2006, shall receive the training required by subdivision (a) of Section 53235 no later than one year from the first day of service with the local agency.

Proof of Participation

Government Code section 53235.2 requires local agency officials to maintain records that indicate both the dates of training and the entity that provided the training. These records are disclosable public records and must be maintained for five years after the training.



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 2(e)

ORIGINATED BY: Susan Hartman, Community Development Director –
Planning & Wastewater
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Acceptance of the 2024 Annual Report of the Paradise
Planning Commission to the Town Council Regarding the
Implementation Status of the 1994 Paradise General Plan &
Housing Element
LONG TERM RECOVERY PLAN: N/A

COUNCIL ACTION REQUESTED:

1. Acknowledge receipt of and file the Planning Commission’s annual report concerning implementation status of the 1994 Paradise General Plan and Housing Element for the 2024 calendar year.

Background:

General Plan Status

California Government Code Section 65400 requires a local planning agency (Paradise Planning Commission and staff) to annually review and provide a report to the local legislative body (i.e. the Town Council) concerning progress achieved toward the implementation of its General Plan. The wording of the Government Code Section is as follows:

Provide an annual report to the Town Council on the status of the "General Plan" and progress in its implementation, including the progress in meeting its share of regional housing needs determined pursuant to section 65584 and local efforts to remove governmental constraints to the maintenance, improvement and development of housing...

On behalf of the Paradise Planning Commission, town staff is pleased to officially submit to the Town Council its annual "Calendar Year 2024 1994 Paradise General Plan Implementation Status Report" dated March 2025 (NOTE: Refer to attached copy of the report). The content of this report reflects General Plan implementation progress made during the 2024 calendar year. The report is a culmination of a work effort of the staff and Planning Commissioners.

Similar to the contents of prior annual reports, the attached annual report is submitted in a format that is directly linked with the 1994 Paradise General Plan Volume I - Policy Document. The report specifically lists individual General Plan policies and implementation measures, their respective text page number where located within the General Plan Volume I - Policy Document, and their respective implementation status.

In order for the attached report to be meaningful, each Town Council member may wish to refer to their individual copies of the 1994 Paradise General Plan Volume I - Policy Document and the

2022-2030 Housing & Safety Elements to read the actual text of each General Plan policy or implementation measure corresponding to the comments within the report. Alternatively, you can access the documents via the Town’s website (www.townofparadise.com/planning).

During the 2024 calendar year and over the last several years, the Town of Paradise achieved additional progress toward implementation of the 1994 Paradise General Plan. The 2024 status update includes 104 new Safety Element goals and implementation measures for the Town to work towards achieving through the year 2030. As you read the attached annual report in regard to the implementation status of our Paradise General Plan you should note that updated comments regarding the past year's progress toward implementation of individual policy statements and implementation measures are shaded and bolded **thus**.

Housing Element Status

Government Code Section 65400 requires each local jurisdiction to prepare an annual report on the status and progress in implementing its General Plan Housing Element using forms and definitions adopted by the California State Department of Housing and Community Development (HCD). The annual progress report should be submitted to HCD and the Governor’s Office of Land Use and Climate Innovation (LCI) each year for the prior calendar year.

Section 65400 further states that the annual Housing Element progress report “shall be at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments.” In order to provide an opportunity for members of the public to provide this input, the Planning Commission reviewed and forwarded the report to the Town Council during their regularly scheduled meeting on February 18, 2025. Town Council acceptance of the report will facilitate its submittal to HCD and OPR as required.

The attached annual Housing Element progress report reveals that, of a total of three hundred seventy-eight (378) new dwelling units, the majority of permits issued in 2024 were for above-moderate income dwelling units. Remaining Regional Housing Needs Allocations (RHNA) for the 2022-2030 planning period are 4,476 Above Moderate, 849 Moderate, and 370 Very Low-income levels. The Town has already met its “Low” incoming housing allocation for the 2022-2030 period.

Since the adoption of the Housing Element on June 14, 2022 (Resolution 2022-39), staff continues to pursue opportunities to further the implementation of housing program objectives in addition to those programs where implementation involves ongoing directives to promote affordable housing through various means. The report contains a detailed enumeration of each newly adopted program and its implementation status as of December 31, 2024.

Financial Impact:

Acceptance of this annual Paradise General Plan and Housing Element progress report and its submittal to LCI and HCD will have no financial impact upon the Town of Paradise.



CALENDAR YEAR 2024

1994 PARADISE GENERAL PLAN

IMPLEMENTATION STATUS REPORT

**Presented to the
Paradise Town Council**

**March 11, 2025
REPORT OF THE PLANNING COMMISSION**

1994 PARADISE GENERAL PLAN
IMPLEMENTATION STATUS REPORT
FOR CALENDAR YEAR 2024

LAND USE ELEMENT:

GROWTH AND LAND USE DEVELOPMENT:

<u>Policy/ Implem. Measure</u>	<u>Text Page</u>	<u>Policy Brief</u>	<u>Implementation Status</u>
LUP-1	(6-3)	Recognize site limitations	Implemented and ongoing.
LUP-2	(6-3)	Factor in constraints analysis	Implemented and ongoing.
LUP-3	(6-3)	Minimize grading	Implementation ongoing as opportunity so afforded.
LUP-4	(6-3)	Specific Plan for south of town	Not yet implemented. Private work effort was initiated in 2006 for a portion of the secondary planning area south of town limits; and has been idle due to funding and staffing shortages. Butte County General Plan 2030 was adopted October 2010 and includes directive to develop a specific plan for a portion of this area, for which the Town will provide input.
LUP-5	(6-3)	Open Space/Ag designation	Implemented.
LUP-6	(6-3)	Annexations south of town	Not implemented due to lack of necessity.
LUP-7	(6-3)	35' maximum building height	Implemented and ongoing.
LUP-8	(6-3)	Evaluate cumulative impacts	Required by law; implemented and ongoing.
LUP-9	(6-3)	Public notice requirements	Implemented and ongoing.
LUP-10	(6-3)	Encourage planned developments	Ongoing directive; implemented as opportunities arise.
LUP-11	(6-3)	Design projects to avoid constraints	Implemented and ongoing.
LUI-1	(6-4)	Track residential growth rate	Implemented and ongoing.
LUI-2	(6-4)	Prepare Specific Plan	Not implemented. See LUP-4.

LUI-3	(6-4)	Amend PMC for grading	Implemented via Town adoption of the 2010 and 2016 California Green Building Standards Code and updated through the 2019 code adoption.
LUI-4	(6-4)	Amend zoning for GP consistency	Fully implemented (1997).

PUBLIC SERVICES AND INFRASTRUCTURE:

LUP-12; 13; 14	(6-4)	Growth not to exceed availability of public services	Implemented via planning process reforms; an ongoing directive.
LUP-15	(6-5)	Improve public service capacity	Implemented and an ongoing directive.
LUP-16	(6-5)	No discretionary residential permit unless adequate public services	Implemented and ongoing.
LUP-17	(6-5)	Encourage service districts to expand or enhance capacity	Partially implemented and ongoing as opportunities arise.
LUP-18	(6-5)	TOP and PID meet bi-annually	The Town/PID Liaison Committee did not meet in 2024.
LUP-19	(6-5)	Densities based on constraints	Implemented and ongoing.
LUP-20	(6-5)	Police and Fire service levels	Implemented and ongoing.
LUP-21	(6-5)	Assessment districts	Partially implemented and ongoing as needed.
LUP-22	(6-5)	Fees for service delivery costs	Partially implemented via the Town’s development impact fee program.
LUP-23	(6-5)	Feasibility of annexation	Implemented and an ongoing directive.
LUP-24	(6-5)	Feasibility of merging with PID	Feasibility studies are tabled by the Town pending adequate funding and other post Camp Fire factors.
LUP-25	(6-5)	Designate general locations for public and open space uses	Fully implemented.
LUP-26	(6-6)	Findings for public service and infrastructure capacity	Implemented and ongoing.
LUI-5	(6-6)	Capital improvements program	The Town developed & adopted a \$121M 5-year capital improvements program in 2020.
LUI-6	(6-6)	Assure adequate water delivery	Partially implemented and ongoing.
LUI-7	(6-6)	Implement <i>Master Storm Drain Study & Facilities Plan</i>	An updated Storm Drainage Master Plan was adopted by the Town in 2022.
LUI-8	(6-6)	Public safety impact fees	Implemented and ongoing.

LUI-9	(6-6)	Public safety service fees	Implemented and ongoing.
LUI-10	(6-6)	Development impact fees	Partially fund implemented and ongoing.
LUI-11	(6-6)	Investigate forms of assessment districts	Partially implemented and ongoing.
LUI-12	(6-6)	LAFCO to study any potential merging with special districts	Not implemented; lack of necessity prior to 2018 Camp Fire.
LUI-13	(6-6)	Monitor population trends for effects on public services	Implemented and ongoing.

LAND USE DISTRIBUTION AND LOCATION

LUP-27; LUP-28	(6-7)	Create Central Commercial Area	Implemented via Town Council adoption of Town Resolution No. 01-37 in November, of 2001.
LUP-29	(6-7)	Central Commercial area to focus on visitors	Implemented and ongoing.
LUP-30	(6-7)	CIPs for revitalization areas	Ongoing Directive. In 2023, work was completed on the Almond Street and Gap Closure projects which installed walkable pathways, lighting, landscaping, and road repairs in the Downtown.
LUP-31	(6-7)	Retail sales and infill on Skyway	Implemented and ongoing as opportunities arise.
LUP-32	(6-7)	Discourage strip development on Clark Rd	Ongoing directive.
LUP-33	(6-8)	Encourage existing strip fill in	Ongoing directive.
LUP-34	(6-8)	Larger retail to locate in centers with adequate facilities	Ongoing directive.
LUP-35	(6-8)	Professional office development	Ongoing directive.
LUP-36	(6-8)	Expand industrial park	Town efforts to acquire/develop additional business or industrial park property continue as opportunities arise.
LUP-37; 38	(6-8)	Lt Industrial/Business Park areas	Implemented.
LUP-39	(6-8)	Preserve residential neighborhoods	Ongoing directive and implemented.
LUP-40	(6-8)	Community facilities compatibility	Ongoing directive.

LUP-41	(6-8)	Airport compatibility uses	Ongoing directive.
LUP-42	(6-8)	Locations for cemeteries	Implemented.
LUP-43	(6-8)	Timber production areas	Implemented.
LUP-44	(6-8)	Locations for gateway areas	Implemented.
LUI-14	(6-8)	Provisions for mixed land uses	Implemented.
LUI-15	(6-8)	Zoning consistent with GP	Implemented.
LUI-16	(6-8)	Provide for visitor services	Implemented.
LUI-17	(6-8)	Adopt Capital Improvements Plan	Implemented. See comment for LUI-5.
LUI-18	(6-8)	Develop. guidelines for large retail	Largely implemented via adoption of town-wide design standards in March, of 2010. Updated commercial design standards in the Downtown and Community Commercial corridors were adopted in 2022.

LAND USE DENSITIES

LUP-45	(6-9)	Higher density compatibility	Ongoing directive.
LUP-46	(6-9)	Higher density locations	Partially implemented and ongoing. In 2024, worked with a grant-funded consultant to prepare a draft sewer service overlay zoning district to double the residential density for properties that are connected to the sewer.
LUP-47	(6-9)	½ acre minimum residential lot size	Ongoing implementation.
LUP-48	(6-9)	High density residential locations	Partially implemented and ongoing. See LUP-46 update.
LUP-49	(6-9)	Higher density requirements	Ongoing directive, implemented as opportunities are afforded.
LUP-50	(6-9)	Low density Multi-Family locations	Ongoing directive and partially implemented.
LUI-19	(6-9)	Zoning consistent with GP	Implemented and ongoing directive.
LUI-20	(6-9)	Make findings consistent with GP	Implemented and ongoing.
LUI-21	(6-9)	Safety standards for high density	Implemented.
LUI-22	(6-9)	Identify difficult to develop areas	Implemented and ongoing.

ECONOMIC DEVELOPMENT/REDEVELOPMENT

LUP-51	(6-10)	Attract needed industries	Partially implemented; additional implementation as new opportunities arise. A post-fire non-residential market study was completed in early 2022.
LUP-52	(6-10)	Promote reuse of empty buildings	Ongoing directive. Dissolution of RDA eliminated a primary funding source for the façade renovation program, which targeted reuse of existing buildings. In 2023 staff worked with commercial developers for the reuse of empty suites in the Holiday Shopping Center.
LUP-53, 54	(6-11)	Town theme for Central Comm.	Implemented. Town-wide Design Standards are adopted. Various PMC sign regulation changes adopted in 2010 have assisted as well. Refer to LUI-18.
LUP-55	(6-11)	35’ max commercial height	Implemented and ongoing.
LUP-56	(6-11)	Screen commercial parking areas	Ongoing directive; implemented.
LUP-57	(6-11)	Artisan and tourist center	Chamber of Commerce and the Paradise Art Association continue to sponsor cultural events. The Town has formed a committee that includes local business owners as part of an effort to promote Downtown beautification and commerce.
LUP-58	(6-11)	Create scenic gateway areas	Ongoing directive; partially implemented.
LUP-59	(6-11)	Support retention of open space	Ongoing directive.
LUP-60	(6-11)	Common theme for gateway areas	Implemented via PMC zoning code text amendments and adoption of design standards in 2010.
LUP-61	(6-11)	Eliminate unsightly materials near entrances to town	Ongoing directive.
LUP-62; 63	(6-11)	Promote town as tourist destination	Ongoing and partially implemented.
LUP-64	(6-11)	Bed and breakfast locations	This directive is implemented via Town’s zoning regulations.
LUP-65	(6-11)	Develop destination resort	Ongoing directive, but not implemented.
LUP-66	(6-11)	Update <i>Downtown Revitalization Plan</i> as needed	Adopted plan implementation is promoted via 2010 adoption of Design Standards. Town Council initiated the process of an updated Downtown Master Plan in 2024 which included identifying a walkable

			downtown core and recommending amendments to existing land uses to support that initiative.
LUP-67	(6-12)	Sites for business park	Partially implemented. See LUP-51.
LUI-23	(6-12)	Calif. "Main Street" program	Functionally Implemented. "Main Street" concepts/components were incorporated within the adopted Downtown Revitalization Plan and the 2010 Design Standards.
LUI-24	(6-12)	Promote farmers market	Ongoing implementation. The Town Council gave staff direction in November 2024 to move forward with the process of amending the zoning ordinance to allow farmers markets in the downtown.
LUI-25	(6-12)	Staffing business development Programs and activities	Ongoing implementation.
LUI-26	(6-12)	Design guidelines for commercial	Implemented. Refer to LUI-18.
LUI-27	(6-12)	Enforce comm. zoning ordinance	Implemented.
LUI-28	(6-12)	Design review committee	Not ongoing or needed since 2010 due to adoption of Town's Design Standards.
LUI-29	(6-12)	Apply design guidelines to existing businesses	Implemented.
LUI-30	(6-12)	Land use controls in gateways	Implemented via adoption of scenic highway corridor zoning regulations and 2010 adoption of Design Standards specific to gateway areas.
LUI-31	(6-12)	Funding for gateway areas	Partially implemented as opportunities arise.
LUI-32	(6-12)	Upgrade entrance signs	A post-Camp Fire volunteer group, "The Sign Committee", conducted an online vote for new entrance signs to Town and is working on funding to replace them. The entrance sign on Skyway completed construction in 2022.
LUI-33	(6-12)	Review sign regulations	Ongoing directive and implemented.
LUI-34	(6-12)	Promote completion of auditorium	Implemented.
LUI-35	(6-12)	Facilitate weekend tourist events	Implementation ongoing. In 2023, the Recovery & Economic Development Dept coordinated and supported monthly TOP-POP weekend events highlighting local businesses.
LUI-36	(6-12)	Parking facilities study	Ongoing directive as part of the Downtown Revitalization Master Plan.

LUI-37	(6-12)	Improve code enforcement program	Implemented and ongoing as funds permit. Additional code enforcement staff was brought on in 2021.
LUI-38	(6-12)	Outdoor display ordinance	Implemented via adoption of ord. No. 550 in 2014 (see LUI-37 also).
LUI-39	(6-13)	Relocate nonconforming uses	Ongoing directive.

INTERGOVERNMENTAL COORDINATION

LUP-68	(6-13)	Use BCAG for land use decisions	Ongoing and partially implemented as opportunities are afforded.
LUP-69	(6-13)	Regional decision making	Ongoing and partially implemented as opportunities are afforded.
LUP-70	(6-13)	Butte County urban reserve policy	Ongoing and partially implemented as opportunities are afforded.
LUP-71	(6-13)	Protection of Paradise watershed	Ongoing and partially implemented as opportunities are afforded.
LUI-40; 41; 42	(6-13)	Coordination with Butte County	Ongoing and partially implemented as opportunities are afforded.

LAND USE CONTROLS

LUP-72	(6-14)	Relocation of nonconforming uses	Ongoing directive.
LUP-73	(6-14)	Discourage expansion of legal nonconforming uses	During post Camp Fire in 2019 the Town adopted specific and short-term natural disaster regulations within Section 17.39.300 [Restoration of damaged nonconforming use] of the Paradise Municipal Code.
LUP-74	(6-14)	Improve code enforce program	Implemented and ongoing. The Butte County Abandoned Vehicle Abatement Authority was renewed on the 2024 ballot of which the Town is a member jurisdiction.
LUP-75	(6-14)	Comm. handicap accessibility	Ongoing and implemented.
LUP-76	(6-14)	Revise local CEQA guidelines	Implemented.
LUI-43; 44	(6-14)	Zone parcels consistent with GP	Implemented.
LUI-45	(6-14)	Consistently enforce regulations	Implemented and ongoing.

TERTIARY PLANNING AREA

LUP-77; 78; 79	(6-15)	Projects in tertiary area should not be approved if adverse impacts on Town of Paradise	Ongoing directive.
LUP-80; 81	(6-15)	Projects in tertiary area should have open space	Ongoing directive.
LUP-82	(6-15)	Projects in tertiary area should Acknowledge high fire hazards	Ongoing directive.
LUI-46; 47	(6-15)	Coordinate with county agencies/districts	Implemented and ongoing. Town staff provided input in 2024 for the PID master services review through LAFCo.
LUI-48	(6-15)	Joint powers agreements	Partially implemented.
LUI-49	(6-15)	Expand Sphere of Influence	Partially implemented.

CIRCULATION ELEMENT:

CP-1	(6-18)	LOS “D” or better for roadways	Partially implemented and ongoing.
CP-2	(6-18)	Circulation problems eliminated	In March 2022 a new Paradise Transportation Master Plan was adopted which identifies needed roadway improvements/connections. In late 2022, the Town prioritized identified road projects for its +/- \$229M CDBG-DR Infrastructure allocation to be carried out between 2023-2028.
CP-3	(6-18)	Impacts of street extensions	Ongoing directive and implemented.
CP-4	(6-19)	Mitigate circulation impacts	Ongoing and implemented on case-by-case basis.
CP-5	(6-19)	Upper Ridge roadway impact fees	Partially implemented and ongoing. Butte County collects development impact fees for upper ridge development, a portion of which is earmarked for Skyway and Clark Roads in Paradise.
CP-6	(6-19)	Additional street connections	Ongoing directive. Refer to CP-2.
CP-7	(6-19)	New traffic signal synchronization	Partially implemented. Synchronized traffic signals from Elliott Road to Neal Road along Skyway were completed in 2014. Grant secured in 2015 will fund signalization of the Black Olive Drive/Skyway intersection, further improving signal synchronization along Skyway.

CP-8	(6-19)	Regulate truck routes	Implemented and ongoing.
CP-9	(6-19)	Establish park-and-ride facilities	Ongoing, partially implemented as opportunities afforded.
CP-10	(6-19)	Sidewalk and pathway program	Ongoing directive. Pearson Road improvements/signalization at Recreation Drive were completed in 2013. Infill sidewalks, curbs and gutters along Pearson Road between Academy Dr. and Skyway was constructed in 2017. Grant funding has been secured for environmental review and design for new sidewalks along Birch, Elliott, Foster and Black Olive Drive. Grant funding was secured for construction of new sidewalks along Pearson Road between Academy and Black Olive Drives. The Almond Street and Gap Closure projects installed walkable pathways, lighting, landscaping, and road repairs in the Downtown.
CP-11	(6-19)	Bicycle and hiking trails	Ongoing directive; partially implemented. The Downtown Paradise Safety Project installed bicycle lanes along Skyway between Elliot and Pearson Roads in 2014. Bicycle lanes along Pearson Rd. between Pentz and Clark Roads and along Maxwell Dr. were largely completed in 2015. Shoulder widening and the addition of bicycle lanes on Pearson Road from Clark Road to Pentz Road was completed in 2016. Construction/installation of flashing beacons at trailway crossing of major streets completed in 2018. Class 1 multi-use paths are included in multiple road improvement projects allocated for the CDBG-DR infrastructure funding in 2022 to be completed between 2024-2026.
CP-12	(6-19)	Butte County road standards	Implemented. Butte County and the Town have adopted compatible road standards for the Town's Sphere of Influence.
CP-13	(6-19)	Trip reduction plan programs	Partially implemented and ongoing. In 2022, the Town adopted local-level VMT policies from the 2020 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) from BCAG for reducing vehicle miles traveled at a project level.
CP-14	(6-19)	Senior and handicapped transit	Ongoing directive; partially implemented via B-Line Paratransit service.
CP-15	(6-19)	Expand public transit services	Consolidation of County-wide transit services has helped promote implementation.
CP-16	(6-19)	Improve commercial parking	Ongoing directive implemented as opportunities arise. Construction of an

			additional public parking facility in the Central Commercial area was completed in 2011.
CP-17	(6-19)	Improving traffic flows	Ongoing and partially implemented.
CP-18	(6-20)	Roadway extension workshops	Ongoing and partially implemented.
CP-19	(6-20)	Increase transit opportunities	Partially implemented. The component regarding children has not been implemented due to lack of available funding.
CP-20	(6-20)	Town Engineer to review circulation studies for revision	BCAG development of a Regional Transportation Plan initiated in 2014/2015 has assisted. The 2022 Transportation Master Plan reviewed the Town's daily traffic needs.
CI-1	(6-20)	Access standards along arterials.	Ongoing directive.
CI-2	(6-20)	Road connection feasibility study	Completed in the March 2022 Transportation Master Plan.
CI-3	(6-20)	Establish development impact fees	Implemented and ongoing.
CI-4; 5	(6-20)	Regional traffic maintenance	Ongoing and partially implemented.
CI-6	(6-20)	Locations for pathways	Ongoing and partially implemented. Additional opportunities identified in the Action Transportation Plan section of the 2022 Transportation Master Plan and are partially funded through the CDBG-DR infrastructure allocation.
CI-7	(6-20)	Pedestrian pathways for private development	Partially/potentially implemented by covenant agreements.
CI-8	(6-20)	Improve road shoulders	Ongoing implementation via various public infrastructure projects.
CI-9	(6-20)	Transportation facilities	Ongoing directive.
CI-10	(6-21)	Utilizing transportation funds	Ongoing implementation as funds permit.
CI-11	(6-21)	Butte County Circulation Element	Refer to comment for CP-5.

HOUSING ELEMENT:

NOTE: A separate report detailing implementation of the Town of Paradise Housing Element is prepared for Planning Commission review and recommended referral to the Town Council. The format and contents of the Housing Element report is dictated by the

California Department of Housing and Urban Development and is therefore generated as a stand-alone, but related document.

NOISE ELEMENT:

NP-1	(6-33)	Noise level acoustical analysis	Ongoing implementation as needed.
NP-2	(6-33)	Transportation noise levels	Ongoing implementation as needed.
N-3	(6-33)	Exterior noise levels	Ongoing implementation as needed.
N-4	(6-33)	Noise mitigation measures	Ongoing implementation as needed.
N-5	(6-33)	Acoustical analysis standards	Ongoing implementation as needed.
N-6; 7	(6-33)	Paradise Skypark Airport levels	Ongoing implementation as needed.
NP-8	(6-33)	Preserve quiet residential areas	Ongoing directive.
NP-9	(6-33)	Control obtrusive noise	Ongoing implementation via noise regulations of the Paradise Municipal Code.
NP-10	(6-34)	Development near care facilities	Ongoing implementation as needed.
NI-1; 2	(6-34)	Monitor mitigation compliance	Ongoing implementation as needed.
NI-3	(6-34)	Noise insulation standards	Implemented and ongoing.
NI-4; 5	(6-34)	Review and update noise element	Ongoing implementation as required.
NI-6	(6-34)	Improve noise ordinance	Implemented and ongoing.
NI-7	(6-34)	Adopt Airport Land Use Plan	Implemented.

2024 SAFETY ELEMENT (SEPARATE DOCUMENT):

SP-1	(39)	Consider extreme heat days in Development design	Ongoing directive.
SP-2	(39)	Evaluate home hardening methods	No action.
SP-3	(39)	Balance mandates with affordability	Ongoing directive.
SP-4	(39)	Use best available science for hazard mapping	Ongoing directive.

SP-5	(39)	Encourage infill near evac routes	Draft sewer service overlay zoning proposes to increase density in the Sewer Service Area which is along major evacuation routes.
SP-6	(39)	Enforce SRA fire safety standards	Ongoing directive.
SP-7	(39)	Limit building in buffer areas	The Town and PRPD are actively working to identify high priority parcels for wildfire buffers as part of the OPR ICARP grant.
SP-8	(40)	Building assessment for retrofit	Self-identified standing homes in need of retrofit for fire safety were cleared for participation in a FEMA grant funded home hardening program in 2024; construction to begin in 2025.
SP-9	(40)	Develop maps and standards to protect habitat	No action.
SP-10; 11	(40)	Enforce Fire Code and SRA code	The Town is enforcing the current 2022 CA Fire Code and will adopt the new 2025 CA Fire Code in late 2025. The SRA fire codes have not yet been incorporated into the Town's municipal code.
SP-12	(40)	New fire stations w/in 5 min call	Ongoing directive.
SP-13	(40)	Maintain ISO rating of 3 or better	Ongoing directive.
SP-14	(40)	Reduce the impact of pollutants	Ongoing directive.
SP-15	(40)	Flood hazard building impacts	New construction within Special Permit Zones are subject to the Town's updated development standards for building in areas prone to flooding.
SP-16	(40)	No toxic discharge into waterways	Ongoing directive.
SP-17	(40)	Minimize soil erosion on projects	Ongoing implementation as needed.
SP-18; 19	(40-41)	Regional hazardous waste facilities	Ongoing directive.
SP-20	(41)	Local review of hazard facilities	Ongoing directive.
SP-21	(41)	Trans routes for hazardous waste	Ongoing implementation as needed. The Town already has designated truck routes.
SP-22	(41)	Hazardous waste facilities consistent with BC Public Health & state law	Ongoing directive.
	SI-1	(41) Reduce heat impacts	Updated commercial design guidelines call for at least 50% of landscaping to provide shade over parking lots.
SI-2	(41)	Review building standards against fire resistance for add'l mitigations	Ongoing directive. See SP-8 for FEMA retrofit program update.
SI-3	(42)	Incentivize not building in buffers	See SP-7 for an update on mapping the wildfire buffers. No action yet on

			incentives to not build in those areas.
SI-4	(42)	Update PMC with SRA fire regs	Not fully implemented at this time, though the Town has adopted the PRC 4291 standards (defensible space) into the municipal code.
SI-5	(43)	Fire Protection Plans	Not fully implemented at this time, though the Town is requiring emergency vehicle access, addressing, defensible space, & fire safe building construction.
SI-6	(43)	Stormwater management	Stormwater management for new construction is regulated by erosion and sediment control plans and grading permits through the Engineering Division.
SI-7	(43)	Reopen local HHW facility	In the updated solid waste franchise agreement, thresholds for reopening the local HHW facility were included.
SI-8	(43)	Adequate emergency response	New parcel maps, subdivisions, and large commercial/residential developments are reviewed by police and fire to determine adequate resources to support.
SP-23	(44)	Seek funding for efficient HVACs	Ongoing directive.
SP-24	(44)	Policies harmonize w/ climate action	Ongoing directive.
SP-25	(44)	Community capacity inventory	No action.
SP-26	(44)	Enforce Storm Drain Maser Plan	Ongoing directive.
SP-27	(44)	Infrastructure recovery projects	In 2024, the Town continued to complete public road rehabilitation and provided new roadside evacuation zone signs.
SP-28	(44)	Airport safety compatibility	Ongoing implementation as needed.
SP-29	(44)	Public facilities on evac routes	Ongoing directive.
SI-9	(44)	Incentives for alt energy appliances	No action.
SI-10	(44)	Maintain & map community assets	No action.
SI-11	(45)	Improve road infrastructure	The Public Works Dept continues to complete post-fire road rehab projects and CIPs which widen evacuation routes.
SI-12	(45)	ALUC review within airport area	Ongoing directive.
SI-13	(45)	Designate public facilities along evac routes	Ongoing implementation as needed.
SP-30	(46)	Climate change signage	No action.
SP-31	(46)	Hazard risk disclosure to renters	Ongoing directive.

SP-32	(46)	Wildfire risk education	Ongoing directive.
SP-33	(46)	EOC training for staff and public	Ongoing directive. Town staff took part in a full-scale EOC training in June 2024 and tests the emergency sirens on the 15 th of every month for the public to get used to how they operate.
SP-34	(46)	HHW safety education	Ongoing directive, no printed materials prepared yet.
SI-14	(46)	Public trails climate change signage	No action.
SI-15	(46)	Ord. for risk disclosure to renters	No action.
SI-16	(47)	Disseminate info on wildfire risk	Ongoing directive. The Town staff's booths at community events to distribute educational materials about wildfire safety.
SP-35	(47)	Implement the Emergency Op Plan	Ongoing directive.
SP-36	(47)	Prioritize needs of disadvantaged communities during recovery	Ongoing directive.
SP-37	(47)	Post-disaster policies to reduce risk	The Town adopted a 5' non-combustible zone around new structures, to include landscaping, and IBHS Wildfire Prepared Home standards.
SP-38	(48)	Adequate access for new bldgs	Ongoing directive.
SP-39	(48)	Enact Master Transportation Plan	Ongoing implementation as opportunities present.
SP-40	(48)	Prohibit bldg. on lots w/o access	Ongoing directive.
SP-41	(48)	Redundant communication system	Ongoing and implemented though CodeRED, warning sirens, press releases, AM 1500 radio, & social media/website posts.
SP-42	(48)	Community disaster event training 2x/yr for cooperators/public	Ongoing directive.
SP-43	(48)	Emergency aircraft landing area	No action.
SI-17	(48)	Support affordable housing funding	The Town secured \$83M in direct CDBG-DR allocations for post-fire affordable housing and currently have over 100 units completed or in construction with another 142 units entitled pending tax credit allocations.
SI-18	(48)	Develop After Action Report	Ongoing and implemented for any incident proclaimed a state of emergency by the governor.
SI-19	(49)	Disaster response infrastructure	The Town's early warning system (sirens) went fully online in 2024 and evacuation route improvements continued though CIP projects funded by CDBG-DR infrastructure grants.

SI-20	(49)	Early noticing for constrained areas	Ongoing directive.
SP-44	(49)	Adopt an urban canopy ordinance	No action.
SP-45	(49)	Support acquisition of buffers	See SP-7 update.
SP-46	(49)	Reduce wildfire smoke hazards	No action.
SP-47	(50)	Fuel reduction in forested areas	The Town has supported the Butte County Fire Safe Council in their 10-year fuels management plan within Town limits.
SP-48	(50)	Enforce defensible space program	The Town brought on additional fire prevention inspectors through FEMA HMGP funds which helped to bring the Town to a 96% compliance rate for 2024. Non-compliant properties adjoining standing structures were approved for abatement by the Town.
SP-49	(50)	Help fund veg mgmt. for low income	No action.
SI-21	(50)	Identify and fund wildfire buffers	See SP-7 update.
SI-22	(50)	Private and public defensible space	The Town continues to implement its annual roadside vegetation management program and enforce defensible space requirements.
SI-23	(51)	Enforce state fire code	The Town has adopted the most recent (2022) CA Fire Codes and adopted PRC 4291 in the municipal code.
SP-50	(51)	Encourage low water landscape	Through State grant funds, the Town provides free residential landscape plans on its website that are focused on low water use, drought-tolerant, native, and fire-resistant plant species.
SP-51	(51)	Outreach about climate change	No action.
SP-52	(51)	Promote resiliency of structures	Through FEMA HMGP funds, standing structures have the opportunity to retrofit their structures to more fire-resistant exterior building materials.
SP-53	(51)	Complete full Gen Plan update	Two of the seven Elements have been updated, with the remaining five to begin in 2025.
SP-54	(51)	Infrastructure for extreme weather	Roads, drainage culverts, and utilities are being designed and replaced to support safer evacuation routes.
SI-24	(51)	Checklist for bldg. site adaptation	No action.
SI-25	(51)	Add resiliency to Gen Plan policies	No action.
SP-55	(52)	Support fire resilient forests	No action.
SP-56	(52)	Adopt CA fire code w/ amendments	Implemented and on-going.
SP-57	(52)	Coord. hazard mitigation updates	The Town is currently working with Butte County on the update to the

SP-58	(52)	Oversee climate action strategies	Local Hazard Mitigation Plan. No action.
SP-59	(52)	Report progress of Safety Element	Implemented, and on-going, annual implementation reports are prepared by Planning staff for review by the Planning Commission and Town Council before being submitted to the State Office of Land Use and Climate Innovation (LCI).
SP-60	(52)	Support fuel reduction in forests	See SP-47.
SP-61	(52)	Enforce defensible space program	See SP-48.
SP-62	(53)	Ensure maint. of water supplies	Town staff and Paradise Irrigation District staff meet once a month to discuss projects that affect water supply, fire flow, and system maintenance.
SI-26	(53)	Inter-agency preparedness coord.	The Town coordinates with cooperator agencies for EOC exercises, supports defensible space activities by the Butte County Fire Safe Council, and enforcing hazard abatement at a parcel level (see SP-48).
SI-27	(53)	Maintain the LHMP & CWPP	Ongoing directive.
SP-63	(54)	Education to reduce fire risk	Building stakeholders meeting was held in 2024 which focused on the Town's defensible space requirements.
SP-64	(54)	Response plan for high heat days	No action.
SP-65	(54)	Involve all in adaptation planning	Ongoing directive.
SP-66	(54)	Diversify outreach methods	Ongoing directive.
SP-67	(54)	Recognize programs and properties that mitigate against fire	Local fire wise communities and a Wildfire Prepared Home have been publicly recognized as a means to inform the public about wildfire mitigations at a property level.
SI-28	(54)	Inclusive education and engagement	Ongoing directive.
SI-29	(55)	Plan fire prevention workshop	No action.
SP-68	(55)	Advocate for resiliency funding	Ongoing directive.
SP-69	(55)	Integrate hazard mitigation in plans	Ongoing directive.
SP-70	(55)	Explore funding for fire resiliency	As part of the grant funded wildfire buffer project with PRPD, long-term funding mechanisms are being explored.
SP-71	(55)	Engage with insurance companies	The Town hosted a meeting with the State Insurance Commissioner and

			Mercury Insurance in November 2024 to discuss fire mitigation measures the Town has taken to promote insurability.
SP-72	(55)	Encourage utility companies to enhance lifeline programs	No action.
SP-73	(56)	Update Federal Advocacy Platform	The 2021 Advocacy Platform was updated in 2023 and is on a 2-year update cycle.
SI-30	(56)	Work regionally for funding and information-sharing	The Town works regionally to prepare the LHMP & CWPP and participates in speaking on panels and roundtables to learn best practices and share fire recovery experiences.
SI-31	(56)	Maintain Federal Advocacy Platform	Town staff and Councilmembers traveled to Washington D.C. in 2024 to advocate for federal support of resiliency projects.

OPEN SPACE/CONSERVATION ELEMENT:

OCEP-1; 2; 3	(6-49)	Scenic highway corridors	Implemented.
OCEP-4	(6-49)	New billboard size and location restrictions	Implemented and ongoing.
OCEP-5; 6	(6-49)	Protecting scenic view corridors	Ongoing implementation as needed.
OCEI-1	(6-50)	Development standards to maintain Integrity of scenic highway	Implemented via Town adoption of scenic highway zoning regulations.
OCEI-2	(6-50)	Utility locations in gateways	Implemented as needed.
OCEI-3	(6-50)	New billboard regulations	Implemented and ongoing.
OCEP-7	(6-51)	Open space as infill tool	Implemented, ongoing directive.
OCEP-8	(6-51)	Trailways with new development	Ongoing and partially implemented as needed; Yellowstone Kelly Heritage Trailway (formerly Paradise Memorial Trailway) extension completed in 2010 indicates progress.
OCEP-9	(6-51)	Public access to Lookout Point	Implemented and ongoing via Butte County.
OCEP-10	(6-51)	Linear park around trailway	Partially implemented/ongoing via Trailway Plan & recent improvements.

OCEP-11	(6-51)	Work with PRPD for park locations	Implemented and ongoing.
OCEP-12	(6-51)	Work to acquire open space	Ongoing directive and merits implementation due to 2018 Camp Fire circumstances. A joint grant application between TOP and PRPD was awarded by the State Office of Planning & Research (OPR) in 2024 to fund the planning of implementation of wildfire buffers along the periphery of Town.
OCEI-4;	(6-51)	Work with PRPD to develop open space specific plan	The PRPD adopted a revised and updated 15-year District Master Plan during 2010 that will assist in implementation of this directive.
OCEI-5	(6-51)	Park facilities consistent with GP	Implemented and ongoing.
OCEI-6	(6-51)	Expansion of Sphere of Influence	Not implemented due to lack of necessity.
OCEI-7	(6-51)	Open space east of Neal Rd	Partially implemented as an ongoing directive.
OCEP-13	(6-52)	Protect large trees	Ongoing directive and implemented as opportunities afforded.
OCEP-14; 15	(6-52)	Maintenance of natural habitat	Partially implemented and ongoing.
OCEP-16	(6-52)	Protect area fisheries	Partially implemented and ongoing.
OCEP-17	(6-52)	Protect deer herd migration routes	Ongoing directive.
OCEP-18; 19	(6-53)	Protect view sheds	Ongoing and partially implemented.
OCEP-20; 21	(6-53)	Protect neighboring views	Ongoing and partially implemented.
OCEP-22	(6-53)	Underground utilities encouraged	Partially implemented and ongoing. The Town established two new underground utility districts in 2016. During 2019 PG&E agreed to and commenced undergrounding some of its electrical transmission lines along the Skyway and within the Town. During 2024, PG&E continued to install multiple miles of underground utilities.
OCEP-23	(6-53)	Preserve groundwater quality	Implemented and ongoing.
OCEP-24; 25	(6-53)	Protect town's water resources	Implemented and ongoing.
OCEP-26	(6-53)	Keep natural riparian vegetation	Partially implemented and ongoing via case-by-case analysis.
OCEP-27	(6-53)	Land uses near sensitive lands	Implemented and ongoing.
OCEP-28	(6-53)	Control grading in subdivisions	Implemented and ongoing.
OCEP-29	(6-53)	Golf course operation encouraged	Ongoing directive.
OCEP-30	(6-53)	Grey water usage ordinance	Implemented and ongoing. The Town adopted grey water use regulations

OCEP-31	(6-53)	Retention of agricultural lands	in 2014.
OCEP-32;33	(6-53, 54)	Identify ag and timber lands	Ongoing partial implementation.
OCEP-34; 35	(6-54)	Support programs to recycle	Implemented.
OCEP-36	(6-54)	Archaeologically sensitive lands	Implemented/ongoing via execution of a solid waste franchise agreement with NRWS.
OCEI-8	(6-54)	Develop standards for stream and drainage way protection	Implemented and ongoing.
OCEI-9	(6-54)	Low density on sensitive land	Implemented and ongoing.
OCEI-10	(6-54)	Regulations for creek discharges	Implemented and ongoing via RWQCB and the Town's Wastewater Management District.
OCEI-11	(6-54)	Seek grants for reforestation	Partially implemented and ongoing as opportunity affords itself.
OCEI-12	(6-54)	Mitigation for tree removal	Largely implemented via tree ordinance regulations.
OCEI-13	(6-54)	Encourage Arbor Day	Ongoing directive.
OCEI-14	(6-54)	Preserve natural wildlife areas	Implemented and ongoing.
OCEI-15	(6-54)	Undergrounding utilities	Partially implemented and ongoing. See OCEP 22.
OCEI-16	(6-54)	Acquire conservation easements	Not implemented; lack of funding.
OCEI-17	(6-54)	Establish Williamson Act program	Not implemented; lack of local opportunities.
OCEI-18	(6-55)	Compliance with CEQA archaeological impacts	Implemented and ongoing directive.
OCEI-19; 20	(6-55)	Use of qualified archaeologists	Implemented and ongoing.
OCEI-21; 22; 23; 24	(6-55)	Implement recycling programs	Implemented and ongoing. See OCEP-34; 35 and SP-18; 19 comments
OCEI-25	(6-55)	Eliminate leaf burning	Progress toward implementation has been achieved; the post-fire reopening of the green waste yard has helped reduce the need to burn.
OCEI-26	(6-55)	Support water conservation	Partial implementation and ongoing. See note for LUP-6 and LUP-18.
OCEI-27	(6-55)	PRPD impact mitigation program	Implemented and ongoing.
OCEP-37	(6-56)	Cogeneration possibilities	Not implemented due to a history of limited opportunities and constraints predating the 2018 Camp Fire.
OCEP-38	(6-56)	Support recycling	Required by State law; implemented and ongoing.
OCEP-39	(6-56)	Siting of multi-family housing	Ongoing directive. In 2024, the Planning Commission approved a 10-unit

multi-family housing development near shopping areas and on a main arterial with access to the local bus system.

OCEP-40	(6-56)	Commercial sign design	Implemented by Town-wide Design Standards adopted in 2010 and updated in 2022.
OCEP-41	(6-57)	Landscape plan standards	Implemented and ongoing. Landscaping was incorporated into the updated Design Standards for the Downtown and Community Commercial corridors in 2022.
OCEP-42	(6-57)	Pedestrian and bicycle consideration in new subdivisions	Ongoing and partially implemented on a case-by-case basis.
OCEP-43	(6-57)	Bike lanes on collector streets	Implemented as opportunities arise.
OCEI-28	(6-57)	Energy conservation partnership	Partially implemented and ongoing.
OCEI-29	(6-57)	Energy conservation ordinance	Functionally implemented through adoption of 2022 Green Building Standards.
OCEI-30	(6-57)	Energy conservation in zoning	Ongoing directive.

EDUCATION AND SOCIAL SERVICES ELEMENT:

SOCIAL SERVICES ELEMENT - (Education and Schools)

ESP-1-7	(6-59)	School siting requirements	Ongoing directives; implemented as opportunities arise.
ESP-8	(6-60)	PUSD review of rezone	Ongoing directive.
ESP-9; 10	(6-60)	PUSD considerations for density	Implemented and ongoing.
ESI-1	(6-60)	PUSD to review GP amendments	Implemented and ongoing.
ESI-2	(6-60)	Notify PUSD of Fed or State develop.	Ongoing directives implemented as opportunities arise.
ESI-3; 4	(6-61)	Ongoing review of school sites	Ongoing directives implemented as opportunities arise.
ESI-5	(6-61)	Findings for school capacities	Not implemented.
ESI-6	(6-61)	PUSD impact mitigation program	Not implemented; prohibited by California State law.

SOCIAL SERVICES ELEMENT - (Senior Services):

ESP-11-13	(6-62)	Needs of the aging and elderly	Partially implemented and ongoing.
ESP-14-16	(6-62)	Help improve senior facilities/svcs	Partially implemented and ongoing.
ESI-7	(6-62)	Work with senior groups	Partially implemented and ongoing but no formally established liaison.
ESI-8; 9	(6-62)	Add Community Services land uses	Implemented.
ESI-10	(6-62)	Alternative means to improve svcs	Partially implemented via federally funded Town housing programs.

SOCIAL SERVICES ELEMENT - (Child Day Care):

ESP-17-19	(6-63)	Large family daycare requirements	Implemented.
ESI-11	(6-63)	Streamline large family daycares	Implemented. Updated large family daycare ordinance in 2021 to comply with current state law requiring they be treated the same as small family daycares (permitted-by-right).

SOCIAL SERVICES ELEMENT - (The Arts)

ESP-20	(6-64)	Encourage art and retail crafts	Partially implemented and ongoing as opportunities are afforded.
ESP-21	(6-64)	Dramatic theater facility siting	Implemented and ongoing.
ESP-22	(6-64)	Add arts program opportunities	Implementation ongoing.
ESP-23	(6-64)	Local arts education program	Partially implemented and ongoing.
ESI-12	(6-64)	Ongoing support of the arts	Partially implemented, but no formally established liaison.
ESI-13	(6-64)	Feasibility of art related incentives	Not being implemented by local government efforts but via private sector (Paradise Ridge Chamber, etc.).
ESI-14	(6-64)	Display local art within Town Hall	Partially implemented and ongoing. No art, through the Paradise Art Center, has been displayed post-fire or during COVID due to restricted access to the building.
ESP-24	(6-65)	Education on value of library	Limited implementation effort.
ESP-25	(6-65)	Assist in funding library programs	Not implemented. Such opportunities have yet to materialize.
ESP-26	(6-65)	Support offerings of local library	Limited implementation effort.

SOCIAL SERVICES ELEMENT - (Library Services)

ESI-15	(6-65)	TOP and library liaison	Limited implementation effort.
ESI-16	(6-65)	Consolidate library with TOP	Not implemented. No advocacy nor demand for implementation currently exists.

SOCIAL SERVICES ELEMENT - (Activities for Teenagers):

ESP-27; 28	(6-66)	Facilities available for teens	Implemented and ongoing. PRPD programs/activities contribute greatly as does the newly reopened Boys & Girls Club in 2022.
ESP-29	(6-66)	Solicit teen input	Limited implementation as opportunities are afforded.
ESI-17; 18	(6-66)	Develop avenues for teen input	Implemented as the opportunity arises.
ESI-19	(6-66)	Teens on citizen committees	Limited opportunities for implementation.

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Jurisdiction	Paradise	
Reporting Year	2024	(Jan. 1 - Dec. 31)
Planning Period	6th Cycle	06/15/2022 - 06/15/2030

**ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation**

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
Please contact HCD if your data is different than the material supplied here

Table B															
Regional Housing Needs Allocation Progress															
Permitted Units Issued by Affordability															
		1	Projection Period	2										3	4
Income Level		RHNA Allocation by Income Level	Projection Period - 12/31/2021-06/14/2022	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total Units to Date (all years)	Total Remaining RHNA by Income Level	
Very Low	Deed Restricted	383	-	-	-	-	-	-	-	-	-	-	13	370	
	Non-Deed Restricted		3	1	7	2	-	-	-	-	-	-			
Low	Deed Restricted	374	-	-	-	-	-	-	-	-	-	-	416	-	
	Non-Deed Restricted		65	44	116	191	-	-	-	-	-	-			
Moderate	Deed Restricted	1,319	-	-	-	-	-	-	-	-	-	-	470	849	
	Non-Deed Restricted		82	127	218	43	-	-	-	-	-	-			
Above Moderate		5,103	200	130	155	142	-	-	-	-	-	627	4,476		
Total RHNA		7,179													
Total Units			350	302	496	378	-	-	-	-	-	-	1,526	5,695	
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).															
		5											6	7	
		Extremely low-Income Need		2022	2023	2024	2025	2026	2027	2028	2029	2030	Total Units to Date	Total Units Remaining	
Extremely Low-Income Units*		192		-	4	-	-	-	-	-	-	-	4	188	

*Extremely low-income housing need determined pursuant to Government Code 65583(a)(1). Value in Section 5 is default value, assumed to be half of the very low-income RHNA. May be overwritten.

Please Note: Table B does not currently contain data from Table F or Table F2 for prior years. You may login to the APR system to see Table B that contains this data.

Note: units serving extremely low-income households are included in the very low-income RHNA progress and must be reported as very low-income units in section 7 of Table A2. They must also be reported in the extremely low-income category (section 13) in Table A2 to be counted as progress toward meeting the extremely low-income housing need determined pursuant to Government Code 65583(a)(1).

Please note: For the last year of the 5th cycle, Table B will only include units that were permitted during the portion of the year that was in the 5th cycle. For the first year of the 6th cycle, Table B will only include units that were permitted since the start of the planning period. Projection Period units are in a separate column.

Please note: The APR form can only display data for one planning period. To view progress for a different planning period, you may login to HCD's online APR system, or contact HCD staff at apr@hcd.ca.gov.

- VLI Deed Restricted
- VLI Non Deed Restricted

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Jurisdiction	Paradise		
Reporting Year	2024	(Jan. 1 - Dec. 31)	
<i>D_1_Name</i>	<i>D_2_Objective</i>	<i>D_3_Time</i>	<i>D_4_Status</i>

Table D

Program Implementation Status pursuant to GC Section 65583

Housing Programs Progress Report

1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
HI-1 Reduce Infrastructure constraints to development	Continue to reduce infrastructure constraints to new development.	Annually an ongoing to 2030	A grant application for \$182M to construct the sewer was submitted to the State Water Board Division of Financial Assistance (DFA) on June 1, 2023 and found out in 2024 that the Town was not chosen for funding. Town staff is working to secure alternate funding for a treatment facility. 10,700 septic system installation maps were scanned and made available to the public to review and download online.
Affordable Housing Resources	Continue to promote affordable housing by working with and assisting developers who are interested in producing affordable housing and by providing staff support.	Housing stakeholders group held by July 2022. Affordable housing brochure prepared by December 2022.	The Housing Division convened a Housing Advisory Committee which includes affordable housing developers that meets once a month to discuss housing projects, housing constraints, housing market analysis, and potential partnerships with Town funding programs.
Affordable Housing incentives	Provide incentives through project processing and development regulations to promote extremely low, very low, and low income households.	Identify incentives and prepare brochure by December 2022.	The Town has identified parking reductions and density bonuses as potential incentives for affordable housing projects, in addition to the incentives applied to rebuild permits including waivers of development impact fees to the Town.
Density Bonus, SSA Overlay, and other opportunities for increased density	Revise the density bonus ordinance (Chapter 17.44) to be consistent with Government Code Sections 65915 and 65917 and identify incentives for affordable housing development	PMC revision by 8/22. Affordable housing incentives by 2/23. Density bonus brochure by 6/23. Identify areas for tiny home villages by 12/23. Rezoning SSA parcels by 01/25.	Awarded HCD REAP 2.0 funds were used to secure a consultant to draft the Sewer Service Overlay Zone with increased density. Project work began in November 2023 and is expected to be completed by mid-2025.
Publicly Owned Land Inventory	Continue to maintain an inventory of publicly owned land in the Town and its sphere of influence for potential housing sites.	updated bi-annually	ongoing
Housing Authority	Support the Housing Authority's continued implementation of the conventional Public Housing Rental Program and the Housing Choice Voucher	ongoing	ongoing

Small lot consolidation and development	Continue to encourage consolidation of small multi family parcels as well as as small, commercially designated parcels appropriate for residential use.	Small lot owners contacted by June 2023	In progress- The Town is working on a redevelopment plan for the downtown that includes many small lots and is being modified to allow more uses including types of housing. Community Outreach including a public workshop and an online survey for public input.
Promote Second Units	Continue to encourage development of affordable second units.	Prepare an ADU handbook, publicize 2nd unit program online, explore partnerships with prefabricated ADU manufacturers by 12/22.	Through the Dept of Conservation Wildfire Resiliency & Planning Grant, the Town secured 4 ADU plans which have been preapproved resulting in lower permitting fees and had an ADU handbook created both digitally and hard copy. The ADU mastered plan program was promoted to the public at the Town's monthly Building Stakeholders Meeting in October 2023
Address Discrimination	Continue to provide filing information and direct residents with discrimination complaints to the CA Dept of Fair Employment and Housing and/or the US Dept of Housing and Urban Development	ongoing	No housing discrimination complaints were received or referred to the CA Dept of Fair Employment and Housing and/or HUD for 2024.
Annual Report	Provide an annual report to the Town Council and Planning Commission that describes 1. implementation of Housing Element to date, 2. the amount an type of housing activity and 3. an updated summary of the Town's housing needs.	ongoing	ongoing
Housing Rehabilitation and Improvement	Continue to provide housing rehabilitation and repair opportunities for extremely low income, very low income, low income, elderly, disabled, developmentally disabled and special needs households.	Update housing conditions survey by 12/23, Update housing brochure no less than annually by December of each year.	13 OOR loans from CalHome, 19 FTHB loans from CalHome. Closed out 26 OOR projects in 2023 funded with CalHome, but many of those loans were funded in 2021 and 2022. Housing Brochure updated for 2023-2024
Condominium and Mobile Home Conversions	Revise Chapter 16.10 of the municipal code to address both condominium and mobile home park conversions.	Municipal Code Revisions by June 2024	Not yet implemented
Enforce Housing Codes	Provide a safe and decent living environment through enforcement of housing codes.	Ongoing	ongoing
Fire Resiliency	Increase wildfire resiliency through identified actions.	Safety Element Adoption by 7/23. Meetings with insurance companies by 10/23. Meeting on wildfire risk reduction buffers by 1/24. Community engagement plan on a wild fire risk reductions by 8/24.	The Safety Element was approved by the Board of Forestry in January 2024. Continued to meet with the Paradise Recreation & Parks District and other stakeholders to identify the highest priority parcels for Wildfire Risk Reduction Buffers and held two community engagement meetings in 2024.

Transitional/ Supportive Housing	Revise the zoning ordinance to allow transitional housing and supportive housing by-right in zones where multifamily and mixed uses are permitted.	Amend Zoning Ordinance by June 2024	Not yet implemented
Housing for Persons with Disabilities	Continue to ensure that new housing for persons with disabilities and home improvements intended to provide accessibility for projects for persons with disabilities are reasonably accommodated.	Brochure prepared by March 2023, after the 2022 building code adoption.	Not yet implemented
Special Needs Housing	Provide incentives, such as a density bonus, expedited processing, relaxation of development standards etc to encourage development of housing for persons with special needs.	outreach program within a year of adopting housing element, Prepare brochure by June 2023. Review Zoning ordinance by Dec 2022	Not yet implemented
Residential Care facilities	The Town will amend the zoning regulations to include provisions to allow residential care facilities of any size only subject to those restrictions that apply to residential uses in the same zone to make it easier to locate these types of facilities.	Amend Zoning Ordinance by June 2024	Not yet implemented
Energy conservation and efficiency	Promote energy efficiency and conservation in residential development.	Review every 2 years and revise codes as necessary	2022 Title 24 energy codes adopted November 2022.
Utilize ADUs to provide affordable housing in higher opportunity areas	Use of the Town's mastered ADU plans would require they affirmatively market the ADU to populations with disproportionate housing needs.	ongoing	16 ADUs Entitled and 11 ADUs constructed in 2024
Non enforcement of private CC&Rs	Continue to disallow the governmental enforcement of private Covenants, Conditions, and Restrictions given their potential to cause areas of affluence and exclusion.	ongoing	ongoing

Affirmatively Market Affordable Developments	Require affordable housing developments be affirmatively marketed to households with disproportionate housing needs.	Ongoing, Marketing plans are submitted at time of building inspection.	Started publishing CDBG public notices in Spanish as well as English. Submitted extensive requests and public comments to HCD (which was accepted and changes were adopted to the 2024 CalHome guidelines) which allow us to assist homeowners who lost homes in now closed mobile home parks to rebuild on other properties because requiring residents to rebuild in the exact same footprint as their lost home has a disparate impact on low-income residents Other changes CalHome adopted because of our suggestions: allowing people with manufactured homes replace with stick when more feasible (like with the volunteer builds), raising the value limit of the rebuilds we assist to 150% of median because rebuilds now require solar
Monitoring of Fair Housing issues	The Town will gather and assess fair housing issues by reporting indicators in the annual progress reports.	Annual reporting by April 1 mid cycle evaluation in December 2026 with action on any necessary adjustments by December 31, 2026	Not yet implemented
Facilitate Diverse Housing Types in the Sewer service area	Utilize zoning tools to facilitate the construction of diverse housing types and a mix of uses within the sewer service area.	June 2024 for mixed use incentives and January 2025 for rezoning parcels within the sewer overlay zone	In progress- The Town is working on a redevelopment plan for the downtown that includes many small lots and is being modified to allow more uses including types of housing. Community Outreach including a live survey and an online survey was conducted 8/13/2024 for public input.
Utilize an Equity lens in upcoming planning activities	Utilize an equity lens in the upcoming General Plan update as well as the ongoing implementation of the Long-Term Community Recovery Plan.	Ongoing between 2023 - 2025 during the general plan update	General Plan Update of final five Elements has not started yet
Fund Minor Home Repairs	Continue to fund minor home repairs for income eligible households through the owner occupied rehab program.	Conduct publicity campaign for the program once annually in addition to hosting information on Town website	Multiple social media posts were run on the Town's Facebook page for the OOR program and it was presented at a Building Stakeholders Meeting.
Targeted Accessibility Upgrades	Target Accessibility upgrades in area with greatest need. Implement the Transportation Master Plan to prioritize intersection improvements where ADA upgrades are needed.	During public road repaving project from August 2022 through 2025	ongoing - in progress - 33 of 44 designated intersections have been completed as of Jan 2024 with ADA certification expected in 2025
Enhanced Home Hardening Programs	Through partnerships with the Paradise Ridge and Butte County Fire Safe Councils explore home hardening programs that allow policy holders to lower their insurance rates.	Meeting on Wildfire Risk Reduction Buffers by Jan 2023. Community engagement plan on wildfire risk reduction buffers by Aug 2023.	FEMA HMGP, Home Hardening program was funded in 2024 and scheduled to start in 2025. The Town reached 96% compliance for defensible space and council approved 396 properties for weed abatement in 2024.



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 2(f)

ORIGINATED BY: Susan Hartman, Community Development Director –
Planning & Wastewater
REVIEWED BY: Jim Goodwin, Town Manager
Scott Huber, Town Attorney
SUBJECT: Adoption of Ordinance No. 644
LONG-TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Waive second reading of the entire Town Ordinance No. 644 and approve reading by title only (roll call vote); and,
2. Adopt Town Ordinance No. 644, " An Ordinance Amending Text Regulations Within Paradise Municipal Code Titel 5 [Business Licenses]; Title 17 [Zoning] Relative to the Central Business Zoning District; Vending Licenses; Farmers Markets; and the Walkable Downtown Core"

Background:

On February 11, 2025, the Town Council introduced the above-noted Town ordinance for purposes of eventual adoption. If adopted, the proposed ordinance intends to amend the land uses for the Central Business zoning district and allow street vending and farmers markets downtown. The zoning amendments will further the Town’s vision towards a walkable downtown.

Analysis:

Town staff recommends the Town Council waive the second reading of this entire ordinance; read it by title only, and formally adopt Town Ordinance No. 644 [copy attached]. Once adopted, the provisions of this ordinance will be effective thirty (30) days thereafter.

Financial Impact:

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

**TOWN OF PARADISE
ORDINANCE NO. 644**

**AN ORDINANCE AMENDING TEXT REGULATIONS WITHIN
PARADISE MUNICIPAL CODE TITLE 5 [BUSINESS LICENSES]; TITLE 17 [ZONING] RELATIVE TO
THE CENTRAL BUSINESS ZONING DISTRICT; VENDING LICENSES; FARMERS MARKETS; AND THE
WALKABLE DOWNTOWN CORE**

SECTION 1. Section 5.11.035 shall be deleted from Chapter 5.11 [Vending-Hawking-Peddling-Sales] of the Paradise Municipal Code.

SECTION 2. Subsection “B” of Section 17.20.100 [Specific Purposes] of the Paradise Municipal Code shall be amended to read as follows:

17.20.100 Specific purposes.

- B. The central-business zone is intended for land areas located within the central commercial (downtown or core) area of Paradise and that provide for commercial retail and service uses, public uses, professional and administrative office uses, and multiple-family residential uses. The central-business zone is consistent with the central-commercial (C-C) land use designation of the Paradise general plan and it is potentially consistent with the town-commercial (T-C) Paradise general plan land use designation. Within the central-business zone, the Walkable Downtown Core (WDC) shall be established by this title and have the boundaries shown on the Walkable Downtown Core map which is adopted concurrently herewith.

SECTION 3. Section 17.20.200 of Chapter 17.20 [Neighborhood-Commercial (N-C), Central-Business (C-B) and Community-Commercial C-C) Zones] of the Paradise Municipal Code shall be amended to read as follows:

17.20.200 Permitted and conditional uses.

In the neighborhood-commercial, central-business, community commercial zones, and the walkable downtown core, the following land uses are permitted where indicated by the letter "P," and are uses permitted subject to town issuance of a conditional use permit where indicated by the letter "C." Uses indicated by the letter "S" are permitted uses with town approval and issuance of a site plan review. Uses identified with the letter "A" are permitted land uses upon town approval and issuance of an administrative permit.

<u>P/C/S</u>				<u>Uses</u>
<u>N-C</u>	<u>C-B</u>	<u>WDC</u>	<u>C-C</u>	
-	P	P	A	Administrative service
S	A	A	-	Agricultural employee housing, limited residential
C	-	-	C	Auto body repair
C	-	-	A	Auto repair
-	S	S	A	Auto sales (indoor)

-	-	-	S	Auto sales (outdoor)
S	P	P	P	Bed and breakfast
-	P	P	C	Body piercing/tattoo shop
P	P	P	P	Business office
-	A	A	P	Business services
-	S	S	S	Business/trade school
-	-	-	C	Campground
-	-	-	S	Car washing
-	P	P	S	Club or lodge
-	P	P	S	Cocktail lounge
C	P	P	S	Commercial recreation (indoor)
-	P	P	C	Commercial recreation (outdoor)
C	-	-	C	Community care facility
-	-	-	S	Convalescent service
C	-	-	C	Construction sales and service
A	P	P	P	Consumer repair
-	P	P	A	Cultural service
C	P	P	S	Day care facility
-	P	P	C	Drive-in theater/outdoor amphitheater
P	P	P*	P	Dwelling, accessory (with permitted primary use) *only upper floors in WDC
-	C	C	C	Educational facility
-	-	-	C	Emergency shelters
-	-	-	S	Equipment repair
P	P	P	P	Family daycare home
-	P	P	P	Financial services
S	P	P	P	Food sales
-	-	-	C	Fuelwood sales
-	C	C	S	Funeral home
P	P	P	P	Guidance service (limited)
-	-	-	C	Kennel (indoor)
-	-	-	S	*Large collection recycling facility
-	-	-	C	Large retail project
-	-	-	S	Laundry services
-	-	-	C	*Light processing recycling facility
C	P	P	P	Liquor sales
S	P	P	P	Manufacturing (custom)
-	-	-	C	Manufacturing (light)
S	P	P	P	Medical offices
-	-	-	C	Mobile home park
-	-	-	S	Mobile home sales
-	S	S	S	Motel or lodging
-	S	P*	S	Multiple-family residence (*only upper floors in WDC)
P	P	P	P	Open space
-	P	P	C	Park and recreation
-	P	P	A	Parking facility (public)
-	S	S	S	Parking facility (private-commercial)
S	A	A	P	Personal improvement
S	P	P	P	Personal services

S	A	A	P	Pet services
-	P	P	P	Pet shop
S	S	S	S	Postal facility
P	P	P	P	Professional office
-	C	C	C	Public assembly
-	C	C	C	Religious assembly
-	C	C	S	Research services
-	-	-	S	Residential, group
C	P	P	P	Restaurant
S	P	P	P	Retail services
A	A	A	A	*Reverse vending machine
S	A	A	S	Safety service
-	-	-	S	Service station
S	A	-	-	Single-family residence
A	A	A	A	*Small collection recycling facility
-	-	-	C	Towing service/vehicle impound
-	A	A	S	Transportation service
-	C	C	C	Transportation terminal
-	S	-	S	Two-family residence (density applied)
P	P	P	P	Utility service (minor)
C	C	C	C	Utility service (major)
-	C	C	S	Veterinary service
-	-	-	C	Warehouse (general)
-	-	-	P	Warehouse (limited)
-	A	A	A	Wastewater treatment/disposal utility

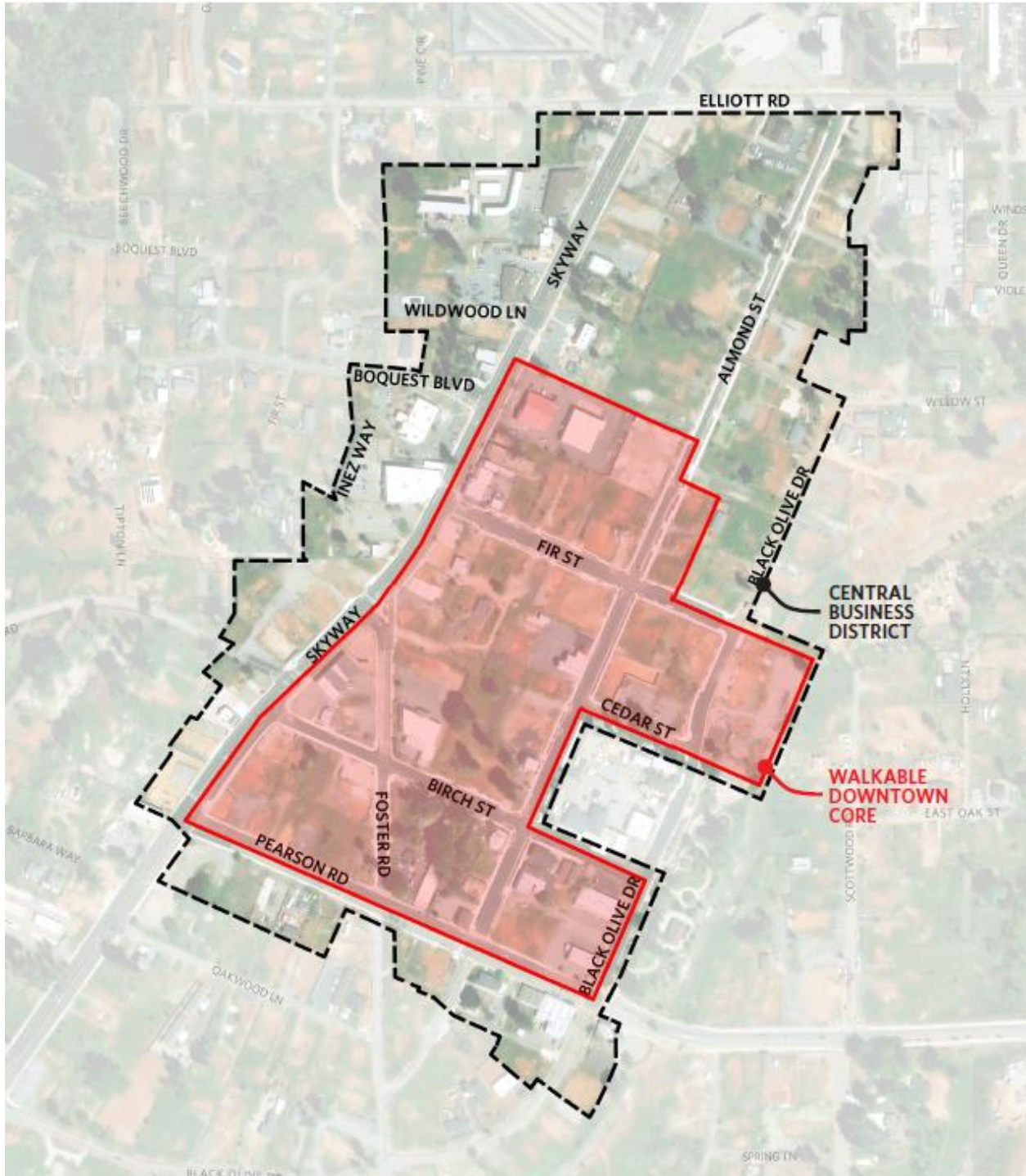
* Refer to Chapter 17.40.

SECTION 4. Subsections “G” and “I” of Section 17.32.100 [Temporary Use Regulations] of the Paradise Municipal Code shall be amended to read as follows:

17.32.100 Temporary use regulations.

- G. Outdoor special sales, outdoor art and craft shows or exhibits, swap meets, flea markets, parking lot sales, or similar sales activities, limited to sites in C-C, C-B, C-F and C-S zoning districts, including the walkable downtown core, and to operate for not more than three (3) consecutive days or more than a total of twenty-one (21) days in the same year: permitted and subject to the business licenses regulations of Chapter 5.11 of this code.
- I. Seasonal retail sales of agricultural or horticultural products, including farmers markets, raised off the premises and limited to sites in C-C, C-B, C-F or C-S zoning districts, including the walkable downtown core: permitted and subject to the business licenses regulations of Chapter 5.11 of this code.

SECTION 5. The attached Walkable Downtown Core map is hereby adopted by reference.



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

SECTION 7. This ordinance shall take effect thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance or a summary thereof shall be published in a newspaper of general circulation published and circulated within the Town of Paradise along with the names of the members of the Town Council of Paradise voting for and against same.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 11th day of March, 2025 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steve Crowder, Mayor

ATTEST:

Melanie Elvis, Town Clerk/Elections Official

APPROVED AS TO FORM:

Scott E. Huber, Town Attorney



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 2(g)

ORIGINATED BY: Susan Hartman, Community Development Director –
Planning & Wastewater
REVIEWED BY: Jim Goodwin, Town Manager
Scott Huber, Town Attorney
SUBJECT: Adoption of Town Ordinance No. 643
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Waive the second reading of Town Ordinance No. 643 and read by title only; and,
2. Adopt Town Ordinance No. 643 “An Ordinance of the Town Council of the Town of Paradise Rezoning Certain Real Property From “C-F” (Community-Facilities) to a “C-B” (Central Business) Zone Pursuant to Paradise Municipal Code Sections 17.45.500 Et. Seq. (TOP: PL24-00128)”.

Background:

On February 11, 2025, the Town Council adopted a Paradise General Plan land use map amendment and introduced Ordinance No. 643 for purposes of eventual adoption. If adopted, the intent of the proposed ordinance is to rezone three properties that formally housed the Paradise Irrigation corporation yard, located at 5680, 5690, & 5704 Black Olive Dr, to Central-Business and be included within the identified Walkable Downtown Core. The rezone would reinstate the same zoning held by those properties prior to 1994 General Plan update.

Analysis:

Town staff recommends that the Town Council waive the second reading of this entire ordinance; read it by title only; and formally adopt Town Ordinance No. 643 [copy attached]. Once adopted, the provisions of this ordinance will be effective thirty (30) days thereafter.

Financial Impact:

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

**TOWN OF PARADISE
ORDINANCE NO. 643**

AN ORDINANCE REZONING CERTAIN REAL PROPERTY FROM “C-F” (COMMUNITY-FACILITIES) TO THE “C-B” (CENTRAL-BUSINESS) ZONE PURSUANT TO PARADISE MUNICIPAL CODE SECTIONS 17.45.500 ET. SEQ. (TOP: PL24-00128)

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

SECTION 1. The hereinafter described real properties situated in the Town of Paradise, State of California, shall be and is hereby zoned “C-B” (Central-Business) as described in Chapter 17.20 of the Paradise Municipal Code and such land area shall be subject to the restrictions, restricted uses, and regulations of such chapter. The real properties so zoned are located at 5680, 5690, & 5704 Black Olive Drive in the Town of Paradise and is more particularly identified as AP Nos. 052-204-001, -002, & -012.

SECTION 2. This ordinance shall take effect thirty (30) days beyond the date of its passage. Before the expiration of fifteen (15) days after its passage, this ordinance shall be published in a newspaper of general circulation 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 11th day of March, 2025, by the following vote:

AYES:
NOES:
ABSENT:
NOT VOTING:

Steve Crowder, Mayor

ATTEST:

By: _____
Melanie Elvis, Town Clerk/Elections Official

APPROVED AS TO FORM:

By: _____
Scott E. Huber, Town Attorney



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 2(h)

ORIGINATED BY: Jessica Erdahl, Supervising Project Manager
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Go Paradise: Neal Gateway Project CEQA Determination
LONG TERM RECOVERY PLAN: Yes, Tier 1, Evacuation Routes

COUNCIL ACTION REQUESTED:

1. Concur with staff recommendation to file a CEQA Notice of Exemption for the Go Paradise: Neal Gateway Project.

Background:

On June 7, 2019 the Town of Paradise received an authorization to proceed on a new Congestion Mitigation Air Quality (CMAQ) grant in the amount of \$550,000 for the Go Paradise: Neal Gateway Project. This grant provided funding for the environmental review and preliminary design phases of the project.

In Spring 2022, Caltrans announced the Call-for-Projects for the Active Transportation Program Cycle 6. In June 2022 the Town of Paradise submitted five complete grant applications for funding, including the Go Paradise: Neal Gateway Project. On December 7, 2022, the California Transportation Committee announced the adoption of Statewide and Small Urban and Rural components of the program, which included the Go Paradise: Neal Gateway Project. ATP funding in the amount of \$12.348M will cover final design, right-of-way, construction engineering and the construction components of the project. Required matching funds, \$800K, will be funded by the Community Development Block Grant-Disaster Recovery fund.

As the Town rebuilds after the 2018 Camp Fire, it is prioritizing projects to improve connectivity and community pride. The Go Paradise: Neal Gateway Project addresses a deficiency in the active transportation network along one of the Town's primary routes, Neal Road. The project aims to catalyze change by closing a major gap in the existing bike path network by providing a safe means for bicyclists and pedestrians to travel to businesses, homes, and recreational opportunities along the project limits. The complete project will provide a multi-modal trail that will separate bicyclists and pedestrians from vehicular traffic along Neal Road from Town limits to the Skyway (1.62 miles).

Analysis:

The current phase for this project is environmental review both under the National Environmental Policy Act (NEPA) and under the California Environmental Quality Act (CEQA). The California Department of Transportation (Caltrans) is serving as the lead agency in the preparation of a Categorical Exclusion with technical studies for NEPA compliance.

The CEQA process requires the lead local agency to examine the project proposal and evaluate potential impacts. Staff has evaluated the subject project thoroughly and found that the project is exempt under State CEQA Guidelines Section (c), Existing Facilities which states:

The project is exempt under State CEQA Guidelines [Section 15301(c)], which states:

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to:

Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes.”

Based on CEQA Section 15301(c), staff is requesting the Council to concur and approve for filing the Notice of Exemption with the Butte County Recorder’s Office. If approved, the environmental phase will be complete in June 2025 and design and right-of way efforts may continue towards construction in 2026.

A draft Notice of Exemption is attached to this staff report.

Financial Impact:

There is a recording fee of \$50 per project with the Butte County Recorder’s Office to file the Notice of Exemption.

Attachments:

CEQA Notice of Exemption

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

County Clerk-Recorder
Butte County
155 Nelson Avenue
Orville, CA 95965

From: Public Works Department
Town of Paradise
5555 Skyway
Paradise, CA 95969

DATE RECEIVED FOR FILING

Posted: _____ through _____
(date) (date)

Project Title: **Go Paradise: Neal Gateway Project – CIP 9390**
Project Location: Town of Paradise, Butte County, CA. See attached project location map.
Assessor's Parcel Number(s): Town Rights of Way
Project Description: The Town of Paradise proposes to construct a Class I multi-modal facility along an approximately 1.6-mile portion of the western side of Neal Road between Skyway and Wayland Road in the Town of Paradise, Butte County, California. The project will consist of installation of a Class I Path and includes installation of drainage infrastructure, intersection curb ramps, and pedestrian lighting.
Lead Agency: Town of Paradise
Applicant: Town of Paradise, 5555 Skyway, Paradise, CA 95969
Exemption Status: Ministerial [Section 21080(b); 15268];
 Declared Emergency [Section 21080(b)(3); 15269(a)];
 Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 General Rule [Section 15061(b)(3)];
 Categorical Exemption [Section 15301(c), Existing Facilities];
 Statutory Exemption [Section 15273(a)(4)].

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

The project is exempt under State CEQA Guidelines [Section 15301(c)], which states:

“Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to:

Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes;”

The project will result in no expansion of an existing use. No additional lanes or capacity will be created by the project. The purpose of the project is to increase the proportion of biking and walking trips; increase safety for non-motorized users; and increase mobility for non-motorized users. No further environmental review is necessary for this project.

By _____
Marc Mattox, Public Works Director
Town of Paradise

Date _____

DECLARATION OF FEES DUE
(California Fish and Game Code Section 711.4)

NAME AND ADDRESS OF LEAD AGENCY/APPLICANT:

Town of Paradise
Public Works Department
5555 Skyway
Paradise, CA 95969
(530) 872-6291

Project: Go Paradise: Neal Gateway Project – CIP 9390

CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:

1. **NOTICE OF EXEMPTION/STATEMENT OF EXEMPTION**
 A. **Statutorily or Categorically Exempt**
\$50.00 (Fifty Dollars) Butte County Clerk's Filing Fee

2. **NOTICE OF DETERMINATION - FEE REQUIRED**
 A. **Negative Declaration**
\$2,968.75 State Filing Fee
\$50.00 Butte County Clerk's Filing Fee

 B. **Mitigated Negative Declaration**
\$2,968.75 State Filing Fee
\$50.00 Butte County Clerk's Filing Fee

 C. **Environmental Impact Report**
\$4,123.50 State Filing Fee
\$50.00 Butte County Clerk's Filing Fee

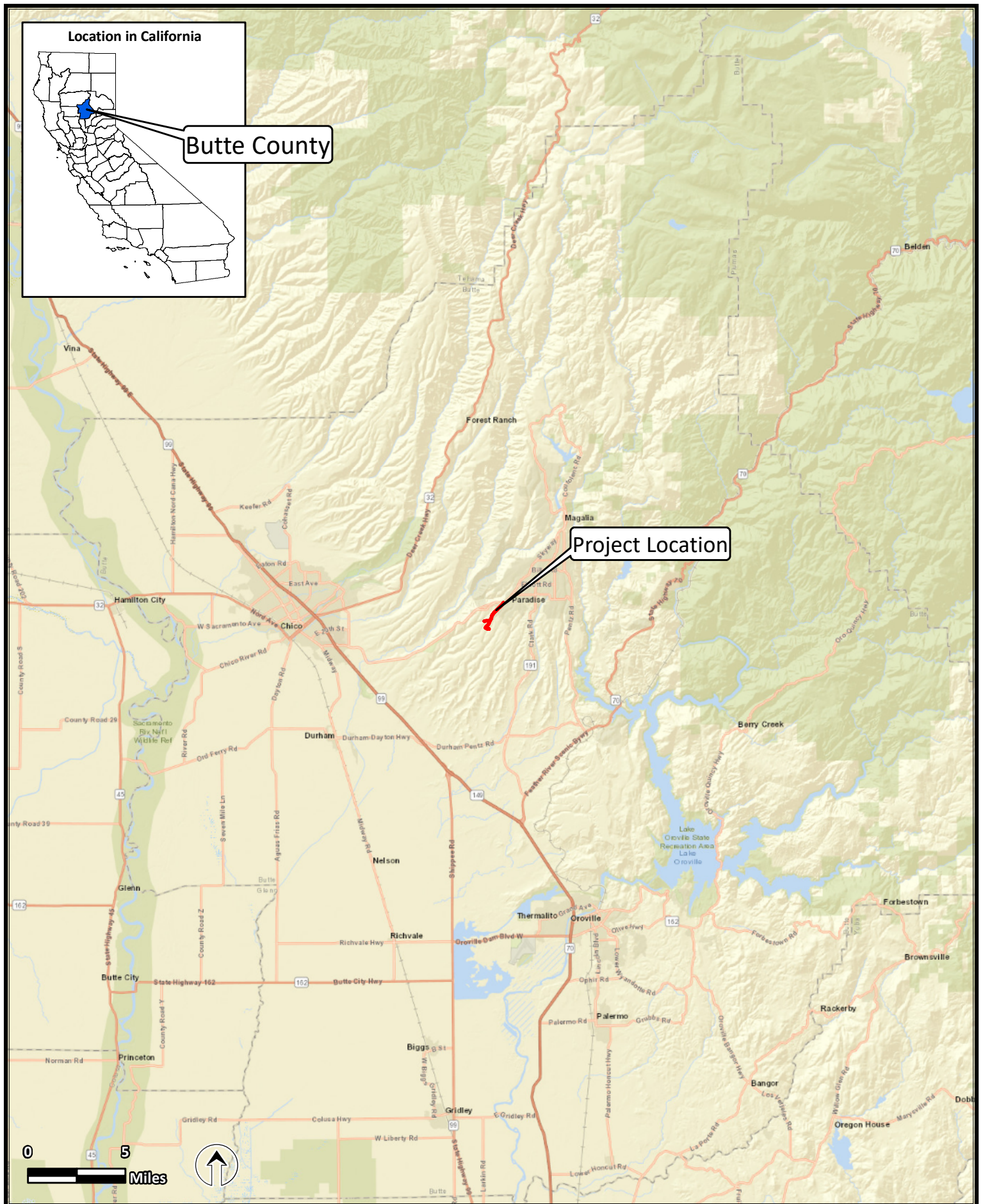
3. **OTHER (Specify) General Rule Exemption**
\$50.00 Butte County Clerk's Filing Fee

THREE COPIES OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL ENVIRONMENTAL DOCUMENTS FILED WITH THE BUTTE COUNTY CLERK'S OFFICE.

ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING ANY ENVIRONMENTAL DOCUMENTS WITH THE BUTTE COUNTY CLERK'S OFFICE.

THE \$50.00 HANDLING FEE IS REQUIRED PER FILING IN ADDITION TO THE FILING FEE SPECIFIED IN FISH AND GAME CODE SECTION 711.4(d).

MAKE CHECKS PAYABLE TO COUNTY OF BUTTE.



ATTACHMENT A. REGIONAL LOCATION
Skyway-Neal Gateway Bike Project





Source: ESRI 2022.



ATTACHMENT B. PROJECT LOCATION Skyway-Neal Gateway Bike Project



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 2(i)

ORIGINATED BY: Jessica Erdahl, Supervising Project Manager
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Accept Construction Contract – Off-System Road Rehabilitation Project - 2023
LONG TERM RECOVERY PLAN: Yes, Tier 1

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 2025- ____, “A Resolution of the Town Council of Town of Paradise accepting the work performed under the Off-System Roadway Rehabilitation Project - 2023, Contract 8407.1 CON performed by Hat Creek Construction & Materials, Inc.”

Background:

Due to the ongoing recovery effort and debris removal operations within the Town and Butte County, the Town’s off-system roadway infrastructure sustained heavy damage in the wake of the Camp Fire. The pavement structural sections were damaged in two ways:

1. Pavement Scarring due to Car Fires – On the day of the Camp Fire, several motorists were required to abandon their vehicles and continue evacuating on foot. The subsequent car fires damaged the pavement, justifying the need for repair.
2. Pavement structural section damage due to heavy truck traffic – Following the Camp Fire, the Town experienced a staggering level of truck traffic. During the CALOES Debris Removal effort, over 3.7 million tons of material was removed, equivalent to approximately 300,000 truckloads. During that same period, PG&E, Comcast, and AT&T restored their damaged distribution infrastructure. Additionally, PG&E removed over 92,000 trees, and an additional 100,000 trees were removed in 2020 as part of the Hazard Tree Removal Program. The volume of trucks using the Town’s off-system roads has resulted in damage to the pavement structural section, justifying the need for rehabilitation.

The Town coordinated with the Federal Emergency Management Agency (FEMA) to secure Public Assistance permanent restoration funding to repair damaged off-system roads town wide. Through the Public Assistance Program, the Town of Paradise has been approved for \$38,290,000 for the off-system road rehabilitation project. The approved project is located on “Off-System” roads. Off-system roadway rehabilitation include roadways that are not on the on-system roadways and will be funded by FEMA.

On November 10, 2020, Paradise Town Council awarded master on-call contracts to Mark Thomas, Dokken Engineering, GHD, Inc., Wood Rodgers, Inc. and Dewberry Drake Haglan to perform on-call professional civil engineering services for a variety of local, state, and federally-funded projects. Subsequently, in January 2021, task orders were issued to GHD, Dokken Engineering, and Dewberry to perform civil design services on the off-system road rehabilitation

project.

The overall scope of work for the Project can be summarized as follows:

Repair Camp Fire damaged off-system roads to achieve a pre-fire condition.

On August 17, 2023 Paradise Town Council awarded Contract No 8407.1.CON, 2023 Off-System Roadway Rehabilitation (Project 1) to Hat Creek Construction and Materials in the amount of their base bid plus additive bid #1,\$5,756,809.

On May 14, 2024 Paradise Town Council awarded Contract No 8407.2.CON, 2024 Off-System Roadway Rehabilitation (Project 2) to Baldwin Contracting Company, Inc. dba Knife River Construction in the amount of their base bid \$7,565,944.94.

Analysis:

Construction efforts began on September 18, 2023 and the project was substantially completed on June 28, 2024.

Financial Impact:

FEMA Public Assistance funds have been authorized for construction and construction engineering phases at actual documented cost incurred.

The total estimated construction cost of the Project, including a 10% contingency, was \$6,332,490 at contract award. The actual total construction cost is \$6,981,585. Actual expenditures exceeded projected cost by \$649,095 and are due to road rehabilitation treatment changes due to poor subgrade conditions discovered in the field during construction. Project expenditures are detailed below:

Off-System Road Rehabilitation Project – 2023/Contract No. 8407.1 CON

	Total Estimated Cost	Total Part. Cost	FEMA/ CalOES 93.75 %	CDBG-DR Match 6.25%	Non-Part. Utility	Non-Part. LTF	Non-Part. DIF
Construction Project 1 - 2023	\$6,981,585	\$6,886,964	\$6,456,528	\$430,435	\$14,450	\$17,447	\$62,724
Construction Management	\$800,000	\$800,000	\$750,000	\$50,000			
Total	\$7,781,585	\$7,686,964	\$7,206,528	\$480,435	\$14,450	\$17,447	\$62,724

Attachments:

- A. Resolution
- B. Notice of Completion

**TOWN OF PARADISE
RESOLUTION NO. 2025-_____**

**A RESOLUTION OF THE TOWN COUNCIL OF TOWN OF PARADISE ACCEPTING
THE WORK PERFORMED UNDER THE OFF-SYSTEM ROADWAY
REHABILITATION PROJECT - 2023, CONTRACT 8407.1 CON PERFORMED BY
HAT CREEK CONSTRUCTION & MATERIALS, INC**

WHEREAS, the Town of Paradise has heretofore contracted with Hat Creek Construction & Materials, Inc. for certain work performed under that certain project known as the Off-System Roadway Rehabilitation Project – 2023, being Contract No. 8407.1 CON; and

WHEREAS, said work of improvements, as called for by the contract between the Town of Paradise with Hat Creek Construction & Materials, Inc., referable to said project was substantially completed on June 28, 2024 to the satisfaction of the Town; and

WHEREAS, there has been posted a bond insuring the work of improvements from a maintenance standpoint for a period of one year from and after acceptance.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Paradise that it hereby accepts the work performed on those certain improvements, the subject of a contract between the Town of Paradise and with Hat Creek Construction & Materials, Inc., known and referred to as the Off-System Roadway Rehabilitation Project – 2023.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 11th day of March, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Steve Crowder, Mayor

ATTEST:

Melanie Elvis, CMC, Town Clerk

APPROVED AS TO FORM:

Scott E. Huber, Town Attorney

RECORDING REQUESTED BY:

TOWN OF PARADISE

AND WHEN RECORDED MAIL TO:

TOWN CLERK
TOWN OF PARADISE
5555 SKYWAY
PARADISE, CA 95969

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF COMPLETION

Notice is hereby given:

1. The undersigned is Owner of the interest or estate stated below in the property hereinafter described.
2. The full name of the undersigned is Town of Paradise, a Municipal Corporation
3. The full address of the undersigned is 5555 Paradise, California 95969
4. The nature of the title of the undersigned is: IN FEE
5. The full names and full addresses of all persons, if any, who hold such interest or estate with the undersigned as joint tenants or as tenants in common are:

NAMES

ADDRESSES

None

6. The names of the predecessors in interest of the undersigned, if the property was transferred subsequent to the commencement of the work or improvements herein referred to:

NAMES

ADDRESSES

None

7. A work of improvement on the property hereinafter described was substantially completed on June 28, 2024

8. The name of the original contractor, if any, for such work of improvement is _____

Hat Creek Construction & Materials, Inc.

9. The property on which said work of improvement was completed is in the Town of Paradise, County of Butte, State of California, and is described as follows:

Off-System Road Rehabilitation Project – 2023/Contract No. 8407.1 CON

10. The street address of said property is Various Roads, Paradise, CA
(If no street address has been officially assigned, insert "None.")

Dated: March 11, 2025

Signature of Owner
named in Paragraph 2:
TOWN OF PARADISE

By: _____
Jim Goodwin
Town Manager, Town of Paradise

VERIFICATION

I, the undersigned say:

I am the Town Manager for the Town of Paradise, agent for the owner of the aforesaid interest or estate in the property described in the above notice:

I have read the foregoing notice and know and understand the contents thereof, and the facts stated herein are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2025 at Town Hall, Town of Paradise, Paradise, California.

TOWN OF PARADISE

Jim Goodwin, Town Manager

Project Name: Off-System Road Rehabilitation Project – 2023/Contract No. 8407.1 CON



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 5(a)

ORIGINATED BY: Sarah Richter, Housing Program Technician
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Second Public Hearing for the Community Development Block Grant Program (CDBG) 2025-2029 Consolidated Plan and 2025-2026 Annual Action Plan

LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Conduct a public hearing to solicit comments and/or suggestions regarding the Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan; and,
2. Adopt the Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan as submitted; or,
3. Revise the Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan as submitted; and,
4. Authorize staff to submit the adopted Draft 2025-2029 5-Year Consolidated Plan and 2025-2026 Annual Action Plan to the U.S. Department of Housing and Urban Development should no public comment be received. (ROLL CALL VOTE)

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.

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 2025-2026 Annual Plan which outlines the goals for the coming year that address priority needs and objectives stated in the Strategic Plan.

The Town has not received its funding allocation for the program year, but is estimating that HUD will allocate approximately \$50,000, 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

A draft of the Consolidated Plan and Annual Action Plan were developed after tremendous participation from Town of Paradise residents, community stakeholders, and other local housing related agencies. The Plans will be available for public viewing on the Town's website (www.townofparadise.com); Paradise Public Library, Paradise Chamber of Commerce, the Building Resiliency Center, and at Town Hall. The public comment period is from March 11th through April 12th, 2025. Written comments should be addressed to Sarah Richter, 5555 Skyway, Paradise, CA 95969.

Analysis:

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 a service that is restricted to seniors or disabled residents.

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-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.

Financial Impact:

20% of grant funds can be used for administrative costs, and program activity delivery costs for staff time can also be reimbursed, but a HUD imposed 15% de minimis limit on indirect costs means that reimbursement for staff time will not equal total payroll cost to the Town of Paradise.

The Town is the smallest entitlement community in the country. It's expected that the Town's allocation will remain about the same for the next 5 years until Census data reflects a significantly larger population. By maintaining the Town's distinction as an entitlement community, Paradise is eligible for and has received other, non-competitive grants in multiple departments. Should the Town choose to discontinue its entitlement status, it will not be eligible to reapply until the Town's population exceeds 50,000 residents.

Executive Summary

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

- 1. Introduction**
- 2. Summary of the objectives and outcomes identified in the Plan Needs Assessment Overview**
- 3. Evaluation of past performance**
- 4. Summary of citizen participation process and consultation process**
- 5. Summary of public comments**
- 6. Summary of comments or views not accepted and the reasons for not accepting them**
- 7. Summary**

The Process

PR-05 Lead & Responsible Agencies 24 CFR 91.200(b)

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

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	PARADISE	Business & Housing Services

Table 1 – Responsible Agencies

Narrative

The Town of Paradise’s Housing Program is the responsible entity for carrying out the administration of the housing and community development programs in Paradise. Town staff works with other Town departments, local nonprofit and for-profit organizations, and contractors to carry out the goals of the Consolidated Plan and Annual Action Plan.

Consolidated Plan Public Contact Information

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PR-10 Consultation – 91.100, 91.110, 91.200(b), 91.300(b), 91.215(I) and 91.315(I)

1. Introduction

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

The Town of Paradise consults frequently with local and regional partners. This included community stakeholders which were specific to Paradise and as well as Butte County, the Housing Authority of Butte County and the Butte County Continuum of Care. This helped to ensure community needs were accurately identified and recorded.

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

The Butte County Continuum of Care (CoC) is the local CoC for the entire county, and includes the Town of Paradise. The CoC is responsible for coordinating with various local and county homeless service providers, as well as organize the annual Point-in-Time Count which is a survey of the homeless population in the county. The Town of Paradise benefits from the coordinated efforts of the Continuum of Care through referral of resources, connections to homeless prevention initiatives in the region and access to resources not found locally in the Town.

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

The Town of Paradise is not a recipient of HUD’s Emergency Solutions Grant (ESG). The CoC coordinates the distribution of ESG funds along with other resources to provide street outreach services, supportive services, emergency and transitional housing and permanent-supportive housing to prevent homelessness in the region. The Homeless Management Information System (HMIS) is the system used for administering the ESG program. While the Town of Paradise does not specifically use or manage the HMIS system, the Town benefits from the CoC’s HMIS administration across the county.

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

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Butte County Continuum of Care
	Agency/Group/Organization Type	Services-homeless
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	
2	Agency/Group/Organization	Housing Authority of the County of Butte
	Agency/Group/Organization Type	Housing PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	
3	Agency/Group/Organization	CATALYST DOMESTIC VIOLENCE SERVICES, INC.
	Agency/Group/Organization Type	Services-Victims of Domestic Violence
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	

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

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

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		

Table 3 – Other local / regional / federal planning efforts

Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l))

Narrative (optional):

PR-15 Citizen Participation – 91.105, 91.115, 91.200(c) and 91.300(c)

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

An online survey was made available on the Town website and advertised on social media. Paper copies of the survey were made available during Town Hall meetings. A round-table discussion was held at a citizen participant committee meeting, and a housing industry professional meeting. Priorities identified in the survey by citizen participants were adhered to create the consolidated plan.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (if applicable)
1	Newspaper Ad	Non-English Speaking - Specify other language: Spanish	There was no response directly attributable to the newspaper ad	None	No comments were received.	
2	Public Hearing	Non-targeted/broad community	Public hearing was part of a regular Town Hall meeting.	None	No comments were received	
3	Internet Outreach	Non-targeted/broad community	134 responses were recorded	A summary of survey results are attached	All comments were accepted	

Table 4 – Citizen Participation Outreach

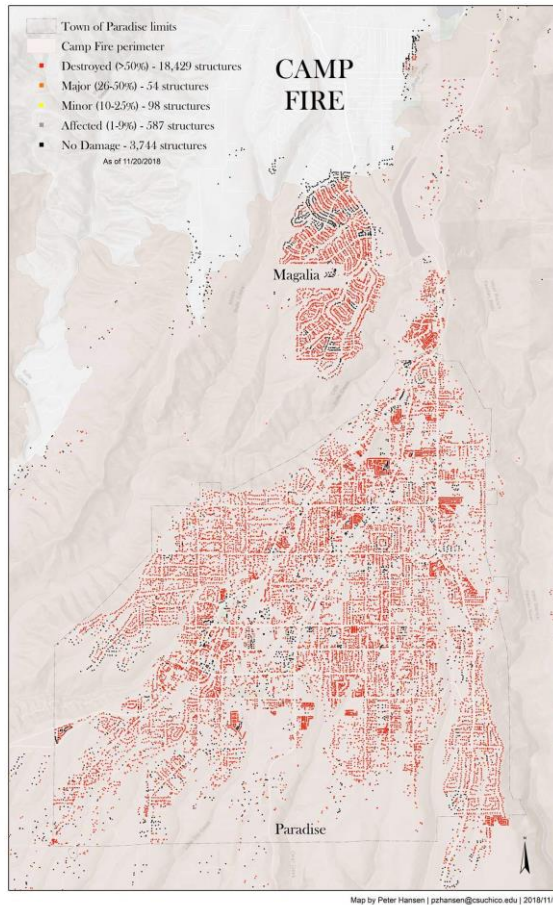
Demo

Needs Assessment

NA-05 Overview

Needs Assessment Overview

The Needs Assessment analyzes the housing needs within the Town of Paradise by looking at various demographic and economic indicators. To understand the needs of the community the broad trends in population, income, and household demographics must be analyzed first. Under normal circumstances the demographic information would primarily come from the US Census Bureau through the American Community Survey and Decennial Census. However, due to the 2018 Camp fire that devastated the Town, the data from these sources do not accurately reflect the current situation in Paradise. Whenever possible, supplementary data will be used to identify the needs of the community, and where the available data conflicts with other reliable sources or does not reflect what Town of Paradise staff and residents observe, it will be noted.



NA-10 Housing Needs Assessment - 24 CFR 91.205 (a,b,c)

Summary of Housing Needs

The 2018 Camp Fire destroyed approximately 90% of the Town of Paradise's housing stock - over 13,000 housing units. The entire population of over 27,000 was displaced and by the next Census count in 2020, only 4,764 residents had returned and only an estimated 1,700 homes remained. Since that time, Paradise has experienced tremendous regrowth, but will continue to measure housing need not only on the needs of current residents, but by the number of residents who have not yet been able to return home. Additionally, housing need can be measured by affordability. Paradise is experiencing a demographic shift towards a wealthier population, due in no small part to the increased housing costs. More than 50% of homes in Paradise were built after the fire, and the cost of construction plus high cost of insurance has made Paradise affordability a problem that even greatly increased housing supply can not solve.

Data available to measure housing needs comes from the American Community Survey and the Comprehensive Housing Affordability Strategy. Both of these data sources use 5-year average data and are including pre- and post-fire data in the tabulation. The accuracy of the data is unknown.

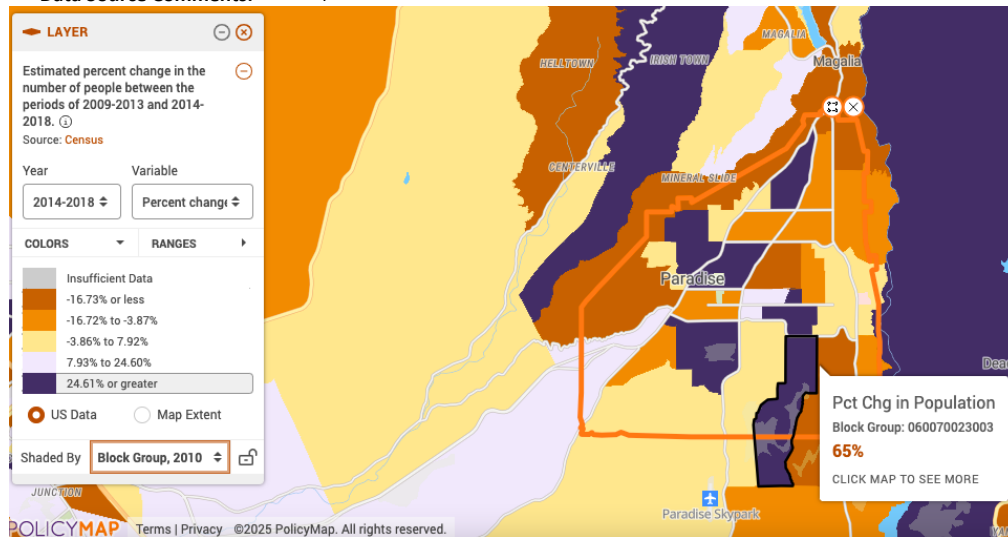
Demographics	Base Year: 2020	Most Recent Year: 2023	% Change
Population	4,764	6,793	43%
Households	3,036	3,480	15%
Median Income	\$49,275.00	\$67,042.00	36%

Table 5 - Housing Needs Assessment Demographics

Alternate Data Source Name:

American Community Survey (ACS) 2023

Data Source Comments: Replaced default data with most current available data



Number of Households Table

	0-30% HAMFI	>30-50% HAMFI	>50-80% HAMFI	>80-100% HAMFI	>100% HAMFI
Total Households	630	575	510	220	1,545
Small Family Households	10	64	130	70	545
Large Family Households	0	30	49	15	55
Household contains at least one person 62-74 years of age	255	234	189	55	530
Household contains at least one person age 75 or older	85	215	84	39	365
Households with one or more children 6 years old or younger	50	30	78	34	125

Table 6 - Total Households Table

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments: Replaced default data with most current available data

Housing Needs Summary Tables

1. Housing Problems (Households with one of the listed needs)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Substandard Housing - Lacking complete plumbing or kitchen facilities	25	0	0	0	25	0	0	0	0	0
Severely Overcrowded - With >1.51 people per room (and complete kitchen and plumbing)	0	0	0	10	10	0	0	0	0	0
Overcrowded - With 1.01-1.5 people per room (and none of the above problems)	0	0	0	10	10	0	10	10	0	20
Housing cost burden greater than 50% of income (and none of the above problems)	240	40	20	0	300	115	135	56	0	306

Demo

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Housing cost burden greater than 30% of income (and none of the above problems)	0	110	55	10	175	40	65	110	25	240
Zero/negative Income (and none of the above problems)	10	0	0	0	10	185	0	0	0	185

Table 7 – Housing Problems Table

Alternate Data Source Name:

CHAS 2017-2021

Data Source

Comments: Replaced default data with most current available data

2. Housing Problems 2 (Households with one or more Severe Housing Problems: Lacks kitchen or complete plumbing, severe overcrowding, severe cost burden)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Having 1 or more of four housing problems	270	150	80	30	530	155	210	180	25	570
Having none of four housing problems	10	20	75	60	165	200	200	185	105	690
Household has negative income, but none of the other housing problems	0	0	0	0	0	0	0	0	0	0

Table 8 – Housing Problems 2

Alternate Data Source Name:

CHAS 2017-2021

Data Source

Comments: Replaced default data with most current available data

3. Cost Burden > 30%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	0	40	0	40	0	0	25	25
Large Related	0	0	30	30	0	10	0	10
Elderly	0	45	20	65	40	64	55	159
Other	0	25	10	35	0	0	35	35
Total need by income	0	110	60	170	40	74	115	229

Table 9 – Cost Burden > 30%

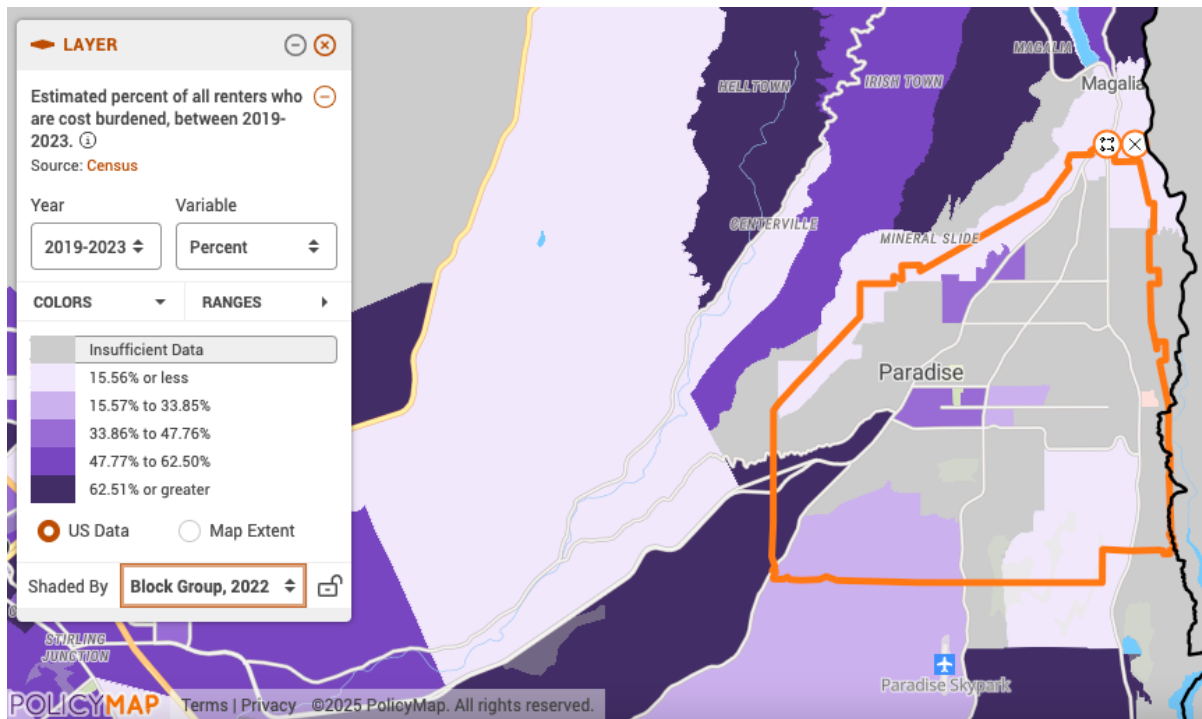
Alternate Data Source Name:

CHAS 2017-2021

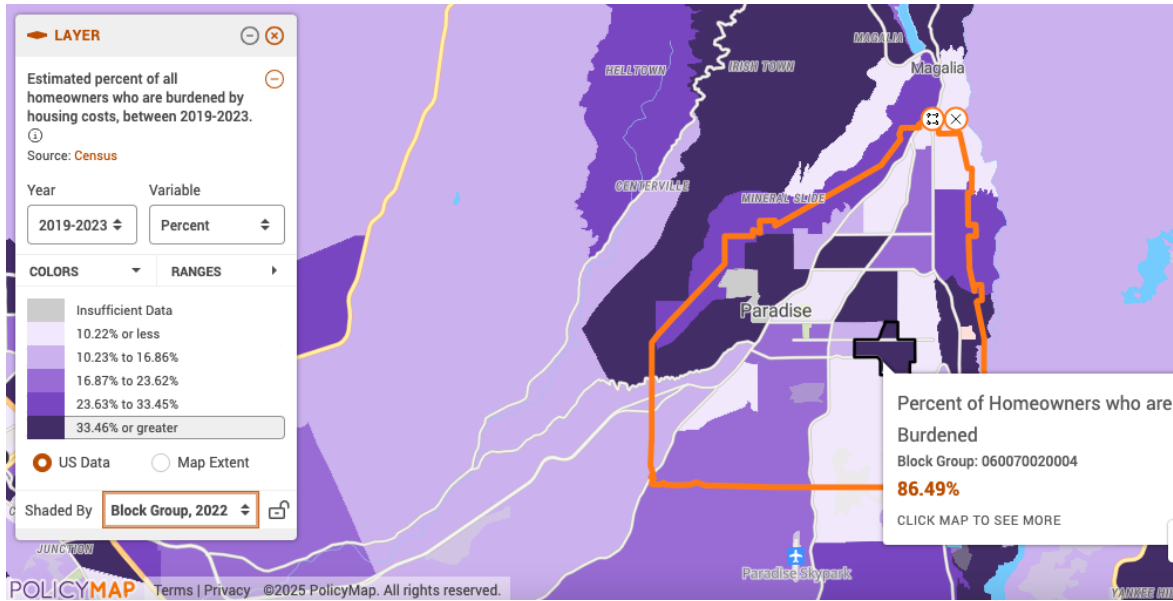
Data Source

Comments: Replaced default data with most current available data

Cost Burdened Renters



Cost Burdened Homeowners



4. Cost Burden > 50%

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
NUMBER OF HOUSEHOLDS								
Small Related	70	10	10	90	20	4	4	28
Large Related	0	20	0	20	0	0	4	4
Elderly	80	0	0	80	55	125	10	190
Other	100	10	10	120	40	6	37	83
Total need by income	250	40	20	310	115	135	55	305

Table 10 – Cost Burden > 50%

Alternate Data Source Name:

CHAS 2017-2021

Data Source

Comments: Replaced default data with most current available data

5. Crowding (More than one person per room)

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
NUMBER OF HOUSEHOLDS										
Single family households	0	0	0	10	10	0	10	10	0	20

	Renter					Owner				
	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	>80-100% AMI	Total
Multiple, unrelated family households	0	0	0	10	10	0	0	0	0	0
Other, non-family households	0	0	0	0	0	0	0	0	0	0
Total need by income	0	0	0	20	20	0	10	10	0	20

Table 11 – Crowding Information – 1/2

Alternate Data Source Name:

CHAS 2017-2021

Data Source

Comments: Replaced default data with most current available data

	Renter				Owner			
	0-30% AMI	>30-50% AMI	>50-80% AMI	Total	0-30% AMI	>30-50% AMI	>50-80% AMI	Total
Households with Children Present	0	0	0	0	0	0	0	0

Table 12 – Crowding Information – 2/2

Data Source

Comments:

Describe the number and type of single person households in need of housing assistance.

A single person household in need of housing assistance is most likely a senior on a fixed retirement income.

Estimate the number and type of families in need of housing assistance who are disabled or victims of domestic violence, dating violence, sexual assault and stalking.

What are the most common housing problems?

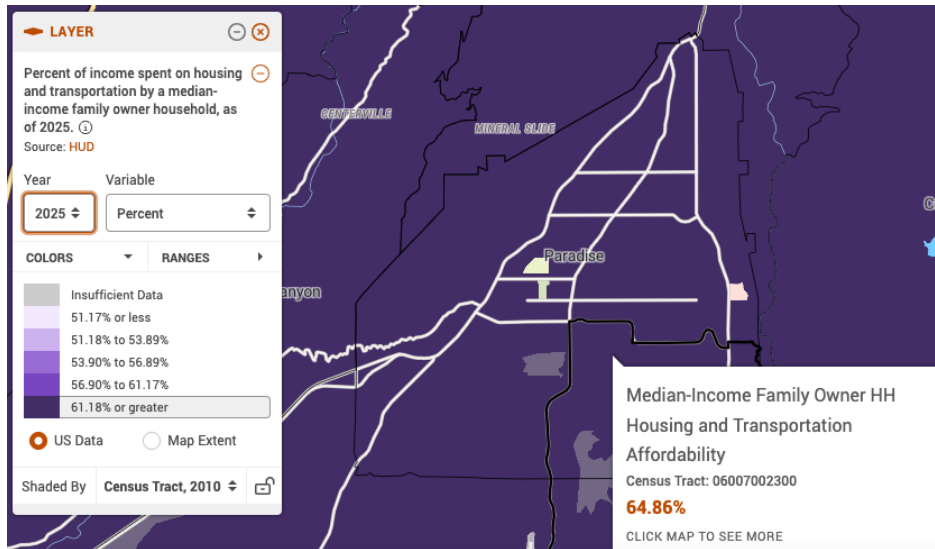
The most common housing problems are affordability. 56% of renters and 31% if homeowners are cost burdened. 49% of all households in Paradise are low-income (below 72% AMI), and almost 27% of those low-income households have housing costs that exceed over 30% of their income.

Are any populations/household types more affected than others by these problems?

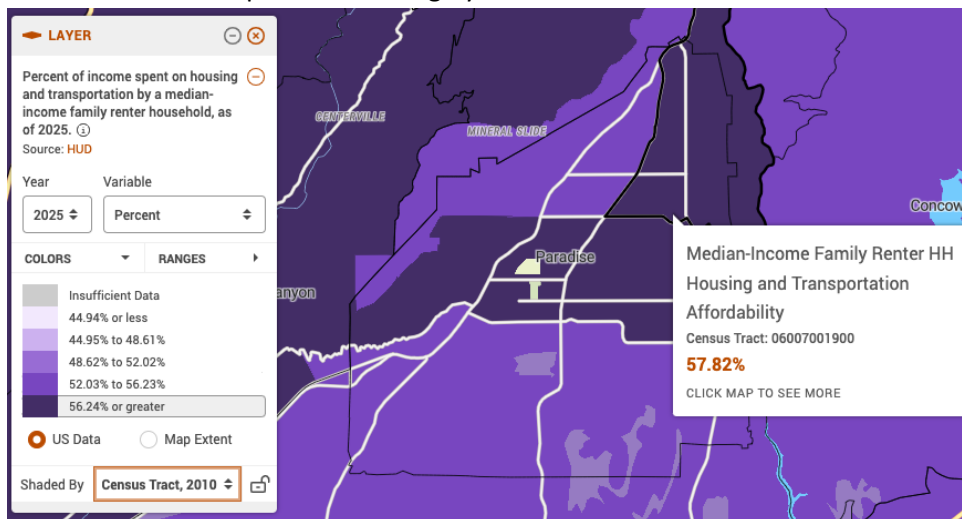
Demo

Income and expenses are not proportional, meaning a low-income household paying more than 30% of their income on housing costs does not face the same burden as a median income household paying more than 30% of their income on housing costs. For example, a household of 4 living in a 1,200 sq ft home will have substantially the same expenses for food and transportation costs, regardless of income. While housing costs may make up an equal share of their monthly income, a \$300 electric bill could easily be covered by one household and put the other household into a cycle of debt.

Percent of Income Spent on Housing by Homeowner Household



Percent of Income Spent on Housing by Renter Household



Describe the characteristics and needs of Low-income individuals and families with children (especially extremely low-income) who are currently housed but are at imminent risk of either residing in shelters or becoming unsheltered 91.205(c)/91.305(c)). Also discuss the

needs of formerly homeless families and individuals who are receiving rapid re-housing assistance and are nearing the termination of that assistance

If a jurisdiction provides estimates of the at-risk population(s), it should also include a description of the operational definition of the at-risk group and the methodology used to generate the estimates:

Specify particular housing characteristics that have been linked with instability and an increased risk of homelessness

Discussion

NA-15 Disproportionately Greater Need: Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

A review of Housing Assessment data provided by HUD informs this analysis and is used to determine any racial or ethnic groups that may have a proportionally higher housing problems rate than other groups in the community. HUD has determined that a proportionally higher need exists when the percentage of persons in each category is at least 10 percentage points higher than the percentage of persons in the category. Due to the relatively small size of many groups and the extenuating circumstances faced by Paradise the following analysis is of limited value. The specific numbers included do not reflect the current situation but any trends or patterns that are identified can assist in prioritizing grant funds over the next five years.

0%-30% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	425	210	0
White	365	195	0
Black / African American	0	0	0
Asian	15	0	0
American Indian, Alaska Native	10	0	0
Pacific Islander	10	0	0
Hispanic	10	10	0
0	0	0	0

Table 13 - Disproportionally Greater Need 0 - 30% AMI

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments:

*The four housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than one person per room,
4. Cost Burden greater than 30%

30%-50% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	360	220	0
White	340	210	0
Black / African American	0	0	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	0	4	0
0	0	0	0

Table 14 - Disproportionally Greater Need 30 - 50% AMI

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

50%-80% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	260	260	0
White	226	180	0
Black / African American	0	0	0
Asian	4	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	10	75	0
0	0	0	0

Table 15 - Disproportionally Greater Need 50 - 80% AMI

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

80%-100% of Area Median Income

Housing Problems	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	55	165	0
White	55	100	0
Black / African American	0	0	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	0	92	0
0	0	0	0

Table 16 - Disproportionally Greater Need 80 - 100% AMI

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments:

*The four housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than one person per room, 4. Cost Burden greater than 30%

Discussion

Extremely Low-Income Households (0-30% HAMFI): In this income group there are approximately 635 households and 66.9% report a housing problem

Very Low-Income Households (30-50% HAMFI:)

In this income group there are approximately 580 households and 62% report a housing problem.

Low-Income Households (50-80% HAMFI): In this income group there are approximately 520 households and 50% report a housing problem.

Moderate Income Households (80%-100% HAMFI): In this income group there are approximately 220 households and 25% report a housing problem.

Out of the 1,955 households represented at or below median income, 56.26% report a housing problem. Housing cost burden is the most significant housing problem faced by Paradise residents, so it makes sense that the lowest income groups would have higher incidence.

NA-20 Disproportionately Greater Need: Severe Housing Problems – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction

A review of Housing Assessment data provided by HUD informs this analysis and is used to determine any racial or ethnic groups that may have a proportionally higher rate of severe housing problems than other groups in the community. HUD has determined that a proportionally higher need exists when the percentage of persons in each category is at least 10 percentage points higher than the percentage of persons in the category. Due to the relatively small size of many groups and the extenuating circumstances faced by Paradise the following analysis is of limited value. The specific numbers included do not reflect the current situation but any trends or patterns that are identified can assist in prioritizing grant funds over the next five years.

0%-30% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	385	245	0
White	330	230	0
Black / African American	0	0	0
Asian	15	0	0
American Indian, Alaska Native	10	0	0
Pacific Islander	10	0	0
Hispanic	14	10	0
0	0	0	0

Table 17 – Severe Housing Problems 0 - 30% AMI

Alternate Data Source Name:
CHAS 2017-2021
Data Source Comments:

*The four severe housing problems are:

1. Lacks complete kitchen facilities,
2. Lacks complete plumbing facilities,
3. More than 1.5 persons per room,
4. Cost Burden over 50%

30%-50% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	415	380	0
White	375	380	0
Black / African American	0	0	0
Asian	15	0	0
American Indian, Alaska Native	10	0	0
Pacific Islander	0	0	0
Hispanic	10	4	0
Other	0	0	0

Table 18 – Severe Housing Problems 30 - 50% AMI

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

50%-80% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	85	425	0
White	65	335	0
Black / African American	0	0	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	10	75	0
Other	0	0	0

Table 19 – Severe Housing Problems 50 - 80% AMI

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

80%-100% of Area Median Income

Severe Housing Problems*	Has one or more of four housing problems	Has none of the four housing problems	Household has no/negative income, but none of the other housing problems
Jurisdiction as a whole	15	200	0
White	15	135	0
Black / African American	0	0	0
Asian	0	0	0
American Indian, Alaska Native	0	0	0
Pacific Islander	0	0	0
Hispanic	0	92	0
Other	0	0	0

Table 20 – Severe Housing Problems 80 - 100% AMI

Alternate Data Source Name:
CHAS 2017-2021
Data Source Comments:

*The four severe housing problems are:

1. Lacks complete kitchen facilities, 2. Lacks complete plumbing facilities, 3. More than 1.5 persons per room, 4. Cost Burden over 50%

Discussion

Extremely Low-Income Households (0-30% HAMFI)

There are 630 households in this group and 61.11% report a severe housing problem.

Very Low-Income Households (30%-50% HAMFI)

There are 795 households in this group and 52.2% report a severe housing problem.

Low-Income Households (50%-80% HAMFI)

There are 630 households in this group and 16.66% report a severe housing problem.

Moderate Income Households (80%-100% HAMFI)

Demo

There are 215 households in this group and 6.9% report a severe housing problem.

Out of the 2150 households represented in these income groups, 41.86% report a severe housing problem. The highest rate of severe housing problems is among the lowest income households. This is not unexpected since the largest housing problem is housing cost burden.

NA-25 Disproportionately Greater Need: Housing Cost Burdens – 91.205 (b)(2)

Assess the need of any racial or ethnic group that has disproportionately greater need in comparison to the needs of that category of need as a whole.

Introduction:

This section compares the existence of housing cost burden and severe cost burden among racial groups against that of the jurisdiction to see if any group shares a disproportionate burden of the area's cost burden. For this purpose, HUD guidelines deem a disproportionately greater need to exist when persons of a particular racial or ethnic group experience cost burden or severe cost burden at a rate at least 10 percentage points higher than the jurisdiction as a whole.

Housing Cost Burden

Housing Cost Burden	<=30%	30-50%	>50%	No / negative income (not computed)
Jurisdiction as a whole	2,010	630	635	210
White	0	0	0	0
Black / African American	0	0	0	0
Asian	0	0	0	0
American Indian, Alaska Native	0	0	0	0
Pacific Islander	0	0	0	0
Hispanic	0	0	0	0

Table 21 – Greater Need: Housing Cost Burdens AMI

Alternate Data Source Name:
CHAS 2017-2021
Data Source Comments:

Discussion:

NA-30 Disproportionately Greater Need: Discussion – 91.205(b)(2)

Are there any Income categories in which a racial or ethnic group has disproportionately greater need than the needs of that income category as a whole?

If they have needs not identified above, what are those needs?

Are any of those racial or ethnic groups located in specific areas or neighborhoods in your community?

NA-35 Public Housing – 91.205(b)

Introduction

Totals in Use

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers in use	0	0	345	1,947	2	1,913	32	0	0

Table 22 - Public Housing by Program Type

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Data Source: PIC (PIH Information Center)

Characteristics of Residents

	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	
Average Annual Income	0	0	15,554	13,531	5,580	13,607	9,504	0	
Average length of stay	0	0	4	5	1	5	0	0	
Average Household size	0	0	3	2	1	2	1	0	
# Homeless at admission	0	0	0	1	0	0	1	0	

Demo

	Program Type							
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher	
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program
# of Elderly Program Participants (>62)	0	0	93	388	1	386	1	0
# of Disabled Families	0	0	77	933	0	918	15	0
# of Families requesting accessibility features	0	0	345	1,947	2	1,913	32	0
# of HIV/AIDS program participants	0	0	0	0	0	0	0	0
# of DV victims	0	0	0	0	0	0	0	0

Table 23 – Characteristics of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Race of Residents

Race	Program Type								
	Certificate	Mod-Rehab	Public Housing	Vouchers			Special Purpose Voucher		
				Total	Project - based	Tenant - based	Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
White	0	0	285	1,484	2	1,455	27	0	0
Black/African American	0	0	19	121	0	117	4	0	0
Asian	0	0	32	262	0	261	1	0	0

Demo

Program Type									
Race	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
American Indian/Alaska Native	0	0	7	70	0	70	0	0	0
Pacific Islander	0	0	2	10	0	10	0	0	0
Other	0	0	0	0	0	0	0	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 24 – Race of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Ethnicity of Residents

Program Type									
Ethnicity	Certificate	Mod-Rehab	Public Housing	Vouchers					
				Total	Project - based	Tenant - based	Special Purpose Voucher		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
Hispanic	0	0	126	128	1	126	1	0	0
Not Hispanic	0	0	219	1,819	1	1,787	31	0	0

*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition

Table 25 – Ethnicity of Public Housing Residents by Program Type

Data Source: PIC (PIH Information Center)

Section 504 Needs Assessment: Describe the needs of public housing tenants and applicants on the waiting list for accessible units:

Most immediate needs of residents of Public Housing and Housing Choice voucher holders

How do these needs compare to the housing needs of the population at large

Discussion

NA-40 Homeless Needs Assessment – 91.205(c)

Introduction:

Homelessness is a particularly troublesome and complex issue that plagues communities across the nation. A major reason that homelessness is so difficult to combat is that it has many causes with overlapping and interrelated variables. The cause of any one person's homelessness often lies not in a single factor, but at the convergence of multiple events and conditions. From one angle, homelessness can be seen as an economic problem – caused by unemployment, foreclosure, or poverty. From another viewpoint, homelessness could appear to be a health issue – many homeless persons struggle with one or more conditions such as mental illness, physical disability, HIV/AIDS, or substance abuse. Looking at the problem another way, homelessness emerges as a social problem – with factors such as domestic violence, educational attainment, or race lying at the root. Homelessness is caused by all these issues, sometimes simultaneously. As such, fighting homelessness requires a truly collaborative, community-based approach.

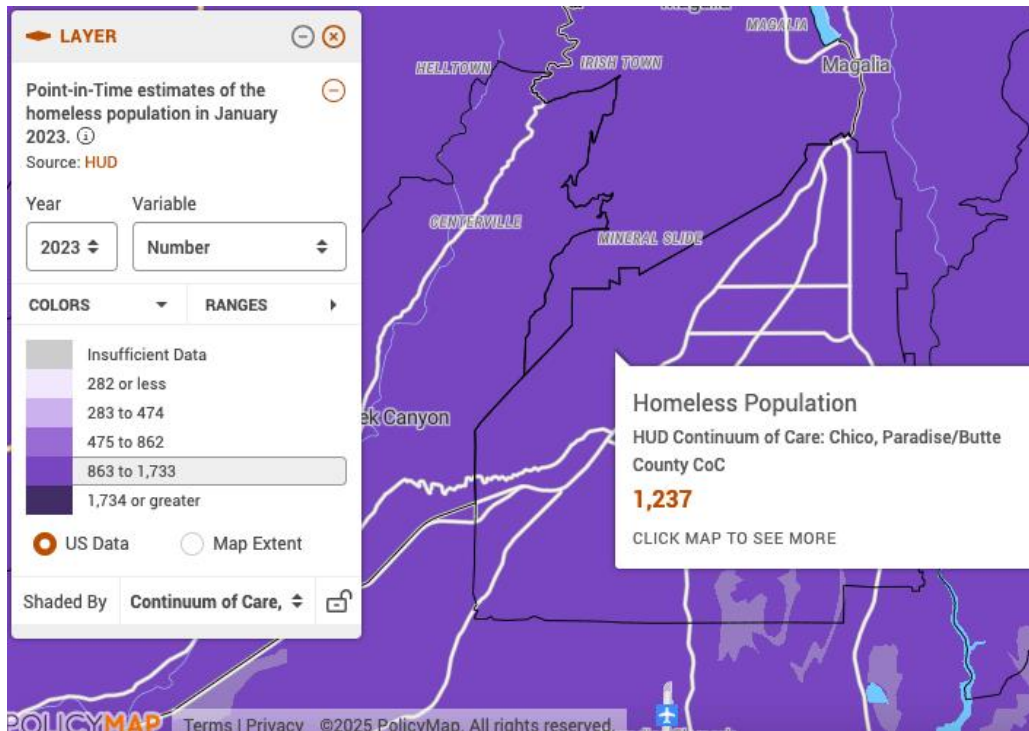
The Stewart B. McKinney Homeless Assistance Act defines the "homeless" or "homeless individual" or "homeless person" as an individual who lacks a fixed, regular, and adequate night-time residence; and who has a primary night-time residence that is:

- A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill).
- An institution that provides a temporary residence for individuals intended to be institutionalized; or
- A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

NOTE: PIT Count Data is only available at the Continuum of Care level. Paradise is included in the Butte County Continuum of Care.

If data is not available for the categories "number of persons becoming and exiting homelessness each year," and "number of days that persons experience homelessness," describe these categories for each homeless population type (including chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth):

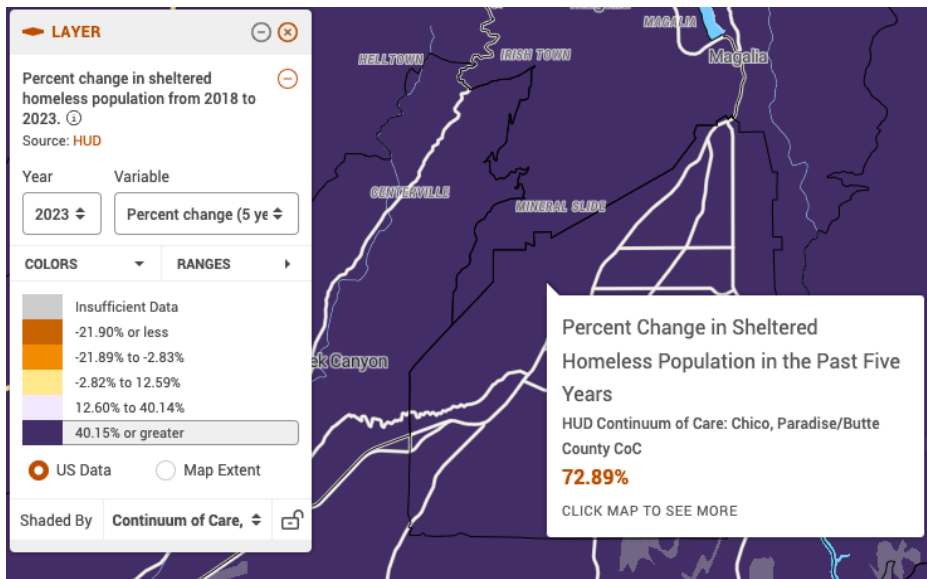
The PIT count only includes people who were in shelters at the time of the count, but the Butte County CoC collects more extensive data than that required by HUD. Per the CoC, the number of people who exited homelessness in Butte County in 2024 was 3,180. The average days a person experienced homelessness was 110. There are approximately 449 chronically homeless households, and 160 homeless individuals with veteran status. 69.3% of homeless in Butte County are households with children, and .2% are unaccompanied youth. 73.5% of households exit homelessness to permanent housing in Butte County.

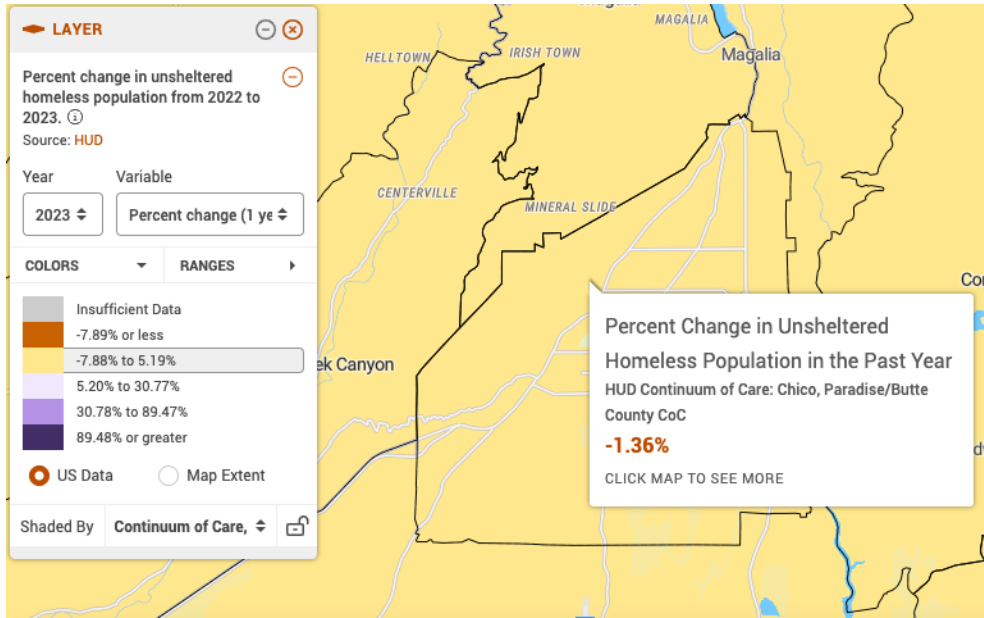


Nature and Extent of Homelessness: (Optional)

Race:	Sheltered:	Unsheltered (optional)
White	618	0
Black or African American	50	0
Asian	12	0
American Indian or Alaska Native	34	0
Pacific Islander	5	0
Ethnicity:	Sheltered:	Unsheltered (optional)
Hispanic	109	0
Not Hispanic	0	0

Data Source
Comments:





Estimate the number and type of families in need of housing assistance for families with children and the families of veterans.

Households with children make up the majority of homeless families in Butte County.

Describe the Nature and Extent of Homelessness by Racial and Ethnic Group.

Racial and ethnic data was not collected by unsheltered homeless, which make up an estimated 40% of homeless in Butte County.

Describe the Nature and Extent of Unsheltered and Sheltered Homelessness.

Discussion:

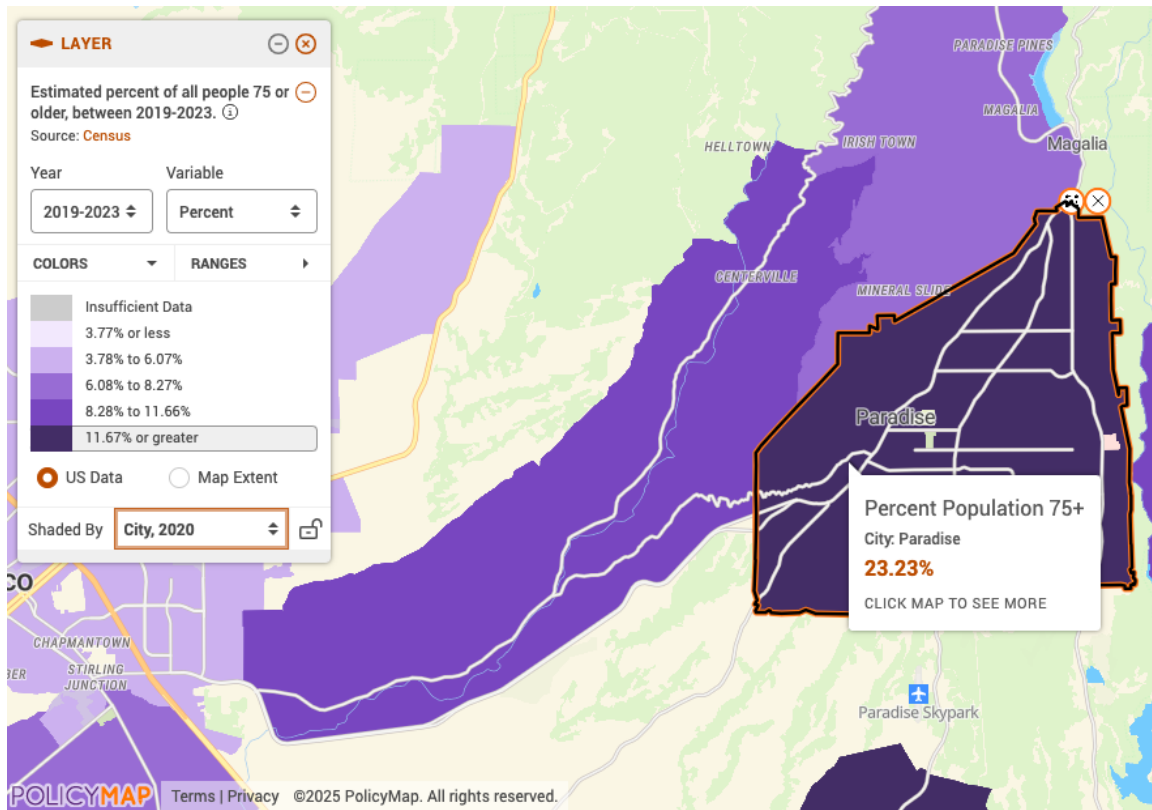
NA-45 Non-Homeless Special Needs Assessment - 91.205 (b,d)

Introduction:

Non-homeless persons with special needs include the elderly; frail elderly; persons with mental, physical, and/or developmental disabilities; persons with drug and alcohol addictions; persons with HIV/AIDS and their families; and victims of domestic violence, sexual assault, and stalking. Members of these special needs populations often have low incomes. Data on special needs populations is limited, but there is a significant need for housing and/or supportive services for all special needs sub-populations and meeting these needs is a high priority for the Town.

Describe the characteristics of special needs populations in your community:

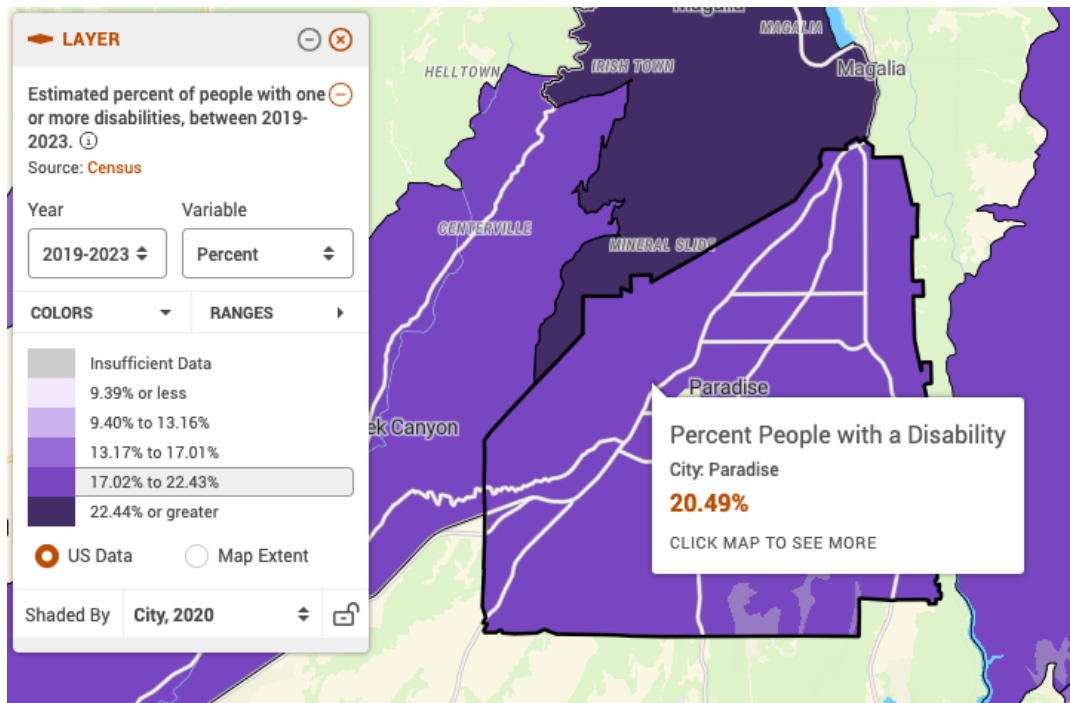
Elderly: The elderly population faces increased challenges and providing decent, affordable housing is incredibly important. It is medically beneficial and emotionally comforting for this population to remain in a familiar setting and, as a result, strong emphasis is placed on the elderly maintaining a lifestyle that is as independent as possible. Unfortunately, the elderly population is often on a limited income and/or has a disability, which puts financial pressure on them that reduces independence. As prices throughout the community inflate, the elderly population generally lacks the ability to increase their income to match. The Town has an unusually high population of older adults. While they fall short of a majority, seniors age 65+ make up 43% of the population, and seniors over the age of 75 are 23.23% of the population. The median age of all residents is 60. Older residents are more vulnerable to the Town's lack of medical facilities like the continued closure of Feather River Hospital, and unavailability of healthcare options is frequently cited by residents as the reason why they will not return to Paradise.



HIV/AIDS: See below Alcohol and Drug Addiction: Gathering accurate data about alcohol and drug addiction within a community is difficult. Addiction often goes unrecognized because people do not seek help due to fear of criminal charges and/or the social stigma associated with addiction and other medical issues. Often only when someone overdoses, gets arrested, or seeks treatment are they counted in statistics.

Disability: As noted above, according to 2017-2023 ACS data, there are 1,353 residents with disabilities in Paradise making up approximately 20.49% of the population. 22.8% of disabled residents are over 65. Less than 10% are children.

The most common disability noted is difficulty living independently (11.5%). Disabilities are self-reported. Independent living disability is described as: “Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor’s office or shopping.”



What are the housing and supportive service needs of these populations and how are these needs determined?

Elderly and Frail Elderly: Providing secure, safe, affordable, and stable housing for the elderly population is vitally important for this population. There are many factors that contribute to a healthy environment for the elderly including, but not limited to, access to health care, shopping, and social networks. A robust public transportation network is incredibly beneficial to assisting the elderly remain active and independent. Additionally, elderly residents’ homes may need modifications to assist with any disabilities that may develop because of aging.

Disability: Individuals with disabilities encompass a wide range of skill levels and abilities. Therefore, they have many of the same issues as the general population with the added needs that are unique to their capabilities. Individuals with disabilities usually have a fixed income and have limited housing options. The individuals who have more independent skills tend to utilize subsidized housing options. Individuals requiring more support find residences in the public welfare funded community homes either sharing settings or privately-owned personal care settings. Many individuals continue to reside with parents and families throughout adulthood. Regardless of the housing situation, a common thread is the need for continuous support services dependent of the level of capabilities.

Persons with Alcohol/Drug Addictions: Individuals with substance abuse problems need a strong network to stay healthy and sober. Their housing needs include sober living environments, support for employment, access to health facilities, and easy access to family and friend networks. Additionally, detoxification facilities are necessary when addiction is first recognized.

Discuss the size and characteristics of the population with HIV/AIDS and their families within the Eligible Metropolitan Statistical Area:

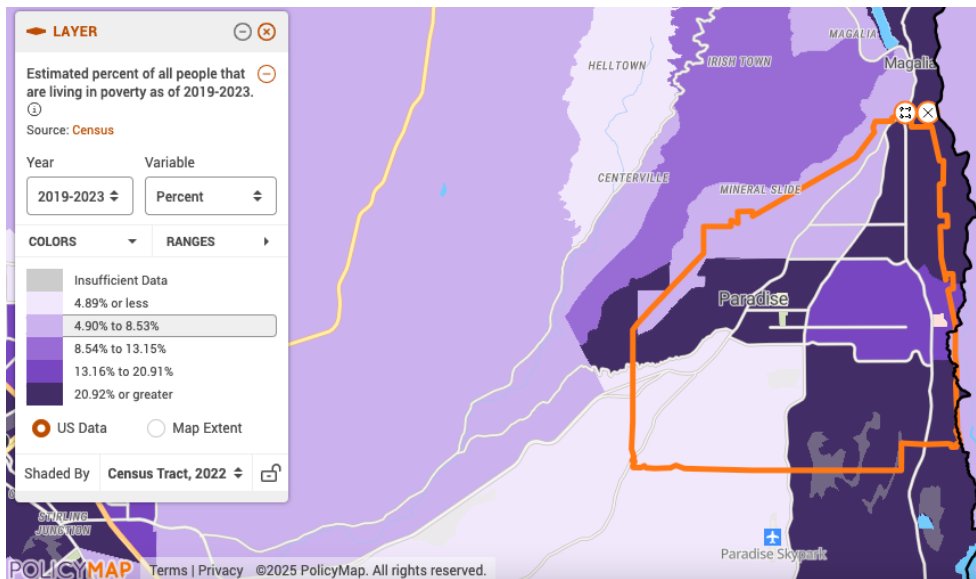
The California Department of Public Health releases an annual survey of HIV by County. In Butte County, the rate of newly diagnosed people with HIV/AIDS is 7 per 100,000. There are currently 273 residents living in the County with HIV for a rate of 119.9 per 100,000 people, an increase of 10 between 2021 and 2022. Approximately 78.4% of people living with HIV are currently in care and in 14.3% the virus is suppressed. There were 10 deaths related to HIV in Butte County in 2022.

In California, the HIV death rate is highest for Black or African American persons and people with multiple races, and for people 55 to 64 years old, followed closely by people over 65. The method of transmission of HIV varies by demographic for newly diagnosed people. Cisgender men are most likely to identify male-to-male sexual contact as the method of transmission and cisgender women identified non-high-risk heterosexual contact as the method of transmission. Sexual contact is the most common form of transmission for trans women, trans men, and non-gender conforming individuals.

If the PJ will establish a preference for a HOME TBRA activity for persons with a specific category of disabilities (e.g., persons with HIV/AIDS or chronic mental illness), describe their unmet need for housing and services needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2) (ii))

The Town does not run a TBRA program. Rental assistance is provided by the Housing Authority.

Discussion:



NA-50 Non-Housing Community Development Needs – 91.215 (f)

Describe the jurisdiction’s need for Public Facilities:

How were these needs determined?

Describe the jurisdiction’s need for Public Improvements:

How were these needs determined?

Describe the jurisdiction’s need for Public Services:

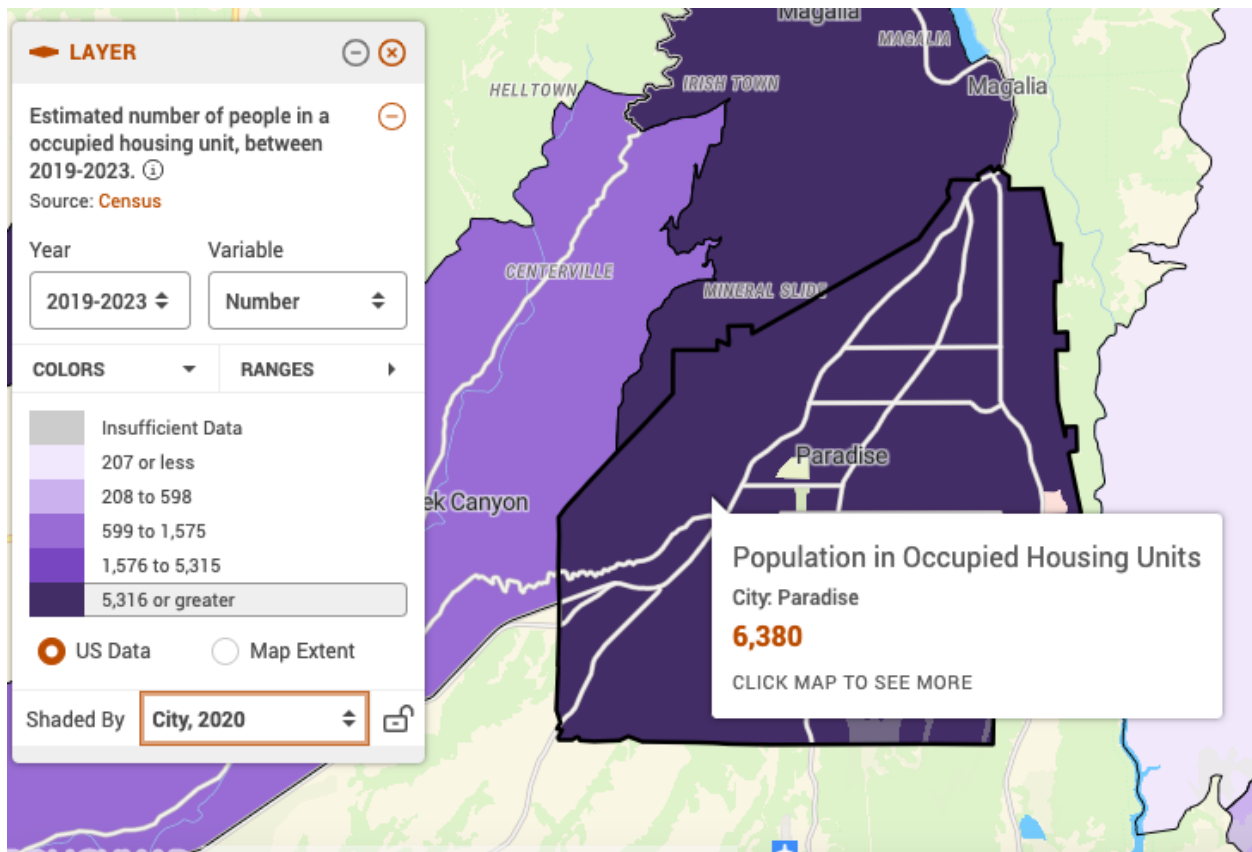
How were these needs determined?

Housing Market Analysis

MA-05 Overview

Housing Market Analysis Overview:

This section looks at the housing market and supply in the Town of Paradise by analyzing housing indicators. Developing a picture of the current housing stock in the community begins by looking at trends in structure, age, price, and tenure. Furthermore, the supply of homeless shelter facilities, special needs services and housing, and non-housing community development resources are considered. The analysis is supplemented by GIS maps to provide geographical visualization of the data. Unfortunately, most of the housing stock in the Town of Paradise was destroyed by the Camp fire and the included data from the US Census Bureau does not accurately reflect the current situation. When possible, supplementary data and estimates are provided. The Town is in significant need of housing units for a wide range of households, particularly lower income households and those with special needs.



MA-10 Number of Housing Units – 91.210(a)&(b)(2)

Introduction

This section examines the composition of Town’s housing stock in terms of housing type and tenure. Details are provided based on the number of units in the structure, multifamily housing distribution within the jurisdiction, unit size and tenure, as well as an analysis of owner-occupied and renter occupied housing. The number of housing units in Paradise that were not destroyed in the Camp Fire are approximately 1720. Some homes (mainly mobile homes in parks), that were not destroyed in the fire were subsequently relocated or condemned.

Since that time, 2,698 single family homes have been rebuilt and 621 multi-family units have been rebuilt as of February, 2024.

All residential properties by number of units

Property Type	Number	%
1-unit detached structure	2,334	71%
1-unit, attached structure	188	6%
2-4 units	85	3%
5-19 units	502	15%
20 or more units	16	0%
Mobile Home, boat, RV, van, etc	185	6%
Total	3,310	100%

Table 26 – Residential Properties by Unit Number

Alternate Data Source Name:

American Community Survey (ACS) 2023

Data Source Comments:

Alternate data used to show most current available data. Only actual housing units shown in tabulation (ie, mobile homes are included, but not RVs, vans, etc. because they are not commonly accepted housing units)

Unit Size by Tenure

	Owners		Renters	
	Number	%	Number	%
No bedroom	22	1%	0	0%
1 bedroom	169	7%	341	54%
2 bedrooms	1,824	76%	293	46%
3 or more bedrooms	387	16%	0	0%
Total	2,402	100%	634	100%

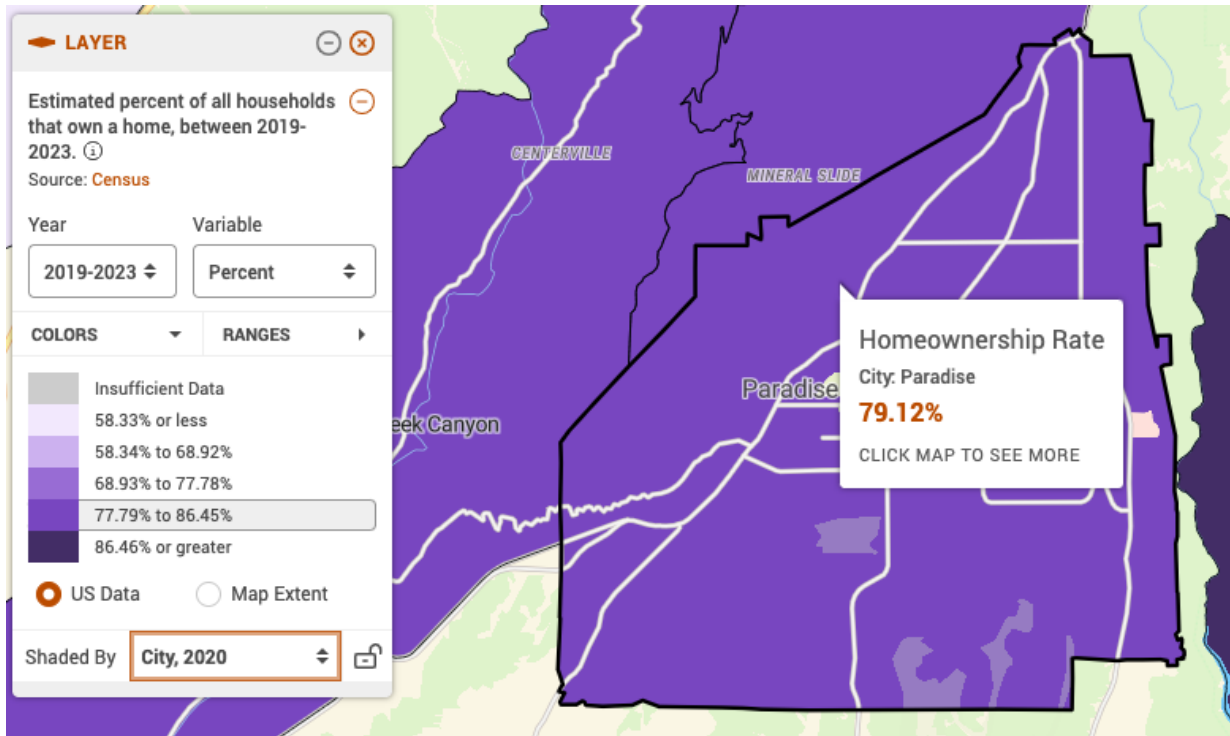
Table 27 – Unit Size by Tenure

Alternate Data Source Name:

American Community Survey (ACS) 2023

Data Source Comments:

Alternate data used to show most current available data. The ACS groups 2 and 3 bedroom units into one data point, so the 2 bedroom field is showing 2-3 bedroom units, and 3 or more is showing 4+ bedroom units.



Describe the number and targeting (income level/type of family served) of units assisted with federal, state, and local programs.

Through state programs, the Town of Paradise intends to provide direct assistance to 50 low to moderate income households.

Through federal programs, the Town will assist in the development of 292 number of multi-family units making between 20-60% AMI. 201 are family units, 91 number are senior units, 5% percent are reserved for people with disabilities.

With CDBG entitlement funds, as they are expected to be limited, the Town plans to provide direct financial assistance to residents through subsistence programs and public services to try to reduce housing cost burdens.

Provide an assessment of units expected to be lost from the affordable housing inventory for any reason, such as expiration of Section 8 contracts.

No affordable housing units are set to expire.

Does the availability of housing units meet the needs of the population?

No, due to the 2018 Camp fire there is a need for all types of housing units to meet the needs of the population. Significant support is required to assist the Town in recovering from the disaster. Residents located in temporary housing, alternative housing, and experiencing homelessness are need of safe, secure, and affordable housing. With approximately 5,039 housing units in Paradise, the Town still needs to rebuild 6,488 homes to recover the housing units lost in 2018.

Describe the need for specific types of housing:

The Town needs all types of housing. New development is the primary need for housing due to the destruction of most housing units in 2018. The lack of sewage infrastructure continues to be a significant barrier to the development of housing in Paradise, particularly higher density developments such as multifamily housing, cooperative housing developments, and mobile home parks.

Discussion

As of February 2024, the housing that exists in Paradise consists of approximately 1,720 homes that were not destroyed in the fire, 2,698 rebuilt single family residences, and 621 multifamily housing units. The primary source of funding for rebuilding was homeowners' insurance. State and Federal funding has been concentrated on assisting low-income homeowners rebuild or purchase completed replacement housing. Assistance to build rental housing in the form of multifamily developments was not available until late 2023 and most assisted multifamily housing is still under construction and not yet ready for occupancy. There has been no assistance to rebuild single-family rental homes. A lack of assistance to rebuild all types of housing has likely led to Paradise's very high rates of homeownership.

MA-15 Housing Market Analysis: Cost of Housing - 91.210(a)

Introduction

The following section examines the cost of housing for both homeowners and renters within Paradise before and after the 2018 fire. A review is made of the home values and rents, as well as changes in home values and rents. Finally, a closer look is given to the affordability of the housing stock for the residents of the jurisdiction. Some data on housing cost is released on a more regular basis than others. The data is from different years, but always the most current available.

Cost of Housing

	Base Year: 2019	Most Recent Year: 2023	% Change
Median Home Value	223,400	391,100	75%
Median Contract Rent	895	1,270	42%

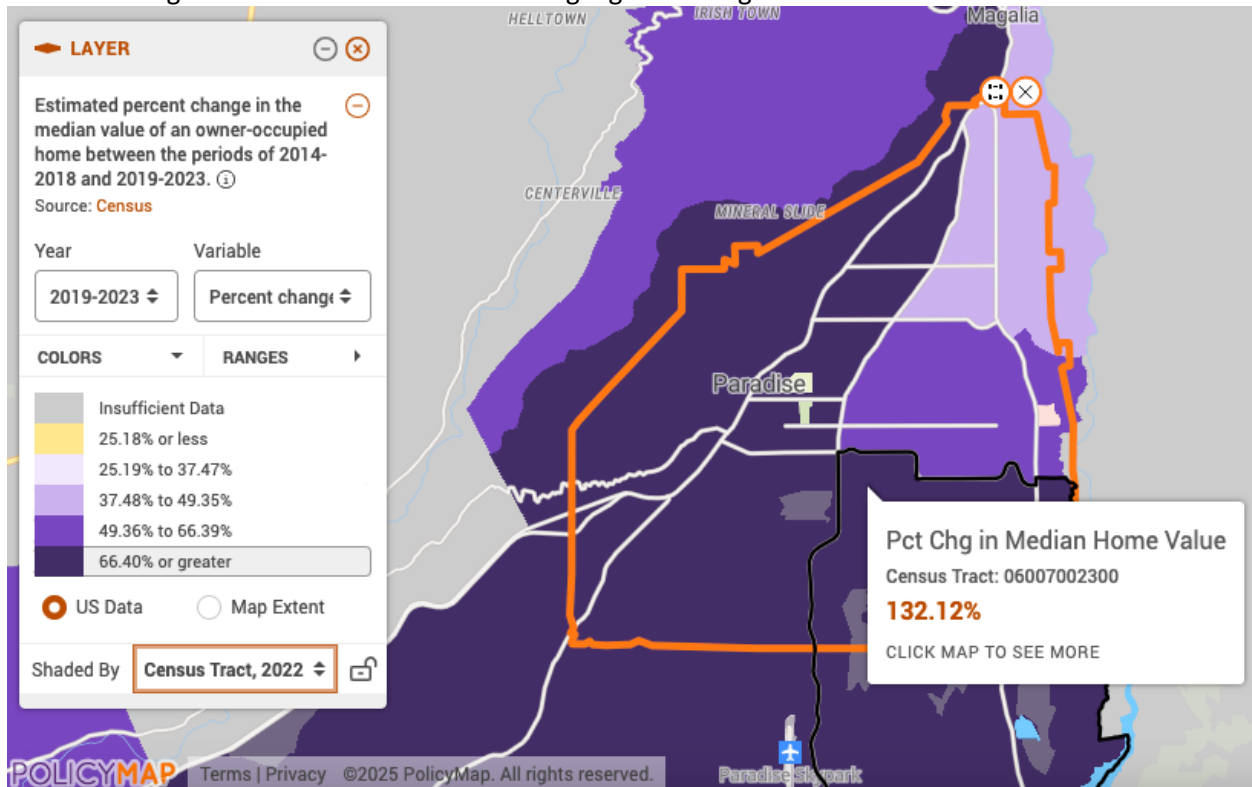
Table 28 – Cost of Housing

Alternate Data Source Name:

American Community Survey (ACS) 2023

Data Source Comments: Alternate data used to show most current available data.

Percent Change in Median Home Value showing highest change in Census Tract 23



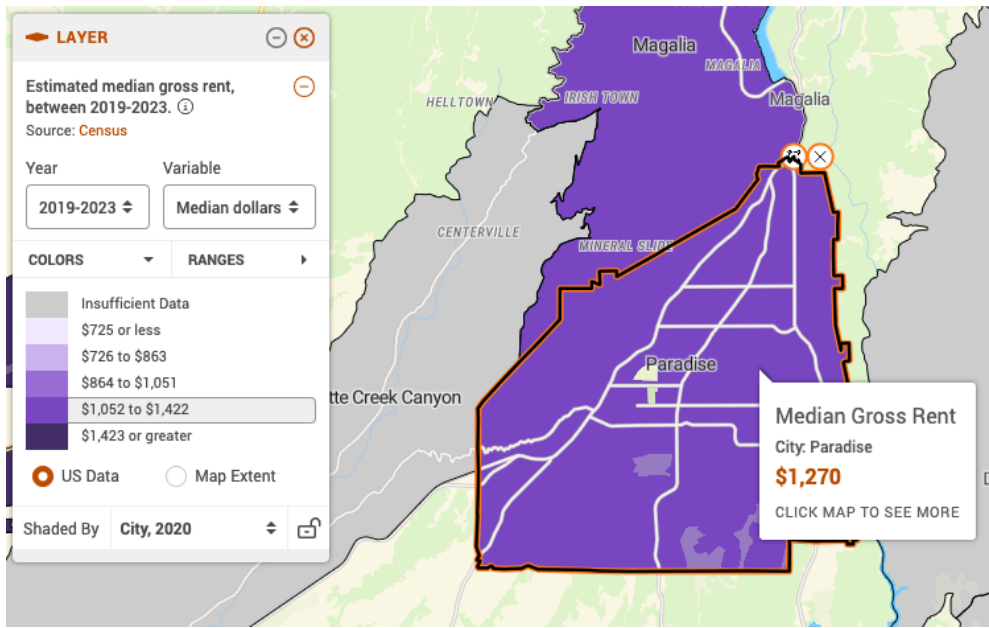
Rent Paid	Number	%
Less than \$500	6	10.6%
\$500-999	147	58.0%
\$1,000-1,499	248	18.1%
\$1,500-1,999	100	5.7%
\$2,000 or more	119	7.6%
Total	620	100.0%

Table 29 - Rent Paid

Alternate Data Source Name:

American Community Survey (ACS) 2023

Data Source Comments: Alternate data used to show most current available data.



Housing Affordability

Number of Units affordable to Households earning	Renter	Owner
30% HAMFI	280	No Data
50% HAMFI	170	405
80% HAMFI	150	360
100% HAMFI	No Data	130
Total	600	895

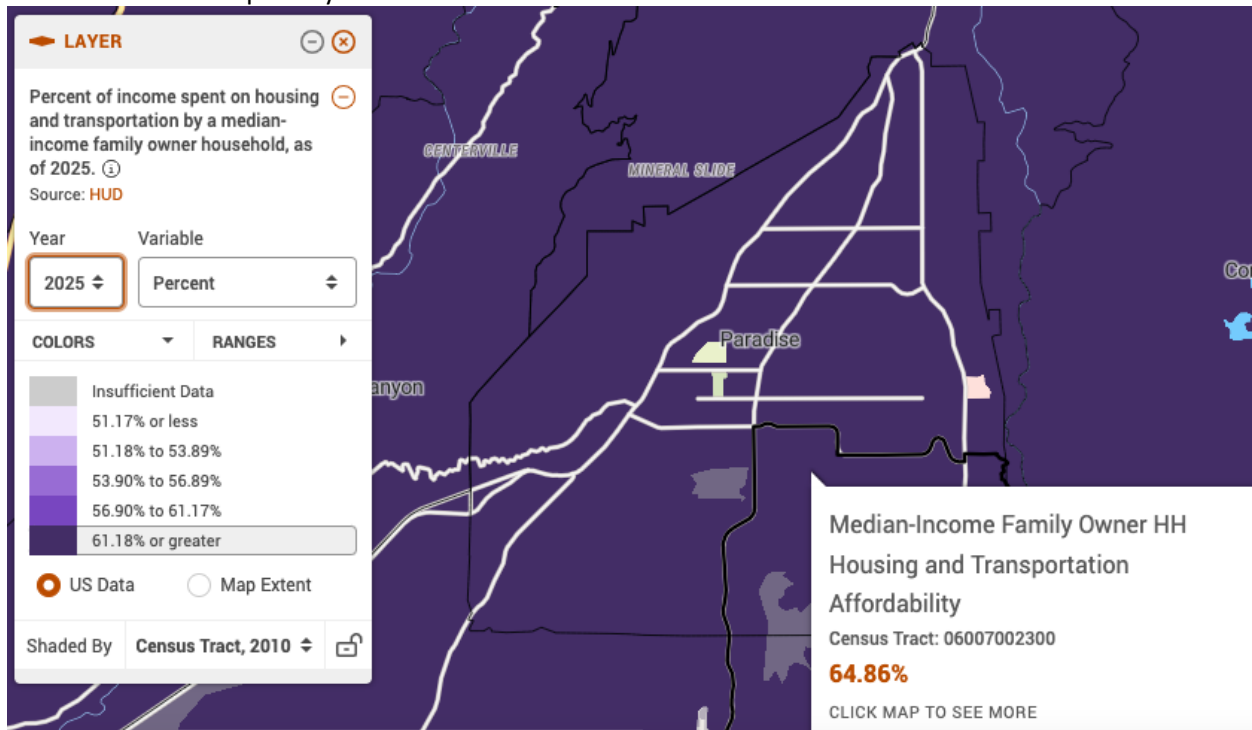
Table 30 – Housing Affordability

Alternate Data Source Name:

CHAS 2017-2021

Data Source Comments: Alternate data used to show most current available data.

Percent of Income Spent by median-income homeowner household

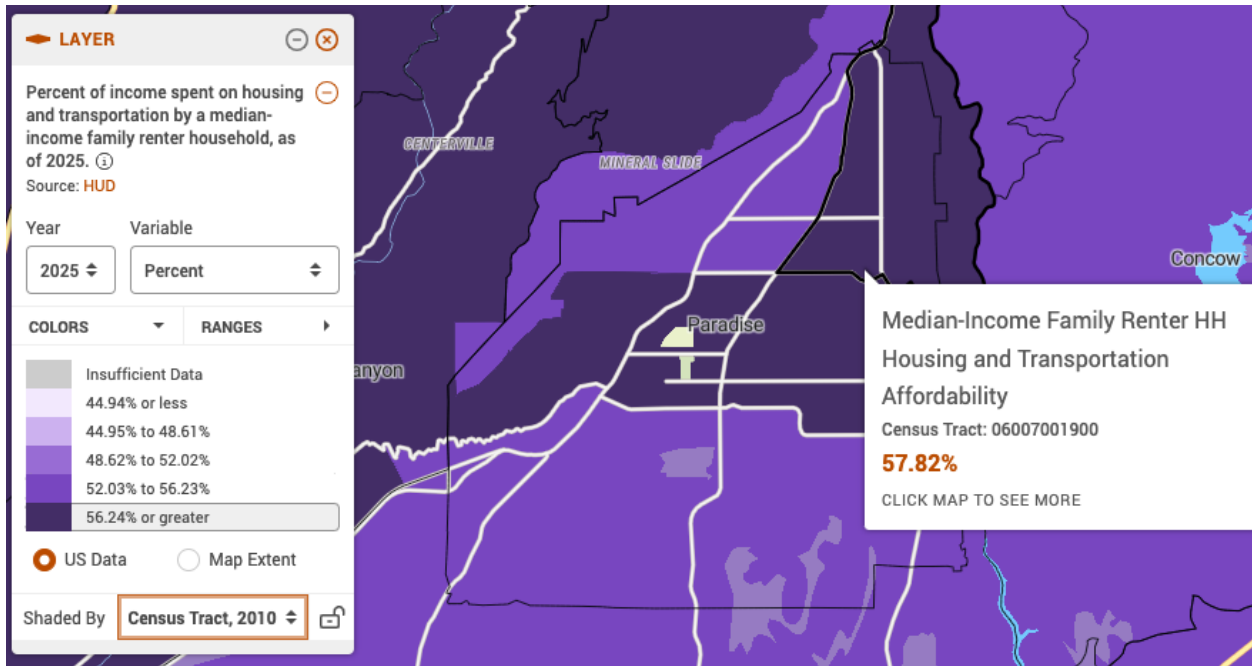


Monthly Rent

Monthly Rent (\$)	Efficiency (no bedroom)	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom
Fair Market Rent	1,049	1,091	1,428	2,012	2,423
High HOME Rent	1,013	1,086	1,306	1,499	1,653
Low HOME Rent	793	850	1,021	1,179	1,315

Table 31 – Monthly Rent

Data Source Comments:



Is there sufficient housing for households at all income levels?

No, there is a lack of sufficient housing for all income levels. The number of units available for rent or purchase is incredibly low and do not meet the needs of the community. It is imperative that housing is developed to assist in the recovery from the Camp fire.

How is affordability of housing likely to change considering changes to home values and/or rents?

Housing affordability is unlikely to change without changes to market conditions effecting building materials, labor costs, and financing.

How do HOME rents / Fair Market Rent compare to Area Median Rent? How might this impact your strategy to produce or preserve affordable housing?

According to the US Census Bureau, the median contract rent for all units in Paradise was \$1,270 in 2023. The high HOME rent limit for a 2 bedroom unit in 2024 is \$1,306 and the low HOME rent limit is \$1,021.

The per unit development cost of subsidized rental housing far exceeds the cost to develop rental housing without any government funding, and the low rent potential limits the developers ability to

accrue meaningful operational and replacement reserves beyond minimal formulas that don't match reality. Additionally, the subsidized rents are nearly equal to fair market rate rents, but don't come with the same income limits and reporting requirements, making subsidized rental units unattractive to all but the lowest-income renters.

The Town made some key changes to its down-payment assistance program, which previously charged 3% interest for 10 years, and forgave accrued interest after year 20. Using state funding that does not impose an affordability period, the Town reduced interest to 1% for 10 years, and removed the option to have interest forgiven after 20 years. The idea behind this change was that the households using the down payment assistance program were likely purchasing small, starter homes and were disincentivized to move up into larger, more expensive homes when their incomes and family sizes increased. Assisted households are now neither incentivized or de-incentivized to stay in the home beyond 10 years, but if they are able to move prior to living in the home for 10 years, there is some incentive for them to move sooner rather than later. This way, small starter homes can be returned to the market to be purchased by another household needing affordable housing.

Discussion

According to the ACS 2019-2023, the Median Home Value in Paradise has increased 79% in the last five years to \$391,100. In multiple census tracts, the home value has increased more than 100%. While California has protections in place to prevent year over year increases in property taxes from exceeding 2%, an increase in home values are seen in higher costs for homeowners' insurance. New home buyers entering the housing market will face more obstacles finding affordable housing and are likely to take on far more debt than the generations before them. The increase in median home values is largely due to the Camp Fire - over 65% of homes in Paradise were built within the last 5 years. Building codes have increased the value of homes, now that things like solar energy and fire suppression systems are required, but also increased the cost of construction. Far greater than the change in building codes, the increased cost of building materials, labor, and financing has exponentially increased the cost of home building across the country. The profit margins of builders are small with the cost to build averaging between \$225-\$300 per sq ft., and the upper limit of market value is determined by what the market can bear. 5 years ago, well qualified homebuyers could expect fixed-rate mortgage interest below 3%. COVID-19 market conditions triggered inflation at rates not seen in 40 years, prompting the Federal Reserve to increase interest rates to slow the speed of borrowing. For the past 12 months, fixed-rate mortgages have been consistently over 6%. Homebuyers who purchased homes when rates were low can't afford even lateral moves without a substantial increase in income or without moving into a different real estate market altogether. Unlike other products, increased home prices don't do much to reduce demand because housing is a basic human need. Many of the new home purchases in Paradise

are attributed to buyers moving in from areas where real estate prices far exceed the average home sale price of Paradise, rather than being purchased by returning Paradise residents.

As fewer buyers were able to purchase homes in Paradise, some local home builders have shifted their business models away from building the typical single family home in favor of building smaller homes that can sell to a larger pool of buyers. In a 2003, a HUD/Census Housing Survey found that the median square footage of a suburban home was 1,819 sq ft. In Paradise, the median square footage of a detached, single family home built and sold in 2024 was only 1,333 sq ft., and 10% were 1,000 sq ft or less.

Comparing the small area fair market rents published by HUD for the 95969 zip code, the estimated 40th percentile gross rent for a 2 bedroom home has increased by 34.34% since 2018. This is on par with a 34.74% increase for all of Butte County.

Rent, unlike real estate, is considered a consumer good and subject to a 10% increase limit per year. Also unlike real estate, if rents increase beyond what the tenant can pay, the tenant can leave in search of more affordable housing. Landlords also have incentive to keep rents affordable in order to keep a vacancy rate below the industry standard of 5%. It's estimated that of the 621 multi-family units in Paradise, XXX have subsidized rents (PCV + Paradise Gardens + Eaglepointe + CHIP). Because the market can't bear higher rents, continued new high density rental development by the private sector is likely to slow as the gross rent potential doesn't make building financially feasible.

MA-20 Housing Market Analysis: Condition of Housing – 91.210(a)

Introduction

The tables and maps in this section provide details on the condition of housing units throughout the region by looking at factors such as age, vacancy, and the prevalence of housing problems.

As defined by HUD, the four housing problems are:

- 1) a home which lacks complete or adequate kitchen facilities
- 2) a home which lacks complete or adequate plumbing facilities
- 3) a home which is overcrowded (having more than one person per room)
- 4) a household that is cost burdened (paying 30% or more of their income towards housing costs)

It is very likely that the numbers reported in these tables are not an accurate representation of housing conditions in Paradise. Nearly 66% of all housing in Paradise was rebuilt within the last 5 years.

Describe the jurisdiction's definition of "standard condition" and "substandard condition but suitable for rehabilitation":

For the purposes of this plan, units are in “standard condition” when the unit is in compliance with the local building code, which is based on the International Building Code.

The definition of substandard housing is a housing unit with one or more serious code violations. For the purposes of this analysis the lack of a complete plumbing or a complete kitchen will also serve as an indicator of substandard housing.

Units are in “substandard condition but suitable for rehabilitation” when the unit is out of compliance with one or more code violations, and it is both financially and structurally feasible to rehabilitate the unit.

Condition of Units

Condition of Units	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
With one selected Condition	839	17%	224	0%
With two selected Conditions	0	0%	0	0%
With three selected Conditions	0	0%	0	0%
With four selected Conditions	0	0%	0	0%
No selected Conditions	1,346	27%	322	0%
Total	2,185	44%	546	0%

Table 32 - Condition of Units

Alternate Data Source Name:

American Community Survey (ACS) 2023

Data Source Comments:

Year Unit Built

Year Unit Built	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
2000 or later	3,643	74%	0	0%
1980-1999	547	11%	0	0%
1950-1979	454	9%	0	0%
Before 1950	273	6%	0	0%
Total	4,917	100%	0	0%

Table 33 – Year Unit Built

Alternate Data Source Name:
American Community Survey (ACS) 2023
Data Source Comments:

Risk of Lead-Based Paint Hazard

Risk of Lead-Based Paint Hazard	Owner-Occupied		Renter-Occupied	
	Number	%	Number	%
Total Number of Units Built Before 1980	3,925	80%	1,420	0%
Housing Units build before 1980 with children present	255	5%	130	0%

Table 34 – Risk of Lead-Based Paint

Data Source: 2016-2020 ACS (Total Units) 2016-2020 CHAS (Units with Children present)

Vacant Units

	Suitable for Rehabilitation	Not Suitable for Rehabilitation	Total
Vacant Units	0	0	0
Abandoned Vacant Units	0	0	0
REO Properties	0	0	0
Abandoned REO Properties	0	0	0

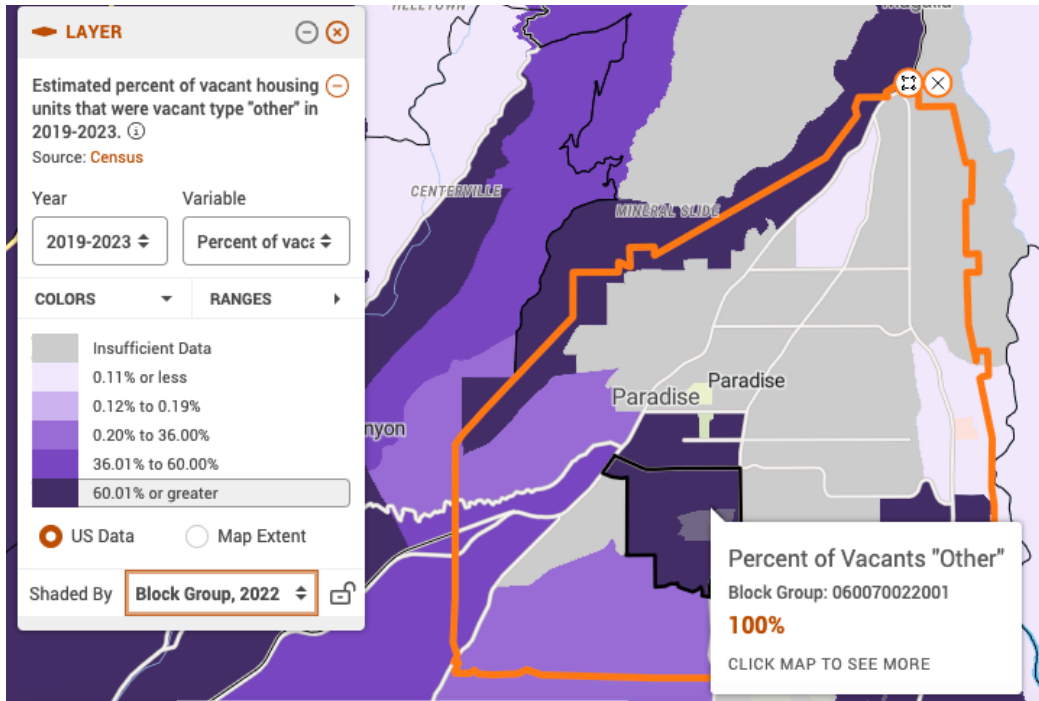
Table 35 - Vacant Units

Data Source: 2005-2009 CHAS

Need for Owner and Rental Rehabilitation

Estimated Number of Housing Units Occupied by Low or Moderate Income Families with LBP Hazards

Discussion



MA-25 Public and Assisted Housing – 91.210(b)

Introduction

As noted in NA-25, the Town of Paradise is served by the Housing Authority of the County of Butte. The only data available covers the entire county. The only development that provided Section 8 units was destroyed in the fire and is no longer available. The Town needs public and assisted housing to provide for the residents who have been displaced and/or are living in substandard conditions due to the lack of affordable units.

Totals Number of Units

	Certificate	Mod-Rehab	Public Housing	Program Type					
				Total	Project -based	Tenant -based	Vouchers		
							Veterans Affairs Supportive Housing	Family Unification Program	Disabled *
# of units vouchers available			345	1,954			194	10	0
# of accessible units									
*includes Non-Elderly Disabled, Mainstream One-Year, Mainstream Five-year, and Nursing Home Transition									

Table 36 – Total Number of Units by Program Type

Alternate Data Source Name:

Public Housing/Section 8 data

Data Source Comments:

Describe the supply of public housing developments:

Describe the number and physical condition of public housing units in the jurisdiction, including those that are participating in an approved Public Housing Agency Plan:

There are no public housing units in Paradise. There are several multifamily developments that have received investment from the Housing Authority or direct HUD allocations in the form of Project Based Vouchers and Low-Income Housing Tax Credits. All developments with public investment are less than 5-years old.

Public Housing Condition

Public Housing Development	Average Inspection Score

Table 37 - Public Housing Condition

Describe the restoration and revitalization needs of public housing units in the jurisdiction:

As mentioned above, there is no public housing in Paradise, but there are multifamily developments with public investment. Paradise Community Village is a recently rebuilt, 36-unit property with Low-Income Housing Tax Credits and HOME funds. Paradise Gardens III has direct project-based vouchers and was rebuilt in 2024. Eaglepointe is a 43-unit property with CDBG-DR funding that was built in 2024. Mayer Commons (formerly Kathy Ct Apartments) is 12-units in the process of being rebuilt with CDBG-DR funding and expected to be completed in 2025. Northwind Senior Apartments are also under construction and expected to be complete in 2025. Northwind will have 21 units built with CDBG-DR funds. Cypress Family Apartments are also under construction with a completion expected in late 2025. Cypress Family will have 70 units and is being built with CDBG-DR funds.

Describe the public housing agency's strategy for improving the living environment of low- and moderate-income families residing in public housing:

The Housing Authority has implemented the idea of social architecture in many developments they support as limited or managing partners, "the conscious design of an environment that encourages a desired range of social behaviors leading towards some goal or set of goals." In otherwords, the housing built with public investment is constructed with to reflect the investment made in the residents, and designed to set a high bar for neighboring developments built by the private sector.

Discussion:

MA-30 Homeless Facilities and Services – 91.210(c)

Introduction

Facilities and Housing Targeted to Homeless Households

	Emergency Shelter Beds		Transitional Housing Beds	Permanent Supportive Housing Beds	
	Year Round Beds (Current & New)	Voucher / Seasonal / Overflow Beds	Current & New	Current & New	Under Development
Households with Adult(s) and Child(ren)	116	0	145	16	0
Households with Only Adults	514	40	97	286	0
Chronically Homeless Households	0	0	0	27	0
Veterans	0	0	15	194	0
Unaccompanied Youth	5	0	1	17	0

Table 38 - Facilities and Housing Targeted to Homeless Households

Data Source Comments:

Describe mainstream services, such as health, mental health, and employment services to the extent those services are use to complement services targeted to homeless persons

List and describe services and facilities that meet the needs of homeless persons, particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth. If the services and facilities are listed on screen SP-40 Institutional Delivery Structure or screen MA-35 Special Needs Facilities and Services, describe how these facilities and services specifically address the needs of these populations.

MA-35 Special Needs Facilities and Services – 91.210(d)

Introduction

Including the elderly, frail elderly, persons with disabilities (mental, physical, developmental), persons with alcohol or other drug addictions, persons with HIV/AIDS and their families, public housing residents and any other categories the jurisdiction may specify, and describe their supportive housing needs

Describe programs for ensuring that persons returning from mental and physical health institutions receive appropriate supportive housing

Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. 91.315(e)

For entitlement/consortia grantees: Specify the activities that the jurisdiction plans to undertake during the next year to address the housing and supportive services needs identified in accordance with 91.215(e) with respect to persons who are not homeless but have other special needs. Link to one-year goals. (91.220(2))

MA-40 Barriers to Affordable Housing – 91.210(e)

Negative Effects of Public Policies on Affordable Housing and Residential Investment

MA-45 Non-Housing Community Development Assets – 91.215 (f)

Introduction

Economic Development Market Analysis

Business Activity

Business by Sector	Number of Workers	Number of Jobs	Share of Workers %	Share of Jobs %	Jobs less workers %
Agriculture, Mining, Oil & Gas Extraction	27	10	2	0	-2
Arts, Entertainment, Accommodations	121	260	7	10	3
Construction	157	281	9	11	2
Education and Health Care Services	502	1,055	28	40	12
Finance, Insurance, and Real Estate	155	186	9	7	-2
Information	63	6	4	0	-4
Manufacturing	82	29	5	1	-4
Other Services	62	151	3	6	3
Professional, Scientific, Management Services	236	119	13	5	-8
Public Administration	96	92	5	4	-1
Retail Trade	167	282	9	11	2
Transportation and Warehousing	125	93	7	4	-3
Wholesale Trade	0	53	0	2	2
Total	1,793	2,617	--	--	--

Table 39 - Business Activity

Alternate Data Source Name:

LEHD

Data Source Comments: Worker data is from ACS 2023

Labor Force

Total Population in the Civilian Labor Force	1,867
Civilian Employed Population 16 years and over	1,793
Unemployment Rate	3.96
Unemployment Rate for Ages 16-24	0.00
Unemployment Rate for Ages 25-65	0.00

Table 40 - Labor Force

Alternate Data Source Name:
American Community Survey (ACS) 2023
Data Source Comments:

Occupations by Sector	Number of People
Management, business and financial	605
Farming, fisheries and forestry occupations	4
Service	329
Sales and office	555
Construction, extraction, maintenance and repair	160
Production, transportation and material moving	140

Table 41 – Occupations by Sector

Alternate Data Source Name:
American Community Survey (ACS) 2023
Data Source Comments:

Travel Time

Travel Time	Number	Percentage
< 30 Minutes	1,304	76%
30-59 Minutes	311	18%
60 or More Minutes	101	6%
Total	1,716	100%

Table 42 - Travel Time

Alternate Data Source Name:
American Community Survey (ACS) 2023
Data Source Comments:

Education:

Educational Attainment by Employment Status (Population 16 and Older)

Educational Attainment	In Labor Force		Not in Labor Force
	Civilian Employed	Unemployed	
Less than high school graduate	65	0	96
High school graduate (includes equivalency)	366	18	153
Some college or Associate's degree	539	0	571
Bachelor's degree or higher	387	0	179

Table 43 - Educational Attainment by Employment Status

Alternate Data Source Name:
American Community Survey (ACS) 2023
Data Source Comments:

Educational Attainment by Age

	Age				
	18–24 yrs	25–34 yrs	35–44 yrs	45–65 yrs	65+ yrs
Less than 9th grade	0	0	0	0	0
9th to 12th grade, no diploma	123	0	0	0	0
High school graduate, GED, or alternative	223	334	376	1,485	2,816
Some college, no degree	154	0	0	0	0
Associate's degree	0	0	0	0	0
Bachelor's degree	56	132	122	312	1,065
Graduate or professional degree	0	0	0	0	0

Table 44 - Educational Attainment by Age

Alternate Data Source Name:
American Community Survey (ACS) 2023
Data Source Comments:

Educational Attainment – Median Earnings in the Past 12 Months

Educational Attainment	Median Earnings in the Past 12 Months
Less than high school graduate	40,804
High school graduate (includes equivalency)	52,778
Some college or Associate's degree	49,583
Bachelor's degree	46,528
Graduate or professional degree	81,507

Table 45 – Median Earnings in the Past 12 Months

Alternate Data Source Name:
American Community Survey (ACS) 2023

Based on the Business Activity table above, what are the major employment sectors within your jurisdiction?

Healthcare and education are major employment sectors within the jurisdiction. At a more detailed level, there are 362 education jobs and 693 healthcare and social assistance jobs in Paradise. Large employers in Paradise include the Paradise Unified School District and Adventist Health.

Describe the workforce and infrastructure needs of the business community:

There is a disparity between the number of jobs and the number of workers. This could indicate that over 800 people are commuting to work from outside Paradise. Conversely, there are several occupational fields where the number of workers is larger than the number of jobs, meaning those types of jobs are not available in Paradise and workers are commuting into other jurisdictions. This is likely true because of the 24% of workers who report a work commute of over 30 minutes.

Describe any major changes that may have an economic impact, such as planned local or regional public or private sector investments or initiatives that have affected or may affect job and business growth opportunities during the planning period. Describe any needs for workforce development, business support or infrastructure these changes may create.

The Camp Fire destroyed many businesses, and ones that were left standing in the immediate aftermath lacked either a customer base or a workforce and closed. The need for debris removal, infrastructure projects, and home building have created a shift towards jobs that directly and indirectly support rebuild and recovery.

How do the skills and education of the current workforce correspond to employment opportunities in the jurisdiction?

As industry has shifted towards construction occupations, the Valley Contractor's Exchange has created a mobile work-training service. Paradise High School and Butte College offer Career/Technical Education pathways.

Describe any current workforce training initiatives, including those supported by Workforce Investment Boards, community colleges and other organizations. Describe how these efforts will support the jurisdiction's Consolidated Plan.

There is a mobile work training program being operated by the Valley Contractor’s Workforce Foundation and the Town of Paradise is developing a Workforce Training Center using CDBG-DR funds for Economic Development, in partnership with Paradise Unified School District.

Does your jurisdiction participate in a Comprehensive Economic Development Strategy (CEDS)?

Yes

If so, what economic development initiatives are you undertaking that may be coordinated with the Consolidated Plan? If not, describe other local/regional plans or initiatives that impact economic growth.

The Town’s Economic Development initiatives are aligned with the sewer project, workforce training center, and downtown redevelopment strategy.

Discussion

MA-50 Needs and Market Analysis Discussion

Are there areas where households with multiple housing problems are concentrated? (include a definition of "concentration")

No, Paradise does not have traditional neighborhoods and there are no problem areas that are concentrated in one area.

Are there any areas in the jurisdiction where racial or ethnic minorities or low-income families are concentrated? (include a definition of "concentration")

No, Paradise does not have areas where low-income, racial or ethnic minorities are concentrated.

What are the characteristics of the market in these areas/neighborhoods?

Are there any community assets in these areas/neighborhoods?

Are there other strategic opportunities in any of these areas?

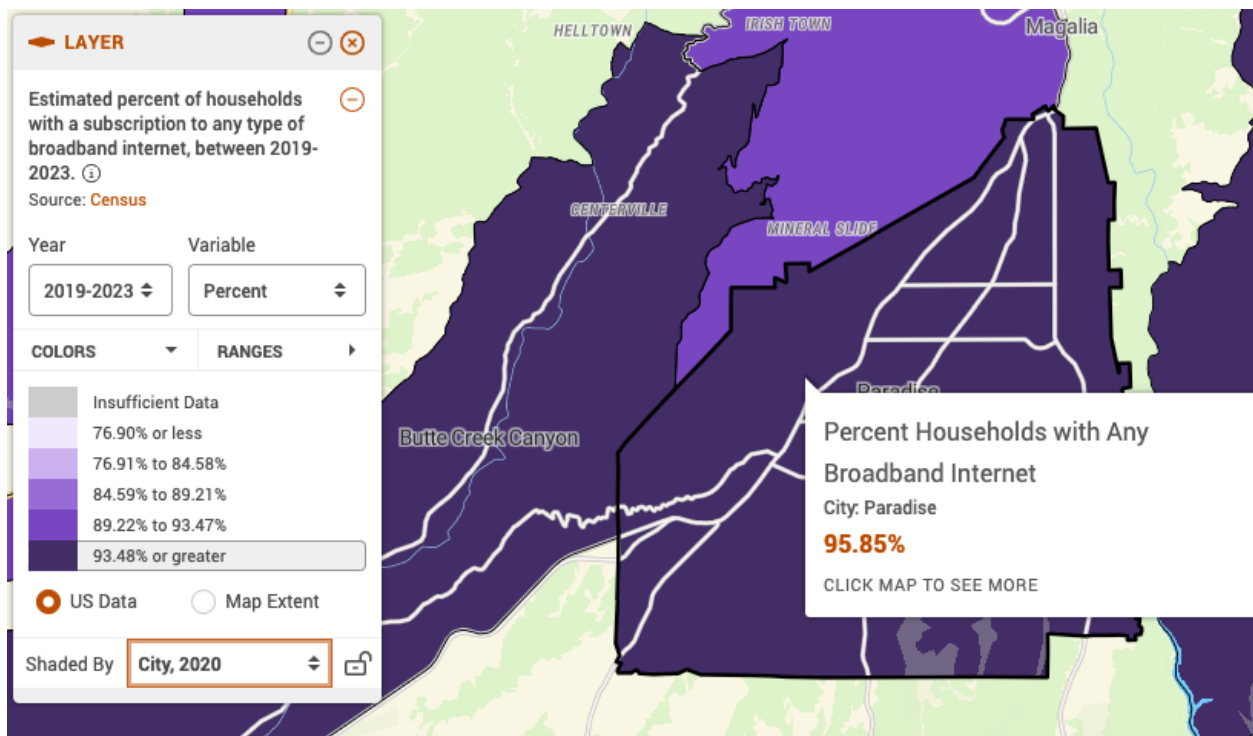
MA-60 Broadband Needs of Housing occupied by Low- and Moderate-Income Households - 91.210(a)(4), 91.310(a)(2)

Describe the need for broadband wiring and connections for households, including low- and moderate-income households and neighborhoods.

After the Camp Fire, extensive public infrastructure repairs took place throughout the Town of Paradise. This included putting all powerlines underground and removing power poles. This necessitated placing communication lines underground as well. There is no area in Paradise that is not served by at least two broadband internet service providers.

Describe the need for increased competition by having more than one broadband Internet service provider serve the jurisdiction.

There are at least three service providers, and soon a fourth. Increased competition should promote competitive pricing.



MA-65 Hazard Mitigation - 91.210(a)(5), 91.310(a)(3)

Describe the jurisdiction's increased natural hazard risks associated with climate change.

Paradise has historically been prone to various natural hazard events including, thunderstorm winds, extreme heat, drought, and earthquakes. However, the threat of wildfires continues to be the biggest concern and this hazard is exacerbated by the impacts of climate change. By the middle of the century the average summer temperature is expected to rise four degrees. This rise in temperature could lead to altered weather and precipitation patterns, a rise in severe storms, an increased risk of drought and wildfires, increased electricity costs, and ruined crops.

Describe the vulnerability to these risks of housing occupied by low- and moderate-income households based on an analysis of data, findings, and methods.

These environmental changes will likely impact migration patterns and potentially increase LMI communities at risk regardless of whether or not they experience a disaster directly. In a post-Camp Fire study of the migration HUD-assisted households, HUD learned nearly all HUD-assisted households lived in a low-poverty census tract prior to the fire, but half of the households that found new housing with a section 8 voucher moved to a high or extremely high poverty census tract after the fire. Only 2 out of 165 households moved from a high-poverty census tract to a low-poverty census tract.

Low-and-moderate income households are at greater risk to natural hazards because they are more likely to live in housing that is in known risk areas, live in higher density housing, or in housing types that are exempted from resiliency measures in the name of maintaining affordability. For example, manufactured housing is not required to be built with fire suppression systems, but stick-built housing is. Federal and state assistance to low-income homeowners to rebuild after a fire prohibits assistance to rebuild at another (potentially safer) location.

Strategic Plan

SP-05 Overview

Strategic Plan Overview

The Strategic Plan outlines the Town of Paradise’s overall planning and vision for community development over the next 5 years of the Consolidated Plan period. The goals outlined in the Strategic Plan is the Town’s response to priority needs identified by its residents and local stakeholder organizations, and through the analysis and assessment of the Needs Assessment and Market Analysis. The Strategic Plan specifically addresses how the Town intends to use CDBG funds toward furthering HUD’s statutory goals of providing for suitable living environments and providing safe, decent and affordable housing especially for low- to moderate-income households and the special needs population in Paradise.

SP-10 Geographic Priorities – 91.215 (a)(1)

Geographic Area

Table 46 - Geographic Priority Areas

General Allocation Priorities

Describe the basis for allocating investments geographically within the jurisdiction (or within the EMSA for HOPWA)

The Town of does not allocate funding based solely on geographic requirements except when appropriate due to the nature of the activity. When the planned activities are intended to serve individuals or households directly, those individuals or households must meet income qualifications, as well as residency requirements, in order to receive assistance from the program. In these instances, Town staff and/or one of its partner agencies shall complete an in-take and eligibility status review of the applicant individual or household, before the project/activity is initiated. When the Town has identified infrastructure and public facility improvement activities, planned activities will serve a community, neighborhood or “area”. These projects (or activities) are said to have an “areawide” benefit. Per HUD requirements, these areas must be within an eligible Census Block Group Tract, as defined by HUD-CDBG regulations. HUD determines Low/Mod block groups tracts as those with 51% LMI population. HUD CDBG Low/Mod Income Summary Data (LMISD), which have defined the eligible Low/Mod block group tracts within the jurisdiction can be found on the HUD Exchange website at: <https://www.hudexchange.info/programs/acs-low-mod-summary-data>

SP-25 Priority Needs - 91.215(a)(2)

Priority Needs

Table 47 – Priority Needs Summary

1	Priority Need Name	Improve Public Infrastructure
	Priority Level	High
	Population	Extremely Low Low Moderate Middle Non-housing Community Development
	Geographic Areas Affected	
	Associated Goals	Public road and drainage improvements
	Description	The Town will continue to leverage funding to improve public roads in low income areas, especially when public road improvements include drainage improvements to prevent damage to area homes.
	Basis for Relative Priority	Changes to the ecological landscape due to the fire has exacerbated drainage issues and caused flooding to homes.
	2	Priority Need Name
Priority Level		High
Population		Extremely Low Low Non-housing Community Development
Geographic Areas Affected		
Associated Goals		Job training and Job retention
Description		The Town will conduct outreach to identify and support the efforts of local Community Based Development Organizations and public service organizations that provide job training and upskilling.

	Basis for Relative Priority	The Town of Paradise lost many businesses and residents lost jobs during the 2018 Camp Fire. The Town’s largest employer, Feather River Hospital, remains closed.
3	Priority Need Name	Affordable Housing
	Priority Level	High
	Population	Extremely Low Low Moderate Large Families Families with Children Elderly
	Geographic Areas Affected	
	Associated Goals	Preserve affordable housing
	Description	The Town will develop programs to maintain housing affordability for low-income residents.
	Basis for Relative Priority	The Town of Paradise experiences high housing cost burden.
	4	Priority Need Name
Priority Level		High
Population		Extremely Low Low Moderate Middle Families with Children Non-housing Community Development
Geographic Areas Affected		
Associated Goals		Support of Youth Center

	Description	Town will assist local youth centers to increase or expand services.
	Basis for Relative Priority	The Town of Paradise has limited opportunities for youth recreation, enrichment, and social connection outside of school

Narrative (Optional)

SP-30 Influence of Market Conditions – 91.215 (b)

Influence of Market Conditions

Affordable Housing Type	Market Characteristics that will influence the use of funds available for housing type
Tenant Based Rental Assistance (TBRA)	N/A. The Town does not offer Tenant Based Rental Assistance with CDBG funds.
TBRA for Non-Homeless Special Needs	N/A. The Town does not offer Tenant Based Rental Assistance with CDBG funds.
New Unit Production	New housing units is the primary need in Paradise due to the destruction of most housing units in 2018. The cost of new unit production, plus regulation restrictions and limited expected resources do not support the use of CDBG funds for new unit production.
Rehabilitation	The housing problem faced by most Paradise residents is housing cost burden. Rehabilitation by means of energy improvements and hazard mitigation measures to maintain insurability are efficient methods to preserve housing affordability.
Acquisition, including preservation	New development is the primary need for housing due to the destruction of most housing units in 2018. Market conditions make lot acquisition feasible, but because land is so readily available and relatively affordable, there is little demand for lot acquisition.

Table 48 – Influence of Market Conditions

SP-35 Anticipated Resources - 91.215(a)(4), 91.220(c)(1,2)

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	52,400	18,422	121,544	192,366	200,000	

Table 49 - Anticipated Resources

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

The Town of Paradise will utilize any and all funds available to leverage CDBG funds to make them go as far as possible. The Town is also recipient of HOME, CalHOME, and PLHA funding.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The Town owns public right of ways on main roads such as Pearson, Pentz, Clark, Elliott, Wagstaff, and the Skyway.

Discussion

SP-40 Institutional Delivery Structure – 91.215(k)

Explain the institutional structure through which the jurisdiction will carry out its consolidated plan including private industry, non-profit organizations, and public institutions.

Responsible Entity	Responsible Entity Type	Role	Geographic Area Served
The Town of Paradise	Government	Economic Development Ownership Planning Rental public facilities public services	Jurisdiction
BUTTE COUNTY	Government	Planning	Region
Housing Authority of the County of Butte			

Table 50 - Institutional Delivery Structure

Assess of Strengths and Gaps in the Institutional Delivery System

One of the strengths of the delivery system are all the local and regional partners that are familiar with disaster recovery, flexible to changing needs of the community, and understand the mutual benefits of cooperation and coordination with other service organizations. The Town also works closely with the Butte County government offices and the Housing Authority of Butte County. Together with local and regional partners, the Town hopes to fill any gaps in the service delivery system.

Availability of services targeted to homeless persons and persons with HIV and mainstream services

Homelessness Prevention Services	Available in the Community	Targeted to Homeless	Targeted to People with HIV
Homelessness Prevention Services			
Counseling/Advocacy	X	X	
Legal Assistance	X		
Mortgage Assistance	X		
Rental Assistance	X		
Utilities Assistance	X		
Street Outreach Services			
Law Enforcement	X		
Mobile Clinics			
Other Street Outreach Services	X	X	

Supportive Services			
Alcohol & Drug Abuse	X		
Child Care	X		
Education	X		
Employment and Employment Training	X		
Healthcare	X		
HIV/AIDS			
Life Skills			
Mental Health Counseling	X		
Transportation	X		
Other			

Table 51 - Homeless Prevention Services Summary

Describe how the service delivery system including, but not limited to, the services listed above meet the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth)

The Town of Paradise benefits from the homeless service delivery system through the Butte Countywide CoC, a multi-agency planning body with the common goal of ending homelessness. The CoC works to assist households experiencing homelessness with rapid and quality services which lead to the long-term stability of permanent housing and for the homeless. The CoC administers the Homeless Managements Information System (HMIS) and the Coordinated Entry System (CES) for homeless within the region. HMIS information is tracked to inform the CoC and its members of the homeless population details in the region and the CES helps members to identify needs and services that will assist persons and families experiencing homelessness with referrals and resources.

The Town of Paradise also benefits from the presence and investment of the Housing Authority of the County of Butte, which made project based vouchers available to affordable multifamily housing developments and leverage CDBG-DR funding.

More services are targeted to homeless than to persons with HIV/AIDS, which is a gap that needs to be addressed. Though the estimated population of persons in Paradise with HIV/AIDS is small, services are still available to them.

Describe the strengths and gaps of the service delivery system for special needs population and persons experiencing homelessness, including, but not limited to, the services listed above

Delivery of services to the homeless population is a strength, with numerous agencies targeting the homeless. The Town of Paradise benefits from the homeless initiatives through the CoC. The Butte Countywide CoC is a multi-agency planning body with the common goal of ending homelessness. This goal is accomplished by assisting individuals and families experiencing homelessness to receive rapid, adaptive, quality services which lead to the long-term stability of permanent housing and self-sufficiency. Specifically, the CoC administers HMIS and CES for the homeless within the region.

Other resources include Catalyst, North Valley Catholic Social Services, Boys and Girls Club of the North Valley, CHIP, and the Camp Fire Collaborative.

Gaps include common and limited funding sources, and funding that is overly specific to a population that meets a narrow criteria of eligibility.

Provide a summary of the strategy for overcoming gaps in the institutional structure and service delivery system for carrying out a strategy to address priority needs

Ongoing supportive partnerships among agencies to leverage funding and retain committed and talented individuals.

SP-45 Goals Summary – 91.215(a)(4)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public road and drainage improvements	2025	2026	Non-Housing Community Development	LMISD	Improve Public Infrastructure	CDBG: \$52,474	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 910 Persons Assisted
2	Job training and Job retention	2026	2027	Non-Housing Community Development		Economic Development	CDBG: \$52,474	Jobs created/retained: 30 Jobs
3	Preserve affordable housing	2027	2028	Affordable Housing		Affordable Housing	CDBG: \$52,474	Homeowner Housing Rehabilitated: 10 Household Housing Unit
4	Support of Youth Center	2028	2029	Non-Housing Community Development		Community Facilities	CDBG: \$52,474	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 50 Households Assisted

Table 52 – Goals Summary

Goal Descriptions

1	Goal Name	Public road and drainage improvements
	Goal Description	Improve public roads in low income areas, especially when public road improvements include drainage improvements to prevent damage to area homes.

2	Goal Name	Job training and Job retention
	Goal Description	Support CBDO provided job training and upskilling services.
3	Goal Name	Preserve affordable housing
	Goal Description	Town will develop programs to maintain housing affordability for low-income residents through energy efficiency improvements and hazard mitigation
4	Goal Name	Support of Youth Center
	Goal Description	Town will assist local youth centers to increase or expand services.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.315(b)(2)

The Town estimates that for the 5-Year Consolidated Planning period affordable housing programs will assist LMI households with: 50 Household housing units using funding from multiple grant sources

Affordable Housing Preserved: 10 Household Housing Units, primarily using CDBG funding

SP-50 Public Housing Accessibility and Involvement – 91.215(c)

Need to Increase the Number of Accessible Units (if Required by a Section 504 Voluntary Compliance Agreement)

There are no Public Housing Units in Paradise, and there is no option to increase the number of accessible public housing units without resumed investment in new public housing construction by the federal government. Per the requirements of CDBG-DR funding, new and rebuilt affordable housing units must include a minimum of 5% mobility accessible units and 2% vision or hearing accessible units.

Activities to Increase Resident Involvements

The Housing Authority for the County of Butte

is currently seeking a tenant commissioner to join the HACB board of commissioners.

Public housing residents can participate in the HACB Family Self-Sufficiency (FSS) program. The FSS program works with support agencies throughout Butte County to help families develop strengths, skills and experiences necessary to achieve economic independence.

A guidebook is offered to help participants learn how the program can benefit residents. The FSS program links participants with the education, job training, counseling, and other services necessary for them to become employed and to earn self-sufficient wages so they no longer need to rely on governmental financial assistance. Families are assisted through this program with a dedicated FSS Coordinator, which also supports them with referrals to needed resources.

Is the public housing agency designated as troubled under 24 CFR part 902?

No

Plan to remove the ‘troubled’ designation

The PHA is not designated as troubled, and is a “High Performer.”

SP-55 Barriers to affordable housing – 91.215(h)

Barriers to Affordable Housing

Strategy to Remove or Ameliorate the Barriers to Affordable Housing

The barriers to affordable housing are continued expectation and reliance on private sector investment in housing development; limiting public resources to the lowest-income populations; reliance on past demographic data to judge current and future need that is slow to reflect sudden and extreme changes in population.

Affordable multifamily developments in Paradise have been slow to get off the ground due to policies limiting the investment of disaster recovery grant funding to 40% of the total development cost. As a result, multiple developments have to then compete against each other for additional subsidies and funding sources, needlessly increasing the time displaced residents wait on housing, and losing opportunities to capture favorable weather and market conditions for construction.

There is no shortage of people in Paradise who have low and very low incomes, but the number of people who have both income low enough to qualify for housing assistance, and income high enough to afford even subsidized housing costs is extremely narrow. For the past few years, Paradise (and the Chico MSA) have had the lowest low-income limits in the state - despite the fact that median income in the area is higher than most other MSAs held to those same limits. The “80%” low-income limit that applies to Paradise is actually 75% of median income. As a result, the people who qualify for housing assistance are more likely to continue to need housing assistance instead of using it as a leg-up out of poverty. A two-person household with two adults working full-time for minimum wage do not qualify as low-income Butte County. A one-person household making between 30% and 50% AMI (the national average in annual Social Security Income) would be cost burdened if paying the low HOME rents for a one-bedroom apartment. If housing assistance were available to the working poor, housing assistance would be needed for shorter durations, resulting in assistance being available to a greater number of people.

An ongoing source of frustration is the reliance on census data that is arguably not reflective of the current population. Despite its obvious and extreme need, the use of CDBG dollars has been limited to individual household assistance or to limited clientele because the town does not meet the criteria to be a low-income area - despite the fact that the available LMISD data continues to include pre-Camp Fire demographic information, 6 years after the fire. The alternative to using LMISD data to show that an area is low-income is to conduct a local income survey, but even a local income survey relies on past census and past income data, and isn't afforded the flexibility to adjust to a disaster situation where 90% of housing units are destroyed and all businesses are temporarily displaced or permanently closed.

Historically, one of the barriers to affordable housing is the Town of Paradise’s lack of a municipal wastewater treatment facility. Typical septic tanks and leach lines are adequate for single family development but this is not a viable alternative for new housing developments which are at higher densities. Typically, affordable housing units are built in clusters and would require a more advanced wastewater treatment system, which typically is very expensive and may lead to costs being passed on to the developer or whomever is financing the project.

To address these systemic and physical barriers, the Town continues to pursue options for sewer and advocate for public policy change.

SP-60 Homelessness Strategy – 91.215(d)

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

The Town of Paradise has active code enforcement officers that make frequent, in-person visits to homeless residents with the assistance of disaster case managers to assess individual needs and offer housing resources.

The Town of Paradise also benefits from the homeless initiatives through the CoC. The Countywide CoC is a multi-agency planning body with the common goal of ending homelessness. This goal is accomplished by assisting individuals and families experiencing homelessness to receive rapid, adaptive, quality services which lead to the long-term stability of permanent housing and self-sufficiency. Specifically, the CoC administers the Homeless Managements Information System (HMIS) and the Coordinated Entry System (CES) for homeless within the region. HMIS information is tracked to inform the CoC and its members of the homeless population details in the region and the CES helps members to identify needs and services that will assist persons and families experiencing homelessness with referrals and resources.

Addressing the emergency and transitional housing needs of homeless persons

The Town of Paradise relies on our neighboring communities for shelters such as the Torres Shelter and the Jesus Center in Chico for homeless individuals from Paradise. The Town has repeatedly extended an emergency ordinance following the Camp Fire allowing residents to camp in RVs on residential property while they work towards rebuilding homes lost in the Camp Fire.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again.

The Town of Paradise continues to work with neighboring jurisdictions and Butte County to find a solution for homelessness after the Camp Fire. For services that help the homeless transition to temporary or long-term housing, the Continuum of Care partners with many organizations and agencies that provide these services, both in Paradise and regionally. The Butte-Glenn 2-1-1 is a referral resource that connects persons experiencing to entities that can help assist them with their unique situations.

The 2-1-1 service is also connected to many of the CoC members. The Housing Authority of Butte County helps low income households with Section 8 Housing Choice Vouchers. An important nonprofit transition housing support resource in the area is the Jesus Center, which heads a collaborative of transitional housing partners.

Help low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families who are likely to become homeless after being discharged from a publicly funded institution or system of care, or who are receiving assistance from public and private agencies that address housing, health, social services, employment, education or youth needs

As mentioned above, the Town of Paradise continues to work with neighboring jurisdictions and Butte County to find a solution for homelessness after the Camp Fire. For services that help the homeless, especially low-income individuals and families to avoid returning to homelessness, the Continuum of Care partners with many member organizations and agencies that provide various services in the area, both in Paradise and regionally. These organizations include, but are not limited to: Catalyst Domestic Violence Services for persons affected by domestic violence. Catalyst provides a safe and confidential place for children and families, including drop-in services, counseling, legal services and more. Elijah House Foundation: An addiction treatment that provides a variety of services including substance abuse and mental treatment, residential treatment services, alcohol and drug free housing and the Back to Work employment program. The Jesus Center: A collaborative of transitional housing partners that work with persons experiencing or are at-risk of homelessness. The Housing Authority of Butte County: The PHA helps low income households with Section 8 Housing Choice Vouchers. Disability Action Center (DAC): DAC is a private, non-profit which helps to meet specific needs of people with disabilities living in Northern California. Dedicated staff provides free support to help community members with disabilities achieve and/or maintain their optimal level of self-reliance and independence. DAC provide support services such as information, housing assistance, and provider referrals.

SP-65 Lead based paint Hazards – 91.215(i)

Actions to address LBP hazards and increase access to housing without LBP hazards

Since the Camp Fire burned over 90% of the Town of Paradise, most homes with lead based paint have been destroyed. As new homes are built, they will not have lead based paint. Any home that survived that takes part in our Housing Programs and would be required to undergo lead based paint testing. The Town will comply with federal regulations regarding lead testing, containment, and abatement. Paradise residents have access to Butte County Public Health services including the county Childhood Lead Poisoning Prevention Program (CLPPP). To report a health emergency, the county public health department can be contacted at 530-552-4000 or phinfo@buttecounty.net. More information about lead poison prevention can be found on the county website at: www.buttecounty.net/ph/Programs/MaternalChildHealth/ChildhoodLeadPoisoningPrevention

How are the actions listed above related to the extent of lead poisoning and hazards?

The Town of Paradise follows the procedures for inspection and mitigation of lead-based paint hazards as outlined by HUD guidelines. Depending on the initial analysis, other mitigation measures, as outlined by federal regulations, may be taken.

How are the actions listed above integrated into housing policies and procedures?

The Town of Paradise will integrate all procedures for inspection and mitigation of lead-based paint hazards as outlined by HUD guidelines. Depending on the initial analysis, other mitigation measures, as outlined by federal regulations, may be taken.

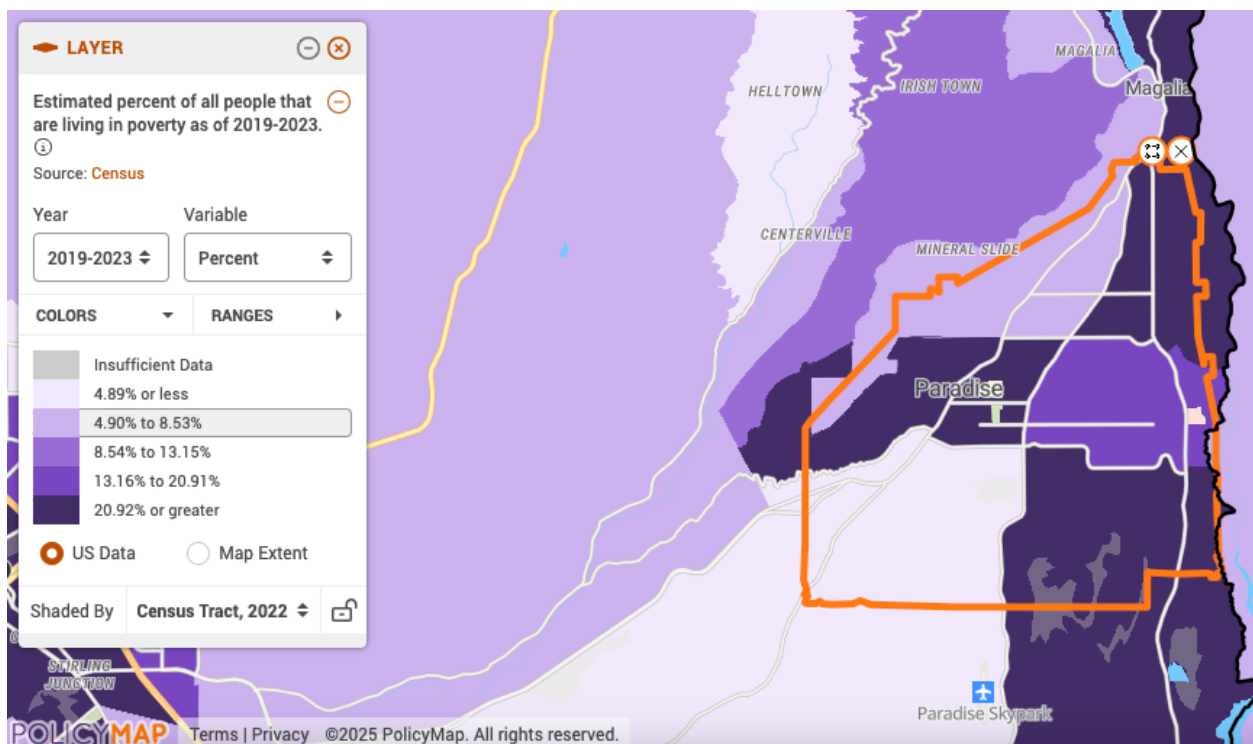
SP-70 Anti-Poverty Strategy – 91.215(j)

Jurisdiction Goals, Programs and Policies for reducing the number of Poverty-Level Families

The limited resources and the systemic, complex causes of poverty are beyond the capabilities for any one jurisdiction to solve on their own. The Town of Paradise will continue to support education and job training opportunities for all residents, but also work to return to a more affordable community where low-income residents can still experience a high quality of life despite poverty-level wages.

How are the Jurisdiction poverty reducing goals, programs, and policies coordinated with this affordable housing plan

The Town of Paradise's goals, programs, and policies are designed to meet people where they are. Efforts to preserve of affordability and mitigate future hazards are a high priority. There is an understanding of the benefits cliff and the need for future planning that accomodates senior and disabled residents on fixed incomes.



SP-80 Monitoring – 91.230

Describe the standards and procedures that the jurisdiction will use to monitor activities carried out in furtherance of the plan and will use to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The Town follows the procedures adopted in the Code of Federal Regulations, created by the Office of the Assistant Secretary of Community Planning and Development that pertain to Community Development programs are contained within Part 570 for CDBG entitlement communities. The Town works closely with contracted subrecipients whom receive public service funding. All subrecipients are monitored annually and new sub recipients may be monitored on a more frequent basis to ensure their understanding and compliance with program rules and expected outcomes. A monitoring schedule is prepared and visits prioritized according to risk. High risk sub recipients include those running new programs, new sub recipients, organizations with high staff turnover and organizations carrying out high risk activities. These organizations are required to provide an end of year report which is reviewed and imputed into IDIS for yearly accomplishments at the close of the program year. At the beginning of each funding year, staff reviews the accomplishments of community service agencies to determine their ability to serve the residents of Paradise and meet the program requirements. The Town will ensure all CDBG activity expenses are correctly entered and accurate in HUD's IDIS reporting system. The Town will track and review expenditures of activities and report all activity accomplishments in the Consolidated Annual Performance and Evaluation Review (CAPER) at the end of the program year.

Expected Resources

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

Introduction

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	52,400.00	18,422.00	121,544.00	192,366.00	200,000.00	

Table 53 - Expected Resources – Priority Table

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

The Town of Paradise will utilize any and all funds available to leverage CDBG funds to make them go as far as possible. The Town is also recipient of HOME, CalHOME, and PLHA funding.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The Town owns public right of ways on main roads such as Pearson, Pentz, Clark, Elliott, Wagstaff, and the Skyway.

Discussion

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public road and drainage improvements	2025	2026	Non-Housing Community Development		Improve Public Infrastructure	CDBG: \$52,474.00	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 910 Persons Assisted

Table 54 – Goals Summary

Goal Descriptions

1	Goal Name	Public road and drainage improvements
	Goal Description	Road improvements are a high priority because infrastructure investments will encourage the development of affordable housing and prevent damage from future natural hazards in Paradise.

Projects

AP-35 Projects – 91.220(d)

Introduction

The projects will address the highest priority needs in the Town which are Infrastructure, business, housing assistance, and community facilities. Administration of the CDBG program is capped at 20% of the CDBG 2025 funding allocation, as well as public services which has a grant cap of 15%. Details of the proposed projects are located in the following AP-38.

Projects

#	Project Name

Table 55 – Project Information

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

Road improvements are a high need because infrastructure investments will encourage the development of affordable housing and prevent damage from natural hazards in Paradise.

AP-38 Project Summary

Project Summary Information

Project Name	Target Area	Goals Supported	Needs Addressed	Funding	Description	Target Date	Estimate the number and type of families that will benefit from the proposed activities	Location Description	Planned Activities

AP-50 Geographic Distribution – 91.220(f)

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

The Town of Paradise does not allocate funding based solely on geographic requirements. Individuals or households must meet income qualifications in order to receive direct assistance from activities and services in the CDBG program. For eligible activities to road improvements, the Town will be targeting low- to moderate-income census block group tract areas in need. See below on how the Town will determine these areas.

Geographic Distribution

Target Area	Percentage of Funds

Table 56 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

Block Group 1, Census Tract 22

Block Group 5, Census Tract 21

Block Group 4, Census Tract 20

Block Group 2, Census Tract 20

Block Group 2, Census Tract 18

Block Group 3, Census Tract 21

Block Group 2, Census Tract 19

Block Group 1, Census Tract 19

Discussion

The Town of does not allocate funding based solely on geographic requirements. When the planned activities are intended to serve individuals or households directly, those individuals or households must meet income qualifications, as well as residency requirements, in order to receive assistance from the program. In these instances, Town staff and/or one of its partner agencies shall complete an in-take and eligibility status review of the applicant individual or household, before the project/activity is initiated.

When the Town has identified infrastructure and public facility improvement activities, planned activities will serve a community, neighborhood or “area”. These projects (or activities) are said to have an “areawide” benefit. Per HUD requirements, these areas must be within an eligible Census Block Group Tract, as defined by HUD-CDBG regulations. HUD determines Low/Mod block groups tracts as those with 51% LMI population, however the Town of Paradise is an exception grantee with the LMI block group threshold lowered to 50.6%. HUD CDBG Low/Mod Income Summary Data (LMISD), which have defined the eligible Low/Mod block group tracts within the jurisdiction can be found on the HUD Exchange website at: <https://www.hudexchange.info/programs/acs-low-mod-summary-data/>

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The Town on Paradise’s goal is to maintain affordable housing in the jurisdiction through assistance for reduce housing cost burden, such as energy improvements and hazard mitigation, to be carried out through CDBG programs in future years, but on an ongoing basis with other grant funding sources like CalHome, HOME, CDBG-DR, and PLHA.

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

Table 57 - One Year Goals for Affordable Housing by Support Requirement

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

Table 58 - One Year Goals for Affordable Housing by Support Type

Discussion

AP-60 Public Housing – 91.220(h)

Introduction

The mission of HACB is to assist LMI residents of Butte County to secure and maintain high quality affordable housing. HACB administers and/or manages many different housing programs such as public housing, Housing Choice Vouchers (Section 8) and the Family Self-Sufficiency Program. There is no public housing in Paradise, but there is significant investment of Project Based Vouchers from the Housing Authority and directly from HUD.

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

The Town does not have any public housing within Town limits. Investments into housing assistance have shifted in favor of housing choice vouchers, which offer more flexibility to residents to live where they want and reduces the operational cost of the Housing Authority.

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

HACB is currently looking for a tenant commissioner to join the board.

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

The Housing Authority for the County of Butte is consistently a high performer.

Discussion

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

Introduction

The most recent Point-in-Time (PIT) Count survey was conducted at the Continuum of Care (CoC) level by the Butte Countywide Homeless Continuum of Care (CA-519 Chico/Paradise/Butte County CoC) taken on the night of January 29, 2025. Due to the varied definitions of what constitutes as homelessness and the nature of homelessness in rural areas, a true count of people experiencing homelessness is very difficult.

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

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

The Town continues to utilize code enforcement staff to make frequent, in-person visits to people living in RVs throughout town to assess their individual needs and connect them with housing resources. Affordable multifamily developments are currently accepting applications and code enforcement officers encourage homeless residents to apply.

Addressing the emergency shelter and transitional housing needs of homeless persons

The Town of Paradise benefits from the homeless initiatives through the CoC. The Countywide CoC is a multi-agency planning body with the common goal of ending homelessness. This goal is accomplished by assisting individuals and families experiencing homelessness to receive rapid, adaptive, quality services which lead to the long-term stability of permanent housing and self-sufficiency. Specifically, the CoC administers the Homeless Managements Information System (HMIS) and the Coordinated Entry System (CES) for homeless within the region. HMIS information is tracked to inform the CoC and its members of the homeless population details in the region and the CES helps members to identify needs and services that will assist persons and families experiencing homelessness with referrals and resources. Currently, data suggests that a majority of persons experiencing homelessness continue to be unsheltered, and in particular the chronically homeless and veterans. As such, the Town will focus on these identified homeless groups.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals

and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The Town of Paradise relies on our neighboring communities for shelters such as the Torres Shelter in Chico for homeless individuals from Paradise.

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

The Butte-Glenn 2-1-1 is a referral resource that connects persons experiencing to entities that can help assist them with their unique situations. The 2-1-1 service is also connected to many of the CoC members. The Housing Authority of Butte County helps low income households with Section 8 Housing Choice Vouchers. An important nonprofit transition housing support resource in the area is the Jesus Center, which heads a collaborative of transitional housing partners.

Discussion

As mentioned above, the Town of Paradise continues to work with neighboring jurisdictions and Butte County to find a solution for homelessness after the Camp Fire. For services that help the homeless, especially low-income individuals and families to avoid returning to homelessness, the Continuum of Care partners with many member organizations and agencies that provide various services in the area, both in Paradise and regionally. These organizations include, but are not limited to: Catalyst Domestic Violence Services for persons affected by domestic violence. Catalyst provides a safe and confidential place for children and families, including drop-in services, counseling, legal services and more.

Elijah House Foundation: An addiction treatment that provides a variety of services including substance abuse and mental treatment, residential treatment services, alcohol and drug free housing and the Back to Work employment program. The Jesus Center: A collaborative of transitional housing partners that work with persons experiencing or are at-risk of homelessness. The Housing Authority of Butte County: The PHA helps low income households with Section 8 Housing Choice Vouchers. Disability Action Center (DAC): DAC is a private, non-profit which helps to meet specific needs of people with disabilities living in Northern California. Dedicated staff provides free support to help community members with disabilities achieve and/or maintain their optimal level of self-reliance and independence. DAC provide support

services such as information, housing assistance, and provider referrals.

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

Introduction:

The barriers to affordable housing are continued expectation and reliance on private sector investment in housing development; limiting public resources to the lowest-income populations; reliance on past demographic data to judge current and future need that is slow to reflect sudden and extreme changes in population.

Affordable multifamily developments in Paradise have been slow to get off the ground due to policies limiting the investment of disaster recovery grant funding to 40% of the total development cost. As a result, multiple developments have to then compete against each other for additional subsidies and funding sources, needlessly increasing the time displaced residents wait on housing, and losing opportunities to capture favorable weather and market conditions for construction.

There is no shortage of people in Paradise who have low and very low incomes, but the number of people who have both income low enough to qualify for housing assistance, and income high enough to afford even subsidized housing costs is extremely narrow. For the past few years, Paradise (and the Chico MSA) have had the lowest low-income limits in the state - despite the fact that median income in the area is higher than most other MSAs held to those same limits. The “80%” low-income limit that applies to Paradise is actually 75% of median income. As a result, the people who qualify for housing assistance are more likely to continue to need housing assistance instead of using it as a leg-up out of poverty. A two-person household with two adults working full-time for minimum wage do not qualify as low-income Butte County. A one-person household making between 30% and 50% AMI (the national average in annual Social Security Income) would be cost burdened if paying the low HOME rents for a one-bedroom apartment. If housing assistance were available to the working poor, housing assistance would be needed for shorter durations, resulting in assistance being available to a greater number of people.

An ongoing source of frustration is the reliance on census data that is arguably not reflective of the current population. Despite its obvious and extreme need, the use of CDBG dollars has been limited to individual household assistance or to limited clientele because the town does not meet the criteria to be a low-income area - despite the fact that the available LMISD data continues to include pre-Camp Fire demographic information, 6 years after the fire. The alternative to using LMISD data to show that an area is low-income is to conduct a local income survey, but even a local income survey relies on past census and past income data, and isn't afforded the flexibility to adjust to a disaster situation where 90% of housing units are destroyed and all businesses are temporarily displaced or permanently closed.

Historically, one of the barriers to affordable housing is the Town of Paradise's lack of a municipal wastewater treatment facility. Typical septic tanks and leach lines are adequate for single family development but this is not a viable alternative for new housing developments which are at higher densities. Typically, affordable housing units are built in clusters and would require a more advanced wastewater treatment system, which typically is very expensive and may lead to costs being passed on

to the developer or whomever is financing the project.

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

The Town continues to pursue options for a sewer waste system and advocate for policy change. The Town of Paradise is a ministerial jurisdiction, and does not approve or deny development on a discretionary basis. The Town does not set property tax policy and building codes are adopted statewide. Conditional use and variance in zoning ordinances are permissible. Growth limitations are chiefly due to geographic barriers and waste water requirements determined by the State Water Resource Control Board.

Discussion:

AP-85 Other Actions – 91.220(k)

Introduction:

Actions planned to address obstacles to meeting underserved needs

The activities identified in this plan will work to directly address the underserved needs of the LMI and special needs population. CDBG funded programs will work to expand on successful programs and the goal is to fill service gaps. There are many needs for residents of the Town of Paradise after the Camp Fire, and many barriers to meeting those needs. The Town is working tirelessly to assist our residents as they rebuild. One of the actions we have taken to address obstacles to rebuilding is opening a building resiliency center to directly assist residents with rebuilding.

Actions planned to foster and maintain affordable housing

The Town will continue our First Time Home Buyer and Owner Occupied Rehabilitation programs to help homeowners rebuild after the Camp Fire. The Town will continue the construction and development of affordable multifamily housing projects.

Actions planned to reduce lead-based paint hazards

Since the Camp Fire burned over 90% of the Town of Paradise, most homes with lead based paint have been destroyed. As new homes are built, they will not have lead based paint. Any home that survived that takes part in our Owner Occupied Rehabilitation Program would be required to undergo lead based paint testing. The Town will comply with federal regulations regarding lead testing, containment, and abatement. Paradise residents have access to Butte County Public Health services including the county Childhood Lead Poisoning Prevention Program (CLPPP). To report a health emergency, the county public health department can be contacted at 530-552-4000 or phinfo@buttecounty.net. More information about lead poison prevention can be found on the county website at: <https://www.buttecounty.net/ph/Programs/MaternalChildHealth/ChildhoodLeadPoisoningPrevention>

Actions planned to reduce the number of poverty-level families

The activities in this plan work directly to reduce the number of poverty level families in Paradise. While CDBG funds are limited and the Town cannot possibly address every poverty issue in Paradise, the Town

will utilize CDBG funds where they have the most impact.

Actions planned to develop institutional structure

The Town will continually work to develop its institutional structure by working closely with other Town departments. Ongoing communication and planning with these Town departments and programs will help strengthen the institutional structure of the CDBG program.

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

The Town holds a quarterly housing stakeholder meeting with local industry professionals to educate builders and advocate for the continued creation of affordable housing developments. Members include local builders, representatives from CHIP, Habitat for Humanity, the local Builders Exchange, realtors, and insurance professionals.

Discussion:

Program Specific Requirements

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

Introduction:

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)

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

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	18,421
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	18,421

Other CDBG Requirements

1. The amount of urgent need activities	0
<TYPE=[text] REPORT_GUID=[A698417B4C924AE0218B42865313DACF] DELETE_TABLE_IF_EMPTY=[YES]>	
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

1. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

Appendix - Alternate/Local Data Sources

1	Data Source Name 2006-2010 ACS, 2015-2019 ACS
	List the name of the organization or individual who originated the data set. US Census Bureau
	Provide a brief summary of the data set. The American Community Survey (ACS) is an ongoing survey that provides data every year - giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the Census website, which provides data about the United States, Puerto Rico and the Island Areas.
	What was the purpose for developing this data set? Information from the ACS help determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? Paradise, CA
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2006-2010 ACS, 2015-2019 ACS 5-Year Estimates
	What is the status of the data set (complete, in progress, or planned)? Complete
2	Data Source Name 2013-2017 CHAS
	List the name of the organization or individual who originated the data set. US Census Bureau, American Community Survey (ACS) and U.S. Department of Housing and Urban Development (HUD)
	Provide a brief summary of the data set. Each year, the U.S. Department of Housing and Urban Development (HUD) receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. These data, known as the "CHAS" data (Comprehensive Housing Affordability Strategy), demonstrate the extent of housing problems and housing needs, particularly for low income households.

	<p>What was the purpose for developing this data set?</p> <p>The CHAS data are used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Paradise, CA</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2013-2017 CHAS</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
3	<p>Data Source Name</p> <p>2015-2019 ACS 5-Yr Estimates</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>US Census Bureau</p>
	<p>Provide a brief summary of the data set.</p> <p>The American Community Survey (ACS) is an ongoing survey that provides data every year - giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the Census website, which provides data about the United States, Puerto Rico and the Island Areas.</p>
	<p>What was the purpose for developing this data set?</p> <p>Information from the ACS help determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Paradise, CA</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2015-2019 ACS 5-Year Estimates</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
4	<p>Data Source Name</p> <p>2014-2018 ACS (Workers), 2014 LEHD (Jobs)</p>

	<p>List the name of the organization or individual who originated the data set.</p> <p>2014-2018 ACS and 2018 Longitudinal Employee-Household Dynamics: United States Census Bureau</p> <hr/> <p>Provide a brief summary of the data set.</p> <p>The American Community Survey (ACS) is an ongoing survey that provides data every year - giving communities the current information they need to plan investments and services. Information from the survey generates data that help determine how more than \$400 billion in federal and state funds are distributed each year. The ACS is accessed through the Census website, which provides data about the United States, Puerto Rico and the Island Areas.</p> <p>The Longitudinal Employer-Household Dynamics (LEHD) program is part of the Center for Economic Studies at the U.S. Census Bureau. The LEHD program produces new, cost effective, public-use information combining federal, state and Census Bureau data on employers and employees under the Local Employment Dynamics (LED) Partnership.</p> <hr/> <p>What was the purpose for developing this data set?</p> <p>ACS: Information from the ACS help determine how more than \$400 billion in federal and state funds are distributed each year to help communities, state governments, and federal programs.</p> <p>LEHD: Information from the LEHD help state and local authorities who increasingly need detailed local information about their economies to make informed decisions. The LEHD Partnership works to fill critical data gaps and provide indicators needed by state and local authorities. LEHD’s mission is to provide new dynamic information on workers, employers, and jobs with state-of-the-art confidentiality protections and no additional data collection burden.</p> <hr/> <p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Paradise, CA</p> <hr/> <p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2013-2017 ACS (Workers), 2017 LEHD (Jobs)</p> <hr/> <p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
5	<p>Data Source Name</p> <p>HUD 2020 FMR and HOME Rents</p> <hr/> <p>List the name of the organization or individual who originated the data set.</p> <p>US Department of Housing and Urban Development (HUD)</p>

	<p>Provide a brief summary of the data set.</p> <p>Fair Market Rents (FMRs) are set by HUD and used to determine payment standard amounts for HUD Programs. HUD annually estimates FMRs for the Office of Management and Budget (OMB) defined metropolitan areas, some HUD defined subdivisions of OMB metropolitan areas and each nonmetropolitan county.</p> <p>HOME Rents Limits are based on FMRs published by HUD. HOME Rent Limits are set to determine the rent in HOME-assisted rental units and are applicable to new HOME leases.</p>
	<p>What was the purpose for developing this data set?</p> <p>Fair Market Rents (FMRs) are used to determine payment standard amounts for HUD Programs. HOME Rent Limits are the maximum amount that may be charged for rent in HOME-assisted rental units and are applicable to new HOME leases.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Chico, CA MSA (including Butte County and Paradise)</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2020</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
6	<p>Data Source Name</p> <p>PIC (PIH Information Center)</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>US Department of Housing and Urban Development (HUD)</p>
	<p>Provide a brief summary of the data set.</p> <p>IMS/PIC is responsible for maintaining and gathering data about all of PIH's inventories of HAs, Developments, Buildings, Units, HA Officials, HUD Offices and Field Staff and IMS/PIC Users.</p>
	<p>What was the purpose for developing this data set?</p> <p>IMS/PIC PIH's inventories of HAs, Developments, Buildings, Units, HA Officials, HUD Offices and Field Staff and IMS/PIC Users help housing authorities and local government agencies to determine the needs of the users and identify gaps in the system of service delivery.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Paradise, CA</p>

	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2020</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
7	<p>Data Source Name</p> <p>Bureau of Labor Statistics</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>Bureau of Labor Statistics (BLS)</p>
	<p>Provide a brief summary of the data set.</p> <p>BLS unemployment rates are from the BLS Local Area Unemployment Statistics (LAUS). This program produces monthly and annual employment, unemployment, and labor force data for Census regions and divisions, States, counties, metropolitan areas, and many cities, by place of residence.</p>
	<p>What was the purpose for developing this data set?</p> <p>The purpose of the BLS data is to collect, analyze, and disseminate essential economic information to support public and private decision making.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Paradise, CA</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2020-2021</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
8	<p>Data Source Name</p> <p>2020 PIT Count</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>HUD 2020 Continuum of Care Homeless Assistance Programs Homeless Populations and Subpopulations Report</p>
	<p>Provide a brief summary of the data set.</p> <p>This Data is based on point-in-time information provided to HUD by the CoC. The PIT Count data is a snapshot of the homeless population in the area on any given night.</p>

	<p>What was the purpose for developing this data set?</p> <p>The PIT Count data is a snapshot of the homeless population in the area on any given night. This data will help services providers to identify the needs of the homeless population in the area.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>COC</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2020</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
9	<p>Data Source Name</p> <p>American Community Survey (ACS) 2023</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>US Census Bureau</p>
	<p>Provide a brief summary of the data set.</p> <p>2017-2023 ACS 5-Year estimates</p>
	<p>What was the purpose for developing this data set?</p> <p>The American Community Survey (ACS) is an ongoing survey that provides data every year—giving communities the current information they need to make important decisions. The ACS covers a broad range of topics about social, economic, housing, and demographic characteristics of the U.S. population.</p> <p>The ACS 5-year estimates are available for the nation, all states, the District of Columbia, Puerto Rico, all congressional districts and metropolitan statistical areas, counties, places (i.e., towns or cities), ZIP Code Tabulation Areas, census tracts, and block groups.</p>
	<p>Provide the year (and optionally month, or month and day) for when the data was collected.</p> <p>2016-2022</p>
	<p>Briefly describe the methodology for the data collection.</p> <p>Survey of the general population</p>
	<p>Describe the total population from which the sample was taken.</p> <p>Residents of Paradise, CA.</p>
	<p>Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed.</p> <p>Statistically relevant sample of the entire population of Paradise, CA.</p>

10	Data Source Name CHAS 2017-2021
	List the name of the organization or individual who originated the data set. US Census and HUD
	Provide a brief summary of the data set. Custom tabulations of the American Community Survey demonstrating the extent of housing problems and needs.
	What was the purpose for developing this data set? Each year, the U.S. Department of Housing and Urban Development (HUD) receives custom tabulations of American Community Survey (ACS) data from the U.S. Census Bureau. These data, known as the "CHAS" data (Comprehensive Housing Affordability Strategy), demonstrate the extent of housing problems and housing needs, particularly for low income households. The CHAS data are used by local governments to plan how to spend HUD funds, and may also be used by HUD to distribute grant funds.
	How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population? It is comprehensive. It includes all of Paradise.
	What time period (provide the year, and optionally month, or month and day) is covered by this data set? 2017-2021
	What is the status of the data set (complete, in progress, or planned)? Complete
11	Data Source Name Fair Market Rents
	List the name of the organization or individual who originated the data set. HUD
	Provide a brief summary of the data set. Fair Market Rents (FMRs) for Butte County, part of the Chico, CA MSA, which includes Paradise.

	<p>What was the purpose for developing this data set?</p> <p>Fair Market Rents (FMRs) are used to determine payment standard amounts for the Housing Choice Voucher program, initial renewal rents for some expiring project-based Section 8 contracts, initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), rent ceilings for rental units in both the HOME Investment Partnerships program and the Emergency Solutions Grants program, maximum award amounts for Continuum of Care recipients and the maximum amount of rent a recipient may pay for property leased with Continuum of Care funds, and flat rents in Public Housing units. The U.S. Department of Housing and Urban Development (HUD) annually estimates FMRs for Office of Management and Budget (OMB) defined metropolitan areas, some HUD defined subdivisions of OMB metropolitan areas, and each nonmetropolitan county.</p> <hr/> <p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Fair Market Rents (FMRs) are used to determine payment standard amounts for the Housing Choice Voucher program, initial renewal rents for some expiring project-based Section 8 contracts, initial rents for housing assistance payment (HAP) contracts in the Moderate Rehabilitation Single Room Occupancy program (Mod Rehab), rent ceilings for rental units in both the HOME Investment Partnerships program and the Emergency Solutions Grants program, maximum award amounts for Continuum of Care recipients and the maximum amount of rent a recipient may pay for property leased with Continuum of Care funds, and flat rents in Public Housing units. The U.S. Department of Housing and Urban Development (HUD) annually estimates FMRs for Office of Management and Budget (OMB) defined metropolitan areas, some HUD defined subdivisions of OMB metropolitan areas, and each nonmetropolitan county.</p> <hr/> <p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>The FY 2025 FMRs were developed and updated starting with the formation of the FMR Areas from the metropolitan Core-Based Statistical Areas (CBSAs) as established by the Office of Management and Budget, the newly available 2022 American Community Survey (ACS) 1 year data and the newly available 2018-2022 5 year data, and updating to FY 2025 including information from local survey data.</p> <hr/> <p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
12	<p>Data Source Name</p> <p>HOME Program Rent Limits</p> <hr/> <p>List the name of the organization or individual who originated the data set.</p> <p>HUD</p>

	<p>Provide a brief summary of the data set.</p> <p>HOME Program High, Low, and Fair Market Rent Limits for the Chico, MSA, which includes Paradise.</p>
	<p>What was the purpose for developing this data set?</p> <p>Fair Market Rents are established by HUD each year for the Section 8 Program.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>It is for the Chico MSA, which includes Paradise.</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>2022 American Community Survey (ACS) 1 year data and the newly available 2018-2022 5 year data, and updating to FY 2025 including information from local survey data</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
13	<p>Data Source Name</p> <p>Public Housing/Section 8 data</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>Housing Authority County of Butte</p>
	<p>Provide a brief summary of the data set.</p> <p>Tabulation of vouchers and housing units assisted by the local Housing Authority</p>
	<p>What was the purpose for developing this data set?</p> <p>To assist local government agencies to determine the needs of the users and identify gaps in the system of service delivery.</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>Butte County</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>Current as of January 2025</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>Complete</p>
14	<p>Data Source Name</p> <p>2024 PIT Count</p>

	<p>List the name of the organization or individual who originated the data set.</p>
	<p>Provide a brief summary of the data set.</p>
	<p>What was the purpose for developing this data set?</p>
	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p>
15	<p>Data Source Name</p> <p>DINS data</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>CalFire</p>
	<p>Provide a brief summary of the data set.</p> <p>DINS data is a Damage Inspection report done by CalFire inspectors immediately after a wildfire. The report contains data on all structures in a wildfire, the structure type, and the extent of damage, cross-referenced with tax assessment data.</p>
	<p>What was the purpose for developing this data set?</p> <p>This database represents structures impacted by wildland fire that are inside or within 100 meters of the fire perimeter. Information such as structure type, construction features, and some defensible space attributes are determined as best as possible even when the structure is completely destroyed. Some attributes may have a null value when they could not be determined. Fire damage and poor access are major limiting factors for damage inspectors. All inspections are conducted using a systematic inspection process, however not all structures impacted by the fire may be identified due to these factors. Therefore, a small margin of error is expected. Two address fields are included in the database. The street number, street name, and street type fields are “field determined.” The inspector inputs this information based on what they see in the field. The Address (parcel) and APN (parcel) fields are added through a spatial join after data collection is complete.</p>

	<p>How comprehensive is the coverage of this administrative data? Is data collection concentrated in one geographic area or among a certain population?</p> <p>The data includes all of Paradise because all of Paradise was within 100 meters of the Camp Fire perimeter.</p>
	<p>What time period (provide the year, and optionally month, or month and day) is covered by this data set?</p> <p>The data was collected immediately after the Camp Fire in November of 2018.</p>
	<p>What is the status of the data set (complete, in progress, or planned)?</p> <p>The data set was substantially complete as of November, 2018. Other data sources are needed to show any housing built after 2018.</p>
16	<p>Data Source Name</p> <p>LEHD</p>
	<p>List the name of the organization or individual who originated the data set.</p> <p>US Census</p>
	<p>Provide a brief summary of the data set.</p> <p>Longitudinal Employer Household Dynamics</p>
	<p>What was the purpose for developing this data set?</p>
	<p>Provide the year (and optionally month, or month and day) for when the data was collected.</p>
	<p>Briefly describe the methodology for the data collection.</p>
	<p>Describe the total population from which the sample was taken.</p>
	<p>Describe the demographics of the respondents or characteristics of the unit of measure, and the number of respondents or units surveyed.</p>

Is there category not listed above that you feel should be a high priority for the Town's CDBG funding?

Medical

Youth services and activity's center.

Animal Control

More parks

Sewage system, incentivize business to return to the town.

We need more businesses in Paradise !!!!

We have to many thrift shops, churches and dollar stores

Beautifying town and forcing commercial property owners to remove their old/empty signs! More people would want to move and invest here if the town looked better!

Lot clearing. Especially LARGE lots. It is not ok that the town can fine people if they do not clean their entire lot and then turn around and only clear 15ft around a property line of a vacant lot that the town has control over now.. That is a huge fire danger to neighborhoods. My neighborhood has several large lots like that (over 3 acre parcels). It is kind of a slap in the face that you only cleaned 15 ft around the property line.

Highest of Help,More Money Help For Varietys of Disaster Victims.,I'm still struggling for More Money Help.

Get rid of PG&E.

add Downtown Nightlife / restaurants.

Housing for qualified home buyers who lived in Paradise during 2018 fires

More Medical care like a hospital in Paradise

Solar electrificatioin

Advertising businesses, so we know who came back and what new businesses are coming.

No

No

No

1. resolving the lack of sewer services

2. enforcing the city ordinances regarding blight of properties.

3. at least one wheelchair sidewalk on all major roads and roads that pass over the railroad trail

Sewer system!!!!

No

City septic systems for businesses in downtown and school funding

More volunteering opportunities for people to help their community and get involved.

Help people pay for building permits or better yet, just get rid of the price all together.
Quit putting in section 8 in overly condensed areas
shopping centers and affordable places to eat

Less construction companies forced to shut down would be helpful.
Parks and walking trails.

The sirens don't work. If you are in your home or inside a business with any kind of sound happening, even just a conversation.

Improvement to local events. Bring back more appealing festivities, community events, a way to draw more people together to help regrow Paradise in the right direction.

Roadway flooding, drainage and debris flow mitigation, erosion control for all areas the TOP has sprayed with herbicide

WEED ABATEMENT!!! We NEED a department all it's own, that employs young people to identify areas of most concern. Then we need native Americans to teach us how to make these areas manageable.

Cleaning up properties that are fire dangers to the rest of us that take care of our property. Site them. Fine them. Take there property.

Stop allowing manufactured homes and homes with no garages everywhere
Advertising the regrowth of Paradise to entice new business and citizens
Bring back the mobile home parks for Senior housing
Bring thrift stores

Brush clearing

Buffer zone fire project, Billie park bike trail heading towards the park, cal-fire reclassification of the area based on changes in fuels on the ground post fire
Care homes for elderly

Cost-effective shopping, my hopes are not to have to go off the Ridge as much as possible. I Loved that I could shop here staying on the Ridge before the Campfire 🙄. Medical treatment help for ALL,

PLEASE !!!! BAN all burning 🙄, we all can recycle or chip NO NEED FOR burning anymore.
So much anxiety 🙄 Thank you for this opportunity to chime in with my thoughts and opinion .

Cultural & arts support

Fire hardening of homes and open space management.

Grocery stores

Health services expansion/restoration

Hospital

Re-rating the fire risk to lower homeowners insurance rates

Just the roads and let's wrap up this undergrounding thing already.

New home build assistance with cost

Public transportation.

Quit sticking in mobile homes!

Sidewalks in infrastructure.

Support for public school building, walkable downtown with small businesses that have help opening and staying open because our population is too small to support many businesses

Sustainability, Redevelopment

We need a hospital/emergency room before anymore large housing developments

Are there any recommendations you would make to add or change any specific projects or programs?

A hospital needs to be brought back to Paradise!!

Assign some fire recovery funds to building a community activity center, for all age groups.

Better animal control services to deal with neighborhood animal issues, such as dogs barking, dogs running loose. Concrete curb, gutters, and sidewalks, street lights. Construction of underground and pavement is being done, need to add as mentioned.

Do not turn paradise into a congested dystopian 15 minute city full of drug addiction and vagrants

Dog parks as part of community facilities

Don't focus on handout programs, focus on small business and the rest will thrive through jobs and access to services.

Fix the sewer system to attract business

Get the damaged roads done! 5 years to make this happen is too long!

Have more grants available for businesses that do not have a store front. There are A LOT of businesses that service houses from their vehicle and have an office at home. Electricians, contractors, plumbers. They are the backbone of the community and helping rebuild. Not allowing them to apply for small business grants because they do not have a storefront is not ok. Without them, paradise would not be rebuilding.

Help low income people stay in their homes.

Help with building new homes for owner builds

Help for disabled and low income for improving their properties

Highest of Help.

I would like to see affordable senior housing. I would not be able to live here if I wasn't living in a Chips sponsored apt.

More bike and pedestrian lanes walkways. Skate park. More parks.

More community events for people in their 30s-50s.

More help for original families returning should be biggest priority

More medical care

New gym with year round swimming, exercise equipment, classes, personal enrichment programs, YMCA or similar

No

No

No

No

not sure at this time

Paradise will not attract the businesses we need without an adequate sewer system.

Private Road Reconditioning

Program to help with prescribed burns

Programs for low/fixed income families and especially single parent families to clean up driving records or assistance with DMV fines or expenses and car repairs.

Promote owner-occupied home ownership and disincentivize investment properties to keep corporations like Blackrock from buying up homes.

quit building low income housing

Quit making things harder for people to rebuild. The Brick building is a joke. This town has made so much money from the fire, while the fire victims are still struggling just to get back on their feet.

Quit putting in section 8 overly condensed areas. Put yhem on Wayland

remove funding for homelessness

Road bumps on high traffic residential roads. more enforcement of speeding. Homes are so unsafe because of the spending that occurs in this town.

Section 8 should be available for all fire victims.

Speed & Traffic Control. No body stops at stop signs or travel posted speed limits. I haven't seen the police issueing tickets or patrolling streets in years. Average speed on Skyway & Clark Rd exceeds 45mph

Stop supporting non profits that only help the rich and popular. Especially if they're just mean people. Even if they are the town staffs friends.

Stop the low income housing and homelessness.

The empty lots in town need to be cleaned of weeds, brush and dead trees. Many lots have dead and downed trees piled up. They need to be removed. If the town is kept clean and presentable it will encourage people to move here, and people means businesses will make an investment in the town. As it is today, it resembles a third world town that is unkept.

The road crews returning to the same job months after leaving, to tear it up and do it again.

This questionnaire is a great start, need better shopping venues, bring back the bowling alley or cinemas would help. Something to entertain the people of paradise so they don't feel like they have to go to Chico for all their weekend events.

To get more families to come back we need something for kids to do. Like skate park, bike park etc. nothing for kids here.

Tree replanting throughout town and neighborhood beautification, habitat restoration and creation and maintenance of green spaces throughout town including on private property.

We also need to attract and KEEP businesses in Paradise. Too many new stores have closed down.

Maybe have courses for the high schoolers teaching them how/why to start their own businesses. If our younguns just want to leave the area after graduation we are never going to grow. We have to find appealing ways for them to want to stay here.

We desperately need a signal at the intersection of Pentz & Skyway, and one at the corner of Buschman and Clark. I think these were planned before the fire.


We need more businesses and not another dollar crap store

What happened to the plan we all voted on after the fire...what happened to the civic area, sidewalks, wider streets, trees and lights lining the streets , sewer system..the hope memorial...with low income housing and rentals, cheap chain stores we are drawing in the wrong population. The low income demographics will affect what we want our town to be like. I think there has been overspending and not managed well. What we were promised is not happening! Out of 19,000 structures lost we only have under 4,000 rebuilt in 6 years!! That should tell you something.


Why isn't the town working with parks and rec? I asked parks and rec about what the plan is for bille rd when they make updates to the park. They said they have no idea what the town plans to do. You should be working g together not siloed!! Bille rd to the park needs sidewalks and speed bumps.

Responses Overview Active


Responses

134 

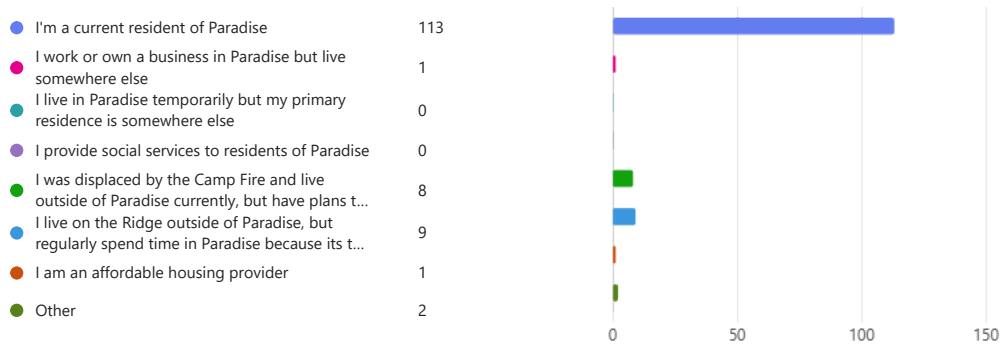
Average Time

38:35 

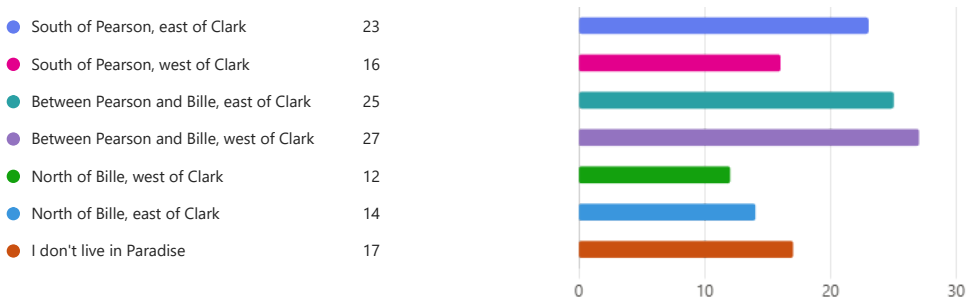
Duration

83 Days 

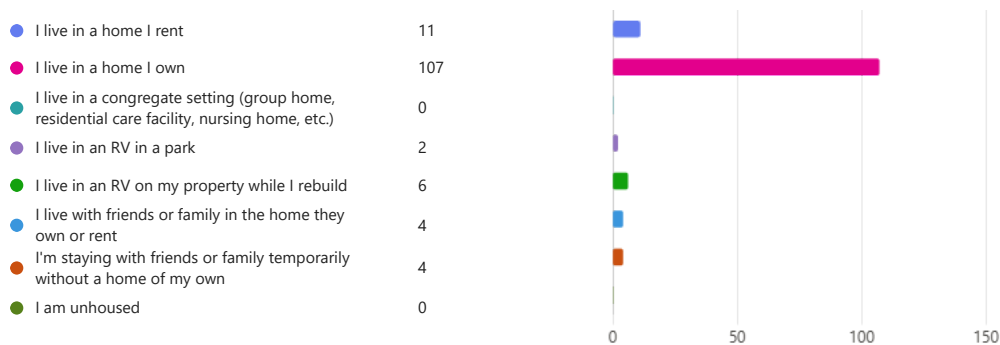
1. Which of the following best describes your relationship with the Town of Paradise?



2. If you live in Paradise, which area of Town do you live in?

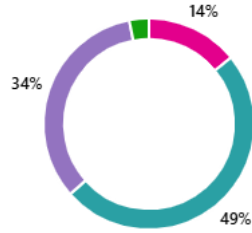


3. What is your housing status?



4. How old are you?

● 18-24	0
● 25-40	19
● 41-64	66
● 65-80	45
● 80+	4



5. How many people are in your household, including yourself?

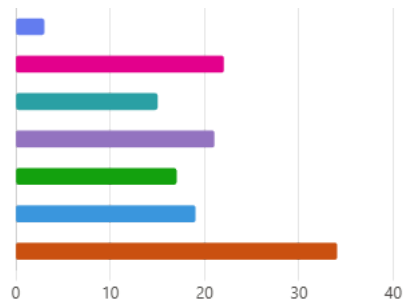
131
Responses

Latest Responses

- "2"
- "2"
- "2"
- ...

6. What is your household's annual gross income?

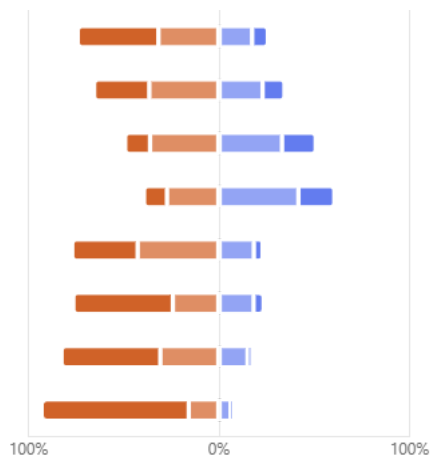
● Less than \$10,000 a year	3
● Between \$10,000 and \$30,000 a year	22
● Between \$30,000 and \$50,000 a year	15
● Between \$50,000 and \$65,000	21
● Between \$65,000 and \$80,000	17
● Between \$80,000 and \$95,000	19
● Over \$95,000	34



7. Infrastructure Needs

● High Priority ● Medium Priority ● Low Priority ● No Priority

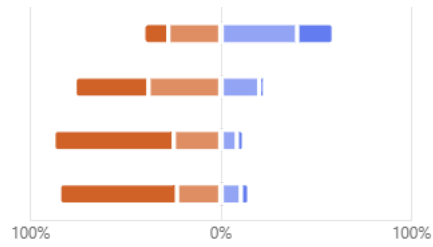
- Pedestrian infrastructure (sidewalks, crosswalks, etc.)
- Add street lighting
- Public transportation improvements
- Traffic reduction
- Community facilities
- High speed internet
- Drainage improvements
- Improvements to public roads



8. Neighborhood Services

● High Priority ● Medium Priority ● Low Priority ● No Priority

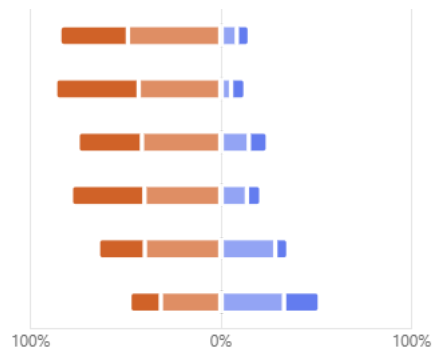
- Graffiti removal
- Code enforcement
- Weed abatement
- Clean up of abandoned buildings



9. Community Services

● High Priority ● Medium Priority ● Low Priority ● No Priority

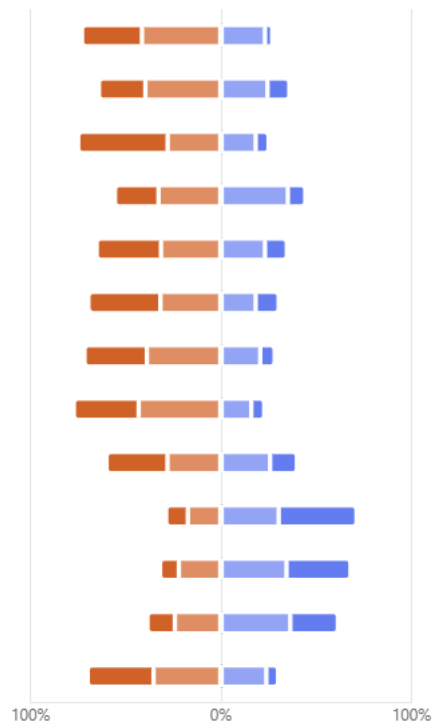
- Senior services
- Youth services
- Childcare services
- Mental health services
- Food and nutrition programs
- Homeless services



10. Housing Services

● High Priority ● Medium Priority ● Low Priority ● No Priority

- Rehabilitation of owner-occupied homes
- Rehabilitation of rental housing
- Homebuying assistance
- Emergency rental assistance
- Affordable rental housing development
- Affordable homes for low-income buyers
- Housing for people with disabilities
- Senior housing
- Fair housing services
- Homeless shelter
- Transitional housing
- Permanent supportive housing
- Energy efficiency improvements



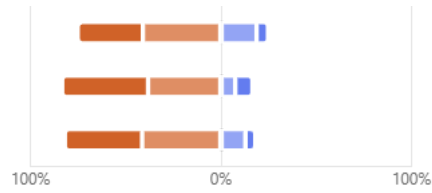
11. Community Facilities

● High Priority ● Medium Priority ● Low Priority ● No Priority

Senior centers

Youth centers

Community centers



12. Economic Development Activities

● High Priority ● Medium Priority ● Low Priority ● No Priority

Youth employment

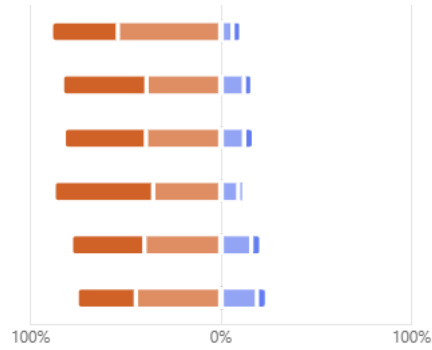
Start-up business assistance

Small business loans

Job creation and retention

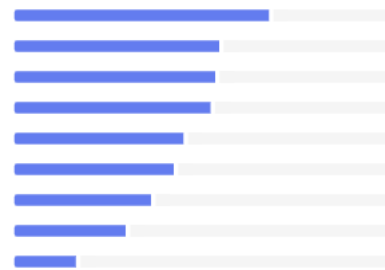
Employment training

Business mentoring



13. Rank the priorities for the Town's Community Development Block Grant funding for the next five years. Rank in order of highest priority to lowest priority.

- 1 Infrastructure (roads, safety)
- 2 Business and jobs
- 3 Housing
- 4 Community facilities
- 5 Neighborhood services (code enforcement)
- 6 Community Services
- 7 Services for people with special needs
- 8 Family support services
- 9 Homelessness



14. Is there category not listed above that you feel should be a high priority for the Town's CDBG funding?

53 Responses

Latest Responses ...

15. Are there any recommendations you would make to add or change any specific projects or programs?

48 Responses

Latest Responses ...

16. If you wish to stay informed regarding the progress and initiatives of the 5-year Plan, please provide your email address below (optional)

64
Responses

Latest Responses
...



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(a)

ORIGINATED BY: Melanie Elvis, Town Clerk
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Planning Commission Appointment for a Scheduled Vacancy
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Consider approving the Notice of Vacancy for the expiration of term for Planning Commissioner Kim Morris; and,
2. Approve the Planning Commission application and authorize staff to advertise the scheduled Planning Commission vacancy; and,
3. Designate two Town Council Members to serve on an interview panel for the Planning Commission interview process; and,
4. Schedule appointment to the vacancy at the May 13, 2025 Regular Town Council meeting with appointment to become effective June 30, 2025.

Background:

Planning Commissioner Kim Morris' term will expire on June 30, 2025. With one scheduled vacancy on the Planning Commission, the position must be filled by the appointment by the Town Council. The Paradise Planning Commission consists of a five-member board that was established by ordinance (Paradise Municipal Code Sections 2.12.030 through 2.12.039) to serve as an advisory board to the Paradise Town Council. The Commission meets once a month on the third Tuesday of the month at 6:00 p.m.

The Town Council generally appoints citizens to vacancies of boards and commission by authorizing recruitment by application and scheduling appointments at a regular meeting. In the past, the Town Council utilized an interview process where two Council Members served as an interview panel and made recommendations for appointments to the Council. Staff recommends this same process in anticipation of the Planning Commission's scheduled vacancy.

Analysis:

Upon approval, staff would advertise the scheduled Planning Commission vacancy by legal notice, posting on the Town's website, Facebook page and a media release; set an application deadline of April 7, 2025 at 5:00 p.m.; and, assist the interview panel by providing suggested questions and a scoring matrix for candidates and coordinating interviews on April 24, 2025.

Financial Impact:

Financial impact to the general fund is minimal with only the cost of the legal notice to be incurred.

**TOWN OF PARADISE
NOTICE OF PLANNING COMMISSION SCHEDULED VACANCY**

NOTICE IS HEREBY GIVEN by the Paradise Town Council of one position on the Paradise Planning Commission set to expire on June 30, 2025. Any registered voter of the Town of Paradise is eligible to apply and may obtain an application at the Town Hall located at 5555 Skyway, Paradise, California, Monday-Thursday from 8:00 am - 5:00 pm or from the Town's internet website at www.townofparadise.com. The Town Clerk must receive the application by 5 pm on April 7, 2025. Interviews will be on April 24, 2025 with appointment to the Commission scheduled for the May 13, 2025 Regular Town Council Meeting. The successful applicant will be required to disclose certain financial interests within the Fair Political Practices Commission and file a California Form 700, Statement of Economic Interest.

The Planning Commission is established by ordinance to serve as an advisory board to the Paradise Town Council and holds one regular meeting on the third Tuesday of each month at 6:00 p.m. at Town Hall located at 5555 Skyway. See Paradise Municipal Code Sections 2.12.030 through 2.12.039 available on the Town's website at www.townofparadise.com. For further information call the Town Clerk's Department at 530-872-6291 x 101.

Melanie Elvis, Town Clerk

TOWN OF PARADISE

PLANNING COMMISSION APPLICATION

Please be advised that the application information will become a public record and will be posted on the Town’s website as part of the agenda packet (personal information redacted). Appointments will be made by the Paradise Town Council at the May 13, 2025 Regular Town Council Meeting. Please plan to be present to answer any questions the Council might have. Applicants shall be full-time residents and registered voters in the Town of Paradise per Resolution No. 81-40. The successful applicant will be required to file an annual financial disclosure – a Statement of Economic Interest Form 700, a public document e-filed with the California Fair Political Practices Commission; and complete an ethics training every two years. Information on the financial disclosure and ethics training may be viewed at the following website: fppc.com.

APPLICATION DEADLINE: April 7, 2025, by 5:00 p.m. Submit applications to the Town Clerk Department at 5555 Skyway, Paradise, CA 95969. Interviews will take place on Thursday April 24, 2025; times to be determined.

APPLICANT DETAILS

Full Name: Cell Phone:

First Name: Address:

Middle Name:

Last Name:

Email:

Gender:

I am 18 years of age or older: Yes No

Can you attend night meetings? Yes No

How long have you lived in Paradise?

Occupation:

Availability Details:

Education and Experience:

APPLICATION DETAILS

What makes you a good candidate to be on the Planning Commission?

What is your knowledge of or experience in the area of planning and zoning?

What do you feel is the most important contribution you can make as a member of the Commission?

What should the Planning Commission's focus be as the Town works toward rebuilding?

Signature:

Date:



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(b)

ORIGINATED BY: Melanie Elvis, Town Clerk/Elections Official
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Consider timeline and appointment of Alternate Measure V Oversight Committee members
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Consider approving the Notice of Vacancy created by a Committee Member's resignation; and,
2. Approve the Measure V application and authorize staff to advertise the Measure V Committee vacancy; and,
3. Designate two Town Council Members to serve on an interview panel for the Measure V interview process; and,
4. Schedule appointment to the vacancy at the May 13, 2025 Regular Town Council meeting with appointment to become effective immediately. (ROLL CALL VOTE)

Background:

On November 6, 2018, the citizens of Paradise approved Measure V, the extension of the 0.5 percent sales tax increase that will be in effect for 10 years beginning April 1, 2021 and ending March 31, 2031.

There is currently one vacancy on the Measure V Committee created by the resignation of Chris Buzzard.

Analysis:

According to Town Council Resolution No. 21-12, the adopted by-laws for the Measure V Oversight Committee, vacancies are to be filled as follows:

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

The Town Council generally appoints citizens to vacancies of boards and commission by authorizing recruitment by application and scheduling appointments at a regular meeting. In the past, the Town Council utilized an interview process where two Council Members served as an interview panel and made recommendations for appointments to the Council. Staff recommends this same process in anticipation of the Measure V Citizen Oversight Committee vacancy.

Upon approval, staff would advertise the Measure V Committee vacancy by legal notice, posting on the Town's website, Facebook page and a media release; set an application deadline of April

7, 2025 at 5:00 p.m.; and, assist the interview panel by providing suggested questions and a scoring matrix for candidates and coordinating interviews on April 23, 2025.

Financial Impact:

Financial impact to the general fund is minimal with only the cost of the legal notice to be incurred.

**TOWN OF PARADISE
NOTICE OF VACANCY ON THE MEASURE V CITIZEN OVERSIGHT COMMITTEE**

NOTICE IS HEREBY GIVEN by the Paradise Town Council of one position on the Town of Paradise Measure V Citizen Oversight Committee as vacant, created by an untimely resignation of a Board Member. Any registered voter of the Town of Paradise is eligible to apply and may obtain an application at the Town Hall located at 5555 Skyway, Paradise, California, Monday-Thursday from 8:00 am - 5:00 pm or from the Town's internet website at www.townofparadise.com. The Town Clerk must receive the application by 5 pm on April 7, 2025. Interviews will be on April 23, 2025 with appointment to the Committee scheduled for the May 13, 2025 Regular Town Council Meeting. The successful applicant will be required to disclose certain financial interests within the Fair Political Practices Commission and file a California Form 700, Statement of Economic Interest.

The Measure V Citizen Oversight Committee is established by ordinance to serve as an advisory board to the Paradise Town Council and hold quarterly meetings at Town Hall located at 5555 Skyway. See Paradise Municipal Code Sections 3.22.070 through 3.22.130 available on the Town's website at www.townofparadise.com. For further information call the Town Clerk's Department at 530-872-6291 x 101.

Melanie Elvis, Town Clerk

TOWN OF PARADISE

MEASURE V CITIZEN OVERSIGHT COMMITTEE APPLICATION

The Town Council is seeking applicants to serve on a nine-member Measure “V” 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 V” funds, the temporary ½ cent sales tax that will automatically expire in 2031. 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.

APPLICATION DEADLINE: April 7, 2025, by 5:00 p.m. Submit applications to the Town Clerk Department at 5555 Skyway, Paradise, CA 95969. Interviews will take place on Thursday April 23, 2025; times to be determined.

APPLICANT DETAILS

Full Name:

Cell Phone:

First Name:

Address:

Middle Name:

Last Name:

Email:

Gender:

I am 18 years of age or older: Yes No

How long have you lived in Paradise?

Occupation:

Availability Details:

Education and Experience:

APPLICATION DETAILS

What makes you a good candidate to be on the Measure V Citizens Oversight Committee?

What do you feel is the most important contribution you can make as a member of the Committee?

Signature:

Date:



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(c)

ORIGINATED BY: Jessica Erdahl, Supervising Project Manager
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Award Construction Contract - 2025 Off-System Road Rehabilitation Project
LONG TERM RECOVERY PLAN: Yes, Tier 1

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 2025- ____, “ A Resolution of the Town Council of the Town of Paradise Awarding Construction Contract No. 8407.3 CON, 2025 Off-System Road Rehabilitation Project, to DeSilva Gates Construction LLC in the amount of their base bid and designating authority to the Town Manager to Execute an Agreement with DeSilva Gates Construction LLC and to approve contingency expenditures not exceeding 10%”. (ROLL CALL VOTE)

Background:

Due to the ongoing recovery effort and debris removal operations within the Town and Butte County, the Town’s off-system roadway infrastructure sustained heavy damage in the wake of the Camp Fire. The pavement structural sections were damaged in two ways:

1. Pavement Scarring due to Car Fires – On the day of the Camp Fire, several motorists were required to abandon their vehicles and continue evacuating on foot. The subsequent car fires damaged the pavement, justifying the need for repair.
2. Pavement structural section damage due to heavy truck traffic – Following the Camp Fire, the Town experienced a staggering level of truck traffic. During the CALOES Debris Removal effort, over 3.7 million tons of material was removed, equivalent to approximately 300,000 truckloads. During that same period, PG&E, Comcast, and AT&T restored their damaged distribution infrastructure. Additionally, PG&E removed over 92,000 trees, and an additional 100,000 trees were removed in 2020 as part of the Hazard Tree Removal Program. The volume of trucks using the Town’s off-system roads has resulted in damage to the pavement structural section, justifying the need for rehabilitation.

The Town coordinated with the Federal Emergency Management Agency (FEMA) to secure Public Assistance permanent restoration funding to repair damaged off-system roads town wide. Through the Public Assistance Program, the Town of Paradise has been approved for \$38,290,000 for the off-system road rehabilitation project. The approved project is located on “Off-System” roads. Off-system roadway rehabilitation include roadways that are not on the on-system roadways and will be funded by FEMA.

On November 10, 2020, Paradise Town Council awarded master on-call contracts to Mark Thomas, Dokken Engineering, GHD, Inc., Wood Rodgers, Inc. and Dewberry Drake Haglan to

perform on-call professional civil engineering services for a variety of local, state, and federally-funded projects. Subsequently, in January 2021, task orders were issued to GHD, Dokken Engineering, and Dewberry to perform civil design services on the off-system road rehabilitation project.

The overall scope of work for the Project can be summarized as follows:

Repair Camp Fire damaged off-system roads to achieve a pre-fire condition.

On August 17, 2023 Paradise Town Council awarded Contract No 8407.1.CON, 2023 Off-System Roadway Rehabilitation (Project 1) to Hat Creek Construction and Materials in the amount of their base bid plus additive bid #1,\$5,756,809.

On May 14, 2024 Paradise Town Council awarded Contract No 8407.2.CON, 2024 Off-System Roadway Rehabilitation (Project 2) to Baldwin Contracting Company, Inc. dba Knife River Construction in the amount of their base bid \$7,565,944.94.

On January 14, 2025 Paradise Town Council adopted a resolution approving the Plans, Specifications and Estimate for the 2025 Off-System Road Rehabilitation. Council further directed staff to advertise for bids.

A project map if the proposed 2025 project limits are provided in this Agenda Summary.

Analysis:

On February 13, 2025, 6 bids were received by the Town Clerk and publicly opened. A list of bids received are shown in the table below:

Bid No.	Item Description	Base Bid Amount
X	Engineer's Estimate	\$14,268,017.40
1	DeSilva Gates Construction	\$11,520,520.00
2	All-American Construction, Inc.	\$12,731,380.07
3	Mountain Cascade Inc.	\$13,959,501.53
4	Knife River Construction	\$14,126,051.50
5	ST Rhodes Construction, Inc.	\$14,514,459.45
6	Granite Construction Company	\$17,184,184.00

Per the contract specifications, the award of the contract, if it be awarded, will be to the lowest responsible, responsive bidder based upon the base bid whose bid complies with all the requirements prescribed. DeSilva Gates Construction LLC with a base bid of \$11,520,520.00

Staff is recommending award of Contract No. 8407.3 CON, 2025 Off-System Road Rehabilitation Project to DeSilva Gates Construction LLC, in the amount of their base bid \$11,520,520. This recommendation is made after careful review of the Contractor’s bid submittals including required Disadvantaged Business Enterprise (DBE)/Section 3 Commitment, DBE/Section 3 Good Faith efforts and subcontractor listings.

On February 27, 2025 requesting bid relief for the Off-System Roadway Rehabilitation 2025 Project. Following analysis of the attached letter, project specifications, bid documents and applicable government codes, staff recommends council deny the request and proceed with contract award. The contractor will have an opportunity to perform or forfeit their submitted Bidder’s Bond.

Financial Impact:

FEMA Public Assistance funds have been authorized for construction and construction engineering phases at actual documented cost incurred.

The total estimated construction and construction engineering cost for the 2025 Off-System Road Rehabilitation Project is \$9,122,539. The estimated funding breakdown is shown below.

2024 Off-System Road Rehabilitation Project 8407.2 CON

Contract Items	Total Estimated Cost	Total Participating Cost	FEMA/CalOES 93.75 %	CDBG-DR Match 6.25%
Base Bid	\$ 7,565,945	\$ 7,565,945	\$ 7,093,073	\$ 472,872
Contingency (10%)	\$ 756,594	\$ 756,594	\$ 709,307	\$ 47,287
Construction Management	\$ 800,000	\$ 800,000	\$ 750,000	\$ 50,000
Total	\$ 9,122,539	\$ 9,122,539	\$ 8,552,381	\$ 570,159
Total Available Funding	\$ 33,055,108	\$ 33,055,108	\$ 26,380,873	\$ 6,674,235
Balance	\$ 23,932,569	\$ 23,932,569	\$ 17,828,492	\$ 6,104,076

Required Off-System Road matching funds, \$570,159 (6.25%), will be funded by Community Development Block Grant-Disaster Recovery fund.

Attachments:

- A. Resolution
- B. 2025 Project Map

11555 Dublin Boulevard
P.O. Box 2909
Dublin, California 94568-2909
(925) 829-9220
www.desilvagates.com

February 27, 2025

Delivery via email mmattox@townofparadise.com

Marc Mattox
Public Works Director
Town of Paradise – Department of Public Works
5555 Skyway
Paradise, CA 95969

REF: Off-System Roadway Rehabilitation – 2025 – Contract No. 8407.3
Bid Date: February 13, 2025
DeSilva Gates Construction Request for Bid Relief

Dear Mr. Mattox,

In accordance with Section 2.M – Bid Relief of the project specifications, DeSilva Gates Construction, LLC (DGC) hereby formally submits this request for bid relief for the Off-System Roadway Rehabilitation -2025 - Contract No. 8407.3 (Project).

DGC has discovered several major errors in our bid for the Project which includes missing items and quantities of work with respect to the bid items for pulverization and hot mix asphalt paving work on the Project. We feel that these errors will not allow us to perform the project efficiently and effectively.

In conclusion, we request that the Town of Paradise grant DGC bid relief and we apologize in advance for any inconvenience this may have caused. If you need anything else please let me know.

Sincerely,
DESILVA GATES CONSTRUCTION, LLC



Michael Gates
Vice President

CC: Jessica Erdahl (via email jerdahl@townofparadise.com)

**TOWN OF PARADISE
RESOLUTION NO. 2025-_____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AWARDING CONSTRUCTION CONTRACT NO. 8407.3 CON, 2025 OFF-SYSTEM
ROAD REHABILITATION PROJECT, TO DESILVA GATES CONSTRUCTION LLC IN
THE AMOUNT OF THEIR BASE BID AND DESIGNATING AUTHORITY TO THE
TOWN MANAGER TO EXECUTE AN AGREEMENT WITH DESILVA GATES
CONSTRUCTION LLC AND TO APPROVE CONTINGENCY EXPENDITURES NOT
EXCEEDING 10%**

WHEREAS, off-system roads sustained damage as a result of the Camp Fire;
and,

WHEREAS, the Town of Paradise has received a \$38,290,000 allocation of
Federal Emergency Management Agency Public Assistance funds; and,

WHEREAS, the Town of Paradise has received a \$7,308,635 allocation of
United States Department of Housing and Urban Development (HUD) Community
Development Block Grant – Disaster Recovery funds as matching funds; and,

WHEREAS, the purpose of the Public Assistance Program is to repair or
reconstruct non-federal aid highways and roads (“Off-System”) which have suffered
serious damage as a result of natural disasters.

WHEREAS, eligible repairs may include, but are not limited to, damage
occurring to pavement or other surface courses, shoulders, embankments, cut slopes,
roadside development, and stream channels, whether man-made or natural. Pavement
repairs or reconstruction may also include rock slope protection, cribbing, or other stream
bank control features, bridges, retaining walls, culverts and debris removal, including other
deposits from roadway drainage channels and the traveled way.

WHEREAS, the 2025 Off-System Road Rehabilitation Project is consistent in
scope with the approved Public Assistance funds: and,

WHEREAS, the 2025 Off-System Road Rehabilitation Project is consistent with
priorities identified in the Paradise Long-Term Recovery Plan prepared in response to the
2018 Camp Fire.

WHEREAS, the Town Council approved the Plans, Specification and Estimates
and authorized advertisement for bids on the 2025 Off-System Road Rehabilitation Project
on the 14th day of January 2025.

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

Section 1. The Town Manager is authorized to award and execute the construction
contract to DeSilva Gates Construction LLC in the amount of their base bid. for the 2025
Off-System Road Rehabilitation Project and designate authority to the Public Works
Director to approve contingency expenditures not exceeding 10%.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 11th day of March 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Steve Crowder, Mayor

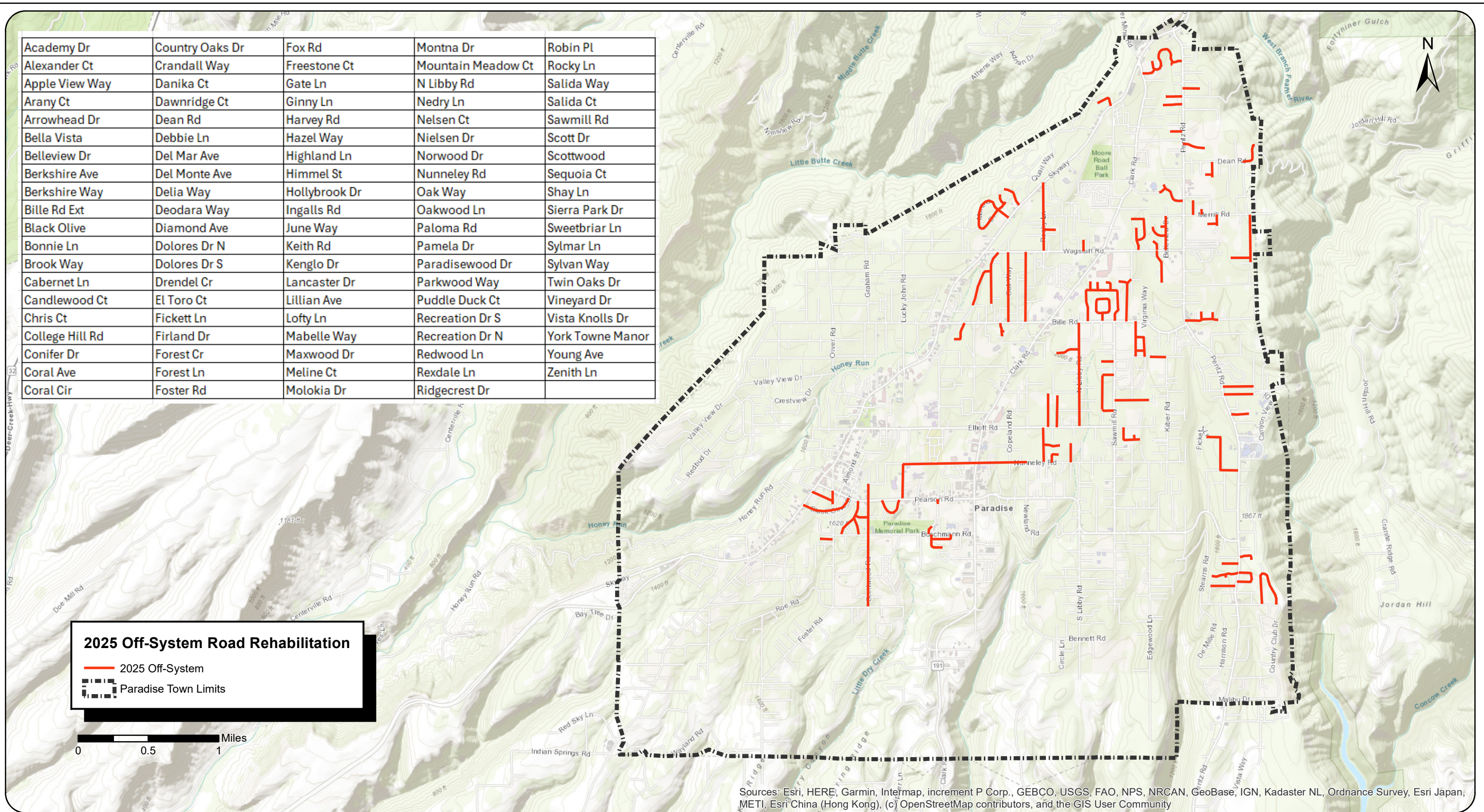
ATTEST:

Melanie Elvis, Town Clerk

APPROVED AS TO FORM:

Scott E. Huber, Town Attorney

Academy Dr	Country Oaks Dr	Fox Rd	Montna Dr	Robin Pl
Alexander Ct	Crandall Way	Freestone Ct	Mountain Meadow Ct	Rocky Ln
Apple View Way	Danika Ct	Gate Ln	N Libby Rd	Salida Way
Arany Ct	Dawnridge Ct	Ginny Ln	Nedry Ln	Salida Ct
Arrowhead Dr	Dean Rd	Harvey Rd	Nelsen Ct	Sawmill Rd
Bella Vista	Debbie Ln	Hazel Way	Nielsen Dr	Scott Dr
Bellevue Dr	Del Mar Ave	Highland Ln	Norwood Dr	Scottwood
Berkshire Ave	Del Monte Ave	Himmel St	Nunneley Rd	Sequoia Ct
Berkshire Way	Delia Way	Hollybrook Dr	Oak Way	Shay Ln
Bille Rd Ext	Deodara Way	Ingalls Rd	Oakwood Ln	Sierra Park Dr
Black Olive	Diamond Ave	June Way	Paloma Rd	Sweetbriar Ln
Bonnie Ln	Dolores Dr N	Keith Rd	Pamela Dr	Sylmar Ln
Brook Way	Dolores Dr S	Kenglo Dr	Paradisewood Dr	Sylvan Way
Cabernet Ln	Drendel Cr	Lancaster Dr	Parkwood Way	Twin Oaks Dr
Candlewood Ct	El Toro Ct	Lillian Ave	Puddle Duck Ct	Vineyard Dr
Chris Ct	Fickett Ln	Lofty Ln	Recreation Dr S	Vista Knolls Dr
College Hill Rd	Firland Dr	Mabelle Way	Recreation Dr N	York Towne Manor
Conifer Dr	Forest Cr	Maxwood Dr	Redwood Ln	Young Ave
Coral Ave	Forest Ln	Meline Ct	Rexdale Ln	Zenith Ln
Coral Cir	Foster Rd	Molokia Dr	Ridgecrest Dr	



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



TOWN OF PARADISE
 PUBLIC WORKS DEPARTMENT
 5555 Skyway Road
 Paradise, California 95969

**2025 OFF-SYSTEM ROAD
 REHABILITATION PROJECT
 FEMA/CDBG-DR**

**PROJECT
 LOCATION
 MAP**
 J ERDAHL
 NOV 2024



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(d)

ORIGINATED BY: Jessica Erdahl, Supervising Project Manager
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: On-System Road Rehabilitation - 2025 Misc/HSIP Systemic Intersection Safety Improvement Project: PSE Approval and Authorize Advertisement for Bids.
LONG TERM RECOVERY PLAN: Yes, Tier 1

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 2025- ____, “A resolution of the Town Council of the Town of Paradise approving the plans, specifications and estimate for the On-System Road Rehabilitation – 2025 Misc / HSIP Systemic Intersection Safety Improvement Project and authorizing advertisement for bids on the project”. (ROLL CALL VOTE)

Background:

Due to the ongoing recovery effort and debris removal operations within the Town and Butte County, the Town’s on-system roadway infrastructure sustained heavy damage in the wake of the Camp Fire. The pavement structural sections were damaged in two ways:

1. Pavement scarring due to car fires – On the day of the Camp Fire, several motorists were required to abandon their vehicles and continue evacuating on foot. The subsequent car fires damaged the pavement, justifying the need for repair.
2. Pavement structural section damage due to heavy truck traffic – Following the Camp Fire, the Town experienced a staggering level of truck traffic. During the CALOES Debris Removal effort, over 3.7 million tons of material was removed, equivalent to approximately 300,000 truckloads. During that same period, PG&E, Comcast, and AT&T restored their damaged distribution infrastructure. Additionally, PG&E removed over 92,000 trees, and an additional 100,000 trees were removed in 2020 as part of the Hazard Tree Removal Program. The volume of trucks using the Town’s on-system roads has resulted in damage to the pavement structural section, justifying the need for rehabilitation.

The Town coordinated with Caltrans and Federal Highways Administration (FHWA) to secure Emergency Relief permanent restoration funding to repair damaged on-system roads town wide. Through the Emergency Relief Program, the Town of Paradise has been approved for \$55,439,200 for the on-system road rehabilitation project. The approved project is located on Federal-Aid “On-System” roads – meaning the Town’s primary collectors and arterials such as Skyway, Clark, Pearson, Elliott, Bille, Wagstaff, Pentz, etc.

Additionally, in 2018 the Town has been approved for \$1,229,300 in Cycle 9 Highway Safety Improvement Program (HSIP) funds to improve safety at sixteen stop-controlled intersections at various locations. The countermeasure will be to systemically improve minor street approaches

with a combination of additional intersection warning/regulatory signs, improved pavement markings, and providing improved sight triangles. For efficiency this project will be bid and constructed with the On-System Road Rehabilitation projects.

On November 10, 2020, Paradise Town Council awarded master on-call contracts to Mark Thomas, Dokken Engineering, GHD, Inc., Wood Rodgers, Inc. and Dewberry Drake Haglan to perform on-call professional civil engineering services for a variety of local, state, and federally-funded projects. Subsequently, in January 2021, task orders were issued to Mark Thomas, Dokken Engineering, and Wood Rodgers, Inc. to perform civil design services on the on-system road rehabilitation project.

The overall scope of work for the combined Road Rehabilitation and HSIP Project can be summarized as follows:

- Repair Camp Fire damaged on-system roads to achieve a pre-fire condition.
- Improve safety at two stop-controlled intersection with a combination of striping, warning/regulatory signs, improved pavement markings and providing improved sight triangles.

On June 14, 2022 Paradise Town Council awarded Contract No. 7303.1.CON, 2022 On-System Roadway Rehabilitation –Skyway (Project 1) to Baldwin Contracting Company, Inc. dba Knife River Construction in the amount of their base bid plus additive bid #1,\$5,069,864.78.

On January 10, 2023 Paradise Town Council awarded Contract No. 7303.2.CON, 2023 On-System Roadway Rehabilitation – Pearson (Project 2) to Baldwin Contracting Company, Inc. dba Knife River Construction in the amount of their base bid,\$5,339,517.50.

On June 18, 2024 Paradise Town Council awarded Contract No. 7303.3 CON, REBID 2024 On-System Road Rehabilitation /HSIP Systemic Intersection Safety Improvement Project to Baldwin Contracting Company, Inc. dba Knife River Construction in the amount of their base bid, \$4,835,562.88.

The plans and specifications for the project are on file in the Public Works office for review.

A vicinity map of the On-System Road Rehabilitation – 2025 Misc / HSIP Systemic Intersection Safety Improvement Project limits are provided in this Agenda Summary.

Analysis:

The On-System Road Rehabilitation project is consistent with priorities identified in the Paradise Long-Term Recovery Plan prepared in response to the 2018 Camp Fire and necessary to restore roadway infrastructure to a pre-fire condition.

Road rehabilitation projects will be identified based on utility undergrounding completion. As segments of utilities are nearing completion, the Town of Paradise will identify and bid specific segments of roadways as individual projects. The goal of this approach is to maximize efficiency, partnership and remain good stewards of precious public funds and community impacts by reducing excavations into recently rehabilitated roadways.

With Council approval of the plans and specifications and authorization to advertise for bids, staff proposes the following schedule:

Project 5 (2025) – Misc Roads (6.1 miles).

Advertise for bid: March 2025
Award Contract: May 2025
Construction: July 2025

Financial Impact:

FHWA Emergency Relief and HSIP funds have been authorized for construction and construction engineering phases at actual documented cost incurred.

The total estimated construction and construction engineering cost for the On-System Road Rehabilitation and HSIP project is \$11,595,919. The estimated funding breakdown is shown below. A detailed project accounting description for each project bid will be made available at the time of contract award.

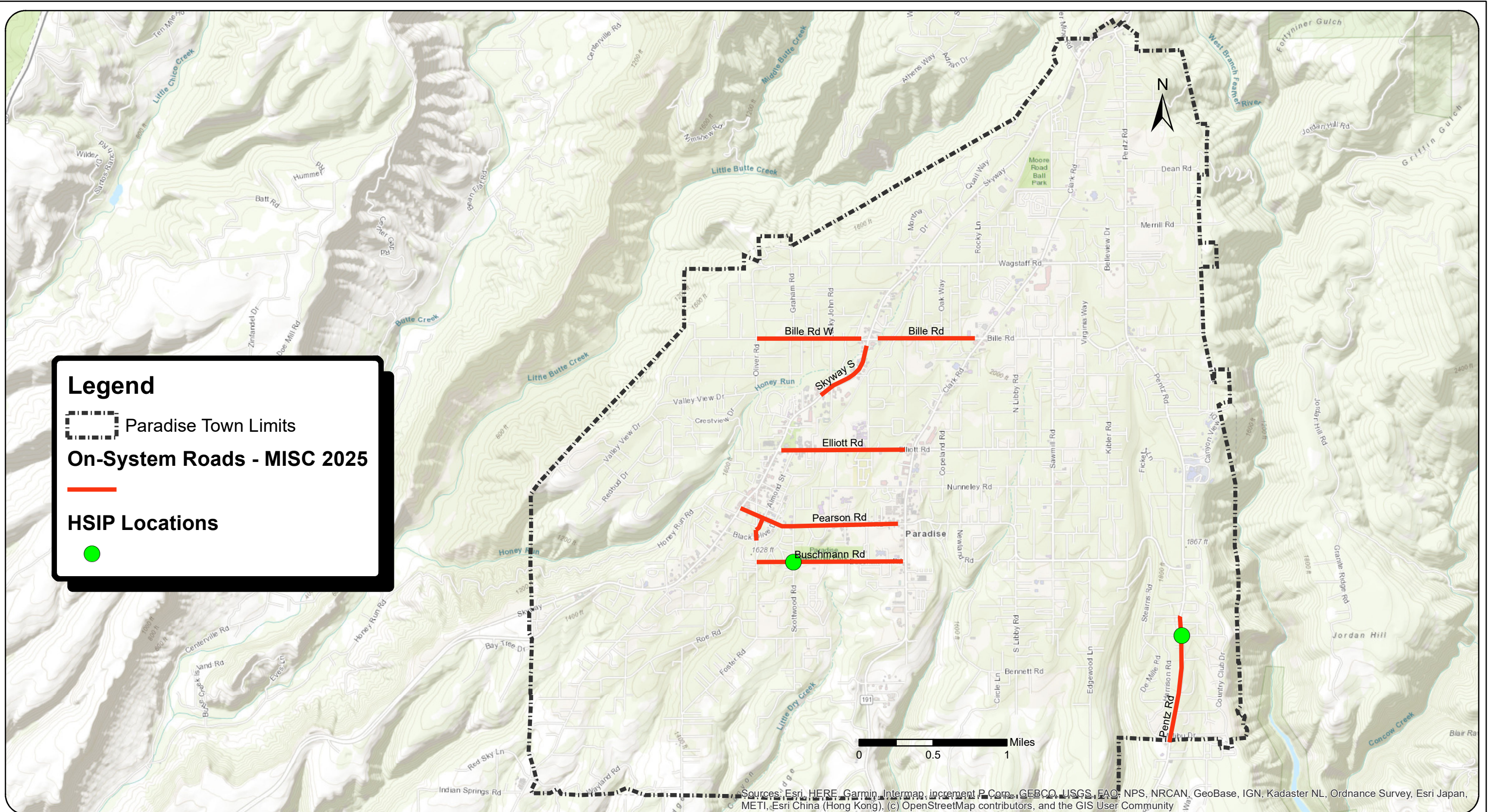
On-System Road Rehabilitation – 2025 Misc / HSIP Systemic Intersection Safety Improvement Project

Contract Items	Total Estimated Cost	ER 38Y0(012) 75.25%	CDBG-DR ER Match 24.75%	HSIP 5425(041) 90%	LTF HSIP Match 10%	Non-Participating (Utility Adjustments)
Construction Project 5 - 2025 MISC	\$ 9,677,516	\$ 7,113,018	\$ 2,339,498	\$ 48,600	\$ 5,400	\$ 171,000
Contingency (10%)	\$ 967,752	\$ 711,302	\$ 233,950	\$ 4,860	\$ 540	\$ 17,100
Construction Management (10%)	\$ 950,652	\$ 711,302	\$ 233,950	\$ 4,860	\$ 540	
Total	\$ 11,595,919	\$ 8,535,622	\$ 2,807,397	\$ 58,320	\$ 6,480	\$ 188,100
Total Available Funding	\$ 27,048,748	\$ 19,754,249	\$ 6,551,043	\$ 332,322	\$ 36,925	\$ 374,210
Balance	\$ 15,452,830	\$ 11,218,627	\$ 3,743,645	\$ 274,002	\$ 30,445	\$ 186,110




Required On-System Road matching funds, \$2,807,397 (24.75%), will be funded by Community Development Block Grant-Disaster Recovery funds. Required HSIP matching funds, \$6,480 (10%), will be funded by Local Transit Funds.

Attachments:

- A. Project Map 2025 Misc Roads
- B. Resolution



Legend

-  Paradise Town Limits
- On-System Roads - MISC 2025**
- 
- HSIP Locations**
- 

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



TOWN OF PARADISE
 PUBLIC WORKS DEPARTMENT
 5555 Skyway Road
 Paradise, California 95969

ON-SYSTEM ROAD REHABILITATION PROJECT
HSIP SYSTEMIC INTERSECTION SAFETY IMPROVEMENT PROJECT
 MISC 2025
 FHWA

PROJECT LOCATION MAP
 J ERDAHL
 FEB 2025

**TOWN OF PARADISE
RESOLUTION NO. 2025-___**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE FOR THE ON-
SYSTEM ROAD REHABILITATION – 2025 MISC /HSIP SYSTEMATIC
INTERSECTION SAFETY IMPROVEMENT PROJECT AND AUTHORIZING
ADVERTISEMENT FOR BIDS ON THE PROJECT.**

WHEREAS, on-system roads sustained damage as a result of the Camp Fire;
and,

WHEREAS, the Town of Paradise has received a \$55,439,200 allocation of
Federal Highway Administration Emergency Relief Program funds; and,

WHEREAS, the purpose of the Emergency Relief Program is Repair or
reconstruction of Federal-aid highways and roads (“On-System”) which have suffered
serious damage as a result of natural disasters; and,

WHEREAS, eligible repairs may include, but are not limited to, damage
occurring to pavement or other surface courses, shoulders, embankments, cut slopes,
roadside development, and stream channels, whether man-made or natural. Pavement
repairs or reconstruction may also include rock slope protection, cribbing, or other stream
bank control features, bridges, retaining walls, culverts and debris removal, including other
deposits from roadway drainage channels and the traveled way; and,

WHEREAS, the Town of Paradise has received a \$1,229,300 allocation of
Federal Highway Administration Highway Safety Improvement Program funds; and,

WHEREAS, the purpose of the Highway Safety Improvement Program is to
achieve a significant reduction in traffic fatalities and serious injuries on public roads.

WHEREAS, the On-System Road Rehabilitation – 2025 Misc / HSIP Systemic
Intersection Safety Improvement Project is consistent in scope with the approved
Emergency Relief Program funds; and,

WHEREAS, On-System Road Rehabilitation – 2025 Misc / HSIP Systemic
Intersection Safety Improvement Project is consistent with priorities identified in the
Paradise Long-Term Recovery Plan prepared in response to the 2018 Camp Fire.

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

Section 1. The design, plans, specifications and estimate for the On-System
Road Rehabilitation – 2025 Misc / HSIP Systemic Intersection Safety Improvement Project
described in the Town Council Agenda Summary for this Resolution are hereby approved.

Section 2. The Public Works Department is authorized to advertise the On-System Road Rehabilitation – 2025 Misc / HSIP Systemic Intersection Safety Improvement Project.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 11th day of March 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Steve Crowder, Mayor

ATTEST:

Melanie Elvis, Town Clerk

APPROVED AS TO FORM:

Scott E. Huber, Town Attorney



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(e)

ORIGINATED BY: Marc Mattox, Public Works Director/Town Engineer
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Honey Run Road Closure
LONG TERM RECOVERY PLAN: N/A

COUNCIL ACTION REQUESTED:

1. Hear informational update on the closure of Honey Run Road and potential next steps.

Background:

On Monday, February 24, Town of Paradise Public Works crews were notified by Butte County Public Works crews to perform an inspection of portions of Honey Run Road near the Town-County boundary. Upon review, maintenance personnel discovered new damage/cracks/shifts in portions of Honey Run Road which indicate potential for a slide-out.

Analysis:

Public Works Engineering staff verified the inspection results and made a recommendation to close Honey Run Road indefinitely with intent to perform drainage culvert maintenance as well as take baseline measurements of the road which can be reviewed again in March.

Damage observed by Public Works could be caused by saturated soils from recent storm events coupled with the loss of previously established vegetation/trees from the 2018 Camp Fire.

Staff will provide an update on preliminary results of the evaluation at the Council meeting with a recommendation on next steps.

Financial Impact:

None at this time, however, based on the damage currently observed, the cost of repairs to re-open Honey Run Road to motor vehicles could be substantial. More information will be presented as soon as it is available.



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(f)

ORIGINATED BY: Marc Mattox, Public Works Director/Town Engineer
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Ground Cover and Native Plant Garden Pilot Project
LONG TERM RECOVERY PLAN: Yes

COUNCIL ACTION REQUESTED:

1. Consider approving a Memorandum of Understanding between the Butte Fire Safe Council and Town of Paradise for a Ground Cover and Native Plant Garden Pilot Project along the Yellowstone Kelly Trailway near the Paradise Community Park. (ROLL CALL VOTE)

Background:

The Town of Paradise and its community partners are continuously seeking creative and effective solutions to manage fuels on both public and private property. Butte County Fire Safe Council (BCFSC) and Paradise Ridge Fire Safe Council (PRFSC) have developed a Ground Cover Project for the Yellowstone Kelly Trail between Pearson and Elliott and a Native Plant Garden adjacent to Paradise Community Park. These projects could serve as a demonstration for further implementation across public and private properties. As the proposed projects are within Town property, formal approval from the Town of Paradise is required.

Analysis:

Town staff has reviewed the attached Memorandum of Understanding between the Butte Fire Safe Council and Town of Paradise for the pilot project. Below is a list of key roles and responsibilities of both the Town and BCFSC:

The BCFSC will...

1. In coordination with Town of Paradise representatives, the BCFSC and PRFSC will assist to bring in chips provided by PG&E at no cost to the Town to be placed along the Paradise Memorial Trail and spread to a thickness not to exceed 4". The chips will be placed adjacent to the gravel portion beginning approximately 5' from the pavement and extending approximately 20' on each side of the trail where space and topography allow. The initial area to be covered will be between Pearson Rd and Elliott Rd.
2. The BCFSC and PRFSC design and plant a Native Plant Garden on the east side of the trail adjacent to the playground area at Paradise Community Park as shown on the attached map. The BCFSC and PRFSC will be responsible for the following:
 - a. Designing and planting the garden.
 - b. Maintenance and watering of the garden

3. The BCFSC and PRFSC will develop a project team of community organizations to implement and maintain this project:
4. In consultation with the Town of Paradise representatives, the BCFSC and PRFSC will develop information and educational signage for the Native Plant Garden and chips project.
5. Provide adequate insurance for the project sites.

The Town of Paradise will provide...

1. Relevant information and staff time to assist in meeting the goals of this MOU.

Financial Impact:

The financial impacts of this item are minor and include direct costs associated with staff time providing support to the BCFSC to implement the scope of work.

Memorandum of Understanding (MOU)
Between
Butte County Fire Safe Council (BCFSC)
and
Town of Paradise (TOP)

WHEREAS, Butte County Fire Safe Council (BCFSC) and Paradise Ridge Fire Safe Council (PRFSC) have developed a Restoration and Beautification Project for the Yellowstone Kelly Trail and Native Plant Garden adjacent to Paradise Community Park in cooperation with the Town of Paradise (TOP);

WHEREAS, the project is funded by a grant from the Neighbors to Neighbors Program and a donation from the Paradise Garden Club;

WHEREAS, to facilitate this project, this Memorandum of Understanding (MOU) sets forth the terms by which the BCFSC and PRFSC will work with the Town of Paradise;

WHEREAS, there is a mutual interest among BCFSC and Town of Paradise to develop a MOU.

NOW, THEREFORE, the parties agree as follows:

The BCFSC will:

1. In coordination with Town of Paradise representatives, the BCFSC and PRFSC will assist to bring in chips provided by PG&E at no cost to the Town to be placed along the Paradise Memorial Trail and spread to a thickness not to exceed 4". The chips will be placed adjacent to the gravel portion beginning approximately 5' from the pavement and extending approximately 20' on each side of the trail where space and topography allow. The initial area to be covered will be between Pearson Rd and Elliot Rd.
2. The BCFSC and PRFSC design and plant a Native Plant Garden on the east side of the trail adjacent to the playground area at Paradise Community Park as shown on the attached map. The BCFSC and PRFSC will be responsible for the following:
 - Designing and planting the garden.
 - Maintenance and watering of the garden
3. The BCFSC and PRFSC will develop a project team of community organizations to implement and maintain this project:
4. In consultation with the Town of Paradise representatives, the BCFSC and PRFSC will develop information and educational signage for the Native Plant Garden and chips project.

The Town of Paradise will provide:

1. Relevant information and staff time to assist in meeting the goals of this MOU.

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 \$1,000,000.00 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.

MODIFICATION

This MOU may be modified only in writing and only with the consent of authorized officials from the BCFSC and Town of Paradise.

TERM

This MOU shall become effective upon signature by the authorized officials from the BCFSC and Town of Paradise and will remain in effect until March 30, 2027 or terminated by any one of the partner agencies.

TERMINATION

Any party upon the giving of thirty (30) day's advance written notice may terminate this MOU.

CONTACT INFORMATION

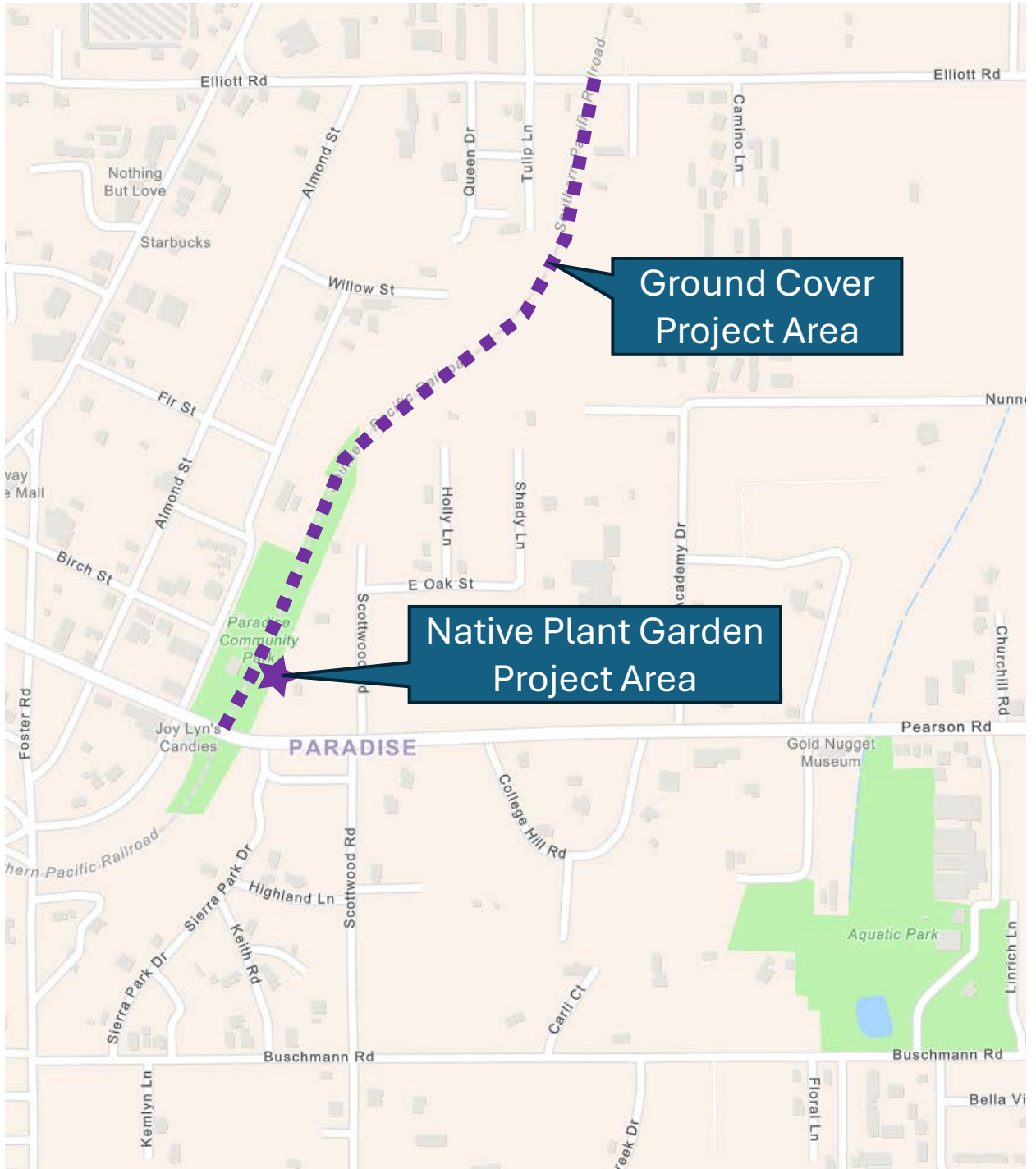
Butte County Fire Safe Council
Taylor , Executive Director
5619 Black Olive Dr.
Paradise, CA 95969
(530) 877-0984
firesafe@buttefiresafe.net

Town of Paradise
Jim Goodwin, Town Manager
5555 Skyway Road
Paradise, CA 95969
(530) 872-6291
jgoodwin@townofparadise.com

SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING

Date:
Taylor Nilsson
Butte County Fire Safe Council, Executive Director

Date:
Jim Goodwin
Town of Paradise, Town Manager



Ground Cover Project Area

Native Plant Garden Project Area



Butte County Fire Safe Council

Ground Cover & Native Plant Garden Pilot Project Location



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(g)

ORIGINATED BY: Colette Curtis, Recovery & Economic Development
Director
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Downtown Plan Phase 3
LONG TERM RECOVERY PLAN: Yes

COUNCIL ACTION REQUESTED:

1. Consider authorizing Town Manager to enter into an agreement with Urban Design Associates (UDA) to complete Phase 3 of the Downtown Strategy.

Background:

The 2019 Long Term Community Recovery Plan was completed by Urban Design Associates (UDA) and identified 39 recovery projects which serve as the foundation of our recovery activities. One of the projects in this plan identifies a walkable downtown, as well as supporting mom and pop businesses, and promoting diverse businesses, amenities, and events.

In Spring 2024, Town Council issued a moratorium on residential building permit issuance in the Downtown area, in order to create a plan to ensure the vision of our community as identified in the 2019 Long Term Community Recovery Plan could be realized. Phase 1 of the Downtown Plan, created by UDA, reduced the size of the moratorium area. Phase 2 of the Plan, completed in Fall 2024, also by UDA, identified certain zoning changes which were later adopted by the Planning Commission and Council, as well as ideas for temporary events and longer-term activations that could increase the development of Downtown Paradise.

Analysis:

Upon the adoption of Phase 2, it was determined that an implementation strategy with a timeline was needed to move forward and ensure action was taken as desired by the community. UDA was asked to submit a proposal for Phase 3 of the plan which would include the following deliverables:

1. Create a working group consisting of a Council member, Town Staff, and representatives from local commercial banking, downtown business owners, the Chamber of Commerce, local development community, and members of the community at large.
2. Conduct site visits to other applicable activations for insight.
3. Conduct community outreach to solicit input from the community through an online survey and open house.
4. Document the findings for these efforts.

Present a strategic plan to council which will include 1, 3, and 5 year measurable steps and a menu of potential actions.

Financial Impact:

UDA has provided a proposal with an estimate of \$41,900 for these efforts. This would be paid for through the general fund, in the Recovery and Economic Development Department.



21 February 2025

Colette Curtis
Recovery and Economic Development Director
Town of Paradise
5555 Skyway
Paradise, CA 95969-4534

Re: Downtown Paradise Phase 3 - Vetting Recommendations
UDA P3136

Dear Colette,

Urban Design Associates (UDA/Consultant) is pleased to submit this proposal for additional services related to the Town of Paradise’s downtown revitalization initiative. The objective is to test the downtown vision and recommendations presented to the Town Council last November.

As we look at the future, the downtown area presents the one opportunity in town to create an outcome different from the past. The 200,000 square feet of projected new retail and the types of uses are unlike the old downtown and can be transformative if adequately leveraged. So, what’s the best way to lay out a successful path forward?

Scope of Work

The Consultant will provide professional services as listed below.

Step 1: Get the Ball Rolling

Working Group

The Town has expressed an interest in forming a Working Group for Phase 3 of the downtown study. This group will include key staff members, one council member, and representatives from local commercial banking, downtown business owners, the Chamber, the local development community, etc. The goal is to have a cross-section of knowledgeable local business voices vet the Phase 2 initiatives, aka the Gathering Place, Walkable Main Street, and Future Civic Site. The Working Group will also consider vacant downtown sites adjacent to the Phase 2 initiatives and alternatives for a compact Sewage Treatment Plan (STP). The Working Group will meet monthly via videoconference. UDA will facilitate these meetings and prepare meeting minutes.

URBAN DESIGN ASSOCIATES, LTD.

URBAN DESIGNERS PLANNERS ARCHITECTS

URBANDESIGNASSOCIATES.COM

3 PPG PLACE / 3RD FLOOR / PITTSBURGH, PA 15222

T 412.263.5200 F 844.270.8374

PRINCIPALS & ASSOCIATES

Gail Armstrong, SDA

David Csont, ASAI

Alice Enz, AIA

Patrice Hanulak, RLA, ASLA

Barry Long, AIA, LEED AP

Megan O’Hara, AICP, LEED AP

Eric Osth, AIA, LEED AP

Jeffrey Schwaiger, ASAI

Site Visits

A subcommittee (subset) of the Working Group will be invited to visit developments comparable to the Phase 2 initiatives and interview elected officials or private individuals familiar with the projects. UDA will accompany the subcommittee on approximately three of these visits during a trip to Paradise.

Initial thoughts on potential destinations to visit include:

- Market Street, Meriam Park, Chico, CA (Dan Gonzales)
- Phoodery and new Public Safety Center, Phoenix, OR (Al Muelhoefer, Mayor)
- Mitote Food Park, Santa Rosa, CA (Paul Ombudsman and _____)
- The Barlow Market District, Sebastopol, California
- Eastvale, Riverside County, CA

Step 2: Community Engagement

Online Survey

We have found that online surveys currently attract the most significant number of participants. UDA will prepare survey questions, as we did for the Phase 2 survey, and the Town will format the questions and host an online poll.

Virtual Open House

The Town will host a virtual open house with UDA as the presenter/moderator. It will feature an update on the downtown study, a presentation of recommendations from the Working Group, and a facilitated Q&A session with the community. This format offers good community access and one more way to gather input. Questions are typically submitted through Zoom's chat feature so that a follow-up FAQ sheet can be prepared and distributed to address any unanswered questions.

Step 3: Documentation and Council Presentation

Documentation

UDA will document findings and recommendations from the Working Group for each initiative as individual *Implementation Projects*. Each will be scripted like a Recovery Project but with more detail. In addition to having a project description, project lead, action steps, cost estimate, potential resources, and ROI, there will also be measurable steps over a 1-, 3-, and 5-year timeframe. If/then scenarios will also be included based on progress and economics when reaching these milestones.

Presentation to Town Council

UDA's principal-in-charge will present findings virtually to the Town Council in a public hearing.

Phase 3 Deliverables:

- *Meeting minutes for Working Group meetings*
- *Documentation of site visits UDA attends*
- *Digital presentation*

- 1-, 3-, and 5-year measurable steps
- Menu of potential action items based on the economy, interest rates, etc. (if then scenarios)

Schedule

The goal is to complete the Phase 3 tasks before Labor Day and present the findings to the Town Council in September 2025.

Limitations and Exclusions

As outlined above, UDA will act as the town’s planning consultant. Substantive changes to the scope of services may require an additional service per the terms of the Agreement for Professional Services. The following services are excluded from UDA’s scope:

- Market analysis
- Architecture, landscape architecture, and civil engineering services
- Geotechnical analyses
- Traffic analysis
- Environmental analysis
- Financial analysis

Fee Schedule

Land Planning	Description	Est. Time	Est. Expenses	Est. Total
Step 1	Get the Ball Rolling	\$17,900		
Step 2	Community Engagement	\$3,800		
Step 3	Documentation and Council Presentation	\$16,700		
Estimated Professional Fee Total		\$38,400		
Est. Expenses	Estimated Reimbursable Expense		\$3,500	
Estimated Project Total				\$41,900

Fees are estimated based on “Time and Materials.” If we foresee necessary time and/or materials exceeding the Estimated Project Total, then we will document why in advance and seek an additional service per the Agreement for Consultant Services.

Reimbursable expenses are in addition to compensation for Services, including travel expenses; reproduction of drawings and other documents; and postage and handling of drawings. Reimbursable expenses shall be billed at a multiple of 1.0 times the cost incurred by UDA.

Thank you again for the opportunity to support the Town of Paradise on your road to rebuilding. Please let me know if you have any questions.

Sincerely,



Barry J Long Jr., AIA, LEED AP
Principal & President

cc: Rebecca Lefkowitz



Town of Paradise

Council Agenda Summary

Agenda Item: 6(h)

Date: March 11, 2025

ORIGINATED BY: Sarah Richter, Housing Program Technician
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Adopt a Resolution authorizing submittal of a project application to the California State Department of Housing to award HOME Investment Partnership Program Income funding; and if selected, the execution of a Standard Agreement, any amendments thereto, and of any related documents necessary to participate in the HOME Investment Partnerships Program

LONG TERM RECOVERY PLAN: No.

COUNCIL ACTION REQUESTED:

1. Adopt Resolution No. 2025-____, "A Resolution of the Town Council of the Town of Paradise adopting a new resolution authorizing submittal of an application to the California State Department of Housing and Community Development; if approved, execution of a standard agreement, any amendments thereto, and of any related documents necessary to participate in the HOME Investment Partnership Program; and,
2. Authorize staff to create a deferred loan agreement with Kingdom Development LLC to develop the Cape Cod Apartments using \$2 million of HOME Investment Partnership Program Income funding. (ROLL CALL VOTE)

Background:

Cape Cod Mobile Estates was a mobile home park located at 6799 Skyway in Paradise. It was destroyed in the Camp Fire and subsequently purchased by an affordable housing developer. The Town of Paradise loaned Kingdom Development \$200,000 in PLHA funding for pre-development costs to develop this property in 2023. Kingdom Development has created a multi-layered funding package that needs a final \$2 million loan in order to give the developer a competitive advantage in an application for low-income housing tax credits.

The Town of Paradise holds a significant amount of HOME Program Income in a reuse account. The funds were received over the last few years from loan payoffs from homeowners who received housing assistance through past HOME assistance programs administered by the Town of Paradise. Program Income in the reuse account needs to be committed to other eligible housing projects in a timely manner or risk claw back by the state Department of Housing and Community Development.

Analysis:

The type of housing proposed by Kingdom Development is 48 units of 1-, 2-, and 3-bedroom affordable housing units for people earning less than 60% area median income (about \$45,000 a year for a household of four). The development will provide housing units and supportive services for individuals and families with disabilities. The project is expected to receive HUD 811 housing vouchers and funding from the Far Northern Regional Center. The purpose of HUD 811 vouchers is to subsidize rental housing for people with very low income and disabilities to support independent living.

The Town of Paradise has made similar loans to affordable housing developments, such as Paradise Community Village, Eaglepointe, Northwind, and Mayer Commons (formerly Kathy Court Apartments). The per unit development cost for this project is higher than on other Town-supported projects, however this is due to state prevailing wage requirements that do not apply to the other projects.

Staff recommends loaning the existing \$2 million in HOME Program Income to the Cape Cod project in order to leverage nearly \$20 million in tax credits to complete the project. This project has significant existing financial commitments including:

- \$2.47 million in a State Infill Infrastructure Grant
- \$1 million from the Department of Developmental Services
- \$13.9 million from the State CDBG-Disaster-Recovery program
- Ten Section 811 rental assistance vouchers for disabled households

If the Town were to choose not to utilize the Home Program Income for this project, there is no certainty that the Town could utilize the funds to build housing, as the program for these funds is on indefinite hold through the California Department of Housing and Community Development (HCD). With no current program to spend these funds down, the funds are at risk for recall from HCD.

Financial Impact:

The Town of Paradise will enter into a 55-year, long-term monitoring agreement and receive an annual monitoring fee not to exceed \$13,000, which will increase annually by 3%. 10% of the annual fee received by the Town of Paradise will be remitted to the state Department of Housing and Community Development.

Any principal and interest payments paid to the Town of Paradise would return to the HOME reuse account with 10% retained by the Town to cover administrative costs.

**TOWN OF PARADISE
RESOLUTION NO. 2025-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE AUTHORIZING
SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF
HOUSING AND COMMUNITY DEVELOPMENT FOR TO ALLOCATE PROGRAM INCOME
FUNDING RECEIVED UNDER THE HOME INVESTMENT PARTNERSHIPS PROGRAM; AND
IF SELECTED, THE EXECUTION OF A STANDARD AGREEMENT, ANY AMENDMENTS
THERE TO, AND OF ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE
HOME INVESTMENT PARTNERSHIPS PROGRAM**

WHEREAS, The California Department of Housing and Community Development (the “Department”) is authorized to allocate HOME Investment Partnerships Program (“HOME”) funds made available from the U.S. Department of Housing and Urban Development (“HUD”). HOME funds are to be used for the purposes set forth in Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, in federal implementing regulations set forth in Title 24 of the Code of Federal Regulations, part 92, and in Title 25 of the California Code of Regulations commencing with section 8200; and;

WHEREAS, On May 10, 2024, the Department issued a 2022-2023 HOME Notice of Funding Availability Program Income application announcing the availability of funds under the HOME program (the “NOFA”); and;

WHEREAS, In response to that HOME NOFA, The Town of Paradise (hereinafter referred to as “Town”), a State of California municipal corporation, wishes to apply to the Department for, and approve the allocation of, HOME funds.

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

1. In response to 2022-2023 HOME NOFA, the Town shall submit an application to the Department to participate in the HOME program to allocate Program Income funds not to exceed Two Million Dollars (\$2,000,000) for the following project:

Cape Cod Apartments to be located in the incorporated Town of Paradise, California.
2. If the application for funding is approved, then the Town hereby agrees to use the HOME funds for the named project in the manner presented in its application as approved by the Department in accordance with the statutes and regulations cited above. The Town may also execute a standard agreement, any amendments thereto, and any and all other documents or instruments necessary or required by the Department or HUD for participation in the HOME program (collectively, the required documents).
3. The Town Council hereby authorizes and directs the Town Manager to execute, in the name of the Town, the HOME Standard Agreement.
4. The Town authorizes and directs the Town Manager to execute, in the name of the Town, all other required documents.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Paradise held on March 11th, 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steve Crowder, Mayor

ATTEST:

APPROVED AS TO FORM

Melanie Elvis, Town Clerk

Scott E. Huber, Town Attorney



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(i)

ORIGINATED BY: Tony Lindsey, Community Development Director –
Building & Code Enforcement
REVIEWED BY: Jason Finney, Fire Chief
Jim Goodwin, Town Manager
SUBJECT: Goat Grazing and Broadcast Burning Discussion
LONG TERM RECOVERY PLAN: Yes – Tier 1 Fuels Management Plan

COUNCIL ACTION REQUESTED:

1. Provide staff with directions on desired changes, if any, to the Paradise Municipal Code to present at a future council meeting; or,
2. Provide alternative direction to town staff.

Background:

At the January 2025 Town Council meeting, a presentation was given by the Butte County Fire Safe Council and Town of Paradise Emergency Operations Coordinator Jim Broshears on grazing and broadcast burns. The Council reviewed how goat grazing and broadcast burning techniques provide unique advantages and challenges, emphasizing their significant roles in sustainable land management and wildfire prevention. Additionally, the staff was instructed to prepare and submit suggestions or potential changes to the existing regulations. These suggestions are intended for the Council's review to refine and possibly enhance the community's strategies for managing fire risks.

Analysis:

This staff report evaluates goat grazing and broadcast burning as effective land management techniques, particularly in controlling invasive plant species, reducing wildfire risks, and maintaining the health of local ecosystems.

Goat Grazing

Goat grazing involves using goats as a biological control method to manage vegetation and reduce fire hazards by consuming underbrush, weeds, and other potentially flammable plant material. This method has been recognized for its eco-friendliness and efficiency in accessing difficult terrains.

The Advantages of goat grazing:

- **Eco-Friendly:** Goats naturally fertilize the soil with their manure, enhancing soil health without the use of chemical fertilizers.
- **Cost-Effective:** Reduces the cost of mechanical cutting and herbicide use.
- **Accessibility:** Goats can access steep and rocky areas that are difficult for humans and

machinery.

- Selective Grazing: Goats preferentially eat many invasive species that are otherwise hard to control.

Challenges:

- Fencing and Management: Temporary fencing and constant supervision are required to prevent goats from wandering off or damaging non-target vegetation.
- Limited to Vegetation: It is only effective for vegetation control and cannot be used for larger woody debris or dead material, which may pose fire risks.

Under existing Town of Paradise municipal codes, grazing animals, limited to goats and/or sheep and utilized for weed abatement, are permitted to graze open and other appropriate areas of natural vegetation. This grazing is allowed for a period not exceeding sixty (60) days within a calendar year on all properties within the Town.

Within the animal-keeping regulations, the long-term keeping of goats and sheep is potentially permitted on properties within the Agricultural Residential (AR), Rural Residential (RR), and Town Residential (TR) zoning districts, subject to specific land use regulations applicable to each zone. This is allowable only in conjunction with an established residence. Animal enclosures (any fenced area where animals are allowed to roam) must be located at least 100 feet from neighboring residences, considering that not everyone may appreciate the odors and noises associated with barn animals.

Properties zoned Agricultural (AG), specifically AG-10 and AG-20 zones, are designated for land areas planned and deemed suitable to remain in their natural, primarily undeveloped state or to be used for open space and agricultural purposes. These zones often include land areas inappropriate for urban development due to factors such as steep slopes, a significant lack of public services, and a substantial community interest in retaining existing agricultural or open space characteristics. The AG-10 and AG-20 zones align with the open-space/agricultural land use designation outlined in the Paradise General Plan. In these zones, uses such as agricultural buildings, animal production/livestock, and private horse stables are permitted activities without an established residence. Like many animals, goats require appropriate shelter to protect them from extreme weather conditions and predators.

Like the AG-10 and AG-20 zones, the AR-3 and AR-5 (Agricultural Residential) zones also permit animal production/livestock and private horse stables by right, but not agricultural buildings, which, according to the definition in the Paradise Municipal Code (PMC), are intended to house the livestock that are permitted in that zone. Additionally, the AR-3 and AR-5 zones are subject to the animal-keeping regulations within Chapter 17.35 of the PMC, requiring an established residence as a condition of long-term animal keeping.

With the Council's direction, staff recommends aligning the land use regulations in PMC Chapter 17.11 for properties zoned AR-3 and AR-5 with those in the AG-10 and AG-20 zones by allowing agricultural buildings by right and amending the animal-keeping regulations in Chapter 17.35 to remove the requirement of an established residence for the long-term keeping of livestock in the AR-3 and AR-5 zones. This proposed alignment recognizes animal grazing and fuel reduction's significant environmental and safety benefits as land management practices. These methods are especially beneficial within the Town, as they naturally manage vegetation and reduce wildfire risks, thereby enhancing the community's ecological health and safety. By harmonizing these zoning regulations, the Town would facilitate wider implementation of these beneficial practices, supporting sustainable land management and fire prevention strategies.

Broadcast Burning

Broadcast burning, also known as prescribed or controlled burning, is the process of intentionally setting fires under controlled conditions to manage ecosystems, reduce fuel loads, and restore health to fire-adapted environments.

Advantages of broadcast burning:

- **Reduces Fuel Loads:** By burning accumulated dead and live vegetation, broadcast burning significantly reduces the fuel available for wildfires, decreasing the likelihood and severity of uncontrolled fires.
- **Promotes Ecosystem Health:** Many ecosystems, especially those in fire-adapted environments, depend on periodic fires for regeneration. Fire can help release seeds from cones, clear decaying matter, and stimulate new growth, thereby maintaining the ecological balance.
- **Controls Invasive Species:** Controlled burns can reduce invasive plant species that outcompete native vegetation. Heat from the fire can kill invasive seeds and plants, giving native flora a better chance to thrive.
- **Pest Management:** Fire can help control forest pests and diseases by killing insects and pathogens that cannot withstand high temperatures.
- **Cost-Effective:** Compared to mechanical clearing, broadcast burning can be a more economical option for large-scale land management, reducing labor and equipment costs.

Challenges:

- **Risk of Escape:** One of the primary risks associated with broadcast burning is the potential for fires to escape control, especially under changing weather conditions or if the burn isn't properly managed.
- **Air Quality Concerns:** Smoke produced from burning can significantly degrade air quality, posing health risks to nearby residents, particularly those with respiratory issues.
- **Timing and Weather Dependency:** The success of a prescribed burn heavily depends on specific weather conditions. Unsuitable weather can postpone burns, complicating scheduling and resource allocation.
- **Public Perception:** There can be a negative public perception towards using fire as a management tool, particularly among communities unfamiliar with its benefits or those who have experienced wildfire threats.
- **Regulatory and Permit Challenges:** Obtaining the necessary permits for controlled burns can be complex, involving strict compliance with environmental regulations and coordination with multiple government agencies.
- **Impact on Wildlife:** While fire is a natural part of many ecosystems, the timing and intensity of controlled burns must be carefully managed to avoid detrimental impacts on wildlife, particularly during breeding or nesting seasons.

Despite these challenges, broadcast burning is a highly effective land management tool that can, when properly planned and executed, contribute to healthier forests and reduce wildfire risks. It requires careful planning, skilled personnel, and community engagement to ensure that the benefits outweigh the potential risks.

Under the current regulations in the Town of Paradise, broadcast burning is not allowed as part of the General Open Burning rules. However, the Fire Chief has the authority to issue a permit for such activities. This provision allows for flexibility in managing fire risks and ecological health by enabling the Fire Chief to assess specific situations where controlled burns might be necessary

and beneficial. When issuing a permit, the Fire Chief can set conditions to ensure that the burn is conducted safely, effectively, and with minimal impact on the community and the environment.

The conditions below are recommended to be adopted as part of the broadcast burn permit process to maintain public safety and minimize the impacts of smoke throughout the Town of Paradise.

- The Permittee shall develop a written Burn Plan to be submitted to the Fire Department for approval. The burn plan is the action plan for the burn. It will describe in detail how the operation will be completed and what conditions will be followed. Elements of the burn plan are listed below.
 - Burn Plan: Shall be written by certified Office of State Fire Marshal (OSFM) CA RX Certified Burn Boss.
 - Objectives: What is the overall goal of the broadcast burn? It might be to reduce hazardous fuels or to target and reduce invasive weed species.
 - Weather Conditions or Prescription: The permit will specify acceptable weather conditions under which the burn can take place. This includes considerations such as wind speed and direction, humidity levels, and temperature to minimize the risk of the fire escaping control.
 - Map of the Project Area: The map shall show topographic features, sensitive areas, structures, roads, control lines and any designated burn units.
 - Pre-Burn Notification Requirements: The permit holder will be required to make notification to the Fire Department and potentially neighboring properties before the burn. This ensures that everyone is aware of the burn and can prepare accordingly.
 - Time Restrictions: There may be specific times during which the burn is allowed, often to take advantage of more favorable weather conditions or minimize impact on local communities.
 - Ignition or Firing Plan: This is how the Burn Boss intends to apply fire to the project area. It is the sequence of firing used to achieve desired results.
 - Supervision and Personnel: The burn plan will specify the number of personnel present to safely complete the broadcast burn and perform mop-up and patrol operations after it is completed.
 - Suppression Equipment and Water Supply: Adequate equipment must be on hand at the burn site. This can include portable water supplies, hoses, fire extinguishers, shovels, mcleods, and other tools necessary to control or extinguish the fire if needed.
 - Fuel Management: Might specify how much fuel (vegetation) can be burned at one time and how fuel should be prepared or arranged before burning. This helps control the size and intensity of the fire.
 - Environmental Protection: Measures must be taken to protect the environment, including avoiding sensitive areas such as wetlands or habitats for endangered species and measures to prevent soil erosion or water contamination.
 - Escape or Contingency Plan: A clear plan must be in place for what actions to take if the fire escapes control, including emergency contact numbers and evacuation routes.
 - Mop up and Patrol: Describes the amount of personnel and plan required to mop up the burn's perimeter to ensure control of the fire is maintained. Should also specify how many days post-burn will the project need to be patrolled.
 - Post-Burn Reporting: After the burn, the permit holder may need to submit a report detailing the outcome, including any issues or deviations from the plan and the effectiveness of the burn in achieving its intended objectives.
 - Compliance with Laws: The burn must comply with all local, state, and federal environmental and safety laws.

- Obtain a Broadcast Burn Permit from Butte County Air Quality Management District: This is a requirement for any broadcast burn, regardless of jurisdiction or size.
- Obtain a Town of Paradise Broadcast Burn Permit: Develop a broadcast burn permit and establish a fee structure for the permit. The permit shall require a site inspection prior to being issued. It is recommended that both the Fire Department and Fire Prevention staff perform the inspection before approval.
- Lot Size Requirements: Staff recommends that broadcast burning be regulated to parcels 5 acres or greater. Currently, 230 parcels within the Town limits meet the 5 acres or greater size requirement. Larger lot sizes will provide adequate separation from adjacent homes and commercial properties to reduce the impacts of smoke.
- Recommend Establishing “Broadcast Burn Zones” within the Town limits to ensure public safety and reduce smoke impacts on businesses and heavily populated areas: Staff recommends regulating broadcast burning to the zones identified on the attached map.
- Encourage the Burn Boss to apply to the CAL FIRE-administered Prescribed Fire Claims Fund. This fund can provide up to 2 million dollars of supplemental protection for damages in the event there is an incident where the broadcast burn causes damage to private property. Only an approved Burn Boss or a Cultural Fire Practitioner may apply for a project to be covered by the fund. [California Department of Forestry and Fire Protection SB 926: Prescribed Fire Claims Fund Pilot Project Program Guidelines](#)

The above conditions are designed to maximize the safety and effectiveness of broadcast burns, minimize risks to people and property, and ensure that environmental impacts are responsibly managed.

Staff recommends that, with direction from the Council, a Broadcast Burning Permit be developed to regulate controlled burns within the jurisdiction. This permit would establish formal guidelines and safety protocols, ensuring broadcast burning is conducted responsibly and effectively to manage vegetation and reduce wildfire risks. The Town can ensure environmental stewardship by implementing such a permit system while enhancing public safety and compliance with local and state regulations. The development of this permit would involve detailed planning, consultation with the fire department, and community engagement to address any concerns and incorporate best practices.

Both goat grazing and broadcast burning are pivotal for sustainable land management and wildfire prevention, each suited to specific conditions and objectives. Goat grazing is ideal for reducing ground-level fuel in areas where controlled burns, such as urban interface zones, may not be feasible. This method effectively manages smaller or more sensitive areas without fire risk. On the other hand, broadcast burning is suitable for larger areas with substantial fuel loads, although it demands meticulous weather monitoring and involves extensive preparatory and regulatory measures.

Integrating both methods into a comprehensive land management strategy can significantly enhance their effectiveness and mitigate potential risks. This holistic approach promotes environmental sustainability and bolsters community safety by addressing various land management needs and adapting to different environmental conditions. By combining these practices, we can create a more resilient landscape capable of withstanding the challenges of natural elements and human impacts.

Financial Impact:

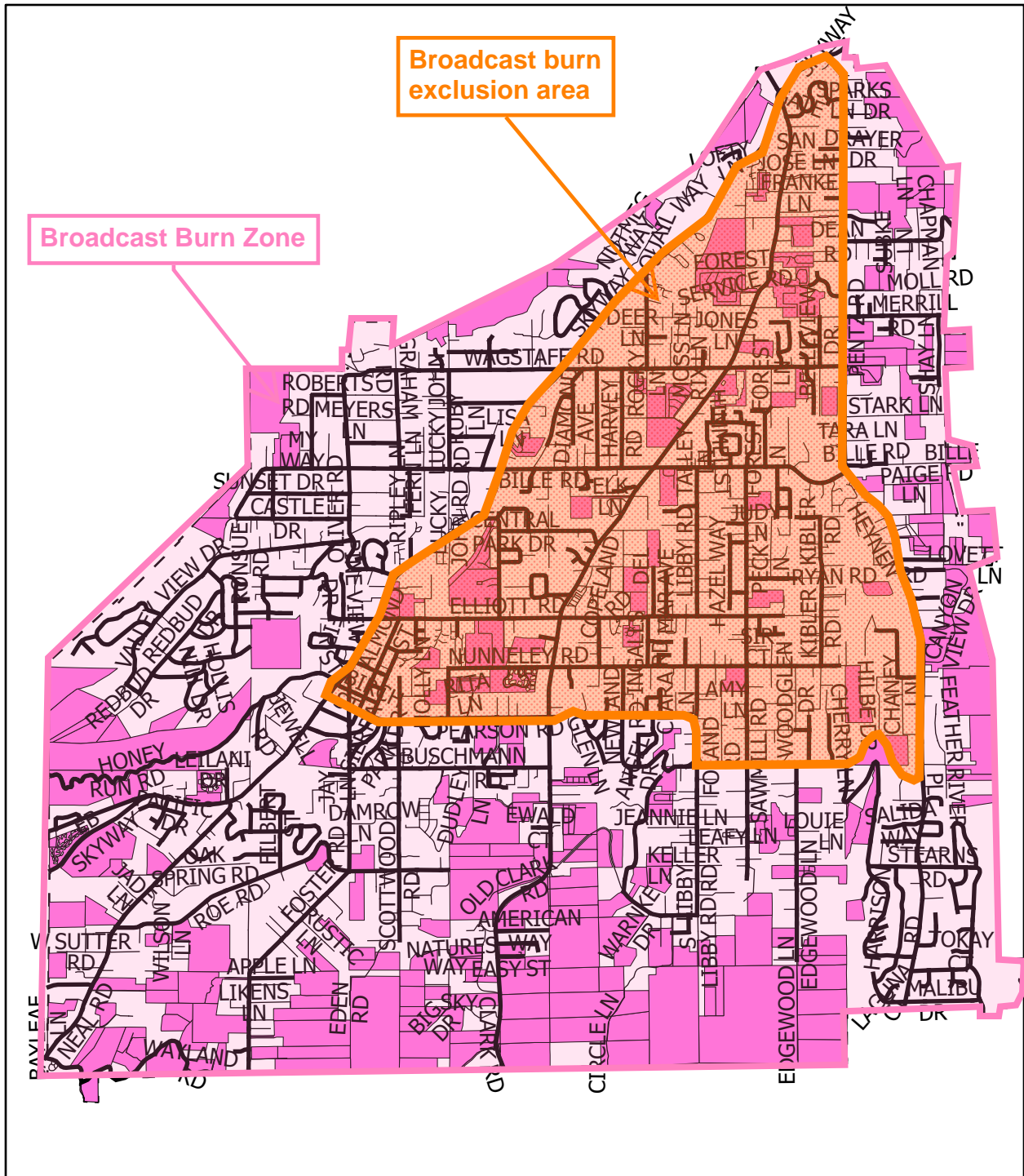
Discussion of municipal code ordinances will not financially impact the Town of Paradise.

Attachments:

Proposed broadcast burn exclusion zone map



Parcels 5 Acres and Larger

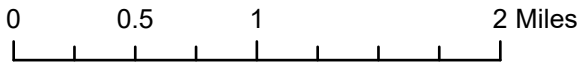


Broadcast Burn Zone

Broadcast burn exclusion area

Roads

- PUBLIC
- PRIVATE
- 5+ Acre



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Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(j)

ORIGINATED BY: Eric Reinbold, Police Chief
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: Reinstate the Community Service Officer Position
LONG TERM RECOVERY PLAN: No

COUNCIL ACTION REQUESTED:

1. Consider approving the reinstatement of the Community Service Officer/ Records Position. (ROLL CALL VOTE)

Background:

Since the November 2018 Camp Fire, the Police Department has navigated staffing challenges in Dispatch, Patrol and Animal Control operations. In 2019 the Police Department had to contract Dispatch services out to the Butte County Sheriff's Office because we did not have enough remaining staff. At that time, one of the Dispatchers, Amanda Oakley was moved into the role of Community Service Officer / Records Clerk to maintain critical backend Dispatch / Records operations. Before the Camp Fire, the Records function was filled with two part-time Records Clerks.

The remaining Dispatch staff included the Dispatch / Records supervisor, Jeannette Huggins and Dispatcher Andrea Lui. Jeannette remained in the supervisor role and Andrea Lui moved into the Administrative Assistant role to fill that vacancy and support the department operations.

Amanda approved and routed criminal cases to the District Attorneys Office, filtered D.A. follow up requests, records requests, and a multitude of additional necessary processing. As a part of training for the CSO position, Amanda was sent to the Arrest & Control (832 PC) training, which provided her with limited Peace Officer powers and a base line training for interacting with arrestees. Amanda assisted patrol operations by transporting arrestees to the Jail which allowed the Officers to remain in the Town limits and available for responding to calls for service. Amanda has assisted with crime scene processing, search warrant execution, collection / processing and booking items of evidence. Amanda also assisted with general patrols of local businesses and schools and enforced parking violations by issuing citations. Amanda proved to be an invaluable asset to the Patrol Operations by assisting in many areas whether it was records, patrol, investigations and evidence.

At the direction of the Town Council to have our Dispatch services back in-house, a significant amount of work was completed to determine a course of action and to replace outdated / damaged infrastructure. When the Council gave this direction to reinstate Dispatch services, the Police

Department had about 18 months to hire and train enough staff to cover services around the clock no later than July 1, 2024, when our contract with BCSO was due to expire.

To have enough staffing to achieve this ambitious goal, both Andrea and Amanda agreed to vacate their previous positions to again serve in the capacity as Dispatchers. With hiring two additional dispatchers, the Police Department was able to achieve our goal and Dispatch services were reinstated around the clock on June 30, 2024.

As a result of Andrea moving back to Dispatcher we recruited, hired and trained a new administrative support person. Amanda has graciously supported the Department and the desire of the Council to bring Dispatch services back, however her passion is to return to her former role of a CSO / Records Clerk.

Analysis:

If reinstatement of this position is approved, Amanda will be sent to additional training to include basic traffic accident investigation school. This training will allow her to investigate property damage traffic collisions and facilitate information exchanges, again allowing the Patrol staff to remain available to respond to in progress and higher priority calls for service.

With the Town's recovery, population growth and increase in law enforcement activity, I know having Amanda back in her previous role will best support growing needs of the Department. Additionally, Amanda will continue ongoing education and maintain certification as a Dispatcher for filling shifts in Dispatch (vacation, sick leave, FMLA, etc.) As we have experienced in the past, Dispatch staffing can easily get to critical levels when an employee is sick for an extended period or out on long-term leave for childbirth etc. Having additional depth will support staffing levels and prevent mandatory overtime and the potential for burnout.

Reinstatement of this position will not be adding an additional position to the Department that we didn't have prior to the Camp Fire. We are still in the rebuilding and recovery process and bringing Dispatch services back to Paradise was a monumental task which required the shifting around of personnel to accomplish our goal.

Financial Impact:

During this fiscal year, PD Administration budgeted additional funds for the anticipated overlap of the replacement Lieutenant from October 2024 to February 2025. We were unable to fill the Lieutenant position within that timeframe, creating cost savings. If approved, we anticipate reinstatement of this position around April 1, 2025, for the remaining three months of this fiscal year. No impact to FY 24/25 budget.



Town of Paradise
Council Agenda Summary
Date: March 11, 2025

Agenda Item: 6(k)

ORIGINATED BY: Aimee Belev, Finance Director / Town Treasurer
REVIEWED BY: Jim Goodwin, Town Manager
SUBJECT: FY 2024-25 Operating and Capital Budget Update

COUNCIL ACTION REQUESTED:

1. After presentation, review and file the financial information provided by staff concerning the FY 2024-25 operating and capital budgets; and
2. Adopt Resolution No. 2025-_____ "A Resolution of the Town Council of the Town of Paradise Adopting Budget Amendments to the 2024/2025 Fiscal Year Budget." (ROLL CALL VOTE)

Background:

The fiscal year (FY) 2024-25 operating and capital budgets were adopted July 9, 2024. The General Fund was adopted with a balanced budget, which was achieved through a transfer from the PRO Settlement funds to compensate for revenue shortfalls resulting from the 2018 Camp Fire.

Currently, about 8 months of transactions have been recorded for the current fiscal year. Revenues and expenditures from the beginning of FY 2024-25 through the end of February 2025 have been recorded and reviewed in preparation of the analysis below. Staff will continue to closely monitor costs and prepare recommended budget updates regularly to keep the Town Council and community apprised of any significant changes.

Analysis:

Revenues: The Town's tax base revenue is currently 49% of Amended Budget. Overall, the rest of the revenues in the other General Fund categories are trending at 53%.

Expenditures: Expenditures are trending at 70% of the augmented budget, and we anticipate spending the remaining budgeted expenses during the next four months and closing.

Total change to expenses for the FY 2024-25 is \$1,194,002. The major shift in the General Fund is a result of two major prior approved items, Weed Abatement (\$387,760) and a prepayment of a Fire Truck (\$599,398). Additionally, the repairs of Fire Station 82 was an increase of \$100,000 to expenses, as well as an increase to revenue in anticipation of an insurance payment.

	General Fund Changes
Revenue	\$119,477
Expense	(\$1,194,002)
Impact:	(\$1,074,525)

Financial Impact:

The financial impact of the changes to the General Fund are as follows:

1. Small increase in insurance revenue and expense \$100,000
2. Prior approved expense of Weed Abatement: \$387,760
3. Prior approval of Measure V paying for Fire Engine \$559,398, will reimburse from funds in FY 2025/26 (reducing PRO needs in outgoing year)
4. Remaining expense added items are \$106,844
5. Spending on track with budget
6. *Increase in PRO allocation \$1,074,525*

**TOWN OF PARADISE
RESOLUTION NO. 2025-__**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE ADOPTING
BUDGET AMENDMENTS TO THE 2024/2025 FISCAL YEAR BUDGET**

WHEREAS, the FY 2024/25 budget was adopted July 9, 2024; and

WHEREAS, throughout the year budget modifications are needed to account for shifts in revenue and unanticipated expenditures incurred throughout the year; and

WHEREAS, deviations in budget should be recorded to project current financial standing;
and,

WHEREAS, the Finance Department has identified budget items in need of adjustment.

NOW, THEREFORE, the Town Council of the Town of Paradise does resolve as follows:

The Town Council hereby approves the requested budget modifications for the 2024/25 budget year as presented in Exhibit "A" Budget Amendments Report, and Exhibit "B" Budget by Fund Category Report.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 11th day of March, 2025, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Steve Crowder, Mayor

ATTEST:

Melanie Elvis, Town Clerk

APPROVED AS TO FORM:

Scott Huber, Town Attorney

EXHBIT "A"

Budget Amendments Report

From Date: 7/1/2024 - To Date: 3/31/2025

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 1010 General Fund						
Department: 00 Non Department Activity						
Program: 0000 Non Program Activity						
3901.145 - Refunds and Reimbursements Insurance Proceeds				Amended Balance as of: 7/1/2024		\$0.00
	02/27/2025	2025-00001097	Fire Budget Adj Station 82 Repair	\$100,000.00	\$0.00	\$100,000.00
				\$100,000.00	\$0.00	\$100,000.00
3910.700 - Transfers In From PG&E Settlement Fund				Amended Balance as of: 7/1/2024		\$12,902,643.00
	03/03/2025	2025-00001108	PRO Fund True Up Budget Adjustments	\$1,040,820.00	\$0.00	\$13,943,463.00
	03/03/2025	2025-00001109	PRO Fund True Up Budget Adjustments	\$33,705.00	\$0.00	\$13,977,168.00
				\$1,074,525.00	\$0.00	\$13,977,168.00
Program: 0000 Non Program Activity Totals:				\$1,174,525.00	\$0.00	
Department: 00 Non Department Activity Totals:				\$1,174,525.00	\$0.00	

TOWN OF PARADISE
Budget Amendments Report

From Date: 7/1/2024 - To Date: 3/31/2025

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 1010 General Fund						
Department: 25 Finance						
Program: 4420 Measure C/V TUT						
Cost Center Activity: 326 Fire Suppression						
5305 - Vehicles						
				Amended Balance as of: 7/1/2024		\$0.00
	02/27/2025	2025-00001097	Fire Budget Adj Fire Engine Measure V	\$599,398.00	\$0.00	\$599,398.00
				\$599,398.00	\$0.00	\$599,398.00
Cost Center Activity: 326 Fire Suppression Totals:				\$599,398.00	\$0.00	
Program: 4420 Measure C/V TUT Totals:				\$599,398.00	\$0.00	
Department: 25 Finance Totals:				\$599,398.00	\$0.00	

TOWN OF PARADISE
Budget Amendments Report

From Date: 7/1/2024 - To Date: 3/31/2025

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 1010 General Fund						
Department: 30 Police						
Program: 4510 Police Administration						
5213.100 - Services, Professional and Contract Services General				Amended Balance as of: 7/1/2024		\$23,740.00
	02/26/2025	2025-00001092	PD Augment F1010 3 Live Scan	\$2,100.00	\$0.00	\$25,840.00
				\$2,100.00	\$0.00	\$25,840.00
5218.100 - Advertising General				Amended Balance as of: 7/1/2024		\$1,000.00
	02/26/2025	2025-00001092	PD Augment F1010 New Hire Advertising	\$2,839.00	\$0.00	\$3,839.00
				\$2,839.00	\$0.00	\$3,839.00
5223.105 - Meals and Refreshments Emergencies and Meetings				Amended Balance as of: 7/1/2024		\$1,000.00
	02/26/2025	2025-00001092	PD Augment F1010 Events	\$1,800.00	\$0.00	\$2,800.00
				\$1,800.00	\$0.00	\$2,800.00
Program: 4510 Police Administration Totals:				\$6,739.00	\$0.00	
Program: 4530 Public Safety Communications						
5214.100 - Repair and Maint Service General				Amended Balance as of: 7/1/2024		\$26,720.00
	02/26/2025	2025-00001092	PD Augment F1010 RIMS Contract Increase	\$1,000.00	\$0.00	\$27,720.00
				\$1,000.00	\$0.00	\$27,720.00
5216.100 - Communications General Services				Amended Balance as of: 7/1/2024		\$16,800.00
	02/26/2025	2025-00001092	PD Augment F1010 Additional 911 Lines	\$11,000.00	\$0.00	\$27,800.00
				\$11,000.00	\$0.00	\$27,800.00
Program: 4530 Public Safety Communications Totals:				\$12,000.00	\$0.00	
Department: 30 Police Totals:				\$18,739.00	\$0.00	

TOWN OF PARADISE
Budget Amendments Report

From Date: 7/1/2024 - To Date: 3/31/2025

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 1010 General Fund						
Department: 35 Fire						
Program: 4610 Fire - Administrative						
5214.100 - Repair and Maint Service General				Amended Balance as of: 7/1/2024		\$7,975.00
	02/27/2025	2025-00001097	Fire Budget Adj Station 82 Repair	\$100,000.00	\$0.00	\$107,975.00
				\$100,000.00	\$0.00	\$107,975.00
Program: 4610 Fire - Administrative Totals:				\$100,000.00	\$0.00	
Program: 4630 Fire - Suppression						
5213.100 - Services, Professional and Contract Services General				Amended Balance as of: 7/1/2024		\$4,472,980.00
	02/27/2025	2025-00001097	Fire Budget Adj Fire Engine Radios	\$0.00	\$5,000.00	\$4,467,980.00
				\$0.00	\$5,000.00	\$4,467,980.00
5304 - Furniture & Equipment				Amended Balance as of: 7/1/2024		\$32,420.00
	02/27/2025	2025-00001097	Fire Budget Adj Fire Engine Radios	\$5,000.00	\$0.00	\$37,420.00
				\$5,000.00	\$0.00	\$37,420.00
Program: 4630 Fire - Suppression Totals:				\$5,000.00	\$5,000.00	
Department: 35 Fire Totals:				\$105,000.00	\$5,000.00	

TOWN OF PARADISE
Budget Amendments Report
 From Date: 7/1/2024 - To Date: 3/31/2025

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 1010 General Fund						
Department: 40 Community Development						
Program: 4720 CDD Planning						
5202.100 - Operating Supplies General				Amended Balance as of: 7/1/2024		\$3,200.00
	02/27/2025	2025-00001104	CDD Augment F1010 Weed Abatement	\$3,000.00	\$0.00	\$6,200.00
				\$3,000.00	\$0.00	\$6,200.00
5209.101 - Auto Fuel Expense Town Vehicles				Amended Balance as of: 7/1/2024		\$4,000.00
	02/27/2025	2025-00001104	CDD Augment F1010 Fire Prevention Fuel	\$3,400.00	\$0.00	\$7,400.00
				\$3,400.00	\$0.00	\$7,400.00
5213.100 - Services, Professional and Contract Services General				Amended Balance as of: 7/1/2024		\$400,000.00
	02/27/2025	2025-00001104	CDD Augment F1010 Weed Abatement	\$384,760.00	\$0.00	\$784,760.00
				\$384,760.00	\$0.00	\$784,760.00
Program: 4720 CDD Planning Totals:				\$391,160.00	\$0.00	
Program: 4780 CDD - Waste Management						
3340.400 - State Funding Waste Mgmt				Amended Balance as of: 7/1/2024		\$0.00
	02/27/2025	2025-00001104	CDD Augment F1010 Waste Tire Grant	\$7,400.00	\$0.00	\$7,400.00
	02/27/2025	2025-00001104	CDD Augment F1010 Household Waste Grant	\$12,077.00	\$0.00	\$19,477.00
				\$19,477.00	\$0.00	\$19,477.00
5213.100 - Services, Professional and Contract Services General				Amended Balance as of: 7/1/2024		\$16,350.00
	02/27/2025	2025-00001104	CDD Augment F1010 SB1383 Local Assistance Grant	\$40,000.00	\$0.00	\$56,350.00
	02/27/2025	2025-00001104	CDD Augment F1010 Waste Tire Grant	\$11,000.00	\$0.00	\$67,350.00
				\$51,000.00	\$0.00	\$67,350.00
Program: 4780 CDD - Waste Management Totals:				\$70,477.00	\$0.00	
Department: 40 Community Development Totals:				\$461,637.00	\$0.00	

TOWN OF PARADISE
Budget Amendments Report

From Date: 7/1/2024 - To Date: 3/31/2025

Account	G/L Date	Journal	Description	Increases	Decreases	Amended Balance
Fund: 1010 General Fund						
Department: 45 Public Works						
Program: 4740 Public Works - Engineering						
5213.100 - Services, Professional and Contract Services General				Amended Balance as of: 7/1/2024		\$225,000.00
	02/27/2025	2025-00001099	PW Augment F1010 Northstar Anchor Way	\$15,000.00	\$0.00	\$240,000.00
				\$15,000.00	\$0.00	\$240,000.00
Program: 4740 Public Works - Engineering Totals:				\$15,000.00	\$0.00	
Program: 4747 Public Facilities						
5213.100 - Services, Professional and Contract Services General				Amended Balance as of: 7/1/2024		\$0.00
	02/27/2025	2025-00001099	PW Augment F1010 Fir Street	\$8,705.00	\$0.00	\$8,705.00
				\$8,705.00	\$0.00	\$8,705.00
5214.100 - Repair and Maint Service General				Amended Balance as of: 7/1/2024		\$29,000.00
	02/27/2025	2025-00001099	PW Augment F1010 PD Mold Remediation	\$10,000.00	\$0.00	\$39,000.00
				\$10,000.00	\$0.00	\$39,000.00
Program: 4747 Public Facilities Totals:				\$18,705.00	\$0.00	
Department: 45 Public Works Totals:				\$33,705.00	\$0.00	
Fund Totals: General Fund				\$2,393,004.00	\$5,000.00	
Grand Totals:				\$2,393,004.00	\$5,000.00	

EXHIBIT "B"

Budget by Fund Category Report

03/03/2025

Prior Fiscal Year Activity Included

Account Classification	Adopted Budget	Budget Amendments	Amended Budget	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
GOVERNMENTAL - Governmental Funds								
Revenue								
010 - Taxes	\$7,328,500.00	\$0.00	\$7,328,500.00	\$0.00	\$3,562,202.90	\$3,766,297.10	49%	\$8,422,282.47
020 - Licenses and Permits	\$250,140.00	\$0.00	\$250,140.00	\$0.00	\$89,653.46	\$160,486.54	36%	\$501,748.53
030 - Fines, Forfeitures and Penalties	\$20,200.00	\$0.00	\$20,200.00	\$0.00	\$24,012.01	(\$3,812.01)	119%	\$149,076.62
040 - Investment Revenue	\$30,940.00	\$0.00	\$30,940.00	\$0.00	\$14,857.54	\$16,082.46	48%	\$125,121.75
050 - Intergovernmental Revenues	\$1,695,053.00	\$19,477.00	\$1,714,530.00	\$0.00	\$1,127,134.30	\$587,395.70	66%	\$972,625.16
060 - Charges for Services	\$85,778.00	\$0.00	\$85,778.00	\$0.00	\$217,115.47	(\$131,337.47)	253%	\$128,727.68
070 - Other Revenues	\$26,000.00	\$100,000.00	\$126,000.00	\$0.00	\$46,600.59	\$79,399.41	37%	\$353,185.29
080 - Other Financing Sources	\$12,548,772.00	\$1,074,525.00	\$13,623,297.00	\$0.00	\$0.00	\$13,623,297.00	0%	\$8,444,610.88
Revenue Totals	\$21,985,383.00	\$1,194,002.00	\$23,179,385.00	\$0.00	\$5,081,576.27	\$18,097,808.73	22%	\$19,097,378.38
Expense								
100 - PRIOR YR ENTRY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	+++	\$0.00
010 - Salaries and Wages	\$9,931,835.00	\$0.00	\$9,931,835.00	\$0.00	\$7,463,307.93	\$2,468,527.07	75%	\$7,849,686.83
015 - Other Employee Costs	\$1,045,724.00	\$0.00	\$1,045,724.00	\$0.00	\$781,803.53	\$263,920.47	75%	\$961,803.99
020 - Supplies	\$484,281.00	\$6,400.00	\$490,681.00	\$1,739.74	\$233,343.70	\$255,597.56	48%	\$354,141.83
030 - Postage Printing and Advertising	\$119,275.00	\$2,839.00	\$122,114.00	\$0.00	\$42,371.02	\$79,742.98	35%	\$71,696.31
040 - Utilities	\$304,783.00	\$11,000.00	\$315,783.00	\$0.00	\$187,498.75	\$128,284.25	59%	\$283,005.32
050 - Services	\$7,809,271.00	\$567,565.00	\$8,376,836.00	\$59,395.54	\$4,052,427.42	\$4,265,013.04	49%	\$7,720,803.54
060 - Employee Development	\$190,705.00	\$0.00	\$190,705.00	\$0.00	\$55,271.03	\$135,433.97	29%	\$82,561.20
070 - Other Costs	\$82,494.00	\$1,800.00	\$84,294.00	\$0.00	\$38,891.56	\$45,402.44	46%	\$55,249.29
075 - Special Costs	\$30,850.00	\$0.00	\$30,850.00	\$0.00	\$21,652.70	\$9,197.30	70%	\$11,725.15
080 - Capital Outlay	\$1,702,573.00	\$604,398.00	\$2,306,971.00	\$183,612.36	\$1,878,966.58	\$244,392.06	89%	\$814,752.22
090 - Debt Service	\$1,250,862.00	\$0.00	\$1,250,862.00	\$0.00	\$1,248,209.35	\$2,652.65	100%	\$1,207,303.45
095 - Other Financing Uses	(\$967,270.00)	\$0.00	(\$967,270.00)	\$0.00	(\$256.75)	(\$967,013.25)	0%	(\$458,599.85)
Revenue Totals:	\$21,985,383.00	\$1,194,002.00	\$23,179,385.00	\$0.00	\$5,081,576.27	\$18,097,808.73	22%	\$19,097,378.38
Expenditure Totals:	\$21,985,383.00	\$1,194,002.00	\$23,179,385.00	\$244,747.64	\$16,003,486.82	\$6,931,150.54	70%	\$18,954,129.28
GOVERNMENTAL - Governmental Funds	\$0.00	\$0.00	\$0.00	(\$244,747.64)	(\$10,921,910.55)	\$11,166,658.19		\$143,249.10
Net Totals:								