



# TOWN OF PARADISE

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## **Management Staff:**

Charles L. Rough, Jr., Town Manager  
Dwight L. Moore, Town Attorney  
Joanna Gutierrez, Town Clerk  
Lauren Gill, Assistant Town Manager  
Craig Baker, Community Development Director  
Dennis Schmidt, Public Works Director/Town Engineer  
Chris Jensen, Acting Fire Chief  
Chris Buzzard, Acting Police Chief  
Gina Will, Finance Director/Town Treasurer

## **Town Council:**

Scott Lotter, Mayor  
Joe DiDuca, Vice Mayor  
Alan White, Council Member  
Frankie Rutledge, Council Member  
Steve "Woody" Culleton, Council Member

## **TOWN COUNCIL AGENDA**

### **SPECIAL MEETING – 5:30 P.M. - July 22, 2010**

If you wish to address the Town Council, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Council Meeting.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Town Council within 72 hours of a Regular Meeting will be available for public inspection at the time the subject writing or document is distributed to a majority of the subject body. The information will be available at the Town Hall in the Town Clerk's Department at 5555 Skyway, Paradise, California, during regular business hours Monday through Thursday from 8:00 a.m. to 5:00 p.m.

## **1. OPENING**

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

## **2. COUNCIL CONSIDERATION**

- 2a. Discuss and consider taking the necessary action(s) to withdraw the November 2, 2010 ballot measure requesting voter approval of Ordinance No. 500 adopting a special police/fire tax; and consider:
  1. Adopting Resolution No. 10-\_\_\_, A Resolution of the Town Council of the Town of Paradise Amending Resolution No. 10-10, and Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 2, 2010, for the Election of Certain Officers as Required by the Provisions of the Laws of the

State of California Relating to General Law Cities for the Election of Two (2) Town Council Members. **(ROLL CALL VOTE)** ; and,

2. Adopting Resolution No. 10-\_\_\_, A Resolution of the Town Council of the Town of Paradise Amending Resolution No. 10-11 and Requesting the Board of Supervisors of the County of Butte to Consolidate a General Municipal Election to be held on November 2, 2010 With the Statewide General Election to be held on that Date for the Election of Two (2) Town Council Members. **(ROLL CALL VOTE)**

### **3. ADJOURNMENT**

**RESOLUTION NO. 10-\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE  
AMENDING RESOLUTION NO. 10-10 AND CALLING FOR THE HOLDING OF A  
GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2,  
2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE  
PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO  
GENERAL LAW CITIES FOR THE ELECTION OF TWO TOWN COUNCIL MEMBERS**

**WHEREAS**, on June 8, 2010, the Town Council adopted Resolution No. 10-10, under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 2, 2010, for the election of two (2) Town Council Members to four-year terms of office ending November, 2014; and,

**WHEREAS**, the Town Council has determined that it wishes to withdraw the ballot measure relating to voter approval of Ordinance No. 500 adopting a special police/fire tax.

**NOW, THEREFORE**, the Town Council of the Town of Paradise, California, does declare, determine, resolve and order as follows:

**SECTION 1.** Resolution No. 10-10 is hereby amended as set forth in this resolution.

**SECTION 2.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the Town of Paradise, California, on Tuesday, November 2, 2010, a General Municipal Election for the purpose of electing two (2) members of the Town Council for the full term of four (4) years, ending November, 2014.

**SECTION 3.** That the ballot measure relating to voter approval of Ordinance No. 500 is withdrawn.

**SECTION 4.** That the ballots to be used at the election shall be in the form and content as required by law.

**SECTION 5.** That the Town Clerk and County Clerk are authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 6.** That in the event two (2) or more persons receive an equal and the highest number of votes necessary to be elected, the Town Clerk shall summon the candidates who have received the tie votes to appear at her office at a time to be designated by her and shall at that time and place determine the tie by lot. The recommended procedure for determining by lot a tie is attached hereto and marked Exhibit "B".

**Town of Paradise**  
**Resolution No. 10-\_\_**

**SECTION 7.** That the polls for the election shall be open at seven o'clock (7:00) a.m. of the day of the election and shall remain open continuously from that time until eight o'clock (8:00) p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

**SECTION 8:** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 9:** That notice of the time and place of holding the election is given and the Town Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 10:** That the Town Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this \_\_ day of \_\_\_\_, 2010, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

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SCOTT LOTTER, Mayor

**ATTEST:**

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JOANNA GUTIERREZ, CMC, Town Clerk

**APPROVED AS TO FORM:**

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DWIGHT L. MOORE, Town Attorney

**EXHIBIT "B"**  
**RESOLUTION NO. 10-\_\_**

**RECOMMENDED PROCEDURE FOR DETERMINING BY LOT A  
TIE AMONG CANDIDATES AT THE NOVEMBER 2, 2010, ELECTION  
PURSUANT TO ELECTIONS CODE SECTION 15651**

The Town Clerk or her designees shall type the name of each candidate who had tied for office on a separate, but identical, piece of paper which shall be folded and deposited into a container and mixed so that one would not know which candidate's name appeared on which piece of paper. The Town Clerk or her designees shall draw from the container as many pieces of paper as there are seats on the Council to be filled by the candidates who have tied. The name(s) appearing upon the piece(s) of paper drawn shall be the name(s) of the person(s) who shall be deemed to be elected.

## **RESOLUTION NO. 10-\_\_**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE AMENDING RESOLUTION NO. 10-11 AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE FOR THE ELECTION OF TWO (2) TOWN COUNCIL MEMBERS**

**WHEREAS**, on June 8, 2010, the Town Council adopted Resolution No. 10-11, in which the Town Council called a General Municipal Election to be held on November 2, 2010, for the purpose of the election of two (2) Members of the Town Council for four-year terms of office ending November, 2014; and;

**WHEREAS**, Resolution No. 10-11 needs to be amended because the Town Council has determined that it wishes to withdraw the ballot measure relating to voter approval of Ordinance No. 500 adopting a special police/fire tax; and,

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date; that within the Town, the precincts, polling places and election officials of the two elections be the same; that the Election Department of the County of Butte canvass the returns of the General Municipal Election; and, that the election be held in all respects as if there were only one election.

**NOW, THEREFORE**, the Town Council of the Town of Paradise does resolve, declare, determine and order as follows:

**SECTION 1.** Resolution No. 10-11 is hereby amended as set forth in this resolution.

**SECTION 2.** That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Butte is hereby requested to consent and agree to the consolidation of a General Municipal Election with the statewide General Election on Tuesday, November 2, 2010 for the purpose of electing two (2) members of the Town Council for the full term of four (4) years, ending November, 2014.

**SECTION 3.** That the ballot measure relating to voter approval of Ordinance No. 500 is withdrawn.

**SECTION 4.** That the Butte County Board of Supervisors is requested to issue instructions to the Butte County Election Department to take any and all steps necessary for the holding of the consolidated election.

**SECTION 5.** That the Butte County Election Department is authorized to canvass the returns of the General Municipal Election and that the elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**Town of Paradise  
RESOLUTION NO. 10-**

**SECTION 6.** That the Town of Paradise recognizes that additional costs will be incurred by Butte County by reason of this consolidation and agrees to reimburse the County for such additional costs and to pay the costs associated with the current methodology used by the Butte County Election Department for cost recovery for Consolidated Elections.

**SECTION 7.** That the Town Clerk is hereby directed to file a certified copy of this resolution with the Butte County Board of Supervisors and the Butte County Election Department of the County of Butte.

**SECTION 8.** That the Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**NOT VOTING:**

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SCOTT LOTTER, Mayor

Attest:

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Joanna Gutierrez, CMC, Town Clerk

Approved as to Form:

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Dwight L. Moore, Town Attorney