



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

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 Buzzard, Police Chief
Rob Cone, Interim Fire Chief
Gina Will, Finance Director/Town Treasurer

Town Council:

Alan White, Mayor
Steve "Woody" Culleton, Vice Mayor
Joe DiDuca, Council Member
Scott Lotter, Council Member
Tim Titus, Council Member

TOWN COUNCIL AGENDA

REGULAR MEETING - 6:00 P.M. – September 6, 2011

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Dept., at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk. Members of the public may address the Town Council on any agenda item, including closed session. If you wish to address the Town Council on any matter on the Agenda, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Council Meeting.

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. Invocation
- d. Roll Call
- e. Proclamations: (1) Recognition of Planning Commissioner, Mitchell Johns
(2) Prostate Cancer Awareness Month

2. ITEMS DEFERRED FROM PREVIOUS MEETINGS

None.

3. CONSENT CALENDAR

Roll call vote will be taken one time for all of the Consent Calendar agenda items.

- 3a. Approve Minutes of the August 2, 2011 Regular Meeting.
- 3b. Approve Cash Disbursements Report in the amount of \$1,591,616.48.
- 3c. Approve a two-year services agreement with Sierra Refrigeration, Heating & Air Conditioning, 6899 B Clark Road, Paradise, in the annual amount of \$2,500 beginning September 16, 2011 through September 15, 2013, and for repair services at \$60 per hour.
- 3d. Adopt Resolution No. 11-___, A Resolution Approving Destruction of Certain Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090.
- 3e. Adopt Resolution No. 11-___, A Resolution of the Town Council of the Town of Paradise Appointing the Mayor to be a Member of the Qualifications Review Commission for the Volunteer Firefighters Length of Service Award Pursuant to Government Code Section 50961.
- 3f. (1) Waiving the second reading of entire Ordinance No. 522 and approve reading by title only; (2) adopt Ordinance No. 522, "An Ordinance Amending the Paradise Municipal Code Section 13.04.120, Table 13.04.120 Relating to Onsite Sewage Disposal Systems and Setback Requirements.
- 3g. Adopt Resolution No. 11-___, A Resolution Of The Town Council of the Town of Paradise Authorizing and Approving the Borrowing of Funds For Fiscal Year 2011-2012, the Issuance and Sale of a 2011-2012 Tax and Revenue Anticipation Note Therefore, And Approving Certain Other Actions Related Thereto. **(To be distributed as additional agenda material)** (Note: On 8/2/11 Council adopted Resolution No. 11-31, authorizing the Mayor & Town Manager to execute documents for a note through US Bank not to exceed \$3,000,000 for cash flow purposes, maturity not to exceed 10 months)
- 3h. None.
- 3i. Acknowledge receipt of the 4th Quarter Investment Report for the Fiscal Year Ended June 30, 2011.

- 3j. Adopt Resolution No. 11-___, A Resolution of the Town Council of the Town of Paradise Amending and Readopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate By Reference the Fair Political Practices Commission's Standard Model Conflict of Interest.

4. PUBLIC HEARING PROCEDURE

- a. Staff report (15 minutes total maximum)
- b. Open hearing to the public
 - 1. Project proponents or in favor of (15 minutes total maximum)
 - 2. Project opponents or against (15 minutes total maximum)
 - 3. Rebuttals - when requested (15 minutes total maximum or 3 minutes maximum per speaker)
- c. Close hearing to the public
- d. Council discussion
- e. Motion
- f. Vote

5. PUBLIC HEARINGS

- 5a. (1) Conduct a public hearing to seek public comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Town's Community Development Block Grant Program (CDBG); and, (2) Consider authorizing the Town Manager to submit the CAPER to the Department of Housing and Urban Development. **(ROLL CALL VOTE)** The CAPER is prepared for the U.S. Dept of Housing & Urban Development (HUD) and reports on specific federal housing assistance/community development activities that occurred during the July 1st, 2010 - June 30th, 2011 program year.
- 5b. (1) Conduct a public hearing pursuant to Government Code Section 30061(c)(2) to consider the requests of the Paradise Police Chief for appropriation of monies for front line law enforcement needs; and, (2) Consider adopting Resolution No. 11-___, A Resolution of the Town Council of the Town of Paradise Accepting State Supplemental Law Enforcement Services Fund (AB 1584 COPS Frontline) in the estimated amount of \$100,000. **(ROLL CALL VOTE)**
- 5c. Conduct a public hearing to consider introducing an ordinance relating to restricting medical marijuana cultivation, process, and distribution. The proposed ordinance provides, among other things, as follows: (1) Qualified patients or primary caregivers would be allowed to cultivate no more than 50 square feet of medical marijuana within a residential zoning district, in a rear or side yard with certain setbacks from adjacent properties; (2) Qualified patients or primary caregivers in a residential zoning district would be allowed to cultivate no more than 50 square feet indoors only with a permit issued by the Planning Director based on specific criteria; (3) All marijuana cultivated on residential property

would be for the personal use of the qualified patient residing on the property; and, (4) Prohibits the cultivation, processing or distribution of medical marijuana by collectives, cooperatives, dispensaries, operations, establishments, associations or similar entities within all Town of Paradise zoning districts.

At the conclusion of the public hearing, the Town Council will consider: (1) Waiving the reading of entire Ordinance No. ___ and approve reading by title only; **(ROLL CALL VOTE)**; and, (2) Introducing Ordinance No. ___, An Ordinance of the Town of Paradise Repealing Chapter 17.31 of the Paradise Municipal Code and Adding a New Chapter 17.31 to the Paradise Municipal Code Restricting Medical Marijuana Cultivation. **(ROLL CALL VOTE)**

6. PUBLIC COMMUNICATION

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

7. COUNCIL CONSIDERATION

- 7a. Review and consider authorizing the Mayor to execute the proposed letter of protest relative to implementation by the California Regional Water Quality Control Board of Phase 2 Storm Water Regulations (enacted by federal legislation known as the "Clean Water Act"). The letter would be sent by staff to the State Water Resources Control Board in Sacramento and recommends "Rejection of the Proposed Phase 2 Draft General Permit, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Store Sewer Systems (MS4's) (General Permit)." **(ROLL CALL VOTE)**
- 7b. Consider approving three general fund budget adjustments that will result in an amended 2011/12 General Fund deficit of \$404,878 and an amended General Fund Reserve in an amount of \$1,072,497. These adjustments decrease the General Fund deficit and increase the General Fund Reserves by \$49,439. **(ROLL CALL VOTE)**

8. COUNCIL COMMUNICATION (Council Initiatives)

- 8a. Council oral report(s) regarding representation on Commissions/Committees.
- 8b. Discuss the potential impacts of the State's plans to transfer prisoners with three years or less remaining on their sentence to Butte County and consider requesting the Butte County Board of Supervisor to establish a multi-jurisdictional committee to give local jurisdictions a voice in the process and to determine the number of prisoners to be released to each community and determine associated

monitoring, housing and law enforcement cost. The State's plan is to transfer 200 prisoners per year over the next three years to Butte County and an unspecified amount thereafter. **(TITUS)**

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

- a. Town Manager Oral Report

10. CLOSED SESSION

- a. Pursuant to Government Code Section 54957.6, the Town Council will hold a closed session to meet with Charles L. Rough, Jr., Lauren Gill, Gina Will, and Crystal Peters, its designated representatives, regarding labor relations between the Town and the Confidential/Mid-Management Association, Fire Mid-Management Association, the General Employees Unit, the Management Unit, and the Police Mid-Management Association.

11. ADJOURNMENT

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

TOWN/ASSISTANT TOWN CLERK SIGNATURE	

Town of Paradise, California
PROCLAMATION

WHEREAS, Mitchell Johns has faithfully served the community of Paradise as a member of the Paradise Planning Commission for a four-year term of office commencing July 1, 2007 and expiring June 30, 2011; and,

WHEREAS, Mitchell Johns served during specific times as Chairman and Vice Chairman of the Planning Commission; and, as Planning Commission representative on the Landscape Committee and the Redevelopment Advisory Committee; and,

WHEREAS, the Town Council of the Town of Paradise recognizes the valuable contribution to good government from citizens who spend many hours in the service of the Town without monetary compensation; and

WHEREAS, through participation on the Paradise Planning Commission, Mitchell Johns greatly assisted the Town of Paradise and the Town Council in an advisory capacity on matters relating to various land use issues within the Town of Paradise; and

WHEREAS, the orderly growth of the Town of Paradise has been enhanced by his efforts to pursue progressive improvement to the Town of Paradise; and

WHEREAS, Mitchell Johns has generously devoted his time and energy for the public good and performed his duties as a Paradise Planning Commissioner with thoroughness and professionalism;

NOW, THEREFORE, I, Alan White, Mayor of the Town of Paradise, do hereby recognize and express appreciation to Mitchell Johns for his dedicated service to the Town of Paradise.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Town of Paradise to be affixed hereto this 6th day of September, 2011.



Alan White, Mayor

Town of Paradise, California

PROCLAMATION

WHEREAS, prostate cancer is the most frequently diagnosed cancer in men, and the second most cause of cancer death in men, exceeded only by lung cancer deaths; and the American Cancer Society estimates 1 in 6 men will develop prostate cancer in their lifetime and it is estimated there will be 240,890 new cases of the disease in the USA in 2011, resulting in an estimated 33,720 deaths; and

WHEREAS, in California, prostate cancer is the most common cancer among men in almost all race and ethnic groups and it is estimated 25,030 California men will be diagnosed with prostate cancer this year and it is estimated 4,330 California men will die from this disease; and

WHEREAS, the survival rate approaches 100% when prostate cancer is diagnosed and treated early, but drops to 30% when it spreads to the other parts of the body; and

WHEREAS, early prostate cancer usually has no symptoms and familial predisposition may be responsible for 5% to 10% of the disease cases; and

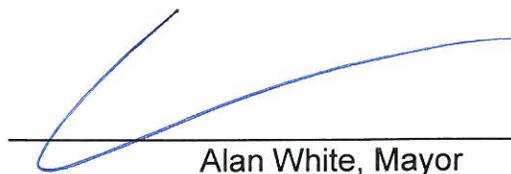
WHEREAS, recent studies suggest that a diet high in processed meat or dairy foods may be a risk factor, and obesity appears to increase risk of aggressive prostate cancer; and obesity and smoking are associated with an increased risk of dying from prostate cancer; and

WHEREAS, the Town of Paradise joins communities across our nation to increase the awareness about the importance for men to make an informed decision about early detection and testing for prostate cancer;

NOW, THEREFORE, I, Alan White, Mayor of the Town of Paradise, declare September as Prostate Cancer Awareness Month in the Town of Paradise and encourage all men to have a discussion with their health care provider in order to make an informed decision about early detection and testing for prostate cancer.

IN WITNESS WHEREOF I have hereunto set my hand and caused the official seal of the Town of Paradise to be affixed hereto this 6th day of September, 2011.




Alan White, Mayor

**MINUTES
PARADISE TOWN COUNCIL
REGULAR MEETING - 6:00 P.M. – August 2, 2011**

The Regular Meeting of the Town Council of the Town of Paradise was called to order by Mayor White at 6:00 p.m. in the Council Chambers, Town Hall, 5555 Skyway, Paradise, California. Following the pledge of allegiance, the invocation was offered by Council Member DiDuca.

COUNCIL MEMBERS PRESENT: Steve "Woody" Culleton, Joe DiDuca, Scott Lotter, Tim Titus, and Alan White, Mayor.

COUNCIL MEMBERS ABSENT: None.

STAFF PRESENT: Town Clerk Gutierrez, Town Manager Rough, Town Attorney Moore, Assistant Town Manager Gill, Finance Director Will, Community Development Director Baker, Public Works Director/Town Engineer Schmidt and Police Chief Buzzard.

Loretta Griffin presented to the Town Council a framed copy of a comic strip that referenced the Town of Paradise, autographed by the author, Brian Crane.

2. ITEMS DEFERRED FROM PREVIOUS MEETING

None.

3. CONSENT CALENDAR

Council discussed items 3d, 3i, and 3j to clarify: (1) That police department property would be donated to the Butte College Law Enforcement Academy for training and would not be available to the general public; (2) To discuss the budget adjustment necessitated by State legislation that reallocated VLF general revenue from cities to fund the COPS grant and booking fees; and, (3) To discuss the increased TRAN financing needed to cover cash flow for the first six months of the fiscal year.

Agenda Item 3a: MOTION by Lotter, seconded by Culleton, approved Minutes of the June 28, 2011 Special Meeting and the July 5, 2011 Regular Meeting. Roll call vote was unanimous.

TC (MIN) [APPR]
Minutes of 6/28/11
Special & 7/5/11 Regular
Meetings.

Agenda Item 3b: MOTION by Lotter, seconded by Culleton, approved Cash Disbursements Report in the amount of \$2,162,031.46. Roll call vote was unanimous.

TC (FIN) [APPR]
Cash Disbursements
Report in amount of
\$2,162,031.46.
(310-10-27)

Agenda Item 3c: MOTION by Lotter, seconded by Culleton, (1) Waived the second reading of entire Ordinance No. 521 and approve

TC (ORD) [INTRO] Ord
No 521, Prezoning
Certain Real Property

reading by title only; and, (2) Adopted Ordinance No. 521, An Ordinance Prezoning Certain Real Property Within the County of Butte and Within the Town of Paradise Sphere of Influence Consistent with the 1994 Paradise General Plan and Pursuant to Paradise Municipal Code Section 17.45.500, et. seq. (Town of Paradise; PL11-00116). The prezone affects a +/-59-acre property located immediately adjacent to and west of Skyway Crossroad, County of Butte, California, and is further identified as Assessor Parcel Number 017-090-097. Roll call vote was unanimous.

within Sphere of Influence. (540-16-90 & 750-85-05)

Agenda Item 3d: MOTION by Lotter, seconded by Culleton, adopted Resolution No. 11-27, A Resolution of the Town Council of the Town of Paradise Declaring Police Property Surplus and Authorizing Disposal Through a Donation. (The property includes expired ballistic vests, worn canvas equipment holders, worn or non-compatible radio holders and other equipment no longer authorized by the department.) Roll call vote was unanimous.

TC (RES) [ADOPT] Res No 11-27, Declaring Police Property Surplus. (380-10-03)

Agenda Item 3e: MOTION by Lotter, seconded by Culleton, adopted Resolution No. 11-28, A Resolution of the Town Council of the Town of Paradise Declaring Property Surplus and Authorizing Disposal Through an Auction. (The property consists of six town vehicles, one 10" plow, and one used dumper box.) Roll call vote was unanimous.

TC (RES) [ADOPT] Res No 11-27, Declaring Property Surplus. (Vehicles & Equipment) (380-10-03)

Agenda Item 3f: MOTION by Lotter, seconded by Culleton, approved the 2011/2012 Fiscal Year GIS maintenance agreement with the CSU, Chico Research Foundation in the amount of \$10,000.00 and authorized the Town Manager and Mayor to execute the agreement. Funds have been approved in the 2011/2012 Central Services Budget. Roll call vote was unanimous.

TC (AGT) [APPR] GIS Maintenance Agt with CSU Chico Research Foundation. (C06-22)

Agenda Item 3g: MOTION by Lotter, seconded by Culleton, adopted Resolution No. 11-29, "A Resolution Of The Town Council Of The Town Of Paradise Authorizing The Submittal Of An Application To The California State Department Of Housing And Community Development For Funding Under The CalHome Program; The Execution Of A Standard Agreement If Selected For Such Funding And Any Amendments Thereto; And Any Related Documents Necessary To Participate In The CalHome Program." (Would provide funding for first time homebuyer mortgage assistance and owner occupied rehabilitation programs). Roll call vote was unanimous.

TC (RES) [ADOPT] Res No 11-29, Application to CA State HCD for CalHome Funds. (710-10-76)

Agenda Item 3h: MOTION by Lotter, seconded by Culleton, adopted Resolution No. 11-30, a Resolution of the Town Council of

TC (RES) [ADOPT] Res No 11-30, Amended Salary Pay Plan for FY

the Town of Paradise, California, Rescinding Resolution No. 11-19 and Adopting the Amended Salary Pay Plan for Town of Paradise Employees for the Fiscal Year 2011-2012. Roll call vote was unanimous. 2011/2012. (610-10-18)

Agenda Item 3i: MOTION by Lotter, seconded by Culleton, approved seven general fund budget adjustments that will result in an amended 2011/12 General Fund deficit of \$454,317 and an amended General Fund reserve of \$1,023,058. Roll call vote was unanimous. **TC (FIN) [APPR]** Seven budget adjustments that affect the deficit & the General Fund reserve. (340-10-32)

Agenda Item 3j: MOTION by Lotter, seconded by Culleton, Acknowledged receipt of the 3rd Quarter Investment Report for the Fiscal year Ended June 30, 2011. Roll call vote was unanimous. **TC (FIN) [ACK]** 3rd Quarter Investment Report for FY ended 6/30/2011. (360-30-05)

Agenda Item 3k: MOTION by Lotter, seconded by Culleton, adopted Resolution No. 11-31, A Resolution of the Town Council of the Town of Paradise Authorizing the Mayor and the Town Manager to Execute Documents for a Tax and Revenue Anticipation Note Through U. S. Bank (not to exceed \$3,000,000 for cash flow purposes, maturity will not exceed 10 months). Roll call vote was unanimous. **TC (RES) [ADOPT]** TRAN through U.S. Bank not to exceed \$3,000,000. (350-40-11)

4. PUBLIC HEARING PROCEDURE

Mayor White informed the public of the public hearing procedure.

5. PUBLIC HEARINGS

Mayor White announced that the public hearing relating to a proposed ordinance restricting medical marijuana cultivation, processing, and distribution, has been cancelled.

Assistant Manager Gill reported to Council regarding the request of the Community Housing Improvement Program (CHIP) for issuance of bonds by the California Municipal Finance Authority (CMFA) to finance the acquisition, construction, improvement and equipping of a 36-unit multifamily rental apartment project known as the Paradise Community Village Phase 1 in the Town of Paradise (“the Project”) and pay certain expenses incurred in connection with issuance of the Bonds. In order for the bonds to issue, the Town of Paradise needs to become a member of the CMFA through execution of a Joint Powers Agreement by a designated signatory of the Town and that the bonds issued will be the sole responsibility of the Borrower, the Community Housing Improvement Program (CHIP).

Mayor White opened the public hearing, required by Section 147(f) of the Internal Revenue Code of 1986 (Tax and Equity Fiscal Responsibility Act), to solicit public input on the issuance of the bonds or on the nature and location of the facilities proposed to be financed at 6:20 p.m.

Speaking in favor of the proposal: None.

Speaking against the proposal:

1. Denny Carlisle, spoke against the proposed \$5 million dollar expenditure, and stated that with all the financial troubles facing the nation, the State, and the Town, he thinks there should be a small level of guilt in spending anyone's money on a project that is non- essential.

Mayor White stated that the California Housing Improvement Program (CHIP) is a private, non-profit corporation that will be responsible for the paying back the monies.

2. Jim Harding, spoke against the proposal, stating that although the Town may not be responsible, the project would not happen without the Town's involvement, that the proposal is asking for \$5 million dollars which calculates out to \$140,000 per apartment, and that he thinks that not all the money could be going to the building.

Town Attorney Moore stated that federal law requires this public hearing in order for tax exempt bonds to issue, and that the Town will have no liability or financial obligation.

3. Loren Harvey, spoke against the proposal, expressing concern with the wastewater disposal for the 36 units.

Mayor White closed the public hearing at 6:25 p.m.

1. Mona Dmitrento, of the California Municipal Finance Authority, stated the project is a private placement, that the Town is approving the tax exemption, and that the tax law allows them to issue tax exempt loans that are privately placed, that the loan is pre-approved by the bank, and is converting what would have been a conventional loan at a reduced rate for CHIP.
2. Chris Zappatini, of CHIP, stated that CHIP had a market study done that demonstrated a need for affordable housing units in the community, that the rents would be 15% below market, that they

are targeting people with low and very low income (households with 30% to 60% of area median income, the majority of which are 50% and below), and that the rents would range from the low for a one-bedroom without utilities at \$278 a month to a high for a three-bedrooms at \$823.

Agenda Item 5a: MOTION by Lotter, seconded by Culleton, adopted Resolution No. 11-23, A Resolution Approving, Authorizing and Directing Execution of a Joint Exercise of Powers Agreement relating to the California Municipal Finance Authority and Approving The Issuance Of Revenue Bonds By The Authority For The Purpose Of Financing Or Refinancing The Acquisition, Construction And Improvement Of An Affordable Multifamily Rental Apartment Project For The Benefit Of A Limited Partnership To Be Formed By Community Housing Improvement Program, Incorporated. Ayes of Culleton, DiDuca, Lotter and Mayor White; no of Titus.

The project site is a 2.52 acre parcel generally situated on the north side of Paloma Avenue approximately one eighth of one mile south of Buschmann Road and one eighth of one mile west of Clark Road in the Town of Paradise. All or a portion of the units will be occupied by persons or families of low or very low incomes and the facilities are to be operated by Community Housing Improvement Program, Inc. (CHIP). There will be no financial obligation from the Town.

Council concurred to move **agenda item 7d**, consideration of the Paradise Community Village Phase 1 development agreement, to this time on the agenda.

Assistant Town Manager Gill reported to Council that the proposed Phase 1 Development Agreement between the Paradise Youth Sports and Family Center (PCV), the Town of Paradise, the Paradise Recreation and Park District, and the Paradise Ridge Youth Soccer Club modifies direction given at the May 3, 2011, Council Meeting; that the Town will be receiving Lots 3 and 4 as security for loaning CDBG money to the Paradise Community Village who will in turn loan the money to the Community Housing Improvement Program (CHIP) for design and construction of a wastewater system for its affordable housing project; and, that CHIP would own and operate the wastewater treatment system, rather than the Town owning and operating the system, and the Town would release its security upon completion of the CHIP project.

Mayor White opened the matter for public comment.

1. Loren Harvey expressed concern about potential impacts of the development on police and fire services, and the potential smell of the wastewater treatment system.
2. Dave Ferrier, President of the Paradise Community Village Board and Executive Director of CHIP, stated that the PCV Board approved the development agreement, asked Council to approve agreement, and stated that they hope to begin work on the infrastructure within thirty days.

Agenda Item 7d: MOTION by Lotter, seconded by Culleton, authorized the Mayor to sign the Paradise Community Village Phase 1 Development Agreement between the Paradise Youth Sports and Family Center (PCV), the Town of Paradise, the Paradise Recreation and Park District, and the Paradise Ridge Youth Soccer Club. Roll call vote was unanimous.

TC (P&CD) [APPR]
PCV Phase 1
Development
Agreement. (760-40-02)

6. PUBLIC COMMUNICATION

1. Max Barteau, representing the Chamber of Commerce, informed Council of the "12 Days of Christmas Ridge „Fest" that is planned to promote local shopping to support local retail businesses, and which will coincide with the Town's annual Tree Lighting and Truck Parade; and, that "Buy Local" market will begin this Thursday at the Paradise Community Park.
2. Tom Kelly stated that he does not have clear understanding of the Town debt, is concerned that we have been without a Fire Chief for three months, and would like the Council to declare Paradise a drug free zone.
3. Glenn Stankis handed Council a written copy of his presentation and asked why he was requested to remove a sign from a rooftop where there are other signs in the Town similar to his that have been allowed.

7. COUNCIL CONSIDERATION

Onsite Office Danz reported to Council regarding proposed changes to the Paradise Municipal Code Section 13.04.120, Table 13.04.120, and to the Onsite Manual for Treatment of Wastewater, relating to onsite sewage disposal systems and setback requirements for location of and placement of septic tanks and absorption fields, and adding a definition to Chapter 6 of the manual relating to aesthetics of advanced treatment systems. If approved the changes would remove the setback table from the Paradise Municipal Code and

insert a reference to the setback requirements in Chapter 3 of the onsite manual, and would amend the setback requirements in Chapter 3 of the onsite manual.

Mayor White opened the matter to public comment.

1. Tom Kelly stated that he supports the Onsite Division and asked Council to pass the revisions.

Agenda Item 7a: MOTION by Lotter, seconded by Titus, (1) Waived the first reading of entire Ordinance No. 522 and approved reading by title only; (2) Introducing Ordinance No. 522, "An Ordinance Amending the Paradise Municipal Code Section 13.04.120, Table 13.04.120 Relating to Onsite Sewage Disposal Systems and Setback Requirements. Roll call vote was unanimous.

TC (ORD) [INTRO] Ord No 522, Amending PMC re Onsite Sewage Disposal Systems & Setback Requirements. (540-16-91)

MOTION by Lotter, seconded by Titus, adopted Resolution No. 11-33, A Resolution Amending Chapter 3, Table 3.1 and Chapter 6 (Large Systems) of the Town of Paradise Manual for the Onsite Treatment of Wastewater. (Amends Table 3.1, Required Setbacks, to Onsite Manual; and, adds Section F to Chapter 6 relating to aesthetics of advanced treatment systems). Roll call vote was unanimous.

TC (RES) [ADOPT] Res No 11-33, Amending Ch 3, Table 3.1 & Ch 6 of Onsite Manual. (960-30-18)

Assistant Town Manager Gill reported to Council regarding the "Final Wastewater Treatment and Collection System Feasibility Study for the Town of Paradise Downtown Community Cluster System", prepared by Mark Adams, NorthStar Engineering dated April 21, 2010; that the report is a culmination of several years of research and many studies; that findings show a town-wide conventional wastewater treatment system is not feasible at this time; and, that the reports recommends focus on the Downtown Redevelopment Project Area, in a phased approach, with certain adjacent commercial areas included. Assistant Town Manager Gill introduced Dennis Schmidt, Town Engineer/Public Works Director, Doug Danz, Onsite Sanitary Official for the Town of Paradise, Nick Wiegler, North Star Engineering, and Mark Sulik, City of Chico Wastewater Plant Manager, as integral members of the team who have been studying advanced wastewater treatment options for the Town. Ms. Gill presented a power point to illustrate the downtown project area, explained that there is a high level of system failures predicted for this area within the next five to ten years, and discussed the property constraints and lack of dispersal area available in the project area which make the area a priority focus for immediate wastewater collection, treatment and dispersal remediation.

Manager Rough explained that a clustered wastewater system was initially proposed as part of the Downtown Master Plan, that fifteen sites within the project area have been evaluated which were found to be located in inappropriate or inadequate areas and it was necessary to look outside of the project area and outside of the town limits for potential sites which evolved to the three options presented tonight.

Ms. Gill briefly outlined the three options recommended in the Northstar Report for dispersal and treatment outside of the town limits: Option 1, a STEP (Septic Tank Effluent Pump) collection system on lower Skyway at the south of Town limits (on blue Oaks Estates property; Option 2, partnering with the owner of the Tuscan Ridge Golf Course for location of tertiary treatment and dispersal facilities on the golf course property; and, Option 3, connecting to the City of Chico Water Pollution Control Plant, an existing municipal sewer system, by way of a gravity pipe system that would be buried along the Skyway public right-of-way.

Onsite Official Danz and North Star Engineer Wiegler each discussed in detail the pros and cons of each of the proposed options, and answered questions from the Council regarding the costs of the proposed systems, project timelines, potential funding and financing opportunities, as well as the opportunity presented to partner with neighboring jurisdictions for a solution.

Mayor White opened the matter for public comment.

1. Max Barteau, business owner and representative of the Chamber of Commerce, stated that the Chamber supports the town's efforts in solving the wastewater issues for the entire Town and for the business community.
2. Loren Harvey stated that he supports the Chico option.
3. Tom Kelly asked about the number of parcels in the redevelopment project area and how this would system would be financed.
4. Mo West, owner of the Tuscan Ridge Golf Course, discussed with Council his research and study of wastewater disposal issues and options for the golf course site, that the golf course option would provide an area for wastewater dispersal and would preserve the water currently being pumped from the aquifer to water the greens, that his research reported that a system could be designed and built

for \$8 million dollars, substantially less than the \$29 million dollar cost projected by the North Star report, discussed advantages to using the golf course site, and asked the Council to look at all options more in depth before choosing one over the other.

5. George Barber, Manager of the Paradise Irrigation District, informed Council that PID has a Waste Discharge Requirement permit issued by the California Regional Water Quality Control Board for its treatment plant that they would like to get out of, and discussed with Council the difficulties with regard to the monitoring and reporting requirements associated with the permit.

Agenda Item 7b: Council concurred to: (1) Acknowledge receipt of the "Final Wastewater Treatment and Collection System Feasibility Study for the Town of Paradise Downtown Community Cluster System", prepared by Mark Adams, NorthStar Engineering dated April 21, 2010; and, (2) Directed staff to further study and evaluate Option 2, partnering with the owner of the Tuscan Ridge Golf course for treatment and dispersal facilities on the golf course property; and, Option 3, the feasibility of constructing and operating a conveyance system from the project area to the municipal sewer system operated by the City of Chico.

Mayor White called a recess at 8:55 p.m. and reconvened the meeting at 9:00 p.m.

Town Engineer/Public Works Director Schmidt reported to Council that the existing Joint Use Agreement, dated June 18, 1980 between the Town of Paradise and the Paradise Irrigation, allows the Town and PID to recognize the rights of each entity relating to easements and right of ways and facilities that were in use at that time; and that the proposed amendment recognizes a new technology being utilized and would specifically authorize the District to install an Automated Meter Reading system in the Town of Paradise right of way.

A representative from Chevron, the District's licensed contractor, explained that although there are 600 proposed locations, there will not be a need for 600 new poles, and that a spreadsheet with the locations of the meters is available for Council to review.

Jack Roff, Pacific Meter Services, explained the plan for installation, that he estimates 50 to 70 new posts will be needed as most installations will be made on existing signage, and that the posts will be located in PID easements.

George Barber, PID Manager, stated that PID is also concerned with the potential impacts relating to the installation these meters within the community, and with regard to the need for and proposed locations of new PG&E power poles, explained the public review process they will follow with regard to notifying the citizens in the areas where the power poles are to be erected.

Mayor White opened the matter for public comment.

1. Loren Harvey stated that he is concerned about privacy issues, that people might be able to find out when someone is or isn't home based on the use of water, and the security of the data that is to be transmitted over the internet.

George Barber stated that the Paradise Irrigation District is also concerned about the privacy of their customers, and that the data transmissions are encrypted.

Agenda Item 7c: MOTION by DiDuca, seconded by Culleton, approved the amendment to the Joint Use Agreement", amending the existing Town of Paradise/Paradise Irrigation District Joint Use Agreement dated June 18, 1980, and authorized the Town Manager and the Mayor to execute the agreement. The amendment will allow the District to install an Automated Meter Reading system in the Town of Paradise right of way. Roll call vote was unanimous.

TC (AGT) [APPR]
Amendment to Joint Use
Agreement with PID.
(C80-07)

Manager Rough recommended that the Council consider deferring consideration of the proposed urgency ordinance permitting the continued existence and operation of the Paradise Redevelopment Agency to the September 6, 2011 Regular Meeting. Manager Rough informed Council that the California Redevelopment Association, the League of California Cities and other entities have recently filed a lawsuit on July 18, 2011, that not only seeks a stay to prevent implementation of AB 1X 26 & AB 1x 27, but also challenges the constitutionality of the legislation. In short, AB 1X 26 and AB 1X 27 were enacted as part of the 2011-12 State budget bill to require a community to either dissolve its redevelopment agency by October 1, 2011, or to commit to an "Alternative Voluntary Redevelopment Program" that requires a redevelopment agency to remit annual portions of its tax increment to make a specific, annual payments to the county auditor-controller to fund State obligations to schools.

Agenda Item 7d: Action taken after the public hearing. See page 6.

Agenda Item 7e: Council concurred to defer the proposed urgency ordinance to permit the continued existence and operation of the Paradise Redevelopment Agency to the September 6, 2011, Council Meeting. Proposed action: [(1) Waive the reading of proposed urgency and approve reading by title only; and, (2) Adopt urgency ordinance - "An Ordinance of the Town Council of the Town of Paradise, California, Determining It Will Comply With the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in Order to Permit the Continued Existence and Operation of the Paradise Redevelopment Agency." This ordinance is being recommended as an emergency ordinance and shall take effect and be in force immediately upon its adoption. Potential first year financial impact is \$102,455, to be reimbursed by the redevelopment agency; each subsequent year estimate is \$24,107.

Town Attorney Moore informed Council on the status of the lawsuit filed by the California Redevelopment Association (CRA), that briefs have been submitted by both sides and it will come down to whether or not the Supreme Court will order a stay pending the outcome of the litigation, as it would be chaotic for redevelopment agencies to terminate and then find out the law is invalid. The other issue, which is the essence of the lawsuit, is based on Proposition 22 which prohibits the State from diverting or transferring funds relating to redevelopment agencies for other purposes, the real argument being that the diversion of monies is not constitutional.

8. COUNCIL COMMUNICATION (Council Initiatives)

Agenda Item 8a: Council Member DiDuca attended a Chamber ribbon cutting for the Feather Falls Casino and Brewery, and a meeting regarding the RFP process for emergency medical services for Butte County.

Vice Mayor Culleton reported that he interviewed but was not selected to serve on the League of California Cities Board of Directors, and that three people from our Sacramento Valley Division do serve on the LCC Board of Directors; reminded Council of the August 13, 2011 Dutch Oven Cook-off at the Gold Nugget Museum; and that there is tentatively scheduled a benefit for the museum for October 15, 2011 at the Performing Arts Center that would involve cowboy poetry, music, etc.

Council Member Titus reported that he attended the Butte County Association of Governments and Butte County Air Quality Control Board meetings.

Agenda Item 8b: Council Member Titus stated that he put the item to discuss the feasibility of transitioning from a general law city to a charter city on the agenda because the Town is at an economic cross roads, facing many budgetary challenges, that becoming a charter city would give the Town an opportunity to create its own system to address the uncertainties of the future such as creating our own prevailing wage, providing the ability to charge back for the costs of DUI's and other public services, and that the Town needs to raise revenue to survive and needs flexibility to create its own future, and that he would like to have an idea of the timelines needed for the public process and to present the idea to the voters.

Manager Rough stated that the Town staff has an intensive work schedule for the next six to eight months, discussed the projects that the staff is working on, which include processing the Wal Mart development application in addition to other economic development projects, and a series of 90-days reports for the Council. Manager Rough suggested creating a timeline with July 1, 2011 as the completion date in order to get a ballot measure ready for the November 12, 2011 election and that there are two methods to create a charter city – one would involve electing a commission to create the charter; and, the second, the Council would create the charter.

Mayor White opened the matter for public comment.

1. Dan Calamuci, stated that he is a researcher for Carpenters Local 1599, that he is opposed to the Town becoming a charter city as any change to the local prevailing rates would affect their members.
2. Sven Clausen, United Brotherhood of Carpenters, stated that he opposes the charter city idea, that the savings would be small, the liability would increase, and that the prevailing wages are geared toward our northern California area.
3. Loren Harvey, stated that he opposes the charter city idea, that the Town needs to cut back and not ask for more revenue.
4. Tom Kelly, stated the we need to put ideas on the table, that the reason we have a Town is for police and fire services, thinks Council is doing a doing job, and that there are other options.
5. Ted Schwartz, Carpenters Union, stated that his main concern is with prevailing wages, asked the Council not to pursue becoming a

charter city and to consult with other cities that have looked into becoming charter cities and decided not to pursue the option.

Council Member Titus stated that his goal in placing this item on the agenda was to open debate and discussion on the idea of becoming a charter city, that economics rather than prevailing wages were the driver, and provide an opportunity to look at an option that could provide flexibility for the community to recoup actual costs of services.

Agenda Item 8b: Council concurred to direct staff to bring back information on the process, the pros and cons, and a time-line to meet the deadlines for the November 2012 General Election.

9. STAFF/COMMISSION/COMMITTEE COMMUNICATION

No report.

10. CLOSED SESSION

The closed session was cancelled.

11. ADJOURNMENT

The Town Council meeting was adjourned at 10:10 p.m.

APPROVED:

ALAN WHITE, Mayor

JOANNA GUTIERREZ, CMC, Town Clerk

TOWN OF PARADISE

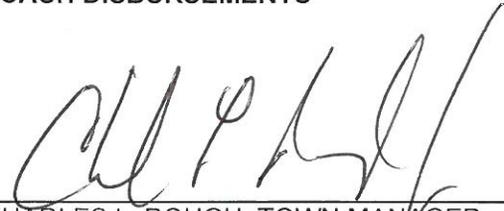
CASH DISBURSEMENTS REPORT

FOR THE PERIOD OF
JULY 21, 2011 - AUGUST 20, 2011

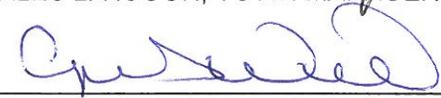
July 21, 2011 - August 20, 2011

Check Date	Pay Period End	DESCRIPTION	AMOUNT
7/22/2011	7/17/2011	Net Payroll - Direct Deposits & Checks	\$184,238.88
7/31/2011	8/5/2011	Net Payroll - Direct Deposits & Checks	\$179,878.05
8/19/2011	8/14/2011	Net Payroll - Direct Deposits & Checks	\$179,771.93
		TOTAL NET WAGES PAYROLL	<u>\$364,116.93</u>
		PR VENDORS: TAXES, PERS, DUES, INSURANCE, ETC.	<u>\$470,157.42</u>
		TOTAL CASH DISBURSEMENTS - PAYROLL	<u>\$834,274.35</u>
		TOTAL CASH DISBURSEMENTS - ACCOUNTS PAYABLE (Detail attached)	<u>\$757,342.13</u>
		GRAND TOTAL CASH DISBURSEMENTS	<u><u>\$1,591,616.48</u></u>

APPROVED BY:


CHARLES L. ROUGH, TOWN MANAGER

APPROVED BY:


GINA S. WILL, FINANCE DIRECTOR/TOWN TREASURER

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 7/21/2011 - To Payment Date: 8/20/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Wells Fargo AP Checking									
<u>Check</u>									
54331	07/21/2011	Open			Accounts Payable	ACCESS INFORMATION MANAGEMENT	\$97.36		
54332	07/21/2011	Open			Accounts Payable	AIRGAS SAFETY, INC.	\$15.90		
54333	07/21/2011	Open			Accounts Payable	AT&T	\$958.13		
54334	07/21/2011	Open			Accounts Payable	BUTTE CO NEAL ROAD LANDFILL	\$30.46		
54335	07/21/2011	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$198,169.33		
54336	07/21/2011	Open			Accounts Payable	CA LAW ENF. ASSOC. OF RECORDS SUPERVISORS, INC.	\$375.00		
54337	07/21/2011	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF CONSERVATION	\$203.17		
54338	07/21/2011	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$1,701.00		
54339	07/21/2011	Open			Accounts Payable	CERTIFION CORPORATION D.B.A. ENTERSECT	\$84.95		
54340	07/21/2011	Open			Accounts Payable	COMCAST CABLE	\$133.60		
54341	07/21/2011	Open			Accounts Payable	COMPLETE HOME REPAIR	\$798.75		
54342	07/21/2011	Open			Accounts Payable	DEPARTMENT OF FORESTRY & FIRE PROTECTION	\$32,769.14		
54343	07/21/2011	Open			Accounts Payable	DOUG DANZ	\$72.96		
54344	07/21/2011	Open			Accounts Payable	FP/FRANCOTYP-POSTALIA MAILING SOLUTIONS	\$103.86		
54345	07/21/2011	Open			Accounts Payable	George, Kenneth Wayne	\$2,467.00		
54346	07/21/2011	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$810.02		
54347	07/21/2011	Voided		07/21/2011	Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$37.82		
54348	07/21/2011	Open			Accounts Payable	IDENTIX INCORPORATED	\$2,512.00		
54349	07/21/2011	Open			Accounts Payable	Info Tech Research Group, Inc.	\$1,295.00		
54350	07/21/2011	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$947.14		
54351	07/21/2011	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$210.00		
54352	07/21/2011	Open			Accounts Payable	JOHNNY ON THE SPOT PORTABLES	\$60.00		
54353	07/21/2011	Open			Accounts Payable	KEN'S HITCH & WELDING	\$16.47		
54354	07/21/2011	Open			Accounts Payable	LOCATE PLUS CORPORATION	\$25.00		
54355	07/21/2011	Open			Accounts Payable	M.S. TEDESCO CONSTRUCTION	\$5,888.70		
54356	07/21/2011	Open			Accounts Payable	NORTH STATE RENDERING INC	\$30.00		
54357	07/21/2011	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$8,291.34		
54358	07/21/2011	Open			Accounts Payable	NORTHSTATE AGGREGATE, INC.	\$112.58		
54359	07/21/2011	Open			Accounts Payable	O'REILLY AUTO PARTS	\$171.14		
54360	07/21/2011	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$366.16		
54361	07/21/2011	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$176.50		
54362	07/21/2011	Open			Accounts Payable	RIEBES AUTO PARTS	\$533.06		
54363	07/21/2011	Open			Accounts Payable	SIERRA SAFETY ASSOCIATES	\$762.02		
54364	07/21/2011	Open			Accounts Payable	SKYWAY PET HOSPITAL,	\$50.00		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 7/21/2011 - To Payment Date: 8/20/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
54365	07/21/2011	Open			Accounts Payable	SVABO	\$64.00		
54366	07/21/2011	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$10.10		
54367	07/21/2011	Voided		07/21/2011	Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$3.92		
54368	07/21/2011	Open			Accounts Payable	VERIZON WIRELESS	\$1,319.06		
54369	07/21/2011	Open			Accounts Payable	WESTAMERICA BANK	\$4,887.66		
54370	07/21/2011	Open			Accounts Payable	WILSON PRINTING CO.	\$157.66		
54371	07/21/2011	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$715.09		
54372	07/28/2011	Open			Accounts Payable	A.J. OVERHEAD DOOR, INC.	\$14.99		
54373	07/28/2011	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$267.68		
54374	07/28/2011	Open			Accounts Payable	BUTTE CO RECORDER	\$15.00		
54375	07/28/2011	Open			Accounts Payable	C & E TRANSCRIPTION	\$1,695.72		
54376	07/28/2011	Open			Accounts Payable	CALIFORNIA BUILDING STANDARDS COMMISSION	\$140.40		
54377	07/28/2011	Open			Accounts Payable	CORBIN WILLITS SYS. INC.	\$348.00		
54378	07/28/2011	Open			Accounts Payable	Design Assistance	\$260.00		
54379	07/28/2011	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$68.70		
54380	07/28/2011	Open			Accounts Payable	HUNTERS PEST CONTROL	\$110.00		
54381	07/28/2011	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$37.82		
54382	07/28/2011	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$813.43		
54383	07/28/2011	Open			Accounts Payable	JC NELSON SUPPLY COMPANY	\$133.52		
54384	07/28/2011	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$82.37		
54385	07/28/2011	Open			Accounts Payable	Law Office of Gregory P. Einhorn	\$1,122.00		
54386	07/28/2011	Open			Accounts Payable	LIFE ASSIST INC	\$686.51		
54387	07/28/2011	Open			Accounts Payable	MARK C. SEUFERT CONSTRUCTION	\$2,452.50		
54388	07/28/2011	Open			Accounts Payable	MUNICIPAL CODE CORP	\$1,141.15		
54389	07/28/2011	Open			Accounts Payable	MUNIMETRIX SYSTEMS CORP	\$499.00		
54390	07/28/2011	Open			Accounts Payable	NEW WORLD SYSTEMS CORP.	\$4,000.00		
54391	07/28/2011	Voided		08/01/2011	Accounts Payable	OFFICE INTERIORS OF VIRGINIA, INC.	\$270.40		
54392	07/28/2011	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$9,351.40		
54393	07/28/2011	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$10.80		
54394	07/28/2011	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$501.86		
54395	07/28/2011	Open			Accounts Payable	POST NET	\$668.88		
54396	07/28/2011	Open			Accounts Payable	SUN RIDGE SYSTEMS, INC.	\$150,864.38		
54397	07/28/2011	Open			Accounts Payable	VALLEY INDUSTRIAL COMMUNICATIONS, INC	\$332.30		
54398	07/28/2011	Open			Accounts Payable	WELLS FARGO BANK NA	\$250.00		
54399	07/28/2011	Open			Accounts Payable	WESTAMERICA BANK	\$38,719.67		
54400	08/01/2011	Open			Accounts Payable	DHABOLT, OTIS	\$150.67		
54401	08/01/2011	Voided		08/08/2011	Accounts Payable	HAUNSCHILD, MARK	\$310.21		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 7/21/2011 - To Payment Date: 8/20/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
54402	08/01/2011	Open			Accounts Payable	HONEYWELL, JANICE, J.	\$955.41		
54403	08/01/2011	Open			Accounts Payable	ICMA RETIREMENT #107773	\$287.17		
54404	08/01/2011	Open			Accounts Payable	JEFFORDS, ROBERT, D.	\$478.07		
54405	08/01/2011	Open			Accounts Payable	MOBILITIE INVESTMENTS II, LLC	\$100.00		
54406	08/01/2011	Open			Accounts Payable	MOORE, DWIGHT, L.	\$12,650.00		
54407	08/01/2011	Open			Accounts Payable	SWEENEY, JOHN & GEORGENIA	\$1,039.47		
54408	08/04/2011	Open			Accounts Payable	AG Transmission Repair	\$547.37		
54409	08/04/2011	Open			Accounts Payable	AMERIGAS	\$185.55		
54410	08/04/2011	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$141.65		
54411	08/04/2011	Open			Accounts Payable	Big O Tires	\$538.64		
54412	08/04/2011	Open			Accounts Payable	BURTON'S FIRE, INC.	\$74.47		
54413	08/04/2011	Open			Accounts Payable	BUTTE REGIONAL TRANSIT	\$1,318.80		
54414	08/04/2011	Open			Accounts Payable	C & E TRANSCRIPTION	\$649.26		
54415	08/04/2011	Open			Accounts Payable	COMCAST CABLE	\$115.26		
54416	08/04/2011	Open			Accounts Payable	COMPLETE ASPHALT SERVICE CO. INC. (CASCO)	\$1,107.62		
54417	08/04/2011	Open			Accounts Payable	CRUM, JEFFREY R., ROSS	\$30.00		
54418	08/04/2011	Open			Accounts Payable	DAPPER TIRE COMPANY INC.	\$1,607.26		
54419	08/04/2011	Open			Accounts Payable	DATCO SERVICES CORPORATION	\$220.50		
54420	08/04/2011	Open			Accounts Payable	DODGE, JEFFREY, L.	\$120.88		
54421	08/04/2011	Open			Accounts Payable	Eiler, LCSW, Lori	\$100.00		
54422	08/04/2011	Open			Accounts Payable	FLORES, LUIS, A.	\$61.00		
54423	08/04/2011	Open			Accounts Payable	GRANDFLOW, INC.	\$269.58		
54424	08/04/2011	Open			Accounts Payable	HELENA SPECIALTY PRODUCTS	\$99.45		
54425	08/04/2011	Open			Accounts Payable	HI-TECH EMERGENCY VEHICLE SERV. INC.	\$247.60		
54426	08/04/2011	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$373.35		
54427	08/04/2011	Open			Accounts Payable	INTERSTATE SALES	\$529.82		
54428	08/04/2011	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$285.00		
54429	08/04/2011	Open			Accounts Payable	JOHNSTON, DAVE J.	\$50.50		
54430	08/04/2011	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$594.07		
54431	08/04/2011	Open			Accounts Payable	L & L SURVEYING	\$1,664.88		
54432	08/04/2011	Open			Accounts Payable	LES SCHWAB TIRE CENTER - MOTORPOOL	\$96.00		
54433	08/04/2011	Open			Accounts Payable	LIEBENBERG, IBE, J.	\$5.25		
54434	08/04/2011	Open			Accounts Payable	LUNG, JAMES, ALLEN	\$81.00		
54435	08/04/2011	Open			Accounts Payable	MARK C. SEUFERT CONSTRUCTION	\$272.50		
54436	08/04/2011	Open			Accounts Payable	NORTHERN CALIFORNIA FENCE	\$724.67		
54437	08/04/2011	Open			Accounts Payable	O'REILLY AUTO PARTS	\$239.46		
54438	08/04/2011	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$42.48		
54439	08/04/2011	Open			Accounts Payable	OFFICE INTERIORS OF VIRGINIA, INC.	\$270.40		
54440	08/04/2011	Open			Accounts Payable	PARADISE DIVE CENTER	\$85.39		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 7/21/2011 - To Payment Date: 8/20/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
54441	08/04/2011	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$446.84		
54442	08/04/2011	Open			Accounts Payable	PARADISE POST/NORTH VALLEY COMMTY MEDIA	\$134.00		
54443	08/04/2011	Open			Accounts Payable	RAMOS, DANIEL J.	\$116.13		
54444	08/04/2011	Open			Accounts Payable	REPUBLIC ITS, INC.	\$5,296.57		
54445	08/04/2011	Open			Accounts Payable	RIEBES AUTO PARTS	\$400.07		
54446	08/04/2011	Open			Accounts Payable	SILL, ERICK E.	\$30.00		
54447	08/04/2011	Open			Accounts Payable	SNAP-ON TOOLS	\$1,343.37		
54448	08/04/2011	Open			Accounts Payable	STARR, RUSSELL	\$92.50		
54449	08/04/2011	Open			Accounts Payable	SUTPHEN CORPORATION	\$94.37		
54450	08/04/2011	Open			Accounts Payable	THOMAS ACE HARDWARE - MOTORPOOL	\$5.19		
54451	08/04/2011	Open			Accounts Payable	TUCKER PEST CONTROL	\$126.00		
54452	08/04/2011	Open			Accounts Payable	TURNBOW, DAVID LYNN	\$75.75		
54453	08/04/2011	Open			Accounts Payable	TURNBOW, DEBBIE	\$91.50		
54454	08/04/2011	Open			Accounts Payable	WELLS, MARK	\$20.00		
54455	08/04/2011	Open			Accounts Payable	WITTMEIER AUTO CENTER	\$259.16		
54456	08/01/2011	Open			Accounts Payable	HAUNSCHILD, MARK	\$310.21		
54457	08/11/2011	Open			Accounts Payable	JOHN REGH INLAND LEASING	\$398.00		
54458	08/11/2011	Open			Accounts Payable	A-BETTER PEST CONTROL CO.	\$95.00		
54459	08/11/2011	Open			Accounts Payable	A.J. SILVA & COMPANY	\$114.16		
54460	08/11/2011	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$241.30		
54461	08/11/2011	Open			Accounts Payable	AT&T	\$103.62		
54462	08/11/2011	Open			Accounts Payable	AT&T CALNET 2-REPEATER LINES	\$198.39		
54463	08/11/2011	Open			Accounts Payable	AT&T-COMMUNITY PARK	\$15.19		
54464	08/11/2011	Open			Accounts Payable	AT&T/CAL NET 2	\$4,382.86		
54465	08/11/2011	Open			Accounts Payable	ATB SERVICES, LLC	\$294.50		
54466	08/11/2011	Open			Accounts Payable	BUTTE CO RECORDER	\$19.00		
54467	08/11/2011	Open			Accounts Payable	BUTTE CO TREASURER	\$4,119.40		
54468	08/11/2011	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$846.00		
54469	08/11/2011	Open			Accounts Payable	CERTIFIED SECURITY SYSTEM INCORPORATED	\$2,373.00		
54470	08/11/2011	Open			Accounts Payable	COMPLETE ASPHALT SERVICE CO. INC. (CASCO)	\$773.17		
54471	08/11/2011	Open			Accounts Payable	DAY WIRELESS SYSTEMS - MILWAUKIE, OR	\$1,000.00		
54472	08/11/2011	Open			Accounts Payable	DON'S SAW & MOWER	\$35.00		
54473	08/11/2011	Open			Accounts Payable	GRAPHIC IMPRESSIONS	\$23.22		
54474	08/11/2011	Open			Accounts Payable	GREAT AMERICA LEASING CORP.	\$116.89		
54475	08/11/2011	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$1,318.92		
54476	08/11/2011	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$121.40		
54477	08/11/2011	Open			Accounts Payable	JAMES RIOTTO & ASSOCIATES	\$110.00		
54478	08/11/2011	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$17,373.92		

TOWN OF PARADISE

CASH DISBURSEMENTS REPORT

From Payment Date: 7/21/2011 - To Payment Date: 8/20/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
54479	08/11/2011	Open			Accounts Payable	LAW OFFICES OF RICHARD L. CRABTREE	\$116.00		
54480	08/11/2011	Open			Accounts Payable	LIEBERT CASSIDY WHITMORE	\$8,664.09		
54481	08/11/2011	Open			Accounts Payable	MAUREEN KANE & ASSOCIATES, INC.	\$1,280.00		
54482	08/11/2011	Open			Accounts Payable	NORTHGATE PETROLEUM CO	\$8,863.28		
54483	08/11/2011	Open			Accounts Payable	O'REILLY AUTO PARTS	\$44.87		
54484	08/11/2011	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$737.66		
54485	08/11/2011	Open			Accounts Payable	PACIFIC GAS & ELECTRIC	\$69.53		
54486	08/11/2011	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$184.01		
54487	08/11/2011	Open			Accounts Payable	PARADISE POST	\$59.00		
54488	08/11/2011	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$562.90		
54489	08/11/2011	Open			Accounts Payable	PETERS RUSH HABIB & MCKENNA	\$60.00		
54490	08/11/2011	Open			Accounts Payable	R C COPIERS	\$65.00		
54491	08/11/2011	Open			Accounts Payable	RJ HEUTON CONSTRUCTION, INC.	\$91,406.81		
54492	08/11/2011	Open			Accounts Payable	THOMAS ACE HARDWARE - ENG. DEPT.	\$533.53		
54493	08/11/2011	Open			Accounts Payable	THOMAS ACE HARDWARE - FIRE DEPT.	\$267.20		
54494	08/11/2011	Open			Accounts Payable	US BANCORP OFFICE EQUIP FINANCE SERVICES	\$526.49		
54495	08/11/2011	Open			Accounts Payable	VERIZON WIRELESS	\$38.01		
54496	08/11/2011	Open			Accounts Payable	WURTH USA INC.	\$209.09		
54497	08/18/2011	Open			Accounts Payable	ACCESS INFORMATION MANAGEMENT	\$15.50		
54498	08/18/2011	Open			Accounts Payable	ACHESON, MARGIE	\$79.34		
54499	08/18/2011	Open			Accounts Payable	ARAMARK UNIFORM SERV. INC.	\$56.35		
54500	08/18/2011	Open			Accounts Payable	AT&T	\$958.13		
54501	08/18/2011	Open			Accounts Payable	BASIC LABORATORY	\$2,167.40		
54502	08/18/2011	Open			Accounts Payable	CALIFORNIA STATE DEPARTMENT OF JUSTICE	\$1,174.00		
54503	08/18/2011	Open			Accounts Payable	CERTIFION CORPORATION D.B.A. ENTERSECT	\$93.90		
54504	08/18/2011	Open			Accounts Payable	CLEANING CONNECTION, THE	\$300.00		
54505	08/18/2011	Open			Accounts Payable	COMCAST CABLE	\$195.16		
54506	08/18/2011	Open			Accounts Payable	CONTRA COSTA COUNTY SHERIFF'S OFFICE	\$546.00		
54507	08/18/2011	Open			Accounts Payable	DAVE GAYLORD ENTERPRISES	\$3,031.25		
54508	08/18/2011	Open			Accounts Payable	DEUTSCHE BANK NATIONAL TRUST COMPANY	\$45,526.83		
54509	08/18/2011	Open			Accounts Payable	ENPROB ENVIRONMENTAL PROBING	\$13,980.75		
54510	08/18/2011	Open			Accounts Payable	EVERGREEN JANITORIAL SUPPLY, INC.	\$122.21		
54511	08/18/2011	Open			Accounts Payable	FEASTER, PATRICK	\$297.00		
54512	08/18/2011	Open			Accounts Payable	FEATHER RIVER HOSPITAL	\$776.00		
54513	08/18/2011	Open			Accounts Payable	GOFF, RONALD	\$280.00		

CASH DISBURSEMENTS REPORT

From Payment Date: 7/21/2011 - To Payment Date: 8/20/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
54514	08/18/2011	Open			Accounts Payable	HINDERLITER, DE LLAMAS & ASSOCIATES INC.	\$1,022.86		
54515	08/18/2011	Open			Accounts Payable	I.M.P.A.C. PAYMENTS IMPAC GOV SVCS/US BANCORP	\$2,057.92		
54516	08/18/2011	Open			Accounts Payable	INLAND BUSINESS MACHINES	\$441.59		
54517	08/18/2011	Open			Accounts Payable	INTERSTATE SALES	\$1,534.64		
54518	08/18/2011	Open			Accounts Payable	KNIFE RIVER CONSTRUCTION	\$4,852.32		
54519	08/18/2011	Open			Accounts Payable	KOEFRAN INDUSTRIES	\$250.00		
54520	08/18/2011	Open			Accounts Payable	Larson, Tiffany	\$213.50		
54521	08/18/2011	Open			Accounts Payable	NATIONAL PUBLIC SAFETY INFORMATION BUREAU	\$144.00		
54522	08/18/2011	Open			Accounts Payable	NORTHSTAR ENGINEERING INC	\$935.00		
54523	08/18/2011	Open			Accounts Payable	OFFICE DEPOT ACCT#36233169	\$291.58		
54524	08/18/2011	Open			Accounts Payable	PARADISE IRRIGATION DIST	\$433.87		
54525	08/18/2011	Open			Accounts Payable	PEERLESS BUILDING MAINT	\$887.65		
54526	08/18/2011	Open			Accounts Payable	ROWE, STEVE	\$15.25		
54527	08/18/2011	Open			Accounts Payable	S.B.R.P.S.T.C.	\$219.00		
54528	08/18/2011	Open			Accounts Payable	SACRAMENTO REGIONAL PUBLIC SAFETY TRAINING CTR.	\$75.00		
54529	08/18/2011	Open			Accounts Payable	Sacramento Sheriff Department Training Trust Fund	\$230.00		
54530	08/18/2011	Open			Accounts Payable	Smith, Jake	\$297.00		
54531	08/18/2011	Open			Accounts Payable	THOMAS ACE HARDWARE - POLICE DEPT.	\$12.86		
54532	08/18/2011	Open			Accounts Payable	URS CORPORATION	\$4,477.06		
54533	08/18/2011	Open			Accounts Payable	VALLEY TOXICOLOGY SERVICE	\$1,533.00		
54534	08/18/2011	Open			Accounts Payable	VERIZON WIRELESS	\$326.30		
Type Check Totals:							204 Transactions	\$757,464.48	
EFT									
25	08/04/2011	Open			Accounts Payable	FP/FRANCOTYP-POSTALIA MAILING SOLUTIONS	\$500.00		
Type EFT Totals:							1 Transactions	\$500.00	

AP - Wells Fargo AP Checking Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	200	\$756,842.13	
	Voided	4	\$622.35	
	Total	204	\$757,464.48	\$0.00
EFTs	Status	Count	Transaction Amount	Reconciled Amount
	Open	1	\$500.00	
	Total	1	\$500.00	\$0.00
All	Status	Count	Transaction Amount	Reconciled Amount
	Open	201	\$757,342.13	
	Voided	4	\$622.35	

CASH DISBURSEMENTS REPORT

From Payment Date: 7/21/2011 - To Payment Date: 8/20/2011

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Total	205	\$757,964.48	\$0.00	
Grand Totals:									
				Checks	Status	Count	Transaction Amount	Reconciled Amount	
					Open	200	\$756,842.13		
					Voided	4	\$622.35		
					Total	204	\$757,464.48	\$0.00	
				EFTs	Status	Count	Transaction Amount	Reconciled Amount	
					Open	1	\$500.00		
					Total	1	\$500.00	\$0.00	
				All	Status	Count	Transaction Amount	Reconciled Amount	
					Open	201	\$757,342.13		
					Void	4	\$622.35		
					Total	205	\$757,964.48	\$0.00	

TOWN OF PARADISE
Council Agenda Summary
September 6, 2011

AGENDA NO. 3c

ORIGINATED BY: Paul T. Derr, Assistant Public Works Director 
REVIEWED BY: Charles L. Rough, Jr., Town Manager 
Lauren Gill, Assistant Town Manager 
Dennis J. Schmidt, Public Works Director/Town Engineer **DJS**,
Dwight Moore, Town Attorney 

SUBJECT: HVAC CONTRACT FOR APPROVAL

COUNCIL ACTION REQUESTED:

1. Approve the attached two (2) year HVAC service agreement with Sierra Refrigeration, Heating & Air Conditioning, 6899-B Clark Road, Paradise, CA 95969 in the annual amount of \$2,500.00 beginning September 16, 2011 through September 15, 2013 and repair services at \$60.00 per hour; or
2. Reject the proposed HVAC service agreement & provide direction to staff.

BACKGROUND:

On July 6, 2011 requests for proposals were mailed to ten (10) HVAC contractors. On July 14, 2011, contractors were contacted by phone to confirm receiving of request for proposals. Four (4) contractors stated they were not interested in receiving proposals and requests for proposals were forwarded to the remaining six (6) contractors. On July 28, 2011, the Town Clerk's office received three (3) proposals. Attached are those contractors and the results of the bids. Sierra Refrigeration Heating and Air Conditioning, located in Paradise, California, was the low bidder in the annual amount of \$2,500.00 and repair services for \$60.00 per hour.

FINANCIAL IMPACT:

Approval of this contract will authorize the annual expenditure of \$2,500. These funds are budgeted for FY 2011/12 in the amount of \$2,002 for heating & air conditioning maintenance and \$2,000 in misc repairs & maintenance.

HVAC SERVICE AGREEMENT

This Agreement, made and entered into this **September 16, 2011** by and between the TOWN OF PARADISE, a municipal corporation, hereinafter called "TOWN" and **Sierra Heating & Air Conditioning** hereinafter called "CONTRACTOR."

WITNESSETH

WHEREAS, it is necessary for TOWN to contract for services relating to the maintenance and repair of its heating, ventilation, and air conditioning systems (HVAC) described on Exhibit "A" attached hereto, and;

WHEREAS, CONTRACTOR has agreed to provide the HVAC services to TOWN as set forth in Exhibits "A" and "B" attached hereto, and meet the provisions of Exhibit "C" (attached) regarding insurance requirements.

NOW, THEREFORE, it is hereby agreed between TOWN and CONTRACTOR as follows:

1. CONTRACTOR shall meet the requirements of TOWN to provide HVAC services and repairs for a two-year period commencing **September 16, 2011** through **September 15, 2013** in accordance with the following provisions:
 - a) CONTRACTOR shall inspect, clean and service each heating and air conditioning unit listed in Exhibit "A" in accordance with the work described in Exhibit "B".
 - b) CONTRACTOR shall provide any necessary repairs needed to the heating, ventilation and air conditioning systems of TOWN within one day of the initial service request from TOWN.
 - c) The service personnel of CONTRACTOR shall possess a current C-20 contractor's license issued by the State of California.
 - d) Within sixty (60) days from the date of this Agreement, CONTRACTOR shall provide to TOWN a written evaluation of the general condition; i.e. good, fair and/or poor of each heating, ventilation and air conditioning unit.

2. TOWN shall pay CONTRACTOR the following amount for the HVAC maintenance and repair services under this agreement:

- a) Material and labor to perform inspection and servicing of all HVAC units annually as well as material and labor to perform replacement of filters in HVAC units quarterly during the agreement period shall annually cost of **\$ 2,500.00.**
- b) Hourly rate for any and all repair calls during the contract period: Each repair call shall be computed at an hourly rate of **\$60.00.**
3. This Agreement shall commence on **September 16, 2011** This Agreement may be terminated without cause by either party giving a thirty (30) day written notice to the other party, and by either party giving a three (3) day written notice to the other party, if the termination is for cause. In any event, this Agreement shall automatically terminate at the end of the two-year effective period on **September 15, 2013.**
4. The parties intend that CONTRACTOR in performing services herein specified shall act as an independent contractor and shall have control of the work and the manner in which it is performed. CONTRACTOR shall be free to contract for similar work to be performed for other employers while he, she or it is under contract with TOWN. CONTRACTOR is not entitled to participate in any of the benefits that TOWN provides for its employees.
5. CONTRACTOR shall indemnify, defend and hold TOWN, its officers, boards and commissions and members thereof, its employees, volunteers and agents harmless of and free from any and all claims, lawsuits and liabilities which may arise out of Contractor's negligence, acts or omissions relating to this AGREEMENT. Should TOWN or any of its officers, boards and commissions, and members thereof, its employees, volunteers or agents, be named in any suit, or should any claim be made against it or any of them by suit or otherwise, whether the same may be groundless or not, arising out of or relating to this AGREEMENT, CONTRACTOR shall defend TOWN and said officers, boards and commissions and members thereof, its employees, volunteers and agents, and shall indemnify them for any judgment rendered against them of any sums paid out in settlement or otherwise.
6. CONTRACTOR shall provide to TOWN evidence of commercial liability and property damage insurance as defined in Exhibit "C".
7. CONTRACTOR shall not assign this Agreement without the prior written consent of TOWN.
8. This Agreement may be modified only by a written agreement between the parties.
9. This is an integrated Agreement which contains the complete understanding between the parties.

IN WITNESS WHEREOF, the parties hereto have hereunder affixed their hands and seals the day and year first above written.

TOWN OF PARADISE

Contractor

Charles L. Rough, Jr., Town Manager

Sierra Heating & Air Conditioning

ATTESTED TO

Joanna Gutierrez, Town Clerk

APPROVED AS TO FORM

Dwight L. Moore, Town Attorney

BID SUMMARY GENERAL

PROJECT NAME: HVAC

OPENING DATE: JULY 28, 2011 @ 3:00 P.M.

LOCATION: TOWN CLERK WINDOW

CONTRACTOR Name of Bidder	<i>Annual Rate</i> BASE BID	<i>Repair CALLS PER HOUR</i> Alternate 1 (If Applicable)	Alternate 2 (If Applicable)
Sierra Heating & Air Conditioning - Paradise, CA	2,500. ⁰⁰	\$60 Hour	
Alternative Heating & Air Chico, CA	2,800. ⁰⁰	\$60 Hour	
Jessee Heating & Air Conditioning - Chico, CA	6,915. ⁰⁰	\$75 Hour	

Present at Opening:

3:08 pm Paul Parr, Ass't P.W. Director
Joanna Gutierrez, Town Clerk

**AFFIDAVIT OF MAILING COPIES
OF NOTICE TO CONTRACTORS**

I, Paul T. Derr, hereby certify that during all times mentioned herein; I was the Assistant Public Works Director for the Town of Paradise.

That on the **JULY 6, 2011**, I mailed a copy of the Notice to Proposers by placing a copy of said notice in a sealed envelope with the postage on each envelope fully paid and postmarked **JULY 6, 2011** to the following:

Company		Address	City	Phone
	Received			
Service Experts Heating & Air Conditioning (new name 7-'11, formerly artic)	Not sure if they received request. They will call back.	2350 Park Avenue	Chico, CA 95928	895-3330
Dales Heating and Air Conditioning	Left message	7245 Clark Road	Paradise, CA 95969	872-5653
Del Johnson Air Conditioning and Heating, Inc.	Not interested	1147 Wagstaff Road	Paradise, CA 95969	877-4564
Frank's Refrigeration and Heating frankshvac@rocketmail.com	Did not receive initial request. Proposal was e-mailed and hard copy delivered on 7-14-11	5655 Almond Street	Paradise, CA 95969	877-8881
Jessee Heating and Air Conditioning chris@jesseeheatingandair.com	e-mailed 7-14-11	3025 Southgate Lane	Chico, CA 95927	891-4926
McClellan Air Conditioning, Inc.	Not interested	801 Marauder	Chico, CA 95928	891-6202
Sierra Refrigeration	e-mailed 7-12-11	6899-B Clark Road	Paradise, CA 95969	877-0022
Story Heating & Air Conditioning storysair@yahoo.com	e-mailed 7-14-11		Chico, CA 95928	899-9293
Alternative Heating & Air	e-mailed 7-11-11	24 Whitewood Way	Chico, CA. 95973	876-0679
Pacific Air & Heating	No reply	970 Reserve Dr, Ste.180	Roseville, CA. 95678	

Executed on **July 6, 2011** at Paradise, Butte County, California.

I declare under penalty of perjury that the foregoing is true and correct.

I telephoned each potential bidder to make sure they received the Notice to Proposers on **July 14, 2011**.

We received **3** proposals by **July 28, 2011**

This is for 2011-2013 contract info.

Paul T. Derr

Town of Paradise

Notice to Proposers

The Town of Paradise, State of California, invites sealed proposals for the heating, ventilation, and air conditioning service and maintenance contract relating to certain Town owned buildings for a two-year period. Detailed work specifications, including form of proposal, will be furnished to each prospective proposer upon request to the **Assistant Public Works Director**, 5555 Skyway, Paradise, California, 95969, (530) 872-6995.

All proposals must be in a sealed envelope marked **HVAC Proposal** and be delivered to the Town of Paradise, Town Clerk's Office, 5555 Skyway, Paradise, CA 95969 by 3:00 p.m., **July 28, 2011**, at which time they will be opened and read aloud. A recommended award of contract, along with all proposals submitted, will be presented to the Town Council of the Town of Paradise.

The Town of Paradise reserves the right to reject any or all proposals and to waive non-material defects in any proposal. The award of contract for HVAC services will be based on proposer's experience, training, ability and costs.

Dated: _____

Charles L. Rough, Jr.
Town Manager

Request for Proposals/Bids

Town of Paradise Work Specifications Contract HVAC Services

All qualified and interested parties are invited to submit proposals for the opportunity to service and repair the heating, ventilation, and air conditioning system of the Town of Paradise under the following parameters:

The contract shall be for a two-year period commencing on **September 16, 2011.**

1. The contractor shall inspect, clean and service each heating and air conditioning unit 12 months from the date of the contract and again 24 months from the contract date per Exhibit "B".
2. HVAC inspection, cleaning and servicing shall include all equipment listed in Exhibit A.
3. The selected proposer shall agree to provide any necessary repair need of the Town within one business day of the initial service request.
4. The selected proposer must enter into an agreement with the Town whereby the contractor will hold the Town harmless from any liabilities which might arise out of the agreement and shall comply with the insurance provisions in Exhibit "C".
5. Proposers shall possess a current contractor's license issued by the State of California, C-20. Proposers shall have at least 2 consecutive years of experience providing HVAC services and shall provide three references.
6. The contract may be canceled by either party upon giving thirty (30) days written notice.
7. The proposer will separately quote the fixed cost of the annual inspection program and the hourly rate for any repair calls made during the contract period.

A. Cleaning of HVAC Units

Each HVAC unit will be cleaned on the exterior and interior of the unit one (1) time each 12 months of the contract.

- a. Each HVAC unit will be cleaned on the exterior cover and exterior grillwork cleaned and sanitized one (1) time each year of the contract.
- b. Each HVAC unit will be cleaned on the interior of the unit using the access panel to reach and clean. Cleaning to include internal cleaning coils, heat exchangers, blower wheels and sanitizing unit.

- c. Any damage to the HVAC units by the contractor providing the cleaning will be repaired or replaced by the contractor at contractor's expense.

B. Filter Change of HVAC Units

- a. HVAC filters shall be replaced on all equipment with medical grade air filters and sprayed with antibacterial spray every three months during the contract period.
- b. Filters requiring cleaning shall be steam cleaned and installed every three-month during the contract period.
- c. The selected proposer shall supply all required material to perform work under contract.
- d. Any damage to the HVAC units by the contractor providing filter change shall be repaired or replaced by the contractor at contractor's expense.

C. Service of HVAC Units

The selected proposer shall inspect and service each HVAC unit to insure that the unit is operating efficiently and safely. This service is to be performed one time each 12 months of the contract period.

- a. Service of the units shall include:
 - 1) Lubricate fan motors
 - 2) Check fan belt
 - 3) Tighten electrical connections
 - 4) Check burners for proper fuel air mixture
 - 5) Check combustion chamber
 - 6) Check pilots
 - 7) Check thermostat
 - 8) Check system operation
 - 9) Carbon monoxide test
- b. The selected proposer shall supply all required equipment and materials for the work under the contract.
- c. Any damage to the HVAC units by the selected proposer shall be repaired or replaced by the contractor at the contractor's expense.

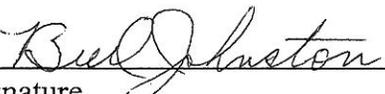
**Town of Paradise
HVAC Service
Proposal Form**

Service	Rate
Annual Inspection/Program Cost	\$ 2,500.00
Repair calls (per hour)	\$ 60.00

Commercial References:

- 1) St. Thomas More Catholic Church
- 2) Magalia Pines Baptist Church
- 3) CHP N Division

Submitted by:


Signature

July 26, 2011
Date

Business Name/Address/Phone Number:

Business Name: Sierra Heating And Air Conditioning

Address: 6899 B Clark Rd. Paradise, CA 95969

Telephone Number: (530) 877-0022

Lic. #: 452376

Exhibit "A"

Town of Paradise

Town Hall

HVAC Unit Identification and Locations, 6/15/2011

- | | |
|--|---|
| 1. Bryant Package Unit | Serial # S2708G41468 |
| 2. Payne Dual Pac Model | Model # PY1PNB030060AAAA
Serial # 0601G14417 |
| 3. Payne Package Unit | Model # PY3PNA024060N
Serial # 0307G22054 |
| 4. Payne Package Unit | Model # PY3PNA024040N
Serial # 2806G41487 |
| 5. Day & Night Dual Pac | Model # 24/80YAC-1060
Serial # Illegible |
| 6. Day & Night Pac | Model # 24/80YAC-1060
Serial # JEMCA 26888 |
| 7. Evaporative Cooler | Undeterminable Make or Model |
| 8. Day & Night Condenser | Serial # E091708652 |
| 9. Carrier Condenser | Serial # 2407E20759 |
| 10. Payne Dual Pac | Model # PY1PNB030060AAAA
Serial # 4500G10508 |
| 11. Payne Dual Pac | Model # 24/80YAC-1060
Serial # FDMCA 25353 |
| 12. Payne Package Unit | Model # PY3PNA024060N
Serial # 1006G31311 |
| 13. Carrier Crusader Furnace (2) | Model # 58DHC095-LL
Serial # 1091A06715 & 1011A06735 |
| 14. Rheem Criterion Furnace
100,000 BTU's | Model # RLGD-10NBRJR
Serial # CM5D307 F0293 6053 |
| 14a. York Condenser for (14)Rheem Criterion | Model # H5DBO48S06A
Serial # W8MM008809 |

Exhibit "A-2"

15. Mitsubishi Electric (Outdoor)

Model # MUY-A24NA
Serial # 6003712T

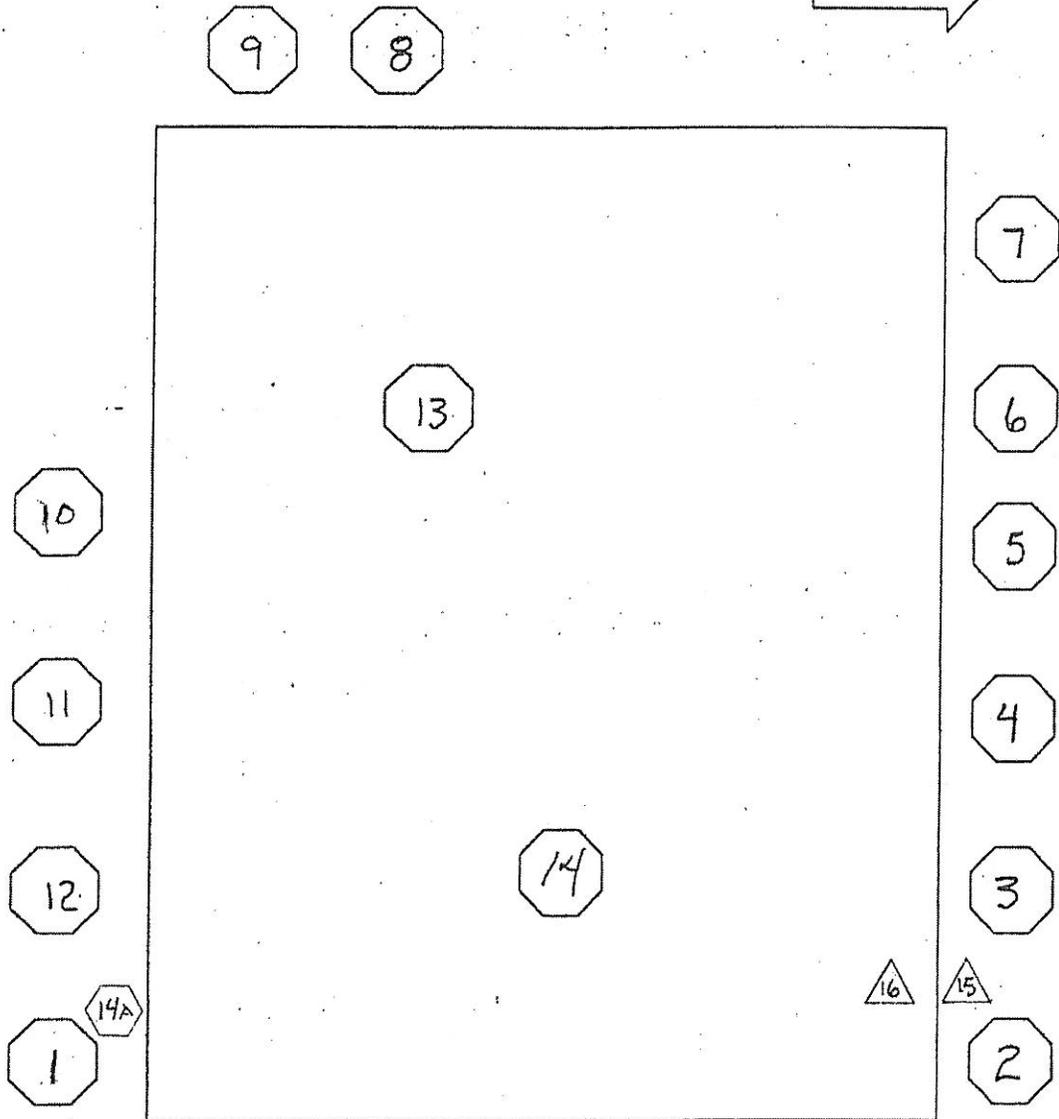
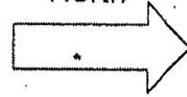
16. Mitsubishi Electric (Indoor)

Model # MSY-A24NA
Serial # 6002824T

Town of Paradise HVAC Unit Locations

TOWN HALL

North



Front Parking Lot

**Police Department
5595 Black Olive Dr**

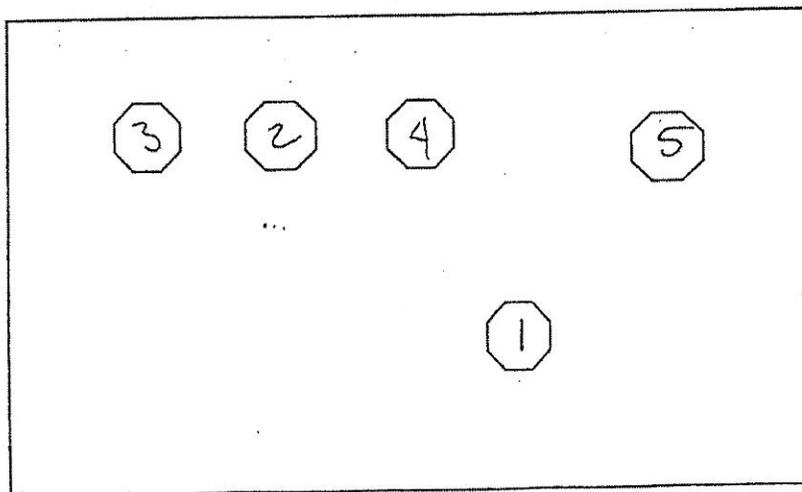
- 1 Dual Pac Payne
 Model # : 585EP042075
 Serial # : 1083C77020
 Input: 60,000BTU,

- 2 Dual Pac Payne
 Model # : 585EP042075
 Serial # : 168309697
 Input: 60,000 BTUs

- 3 Dual Pac Payne
 Model # : 585EP042075
 Serial # : 16883098702
 Input: 60,000 BTUs

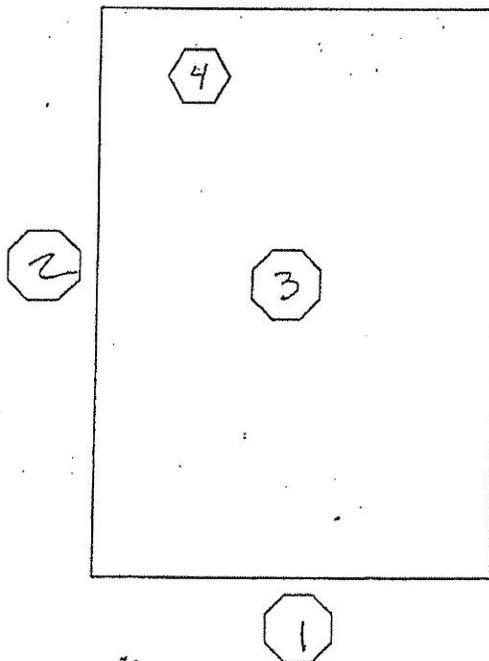
- 4 Dual Pac Carrier
 Model # : 48NMT060300
 Serial # : 0989C1727271

- 5 Dual Pac Payne
 Model # : 585G1030040
 Serial # : 1484C0718
 Input: 40,000 BTUs



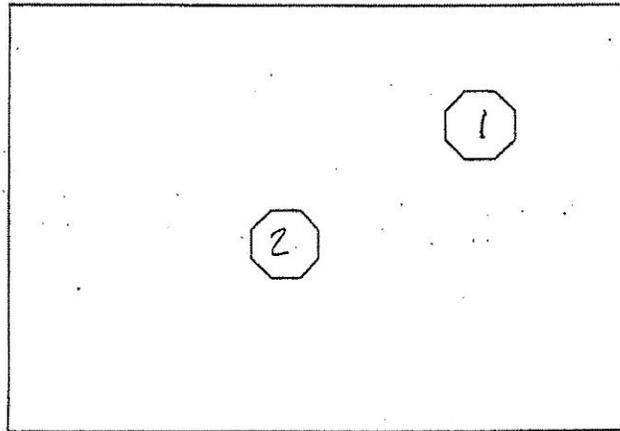
Animal Control Building 925 American Way

- | | | |
|----|--------------------|---|
| 1 | Window Dual Unit | Amana
Model # : 18C3HEV
Serial # : 9309270086
A/C BTUs: 17,600
Heater BTUs: 16,1000 |
| 2 | Window A/C | Amana
Model # : 9P2MB
Serial # : 9202163501 |
| 3 | Evaporative Cooler | Unreadable |
| 4. | Heater | Reznor
Model # UDAP60
Serial # BHC79Y2N38666X |



Vehicle Maintenance 767 Birch St

- | | | |
|---|--------------------|---|
| 1 | Heater | Advanced Distributor Products
Model # : SEP-90A-3
Serial # : 6397F 03961
Input: 90,000BTUs |
| 2 | Evaporative Cooler | Master Cool |



Town of Paradise HVAC Locations

Fire Station #1
767 Birch St

- | | | |
|---------|---------------|---|
| 1 and 2 | Furnaces | Day and Night Plus 90
Model #: 398AAW048100ACBA
Serial #: 1385A44693 and 4084A06785 |
| 3 | Window A/C | Amana
Model #: unknown
Serial #: unknown |
| 3 | A/C Condenser | Carrier
Model #: 38CKBO42300
Serial #: 30962E3795 |
| 4 | A/C Condenser | Carrier
Model #: 567GJ048
Serial #: 4085A44107 |

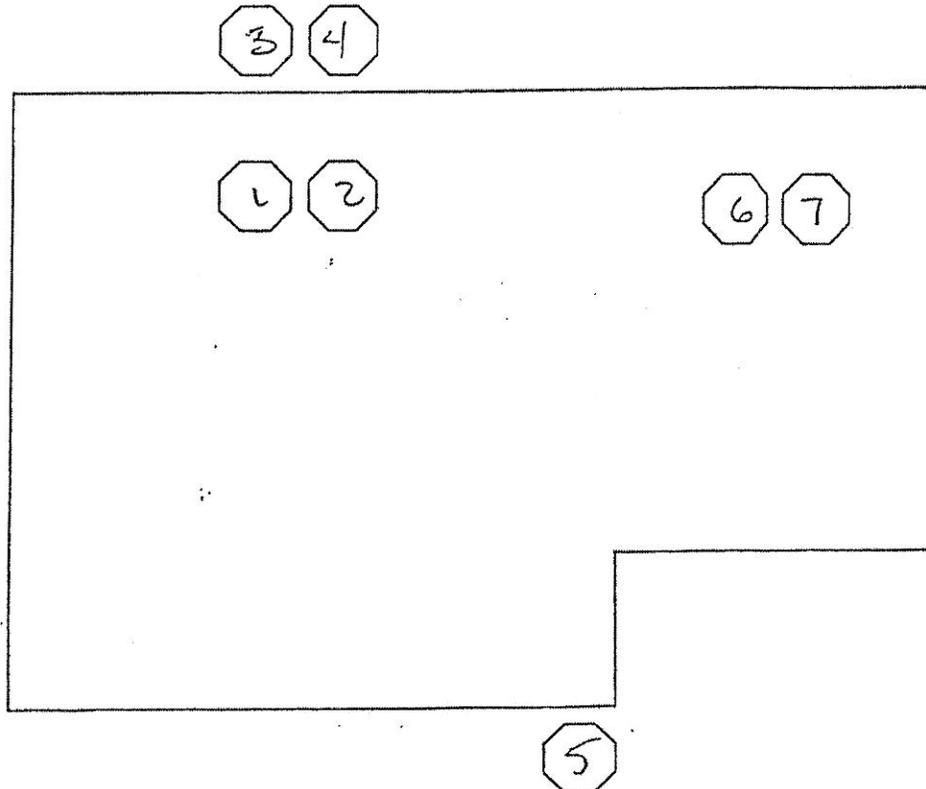


EXHIBIT A-8

6 Heater Reznor
Model #: F75E
Serial #: unknown

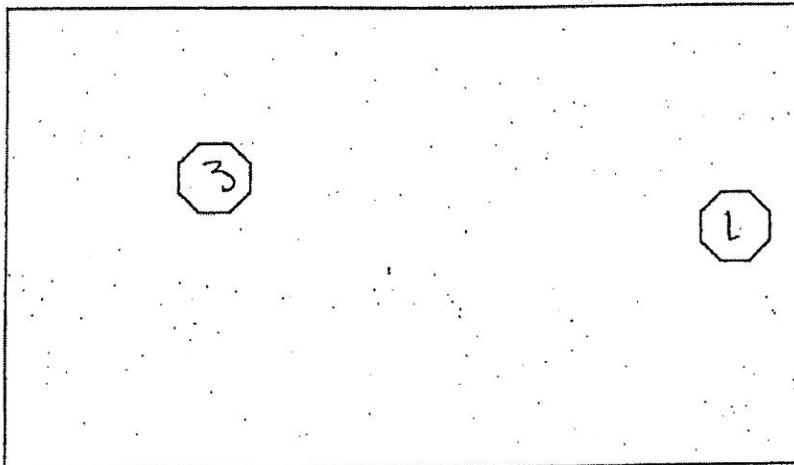
7 Heater Reznor
Model #: F75E
Serial #: unknown

Fire Station #2
1250 Wagstaff Rd.

1 Furnace BRYANT
Model # CNPHF3617ACAABAA
Serial # 3308X18710

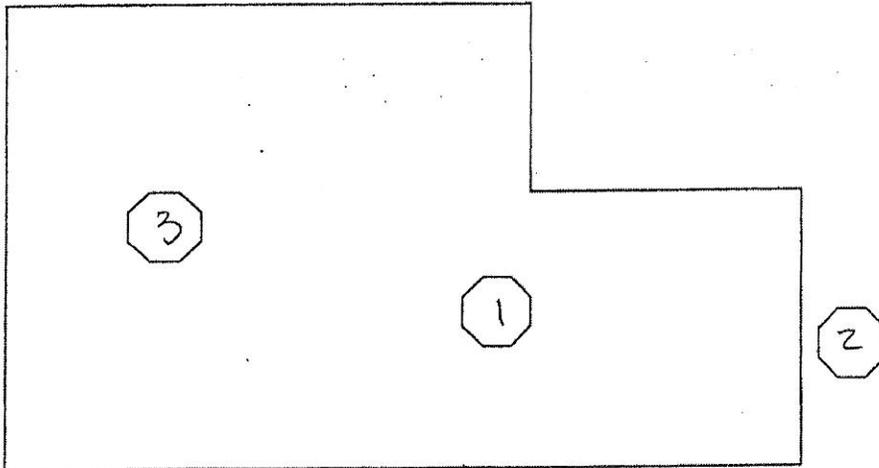
2 Condenser BRYANT
Model # 165ANA036 - B
Serial # 1809E02826

3 Heater Reznor
Model #: F75E
Serial #: ANLGGM4N75117



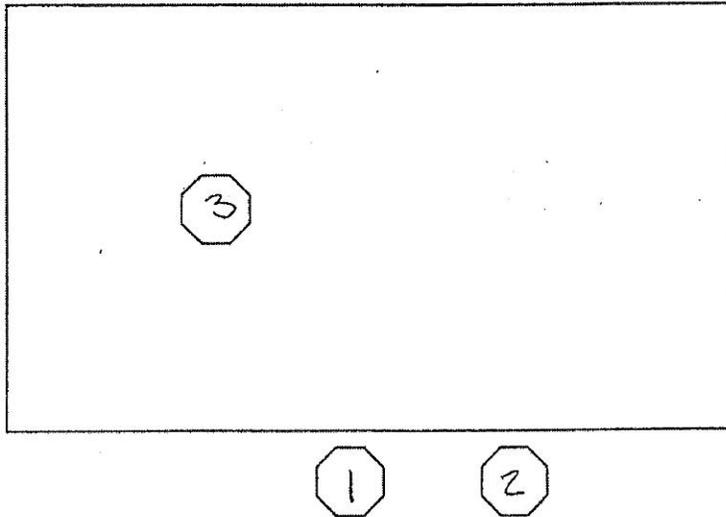
Fire Station #3
5545 S. Libby

- | | | |
|---|---------------------------|---|
| 1 | Dual Pac | York
Model # : DINA036N05606C
Serial # : NGGM094754 |
| 2 | Wall Heater
(Electric) | Electred Ray Vec
Model # : RA16
Serial # : 540 |
| 3 | Heater | Reznor
Model # : XA100
Serial # : PL818L642 |



Public Works Buildings 933 American Way

- 1 Window Mount Dual Pac Amcor
Model # : 214ARL62
- 2 Window Mount Dual Pac Amcor
Model # : 214ARL62
- 3 Heater Reznor
Model # : F165
Serial # : ANI65M7L48049



IT DEPARTMENT/HELP 4 PEOPLE
5533 Skyway

1. Heating Unit: Westinghouse
Model FGUF060EA
Serial # LJ 13423

2. Condenser: Westinghouse
Model SS036CCW
Serial # unknown

3. Evaporative Cooler: Roof top
Unknown Manufacturer and Model

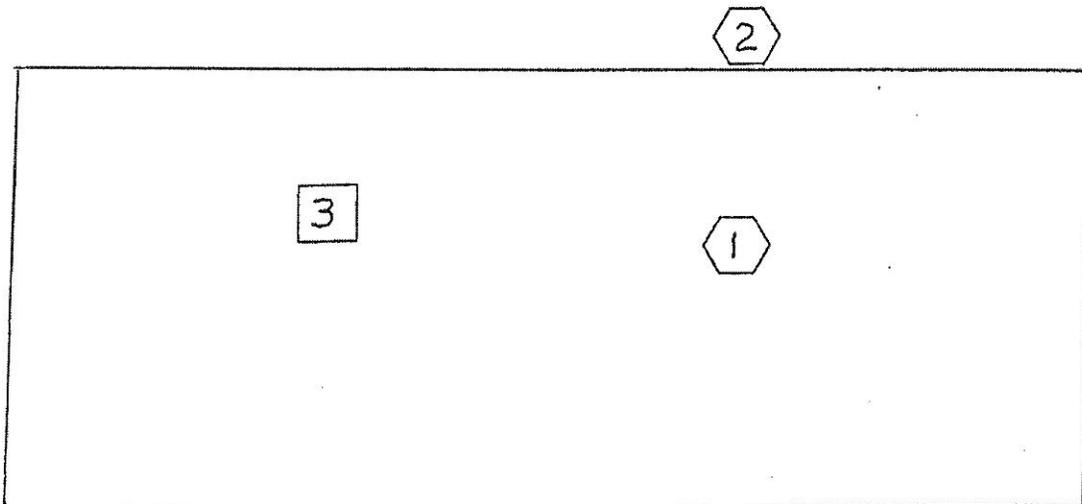


EXHIBIT "B"

**HVAC SERVICES
WORK SPECIFICATIONS**

Exhibit "B"
Town of Paradise
Work Specifications
Contract HVAC Services

HVAC Units

The contractor shall inspect, clean and service each heating and air conditioning unit 12 months from the date of the contract and again 24 months from the contract date. The inspection, cleaning and servicing shall include all equipment listed in Exhibit A.

1. Cleaning of HVAC Units

Each HVAC unit will be cleaned on the exterior and interior of the unit one (1) time each 12 months of the contract.

- a. Each HVAC unit will be cleaned on the exterior cover and exterior grillwork cleaned and sanitized one (1) time each year of the contract.
- b. Each HVAC unit will be cleaned on the interior of the unit using the access panel to reach and clean. Cleaning to include internal cleaning coils, heat exchangers, blower wheels and sanitizing unit.
- c. Any damage to the HVAC units by the contractor providing the cleaning will be repaired or replaced by the contractor at contractor's expense.

2. Filter Change of HVAC Units

- a. HVAC filters shall be replaced on all equipment with medical grade air filters and sprayed with antibacterial spray every three months during the contract period.
- b. Filters requiring cleaning shall be steam cleaned and installed every three-month during the contract period.
- c. The contractor shall supply all required material to perform work under contract.
- d. Any damage to the HVAC units by the contractor providing filter change shall be repaired or replaced by the contractor at contractor's expense.

3. Service of HVAC Units

The contractor shall inspect and service each HVAC unit to insure that the unit is operating efficiently and safely. This service is to be performed one time each 12 months of the contract period.

a. Service of the units shall include:

- 1) Lubricate fan motors
- 2) Check fan belt
- 3) Tighten electrical connections
- 4) Check burners for proper fuel air mixture
- 5) Check combustion chamber
- 6) Check pilots
- 7) Check thermostat
- 8) Check system operation
- 9) Carbon monoxide test

b. The contractor shall supply all required equipment and materials for the work under the contract.

c. Any damage to the HVAC units by the contractor providing this service shall be repaired or replaced by the contractor at contractor's expense.

4. Inventory of HVAC Units

The contractor shall provide the Town with an updated inventory list of units 4 months prior to contract ending date. Inventory shall include Make, Model, Serial number and mapped location of unit similar to that shown on exhibits A-1 through A-11.

EXHIBIT "C"

**HVAC SERVICES
INSURANCE REQUIREMENTS FOR CONTRACTOR**

EXHIBIT "C"

INSURANCE REQUIREMENTS FOR CONTRACTOR

Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work hereunder by Contractor, his agents, representatives, or employees.

Minimum Scope of Insurance

Coverage shall be at least as broad as

1. Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001).
2. Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

Minimum Limits of Insurance

Contractor shall maintain limits no less than:

General Liability: \$ 1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

Automobile Liability: \$1,000,000 per accident or bodily injury and property damage.

Employer's Liability: \$1,000,000 per accident for bodily injury or disease.

Property Insurance: Full replacement cost with no coinsurance penalty provision.

Deductibles and Self-Insured Retentions

Any deductibles or self-insured retentions must be declared to and approved by the Town of Paradise. At the option of the Town, either: the insurer shall reduce or

eliminate such deductibles or self-insured retentions as respects the Town, its officers, officials, employees and volunteers; or Contractor shall provide a financial guarantee satisfactory to the Town guaranteeing payment of losses and related investigations, claim administration and defense expenses.

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The Town, its officers, officials, employees and volunteers are to be covered as insureds as respects: liability arising out of work or operations performed by or on behalf of the Contractor; or automobiles owned, leased, hired or borrowed by the Contractor.
2. For any claims related to this project Contractor insurance coverage shall be primary insurance as respects the Town, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the Town, its officers, officials, employees or volunteers shall be excess of Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days' prior written notice by certified mail, return receipt requested, has been given to the Town.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A-VII unless otherwise acceptable to the Town.

Verification of Coverage

Contractor shall furnish the Town with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the Town or on other than the Town's forms provided those endorsements conform to Town requirements. All certificates and endorsements are to be received and approved by the Town before work commences. The Town reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

**TOWN OF PARADISE
COUNCIL AGENDA SUMMARY
DATE: September 6, 2011**

ORIGINATED BY: Joanna Gutierrez, Town Clerk

AGENDA ITEM No. 3(d)

REVIEWED BY: Charles L. Rough, Jr., Town Manager

Legal Review: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<div style="background-color: black; height: 20px; width: 100%;"></div> Dwight L. Moore, Town Attorney
Resolution <input checked="" type="checkbox"/>	
Ordinance <input type="checkbox"/>	
Contract <input type="checkbox"/>	
Financial Review: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	 _____ Gina Will, Finance Director
Financial Impact: \$0.	

SUBJECT: Authorize destruction of certain records maintained in the Town Clerk's Department in keeping with the principles of an effective and cost efficient Records Management Program.

RECOMMENDATION:

Adopt Resolution No. 11-__, A Resolution of the Town Council of the Town of Paradise Authorizing Destruction of Certain Town Records Maintained in the Town Clerk Department Pursuant to Government Code Section 34090. The records listed in Exhibit B have been retained for the required period of time and are eligible for disposal.

ALTERNATIVES:

Consider making a determination that certain records listed for destruction have value to the agency, and direct that the Town Clerk continue to maintain all, or some, of the records listed in Exhibit B.

BACKGROUND:

The Town Clerk Department has had an established records management program since the early 1980's. Based upon recommendations from the California Secretary of State, all records have been appraised, inventoried and scheduled with a retention/destruction code pursuant to Town of Paradise Resolution No. 04-27 (originally 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 agency.

DISCUSSION/ANALYSIS:

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. Adoption of the attached resolution will authorize disposal of records listed on Exhibit B.

FINANCIAL IMPACT: None. Records may be disposed of through the recycling process.

**TOWN OF PARADISE
RESOLUTION NO. 11-__**

**ADOPT RESOLUTION NO. 11-__, A RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF PARADISE AUTHORIZING DISPOSAL OF CERTAIN TOWN
RECORDS MAINTAINED IN STORAGE FOR THE TOWN CLERK DEPARTMENT
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's 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 Town Clerk is requesting to dispose certain records maintained in Town Clerk Department storage as set forth on the attached Exhibit "B".

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

SECTION 1: The Town Clerk 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 6th day of September, 2011, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Alan White, Mayor

ATTEST:

Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

EXHIBIT "A"

**Consent to Destruction of Certain Records, Documents
and Papers of the Town of Paradise Redevelopment Agency**

Pursuant to the Government Code Section 34090, I hereby consent to the destruction of those certain records, documents and papers of the Town of Paradise Redevelopment Agency listed on Exhibit "B" and made a part of Resolution No. 11-__.

DATED: _____

DWIGHT L. MOORE, Town Attorney

EXHIBIT "B"
RECORDS FOR DESTRUCTION

BOX #86 OLD INVENTORY

550-40-01 CU + 2	Legislative Issues: Commentary on Mello-Roos Community Facilities Act of 1982 (Current 1989)
550-40-30 CU + 2	Legislative Issues: Slush Fund Correspondence (1994)
550-40-40 CU + 2	Legislation: State Legislative Bulletin 1/98 to 12/98 File #5

BOX #87 OLD INVENTORY

880-30-04 T + 5	Leases Closed - Paradise Improvement Corporation 1986
880-30-05 T + 5	Leases Closed - Maria's Tailoring (Maria Yorga) 1987
1050-10-02 CU + 2	Paradise Parks & Recreation District File #2 -01/02/93 – 12/10/96

BOX #88 OLD INVENTORY

110-60-07 CU + 2	Planning / Engineering Division Project Status List Reports 1998 (All Division Activity Reports)
110-60-10 CU + 2	Planning / Engineering Division Project Status Reports 1999 (All Division Activity Reports)
130-60-01 CU + 2	Administration-Bulk Rate Postage 03/12/82 to 07/01/85
150-50-50 CU + 2	League of California Cities Redevelopment Seminar July 1994
150-50-51 CU + 2	League of California Cities City Council – City Manager Leadership Team Workshop June 1999
150-50-52 CU + 2	League of California Cities Annual Conference 1999
155-15-04 CU + 2	Freedom of Information Act (FOIA) Requests for Public Information 01/05/98 – 08/16/99
160-10-03 CU + 2	Records Management: Microfilming Also information on a January 1991 seminar on Establishing and Managing Successful Records Management Programs
170-30-01 CU + 2	Risk Management Insurance 01/23/80 – 06/10/86
170-30-02 CU + 2	Insurance: Notary Bond 01/09/85 – 07/27/00
170-30-07 CU + 2	Insurance: Paul Eckert Administrative Services Director Bond (Fidelity and Deposit Company of Maryland)
180-30-08(a) CU + 2	Town Clerk's Correspondence File #8 07/16/98 – 12/07/99 Note: There is another file numbered 180-30-08

EXHIBIT "B"
RECORDS FOR DESTRUCTION

CONTINUE BOX #88	
180-30-14 CU + 2	Town Council Correspondence File #9 01/23/97 – 12/29/99
180-30-26 CU + 2	Correspondence: To and From Douglas W. Hamett, 1805 Broadway, Chico, CA 95928 11/01/93 – 09/29/94
180-30-31 CU + 2	Fax transmissions File #2 01/25/99 – 12/07/00

BOX #89 OLD INVENTORY

INDEX NUMBER	DESCRIPTION
180-30-71 CU + 2	Newspaper Articles to Mayor From Manager 2001
180-40-15 CU + 2	Proclamation File #12 November 1997 – June 1999
310-10-14 CU + 2	Finance Reports: Cash Disbursements (a.k.a. Check Registers) 10/29/97 – 12/29/98
310-10-15 CU + 2	Finance Reports: Cash Disbursements (a.k.a. Check Registers) 01/25/99 – 01/04/00
340-05-27 CU + 2	Finance Reports: Preliminary Budget 1998 / 1999
340-05-28 CU + 2	Finance Reports: Preliminary Budget 1999 / 2000
340-05-29 CU + 2	Town Clerk Preliminary Budget 1998 / 1999 and 1999 / 2000
340-10-18 duplicate	Finance Reports: Annual Operating Budget 1997 / 1998
340-10-19 duplicate	Finance Reports: Annual Operating Budget 1998 / 1999
340-10-20 duplicate	Finance Reports: Annual Operating Budget 1999 / 2000
380-40-23 CU + 2	Town Clerk Department: Purchase Orders 07/06/97 – 06/04/98
380-40-25 CU + 2	Purchasing: Vehicle Procurement 05/21/80 – 10/26/99

THE BELOW FILE CAME OFF THE SHELF IN THE OFFICE

385-20-21 AU + 4	Finance Reports: Revenue / Expenditure Reports (a.k.a. Status Report With Encumbrance By Fund) 08-27-97 to 02-28-98
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**TOWN OF PARADISE
COUNCIL AGENDA SUMMARY**

DATE: September 6, 2011

ORIGINATED BY: Chief Rob Cone, Fire

AGENDA ITEM NO. 3(e)

REVIEWED BY: Charles L. Rough, Jr., Town Manager 

Legal Review __Yes __No __N/A

By: _____
Dwight L. Moore, Town Attorney

SUBJECT: Resolution to appoint the mayor a member of the Qualifications Review Commission for the Volunteer Firefighters Length of Service Award pursuant to Government Code § 50961.

RECOMMENDATION:

It is hereby recommended that the Mayor be appointed to serve as a member of the Qualifications Review Commission for the volunteer firefighters length of service award and that the Council adopt said Resolution as put forth.

ALTERNATIVES:

Should the Council decline the Resolution as presented, another representative will need to be appointed by the Town Council to serve as a member of the Commission.

BACKGROUND:

The Town has provided volunteer firefighters with a length of service award since 1989. This benefit provides volunteers a nominal retirement income ranging from \$50.00 to \$100.00, depending upon when they claim it, and a \$3,000.00 beneficiary benefit at the time of death.

DISCUSSION/ANALYSIS:

under Government Code § 50961. Appointing the presiding Mayor to this commission authorizes him/her to sign the Annual Volunteer Activity Report each fiscal year along with the Fire Chief and representative volunteer member.

Prompt execution of this report avoids increased costs for this benefit.

FINANCIAL IMPACT:

There is no fiscal impact involved in appointing the Mayor as a member of the Qualifications Review Commission.

Funds have been appropriated for this pension within the 2011/2012 Operating Budget.

Failure to process payment by September 30, 2011, will result in an increase in fees to \$400.00 per volunteer.

TOWN OF PARADISE

RESOLUTION NO. 11-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE APPOINTING THE MAYOR TO BE A MEMBER OF THE QUALIFICATIONS REVIEW COMMISSION FOR THE VOLUNTEER FIREFIGHTERS LENGTH OF SERVICE AWARD PURSUANT TO GOVERNMENT CODE SECTION 50961.

WHEREAS, since 1989, the Town has provided volunteer firefighters with a length of service award; and

WHEREAS, pursuant to Government Code section 50961, qualifications review commission is required as part of the award program; and

WHEREAS, under Government Code section 50961 (a) the Town Council is required to appoint one of its members to the qualifications review commission.

NOW THEREFORE, be it resolved by the Town Council of the Town of Paradise, as follows:

SECTION 1. That the Mayor is hereby appointed to serve as a member of the Qualifications Review Commission for the volunteer firefighters length of service award under Government Code section 50961.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this _____ day of _____, 2011 by the following vote:

AYES:
NOES:
ABSENT:
NOT VOTING:

ALAN WHITE, Mayor

ATTEST:

JOANNA GUTIERREZ, Town Clerk

APPROVED AS TO FORM:

DWIGHT MOORE, Town Attorney

TOWN OF PARADISE
Council Agenda Summary
Date: September 6, 2011

Agenda No. 3f

ORIGINATED BY: Doug Danz, Onsite Sanitary Official

REVIEWED BY: Charles L. Rough, Jr., Town Manager 
Dwight L. Moore, Town Attorney 
Craig Baker, Community Development Director 
Dennis Schmidt, Public Works Director/Town Engineer 

SUBJECT: Consider Adopting Ordinance No. 522, An Ordinance Amending the Paradise Municipal Code, Section 13.04.120, Table 13.04.120 relating to Onsite Sewage Disposal Systems and Setback Requirements

COUNCIL ACTION REQUESTED:

- 1) Waive the second reading of Ordinance No. 522 and approve reading by title only, and;
- 2) Adopt Ordinance No 522, "An Ordinance Amending the Paradise Municipal Code, Section 13.04.120, Table 13.04.120 Relating to Onsite Sewage Disposal Systems and Setback Requirements". Effective date is 30 days from the date of adoption; on October 06, 2011

BACKGROUND:

On August 2, 2011, the Town Council approved introduction of Ordinance 522, "An Ordinance to Amend the Paradise Municipal Code, Sections 13.04.020, Table 13.04.120 relating to Onsite Sewage Disposal Systems and Setback Requirements." This amendment was proposed to the Town Council so as to alleviate the redundancy between the Paradise Municipal Code and the Town of Paradise Manual for the Onsite Treatment of Wastewater, which manual has a similar setback requirement table. By removing this table from the Paradise Municipal Code discrepancies between these two regulatory texts will no longer exist. The Town Council recently approved a revision to the setback requirement table found in the "Manual" during the August 2011 Town Council meeting.

The amendments to the Paradise Municipal Code proposed in Ordinance 522 are;

1. Table 13.04.120, "Standards for Location and Placement of Sewage Disposal Systems" is removed from the context of this code.
2. In place of Table 13.04.120 language is provided in Section 13.04.120.B which states, "The location and placement of sewage disposal systems shall be established in accordance with the current approved version of the Town of Paradise Manual for the Onsite Treatment of Wastewater, Chapter 3, Table 3.1 REQUIRED SETBACKS.

FINANCIAL IMPACT:

There will be a small financial impact to the Onsite Sanitation Division enterprise fund for the publication of the ordinance within the local newspaper and to update the Town of Paradise Manual for the Onsite Treatment of Wastewater.

TOWN OF PARADISE ORDINANCE NO. 522
AN ORDINANCE AMENDING THE PARADISE MUNICIPAL CODE,
SECTION 13.04.120, TABLE 13.04.120
RELATING TO ONSITE SEWAGE DISPOSAL SYSTEMS
AND SETBACK REQUIREMENTS

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

Section 1:

Section 13.04.120 of the Paradise Municipal Code is amended to read as follows:

13.04.120 - Sewage disposal system location.

A.

Buildings Separately Owned. No permit shall be issued for a sewage disposal system where the buildings it is to serve are under different ownership, nor for buildings proposed to go under separate ownership. When the development is to utilize a sewage disposal system(s) under common ownership, and an association of property owners is formed, and which is responsible for maintenance and repair of the sewage disposal system(s) according to the written articles of the association, then the on-site sanitary official may grant an exception to this section.

B.

The location and placement of sewage disposal systems shall be established in accordance with the current approved version of the Town of Paradise Manual for the Onsite Treatment of Wastewater, Chapter 3, Table 3.1 REQUIRED SETBACKS.

Section 2:

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

Passed and Adopted by the Town Council of the Town of Paradise, County of Butte, State of California, on this 6th day of September, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alan White, Mayor

ATTEST:

BY: _____
Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

BY: _____
Dwight L. Moore, Town Attorney

**TOWN OF PARADISE
COUNCIL AGENDA SUMMARY
Date: September 6, 2011**

AGENDA NO 3i

ORIGINATED BY: Gina Will, Finance Director/Town Treasurer 

REVIEWED BY: Charles L. Rough, Jr., Town Manager 

SUBJECT: Quarterly Investment Report

LEGAL REVIEW: __Yes __No __N/A

Dwight L. Moore, Town Attorney _____

RECOMMENDATION:

1. The Town Council is requested to review and file the 4th Quarter Investment Report for the Fiscal Year Ended June 30, 2011

BACKGROUND:

Attached is a report on the Town's cash and investments for the quarter ended June 30, 2011.

The Town is primarily using Rabobank for investment of cash in excess of immediately needed operating capital. As Council is aware, Rabobank has guaranteed a yield of 15 basis points above LAIF for a fully collateralized money market account. The Rabobank account is also highly liquid. All these elements combined qualify it according to the Town's Investment Policy. Funds can be securely transferred via a wire transfer between Rabobank and the Town's operating checking account. Rabobank is a short term solution until LAIF's interest rate improves and/or better options are identified.

The Town has left some funds in the State of California managed Local Agency Investment Fund (LAIF) in order to maintain some account activity to prevent closure and to prepare a fallback position for the Town.

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.

A Wells Fargo Bank checking account is currently 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.

The Town establishes escrow funds at the start of each new lease. The escrow fund is drawn down to zero through the process of purchasing equipment against the lease. Interest is accrued on any unspent escrow balance. The "other" investment type represents these available escrow funds as well as petty cash balances.

SUMMARY:

As of the end of June 2011, the end of the 4th quarter of the 2010/11 fiscal year, the Town met all of its financial obligations. As of the last quarter of the fiscal year, the Town received the final half of its property taxes, so the Town restored its cash reserves and has prepared for the next fiscal year. The Town has completed all cash flow analysis for the 2011/12 fiscal year and is preparing to receive its TRAN financing of \$3,000,000 on September 7, 2011. The Town will monitor budget performance in order to establish and maintain appropriate cash reserves for the 2011/12 fiscal year.

FINANCIAL IMPACT:

The Town earned \$4,526.21 for the quarter ended June 30, 2011. That is compared to \$4,020.94 for the quarter ended June 30, 2010. The Town saw some improvement in yield due to the change to Rabobank for investment of cash in excess of working capital. The yield increased from .56% through LAIF for the June 30, 2010 quarter to 0.65% through Rabobank for the June 30, 2011 quarter. On an annual basis the Town also fared slightly better with annual earnings for 2010/11 of \$15,031.07 as compared to \$13,615.18 for the prior fiscal year.

TOWN OF PARADISE
 QUARTERLY SUMMARY OF INVESTMENTS
 For Quarter Ended June 30, 2011

Investment	Type	For Quarter Ended June 30, 2011			For Quarter Ended June 30, 2010			Net Change
		Yield	Book Value	Market Value*	Yield	Book Value	Market Value*	
Bank of America	Checking		168,137.37	168,137.37		200,922.56	200,922.56	(32,785.19)
Local Agency Investment Fund (LAIF)	Various	0.48%	14,114.51	14,136.76	0.56%	3,338,735.16	3,344,223.29	(3,324,620.65)
Rabobank	Money Market	0.65%	2,174,579.80	2,174,579.80		-	-	2,174,579.80
SISC GASB 45 Trust B	Various	0.63%	50,058.81	50,058.81		-	-	50,058.81
Fiscal Agents & Petty Cash	Other	0.17%	503,581.10	503,581.10	0.21%	18,803.04	18,803.04	484,778.06
	Totals		2,910,471.59	2,910,493.84		3,558,460.76	3,563,948.89	(647,989.17)
Total Quarterly Earnings on accrual basis			4,526.21		4,020.94			
Total Annual Earnings (July 1st - June 30th)			15,031.07		13,615.18			

* Market Value determined by LAIF

In compliance with the California Code Section 43646; 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.

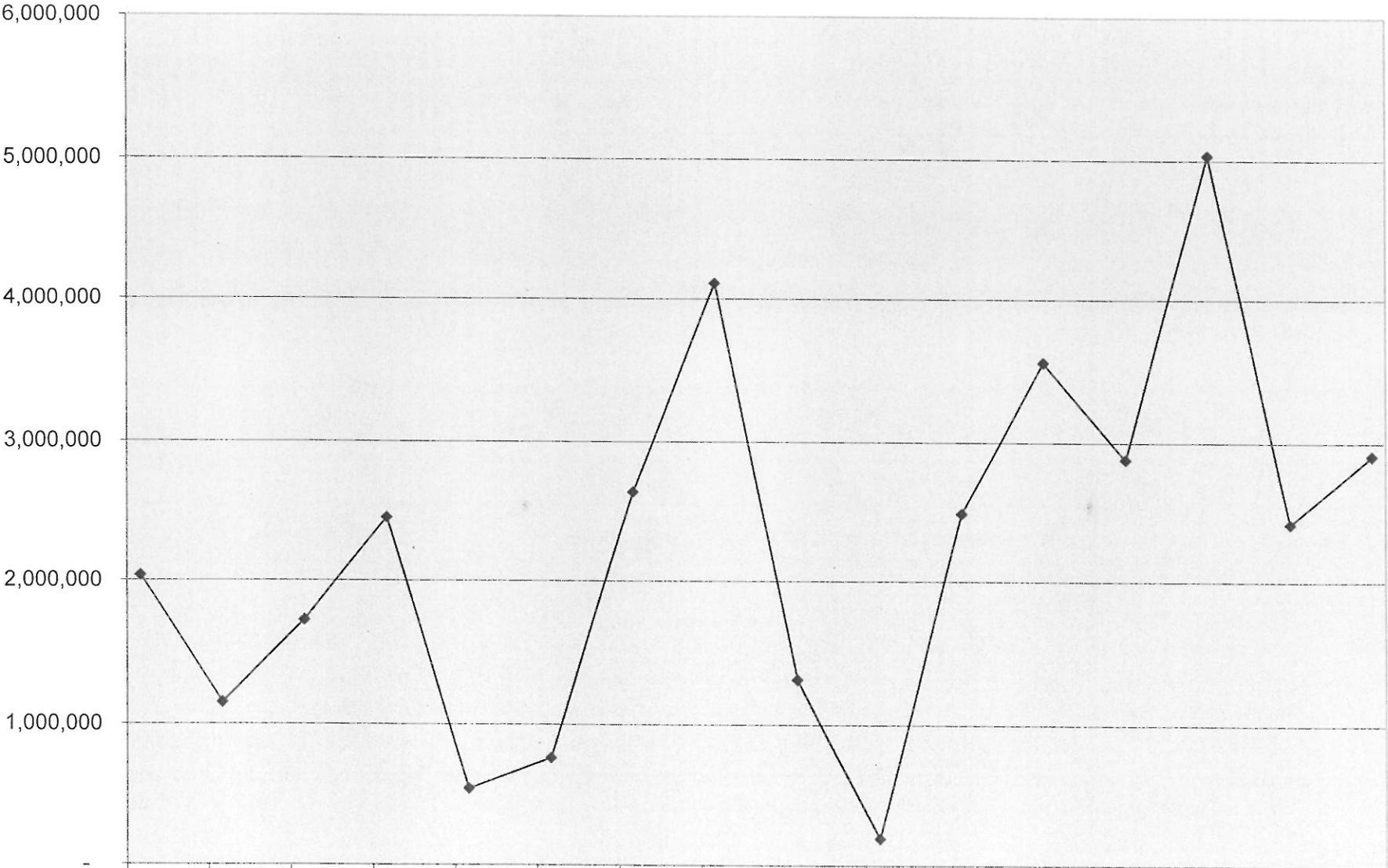
Investments in the report meet the requirements of the Town of Paradise's adopted investment policy.

Respectfully submitted,



Gina S. Will
 Finance Director/Town Treasurer

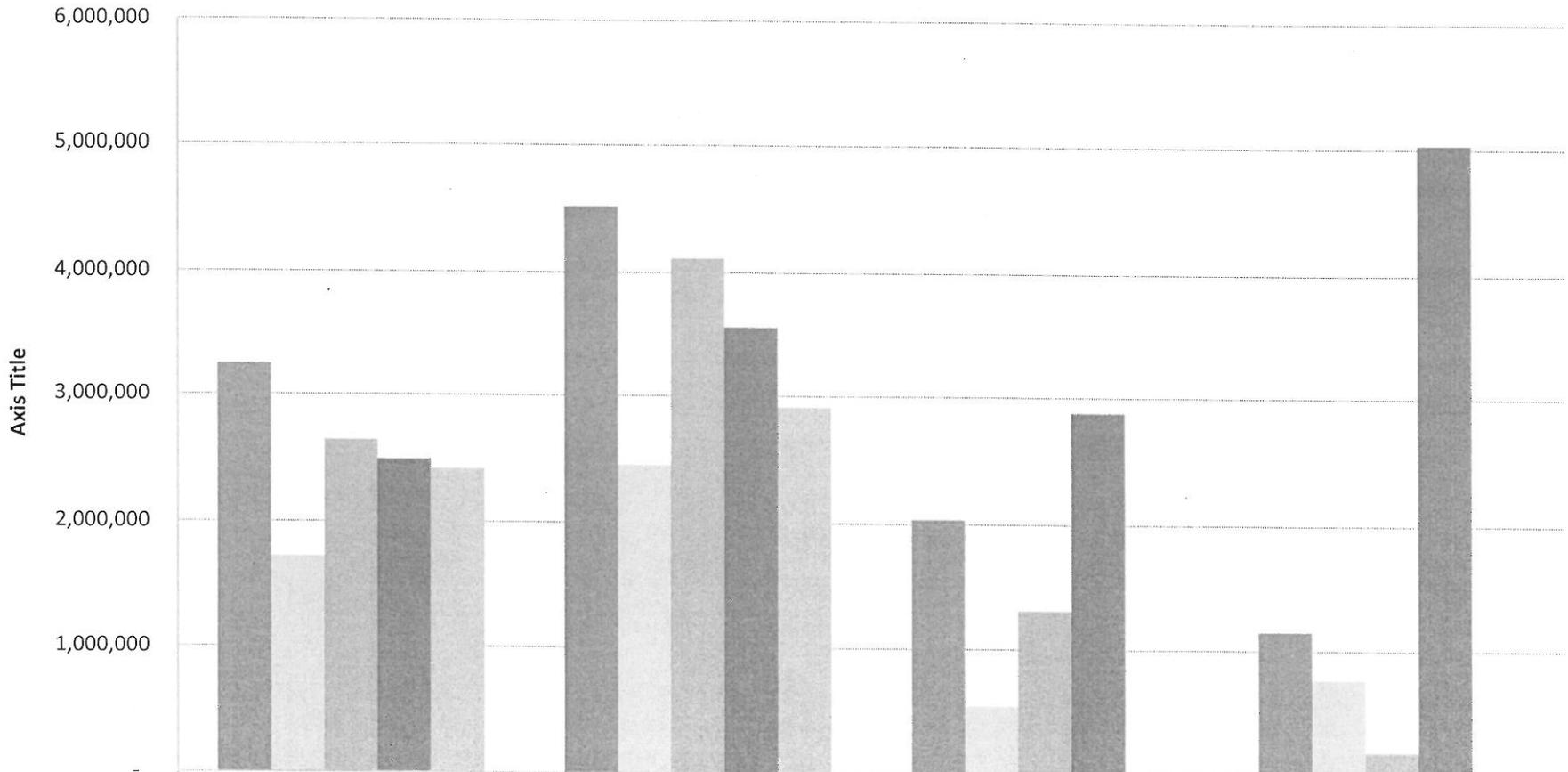
**Town of Paradise
Investment Balances
September 2007 - June 2011**



Sep-07 Dec-07 Mar-08 Jun-08 Sep-08 Dec-08 Mar-09 Jun-09 Sep-09 Dec-09 Mar-10 Jun-10 Sep-10 Dec-10 March-11 Jun-11

	Sep-07	Dec-07	Mar-08	Jun-08	Sep-08	Dec-08	Mar-09	Jun-09	Sep-09	Dec-09	Mar-10	Jun-10	Sep-10	Dec-10	March-11	Jun-11
Series1	2,035,863	1,152,033	1,721,649	2,454,193	544,749	765,446	2,642,871	4,115,703	1,315,739	191,774	2,489,668	3,558,461	2,881,720	5,034,579	2,417,553	2,910,472

**Town of Paradise
Investment Balances
September 2007 - June 2011**



	March 31st	June 30th	Sept. 30th	Dec. 31st
■ 2007	3,250,553	4,521,735	2,035,863	1,152,033
■ 2008	1,721,649	2,454,193	544,749	765,446
■ 2009	2,642,871	4,115,703	1,315,739	191,774
■ 2010	2,489,668	3,558,461	2,881,720	5,034,579
■ 2011	2,417,553	2,910,472		

**TOWN OF PARADISE
COUNCIL AGENDA SUMMARY
DATE: September 6, 2011**

ORIGINATED BY: Joanna Gutierrez, Town Clerk *JG* **AGENDA ITEM No.:** 3(j)

REVIEWED BY: Charles L. Rough, Jr., Town Manager *CLR*
Dwight L. Moore, Town Attorney *DLM*

SUBJECT: Amendment to the Town of Paradise Conflict of Interest Code

COUNCIL ACTION REQUESTED: Adopt Resolution No. 11-__, A Resolution of the Town Council of the Town of Paradise Amending and Re-Adopting Conflict of Interest Code for the Agencies and Departments of the Town of Paradise Which Incorporate by Reference the Fair Political Practices Commission's Standard Model Conflict of Interest.

BACKGROUND: The Political Reform Act, Government Code Section 87300, et seq., requires every local government agency to adopt and promulgate a Conflict of Interest Code that sets forth Town officials/employees who make decisions that might benefit them financially and, as such, must publicly disclose certain financial interests. The proposed Town of Paradise resolution incorporates by reference the Fair Political Practices Commission adopted regulation (2 Cal. Code of Reg., Section 18730) which contains the terms of a standard model Conflict of Interest Code. The previous Resolution No. 09-15 was adopted on April 14, 2009.

DISCUSSION: Upon review of the Town's conflict of interest code, it was determined that the following positions have been eliminated from the Town's jobs classifications list due to organizational changes and need to be deleted from the code:

- Assistant to the Town Manager/Business & Housing Services Director
- Housing Supervisor
- Fire Division Chief
- CDD/Public Works Coordinator
- Street Maintenance Supervisor
- Building Inspection Official (combined with Fire Marshal)

The following positions have been amended or added to the Town's job classifications and need to be added to the code:

- Fire Marshal/Building Official
- Fire Battalion Chief
- Assistant Planner
- Finance Supervisor

FINANCIAL IMPACT: None

**TOWN OF PARADISE
RESOLUTION NO. 11-__**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE AMENDING AND RE-ADOPTING CONFLICT OF INTEREST CODE FOR THE AGENCIES AND DEPARTMENTS OF THE TOWN OF PARADISE WHICH INCORPORATE BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST

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

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

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

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

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

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

RESOLUTION NO. 11-__, A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE AMENDING AND RE-ADOPTING CONFLICT OF INTEREST CODE FOR THE AGENCIES AND DEPARTMENTS OF THE TOWN OF PARADISE WHICH INCORPORATE BY REFERENCE THE FAIR POLITICAL PRACTICES COMMISSION'S STANDARD MODEL CONFLICT OF INTEREST

PASSED AND ADOPTED by the Town Council of the Town of Paradise this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Alan White, Mayor

ATTEST:

Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney

**APPENDIX A
RESOLUTION NO. 11-__**

GENERAL PROVISIONS

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

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

DISCLOSURE CATEGORIES

Category 1: Designated Employees Whose Duties are Broad and Indefinable

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

Category 2: Designated Employees Whose Duties Involve Contracting or Purchasing

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

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

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

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

APPENDIX A (Continued)
RESOLUTION NO. 11-__

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

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

**APPENDIX B
RESOLUTION 11-__**

Town Council/Redevelopment Agency (RDA) Directors	1
Planning Commissioners	1
Town Manager/RDA Executive Director	
Assistant Town Manager/Assistant RDA Executive Director	1
Town Attorney/RDA Legal Counsel	1
Finance Director/RDA Treasurer	1
Town Clerk/RDA Secretary	1
Assistant Town Clerk	3
Assistant to the Town Manager/Business & Housing Services Dir	
Deputy RDA Director	1
Housing Supervisor	3
Housing Coordinator	3
Information Technology (IT) Manager	3
Chief of Police	1
Police Lieutenant	2
Fire Chief	1
Fire Marshal	3
Fire Division Chief	2
Fire Marshall/Building Official	3
Fire Battalion Chief	2
Community Development Department (CDD) Director	1
Assistant Community Development Department Director	2
Senior Planner	2
Assistant Planner	2
CDD/Public Works Project Coordinator	3
Code Enforcement Officer	3
Public Works Director/Town Engineer	1
Assistant Public Works Director	2
Associate Engineer	3
Construction Inspector	3
Street Maintenance Supervisor	3
Building Inspection Official	3
Building Inspector	3
Onsite Sanitary Official	1
Assistant Onsite Sanitary Official	1
Environmental Health Technician	1
Senior Accountant	3
Finance Supervisor	

"AMENDS RESOLUTION 09-15"

**APPENDIX C
RESOLUTION NO. 11-__**

Consultant/Contract Employee Disclosure Category

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

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

Town of Paradise
Council Agenda Summary
September 6, 2011

Agenda No.:5A

Originated By: Lauren Gill, Business/Housing Services Director, Assistant Town Manager 

Reviewed By: Charles L. Rough, Jr., Town Manager 

Subject: Public Hearing – 2010-11 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program

Council Action Requested:

1. Conduct a public hearing to receive comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Community Development Block Grant (CDBG) Program
2. Authorize the Town Manager to submit the CAPER to the Department of Housing and Urban Development

Background:

At the conclusion of each program year, the regulations that govern the Community Development Block Grant (CDBG) Program require the preparation of the Consolidated Annual Performance and Evaluation Report (CAPER). The CAPER outlines CDBG program accomplishments and expenditures, as well as providing an evaluation of the town's progress toward meeting its community development goals and objectives.

The report covers activities, regardless of the year in which it was funded, that are still open and active. This CAPER covers activities in the 2004-2010 program years. A copy of the *draft* CAPER is attached for your review and approval. Any comments received during the hearing will be incorporated into the final document prior to its submittal to HUD regional office.

Financial Impact:

The completion of the report does not require an additional expenditure. Staff time is covered by Community Development Block Grant Program funds. General Fund expenditure is not required. However, failure to complete the report could jeopardize future CDBG funding.

Attachment



Town of Paradise, California

SECOND PROGRAM YEAR CAPER

(July 1, 2010 through June 30, 2011)

GENERAL

Executive Summary

The Consolidated Annual Performance and Evaluation Report (CAPER) covers the program year beginning July 1, 2010 and ending June 30, 2011. The Town received \$239,653 in Community Development Block Grant funds for the 2010-2011 program year. The funds were allocated in compliance with the 2010-2011 Annual Action Plan as approved by the Paradise Town Council. A substantial amendment was submitted and approved by HUD and the Paradise Town Council after the required public review period and public hearing to reallocate CDBG funds previously earmarked for other projects. This amendment will be discussed later in this document. The activities funding in the 2010-2011 program year were:

- Public Services\$35,948
- Housing Assistance.....\$64,706
- Planning and General Administration.....\$47,931
- Public Facilities.....\$91,068

The following table (Table 1) depicts a breakdown of funds allocated and expended by specific category and also shows the funds allocated/expended in community facilities in all open program years. For further information, narrative explanations follow behind the tables.

Table 1. Funds Allocated/Expended by Program Year This table includes all open grant program years			
PROGRAM YEAR		2010-2011	
Activity	Site Address	Funds Allocated	Funds Expended
Boys & Girls Club	6249 Skyway	\$4,000	\$4,000
Catalyst, Women's Advocates	6249 Skyway	\$10,000	\$10,000
Paradise Recreation and Park District	6626 Skyway	\$4,000	\$4,000
Peg Taylor Adult Day Health Care Center	124 Parmac, Chico	\$5,000	\$5,000

STRIVE	6626 Skyway	\$2,000	\$2,000
Work Training Center	7837 Skyway	\$2,948	\$2,948
Youth for Change	5538 Skyway	\$8,000	\$8,000
Housing Programs	Various Locations	\$64,706	\$52,296
Public Facilities	Various Locations	\$91,068	\$45,495
Program Planning & Administration	5555 Skyway	\$47,931	\$47,931
Program Year		2009-10	
Public Facilities-Wastewater Treatment	Wastewater Treatment Paradise Community Village-Affordable Housing	\$80,000.00	0
Program Year		2008-09	
American Recovery and Reinvestment Act	Black Olive Park and Ride	\$59,677	\$46,609
Public Facilities – Wastewater Treatment	Wastewater Treatment Paradise Community Village-Affordable Housing	\$80,000	\$4,400
Program Year		2007-08	
Housing Programs	Various Locations	\$28,700	\$28,700
Public Facilities -Wastewater Treatment	Wastewater Treatment Paradise Community Village-Affordable Housing	\$66,990	0
Program Year		2006-07	
Housing Programs	Various Locations	\$23,000	\$23,000
Public Facilities -Wastewater Treatment	Wastewater Treatment Paradise Community Village-Affordable Housing	\$12,080	0
Public Facilities-Wastewater Treatment	Wastewater Treatment Paradise Community Village-Affordable Housing	\$1,900	0
Program Year		2005-06	
Housing Programs	Various Locations	\$25,700	\$25,700

Public Facilities	Wastewater Treatment Paradise Community Village-Affordable Housing	\$28,817	0
Program Year		2004-05	
Housing Programs	Various Location	\$27,000	\$27,000
Public Facilities	Wastewater Treatment Paradise Community Village-Affordable Housing	\$20,226	0

The following table (Table 2) lists the goals and accomplishments for the program year period.

Table 2. Goals/Accomplishments			
Activity	Goal	Accomplishments	Funds Expended
Housing Assistance	25	19	\$52,296
Public Facilities	2	1	\$45,495
Boys & Girls Club	25	36	\$4,000
Catalyst	200	201	\$10,000
CHCC	59	46	\$7,000
PRPD	79	79	\$4,000
Peg Taylor Center	656	656	\$5,000
STRIVE	33	25	\$2,000
Youth for Change	200	596	\$8,000
Work Training Center	18	22	\$2,948

Community Organizations

As a part of the Community Development Block Group (CDBG) Annual Plan process, the Town has the option of allocating a maximum of 15% of its annual CDBG budget to fund eligible public services in the community. Council directed staff to establish a sub-committee consisting of two council representatives and two staff members to hold preliminary interviews with interested subrecipients. The purpose of the subcommittee was to meet with the subrecipients and make a formal recommendation to the Council for final approval.

In accordance with HUD regulations, a notice was published in the newspaper announcing that funding would be available. Notices were placed at the Family Resource Center, the Senior Center, and the Library, and in the Chamber e-newsletter. As a courtesy, notices were also sent to prior year subrecipients, as well as to agencies that called for applications. Ten

organizations responded to the request for funding proposals by submitting a formal application, eleven of those were eligible for the interview. The subcommittee, consisting of Council members Culleton and DiDuca, along with the Director of Business and Housing Services and the Administrative Analyst for the division, met with each of the applicants on February 26, 2010.

In forming its recommendation, the committee discussed the current economic downturn and its effect on non-profit organizations, especially those that provide vital services that assist individuals and families in crisis. Although all of the organizations were deserving, the Town's allotment was much smaller than the requests for funding. This is a major factor in the discrepancy between the number of proposed vs. actual accomplishments. The committee was faced with a tough decision and decided to focus on emergency and vital services that assist individuals and families in crisis, especially those badly affected by the economy.

Applicant Name:	Request Amount:	Proposed Program	Sub-committee Recommendation	Council Recommendation
Strive	\$3,500	Support for individuals with disabilities, rental fee for St. Nicholas Episcopal Church and Grange Hall.	\$2,000	\$2,000
Boys & Girls Club	\$10,885	New educational program for teens focusing on financial literacy, awareness and responsibility.	\$4,000	\$4,000
Peg Taylor Center	\$9,150	Services for physically & developmentally challenged residents, and services for senior population	\$5,000	\$5,000
Paradise Recreation and Park District	\$5,000	Scholarships for low/moderate income youth to participate in PRPD Youth Sports	\$4,000	\$4,000
Work Training Center	\$9,400	Buy a new kiln to increase production of artwork for Made in Paradise store.	\$2,948	\$2,948
Youth for Change	\$8,000	Assistance to low income families to pay for emergency needs and bills.	\$8,000	\$8,000
Housing Authority	\$2,300	Funding for the part-time Continuum of Care Coordinator.	\$0	\$0
Catalyst	\$10,361	Service needs of domestic violence and children, shelters, hotlines, counseling, restraining orders.	\$10,000	\$10,000
Paradise Center for Tolerance & Nonviolence	\$3,500	Hire a part-time Youth Director to coordinate the youth bullying program (STARS) at local schools.	\$0	\$0
Salvation Army	\$7,500	Monetary assistance to residents who are facing eviction or foreclosure.	\$0	\$0
Community Housing & Credit Counseling	\$7,000	Provide educational sessions to low/moderate families and individuals in the areas of first time home ownership, rental and financial management at a Paradise location.	Will fund out of Housing budget	Approved

TOTAL	\$75,596	Funding available: \$35,948	\$35,948	\$35,948
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Housing Programs

The Town has one full time staff devoted exclusively to housing activities. Additionally, two full-time personnel and one accounting person provide support and assistance as needed. During the 2010-2011 year, approximately \$612,797.78 was spent on mortgage assistance and owner-occupied housing rehabilitation programs. This amount includes all funding sources, including revolving fund and program income accounts. The Town’s current housing program funded by CDBG, HOME, CalHome, is very successful and crucial to low/mod income residents.

Public Improvements

While the town’s leadership is pleased with the progress it has made in improving the community’s housing conditions, economic stability, and social services network, they realize that we are at the tipping point of being able to make long-term improvements that will bring about stability in all of these areas. Despite our Sierra foothills rustic charm and endless natural beauty, the Town of Paradise – all 27,000+ residents and business – flush their toilets and drain their drains into septic systems and leach lines in their backyards, under their parking lots, and in some cases under their commercial buildings. The town has programs in place to ensure that this approach of on-site wastewater disposal continues to function in a healthy and environmentally compatible way for our residential areas. However, the state of affairs in the commercial areas is not as sustainable.

To address the approaching reality that businesses and residents along the town’s Skyway corridor will be unable to use their existing septic/leach field systems much longer, and that they will not be able to replace those systems within their property boundaries due to environmental and public health constraints, the town is planning to construct a clustered collection and treatment system. The system will eventually serve the Skyway corridor. The treatment site for the residents and businesses is currently being assessed, with three potential options under review. CDBG will not be the sole funding source for the project, but it can be the critical funding that allows this community to move into the 21st Century.

American Recovery and Reinvestment Act (ARRA)

The Town of Paradise submitted a Substantial Amendment to the 2008-2009 Annual Plan on June 2, 2009. The amendment was approved and the ARRA money was earmarked to be used in combination with federal CMAQ (Congestion Mitigation and Air Quality Improvement Program) monies to improve pedestrian walkways from Pearson to Foster Road. The project promotes economic development in Paradise’s Downtown area and provides much needed Downtown Parking. The proposed park-and-ride facility and pedestrian improvements will mitigate pollution by providing a facility where carpools can meet and catch rides, or catch the bus which is stationed a block away. The facility also allows for a more ‘walk-able’ downtown. Construction is in progress and the project is expected to be completed in Fall 2011.

Managing the Process

The Community Development Block Grant Program is an integral component of the Town's downtown revitalization strategy and its comprehensive redevelopment strategy. To ensure that Community Development Block Grant funds are used to benefit the highest number of income eligible households and to coordinate the CDBG Program with other federal, state and local programs, management responsibility has been assigned to the Office of the Town Manager, Business and Housing Services Division.

The Business and Housing Services Division was initially formed in 1994, the first year the Town of Paradise received Community Development Block Grant funds. The Division provides daily program management, oversight, and long range planning and coordination with other non-profits and other public agencies that provide services to low income individuals and families in the community. Specifically, the Division staff manages the housing programs to ensure compliance with program regulations, including income eligibility, the sub-recipient program to ensure eligibility and regulatory compliance; and public facilities projects to make certain that the program meets national objectives and compliance with program regulations.

In addition to staff's responsibilities for program management, the Paradise Town Council is directly involved in the development and adoption of the Annual Action Plan and the Consolidated Annual Performance and Evaluation Report. The Council makes the final selection of sub-recipient organizations and decides the final allocation of CDBG funds. Citizen involvement is inherent in the development and implementation plan process as oversight of the program. The Annual Action Plan and the Consolidated Annual Performance and Evaluation Report are available for public review and comment during the respective comment periods. The Town Council, following noticed public hearings, enacts final adoption of each.

Lastly, the Town's independent auditing firm monitors all federal and state funded programs for compliance in accordance with the requirements of the Single Audit Act. The results of the audit are filed with the federal and state agencies, as required by the various funding agencies.

Citizen Participation

The following Public Notice was published in the Paradise Post, a newspaper of general circulation in the Town of Paradise on August 20th, 2011.

**TOWN OF PARADISE
PUBLIC NOTICE OF THE 2010-11 CONSOLIDATED ANNUAL PERFORMANCE AND
EVALUATION REPORT (CAPER)**

The Town of Paradise seeks public comment on the Consolidated Annual Performance and Evaluation Report (CAPER) for the Town's Community Development Block Grant Program (CDBG). The CAPER, prepared for the U.S. Dept of Housing & Urban Development (HUD), reports on specific federal housing assistance/community development activities that occurred during the July 1st, 2010 - June 30th, 2011 program year.

Copies of the draft CAPER is available for public review at the following locations: Town Hall (5555 Skyway), Family Resource Center (6249 Skyway), Butte County Library (5922 Clark Road), the Paradise Senior Center (877 Nunneley Road), and the Paradise Chamber of Commerce, (5550 Skyway).

Citizens and groups may submit written and/or verbal comments on the CAPER during a 15-day public noticing period beginning August 19th, 2011. Comments can also be made at one of two public hearings to be held on the matter held on September 6th at 3:00 p.m. and again at 6:00 p.m., during the regular Paradise Town Council meeting (or as soon thereafter as possible) at the Town Hall Council Chambers, 5555 Skyway, Paradise. Comments received at the meetings will be summarized and included in the report. If you challenge any issues stated above in court, you may be limited to raising only those issues raised at said public hearing, or in written correspondence delivered to the Town Manager at, or prior to, the public hearing.

For information or to submit comments, contact Town of Paradise, Business & Housing Services Div., 5555 Skyway, Paradise, 95969, or phone 530-872-6235. For special accommodations for a disability or needs, call 48 hours in advance of the meeting. TDD users call CA Relay Service TDD Access #1-800-735-2929.

The following locations are known to be accessible to persons with disabilities as well as to persons of low/moderate income, as well as to citizens-at-large who may be interested in participating through public commentary. The following locations are; Town Hall (5555 Skyway, Paradise), Paradise Branch of the Butte County Library (5922 Clark Road, Paradise), Family Resource Center (6249 Skyway, Paradise), and the Paradise Ridge Senior Center (877 Nunneley Road, Paradise).

The two Public Hearings were held to gather public comments for the 2010-2011 CAPER. The public hearings were held on Tuesday, September 6th at 3:00 and 6:00 p.m. in the Town Council Chambers. No citizen comments were received at or prior to the public hearings. Three of our subrecipients were in attendance at the 6pm hearing which took place at our regular Town Council Meeting. They gave short presentations along with a PowerPoint presentation created by staff, which Council had requested last year to be a part of this CAPER presentation. Feedback on this presentation was favorable.

Institutional Structure

The Town Institutional Structure is as follows:

5 member Town Council

- Holds public hearings on Consolidated Plan, Annual Plans and CAPER reports
- Approves funding for Public Service Agencies

The Town of Paradise, Business and Housing Services staff provides the main administrative and project management duties over the CDBG program. The BHS Staff is under the management of the Assistant Town Manager. Staff prepares the Consolidated Plan, Annual Plans and Consolidated Annual Performance Evaluation Reports (CAPER) for each CDBG program year. The oversight of the CDBG program is provided by the Assistant Town Manager. All reports and plans are reviewed by Council before submitted to HUD.

The Town works closely with non-profit organizations in the area that provide specific programs to the citizens of Paradise. These organizations provide services to very low-, low- and moderate-income

residents, including the frail and elderly, mentally disabled, physically disabled, homeless, and at-risk youth. These organizations submit funding requests to the Town to qualify for money that comes out of the Community Needs Category. As required by HUD, 15% of annual funding is set-aside for these organizations.

The Town is also focused on collaboration between government agencies; community needs organizations, and local businesses. Community stakeholder meetings give Butte County service organizations an opportunity to submit input regarding the populations these organizations serve, their current and future needs, challenges and successes. The following are some of the organizations we are involved with: Family Resource Center, Youth for Change, Project Vision, Loaves and Fishes Food Ministry, STRIVE , Peg Taylor Center for Adult Day Health Care, Legal Services of Northern California, Community Housing Improvement Program and Community Housing Credit Counseling Center, Boys and Girls Club of the North Valley, Passages, CCSP Torres Community Shelter, Paradise Center for Tolerance and Nonviolence, Salvation Army-Paradise Center, Paradise Meals on Wheels, and the Work Training Center.

Program Monitoring

The Town follows the procedures adopted in the Code of Federal Regulations, created by the Office of the Assistant Secretary of Community Planning and Development that pertain to Community Development programs are contained within Part 570 for CDBG entitlement communities. Once applications for grant funding are received and reviewed by staff, they go through a competitive review process and recommendations are decided by a funding committee and forwarded to the Town Council for final approval. After funding decisions are made, organizations are required to sign a contract with the Town outlining the rules and regulations of public service funds. They are required to submit the required documents and reference material related to grant funding. These organizations are required to report quarterly to the town and also provide an end of year report which is reviewed and input into IDIS for yearly accomplishments at the close of the program year. Organizations are audited and staff performs site visits on a yearly basis. If organizations are not submitting reports on-time or are unable to follow through with program requirements, staff will monitor the organizations to make sure that HUD regulations are being met, or funding is relinquished. At the end of each funding year, staff reviews the accomplishments of community service agencies to determine their ability to serve the residents of Paradise and meet the program requirements.

The Town also follows all applicable program requirements, regarding housing projects and lead-based paint standards. Housing applicants are reviewed thoroughly by staff to ensure they have met all eligibility requirements. This may include verification of employment, assets, banking, credit reports and income tax information. Site inspections are utilized to ensure that the housing; whether a purchase or rehabilitation complies with safety and health requirements of the programs. Recipients are verified annually through utility billing verification to ensure owner occupancy of the property.

The Town of Paradise Consolidated Plan outlines a 5-year housing and community development strategy focused on developing Paradise as a viable community by providing decent housing, a suitable living environment, and by expanding economic opportunities, principally for low and moderate income persons. The plan, which sets the goals and objectives for the Community Development Block Grant (CDBG), is in effect from 2010-2015.

The mission of the Strategic Plan is to develop a working document that guides a five year planning process that identifies the needs of the community and then prioritizes available funding in order to plan and prepare for meeting the needs identified in the process. By identifying current needs of our residents, the town is then able to determine the future needs and funding priorities that will help close these gaps to help make Paradise a better community.

This document also evaluates the past performance during the last five years that the Town administered its CDBG program. CDBG funding is an important part of the town's overall strategy to promote a viable community and to help provide decent, safe, and affordable housing. The Town leverages these dollars with Redevelopment funds, and other grants/funding sources to reach our overall goals.

An important infrastructure project in the planning process is the establishment of a commercial wastewater treatment facility for the downtown area. This will provide the infrastructure necessary for the businesses in the downtown area to maintain and/or expand their number of employees, their products, and/or allows for future business expansion opportunities. Many commercial properties in our downtown are impacted with wastewater constraints that limit their ability to prosper and limit the number of employees they can hire.

As decent and safe, affordable housing is an important component of a communities' housing stock, the Town is working in conjunction with several Town agencies on the Paradise Community Village project. This development will provide, at build-out, 60-90 affordable rental housing units. The project applicant has received a HOME grant and will begin the infrastructure portion of this important collaborative project. The project will include soccer fields, and a skate park. CDBG and Redevelopment funds are slated as viable and important aspects of this much needed community facility.

After meeting with residents and community stakeholders, the following goals and objectives have been identified for the next five year period:

Goals for the 2010-2015 Consolidated Plan:

1. Improve the condition of the community's housing supply.
2. Improve the community's economic condition.
3. Improve the community's well-being by participating with residents and local stakeholders in community building efforts.

Specific Objectives for the 2010-2015 Consolidated Plan:

1. Wastewater treatment facility for commercial properties in the downtown and RDA Project Area.
2. Provide low-income loans/grants for small businesses to hook up to the wastewater facility described above.
3. Provide opportunities that expand the employment base for the Town.

4. Provide programs/projects that allow opportunities for increased jobs.
5. Provide 36 affordable rental housing units
6. Rehabilitation/repairs of 50 low-income, owner-occupied homes
7. Mortgage assistance or 50 low-income first-time homebuyers
8. Improve streets, road, parking, traffic circulation in the downtown, which encompasses a HUD identified low-income neighborhood, to allow for business-owners to better provide goods/services.
9. Provide funding opportunities to non-profits and agencies serving low income residents and residents with special needs.
10. Provide education and improved transportation for those services mentioned above.
11. Provide recreational opportunities for at-risk youth and low-income/disadvantaged children.
12. Infrastructure that will improve the opportunities for businesses to prosper.
13. Improve pedestrian safety, especially projects that provide opportunities for children to travel safety throughout the community and in their respective neighborhoods.

The planning and public participation process which is such an integral component of the Community Development Block Grant Program has been useful in identifying a multitude of community needs. The process has provided a means to express those needs, but more importantly, it has fostered a cooperative relationship between the town government, community based organizations, and residents. As with most communities, the needs far outweigh the resources available to confront and resolve those situations. However, as illustrated in the Priority Needs table, the CDBG Program has endeavored to place funding in those areas of high need. The luxury of funding medium or low priority activities is not one that the town can afford.

The program has identified and funded housing programs, public parks projects, and supported activities for a variety of non-profit organizations. Those efforts have achieved results both in the field and in the town's ability to secure additional public and private sector funding to support those programs.

The town's barriers to even greater program success are, most likely, the same as those experienced by any other American city. Resources – money and staff – are the limiting factors that negatively influence the town's ability to reach its goals.

The Town of Paradise funds only programs and/or projects that principally benefit low and moderate-income individuals and families, or benefit a HUD identified low and moderate-income neighborhood, of which the town has three.

The Town of Paradise did not conduct any activities that resulted in the relocation of tenants and/or homeowners during the program year. The town makes every effort to accomplish its goals and objectives without displacing our residents and businesses.

The Town stays below the one-1/2 times grant amount cap on unspent funds. Expenditures do not differ substantially from letter of credit disbursements because the Town operates its CDBG Program on a reimbursement basis.

While the Community Development Block Grant Program is charged with reversing the symptoms of a declining community, staff understands that doing so is more than just good planning and implementation. Obstacles must be overcome in order to eliminate the needs of an under-served population and reverse decades of community deterioration

In other cases, the obstacle is one resulting from a market economy, such as what happened with the Town's rapidly escalating mortgage crisis. The housing down-turn has steadied housing prices and has left more houses on the market because individuals are concerned about the rising prices of fuel, energy and food.

Homes eligible for the HOME-funded mortgage assistance program must not only be affordable to income-eligible buyers, but they must also be in "FHA loanable" condition. Lower priced homes do not meet these and other requirements, resulting in a slump in first time homebuyer program activity.

In the final analysis, two obstacles hinder the Town's ability to address the needs of the under-served population – adequate funding and the absence of the economic and social systems necessary for a viable community. Certainly, Community Development Block Grant funds go a long way toward alleviating a variety of housing and community needs. Additionally, the Town pursues every opportunity to augment its CDBG dollars with other state and federal programs; however, one should remember that community building is a long and expensive undertaking that requires substantial political and financial investment to succeed.

Lead-based Paint

The Town of Paradise manages owner-occupied residential rehabilitation programs and mortgage subsidy programs for first time homebuyers. These programs are funded under a HOME grant from the California Department of Housing and Community Development (HCD). The HCD funded HOME program requires that lead clearances be obtained for both the residential rehabilitation and mortgage subsidy programs. The redevelopment agency has folded those requirements into the agency-funded programs.

HOUSING

The Town of Paradise manages owner-occupied residential rehabilitation programs and mortgage subsidy program for first time homebuyers. The Town also applies for competitive funding through the State of California. These programs are funded under both a HOME grant, and a CalHome Grant from the California Department of Housing and Community Development (HCD) and when funding is available through the Paradise Redevelopment Agency.

The owner-occupied residential rehabilitation program offers low and moderate-income homeowners the opportunity to remain in housing that has been affordable to them, in some cases for over twenty years. The Town of Paradise is completely dependent on septic tanks and leach fields for the disposal of wastewater can pose a serious health/public health issue; as well as an affordability issue, given the extreme costs of replacing failed systems. Absent the Town's assistance, these homeowners would not be able to afford the cost of home maintenance, deferred maintenance, and wastewater disposal system replacement. The challenge of coming up with the significant funds needed to cover these expenses is difficult.

Specific Housing Objectives

As stated in the Annual Action Plan, 25 households would be assisted during the program year. During the program year, a total of 19 low income households received assistance under the Town's housing rehabilitation and first-time homebuyers programs. The recipients received assistance under the CDBG, HOME and CalHome programs.

The multi-family development, when funded, will assist low and very low-income tenants.

Public Housing Strategy

The Housing Authority of Butte County administers a Section 8 rental-housing program in the Town of Paradise. The Housing Authority also owns a multi-family complex in town that rents a mixture of market and subsidized units. Although the Town has not been directly involved in the administration of either program, the Town and the Housing Authority maintain a close working relationship and assist one another whenever requested.

Barriers to Affordable Housing

The Town has identified the availability of properly priced housing as the principal barrier to affordable housing in the community. Over the past two decades, much of the newly constructed housing has been custom homes – a market segment not generally available to low and moderate-income households. Therefore, it is important to maintain the community's housing stock that is affordable to low and moderate-income households. To do so, the Town provides a residential rehabilitation program for owner occupied housing, and a mortgage subsidy program to assist first time homebuyers.

The residential rehabilitation program allows low and moderate-income families to remain in a house that they can afford. the drop in the housing market has significantly increased the demand for mortgage subsidy assistance, and declining home prices have increased the number of available units.

HOME

The Town applied for and received a HOME grant in 2009. Loans were made for both mortgage assistance and owner-occupied housing rehabilitation. The loans ensure that housing quality standards and lead-based paint issues are complied with.

CAL-HOME

The Town of Paradise is currently applying for the 2011 CAL-HOME Grant.

HOMELESS

Homeless Needs

The Town's participation in meeting the needs of its homeless population is evolving. A coalition of service providers and concerned residents of both Paradise and the surrounding unincorporated area have formed a community-based task force. The task force is developing a plan of action to identify and address the extent of the homeless situation on the Ridge, the characteristics of the homeless population, resources available to confront the needs, and the responsible agencies that need to be involved in this effort.

The task force is using data collected from a January 2010 survey of the area's homeless population. The homeless census and survey was completed and the count indicates that Paradise and adjacent unincorporated areas have 83 homeless individuals. The survey shows that many of the homeless are "couch surfers" and single-parent families living with friends and relatives. As such, a significant element of the homeless population may not meet the federal definition of "homeless". While this does not diminish the need or the community's commitment to confronting the issue, it does make funding programs to address the needs more difficult.

The Town of Paradise does not directly administer a transitional housing program. The Town and CDBG Program support the local women's shelter and that shelter provides emergency and transitional housing.

The Town of Paradise did not seek funding under the SuperNOFA.

Specific Homeless Prevention Elements

The Town takes two approaches to homeless prevention. The first is our residential rehabilitation program. This program provides for the repair of items that threaten the homeowner's ability to remain in the home. The Town of Paradise is an un-sewered community, and as such relies on septic tanks and leach fields located on the homeowner's property to dispose of wastewater. A failed wastewater system can result in health and safety issues. Furthermore, many of the homes that are occupied by low and moderate-income residents were constructed on smaller lots that can no longer accommodate the disposal of wastewater. This generally results in the need to construct/install special and often technologically advanced systems. These systems can resolve the wastewater issue but they range in price from \$30,000 to \$60,000 – a cost that low and moderate-income residents cannot afford. The residential rehabilitation program makes it possible for these residents to remain in their homes.

The Town of Paradise also supports two community-based organizations that aid in the prevention of homelessness. The CDBG Program funds the Family Resource Center (Youth for Change). The Center's Family Support Program provides direct services and interventions to income eligible families with the goal of avoiding those catastrophic situations that often result in unemployment, delinquent rent payments, and homelessness.

The CDBG Program also funds Catalyst, a women's advocacy group that also provides emergency and transitional housing predominantly for abused women and their children. Services are also available for abused men. The emergency shelter provides an immediate safe harbor and time to recover and regroup from the abusive situation.

Emergency Shelter Grants (ESG)

The Town of Paradise does not receive ESG funding.

COMMUNITY DEVELOPMENT

The long standing success of the Community Development Block Grant Program is its ability to serve as a catalyst. This, or any other program, will never have funding in the amount needed to address all of the community's needs. However, community leaders have been successful in using the CDBG program to bring community needs to light, fund a demonstration project or a model program, and use the new found support and experience to garner even greater community support as well as new funding sources. This broad based community involvement ensures that the community's goals and objectives and the CDBG program's goals and objectives are not only consistent, but the means to address and resolve the needs are coordinated.

All of the Town's housing programs are available to income qualified households. In addition, the Town's HOME application for the construction of 36 affordable housing units includes a set aside of units for very low income tenants.

The Town of Paradise pursues all reasonable grant opportunities to fund a variety of housing and community development projects. Staff has been successful in obtaining federal and state funding.

All CDBG funds are used to meet national objectives.

The program endeavors to avoid displacing any residents, and in fact has not pursued activities that require relocation.

The program year's activities did not include a Low/Mod Job component.

Subrecipients are required to verify the income of their program participants.

The program did not receive program income during the program year.

Prior period adjustments, float-funded activities, lump sum activities, and neighborhood revitalization activities are not included in the Town's CDBG program.

Antipoverty Strategy

In general, the intent of the Town's economic development programs is the creation of living-wage jobs for local residents. Staff continually works with new businesses and existing businesses, with developers

and entrepreneurs, and with local business associations to expand opportunities and strengthen the current state of the local economy; especially to attempt job creation for low/mod citizens

The CDBG Program also continues to fund the Family Resource Center's Family Support Program, which as previously mentioned works with families to avert catastrophic events and strengthen the skill sets needed to move out of poverty and into more stable family and economic situations.

NON-HOMELESS SPECIAL NEEDS

Non-homeless Special Needs

California's legal system is attempting to come to grips with the number of inmates incarcerated for substance related crimes. Many of those imprisoned for substance abuse are being granted an early release and treatment in group home settings. While our local treatment providers knew of the impending change, the sheer number of inmates released to these programs resulted in housing related issues.

Staff has been actively assisting the largest substance related treatment provider in the effort to expand the bed count in group home settings. Staff provided assistance with all aspects of land use, building, and wastewater disposal permits. Additionally, the Town provided a forum to discuss the multitude of issues resulting from this new approach to the treatment and rehabilitation of non-violent substance abuse offenders.

The issue is by no means resolved. The demand for beds has caused a near "gold rush" mentality. While staff will continue to work with service providers, it is the individual who believe that they can set up a group home and offer meaningful, results-oriented rehabilitation that continues to cause a problem – not so much for the Town as an organization, but for the overall community and certainly those entering the programs. This situation will continue to be the principle non-homeless special needs issue for the foreseeable future, and staff will continue to play a part in its solution.

Specific HOPWA Objectives

The Town of Paradise does not administer a HOPWA program.

**TOWN OF PARADISE
COUNCIL AGENDA SUMMARY
DATE: September 6, 2011**

ORIGINATED BY: Chris M. Buzzard
Chief of Police

AGENDA ITEM No. 5 (b)

REVIEWED BY: Charles L. Rough, Jr.
Town Manager

Legal Review X Yes No N/A

SUBJECT: Public Hearing for Public Safety (COPS) Grant Acceptance for FY2011/2012 and Adopt a Resolution Accepting Supplemental Law Enforcement Services Fund (SLESF) estimated at \$100,000.00.

RECOMMENDATION: Hold a public hearing and adopt a resolution accepting an estimated \$100,000.00 from the Supplemental Law Enforcement Services Fund and approve use of these monies to fund Police Vehicles and support a Community Service Officer in the Police Department.

BACKGROUND: State grant funds are expected to be awarded to the Town for local law enforcement purposes. Based on population, we estimate this grant will continue to be approximately \$100,000.00. These grant funds must be expended within two years after receipt. The Town is required to hold a public hearing relating to how these funds will be used and to adopt an expenditure plan. As reflected in the town's adopted budget, staff recommends funds be used to support a Police Department Community Service Officer and continue to fund the Police Department Assigned Patrol Vehicle Program.

These funds are intended to be used to support unfunded and emerging departmental supplemental requests such as additional support personnel and for field equipment. Considering the impact of the State Budget on the Town of Paradise in terms of reduced revenues available for Town services, Council is asked to accept these State grant funds to pay for the Police Department expenditures as outlined above.

FINANCIAL IMPACT: This represents a budget appropriation and expenditure of approximately \$100,000.00 for Fiscal Year 11/12.

RESOLUTION #11- __

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
ACCEPTING STATE SUPPLEMENT LAW ENFORCEMENT SERVICE
FUNDS (SLESF) (AB1584 COPS FRONTLINE)**

WHEREAS, AB1584 was signed into law in July, 1996, establishing Chapter 6.7 of the California Government Code (Sections 30061 through 30065); and

WHEREAS, Section 30061(c)(2), requires that the Town Council "...shall appropriate existing and anticipated moneys exclusively to fund front line municipal police service, in accordance with written requests submitted by the Chief of Police of that city..."; and

WHEREAS, pursuant to Section 30061(c), On September 6, 2010, the Town Council held a duly noticed public hearing at which the requests of the Paradise Police Chief for front line law enforcement needs for these funds were received and reviewed by the Town Council.

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

Section 1: The Council does hereby accept the Supplemental Law Enforcement Services Fund (AB1584 COPS Frontline) in the estimated amount of \$100,000.

Section 2: The Town Manager is authorized to execute any documents relating to the acceptance of the Supplemental Law Enforcement Services Fund.

Section 3: The grant shall be paid to support a police Community Service Officer and to fund the Police Department Assigned Patrol Vehicle Program.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this ____ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

Alan White, Mayor

ATTEST:

By: _____
Joanna Gutierrez, CMC, Town Clerk

APPROVED AS TO FORM:

By: _____
Dwight L. Moore, Town Attorney

TOWN OF PARADISE
Council Agenda Summary
Date: September 6, 2011

Agenda No. 5 (c)

ORIGINATED BY: Craig Baker, Community Development Director 

REVIEWED BY: Chuck Rough, Town Manager 
Lauren Gill, Assistant Town Manager 

SUBJECT: Public Hearing: Town Council Consideration of a Planning Commission Recommendation for Town Council Adoption of Paradise Municipal Code Zoning Regulations Related to Restricting the Cultivation of Medical Marijuana in the Town of Paradise.

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

RECOMMENDATION: Adopt a **MOTION TO:**

1. Waive the first reading of Town Ordinance No. ____ and read by title only [roll call vote];
AND
2. Introduce Town Ordinance No. ____, "An Ordinance of the Town of Paradise Repealing Chapter 17.31 of the Paradise Municipal Code and Adding a New Chapter 17.31 to the Paradise Municipal Code Restricting Medical Marijuana Cultivation"; **OR**

Adopt an alternative directive to town staff regarding this agenda item.

BACKGROUND:

During their special meeting of July 7, 2011, the Planning Commission conducted a public hearing to consider adoption of Planning Commission Resolution No. 11-04 recommending Town Council adoption of an ordinance drafted to restrict medical marijuana cultivation, processing and distribution within the Town of Paradise. After accepting public testimony and closing the hearing to the public, Planning Commissioners discussed the previous ordinance among themselves and with town staff, provided direction to staff regarding additional changes to the proposed ordinance, and adopted Planning Commission Resolution No. 11-04. The ordinance was subsequently scheduled for Town Council consideration on August 2, 2011.

However, based upon conversations between the Town Attorney and the U.S. Attorney's office after July 7, 2011, the Town Attorney determined that the ordinance version reviewed by the Planning Commission might subject Town Officials to threats of prosecution under federal law.

Since, under current federal law, marijuana is an illegal substance, the U.S. Attorney's office deems the approval by a local government of a marijuana collective or cooperative as a violation of federal law. Therefore, Town Council consideration of Resolution No. 11-04 and introduction of the ordinance was cancelled and the matter was returned to the Planning Commission for reconsideration. The new proposed Town ordinance has been revised to avoid the threat of federal prosecution.

During their regular meeting of August 16, 2011, the Planning Commission conducted a noticed public hearing to consider adoption of Planning Commission Resolution No. 11-06 recommending Town Council adoption of the revised ordinance. After accepting public testimony and closing the hearing to the public, Planning Commissioners discussed the ordinance among themselves and with town staff. By majority consensus, the Planning Commission provided direction to staff to further revise the ordinance to require a minimum seventy-five foot separation distance from outdoor cultivation of marijuana plants to a school facility property boundary and adopted Planning Commission Resolution No. 11-06.

As drafted, the revised proposed ordinance still allows medical marijuana to be cultivated in a residential zoning district for personal use in the same manner as the previous version except that, if adopted, it will not allow night growing lights. However, medical marijuana collectives, cooperatives and other group activities would be prohibited.

The proposed ordinance provides, among other things, as follows:

1. Qualified patients or primary caregivers would be allowed to cultivate no more than 50 square feet of medical marijuana within a residential zoning district, in a rear or side yard with certain setbacks from adjacent properties.
2. Qualified patients or primary caregivers in a residential zoning district would be allowed to cultivate no more than 50 square feet indoors only with a permit issued by the Planning Director based on specific criteria.
3. All marijuana cultivated on residential property would be for the personal use of the qualified patient residing on the property.
4. Prohibits the cultivation, processing or distribution of medical marijuana by collectives, cooperatives, dispensaries, operations, establishments, associations or similar entities within all Town of Paradise zoning districts.

September 6, 2011

Agenda No. 5 (c)

DISCUSSION

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed ordinance, as revised, remains exempt from environmental review because there is no possibility that its adoption will have a significant effect on the environment. In addition, the proposed ordinance is not a project under CEQA because it is ministerial in nature.

Attached with this council agenda summary for your consideration and recommended adoption is a proposed ordinance document reflecting the Planning Commission's recommendation. If introduced and adopted, this document would formally establish zoning ordinance regulations restricting the cultivation of medical marijuana within the Town of Paradise. This matter has been noticed as a scheduled public hearing agenda item via publication of a hearing notice within the local newspaper.

Town staff has also copied and attached other documents related to this agenda item, including a copy of the draft minutes from the August 16, 2011 Planning Commission meeting. In addition, town staff has generated and attached other documents related to this agenda matter, including the notice of public hearing and the CEQA Notice of Exemption.

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

Attachments

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

1. Public notice of the September 6, 2011 Town Council meeting
2. Excerpt of minutes from the August 16, 2011 Planning Commission meeting
3. Planning Commission Resolution No. 11-06
4. CEQA Notice of Exemption dated August 9, 2011
5. Ordinance No. ____, "An Ordinance of the Town of Paradise Repealing Chapter 17.31 of the Paradise Municipal Code and Adding a New Chapter 17.31 to the Paradise Municipal Code Restricting Medical Marijuana Cultivation"

TOWN OF PARADISE NOTICE OF PUBLIC HEARING

a. **Item determined exempt from environmental review:**

NOTICE IS HEREBY GIVEN by the Town Council of the Town of Paradise that a public hearing will be held on Tuesday, September 6, 2011 at 6:00 p.m., or as soon thereafter as possible, in the Town Hall Council Chambers, 5555 Skyway, Paradise, California regarding the following matter: To consider introducing a proposed ordinance relating to restricting medical marijuana cultivation, processing, and distribution.

The proposed ordinance provides, among other things, as follows:

1. Qualified patients or primary caregivers would be allowed to cultivate no more than 50 square feet of medical marijuana within a residential zoning district, in a rear or side yard with certain setbacks from adjacent properties.
2. Qualified patients or primary caregivers in a residential zoning district would be allowed to cultivate no more than 50 square feet indoors only with a permit issued by the Planning Director based on specific criteria.
3. All marijuana cultivated on residential property would be for the personal use of the qualified patient residing on the property.
4. Prohibits the cultivation, processing or distribution of medical marijuana by collectives, cooperatives, dispensaries, operations, establishments, associations or similar entities within all Town of Paradise zoning districts.

In addition, the proposed ordinance is not a project under the California Environmental Quality Act (CEQA) in that the permits would be ministerial and not discretionary.

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the proposed ordinance is exempt from environmental review because there is no possibility that its adoption will have a significant effect on the environment.

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

Joanna Gutierrez
Town Clerk

EXCERPT OF DRAFT PARADISE PLANNING COMMISSION MINUTES

August 16, 2011 - 6:00 p.m.

Paradise Town Council Chambers

5555 Skyway, Paradise, CA

5. PUBLIC HEARING –

Community Development Director Baker explained that, based upon conversations between the Town Attorney and the U.S. Attorney's office, the Town Attorney has determined that the ordinance version reviewed by the Planning Commission on July 7, 2011 might subject Town Officials to threats of prosecution under federal law. Therefore, Town Council's August 2, 2011 consideration of the Planning Commission's recommendation to adopt the ordinance was cancelled. The matter has been returned to the Planning Commission for reconsideration of a proposed ordinance that has been revised to avoid the threat of federal prosecution.

The proposed ordinance would still allow medical marijuana to be cultivated in a residential zoning district for personal use, but medical marijuana collectives and cooperatives would be prohibited.

Mr. Baker also explained that the proposed ordinance remains exempt from environmental review.

Commissioner Woodhouse inquired if other municipalities are allowing collectives and what the consequences might be for the Town of Paradise if collectives are not allowed in town.

Attorney Moore stated that state law mentions collectives, but Proposition 215 does not have a provision for collectives. The legislature adopted statutes that addressed collectives. Cities and counties can regulate collectives and cooperatives and are not required to allow them. Mr. Moore indicated that he had spoken to the state attorney who said that if a jurisdiction allows collectives in a community, they could be prosecuted because they would be allowing and actively endorsing that activity. Mr. Moore further indicated that the proposed prohibition of collectives and cooperatives is purely a land use issue that can be controlled by zoning.

Chair Grossberger opened the public hearing at 6:18 p.m.

1. Paul McCarthy asked that if there were complaints from two neighbors, if an officer be sent out to investigate and if there were three houses growing marijuana and neighbors complained, how it would be determined where the odor was coming from. He also said that since his prescription says he can grow 100 sq. ft. of medical marijuana, the proposed ordinance would not allow him to do what his doctor prescribed.

Attorney Moore stated that if there were two separate complaints on a specific property then there would be a noticed hearing in front of the Planning Director. If there were three houses growing marijuana and complaints were filed there would also be a noticed hearing. Typically, the complaints would be accompanied by an address. Attorney Moore also stated

that the town has the authority to control land use and that an individual could not have more than the ordinance states regardless of what a medical prescription stipulates.

2. Jon Remalia indicated that he thinks existing residential non-conforming uses in commercial zones should be permitted to cultivate medical marijuana for personal use. He expressed concern with outdoor growing close to schools, thinks that grows should be required to be at least 600 ft away from schools in a secured area and thinks the Planning Commission should send that message to the Town Council.
3. J. Wirth asked that the Planning Commission keep in mind that accessibility to medical marijuana is an issue for individuals that don't drive and cooperatives help solve that problem.
4. Virgil Hales stated that marijuana is a complete food source that provides several amino acids that keep people healthy and it should be kept legal and decriminalized.

Chair Grossberger closed the public hearing at 6:30 p.m.

Planning Commissioners asked staff if there were other jurisdictions that had put in a specific setback distance for grows from schools in their ordinances.

Attorney Moore stated that other jurisdictions generally deal with collectives/cooperatives and not residential grows. Examples Attorney Moore gave were the following: Grass Valley prohibits collectives and cooperatives in every zone but does not restrict residential grows. Chico's ordinance on residential grows is similar to the Town of Paradise's proposed ordinance except that the required setback in Chico's Ordinance is only five feet from a residential property line. Attorney Moore stated that he had not personally seen any ordinance where a special setback was imposed from a school for a personal growing area. A required setback from schools may carry a legal risk because many people would be unable to grow outdoors. Proposition 215 discusses cultivation, but does not discuss indoor or outdoor grows. The right to grow cannot be taken away by prohibiting indoor and outdoor grows, which could be considered an attempt to amend Proposition 215. Primary caregivers are given the right to grow for patients and can provide a safety valve for those with transportation issues. This proposed ordinance is based on zoning and does not limit the number of marijuana plants, but limits the area in which the marijuana is grown to fifty square feet.

Commissioners asked if a duplex, triplex, fourplex or apartment project was considered a collective if all the plants are on one piece of property

Attorney Moore stated that there was no difference in zones as long as it is a residential zone and made reference to the draft ordinance, page 5, Section **17.31.400 Cultivation in residential zoning district for personal use:**

3. An area of no more than fifty (50) square feet shall be devoted to the cultivation of the marijuana. This restriction applies regardless of how many qualified patients are living on the property.

Commissioners posed questions to staff regarding how the ordinance addresses multiple-family land uses with an outdoor grow areas with perhaps several individuals who had medical marijuana

permits, specifically regarding how many patients would be allowed to cultivate marijuana for their personal use.

Mr. Baker stated that the town could defer to the property owner to determine who would be allowed to grow since the owner's permission would be required, or it could be determined on a first come, first served basis and the grow area does not necessarily have to be contiguous as long as it only cumulatively totals 50 sq. ft. in size. The limited grow area should effectively limit the number of patients in any case.

Commissioners expressed concern over limiting the distance a personal grow site could be from a school which could potentially exclude some residential properties from growing and having access to their medicine.

Attorney Moore stated that if it only applied to outdoor grows, then an indoor grow could be within 600 ft. which would give some qualified patients an opportunity to grow, but could prevent some qualified patients from having the opportunity to grow at all.

Commissioners further discussed the establishment of setback requirements from schools which could force some residence to grow indoors. Commissioners also discussed the fact that by limiting the ability to grow, it could be opening the door for potential lawsuits.

Mr. Baker stated that currently the ordinance would restrict a tenant or land owner from growing outdoors if they were unable to meet the required setbacks or were unable to fence the area as required.

Attorney Moore indicated that an amendment could be made to the draft ordinance regarding schools. The draft ordinance currently reads on page 5 the first item 2: "The location of the plants shall be in the rear or side yard at least seventy-five (75) feet from any habitable structure." The language that could be added is: "or school property boundary line"

Commissioners discussed the intent of Proposition 215 and that the proposed ordinance would limit the size of the growing area regardless of what a patient's prescription states. Commissioners indicated their intent to only address the allowable size of land available for growing marijuana, and not to limit the number of plants that a qualified patient can grow within the specified space of 50 sq ft.

Attorney Moore stated that how much outdoor land can be devoted to growing medical marijuana is a land use issue, and as long as it is a reasonable regulation, there should be a good basis for the regulation. The Town is not intentionally trying to prevent patients from obtaining enough marijuana for treatment. This particular subject has not generated a lot of concern as a litigated matter, because most of the focus has been on larger medical marijuana facilities/collectives. There is no allowable number of plants contained in Proposition 215.

Commissioners also discussed the issue of whether the 50 sq. ft. area should be required to be in one contiguous area or possibly even two, or could allow for several small medical marijuana growing areas on one property. In an apartment complex with several qualified patients each growing in small separate areas, Commissioners speculated as to how the area limitation enforced. The Planning Commissioners acknowledged the possibility of revisiting this particular issue at a later date if it becomes problematic.

Attorney Moore requested a word be changed on page 5 in section 17.31.400, A-1. “The owner of the property, if other than the ~~applicant~~ **resident**, has consented in writing to the cultivation of marijuana on the property.”

Mr. Baker asked Planning Commissioners for consensus on several items:

1. Change to require setback of 600 ft. from a school for individual grows – No Majority Consensus
2. Change in the ordinance to limit the area of 50 sq ft. to no more than three separate areas – No Majority Consensus
3. Additional language to 17.31.400 A-2, “or school property boundary line” – Majority Consensus
4. Change 17.31.400, A-1, “applicant” to “resident” – Majority Consensus

Attorney Moore returned to the multi-family residence land use issue and wanted clarification from the Planning Commissioners regarding if each dwelling unit is considered an individual residence, should only one permit be issued for the entire property or should each residence have the opportunity to apply for a permit.

Commissioners acknowledged that the property owner would have to provide written permission to allow for an indoor growing facility and while doing so may have to decide which tenant would be allowed to grow on that property. The Planning Commissioners did not arrive at a majority consensus for an additional amendment to the proposed ordinance.

Mr. Baker stated that the current ordinance does not appear to specifically limit the number of indoor permits allowed on a property per se, but does limit the cumulative area of cultivation to 50 sq. ft., which may effectively limit the number of permits per property.

Attorney Moore stated that the draft ordinance addresses indoor cultivations on page 6, 3b and: “an area no larger than fifty (50) square feet shall be devoted to the cultivation of marijuana. This restriction applies regardless of how many qualified patients are living on the property.”

Attorney Moore surmised that this proposed language includes all the individuals living on the entire parcel.

Commissioners discussed the fact that the limit of 50 sq. ft. for an indoor grow per property should be intended to mean only one permit per property/parcel.

Commissioners also discussed the issue of existing nonconforming residences in commercial zones. Mr. Baker stated that this draft ordinance would not allow cultivation of marijuana in commercial zones. Any of the non-conforming residences located in commercial zones would be precluded from cultivating marijuana. The Commission did not concur to make any revisions to the text of the ordinance to accommodate them.

It was moved by Commissioner Bolin, seconded by Commissioner Woodhouse to adopt a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 11-06, with changes made by majority consensus, to adopt a Town ordinance amending the text of current PMC land use regulation intended to restrict medical marijuana cultivation, processing and distribution.

VOTE: AYES: Commissioners Bolin, Woodhouse and Chair Grossberger. NOES: Commissioner Zuccolillo. ABSTAIN: None. ABSENT: Commissioner Jones.

MOTION CARRIES.

**TOWN OF PARADISE
PLANNING COMMISSION**

RESOLUTION NO. 11-06

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION
RECOMMENDING TOWN COUNCIL ADOPTION OF A ZONING ORDINANCE
RELATING TO RESTRICTING MEDICAL MARIJUANA CULTIVATION,
PROCESSING AND DISTRIBUTION**

WHEREAS, on January 11, 2011, the Town Council of the Town of Paradise adopted Ordinance No. 509 enacting a moratorium on the establishment and operation of medical marijuana distribution facilities and collectives within the Town; and

WHEREAS, on February 8, 2011, the Town Council adopted Ordinance No. 514 extending the moratorium; and

WHEREAS, the Town Manager's Study Group has reviewed Proposition No. 215, California statutes and local government ordinances relating to the cultivation, possession and use of medical marijuana; and

WHEREAS, as a result, the Town Manager's Study Group has prepared a draft proposed ordinance regulating the cultivation, processing and distribution of medical marijuana within the Town of Paradise; and

WHEREAS, on August 6, 2011, notice was provided that the Planning Commission would be holding a public hearing regarding the draft proposed ordinance; and

WHEREAS, on August 16, 2011, at 6:00 pm., the Planning Commission held a public hearing and received testimony concerning the draft proposed ordinance.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the draft proposed ordinance is exempt from environmental review because there is no possibility that its adoption will have a significant effect on the environment and the proposed ordinance is not a project under CEQA because it is ministerial in nature.

SECTION 2. After considering the entire record, including all the oral testimony, written reports, and draft ordinance relating to medical marijuana within the Town, the Planning Commission does hereby recommend that the Town Council consider adopting the attached ordinance.

RESOLUTION NO. 11-06

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 16th day of August, 2011, by the following vote:

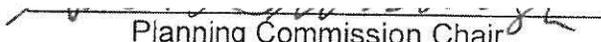
AYES: Commissioners Bolin, Woodhouse, and Chair Grossberger

NOES: Commissioner Zuccolillo

ABSENT: Commissioner Jones

NOT VOTING: None

ATTEST:



Planning Commission Chair

Town Clerk

NOTICE OF EXEMPTION

TO: File

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

PROJECT TITLE: Paradise Municipal Code – [Chapter 17.31]
Medical Marijuana Regulations Text Adoption
[PC Resolution 11-05]

PROJECT APPLICANT: Town of Paradise

PROJECT LOCATION: Paradise, California 95969

PROJECT DESCRIPTION: Proposed repeal and text adoption to Chapter 17.31
[Cultivation of Medical Marijuana] contained in Paradise
Municipal Code Title 17 related to cultivation of medical
marijuana in residential zoning districts for personal use.

**APPROVING PUBLIC
AGENCY:** Town of Paradise

**PERSON OR AGENCY
CARRYING OUT PROJECT:** Town of Paradise

EXEMPT STATUS: General Rule Exemption (Section 15061)
 Ministerial (Section 15268)
 Emergency Project (Section 15269)
 Categorical Exemption

REASON FOR EXEMPTION: It can be seen with certainty that the nature and extent of
the text proposed for adoption will not have any significant
effect on the environment.

CONTACT PERSON: Craig Baker, Community Development Director
(530) 872-6291

SIGNATURE:

Town Planning Director

Date: August 9, 2011

**TOWN OF PARADISE
ORDINANCE NO. ____**

**AN ORDINANCE OF THE TOWN OF PARADISE REPEALING CHAPTER 17.31
OF THE PARADISE MUNICIPAL CODE AND ADDING A NEW CHAPTER 17.31
TO THE PARADISE MUNICIPAL CODE RESTRICTING MEDICAL
MARIJUANA CULTIVATION**

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

SECTION 1. Chapter 17.31 of the Paradise Municipal Code is hereby repealed.

SECTION 2. A new Chapter 17.31 is hereby added to the Paradise Municipal Code to read as follows:

Chapter 17.31

CULTIVATION OF MEDICAL MARIJUANA

Section:

- 17.31.100 Findings and purpose.**
- 17.31.200 Applicability.**
- 17.31.300 Definitions.**
- 17.31.400 Cultivation in residential zoning districts for personal use.**
- 17.31.500 Prohibition.**
- 17.31.600 Nuisance and civil penalties.**

17.31.100 Findings and purpose.

- A. The town council hereby finds that the cultivation of medical marijuana significantly impacts, or has the potential to significantly impact, the town's jurisdiction. These impacts include damage to buildings in which cultivation occurs, including improper and dangerous electrical alterations and use, inadequate ventilation, increased occurrences of home-invasion robberies and similar crimes, and nuisance impacts to neighboring properties from the strong and potentially noxious odors from the plants and increased crime.
- B. It is acknowledged that the voters of the State of California have provided a criminal defense to the cultivation, possession and use of marijuana for medical purposes through the adoption of the Compassionate Use Act in 1996 pursuant to Proposition 215 and codified as Health and Safety Code

section 11362.5. The Compassionate Use Act (“CUA”) does not address the land use or other impacts that are caused by the cultivation of medical marijuana.

- C. The purpose of this chapter is to adopt rules consistent with the Compassionate Use Act and the Medical Marijuana Program Act (“MMPA”) commencing with Health and Safety Code section 11362.7 to regulate medical marijuana in a manner that protects the public health, safety and welfare of the community and prevents the adverse impacts which such activities may have on nearby town properties and residents, without interfering with the rights of qualified patients and their primary caregivers to possess or cultivate medical marijuana pursuant to state law.
- D. The Compassionate Use Act is limited in scope, in that it only provides a defense from criminal prosecution for possession and cultivation of marijuana to qualified patients and their primary caregivers. The scope of the Medical Marijuana Program Act is also limited in that it establishes a statewide identification program and affords qualified patients, persons with identification cards and their primary caregivers, an affirmative defense to certain enumerated criminal sanctions that would otherwise apply to transporting, processing, administering or distributing marijuana.
- E. The Compassionate Use Act and Medical Marijuana Program Act do not appear to have facilitated the stated goals of providing access to marijuana for patients in medical need of marijuana, but instead the predominant use of marijuana has been for recreational and not-medicinal purposes. As the report issued by California Chiefs Association on September 2009, entitled “California Chiefs Association Position Paper on Decriminalizing Marijuana” states, “[i]t has become clear, despite the claims of use by critically ill people that only about 2% of those using crude Marijuana for medicine are critically ill. The vast majority of those using crude Marijuana as medicine are young and are using the substance to be under the influence of THC [tetrahydrocannabinol] and have no critical medical condition.” (California Chiefs Association’s Position Paper on Decriminalizing Marijuana, available at the Community Development Department.)
- F. Facilities purportedly dispensing marijuana for medicinal purposes are commonly referred to as medical marijuana dispensaries, medical marijuana cooperatives, or medical marijuana collectives; however, these terms are not defined anywhere in the Compassionate Use Act nor Medical Marijuana Program Act. Significantly, nothing in the CUA or the MMPA specifically authorizes the operation and the establishment of medical marijuana dispensing facilities.
- G. Further, neither the CUA nor the MMPA require or impose an affirmative duty or mandate upon local governments, such as the town, to allow, authorize or sanction the establishment and the operation and establishment of facilities dispensing medical marijuana within its jurisdiction. Moreover, the Compassionate Use Act did not create a constitutional right to obtain medical marijuana.
- H. It is critical to note that neither Act abrogates the town’s powers to regulate for public health, safety and welfare. Health and Safety Code § 11362.5(b)(2) provides that the Act does not supersede any

legislation intended to prohibit conduct that endangers others. In addition, Health and Safety Code § 11352.83 authorizes cities and counties to adopt and enforce rules and regulations consistent with the Medical Marijuana Program Act.

- I. On August 25, 2008, Edmund G. Brown, the California Attorney General issued “Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use” (“the Attorney General Guidelines”), which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients. Health and Safety Code §11362.81(d) authorizes the Attorney General to “develop and adopt appropriate guidelines to ensure the security and non-diversion of marijuana grown for medical use by patients qualified under” the Compassionate Use Act. Nothing in the Guidelines imposes an affirmative mandate or duty upon local governments, such as the town, to allow, sanction or permit the establishment or the operation of facilities dispensing medical marijuana within their jurisdictional limits.
- J. Marijuana remains an illegal substance under the Federal Controlled Substances Act, 21 U.S.C. § 801, *et seq.* and is classified as a “Schedule I Drug,” which is defined as a drug or other substance that has a high potential for abuse, that has no currently accepted medical use in treatment in the United States, and that has not been accepted as safe for its use under medical supervision. Furthermore, the Federal Controlled Substances Act makes it unlawful for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense marijuana. The Controlled Substances Act contains no statutory exemption for the possession of marijuana for medical purposes.
- K. Pursuant to the town’s police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the Paradise Municipal Code, the town has the power to regulate permissible land uses throughout the town and to enact regulations for the preservation of public health, safety and welfare of its residents and community. And, pursuant to Government Code § 38771 the town also has the power through its Town Council to declare actions and activities that constitute a public nuisance.
- L. The Town Council finds that neither the CUA nor the MMPA preempts the town’s exercise of its traditional police powers in enacting land use and zoning regulations, as well as legislation for preservation of public health, safety and welfare, such as this zoning ordinance prohibiting the establishment and operation of medical marijuana cooperatives and collectives within the town.
- M. The Town Council finds that the public health, safety and general welfare of the town and its residents necessitates and requires the adoption of this zoning ordinance, prohibiting the establishment and operation of medical marijuana cooperatives and collectives, in order to: (a) protect and safeguard against the detrimental secondary negative effects and adverse impacts of facilities dispensing medical marijuana; (b) preserve and safeguard the minors, children and students in the community from the deleterious impacts of medical marijuana facilities; and (c) preserve the town’s law enforcement services, in that monitoring and addressing the negative secondary effects

and adverse impacts will likely burden the town's law enforcement resources. The Town Council further finds that due to the negative secondary effects and adverse impacts of facilities dispensing medical marijuana, the establishment and the operation of these facilities will negatively impact the town.

- N. This zoning ordinance is consistent with the Paradise General Plan in that the General Plan, its objectives, policies and goals do not permit or contemplate the establishment or operation of medical marijuana cooperatives, collectives or similar facilities that engage in dispensing of marijuana for medicinal purposes.

17.31.200 Applicability.

- A. Nothing in this chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution under the Compassionate Use Act.
- B. Nothing in this chapter is intended, nor shall it be construed, to make legal any cultivation, sale, or other use of medical marijuana that is otherwise prohibited under California law.
- C. Nothing in this chapter is intended, nor shall it be construed, to preclude any landlord from limiting or prohibiting medical marijuana cultivation by tenants.
- D. Nothing in this chapter is intended, nor shall it be construed, to exempt any activity related to the cultivation of medical marijuana from any applicable electrical, plumbing, land use, or other building or land use standards or permitting requirements.
- E. All cultivation of medical marijuana within the town shall be subject to the provisions of this chapter.

17.31.300 Definitions.

- A. "Director" means the town of paradise planning director or his or her designee.
- B. "Medical marijuana" means marijuana used for medical purposes in accordance with California Health & Safety Code section 11362.5.
- C. "Medical marijuana collective or cooperative" means a collective, cooperative, dispensary, operator, establishment, provider, association, or similar entity that cultivates, distributes, delivers, processes marijuana for medical purposes relating to a qualified patient or primary caregiver, pursuant to the Compassionate Use Act and the Medical Marijuana Program Act.
- D. "Medical marijuana cultivation" means the planting and harvesting of marijuana.

E. "Primary Caregiver" means a primary caregiver as defined in Health & Safety Code section 11362.7.

F. "Qualified Patient" means a qualified patient as defined in Health & Safety Code section 11362.7.

17.31.400 Cultivation in residential zoning districts for personal use.

It is unlawful for anyone to cultivate medical marijuana in any residential zoning district except as follows:

A. Outdoor Cultivation. Medical marijuana may be cultivated outdoors by a qualified patient or primary caregiver in a residential zoned district subject to the following conditions:

1. The owner of the property, if other than the resident, has consented in writing to the cultivation of marijuana on the property.
2. The location of the plants shall be in the rear or side yard at least seventy-five (75) feet from any habitable structure on adjacent property, or from any school property line or at least fifty (50) feet from an unimproved adjacent property and takes place within a locked six (6) foot solid fence on all sides of the location of the plants in conformance with all applicable zoning regulations. These distance and fencing requirements shall also be applicable to cultivation of medical marijuana within an accessory structure on the property.
3. An area of no more than fifty (50) square feet shall be devoted to the cultivation of the marijuana. This restriction applies regardless of how many qualified patients are living on the property.
4. The plants are located, screened and maintained so that they are not visible from any adjacent public or private property.
5. No night lighting shall be used to grow marijuana plants.

B. Indoor Cultivation. It is unlawful for any person to cultivate medical marijuana inside any residence in a residential zoned district without an indoor cultivation permit issued by the director.

1. An application for an indoor cultivation permit shall be filed with the director on a form prescribed by the town manager and accompanied by an application fee as adopted by the town council.
2. An indoor cultivation permit may be issued only if the director makes the following findings:
 - a. The applicant is either a qualified patient or primary caregiver.
 - b. The owner of the property, if other than the applicant, has consented in writing to the issuing of the indoor cultivation permit.

3. Any indoor cultivation permit shall be subject to the following conditions:
 - a. There shall be no cultivation of marijuana on the exterior of the residence.
 - b. An area no larger than fifty (50) square feet shall be devoted to the cultivation of marijuana. This restriction applies regardless of how many qualified patients are living on the property.
 - c. The lighting used for the cultivation shall not exceed 1200 watts.
 - d. The marijuana cultivation shall not be visible from any public or other private property.
 - e. The cultivation of marijuana shall not take place in the kitchen, bathrooms or occupied bedrooms of a residence.
 - f. The use of flammable or combustible products, including but not limited to, propane and butane for cultivation and processing is prohibited.
- C. All medical marijuana cultivated pursuant to this section, whether outdoor or indoor, shall be for the personal use only of a qualified patient residing on the property and may not be distributed to any other person, collective, or cooperative.
- D. Notwithstanding that cultivation which is otherwise in compliance with the standards set forth in paragraph A. above, or a permit issued pursuant to paragraph B. above, the cultivation of medical marijuana shall not be permitted if, after holding a noticed hearing, the director determines based on substantial evidence that the cultivation activity adversely affects the health or safety of any person, including children, residing at the property or nearby properties through the creation of mold, mildew, dust, glare, heat, noise, odor, or other impacts; provided, however, in finding that an outdoor cultivation under paragraph A above shall not be permitted, substantial evidence shall be supported by complaints from two (2) or more different property owners or tenants during a fourteen (14) day period.
- E. The cultivation of medical marijuana shall not be an allowed home occupation.

17.31.500 Prohibition.

- A. Medical Marijuana Collectives and Cooperatives shall be prohibited in all zoning districts within the town.
- B. Except as provided in section 17.31.400, all other cultivation of marijuana within the town is prohibited.

17.31.600 Nuisance and civil penalties.

- A. Any cultivation, processing or distribution of medical marijuana which takes place in violation of any provision of this chapter shall be unlawful, and is hereby declared a public nuisance and may be abated by the town as such in accordance with the procedure set forth in chapter 8.04 of this Code.
- B. In addition, violation of this chapter shall be prosecuted under civil administrative citation procedure set forth in chapter 1.09 of this code.

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 Council of the Town of Paradise, County of Butte, State of California, on this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor Alan White

ATTEST:

APPROVED AS TO FORM:

Joanna Gutierrez, Town Clerk

Dwight L. Moore, Town Attorney



**TOWN OF PARADISE
Council Agenda Summary
September 6, 2011**

Agenda No. 7(A)

ORIGINATED BY: Dennis J. Schmidt, Public Works Director/Town Engineer **RJS.**

REVIEWED BY: Charles L. Rough, Jr., Town Manager *CR*
Lauren Gill, Assistant Town Manager *LG*

SUBJECT: Protest Letter relative to the Proposed Phase 2 Stormwater Regulations

COUNCIL ACTION REQUESTED:

1. Approve the attached "Recommended Rejection of the Proposed Phase 2 Draft General Permit, Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4's) (General Permit)" and authorize the Mayor to execute; **OR**
2. Provide alternative direction to staff

BACKGROUND: Stormwater regulations are one of the fastest changing areas of environmental regulations. Both the Federal and State regulations continue to evolve, pushed by federal and state agency resources, technical limitations, and court decisions.

The basis for the current set of regulations comes from the Federal Water Pollution Control Act approved in 1948. These regulations were significantly reorganized and expanded in 1972, and became known as the "CLEAN WATER ACT".

Under the Clean Water Act, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting discharge limits for wastewater plants and setting discharge limits and water quality standards for surface waters.

Stormwater runoff in California was first regulated in 1992, when the Phase 1 regulations imposed permit requirements on large and medium sized cities. These regulations were applied to large and medium sized (greater than 100,000 population) Municipal Separate Storm Sewer Systems (MS4's), industrial activities and construction activities.

The California Regional Water Quality Control Board is the State agency charged with enacting and enforcing these regulations. They are now proposing a new set of "rules" that will impact virtually every municipality, large hospital, parks, Indian tribes, schools, airports, and essentially any organization that has a storm drainage system.



This new set of regulations is known as the draft Phase 2 General Permit, under the National Pollutant Discharge Elimination System (NPDES). All the documents relative to this action are available online at

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

The Town of Paradise is one of the 140 plus or minus new agencies proposed to be included in the new "Phase 2" permit, along with other Butte County agencies such as the City of Gridley, City of Oroville, South Butte County, Durham, Magalia, Palermo, and Thermalito.

Additionally, over 350 new "non-traditional" agencies are now proposed to be included in this new permit. This list of "non-traditional" small MS4's permittees locally includes CSU Chico, the Silver Dollar Fairgrounds, and Chico Unified School District.

The implications of being included on this proposed "list" are significant. The entire draft Phase 2 General Permit document is 94 pages in length, I have attempted to summarize and simplify the requirements to show the incredible amount of staff time and work that will be required if the permit is adopted as presented. Following is a very brief summary of what will be expected of the Town of Paradise (permittee) under the proposed permit requirements.

(A) Application Requirements:

1. Filing of an Notice of Intent (NOI) electronically thru the "SMARTS" computer system by May 15, 2012
2. Payment of the annual fee – estimated at \$7,438 per year.
3. Submit a permit boundary map, delineating permit jurisdictions. Map shall include the MS4 permit boundary, city/county boundaries, arterial streets, highways and waterways
4. Adopt ordinance(s) necessary to prohibit and eliminate all "non-storm water discharges" to the MS4

E.4.a. Legal Authority –

5. By May 15, 2013, the Permittee shall review and revise relevant ordinances to obtain adequate legal authority to control pollutant discharges into and from its MS4.

Implementation Level:

6. Prohibit and eliminate illicit discharges and illegal connections to the MS4
7. Respond to the discharge of spills, and prohibit dumping or disposal of materials other than storm water into the MS4
8. Require operators of construction sites, new or redeveloped land; and industrial and commercial facilities to minimize the discharge of pollutants to the MS4 through the installation, implementation and maintenance of Best Management Practices (BMP's) consistent with the CASQA Best Management Practice Handbooks or equivalent.
9. Request from a construction site or industrial facility operator a copy of the NOI submitted to the Water Boards, as well as supporting materials such as SWPPP's, inspection reports and monitoring results, information required by local development policy, etc. The Permittee shall also have the authority to review designs and proposals for new development and redevelopment to determine whether adequate BMP's will



be installed, implemented and maintained during construction and after final stabilization.

10. Enter onto private property for the purpose of inspecting facilities, equipment and practices or operations for active or potential storm water discharges, or non-compliance with local ordinances/standards or requirements in the State Order
11. Require that dischargers promptly cease and desist discharging and/or cleanup and abatement of discharge
12. Statutory ability to levy citations or administrative fines against responsible parties.
13. Require recovery and remediation costs from responsible parties
14. Have the statutory ability to impose more substantial civil or criminal sanctions and escalate corrective response for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm
15. Control the contributions of pollutants from one portion of the MS4 to another portion of the MS4 through interagency agreements
16. Require documentation on the effectiveness of BMP's implemented to reduce the discharge of pollutants to the MS4 to the Maximum Extent Practicable (MEP)

E.4.b. Certification:

17. The permittee shall certify by its Principal Executive Officer, Ranking elected official, or other authorized representative that the permittee has legal authority to implement and enforce each of the requirements of the permit order
18. Identify all departments within jurisdiction that conduct storm water related activities and provide an organization chart with departments, key personnel and contact information
19. Citation of storm water ordinances
20. Identification of the local administrative and legal procedures and ordinances available to maintain compliance with storm water related issues
21. A description of how storm water related ordinances are reviewed and implemented
22. A description of whether the municipality can issue administrative orders and injunctions of whether it must work through the court system for enforcement action

(iii) Reporting:

23. All permittees shall submit by September 15, 2013 online Annual Report, a statement signed by the Permittees legal Counsel and an authorized signatory certifying the Permittee has adequate legal authority in accordance with 40 CFR 122.26(d)(2)(i)(A-F) to comply with all requirements

E.4.c. Enforcement Measures and Tracking:

24. Permittee shall develop and implement an Enforcement Response Plan
25. Permittee shall report online all aspects of the agency's enforcement activities including inspections, number of violations, follow up actions, etc.

E.4.d. Ensure Adequate Resources to Comply with Order:

26. Permittee shall secure the resources necessary to meet all requirements of this order, including Capital and O&M expenditures, staff resources, etc.
27. By September 15, 2013, submit annual fiscal analysis

E.5. Public Outreach and Education:



28. Develop and implement a public outreach and education program in compliance with the order
29. By September 15, 2013, report online which compliance option it will utilize for each outreach and education component

E.6. Public Involvement and Participation Program:

30. Develop a public involvement and participation strategy, a citizen advisory group, create opportunities for citizens to participate in the implementation of BMP's, and insure that members of the public can easily find information about the Permittees program.

E.7 Illicit Discharge Detection and Elimination Program:

31. Permittee shall use the Center for Watershed Protection's guide on illicit Discharge Detection and Elimination (IDDE)

E.7.a MS4 Mapping:

32. By May 15, 2014, the Permittee shall maintain an up to date and accurate storm drain map within a geographic information system (GIS)
33. This mapping system shall at a minimum show location of all outfalls and drainage areas, location of all water bodies, photographs of outfalls, etc.

E.7.b. Identifying Priority Areas:

34. By May 15, 2014, the Permittee shall develop a list of priority areas that are likely to have illicit discharges

E.7.c. Field Screening to Detect Illicit Discharges:

35. By May 15, 2015, the Permittee shall develop and implement a dry weather field screening and analytical monitoring program procedure.

E.7.e. Spill Response Plan:

36. By May 15, 2013, the permittee shall develop and implement a spill response plan.

E.8. Construction Site Storm Water Runoff Control Program:

37. Create an inventory of grading and construction activity within jurisdiction
38. Develop procedures for review and approval of building and grading permits, and their associated erosion control plans.
39. Inspect all public and private facilities as necessary to insure compliance
40. Create a procedure to adequately train staff
41. Create a procedure to adequately train construction site operators

E.9 Pollution Prevention/Good Housekeeping for Permittee Operations Program:

42. Develop and implement a program to prevent or reduce the amount of pollutant runoff from Town owned facilities

E.10. Trash Reduction Program

- 43 All permittees with a population greater than 25,000 shall require at least 20 percent of the permittee's jurisdiction zoned, commercial retail/wholesale, comply with a trash abatement plan as required in this section

E.11. Industrial/Commercial Facility Runoff Control Program:

- 44 Develop, implement and enforce an effective inspection and oversight program to ensure that pollutant discharges from industrial/commercial facilities in the Permittee's jurisdiction are reduced to the MEP and do not cause or contribute to violations of water quality



E.12. Post construction Storm Water Management Program:

- 45 By May 12, 2015, the permittee shall conduct watershed characterization and identify dominant watershed processes potentially affected by changes in storm water runoff caused by new and redevelopment projects.

E.13. Receiving Water Monitoring

- 46 Develop and implement a water quality monitoring plan

E.14. Program Effectiveness Assessment and Improvement

- 47 The permittee shall develop and implement a program effectiveness assessment and improvement plan

E.16. Online Annual Reporting:

- 48 The Permittee shall submit online annual reports via SMARTS by September 15 each year.

DISCUSSION: Town staff attended a presentation with the Regional Board several months ago, when they explained the draft permit, and the expectations they have for local agencies and non-traditional new permittee's. Implementation of this phase 2 permit will require a huge investment in staff time, resources (computers and GIS systems), and most importantly, funding. Cost Estimates from the EPA's website range from \$1.39 to \$7.83 per person, per year annual cost. Using these numbers would place the estimated annual cost to the Town of between \$36,000 and \$200,000. These estimates are based upon Phase 1 cities that have already completed this process.

FINANCIAL IMPACTS: Authorizing the Mayor to execute this letter may allow the Town a reprieve from these extremely onerous unfunded mandates. If the Town is not allowed a hardship exemption, funding for this program will have to be included in future budget updates.



September 6, 2011

Ms. Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-2000

RE: RECOMMEND REJECTION OF PROPOSED PHASE 2 DRAFT GENERAL PERMIT, WASTE DISCHARGE REQUIREMENTS FOR STORM WATER DISCHARGES FROM SMALL MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4's) (GENERAL PERMIT).

Dear Ms. Townsend:

On behalf of the citizens of the Town of Paradise, I strongly urge the Regional Water Quality Control Board to reject the proposed Phase 2 NPDES permit for small municipal separate storm sewer systems (MS4's).

This proposed draft general permit includes 94 pages of mandated actions that many small cities (including the Town of Paradise) have absolutely no way to fund in this current economic climate. The Town of Paradise is a small city, with a population of just slightly over 26,000 people. Due to our economic realities, during the last 4 years we have eliminated (laid off or frozen) 26 positions, or about 22% of our workforce. In spite of draconian cuts across all departments, we currently find ourselves with a budget deficit that exceeds \$400,000 that we simply must eliminate before the end of our fiscal year.

The Town of Paradise has done a great job of educating our general public, obtaining compliance with state mandated SWPPP construction requirements, and making sure our own facilities use best management practices to help keep our waterways clean. We have a close working relationship with Scott Zaitz at the Redding office of the Regional Water Quality Control Board, and we have tried very hard to "do the right thing" even though the Town was not a listed Phase 1 city. This new general permit will not help us achieve our goal of clean waterways – it only serves to push the massive burden of "Reporting" from the State to the local agencies, at a time when we can least afford those burdens. It also creates a huge bureaucratic paper shuffle that will require (by EPA's own estimates) up to \$200,000 annually for the Town of Paradise to comply.

As mayor of the Town of Paradise, I can assure you that the financial and staffing burdens proposed in the current draft permit are simply not something that our town can shoulder today. I urge you and the Board to step back and review these regulations from a common sense perspective, and from the perspective of those that you seek to regulate. Please simplify the permit process, make it easy for the local agencies and non-traditional MS4's to comply, and eliminate or greatly reduce the paperwork and eliminate the proposed permit fees. This "common sense" approach will go a long ways to helping us achieve our mutual goal, of clean, safe water resources for California.

Respectfully,

Alan White,
Mayor
Town of Paradise

**TOWN OF PARADISE
COUNCIL AGENDA SUMMARY
Date: September 6, 2011**

AGENDA NO 7B

ORIGINATED BY: Charles L. Rough, Jr., Town Manager 
Gina S. Will, Finance Director/Town Treasurer 

SUBJECT: General Fund Budget Status Update

LEGAL REVIEW: __Yes __No __N/A

Dwight L. Moore, Town Attorney _____

RECOMMENDATION:

1. Approve the following general fund budget adjustments; or,
2. Refer the matter back to staff for further development and consideration.

BACKGROUND:

Town Council adopted the fiscal year 2011/12 operating and capital budget at the June 28, 2011 Town Council meeting. On August 2, 2011, Council approved budget adjustments. Each month staff will propose additional budget adjustments as additional information becomes available. The recommended changes and circumstances for the current proposed 2011/12 budget adjustments are described below.

	General Fund 1010 Account	Amount	Description
	Beginning Fund Balance	1,477,375	
	2011/12 Budgeted Revenues	9,423,153	
	Recommended Adjustments		
1	0000.3901.100	15,000	PID deposit for future electrical costs for installing monitors throughout the town.
2	0000.3901.100	3,000	PCV bond issuance fee for Town's assistance
	Adjusted Revenues	9,441,153	
	Transfers in From Other Funds	590,802	
	Total Resources	10,031,955	
	2011/12 Budgeted Expenditures	10,468,272	
	Recommended Adjustments		
3.	5114.101	(31,439)	PERS published the new health insurance premium rates effective 1/1/12; PERS choice modestly increases 1.9%
	Adjusted Expenses	10,436,833	
	General Fund Net Income	(404,878)	
	Projected Ending Fund Balance 2011/12	1,072,497	

To maintain appropriate reserves and protect the Town's fiscal solvency steps are being taken to reduce and eliminate this General Fund structural deficit of \$404,878 by the end of the 2011/12 fiscal year through a combination of employee concessions and further cutbacks. Staff will continue to update Council monthly on the progress made in reducing this deficit.

FINANCIAL IMPACT:

These current adjustments decrease the General Fund deficit and increase the General Fund reserves by \$49,439.