



Town of Paradise

Town Council Meeting Agenda

6:00 PM – June 09, 2020

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

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

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

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

PUBLIC COMMENT

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

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

Public comment will be accepted by email with the subject line PUBLIC COMMENT ITEM ____ to dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting and will be read into the record during public comment. Written comments are subject to the regular time limitations of three minutes per speaker, please limit to 200 words or less. If you are unable to provide your comments in writing, please contact the Town Clerk's office for assistance at (530) 872-6291.

Public comment may be submitted by telephone during the meeting, prior to the close of public comment on an item by calling (530) 872-5951 at the time indicated by the Mayor. Alternately you may send an email with the subject line:

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

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

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

1. OPENING

- 1a. Call to Order
- 1b. Pledge of Allegiance to the Flag of the United States of America
- 1c. Invocation
- 1d. Roll Call
- 1e. Presentation on Tree Removal Program - Cole Glenwright, CAL OES and Katie Simmons, Town of Paradise Disaster Recovery Director

2. CONSENT CALENDAR

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

- 2a. p5 Approve minutes from the May 12, 2020 Special and Regular Town Council meetings.
- 2b. p12 Approve May 2020 Cash Disbursements in the amount of \$2,748,657,69.
- 2c. p20 1. Declare the attached described vehicles as surplus property; and, 2. Adopt Resolution No. 20-12, A Resolution of the Town Council of the Town of Paradise declaring certain Town Equipment to be surplus and obsolete and authorizing disposal through sale or donation by the Town Manager or her designee.
- 2d. p24 Adopt Resolution No. 20-13, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Finance Division Pursuant to Government Code Section 34090. The records listed in Exhibit B have been retained for four or more years and are eligible for destruction.
- 2e. p27 Adopt Resolution No. 20-14, A Resolution of the Town Council of the Town of Paradise Approving an Amended and Restated Agreement for Professional Services with Town Attorney Dwight L. Moore
- 2f. p34 Review and file the 2nd and 3rd Quarter Investment Report for the fiscal year ending June 30, 2020.

3. ITEMS REMOVED FROM CONSENT CALENDAR

4. PUBLIC COMMUNICATION

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

5. PUBLIC HEARINGS

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

Public Hearing Procedure:

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

- C. Mayor closes the hearing
- D. Council discussion and vote

5a. p44 1. Conduct a public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan; and 2. Consider authorizing Town staff to submit the Substantial Amendment to Housing and Urban Development; and, 3. Consider authorizing the Town Manager to enter into an agreement with Community Housing Improvement Program for a float loan of \$500,000 for the reconstruction of Paradise Community Village. (ROLL CALL VOTE)

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. p 48 Acknowledge and grant the request from the project applicant to defer taking action on Resolution No. 20-15 of the Town Council regarding the appeal of Temporary Use Permit No. PL19-00383 for 180 days. **OR**

ALTERNATIVE ACTIONABLE OPTION(S):

Acknowledge the request from the project applicant to defer taking action on Resolution No. 20-15 of the Town Council regarding the appeal of Temporary Use Permit No. PL19-00383 for 180 days, but grant a deferral of less time before the Resolution is adopted. **OR**

Find that the Town shall not grant the project applicant's request and adopt Resolution No. 20-15 of the Town Council with modifications, **Denying the Appeal** and thereby **Uphold the Planning Commission's Decision**. (ROLL CALL VOTE)

6b. p161 1. Consider prohibiting the sale of flavored tobacco products in the Town of Paradise; and, 2. Consider waiving the entire reading of proposed Ordinance No.596 and approve reading by title only; and, 3. Consider introducing Ordinance No.- 596 an Ordinance of the Town Council of the Town of Paradise California, prohibiting the sale of flavored tobacco products; or, consider the following options:

1. Create a Tobacco Retail License for businesses in the Town of Paradise which also bans the sale of flavored tobacco products; or,
2. Ban the sale of flavored tobacco products without creating a Tobacco Retail License; (staff recommended action) or,
3. Ban the sale of flavored tobacco products, with the exception of menthol flavored products; or,
4. Take no action, thereby continuing to allow the sale of flavored tobacco products to adults. (ROLL CALL VOTE)

6c. p185 1. Receive informational update relating to the status of Town-wide undergrounding of utilities; and, 2. Directing staff to set a public hearing date of July 14, 2020 for the creation of a Rule 20A Underground Utility District consisting of all parcels with property boundaries along On-System Federal-Aid Arterials and Collectors. (ROLL CALL VOTE)

6d. p190 1. Consider concurring with staff's recommendation for a firm to perform services relating to the Paradise Broadband Feasibility Study (the firm will be announced at the Council meeting); and authorize the Town Manager to execute a Professional Services Agreement approved by the Town Attorney. (ROLL CALL VOTE)

6e. p192 Council Members Jones and Schuster, the Planning Commission Interview Panel, recommend the following:

1. Concurring with the recommendation of the interview panel: and,
2. Appoint applicant Lynn Costa to fill the current vacancy created by the resignation of Shannon Costa, effective immediately expiring June 30, 2023; and, appoint Ronald Lassonde and Zeb Reynolds to fill the other two terms effective July 1, 2020 to expire June 30, 2024. (ROLL CALL VOTE)

6f. p193 1. Consider directing staff to issue a request for proposals for professional investment portfolio management; and, 2. Consider directing staff to draft policies concerning the prudent use of the PG&E settlement monies which are anticipated to be received next fiscal year. (ROLL CALL VOTE)

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
 - Community Development Director

9. CLOSED SESSION

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

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

10. ADJOURNMENT

- 10a. Adjourn to June 30, 2020 at 9:00 a.m., Paradise Town Hall, 5555 Skyway, Paradise, CA for the purpose of holding a regular adjourned meeting pursuant to Government Code Section 54955.

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

TOWN/ASSISTANT TOWN CLERK SIGNATURE	

MINUTES
PARADISE TOWN COUNCIL
SPECIAL MEETING – 5:00 PM – May 12, 2020

1. OPENING

The Special meeting of the Town Council of the Town of Paradise was called to order in the Town Council Chamber located at 5555 Skyway, Paradise California, at 5:03 p.m. by Mayor Bolin.

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

COUNCIL MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Town Attorney Dwight Moore, Town Clerk Dina Volenski and Assistant to the Town Manager Colette Curtis

2. CLOSED SESSION

At 5:05 p.m. Mayor Bolin announced that the Town Council would go into closed session to address the following items:

- 2a. Pursuant to Government Code section 54957(b)(1), the Town Council will hold a closed session to consider an agreement relating to Town Attorney services.
- 2b. Pursuant to Government Code Section 54956.9(a), the Town Council will hold a closed session with the Town Attorney and Town Manager concerning the following pending case:

Town of Paradise v. PG&E Corporation, County of Butte Superior Court Case No. 19CV00259 and Bankruptcy Court Lead Case. No. 19-30088.

At 5:39 p.m. Mayor Bolin reconvened the Council meeting and announced the following:

- 2a. Town Attorney Moore recommended the Town Council extend the Town Attorney contract for 90 days until the end of September and Council concurred.
- 2b. Town Attorney Moore provided the Town Council with an update on the lawsuit with PG&E, no action was taken.

3. ADJOURNMENT

Mayor Bolin adjourned the Council meeting at 5:39 p.m.

By: _____
Greg Bolin, Mayor

Attest: _____
Dina Volenski, CMC, Town Clerk

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING – 6:00 PM – May 12, 2020**

1. OPENING

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

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

COUNCIL MEMBERS ABSENT: None

STAFF PRESENT: Town Manager Lauren Gill, Town Attorney Dwight Moore, Town Clerk Dina Volenski, Assistant to the Town Manager Colette Curtis, Police Lieutenant Anthony Borgman, Community Development Director Susan Hartman and Town Engineer/Public Works Director Marc Mattox.

- 1e. Presentation by Charles Brooks regarding the Paradise Ridge Community Land Group
- 1f. **MOTION by Schuster, seconded by Jones**, to rescind the title of Vice Mayor from Council Member Michael Zuccolillo. Ayes of Crowder, Jones, Schuster and Mayor Bolin; Noes of Zuccolillo.

Town Clerk Volenski opened the nominations for selection of Vice Mayor to complete the remainder of the term beginning May 12, 2020 and ending December 8, 2020.

Council Member Zuccolillo nominated Council Member Crowder

Council Member Jones nominated Council Member Schuster

MOTION by Schuster, seconded by Bolin to close nominations for position of Vice Mayor. Council vote was unanimous to close the nominations.

Roll call vote to elect Council Member Crowder as Vice Mayor; Ayes of Crowder Zuccolillo and Mayor Bolin; Noes of Jones and Schuster. The Council appointed Steve Crowder to serve as Vice Mayor to complete the remainder of the term beginning May 12, 2020 and ending December 8, 2020.

2. CONSENT CALENDAR

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

- 2a. Approved minutes from the April 14, 2020 Regular Town Council meeting.

2b. Approved April 2020 Cash Disbursements in the amount of \$2,028,504.26 (310-10-034)

2c. Authorized the Town Manager to enter into an agreement with Nicki Jones relating to the use of the public right of way adjacent to 6256 Skyway for the operation of their business.(510-20-265)

3. ITEMS REMOVED FROM CONSENT CALENDAR - None

4. PUBLIC COMMUNICATION - None

5. PUBLIC HEARINGS

5a. At 6:24 p.m. Council Member Crowder recused himself from the dais due to a potential conflict of interest for agenda item 5a. (750-65-030)

Mayor Bolin announced that the Town Council would conduct the duly noticed and scheduled public hearing related to the Appeal of Planning Commission's Conditional Approval of the Anderson Brothers Corp. Temporary Use Permit Application [PL19-00383] to allow a proposed temporary "Log Storage & Processing Yard" emergency land use facility/operation and upon conclusion of the public hearing, consider adopting the following:

1. Concur with the Planning Commission determination that the proposed temporary land use project, particularly as conditioned, is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act Guidelines; and, 2. Concur with the temporary use permit application project decision actions of the Planning Commission thereby **DENYING THE APPEAL**; and, 3. Authorize Town issuance of the conditioned Temporary Use Permit for the Anderson Brothers Corp. project application to allow a temporary "Log Storage & Processing Yard" land use on properties adjoining and located primarily south of 4716 thru 4724 Skyway; or, 4. Find that the Town shall not concur with the project decision actions of the Planning Commission, **Uphold the Appeal** and thereby **Deny the Project Application**.

Town Clerk Volenski read the Public Hearing Procedures adopted by Town Council Resolution No. 15-45 allowing 15 minute presentations for each of the following: staff, proponents, opponents and rebuttals.

STAFF REPORT: Community Development Director Susan Hartman provided an overview of the project that was previously approved by the Paradise Planning Commission on April 21, 2020 by a four (4) to one (1) vote.

PROPONENTS: Dave Anderson, project applicant, asked Council to support the project because he is trying to help the community rebuild and stated that there are measures in place to mitigate concerns raised by the opponents including noise, limited times of operations to six days a week, chipping will be limited to 5:00 p.m., air monitoring stations will be established and the property is zoned residential, which it will eventually be used for residential housing.

OPPONENTS: Paul Farsai opposed the project, showed video clips of previous activity on the proposed site showing no protection for workers, working late into the evening, no

dust control and asked Council to reject the project. Mr. Farsai also showed, on a map, that the individuals supporting the project do not live near the proposed site.

Brent Moore, consultant, opposed the project, thinks the Council is not following its own urgency ordinance or findings, does not think the urgency ordinance is legal, requested Council reverse the Planning Commissions decision to move forward with the project and threatened a lawsuit.

REBUTTALS: Dave Anderson stated that they are trying to assist in removing the hazardous and dangerous trees, does not want to fight, wants what's best for the town.

Brent Moore does not oppose tree removal, but does not support putting an industrial project in a residential zone, thinks it creates a nuisance, thinks the site will be shut down weekly, stated that no data is supplied for decisions being made, demanded things be reviewed.

Mayor Bolin opened the public hearing at 7:13 p.m. (the following comments were submitted over the phone)

1. Frank Conrad opposes the project (called, did not request a return call)
2. Steve "Woody" Culleton supports the project
3. Mel Davis supports the project
4. Jason Onstein supports the project (emailed comments read by the Town Clerk)
5. Tim Williams opposes the project
6. Elizabeth Kasza opposes the project

Mayor Bolin closed the public hearing at 7:25 p.m.

After discussion Town Attorney Moore asked that once Council has determined the action they want to take, that a resolution be brought back to the next Council meeting, on the Consent Calendar, for Council to approve the findings relating to the public hearing.

MOTION by Jones, seconded by Zuccolillo, to concur with the Planning Commission decision, deny the appeal, approve the projects Temporary Use Permit until December 31, 2020 with all the Conditions of Approval with the following additions:

1. The facility will only be open six (6) days a week – Not open on Sunday
2. No chipping allowed after 5:00 p.m.
3. There will be Air Quality monitoring stations.

Ayes of Jones and Zuccolillo, Noes of Schuster and Mayor Bolin, Absent: Crowder
MOTION DOES NOT PASS.

After addition discussion, Council reconsidered the item and made the following motion.

MOTION by Jones, seconded by Zuccolillo, to concur with the Planning Commission decision, deny the appeal, approve the projects Temporary Use Permit until December 31, 2020 with all the Conditions of Approval required from the Planning Commission with the following additional conditions:

1. The facility will only be open six (6) days a week – Not open on Sunday
2. No chipping allowed after 5:00 p.m.
3. There will be air quality monitoring stations
4. A traffic operations plan will be required in addition to the traffic control plan.

Ayes of Jones, Schuster, Zuccolillo and Mayor Bolin. Absent: Crowder. **MOTION PASSES**

Town Attorney Moore will draft a resolution to be brought back at the next Council meeting to approve the facts and findings resulting from the Council decision regarding the Anderson Log Storage facility.

Mayor Bolin recessed the meeting for a five-minute break at 8:16 p.m.

Mayor Boling reconvened the meeting at 8:25 p.m.

- 5b. Mayor Bolin announced that the Town Council would conduct the public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan for the Community Development Block Grant. (This is the first of two public hearings, no action is requested at this time). (710-10-094)

Mayor Bolin opened the public hearing at 8:29 p.m.

There were no public comments.

Mayor Bolin closed the public hearing at 8:29 p.m.

6. COUNCIL CONSIDERATION

- 6a. Manager Gill provided an update on COVID-19 Re-Opening Plan for Butte County.
- 6b. **MOTION by Crowder, seconded by Jones**, 1. Approved the Notice of Vacancies created by the expiring terms of Planning Commissioners James Clarkson and Stephanie Neumann and the resignation of Shannon Costa; and, 2. Approved the Planning Commissioner application; and, 3. Authorized staff to advertise the existing Planning Commissioner vacancies, which will include a legal notice, posting on the Town's website, Facebook page and a media release; and 4. Set an application deadline of May 26, 2020; 5. Appointed Council Members Jones and Schuster to serve as an interview panel for the Planning Commission interview process with an interview date of June 1, 2020. Roll call vote was unanimous. (760-45-12)
- 6c. **MOTION by Jones, seconded by Schuster**, adopted the following resolutions relating to the consolidation of the November 3, 2020 General Municipal Election, the regulations and costs for Candidate statements and direct the Town Clerk to transmit certified copies to the Butte County election department staff: (530-10-057)
 - 1. Adopted Resolution No. 20-08, A Resolution Calling and Giving Notice for the Holding of a General Municipal Election for the Election of Three Council Members; and,
 - 2. Adopted Resolution No. 20-09, A Resolution Requesting the Butte County Board of Supervisors to Consolidate a General Municipal Election; and,

3. Adopted Resolution No. 20-10, A Resolution Adopting Regulations for Candidate Statements. Roll call vote was unanimous.

- 6d. **MOTION by Jones, seconded by Schuster**, selected Tetra Tech as the vendor for Hazard Tree Identification by Registered Professional ISA Board Certified Master Arborist and Authorized the Town Manager, Administrative Services Director and Town Attorney to negotiate an agreement with the selected vendor, with a not to exceed clause of \$500,000; and 2. Authorized the Town Manager to execute the appropriate documents relating to such services; and, 3. Do not award the Registered Professional Forester RFP. Roll Call Vote was unanimous. (420-25-006)

At 8:44 p.m. Council Member Zuccolillo and Mayor Bolin recused themselves from this item due to a potential conflict of interest.

- 6e. **MOTION by Schuster, seconded by Jones**, 1. Approved the revised Resolution No. 20-11, A Resolution of the Town Council of the Town of Paradise Approving A Financial Assistance (\$2,000,000 Grant) Application For A Financing Agreement From The State Water Resources Control Board Relating To The Paradise Sewer Project; and, 2. Contingent upon Council approval of Attachment A and subject grant application award, authorized the Town Manager to execute an amended Professional Services Agreement with HDR Engineering for the scope of work associated with the grant. Roll Call: Ayes of Crowder, Jones and Schuster. Absent: Zuccolillo and Mayor Bolin. (960-70-004)

At 8:54 p.m. Council Member Zuccolillo and Mayor Bolin returned to the meeting.

7. COUNCIL INITIATED ITEMS AND REPORTS

7a. Council initiated agenda items - None

7b. Council reports on committee representation

Council Member Schuster stated that Explore Butte County has been working on creating programs that will be ready when the County reopens; Paradise is set to host League of California cities division meeting in July, but are waiting to see what happens.

Council Member Jones attended the Butte County Association of Government and Butte County Air Quality Management District (BCAQMD) meetings and BCAQMD has hired Stephen Ertle to replace retiring James Wagoner.

Vice Mayor Crowder has attended conference calls and moved back to Paradise.

Mayor Bolin attended the Financial Services interviews, but was not able to attend the LAFCO meeting.

7c. Future Agenda Items – Council Member Jones requested that at the June meeting Council receive an update from CALOES and Butte County regarding the progress of the Tree Removal program.

8. STAFF COMMUNICATION

8a. Town Manager Report – Manager Gill stated that the top candidate for the Administrative Services Director position is in background. Town Manager Gill was invited to a Mobile home park discussion with the Chico Long Term Recovery Group, looking at Manufactured homes in parks as a housing solution. Meeting to discussion mobile home parks as place for trailers tot

Manager Gill provided the Community Development Director report stating that there are two log processing facilities out for review; plans have been submitted for the rebuilding of 24 multi-family unit development; Izzy's and Subway have re-opened and there is a Planning Commission meeting next week for a construction office and storage on commercial property on Clark Road.

Town Engineer/Public Works Director Marc Mattox provided an update on the Black Olive/Skyway Signal project that is almost complete and announced that the Town has solicited an RFP for the Paradise Broadband feasibility study with PG&E; the North Valley Community Foundation/Butte Strong Fund has committed \$50,000 for the study.

9. CLOSED SESSION - None

10. ADJOURNMENT

Mayor Bolin adjourned the Town Council meeting at 9:12 p.m.

Date approved:

By: _____
Greg Bolin, Mayor

Attest:

Dina Volenski, CMC, Town Clerk

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

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

May 1, 2020 - May 31, 2020

Check Date	Pay Period End	DESCRIPTION	AMOUNT
05/01/20	04/26/20	Net Payroll - Direct Deposits & Checks	\$121,661.75
05/15/20	05/10/20	Net Payroll - Direct Deposits & Checks	\$119,325.33
05/29/20	05/24/20	Net Payroll - Direct Deposits & Checks	\$125,598.86
TOTAL NET WAGES PAYROLL			\$366,585.94

Accounts Payable

PAYROLL VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.	\$320,158.28
OPERATIONS VENDORS: SUPPLIES, CONTRACTS, UTILITIES, ETC.	\$2,061,913.47
TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE (Detail attached)	<u>\$2,382,071.75</u>
GRAND TOTAL CASH DISBURSEMENTS	<u><u>\$2,748,657.69</u></u>

APPROVED BY: _____
LAUREN GILL, TOWN MANAGER

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

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 5/1/2020 - To Payment Date: 5/31/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - US Bank TOP AP Checking									
<u>Check</u>									
75909	05/01/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00		
75910	05/01/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76		
75911	05/05/2020	Open			Accounts Payable	ENTERPRISE FM TRUST	\$1,073.32		
75912	05/05/2020	Open			Accounts Payable	MOORE, DWIGHT, L.	\$18,579.00		
75913	05/05/2020	Open			Accounts Payable	SBA Monarch Towers III LLC	\$148.01		
75914	05/05/2020	Open			Accounts Payable	TIAA COMMERCIAL FINANCE, INC	\$906.47		
75915	05/05/2020	Open			Accounts Payable	U.S. Bankcorp Government Leasing and Finance	\$10,992.77		
75916	05/07/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,775.55		
75917	05/07/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,041.78		
75918	05/07/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$108.98		
75919	05/07/2020	Open			Accounts Payable	AT&T MOBILITY	\$262.30		
75920	05/07/2020	Open			Accounts Payable	AT&T/CALNET3 - REPEATER LINES	\$296.45		
75921	05/07/2020	Open			Accounts Payable	AT&T/CALNET3 - COMMUNITY PARK	\$20.86		
75922	05/07/2020	Open			Accounts Payable	AT&T/CALNET3 - Summary	\$2,650.77		
75923	05/07/2020	Open			Accounts Payable	AT&T/CALNET3 - TH/FDPD FIBER LINES	\$1,105.56		
75924	05/07/2020	Open			Accounts Payable	Bear Electric Solutions	\$1,425.00		
75925	05/07/2020	Open			Accounts Payable	Bidwell Truck Accessories	\$2,495.86		
75926	05/07/2020	Open			Accounts Payable	Blue Flamingo Marketing Advocates	\$24,438.00		
75927	05/07/2020	Open			Accounts Payable	Bug Smart	\$83.00		
75928	05/07/2020	Open			Accounts Payable	BUTTE CO SHERIFF'S OFFICE	\$86,365.60		
75929	05/07/2020	Open			Accounts Payable	BUTTE-GLENN COMMUNITY COLLEGE DISTRICT	\$75.00		
75930	05/07/2020	Open			Accounts Payable	CA LAW ENF. ASSOC. OF RECORDS SUPERVISORS, INC.	\$50.00		
75931	05/07/2020	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$64.00		
75932	05/07/2020	Open			Accounts Payable	CHICO IMMEDIATE CARE	\$225.00		
75933	05/07/2020	Open			Accounts Payable	COMCAST CABLE	\$259.78		
75934	05/07/2020	Open			Accounts Payable	Creative Composition Inc	\$530.77		
75935	05/07/2020	Open			Accounts Payable	Currey, Kevin	\$65.00		
75936	05/07/2020	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$831,703.08		
75937	05/07/2020	Open			Accounts Payable	Down Range Indoor Training Center	\$915.21		
75938	05/07/2020	Open			Accounts Payable	DURHAM PENTZ TRUCK CENTER	\$42.67		
75939	05/07/2020	Open			Accounts Payable	Eagle Security Systems	\$79.92		
75940	05/07/2020	Open			Accounts Payable	ENLOE MEDICAL CENTER, INC.	\$1,182.00		
75941	05/07/2020	Open			Accounts Payable	Ernst & Young US LLP	\$161,163.00		
75942	05/07/2020	Open			Accounts Payable	ESRI	\$3,600.00		
75943	05/07/2020	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$353.09		
75944	05/07/2020	Open			Accounts Payable	Ferguson Waterworks #1423	\$40.76		
75945	05/07/2020	Open			Accounts Payable	Flores HVAC & Construction	\$440.95		
75946	05/07/2020	Open			Accounts Payable	Glock Professional, Inc.	\$1,050.00		
75947	05/07/2020	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$302.80		
75948	05/07/2020	Open			Accounts Payable	GREEN RIDGE LANDSCAPING	\$4,846.00		
75949	05/07/2020	Open			Accounts Payable	HDR Engineering, Inc	\$18,229.21		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 5/1/2020 - To Payment Date: 5/31/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
75950	05/07/2020	Open			Accounts Payable	Herc Rentals Inc.	\$4,494.85		
75951	05/07/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$7,402.01		
75952	05/07/2020	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$502.57		
75953	05/07/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$25.60		
75954	05/07/2020	Open			Accounts Payable	JC NELSON SUPPLY COMPANY	\$95.36		
75955	05/07/2020	Open			Accounts Payable	Jennifer Arbuckle	\$3,435.75		
75956	05/07/2020	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$573.58		
75957	05/07/2020	Open			Accounts Payable	Kovacs, Cameron	\$27.50		
75958	05/07/2020	Open			Accounts Payable	Krieger, Theodore	\$15.00		
75959	05/07/2020	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$45.93		
75960	05/07/2020	Open			Accounts Payable	Mark Thomas & Company Inc	\$8,711.66		
75961	05/07/2020	Open			Accounts Payable	MOTOROLA	\$707.92		
75962	05/07/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$84.94		
75963	05/07/2020	Open			Accounts Payable	MUNICIPAL CODE CORP	\$399.00		
75964	05/07/2020	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$3,496.19		
75965	05/07/2020	Open			Accounts Payable	NORTHSTATE AGGREGATE, INC.	\$1,325.59		
75966	05/07/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$178.30		
75967	05/07/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$337.94		
75968	05/07/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$155.86		
75969	05/07/2020	Open			Accounts Payable	PARADISE ALLIANCE CHURCH	\$95.00		
75970	05/07/2020	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$1,380.00		
75971	05/07/2020	Open			Accounts Payable	Precision Hydro Inc	\$840.00		
75972	05/07/2020	Open			Accounts Payable	R B SPENCER INC	\$504.16		
75973	05/07/2020	Open			Accounts Payable	Spherion Staffing	\$3,637.09		
75974	05/07/2020	Open			Accounts Payable	Stratti	\$1,414.18		
75975	05/07/2020	Open			Accounts Payable	T and S DVBE Inc.	\$12,929.97		
75976	05/07/2020	Open			Accounts Payable	Tahoe Pure Water Co.	\$52.50		
75977	05/07/2020	Open			Accounts Payable	Tesco Controls, Inc	\$996.69		
75978	05/07/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$455.75		
75979	05/07/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$74.78		
75980	05/07/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$116.78		
75981	05/07/2020	Open			Accounts Payable	Tri Flame Propane	\$83.18		
75982	05/07/2020	Open			Accounts Payable	TUCKER PEST CONTROL INC	\$86.00		
75983	05/07/2020	Open			Accounts Payable	Turenne, Andrea	\$25.77		
75984	05/07/2020	Open			Accounts Payable	TYLER TECHNOLOGIES, INC.	\$960.00		
75985	05/07/2020	Open			Accounts Payable	WILKEY, JOHN	\$41.25		
75986	05/07/2020	Open			Accounts Payable	Aflac	\$146.92		
75987	05/07/2020	Open			Accounts Payable	Met Life	\$7,388.02		
75988	05/07/2020	Open			Accounts Payable	OPERATING ENGINEERS	\$901.00		
75989	05/07/2020	Open			Accounts Payable	PARADISE POLICE OFFICERS ASSOCIATION	\$1,569.16		
75990	05/07/2020	Open			Accounts Payable	SUN LIFE INSURANCE	\$4,134.90		
75991	05/07/2020	Open			Accounts Payable	SUPERIOR VISION SVC NGLIC	\$605.31		
75992	05/07/2020	Open			Accounts Payable	TOP CONFIDENTIAL MID MGMT ASSOCIATION	\$70.00		
75993	05/12/2020	Open			Accounts Payable	S.T. Rhoades Construction, Inc.	\$518,341.38		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 5/1/2020 - To Payment Date: 5/31/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
75994	05/14/2020	Open			Accounts Payable	Arthur, Joel	\$2,713.23		
75995	05/14/2020	Open			Accounts Payable	Baltierra, Elaine	\$1,795.10		
75996	05/14/2020	Open			Accounts Payable	Castaldo, John	\$1,863.71		
75997	05/14/2020	Open			Accounts Payable	Castaldo, John	\$1,647.02		
75998	05/14/2020	Open			Accounts Payable	Castaldo, John	\$1,612.97		
75999	05/14/2020	Open			Accounts Payable	Cooper, Patricia & David	\$2,818.04		
76000	05/14/2020	Open			Accounts Payable	Dalla Family Trust	\$2,410.58		
76001	05/14/2020	Open			Accounts Payable	Gienger, Karen	\$1,721.31		
76002	05/14/2020	Open			Accounts Payable	Hollingsworth, Owen	\$440.96		
76003	05/14/2020	Open			Accounts Payable	Jones, Patricia Carole	\$1,601.62		
76004	05/14/2020	Open			Accounts Payable	Keel, Clarence	\$2,165.52		
76005	05/14/2020	Open			Accounts Payable	Lowry, William	\$395.97		
76006	05/14/2020	Open			Accounts Payable	Volenski, Don	\$2,500.00		
76007	05/14/2020	Open			Accounts Payable	Aragon, Karen	\$801.01		
76008	05/14/2020	Open			Accounts Payable	Beck, Verdayne	\$817.06		
76009	05/14/2020	Open			Accounts Payable	Cota, Ernest	\$1,187.78		
76010	05/14/2020	Open			Accounts Payable	England, Mildred	\$932.52		
76011	05/14/2020	Open			Accounts Payable	Glucksman, James	\$1,008.88		
76012	05/14/2020	Open			Accounts Payable	Green, Kathleen	\$951.61		
76013	05/14/2020	Open			Accounts Payable	Hall, Andrein	\$674.31		
76014	05/14/2020	Open			Accounts Payable	Hendrix, Mary Ann	\$900.71		
76015	05/14/2020	Open			Accounts Payable	Hovey, Michael	\$935.67		
76016	05/14/2020	Open			Accounts Payable	Jordan, Shawn	\$867.98		
76017	05/14/2020	Open			Accounts Payable	Klemme, Susan	\$809.78		
76018	05/14/2020	Open			Accounts Payable	Maran, Michael	\$500.82		
76019	05/14/2020	Open			Accounts Payable	Mitchell, John	\$965.44		
76020	05/14/2020	Open			Accounts Payable	Moniz, Albert	\$824.33		
76021	05/14/2020	Open			Accounts Payable	Peterson, Robert	\$596.37		
76022	05/14/2020	Voided	Incorrect Vendor	05/18/2020	Accounts Payable	Putney, James	\$1,077.97		
76023	05/14/2020	Open			Accounts Payable	Sherman, Jay	\$795.24		
76024	05/14/2020	Open			Accounts Payable	Tyler, Cynthia	\$1,120.70		
76025	05/14/2020	Open			Accounts Payable	Vander Eyk, Jessica	\$979.78		
76026	05/14/2020	Open			Accounts Payable	Vanhorn, Susan	\$809.78		
76027	05/15/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00		
76028	05/15/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76		
76029	05/21/2020	Open			Accounts Payable	ACCESS INFORMATION PROTECTED ADVANCED DOCUMENT CONCEPTS	\$94.14		
76030	05/21/2020	Open			Accounts Payable	ALLIANT INSURANCE	\$852.64		
76031	05/21/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$24.00		
76032	05/21/2020	Open			Accounts Payable	AT&T & CALNET3 - CIRCUIT LINES	\$1,799.23		
76033	05/21/2020	Open			Accounts Payable	Batteries Plus Bulbs	\$1,057.41		
76034	05/21/2020	Open			Accounts Payable	Bear Electric Solutions	\$237.45		
76035	05/21/2020	Open			Accounts Payable	Big O Tires	\$3,342.50		
76036	05/21/2020	Open			Accounts Payable	C4 Polygraph, LLC	\$45.00		
76037	05/21/2020	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$350.00		
76038	05/21/2020	Open			Accounts Payable	COMCAST CABLE	\$224.00		
76039	05/21/2020	Open			Accounts Payable	COMCAST CABLE	\$139.78		
76040	05/21/2020	Open			Accounts Payable	COMCAST CABLE	\$244.78		

CASH DISBURSEMENTS REPORT

From Payment Date: 5/1/2020 - To Payment Date: 5/31/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
76041	05/21/2020	Open			Accounts Payable	COMCAST CABLE	\$389.78		
76042	05/21/2020	Open			Accounts Payable	CRAIG DREBERTS AUTOMOTIVE	\$1,505.60		
76043	05/21/2020	Open			Accounts Payable	Creative Composition Inc	\$252.04		
76044	05/21/2020	Open			Accounts Payable	Cummins Pacific LLC	\$770.00		
76045	05/21/2020	Open			Accounts Payable	Cursor Control Inc.	\$1,500.00		
76046	05/21/2020	Open			Accounts Payable	Door Company Inc, The	\$92.00		
76047	05/21/2020	Open			Accounts Payable	Down Range Indoor Training Center	\$205.66		
76048	05/21/2020	Open			Accounts Payable	Eagle Security Systems	\$2,535.85		
76049	05/21/2020	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$537.08		
76050	05/21/2020	Open			Accounts Payable	FOOTHILL MILL & LUMBER	\$215.44		
76051	05/21/2020	Open			Accounts Payable	FRED PRYOR SEMINARS	\$749.00		
76052	05/21/2020	Open			Accounts Payable	Grimes Heating & Air	\$9,825.00		
76053	05/21/2020	Open			Accounts Payable	HDR Engineering, Inc	\$36,250.55		
76054	05/21/2020	Open			Accounts Payable	Herc Rentals Inc.	\$5,078.55		
76055	05/21/2020	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$1,004.47		
76056	05/21/2020	Open			Accounts Payable	INDUSTRIAL POWER PRODUCTS	\$453.59		
76057	05/21/2020	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$315.24		
76058	05/21/2020	Open			Accounts Payable	Inman, Jennifer	\$1,077.97		
76059	05/21/2020	Open			Accounts Payable	INTERSTATE OIL COMPANY	\$222.33		
76060	05/21/2020	Open			Accounts Payable	Jennifer Arbuckle	\$7,030.00		
76061	05/21/2020	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$1,040.15		
76062	05/21/2020	Open			Accounts Payable	K-Gas, Inc.	\$1,515.24		
76063	05/21/2020	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$542.64		
76064	05/21/2020	Open			Accounts Payable	KOEFRAN INDUSTRIES	\$500.00		
76065	05/21/2020	Open			Accounts Payable	Meyers Police K-9 Training, LLC	\$600.00		
76066	05/21/2020	Open			Accounts Payable	Mt Shasta Spring Water Co., Inc	\$20.09		
76067	05/21/2020	Open			Accounts Payable	MUNICIPAL CODE CORP	\$384.00		
76068	05/21/2020	Open			Accounts Payable	MUNIMETRIX SYSTEMS CORP	\$39.99		
76069	05/21/2020	Open			Accounts Payable	North State Tire Co. Inc.	\$853.45		
76070	05/21/2020	Open			Accounts Payable	NORTHERN RECYCLING & WASTE SERVICES, INC.	\$10,032.08		
76071	05/21/2020	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$5,499.90		
76072	05/21/2020	Open			Accounts Payable	O'REILLY AUTO PARTS	\$491.52		
76073	05/21/2020	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$100.97		
76074	05/21/2020	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$8,147.15		
76075	05/21/2020	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMITY MEDIA	\$129.29		
76076	05/21/2020	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$1,200.00		
76077	05/21/2020	Open			Accounts Payable	Precision Wireless Service	\$2,700.00		
76078	05/21/2020	Open			Accounts Payable	PUBLIC SAFETY CENTER	\$280.00		
76079	05/21/2020	Open			Accounts Payable	RENTAL GUYS - CHICO	\$95.45		
76080	05/21/2020	Open			Accounts Payable	Riebes Auto Parts-Motorpool	\$2,443.94		
76081	05/21/2020	Open			Accounts Payable	Riebes Auto Parts-Public Works	\$6.00		
76082	05/21/2020	Open			Accounts Payable	SINCLAIR'S AUTOMOTIVE & TOWING	\$220.00		
76083	05/21/2020	Open			Accounts Payable	Spherion Staffing	\$9,584.94		
76084	05/21/2020	Open			Accounts Payable	Stratti	\$15,812.38		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 5/1/2020 - To Payment Date: 5/31/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
76085	05/21/2020	Open			Accounts Payable	Swedes Small Engine Repair LLC	\$232.26		
76086	05/21/2020	Open			Accounts Payable	Tahoe Pure Water Co.	\$45.00		
76087	05/21/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$1,448.04		
76088	05/21/2020	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$14.00		
76089	05/21/2020	Open			Accounts Payable	UNITED RENTALS, INC.	\$2,049.73		
76090	05/21/2020	Open			Accounts Payable	VERIZON WIRELESS	\$1,063.12		
76091	05/26/2020	Open			Accounts Payable	JOHNNY'S LOCK & SAFE	\$166.86		
76092	05/29/2020	Open			Accounts Payable	ICMA 457 - VANTAGEPOINT	\$750.00		
76093	05/29/2020	Open			Accounts Payable	STATE DISBURSEMENT UNIT	\$194.76		
Type Check Totals:					185 Transactions		\$1,957,610.18		
<u>EFT</u>									
998	05/01/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$31,126.82		
999	05/01/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,648.01		
1000	05/01/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,128.62		
1001	05/01/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$23,726.19		
1002	05/07/2020	Open			Accounts Payable	CALPERS	\$101,686.21		
1003	05/15/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$32,049.26		
1004	05/15/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$5,781.03		
1005	05/15/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$7,128.62		
1006	05/15/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$21,035.08		
1007	05/28/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$123,030.85		
1008	05/29/2020	Open			Accounts Payable	CALPERS - RETIREMENT	\$31,499.33		
1009	05/29/2020	Open			Accounts Payable	EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,020.70		
1010	05/29/2020	Open			Accounts Payable	ING LIFE INS & ANNUITY COMPANY	\$6,851.54		
1011	05/29/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$21,827.28		
Type EFT Totals:					14 Transactions		\$425,539.54		

TOWN OF PARADISE
CASH DISBURSEMENTS REPORT

From Payment Date: 5/1/2020 - To Payment Date: 5/31/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - US Bank TOP AP Checking Totals									
Checks									
		Status		Count		Transaction Amount		Reconciled Amount	
		Open		184		\$1,956,532.21		\$0.00	
		Reconciled		0		\$0.00		\$0.00	
		Voided		1		\$1,077.97		\$0.00	
		Stopped		0		\$0.00		\$0.00	
		Total		185		\$1,957,610.18		\$0.00	
EFTs									
		Status		Count		Transaction Amount		Reconciled Amount	
		Open		14		\$425,539.54		\$0.00	
		Reconciled		0		\$0.00		\$0.00	
		Voided		0		\$0.00		\$0.00	
		Total		14		\$425,539.54		\$0.00	
All									
		Status		Count		Transaction Amount		Reconciled Amount	
		Open		198		\$2,382,071.75		\$0.00	
		Reconciled		0		\$0.00		\$0.00	
		Voided		1		\$1,077.97		\$0.00	
		Stopped		0		\$0.00		\$0.00	
		Total		199		\$2,383,149.72		\$0.00	
Grand Totals:									
Checks									
		Status		Count		Transaction Amount		Reconciled Amount	
		Open		184		\$1,956,532.21		\$0.00	
		Reconciled		0		\$0.00		\$0.00	
		Voided		1		\$1,077.97		\$0.00	
		Stopped		0		\$0.00		\$0.00	
		Total		185		\$1,957,610.18		\$0.00	
EFTs									
		Status		Count		Transaction Amount		Reconciled Amount	
		Open		14		\$425,539.54		\$0.00	
		Reconciled		0		\$0.00		\$0.00	
		Voided		0		\$0.00		\$0.00	
		Total		14		\$425,539.54		\$0.00	
All									
		Status		Count		Transaction Amount		Reconciled Amount	
		Open		198		\$2,382,071.75		\$0.00	
		Reconciled		0		\$0.00		\$0.00	
		Voided		1		\$1,077.97		\$0.00	
		Stopped		0		\$0.00		\$0.00	
		Total		199		\$2,383,149.72		\$0.00	



**TOWN OF PARADISE
Council Agenda Summary
June 9, 2020**

AGENDA NO. 2(c)

ORIGINATED BY: Eric Reinbold, Chief of Police

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Declaration of Certain Town Equipment from the Police Department to be Surplus and Obsolete.

COUNCIL ACTION REQUESTED:

- 1.) Declare the attached described vehicles as surplus property; and
- 2.) Adopt Resolution No. 20-___, declaring certain Town Equipment to be surplus and obsolete and authorizing disposal through sale or donation by the Town Manager or her designee.

BACKGROUND:

Over time, vehicles are purchased, equipped, used, become obsolete and are replaced. The property listed below may be declared as unusable or outdated as it can no longer be used effectively for Town purposes. The vehicles range in age from sixteen to eighteen model-years old and need mechanical repair which would cost more than the estimated value of the vehicles. It is recommended these vehicles be disposed of as surplus property through sale or donation. Prior to sale or donation, any reusable, aftermarket or emergency equipment with remaining useful life, as well as license plates and Town of Paradise or Paradise Police graphics shall be removed from the vehicles. The white doors of "black and white" Police vehicles shall be spray painted black as required by California Vehicle Code section 27604.

FINANCIAL IMPACT:

The disposal of these vehicles will have no negative impact on the General Fund. While they have reached the end of their useful life for the Town of Paradise, they may be found useful to other people or organizations, potentially generating a minimal amount of revenue when sold to the public.

POLICE VEHICLE EQUIPMENT:

1. 2002 Ford Crown Victoria Police Interceptor, VIN 2FAFP71W12X157516, identified as Town of Paradise vehicle PD11, with approximately 105,318 miles, and any upfit equipment attached that has reached the end of its useful life, with

the exception of any emergency equipment that is unlawful to be used by the public.

2. 2006 Ford Crown Victoria Police Interceptor, VIN 2FAFP71W26X144473, identified as Town of Paradise vehicle PD05, with approximately 141,924 miles, and any upfit equipment attached that has reached the end of its useful life, with the exception of any emergency equipment that is unlawful to be used by the public.
3. 1994 Lake Technology Products Radar Trailer, VIN 1L91E0816R0179543, and all equipment currently attached.

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
DECLARING CERTAIN TOWN PROPERTY TO BE SURPLUS AND AUTHORIZING
DISPOSAL THEREOF**

WHEREAS, the Town of Paradise wishes to dispose of certain equipment from the Police Department through public auction, internet sale, salvage or other legal method that is no longer functional or necessary to the Town's operations.

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

Section 1. The following equipment is declared to be surplus:

1. 2002 Ford Crown Victoria Police Interceptor, VIN 2FAFP71W12X157516, identified as Town of Paradise vehicle PD11, with approximately 105,318 miles, and any upfit equipment attached that has reached the end of its useful life, with the exception of any emergency equipment that is unlawful to be used by the public.
2. 2006 Ford Crown Victoria Police Interceptor, VIN 2FAFP71W26X144473, identified as Town of Paradise vehicle PD05, with approximately 141,924 miles, and any upfit equipment attached that has reached the end of its useful life, with the exception of any emergency equipment that is unlawful to be used by the public.
3. 1994 Lake Technology Products Radar Trailer, VIN 1L91E0816R0179543, and all equipment currently attached.

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

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 9th day of JUNE, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

By: _____
Greg Bolin, Mayor

ATTEST:

APPROVED AS TO FORM:

Dina Volenski, CMC, Town Clerk

Dwight L. Moore, Town Attorney



**Town of Paradise
Council Agenda Summary
Date: June 9, 2020**

Agenda Item: 2(d)

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

Reviewed by: Lauren Gill, Town Manager

Subject: Authorize destruction of certain records maintained in the Finance Division in keeping with the principles of an effective and cost efficient Records Management Program

Council Action Requested: Adopt Resolution No. 20-___, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Finance Division Pursuant to Government Code Section 34090. The records listed in Exhibit B have been retained for four or more years and are eligible for destruction.

Alternatives: Consider making a determination that certain records listed for destruction have value to the agency, and direct that all or some records listed on Exhibit B continue to be maintained.

Background: The Town has had an established records management program since the early 1980's. Based upon recommendations from the California Secretary of State, all Town records have been appraised, inventoried and scheduled with a retention/destruction code pursuant to Town of Paradise Resolution No. 04-27 (original schedule was adopted in 1993 by Resolution No. 93-30). This resolution provides the Town with legal authority to dispose of certain records that are no longer of value to the Town.

Discussion: Once records have fulfilled their administrative, fiscal, or legal function, they should be disposed of as soon as possible in order to maintain an efficient, effective and economical management of information. Resolution No. 04-27 provides the legal authority, with the Town Attorney's consent, to dispose of records that no longer serve the administrative, legal and/or fiscal purposes for which they were created.

Fiscal Impact Analysis: No additional cost will be borne by the Town in destroying these records. The Finance Division already contracts for regular shredding service and any documents not containing confidential or sensitive information will be recycled.

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AUTHORIZING DISPOSAL OF CERTAIN TOWN RECORDS MAINTAINED IN
STORAGE FOR THE FINANCE DIVISION PURSUANT TO GOVERNMENT CODE
SECTION 34090.**

WHEREAS, Government Code Section 34090 authorizes the head of a town department, with the written consent of the Town Attorney, to destroy certain records over two years of age upon approval of the legislative body; and,

WHEREAS, the Town Attorney consent is incorporated into this resolution as Exhibit A approving the destruction of those certain records set forth in Exhibit "B"; and,

WHEREAS the specific records are set forth on Exhibit "B"; and,

WHEREAS, the Administrative Services Director is requesting to dispose certain records maintained in the Finance Division as set forth on the attached Exhibits "B".

NOW, THEREFORE, the Town Council of the Town of Paradise does resolve as follows:

SECTION 1: The Administrative Services Director of the Town of Paradise is hereby authorized to dispose of the records set forth in Exhibit "B" of this resolution.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 9th day of June, 2020, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

RESOLUTION NO. _____
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
AUTHORIZING DESTRUCTION OF CERTAIN TOWN RECORDS
PURSUANT TO GOVERNMENT CODE SECTION 34090

EXHIBIT “B”
LIST OF FILES ELIGIBLE FOR DESTRUCTION

Finance – Termination +3	
Salary Records	2009/10
Salary Records	2010/11
Salary Records	2011/12
Salary Records	2012/13
Salary Records	2013/14
Salary Records	2014/15
Salary Records	2015/16
Finance – Audit + 4 years	
Administrative Citations – Paid & Voids	2009/10 – 2013/14
Fixed Asset Inventory	2005/06 – 2013/14
Fixed Asset Inventory	2000/01 – 2004/05
Franchise, TOT & Property Tax Receipts	2007/08 – 2014/15
Lease Purchase Documentation – Paid Off	2010/11 & 2013/14
Property Tax Roll – AC & Onsite	2007/08 – 2013/14
State Mandated Cost Claims	2004/05 – 2010/11
TRANS Workpapers & Documents	2009/10 – 2014/15
Finance – Audit + 7 years	
1099's	2007-2011
EOC Incident Claims	2008

Reviewed by:

Gina Will, Administrative Services Director/Town Treasurer



**TOWN OF PARADISE
Council Agenda Summary
June 9, 2020**

AGENDA NO. 2(e)

ORIGINATED BY: Lauren Gill, Town Manager

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Amended and Restated Town Attorney Professional Services Agreement

COUNCIL ACTION REQUESTED: Adopt Resolution No. 20-__, A Resolution of the Town Council of the Town of Paradise Approving an Amended and Restated Agreement for Professional Services with Town Attorney Dwight L. Moore.

BACKGROUND: On May 12, 2020, the Town Council met in closed session pursuant to Government Code section 54957 regarding the agreement for Town Attorney services.

DISCUSSION: The purpose of the agreement is to secure general legal services for the Town of Paradise. The agreement outlines the duties and responsibilities of the Town Attorney, assignments, remuneration and term of agreement. Town Attorney Moore has requested a three-month extension of his current agreement from June 30, 2020 to September 30, 2020.

RECOMMENDATION: Adopt a resolution approving the amended and restated agreement for legal services with Town Attorney Dwight L. Moore.

FISCAL IMPACT:

The agreement does not increase the monthly fee for legal services.

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
APPROVING AN AMENDED AND RESTATED AGREEMENT FOR PROFESSIONAL
LEGAL SERVICES WITH TOWN ATTORNEY DWIGHT L. MOORE**

WHEREAS, on May 12, 2020, the Town Council met in closed session pursuant to Government Code section 54957 regarding extension of the agreement for Town Attorney services.

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

Section 1. The Town Council hereby approves the amended and restated professional services agreement for Town Attorney services with Dwight L. Moore.

Section 2. The Mayor is hereby authorized to execute the amended and restated agreement attached hereto as Exhibit A for Town Attorney services with Dwight L. Moore.

PASSED AND ADOPTED by the Town Council of the Town of Paradise on this 9th day of June, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

By _____
Greg Bolin, Mayor

ATTEST:

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

AMENDED AND RESTATED AGREEMENT

An Amended and Restated Agreement by and between the **TOWN OF PARADISE**, a municipal corporation of the State of California, with offices at 5555 Skyway, Paradise, California 95969 (hereinafter known as TOWN) and **DWIGHT L. MOORE**, attorney at law, 3173 Land Park Drive, Sacramento, CA 95818 (hereinafter known as ATTORNEY), effective July 1, 2020 until September 30, 2020.

SECTION 1. AMENDED AND RESTATED AGREEMENT

The TOWN and ATTORNEY hereby agree to amend and restate the Agreement originally entered into on May 4, 1993 in accordance with this amended and restated Agreement:

SECTION 2. PURPOSE OF AGREEMENT

The purpose of this Agreement is to secure Town Attorney general legal services for the Town of Paradise by Dwight L. Moore, attorney at law.

SECTION 3. DUTIES AND RESPONSIBILITIES OF THE ATTORNEY

ATTORNEY's duties shall include, but not be limited to the following:

1. To act as chief legal advisor to the Town Council;
2. To attend all regular meetings of the Town Council and such other Town Council meetings as the Council determines necessary;
3. To perform legal research and prepare opinions on various legal problems for the Town Council, Town Manager and Town departments;
4. To review ordinances, resolutions, contracts, deeds, leases and other legal documents prepared by Town staff; to draft such documents when a staff document is not available; and to offer opinions as to the legal acceptability of any such documents prepared by an outside agent or agency that are presented to the Town for consideration;
5. To recommend such changes in policies and procedures as are necessary to meet legal requirements;
6. To represent the TOWN in civil litigation and in prosecuting violations of Town ordinances and regulations, whether in civil, administrative, or criminal proceedings;
7. To confer with and render assistance to the Town Manager and department directors in establishing Town and/or departmental policies by developing and applying legal points and procedures;

8. To review proposed state legislation relating to the TOWN and to advise the TOWN accordingly;
9. To perform all other tasks deemed necessary or appropriate by the Town Council and Town Manager.

SECTION 4. ASSIGNMENTS

1. Council assignments to ATTORNEY shall come from full Council and not from individual members of the Council.
2. Staff assignments or requests to ATTORNEY shall come from the Town Manager.
3. In the event of an emergency situation, ATTORNEY shall provide for consultation by the Council or management staff after normal business hours by providing telephone numbers where the ATTORNEY can be reached.
4. ATTORNEY shall not provide consultation to any private citizen at TOWN expense unless authorized by the Town Manager or required to resolve an assignment from an authorized Town official.
5. ATTORNEY shall, on a regular basis, report to the full Council as to the status of all litigation by or against the TOWN whether prospective, pending, settled, or finally adjudicated. It is preferred, but not required, that a brief written summary be available at the time of such review.

SECTION 5. REMUNERATION AND HOURS

1. On September 10, 2019, basic remuneration for the ATTORNEY shall be in the form of a monthly retainer of Eighteen Thousand Five-Hundred Seventy-Nine Dollars (\$18,579) for 120 hours per month which shall include attendance at one (1) regularly scheduled Town Council meeting each month. Attendance at the regularly scheduled Town Council meeting shall be included in the 120 hours for which attorney is compensated. Consultation with Council and staff shall be at Town Hall unless other mutually satisfactory arrangements are made in advance. Consultation time shall include, but not be limited to, consultation, research, review, document drafting, and other similar office work. The 120 hours per month shall be fully utilized prior to any other hourly fees being charged relating to consultation services; provided, however, ATTORNEY shall be paid the retainer amount even if the hours worked are less than 120 hours per month.
2. In performing the legal services under this Agreement, ATTORNEY is authorized to directly retain the services of Peters, Habib, McKenna, Juhl-Rhoads and Cardoza as the Assistant Town Attorney relating to general legal services for up to 60 hours per month at no additional cost to TOWN.

3. Any litigation services by ATTORNEY on behalf of the TOWN shall be paid at the rate of Two Hundred Dollars (\$200) per hour.
4. Any services by ATTORNEY on behalf of the SUCCESSOR AGENCY OF THE PARADISE REDEVELOPMENT AGENCY shall be paid at the rate of One Hundred Twenty Dollars (\$130) per hour.
5.
 - (a) No additional charge shall be made for normal expenses such as secretarial services, photocopying, office supplies, travel within Butte County, as well as travel to and from residence or principal place of business.
 - (b) Extraordinary expenses and those required by litigation shall be paid subject to prior authorization by the Town Council.
 - (c) Travel outside Butte County shall be paid at twenty-five cents (\$.25) per mile except when going to residence or principal place of business, which shall be at ATTORNEY's own expense.
 - (d) Other allowable expenses: postage on behalf of the Town; copy charges at the approved Town rate; and fax or long distance telephone charges incurred on behalf of the Town. All charges must be itemized and approved by Town Manager.
6. ATTORNEY agrees to submit written itemized monthly billing statements to the Town Manager that include the name of the department or Council action requesting services. Payment of the bill shall be promptly made, but in no case, longer than thirty (30) days after receipt and approval of the bill by the Town Manager.

SECTION 6. TERM OF AGREEMENT

1. This Agreement shall terminate on September 30, 2020.
2. Attorney shall provide a 30-day written notice to the Town before termination of the Agreement if he has determined not to renew the Agreement.
3. TOWN shall not terminate this Agreement without cause based on ATTORNEY's misconduct or inability to carry out his services under this Agreement.

SECTION 7. CONFLICT OF INTEREST

ATTORNEY shall promptly notify TOWN whenever ATTORNEY has knowledge that an actual or potential conflict of interest exists between ATTORNEY's representation of TOWN and representation of a present or prior client of ATTORNEY. ATTORNEY shall withdraw from representation of the party causing the conflict and shall continue rendering services to the TOWN

provided that the TOWN wishes ATTORNEY to do so and that such representation would not violate any ethical obligations imposed on ATTORNEY.

SECTION 8. INDEMNITY AND INSURANCE

ATTORNEY agrees to maintain malpractice insurance at ATTORNEY's expense on all members of its firm and on associates who may be providing services to the TOWN in accordance with applicable State statutes and California State Bar provisions.

ATTORNEY hereby expressly agrees to indemnify and hold harmless, and to defend, TOWN and its authorized agents against any claim made against TOWN as the result of ATTORNEY's own negligent acts or omissions or willful misconduct, except to the extent that TOWN's own negligence, gross negligence or willful misconduct causes or contributes to the damages arising from such claim.

TOWN hereby expressly agrees to indemnify, defend and hold ATTORNEY harmless against any and all claims made against ATTORNEY that arise out of performance of ATTORNEY's duties as Town Attorney except to the extent that ATTORNEY's own negligence, gross negligence, or willful misconduct causes or contributes to the damages arising from such claim.

SECTION 9. MISCELLANEOUS

1. In the event of a dispute between the parties arising out of the terms and conditions of this Agreement:
 - A. This Agreement shall be interpreted according to the laws of the State of California.
 - B. Any term or condition found to be unlawful or unenforceable shall be severed from the remaining terms and conditions which shall remain in full force and effect.
 - C. The prevailing party in any such dispute shall be entitled to receive its costs and attorney fees from the other party.
2. There are no other oral or written agreements between the parties which in any way modify, reduced or enlarge the rights and obligations provided for herein. The parties may by mutual written agreement amend the terms and conditions of this Agreement.
3. Any dispute arising out of interpretation or application of this Agreement shall be resolved through arbitration in accordance with rules as promulgated by the American Bar Association.
4. This Agreement is personal to the parties and may not be assigned to another party without the consent of the other party to the Agreement.

5. This Agreement is not a contract of employment, but is an agreement for the provision of contracted legal services by and between TOWN and ATTORNEY as an independent contractor.

THIS AMENDED AND RESTATED AGREEMENT is hereby entered into this ___ day of June, 2020, by the parties by the affixing of their signatures hereto.

TOWN OF PARADISE

TOWN ATTORNEY

Greg Bolin, Mayor

Dwight L. Moore, Town Attorney

ATTEST:

Dina Volenski, Town Clerk



**Town of Paradise
Council Agenda Summary
Date: June 9, 2020**

Agenda Item: 2(f)

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

Council Action Requested:

Review and file the 2nd and 3rd Quarter Investment Report for the Fiscal Year Ending June 30, 2020.

Alternatives:

Give alternative direction for investment or reporting.

Background:

Attached is a report on the Town's cash and investments for the quarter ended December 31, 2019 and March 31, 2020.

A US Bank checking account is currently being used for payroll, accounts payable and other operating purposes. Most accounts payable disbursements are drawn through checks, and most payroll disbursements are processed through direct deposit. Deposits are fully collateralized and after reserve requirements, provide an earnings credit rate of up to 0.50% up to the amount of monthly fees. With COVID-19 and the impacts to the economy, the credit rate is currently 0.30%.

The Town received a \$5 million cash advance from CalOES in December 2018 for projects and restoration that will be funded through FEMA's public assistance grant program. As FEMA eligible expenses and/or projects are completed, funds are transferred to the Town operating checking account to fund those activities. The remaining advance funds are required to be held in a non-interest bearing account. A US Bank non-interest bearing checking account was established to track the funds.

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

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

Discussion

With cash advances from CalOES, insurance, and Housing Program payoffs, there was a \$12.2 million increase in cash/investment balances as of December 31, 2019 as compared to December 31, 2018. As of March 31, 2020, there was a \$10.0 million increase in cash/investment balances compared to March 31, 2019.

Staff is carefully monitoring cash balances of major funds as certain funds are restricted from “loaning” cash to other funds. For example, of the \$22.9 million in cash balances as of March 31, 2020, \$3.2 million is the CalOES advance and \$3.1 million is for Business and Housing programs. \$1.7 million is from donations and recovery grants, most of which come with specific spending requirements. Finally, the \$5.7 million in advances received from insurance must be carefully planned and budgeted in order to repair or replace items destroyed in the fire.

The GASB 45 trust investment managed by SISC experienced a 4.67% return on investment during the 2nd quarter of 2019/20 but experienced a 16.89% loss for the 3rd quarter of 2019/20. Long term, SISC has been successful with its allocation model of approximately 60% equity and 40% fixed income.

Fiscal Impact Analysis:

Isolating the gain from the GASB 45 trust, the Town earned \$94,155.91 for the quarter ended December 31, 2019. That is compared to \$8,162.22 for the quarter ended December 31, 2019. Again, isolating the GASB 45 return, over 88 basis points more in average yield was realized compared to the prior year. About \$15 million more average balances were available for investment comparing year over year quarters.

Isolating the loss from the GASB 45 trust, the Town earned \$101,075.29 for the quarter ended March 31, 2020. That is compared to \$12,291.53 for the quarter ended March 31, 2020. Again, isolating the GASB 45 return, over 100 basis points more in average yield was realized compared to the prior year. About \$11.4 million more average balances were available for investment comparing year over year quarters.

For the 2019/20 fiscal year to date, isolating the gains and losses from the GASB 45 trust, the Town has earned \$294,001.49 compared to \$18,932.93 the prior year to date.

TOWN OF PARADISE
 QUARTERLY SUMMARY OF INVESTMENTS
 For Quarter Ended December 31, 2019

Investment	Type	For Quarter Ended Dec. 31, 2019			For Quarter Ended Dec. 31, 2018			Net Change
		Yield	Book Value	Market Value*	Yield	Book Value	Market Value*	
US Bank	Checking	0.50%	864,593.87	864,593.87	0.50%	2,596,913.75	2,596,913.75	(1,732,319.88)
US Bank - Cal OES Advance	Checking	0.00%	3,182,676.21	3,182,676.21	0.00%	4,526,465.29	4,526,465.29	(1,343,789.08)
Local Agency Investment Fund (LAIF)	Savings	2.11%	16,391,187.03	16,420,204.32	2.21%	1,106,201.59	1,105,151.95	15,284,985.44
SISC GASB 45 Trust B	Various	4.67%	230,044.68	230,044.68	-10.73%	189,954.06	189,954.06	40,090.62
Fiscal Agents & Petty Cash	Other	0.00%	1,350.00	1,350.00	0.00%	1,350.00	1,350.00	-
Totals			20,669,851.79	20,698,869.08		8,420,884.69	8,419,835.05	12,248,967.10
Total Quarterly Earnings on accrual basis			104,426.52			(14,677.22)		
Year-to-Date Earnings (July 1st - December 31st)			203,781.28			(1,520.10)		

* Market Value determined by LAIF

Reserve Funds Invested

Pension Obligation Bond	1,047,014.54
\$	1,047,014.54

Issuer	FDIC Number	Yield	Settlement Date	Maturity Date	Type	Investment	Earnings
Government Agency Bond	N/A	1.800%	08/07/19	05/28/20	GB	1,047,014.54	15,232.10
						1,047,014.54	15,232.10

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

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

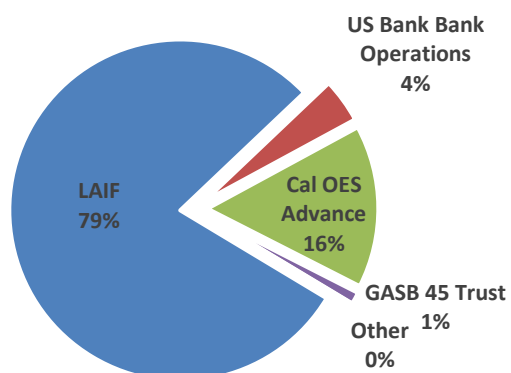
Respectfully submitted,

/s/

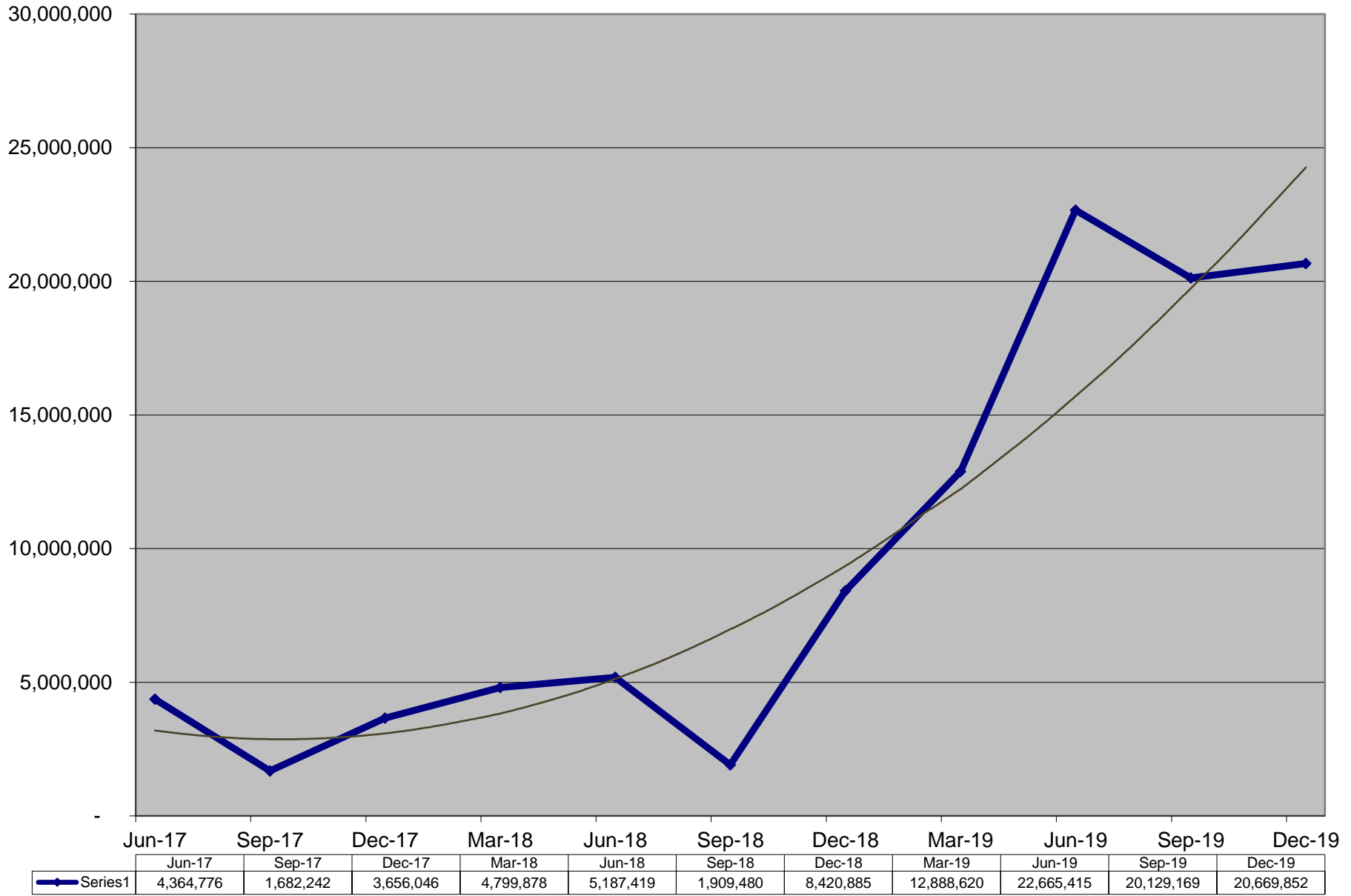
Gina S. Will
 Administrative Services Director/Town Treasurer

LAIF	16,391,187.03
US Bank Bank Operations	864,593.87
Cal OES Advance	3,182,676.21
GASB 45 Trust	230,044.68
Other	1,350.00

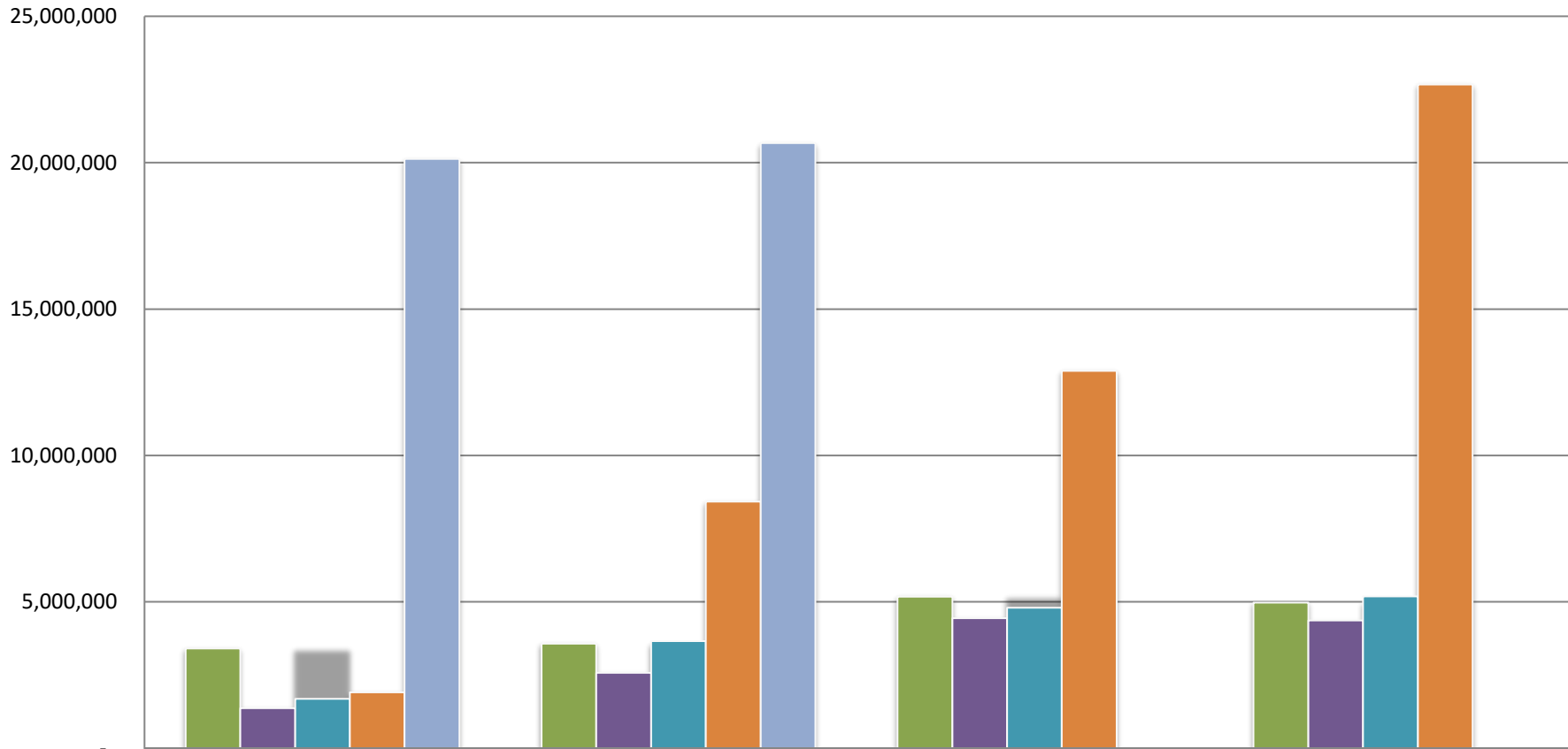
QE December 31, 2019



**Town of Paradise
Investment Balances
September 2017 - December 2019**



Town of Paradise Investment Balances 2015/16 - 2019/20



	Sept. 30th	Dec. 31st	March 31st	June 30th
2015/16	3,406,433	3,575,188	5,178,404	4,973,367
2016/17	1,368,222	2,571,507	4,442,724	4,364,776
2017/18	1,682,242	3,656,046	4,799,878	5,187,419
2018/19	1,909,480	8,420,885	12,888,620	22,665,415
2019/20	20,129,169	20,669,852		

TOWN OF PARADISE
 QUARTERLY SUMMARY OF INVESTMENTS
 For Quarter Ended March 31, 2020

<u>Investment</u>	<u>Type</u>	<u>For Quarter Ended March 31, 2020</u>			<u>For Quarter Ended March 31, 2019</u>			<u>Net Change</u>
		<u>Yield</u>	<u>Book Value</u>	<u>Market Value*</u>	<u>Yield</u>	<u>Book Value</u>	<u>Market Value*</u>	
US Bank	Checking	0.42%	238,821.91	238,821.91	0.50%	7,037,551.51	7,037,551.51	(6,798,729.60)
US Bank - Cal OES Advance	Checking	0.00%	3,190,318.21	3,190,318.21	0.00%	4,526,465.29	4,526,465.29	(1,336,147.08)
Local Agency Investment Fund (LAIF)	Savings	1.89%	19,233,890.07	19,377,779.09	2.39%	1,112,994.03	1,113,157.59	18,120,896.04
SISC GASB 45 Trust B	Various	-16.89%	191,074.44	191,074.44	10.74%	210,259.17	210,259.17	(19,184.73)
Fiscal Agents & Petty Cash	Other	0.00%	1,350.00	1,350.00	0.00%	1,350.00	1,350.00	-
	Totals		22,855,454.63	22,999,343.65		12,888,620.00	12,888,783.56	9,966,834.63
Total Quarterly Earnings on accrual basis			62,220.08		32,691.61			
Year-to-Date Earnings (July 1st - March 31st)			266,001.36		31,171.51			

* Market Value determined by LAIF

Reserve Funds Invested

Pension Obligation Bond \$ 1,047,014.54

<u>Issuer</u>	<u>FDIC Number</u>	<u>Yield</u>	<u>Settlement Date</u>	<u>Maturity Date</u>	<u>Type</u>	<u>Investment</u>	<u>Earnings</u>
Government Agency Bond	N/A	1.800%	08/07/19	05/28/20	GB	1,047,014.54	15,232.10
						1,047,014.54	15,232.10

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

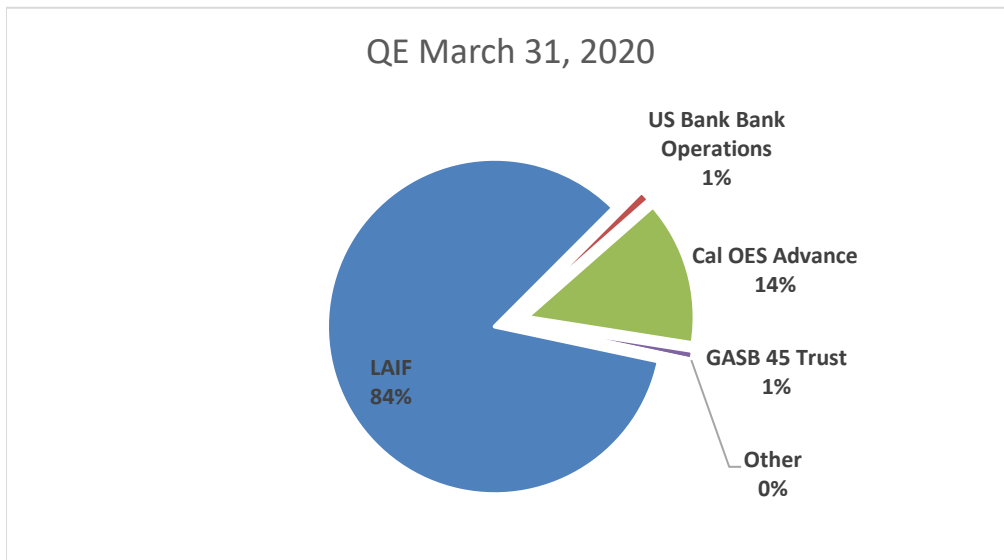
Investments in the report meet the requirements of the Town of Paradise's adopted investment policy.

Respectfully submitted,

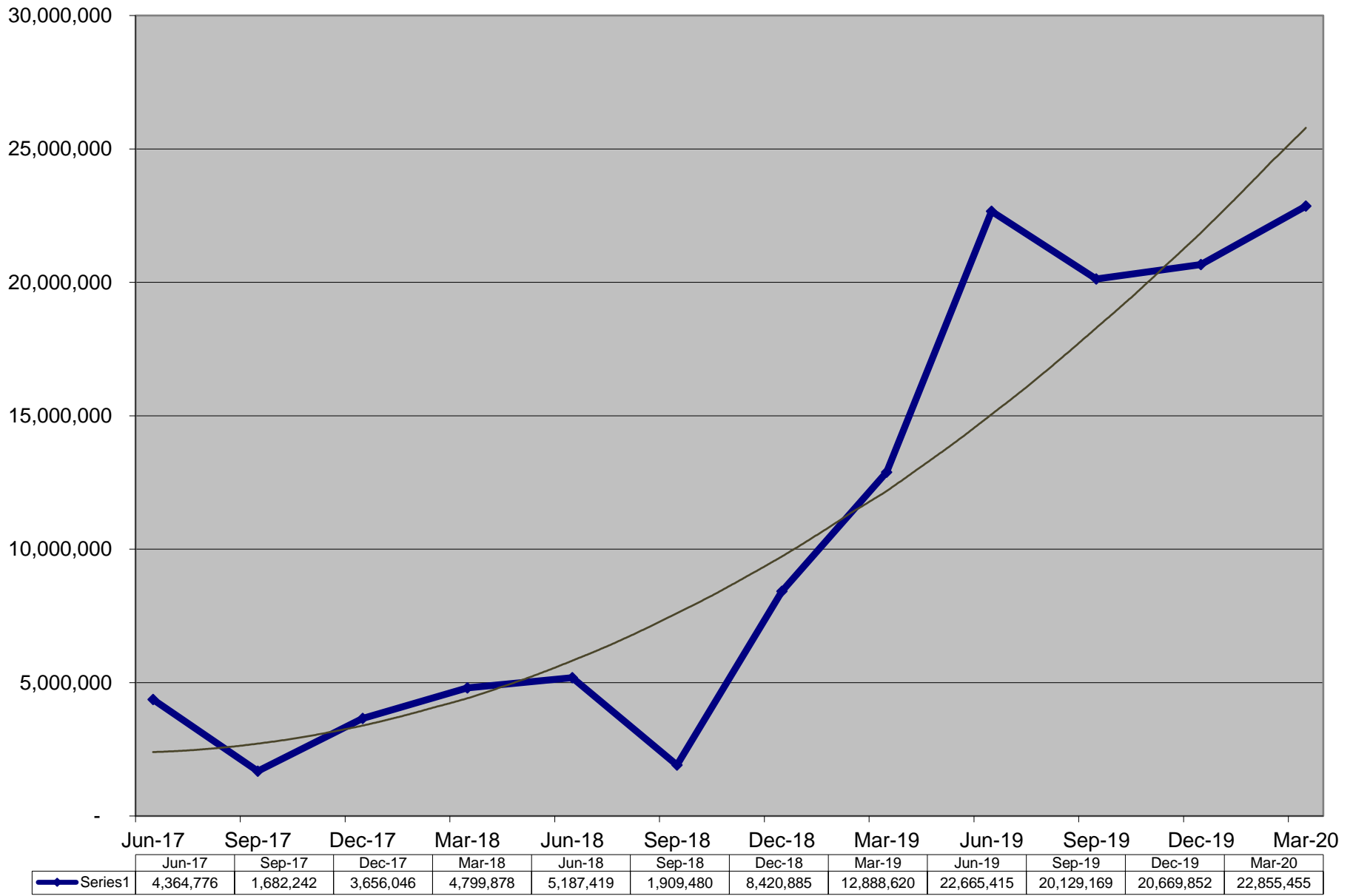
/s/

Gina S. Will
 Administrative Services Director/Town Treasurer

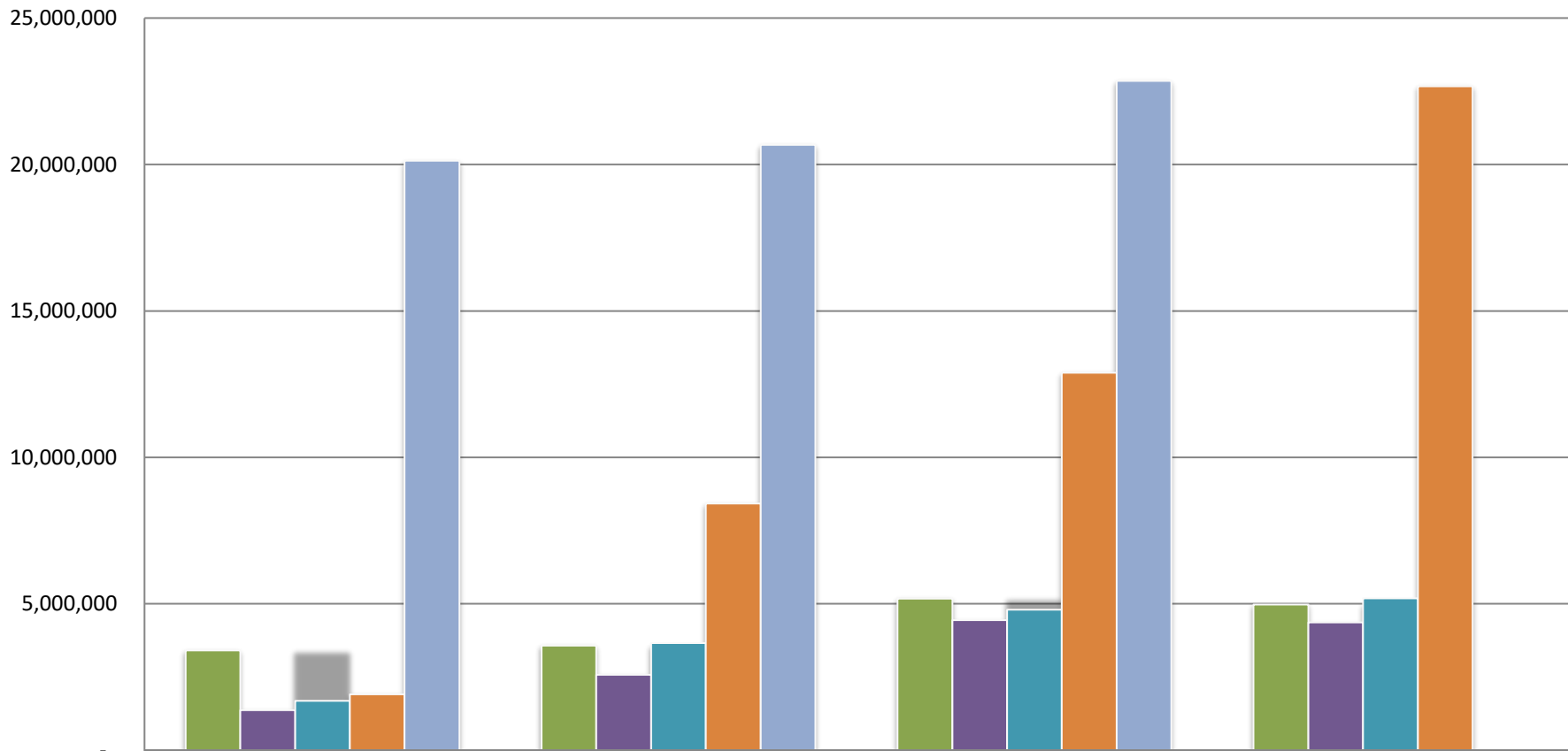
LAIF	19,233,890.07
US Bank Bank Operations	238,821.91
Cal OES Advance	3,190,318.21
GASB 45 Trust	191,074.44
Other	1,350.00



**Town of Paradise
Investment Balances
September 2017 - March 2020**



Town of Paradise Investment Balances 2015/16 - 2019/20



	Sept. 30th	Dec. 31st	March 31st	June 30th
2015/16	3,406,433	3,575,188	5,178,404	4,973,367
2016/17	1,368,222	2,571,507	4,442,724	4,364,776
2017/18	1,682,242	3,656,046	4,799,878	5,187,419
2018/19	1,909,480	8,420,885	12,888,620	22,665,415
2019/20	20,129,169	20,669,852	22,855,455	



**Town of Paradise
Council Agenda Summary
Date: June 9, 2020**

Agenda Item: 5(a)

Originated by: Colette Curtis, Assistant to the Town Manager

Reviewed by: Lauren Gill, Town Manager

Subject: **Public Hearing for a Substantial Amendment to the 2019-20 Annual Plan for the Community Development Block Grant.**

Council Action Requested:

1. Conduct a public hearing to solicit comments regarding a proposed Substantial Amendment to the 2019-20 Annual Plan.
2. Consider authorizing Town staff to submit the Substantial Amendment to HUD.
3. Consider authorizing the Town Manager to enter into an agreement with CHIP for a float loan for the reconstruction of Paradise Community Village.

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.

After the Camp Fire, the Town was not able to spend the allocated funds as quickly as we have in the past. In addition, loans that the Town made to First Time Home Buyers and Owner-Occupied Rehab program recipients were paid back to the Town, creating program income we can loan out again.

The Town has also received an allocation of funding from HUD specifically for COVID 19 response in the amount of \$99,852.

Discussion:

In light of the current funding situation in the Business and Housing Department, staff has proposed making a Substantial Amendment to the 2019-20 Annual Plan. An amendment to the Annual Plan is considered "substantial" when the amendment is more than 25% of the current year's funding allocation. The Town of Paradise proposes to include \$99,852 economic development activities in the form of small grants and businesses to assist with COVID-19 related needs, as well as reallocate \$569,629 in housing assistance funds to Multifamily Rental Housing Rehabilitation/Reconstruction.

CDBG-CV

HUD has allocated funding to entitlement communities in order to address the COVID-19 Pandemic; Paradise has been allocated \$99,852.00. Town Staff has created a

program to assist businesses with these funds in the form of a grant of up to \$5,000 available to eligible businesses. To be eligible, a business must have five or fewer employees, and the owner of the business must meet income guidelines.

CHIP Float Loan

In 2013, CHIP constructed Paradise Community Village (PCV) a 36-unit affordable housing complex in the Town of Paradise. Funding to construct this project came from several sources, including a loan from the Town of Paradise CDBG allocation. PCV was destroyed in the Camp Fire, and they are now getting ready to rebuild this important part of our housing community.

In order to assist CHIP with the costs of rebuilding, Staff proposes loaning \$500,000 to CHIP at no interest to be repaid within 2.5 years. Because CDBG requires an environmental assessment, Staff also proposes granting up to \$20,000 to CHIP for such assessment. This funding will allow CHIP to move forward with rebuilding now, and the loan will be repaid when they receive their insurance settlement and FEMA funding over the next several years. When the loan is paid back over the next 2.5 years, the Town will be able to loan the funds again through our housing programs. Providing this loan also helps the Town of Paradise comply with HUD's rules for spending funds in a timely manner.

Public Participation Process:

The Draft Substantial Amendment was made available to the public on May 12th, 2020, following the first public hearing. The draft was available on the Town's website (www.townofparadise.com); and Town of Paradise Town Hall. The public comment period was from May 12th, 2020 – June 9th, 2020. Written comments should be addressed to Colette Curtis, 5555 Skyway, Paradise, CA 95969.

Town Council on the final Substantial Amendment: A second public hearing was held Tuesday, June 9th, 2020, at 6:00 p.m. in the Town Hall Council Chambers at 5555 Skyway, Paradise, California. The Council will consider approving the submission of the proposed Substantial Amendment and receive additional public comment at this time.

Fiscal Impact Analysis:

The impact of this agenda item will be to reallocate \$520,000 from Housing Assistance to Multifamily Rental Housing Rehabilitation/Reconstruction. It will also allow the Town to utilize an additional allocation of \$99,852 specifically for COVID 19 response.



TOWN OF PARADISE
SUBSTANTIAL AMENDMENT TO THE 2019-20 ANNUAL PLAN

<p><u>Jurisdiction:</u></p> <p>TOWN OF PARADISE</p> <p>www.townofparadise.com</p>	<p><u>CDBG Contact Person and Address:</u></p> <p>Colette Curtis 5555 Skyway, Paradise, CA 95969 Phone: 530-872-6291 x112 Fax: 530-877-5059 Email: ccurtis@townofparadise.com</p>
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According to federal regulations and the Town of Paradise Citizen Participation Plan, any changes to an adopted CDBG budget that amounts to more than 25% of the annual allocation, and/or a cancellation or addition of a new project/activity, requires: (a) public notification for solicitation of comments, (b) two public hearings, and (c) Town Council approval. The amendment is then submitted to HUD for acceptance.

The following amendment to the 2019-20 CDBG Annual Plan is proposed for Council Consideration.

1. Reallocate funds from Housing Assistance to Multi-Family Rental Rehabilitation

The funding allocated to Housing Assistance in 2018-19 and 2019-20 will be re-allocated to Multi-Family Rental Rehabilitation. Program Income received from the housing program will also be budgeted for Multi-Family Rental Rehabilitation. The total amount allocated to Multi-Family Rental Rehabilitation is \$520,000.00. These funds will be used as a loan to CHIP to assist in the rebuilding of Paradise Community Village (a 36-unit affordable housing complex) after it was destroyed by the Camp Fire.

2019-2020
CDBG Annual Plan Amendment

Program Year	Original Housing Assistance Funds	Transferred to Multi-Family Rental Rehabilitation	Funds Remaining Housing Assistance
2018-19	\$118,057	\$118,057	\$0
2019-20	\$131,515	\$91,886	\$39,629

Program Income
CDBG Annual Plan Amendment

Program Year	Original Program Income Funds	Transferred to Multi-Family Rental Rehabilitation	Funds Remaining in Program Income
Multiple	\$310,057	\$310,057	\$0

2. Include the recently allocated CDBG-CV funding for COVID-19 relief efforts

The Town of Paradise has been allocated \$99,852 CDBG-CV funds that are to be spend in response to the COVID 19 pandemic. This amendment will add this funding to the Annual Plan for 2019-20, which will be used to provide grants to businesses affected by COVID-19.

CDBG-CV Funding
CDBG Annual Plan Amendment

Program Year	CDBG-CV Funds
2019-20	\$99,852

PUBLIC PARTICIPATION:

The Draft Substantial Amendment was made available to the public on May 12th, 2020, following the first public hearing. The draft was available on the Town’s website (www.townofparadise.com); and Town of Paradise Town Hall. The public comment period was from May 12th, 2020 – June 9th, 2020. Written comments should be addressed to Colette Curtis, 5555 Skyway, Paradise, CA 95969.

Town Council on the final Substantial Amendment: A second public hearing was held Tuesday, June 9th, 2020, at 6:00 p.m.in the Town Hall Council Chambers at 5555 Skyway, Paradise, California. The Council will consider approving the submission of the proposed Substantial Amendment and receive additional public comment at this time.



Town of Paradise
Council Agenda Summary
Date: June 9, 2020

Agenda Item: 6(a)

ORIGINATED BY: Susan Hartman, Community Development Director
REVIEWED BY: Lauren M. Gill, Town Manager
SUBJECT: Resolution of the Town Council Adopting Findings and Denying the Appeal with Modifications to Log Storage & Processing Yard Temporary Use Permit No. PL19-00383 for Anderson Brothers Corporation

COUNCIL ACTION REQUESTED:

1. Acknowledge and grant the request from the project applicant to defer taking action on Resolution No. 20-__ of the Town Council regarding the appeal of Temporary Use Permit No. PL19-00383 for 180 days. **OR**

ALTERNATIVE ACTIONABLE OPTION(S):

2. Acknowledge the request from the project applicant to defer taking action on Resolution No. 20-XX of the Town Council regarding the appeal of Temporary Use Permit No. PL19-00383 for 180 days, but grant a deferral of less time before the Resolution is adopted.
OR
3. Find that the Town shall not grant the project applicant's request and adopt Resolution No. 20-XX of the Town Council with modifications, **Denying the Appeal** and thereby **Uphold the Planning Commission's Decision.**

BACKGROUND:

On December 23, 2019 and pursuant to the provisions of Section 8 of Town Urgency Ordinance #590 relating to the removal of fire damaged debris from private property following the Camp Fire, Anderson Brothers Corp. filed application with the Town proposing to establish a temporary and short term (calendar year 2020) "Log Storage & Processing Yard" land use facility/operation to storage and processing of wood materials resulting from Camp Fire hazardous tree & slash relating to restoration activities.

On April 21, 2020, the Town of Paradise Planning Commission held a public hearing relating to the application and approved Temporary Use Permit PL19-00383 subject to 48 project conditions. On April 23, 2020 a written appeal of the Planning Commission's decision was filed with the Town.

On May 12, 2020 the Town Council held a duly noticed public hearing where the Council received both written and oral testimony after which the Council gave direction to staff to prepare a Resolution denying the appeal with modifications to Temporary Use Permit PL19-00383 to bring back at the next council meeting (attached).

DISCUSSION:

The project applicant immediately reached out for engineering services following direction given at the Town Council meeting regarding a traffic operations/management plan. Based on information he received regarding the timeframe and cost for those services, the project applicant met with town staff to discuss that information and that it appears at this time to not be feasible to move forward with the project. Following the meeting, Mr. David Anderson made a written request to the Town asking that Town Council defer acting on the resolution for 180 days. If circumstances change, Mr. Anderson can request the resolution be placed back on the Council's agenda for action. If not, the application and urgency ordinance would expire December 31, 2020.

FINANCIAL IMPACT:

Town Council acknowledgement and granting of a deferral of action will have no direct or immediate impact upon the Town's funds.

Attachments

Hartman, Susan

From: Mattox, Marc
Sent: Friday, May 29, 2020 12:41 PM
To: Gill, Lauren; Moore, Dwight
Cc: Hartman, Susan
Subject: FW: Skyway Log Site - Additional Conditions

Good afternoon Lauren and Dwight:

Please find below correspondence from Dave Anderson relating to his temporary use permit for the Skyway Timber Processing site. I understand he is requesting Town Council to defer action on adopting a resolution for findings of approval of his application for at most 180 days. Please let me know if I can assist with any questions or needs relating to Mr. Anderson's request.

Thank you,

Marc Mattox

Public Works Director | Town Engineer
Town of Paradise | 530-872-6291 x125

From: Home <Andersondj2@sbcglobal.net>
Sent: Thursday, May 28, 2020 6:15 PM
To: Mattox, Marc <mmattox@townofparadise.com>
Subject: Re: Skyway Log Site - Additional Conditions

Marc,

I am following up with what we talked about today with you and other town officials.

We would like to ask the town council to hold off approving our temporary use permit for up to 180 days . With the additional conditions of approval, the short timeframe left for the use of this facility and the costs of implementing these conditions it appears at this time it is not feasible to move forward with it. It is my understanding that we can request approval from the town council at anytime up to 180 days if we feel circumstances have changed and it is deemed necessary to open this wood yard to help support the town residents to remove trees.

Thank you,

Sent from my iPhone

On May 15, 2020, at 1:27 PM, Keith Doglio <kdoglio@rarcivil.com> wrote:

Loren,

We are working on a project in Paradise for Dave Anderson. The project proposes the use of parcels on either side of the Skyway as temporary log storage yards that would be used as part of the Camp Fire tree cleanup. Dave has submitted a use permit application and the project has been through the Planning Commission. Their approval was appealed to the Town Council. The Council approved the project, but added a condition about traffic. See the email below from Marc Mattox for additional information.

Attached to this email is the use permit plot plan depicting the project location and uses. As part of the council meeting the Town requested a traffic control plan which is also attached.

Dave is requesting a proposal from you that includes your cost and schedule to address the Town's comments below. The project is time sensitive since the use permit will expire at the end of this year, so we are hoping you have time in your schedule.

Please let either me or Dave know if you have any questions.

Thanks,

Keith Doglio, P.E.
Rolls, Anderson & Rolls
Civil Engineers
115 Yellowstone Drive
Chico, CA 95973
T: (530) 895-1422
F: (530) 895-1409

From: Mattox, Marc [<mailto:mmattox@townofparadise.com>]
Sent: Thursday, May 14, 2020 12:43 PM
To: Keith Doglio <kdoglio@rarcivil.com>
Cc: 'D Anderson Companies' <andersondj2@sbcglobal.net>; Hartman, Susan <shartman@townofparadise.com>
Subject: RE: Skyway Log Site - Additional Conditions

Hi Keith:

I can speak to the requirement to prepare and complete a Traffic Operations/Management Plan. This Plan would need to be prepared by a Transportation Engineering firm/expert which evaluates the forecasted demand created by this temporary use and ensures that operationally, the proposed Temporary Traffic Control Plan would be effective. It would review relevant traffic volumes, turning movements, crossing movements, delays, queuing and other potential items of concern which may arise out of implementation. From feedback I have received, a couple of critical items which should be specifically addressed are noted below:

- Could queues develop from loaded trucks waiting to cross EB Skyway which exceed the storage length of the cut-through?
- Do de-facto acceleration lanes and deceleration lanes need to be physically segregated by temporary cones which would need to be deployed and maintained during normal hours of operation?
- Specific evaluation of all turning movements (loaded and unloaded)

I hope this helps.

Thank you,

Marc Mattox

Public Works Director | Town Engineer
Town of Paradise | 530-872-6291 x125

From: Keith Doglio <kdoglio@rarcivil.com>
Sent: Thursday, May 14, 2020 6:16 AM
To: Mattox, Marc <mmattox@townofparadise.com>

Cc: 'D Anderson Companies' <andersondj2@sbcglobal.net>

Subject: Skyway Log Site - Additional Conditions

Marc,

As part of the Town Council meeting were any additional conditions or requirements added to the project? Can you provide me the specifics of any additional information that is needed?

Thanks,

Keith Doglio, P.E.
Rolls, Anderson & Rolls
Civil Engineers
115 Yellowstone Drive
Chico, CA 95973
T: (530) 895-1422
F: (530) 895-1409

<UP Plot Plan.pdf>

<Skyway Site TCP (preliminary) (5-6-20).pdf>

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

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE ADOPTING
FINDINGS AND DENYING THE APPEAL WITH MODIFICATIONS TO LOG STORAGE
AND PROCESSING YARD TEMPORARY USE PERMIT NO. PL19-00383
FOR ANDERSON BROTHERS CORPORATION**

WHEREAS, on December 23, 2019, Anderson Brothers Corporation submitted an application (Application) for a Log Storage and Processing Yard Temporary Use Permit pursuant to Urgency Ordinance No. 590 section 8. Ordinance No. 590 is attached as Attachment No. 1 and the Application is attached as Attachment No. 2; and

WHEREAS, the Application was reviewed for compliance with the requirements for a log storage and processing yard pursuant to Ordinance No. 590 section 8 as shown in Attachment No. 3; and

WHEREAS, on April 21, 2020, the Town of Paradise Planning Commission held a public hearing relating to the Application and thereafter approved Temporary Use Permit PL19-00383; and

WHEREAS, on April 23, 2020, the Town of Paradise received an appeal regarding the approval of Temporary Use Permit No. PL19-00383; and

WHEREAS, on May 12, 2020, the Town Council held a duly noticed public hearing relating to the appeal; and

WHEREAS, after considering the Application and its analysis, the staff agenda report and all the written and oral substantial evidence associated with the Application and the appeal at the public hearing, the Town Council gave staff direction to prepare this resolution denying the appeal with modifications to Temporary Use Permit PL19-00383.

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

Section 1. The Town Council does hereby find that it has independently reviewed and analyzed the Application, the administrative record and appeal documents relating to Temporary Use Permit PL19-00383 and other information in the record and has considered the information contained therein, including the written and oral comments received at the public hearing on the Application, prior to acting on the appeal of the Application.

Section 2. After considering the public testimony, including all comments, written and oral, the Town Council makes the following findings and determinations:

- a. The Application is exempt from the California Environmental Quality Act (CEQA) as an implementation of Urgency Ordinance No. 590 pursuant to California Public Resources Code Section 21080 (b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080 (b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269 (a) regarding maintaining, repairing, restoring, demolishing or replacing property or facilities damaged or

destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.

The Log Storage and Processing Yard Temporary Use Permit is exempt as an emergency activity from CEQA because it implements an activity authorized by and in accordance with Ordinance No. 590 that will allow for restoration of the Town. Burnt tree logs in the Town make the community unsafe and must be removed so that the Town can be rebuilt. See *Creed-21 v. City of San Diego*, 234 Cal.App.4th 488. See Ordinance No. 590 section 13.

Since Ordinance No. 590 was adopted as an emergency measure exempt from CEQA, subsequent implementation of projects pursuant to it are also exempt from CEQA.

- b. Section 6 of the Governor’s Executive Order B-57-18 waived the requirement to renew the Camp Fire local emergency as follows:

“The thirty-day time period in Government Code section 8630(c), within which local governing authorities must renew a local emergency, is hereby waived. Any local emergencies proclaimed as a result of these wildfires will remain in effect until each local governing authority terminates its respective emergency.”

The Town of Paradise state of emergency is still in effect and shall continue in effect until terminated by the Town Council.

Therefore, the requirements of Government Code section 8630 are not applicable to the Town’s actions regarding the Application.

- c. The approval of the Application is consistent with the Town of Paradise 1994 General Plan in that it is pursuant to Town of Paradise Ordinance No. 590 as an urgency measure based on Government Code section 8634 for the protection of life from thousands of falling burnt trees.
- d. Ordinance No. 590 section 8 sets forth 19 standards that must be satisfied by the Applicant for the Log Storage and Processing Yard Temporary Use Permit. The Application and the administrative record relating to it provide substantial evidence that the Application satisfies such 19 standards. See Application attached as Attachment No. 2 and its analysis in Attachment No. 3.

Section 3. The Town Council does hereby deny the appeal and approve Log Storage and Processing Yard Temporary Use Permit No. PL19-00383 as modified and set forth in Attachment No. 4.

Section 4. After adoption of this Resolution, the Town shall file a Notice of Exemption with the Butte County Clerk.

Section 5. The Community Development Department is the custodian of the records relating to this resolution.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 9th day of June, 2020 by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

APPROVED AS TO FORM:

DINA VOLENSKI, CMC, Town Clerk

DWIGHT L. MOORE, Town Attorney

ATTACHMENT NO. 1

ORDINANCE NO. 590

**TOWN OF PARADISE
ORDINANCE NO. 590**

**AN AMENDMENT TO URGENCY ORDINANCE NO. 577 OF THE TOWN COUNCIL
OF THE TOWN OF PARADISE ESTABLISHING REQUIREMENTS
FOR THE REMOVAL OF FIRE DAMAGED DEBRIS FROM
PRIVATE PROPERTY FOLLOWING THE CAMP FIRE**

The Town Council of the Town of Paradise, California,
ordains as follows:

Ordinance No. 577 shall be amended as follows:

Section 1. Emergency Findings. This Urgency Ordinance is adopted pursuant to California Government Code Section 36934 and shall take effect immediately upon its approval by at least a four-fifths vote of the Town Council. The Council finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

- A. Conditions of extreme peril to the safety of persons and property within the Town were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Town Council was not in session.
- B. California Government Code Section 8630 et. seq. empowers the Director of Emergency Services to proclaim the existence of a local emergency when the Town is affected or likely to be affected by a public calamity, subject to ratification by the Town Council at the earliest practicable time.
- C. On November 8, 2018, the Director of Emergency Services of the Town proclaimed the existence of a local emergency within the Town due to the Camp Fire.
- D. On November 8, 2018, the Acting Governor of the State of California proclaimed a State of Emergency for Butte County and on November 14, 2018, the Governor issued Executive Order B-57-18 concerning the Camp Fire.
- E. On November 12, 2018, the President of the United States declared the existence of a major disaster in the State of California, providing assistance from many federal agencies, including the Federal Emergency Management Agency (FEMA).
- F. On November 13, 2018, the Town Council adopted Resolution No. 18-42 ratifying the Director of Emergency Services'

- proclamation of the existence of a local emergency in the Town.
- G. The Camp Fire to date has consumed 153,336 acres and has led to the destruction of 13,696 residences, damage to 462 residences, the destruction of 276 multiple family residences, the destruction of 528 commercial buildings, damage to 102 commercial buildings, the destruction of 4,293 other minor structures, and resulted in the evacuation of over 50,000 people. As a result, the Camp Fire has created an enormous amount of debris.
- H. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential and commercial structure fires can contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.
- I. The combustion of building materials such as siding, roofing tiles, and insulation can result in dangerous ash that contains asbestos, heavy metals and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have also burned in the fire, also producing hazardous materials.
- J. Exposure to hazardous materials may lead to acute and chronic health effects and may cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose residents and workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.
- K. Standards and removal procedures are needed immediately to protect the public health and environment, and to facilitate coordinated and effective mitigation of the risks to the public health and environment from the health hazards generated in the Camp Fire disaster.
- L. It is essential that this Ordinance become immediately effective to mitigate the harm that could be caused to the public health and safety and to the environment from the improper disturbance, removal and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Camp Fire disaster.

Section 2. Definitions.

- A. Director. The term Director shall mean the Town Manager.
- B. OES Program. For purposes of this Ordinance, the term "OES Program" shall mean the fire damage debris clearance program operated by the Office of Emergency Services for the Camp Fire in conjunction with other State and Federal agencies.
- C. Alternative Program. For purposes of this Ordinance, the term "Alternative Program" shall mean the requirements for inspections, clean up and disposal for property owners that opt out of or are ineligible for the OES Program.
- D. Private Action. For the purposes of this Ordinance, the term "private action" shall mean the removal of fire debris from private property damaged by the Camp Fire by persons not eligible for or opting out of the OES Program.
- E. Removal of Fire Debris. The term "removal of fire debris" as used in this Ordinance includes all cleanup of fire debris from structures resulting from the Camp Fire, including removal, transport and disposal of fire debris, but it does not include the removal of personal property from residential sites unless such removal of personal property involves cleanup and the removal of ash from the property.
- F. Right of Entry Permit. The term "Right of Entry Permit" means the Debris Removal Right-of-Entry Permit (For Providing Debris Removal on Private Property) approved by the California Office of Emergency Services for use in the cleanup after the Camp Fire.
- G. Council. The term "Council" means the Town Council.
- H. Temporary Log Storage Yard (AKA: Log Deck). For purposes of this Ordinance, the term "Temporary Log Storage Yard" means a site where piles of logs and other piles of vegetation removed from the Camp Fire affected area are temporarily stored and processed before transfer to trucks or rail. The logs and vegetation must be associated with the Camp Fire recovery effort, i.e., logs and vegetation that are burn-damaged or otherwise removed due to safety issues associated with the Camp Fire. Logs and wood waste originating from routine utility line maintenance shall not be stored at a Temporary Log Storage Yard. A temporary log storage yard shall not exist beyond the Effective Period. No structural fire debris or hazardous materials may be brought onto or stored in the yard including any that may have been deposited on logs or vegetation. Temporary Log Storage Yard allow for the processing of logs and vegetation (e.g., chipping,

milling, etc.) but not the burning of logs and vegetation, and may include associated equipment repair, construction trailers, employee parking and portable bathroom facilities set up for use by the personnel assigned to such yard, but not residences other than the transitory use of a recreational vehicle authorized in conformance with Town of Paradise Interim Housing Ordinance No. 578.

Section 3. Effective Period.

This Ordinance shall take effect immediately upon adoption and shall remain in effect until the cleanup of fire debris has been completed on all properties within the Town damaged by the Camp Fire. Regardless of when the removal of fire debris has been completed, a Temporary Log Storage Yard, as well as any provisions within this Ordinance that relate to it, shall remain in effect until December 31, 2020, unless otherwise specified herein, subject to extension or modification by the Town Council.

Section 4. Prohibition on Removal of Fire Debris from Private Property.

No fire debris from structures shall be removed from private property without a hazardous materials inspection conducted either by the U.S. Environmental Protection Agency or California Department of Toxic Substance Control through the Office of Emergency Services' fire debris clearance program, or by an entity approved through the Alternative Program. This Ordinance shall apply to properties that contained a qualifying structure under the OES Program. This Ordinance shall not apply to properties that only contained non-qualifying structures, including but not limited to sheds, canopies, carports, well houses, greenhouses, chicken coops or fencing. Whether fire debris derived from a qualifying or non-qualifying structure shall be determined by the Director, or her designee, in consultation with CalOES.

Section 5. Removal of Fire Debris through the OES Program.

- A. Effect of the Right of Entry Permit: The Right of Entry Permit shall function as the sole permit and authorization for participation in the OES Program.
- B. Notwithstanding any contrary provision in Paradise Municipal Code, no Town approvals or permits for fire debris removal are required for properties participating in the OES Program, other than the Right of Entry Agreement, which will be administered by the Butte County Department Environmental Health.

Section 6. Removal of Fire Debris through the Alternative Program.

- A. The Butte County Department of Environment Health shall adopt and administer the Alternative Program on behalf of the Town. The County shall utilize the state and federal standards and cleanup goals of the OES Program as the standards for the Alternative Program.
- B. For those persons who are not eligible for the OES Program, or who opt out of the OES Program, private action to remove fire debris from fire-damaged properties is prohibited unless and until a hazardous materials inspection has been performed and authorization from the Director has been provided pursuant to the Alternative Program.
- C. The Alternative Program shall require an application that identifies the appropriate licensed contractors who will perform the work and the submission of plans that demonstrate that the standards established in the Alternative Program will be met. Work shall not begin until the Butte County Department of Environmental Health approves the application.
- D. Upon completion of the work described in the approved plans, the Alternative Program shall require an application for certification of successful completion of the work required by the Alternative Program. The Alternative Program will require that: (1) the debris removal and clean-up work on the property meets or exceeds the standards set by the State of California for debris removal; and (2) the owner completely remove and dispose of the foundation or submit a letter from a licensed civil or structural engineer certifying that the foundation is acceptable for rebuild. The letter shall certify structural reasons for the decision and include the process and procedure used to reach the conclusion.

Section 7. Temporary Uses Associated with Removal of Fire Damaged Debris.

- A. Notwithstanding any other provision of the Paradise Municipal Code, during the duration of this urgency ordinance the Director or his/her designee is empowered to grant a temporary use permit to authorize or conditionally authorize the following temporary land use within all zones except for the agricultural-residential, rural-residential, and town-residential zones when directly associated with fire debris removal programs:
 - (1) General vehicle/equipment storage as defined in Paradise Municipal Code Section 17.04.500.

- B. The Director or his/her designee may authorize such temporary storage use based on substantial evidence that:
- (1) The temporary storage use shall not adversely impact the public health, safety, or convenience or create undue traffic hazards or congestion.
 - (2) The temporary storage use shall not adversely interfere with the permitted use of other land uses and activities on the site or in the general vicinity.
 - (3) The temporary storage use shall be conducted in a manner compatible with the land uses in the general vicinity.
- C. The Director may establish such additional conditions as necessary to ensure land use compatibility and to minimize potential negative impacts, including but not limited to hours and frequency of operation, temporary arrangements for parking and circulation, requirements for screening or enclosure, and guarantees for site restoration and cleanup following the temporary storage use.

Section 8. Temporary Log Storage Yards.

- A. Maximum Number of Sites. The number of Temporary Log Storage Yards shall be capped at a maximum of five (5) for the incorporated area of the Town of Paradise.
- B. Zones Requiring a Temporary Use Permit. A Temporary Log Storage Yard shall be allowed subject to approval of a temporary use permit and compliance with the standards set forth below in the following zones:
1. Industrial Services (IS) zone.
 2. Community Commercial (CC) zone.
 3. Community Facility (CF) and Community Services (CS) zones.
 4. Agricultural Residential (AR), Rural Residential (RR), and Multiple Family (MF) zones.
- C. Standards. All Temporary Log Storage Yards shall meet the following standards:
1. Application for Temporary Use Permit. The property owner or the property owner's authorized agent shall obtain a temporary use permit for the Effective Period. Written consent of the property owner is required in all cases.
 2. Site Plan Required. A detailed site plan meeting general architectural or engineering standards, legible and drawn to scale that shows all the proposed activities that will occur on-site, as well as the approximate location of each activity, shall be provided with the application for a temporary use permit. Partial site plans for a portion of a property may be submitted as long as a vicinity map for the entire property showing frontage streets, other uses

- and a cross reference of the area of the partial site plan is provided. All site plans shall show and label contours at maximum vertical intervals of five feet; areas of proposed grading and fill; the width of access roads to and around parking, log piles and other piles, and buildings; and turnaround areas for fire and emergency services. Any change in the type of activity that will occur on-site or the location of any activity requires the owner or operator to apply for a new temporary use permit.
3. Siting Criteria. To the extent practicable, temporary log storage yards shall be located on flat areas of the site that are already disturbed and in such a manner to decrease impacts to uses on surrounding properties.
 4. Parcel Size. The Temporary Log Storage Yard site shall be a minimum of five (5) acres in the IS, CC, CF, CS, AR, RR, and MF zones regardless of the actual area used for the temporary log storage yard. Adjacent parcels, in the same zoning district, may be utilized to achieve this standard, provided each owner's consent is provided with the application. All parcels must be shown on the application, the site plan, and all property owners shall provide written permission.
 5. Approved Access. Temporary Log Storage Yards shall have access onto a public road. If the public road is a Town of Paradise road, the approach shall be made with an encroachment permit approved by the Town of Paradise Department of Public Works. If the public road is a California State highway, the approach shall be made with an approved encroachment permit issued by the California Department of Transportation (CalTrans) District 3 Office.
 6. On-site Roads, Driveways and Aisles. Temporary Log Storage Yards shall have on-site roads, driveways and aisles. On-site roads, driveways and aisles shall have a 6 inch Class 2 aggregate base, a minimum width of 25 feet, and shall be capable of supporting a 75,000 lb. load that will allow for ingress and egress of fire apparatus to within 150 feet of all piles and structures, and shall have a vertical clearance of no less than 15 feet.
 7. Property Line Setbacks and Defensible Space. All log piles and other piles shall be setback a minimum of 100 feet from all outside property lines and any permanent structures. There shall be an area of defensible space that is a minimum of 150 feet wide around the perimeter of the temporary log storage area that shall not be graded but shall be kept clear of grass and vegetation to support fire protection by clearing, disking, grubbing, and/or scraping. CAL-FIRE shall have discretion to address unique circumstances.
 8. Biological Resources. Temporary log storage yards shall not be located on lands containing wetlands, and/or

endangered and protected plants and animal species. A biological report shall be furnished to the Community Development Department demonstrating that the site does not contain wetlands and/or endangered or protected plants and animal species. A temporary log storage yard shall not expand without providing a site plan and a biological report to cover the expanded area.

9. Paradise Fire Department/CAL-Fire Standards. Temporary log storage yards and the associated activities performed with them pose the risk of fire if fire suppression measures are not taken. The activities include working with and storing flammable materials in areas that have little to no water on-site and that are subject to fire. The Town is setting the fire standards it believes are appropriate, but there are also State standards set out in California Fire Code Chapter 28 with respect to all log storage yards and incidental wood products stored there. Fire officials shall enforce the most stringent standards. Per California Public Resource Code, Section 4428, each site shall have a sealed box of tools that shall be located, within the operating area, at a point accessible in the event of fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire. In addition, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area.
 - a. Whenever a fire starts, a telephone call shall be made to 911 immediately to inform that there is a fire. The facility operator shall develop a plan for monitoring, controlling, and extinguishing fires. The plan shall be submitted with the application for the temporary use permit for review and approval by fire officials.
 - b. Smoking may only occur in designated locations shown on the site plan.
 - c. Log piles shall not exceed 20 feet in height, 300 feet in width, and 500 feet in length. Log piles shall be stabilized by a means approved by the fire chief or their designee.
 - d. Other piles made of incidental log related materials shall not exceed 20 feet in height, 150 feet in width, and 250 feet in length.
 - e. All piles shall be separated from all other piles by 100 feet and shall include on-site roads, driveways, and aisles as discussed above.

- f. All piles shall be monitored by a means approved by the fire chief to measure temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan by the permittee for restricting and mitigating excessive temperatures shall be submitted with the application for the temporary use permit for review and approval by fire officials.
 - g. Regular inspections of the temporary log storage yard by trained fire personnel shall be allowed and facilitated by the facility operator.
 - h. Cutting activities shall comply with California Fire Code Chapter 35.
10. Butte County Public Health, Environmental Health Division Standards.
- a. Depending on the activities performed on-site, the temporary log storage yard may be determined to be a solid waste facility. The facility operator must provide access to the facility and provide for review of the activities occurring at the facility to the Local Enforcement Agency, Butte County Environmental Health, to determine if there exists a requirement to register for a permit status as a solid waste facility in accordance with Title 14 of the California Code of Regulations.
 - b. For sanitation purposes there shall be a minimum of one portable toilet and one handwash station at the facility for employee use. The portable toilet shall be routinely serviced by a licensed service provider.
 - c. For water that is provided for human consumption, either from an on-site well or transported to the facility and held in a storage tank, the facility operator shall meet the following requirements: if there are 25 or more people per day consuming the water, the facility operator shall contact the Butte County Environmental Health Division for public water system permitting requirements and shall operate in accordance with those requirements; if there are fewer than 25 people/day consuming the water, the facility shall have the water tested for and be in compliance with minimum bacteriological standards as required by the Butte County Environmental Health Division. If bottled water is provided, there are no requirements for testing.
 - d. The storage of any hazardous material at or above State-defined thresholds shall require the approval of a Hazardous Material Business Plan by the Environmental Health Division of the Butte County Department of Public Health.

11. Town of Paradise Public Works Department Standards.
- a. Perimeter stormwater control - When a Temporary Log Storage Yard is prepared for operations or the soil is disturbed, improvements shall be designed and implemented such that water accumulating within the project will be carried away from the project without injury to any adjacent improvements, residential sites, or adjoining areas. The design shall be prepared by a Qualified Stormwater Developer who holds the certification required by the CA Water Quality Control Board's Construction General Permit 2009-009-DWQ. All natural drainage that enters the project area shall leave the project area at its original horizontal and vertical alignment and with the same pre-improvement quantity. Implementation of erosion control within the project area and sediment control basins at drainage outlets shall conform with California Stormwater Quality Association (CASQA) design criteria. Sites that meet EPA's criteria for a Rainfall Erosivity Waiver (<https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf>) or are fully stabilized with erosion control measures are not required to install sediment control basins.
- b. Water quality and erosion control-When submitting a application for a temporary log storage yard, any surface disturbance over one acre in size shall require a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer and the submittal of a Notice of Intent to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ as amended). If the area of disturbance is one acre or less, then along with an application for a Temporary Log Storage Yard, an Erosion and Sediment Control Plan (ESCP) shall be developed by the facility operator, submitted for approval, and adhered to for erosion and sediment control. The ESCP shall contain a description detailing which Best Management Practices (BMP) will be used, how they will be used, and where they will be used in conformance with the California Stormwater Quality Association (CASQA) BMP Municipal Handbook. The ESCP shall contain a description of temporary and permanent measures and include ingress/egress control measures and street sweeping. Plans shall be prepared by a Qualified Stormwater Developer who holds the certification required by the CA Water Quality Control Board's Construction General

- Permit 2009-009-DWQ. Upon completion of the project, all temporary sediment control measures shall be removed from the site. All permanent sediment control measures shall be maintained by the parcel owner.
12. Air Quality and Dust Control. All best practice measures to reduce impacts to air quality shall be incorporated by the project applicant, subject property owners, or third-party contractors during activities on the project site. A plan shall be provided to the satisfaction of the Community Development Director to address:
 - a. Mobile and stationary toxic air contaminants; and
 - b. Fugitive dust and ash. Best practice measures shall comply with the Butte County Air Quality Management District's Rule 205 - *Fugitive Dust Requirements* and shall include, but not be limited to, the following:
 1. Reduce the amount of the disturbed area where possible. Stabilize disturbed area soils during use and at project completion.
 2. Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.
 3. Limit vehicle speeds to 15 miles per hour on any unpaved surfaces at the project site.
 4. Clean visible track-out onto adjacent paved roadways daily. Track-out shall not extend more than 25 feet in cumulative length from the active project site.
 5. Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and Air District for any questions or concerns about dust from the project.
 13. Storage or Processing of Debris Prohibited. The storage or processing of debris from the Camp Fire Consolidated Debris Removal Program at any Temporary Log Storage Yard, including the storage of trucks or equipment loaded with debris, is expressly prohibited.
 14. Noise. Quiet hours shall be maintained from 7 p.m. to 7 a.m. seven days a week. During quiet hours, generators and heavy equipment shall not be operated and noise levels shall conform to Paradise Municipal Code Chapter 9.18, Noise Control. Outside of quiet hours, noise sources associated with temporary log storage yards shall be exempt from the requirements of Paradise Municipal Code Chapter 9.18, Noise Control.
 15. Outdoor Lighting. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way in accordance with Paradise Municipal Code Section 17.06.810, Lighting Fixtures.

16. Reclamation Required. The application for a temporary use permit for a temporary log storage yard shall be accompanied by a detailed plan for the restoration or reclamation of the subject property to the satisfaction of the Community Development Director. There shall be no grading of the site without the prior approval of the Community Development Director, but if grading is allowed, topsoil shall be conserved to be used for reclamation. At minimum, a plan for restoration or reclamation shall include:
 - a. Clearance of the site of all vehicles, equipment and materials utilized as part of the Temporary Log Storage Yard; and
 - b. Stabilization of the site, implementation of erosion control measures, and successful revegetation to the satisfaction of the Community Development Director in order to render the site suitable for the use for which it was zoned.
 17. Performance Guarantee. In approving a temporary use permit for a Temporary Log Storage Yard, the Community Development Director shall require a performance guarantee as provided by Paradise Municipal Code section 17.32.400 in the amount of \$2000.00 per acre of land disturbed in order to guarantee the proper completion of any approved work and to ensure that site reclamation is completed to the satisfaction of the Community Development Director. Lands shall be restored or reclaimed to the satisfaction of the Community Development Director prior to release of the performance guarantee.
 18. Electricity and Electrical Equipment. If new electricity connections are brought to the site, a building permit is required. Electrical wiring and equipment shall comply with the California Electrical Code.
 19. Additional Requirements. The temporary use permit shall be subject to additional requirements from CAL-Fire, Town of Paradise Public Works, the Butte County Air Quality Management District, the California Department of Transportation, the Butte County Public Health Department, and the State Regional Water Quality Control Board.
- D. Notice
- At least ten (10) days prior to issuance of a temporary use permit, pursuant to this section, the Paradise Community Development Department shall provide a mailed notice to property owners within 1,200 feet of the property line of the subject parcel(s). The notice shall include all applicable standards and limitations placed upon the temporary log storage yard, the temporary use permit number, as well as the name, phone number and email of a designated contact for concerns regarding the yard's operation. The temporary use permit shall be issued

without a formal hearing, unless one is requested by either the applicant or other affected persons. If a hearing is requested, it shall be scheduled for the next available Planning Commission meeting and the Planning Commission shall hear the request. The Planning Commission may impose conditions and requirements in addition to the standards set forth above, or may deny the temporary use permit, to mitigate impacts to uses on surrounding properties. Unless otherwise appealed to the Town Council within ten (10) calendar days of the Planning Commission action, the decision of the Planning Commission shall be final.

- E. Violations, Enforcement, and Penalties.
1. A temporary log storage yard that is operating in violation of this section poses a health and safety hazard and is found to be a public nuisance.
 2. The Community Development Director may initiate enforcement using any process set forth in the Paradise Municipal Code, including, but not limited to, Code Enforcement pursuant to Chapter 1.09 and Nuisance Abatement pursuant to Chapter 8.04, and may seek the imposition of costs and civil penalties pursuant to the Paradise Municipal Code. Nothing in this provision is intended to prevent alternative enforcement mechanisms.
 3. If the Chapter 1.09 Administrative Code Enforcement process is used, the penalties set forth in section 1.09.190 are increased because the health and safety hazards to the public shall be greater than in the general code enforcement context. The increased penalty is a fine of one thousand dollars (\$1,000.00) for the violation and such violations shall also be a misdemeanor.

Section 9. Hold on Building Permits.

Any issued Town building permit to repair or reconstruct a fire damaged structure or private infrastructure shall be held in abeyance and not acted upon until fire debris cleanup is completed on the affected property and completion is confirmed to the Town Building Official, either through the OES Program or through the Alternative Program.

Section 10. Deadlines and Enforcement.

- A. The Town may set deadlines for filing either an acceptable Right of Entry Permit in the OES Program or an acceptable application for the Alternative Program by resolution.
- B. Properties that have fire ash and debris from the Camp Fire and that have neither an approved Right of Entry Permit for the OES Program nor an approved application for the Alternative Program by the deadline set by the Council may be declared a nuisance

and health hazard and such property may be abated pursuant to this Ordinance.

- C. The Town may set deadlines for the completion of work in the Alternative Program by resolution. Properties that have fire ash and debris from the Camp Fire after that deadline may be declared a nuisance and health hazard.
- D. The Town's intent is to facilitate orderly remediation of a large-scale disaster. Nothing in these deadlines shall limit the authority of the Town to abate hazards more quickly where required by exigent circumstances. Nothing in this Ordinance or in these deadlines shall limit the authority of the Director to require preventive measures as defined in California Health and Safety Code Section 101040.
- E. Enforcement and Abatement.
 - (1) General Enforcement action. When the Director determines that an activity is being performed in violation of this Ordinance, the Director may initiate an enforcement action using the process set forth in the Paradise Municipal Code and may seek the imposition of costs and civil penalties pursuant to the Paradise Municipal Code. Nothing in this provision is intended to prevent alternate enforcement mechanisms, including but not limited to, health officer orders pursuant to California Health and Safety Code Section 101040.
 - (2) Summary Abatement. Pursuant to the authority of Cal. Const., art. XI, Section 7; California Health and Safety Code Section 101040, California Government Code Section 38773, and the Paradise Municipal Code, if the Director determines that a violation of this Ordinance has created an emergency condition which seriously endangers the public health or safety, the Town may abate the condition within the Town. The costs shall be charged to the property owner(s) and the Town may, at its option, recover the same in an administrative or civil action. Such charges shall be in addition to any penalty for a violation of this Ordinance.
 - i. Pre-Abatement Notice. Unless emergency conditions preclude doing so, the Director shall issue a Summary Abatement Notice and Order with reasonable notice. The Notice and Order shall be mailed to the property owner(s) as listed on the last equalized tax roll. A summary of the Notice and Order shall be posted in a conspicuous location on the property to be abated at least 10 calendar days prior to the summary abatement action.

- ii. Appeal and Waiver. The property owner(s) or any person or entity having a legal interest in the property may submit a written appeal of the Director's Order to the Town Council no later than 10 calendar days from the date of mailing of the Notice and Order. The written appeal shall state the basis for the appeal. The appeal shall be heard by a Town-appointed hearing officer regarding the appeal and shall issue a written decision (the "Decision") no later than 10 calendar days after receipt. The Decision shall uphold, rescind or modify the determination of the Notice and Order. The Decision on the appeal shall be final. Failure to appeal within the time prescribed shall constitute a waiver of the right to contest the summary abatement.
- iii. Post Abatement Notice. After the summary abatement is completed, the Director shall serve the property owner(s) with a post abatement notice that sets forth: (a) the actions taken by the Town; (b) the reasons for the actions; (c) a statement of the costs, expenses and attorney's fees, if any, of the abatement and notice of the Town's intent to collect those costs; and (d) right to appeal the costs determination within ten (10) calendar days of the notice. If the property owner is responsible for any costs, expenses or attorney's fees, such costs shall become a lien against the property and a Notice of Abatement Lien may be recorded with the Butte County Recorder.
- iv. Post Abatement Costs Appeal. If the property owner(s) or anyone with a legal interest in the property submits a timely costs appeal, the Town shall schedule an administrative hearing on the matter and provide the appeal party with reasonable notice of the hearing. The hearing officer shall conduct an administrative hearing where each party shall have the opportunity to present evidence and the Town shall have the obligation to establish that the costs, including expenses and attorney's fees, if any, incurred for the summary abatement were necessary by a preponderance of the evidence. After the hearing, the hearing officer shall issue a written decision and order that shall be served upon the appealing party within 30 calendar days of the hearing unless extended by agreement of the parties.

Section 11. Judicial Enforcement Action. The Town Attorney is authorized to initiate judicial enforcement as to a violation of any provision of this Ordinance without further Town Council approval.

Section 12. Remedies not exclusive. The remedies identified are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided in this Ordinance shall be cumulative and not exclusive.

Section 13. CEQA Exemption. Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.

Section 14. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 15. Effective Date and Publication. This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote of the Town Council. A fair and accurate summary of this Ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Town Councilmembers voting for or against the same, in a newspaper of general circulation published in the Town of Paradise, State of California. A complete copy of this Ordinance is on file with the Town Clerk and is available for public inspection and copying during regular business hours in the office of the Town Clerk.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 10th day of December, 2019 by the following vote:

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TOWN OF PARADISE
ORDINANCE NO. 590

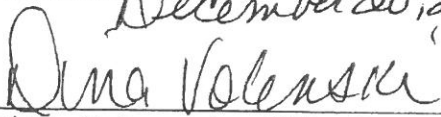
AYES: Steve Crowder, Jody Jones, Melissa Schuster,
Mike Zuccolillo and Greg Bolin, Mayor

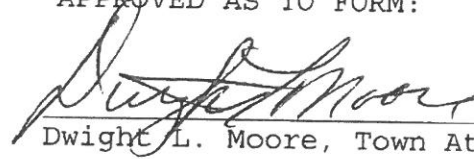
NOES: None

ABSENT: None

ABSTAIN: None


Greg Bolin, Mayor

ATTEST: December 20, 2015

Dina Volenski, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

ATTACHMENT NO. 2

**ANDERSON BROTHERS CORPORATION
APPLICATION**

DEPARTMENT USE ONLY:
Receipt No. 42305 Fee \$174.97
Project No. PL19-00383

TOWN OF PARADISE APPLICATION FOR TEMPORARY USE PERMIT

Applicant's Name Anderson Brothers Corporation Phone (530) 894-5432
Applicant's Mailing Address P.O. Box 535, Paradise, CA 95967
Applicant's Interest in Property (Owner, Lessee*, Other*) Owner
Email Address andersonj2@sbcglobal.net
Owner's Name Same as Applicant Phone _____
Owner's Mailing Address _____
Property Address _____
AP Number(s) See Plot Plan Zoning _____ Lot Size 41 Acres
Maximum occupancy _____ Distance from centerline of road _____
Additional information (proposed power, water supply, sewage disposal, etc.): _____
See plot plan and attachments.

Attach additional sheet(s) detailing the proposed business operations and compliance with the standards of Section 8 of Urgency Ordinance No. 590 (attached)

***NOTE:** If applicant is NOT the property owner, the owner's signature or attached letter of authorization signed by owner MUST accompany this application.

I hereby declare under penalty of perjury that the foregoing statements and the attached plot plan are true, accurate, complete, and correct to the best of my knowledge and belief.

Applicant's Signature  Date 12-23-19

Property Owner Signature  Date 12-23-19

PLEASE ALLOW AT LEAST 4-5 WEEKS FOR PROCESSING

TEMPORARY LOG STORAGE YARD

APN's 051-230-047, 054, 055, 051-240-011 & 012

PROJECT DESCRIPTION:

The project is related to restoration activities for the Town of Paradise due to the Camp Fire. Proposed temporary uses include contractor's offices, including temporary buildings, construction storage yards, construction equipment and vehicle parking and services, wood storage and processing facility. Temporary access points to the site will be constructed. Use will include delivery of wood materials, onsite processing and shipment of wood materials from the site.

PROJECT OPERATION DESCRIPTION:

Operations at the site are proposed to not exceed seven days per week, from 7:00 am to 7:00 pm. Truck traffic volumes are not expected to exceed 25 per hour or 285 per day or 2,000 per week. Vehicles expected at the site include pickups, pickups with trailers and commercial trucks. 80% of vehicles are expected to be heavy vehicles. Wood products will be delivered and removed from the site utilizing pickup, pickups with trailers and commercial trucks. Ingress and egress at the site would be via the Skyway as shown on the Plot Plan. Internal circulation routes for trucks would be as shown on the Plot Plan. Portable site lighting would be provided at active ingress and egress locations at the site. Six foot tall portable chain link fencing would be provided along the Skyway adjacent to the site and at ingress and egress points.

No hazardous materials would be stored at the site, including tank storage of fuel. The public would not have access to the any of the job trailers.

Wood reduction processes would be limited to chipping and grinding operations in the locations shown on the Plot Plan. No chemically induced decomposition would occur.

ENVIRONMENTAL CONDITIONS:

The entire site was burned during the Camp Fire. As part of the already completed site cleanup, all trees and remaining vegetation have been removed from the site. The site has been cleared and grubbed and wood chips installed. An ephemeral stream exists on the easterly portion of APN 051-240-012. A drainage swale exists on the southern portion of APN 051-240-012. A 100-foot undisturbed buffer has been maintained along these features and would be maintained during the log storage and processing process. There are no other known environmental features at the site.

EROSION CONTROL:

All parcels proposed with the Use Permit are approximately 41 acres which will require a SWPPP and a NOI to be filed with the State Water Quality Control Board. A SWPPP was prepared for all of these parcels as part of the fire debris cleanup process that occurred in 2019. The parcels have been stabilized and a NOT has been approved for this SWPPP, however if the proposed Use Permit is approved the prior SWPPP would be utilized again. We are

providing a copy of the prior SWPPP for review. A NOI can be submitted to the state within a week of receiving notice for the currently proposed Use Permit.

AIR QUALITY AND DUST CONTROL PLAN:

Fugitive dust emissions will be controlled by regular watering, installing gravel or wood chips over soil surfaces or by other dust preventative measures. Watering, with complete coverage, will occur at least twice daily, preferably in the late morning and near the end of the work day. A water truck will be at the site at all times.

TEMPORARY LOG STORAGE YARD

APN's 051-230-047, 054, 055, 051-240-011 & 012

SITE RECLAMATION PLAN

Prior to the proposed log storage yard, the site consisted of undeveloped parcels with burned vegetation and trees due to the Camp Fire. The site is proposed for use as a temporary log storage yard during the tree removal process in the continuing effort of cleanup from the fire.

Reclamation of the site would involve removal of all vehicles, equipment, trailers and associated tools and items used at the storage yard. As portions of the site are removed from activity, and at the conclusion of all activities at the site, BMP's would be installed on all disturbed areas as erosion and sediment control and to stabilize the site. It is anticipated that fiber rolls, silt fence and wood chips with native vegetation seeding would be utilized as BMP's at the site. The site shall be stabilized to the satisfaction of the Community Development Director.

SKYWAY SITE

MATERIAL HANDLING AND FIRE PREVENTION PLAN

GENERAL

This Material Handling and Fire Prevention Plan (Plan) is for the log storage and wood processing site located in the Town of Paradise, California along the Skyway at assessor parcel numbers: 051-230-047, 054, 055, 051-240-011 and 012. The site consists of multiple parcels. Three of the parcels are adjacent to each other, are located between the westbound and eastbound lanes of the Skyway and together consist of about 1.7 gross acres. The remaining parcels are adjacent to each other, are located on the south side of the eastbound portion of the Skyway and together consist of about 30.1 gross acres. Use of this site is temporary and will be a part of the ongoing cleanup efforts in the Town from the Camp Fire. Materials expected to be at the site include: cut trees, wood debris, wood chips and associated wood products.

Proposed site facilities consist of: log pile areas, incidental lot related material pile areas, wood chip area, staging and laydown areas, access roads, temporary job trailers, portable restroom facilities. Water is provided to both areas by Paradise Irrigation District (PID). The 1.7 acre area is served by two 3/4-inch water services. The 30.1 acre area is served by a 6-inch water pipe. The PID water services will be utilized for the site operations, dust control and fire suppression. A 12,000 gallon overhead water storage tank will be provided on the 30.1 acre site to provide additional water capacity and supply to the sites.

A sealed box of tools will be at the site and stored in the job trailer location. The toolbox shall contain a minimum of: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools and a sufficient number of shovels so that each employee at the operation can be equipped to fight a fire. Additionally, one or more serviceable chainsaw of 3-1/2 horsepower or greater with a cutting bar 20-inches in length or longer shall be immediately available within the operating area.

When a fire starts, a telephone call must be made to 911 immediately to inform that there is a fire.

All cutting activities shall comply with Chapter 35 from the California Fire Code. Regular inspection of the facility by trained fire personnel shall be allowed and facilitated by the facility operator. Smoking may only occur in designated locations shown on the site plan.

MATERIAL MONITORING

Log Piles

Log piles shall be checked for temperature once a week at intervals of 100 feet along the crown of the pile. If a temperature is found to exceed 140 degrees in a pile, temperature monitoring shall increase to twice a week at a spacing of 50 feet until the material is removed or the temperature is found to be below 140 degrees for one week. If temperatures increase to above 160 degrees the pile shall immediately be opened up to allow the heat to dissipate. Water shall be applied as needed to aid in reducing temperatures. The monitoring locations, recorded temperatures and date and time of each test shall be written on a summary sheet and kept at the site at all times.

Incidental Log Related Materials

The piles of incidental materials shall be checked for temperature once a week at intervals not exceeding 100 feet along the crown of the pile. If a temperature is found to exceed 140 degrees in a pile, temperature monitoring shall increase to twice a week at a maximum spacing of 50 feet until the material is removed or the temperature is found to be below 140 degrees for one week. If temperatures increase

to above 160 degrees the pile shall be opened up immediately to allow heat to dissipate. Water shall be applied as needed to aid in reducing temperatures. The monitoring locations, recorded temperatures and date and time of each test shall be written on a summary sheet and kept at the site at all times.

Wood Chips

Wood chip piles shall be checked for temperature one a week at intervals of 100 feet along the crown of the pile. If a temperature is found to exceed 140 degrees in a pile, temperature monitoring will increase to twice a week at a spacing of 50 feet until the material is removed or the temperature is found to be below 140 degrees for one week. If temperatures increase to above 160 degrees the pile shall be opened up immediately to allow the heat to dissipate. Water shall be applied as needed to aid in reducing temperatures. The monitoring locations, recorded temperatures and date and time of each test shall be written on a summary sheet and kept at the site at all times.

EQUIPMENT

The following equipment will be at the site at all times and available for firefighting:

At least one loader equivalent to a Caterpillar (CAT) 930 or larger. At least one excavator equivalent to a CAT 314 or larger. At least one water truck with a 3,800 gallon tank or larger. The water truck shall be equipped with a nozzle to allow spraying of materials or fires and a connection point for a hose along with at least 100 feet of hose. All vehicles and equipment operating on piles or processing material shall include a portable fire extinguisher with a minimum rating of 4-A:60-B:C.

A 12,000 gallon overhead water storage tank will be provided on the 30.1 acre site to provide additional water capacity and supply to the sites and equipment. Water will be supplied to the tank from an existing 6-inch pipe supplying PID water.

Temperatures within piles shall be monitored with a manual probe that shall be calibrated at least every three months.

FIRE PREVENTION

Materials shall be limited to the pile areas shown on the site plan. The dimensions of each area shall be limited as specified on the site plan and the Town's Use Permit requirements. Access roads will be provided around all piles and all piles shall include the separation as required by the site plan and Use Permit. These requirements are to provide adequate access in the event of a fire.

The temperature of piles shall be monitored. Once thresholds are reached, adjustments will be made to the monitoring and action will occur to reduce the temperature of piles.

The onsite water storage tank will provide watering and firefighting capabilities to the site. A toolbox containing firefighting items will be located at the project trailers.

At least 1 loader, 1 excavator and a water truck shall be in working order and at the site at all times. At least 100 feet of hose will be available to connect to the onsite water storage tank or water truck.

FIRE IDENTIFICATION AND NOTIFICATION

In the event of a fire during normal business hours, onsite personnel must call 911 immediately to inform that there is a fire.

The onsite manager shall be notified immediately and onsite personnel will use available firefighting equipment and tools to begin battling the fire. They will continue to fight the fire in a safe manner until the

fire agency arrives, at which point they will provide assistance to the fire agency as directed by the agency.

Within 2 hours of a fire event the following agencies shall be notified:

Butte County Air Quality Management District (BCAQMD) - 530-332-9400

Butte County Environmental Health Department (BCEH) - 530-552-3880

EMERGENCY RESPONSE PROCEDURES

The following procedures should be taken depending on the fire situation:

If smoke or flames can be seen coming from materials or any feature on or near the site the onsite personnel must call 911 immediately to inform them of the smoke or fire.

The onsite manager shall be notified immediately. A roll-call of onsite personnel shall occur to account for all people at the site. Any person in direct or indirect danger shall be assisted and relocated to a safe location. Onsite personnel shall utilize available firefighting equipment and tools to begin battling the fire. They shall continue to fight the fire in a safe manner until the fire is extinguished or the fire agency arrives. They shall provide assistance as directed by the fire agency.

Firefighting shall always occur from a safe position and consist of the following methods, or combination of methods, as appropriate for the situation: cooling the combustible material or fuel source, smothering the combustible material or fuel source and dilution of the combustible material.

January 31, 2020

Anderson Brothers Corporation
Attn: Dave Anderson
1545 Elliot Road
Paradise, CA 95969

RE: Preliminary Wetland Assessment of the Skyway Wood Storage Project Site, Paradise, Butte County, CA.

Mr. Anderson,

On January 29, 2020, Gallaway Enterprises senior botanist, Elena Gregg, conducted a preliminary wetland assessment of US Army Corps of Engineers (Corps) jurisdictional waters of the United States (WOTUS) within the Skyway Wood Storage project (Project) site consisting of five parcels (APN 051-230-047, 051-230-054, 051-230-055, 051-240-011 and 051-240-012) totaling approximately 42-acres located along the southwestern boundary of the Town of Paradise, Butte County, CA. The Project site is located just east of Skyway Crossroad Road and includes land on both sides of the eastbound lanes of Skyway Road (**Exhibit A**). The following summarizes the results of the preliminary wetland assessment.

Environmental Setting and Site Conditions

The Project is located within the Town of Paradise, Butte County, CA. The Project site lies within the Hamlin Canyon United States Geologic Survey (USGS) 7.5' Quadrangle in Section 21, Township 22N, Range 3E.

The site slopes to the south/southwest with a wide, shallow dip in the approximate center of the site and a drainage running north to south along the eastern boundary of the site. Prior to the 2018 Camp Fire, the site was primarily composed of dense chaparral habitat with patches of mixed hardwood conifer woodland dominated by foothill pines (*Pinus sabiniana*), ponderosa pines (*Pinus ponderosa*) and black oaks (*Quercus kelloggii*). A few dirt access roads occurred throughout the Project site. Currently, the Project site is dominated by barren land and disturbed annual grassland habitat with only the eastern edge of the Project site still containing remnant trees and shrubs that had burned in the fire but are now re-sprouting. Much of the site has been masticated, scraped and the mulch spread on the site due to the fire clean-up efforts. Also, a few gravel access roads occur within the Project site. The Project site is bound to the north by Skyway Road, to the west by Bay Tree Drive, to the south by open land and to the east by residential parcels.

Survey Methods

The Project site was surveyed on-foot by Gallaway Enterprises staff on January 29, 2020 to identify any potentially jurisdictional features. The survey, mapping efforts, and report production were performed according to the valid legal definitions of WOTUS in effect on January 29, 2020. The boundaries of non-tidal, non-wetland waters, when present, were delineated at the ordinary high water mark (OHWM) as defined in 33 Code of Federal Regulations (CFR) 328.3. The OHWM represents the limit of potential Corps jurisdiction over non-tidal waters (e.g., streams and ponds) in the absence of adjacent wetlands (33 CFR 328.04) (Curtis, et. al. 2011). Wetland perimeters based on the *United States Army Corps of Engineers Wetlands Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetlands Delineation Manual: Arid West Region* (2008) (Arid West Manual) were recorded and defined, when present, according to their topographic and hydrologic orientation.

Survey Results

Gallaway Enterprises found evidence of only one jurisdictional drainage feature according to the valid legal definitions of WOTUS in effect on January 29, 2020 (**Exhibit B**). This drainage had a pond feature within its banks that has formed due to the presence of a partial impoundment. Vegetation within this drainage was dominated by seasonal wetland vegetation including nutsedge (*Cyperus eragrostis*), pacific rush (*Juncus effusus*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*) and curly dock (*Rumex crispus*) with a few scattered willows (*Salix* sp.). This drainage flows north to southwest near the eastern edge of the Project site and is an unnamed tributary of Hamlin Slough. The wide shallow dip in the approximate center of the Project site contained drainage-like topography with drainage patterns and small areas with minimal scour, but did not exhibit an ordinary high water mark (OHWM) or a bed or bank (see site photos in **Exhibit C** and the location of the photo points in **Exhibit B**). Further, the vegetation present in this drainage-like area was dominated by upland plant species. Therefore, this drainage-like area did not meet the definition or any of the requirements to be considered a Corps jurisdictional feature.

If you have any questions, please do not hesitate to contact me at our office (530) 332-9909.

Sincerely,



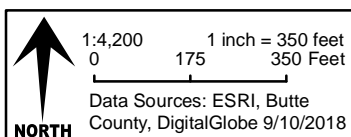
Elena Gregg, Botanist
Gallaway Enterprises

Encl.: Exhibit A. Property Location Map
Exhibit B. Preliminary Wetland Map
Exhibit C. Site Photographs

Exhibit A: Property Location Map



Exhibit B: Preliminary Wetland Map



Skyway Wood Storage Anderson Preliminary Assessment of Waters of the U.S. Exhibit B

Exhibit C: Site Photographs

Site Photographs Taken on January 29, 2020



P01 – Overview of Project site taken just east of Bay Tree Drive looking northeast



P02 – Picture taken on the southern boundary looking north at the non-jurisdictional drainage-like area (note dominance of upland vegetation and lack of OHWM)



P02 – Picture taken on the southern boundary looking south at the non-jurisdictional drainage-like area (note presence of drainage patterns but no OHWM, bed or bank)



P03 – Picture of the drainage in the eastern portion of the Project site looking southwest



P04 – Picture of the ponded area within the drainage looking northeast



P05 – Overview of the portion of the Project site located between the east bound and west bound lanes of Skyway Road looking northwest

BIOLOGICAL RESOURCE ASSESSMENT

Terrestrial Wildlife and Botanical Resources

Skyway Wood Storage Project

Town of Paradise, California

January 2020



Prepared for:

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Appendix C.....	Project Site Photos

BIOLOGICAL RESOURCE ASSESSMENT

Skyway Wood Storage Project

Project Location:

Town of Paradise, California
Section 21, Township 22N, Range 3E

INTRODUCTION

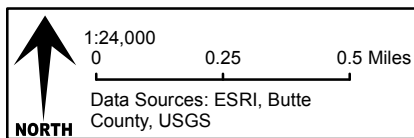
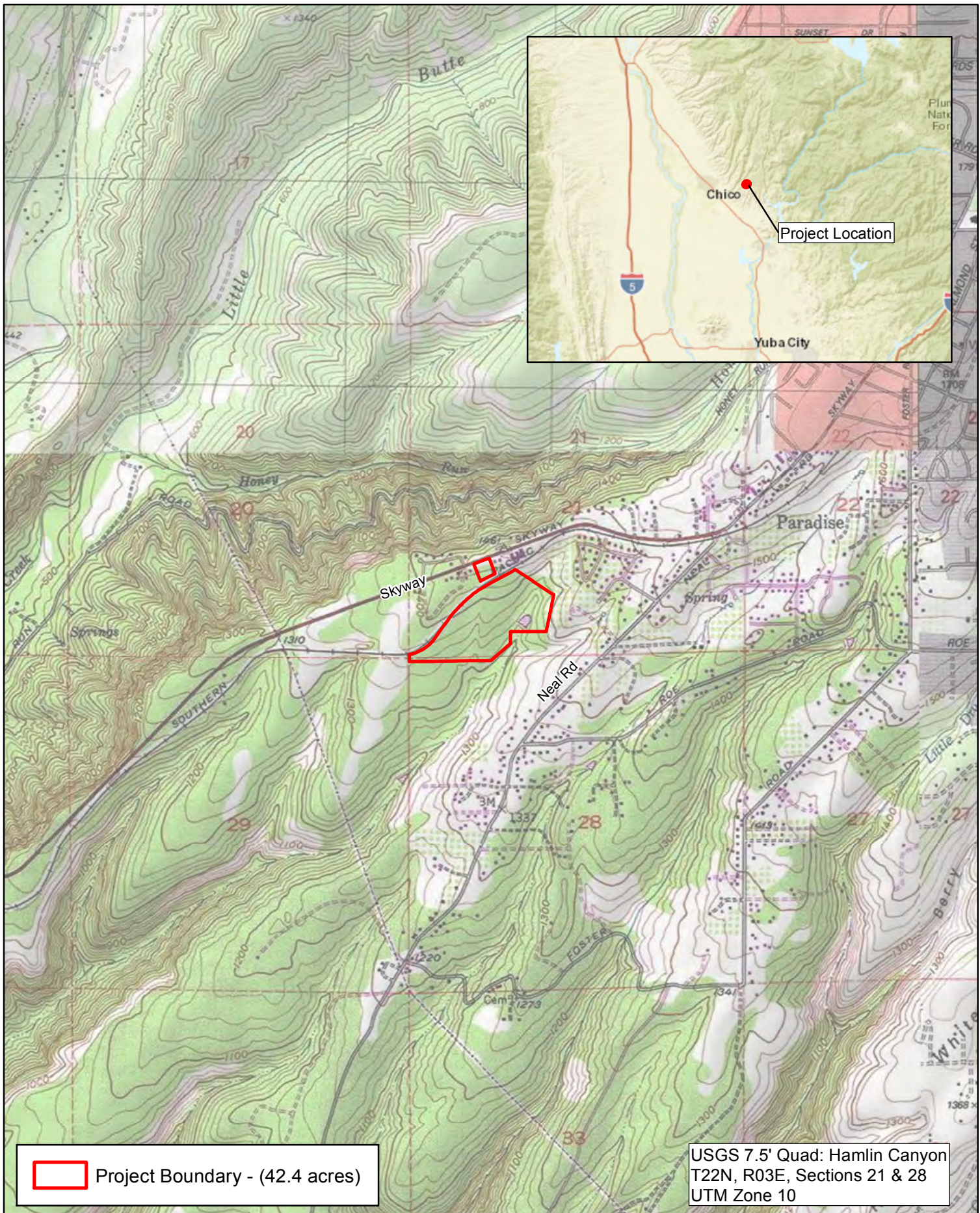
Purpose and Overview

The purpose of this biological resource assessment (BRA) is to document the endangered, threatened, sensitive, and rare species and their habitats that occur or may occur in the biological survey area (BSA) of the Skyway wood storage project (Project) area located along the southwestern boundary of the Town of Paradise, Butte County, California (**Figure 1**). The Project area is located just east of Skyway Crossroad Road and includes land on both sides of the eastbound lanes of Skyway Road. The Project area is approximately 42 acres.

The BSA is the area where biological surveys are conducted (**Figure 2**). Gallaway Enterprises conducted biological and botanical habitat assessments in the BSA to evaluate site conditions and potential for biological and botanical species to occur. Other primary references consulted include species lists and information gathered using United States Fish and Wildlife Service (USFWS) Information for Planning and Consultation System (IPaC), California Department of Fish and Wildlife's (CDFW) Natural Diversity Database (CNDDB), the California Native Plant Society's (CNPS) list of rare and endangered plants, and literature review. The results of the BRA are the findings of habitat assessments and surveys and recommendations for avoidance and minimization measures.

Project Location and Environmental Setting

The BSA is located within the Town of Paradise, Butte County, CA. The BSA lies within the "Hamlin Canyon" United States Geologic Survey (USGS) 7.5' quadrangle in Section 21, Township 22N, Range 3E; latitude 39.7407, longitude -121.6551. On November 8, 2018, the BSA and the surrounding area were burned in the Camp Fire. Prior to the Camp Fire, the BSA was primarily composed of dense chaparral habitat with patches of mixed hardwood conifer woodland dominated by foothill pines (*Pinus sabiniana*), ponderosa pines (*Pinus ponderosa*) and black oaks (*Quercus kelloggii*). A few dirt access roads occurred throughout the BSA. Currently, the BSA is dominated by barren land and disturbed annual grassland habitat with only the eastern edge of the BSA still containing remnant trees and shrubs that had burned in the fire but are now re-sprouting. Much of the BSA has been masticated, scraped and the mulch spread throughout the site due to the fire clean-up efforts. A few gravel access roads occur within the BSA. The BSA slopes to the south/southwest with a wide, shallow dip in the approximate center of the BSA and a drainage running north to south along the eastern boundary of the BSA. The BSA is bound to the north by Skyway Road, to the west by Bay Tree Drive, to the south by open land and to the east by residential parcels.



Skyway Wood Storage Project
Regional Location
Figure 1



The dominate soil type within the BSA is Ultic Haploxeralfs, 15 to 30 percent slopes; gravelly loam, well-drained with a restrictive layer 20 to 60 inches depth. The elevation of the BSA ranges from 1325 feet to 1450 feet. The average annual precipitation for the area is 54.84 inches and the average temperature is 60.4° F (Western Regional Climate Center 2020).

Project Description

The proposed project consists of a temporary log storage yard intended to receive and process tree debris resulting from tree removal activities in the area.

METHODS

References Consulted

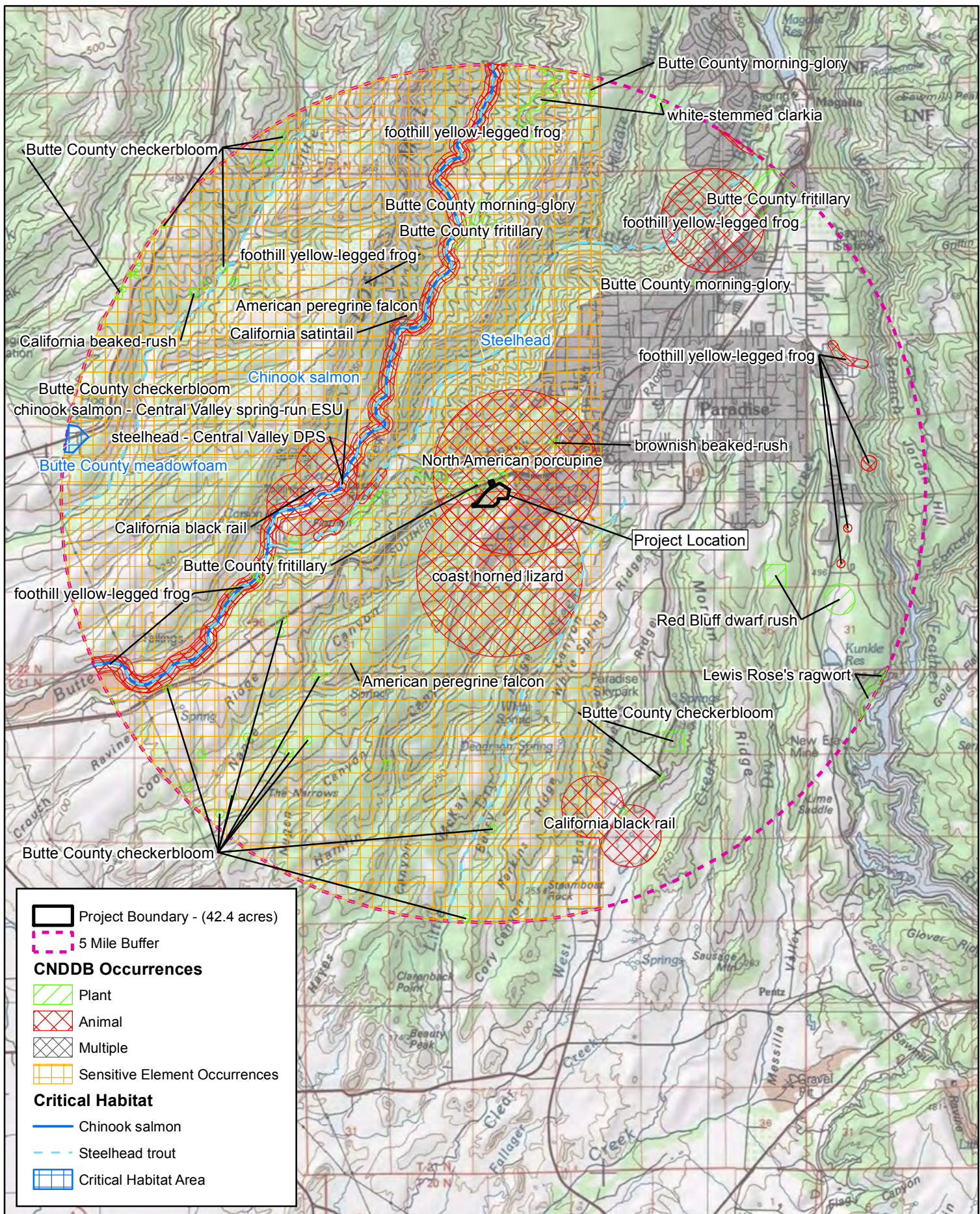
Gallaway Enterprises obtained lists of special-status species that occur in the vicinity of the BSA. The CNDDDB Geographic Information System (GIS) database was also consulted and showed special-status species within a 5-mile radius of the BSA (**Figure 3**). Other primary sources of information regarding the occurrence of federally listed threatened, endangered, proposed, and candidate species and their habitats within the BSA used in the preparation of this BRA are:

- The USFWS IPaC Official Species List for the Project area, January 30, 2020, Consultation Code 08ESMF00-2020-SLI-0641 (**Appendix A; Species Lists**);
- The results of a species record search of the CDFW CNDDDB RareFind 5 for the 7.5 minute USGS “Paradise East, Paradise West, Cherokee, and Hamlin Canyon” quadrangles (**Appendix A; Species Lists**);
- The review of the CNPS Inventory of Rare and Endangered Vascular Plants of California for the 7.5 minute USGS “Paradise East, Paradise West, Cherokee, and Hamlin Canyon” quadrangles (**Appendix A; Species Lists**);
- USFWS Critical Habitat Portal, January 30, 2020; and
- Results from the habitat assessments conducted by Gallaway Enterprises on January 30, 2020 (**Appendix B; Observed Species List**).

Special-Status Species

Special-status species that have potential to occur in the BSA are those that fall into one of the following categories:

- Listed as threatened or endangered, or are proposed or candidates for listing under the California Endangered Species Act (CESA, 14 California Code of Regulations 670.5) or the Federal Endangered Species Act (ESA, 50 Code of Federal Regulations 17.12);
- Listed as a Species of Special Concern (SSC) by CDFW or protected under the California Fish and Game Code (CFG) (e.g. Fully Protected species);
- Ranked by the CNPS as 1A, 1B, or 2;
- Protected under the Migratory Bird Treaty Act (MBTA);
- Protected under the Bald and Golden Eagle Protection Act; or



1:95,000
0 0.5 1 Miles
Data Sources: ESRI, Butte County, USGS, CNDDDB, USFWS

Skyway Wood Storage Project
CNDDDB Occurrences and Critical Habitat
Figure 3

- Species that are otherwise protected under policies or ordinances at the local or regional level as required by the California Environmental Quality Act (CEQA §15380).

Critical Habitat

The ESA requires that critical habitat be designated for all species listed under the ESA. Critical habitat is designated for areas that provide essential habitat elements that enable a species survival and which are occupied by the species during the species listing under the ESA. Areas outside of the species range of occupancy during the time of its listing can also be determined as critical habitat if the agency decides that the area is essential to the conservation of the species. The USFWS Critical Habitat Portal was accessed on January 29, 2020 to determine if critical habitat occurs within the BSA. Appropriate Federal Registers were also used to confirm the presence or absence of critical habitat.

Sensitive Natural Communities

Sensitive Natural Communities (SNCs) are monitored by CDFW with the goal of preserving these areas of habitat that are rare or ecologically important. Many SNCs are designated as such because they represent a historical landscape and are typically preserved as valued components of California's diverse habitat assemblage.

Waters of the United States

An aquatic resources assessment of the Project site was conducted by Gallaway Enterprises on January 29, 2020.

Habitat Assessments

Habitat assessments were conducted by Gallaway Enterprises staff on January 29, 2020. A wildlife habitat assessment was conducted by Biologist Samantha Morford. Senior Botanist Elena Gregg conducted a botanical habitat assessment within the BSA.

Habitat assessments for botanical and wildlife species were conducted to determine the suitable habitat elements for special-status species within the BSA. The habitat assessments were conducted by walking the entire BSA, where accessible, and recording observed species and specific habitat types and elements. If habitat was observed for special-status species it was then evaluated for quality based on vegetation composition and structure, physical features (e.g. soils, elevation), microclimate, surrounding area, presence of predatory species and available resources (e.g. prey items, nesting substrates), and land use patterns.

RESULTS

Habitats

Annual Grassland

The BSA currently consists of a mesic of disturbed annual grassland. Within the BSA, annual grassland occurs in undisturbed areas as well as most of the site where the land has been scraped during cleanup activities following the Camp Fire. Some of the dominant plant species observed in the disturbed annual

grassland habitat within the BSA include rye-grass (*Festuca perennis*), hedge mustard (*Sisymbrium officinale*), yellow star thistle (*Centaurea solstitialis*), rose clover (*Trifolium hirtum*), and Scotch broom (*Cytisus scoparius*). At the time of the site visit, live oak (*Quercus wislizeni*) saplings and western redbud (*Cercis occidentalis*) saplings were scattered throughout the annual grassland. A variety of ground nesting avian species, reptiles, and small mammals use grassland habitat for breeding, while many other wildlife species use it primarily for foraging or require other habitat characteristics such as rocky outcroppings, cliffs, caves, or ponds in order to find shelter and cover for escapement. Common species found utilizing this habitat type include western fence lizards (*Sceloporus occidentalis*), common garter snakes (*Thamnophis elegans*), California ground squirrels (*Otospermophilus beecheyi*), jackrabbits (*Lepus californicus*), and a variety of avian species.

Barren

Barren habitat is typified by non-vegetated soil, rock, and gravel. Any habitat with <2% total vegetation cover by herbaceous, desert, or non-wildland species and <10% cover by tree or shrub species is defined this way. The areas within the BSA with bare soil or covered by mulched woody debris is consisted to be barren habitat. Additionally, the gravel access roads also provide barren habitat. The barren habitat type typically provides low quality habitat to wildlife. Some ground-nesting birds, such as killdeer (*Charadrius vociferus*), will nest in gravelly, barren substrate.

Riverine

The riverine habitat within the BSA consists of a heavily vegetated seasonal drainage that flows north to southwest along the eastern edge of the BSA. Vegetation within the riverine habitat was dominated by seasonal wetland vegetation including nutsedge (*Cyperus eragrostis*), pacific rush (*Juncus effusus*), Mediterranean barley (*Hordeum marinum* ssp. *gussoneanum*) and curly dock (*Rumex crispus*) with a few scattered willows (*Salix* sp.).

Critical Habitat

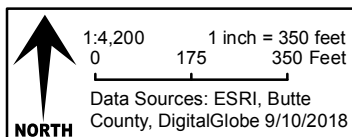
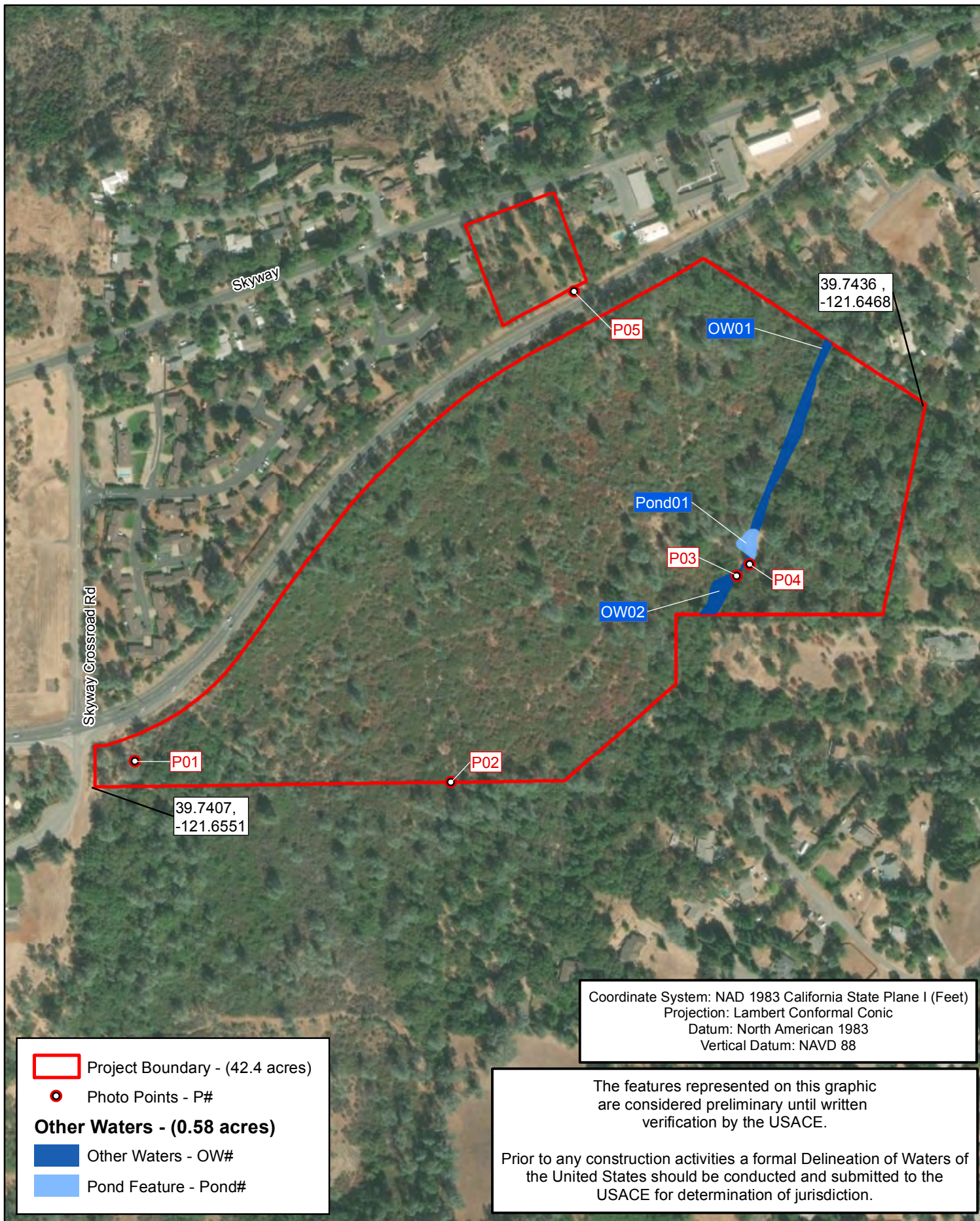
There is no designated critical habitat within the BSA.

Sensitive Natural Communities

No SNCs occur within the BSA.

Waters of the United States

Gallaway Enterprises found evidence of one potentially jurisdictional drainage within the BSA (**Figure 4**). All features within the report should be considered jurisdictional until verified by the Army Corps of Engineers.



Skyway Wood Storage Project
 Preliminary Assessment of Waters of the U.S.
 Figure 4

Special-Status Species

A summary of special-status species assessed for potential occurrence within the BSA based on the USFWS IPaC and CNDDDB species lists and the CNPS lists of rare and endangered plants within the Paradise East, Paradise West, Cherokee, and Hamlin Canyon USGS 7.5 minute quadrangles, and their potential to occur within the BSA is described in **Table 1**. Potential for occurrence was determined by reviewing database queries from federal and state agencies, performing surveys, and evaluating habitat characteristics.

Table 1. Special-status species and their potential to occur in the BSA of the Skyway Wood Storage Project, Butte County, CA

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
SENSITIVE NATURAL COMMUNITIES			
Great Valley Cottonwood Riparian Forest	_/_SNC/_	Riparian forest.	<u>None</u> . There is no designated Great Valley Cottonwood Riparian Forest within the BSA.
Northern Basalt Flow Vernal Pool	_/_SNC/_	Vernal pools.	<u>None</u> . There is no designated Northern Basalt Flow Vernal Pool within the BSA.
Northern Hardpan Vernal Pool	_/_SNC/_	Vernal pools.	<u>None</u> . There is no designated Northern Hardpan Vernal Pool within the BSA.
PLANTS			
Adobe lily (<i>Fritillaria pluriflora</i>)	_/_1B.2	Adobe soils. (Blooming Period [BP]: Feb – Apr)	<u>None</u> . There are no adobe soils present within the BSA.
Ahart's buckwheat (<i>Eriogonium umbellatum</i> <i>var. ahartii</i>)	_/_1B.2	Serpentine; on slopes and openings in chaparral, cismontane woodland. (BP: Jun – Sep)	<u>None</u> . There is no suitable habitat present within the BSA.
Brownish beaked-rush (<i>Rhynchospora capitellata</i>)	_/_2B.2	Mesic sites in montane coniferous forest, meadows and seeps, marshes and swamps. (BP: Jul – Aug)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Butte County checkerbloom (<i>Sidalcea robusta</i>)	_/_/1B.2	Small draws and rocky crevices in chaparral, cismontane woodland. (BP: Apr – Jun)	<u>None</u> . There is no suitable habitat present within the BSA.
Butte County fritillary (<i>Fritillaria eastwoodiae</i>)	_/_/3.2	Usually on dry slopes but also found in wet places; soils can be serpentine, red clay, or sandy in chaparral, cismontane woodland, lower montane coniferous forest. (BP: Mar – Jun)	<u>None</u> . A CNDDDB occurrence (#51), recorded in 1978, overlaps with a portion of the BSA. The locational information was recorded as being vague. This area of the BSA was scrapped and masticated during the post fire clean up. There is currently no suitable habitat present.
California beaked-rush (<i>Rhynchospora californica</i>)	_/_/1B.1	Freshwater seeps and open marshy areas; bogs and fens, lower montane coniferous forest. (BP: May – Jul)	<u>None</u> . There is no suitable habitat present within the BSA.
California satintail (<i>Imperata brevifolia</i>)	_/_/2B.1	Alkaline seeps and mesic riparian scrub. (BP: Sep – May)	<u>None</u> . There is no suitable habitat present within the BSA and the species was not observed during the site visit.
Caribou coffeeberry (<i>Frangula purshiana</i> ssp. <i>ultramafica</i>)	_/_/1B.2	On serpentinite soils in lower montane coniferous forest, upper montane coniferous forest, chaparral, meadows and seeps. (BP: May – Jun)	<u>None</u> . There is no suitable habitat present within the BSA. BSA is outside of species known elevational range.
Chaparral sedge (<i>Carex xerophila</i>)	_/_/1B.2	Serpentinite, gabbroic soils in chaparral, cismontane woodland, lower montane coniferous forest. (BP: Mar – Jun)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Closed-throated beardtongue (<i>Penstemon personatus</i>)	_/_/1B.2	Usually on north-facing slopes in metavolcanic soils in montane coniferous forest, chaparral. (BP: Jun – Sep)	<u>None</u> . There is no suitable habitat present within the BSA.
Colusa layia (<i>Layia septentrionalis</i>)	_/_/1B.2	Fields and grassy slopes in sandy or serpentine soil. (BP: Apr- May)	<u>None</u> . There is no suitable habitat present within the BSA.
Dissected-leaved toothwort (<i>Cardamine pachystigma</i> var. <i>dissectifolia</i>)	_/_/1B.2	Serpentine outcrops and gravelly serpentine talus associated with chaparral, lower montane coniferous forest. (BP: Feb – May)	<u>None</u> . There is no suitable habitat present within the BSA.
Greene's tuctoria (<i>Tuctoria greenei</i>)	FE/SR/1B.1	Vernal pools in open grasslands. (BP: May – Jul [Sept])	<u>None</u> . There is no vernal pool habitat present within the BSA.
Hairy Orcutt grass (<i>Orcuttia pilosa</i>)	FE/SE/1B.1	Vernal pools. (BP: May – Sep)	<u>None</u> . There is no vernal pool habitat present within the BSA. The BSA is outside of the species known elevational range.
Hoover's spurge (<i>Chamaesyce hooveri</i>)	FT/_/1B.1	Vernal pools on volcanic mudflow or clay substrate. (BP: Jul – Sept [Oct])	<u>None</u> . There is no vernal pool habitat present within the BSA. The BSA is outside of the species known elevational range.
Jepson's onion (<i>Allium jepsonii</i>)	_/_/1B.2	On serpentine soils in Sierra foothills, volcanic soil on Table Mountain. On slopes and flats; usually in an open area. (BP: Apr – Aug)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Lewis Rose's ragwort (<i>Packera eurycephala</i> <i>var. lewisrosei</i>)	_/_/1B.2	Steep slopes and in canyons in serpentine soil, often along or near roads in cismontane woodland, lower montane coniferous forest, chaparral. (BP: Mar – July)	<u>None</u> . There is no suitable habitat present within the BSA.
Mildred's clarkia (<i>Clarkia mildrediae</i> ssp. <i>mildrediae</i>)	_/_/1B.3	On decomposed granite; sometimes on roadsides in cismontane woodland and lower montane coniferous forest. (BP: May – Aug)	<u>None</u> . There is no suitable habitat present within the BSA.
Mosquin's clarkia (<i>Clarkia mosquinii</i>)	_/_/1B.1	Cismontane woodland, lower montane coniferous forest. (BP: May- Jul [Sept])	<u>None</u> . There is no suitable habitat present within the BSA.
Pink creamsacs (<i>Castilleja rubicundula</i> <i>var.</i> <i>rubicundula</i>)	_/_/1B.2	Seeps and mesic area in serpentine soils. (BP: Apr-Jun)	<u>None</u> . There is no suitable habitat present within the BSA.
Red Bluff dwarf rush (<i>Juncus leiospermus</i> var. <i>leiospermus</i>)	_/_/1B.1	Vernal pools and vernal mesic sites. (BP: Mar-Jun)	<u>None</u> . There is no suitable habitat present within the BSA.
Veiny monardella (<i>Monardella venosa</i>)	_/_/1B.1	Heavy clay soils in cismontane woodland and valley and foothill grassland. (BP: May, Jul)	<u>None</u> . There is no suitable habitat present within the BSA.
White-stemmed clarkia (<i>Clarkia gracilis</i> ssp. <i>albicaulis</i>)	_/_/1B.2	Dry, grassy openings in chaparral or foothill woodland. Sometimes on serpentine. (BP: May – Jul)	<u>None</u> . There is no suitable habitat present within the BSA.

Common Name (<i>Scientific Name</i>)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Wooly rose mallow (<i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>)	_/_/1B.2	Freshwater marshes and swamps, often in rip-rap. (BP: Jun – Sep)	<u>None</u> . There is no suitable habitat present within the BSA. The BSA is outside of the species known elevational range.
INVERTEBRATES			
Conservancy fairy shrimp (<i>Branchinecta conservatio</i>)	FE/_/_	Moderately turbid, deep, cool-water vernal pool.	<u>None</u> . There are no vernal pools within the BSA.
Valley Elderberry Longhorn Beetle (<i>Desmocerus californicus dimorphus</i>)	FT/_/_	Blue elderberry shrubs usually associated with riparian areas.	<u>None</u> . Two isolated blue elderberry shrubs that were less than one inch in diameter at ground level were observed within the BSA. No exit holes were observed.
Vernal pool fairy shrimp (<i>Branchinecta lynchi</i>)	FT/_/_	Vernal pools and seasonally ponded areas.	<u>None</u> . There is no suitable vernal habitat within the BSA.
Vernal pool tadpole shrimp (<i>Lepidurus packardii</i>)	FE/_/_	Vernal pools.	<u>None</u> . There are no vernal pools within the BSA.
FISH			
Chinook salmon <i>Central Valley spring-run</i> (<i>Oncorhynchus tshawytscha</i>)	FT/ST/_	Sacramento River and its tributaries.	<u>None</u> . There is no suitable aquatic habitat present within the BSA.
Steelhead <i>Central Valley DPS</i> (<i>Oncorhynchus mykiss</i>)	FT/_/_	Sacramento River and its tributaries.	<u>None</u> . There is no suitable aquatic habitat present within the BSA.
Delta smelt (<i>Hypomesus transpacificus</i>)	FT/SE/_	Found only from the San Pablo Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo Counties.	<u>None</u> . The BSA is not within the range of Delta smelt, nor is there suitable aquatic habitat present.

Common Name (Scientific Name)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
HERPTILES			
Coast horned lizard (<i>Phrynosoma blainvillii</i>)	_/SSC/_	Most common in open areas with sandy soils and low vegetation. Requires open areas for sunning, bushes for cover, patches of loose soil for burial, and abundant supply of ants and other insects.	<u>None</u> . There is currently no suitable habitat within the BSA. The BSA is void of bushes for cover and the soil is not suitable. CNDDDB occurrence (#666) overlaps with the BSA however, it was recorded in 1933 and was mapped within a mile of accuracy.
California red-legged frog (<i>Rana draytonii</i>)	FT/SSC/_	Streams with consistent flow, slow side waters with cobble and boulders for oviposition.	<u>None</u> . The riverine habitat within the BSA is seasonal and does not provide suitable habitat. The nearest CNDDDB occurrence (#447) is 13.16 miles east of the BSA and was recorded in 2007.
Foothill yellow-legged frog Northern Sierra clade (<i>Rana boylei</i>)	_/ST/_	Partly shaded, shallow streams and riffles with rocky substrates in a variety of habitats, commonly found in canyons and narrow streams.	<u>None</u> . The riverine habitat within the BSA is seasonal and does not provide suitable habitat.
Giant garter snake (<i>Thamnophis gigas</i>)	FT/ST/_	Agricultural wetlands and other wetlands such as irrigation and drainage canals, low gradient streams, marshes ponds, sloughs, small lakes, and their associated uplands.	<u>None</u> . The riverine habitat within the BSA is seasonal and does not provide suitable habitat. Additionally, the BSA is outside of the species known elevational range.
Western pond turtle (<i>Emys marmorata</i>)	_/SSC/_	Perennial to intermittent bodies of water with deep pools, locations for haul out, and locations for oviposition.	<u>None</u> . There is no suitable habitat within or adjacent to the BSA.

Common Name (Scientific Name)	Status Fed/State/C NPS	Associated Habitats	Potential for Occurrence
Western spadefoot (<i>Spea hammondi</i>)	_/SSC/_	Occurs primarily in grassland habitats. Vernal pools and seasonal drainages are typically used for breeding and egg-laying.	Low. There is a ponded area within the seasonal riverine habitat that provides marginal breeding habitat. Additionally, the effects of fire on this species are unknown.
BIRDS			
American peregrine falcon (<i>Falco peregrinus anatum</i>)	_/FP/_	Tall structures or cliffs for nests, large open areas with abundant food source for foraging.	None. There are no suitable cliffs, large power transmission lines, or other such structures that would provide suitable nesting habitat within the BSA, nor are there large, open areas with abundant food sources to provide foraging habitat.
Bald eagle (<i>Haliaeetus leucocephalus</i>)	_/SE, FP/_	Coasts, large lakes and river systems, with open forests with large trees and snags.	None. There is no suitable foraging or nesting habitat within or adjacent to the BSA.
California black rail (<i>Laterallus jamaicensis coturniculus</i>)	_/ST, FP/_	Brackish and fresh emergent wetlands with dense vegetation (bulrushes and cattails).	None. There is no suitable habitat within or adjacent to the BSA.
Tricolored blackbird (<i>Agelaius tricolor</i>)	_/ST/_	Colonial nester in large freshwater marshes. Forages in open habitats such as farm fields, pastures, cattle pens, large lawns.	None. There is no suitable habitat within or adjacent to the BSA.
CODE DESIGNATIONS			
FE or FT = Federally listed as Endangered or Threatened FC = Federal Candidate Species SE or ST = State listed as Endangered or Threatened SC = State Candidate Species SR = State Rare Species SSC = State Species of Special Concern FP = State Fully Protected Species		CNPS California Rare Plant Rank (CRPR): CRPR 1B = Rare or Endangered in California or elsewhere CRPR 2 = Rare or Endangered in California, more common elsewhere CRPR 3 = More information is needed CRPR 4 = Plants with limited distribution 0.1 = Seriously Threatened	

SNC = CDFW Sensitive Natural Community	0.2 = Fairly Threatened 0.3 = Not very Threatened
<p>Potential for Occurrence: for plants it is considered the potential to occur during the survey period; for birds and bats it is considered the potential to breed, forage, roost, or over-winter in the BSA during migration. Any bird or bat species could fly over the BSA, but this is not considered a potential occurrence. The categories for the potential for occurrence include:</p> <p>None: The species or natural community is known not to occur, and has no potential to occur in the BSA based on sufficient surveys, the lack suitable habitat, and/or the BSA is well outside of the known distribution of the species.</p> <p>Low: Potential habitat in the BSA is sub-marginal and/or the species is known to occur in the vicinity of the BSA.</p> <p>Moderate: Suitable habitat is present in the BSA and/or the species is known to occur in the vicinity of the BSA. Pre-construction surveys may be required.</p> <p>High: Habitat in the BSA is highly suitable for the species and there are reliable records close to the BSA, but the species was not observed. Pre-construction surveys required, with the exception of indicators for foraging habitat.</p> <p>Known: Species was detected in the BSA or a recent reliable record exists for the BSA.</p>	

The following special-status species have potential to occur within the BSA based on the presence of suitable habitat and/or known records of species occurrence within the vicinity of the BSA.

Endangered, Threatened, and Rare Plants

There were no endangered, threatened, or rare plants observed within the BSA during the botanical habitat assessment conducted on January 29, 2020. Additionally, no suitable habitats for endangered, threatened, or rare plants were observed during the assessment. A complete list of plant species observed within the BSA can be found in **Appendix B**.

Endangered, Threatened, and Special-status Wildlife

A wildlife habitat assessment was conducted within the BSA on January 29, 2020. Suitable habitat was identified for western spadefoot toad and several avian species protected under the MBTA and CFGC. A complete list of wildlife species observed within the BSA can be found in **Appendix B**.

Western Spadefoot Toad

The western spadefoot toad (*Spea hammondi*) is a SSC in California. It is an endemic species of the state. The western spadefoot toad ranges from the northern point of the Central Valley south to the western corner of California. They are a stocky, small toad that varies in colors from gray, green and brown and typically have four irregular spots or stripes on their back. Their eyes are described as being golden with vertical pupils. The most distinguishing feature of the toad is a hardened, black spade on the hind foot. The spade is used for burrowing into moist soils. Suitable habitat consists of open grasslands with intermittent streams and vernal pools. Vernal pools are essential for breeding and depositing eggs. Current threats facing the western spadefoot toad are loss of habitat, changes in hydrological regimes and human disturbances.

CNDDDB Occurrences

The nearest CNDDDB occurrence (#485) is approximately eight miles south east of the BSA. This occurrence is estimated to have taken place in the late 1970s.

Status of western spadefoot toad occurring in the BSA

The annual grasslands coupled with the seasonal riverine habitat within the BSA provide marginally suitable habitat for the western spadefoot toad. There is **low** potential for western spadefoot toads to occur within the BSA.

Migratory Birds and Raptors

Nesting birds are protected under the MBTA (16 USC 703), the CFGC (§3503), and the California Migratory Bird Protection Act (CMBPA, AB 454). The MBTA (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 Code of Federal Regulations §10.13).

The CFGC (§3503.5) states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks, eagles, and falcons) or Strigiformes (owls) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Take includes the disturbance of an active nest resulting in the abandonment or loss of young. The CFGC (§3503) also states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.”

The CMBPA amends the CFGC (§3513) to mirror the provisions of the MBTA and allow the State of California to enforce the prohibition of take or possession of any migratory nongame bird as designated in the federal MBTA, including incidental take. Activities that involve the removal of vegetation including trees, shrubs, grasses, and forbs or ground disturbance have the potential to affect bird species protected by the MBTA and the CFGC.

CNDDDB occurrences

The majority of migratory birds and raptors protected under the MBTA and CFGC are not recorded on the CNDDDB because they are abundant and widespread.

Status of migratory birds and raptors occurring in the BSA

There is suitable nesting habitat for a variety of avian species within and adjacent to the BSA.

REGULATORY FRAMEWORK

The following describes federal, state, and local environmental laws and policies that may be relevant if the BSA were to be developed or modified.

Federal

Federal Endangered Species Act

The United States Congress passed the ESA in 1973 to protect species that are endangered or threatened with extinction. The ESA is intended to operate in conjunction with the National Environmental Policy Act (NEPA) to help protect the ecosystems upon which endangered and threatened species depend.

Under the ESA, species may be listed as either “endangered” or “threatened.” Endangered means a species is in danger of extinction throughout all or a significant portion of its range. Threatened means a species is likely to become endangered within the foreseeable future throughout all or a significant portion of its range. All species of plants and animals, except non-native species and pest insects, are eligible for listing as endangered or threatened. The USFWS also maintains a list of “candidate” species. Candidate species are species for which there is enough information to warrant proposing them for listing, but that have not yet been proposed. “Proposed” species are those that have been proposed for listing, but have not yet been listed.

The ESA makes it unlawful to “take” a listed animal without a permit. Take is defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct.” Through regulations, the term “harm” is defined as “an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.”

Migratory Bird Treaty Act

The MBTA (16 USC §703) prohibits the killing of migratory birds or the destruction of their occupied nests and eggs except in accordance with regulations prescribed by the USFWS. The bird species covered by the MBTA includes nearly all of those that breed in North America, excluding introduced (i.e. exotic) species (50 Code of Federal Regulations §10.13).

Clean Water Act, Section 401

The Clean Water Act (§401) requires water quality certification and authorization for placement of dredged or fill material in wetlands and Other Waters of the United States. In accordance with the Clean Water Act (§401), criteria for allowable discharges into surface waters have been developed by the State Water Resources Control Board, Division of Water Quality. The resulting requirements are used as criteria in granting National Pollutant Discharge Elimination System (NPDES) permits or waivers, which are obtained through the Regional Water Quality Control Board (RWQCB) per the Clean Water Act (§402). Any activity or facility that will discharge waste (such as soils from construction) into surface waters, or from which waste may be discharged, must obtain an NPDES permit or waiver from the RWQCB. The RWQCB evaluates an NPDES permit application to determine whether the proposed discharge is consistent with the adopted water quality objectives of the basin plan.

Waters of the United States, Clean Water Act, Section 404

The US Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) regulate the discharge of dredged or fill material into jurisdictional waters of the United States, under the Clean Water Act (§404). The term “waters of the United States” is an encompassing term that includes “wetlands” and “other waters.” Wetlands have been defined for regulatory purposes as follows: “those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions (33 CFR 328.3, 40 CFR 230.3). Wetlands generally include swamps, marshes, bogs, and similar areas.” other waters of the United States are seasonal or perennial water bodies, including lakes, stream channels, drainages, ponds, and other surface water features, that exhibit an ordinary high-water mark but lack positive indicators for one or more of the three wetland parameters (i.e., hydrophytic vegetation, hydric soil, and wetland hydrology) (33 CFR 328.4).

The Corps may issue either individual permits on a case-by-case basis or general permits on a program level. General permits are pre-authorized and are issued to cover similar activities that are expected to cause only minimal adverse environmental effects. Nationwide permits are general permits issued to cover particular fill activities. All nationwide permits have general conditions that must be met for the permits to apply to a particular project, as well as specific conditions that apply to each nationwide permit.

State of California

California Endangered Species Act

The California Endangered Species Act (CESA) is similar to the ESA, but pertains to state-listed endangered and threatened species. The CESA requires state agencies to consult with the CDFW when preparing documents to comply with the California Environmental Quality Act (CEQA). The purpose is to ensure that the actions of the lead agency do not jeopardize the continued existence of a listed species or result in the destruction, or adverse modification of habitat essential to the continued existence of those species. In addition to formal listing under the federal and state endangered species acts, “species of special concern” receive consideration by CDFW. Species of special concern are those whose numbers, reproductive success, or habitat may be threatened.

California Fish and Game Code (§3503.5)

The CFGC (§3503.5) states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes (hawks, eagles, and falcons) or Strigiformes (all owls except barn owls) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Take includes the disturbance of an active nest resulting in the abandonment or loss of young. The CFGC (§3503) also states that “it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.”

California Migratory Bird Protection Act

The CMBPA amends the CFGC (§3513) to mirror the provisions of the MBTA and allow the State of California to enforce the prohibition of take or possession of any migratory nongame bird as designated in the federal MBTA, including incidental take.

Activities that involve the removal of vegetation including trees, shrubs, grasses, and forbs or ground disturbance have the potential to affect bird species protected by the MBTA and CFGC. Thus, vegetation removal and ground disturbance in areas with breeding birds should be conducted outside of the breeding season (approximately February 1 – August 31). If vegetation removal or ground-disturbing activities are conducted during the breeding season, then a qualified biologist must determine if there are any nests of bird species protected under the MBTA and CFGC present in the Project area prior to commencement of vegetation removal or ground-disturbing activities. If active nests are located or presumed present, then appropriate avoidance measures (e.g. spatial or temporal buffers) must be implemented.

Lake and Streambed Alteration Agreement, CFGC (§1602)

The CDFW is a trustee agency that has jurisdiction under the CFGC (§1600 et seq.). The CFGC (§1602), requires that a state or local government agency, public utility, or private entity must notify CDFW if a proposed Project will “substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank of any river, stream, or lake designated by the department, or use any material from the streambeds... except when the department has been notified pursuant to Section 1601.” If an existing fish or wildlife resource may be substantially adversely affected by the activity, CDFW may propose reasonable measures that will allow protection of those resources. If these measures are agreeable to the parties involved, they may enter into an agreement with CDFW identifying the approved activities and associated mitigation measures.

Rare and Endangered Plants

The CNPS maintains a list of plant species native to California with low population numbers, limited distribution, or otherwise threatened with extinction. This information is published in the Inventory of Rare and Endangered Vascular Plants of California. Potential impacts to populations of CNPS California Rare Plant Rank (CRPR) plants receive consideration under CEQA review. The CNPS CRPR categorizes plants as follows:

- Rank 1A: Plants presumed extinct in California;
- Rank 1B: Plants rare, threatened, or endangered in California or elsewhere;
- Rank 2A: Plants presumed extirpated or extinct in California, but not elsewhere;
- Rank 2B: Plants rare, threatened, or endangered in California, but more numerous elsewhere;
- Rank 3: Plants about which we need more information; and
- Rank 4: Plants of limited distribution.

The California Native Plant Protection Act (CFGC §1900-1913) prohibits the taking, possessing, or sale within the state of any plants with a state designation of rare, threatened, or endangered as defined by CDFW. An exception to this prohibition allows landowners, under specific circumstances, to take listed

plant species, provided that the owners first notify CDFW and give the agency at least 10 days to retrieve (and presumably replant) the plants before they are destroyed. Fish and Game Code §1913 exempts from the ‘take’ prohibition “the removal of endangered or rare native plants from a canal, lateral channel, building site, or road, or other right of way.”

California Environmental Quality Act Guidelines §15380

Although threatened and endangered species are protected by specific federal and state statutes, CEQA Guidelines §15380(d) provides that a species not listed on the federal or state list of protected species may be considered rare or endangered if the species can be shown to meet certain specified criteria. These criteria have been modeled based on the definition in the ESA and the section of the CFGC dealing with rare, threatened, and endangered plants and animals. The CEQA Guidelines (§15380) allows a public agency to undertake a review to determine if a significant effect on species that have not yet been listed by either the USFWS or CDFW (e.g. candidate species, species of concern) would occur. Thus, CEQA provides an agency with the ability to protect a species from a project’s potential impacts until the respective government agencies have an opportunity to designate the species as protected, if warranted.

CONCLUSIONS AND RECOMMENDATIONS

Endangered, Threatened, and Rare Plants

There are no special-status botanical species present within the BSA and no suitable habitat for special-status botanical species was identified within the BSA; therefore, there will be no effects to botanical species and no avoidance and minimization measures are proposed.

Endangered, Threatened, and Special-status Wildlife

The following are the recommended minimization and mitigation measures to further reduce or eliminate Project-associated impacts to special-status wildlife species. These proposed measures may be amended or superseded by the Project-specific permits issued by the regulatory agencies.

Western Spadefoot Toad

Due to the low potential for western spadefoot toads to occur in the seasonal riverine habitat within the BSA, if their breeding habitat will be impacted by the Project a protocol-level survey conducted by a qualified biologist for this species is recommended to determine their presence/absence. If western spadefoot toads are determined to be present, consultation with the CDFW will be required.

Migratory Birds and Raptors

To avoid impacts to avian species protected under the MBTA and the CFGC the following are recommended avoidance and minimization measures for migratory birds and raptors:

- Project activities including site grubbing and vegetation removal shall be initiated outside of the bird nesting season (February 1 – August 31).
- If Project activities cannot be initiated outside of the bird nesting season, then the following will occur:

- A qualified biologist will conduct a pre-construction survey within 250 feet of the BSA, where accessible, within 7 days prior to the start of Project activities.
- If an active nest (i.e. containing egg[s] or young) is observed within the BSA or in an area adjacent to the BSA where impacts could occur, then a species protection buffer will be established. The species protection buffer will be defined by the qualified biologist based on the species, nest type and tolerance to disturbance. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails as determined by a qualified biologist. Nests shall be monitored by a qualified biologist once per week and a report submitted to the CEQA lead agency weekly.

Other Natural Resources

Waters of the United States

Gallaway Enterprises mapped one potentially jurisdictional feature within the BSA. Impacts to this feature may require a permit from the Corps and a CWA section 401 water quality certification from the Central Valley RWQCB. The Corps provides final determination by issuance of a jurisdictional determination on the location, extent and type of jurisdictional waters. We recommend that these features be avoided until after a formal delineation of waters of the U.S. is made, and if needed, permits from the Corps and Central Valley RWQCB are obtained.

Additionally, Gallaway Enterprises recommends a physical barrier such as orange environmentally sensitive area (ESA) fencing or silt fence be installed between the riverine habitat and areas of active construction to ensure avoidance is maintained.

Tree Removal

If any healthy, living trees greater than 31 inches in diameter measured at breast height (dbh) within the BSA are proposed to be removed, tree removal may be subject to the Town of Paradise's municipal code chapter 8.12 (Felling, Removal, Destruction, Damaging and Replacement of Trees) and may require permitting and mitigation. If hazardous trees within the BSA are proposed to be removed, they may be subject to Paradise municipal code chapters 8.59 (Removal of Fire Damaged Debris from Private Property Following the Camp Fire) and/or 8.63 (Mandatory Government Hazard Tree Removal Program).

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LIST OF PREPARERS

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Cate Reid. GIS Analyst and Cultural Resource Specialist. M.A. in Anthropology with a specialization in GIS applications and land use studies, California State University, Chico. Mrs. Reid has over 5 years of experience working with GIS while incorporating surveying applications, analysis of datasets, and collection of field data in order to create professional quality graphics and reports.

Appendix A

Species Lists



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

Phone: (916) 414-6600 Fax: (916) 414-6713



In Reply Refer To:

January 29, 2020

Consultation Code: 08ESMF00-2020-SLI-0894

Event Code: 08ESMF00-2020-E-02847

Project Name: Skyway Project

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, under the jurisdiction of the U.S. Fish and Wildlife Service (Service) that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the Service under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Please follow the link below to see if your proposed project has the potential to affect other species or their habitats under the jurisdiction of the National Marine Fisheries Service:

http://www.nwr.noaa.gov/protected_species/species_list/species_lists.html

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Sacramento Fish And Wildlife Office

Federal Building

2800 Cottage Way, Room W-2605

Sacramento, CA 95825-1846

(916) 414-6600

Project Summary

Consultation Code: 08ESMF00-2020-SLI-0894

Event Code: 08ESMF00-2020-E-02847

Project Name: Skyway Project

Project Type: FORESTRY

Project Description: It is proposed that this area be used to pile logs and log related material.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/39.74269402400006N121.64979399986001W>



Counties: Butte, CA

Endangered Species Act Species

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Reptiles

NAME	STATUS
Giant Garter Snake <i>Thamnophis gigas</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4482	Threatened

Amphibians

NAME	STATUS
California Red-legged Frog <i>Rana draytonii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2891 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/205/office/11420.pdf	Threatened

Fishes

NAME	STATUS
Delta Smelt <i>Hypomesus transpacificus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/321	Threatened

Insects

NAME	STATUS
Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/7850 Habitat assessment guidelines: https://ecos.fws.gov/ipac/guideline/assessment/population/436/office/11420.pdf	Threatened

Crustaceans

NAME	STATUS
Conservancy Fairy Shrimp <i>Branchinecta conservatio</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8246	Endangered
Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/498	Threatened
Vernal Pool Tadpole Shrimp <i>Lepidurus packardii</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2246	Endangered

Flowering Plants

NAME	STATUS
Greene's Tuctoria <i>Tuctoria greenei</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/1573	Endangered
Hairy Orcutt Grass <i>Orcuttia pilosa</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/2262	Endangered
Hoover's Spurge <i>Chamaesyce hooveri</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3019	Threatened

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

*The database used to provide updates to the Online Inventory is under construction. [View updates and changes made since May 2019 here.](#)

Plant List

46 matches found. [Click on scientific name for details](#)

Search Criteria

Found in Quads 3912166, 3912176 3912175 and 3912165;

[Modify Search Criteria](#) [Export to Excel](#) [Modify Columns](#) [Modify Sort](#) [Display Photos](#)

Scientific Name	Common Name	Family	Lifeform	Blooming Period	CA Rare Plant Rank	State Listing Status	Federal Listing Status	Lowest Elevation	Highest Elevation
Allium jepsonii	Jepson's onion	Alliaceae	perennial bulbiferous herb	Apr-Aug	1B.2			300 m	1320 m
Allium sanbornii var. sanbornii	Sanborn's onion	Alliaceae	perennial bulbiferous herb	May-Sep	4.2			260 m	1510 m
Arctostaphylos mewukka ssp. truei	True's manzanita	Ericaceae	perennial evergreen shrub	Feb-Jul	4.2			425 m	1390 m
Astragalus pauperculus	depauperate milk-vetch	Fabaceae	annual herb	Mar-Jun	4.3			60 m	1215 m
Brodiaea rosea ssp. vallicola	valley brodiaea	Themidaceae	perennial bulbiferous herb	Apr-May(Jun)	4.2			10 m	335 m
Brodiaea sierrae	Sierra foothills brodiaea	Themidaceae	perennial bulbiferous herb	May-Aug	4.3			50 m	980 m
Bulbostylis capillaris	thread-leaved beakseed	Cyperaceae	annual herb	Jun-Aug	4.2			395 m	2075 m
Calycadenia oppositifolia	Butte County calycadenia	Asteraceae	annual herb	Apr-Jul	4.2			90 m	945 m
Calystegia atriplicifolia ssp. buttensis	Butte County morning-glory	Convolvulaceae	perennial rhizomatous herb	May-Jul	4.2			565 m	1524 m

<u>Cardamine pachystigma var. dissectifolia</u>	dissected-leaved toothwort	Brassicaceae	perennial rhizomatous herb	Feb-May	1B.2		255 m	2100 m
<u>Carex xerophila</u>	chaparral sedge	Cyperaceae	perennial herb	Mar-Jun	1B.2		440 m	770 m
<u>Castilleja rubicundula var. rubicundula</u>	pink creamsacs	Orobanchaceae	annual herb (hemiparasitic)	Apr-Jun	1B.2		20 m	910 m
<u>Clarkia gracilis ssp. albicaulis</u>	white-stemmed clarkia	Onagraceae	annual herb	May-Jul	1B.2		245 m	1085 m
<u>Clarkia mildrediae ssp. lutescens</u>	golden-anthered clarkia	Onagraceae	annual herb	Jun-Aug	4.2		275 m	1750 m
<u>Clarkia mildrediae ssp. mildrediae</u>	Mildred's clarkia	Onagraceae	annual herb	May-Aug	1B.3		245 m	1710 m
<u>Clarkia mosquinii</u>	Mosquin's clarkia	Onagraceae	annual herb	May-Jul(Sep)	1B.1		185 m	1490 m
<u>Claytonia palustris</u>	marsh claytonia	Montiaceae	perennial herb	May-Oct	4.3		1000 m	2500 m
<u>Claytonia parviflora ssp. grandiflora</u>	streambank spring beauty	Montiaceae	annual herb	Feb-May	4.2		250 m	1200 m
<u>Cypripedium fasciculatum</u>	clustered lady's-slipper	Orchidaceae	perennial rhizomatous herb	Mar-Aug	4.2		100 m	2435 m
<u>Erigeron petrophilus var. sierrensis</u>	northern Sierra daisy	Asteraceae	perennial rhizomatous herb	Jun-Oct	4.3		300 m	2073 m
<u>Eriogonum umbellatum var. ahartii</u>	Ahart's buckwheat	Polygonaceae	perennial herb	Jun-Sep	1B.2		400 m	2000 m
<u>Erythranthe glaucescens</u>	shield-bracted monkeyflower	Phrymaceae	annual herb	Feb-Aug(Sep)	4.3		60 m	1240 m
<u>Erythranthe inconspicua</u>	small-flowered monkeyflower	Phrymaceae	annual herb	May-Jun	4.3		274 m	760 m
<u>Euphorbia hooveri</u>	Hoover's spurge	Euphorbiaceae	annual herb	Jul-Sep(Oct)	1B.2	FT	25 m	250 m
<u>Frangula purshiana ssp. ultramafica</u>	Caribou coffeeberry	Rhamnaceae	perennial deciduous shrub	May-Jul	1B.2		825 m	1930 m
<u>Fritillaria eastwoodiae</u>	Butte County fritillary	Liliaceae	perennial bulbiferous herb	Mar-Jun	3.2		50 m	1500 m
<u>Fritillaria pluriflora</u>	adobe-lily	Liliaceae	perennial bulbiferous herb	Feb-Apr	1B.2		60 m	705 m
<u>Githopsis pulchella ssp. serpentinicola</u>	serpentine bluecup	Campanulaceae	annual herb	May-Jun	4.3		320 m	610 m
<u>Hibiscus lasiocarpus var. occidentalis</u>	woolly rose-mallow	Malvaceae	perennial rhizomatous herb (emergent)	Jun-Sep	1B.2		0 m	120 m

<u>Imperata brevifolia</u>	California satintail	Poaceae	perennial rhizomatous herb	Sep-May	2B.1			0 m	1215 m
<u>Juncus leiospermus var. leiospermus</u>	Red Bluff dwarf rush	Juncaceae	annual herb	Mar-Jun	1B.1			35 m	1250 m
<u>Layia septentrionalis</u>	Colusa layia	Asteraceae	annual herb	Apr-May	1B.2			100 m	1095 m
<u>Lilium humboldtii ssp. humboldtii</u>	Humboldt lily	Liliaceae	perennial bulbiferous herb	May-Jul(Aug)	4.2			90 m	1280 m
<u>Monardella venosa</u>	veiny monardella	Lamiaceae	annual herb	May,Jul	1B.1			60 m	410 m
<u>Navarretia heterandra</u>	Tehama navarretia	Polemoniaceae	annual herb	Apr-Jun	4.3			30 m	1010 m
<u>Navarretia nigelliformis ssp. nigelliformis</u>	adobe navarretia	Polemoniaceae	annual herb	Apr-Jun	4.2			100 m	1000 m
<u>Orcuttia pilosa</u>	hairy Orcutt grass	Poaceae	annual herb	May-Sep	1B.1	CE	FE	46 m	200 m
<u>Packera eurycephala var. lewisroei</u>	Lewis Rose's ragwort	Asteraceae	perennial herb	Mar-Jul(Aug-Sep)	1B.2			274 m	1890 m
<u>Polygonum bidwelliae</u>	Bidwell's knotweed	Polygonaceae	annual herb	Apr-Jul	4.3			60 m	1200 m
<u>Rhynchospora californica</u>	California beaked-rush	Cyperaceae	perennial rhizomatous herb	May-Jul	1B.1			45 m	1010 m
<u>Rhynchospora capitellata</u>	brownish beaked-rush	Cyperaceae	perennial herb	Jul-Aug	2B.2			45 m	2000 m
<u>Sidalcea gigantea</u>	giant checkerbloom	Malvaceae	perennial rhizomatous herb	(Jan-Jun)Jul-Oct	4.3			670 m	1950 m
<u>Sidalcea robusta</u>	Butte County checkerbloom	Malvaceae	perennial rhizomatous herb	Apr,Jun	1B.2			90 m	1600 m
<u>Streptanthus drepanoides</u>	sickle-fruit jewelflower	Brassicaceae	annual herb	Apr-Jun	4.3			275 m	1660 m
<u>Streptanthus longisiliquus</u>	long-fruit jewelflower	Brassicaceae	perennial herb	Apr-Sep	4.3			715 m	1500 m
<u>Tuctoria greenei</u>	Greene's tuctoria	Poaceae	annual herb	May-Jul(Sep)	1B.1	CR	FE	30 m	1070 m

Suggested Citation

California Native Plant Society, Rare Plant Program. 2020. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org> [accessed 30 January 2020].

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rareplants@cnps.org

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Selected Elements by Common Name

California Department of Fish and Wildlife

California Natural Diversity Database



Query Criteria: Quad IS (Hamlin Canyon (3912166) OR Cherokee (3912165) OR Paradise East (3912175) OR Paradise West (3912176))

Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Ahart's buckwheat <i>Eriogonum umbellatum</i> var. <i>ahartii</i>	PDPGN086UY	None	None	G5T3	S3	1B.2
American peregrine falcon <i>Falco peregrinus anatum</i>	ABNKD06071	Delisted	Delisted	G4T4	S3S4	FP
bald eagle <i>Haliaeetus leucocephalus</i>	ABNKC10010	Delisted	Endangered	G5	S3	FP
brownish beaked-rush <i>Rhynchospora capitellata</i>	PMCYP0N080	None	None	G5	S1	2B.2
Butte County checkerbloom <i>Sidalcea robusta</i>	PDMAL110P0	None	None	G2	S2	1B.2
Butte County fritillary <i>Fritillaria eastwoodiae</i>	PMLIL0V060	None	None	G3Q	S3	3.2
Butte County morning-glory <i>Calystegia atriplicifolia</i> ssp. <i>buttensis</i>	PDCON04012	None	None	G5T3	S3	4.2
California beaked-rush <i>Rhynchospora californica</i>	PMCYP0N060	None	None	G1	S1	1B.1
California black rail <i>Laterallus jamaicensis coturniculus</i>	ABNME03041	None	Threatened	G3G4T1	S1	FP
California satintail <i>Imperata brevifolia</i>	PMPOA3D020	None	None	G4	S3	2B.1
Caribou coffeeberry <i>Frangula purshiana</i> ssp. <i>ultramafica</i>	PDRHA0H061	None	None	G4T2T3	S2S3	1B.2
chaparral sedge <i>Carex xerophila</i>	PMCYP03M60	None	None	G2	S2	1B.2
chinook salmon - Central Valley spring-run ESU <i>Oncorhynchus tshawytscha</i> pop. 6	AFCHA0205A	Threatened	Threatened	G5	S1	
closed-throated beardtongue <i>Penstemon personatus</i>	PDSCR1L4Y0	None	None	G2	S2	1B.2
coast horned lizard <i>Phrynosoma blainvillii</i>	ARACF12100	None	None	G3G4	S3S4	SSC
Colusa layia <i>Layia septentrionalis</i>	PDAST5N0F0	None	None	G2	S2	1B.2
dissected-leaved toothwort <i>Cardamine pachystigma</i> var. <i>dissectifolia</i>	PDBRA0K1B1	None	None	G3G5T2Q	S2	1B.2
foothill yellow-legged frog <i>Rana boylei</i>	AAABH01050	None	Candidate Threatened	G3	S3	SSC
Great Valley Cottonwood Riparian Forest <i>Great Valley Cottonwood Riparian Forest</i>	CTT61410CA	None	None	G2	S2.1	



Selected Elements by Common Name
California Department of Fish and Wildlife
California Natural Diversity Database



Species	Element Code	Federal Status	State Status	Global Rank	State Rank	Rare Plant Rank/CDFW SSC or FP
Greene's tuctoria <i>Tuctoria greenei</i>	PMPOA6N010	Endangered	Rare	G1	S1	1B.1
Hoover's spurge <i>Euphorbia hooveri</i>	PDEUP0D150	Threatened	None	G1	S1	1B.2
Jepson's onion <i>Allium jepsonii</i>	PMLIL022V0	None	None	G2	S2	1B.2
Lewis Rose's ragwort <i>Packera eurycephala</i> var. <i>lewisrosei</i>	PDAST8H182	None	None	G4T2	S2	1B.2
Mildred's clarkia <i>Clarkia mildrediae</i> ssp. <i>mildrediae</i>	PDONA050Q2	None	None	G3T2T3	S2S3	1B.3
Mosquin's clarkia <i>Clarkia mosquinii</i>	PDONA050S0	None	None	G2	S2	1B.1
North American porcupine <i>Erethizon dorsatum</i>	AMAFJ01010	None	None	G5	S3	
Northern Basalt Flow Vernal Pool <i>Northern Basalt Flow Vernal Pool</i>	CTT44131CA	None	None	G3	S2.2	
Northern Hardpan Vernal Pool <i>Northern Hardpan Vernal Pool</i>	CTT44110CA	None	None	G3	S3.1	
pink creamsacs <i>Castilleja rubicundula</i> var. <i>rubicundula</i>	PDSCR0D482	None	None	G5T2	S2	1B.2
Red Bluff dwarf rush <i>Juncus leiostermus</i> var. <i>leiostermus</i>	PMJUN011L2	None	None	G2T2	S2	1B.1
silver-haired bat <i>Lasionycteris noctivagans</i>	AMACC02010	None	None	G5	S3S4	
steelhead - Central Valley DPS <i>Oncorhynchus mykiss irideus</i> pop. 11	AFCHA0209K	Threatened	None	G5T2Q	S2	
tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020	None	Threatened	G2G3	S1S2	SSC
veiny monardella <i>Monardella venosa</i>	PDLAM18082	None	None	G1	S1	1B.1
vernal pool tadpole shrimp <i>Lepidurus packardii</i>	ICBRA10010	Endangered	None	G4	S3S4	
western pond turtle <i>Emys marmorata</i>	ARAAD02030	None	None	G3G4	S3	SSC
western spadefoot <i>Spea hammondi</i>	AAABF02020	None	None	G3	S3	SSC
white-stemmed clarkia <i>Clarkia gracilis</i> ssp. <i>albicaulis</i>	PDONA050J1	None	None	G5T3	S3	1B.2
woolly rose-mallow <i>Hibiscus lasiocarpus</i> var. <i>occidentalis</i>	PDMAL0H0R3	None	None	G5T3	S3	1B.2
Yuma myotis <i>Myotis yumanensis</i>	AMACC01020	None	None	G5	S4	

Record Count: 40

Appendix B

Observed Plant and Wildlife Species List

Plant Species Observed within the BSA January 29, 2020	
Scientific Name	Common Name
<i>Arctostaphylos manzanita</i> ssp. <i>manzanita</i>	Big manzanita
<i>Arctostaphylos viscida</i>	White-leaved manzanita
<i>Avena</i> sp.	Wild oats
<i>Briza maxima</i>	Greater quaking-grass
<i>Bromus diandrus</i>	Rip-gut brome
<i>Bromus hordeaceus</i>	Soft chess
<i>Bromus madritensis</i> ssp. <i>rubens</i>	Red brome
<i>Calystegia occidentalis</i> ssp. <i>occidentalis</i>	Western morning glory
<i>Ceanothus cuneatus</i> var. <i>cuneatus</i>	Buck brush
<i>Centaurea solstitialis</i>	Yellow star thistle
<i>Cercis occidentalis</i>	Western redbud
<i>Claytonia perfoliata</i>	Miner's lettuce
<i>Croton setiger</i>	Turkey-mullein
<i>Crucianella angustifolia</i>	Crosswort
<i>Cynosurus echinatus</i>	Hedgehog dogtail
<i>Cyperus eragrostis</i>	Tall nutsedge
<i>Cytisus scoparius</i>	Scotch broom
<i>Elymus glaucus</i>	Blue wildrye
<i>Epilobium</i> sp.	Willowherb
<i>Erigeron bonariensis</i>	South American horseweed
<i>Eriodictyon californicum</i>	Yerba santa
<i>Eriophyllum lanatum</i> var. <i>grandiflorum</i>	Large-flowered wooly sunflower
<i>Erodium botrys</i>	Long-beaked stork's-bill
<i>Erodium cicutarium</i>	Cut-leaf filaree
<i>Festuca bromoides</i>	Six-weeks fescue
<i>Festuca perennis</i>	Rye-grass
<i>Galium parisiense</i>	Wall bedstraw
<i>Gastridium phleoides</i>	Nitgrass
<i>Geranium dissectum</i>	Cut-leaved geranium
<i>Heliotropium europaeum</i>	European heliotrope
<i>Heteromeles arbutifolia</i>	Toyon
<i>Hordeum marinum</i> ssp. <i>gussoneanum</i>	Mediterranean barley
<i>Hypericum perforatum</i>	Klamathweed
<i>Hypochaeris glabra</i>	Smooth cat's ear
<i>Juncus effusus</i>	Pacific rush
<i>Kickxia elatine</i>	Sharp-leaved fluellin
<i>Lactuca serriola</i>	Prickly lettuce
<i>Leontodon saxatilis</i>	Hawkbit
<i>Lepechinia calycina</i>	California pitcher-sage
<i>Lonicera interrupta</i>	Chaparral honeysuckle
<i>Malva</i> sp.	Bull mallow
<i>Pinus ponderosa</i>	Ponderosa pine
<i>Pinus sabiniana</i>	Gray pine/Foothill pine

Scientific Name	Common Name
<i>Plantago lanceolata</i>	English plantain
<i>Poa annua</i>	Annual bluegrass
<i>Polygonum aviculare</i>	Prostrate knotweed
<i>Polypogon monspeliensis</i>	Rabbitsfoot grass
<i>Pseudognaphalium luteoalbum</i>	Weedy cudweed
<i>Quercus berberidifolia</i>	Scrub oak
<i>Quercus kelloggii</i>	California black oak
<i>Quercus wislizeni</i>	Live oak
<i>Rorippa sp.</i>	Watercress
<i>Rubus armeniacus</i>	Himalayan blackberry
<i>Rumex crispus</i>	Curly dock
<i>Salix gooddingii</i>	Goodding's black willow
<i>Salix lasiolepis</i>	Arroyo willow
<i>Sambucus nigra ssp. caerulea</i>	Blue elderberry
<i>Sherardia arvensis</i>	Field-madder
<i>Silybum marianum</i>	Milk thistle
<i>Sisymbrium officinale</i>	Hedge mustard
<i>Solanum americanum</i>	Common nightshade
<i>Solidago velutina ssp. californica</i>	California goldenrod
<i>Sonchus asper</i>	Sow thistle
<i>Sorghum halepense</i>	Johnsongrass
<i>Stellaria media</i>	Common chickweed
<i>Taraxacum officinale</i>	Dandelion
<i>Torilis arvensis</i>	Hedge parsley
<i>Toxicodendron diversilobum</i>	Poison oak
<i>Tragopogon dubius</i>	Yellow salsify
<i>Trifolium sp.</i>	Clover
<i>Trifolium hirtum</i>	Rose clover
<i>Trifolium willdenovii</i>	Wildcat clover
<i>Umbellularia californica</i>	California bay laurel
<i>Verbascum blattaria</i>	Moth mullein
<i>Verbascum thapsus</i>	Woolly mullein
<i>Vicia villosa</i>	Winter vetch

Wildlife Species Observed within the BSA January 29, 2020	
Scientific Name	Common Name
<i>Corvus brachyrhynchos</i>	American Crow
<i>Cathartes aura</i>	Turkey Vulture
<i>Selasphorus rufus</i>	Rufus Hummingbird
<i>Melospiza melodia</i>	Song Sparrow
<i>Zonotrichia leucophrys</i>	White-Crowned Sparrow
<i>Vireo huttoni</i>	Hutton's Verio
<i>Callipepla californica</i>	California Quail
<i>Setophaga coronata</i>	Yellow-rumped Warbler
<i>Junco hyemalis</i>	Dark-eyed Junco

Scientific Name	Common Name
<i>Zenaida macroura</i>	Mourning Dove
<i>Pseudacris regilla</i>	Pacific Tree Frog

*Deer scat observed within BSA.

Appendix C

Project Site Photos Taken January 29, 2020



Overview of the BSA facing west. The barren and disturbed annual grass habitats can be seen.



Overview of the BSA. Taken at eastern boundary facing west.



Overview of the BSA. Taken at western boundary facing east.



Taken at the southern boundary facing north, in the middle of the BSA.



Ponded area within the seasonal riverine habitat in the eastern section of the BSA.



Overview of the seasonal riverine habitat in the eastern section of the BSA.



Overview of the smaller parcel on the northside of the eastern bound Skyway Road. Taken at southern boundry, facing north.



Overview of the smaller parcel on the northside of the eastern bound Skyway Road. Taken at southern boundry, facing northwest.

ATTACHMENT NO. 3

APPLICATION ANALYSIS

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: Fire, Eng. Onsite, Police, PID, BCEH, BCAQMD, Fish & Game

FROM: Susan Hartman, Planning Director *SH*

REQUEST: Review and Comment

DESCRIPTION OF PROJECT: **Revised:** Proposed temporary (9-10 months) "Log Storage & Processing Yard" land use on community commercial, agricultural residential, and rural residential zoned properties. The site is to be served with temporary portable restrooms, etc.

LOCATION Due South of 4716-4724 Skyway, Paradise

AP NOS.: 051-230-047, -054, -055; 051-240-11 & -12

APPLICANT: Anderson Brothers Corp. [Applicant & Owner]

CONTACT PHONE: (530) 894-5432

RETURN DATE REQUESTED: **February 18, 2020**

DATE DISTRIBUTED: February 10, 2020

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

☒ **YES** ☐ **YES, WITH CONDITIONS** ☐ **NO (EXPLAIN BELOW)**

COMMENTS AND/OR RECOMMENDED CONDITIONS:

[Handwritten signature]

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.

PLEASE MAKE A COPY FOR YOUR RECORDS.

Town of Paradise
Community Development Dept

FEB 18 2020

RECEIVED

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: Fire, Eng., Onsite, Police, PID, BCEH, BCAQMD, Fish & Game

FROM: Susan Hartman, Planning Director *SH*

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CONTACT PHONE: (530) 894-5432

RETURN DATE REQUESTED: **February 18, 2020**

DATE DISTRIBUTED: February 10, 2020

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

☒ **YES** ☐ **YES, WITH CONDITIONS** ☐ **NO (EXPLAIN BELOW)**

COMMENTS AND/OR RECOMMENDED CONDITIONS:

No Conditions

BC 2/18/2020

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.

PLEASE MAKE A COPY FOR YOUR RECORDS.

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: Fire, Eng., Onsite, Police PID, BCEH, BCAQMD, Fish & Game

FROM: Susan Hartman, Planning Director *SH*

REQUEST: Review and Comment

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LOCATION: Due South of 4716-4724 Skyway, Paradise

AP NOS.: 051-230-047, -054, -055; 051-240-11 & -12

APPLICANT: Anderson Brothers Corp. [Applicant & Owner]

CONTACT PHONE: (530) 894-5432

RETURN DATE REQUESTED: **February 18, 2020**

DATE DISTRIBUTED: **February 10, 2020**

Town of Paradise
Community Development Dept

FEB 10 2020

RECEIVED

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

X YES YES, WITH CONDITIONS NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS:

Discussed TRAFFIC PLAN w/ Dave Anderson 2/10/2020. PD OKAY w/ PLAN AS PRESENTED. DAVE ANDERSON + PD WILL EVALUATE PLAN ONCE PRODUCTION BEGINS + IF NEEDED ADJUSTMENTS WILL BE MADE.

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.

PLEASE MAKE A COPY FOR YOUR RECORDS.

Eric Reinbold
Chief of Police

Received
Feb. 10th
2020

Hartman, Susan

From: Messina, John@CALFIRE <john.messina@fire.ca.gov>
Sent: Monday, February 10, 2020 3:51 PM
To: Hartman, Susan
Subject: Re: Revised Log Storage Yard - Skyway

Town of Paradise
Community Development Dept

Looks pretty good to me!

John Messina

Assistant Chief - North Division
Butte County Fire/Town of Paradise Fire
CALFIRE - BTU
Cell# 530 329-9891
Office# 530 538-7111

FEB 10 2020

RECEIVED

From: Hartman, Susan <shartman@townofparadise.com>
Sent: Monday, February 10, 2020 8:34 AM
To: Messina, John@CALFIRE <john.messina@fire.ca.gov>
Subject: Revised Log Storage Yard - Skyway

Warning: this message is from an external user and should be treated with caution.
Chief,

Attached is the revised and resubmitted application for the temporary log storage yard on lower Skyway for Dave Anderson. The first attachment contains the detailed project description, reclamation plan, fire prevention plan, and revised site plan. The second attachment is the biological report, if you're interested.



Susan Hartman
Community Development Director
Town of Paradise
(530) 872-6291 ext. 114
shartman@townofparadise.com



Town of Paradise

PARADISE FIRE & RESCUE

767 Birch Street, Paradise, CA 95969
www.townofparadise.com
(530) 872-6264



Development Review

Project Name: Anderson Brothers Corp. Temp Use Permit

Location: Due South of 4716-4724 Skyway, Paradise

APN: 051-230-047-000, 051-230-054-000, 051-230-055-000, 051-240-011-000 & 051-240-012-000

Applicant: Anderson Brothers Corp. [Applicant & Owner]

Project No. PL19-00383

Date of Plan Review: January 9, 2020

Review conducted by: Chris Rainey, Fire Prevention Inspector

The scope of project: Proposed temporary (9-10 months) "Log Storage & Processing Yard" land use on community commercial, agricultural residential, and rural residential zoned properties. The site is to be served with temporary portable restrooms, etc.

Development review was performed and the following comments were generated:

General:

1. Obtain a Wood Products permit from Town of Paradise Fire Prevention Department.
2. Fire flow from a water source must be within a maximum of 400' by an approved path of travel. The proposed site is beyond the distance of any street hydrants and to continue would require the installation of additional on site hydrants or other approved type of water supply.
3. Cold decks, logs only, shall not exceed 500 feet in length, 300 feet in width and 20 feet in height. Cold decks shall be separated from adjacent cold decks or other exposures, including vegetation, by not less than 100 feet.
4. Where storage pile configurations could change because of changes in product operations and processing, the access plan shall be submitted for approval when required by the fire code official.
5. Portable fire extinguishers with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.
6. All piles must be 100 feet from vegetation.

Storage and Processing of Wood Chips:

1. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned before transferring wood products to the site.
2. Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length.
3. Piles shall be separated from adjacent piles by approved fire apparatus access roads with a minimum unobstructed width of twenty (20) feet wide and a minimum 13'6" vertical clearance.
4. All piles must be 100 feet from vegetation.
5. Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. Such records shall be maintained. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the fire code official for review and approval.
6. Portable fire extinguishers with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.
7. Approved material handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.
8. The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the fire code official for review and approval.

Thank you,
Chris Rainey
Fire Prevention Inspector
Town of Paradise
530-872-6291 x304

Hartman, Susan

From: Haas, Kim <KHaas@buttecounty.net>
Sent: Thursday, April 2, 2020 4:32 PM
To: Hartman, Susan
Cc: Danz, Doug
Subject: RE: Crossfire Wood Processing Yard Resubmittal
Attachments: Timber Processing Facility Conditions (4-2-20).docx

Good afternoon Susan,

Doug and I have been working with CalRecycle on some of the issues involved around permitting the Timber Processing operations opening in Paradise to process the tree debris. We received an email from CalRecycle this afternoon that the facilities processing the trees for the Hazard Tree Removal Program will not be required to obtain a solid waste handling permit. One of the stipulations for this is that the facilities will be operating under a Conditional Use Permit. In light of this latest information, Butte Co EH would like to revise our comments/ conditions for the use permits (please see attached).

I have also been in communication with DJ Gomez (Crossfire), and will be letting him know that he does not need to apply for a solid waste permit with our Department.

Please let me or Doug know if you have any questions about this email.

Thanks.

Kim Haas

Registered Environmental Health Specialist
[BUTTE COUNTY PUBLIC HEALTH](#)
[202 Mira Loma Drive | Oroville, CA 95965](#)
T: 530-538-5331 | M: 530-693-2267 | F: 530-538-5339

Note: Due to COVID-19, the Environmental Health office is closed to the public at this time.

COVID-19 Call Center: 530-552-3050 Open 8am-5pm everyday

"Nationally Accredited, 09/13/17"

[FACEBOOK](#) | [TWITTER](#)

COUNTY OF BUTTE E-MAIL DISCLAIMER: This e-mail and any attachment thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this e-mail (or any attachments thereto) by other than the County of Butte or the intended recipient is strictly prohibited. If you are NOT the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this e-mail and any attachments thereto.

From: Hartman, Susan <shartman@townofparadise.com>
Sent: Wednesday, March 25, 2020 6:30 PM
To: Haas, Kim <KHaas@buttecounty.net>
Subject: Re: Crossfire Wood Processing Yard Resubmittal

ATTENTION: This message originated from outside **Butte County**. Please exercise judgment before opening attachments, clicking on links, or replying.

Thank you!

Timber Processing Operations Comments:

Currently the following conditions will apply to the project:

- 1) Operator shall handle slash/ chip piles so as to preclude their reaching an internal temperature of 122° F or greater.
- 2) Operation shall be conducted to minimize odors, dust and litter migrating off the site.
- 3) For sanitation purposes there shall be a minimum of one (1) portable toilet and one (1) handwashing station at the facility for employee use. The portable toilet shall be routinely serviced by a licensed service provider.
- 4) If water is provided for human consumption, from an on-site well or a storage tank, for twenty-five (25) or more people/day the facility operator shall contact the Butte County Environmental Health Division for public water system permitting requirements. If bottled water is provided there are no such requirements.
- 5) The storage of any hazardous material at or above state-defined thresholds shall require the approval of a Hazardous Material Business Plan by the Environmental Health Division of the Department of Public Health.
- 6) Butte County Environmental Health may conduct site inspections at any time to determine compliance with applicable standards, or in response to a complaint.

Hartman, Susan

From: Vella, Kelsey@Wildlife <Kelsey.Vella@wildlife.ca.gov>
Sent: Wednesday, February 19, 2020 3:09 PM
To: Hartman, Susan
Subject: RE: Tree Processing Facility Use Permit - Town of Paradise

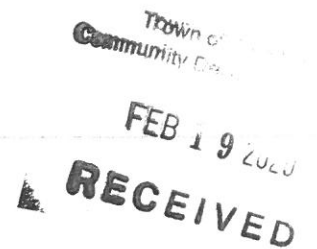
Hi Susan,

Thank you for submitting the revised documents for review. CDFW doesn't have any concerns with the scope of work as it relates to fish and wildlife resources.

Thank you!

Kelsey Vella
916-932-3015

From: Hartman, Susan <shartman@townofparadise.com>
Sent: Monday, February 10, 2020 8:45 AM
To: Vella, Kelsey@Wildlife <Kelsey.Vella@wildlife.ca.gov>
Subject: RE: Tree Processing Facility Use Permit - Town of Paradise



Kelsey,

Attached is the revised and resubmitted application for the temporary log storage yard on lower Skyway for Dave Anderson. The first attachment contains the detailed project description, reclamation plan, fire prevention plan, and revised site plan. The second attachment is the biological report. I just wanted to run these resubmittals by you to see if they change anything regarding your organizations involvement in the project.



Susan Hartman
Community Development Director
Town of Paradise
(530) 872-6291 ext. 114
shartman@townofparadise.com

From: Vella, Kelsey@Wildlife <Kelsey.Vella@wildlife.ca.gov>
Sent: Thursday, January 2, 2020 10:14 AM
To: Hartman, Susan <shartman@townofparadise.com>
Cc: Jacks, Sandra@Wildlife <Sandra.Jacks@wildlife.ca.gov>; Garcia, Jennifer@Wildlife <Jennifer.Garcia@wildlife.ca.gov>
Subject: Tree Processing Facility Use Permit - Town of Paradise

Good morning Susan,

Kursten Sheridan forwarded your email regarding the proposed tree processing facility on Skyway Road in Paradise to our Timberland Conservation Program for review. Thank you for reaching out to the California Department of Fish and Wildlife (CDFW)! I've taken a look at the attached documents and CDFW doesn't have any concerns with the current scope of work as it relates to fish and wildlife resources.

Thank you for your time,

Kelsey Vella
Senior Environmental Scientist (Specialist)
California Department of Fish and Wildlife
1701 Nimbus Road
Rancho Cordova, CA 95670
916-932-3015
Please note my phone number has changed

629 Entler Avenue, Suite 15
Chico, CA 95928

(530) 332-9400
(530) 332-9417 Fax



W. JAMES WAGONER
Air Pollution Control Officer

STEPHEN ERTLE
Assistant Air Pollution Control Officer

January 6, 2020

Susan Hartman, Planning Director
Town of Paradise
5555 Skyway
Paradise, CA 95969

Town of Paradise
Community Development Dept

JAN 06 2020

RECEIVED

Re: Development Review Request: Project Number PL19-00383

Dear Ms. Hartman,

The Butte County Air Quality Management District (District) appreciates the opportunity to comment on the Development Review Request for the project listed above. Based on the information reviewed, the District has the following comments:

1. The proposed project would be subject to District Rule 205—Fugitive Dust Emissions. Requirements include implementing dust control mitigations for operations and active/inactive work areas to prevent visible dust from being airborne off property and implementing track-out control.
2. Portable equipment and engines (rated at 50 HP or greater) may operate at the location for up to 12 consecutive months or seasonally not to exceed 3 months in each of two consecutive years. Authorization may be by registration in the State Portable Equipment Registration Program (PERP) or the local District portable program or, if under the Emergency Declaration, by filing a Form 40 with the State PERP. Operation beyond 12 months and stationary sources require an air quality permit from the District.
3. We understand there will be no burning of vegetative wastes at the site. Any waste burning is subject to the conditions of the CalEPA letter dated November 26, 2019.

If you have any questions or comments, please contact the District at (530) 332-9400.

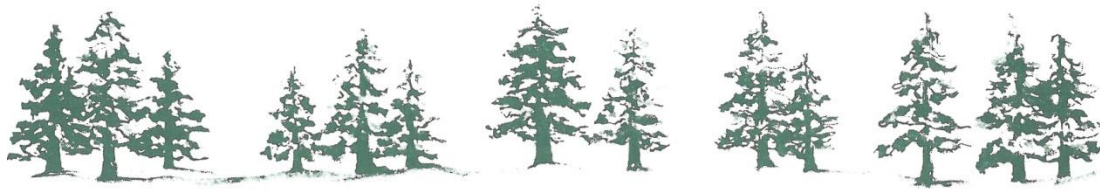
Sincerely,

A handwritten signature in black ink, appearing to read "Jason Mandly", written over a faint circular stamp.

Jason Mandly
Senior Air Quality Planner

ATTACHMENT NO. 4

**LOG STORAGE AND PROCESSING YARD
TEMPORARY USE PERMIT
NO. PL19-00383**



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

June 12, 2020

TEMPORARY USE PERMIT

Anderson Brothers Corporation
Attn: David Anderson
P.O. Box 535
Paradise, CA 95967

Subject: Anderson Log Storage & Processing Yard Temporary Use Permit (PL19-00383);
AP No. 051-230-047, 054, 055 & 051-240-011 & 012

Dear Mr. Anderson:

Pursuant to Paradise Municipal Code Chapter 17.32 [Temporary Use Regulations] and the provisions of Section 8 of Town Urgency Ordinance #590 relating to the removal of fire damaged debris from private property following the Camp Fire, your application for an temporary use permit to allow a **“Log Storage & Processing Yard”** land use on properties located adjoining and primarily due south of 4716 thru 4724 Skyway **is hereby authorized**, based on and subject to the following findings and conditions:

I. FINDINGS

- A. The proposed project is statutorily exempt from environmental review pursuant to Public Resources Code Section 21080(b)(3) and Section 15269 (Emergency Project) of the California Environmental Quality Act. Guidelines.
- B. Find that the project, as conditioned, complies with all applicable regulations found within Urgency Ordinance #590, Section 8, relating to Temporary Log Storage Yards.
- C. As conditioned, the temporary use will not be detrimental to the health, safety, and general welfare of the residents of the Town of Paradise.

II. **GENERAL REQUIREMENTS; CONDITIONS AND RESTRICTIONS:**

- 1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this temporary use permit constitutes cause for the revocation of said permit in accordance with the provisions set forth in Paradise

Municipal Code (PMC) Section 17.32.600 [Revocation of Temporary Use Permit].

2. Acceptance and processing of logs and wood waste originating from the Government Hazard Tree Removal Program **is prohibited**.
3. Unless otherwise provided for in a special condition to this Permit, all conditions must be completed **prior to** the establishment of the granted land use.
4. The temporary use permit shall expire **December 31, 2020**.
5. Neither the applicant, nor any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the Community Development/Planning Director to commence a revocation meeting, and, if proven to exist, shall constitute grounds to revoke the Temporary Use Permit.
6. The authorized temporary land use shall be confined to be maintained and conducted upon the affected project properties in a manner consistent with the project submittal materials and revised site plan map received on February 6, 2020 and on file with the Town Department of Development Services. Minor changes to the plans may be allowed subject to written approval of the Community Development Director only if found to be in substantial conformance to the approved project.
7. If the temporary land use is to be using PID water, then the applicant must apply for and pay for a PID construction meter.
8. The property owner(s) shall be required to establish and sustain waste collection services for the project properties provided by **NRWS** during the Temporary Log Storage & Processing Yard land use.
9. The applicant shall construct and operate this project in strict compliance with the approvals granted herein, Town standards, local ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between Town laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
10. The project site properties occupied by the temporary land use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the temporary Log Storage & Processing Yard.
11. The property owner(s) shall defend, indemnify and hold harmless the Town of Paradise from any liability or court costs relating to any claim or action brought within 90 days after the approval of this permit to attack or challenge the approval of Log Storage & Processing Yard Temporary Use Permit [PL19-00383].

III. TEMPORARY LAND USE CONDITIONS OF APPROVAL:

1. **Allowed Uses.** Temporary Log Storage & Processing Yards allow for the storage and processing of logs and vegetation but not burning of logs and vegetation, and may include associated equipment repair, construction trailers, employee parking and portable bathroom facilities and/or transitory shelter set up for use by the personnel assigned to the yard, but not residences.
2. Logs and wood waste originating from routine utility line maintenance shall **not be stored** at this specific Temporary Log Storage Yard.
3. **Storage or Processing of Fire Debris Prohibited.** The storage or processing of debris from the **Camp Fire Consolidated Debris Removal Program** at this Temporary Log Storage Yard, including the storage of trucks or equipment loaded with debris, **shall be expressly prohibited.**
4. **Noise.** Quiet hours shall be maintained between 5 p.m. to 7 a.m. Monday-Saturday and all day Sunday. During quiet hours, generators and heavy equipment shall not be operated, and noise levels shall conform to Paradise Municipal Code Chapter 9.18 [Noise Control]. Outside of quiet hours, noise sources associated with temporary log storage yards shall be exempt from the requirements of PMC Chapter 9.18.
5. **Siting Criteria.** To the extent practicable, temporary log storage yards shall be located on flat areas of the project site that are already disturbed and in such a manner to decrease impacts to uses of surrounding properties.
6. **Approved Access.** This temporary log storage & processing yard shall have access onto Skyway, a public road. Project site access approach shall be made in accordance with and to the satisfaction of the Town Engineer.
7. Provide a Traffic Operations Plan for approval by the Town Engineer. Any truck movements entering or exiting the project site that creates a traffic hazard shall be corrected to the satisfaction of and in a manner deemed acceptable to the Town Engineer and the Police Chief.
8. **On-site Roads, Driveways and Aisles.** This temporary log storage & processing yard shall have on-site roads, driveways and aisles that shall have a 6-inch Class 2 aggregate base, a minimum width of 25 feet, and shall be capable of supporting a 75,000 lb. load that will allow for ingress and egress of fire apparatus to within 150 feet of all piles and structures, and shall have a vertical clearance of not less than 15 feet.
9. **Biological Resources.** Temporary log storage yards are not to be located on lands containing wetlands, and/or endangered and protected plants and animal species. A current biological resource assessment report has been submitted to the Town Department of Development Services demonstrating that no special-status botanical species are present within the project site properties. **The report identified potential project associated impacts to special-status wildlife species and a potential jurisdictional wetland feature that are recommended to be assigned minimization and mitigation measures that the**

Town of Paradise hereby requires to be implemented by the project applicant.

10. **Outdoor Lighting.** The project applicant proposes to provide portable site lighting at active ingress and egress locations of the site. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property lines, or into the public right-of-way in accordance with Paradise Municipal Code Section 17.06.810 [Lighting Fixtures].
11. **Property Line Setbacks and Defensible Space.** All log piles and other piles shall be setback a minimum of 150 feet from all outside property lines and any permanent structures. There shall be an area of defensible space that is a minimum of 150 feet wide around the perimeter of the temporary log storage area that shall not be graded but shall be kept clear of grass and vegetation to support fire protection by clearing, disking, grubbing, and/or scraping. **CAL-FIRE** shall have discretion to address unique circumstances.
12. **Paradise Fire Department/CAL-FIRE Standards.** This temporary land use shall adhere to and comply with all applicable Paradise Fire Department/CAL-FIRE standards. State standards set out in California Fire Code Chapter 28 with respect to log storage yards and incidental wood products stored at the project site shall apply.
13. The project's submitted "**Material Handling & Fire Prevention Plan**" shall be established and implemented satisfactory to the Town of Paradise Fire Department/CAL-FIRE.
14. CAL-FIRE requires a portable pump capable of pumping 50 gallons per minute and a minimum of 250 gallons of water on site for fire suppression. A water tender with a minimum 250-gallon capacity may suffice for this requirement [Public Resources Code, Section 4430].
15. Per California Public Resource Code, Section 4428, the project site shall have a sealed box of tools that shall be located, within the operating area, at a point accessible in the event of a fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools and an appropriate number of shovels so that each employee at the operation can be equipped to fight fire. In addition, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area.
 - a. Whenever a fire starts, a telephone call shall be made to 911 immediately to inform that there is a fire. The facility operator shall develop a plan for monitoring, controlling, and extinguishing fires. The plan shall be submitted with the temporary use permit application for review and approval by fire officials.
 - b. Smoking may only occur in designated locations shown on the project site plan.
 - c. Log piles shall not exceed 20 feet in height, 300 feet in width, and 500 feet in length. Log piles shall be stabilized by a means approved by the Fire Chief or his/her designee.
 - d. Other piles made of incidental log related materials shall not exceed 20 feet in height; 150 feet in width, and 250 feet in length.
 - e. All piles shall be separated from all other piles by 100 feet and shall include on-site roads, driveways, and aisles as previously discussed.
 - f. All piles shall be monitored by a means approved by the Fire Chief to measure

- temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan by the permittee for restricting and mitigating excessive temperatures shall be submitted with the temporary use permit application for review and approval by fire officials.
- g. Regular inspections of the temporary log storage yard by trained fire personnel shall be allowed and facilitated by the facility operator.
 - h. Cutting activities shall comply with California Fire Code Chapter 35.
16. **Butte County Public Health, Environmental Health Division.** The project description indicates temperatures of chips will be taken using a digital or analog temperature probe, and that temperatures will be recorded into a database record. All records need to be kept on-site so to be available to the Local Enforcement Agency [LEA] during site inspections.
17. Project description indicates that all chips produced will be hauled off to a cogeneration plant. **[Note:** Any chips that will be land applied must be lab tested for pathogens, heavy metals and physical contaminants.]
18. Project operator shall handle and maintain slash & chip piles at an internal temperature of less than 122F and shall be monitored. Temperatures of green material piles are to be taken at least once a week, or more often as needed. If the pile temperature exceeds 122F, then Operator shall apply effective measures to reduce heat.
19. Project description indicates that there will be minimal chip storage on-site. Each load of green material must be removed from the chip & grind site within seven (7) days of receipt. In addition, the project operation shall be conducted to minimize odors, dust and litter migrating off the site.
20. Butte County Environmental Health may conduct site inspections at any time to determine compliance with applicable standards, or in response to a complaint. [NOTE: Failure to maintain the green material and chip pile maximum core temperature of 122F will result in enforcement action by Butte County Environmental Health.
21. In the event the site fails to meet the allowable chip storage time or the maximum temperature limits for a Chipping & Grinding operation it will be regarded as a compostable material handling (composting) facility and all pertinent regulations will apply.
22. For sanitation purposes there shall be a minimum of one portable toilet and one handwash station at the facility for employee use. The portable toilet shall be routinely serviced by a licensed service provider.
23. The storage of any hazardous material at or above State-defined thresholds shall require the approval of a Hazardous Material Business Plan by the Butte County Department of Public Health, Environmental Health Division.
24. For water that is provided for human consumption, from an on-site source or transported to the facility and held in a storage tank, the facility operator shall meet the following requirements: a) if 25 or more people per day are consuming the water, the facility operator shall contact the Butte County Environmental Health Division for public system permitting

requirements and shall operate in accordance with those requirements; b) if there are fewer than 25 people/day consuming the water, the facility shall have the water tested for and be in compliance with minimum bacteriological standards of the Butte County Environmental Health Division. If bottled water is provided, there is no requirements for testing.

25. **Air Quality and Dust Control.** Per the Butte County Air Quality Management District, the proposed project shall be subject to District Rule 205—Fugitive Dust Emissions/ Requirements that shall include, but not be limited to: a) Reduce the amount of disturbed area where possible. Stabilize disturbed area soils during use and at project completion, b) Apply water or stabilizing agent with necessary quantities to prevent the generation of visible dust plumes. c) Limit vehicle speeds to 15 miles per hour on any unpaved surfaces at the project site. d) Clean visible track-out onto adjacent paved roadways daily. Track-out shall not extend more than 25 feet in cumulative length from the active project site. and e) Post a sign in a prominent location visible to the public with the telephone number of the contractor and Air District for any questions or concerns about dust from the project.
26. Portable equipment and engines (rated at 50 HP or greater) may operate at the location for up to 12 consecutive months in each of two potential consecutive years. Authorization may be by registration in the State Portable Equipment Registration Program (PERP) or the Butte County Air Quality Management District or, if under the Emergency Declaration, by filing a Form 40 with the State PERP. Operation beyond 12 months and stationary sources require an air quality permit from the District.
27. **Perimeter Stormwater Control.** The temporary log storage yard must be designed, prepared and operated with project improvements that adhere to and comply with perimeter stormwater control standards of the Town Public Works Department and the State Water Quality Control Board such that water accumulating within the project will be carried away from the project without injury to any adjacent improvement, residential sites, and /or adjoining areas.
28. **Water Quality and Erosion Control.** This temporary land use shall be established and operated in accordance with its Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer along with submittal of a Notice of Intent to obtain coverage under the General Permit Order 2009-0009-DWQ as amended. The project applicant shall adhere to and comply with all applicable water quality and erosion control standards of the Town Public Works Department and the State Water Quality Control Board.
29. **Electricity and Electrical Equipment.** If any new electricity connections are to be brought to the project site, a building permit shall be required. Electrical wiring and equipment shall comply with the Town adopted California Electrical Code.
30. **Building Permit(s).** The applicant shall obtain all necessary building permits from the Town Building Division for any proposed structures to be constructed at the project site. The applicant shall submit building plans and specifications prepared by a California registered design professional (engineer or architect) demonstrating compliance with the current Town adopted California Code requirements.

31. **Project Site Reclamation/Restoration.** There shall be no grading of the project site **without the prior approval of the Town Engineer**, but if grading is allowed, topsoil shall be conserved to be used for project site reclamation. At minimum, the project submitted and Town approved Reclamation/Restoration Plan shall include: a) Clearance of the site of all vehicles, equipment and materials utilized as part of the Temporary Log Storage Yard; and b) Stabilization of the site, implementation of erosion control measures, and successful revegetation to the satisfaction of the Community Development Director in order to render the affected project properties suitable for the land use(s) for which zoned.
32. **Performance Guarantee.** Prior to establishment and operation of the Temporary Log Storage Yard the project applicant shall submit to the Town of Paradise a **“project performance guarantee”** in the amount of **\$2,000/acre of land disturbed** pursuant to Paradise Municipal Code Section 17.32.400 in order to guarantee the proper completion of any approved work and to ensure that site reclamation is completed to the satisfaction of the Community Development Director.
33. Project site lands shall be restored and/or reclaimed to the satisfaction of the Community Development Director **prior to release of the performance guarantee.**
34. **Additional Requirements.** The temporary use permit may be subject to additional requirements from the Butte County Air Quality Management District, the Butte County Public Health Department, CAL-FIRE, the State Regional Water Quality Control Board, and the Town Public Works Department.
35. **Violations, Enforcement, and Penalties.** Approved operations of this Temporary Log Storage Yard shall be managed and monitored to ensure that activities do not constitute a public nuisance, as defined in State and local law. A temporary log storage yard that is operating in violation of the Paradise Municipal Code, and the conditions of this permit, poses a health and safety hazard and is found to be a public nuisance.
36. The Community Development Director may initiate enforcement using any process set forth in the Paradise Municipal Code, including, but not limited to Chapter 1.08 (Enforcement of Violations), Chapter 1.09 (Administrative Civil Penalties) and Chapter 8.04 (Nuisance Abatement), and may seek the imposition of costs and civil penalties. Nothing in this provision is intended to prevent alternative enforcement mechanisms.
37. If the Paradise Municipal Code Chapter 1.09 process is used, the penalties set forth in Section 1.09.190 are increased because the health and safety hazards to the public shall be greater than in the general code enforcement context. The increased penalty is a **fine of one thousand dollars (\$1,000.00)** for the violation and such violations **shall also be a misdemeanor.**

Failure to uphold and maintain compliance with the conditions of this permit may result in the permit being administratively revoked by the Town of Paradise (PMC Section 17.32.600)

If you wish to appeal the decision of the Planning Commission, you must do so within seven (7) days of the date of the Planning Commission's decision by filing your written appeal together with the appeal fee deposit of \$117.38 to the Development Services Department. If no appeal is filed within the time period, your temporary use permit will be deemed approved.

DATE APPROVED BY THE PLANNING COMMISSION: April 21, 2020

TEMPORARY USE PERMIT EFFECTIVE DATE: _____

Susan Hartman
Planning Director

j:\cdd\planning\letter\PL19-00383 Anderson Temp Use



**Town of Paradise
Council Agenda Summary
June 9, 2020**

Agenda Item: 6(b)

Originated by: Colette Curtis, Assistant to the Town Manager

Reviewed By: Lauren Gill, Town Manager

Subject: Flavored Tobacco Products

Council Action Requested:

1. Consider prohibiting the sale of flavored tobacco products in the Town of Paradise; and, 2. Consider waiving the entire reading of proposed Ordinance No.____ and approve reading by title only; and, 3. Consider introducing Ordinance No.- ____ an Ordinance of the Town Council of the Town of Paradise California, prohibiting the sale of flavored tobacco products. (ROLL CALL VOTE)

Background:

Tobacco use remains the leading cause of preventable death in the United States, killing more than 480,000 people each year. Over the last year, many cities in the State of California have chosen to ban the sale of flavored tobacco in an attempt to discourage young people from vaping and smoking at an early age and forming what can be a life-long addiction. More recently, the Oroville City Council banned the sale of flavored tobacco, with other cities within our Butte County considering similar action.

At the February 11, 2020 Council Meeting, Council Member Melissa Schuster asked for the issue of flavored tobacco/vaping be brought back to Council for consideration. This item was brought to the March 10, 2020 meeting, where Council heard a presentation from Butte County Public Health. At that time, Council asked staff to bring back more information about what other cities are doing as well as a draft ordinance for consideration.

Discussion:

As of this meeting, the City of Oroville has banned flavored tobacco products, and the City of Chico has moved to form a committee to study banning flavored tobacco products through a Tobacco Retail License. The Cities of Biggs, Gridley and Butte County have not taken any action on this subject. Many of the cities in California that have banned flavored tobacco products have done so through a Tobacco Retail License (TRL).

It is the advice of Public Health Agencies, including Butte County Public Health that flavored tobacco products are a “kid’s menu” for the tobacco industry and target children who would otherwise not smoke. Butte County Public Health notes on their website “Young people are much more likely to use candy and fruit flavored tobacco products than adults. Smokers who start at a younger age are more likely to develop a severe nicotine addiction.”

The Paradise Police Chief supports a ban on flavored tobacco products, citing the concern that Paradise may become a destination for kids to purchase flavored tobacco products now that other local cities have banned them. Chief Reinbold has not seen any increase in crime connected to locations selling flavored tobacco products.

Staff has reached out to the owners of several local businesses that sell flavored tobacco products. The owner of the Paradise Smoke Shop met with staff to discuss the effects the proposed ban would have on his business. Approximately 35% of his business is selling vaping products which includes vape pens and kits as well as vape juice. The remaining 65% of his business deals with cigarettes and cigars. Only about 1% of the vape juice sold in his business is non-flavored. He also expressed that all customers are asked to show ID when they enter the Smoke Shop, with no one under the age of 21 allowed in the store. In the past three months only one person under the age of 21 tried to enter the store and was denied entry. The business owner expressed his concern over the proposed ban due to the financial effect it would have on his business.

Several other calls have been made to additional businesses, and the results of that outreach will be discussed during the June Council Meeting during the staff presentation of this item.

Options

There are several options for Council to consider regarding banning flavored tobacco products.

1. Create a Tobacco Retail License for businesses in the Town of Paradise which also bans the sale of flavored tobacco products.

Creating a Tobacco Retail License (TRL) is one way of regulating the sale of tobacco products. Having a TRL requires any business selling tobacco products to obtain this additional license and spells out the ban on flavored tobacco products. Violating the ban on flavored tobacco products would result in fines as well as the revocation of the TRL, which would have serious ramifications for a business.

2. Ban the sale of flavored tobacco products without creating a Tobacco Retail License.

A ban on flavored tobacco products can be achieved without the additional layer of a Tobacco Retail License. By banning the sale by ordinance, any violations of the ordinance would be addressed through the administrative citation process. This would

be similar to the way butane sales are regulated currently by ordinance in the Town of Paradise.

3. Ban the sale of flavored tobacco products, with the exception of menthol flavored products.

Most cities that have banned flavored tobacco products have included menthol flavored products. Menthol flavored tobacco products are considered “flavored” but are also generally considered to be geared more towards adults than children.

4. Take no action, thereby continuing to allow the sale of flavored tobacco products to adults.

The law currently only allows tobacco products, regardless of flavor, to be sold to adults over the age of 21. Taking no action would place the burden on existing law and enforcement of this law in our community.

Staff Recommendation

Staff recommends Option 2 – banning the sale of flavored tobacco products, without creating a Tobacco Retail License. Since the Town already requires business licenses for businesses that would be selling tobacco products, an additional license would be an unnecessary extra step---creating more hurdles for businesses. The administrative citation process is already in place for enforcement. Banning the sale of flavored tobacco products would put Paradise in line with what many cities are doing and follows the recommendations of the Paradise Police Chief and Butte County Public Health.

Fiscal Impact Analysis:

There is no fiscal impact directly related to this item. The Town may see a small decrease in sales tax associated with the decrease in sales within Town limits.

**TOWN OF PARADISE
ORDINANCE NO. ____**

**ORDINANCE OF THE TOWN OF PARADISE AMENDING SECTION 8.46.020 OF
THE PARADISE MUNICIPAL CODE AND ADDING SECTION 8.46.025 TO THE
PARADISE MUNICIPAL CODE RELATING TO
PROHIBITING THE SALE OF FLAVORED TOBACCO**

WHEREAS, tobacco use remains the leading cause of preventable death in the United States, killing more than 480, 000 people each year. It causes or contributes to many forms of cancer, as well as heart disease and respiratory diseases, among other health disorders. Tobacco use remains a public health crisis of the first order, in terms of the human suffering and loss of life it causes. the financial costs it imposes on society, and the burdens it places on our health care system; and

WHEREAS, flavored tobacco products are commonly sold by California tobacco retailers. For example: 97.4% of stores that sell cigarettes sell menthol cigarettes; 94.5% of stores that sell little cigars sell them in flavored varieties; 84.2% of stores that sell electronic smoking devices sell flavored varieties; and 83.8% of stores that sell chew or snus sell flavored varieties; and

WHEREAS, each day, approximately 2,500 children in the United States try their first cigarette; and another 8,400 children under 18 years of age become new regular, daily smokers. 81% of youth who have ever used a tobacco product report that the first tobacco product they used was flavored. Flavored tobacco products promote youth initiation of tobacco use and help young occasional smokers to become daily smokers by reducing or masking the natural harshness and taste of tobacco smoke and thereby increasing the appeal of tobacco products. As tobacco companies well know, menthol, in particular, cools and numbs the throat to reduce throat irritation and make the smoke feel smoother, making menthol cigarettes an appealing option for youth who are initiating tobacco use. Tobacco companies have used flavorings such as mint and wintergreen in smokeless tobacco products as part of a "graduation strategy" to encourage new users to start with tobacco products with lower levels of nicotine and progress to products with higher levels of nicotine. It is therefore unsurprising that young people are much more likely to use menthol-, candy and fruit-flavored tobacco products, including not just cigarettes but also cigars, cigarillos, and hookah tobacco, than adults. Data from the National Youth Tobacco Survey indicate that more than two-fifths of U.S. middle school and high school smokers report using flavored little cigars or flavored cigarettes. Further, the Centers for Disease Control and Prevention has reported a more than 800% increase in electronic cigarette use among middle school and high school students between 2011 and 2015. Nicotine solutions, which are consumed via electronic smoking devices such as electronic cigarettes, are sold in thousands of flavors that appeal to youth, such as cotton candy and bubble gum; and

WHEREAS, much as young people disproportionately use flavored tobacco products including menthol cigarettes, the same can be said of certain minority groups. In one survey, the percentage of people who smoke cigarettes that reported smoking menthol cigarettes in the prior month included, most dramatically, 82.6% of Blacks or African-Americans who smoke cigarettes. The statistics for other groups were: 53.2% of Native Hawaiians or other Pacific Islanders who smoke cigarettes; 36.9% of individuals with multiracial backgrounds who smoke cigarettes; 32.3% of Hispanics or Latinos who smoke cigarettes; 31.2% of Asians who smoke cigarettes; 24.8% of American Indians or Alaska Natives who smoke cigarettes; and 23.8% of Whites or Caucasians who smoke cigarettes. People who identify as LGBT and young adults with mental health conditions also struggle with disproportionately high rates of menthol cigarette use. The disproportionate use of menthol cigarettes among targeted groups, especially the extremely high use among African-Americans, is troubling because of the long-term adverse health impacts on those groups; and

WHEREAS, between 2004 and 2014, overall smoking prevalence decreased, but use of menthol cigarettes increased among both young adults (ages 18-25) and other adults (ages 26+). These statistics are consistent with the finding that smoking menthol cigarettes reduces the likelihood of successfully quitting smoking. Scientific modeling has projected that a national ban on menthol cigarettes could save between 300,000 and 600,000 lives by 2050.

NOW THEREFORE, the Town Council of the Town of Paradise does ordain as follows:

SECTION 1. Paradise Municipal Code Section 8.46.020 [Definitions] is hereby amended to include as follows:

“Characterizing flavor” means a taste or aroma, other than the taste or aroma of tobacco, imparted either prior to or during consumption of a tobacco product or any byproduct produced by the tobacco product, including, but not limited to, tastes or aromas relating to menthol, mint, wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcohol beverage, herb, or spice. A tobacco product shall not be determined to have a characterizing flavor solely because of the use of additives or flavorings or the provision of ingredient information. Rather, it is the presence of a distinguishable taste or aroma, or both, as described in the first sentence of this definition, that constitutes a characterizing flavor.

“Flavored tobacco product” means any tobacco product that imparts a characterizing flavor.

SECTION 2. Section 8.46.025 is hereby added to the Paradise Municipal Code to read as follows:

8.46.025 Sale or offer for sale of flavored tobacco products prohibited.

(a)The sale or offer for sale, by any person, business or entity of any flavored tobacco product is prohibited and no person, business or entity shall sell, or offer for sale, any flavored tobacco product.

(b)There shall be a rebuttable presumption that a tobacco product is a flavored tobacco product if a manufacturer or any of the manufacturer's agents or employees, in the course of their agency or employment, has made a statement or claim directed to consumers or to the public that the tobacco product has or produces a characterizing flavor including, but not limited to, text, color, and/or images on the product's labeling or packaging that are used to explicitly or implicitly communicate that the tobacco product has a characterizing flavor.

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

PASSED AND ADOPTED BY THE Town of Paradise on this ____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Greg Bolin, Mayor

ATTEST:

DINA VOLENSKI, CMC, Town Clerk

APPROVED AS TO FORM:

DWIGHT L. MOORE, Town Attorney

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Alameda Ordinance No. 3230	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: November 27, 2018 Effective: July 1, 2019 Enforced: July 1, 2019	None	<p>No TRLs may be issued to a pharmacy</p> <p>No TRLs may be issued within 300 feet of a youth populated area</p> <p>No TRL's may be issued within 500 feet of another tobacco retailer</p> <p>The total number of TRLs within the city shall be limited to one for each 2,500 inhabitants of the city</p> <p>No tobacco retailers shall honor or redeem a coupon to allow a consumer to purchase a tobacco product for less than full price, sell a tobacco product through a multi-package discount, provide free or discounted items, or sell a tobacco product for less than full retail price</p> <p>Cigars and little cigars must be sold in packages of at least five</p> <p>Sets a minimum price of \$7 per package of cigarettes and \$5 for cigars</p>	<p>The City's Planning, Building and transportation Department or any other City department shall inspect each tobacco retailers for compliance</p> <p>A violation of the provisions of this chapter within any five-year period may result in:</p> <ol style="list-style-type: none"> 1. A fine of \$1500 for a first violation 2. A 15 day suspension of the tobacco retail license for a second violation 3. A 30 day suspension of the tobacco retail license for a third violation 4. A license will be revoked for a fourth violation 	No
Albany Ordinance No. 2019-04	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: April 15, 2019 Effective: October 16, 2019	None	<p>No tobacco retailers shall allow a consumer to purchase tobacco for less than full retail price through a coupon, multi-package discount, or provide a tobacco products for free</p> <p>No retailer shall sell:</p> <ol style="list-style-type: none"> 1. Any little cigar unless it is sold in a package of at least twenty little cigars or 2. Any cigar unless it is sold in a package of at least six cigars (this does not apply to a cigar that has a price of at least \$8.00 per cigar, including all fees and taxes) <p>No retailers shall sell cigarettes, little cigars, or a single cigar at a price that is less than \$8.00, including all applicable fees and taxes</p> <p>*the minimum price shall be adjusted annually by increments of \$.25 in proportion with the Consumer Price Index</p>	<p>The City of Albany Police Department is responsible for enforcing this ordinance</p> <p>A tobacco retailer's license shall be revoked if the licensee is found to have violated any of the provisions of this chapter</p> <p>After revocation at a location within any 60-month period:</p> <ol style="list-style-type: none"> 1. No new license may be issued at a location for 30 days after a first violation 2. No new license may be issued at a location for 90 days after a second violation and the retailer will be subject to a \$250 fine 3. No new license may be issued at a location for one year after a third violation and the retailer will be subject to a \$500 fine 4. No new license may be issued at a location for five years after four or more violations and the retailer will be subject to a \$1000 fine 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Berkeley Ordinance No. 7.672-N.S. Municipal Code Chapter 9.80	Prohibits the sale of flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: September 2015 Effective: January 1, 2017 Enforced: January 1, 2020 Updated: July 23, 2019	None	No new TRL may be issued to a pharmacy or renewed by a pharmacy No new TRL may be issued within 600 feet of school Little cigars must be sold in packages of at least 20 and cigars must be sold in packages of at least 6 No tobacco retailer may sell cigarettes at a price less than \$8 per package of 20 cigarettes, little cigars at a price less than \$8 per package of little cigars, and cigars at a price less than \$7 per cigar, including all taxes and fees (the established minimum prices shall be adjusted annually) Tobacco retailers may not honor or redeem coupons, sell tobacco products through a multi-package discount, or provide free or discounted tobacco products	Environmental Health staff is responsible for enforcement A violation of the provisions of this chapter within any five-year period may result in: 1. The suspension of a license for up to 30 days for a first violation 2. The suspension of a license for up to 90 days for a second violation 3. The suspension of a license for up to one year for a third violation 4. The revocation of a license upon the fourth violation	Grace period of 3 years of effective date for retailers with "good cause showing"
Beverly Hills Ordinance No. 18-2758 Municipal Code Chapter 4-2-21	Prohibits the sale of all tobacco products, including flavored and menthol flavored tobacco products, within the city limits	All tobacco products	Yes	Adopted: August 21, 2018 Effective: September 21, 2018 Enforced: December 21, 2018	None	The flavors policy is enforced through a TRL that must be paid annually	A violation of the provisions of this chapter will result in: 1. A civil penalty fine of \$250 for a first violation within any five year period 2. The suspension of the TRL for 90 days and a civil penalty fine of \$750 for a second violation within a five year period 3. The revocation of the TRL and a civil penalty fine of \$1,000 for a third violation within a five year period	No
Capitola Ordinance No. 1031 Municipal Code Section 8.38.130	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: July 25, 2019 Enforced: January 1, 2020	None	No new TRL may be issued within 1,000 feet of a school and/or a public library	A violation of the provisions of this chapter within six months of the first violation will result in: 1. A fine of \$100 and the suspension of the TRL for up to 30 days for a first violation 2. A fine of \$200 and the suspension for the TRL for 90 days for a second violation 3. A fine \$400 and the revocation of the TRL for a third violation 4. A fine of \$800 for the fourth and each subsequent violation This policy will be enforced by the Chief of Police or designee	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Cloverdale Municipal Code Chapter 8.08	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products (excluding menthol flavored tobacco products)	No	Adopted: December 12, 2017	Menthol tobacco products, including cigarettes, are not included in the restrictions	Smoking (including tobacco and marijuana) is prohibited in enclosed places of employment, public places, sports arenas, and multi-unit residence common areas; and unenclosed places of employment, recreational areas, service areas, outdoor dining areas, public places, and multifamily residence common areas No tobacco retailers shall sell any single cigar or any package of cigars containing fewer than five cigars (does not apply to the sale of single cigars if the price exceeds \$5) Pharmacies may not sell tobacco products	Any person or business that violates the provisions of this chapter shall be guilty of an infraction, punishable by: 1. A fine not exceeding \$100 for a first violation 2. A fine not exceeding \$200 for a second violation within one year 3. A fine not exceeding \$500 for each additional violation within five years	No
Contra Costa County Ordinance No. 2017-01 Municipal Code Chapter 445-2	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within 1,000 feet of schools (public and private), parks, playgrounds and libraries in the unincorporated areas of the county	All flavored tobacco products	Yes	Adopted: July 18, 2017 Effective: August 1, 2017 Enforced: January 1, 2018	Only applies to retailers within 1,000 feet of schools, parks, playgrounds and libraries	No new tobacco retail licenses may be issued in pharmacies Little cigars must be sold in packs of at least 10, and cigarillos must be sold in packs of at least 10 unless the sales price of one cigar is over \$5 No new tobacco retail licenses will be granted to businesses located within 1,000 feet of schools, parks playgrounds or libraries, or within 500 feet of another business that sells tobacco Sets a cap on the total number of tobacco retailers Prohibits the redemption of coupons or redemptions Smoking is prohibited in specified enclosed and unenclosed areas and in all multi-unit residence areas, with some exceptions	A violation of the provisions of this chapter will result in: 1. The suspension of the TRL for up to 30 days for a first violation 2. The suspension of the TRL for up to 90 days for a second violation that occurs within five years after the first violation 3. The suspension of the TRL for up to one year for a third violation and for each subsequent violation that occurs within five years after the first violation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Corte Madera Ordinance No. 983	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: March 19, 2019 Effective: April 18, 2019 Enforced: January 1, 2020	None	Prohibits the sale of: 1. any single cigar, whether or not packaged for individual sale 2. any number of cigars fewer than then number contained in the manufacturer's original consumer packaging designed for retail sale 3. any package of cigars containing fewer than five cigars (this does not apply to the sale of a single cigar for which the retail price exceeds \$5) No new tobacco retail licenses may be issued in pharmacies	Compliance is monitored by the Town Manager Any peace officer may enforce the penal provisions of the policy. A violation of the provisions of this chapter will result in: 1. The issuance of a warning for a first violation 2. The suspension of the license for 30 days for a second violation within a 60-month period 3. The suspension of the license for 90 days for a third violation within a 60-month period 4. The suspension of the license for one year for a fourth violation within a 60-month period 5. The revocation of a license for five or more violations within a 60-month period	No
El Cerrito Ordinance No. 2015-08 Municipal Code 6.100.160	Prohibits the sale of all flavored, non-cigarette tobacco products, including menthol flavored non-cigarette tobacco products, within the city limits	All flavored non-cigarette tobacco products (excludes menthol cigarettes)	Yes (only for non-cigarette tobacco products)	Adopted: October 2015 Effective: January 1, 2016 Enforced: October 2017	Menthol cigarettes are not included in the restrictions	No new licenses may be issued to authorize tobacco retailing within 500 feet of schools, youth sensitive locations (parks and playgrounds, libraries), residential zones, or other tobacco retailers (tobacco retailers already in operation are exempt) No new licenses may be issued to authorize tobacco retailing within 1,000 feet of another tobacco retailer (tobacco retailers already in operation are exempt) Single cigar sales prohibited (except single cigars over \$5), a package of cigars must have at least five cigars Tobacco samples & coupons prohibited (except as allowed in adult-only businesses per state and federal law) Hookah lounges, cigar lounges, vape shops, or similar establishments are prohibited within the city limits New tobacco retailers may not operate as a "Significant Tobacco Retail Establishment" (use over 20% of the store display area for or derive over 50% of gross sales receipts from tobacco products or smoking paraphernalia) (existing tobacco retailers may seek an exception) Imitation tobacco products also included in prohibition	Compliance is monitored and enforced by the City's Community Development Department, in conjunction with the El Cerrito Police Department A violation of the provisions of this chapter within a five year period will result in the suspension of a license for: 1. 10 days for first violation 2. 30 days for second violation 3. 60 days for third violation 4. Upon the fourth or more violations the license shall be revoked	Existing establishments within a certain distance of schools, youth sensitive areas and other tobacco retailers are allowed to continue to sell flavored tobacco products until January 1, 2018 but they must comply with all other TRL requirements

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Fairfax Ordinance Municipal Code 8.44.210	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: December 6, 2017 Effective: December 6, 2018 Enforced: January 1, 2019 Updated: September 4, 2019 Effective: September 1, 2020	None	It shall be a violation to sell, offer for sale, or exchange for any form of consideration: 1. Any single cigar, whether or not packaged for individual sale 2. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer 3. Any package of cigars containing fewer than five cigars *(This does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds \$5) Prohibits the sale of tobacco products in pharmacies	Regulations shall be monitored by the Town Manager and the Marin County Tobacco Program A violation of the provisions of this chapter within any 60-month period may result in: 1. A 30 day suspension of a license for a first violation of this article 2. A 90 day suspension of a license for a second violation of this article 3. A one year suspension for a third violation of this article	No
Half Moon Bay Municipal Code Section 7.60.120	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: October 2018 Effective: April 1, 2019	None	No tobacco retail permits may be issued to new or existing pharmacies (this provision effective April 1, 2019) No tobacco may be sold from a vending machine No person shall distribute free tobacco products or coupons for tobacco products	The ordinance will be enforced by the county of San Mateo, its officers, employees and agents A violation of the provisions of this chapter may result in: 1. A suspension of the license for up to 30 days for the first violation 2. A suspension of the license for no less than 30 days and up to 90 days for the second violation of the ordinance within 24 months of the first determination 3. A suspension of the license for no less than 90 days and up to one year for the third and each subsequent violation of the ordinance within 24 months of a prior determination	No
Hayward Municipal Code Sec. 10-1.2780	Prohibits the sale of flavored tobacco products with the exception of menthol flavored cigarettes within a 500-foot radius of schools (public and private kindergarten, elementary, middle, junior high or high school) for new tobacco retailers (established after the passage of this policy) within the city limits	All flavored non-cigarette tobacco products, (excludes menthol cigarettes)	Yes (only for non-cigarette tobacco products)	Adopted: July 1, 2014 Effective: August 1, 2014	Menthol cigarettes are not included in restrictions Retailers that sold products before provisions took effect are exempt Restrictions only apply to retailers within 500 feet of schools	Prohibits the sale of cigar packages containing fewer than 5 cigars or a single cigar (unless the retail price exceeds \$5) No new tobacco retailers or new sales of flavored tobacco within 500 feet of a public or private K-12 school Vapor bars, lounges, smoking device bars, electronic smoking device lounges, and hookah bars and lounges are prohibited in all zoning districts Imitation tobacco products also included in prohibition	Regulations are enforced by the City's Planning Director, in conjunction with the City's Code Enforcement Division and the Hayward Police Department Any Tobacco Retail Sales Establishment that violates regulations in ordinance three times within a three-year period shall be subject to revocation of its tobacco retail license and/or its conditional use permit	Retailers selling flavored tobacco products prior to the ordinance effective date are exempt

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Hermosa Beach Ordinance No. 18-1389	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products	Yes	Adopted: January 8, 2019 Effective: June 1, 2019	Flavored tobacco products may still be sold in stores that permits only patrons 21 years of age or older to enter	Tobacco retailers must be located at least 500 feet from a youth-populated area No license may be issued to authorize tobacco retail licensing at farmers' markets, special temporary events, or mobile carts A TRL may not be issued to a pharmacy No TRL may be issued for businesses licensed to serve alcohol Minimum pack size requirement of 20 for little cigars	Compliance checks shall be conducted by any member of the Hermosa Beach Code Enforcement Department, Police Department, the California Department of Health Services, the California Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees Tobacco Retailer's license shall be suspended or revoked for a violation of any provision of this chapter	No
Lafayette Ordinance No. 675	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: May 28, 2019 Effective: August 26, 2019	None	No tobacco retailer shall: 1. honor a redeem a coupon to allow a consumer to purchase tobacco for less than full price 2. sell a tobacco product through a multiple-package discount or for less than the full retail price 3. provide free or discounted items to a consumer Prohibits the sale of tobacco products in pharmacies The total number of tobacco retailer licenses within the city is limited to 1 for each 2,500 inhabitants of the city All tobacco sales shall be conducted in-person and tobacco products may not be delivered to the consumer	Compliance will be monitored by an agency or department designated by the city manager, or a peace officer Any violation of the TRL within a 5-year period may result in: 1. The suspension of a license for 30 days for a first violation 2. The suspension of a license for 90 days for a second violation 3. The suspension of a license for up to one year without the possibility for renewal for a year for a third violation 4. The revocation of a license for the fourth or more violations	Some tobacco retailers operating lawfully at the date of this chapter may apply for an additional 180 days before terminating sale of flavored tobacco products
Larkspur Ordinance No. 1037	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: April 3, 2019 Effective: May 3, 2019 Enforced: January 1, 2020	None	Establishes a minimum pack size of five for cigars, little cigars and cigarillos and prohibits the sale of a single cigar or any number of cigars fewer than the number contained in the original packaging (this does not apply to the sale of a single cigar for over \$5) Prohibits the sale of tobacco products in pharmacies	Compliance will be monitored by the City Manager and the Marin County Tobacco Program Any violation of the TRL within a 60-month period may result in: 1. A warning for a first violation 2. The suspension of a license for 30 days for a second violation 3. The suspension of a license for 90 days for a third violation 4. The suspension of a license for one year for a fourth violation 5. The revocation of a license for the fifth or more violations	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Livermore Ordinance No. 2088	Prohibits the sale of all electronic smoking devices and other flavored tobacco products, including menthol flavored tobacco products, within the city limits	All electronic smoking devices and other flavored tobacco products	Yes	Adopted: July 8, 2019 Referendum Vote: March 3, 2020	None	The sale of electronic smoking devices or electronic smoking device fluid is prohibited No tobacco retailing license shall be issued or existing license renewed within 1,000 feet of a youth populated area	Compliance shall be monitored by the Livermore Police Department or any other City designee Any violation of the TRL within a 5-year period may result in: <ol style="list-style-type: none"> 1. The suspension of a license for 30 days for a first violation 2. The suspension of a license for one year for a second violation 3. The revocation of a license for a third or more violations The licensee may request an alternative to these penalties for a first or second violation of this chapter, which includes: <ol style="list-style-type: none"> 1. The cessation of all tobacco retailing and removal of all tobacco products from public view for one day, a payment of \$1,000, and the admission that the violation occurred for the first violation 2. The cessation of all tobacco retailing and removal of all tobacco products from public view for 10 days, a payment of at least \$5,000, and the admission that the violation occurred for the second violation 3. 	No
Los Angeles County Ordinance No.	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county	All flavored tobacco products	Yes	Adopted: October 1, 2019 Effective: November 1, 2019 Enforced: May 4, 2020	None	Tobacco sales are restricted to licensed tobacco only shops Establishes a minimum pack size of 20 for little cigars or cigarillos, and these products may not be sold individually Prohibits the sale of tobacco products in pharmacies	Compliance shall be monitored by the Los Angeles County Department of Public Health or any law enforcement officer Any violation of the TRL within a 5-year period may result in: <ol style="list-style-type: none"> 1. The suspension of the license for up to 30 days for a first violation 2. The suspension of the license for up to 90 days for a second violation 3. The suspension of the license for up to 120 days for a third violation 4. The revocation of the license for a fourth violation 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Los Gatos Ordinance No. 2259	Limits the sale of flavored tobacco products, including menthol flavored tobacco, to adult-only tobacco stores within the city limits	All flavored tobacco products	Yes	Adopted: May 16, 2017 Effective: January 1, 2018	Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited	TRL language is a replica of the Santa Clara County TRL Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel) Prohibits the sale of tobacco products in pharmacies Prohibits new tobacco retailing within 1,000 feet of a school Prohibits any new tobacco retailers within 500 feet of another tobacco retailer Limits storefront advertising to no more than 15% of the window and clear doors	Compliance will be monitored by the Town or its Designee; a peace officer may enforce the provisions in this policy Any violation of the TRL within a 12-month period may result in: 1. A fine not to exceed \$100 for a first violation 2. A fine not to exceed \$200 for a second violation 3. A fine not to exceed \$500 for each additional violation For any violation of the TRL within a 24-month period, permit suspension includes: 1. Permit suspension for up to 30 calendar days for a first violation 2. Permit suspension for up to 90 calendar days for a second violation 3. Permit suspension for up to one year for each additional violation	No
Manhattan Beach Ordinance No. 15-0020 Municipal Code 4.118.030	Limits the sale of flavored tobacco, with the exception of menthol flavored tobacco products, to adult-only tobacco stores with the city limits	All flavored tobacco products (excludes menthol flavored tobacco products)	No	Adopted: December 2015 Effective: January 1, 2016	Flavored tobacco products may still be sold in adult-only tobacco stores Menthol tobacco products are not included in the prohibition	No tobacco retailer permit may be issued within 500 feet of a school or an existing retailer	The retail permit may be revoked or suspended for two or more violations within a 36-month period	No
Marin County Ordinance No. 3628	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county	All flavored tobacco products	Yes	Adopted: November 6, 2018 Effective: December 5, 2018 Enforced: July 1, 2019 (Non-Tobacco Stores) July 1, 2020 (Tobacco Stores)	None	It is unlawful for any retailer, individual, or entity to sell or offer for sale any tobacco products in the unincorporated area of the county without first obtaining and maintaining a valid tobacco retailer's license from the County of Marin for each location where these sales are conducted	Enforcement shall be conducted by the Marin County Dept. of Health and Human Services A violation of the provisions of this chapter may result in: 1. An administrative citation and fine not less than \$200 for a first violation 2. An administrative citation and fine not less than \$500/violation for subsequent violations	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Mono County Ordinance No. 18-03 Municipal Code 7.92.070	Prohibits the sale of all flavored e-liquids, including menthol flavored e-liquids, within the unincorporated areas of the county	All flavored e-liquids (excludes all other flavored tobacco products)	Yes (only for menthol-flavored e-liquids)	Adopted: April 17, 2018 Effective: May 17, 2018	Does not include flavored tobacco products other than e-liquids	Prohibits smoking in all areas where smoking is prohibited by state or federal law, as well as county vehicles, public parks recreational areas, service areas, dining areas and public places when used for a public event Smoking may not occur closer than 20 feet outside any enclosed area and from entrances, windows, or ventilation systems * Limited flavored e-liquid sales policy is set to sunset in October 2019 and a complete ban on all flavored tobacco and menthol products will become effective Policy is not attached to a TRL	The Mono County Public Health Director or his/her designee is authorized to enforce this ordinance and to refer enforcement to the Mono County Code Compliance Division Any person or business found in violation of any provision of this Chapter shall be guilty of an infraction and subject to a fine of: <ol style="list-style-type: none"> 1. \$100 for the first violation 2. \$200 for the second violation 3. \$500 for any subsequent violation 	No
Novato Ordinance No. 1615 Municipal Code 7-8	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products, including marijuana (excludes menthol flavored tobacco products)	No	Adopted: January 31, 2017 Effective: January 1, 2018 Enforced: January 1, 2019	Menthol tobacco products are not included in the prohibition Flavored tobacco products may be sold if the product is: <ol style="list-style-type: none"> 1. a package of cigars containing at least five cigars 2. a single cigar for which the retail price exceeds five dollars 3. pipe tobacco 4. a package of chewing tobacco or snuff containing at least five units or more 	Minimum pack size requirements prohibit the sale of: <ol style="list-style-type: none"> 1. A single cigar (unless the price of the single cigar exceeds \$5) 2. A package of cigars containing fewer than five cigars, or any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer No pharmacies may sell tobacco products Policy includes flavored marijuana	Compliance will be monitored by the Department or other designated agency Any violation of this chapter within a 60-month period may result in: <ol style="list-style-type: none"> 1. A warning for a first violation 2. The suspension of a license for 30 days for a second violation 3. The suspension of a license for 90 days for a third violation 4. The suspension of a license for one year for a fourth violation 5. The revocation of a license for the fifth or more violations 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Oakland Municipal Code 5.91	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products	Yes	Adopted: September 19, 2017 Effective: July 1, 2018	Flavored tobacco products may still be sold in adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors under the age of 18 unless accompanied by a parent or legal guardian, and do not sell food or alcoholic beverages	An amendment allows clerks aged 18 and older to sell tobacco Tobacco retailers may not sell tobacco products at a discount less than full retail price, including honoring or redeeming coupons	The City designates the Oakland Police Department to enforce this Ordinance A violation of this Chapter at a location within any 60-month period may result in: 1. An agreement to stop acting as a Tobacco Retailer for at least one day and a settlement payment to the City of at least \$1,000 for a first violation 2. An agreement to stop acting as a Tobacco Retailer for at least ten days and a settlement payment to the City of at least \$5,000 for a second violation 3. No new license may be issued until five years have passed from the date of the violation for a third or subsequent violation	No
Palo Alto Ordinance No. 5418 Municipal Code 4.64.030	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores within the city limits	All flavored tobacco products	Yes	Adopted: October 2, 2017 Effective: January 1, 2019	Ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow anyone under 21, do not sell food or alcoholic beverages for consumption on the premises, and post a sign outside saying that minors are prohibited	TRL language is a replica of the Santa Clara County TRL Prohibits the sale or transfer of tobacco products to anyone under the age of 21 (no exemption for military personnel) Prohibits the sale of tobacco products in pharmacies Prohibits new tobacco retailing within 1,000 feet of a school Prohibits any new tobacco retailers within 500 feet of another tobacco retailer	Compliance will be monitored by the City or its Designee, and any peace officer may enforce the penal provisions of the ordinance A violation of the provisions of this chapter may result in: 1. A fine not to exceed \$100 (within a 12-month period) and a suspension up to 30 days (within any 24-month period) for a first violation 2. A fine not to exceed \$200 (within a 12-month period) and a suspension of the retailer permit for up to 90 days (within any 24-month period) for a second violation 3. A fine not to exceed \$500 (within a 12-month period) and the suspension of the retailer permit for up to one year (within any 24-month period) for each additional violation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Portola Valley Ordinance No. 2018-425	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: September 12, 2018 Effective: October 11, 2018 January 1, 2019	None	No existing or new pharmacies may sell tobacco products	Compliance monitored will be conducted through the Environmental Health Division of San Mateo County Health Department Penalties for violation of this ordinance include: 1. A suspension of the TRL for up to 30 days and a fine not exceeding \$100 for the first violation 2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding \$200 for the second violation within 24 months of the first violation 3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding \$500 for the third violation and subsequent violations	None
Richmond Ordinance No. 20-18 N.S. Municipal Code 7.106	Prohibits the sale of all electronic smoking devices and other flavored tobacco products, including menthol flavored tobacco products, within the city limits	All electronic smoking devices* and other flavored tobacco products *until approved by the FDA	Yes	Adopted: July 17, 2018 Effective: April 17, 2019 E-cigarette ban adopted: September 10, 2019 E-cigarette ban Enforced: January 1, 2020	None	No e-cigarettes may be sold in stores and online with the city The ordinance establishes a minimum pack-size of 20 cigars and cigarillos, except for single cigars that sell for more than \$5 each, and prohibits the sale of any single little cigar or cigar Prohibits new tobacco retailers from opening within 500 feet of existing tobacco retailers and 1,000 feet from a school, park, playground or library	Compliance will be monitored by the Richmond Police Department A tobacco retail license shall be revoked if the licensee, or any of the licensee's agents or employees, has violated any of the requirements, conditions, or prohibitions in the municipal code. The enforcement agency may also enforce through administrative fines	Existing tobacco retailers not in line with the distance requirement for tobacco retailers from schools and other tobacco retailers are grandfathered in unless the business changes ownership
Sacramento Ordinance No. 2019-0012	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: April 16, 2019 Effective: January 1, 2020	None	No new tobacco retail licenses shall be issued or existing licenses renewed to authorize tobacco retailing within 1,000 feet of another tobacco retailer	Penalties for violation of ordinance within a 5 year period include: 1. The suspension of a license for 30 days for a first violation 2. The suspension of a license for 90 days for a second violation 3. The revocation of a license for a third violation Any person violating the provisions of this chapter shall also be liable for civil penalties of not less than \$250 or more than \$25,000 for each day the violation continues	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
San Anselmo Ordinance No. 1544	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: March 26, 2019 Effective: April 25, 2019 Enforced: January 1, 2020	None	The ordinance establishes a minimum pack-size of 5 cigars, little cigars and cigarillos, except for single cigars that sell for more than \$5 each, and prohibits the sale of any single cigar, little cigar or cigar No existing or new pharmacies may sell tobacco products	Compliance will be monitored by the Finance Department, a designee or a peace officer Penalties for violation of this ordinance within a 60-month period include: 1. The issuance of a warning for a first violation 2. The suspension of a license for 30 days for a second violation 3. The suspension of a license for 90 days for a third violation 4. The suspension of a license for one year for a fourth violation 5. The revocation of a license for the fifth or more violations	No
San Carlos Ordinance No. 1544	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: April 8, 2019 Effective: May 8, 2019	None	No existing or new pharmacies may sell tobacco products Flavor Policy is not tied to a TRL	The City Manager or designee may enforce this chapter.	No
San Francisco Ordinance No. 140-17	Prohibits the sale of all electronic smoking devices and other flavored tobacco products, including menthol flavored tobacco products, within the county limits	All electronic smoking devices* and other flavored tobacco products *until approved by the FDA	Yes	Adopted: June 27, 2017 Referendum Vote: June 5, 2018 Effective: July 20, 2018 Enforced: January 1, 2019	None	No e-cigarettes may be sold in stores and online with the county No new permit shall be issued in any supervisorial district that has 45 or more Establishments with Tobacco Sales permits No new permit shall be issued if the Applicant will be within 500 feet of the nearest point of the property line of a school No new permit shall be issued if the Applicant will be located within 500 feet of the nearest point of the property line of an existing tobacco retailer	Compliance will be monitored through the Director of Health or his or her designee For a violation of the ordinance, the Director of Health may suspend a Tobacco Sales Permit: 1. For a maximum of 90 days of the first violation 2. For a maximum of six months for a second violation that occurs within the first 12 months of the first violation 3. For a maximum of one year for a third violation if within 12 months of the prior violation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
San Leandro Municipal Code 4.36	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits (including flavored products that do not contain nicotine)	All flavored tobacco products (excluding menthol tobacco products)	No	Adopted: October 16, 2017 Effective: August 15, 2018	Menthol tobacco products are not included in the prohibition Wholesale companies are excluded from the ordinance if the tobacco products made or distributed in San Leandro are sold by retailers outside the city	No tobacco retailer shall sell, offer for sale, or exchange any 1. Single cigar 2. Any pack of cigars at a price that is less than \$7.00 per five cigars (does not apply to the sale or offer for sale of a single cigar for which the retail price exceeds either five dollars or the dollar amount adopted by resolution of the City Council and adjusted from time to time, whichever is higher)	Compliance will be monitored by the San Leandro Police Department Penalties for violation of this ordinance within a 36 month period include: 1. A written warning and 30 days to correct violation for the first violation 2. A \$2,500 fine for a second violation 3. A 20 day license suspension for a third violation 4. After four or more violations, the license shall be revoked and no new license may issue for the location or tobacco retailer until three years have passed from the date of revocation	No
San Mateo County Ordinance No. 4799 Municipal Code 7.41	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the county	All flavored tobacco products	Yes	Adopted: June 19, 2018 Effective: July 19, 2018 Enforcement: January 1, 2019	None	No existing or future pharmacies may sell tobacco products	Compliance will be monitored through the Environmental Health Division of San Mateo County Health Department Penalties for violation of ordinance include: 1. A suspension of the TRL for up to 30 days and a fine not exceeding \$100 for the first violation 2. A suspension of the TRL for no less than 30 days and up to 90 days and a fine not exceeding \$200 for the second violation within 24 months of the first violation 3. A suspension of no less than 90 days and up to one year of the TRL and a fine not exceeding \$500 for the third violation and subsequent violations	No
San Pablo Ordinance No. 2018-006 Municipal Code 5.06	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: December 17, 2018 Effective: March 2019	None	Requires a minimum pack size for cigars (6 per pack), cigarillos (25 per pack) and little cigars (20 per pack) Requires a minimum price of \$10.00 per cigar	Penalties for violation of ordinance within any 60-month period include: 1. A suspension of the license for up to 30 days for a first violation. At the election of the tobacco retailer, the tobacco retailer may pay a penalty of \$1000 in lieu of such suspension 2. A suspended of the license for one year for a second violation 3. The revocation of the license for and the proprietor or proprietors who had been issued the license shall never again be issued a tobacco retailer's license pursuant to this chapter for the third and subsequent violations	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
San Rafael Ordinance No. 1970 Municipal Code Chapter 8.15	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: June 3, 2019 Effective: January 1, 2021	None	<p>No person shall place any advertisement or promotion of tobacco products within 500 feet of an elementary, secondary or high school, public playground or public park unless the tobacco product is located inside a commercial establishment, on a vehicle, on a sign located inside or immediately outside a commercial establishment, or on tobacco packaging</p> <p>No existing or future pharmacies may sell tobacco products</p>	<p>Compliance will be monitored through the Director of Community Development or designee</p> <p>Penalties for violation of ordinance within any 12-month period include:</p> <ol style="list-style-type: none"> 1. The suspension of a license for 90 days unless the permittee submits a training plan for the training of all sales employees in the law pertaining to the sale, advertising, and display of tobacco products to minor, and the permittee files satisfactory evidence that the training in the training plan has been completed for a first violation 2. The suspension of a license for 120 days for a second violation 3. The suspension of a license for one year upon each subsequent violation <p>A license shall be revoked after not less than 10 days' notice if one or more of the bases for denial of a permit exists</p>	No
Santa Clara County Ordinance No. NS-300.883	Limits the sale of flavored tobacco products, including menthol flavored tobacco products, to adult-only tobacco stores in the unincorporated areas of the County	All flavored tobacco products	Yes (revised in 2016 to include menthol)	Adopted: June 2010 Effective: February 2015 Amended: October 2016 Amended version effective: July 2017	Revised ordinance exempts adult-only tobacco stores which generate over 60% of gross income from tobacco sales and tobacco paraphernalia, do not allow minors, do not sell food or beverages, and post a sign outside saying that minors are prohibited	<p>No TRLs may be issued to a retailer containing a pharmacy</p> <p>No TRLs may be issued to a retailer within 1,000 feet of a school (existing retailers exempt)</p> <p>No TRLs may be issued to a retailer located within 500 feet of another retailer (existing retailers exempt)</p>	<p>Compliance shall be monitored by the Department of Environmental Health</p> <p>Penalties for violations of this ordinance within a 12-month period include:</p> <ol style="list-style-type: none"> 1. A fine not to exceed \$100 for the first violation within a 12-month period and a license suspension for up to 30 days within any 24-month period 2. A fine not to exceed \$200 for a second violation within a 12-month period and a license suspension for up to 90 days within any 24-month period 3. A fine not to exceed \$500 for each additional violation within a 12-month period and a license suspension for up to one year for each additional violation within any 24-month period 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Santa Cruz Ordinance No. 2018-19 Municipal Code 6.07	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: November 27, 2018 Effective: June 11, 2019 Enforced: January 1, 2020	None	No license shall be issued to authorize tobacco retailing that is within six hundred feet of a high-risk alcohol outlet No license shall be issued to authorize tobacco retailing that is within that is within one thousand feet of a school *This prohibition shall not apply to a license applicant whose application seeks authorization to conduct tobacco retailing at a location where such retailing was taking place as of January 1, 2014, and has continued without interruption at that location since May 8, 2014	Every violation of this chapter determined to be an infraction is punishable by: 1. A fine not exceeding \$100 for a first violation and a license suspension for up to 60 days 2. A fine not exceeding \$200 for a second violation and the suspension of a license for 120 days 3. A fine not exceeding \$500 for a third and each additional violation and the suspension of a license for 180 days 4. The tobacco retailer's license shall be revoked, and no new license may be issued for the location until five years have passed from the date of revocation upon the fourth and each subsequent violation	No
Santa Cruz County Ordinance No. 5300 Municipal Code Chapter 5.60	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: June 11, 2019 Effective: January 1, 2020	None	No new license shall be issued to authorize tobacco retailing that is within six hundred feet of a youth-populated area (private or public kindergarten, elementary, middle, junior high, or high school)	Compliance shall be monitored by the Santa Cruz County Health Services Agency or any law enforcement officer Penalties for violations of this ordinance within any 60-month period include: 1. The suspension of a license for 60 days for a first violation 2. The suspension of a license for 120 days for a second violation 3. The suspension of a license for 180 days for a third violation 4. The revocation of a license for a fourth violation, and no new license shall be issued for five years	No
Saratoga Municipal Code 4-90	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products (excluding menthol flavored tobacco products)	No	Adopted: October 3, 2018	Menthol flavored tobacco products are not included in the policy	No tobacco retailer permit tobacco may be issued to a licensed pharmacy No tobacco retailers established after September 16, 2016 shall be granted a tobacco retailer license for a location which is within 500 feet of another retailer or within 1000 feet of an elementary, middle, or high school or a City park No tobacco product or paraphernalia may be sold from a vending machines	Penalties for violations of this ordinance within a 24 month period include: 1. The suspension of an existing license for up to 60 days from the date of the citation issuance for a first violation 2. The revocation of any existing license shall for up to 24months from the date of the administrative citation issuance for a second or subsequent citation	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Sausalito Ordinance No. 1264	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the city limits	All flavored tobacco products	Yes	Adopted: July 2018 Effective: November 1, 2018	None	Ordinance amends city's current "Clean Indoor Air and Health Protection" municipal code chapter to add "Tobacco Retail License Requirement and Prohibit the Sale of Flavored Tobacco Products" Smoking is prohibited in all enclosed places of employment, public places, recreational areas, common areas Smoking is prohibited in all unenclosed places of employment, recreational areas, services areas, dining areas, common areas that meet certain requirements Smoking restrictions included for multi-unit housing complexes and rental units	Anyone who violates a provision in this chapter will be deemed guilty of an infraction The City may seek the revocation or suspension of a tobacco retailer's license	No
Sonoma Ordinance No. 04-2015 Municipal Code 7.25	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products (excluding menthol flavored tobacco products)	No	Adopted: June 1, 2015 Effective: September 1, 2015 Enforced: September 1, 2015	Menthol flavored tobacco products are not included in the policy Flavored tobacco products may still be sold if: 1. the tobacco product consists of a package of cigars that contains at least five cigars 2. a single cigar for which the retail price exceeds \$5 3. the tobacco product consists of pipe tobacco 4. the package of chewing tobacco or snuff contains at least five units or more	It is a violation to sell any single cigar (unless the retail price of the cigar exceeds \$5) and a package of cigars containing fewer than five cigars or the number of cigars contained in the manufacture's original consumer packaging Limits the eligibility of retailers permitted to apply for a tobacco retail license	Decoy enforcement operations conducted annually by Sonoma Police Department Penalties for violations of this ordinance within a 60-month period include: 1. The suspension of a license for 30 days for a first violation 2. The suspension of a license for 90 days for a second violation 3. The suspension of a license for one year for a third violation 4. The revocation of a license for a fourth or subsequent violations Violations of this chapter are subject to a civil action punishable by a fine not less than \$250 and not exceeding \$1,000 per violation	No
West Hollywood Ordinance No. 16-991 Municipal Code 5.114	Prohibits the sale of all tobacco products, including flavored tobacco products and menthol flavored tobacco products, within 600 feet of a youth-populated area (school, youth center, child-care facility, etc.)	All tobacco products	Yes	Adopted: October 2016 Effective: November 2016	Tobacco retailers operating prior to May 1, 2016, adult-only facilities, and hotels that sell tobacco products as part of incidental sales on the premises may still sell all tobacco products regardless of location	Policy includes a ban on all tobacco products, not just flavored tobacco products No new tobacco retailer licenses may be issued for tobacco retailers within 600 feet of a school No new licenses may be issued for tobacco product shops within 1000 feet of a youth-populated area Little cigars must be sold in pack size of at least 20	Any member of the West Hollywood Code Compliance Division, Alcohol Beverage Control Department, and the Los Angeles County Sheriff's Department, or their designees are authorized to monitor and enforce the provision	Yes, existing retailers operating prior to May 1, 2016 are grandfathered regardless of any change or transfer of ownership of the business

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Windsor Ordinance No. 2018-323 Municipal Code 3-11-115	Prohibits the sale of all flavored tobacco products, with the exception of menthol flavored tobacco products, within the city limits	All flavored tobacco products (excludes menthol tobacco products)	No	Adopted: March 7, 2018 Effective: April 6, 2018 Enforcement: July 30, 2018	Menthol flavored tobacco products are not included in the policy Tobacco retailers may sell flavored tobacco products if: <ol style="list-style-type: none"> 1. The tobacco product consists of a package of cigars containing at least five cigars or little cigars 2. The tobacco product is a single cigar for which the retail price exceeds \$5.00 3. The tobacco product consists of pipe tobacco 4. The package of chewing tobacco or snuff contains at least five units 	No tobacco retailer shall sell to a consumer: <ol style="list-style-type: none"> 1. A package of cigarettes at a price that is less than \$7.00 per package of twenty 20 cigarettes, including all applicable taxes and fees 2. A package of little cigars that is less than \$7.00 per package of five little cigars, including all applicable taxes and fees 3. A package of cigars that is less than \$7.00 per five cigars, including all applicable taxes and fee. 4. A package of chewing tobacco or snuff that is less than \$7.00 per package of five units It shall be a violation of this chapter for any licensee or any of the licensee's agents or employees to sell, offer for sale, or exchange for any form of consideration: <ol style="list-style-type: none"> 1. Any single cigar or little cigar, whether or not packaged for individual sale; 2. Any number of cigars or little cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; 3. Any package of cigars or little cigars containing fewer than five cigars. 4. Any package of chewing tobacco or snuff containing fewer than five units. *This section shall not apply to the sale or offer for sale of a single cigar for which the retail price exceeds \$5.00 No license may be issued to authorize tobacco retailing within 1,000 feet of a school (unless the retailer was operating before the date of the ordinance codified in this chapter) Limits the eligibility of retailers permitted to apply for a tobacco retail license	The policy will be enforced by the County of Sonoma Department of Health Services Penalties for violations of this ordinance within a 60-month period include: <ol style="list-style-type: none"> 1. The suspension of a license for 30 days for a first violation 2. The suspension of a license for 90 days for a second violation 3. The suspension of a license for one year for a third violation 4. The revocation of a license for four or more violations 	No

California Flavored Tobacco and Menthol Cigarette Policy Matrix

Updated 10/7/19

Jurisdiction	Extent of Policy	Products Covered by Policy	Menthol Included	Effective Date	Exemptions	Notes	Enforcement	Grandfathering
Yolo County Ordinance No. 1474 Municipal Code 6-15.10	Prohibits the sale of all flavored tobacco products, including menthol flavored tobacco products, within the unincorporated areas of the County	All flavored tobacco products	Yes	Adopted: October 2016 Effective: May 1, 2017	None	Only existing tobacco retailers are eligible for a tobacco license	<p>Yolo County District Attorney is authorized to perform stings for any violations of the TRL</p> <p>Penalties for violations of this ordinance within a 60-month period include:</p> <ol style="list-style-type: none"> 1. A fine not less than \$250 and not exceeding \$1,000 and the suspension of a license for no less than 30 days for a first violation 2. A fine not less than \$1,000 and not exceeding \$2,500 and the suspension of a license for no less than 90 days for a second violation 3. A fine not less than \$2,500 and not exceeding \$5,000 and the suspension of a license for no less than five years for a third or subsequent violation <p>In addition to any other penalty authorized by law, a license shall be revoked if any court of competent jurisdiction determines, or if the Director finds after the Tobacco Retailer or Permittee is afforded notice and an opportunity to be heard, that the Tobacco Retailer or Permittee, or any of the Tobacco Retailer's or Permittee's officers, agents or employees, has violated any of the requirements, conditions, or prohibitions of this Chapter</p>	No



TOWN OF PARADISE
Council Agenda Summary
Date: June 9, 2020

Agenda No. 6(c)

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

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Underground Utilities Update

COUNCIL ACTION REQUESTED:

1. Receive informational update relating to the status of Town-wide undergrounding of utilities; and,
2. Direct staff to set a public hearing date of July 14, 2020 for the creation of a Rule 20A Underground Utility District consisting of all parcels with property boundaries along On-System Federal-Aid Arterials and Collectors.

Background:

During the 2018 Camp Fire, evacuation corridors in Paradise were adversely affected by burned wooden utility poles carrying electric and telecommunication lines which had fallen into the roadway, creating extremely hazardous and precarious situations for the evacuating general public, as well as first responders in their attempt to assist with evacuations, firefighting and saving lives and property.



A burned utility pole crossing a Paradise evacuation route during the Camp Fire. Source: AP/Getty Images

Immediately following the fire, temporary poles were erected to serve customers with standing homes.

In conjunction with the Town's preparation of a Long-Term Recovery Plan, PG&E announced in May 2019 that it would begin an unprecedented project of undergrounding all electric distribution infrastructure in Paradise. The goal of reducing wildfire risk, meeting the community's desire for unobstructed egress and the Town's community engagement process helped drive this decision.

In July 2019, Paradise Town Council adopted the community's Long-Term Recovery Plan which identified Underground Utilities as one of the highest priority Partner-led projects, a critical component to the rebuilding of Paradise. The Plan also reinforces the Town's expectation that communication companies, Comcast and AT&T, will follow suit as utility poles are combustible and can block egress routes in a fire. This plan was created and vetted by the residents immediately following the Camp Fire for the express purpose of guiding and directing the disaster recovery process.

In late 2019, Paradise Town Council adopted and enacted a "Dig-Once" Policy, which states by ordinance that the Town of Paradise and servicing utility companies must continuously communicate and coordinate relating to underground joint-trench opportunities. This Policy, however, does not mandate any utility company to join underground trenches against their own will.

Since the adoption of the Long-Term Recovery Plan, PG&E has completed over 28 miles of undergrounding work in Paradise and is currently ramping up for an additional 20 miles to be installed by the end of 2020. At the time of this report, Comcast and AT&T have not installed **any** infrastructure in any of these trenches and have indicated to the Town of Paradise they have no intention to do so in the future.

Analysis:

At this time, it is staff's intention to report to the Council and the community at-large that there does **not** appear to be a path forward for a community to require all utility lines to be buried in underground trenches. The urgency and impact of this report cannot be overstated as we, the Town, understand the community's expectations do not align with the current predicted outcome, barring a change in position by Comcast or AT&T. In recent months, the Town had learned that ongoing fire-related claim discussions between the utilities included future costs for undergrounding of telecommunications in Paradise. Currently, the Town understands that AT&T has no intention of joining the trench, regardless of PG&E's emergence from bankruptcy and settlement of outstanding claims. Ongoing discussions in coordination meetings with Comcast have indicated they are unlikely to begin participating in the trench, either.

Town staff has been continuously researching this issue in conjunction with the Town Attorney and the California Public Utilities Commission (CPUC). Although the Town could adopt an ordinance mandating that new facilities be underground, there does not appear to be a legal mechanism to mandate Comcast and AT&T to participate in the joint trench project with PG&E regarding their existing facilities. As a result, future franchise utility relocation costs for Town road-widening, sewer and drainage installations or other public right-of-way work will be borne solely by Comcast & AT&T. In absence of public right-of-way work, it is foreseeable that existing utility poles will not be undergrounded or converted to non-combustible poles, let alone moved further away from public egress routes.



Pictured above is Castle Drive, a project area where PG&E has completed their underground trenching work, including removal of aerial electric facilities from wooden utility poles. At best, these poles *could* be trimmed by Comcast or AT&T and remain in place, immediately adjacent to all public roadways, indefinitely.

As previously stated, staff understands this outcome is not desirable for the community and is seeking options to provide the safest, resilient community as many are considering their decision to rebuild or invest in Paradise. Staff is recommending advancing two separate, yet related efforts to move the outcome closer to the community's expectations.

The first effort is formally exploring a municipally-owned broadband network which could provide the most advanced service to our rebuilding and ever-increasing telecommuting environment. Additional information on this will be provided under a separate Council Agenda Item on June 9, 2020.

The second effort aims to utilize existing rules and regulations which exist today, primarily the Rule 20A program. The CPUC created Rule 20A to establish a mechanism to fund the undergrounding of existing overhead utility facilities. The impetus behind the creation of Rule 20A was from cities and counties desiring to improve the safety and aesthetic appearance of main thoroughfares. Funds to pay for the undergrounding are generated from a portion of the electric utility rates paid by the customer. The Rule 20A Tariff compels other utilities with aerial infrastructure to participate in the undergrounding effort.

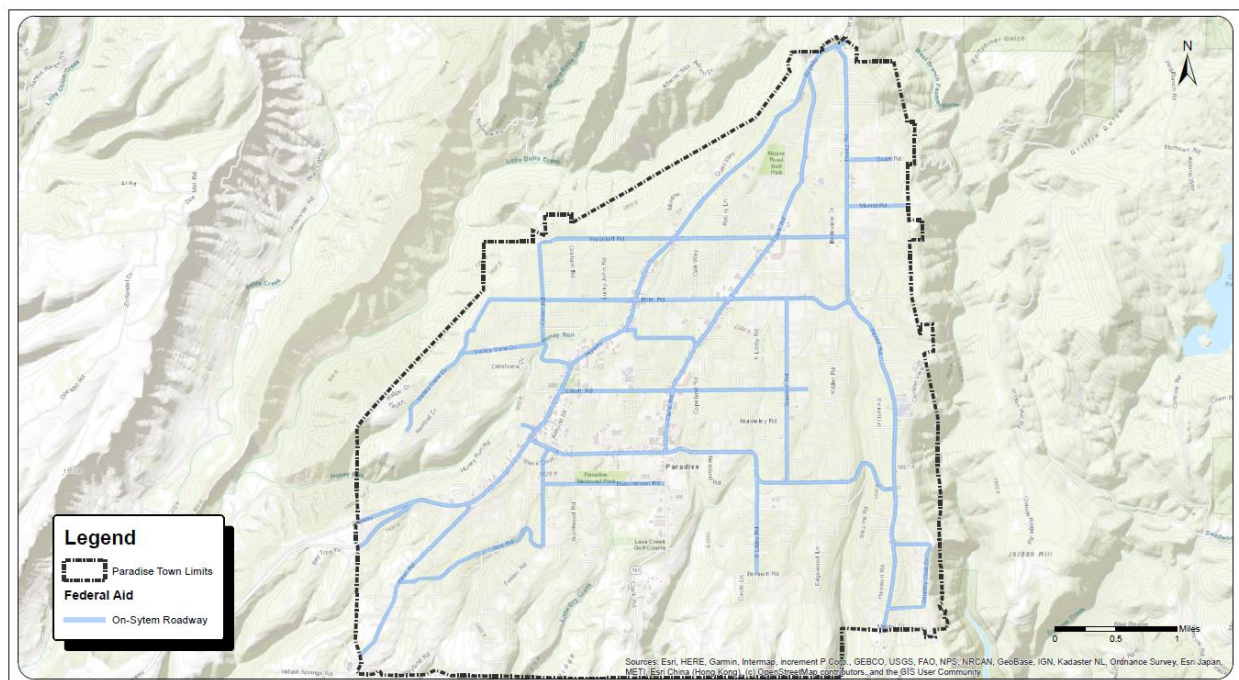
Once a Rule 20A underground district is formed, Chapter 13.12 of the Paradise Municipal Code requires that all electrical installations in connection with new structures and major remodeling of existing structures must be undergrounded in accordance with applicable code requirements. When the undergrounding of existing overhead utilities is ordered, a portion of the Rule 20A funds are used for the provision of underground electric service to each affected property. Under typical circumstances, Pacific Gas and Electric (PG&E) would be responsible to install the conduit and termination box on, under or within any structure on all premises served in a defined district. Telephone and cable television underground services subsequently are provided in accordance with current rules and procedures on file with the CPUC. The Town of Paradise already has two active Underground Utility Districts, created in 2016.

Underground District 16-1 encompasses Skyway between Neal Road and 5700 Skyway. Underground District 16-2 encompasses Almond Street between Pearson Road and Elliott Road, Black Olive Drive between Pearson Road and Cedar Street, Foster Road between Pearson Road and Skyway, Birch Street between Skyway and Black Olive Drive, and Fir Street between Skyway and Almond Street.

Work for Underground District 16-2 is nearly complete in coordination with other pre-fire infrastructure improvements planned and Underground District 16-1 remains in early design phases.

Staff is proposing the creation of Underground District 20-1, which would encompass properties adjacent to Federal-Aid Arterials and Collectors in Paradise, pursuant to current CPUC Rule 20A guidelines. As stated previously, PG&E is already undergrounding electric facilities throughout the Town of Paradise, including properties identified in the potential 20-1 District.

A map of roadways eligible for inclusion in the Rule 20A program is shown below:



Creating a formal Underground Utility District which encompasses arterials and collectors in Paradise does not fully address the vision of a Town-wide effort, however, this action may place enough incentive and pressure on resisting utility companies to make the right choice for a safer, more resilient Paradise.

At the time of this report, the Town is unable to create a district based upon wildfire risk, however, such a change in regulations is under consideration.

Financial Impact:

Creating the district itself requires staff to follow certain Public Hearing guidelines, including an individual mailing to each affected parcel, noticing the Public Hearing. There are an estimated 3,000 parcels which would be included in the District. Costs for the public hearing notices would need to be borne by the Town of Paradise.

Staff does not foresee any other financial impacts to the Town in advancing this project.

Action Requested

If directed by Council, staff recommends setting a Public Hearing date for July 14, 2020 to formally create Underground District 20-01.



TOWN OF PARADISE
Council Agenda Summary
Date: June 9, 2020

Agenda No. 6(d)

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

REVIEWED BY: Lauren Gill, Town Manager

SUBJECT: Paradise Broadband Feasibility Study Contract Award

COUNCIL ACTION REQUESTED:

1. Concur with staff's recommendation for a firm to perform services relating to the Paradise Broadband Feasibility Study; and authorize the Town Manager to execute a Professional Services Agreement approved by the Town Attorney.

Background:

As a component of the 2018 Camp Fire Recovery, the Town of Paradise is seeking avenues to promote a thriving rebuild, including possible deployment of Town-wide broadband capabilities. The expanded vision of the Town of Paradise is to provide a world-class community broadband infrastructure to our community for the 21st century and beyond, facilitated by new access to the public's local broadband assets. Broadband is a critical service for quality of life and economic development. Every home, business, nonprofit organization, government entity, and education institution should have the opportunity to connect affordably, easily and securely. Town-wide broadband service facilitated by the Town of Paradise has potential to distinguish our community as a destination for telecommuting and economic activity.

The Town of Paradise is seeking a professional feasibility study which would allow the Paradise Town Council to make informed decisions on how to proceed in making our vision a reality.

On April 30, 2020, staff issued a Request for Proposals for the Paradise Broadband Feasibility Study. The scope of work for the study is provided below:

1. Evaluate the current and future demand for broadband products and services in the Town of Paradise through private stakeholders (e.g. local businesses, business organizations, health care providers, digital divide advocates, and interest groups), public stakeholders (e.g. educational partners and first responders), and broadband providers regarding the demand for, and adoption of, their products.
2. Research and evaluate the current supply of broadband communications assets, products and services in the Town of Paradise.
3. Consider how the town might use its own existing broadband infrastructure to enable world-class, cooperative public/private broadband services, while enhancing service quality, synchronous speeds, cost-effectiveness and competition in Paradise.
4. Consider opportunities to pursue a broader regional approach and expansion of the existing town broadband infrastructure; leveraging broadband assets in support of regional cooperation. Assist and participate in regional outreach and planning efforts.
5. At a point in the analysis that proves most advantageous, prepare and aid in the administration of an exploratory Request for Information (RFI) that will be distributed to potential partners to gauge private interest in using public infrastructure to expand broadband services in Paradise.

6. Identify additional funding options that may be available to the town to support the development and maintenance of its broadband infrastructure, including grants, contracts, General Obligation (GO) Bonds, Telecommunications Revenue Bonds, etc.
7. Other tasks as determined necessary to advance the overall project through project approval and environmental review and up to assisting in Internet Service Provider selection.

Analysis:

On May 26, 2020, staff received three proposals for the Paradise Broadband Feasibility Study, listed as follows:

- HR Green, Inc. of Corona, California
- Mission Broadband of Bangor, Maine
- Geographical Information Center of Chico, CA

A proposal evaluation committee was formed by staff including the Disaster Recovery Director, Capital Projects Manager from the Town of Paradise and a representative from the Paradise Chamber of Commerce.

The recommendation of the committee will be presented at the June 9, 2020 Paradise Town Council Meeting.

Financial Impact:

The Paradise Broadband Feasibility Study has been approved for a \$50,000 grant through the Butte Strong Fund administered by the North Valley Community Foundation. Full cost accounting will be presented during the Council meeting for the selected consultant.



**Town of Paradise
Council Agenda Summary
Date: June 9, 2020**

Agenda Item: 6(e)

Originated by: Dina Volenski, Town Clerk
Reviewed by: Lauren Gill, Town Manager
Subject: Town Council Appointment to fill three vacancies on the Paradise Planning Commission

Council Action Requested: Council Members Jones and Schuster, the Planning Commission Interview Panel, recommend the following:

1. Concurring with the recommendation of the interview panel: and,
2. Appoint applicant Lynn Costa to fill the current vacancy created by the resignation of Shannon Costa, effective immediately expiring June 30, 2023; and, appoint Ronald Lassonde and Zeb Reynolds to fill the other two terms effective July 1, 2020 to expire June 30, 2024; or
3. Consider an alternative direction

Background: On May 12, 2020, the Town Council approved the Notice of Vacancies and application and authorized staff to advertise the existing vacancies on the Planning Commission, which included posting on the Town's website, Facebook page, media release and public notice. An application deadline of May 26, 2020 at 5:00 p.m. was set; Council Members Jones and Schuster were appointed to serve as the interview committee; staff was directed to provide suggested questions and a scoring matrix for the candidates; interviews were scheduled for June 1, 2020; and, schedule appointment to the vacancy at the June 9, 2020, regular meeting with one of the appointments to become effective immediately and the other two positions to begin on July 1, 2020.

Seven applications were received, but one was disqualified because the person's residence was not in Paradise. The interviews were conducted on June 1, 2020. Following are the applicants interviewed:

- Eric Clemens
- Lynn Costa
- Carissa Garrard
- Ronald Lassonde
- Chris Rehmann
- Zeb Reynolds

Conclusion: The interview committee unanimously recommends appointing Lynn Costa, effective immediately and Ron Lassonde and Zeb Reynolds effective July 1, 2020 to the Paradise Planning Commission,

FISCAL IMPACT: No



**Town of Paradise
Council Agenda Summary
Date: June 9, 2020**

Agenda Item: 6(f)

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

Reviewed by: Lauren Gill, Town Manager

Subject: RFP for Investment Portfolio Management

Council Action Requested:

1. Consider directing staff to issue a request for proposals for professional investment portfolio management; and,
2. Consider directing staff to draft policies concerning the prudent use of the PG&E settlement monies which are anticipated to be received next fiscal year.

Background:

The devastation wrought by the 2018 Camp Fire drastically impacted the Town's long-term financial stability and its ability to maintain critical public services. The Town's primary revenue sources that funded critical services were the homes, businesses and commerce that were destroyed in the wildfire. Since the fire, the Town has maintained services through property tax backfills granted by the State of California and insurance payments. The property tax backfills are coming to an end next fiscal year.

Pacific Gas and Electric Company (PG&E) has been found liable for the Camp Fire, and the Town has reached a settlement for damages. That settlement is expected to be received in October 2020. This settlement, which is based on lost revenue for several years, will allow the Town to continue to lead the Camp Fire recovery effort and provide for critical public safety services as we rebuild our community.

Discussion:

It is prudent for the Town to begin planning for receipt of the settlement and to develop policies to protect the use of the funds. It is important for the community to understand that the funds are intended primarily to sustain critical public services for the Town and should be planned out carefully to maximize the impact for the Town's recovery. Also, as will be shown in this staff report, these funds while extraordinary, will not achieve every goal and wish for the Town. This report will serve as the starting point of an important discussion and is meant to provide context for further Council direction. More analysis, research and discussion should be completed before plans and policies are finalized.

1. Potential Investment Yield

The Town of Paradise has an investment policy (140) which explains that California Government Code Sections 53600 through 53659 appropriately regulate investments allowed for municipalities. As such, investments are limited to opportunities that are safe and provide appropriate liquidity.

The Local Agency Investment Fund (LAIF) managed by the State of California is currently the Town's primary investment tool for funds not immediately needed for operations. The average annual rate of return the last 7 years was 0.81%. Through research, the Town found that the City of Huntington Beach, which has an investment portfolio of about \$200 million, has realized a rate of return of 1.21% over that same 7-year period.

While staff are not trained economists, it is reasonable to assume that interest rates and possible yield returns will remain low for several years. For this introductory discussion, and to be conservative, a 1% yield has been assumed. A well-qualified and government-experienced professional investment management firm will help the Town maximize the potential yield.

2. Funding for Critical Public Services

Strong and vibrant communities have low crime, safe neighborhoods, well maintained roads, adequate health care options and good schools. The later two are less likely unless the Town maintains important public services to attract residences back to Paradise. To do so, most of the PG&E settlement should be encumbered for operating expenses.

The General Fund and Gas Tax/Street Maintenance Fund are the two funds most impacted by lost revenues. These funds maintain police protection, fire prevention and suppression, most of animal control services, and street maintenance. Early and current projections estimate that the lost revenue funding gap to maintain services until homes and businesses are restored is over a period of about 18 years and \$160 million. If the Town invests \$146 million at 1%, it can draw about \$8.9 million a year to fund services and bridge that \$160 million funding gap.

It should be noted that police, fire, public works, and animal control are all staffed at minimum levels necessary to provide employee safety and to protect the public. Toward the end of the 18-year period, more will be known about the demographics, long-term population, and service needs of Paradise. Also, with improved yield or an accelerated rebuild process, there may be funding available at the end for other purposes. In the meantime, it will be important to secure and protect funding to maintain services.

3. Unfunded Liability and Pension Obligation Bond

Despite all the Town's valiant efforts after the recession to minimize the CalPERS Pension liability, including reducing benefit plans for new hires and reducing staffing levels, the obligation is currently \$21.8 million. This is based on the actuarial assumption of a 7% discount rate (rate of return on investments) for CalPERS investments. CalPERS is not always able to achieve their goal rate of return which causes the unfunded liability to increase. Over the last 10 years their average return was 9.1%, but over 20 years the average return was 5.8%. With COVID-19, it is very likely the goal will not be achieved for the current year causing the unfunded liability to increase.

CalPERS has issued strict contribution requirements for agencies to begin funding their obligations. As discussed in the past, the amortization is over 25 years and will continue to put a squeeze on operating budgets.

It would be prudent for the Town to set aside monies to fund this obligation. This could be done in one of three ways:

- a. Through a Section 115 IRS- complaint Pension Stabilization Trust
- b. Through a traditional investment
- c. By giving the monies directly to CalPERS to pay off the obligation

More study and consultation with an investment professional is recommended before deciding; however, the final option is the least desirable and most risky.

The Other Post Employment Benefit Obligation (OPEB) currently sits at an actuarily determined \$10.4 million. When first measured, this obligation was \$48 million. Through capping benefits and establishing an irrevocable trust the Town has greatly reduced and contained the obligation.

Since the fire, the Town has been unable to contribute any more funding to the trust. The trust currently contains about \$191,000. It would be prudent and recommended that \$10.2 million be contributed to the trust. With proper investment, monies could be drawn to fund the annual retiree health premiums without impacting operating funds.

Finally, there are 10 more years of payments remaining on the Pension Obligation Bond and a total of \$11.9 million owed. As researched before, this bond cannot be refinanced and must be paid according to the amortization schedule. However, if the Town invested \$10.2 million now in a trust that earns 3% per year, it could draw needed funds to make the payments without impacting operations.

4. Hazard Mitigation Grant Program

The Town has committed to funding the 25% match on the following important Hazard Mitigation Grant projects. The Town will seek to obtain funding for this match through CDBG-DR or other grant resources. However, until other funding is secured, it would be wise to set those funds aside.

Project	FEMA Share 75%	25% Match
Category 4 Tree Removal	\$6,899,992	\$2,299,998
Residential Ignition Resistant Improvements	6,349,490	2,116,497
Early Warning System	283,498	94,500
Hazardous Fuel Reduction Program	1,219,404	406,468
Defensible Space Code Enforcement	518,595	172,865
Storm Drain Master Plan	330,293	110,098
Reseeding Program	657,056	219,019
Totals	\$16,258,327	\$5,419,445

5. Deferred Maintenance and Equipment Replacement

The Town historically has not been able to properly fund equipment replacement and facility maintenance. This has resulted in unplanned expenditures and impacts to operation efficiency as staff dealt with broken equipment and vehicles.

A modest program over 18 years might look like the following:

Description	Annual	Over 18 Years
3 police cars per year	225,000	\$4,050,000
1 Fire Engine		650,000
2 Vehicles per year for Public Works, Animal Control, Community Development or Administration	140,000	2,520,000

Facility Maintenance – Carpet, Paint, Windows, HVAC, Roof etc.	75,000	1,350,000
Total		\$8,570,000

\$7.85 million invested over 18 years would allow the Town to draw \$476,000 per year to fund equipment replacement and deferred maintenance.

6. Cash Flow and Contingency Reserves

The Town Council and staff worked extremely hard and made tough decisions to build back a \$1.2 million cash flow reserve for the General Fund. To have appropriate cash flow to cover operations without borrowing from other funds or from outside organizations, the Town should maintain a cash flow reserve of about 21.5% of general fund operating expenses. This is a reserve of \$2.8 million or 2 ½ months. Thus, the Town will need to add \$1.59 million to achieve this goal.

Further the Town should consider establishing a contingency reserve for emergencies or other significant economic downturns. We do not know the full extent of the COVID-19 Pandemic on the Town's finances yet. It is believed the impacts will be minimal compared to other communities because rebuild efforts do not seem to be deterred. However, if another major recession or global event happens in the 18 years of this plan, it would be prudent to set aside funds that could be used to maintain services. 20% is recommended or about \$2.5 million.

Finally, the Town was just notified that along with a higher premium, the property insurance renewal for the Town includes a \$2.5 million dollar wildfire deductible. While it is unlikely that another wildfire of that size or intensity would impact the Town, a small wildfire that destroyed even one Town facility would create financial hardship. Also, we do not know if the event would be covered by FEMA. The most cautious approach is to set aside the \$2.5 million deductible.

7. FEMA Match and Insurance Ineligible Expenses

It will take several more years to complete and reconcile the FEMA Public Assistance and Insurance claims. To date the Town has submitted claims of about \$8 million. The Town still has facilities to rebuild and equipment to replace that is not yet factored into these submitted claims. Also, FEMA has matching requirements that the Town has not secured funding for. Finally, it is inevitable that some expenditures submitted with the claims will be determined ineligible or certain administrative expenses are not covered. It would be very prudent of the Town to set aside about \$2 million to cover matches and ineligible expenses.

Conclusion and Fiscal Analysis:

The PG&E Settlement is for \$270 million. However, litigation fees are estimated at 1% of the gross amount and attorney fees are 18% of the net. This results in the Town receiving about \$218 million.

In summary, following is a conservative yet prudent plan for the Town to consider in the appropriation of the settlement:

	Millions
Funding for Critical Public Services	\$146.0
Unfunded Liability and Pension Obligation Bond	42.2
Hazard Mitigation Grant Program Match	5.4
Deferred Maintenance and Equipment Replacement	7.9
Cash Flow and Contingency Reserves	6.6
FEMA PA Match and Insurance Ineligible Expenses	2.0
Total Commitments	<u>\$210.0</u>
Remaining Available for other Town Priorities	\$8

As demonstrated through this exercise, most of the PG&E settlement is committed and should be safeguarded through policies. Only through proper management and prudent investment toward sustaining critical public services will the Town's fiscal solvency be restored.