



CITY COUNCIL AGENDA
Regular City Council Meeting
City Council Chambers
3121 Gold Canal Drive, Rancho Cordova
Monday, March 15, 2004
6:30 P.M.

Call To Order

Metro Cable TV telecast announcement

Roll Call: Council Members: Cooley, McGarvey, Roberts, Sander, Budge

Pledge of Allegiance

Invocation:

1. Reverend Elizabeth Brick, St. Andrew's United Methodist Church

Presentations

2. Garbeau's Dinner Theatre Presentation to Spotlight Upcoming Musical (Andrea Eve Thorpe)

Consent Calendar

3. **Subject:** California Beverage Container Recycling and Litter Reduction Act
Recommendation: Move to adopt Resolution 32-2004.
4. **Subject:** Approval of the Subdivision Map for Anatolia I, Village 6 (103 Lots) –
Subdivision No. 01-0386.6
Recommendation: Move to adopt Resolution 33-2004.
5. **Subject:** Approval of the Subdivision Map for Anatolia II, Village 11 (56 Lots) –
Subdivision No. 01-0385.4
Recommendation: Move to adopt Resolution 34-2004.

6. **Subject:** Approval of the Subdivision Map for Sunridge Park (15 Lots) – RC-03-001
Recommendation: Move to approve Resolution 35-2004.
7. **Subject:** Approval of the Subdivision Map for Anatolia II, Village 14 (92 Lots) – Subdivision No. 01-0386.8
Recommendation: Move to approve Resolution 36-2004.
8. **Subject:** Sacramento Regional County Sanitation District Governance Change
Recommendation: Move to adopt Resolution 38-2004.
9. **Subject:** Ordinance Approving Development Agreement – Sunridge Park – Southside of Douglas Road, between Americanos Road and Jaeger Roads (RC-03-001)
Recommendation: Move to adopt Ordinance No. 6-2004, an Ordinance Approving Development Agreement – Sunridge Park. **(Roll Call Vote)**

Oral Communications

10. Public Comment

Citizens wishing to address the Council for any matter not on the agenda may do so at this time. If you wish to be heard on a listed agenda item other than a Consent Calendar item, please wait until the point on the agenda when the item is heard. Comments on Consent Calendar items will be heard prior to action on the Consent Calendar by providing a Speaker Card to the City Clerk before the Consent Calendar is discussed. **Please keep your comments to three minutes or less** and state your name and community of residence.

Under the provisions of the California Government Code, the City Council is prohibited from discussing or taking immediate action on any unagendized item unless it can be demonstrated to be of an emergency nature and the need to take immediate action arose after the posting of the agenda.

Public Hearings

11. **Subject:** Anatolia II, Village 9 – Development Plan Review for Model Homes – East of Sunrise Blvd., south of Chrysanthy Blvd. (RC-03-056) – **(continued from the March 1, 2004 meeting with the public hearing open).**
Recommendation:
 1. Find that the Mitigated Negative Declaration prepared for the Anatolia Subdivisions I, II, and III, adopted by the Sacramento County Board of Supervisors, adequately addresses the environmental impacts for the project.
 2. Move to adopt Resolution 24-2004.

12. **Subject:** Establishment of a General Plan Cost Recovery Fee

Recommendation:

1. Conduct a public hearing on the General Plan Cost Recovery Fee.
2. Provide final direction on fee structure and fee exemptions.
3. Direct staff to prepare a resolution to adopt the General Plan Cost Recovery.

Action Items

13. **Subject:** Ordinance Amending Chapter 4.22, "Cardrooms," of the Rancho Cordova Municipal Code.

Recommendation: Move to introduce Ordinance 7-2004 for first reading and waive reading of the body of the ordinance. **(Roll Call Vote)**

14. **Subject:** Ordinance Amending Sections 4.02.095, 16.18.204, and 16.22.205 Relating to Hearing Authorities and Adding Section 1.01.200, "Assignment of Hearing Responsibilities" to the Rancho Cordova Municipal Code

Recommendation: Move to introduce Ordinance 8-2004 for first reading and waive reading of the body of the ordinance. **(Roll Call Vote)**

15. **Subject:** Draft Surface Mining and Reclamation Ordinance to replace the existing Chapter 20.04 of the Rancho Cordova Municipal Code

Recommendation: Direct staff to forward the draft Surface Mining & Reclamation Ordinance (Chapter 20.04) to State Mines and Geology (SMGB) for review and comment, prior to formal adoption.

16. **Subject:** Street Name Sign Design

Recommendation: Approve the design and color scheme for street name signs.

17. **Subject:** Ordinance Authorizing a Contract between the City of Rancho Cordova and the Board of Administration of the California Public Employees' Retirement System

Recommendation: Move to introduce Ordinance 10-2004 for first reading and waive reading of the body of the ordinance. **(Roll Call Vote)**

18. **Subject:** SACOG Community Design Grant Applications.

Recommendation: Provide direction to staff on appropriate funding request items for the Cordova City Center Center project SACOG Community Design Grant Application.

19. **Subject:** Selection of Firm to Represent the City in Federal Matters

Recommendation: Direct staff as deemed appropriate regarding selecting a firm to represent the city in federal matters.

Council Reports

Written Correspondence

Council Requests for Future Agenda Items

City Manager's Report

Adjournment

Upcoming Meeting Dates:

Wednesday, March 24 – Study Session
Thursday, April 1 – Special City Council Meeting
Monday, April 5 – Regular City Council Meeting

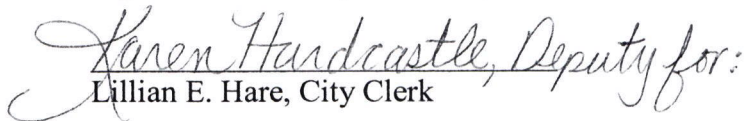
Tonight's meeting of the Rancho Cordova City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel, and will be shown in its entirety. Tune to Metro Cable Channel 14, for playback times. The city does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14.

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office at (916) 942-0255 or lhare@cityofranchocordova.org at least 48 hours prior to the meeting.

City Clerk's Certificate of Posting of Agenda

I, Lillian Hare, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the March 15, 2004 regular meeting of the Rancho Cordova City Council was posted on March 12, 2004 at the office of the City of Rancho Cordova, 3121 Gold Canal Drive, Rancho Cordova, California, 95670 and was available for public review at that location. The agenda is also available on the city web site at www.cityofranchocordova.org.

Signed this 12th day of March, 2004 at Rancho Cordova, California.


Lillian E. Hare, City Clerk

Staff Report



Date: March 15, 2004

To: Honorable City Council

From: Yvonne DeHaan, IN-SHAPE Manager

Subject: California Beverage Container Recycling and Litter Reduction Act

RECOMMENDATION

Approve the resolution to submit the funding request form and authorize Yvonne DeHaan to implement the application of the grant funds.

BACKGROUND

The City/County Payment Program was established by Senate Bill 332 (Chapter 815, Statutes of 1999) and became effective January 1, 2000. The Beverage Container Recycling and Litter Reduction Act authorizes the Department of Conservation (Department) to allocate a total of \$10.5 million on an annual basis to eligible cities and counties for beverage container recycling and litter cleanup activities.

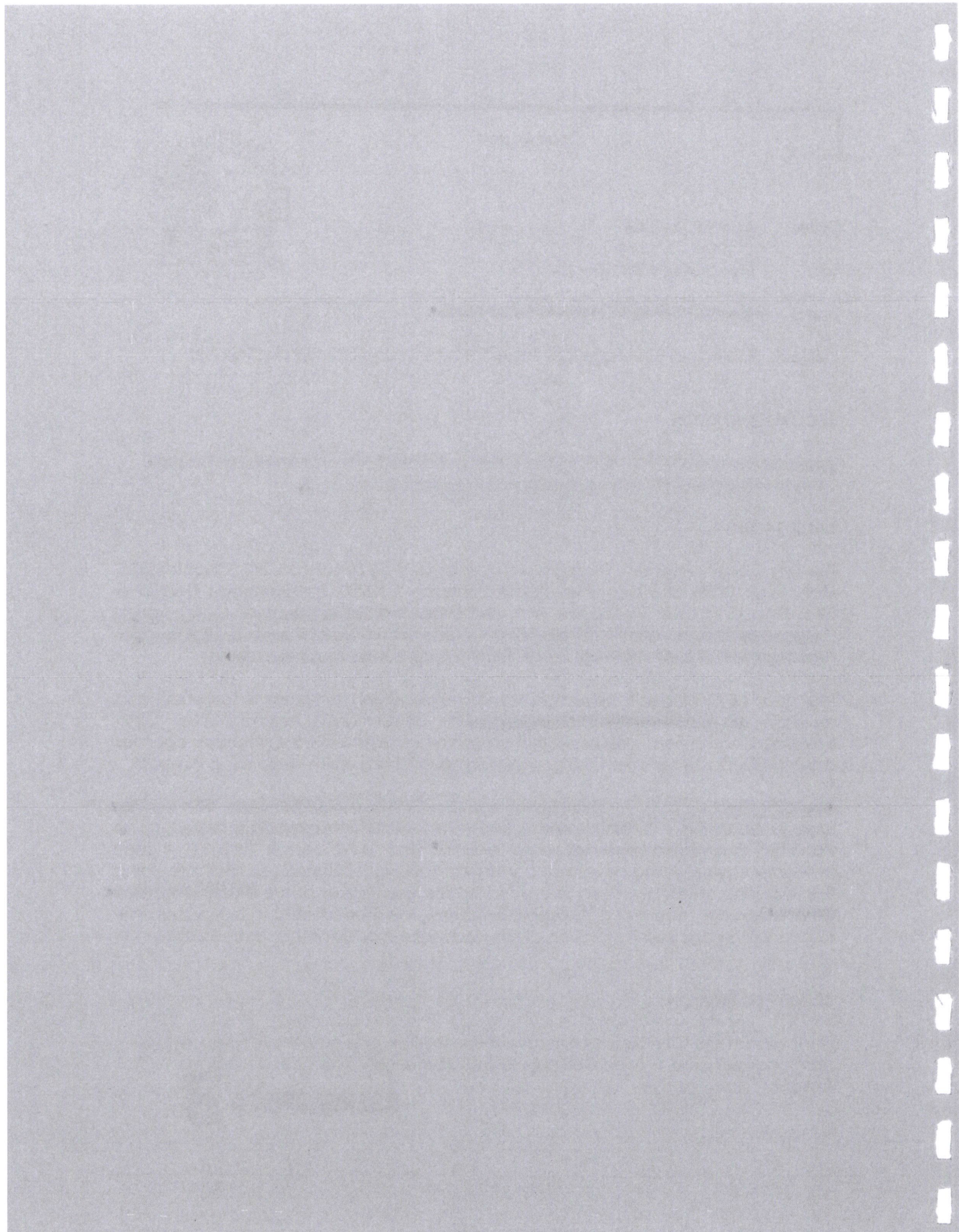
The goal of California's beverage container recycling program is to reach and maintain an 80 percent recycling rate for all California Refund Value (CRV) beverage containers. The recycling programs established by cities and counties assist the Department in reaching, maintaining, and hopefully, exceeding this goal.

The allocated amount for the City of Rancho Cordova is \$19,917.00. This can be used to purchase containers and equipment to facilitate recycling, as well as to educate and encourage recycling efforts. The best part is that all money redeemed by recycling beverage containers can be kept and used by those doing the recycling. Staff has already contacted representatives of the school and park districts and has received a favorable response. We look forward to the opportunity to enable the community to keep clean and make money at the same time!

REQUESTED MOTION

"I move that the City Council approve the resolution to submit the funding request form and authorize Yvonne DeHaan to implement the application of the grant funds."

AGENDA ITEM # 3



RESOLUTION NO. 32-2004

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING SUBMITTAL OF A FUNDING REQUEST FORM
FOR THE CALIFORNIA BEVERAGE CONTAINER RECYCLING
AND LITTER REDUCTION ACT**

WHEREAS, the people of the State of California have enacted the California Beverage Container Recycling and Litter Reduction Act that provides funds to cities and counties for beverage container recycling and litter cleanup activities; and

WHEREAS, the California Department of Conservation's Division of Recycling has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures for cities and counties or their designees under the program; and

WHEREAS, per Section 14581 (a)(4)(E) of the California Beverage Container Recycling and Litter Reduction Act, the eligible participant must submit the Funding Request Form by the due date and time in order to request funds from the Department of Conservation's Division of Recycling.

NOW, THEREFORE, BE IT RESOLVED that the **Rancho Cordova City Council** authorizes the submittal of the Funding Request Form to the Department of Conservation's Division of Recycling. The **IN-SHAPE Code Compliance Manager**, is hereby authorized and empowered to execute in the name of the **City of Rancho Cordova** all necessary forms hereto for the purposes of securing payments and to implement and carry out the purposes specified in the Section 14581 (a)(4)(A) of the California Beverage Container Recycling and Litter Reduction Act and provide information regarding this program to the Department of Conservation's Division of Recycling upon request.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 15th day of March, 2004.

AYES:
NOES:
ABSENT:
ABSTAIN:

modify reso under what circumstances?

Linda Budge, Mayor
City of Rancho Cordova

ATTEST:

Lillian Hare, City Clerk

Memorandum



Agenda date: March 15, 2004
Consent item

TO: Honorable City Council
FROM: Cyrus Abhar, City Engineer *CEA*
SUBJECT: ANATOLIA I VILLAGE 6 (103 LOTS)

BACKGROUND:

Submitted herewith for approval is the subdivision map of Anatolia I Village 6 subdivision, located on the east side of Sunrise Boulevard approximately 2,400 feet south of Douglas Boulevard.

DISCUSSION:

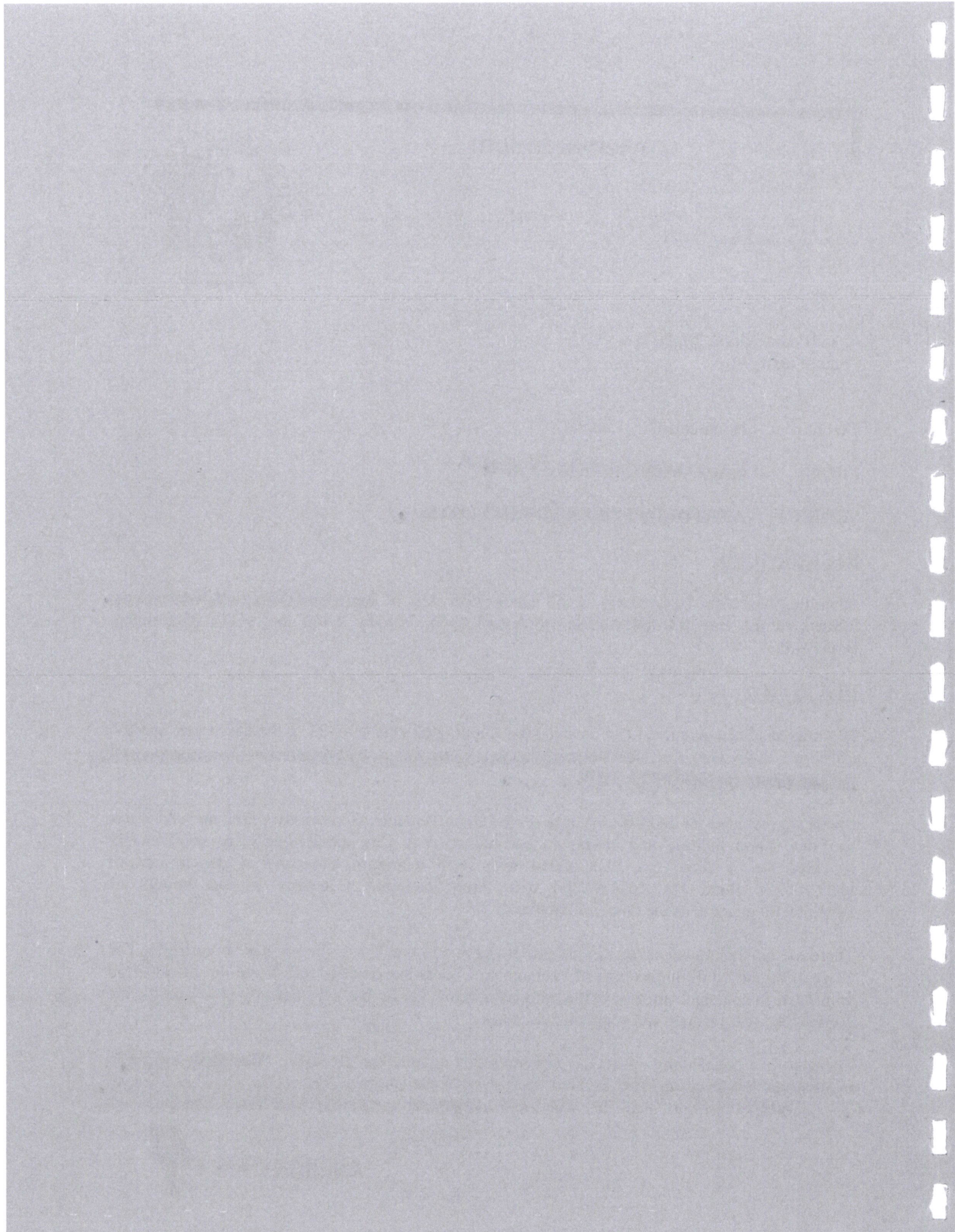
The map has been examined and checked for compliance with Title 22 of the City Code and the California State Map Act. The Project Planning Commission of Sacramento County approved the Tentative Map on May 12, 2003.

Roads are included for dedication. Class A road improvements, the necessary drainage and water facilities, street lighting and sewers in accordance with City requirements are satisfactorily provided for by Bond No. SU5005054 with Arch Insurance Company in the amount of \$983,300.00. Bond No. SU5005054 with Arch Insurance Company in the amount of \$491,650.00 guarantees the labor and material.

There are no delinquent taxes against the property and the Tax Collector has so certified. The Clerk of the Board of Supervisors of Sacramento County has certified that Bond No. SU5005050 with Arch Insurance Company in the amount of \$261,535.00 has satisfactorily provided for the 2004 - 2005 tax estimate and supplemental taxes.

There are no outstanding special assessments due against the property. The park dedication requirement has been satisfied by land dedication to the Cordova Recreation and Park District. The landscape corridors shall be owned and maintained by the Cordova Recreation and Park

AGENDA ITEM # **4**



District Subdivider acknowledges that the City is in the process of adopting a fee for the purpose of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider has agreed that this fee will be paid prior to the issuance of a building permit for the respective lot.

Sacramento Regional County Sanitation District (SRCSD) has agreed to the installation of trees and landscaping within the sewer easement along Sunrise Boulevard. Subdivider will coordinate with SRCDS staff on selection of plant and tree species within the easement corridor and will prepare a landscaping plan for the City's approval prior to the issuance of building permits.

Wood-Rodgers has waived the requirement for a bond to guarantee payment for setting the survey monuments with the subdivision. The soil report requirement has been prepared by Wallace-Kuhl & Associates Inc. The exterior boundary monuments were field checked on April 9, 2003 and found to be in place.

RECOMMENDATION:

The City Engineers Office recommends the City Council approve this subdivision. The required resolution and agreement are attached for execution.

Attachments:

Zoning Map

8 ½ x 11 copy of final map

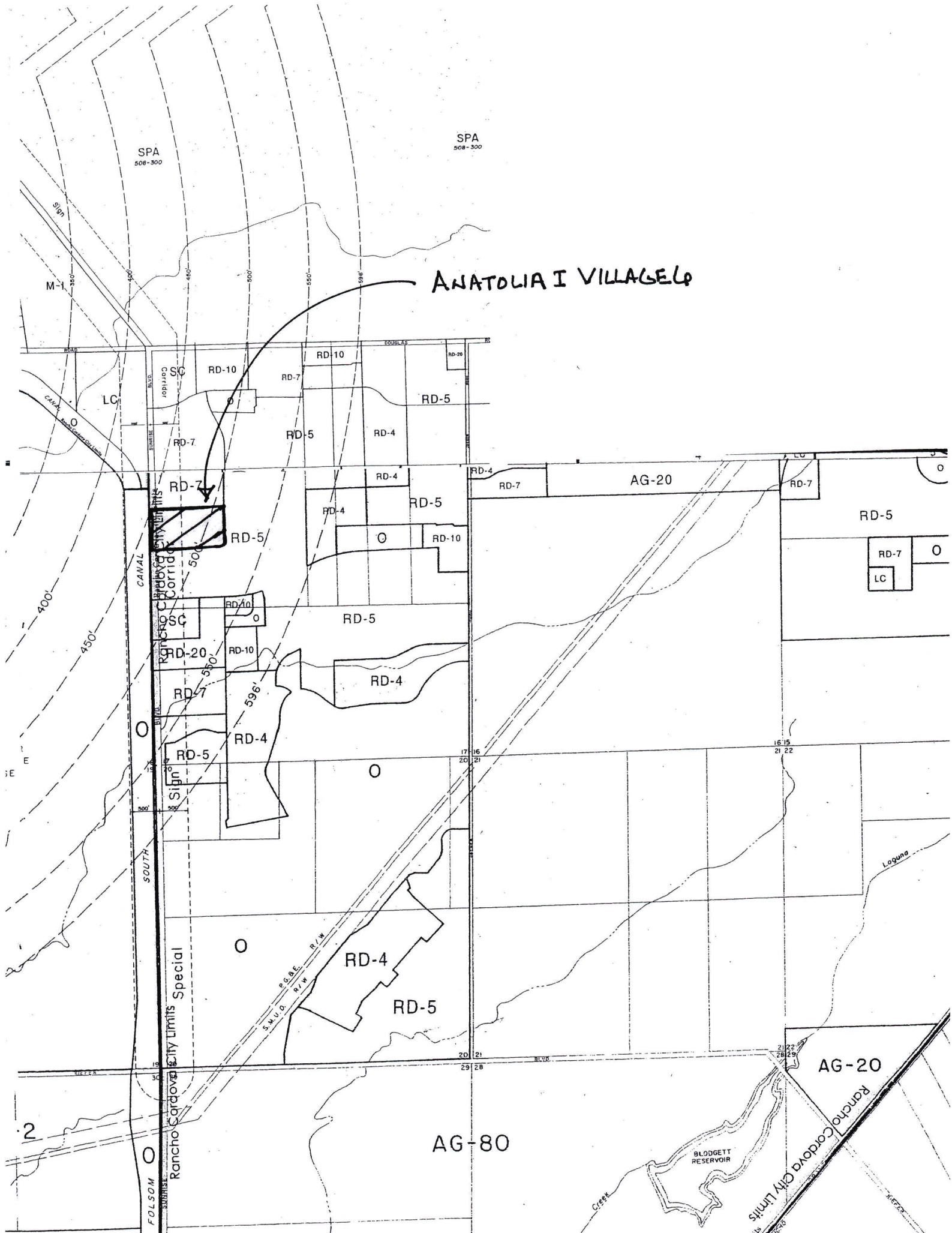
Resolution

Subdivision Improvement Agreement (2)

SPA
508-300

SPA
508-300

ANATOLIA I VILLAGE



CITY ENGINEERS STATEMENT.

I, HEREBY STATE THAT I HAVE EXAMINED THIS MAP OF ANATOLIA I VILLAGE 6 AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP APPROVED BY THE BOARD OF SUPERVISORS OF SACRAMENTO COUNTY, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL APPLICABLE CITY ORDINANCES HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT SAID PLAT IS TECHNICALLY CORRECT.

- I, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF RANGHO CORDOVA HAS APPROVED THIS FINAL MAP AND HAS ACCEPTED ON BEHALF OF THE PUBLIC, ALL LANDS, EASEMENTS AND RIGHTS-OF-WAYS, SHOWN HEREON AS THE PUBLIC WAY'S, BOULEVARDS, CIRCLE AND DRIVE TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, SUBJECT TO THE IMPROVEMENT AND CERTIFY THE ABANDONMENT LISTED HEREON.

CITY CLERK
CITY OF RANCHO CORDOVA
DATE:

RECORDED'S STATEMENT'

FILED THIS _____ DAY OF _____, 2004, AT _____ M. IN _____
BOOK _____ OF MAPS, AT PAGE _____, AT THE REQUEST OF WOOD RODGERS,
INC., TITLE TO THE LAND INCLUDED IN THIS SUBDIVISION BEING VESTED AS PER
CERTIFICATE NO. _____ ON FILE IN THE OFFICE _____

FREE \$

BY: _____
COUNTY RECORDER
COUNTY OF SACRAMENTO

BY: _____
DEPUTY RECORDER

SUBDIVISION NO. 01-0386.6

FINAL MAP OF

BEING ALL OF LOT 20 OF THAT CERTAIN LARGE LOT FINAL MAP
OF "ANATOLIA" FILED FOR RECORD
IN BOOK 316 AT PAGE 8, SACRAMENTO COUNTY RECORDS
CITY OF RANCHO CORDOVA

COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

MARCH 2004

WOOD RODGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING
3301 C St., Bldg. 100-8 Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767

Sheet 1 of 5
11431156

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF PULTE HOMES CORPORATION, A MICHIGAN CORPORATION ON MAY 9, 2003. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONS APPROVED ON THIS TENTATIVE MAP. THE MONUMENTS WILL BE SET BY JANUARY 2005, AND THE SURVEY POSITIONS INDICATED WILL BE SET BY JANUARY 2005, AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

WOOD BRIDGES INC.

W. E. Spies
CRAIG E. SPIESS
P. I. S. 7944 EXP. 12-31-05

DATE FEBRUARY 19, 2004



OWNER'S STATEMENT

THE UNDERSIGNED HEREBY CONSENTS TO THE PREPARATION AND RECORDATION OF THIS FINAL MAP OF ANATOLIA I VILLAGE 6 AND OFFERS FOR DEDICATION AND DOES HEREBY DEDICATE TO ANY AND ALL PUBLIC USES THE PUBLIC WAYS, BOULEVARD, CIRCLE, AND DRIVE SHOWN HEREON, AND ALSO OFFERS FOR DEDICATION AND DOES HEREBY DEDICATE FOR SPECIFIC PURPOSES THE FOLLOWING:

- c. AN EASEMENT FOR LANDSCAPING AND ALL APPURTENANCES THEREON, INCLUDING BUT NOT LIMITED TO THE RIGHT OF THERE TO LIVING ON, OVER AND ACROSS STRIPS OF LAND SHOWN HEREIN AND DESIGNATED "LANDSCAPING EASEMENT," TOGETHER WITH ALL OF LOT 4 SAID STRIPS TO BE KEPT OPEN AND FREE FROM BUILDINGS, (I.E.)
- d. RIGHTS-OF-WAY AND EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF A PEDESTRIAN WALKWAY, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO ON, OVER, UNDER AND ACROSS THOSE STRIPS TOGETHER WITH ALL OF LOT 4, (I.E.) DESIGNATED "PEDESTRIAN EASEMENT,"

PULTE HOME CORPORATION
A MICHIGAN CORPORATION

BY: VW DATE: 2/20/04
CHRISTOPHER B. CADDY
DIVISION PRESIDENT
CHRISTOPHER B. CADDY, JILL PAGES.
PRINT NAME AND TITLE

NOTARY'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA } ss
COUNTY OF Placer

ON THE 20 DAY OF February, 2004, BEFORE ME, Julia M. Osterman, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Christina B. Cady

☐ PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND: Julie M. Osterman

PRINTED NAME: Julie M. Osterman

COUNTY OF: Placer

MY COMMISSION EXPIRES: Nov. 23, 2006

MY COMMISSION NO: 1386624

NOTES

- ALL CURVE DIMENSIONS SHOWN ARE RADIUS, DELTA AND ARC LENGTH, ALL DISTANCES SHOWN ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
- TOTAL AREA OF THIS VILLAGE 6 IS 19.99± ACRES GROSS, CONSISTING OF 103 RESIDENTIAL LOTS & 1 MISCELLANEOUS LOT.
- THERE SHALL BE A 5.00 FOOT POSTAL EASEMENT LOCATED WITHIN EACH LOT ALONG ALL STREET RIGHTS-OF-WAY UNLESS OTHERWISE SHOWN HEREON.
- THERE SHALL BE A 12.5 FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN EACH LOT ALONG ALL STREET RIGHTS-OF-WAY UNLESS OTHERWISE SHOWN HEREON.
- A PRELIMINARY SOILS REPORT WAS PREPARED WALLACE-KUHL AND ASSOC., WKA NO.3505.06, DATED JANUARY 24, 2002. A COPY OF THIS REPORT IS AVAILABLE FOR PUBLIC INSPECTION AT THE CITY OF RANCHO CORDOVA BUILDING INSPECTION DEPARTMENT.
- PROPERTY SHOWN HEREON IS REGULATED BY THE REQUIREMENTS OF THE CITY OF RANCHO CORDOVA TREE PRESERVATION ORDINANCE.
- LOT A SHALL BE GRANTED TO THE CORDOVA RECREATION AND PARK DISTRICT.
- LOT A SHOWN HEREON AS "S.C.R.S.D. SEWER INTERCEPTOR EASEMENT RESERVATION" SHALL BE RESERVED BY PULTE HOME CORPORATION A MICHIGAN CORPORATION FOR THE ACQUISITION OF THE EASEMENT BY S.C.R.S.D.
- THE LAND SHOWN HEREON, BEING LOT 20, 316 B.M. 8 IS HEREBY RESUBDIVIDED PURSUANT TO SUBDIVISION MAP ACT - SECTION 66499.20-1/2 AND THE FOLLOWING EASEMENT, NOT SHOWN, IS HEREBY ABANDONED:
- PUBLIC UTILITY EASEMENTS OVER LOT 20 DEDICATED ON 316 B.M. 8, S.C.R.S.
- IRREVOCABLE OFFER OF DEDICATION OVER LOT 20 DEDICATED ON 316 B.M. 8, S.C.R.S.

REFERENCES

- (1) 316 B.M. 8 (ANATOLIA LARGE LOT MAP)

NOS STATION "SHELDON"
COUNTY RECORDS
STAMPED "SHELDON 1939"
STATION IS LOCATED IN A GRASSY
FIELD ±400' SOUTHWEST OF THE AMERICAN
RIVER FIRE PROTECTION DISTRICT
STATION NO 58 AND ±500' SOUTHEAST
OF SLOUGHHOUSE ROAD CENTERLINE.

SUBDIVISION NO. 01-0386.6

FINAL MAP OF

ANATOLIA I VILLAGE 6

BEING ALL OF LOT 20 OF THAT CERTAIN LARGE LOT FINAL MAP
OF "ANATOLIA I" FILED FOR RECORD
IN BOOK 316 AT PAGER, SACRAMENTO COUNTY RECORDS
CITY OF RANCHO CORDOVA

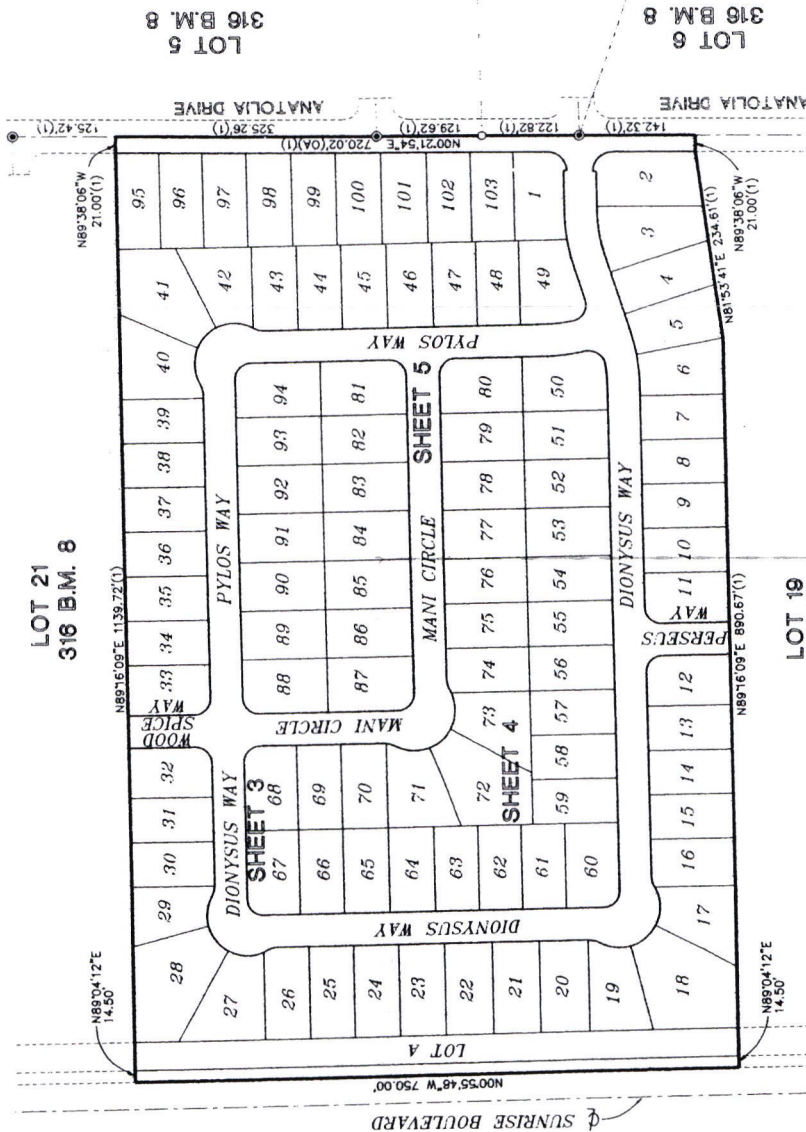
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

MARCH 2004



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3301 C ST., SUITE 100-B TEL: 916.341.7780
SACRAMENTO, CA 95816 FAX: 916.341.7780

Sheet 2 of 5
11141066



LEGEND

- DIMENSION POINT
- ⊙ SET 5/8" REBAR WITH CAP L.S. 7944 AT ALL FRONT LOT CORNERS, ALL INTERSECTIONS AND ALL ANGLE POINTS
- ⊙ SET 3/4" IRON PIPE WITH PLUG STAMPED L.S. 7944
- ⊙ SET 3/4" IRON PIPE WITH PLUG STAMPED L.S. 7944
- ⊙ FOUND 3/4" IRON PIPE WITH PLUG STAMPED L.S. 6046
- OVERALL
- PEDESTRIAN EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- (R) RADIAL LINE
- S.C.R. SACRAMENTO COUNTY RECORDS
- S.C.R.S.D. SACRAMENTO COUNTY REGIONAL SANITATION DISTRICT



BASIS OF BEARINGS

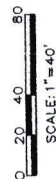
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 2, NAD 83, EPOCH DATE 1987.30, AS MEASURED BETWEEN NOS STATION "SHELDON", 1ST ORDER AND NOS STATION "G 1414" 1ST ORDER, SAID BEARING IS N 72°44'09" E. DISTANCES SHOWN ARE GROUND BASED.

NOS STATION "G 1414"
FOUND IRON PIPE IN WELL CASING
STAMPED "G 1414, 1987"
STATION IS LOCATED ±160' WEST
AND ±160' NORTH OF THE WEST
PACIFIC RAILROAD TRACKS AND 3' SOUTH
OF AN ABANDONED TELEPHONE POLE

BASIS OF BEARINGS
(GROUND DISTANCE)
N72°44'09"E 5087.56'
(GROUND DISTANCE)
N72°15'43"W 22455.87'

[illegible]

SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.



SUBDIVISION NO. 01-0386.6
FINAL MAP OF
ANATOLIA I VILLAGE 6
BEING: ALL OF LOT 20 OF TRACT CERTAIN LARGE LOT FINAL MAP
OF "ANATOLIA" FILED FOR RECORD
IN BOOK 316 AT PAGES, SACRAMENTO COUNTY RECORDS
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(COUNTY OF SACRAMENTO, STATE OF CALIFORNIA)

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Sheet 3 of 5
11/13/86

SUBDIVISION NO. 01-0386.6

FINAL MAP OF

ANATOLIA I VILLAGE 6

BEING ALL OF LOT 20 OF THAT CERTAIN LARGE LOT FINAL MAP
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COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

MARCH 2004

Sheet 5 of 5

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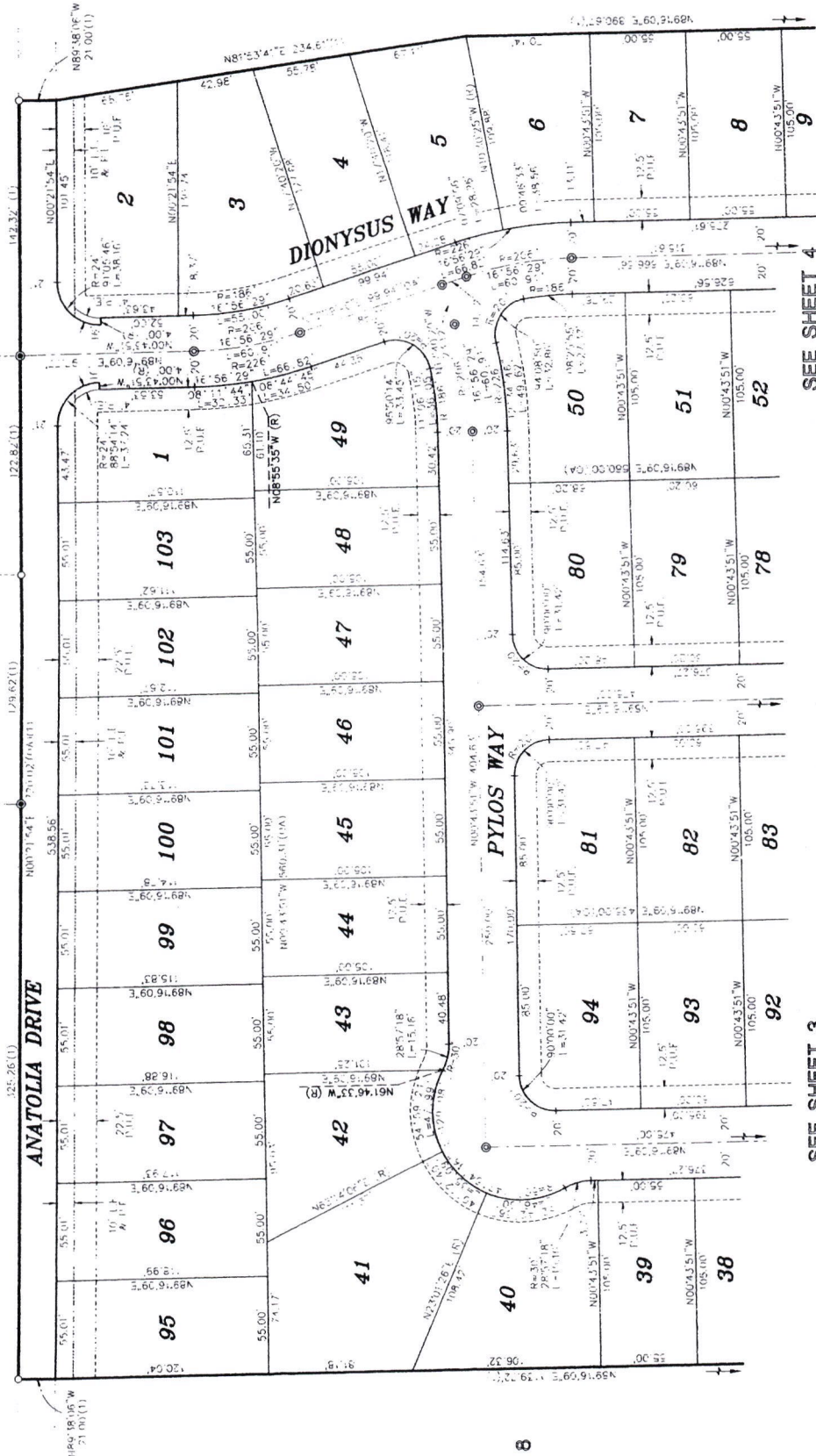


0 20 40 80
SCALE: 1" = 40'
86

LOT 5
316 B.M. 8

LOT 6
316 B.M. 8

ANATOLIA DRIVE



LOT 21
316 B.M. 8

SEE SHEET 3

SEE SHEET 4

SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.

RESOLUTION NO. 33-2004
ANATOLIA I VILLAGE 6 SUBDIVISION

NOW, THEREFORE, the Mayor of the City of Rancho Cordova resolves to execute an agreement on behalf of the City in connection with **Pulte Home Corporation, a Michigan Corporation** and the subdivision designated as **Anatolia I Village 6** in the form hereto attached, and for all matters incidental thereto, and to do and perform everything necessary to carry out the purpose of this resolution.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted by the City Council of Rancho Cordova, State of California, this _____, day of _____, 2004 with the following vote, to wit:

AYES: Council Member(s),

NOES: Council Member(s),

ABSENT: Council Member(s),

ABSTAIN: Council Member(s),

Linda Budge, Mayor

(S E A L)

ATTEST: _____
City Clerk

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 2004, by and between the City of Rancho Cordova, (hereinafter "City"), and PULTE HOME CORPORATION, a Michigan Corporation (hereinafter "Principal").

RECITALS

WHEREAS, Section 66462 of the Government Code provides that if the work of improvement required therein is not completed prior to the acceptance of a final subdivision map, the owner of the subdivision may enter into an agreement with the City to perform the work of improvement as required by said sections in consideration of the acceptance of said final subdivision map by the City; and

WHEREAS, Section 66499 of the Government Code requires that said Agreement be secured by a surety bond or by an instrument of credit issued by a financial institution subject to regulation by the State or federal governments or by a cash deposit; and

WHEREAS, Section 66499.3 establishes the types and amount of security to guarantee the performance of any such improvement agreement; and

WHEREAS, City and Principal desire to enter into an improvement agreement as authorized by the Subdivision Map Act under the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, City and Principal agree as follows:

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated by reference.

2. Findings and Conditions of Subdivision Map. Principal recognizes that approval of his subdivision was subject to the

findings and conditions attached to such approval and hereby acknowledges and agrees to be bound by such findings and conditions.

3. City Approval of Subdivision Map. City agrees to approve the final map of the subdivision presented to it by Principal and designated Anatolia I Village 6, and to accept on behalf of the public all lands, rights of way and easements therein offered in dedication, in accordance with the conditions hereinafter set forth.

4. Completion of Improvements. In consideration of such approval, Principal agrees to complete the work of improvement required for said subdivision in accordance with the requirements of the Rancho Cordova City Code and such standard specifications created by applicable City ordinances or resolutions which are in effect at the time of the installation of said improvements. The work required may lie within or outside the subdivision and must be completed within 24 months of the date of this agreement.

5. Payment For Services. Principal further agrees to promptly pay, when due, all costs for plan checking, inspection services and material testing performed by City pursuant to the requirements of Sections 12.03.210 et. seq. of the Rancho Cordova City Code.

6. Sunridge Specific Plan Fee. Principal acknowledges that the City is in the process of adopting one or more fees and/or financing mechanisms in order to implement provisions of the Sunridge Specific Plan, and that as of the time of recordation of the Final Map, these fees and/or financing mechanisms are not yet in effect. Principal acknowledges and agrees that with the exception of model homes, no building permits for any residential or non-residential structure shall be issued for any lot within the Final Map unless and until such fees have been approved by the City.

7. Park Renovation Fee. Principal acknowledges that

the City is in the process of adopting a fee for the purpose of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider acknowledges and agrees that such fee will be paid prior to the issuance of a building permit for the respective lot.

8. **Acceptance of Improvements.** Upon satisfactory completion of all public improvements in accordance with standard specifications created by City ordinances or resolutions which are in effect at the time of the installation of said improvements, City agrees to accept for maintenance the work of improvement within the dedicated parcels shown on said final subdivision map, and any off site easements granted, subject to the provisions of paragraph 8 hereof.

9. **Notice of Commencement of Work.** Principal shall notify the City Engineer in writing of the commencement of the work of improvements.

10. **Correction of Defects.** Principal agrees to remedy any defects in the improvement arising from faulty or defective construction of said improvements occurring within twelve months after acceptance thereof by City.

11. **Indemnity.** Principal shall indemnify and hold harmless City from any and all loss, damage or liability arising out of or resulting from Principal's performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, servants and employees. Principal shall, at his own cost and expense, defend any and all actions, suits, or legal proceedings arising out of or resulting from the performance or nonperformance of this Agreement, that may be brought or instituted against the City, its officers and employees, on any such claim or demand, and pay or satisfy any judgment that may be rendered against the City in any such action, suit or legal proceedings, or result thereof,

regardless whether caused in part by a party indemnified hereunder.

12. Extension of Completion Date. If the construction of the work or improvement should be delayed without fault of Principal, the time for completion thereof may be extended by City for such period of time as City may deem reasonable.

13. Improvement Security. (a) Principal shall obtain and furnish to City an improvement security consisting of a surety bond in favor of City, issued by a corporate surety authorized to do business in the State of California, and in form approved by City, securing the faithful performance by Principal of the work of improvement required, and also securing the payment of the costs and interest, if any, due under Sections 12.030.210 et seq. of the Rancho Cordova City Code, as provided in Paragraph 5 herein and an additional bond issued by a corporate surety authorized to do business in the State of California, in the amount of not less than 50 percent of the total estimated cost of the improvement, securing payment to contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement.

(b) In lieu of said corporate surety bonds, Principal may furnish an improvement security consisting of a letter of credit, certificate of deposit, or similar instrument of credit, in form satisfactory to City, issued by a financial institution subject to regulation by the State or Federal government, pledging that the funds necessary to meet the performance required herein are on deposit, and guaranteed for payment on demand. Said letter of credit, certificate of deposit, or similar instrument of credit shall provide that the funds designated therein shall become trust funds for the purposes set forth in said instrument.

(c) The failure of Principal to commence the required work of improvements, or to complete the same within the time required after commencement thereof, shall entitle City to the full payment of the security, or so much thereof as may be necessary

to complete the required work of improvement. The amount of the surety bond for faithful performance shall be in the sum of \$983,300. The amount of the surety bond for the payment of the claims of the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement shall be at least 50 percent of the above amount. The letter of credit, certificate of deposit or similar instrument of credit, or cash deposit for faithful performance, shall be in the above amount plus an additional 50 percent for the purposes set forth herein.

14. Improvement Security As Condition Precedent. The furnishing of the improvement security by Principal as required by paragraph 11 hereof shall be a condition precedent to acceptance by City of the above described real property and the performance by the City of the covenants herein on its part to be performed.

15. Inspection of Work In Progress. (a) Principal may request The City Engineer to inspect the work as it progresses. If the work performed is found to be in accordance with the requirements of City, it may be accepted as it progresses and a partial refund of the cash deposit, or a release pro tanto of the faithful performance bond, letter of credit, certificate of deposit or similar instrument of credit shall be made in a sum in the same ratio to the total deposit as the work accepted bears to the total work to be done. No refund in excess of 85 percent of the total amount of the improvement security for faithful performance shall be made until all the work has been completed and accepted.

(b) The determination of the Administrator of Public Works of City as to the amount of work done, and the amount of refund or partial release pro tanto, shall be final and conclusive. When the work of improvement is accepted, 10 percent of the improvement security shall be retained to guarantee faithful performance of the provisions of paragraph 8 of this Agreement.

(c) Improvement security given to secure payment to contractor, his subcontractors and to persons renting equipment or furnishing labor or materials for the work of improvement may, six months after completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed, and notice thereof given in writing to City, and if there are no actions filed, such improvement security may be released in full.

16. **Execution By Real Party In Interest.** Where title to the subdivision property is held by the record owner thereof under a holding Agreement, this Agreement and the bond given pursuant thereto must be executed by the real party or parties in interest.

17. **Waiver of Civil Code Section 2819.** Any extension of time hereunder shall not operate to release the surety on the bond filed pursuant to this Agreement. In this connection the surety waives the provisions of Section 2819 of the Civil Code of the State of California.

18. **County Construction of Improvements.** In the event that all or any portion of the works of improvement contemplated herein are proposed to be constructed by street improvement proceedings under the control of City, the undertaking of such proceedings shall in no way relieve Principal of any duties under this Agreement, except where all of the works of improvement that are required under this Agreement have in fact been constructed and accepted by City.

19. **Interest.** Interest shall accrue at the highest rate permitted by law on all sums from the date payment is due under the terms of this agreement and the sum due is certain or reasonably capable of being made certain.

20. **Attorneys' Fees.** In the event that it is necessary for the City to enforce the obligations secured by the improvement security furnished pursuant to Paragraph 11 hereof, the City shall be entitled to recover its costs and reasonable expenses

and fees, including reasonable attorneys' fees, as provided for in Government Code Section 66499.4.

21. **Amendments.** This Agreement may be modified or amended, or any of its provisions waived, only by a subsequent written agreement executed by the parties hereto.

22. **Entire Agreement.** This Agreement and any attachments hereto constitute the sole, final, complete, exclusive and integrated expression and statement of the terms and conditions of this Agreement among the parties hereto concerning the subject matter addressed herein, and supercedes all prior negotiations, representations or agreements, oral or written, that may be related to the subject matter of this Agreement.

23. **Construction and Interpretation.** It is agreed and acknowledged by the Principal that the provisions of this Agreement have been arrived at through negotiation, and that the Principal has had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

24. **Successors and Assigns.** This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

25. **Time.** Time is of the essence in the performance of each and every term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF RANCHO CORDOVA

By _____
MAYOR

CITY (SEAL)

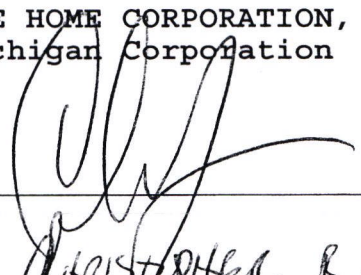
ATTEST: _____
Clerk of the City Council

PRINCIPAL

PULTE HOME CORPORATION,
a Michigan Corporation

BY: _____

Name & Title


CHRISTOPHER B. CADY
DIV. PRES

a:\im_sec.agr

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Placer

SS.

On February 4, 2004 before me, Julie M. Osterman

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Christopher B. Cady

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Julie M. Osterman
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Memorandum



Agenda date: March 15, 2004
Consent item

TO: Honorable City Council
FROM: Cyrus Abhar, City Engineer *CEA*
SUBJECT: ANATOLIA II VILLAGE 11 (56 LOTS)

BACKGROUND:

Submitted herewith for approval is the subdivision map of Anatolia II Village 11 subdivision, located on the west side of Jaeger Road approximately 4,400 feet south of Douglas Boulevard.

DISCUSSION:

The map has been examined and checked for compliance with Title 22 of the City Code and the California State Map Act. The Project Planning Commission of Sacramento County approved the Tentative Map on May 12, 2003.

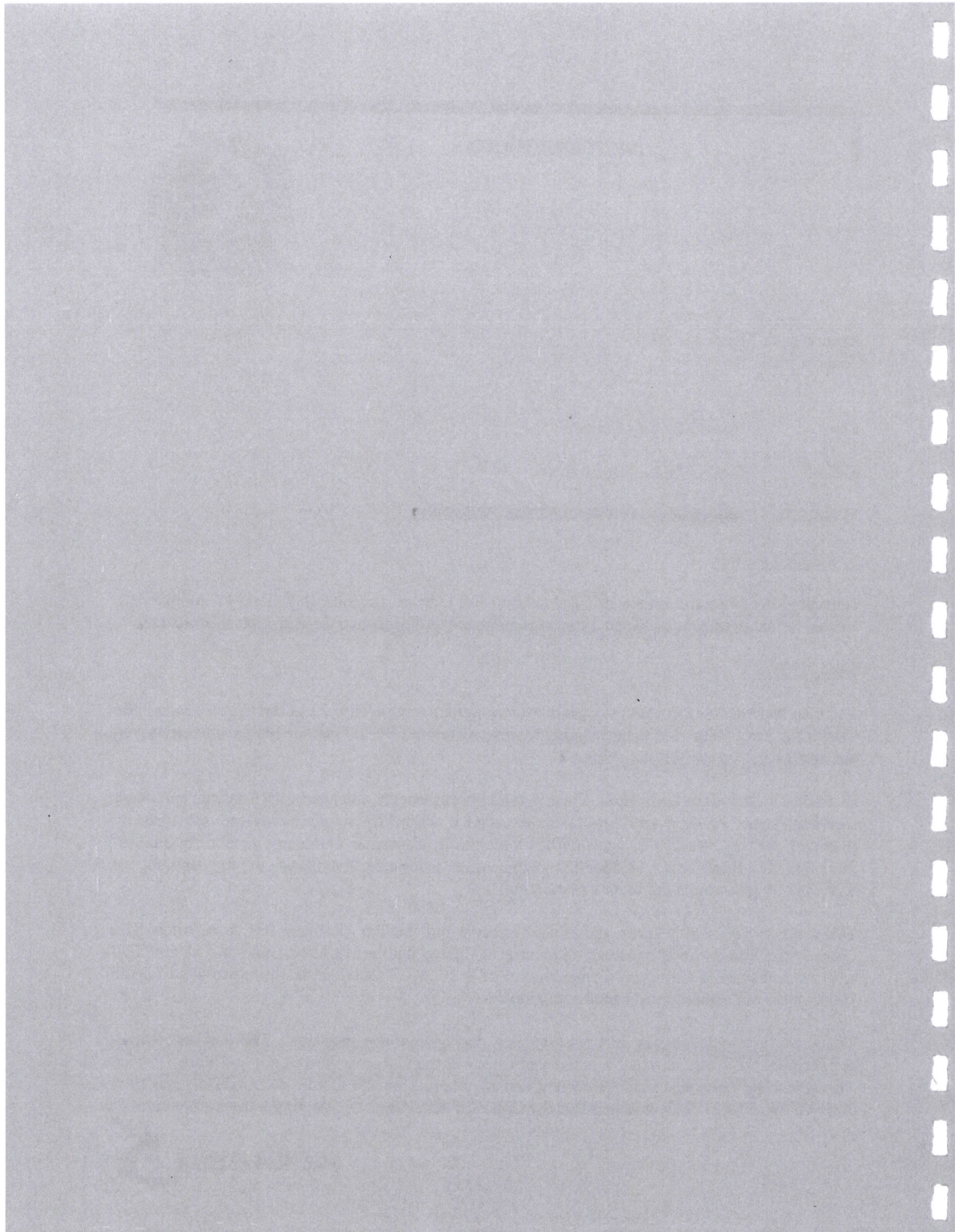
Roads are included for dedication. Class A road improvements, the necessary drainage and water facilities, street lighting and sewers in accordance with City requirements are satisfactorily provided for by Bond No. SU5005053 with Arch Insurance Company in the amount of \$491,600.00. Bond No. SU5005053 with Arch Insurance Company in the amount of \$245,800.00 guarantees the labor and material.

There are no delinquent taxes against the property and the Tax Collector has so certified. The Clerk of the Board of Supervisors of Sacramento County has certified that Bond No. SU5005056 with Arch Insurance Company in the amount of \$118,243.00 has satisfactorily provided for the 2004 - 2005 tax estimate and supplemental taxes.

There are no outstanding special assessments due against the property. The park dedication requirement has been satisfied by land dedication to the Cordova Recreation and Park District. The landscape corridors shall be owned and maintained by the Cordova Recreation and Park District. Subdivider acknowledges that the City is in the process of adopting a fee for the purpose

AGENDA ITEM #

5



of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider has agreed that this fee will be paid prior to the issuance of a building permit for the respective lot.

Sacramento Regional County Sanitation District (SRCSD) has agreed to the installation of trees and landscaping within the sewer easement along Sunrise Boulevard. Subdivider will coordinate with SRCDS staff on selection of plant and tree species within the easement corridor and will prepare a landscaping plan for the City's approval prior to the issuance of building permits.

Wood-Rodgers has waived the requirement for a bond to guarantee payment for setting the survey monuments with the subdivision. The soil report requirement has been prepared by Wallace-Kuhl & Associates Inc. The exterior boundary monuments were field checked on April 9, 2003 and found to be in place.

RECOMMENDATION:

The City Engineers Office recommends the City Council approve this subdivision. The required resolution and agreement are attached for execution.

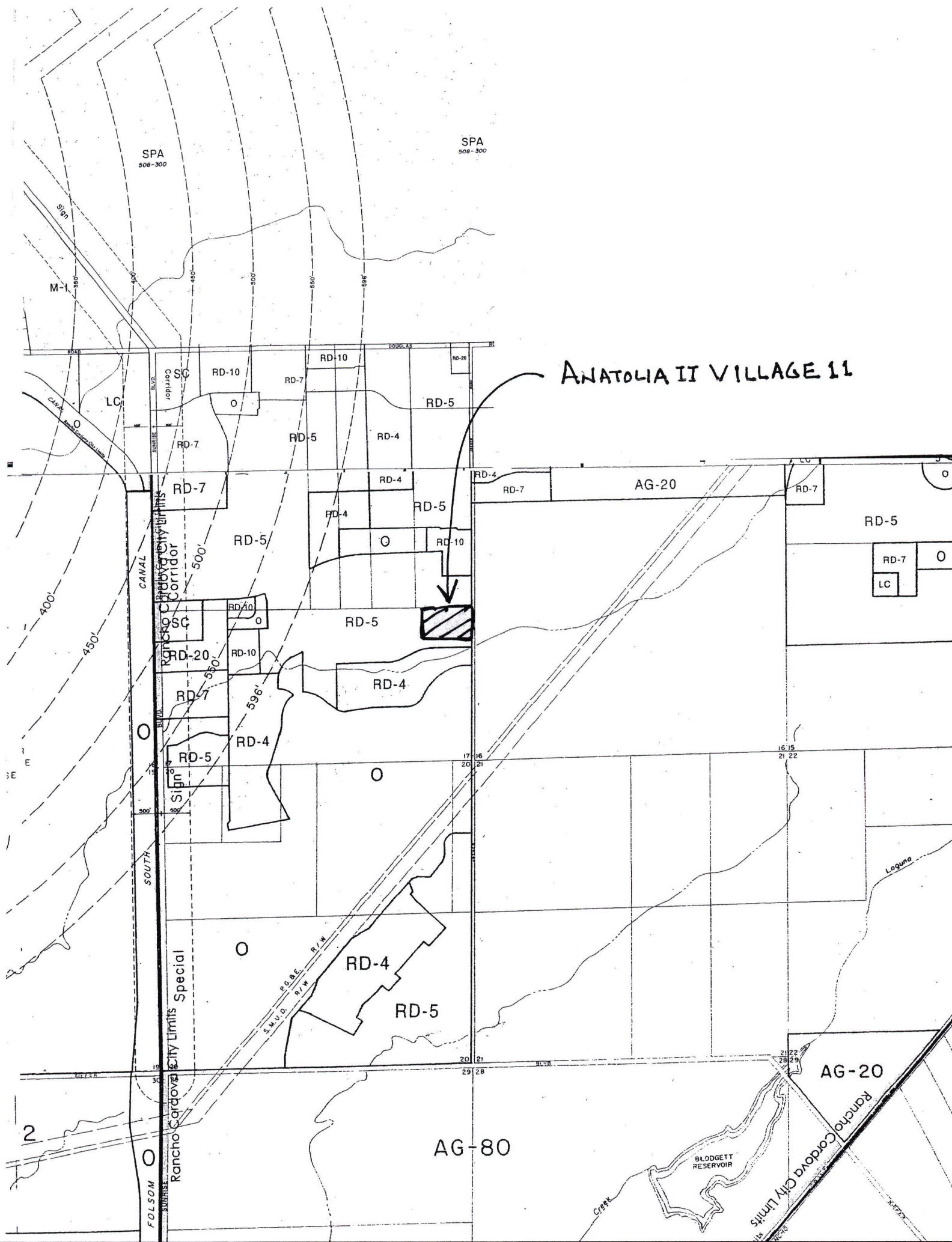
Attachments:

Zoning Map

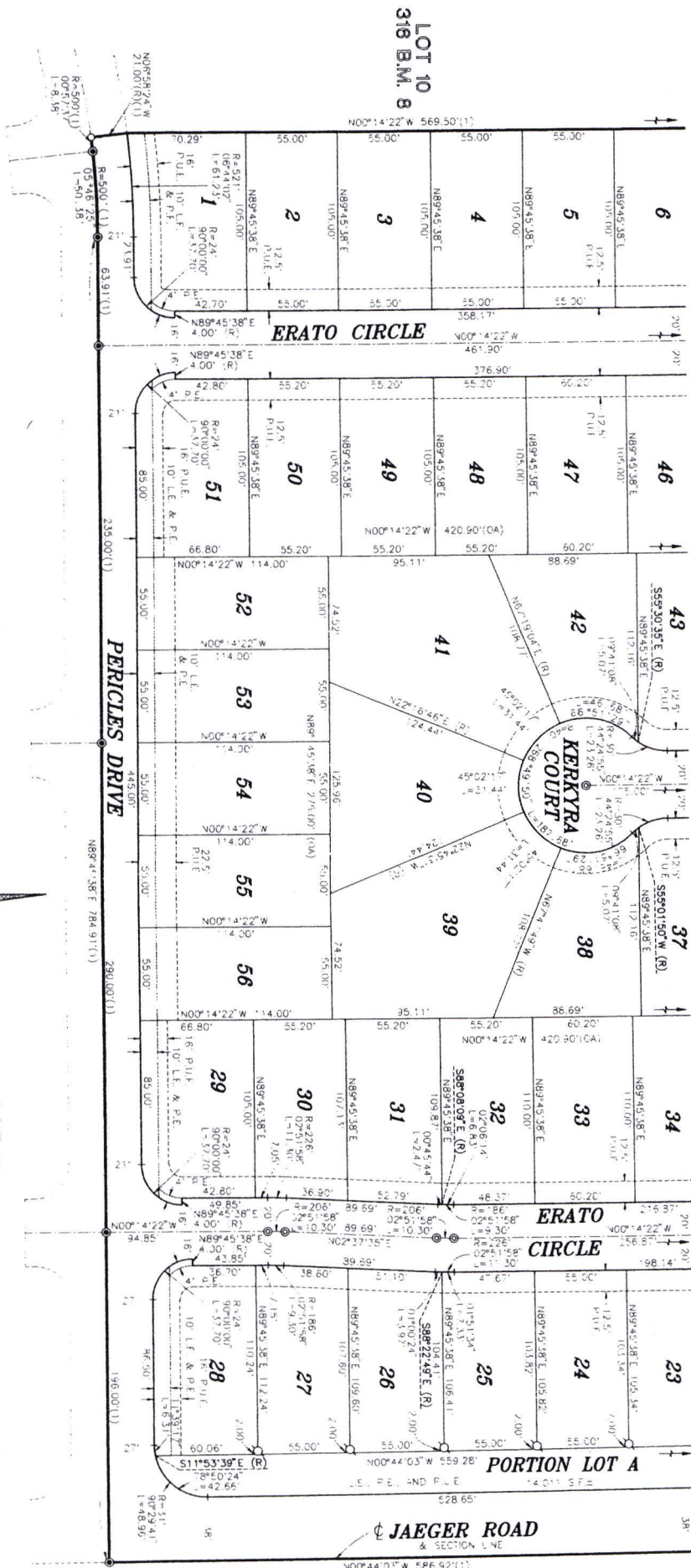
8 ½ x 11 copy of final map

Resolution

Subdivision Improvement Agreement (2)



SEE SHEET 4



LOT 12
316 B.M. 8

LOT 12
316 B.M. 8

SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.



WOOD RODGERS
ENGINEERING - PLANNING - SURVEYING
3301 C St., Bldg. 100-8 Tel 916.341.7760
Sacramento, CA 95816 Fax 916.341.7767



MARCH 2004

Sheet 3 of 4
1155061

SUBDIVISION NO. 01-0385.4
FINAL MAP OF
ANATOLIA II VILLAGE 11
BRING ALL OF LOT 11 OF TITV CERTAIN LARG-LOT FINAL MAP
OF "ANATOLIA II" FILED FOR RECORD
IN BOOK 36 AT PAGE 8, SACRAMENTO COUNTY RECORDS
CITY OF RANCHO CORDOVA
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

N00° 4' 22" N 569.50' ()

N89°45'38"E 840.93(1)

SHEET 3

SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.

WOOD ROOFSERS
ENGINEERING • MAPING • PLANNING • SURVEYING
3301 C St., Bldg. 100-B Tel 916.341.7760

1145

MARCH 2004

FINAL MAP (F)

ANATOLIA II VILLAGE 11

BRING ALL OF THEM TO THAT CERTAIN LARGE LOT FINAL MAP
OF "ANATOLIA" FILED FOR RECORD

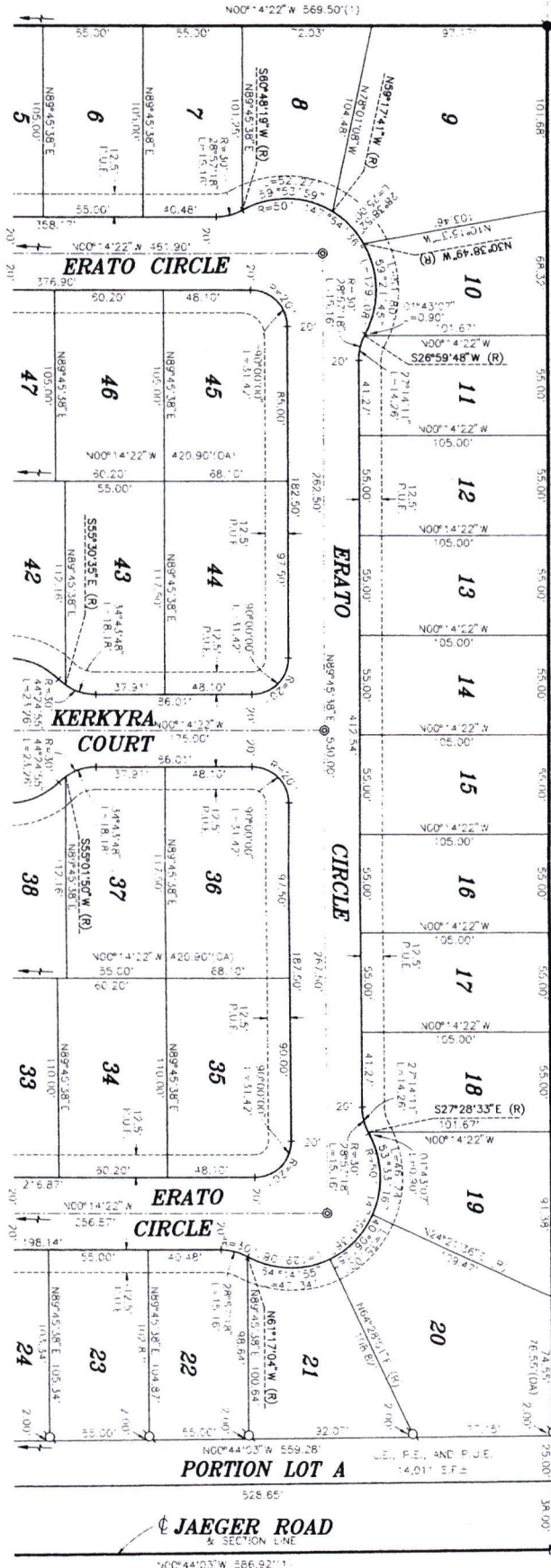
IN BOOK 316 AT PAGE 8, SACRAMENTO COLONY RECORDS
CITY OF RANCHO CORDOVA

COLONY OF SACRAMENTO, STATE OF CALIFORNIA

1145

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1977



RESOLUTION NO. 34-2004
ANATOLIA II VILLAGE 11 SUBDIVISION

NOW, THEREFORE, the Mayor of the City of Rancho Cordova resolves to execute an agreement on behalf of the City in connection with **Pulte Home Corporation, a Michigan Corporation** and the subdivision designated as **Anatolia II Village 11** in the form hereto attached, and for all matters incidental thereto, and to do and perform everything necessary to carry out the purpose of this resolution.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted by the City Council of Rancho Cordova, State of California, this _____, day of _____, 2004 with the following vote, to wit:

AYES: Council Member(s),

NOES: Council Member(s),

ABSENT: Council Member(s),

ABSTAIN: Council Member(s),

Linda Budge, Mayor

(S E A L)

ATTEST: _____
City Clerk

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 2004, by and between the City of Rancho Cordova, (hereinafter "City"), and PULTE HOME CORPORATION, a Michigan Corporation (hereinafter "Principal").

RECITALS

WHEREAS, Section 66462 of the Government Code provides that if the work of improvement required therein is not completed prior to the acceptance of a final subdivision map, the owner of the subdivision may enter into an agreement with the City to perform the work of improvement as required by said sections in consideration of the acceptance of said final subdivision map by the City; and

WHEREAS, Section 66499 of the Government Code requires that said Agreement be secured by a surety bond or by an instrument of credit issued by a financial institution subject to regulation by the State or federal governments or by a cash deposit; and

WHEREAS, Section 66499.3 establishes the types and amount of security to guarantee the performance of any such improvement agreement; and

WHEREAS, City and Principal desire to enter into an improvement agreement as authorized by the Subdivision Map Act under the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, City and Principal agree as follows:

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated by reference.

2. Findings and Conditions of Subdivision Map. Principal recognizes that approval of his subdivision was subject to the

findings and conditions attached to such approval and hereby acknowledges and agrees to be bound by such findings and conditions.

3. **City Approval of Subdivision Map.** City agrees to approve the final map of the subdivision presented to it by Principal and designated **Anatolia II Village 11**, and to accept on behalf of the public all lands, rights of way and easements therein offered in dedication, in accordance with the conditions hereinafter set forth.

4. **Completion of Improvements.** In consideration of such approval, Principal agrees to complete the work of improvement required for said subdivision in accordance with the requirements of the Rancho Cordova City Code and such standard specifications created by applicable City ordinances or resolutions which are in effect at the time of the installation of said improvements. The work required may lie within or outside the subdivision and must be completed within **24** months of the date of this agreement.

5. **Payment For Services.** Principal further agrees to promptly pay, when due, all costs for plan checking, inspection services and material testing performed by City pursuant to the requirements of Sections 12.03.210 et. seq. of the Rancho Cordova City Code.

6. **Sunridge Specific Plan Fee.** Principal acknowledges that the City is in the process of adopting one or more fees and/or financing mechanisms in order to implement provisions of the Sunridge Specific Plan, and that as of the time of recordation of the Final Map, these fees and/or financing mechanisms are not yet in effect. Principal acknowledges and agrees that with the exception of model homes, no building permits for any residential or non-residential structure shall be issued for any lot within the Final Map unless and until such fees have been approved by the City.

7. **Park Renovation Fee.** Principal acknowledges that

the City is in the process of adopting a fee for the purpose of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider acknowledges and agrees that such fee will be paid prior to the issuance of a building permit for the respective lot.

8. **Acceptance of Improvements.** Upon satisfactory completion of all public improvements in accordance with standard specifications created by City ordinances or resolutions which are in effect at the time of the installation of said improvements, City agrees to accept for maintenance the work of improvement within the dedicated parcels shown on said final subdivision map, and any off site easements granted, subject to the provisions of paragraph 8 hereof.

9. **Notice of Commencement of Work.** Principal shall notify the City Engineer in writing of the commencement of the work of improvements.

10. **Correction of Defects.** Principal agrees to remedy any defects in the improvement arising from faulty or defective construction of said improvements occurring within twelve months after acceptance thereof by City.

11. **Indemnity.** Principal shall indemnify and hold harmless City from any and all loss, damage or liability arising out of or resulting from Principal's performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, servants and employees. Principal shall, at his own cost and expense, defend any and all actions, suits, or legal proceedings arising out of or resulting from the performance or nonperformance of this Agreement, that may be brought or instituted against the City, its officers and employees, on any such claim or demand, and pay or satisfy any judgment that may be rendered against the City in any such action, suit or legal proceedings, or result thereof,

regardless whether caused in part by a party indemnified hereunder.

12. Extension of Completion Date. If the construction of the work or improvement should be delayed without fault of Principal, the time for completion thereof may be extended by City for such period of time as City may deem reasonable.

13. Improvement Security. (a) Principal shall obtain and furnish to City an improvement security consisting of a surety bond in favor of City, issued by a corporate surety authorized to do business in the State of California, and in form approved by City, securing the faithful performance by Principal of the work of improvement required, and also securing the payment of the costs and interest, if any, due under Sections 12.030.210 et seq. of the Rancho Cordova City Code, as provided in Paragraph 5 herein and an additional bond issued by a corporate surety authorized to do business in the State of California, in the amount of not less than 50 percent of the total estimated cost of the improvement, securing payment to contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement.

(b) In lieu of said corporate surety bonds, Principal may furnish an improvement security consisting of a letter of credit, certificate of deposit, or similar instrument of credit, in form satisfactory to City, issued by a financial institution subject to regulation by the State or Federal government, pledging that the funds necessary to meet the performance required herein are on deposit, and guaranteed for payment on demand. Said letter of credit, certificate of deposit, or similar instrument of credit shall provide that the funds designated therein shall become trust funds for the purposes set forth in said instrument.

(c) The failure of Principal to commence the required work of improvements, or to complete the same within the time required after commencement thereof, shall entitle City to the full payment of the security, or so much thereof as may be necessary

to complete the required work of improvement. The amount of the surety bond for faithful performance shall be in the sum of \$491,600. The amount of the surety bond for the payment of the claims of the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement shall be at least 50 percent of the above amount. The letter of credit, certificate of deposit or similar instrument of credit, or cash deposit for faithful performance, shall be in the above amount plus an additional 50 percent for the purposes set forth herein.

14. Improvement Security As Condition Precedent. The furnishing of the improvement security by Principal as required by paragraph 11 hereof shall be a condition precedent to acceptance by City of the above described real property and the performance by the City of the covenants herein on its part to be performed.

15. Inspection of Work In Progress. (a) Principal may request The City Engineer to inspect the work as it progresses. If the work performed is found to be in accordance with the requirements of City, it may be accepted as it progresses and a partial refund of the cash deposit, or a release pro tanto of the faithful performance bond, letter of credit, certificate of deposit or similar instrument of credit shall be made in a sum in the same ratio to the total deposit as the work accepted bears to the total work to be done. No refund in excess of 85 percent of the total amount of the improvement security for faithful performance shall be made until all the work has been completed and accepted.

(b) The determination of the Administrator of Public Works of City as to the amount of work done, and the amount of refund or partial release pro tanto, shall be final and conclusive. When the work of improvement is accepted, 10 percent of the improvement security shall be retained to guarantee faithful performance of the provisions of paragraph 8 of this Agreement.

(c) Improvement security given to secure payment to contractor, his subcontractors and to persons renting equipment or furnishing labor or materials for the work of improvement may, six months after completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed, and notice thereof given in writing to City, and if there are no actions filed, such improvement security may be released in full.

16. Execution By Real Party In Interest. Where title to the subdivision property is held by the record owner thereof under a holding Agreement, this Agreement and the bond given pursuant thereto must be executed by the real party or parties in interest.

17. Waiver of Civil Code Section 2819. Any extension of time hereunder shall not operate to release the surety on the bond filed pursuant to this Agreement. In this connection the surety waives the provisions of Section 2819 of the Civil Code of the State of California.

18. County Construction of Improvements. In the event that all or any portion of the works of improvement contemplated herein are proposed to be constructed by street improvement proceedings under the control of City, the undertaking of such proceedings shall in no way relieve Principal of any duties under this Agreement, except where all of the works of improvement that are required under this Agreement have in fact been constructed and accepted by City.

19. Interest. Interest shall accrue at the highest rate permitted by law on all sums from the date payment is due under the terms of this agreement and the sum due is certain or reasonably capable of being made certain.

20. Attorneys' Fees. In the event that it is necessary for the City to enforce the obligations secured by the improvement security furnished pursuant to Paragraph 11 hereof, the City shall be entitled to recover its costs and reasonable expenses

and fees, including reasonable attorneys' fees, as provided for in Government Code Section 66499.4.

21. Amendments. This Agreement may be modified or amended, or any of its provisions waived, only by a subsequent written agreement executed by the parties hereto.

22. Entire Agreement. This Agreement and any attachments hereto constitute the sole, final, complete, exclusive and integrated expression and statement of the terms and conditions of this Agreement among the parties hereto concerning the subject matter addressed herein, and supercedes all prior negotiations, representations or agreements, oral or written, that may be related to the subject matter of this Agreement.

23. Construction and Interpretation. It is agreed and acknowledged by the Principal that the provisions of this Agreement have been arrived at through negotiation, and that the Principal has had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

24. Successors and Assigns. This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

25. Time. Time is of the essence in the performance of each and every term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF RANCHO CORDOVA

By _____
MAYOR

CITY (SEAL)

ATTEST: _____
Clerk of the City Council

PRINCIPAL

PULTE HOME CORPORATION,
a Michigan Corporation

BY: _____

Name & Title

CHRISTOPHER B. CANN
Div. Pres

a:\im_sec.agr

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Placer County

ss.

On Feb 4, 2004 before me, Julie M. Osterman

Date

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Christopher B. Cady

Name(s) of Signer(s)

- ☒ personally known to me
☐ proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Julie M. Osterman
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER

Top of thumb here

Memorandum



Agenda date: March 15, 2004
Consent item

TO: Honorable City Council
FROM: Cyrus Abhar, City Engineer *CEA*
SUBJECT: SUNRIDGE PARK (15 LOTS)

BACKGROUND:

Submitted herewith for approval is the subdivision map of Sunridge Park subdivision, located on Douglas Boulevard approximately 1,320 feet east of Jaeger Road.

DISCUSSION:

The map has been examined and checked for compliance with Title 22 of the City Code and the California State Map Act. The City Council approved the Tentative Map on January 20, 2004.

Roads are included for dedication. Class A road improvements, the necessary drainage and water facilities, street lighting and sewers in accordance with City requirements are satisfactorily provided for by Bond No. 104176000 with Travelers Casualty and Surety Company of America in the amount of \$2,317,800.00. Bond No. 104176000 with Travelers Casualty and Surety Company of America in the amount of \$1,158,900.00 guarantees the labor and material.

There are no delinquent taxes against the property and the Tax Collector has so certified. The Clerk of the Board of Supervisors of Sacramento County has certified that Bond No. 104176001 with Travelers Casualty and Surety Company of America in the amount of \$94,629.00 has satisfactorily provided for the 2004 - 2005 tax estimate.

There are no outstanding special assessments due against the property. The park dedication requirement has been deferred by the Cordova Recreation and Park District until the small lot maps record. Subdivider acknowledges that the City is in the process of adopting a fee for the purpose of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider has agreed that this fee will be paid prior to the issuance of a building permit for the respective lot.

Subdivider also acknowledges that no more than a cumulative total of 600 residential building permits shall be issued within the Sunridge Park Tentative Map prior to the commencement of construction of the Street 1 connection to Douglas Road with a minimum of two continuous traffic lanes, except that the City of Rancho Cordova may approve building permits for additional residential lots within the Sunridge Park Tentative Map if it determines that the Street 1 connection is expected to be completed prior to traffic generated by said 600 residential building permits and that issuance of more than 600 permits will not result in unacceptable traffic congestion or safety problems.

Wood-Rodgers has waived the requirement for a bond to guarantee payment for setting the survey monuments with the subdivision. The soil report requirement has been prepared by Wallace-Kuhl & Associates Inc. The exterior boundary monuments were field checked on February 25, 2004 and found to be in place.

RECOMMENDATION:

The City Engineers Office recommends the City Council approve this subdivision. The required resolution and agreement are attached for execution.

Attachments:

Zoning Map

8 ½ x 11 copy of final map

Resolution

Subdivision Improvement Agreement (2)

RESOLUTION NO. 35-2004
SUNRIDGE PARK LARGE LOT MAP SUBDIVISION

NOW, THEREFORE, the Mayor of the City of Rancho Cordova resolves to execute an agreement on behalf of the City in connection with **Sunridge Park, LLC, a California Limited Liability Company** and the subdivision designated as **Sunridge Park Large Lot Map** in the form hereto attached, and for all matters incidental thereto, and to do and perform everything necessary to carry out the purpose of this resolution.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted by the City Council of Rancho Cordova, State of California, this _____, day of _____, 2004 with the following vote, to wit:

AYES: Council Member(s),

NOES: Council Member(s),

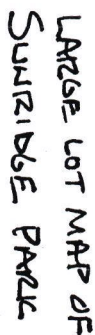
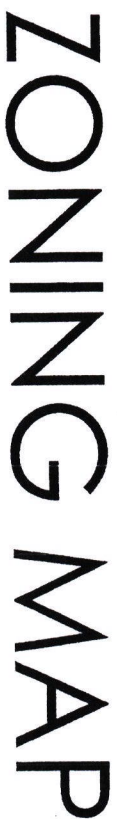
ABSENT: Council Member(s),

ABSTAIN: Council Member(s),

Linda Budge, Mayor

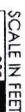
(S E A L)

ATTEST: _____
City Clerk



AMENDED

AMENDED



MAP SHEET INDEX

1	2	3	4
5	6	7	
8	9	10	11
12	13	14	15

ZONING MAP SHEET 15

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 2004, by and between the City of Rancho Cordova, (hereinafter "City"), and **SUNRIDGE PARK, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY** (hereinafter "Principal").

RECITALS

WHEREAS, Section 66462 of the Government Code provides that if the work of improvement required therein is not completed prior to the acceptance of a final subdivision map, the owner of the subdivision may enter into an agreement with the City to perform the work of improvement as required by said sections in consideration of the acceptance of said final subdivision map by the City; and

WHEREAS, Section 66499 of the Government Code requires that said Agreement be secured by a surety bond or by an instrument of credit issued by a financial institution subject to regulation by the State or federal governments or by a cash deposit; and

WHEREAS, Section 66499.3 establishes the types and amount of security to guarantee the performance of any such improvement agreement; and

WHEREAS, City and Principal desire to enter into an improvement agreement as authorized by the Subdivision Map Act under the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, City and Principal agree as follows:

1. **Incorporation of Recitals.** The foregoing recitals are hereby incorporated by reference.

2. **Findings and Conditions of Subdivision Map.** Principal recognizes that approval of his subdivision was subject to the findings and conditions attached to such approval and hereby acknowledges and agrees to be bound by such findings and conditions.

3. **City Approval of Subdivision Map.** City agrees to approve the final map of the subdivision presented to it by Principal and designated **SUNRIDGE PARK (LARGE LOT MAP)**, and to accept on behalf of the public all lands, rights of way and easements therein offered in dedication, in accordance with the conditions hereinafter set forth.

4. **Completion of Improvements.** In consideration of such approval, Principal agrees to complete the work of improvement required for said subdivision in accordance with the requirements of the Rancho Cordova City Code and such standard specifications created by applicable City ordinances or resolutions which are in effect at the time of the installation of said improvements. The work required may lie within or outside the subdivision and must be completed within **24** months of the date of this agreement.

5. **Payment For Services.** Principal further agrees to promptly pay, when due, all costs for plan checking, inspection services and material testing performed by City pursuant to the requirements of Sections 12.03.210 et. seq. of the Rancho Cordova City Code.

6. **Sunridge Specific Plan Fee.** Principal acknowledges that the City is in the process of adopting one or more fees and/or financing mechanisms in order to implement provisions of the Sunridge Specific Plan, and that as of the time of recordation of the Final Map, these fees and/or financing mechanisms are not yet in effect. Principal acknowledges and agrees that with the exception of model homes, no building permits for any residential or non-residential structure shall be issued for any lot within the Final Map unless and until such fees have been approved by the City.

7. **Park Renovation Fee.** Principal acknowledges that the City is in the process of adopting a fee for the purpose of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider acknowledges and agrees that such fee will be paid prior to the issuance of a building permit for the respective lot.

8. **Acceptance of Improvements.** Upon satisfactory completion of all public improvements in accordance with standard specifications created by City ordinances or resolutions which are in effect at the time of the installation of said improvements, City agrees to accept for maintenance the work of improvement within the dedicated parcels shown on said final subdivision map, and any off site easements granted, subject to the provisions of paragraph 8 hereof.

9. **Notice of Commencement of Work.** Principal shall notify the City Engineer in writing of the commencement of the work of improvements.

10. **Correction of Defects.** Principal agrees to remedy any defects in the improvement arising from faulty or defective construction of said improvements occurring within twelve months after acceptance thereof by City.

11. **Indemnity.** Principal shall indemnify and hold harmless City from any and all loss, damage or liability arising out of or resulting from Principal's performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, servants and employees. Principal shall, at his own cost and expense, defend any and all actions, suits, or legal proceedings arising out of or resulting from the performance or nonperformance of this

Agreement, that may be brought or instituted against the City, its officers and employees, on any such claim or demand, and pay or satisfy any judgment that may be rendered against the City in any such action, suit or legal proceedings, or result thereof, regardless whether caused in part by a party indemnified hereunder.

12. Extension of Completion Date. If the construction of the work or improvement should be delayed without fault of Principal, the time for completion thereof may be extended by City for such period of time as City may deem reasonable.

13. Improvement Security. (a) Principal shall obtain and furnish to City an improvement security consisting of a surety bond in favor of City, issued by a corporate surety authorized to do business in the State of California, and in form approved by City, securing the faithful performance by Principal of the work of improvement required, and also securing the payment of the costs and interest, if any, due under Sections 12.030.210 et seq. of the Rancho Cordova City Code, as provided in Paragraph 5 herein and an additional bond issued by a corporate surety authorized to do business in the State of California, in the amount of not less than 50 percent of the total estimated cost of the improvement, securing payment to contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement.

(b) In lieu of said corporate surety bonds, Principal may furnish an improvement security consisting of a letter of credit, certificate of deposit, or similar instrument of credit, in form satisfactory to City, issued by a financial institution subject to regulation by the State or Federal government, pledging that the funds necessary to meet the performance required herein are on deposit, and guaranteed for payment on demand. Said letter of credit, certificate of deposit, or similar instrument of credit shall provide that the funds designated therein shall become trust funds for the purposes set forth in said instrument.

(c) The failure of Principal to commence the required work of improvements, or to complete the same within the time required after commencement thereof, shall entitle City to the full payment of the security, or so much thereof as may be necessary to complete the required work of improvement. The amount of the surety bond for faithful performance shall be in the sum of \$ 2,317,800.00 . The amount of the surety bond for the payment of the claims of the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement shall be at least 50 percent of the above amount.

The letter of credit, certificate of deposit or similar instrument of credit, or cash deposit for faithful performance, shall be in the above amount plus an additional 50 percent for the purposes set forth herein.

14. Improvement Security As Condition Precedent. The furnishing of the improvement security by Principal as required by paragraph 11 hereof shall be a condition precedent to acceptance by City of the above described real property and the performance by the City of the covenants herein on its part to be performed.

15. Inspection of Work In Progress. (a) Principal may request The City Engineer to inspect the work as it progresses. If the work performed is found to be in accordance with the requirements of City, it may be accepted as it progresses and a partial refund of the cash deposit, or a release pro tanto of the faithful performance bond, letter of credit, certificate of deposit or similar instrument of credit shall be made in a sum in the same ratio to the total deposit as the work accepted bears to the total work to be done. No refund in excess of 85 percent of the total amount of the improvement security for faithful performance shall be made until all the work has been completed and accepted.

(b) The determination of the Administrator of Public Works of City as to the amount of work done, and the amount of refund

or partial release pro tanto, shall be final and conclusive. When the work of improvement is accepted, 10 percent of the improvement security shall be retained to guarantee faithful performance of the provisions of paragraph 8 of this Agreement.

(c) Improvement security given to secure payment to contractor, his subcontractors and to persons renting equipment or furnishing labor or materials for the work of improvement may, six months after completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed, and notice thereof given in writing to City, and if there are no actions filed, such improvement security may be released in full.

16. **Execution By Real Party In Interest.** Where title to the subdivision property is held by the record owner thereof under a holding Agreement, this Agreement and the bond given pursuant thereto must be executed by the real party or parties in interest.

17. **Waiver of Civil Code Section 2819.** Any extension of time hereunder shall not operate to release the surety on the bond filed pursuant to this Agreement. In this connection the surety waives the provisions of Section 2819 of the Civil Code of the State of California.

18. **County Construction of Improvements.** In the event that all or any portion of the works of improvement contemplated herein are proposed to be constructed by street improvement proceedings under the control of City, the undertaking of such proceedings shall in no way relieve Principal of any duties under this Agreement, except where all of the works of improvement that are required under this Agreement have in fact been constructed and accepted by City.

19. **Interest.** Interest shall accrue at the highest rate permitted by law on all sums from the date payment is due under the terms of this agreement and the sum due is certain or reasonably capable of being made certain.

20. **Attorneys' Fees.** In the event that it is necessary for the City to enforce the obligations secured by the improvement security furnished pursuant to Paragraph 11 hereof, the City shall be entitled to recover its costs and reasonable expenses and fees, including reasonable attorneys' fees, as provided for in Government Code Section 66499.4.

21. **Amendments.** This Agreement may be modified or amended, or any of its provisions waived, only by a subsequent written agreement executed by the parties hereto.

22. **Entire Agreement.** This Agreement and any attachments hereto constitute the sole, final, complete, exclusive and integrated expression and statement of the terms and conditions of this Agreement among the parties hereto concerning the subject matter addressed herein, and supercedes all prior negotiations, representations or agreements, oral or written, that may be related to the subject matter of this Agreement.

23. **Construction and Interpretation.** It is agreed and acknowledged by the Principal that the provisions of this Agreement have been arrived at through negotiation, and that the Principal has had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

24. **Successors and Assigns.** This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

25. **Time.** Time is of the essence in the performance of each and every term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF RANCHO CORDOVA

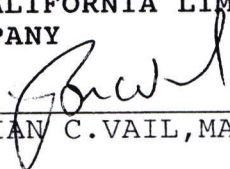
By _____
MAYOR

CITY(SEAL)

ATTEST: _____
Clerk of the City Council

PRINCIPAL

SUNRIDGE PARK, LLC,
A CALIFORNIA LIMITED LIABILITY
COMPANY

BY  _____
[BRIAN C. VAIL, MANAGER]

a:\im_sec.agr

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

SACRAMENTO

SS.

On

2/18/2004

Date

, before me,

KATI MOIRA REDMOND,

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

NOTARY PUBLIC

personally appeared

BRIAN C. VAIL

Name(s) of Signer(s)

☒ personally known to me

☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Kati Moira Redmond

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

SUBDIVISION IMPROVEMENT AGREEMENT

Document Date:

2/18/04

Number of Pages:

8

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer

Signer's Name:

BRIAN C. VAIL

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☒ Other:

MANAGER

Signer Is Representing:

SUNRIDGE PARK, LLC

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Memorandum



Agenda date: March 15, 2004
Consent item

TO: Honorable City Council
FROM: Cyrus Abhar, City Engineer *CEA*
SUBJECT: ANATOLIA II VILLAGE 14 (92 LOTS)

BACKGROUND:

Submitted herewith for approval is the subdivision map of Anatolia II Village 14 subdivision, located on the southeasterly side of Justinian Drive and Anatolia Drive.

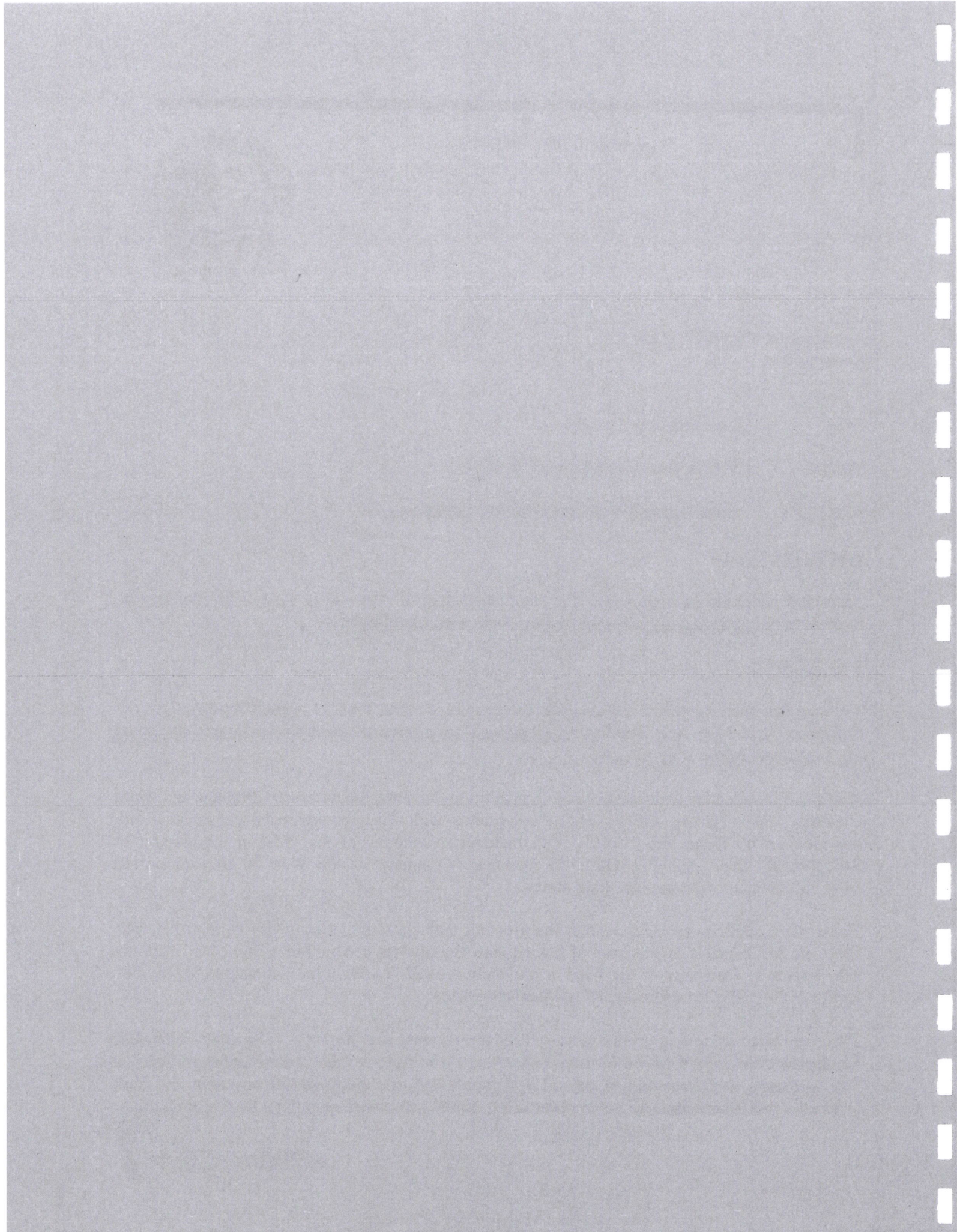
DISCUSSION:

The map has been examined and checked for compliance with Title 22 of the City Code and the California State Map Act. The Project Planning Commission of Sacramento County approved the Tentative Map on May 12, 2003.

Roads are included for dedication. Class A road improvements, the necessary drainage and water facilities, street lighting and sewers in accordance with City requirements are satisfactorily provided for by Bond No. 2123132 with Insurance Company of the West in the amount of \$968,300.00. Bond No. 2123132 with Insurance Company of the West in the amount of \$484,150.00 guarantees the labor and material.

There are no delinquent taxes against the property and the Tax Collector has so certified. The Clerk of the Board of Supervisors of Sacramento County has certified that Bond No. 2125068 with Insurance Company of the West in the amount of \$281,409.00 has satisfactorily provided for the 2004 - 2005 tax estimate and supplemental taxes.

There are no outstanding special assessments due against the property. The park dedication requirement has been satisfied by land dedication to the Cordova Recreation and Park District. The landscape corridors shall be owned and maintained by the Cordova Recreation and Park District. Subdivider acknowledges that the City is in the process of adopting a fee for the purpose



of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider has agreed that this fee will be paid prior to the issuance of a building permit for the respective lot.

Wood-Rodgers has waived the requirement for a bond to guarantee payment for setting the survey monuments with the subdivision. The soil report requirement has been prepared by Wallace-Kuhl & Associates Inc. The exterior boundary monuments were field checked on April 9, 2003 and found to be in place.

RECOMMENDATION:

The City Engineers Office recommends the City Council approve this subdivision. The required resolution and agreement are attached for execution.

Attachments:

Zoning Map

8 ½ x 11 copy of final map

Resolution

Subdivision Improvement Agreement (2)

Tax Paid Certificate

Tax Estimate Letter

Tax Estimate Security (copy)

Performance Bond

Labor and Material Bond

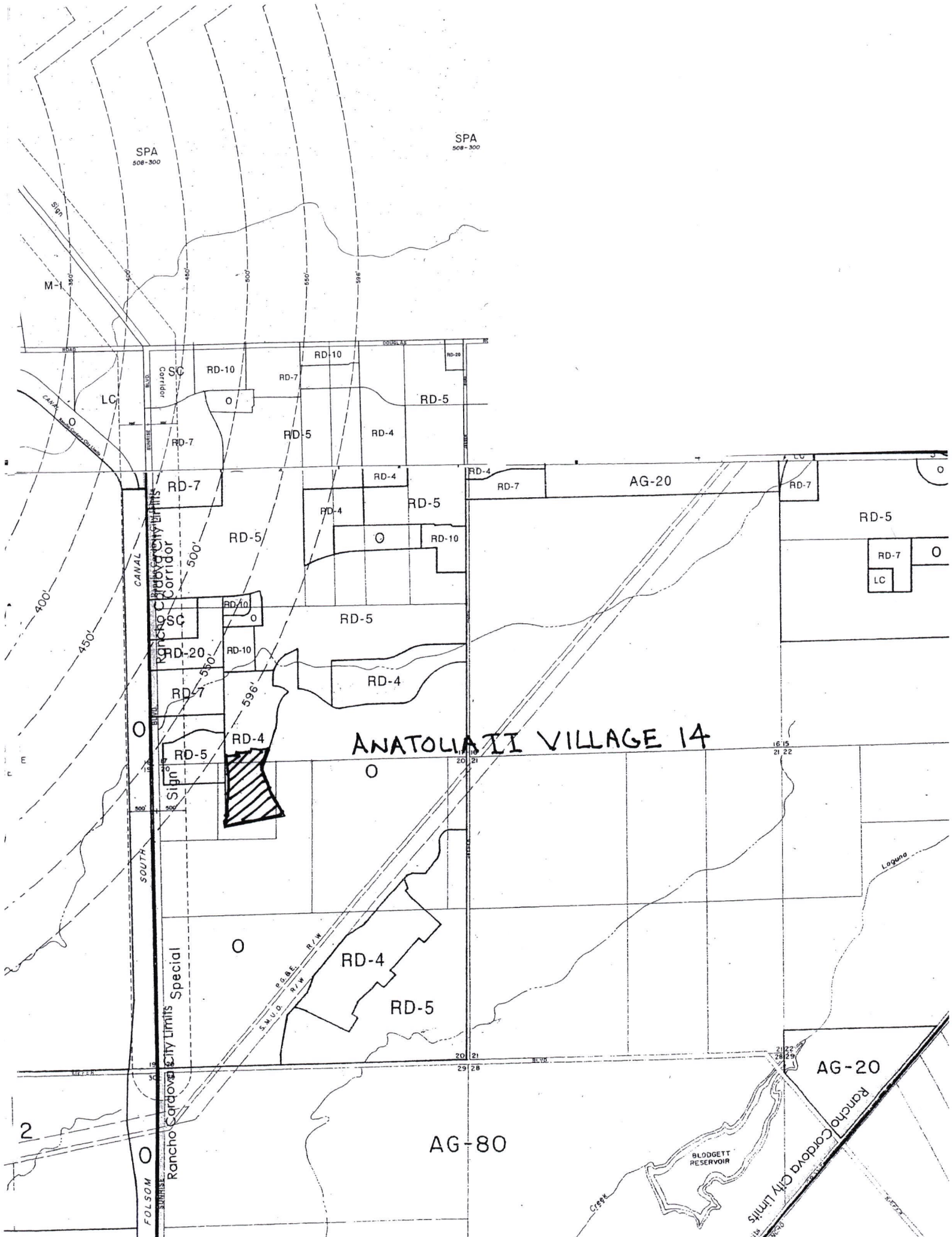
Fire Will Serve Letter

Water Will Serve Letter

Monumentation Bond Waiver

SPA
506-500

SPA
508-300



ANATOLIA II VILLAGE 14

AG-80

AG-20

Rancho Cordova City Limits

OWNERS STATEMENT

THE UNDERSIGNED HEREBY CONSENTS TO THE PREPARATION AND RECORDED OF THIS FINAL MAP AND OFFERS FOR DEDICATION OF THIS EASEMENT TO ANY AND ALL PUBLIC USES THE PUBLIC WAYS, OPEN SPACE, DRIVE AND COURT SHOWN HEREON AND ALSO OFFERS FOR DEDICATION AND DOES HEREBY DEDICATE FOR SPECIFIC PURPOSES THE FOLLOWING:

- AN EASEMENT FOR CONSTRUCTING AND MAINTAINING CENTRALIZED MAIL DELIVERY BOXES, FEEDERIALS AND STOPS, INCLUDING THE RIGHT OF ACCESS FOR FEEDERIALS AND RECEIPT OF MAIL, ON, OVER, UNDER AND ACROSS STRIPS OF LAND FIVE (5.00) FEET IN WIDTH, LYING CONTIGUOUS TO THE PUBLIC WAYS, CIRCLE, DRIVE AND COURT SHOWN HEREON.
- EASEMENTS FOR PLANTING AND MAINTAINING TREES, INSTALLATION AND MAINTENANCE OF ELECTRICAL, TELEPHONE, CABLE, CONTROL DEVICES, WATER AND SANITARY LINES, UNDERGROUND WIRES AND CONDUITS FOR ELECTRICAL, TELEPHONE AND TELEVISION SERVICES, TOGETHER WITH ANY AND ALL APURTENANCES PERTAINING THERETO, ON, OVER, UNDER AND ACROSS THOSE STRIPS OF LAND TWELVE AND ONE-HALF (12.5) OR TWENTY-TWO AND ONE-HALF (22.5) FEET IN WIDTH AND CONTIGUOUS TO THE PUBLIC WAYS, CIRCLE, DRIVE AND COURT SHOWN HEREON, AND DESIGNATED "PUBLIC UTILITY EASEMENT" (P.U.E.)
- AN EASEMENT FOR LANDSCAPING AND ALL APURTENANCES APPERTAINING THERETO LYING ON, OVER AND ACROSS STRIPS OF LAND SHOWN HEREON, AND DESIGNATED "LANDSCAPING EASEMENT" SAID STRIPS TO BE KEPT OPEN AND FREE FROM BUILDINGS. (L.E.)
- RIGHTS-OF-WAY AND EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF A PEDESTRIAN WALKWAY TOGETHER WITH ANY AND ALL APURTENANCES PERTAINING THERETO ON, OVER, UNDER AND ACROSS STRIPS OF LAND SHOWN HEREON AND DESIGNATED "PEDESTRIAN EASEMENT" (P.E.).

CAMBRIDGE (ANATOLIA) LP A CALIFORNIA LIMITED PARTNERSHIP

BY: CESS DATE: 2-2-04
A CALIFORNIA LIMITED LIABILITY COMPANY

Chris Stevens, Managing Member
PRINT NAME AND TITLE

NOTARY'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA
COUNTY OF Sacramento SS

ON THE 24 DAY OF February, 2004, BEFORE ME, Shelley J. Watson, a Notary Public in and for said State, PERSONALLY APPEARED, Chris Stevens, of PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT HIS SIGNATURE ON THE INSTRUMENT IS HIS OWN, OR THE ENTRY UPON WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND: Shelley J. Watson
PRINTED NAME: Shelley J. Watson

COUNTY OF: Sacramento

MY COMMISSION EXPIRES: November 16, 2007

MY COMMISSION NO.: 1451254

TRUSTEES STATEMENT

CORNERA BANK, AS TRUSTEE UNDER DEED OF TRUST RECORDED ON OCTOBER 14, 2003, IN BOOK 20031014, PAGE 2789, OFFICIAL RECORDS OF SACRAMENTO COUNTY, IN BOOK 20031014, PAGE 2770, OFFICIAL RECORDS OF SACRAMENTO COUNTY.

BY: David Rodger
PRINT NAME AND TITLE: David Rodger, SVP, Western Division

BY: David Rodger
PRINT NAME AND TITLE: David Rodger, SVP, Western Division

NOTARY'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA
COUNTY OF Sacramento SS

ON THE 24 DAY OF February, 2004, BEFORE ME, Sandra Nikahis, a Notary Public in and for said State, PERSONALLY APPEARED, David Rodger, of PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT, THE TERMS, OR THE ENTRY UPON WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND: Sandra Nikahis
PRINTED NAME: Sandra Nikahis

COUNTY OF: Sacramento

MY COMMISSION EXPIRES: June 23, 2007

MY COMMISSION NO.: 1268232

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE WITH THE REQUEST OF CAMBRIDGE (ANATOLIA) LP. ON AUGUST 06, 2003, I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE ORIGINAL FIELD SURVEY, THAT THE MAP IS ACCURATE AND CORRECT, AND THAT THE POSITIONS INDICATED AND WILL BE SET BY MARCH 2005 AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

WOOD RODGERS, INC.



David Rodger
CRAND E. SPEISS
PLS 7944 EXP 12-31-05

DATE: FEBRUARY 19, 2004

CITY ENGINEERS STATEMENT

I, HEREBY STATE THAT I HAVE EXAMINED THIS MAP OF ANATOLIA II VILLAGE 14, AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP APPROVED BY THE BOARD OF SUPERVISORS OF SACRAMENTO COUNTY, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL APPLICABLE CITY ORDINANCES HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT SAID PLAN IS TECHNICALLY CORRECT.

CITY ENGINEER
CRAND E. ABHAR
DATE: 12/23/03
EXPIRATION DATE: 12/31/2005

CITY CLERK'S STATEMENT

I, HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA HAS APPROVED THIS FINAL MAP AND HAS ACCEPTED ON BEHALF OF THE CITY OF RANCHO CORDOVA THE PUBLIC WAYS, CIRCLE, DRIVE AND COURT TOGETHER WITH ANY AND ALL APURTENANCES PERTAINING THERETO, SUBJECT TO THE IMPROVEMENT THEREOF AND CERTIFY THE ABANDONMENTS LISTED HEREON.

CITY CLERK
CITY OF RANCHO CORDOVA
DATE: _____

RECORDERS STATEMENT

FILED THIS 24 DAY OF February, 2004, AT SACRAMENTO, IN BOOK 20031014 AT PAGE 2770 AT THE REQUEST OF WOOD RODGERS, INC., TITLE TO THE LAND INCLUDED IN THIS SUBDIVISION BEING VESTED AS PER CERTIFICATE NO. _____ ON FILE IN THE OFFICE.

FEE \$ _____

BY: _____ COUNTY RECORDER
COUNTY OF SACRAMENTO

BY: _____ DEPUTY RECORDER

SUBDIVISION NO. 01-0385.8

FINAL MAP OF

ANATOLIA II VILLAGE 14

BEING ALL OF LOT 14 OF THAT CERTAIN LARGE LOT FINAL MAP OF "ANATOLIA" FILED FOR RECORD

IN BOOK 316 AT PAGE 8, SACRAMENTO COUNTY RECORDS

CITY OF RANCHO CORDOVA

MARCH 2004



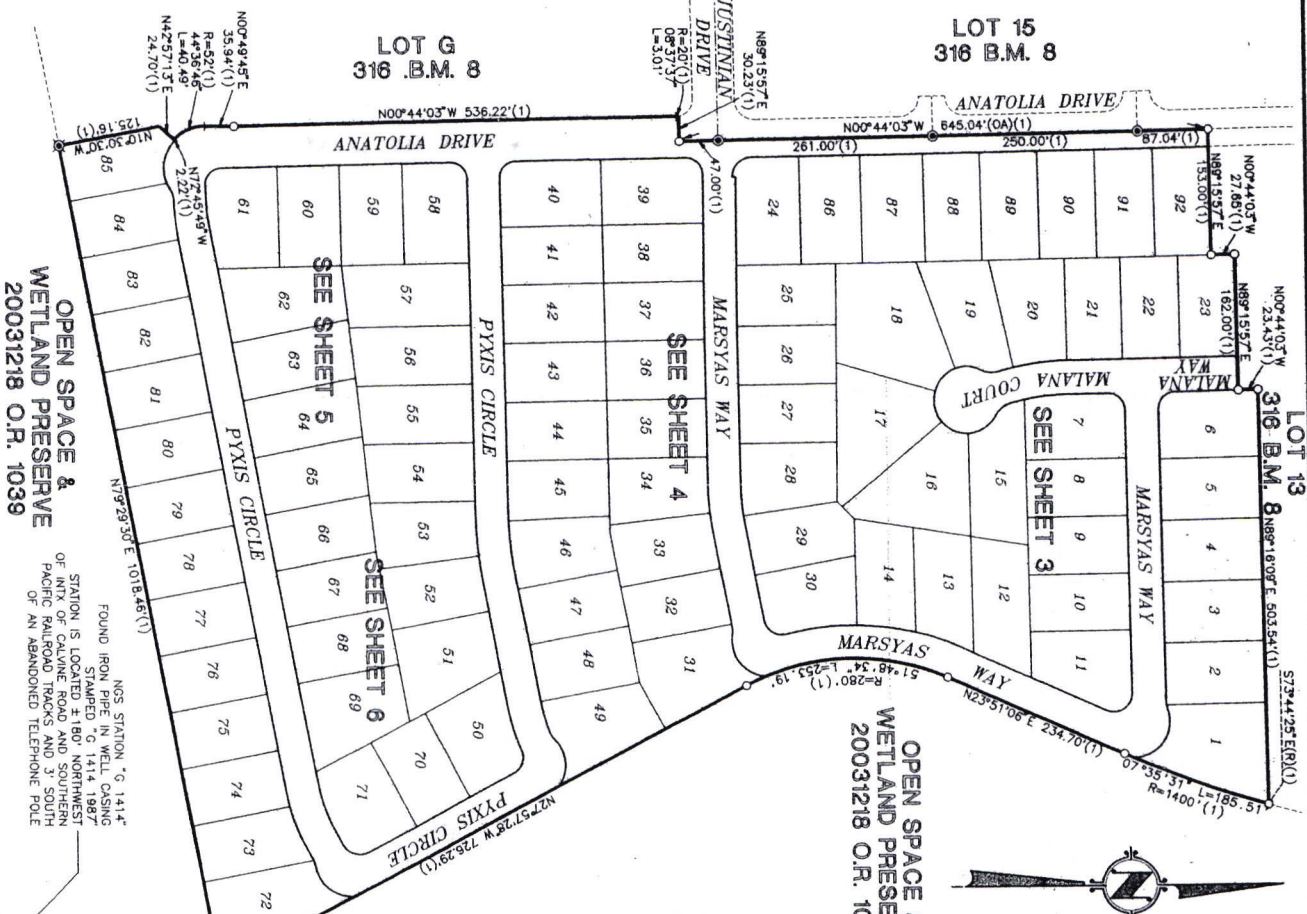
WOOD RODGERS
ENGINEERING - MAPPING - PLANNING - SURVEYING
3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.341.7760
Fax 916.341.7767

Sheet 1 of 6
11/13/04

LOT 15
316 B.M. 8

LOT G
316 B.M. 8

LOT 13
316 B.M. 8



NOTES

1. ALL CURVE DIMENSIONS SHOWN ARE RADII, DATA, AND ARC LENGTH, THEREOF.
2. TOTAL AREA OF THIS VILLAGE 14 IS 24.60+ ACRES GROSS, CONSISTING OF 92 RESIDENTIAL LOTS.
3. THERE SHALL BE A 5.00 FOOT POSTAL EASEMENT LOCATED WITHIN EACH SMALL LOT ALONG ALL STREETS RIGHTS-OF-WAY.
4. THERE SHALL BE A 12.50 FOOT PUBLIC UTILITY EASEMENT LOCATED WITHIN EACH SMALL LOT ALONG ALL STREETS RIGHTS-OF-WAY UNLESS OTHERWISE SHOWN HEREON.
5. A PRELIMINARY SOILS REPORT WAS PREPARED WALLACE-KUHL, A PROFESSIONAL CIVIL ENGINEER, ON DATED JANUARY 24, 2002, AT THE CITY OF RANCHO CORDOVA BUILDING INSPECTION DEPARTMENT. A COPY OF THIS REPORT IS AVAILABLE FOR PUBLIC INSPECTION.
6. PROPERTY SHOWN HEREON IS REGULATED BY THE REQUIREMENTS OF THE CITY OF RANCHO CORDOVA TREE PRESERVATION ORDINANCE.
7. THE LAND SHOWN HEREON, BEING LOT 14, 316 B.M. 8 IS HEREBY RESUBDIVIDED PURSUANT TO SUBDIVISION MAP 47, SECTION 66499.20-1/2 AND THE FOLLOWING EASEMENT, NOT SHOWN, IS HEREBY ABANDONED:
 1. PUBLIC UTILITY EASEMENTS OVER LOT 14 DEDICATED ON 316 B.M. 8, S.C.R.
 2. IRREVOCABLE OFFER OF DEDICATION OVER LOT 14 DEDICATED ON 316 B.M. 8, S.C.R.

NOTARY'S ACKNOWLEDGEMENT

STATE OF CALIFORNIA }
COUNTY OF Sacramento } SS
ON THE 21 DAY OF February, 2004, BEFORE ME, I. Tapas,
A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY
APPEARED, David P. Hertz,
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON
WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED
TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT
BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON
WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.
WITNESS MY HAND: I. Tapas
PRINTED NAME: I. Tapas
COUNTY OF: Sacramento
MY COMMISSION EXPIRES: 8/6/07
MY COMMISSION NO.: 1434127

LEGEND

- DIMENSION POINT
- SET 5/8" REBAR WITH CAP U.S. 7944 AT ALL FRONT CORNERS, ALL REAR LOT CORNERS AND ALL ANGLE POINTS ALONG REAR LOT LINES OR 1" BRASS DISK U.S. 7944 AT 100 FOOT PROJECTION OF PROPERTY LINE ONTO SIDEWALK FOR FRONT CORNERS
- SET 3/4" IRON PIPE WITH PLUG STAMPED U.S. 7944
- FOUND 1-1/4" IRON PIPE STAMPED U.S. 8046
- LANDSCAPE EASEMENT
- OVERALL
- PEDESTRIAN EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- (R) RADIAL LINE
- S.C.R. SACRAMENTO COUNTY RECORDS

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 2, NAD 83, EPOCH DATE 1987.30, AS MEASURED BETWEEN NOS STATION "G" 1414 AND NOS STATION "G" 1414.1ST ORDER, SUD BEARING IS N 72°44'09" E. DISTANCES SHOWN ARE GROUND BEARS.

REFERENCES

- (1) 316 B.M. 8 (ANATOLIA LARGE LOT MAP)



SUBDIVISION NO. 01-0385.8
FINAL MAP OF

ANATOLIA II VILLAGE 14
BEING ALL OF LOT 14 OF THAT CERTAIN LARGE LOT FINAL MAP
OF "ANATOLIA" FILED FOR RECORD
IN BOOK 316 AT PAGE 8, SACRAMENTO COUNTY RECORDS
CITY OF RANCHO CORDOVA
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

MARCH 2004



WOOD RODGERS ASSOCIATES
CONSULTING ENGINEERS
3301 G St., Suite 100-A
Sacramento, CA 95816
Tel: 916.241.7760
Fax: 916.241.7767

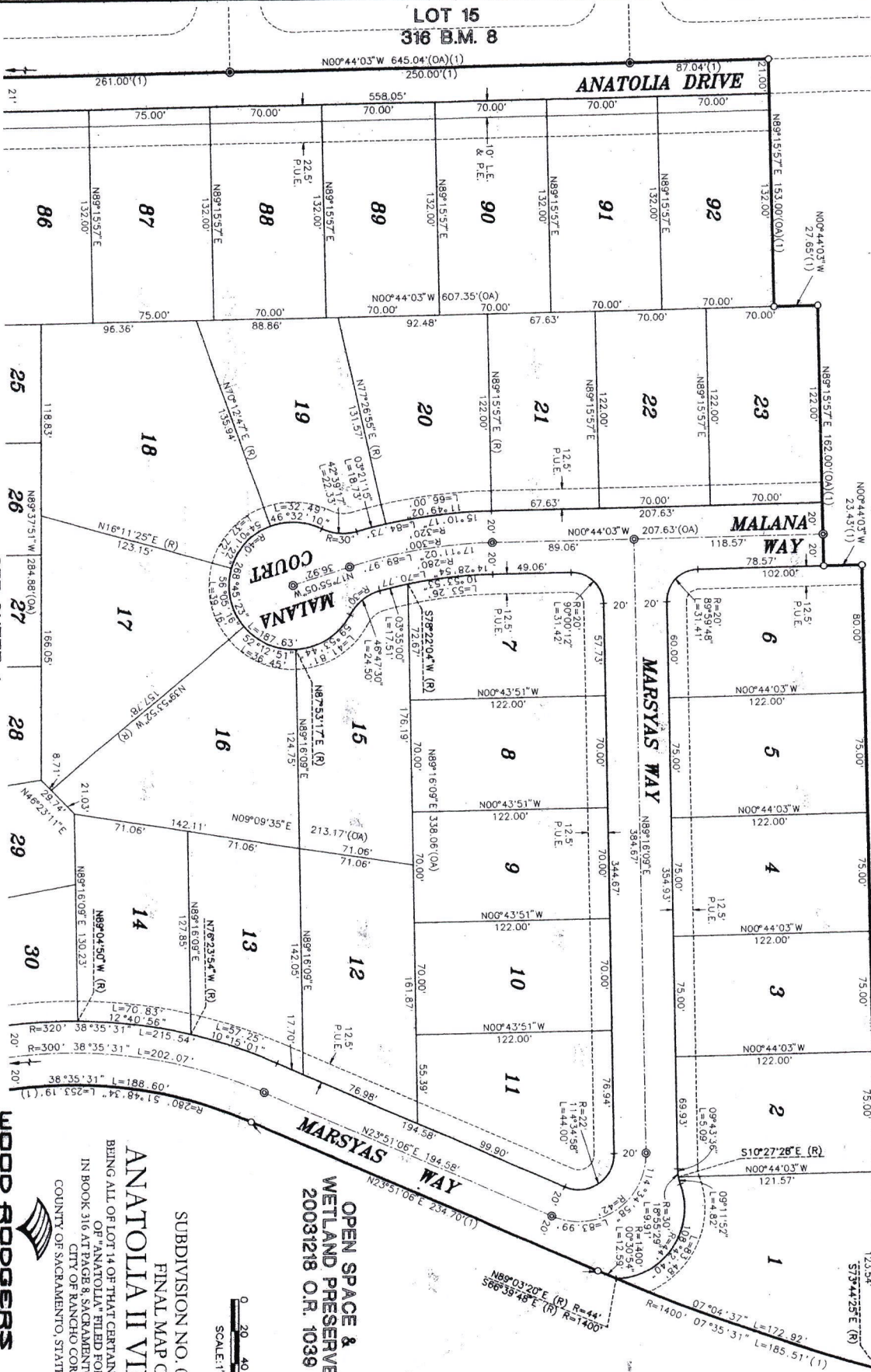
Sheet 2 of 6
11/13/04

OPEN SPACE &
WETLAND PRESERVE
20031218 O.R. 1039

FOUND IRON PIPE IN WELL CASING
STAMPED "G 1414 1987"
OF INTER CALINE ROAD AND SOUTHERN
PACIFIC RAILROAD RIGHTS-OF-WAY
OF AN ABANDONED TELEPHONE POLE

FOUND BRASS DISK IN SQUARE CONC
MON STAMPED "SHELDON 1939"
STATION IS LOCATED IN A GRASSY
FIELD ± 400' SOUTHWEST OF THE AMERICAN
RIVER FIRE PROTECTION DISTRICT
STATION ± 100' SOUTHWEST OF THE
SOUTHWEST CORNER OF THE
SOUTHWEST CORNER OF THE
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LOT 13
316 B.M. 8



OPEN SPACE &
WETLAND PRESERVE
20031218 O.R. 1039

SUBDIVISION NO. 01-0385.8

FINAL MAP OF

ANATOLIA II VILLAGE 14

BEING ALL OF LOT 14 OF THAT CERTAIN LARGE LOT FINAL MAP
OF "ANATOLIA" FILED FOR RECORD
IN BOOK 316 AT PAGE 8, SACRAMENTO COUNTY RECORDS
CITY OF RANCHO CORDOVA
COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

MARCH 2004

WOOD ROGERS

ENGINEERING - SURVEYING - PLANNING - ARCHITECTURE
3201 C ST., SUITE 100-B TEL 916.941.7700
SACRAMENTO, CA 95830 FAX 916.941.7707

Sheet 3 of 6
11/5/04

SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.

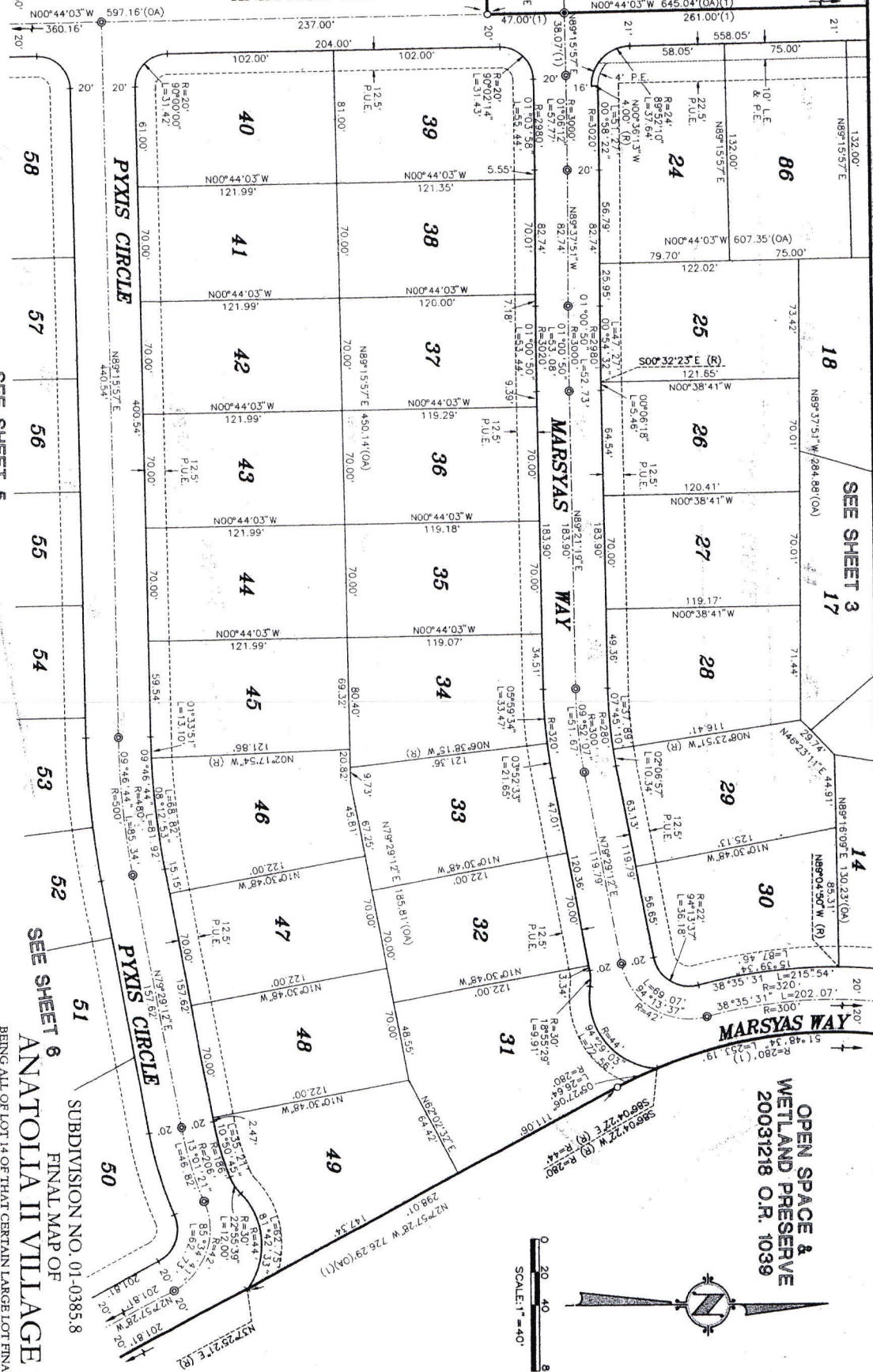
SEE SHEET 4

LOT 15
316 B.M. 8

LOT G
316 B.M. 8

ANATOLIA DRIVE

ANATOLIA DRIVE



OPEN SPACE &
WETLAND PRESERVE
20031218 O.R. 1039



SEE SHEET 5

SEE SHEET 3

SEE SHEET 6



WOOD RODGERS
ENGINEERING • PLANNING • SURVEYING
3301 C St., Bldg. 100-B
Sacramento, CA 95816
Tel 916.941.7700
Fax 916.941.7707

MARCH 2004

SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.

Sheet 4 of 6
114304

SUBDIVISION NO. 01-0385.8
FINAL MAP OF
ANATOLIA II VILLAGE 14
BEING ALL OF LOT 14 OF THAT CERTAIN LARGE LOT FINAL MAP
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COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

LOT G
316 B.M. 8

ANATOLIA DRIVE

SEE SHEET 4

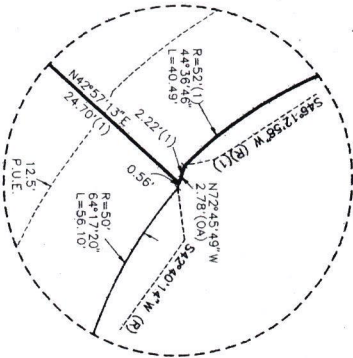
PYXIS CIRCLE

SEE SHEET 6

SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.

OPEN SPACE &
WETLAND PRESERVE
20031218 O.R. 1039

0 20 40 80
SCALE: 1"=40'



DETAIL "A"
1" = 10'

SUBDIVISION NO. 01-0385.8
FINAL MAP OF
ANATOLIA II VILLAGE 14
BEING ALL OF LOT 14 OF THAT CERTAIN LARGE LOT FINAL MAP
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COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

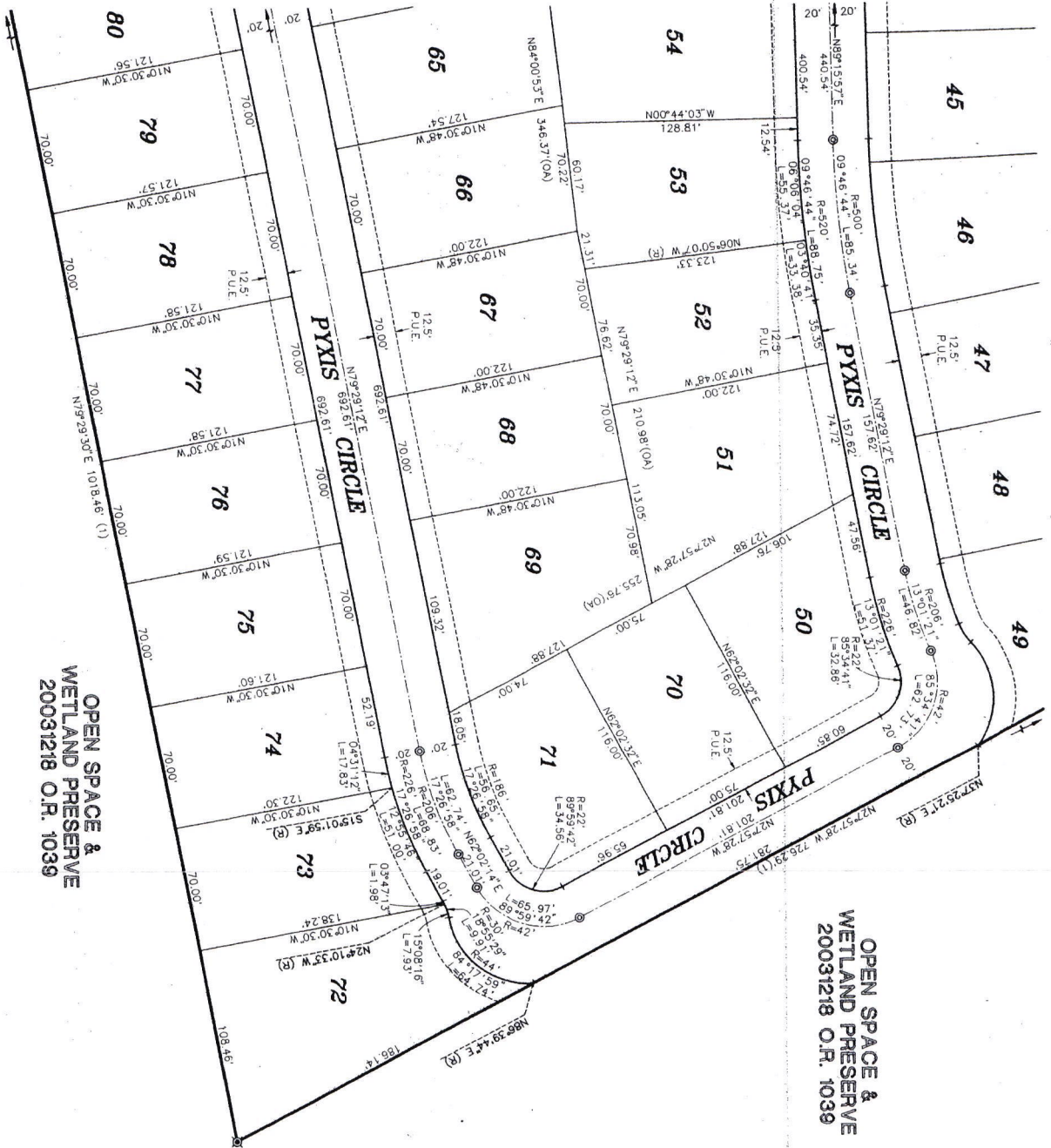
MARCH 2004

WOOD ROGERS
ENGINEERING • PLANNING • SURVEYING
3301 C ST., Bldg. 100-B Tel. 916.341.7780
Sacramento, CA 95816 Fax 916.341.7787

Sheet 5 of 6
11/3/04

SEE SHEET 5

SEE SHEET 4



SEE SHEET 2 FOR BASIS OF
BEARINGS, LEGEND AND NOTES.

OPEN SPACE &
WETLAND PRESERVE
20031218 O.R. 1039

OPEN SPACE &
WETLAND PRESERVE
20031218 O.R. 1039

0 20 40 80
SCALE: 1"=40'



SUBDIVISION NO. 01-0385.8
FINAL MAP OF

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CITY OF RANCHO CORDOVA

COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

MARCH 2004



WOOD ROGERS
ENGINEERING • MAPPING • PLANNING • SURVEYING
3301 C St., Bldg. 100-B TEL 916.341.7760
Sacramento, CA 95816 FAX 916.341.7767

Sheet 6 of 6

1143064

RESOLUTION NO. 36-2004
ANATOLIA II VILLAGE 14 SUBDIVISION

NOW, THEREFORE, the Mayor of the City of Rancho Cordova resolves to execute an agreement on behalf of the City in connection with **Cambridge (Anatolia) L.P., a California Limited Partnership** and the subdivision designated as **Anatolia II Village 14** in the form hereto attached, and for all matters incidental thereto, and to do and perform everything necessary to carry out the purpose of this resolution.

On a motion by Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted by the City Council of Rancho Cordova, State of California, this _____, day of _____, 2004 with the following vote, to wit:

AYES: Council Member(s),

NOES: Council Member(s),

ABSENT: Council Member(s),

ABSTAIN: Council Member(s),

Linda Budge, Mayor

(S E A L)

ATTEST: _____
City Clerk

SUBDIVISION IMPROVEMENT AGREEMENT

THIS AGREEMENT entered into this _____ day of _____, 2004, by and between the City of Rancho Cordova, (hereinafter "City"), and CAMBRIDGE (ANATOLIA) LP, a California Limited Partnership (hereinafter "Principal").

RECITALS

WHEREAS, Section 66462 of the Government Code provides that if the work of improvement required therein is not completed prior to the acceptance of a final subdivision map, the owner of the subdivision may enter into an agreement with the City to perform the work of improvement as required by said sections in consideration of the acceptance of said final subdivision map by the City; and

WHEREAS, Section 66499 of the Government Code requires that said Agreement be secured by a surety bond or by an instrument of credit issued by a financial institution subject to regulation by the State or federal governments or by a cash deposit; and

WHEREAS, Section 66499.3 establishes the types and amount of security to guarantee the performance of any such improvement agreement; and

WHEREAS, City and Principal desire to enter into an improvement agreement as authorized by the Subdivision Map Act under the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual promises, conditions and covenants hereinafter set forth, City and Principal agree as follows:

1. Incorporation of Recitals. The foregoing recitals are hereby incorporated by reference.

2. Findings and Conditions of Subdivision Map. Principal recognizes that approval of his subdivision was subject to the

findings and conditions attached to such approval and hereby acknowledges and agrees to be bound by such findings and conditions.

3. **City Approval of Subdivision Map.** City agrees to approve the final map of the subdivision presented to it by Principal and designated **Anatolia II Village 14**, and to accept on behalf of the public all lands, rights of way and easements therein offered in dedication, in accordance with the conditions hereinafter set forth.

4. **Completion of Improvements.** In consideration of such approval, Principal agrees to complete the work of improvement required for said subdivision in accordance with the requirements of the Rancho Cordova City Code and such standard specifications created by applicable City ordinances or resolutions which are in effect at the time of the installation of said improvements. The work required may lie within or outside the subdivision and must be completed within **24** months of the date of this agreement.

5. **Payment For Services.** Principal further agrees to promptly pay, when due, all costs for plan checking, inspection services and material testing performed by City pursuant to the requirements of Sections 12.03.210 et. seq. of the Rancho Cordova City Code.

6. **Sunridge Specific Plan Fee.** Principal acknowledges that the City is in the process of adopting one or more fees and/or financing mechanisms in order to implement provisions of the Sunridge Specific Plan, and that as of the time of recordation of the Final Map, these fees and/or financing mechanisms are not yet in effect. Principal acknowledges and agrees that with the exception of model homes, no building permits for any residential or non-residential structure shall be issued for any lot within the Final Map unless and until such fees have been approved by the City.

7. **Park Renovation Fee.** Principal acknowledges that

the City is in the process of adopting a fee for the purpose of renovating existing parks in the amount of \$733 per single family lot within the Final Map ("Park Renovation Fee"), and that as of the time of recordation of the Final Map, such fee is not yet in effect. Subdivider acknowledges and agrees that such fee will be paid prior to the issuance of a building permit for the respective lot.

8. **Acceptance of Improvements.** Upon satisfactory completion of all public improvements in accordance with standard specifications created by City ordinances or resolutions which are in effect at the time of the installation of said improvements, City agrees to accept for maintenance the work of improvement within the dedicated parcels shown on said final subdivision map, and any off site easements granted, subject to the provisions of paragraph 8 hereof.

9. **Notice of Commencement of Work.** Principal shall notify the City Engineer in writing of the commencement of the work of improvements.

10. **Correction of Defects.** Principal agrees to remedy any defects in the improvement arising from faulty or defective construction of said improvements occurring within twelve months after acceptance thereof by City.

11. **Indemnity.** Principal shall indemnify and hold harmless City from any and all loss, damage or liability arising out of or resulting from Principal's performance or non-performance of his duties and obligations under this Agreement, or from the negligent act or omission of himself, his agents, servants and employees. Principal shall, at his own cost and expense, defend any and all actions, suits, or legal proceedings arising out of or resulting from the performance or nonperformance of this Agreement, that may be brought or instituted against the City, its officers and employees, on any such claim or demand, and pay or satisfy any judgment that may be rendered against the City in any such action, suit or legal proceedings, or result thereof,

regardless whether caused in part by a party indemnified hereunder.

12. Extension of Completion Date. If the construction of the work or improvement should be delayed without fault of Principal, the time for completion thereof may be extended by City for such period of time as City may deem reasonable.

13. Improvement Security. (a) Principal shall obtain and furnish to City an improvement security consisting of a surety bond in favor of City, issued by a corporate surety authorized to do business in the State of California, and in form approved by City, securing the faithful performance by Principal of the work of improvement required, and also securing the payment of the costs and interest, if any, due under Sections 12.030.210 et seq. of the Rancho Cordova City Code, as provided in Paragraph 5 herein and an additional bond issued by a corporate surety authorized to do business in the State of California, in the amount of not less than 50 percent of the total estimated cost of the improvement, securing payment to contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement.

(b) In lieu of said corporate surety bonds, Principal may furnish an improvement security consisting of a letter of credit, certificate of deposit, or similar instrument of credit, in form satisfactory to City, issued by a financial institution subject to regulation by the State or Federal government, pledging that the funds necessary to meet the performance required herein are on deposit, and guaranteed for payment on demand. Said letter of credit, certificate of deposit, or similar instrument of credit shall provide that the funds designated therein shall become trust funds for the purposes set forth in said instrument.

(c) The failure of Principal to commence the required work of improvements, or to complete the same within the time required after commencement thereof, shall entitle City to the full payment of the security, or so much thereof as may be necessary

to complete the required work of improvement. The amount of the surety bond for faithful performance shall be in the sum of \$968,300. The amount of the surety bond for the payment of the claims of the contractor, his subcontractors, and to persons renting equipment or furnishing labor or materials for the improvement shall be at least 50 percent of the above amount. The letter of credit, certificate of deposit or similar instrument of credit, or cash deposit for faithful performance, shall be in the above amount plus an additional 50 percent for the purposes set forth herein.

14. Improvement Security As Condition Precedent. The furnishing of the improvement security by Principal as required by paragraph 11 hereof shall be a condition precedent to acceptance by City of the above described real property and the performance by the City of the covenants herein on its part to be performed.

15. Inspection of Work In Progress. (a) Principal may request The City Engineer to inspect the work as it progresses. If the work performed is found to be in accordance with the requirements of City, it may be accepted as it progresses and a partial refund of the cash deposit, or a release pro tanto of the faithful performance bond, letter of credit, certificate of deposit or similar instrument of credit shall be made in a sum in the same ratio to the total deposit as the work accepted bears to the total work to be done. No refund in excess of 85 percent of the total amount of the improvement security for faithful performance shall be made until all the work has been completed and accepted.

(b) The determination of the Administrator of Public Works of City as to the amount of work done, and the amount of refund or partial release pro tanto, shall be final and conclusive. When the work of improvement is accepted, 10 percent of the improvement security shall be retained to guarantee faithful performance of the provisions of paragraph 8 of this Agreement.

(c) Improvement security given to secure payment to contractor, his subcontractors and to persons renting equipment or furnishing labor or materials for the work of improvement may, six months after completion and acceptance of the work, be reduced to an amount not less than the total of all claims on which an action has been filed, and notice thereof given in writing to City, and if there are no actions filed, such improvement security may be released in full.

16. Execution By Real Party In Interest. Where title to the subdivision property is held by the record owner thereof under a holding Agreement, this Agreement and the bond given pursuant thereto must be executed by the real party or parties in interest.

17. Waiver of Civil Code Section 2819. Any extension of time hereunder shall not operate to release the surety on the bond filed pursuant to this Agreement. In this connection the surety waives the provisions of Section 2819 of the Civil Code of the State of California.

18. County Construction of Improvements. In the event that all or any portion of the works of improvement contemplated herein are proposed to be constructed by street improvement proceedings under the control of City, the undertaking of such proceedings shall in no way relieve Principal of any duties under this Agreement, except where all of the works of improvement that are required under this Agreement have in fact been constructed and accepted by City.

19. Interest. Interest shall accrue at the highest rate permitted by law on all sums from the date payment is due under the terms of this agreement and the sum due is certain or reasonably capable of being made certain.

20. Attorneys' Fees. In the event that it is necessary for the City to enforce the obligations secured by the improvement security furnished pursuant to Paragraph 11 hereof, the City shall be entitled to recover its costs and reasonable expenses

and fees, including reasonable attorneys' fees, as provided for in Government Code Section 66499.4.

21. Amendments. This Agreement may be modified or amended, or any of its provisions waived, only by a subsequent written agreement executed by the parties hereto.

22. Entire Agreement. This Agreement and any attachments hereto constitute the sole, final, complete, exclusive and integrated expression and statement of the terms and conditions of this Agreement among the parties hereto concerning the subject matter addressed herein, and supercedes all prior negotiations, representations or agreements, oral or written, that may be related to the subject matter of this Agreement.

23. Construction and Interpretation. It is agreed and acknowledged by the Principal that the provisions of this Agreement have been arrived at through negotiation, and that the Principal has had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not apply in construing or interpreting this Agreement.

24. Successors and Assigns. This Agreement shall bind and inure to the benefit of the respective successors and assigns of the parties hereto.

25. Time. Time is of the essence in the performance of each and every term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

CITY OF RANCHO CORDOVA

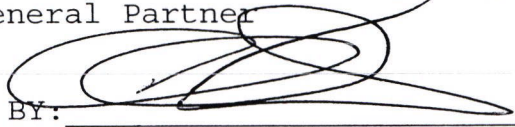
By _____
MAYOR

CITY (SEAL)

ATTEST: _____
Clerk of the City Council

PRINCIPAL

CAMBRIDGE (ANATOLIA) LP,
A California Limited Partnership
By: Cambridge Communities, LLC, a
California Limited Liability Company
Its: General Partner

BY:  _____

CHRISTOPHER L. STEVENS MEMBER
Name & Title

a:\im_sec.agr

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of SACRAMENTO

} ss.

On FEBRUARY 23 2004 before me, JEFFREY R. DOMINIQUE, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared CHRISTOPHER L. STEVENS
Name(s) of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Jeffrey R. Dominique
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Memorandum

Date: March 15, 2004

To: Mayor and Council Members

From: Lillian Hare, City Clerk *L Hare*



Subject: Sacramento Regional County Sanitation District (SRCSD)
Governance Structure

RECOMMENDATION:

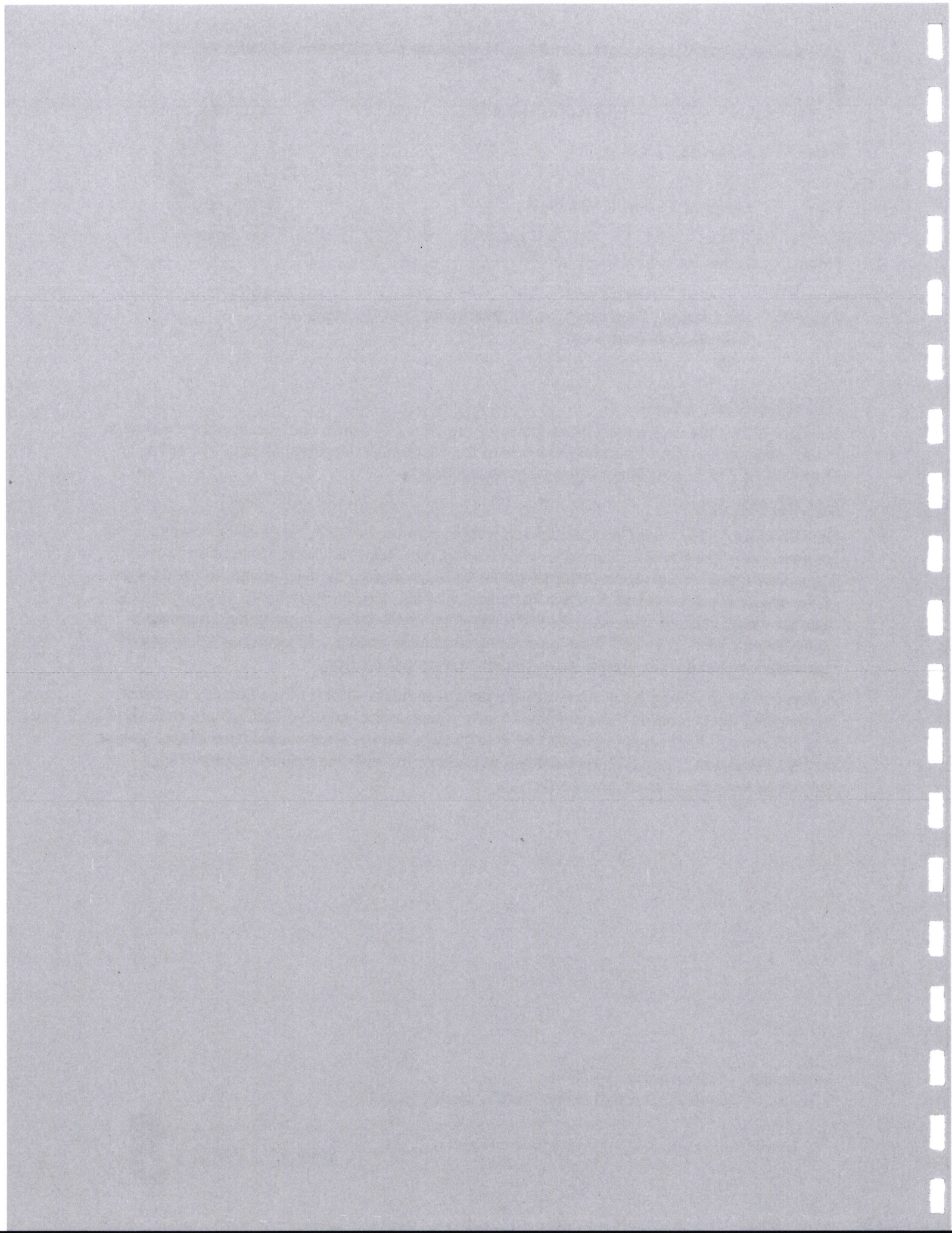
Resolution 38-2004 is provided for adoption by the Council, if the Council can support a change in the composition of the Board of Directors of the Sacramento Regional County Sanitation District (SRCSD) to give Yolo County a permanent seat.

BACKGROUND:

On December 1, 2003, the City Council adopted Resolution 78-2003, supporting a change in the composition of the Board of Directors of the Sacramento Regional County Sanitation District. The action approved the recommended Option 7, which allowed the Sacramento County Board of Supervisors to maintain each of their seats and gave the City of Sacramento three additional seats for a total of four, while the other affected cities retained one seat until their population exceeds specified thresholds. West Sacramento was to be given a seat once they were annexed into the District and Yolo County was to be given a temporary seat.

Because of Yolo County's concerns with the growth-inducing effects of the Lower Northwest Interceptor Project running through Yolo County's panhandle, and other SRCSD projects which they believe will have on-going impact to Yolo County, they have requested a permanent seat on the SRCSD Board. The SRCSD Board will move forward with this request if there is no opposition from the affected jurisdictions.

Attachment: (1) Resolution 38-2004
(2) SRCSD report to the Board of Supervisors



RESOLUTION NO. 38-2004

A RESOLUTION SUPPORTING A CHANGE IN THE COMPOSITION OF THE BOARD OF DIRECTORS OF THE SACRAMENTO REGIONAL COUNTY SANITATION DISTRICT

BE IT RESOLVED by the City Council of the City of Rancho Cordova that:

The City of Rancho Cordova supports a revised representational composition for the Sacramento Regional County Sanitation District (SRCSD) Board of Directors that includes the following provisions:

- The SRCSD Board would be comprised of five representatives from Sacramento County and representatives from the cities of Citrus Heights, Elk Grove, Folsom, Rancho Cordova and Sacramento based on the following population thresholds:

<u>City Population</u>	<u>Number of Board Members</u>
0 to 150,000	1
150,001 to 250,000	2
250,001 to 350,000	3
350,001 to 450,000	4
450,001 to 550,000	5
550,001 to 650,000	6
650,001 to 750,000	7
750,001 and above	8

- Any future city within Sacramento County that is served by SRCSD would become eligible for independent representation on the SRCSD Board, regardless of population.
- If the City of West Sacramento annexes to SRCSD, they would be eligible for representation on the SRCSD Board based on the population thresholds in the above table. Yolo County would be eligible for one permanent representative (that would be the member of the Yolo County Board of Supervisors whose supervisorial district includes all, or the greater portion of, the population of the City of West Sacramento).
- Representation and the associated voting power on the SRCSD Board may not be delegated to other members by proxy. (For instance, one member cannot have multiple votes -- the structure is such that one member = one vote.)
- If those members of the governing body of the sanitation district constitute an even number and the vote is tied, then the chairperson of the board of directors of the sanitation district shall have an additional vote.

ON A MOTION by _____, seconded by _____, the foregoing resolution was passed and adopted by the City Council of the City of Rancho Cordova this 15th day of March, 2004, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor
City of Rancho Cordova

ATTEST:

Lillian Hare, City Clerk



10545 Armstrong Avenue

Yuba
California
95655

Phone: [916] 876-6000

Fax: [916] 876-6160

Website: www.srcsd.com

Board of Directors

County of Sacramento

Mayor Dickinson

Theresa Collin

Muriel P. Johnson

Roger Niello

Don Nottoli

City of Citrus Heights

Debbie Bruins

City of Elk Grove

Sophia Scherman

City of Folsom

Kerri Howell

City of Rancho Cordova

Dave Roberts

City of Sacramento

Debbie Fargo

Therese Creson
Agency Administrator

Robert F. Shanks
District Engineer

Debra Maurer
Chief Financial Officer

Wendell Kido
District Manager

Barry K. Snyder
Collection Systems Manager

Stan R. Dean
Plant Manager

DATE: February 10, 2004

TO: Honorable Board of Supervisors

FROM: Sacramento Regional County Sanitation District

SUBJECT: Sacramento Regional County Sanitation District (SRCSD) Governance Structure and Related Legislation

RECOMMENDATION:

It is recommended that your Board:

- 1) Receive and file this report,
- 2) Approve the attached resolution supporting a change in the composition of the Board of Directors of the Sacramento Regional County Sanitation District (SRCSD).

BACKGROUND:

In December 2001, the SRCSD Board convened a subcommittee to develop, evaluate and recommend a governance structure for the Sanitation District that ensures equitable representation. The subcommittee is comprised of Directors that would represent various viewpoints from the county, a small city and a large city perspective when evaluating potential governance options. The members of the SRCSD governance subcommittee include: Supervisor Muriel Johnson, Council Member Dave Jones, Supervisor Roger Niello, Council Member Sophia Scherman, and SRCSD staff comprised of Bob Shanks, Wendell Kido and Terrie Mitchell.

Many deliberations have taken place over the last two years regarding the governance structure among the subcommittee members, as well as the SRCSD Board. Two key principles that were discussed centered around representation of incorporated and un-incorporated jurisdictions, as well as whether larger cities should have more relative voting power based on population. Based on these discussions, ten governance options have been proposed and evaluated, with much of the dialogue centered on Option 7.

Option 7 modifies the existing governance structure based on specified population thresholds. It enables the Sacramento County Board of Supervisors to maintain each of their seats and gives the City of Sacramento three additional seats/votes for a total of four, while the other affected cities would retain one seat/vote, until their population exceeds the specified thresholds. As a result, this option would increase the total number of directors on the SRCSD Board to 15 (once West Sacramento and Yolo County join the Board – However, under this proposal as well as the existing statute, Yolo County only has a temporary seat).

In February 2003, Assembly Member Houston introduced AB 686, which revised SRCSD's current governance structure framed around Option 7. This bill was introduced with the caveat that it would not move forward unless it is acceptable by the various jurisdictions served by SRCSD. The Yolo County Board of Supervisors took an "oppose" position, primarily related to the temporary nature of their future SRCSD Board seat. As a result, Assembly Member Houston removed the bill from the calendar to be heard in the Local Government Policy Committee (which was scheduled for January 14th, 2004), *effectively dropping the bill*.

DISCUSSION:

At the January 28, 2004 SRCSD Board meeting, staff provided a status report on the governance proposal. In addition, Yolo County provided written and verbal testimony regarding a permanent seat on the SRCSD Board (see attached letter). Essentially, Yolo County expressed concern with the growth-inducing effects of the Lower Northwest Interceptor Project (LNWI) running through Yolo County's panhandle. They believe that various SRCSD projects, such as the extension of services to the Natomas area, the Sacramento Airport, and of course, West Sacramento creates immediate and on-going impacts to Yolo County. As a result, they have indicated that they want a permanent seat on the SRCSD Board to maintain representation for its affected area, and Yolo County's concerns as a whole. They believe this is an appropriate governance structure for SRCSD, to ensure regional issues are addressed equitably.

As a result, the SRCSD Board took the following action and directed staff to:

1. Modify the proposed "Option 7" governance structure to provide a permanent seat for Yolo County.
2. Seek the introduction of legislation to revise SRCSD's governance structure framed around this modified proposal. (However, this action was taken with the understanding that the legislation would only be moved forward if there appears to be no opposition from the affected jurisdictions.)
3. Brief the affected jurisdictions to determine whether they support the proposed change in SRCSD's governing board via the adoption of a resolution.
4. Report back to the SRCSD Board of Directors regarding the outcome of these discussions.

Today, we are providing a briefing on the proposed structure for SRCSD's governing board and requesting that your Board take action as to whether you support this change. It is recognized that you have already been engaged in the governance discussions, since you are all also members of the SRCSD Board. However, we are presenting this report to you so that you can formally discuss this issue as the Board of Supervisors.

CONCLUSION:

It is recommended that your Board receive and file this report and adopt the attached resolution that indicates your support regarding changing the composition of the Board of Directors of the Sacramento Regional County Sanitation District.

Respectfully submitted,

Wendell H. Kido
District Manager

WHK/TLM:gjl (02-24-04 BoS Report Back on SRCSD Governance.doc)

Contact for additional information:

Wendell H. Kido
District Manager
876-6115

APPROVED:

Cheryl Creson, Administrator
Public Works Agency

By:

Robert F. Shanks
District Engineer

CITY OF RANCHO CORDOVA

ORDINANCE NO. 6-2004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING THE DEVELOPMENT AGREEMENT FOR RC-03-001,
THE SUNRIDGE PARK PROJECT**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS
FOLLOWS:

Section 1: Recitals

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, et seq., of the Government Code (the "Development Agreement Statute"), which authorizes the City and any person having a legal or equitable interest in the real property to enter into a development agreement, establishing certain development rights in the Property which is the subject of the development project application.

B. The proposed Sunridge Park Project (RC-03-001) is located south of Douglas Road and east of Jaeger Road, which is within the SunRidge Specific Plan ("Specific Plan") and which is designated as Low Density Residential by the General Plan and the Community Plan.

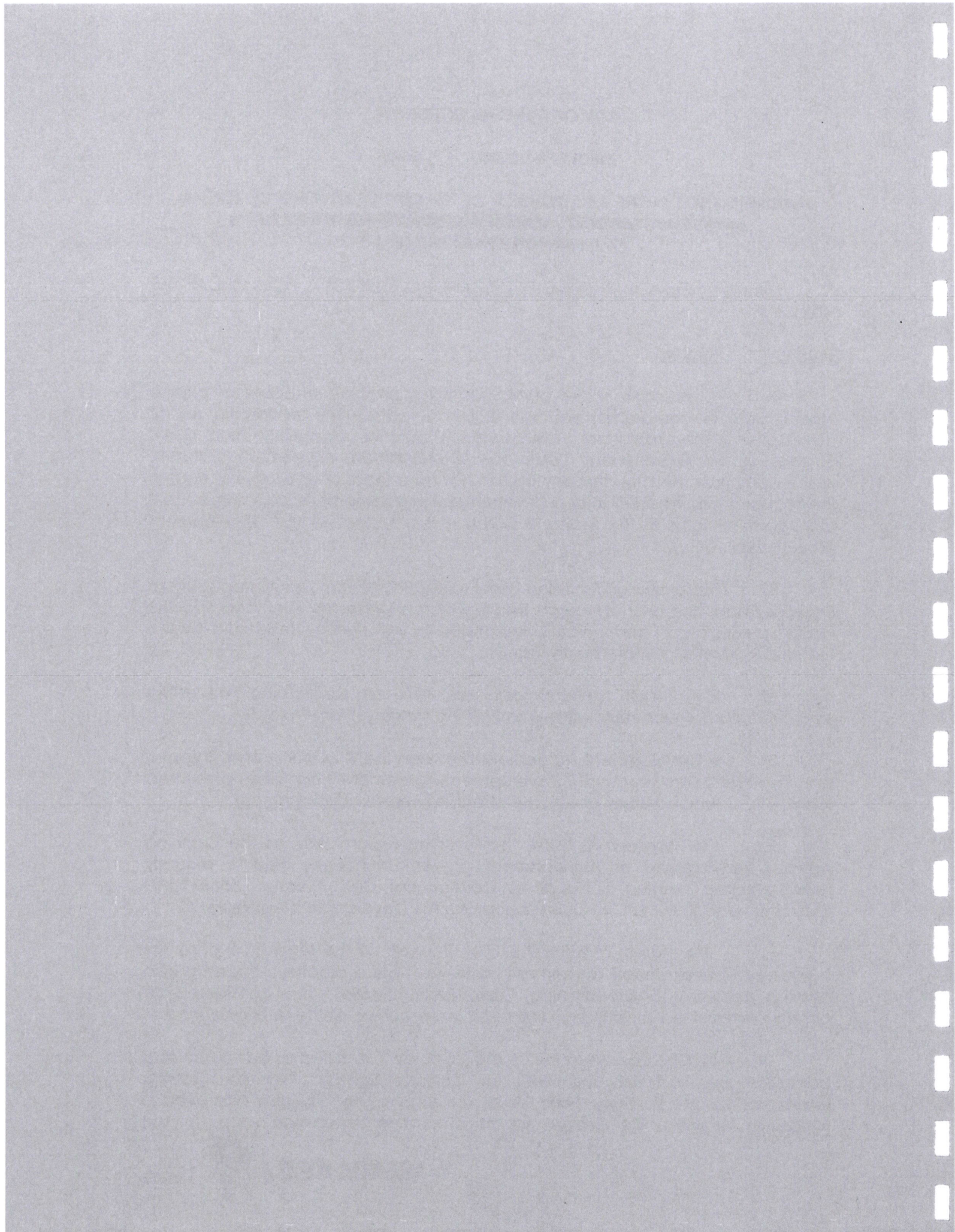
C. River West Development has filed an application requesting approval of a Development Agreement for the Sunridge Park Project.

D. A Development Agreement between the City of Rancho Cordova and River West Development ("Development Agreement") has been presented to the City Council, a copy of which is attached hereto as Attachment 1.

E. On February 12, 2004, the Planning Commission, as the planning agency for purposes of development agreement review, held a properly noticed public hearing pursuant to Government Code Section 65867 and recommended that the City Council approve the Development Agreement.

F. On March 1, 2004, the City Council, as the legislative body for purposes of development agreement approval, held a properly noticed public hearing pursuant to Government Code Section 65867 and considered all comments received in writing and all testimony received at the public hearing.

G. In 2002, Sacramento County ("County"), certified as adequate and complete the Final EIR (the "EIR") for Sunridge Specific Plan and Zoning Ordinance for the Sunridge Park Project property. The City also approved a Mitigated Negative Declaration for the Tentative Subdivision Map for the



Sunridge Park project on January 15, 2004. Mitigation measures were required in the EIR and Mitigated Negative Declaration and are incorporated into the Sunridge Park Project and into the terms and conditions of the Development Agreement.

H. Pursuant to the California Environmental Quality Act, the City has performed an Initial Study and issued a Mitigated Negative Declaration for the Sunridge Park Tentative Subdivision Map, which concluded that: (a) the Sunridge Park Project will not have a significant impact on the environment due to the mitigation measures adopted by the City and for the following reasons: i) it will not have the potential to degrade the quality of the environment or negatively impact fish or wildlife species, including plants, or damage archaeologically significant resources; ii) it will not result in considerable cumulative impacts on the environment; iii) it will not result in environmental effects that directly or indirectly cause substantial adverse effects on human beings; and iv) the environmental impacts of the project have been reduced to a less than significant level; and (b) that the preparation of an environmental impact report pursuant to the Environmental Quality Act is not required.

Section 2: Findings and Determinations

Therefore, on the basis of (a) the foregoing Recitals, which are incorporated herein, (b) the City of Rancho Cordova's General Plan, (c) the Sunridge Specific Plan, the County's EIR, the City's Mitigated Negative Declaration and on the basis of the specific conclusions set forth below, the City Council finds and determines that:

A. The Development Agreement is consistent with the objectives, policies, general land uses and programs specified and contained in the City's General Plan, and in the Sunridge Specific Plan in that (a) the land use designation for the Sunridge Park Project site is Low Density Residential and the proposed project is to create 801 single family lots consistent with that land use, (b) the project is consistent with the fiscal policies of the General Plan and the Sunridge Specific Plan with respect to provision of infrastructure and public services, and (c) the Development Agreement includes provisions relating to financing, construction and maintenance of public facilities, park development fees and similar provisions set forth in the Sunridge Specific Plan.

B. The Development Agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use area in which the real property is located in that the project approvals include the Rezoning of the Property adopted by County in 2002, as adopted by the City on July 1, 2003 by City Resolution No. 07-2003 and City Urgency Ordinance No. 01-2003.

C. The Development Agreement is in conformity with public convenience, general welfare and good land use policies in that the Sunridge Park Project will implement land use guidelines set forth in the Sunridge Specific

Plan and the General Plan, which have planned for residential uses at this location.

D. The Development Agreement will not be detrimental to the health, safety and general welfare in that the project will proceed in accordance with all the programs and policies of the Sunridge Specific Plan. The impacts of the development on existing land uses, public services and the environment have been evaluated and mitigated through the CEQA compliance process.

E. The Development Agreement will not adversely affect the orderly development of property or the preservation of property values in that the project will be consistent with the General Plan and with the Sunridge Specific Plan.

F. The Development Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5 in that it includes all the substantive elements and has been processed consistent with all the procedural requirements of Government Code Sections 65864 through 65869.5.

Section 3: Approval

The City Council hereby approves the Development Agreement (Attachment 1) and authorizes the City Manager to sign it after the effective date of the amendment in Section 4, below.

Section 4: Amendment of the Zoning Code

Title I, Chapter 1, Article 4, of the Rancho Cordova Zoning Code, "Comprehensive Zoning Plans," is hereby amended by adding the following section:

"101-802. Development Agreement for Sunridge Park"

Pursuant to Government Code section 57376, the City Council hereby declares its intention that Title I, Chapter 1, Article 4, of the Rancho Cordova Zoning Code, as amended, shall supercede Title I, Chapter 1, Article 4 of the Sacramento County Zoning Code.

Section 5: Recordation

Within ten (10) days after the Development Agreement is executed by the City Manager, the City Clerk shall submit the Agreement to the County Recorder for recordation.

Section 6: Effective Date and Publication of Ordinance Summary

This Ordinance shall take effect and be in force thirty (30) days from and after the date of its passage. The City Clerk of the City of Rancho Cordova shall

cause a summary of the Ordinance to be posted in accordance with Section 36933 of the Government Code of the State of California.

* * * * *

PASSED, APPROVED AND ADOPTED this 15th day of March, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Memorandum



Date: March 15, 2004

To: City Council

From: Kathleen Franklin

Subject: Anatolia Village II – Village 9
Project Number RC-03-056

The project referenced above was presented to the City Council for Development Plan Review on March 1, 2004. At that time the Council asked that the project be continued to March 15, 2004 to allow additional time for review. There was a request that the location of subdivisions, similar to what is being proposed within Village 9, and already constructed by U S Homes, be provided to the Council prior to the March 15th meeting. The Council would have the opportunity to view these subdivisions to provide them with a better visual understanding of the resulting streetscape of Village 9.

U S Homes provided staff with the location of two (2) subdivisions similar to the proposed Village 9 on March 2, 2004. The maps to these subdivisions were forwarded to the City Council by e-mail and a hard copy was placed in each Councilmember's mail box in City Hall.

RESOLUTION # 24-2004

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
APPROVING DEVELOPMENT PLAN REVIEW FOR ANATOLIA VILLAGE 9
PROJECT # RC-03-056**

WHEREAS, U.S. Homes (hereinafter referred to as Applicant) filed an application with the City of Rancho Cordova (hereinafter referred to as City) for Development Plan Review for Anatolia Village #9; and

WHEREAS, the City Council is the appropriate authority to hear and take action on this project; and

WHEREAS, the project site was previously analyzed as a part of the Sunridge Specific Plan EIR and further analyzed within the Mitigated Negative Declaration for the Tentative Subdivision Maps for Anatolia I, II and III adopted in March 2003 by the County of Sacramento Board of Supervisors, thereby satisfying the requirements for the California Environmental Quality Act; and

WHEREAS, the City Council of the City of Rancho Cordova has conducted a properly noticed public hearing pursuant to Government Code section 65090 and has duly considered all written and verbal testimony presented during the hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA HEREBY RESOLVES AS FOLLOWS:

Findings:

1. CEQA

Finding:

The project site has been analyzed as part of the Sunridge Specific Plan EIR and the Mitigated Negative Declaration for the Anatolia Subdivisions I, II and III in compliance with the California Environmental Quality Act (CEQA).

Evidence: The Sacramento County Board of Supervisors adopted the Sunridge Specific Plan EIR and the Mitigated Negative Declaration for the Anatolia Subdivisions I, II and III. The environmental issues of aesthetics of the development for the project site were adequately addressed within the two (2) documents. This project will not create any significant adverse impact on the environment.

2. DEVELOPMENT PLAN REVIEW

Approve the Development Plan Review subject to the Design Package (see Exhibit A) and the Conditions of Approval (see Exhibit B) based on the following findings:

Findings:

1. Home designs incorporate authentic architectural styles. Particular attention has been paid to the design of all front and side elevations facing the street or open space. All other elevations interior to the lot include, at a minimum, the articulation of all windows and doors (e.g., three-dimensional trim.)
2. The project provides diversity of homes within the subdivision by size and mass, elevation, garage orientation, and setbacks to avoid repetition of floor plans and elevations on adjacent homes within each subdivision and/or unit within a master planned area. (The intent is to create sufficient variation among home plans to ensure visual interest along residential streets throughout each neighborhood.)
3. The project provides variety in mass and scale of homes that is visually appealing from the street.
4. The project provides landscape that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street.
5. The project provides home designs with a wide range of pricing levels to accommodate all income levels within the City.

Evidence: The following justifies the findings above:

1. The architect has provided three architectural styles Western Craftsman, European Traditional and Mediterranean. Each of the styles are represented by some of the classic features of those architectural designs.
2. The home builder, U.S. Homes, has presented their design package for Village 9 of Anatolia II. The subdivision consists of 152 lots in the RD-5 Zone, with the lots averaging approximately 55 X105 feet (5,775). There are five (5) floor plans. For each of the five (5) floor plans, three (3) architectural styles are proposed to allow a greater number of design combinations to be placed within the tract. The project has been conditioned to include an additional floor plan which provides a "side on garage". This floor plan will be used in at least 15% of the homes in the subdivision. The project has also been conditioned to include door and window trim details and some of the front elevation features on all four sides of the elevations. With the added conditions described above the design of the units is consistent with the design concepts listed above.
3. Village #9 will be developed in approximately fifteen (15) phases. The Developer will pre-plot each phase of the subdivision and will submit plans to the Building Department for permits. The Planning Department will review the Building Permits for compliance with setbacks and also to ensure that the unit types, sizes, and colors achieve a mix that avoids repetition of floor plans and elevations. The Applicant has stated that they discourage adjacent units of the same floor plan and that if this does occur the elevations and colors are varied.
4. The applicant has submitted a landscape plan that will soften the streetscape through shade trees, ground cover, shrubbery and accent trees. The plan also provides trees that will be approved by the City's Public Works and Planning Director that will ensure the eventual tree canopy along the street.

5. The project site is zoned RD-5 and is providing a residential unit within the overall Specific Plan that is within a medium price range.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 15th day of March, 2004.

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda Budge, Mayor
City of Rancho Cordova

ATTEST:

Lillian Hare, City Clerk

City Council Staff Report



Date: March 15, 2004
To: Mayor and City Council
From: Paul Junker, Planning Director
Subject: General Plan Cost Recovery Fee

RECOMMENDATIONS

1. Conduct a public hearing on the General Plan Cost Recovery Fee
2. Provide final direction on fee structure and fee exemptions
3. Direct staff to prepare a resolution to adopt the General Plan Cost Recovery

Background:

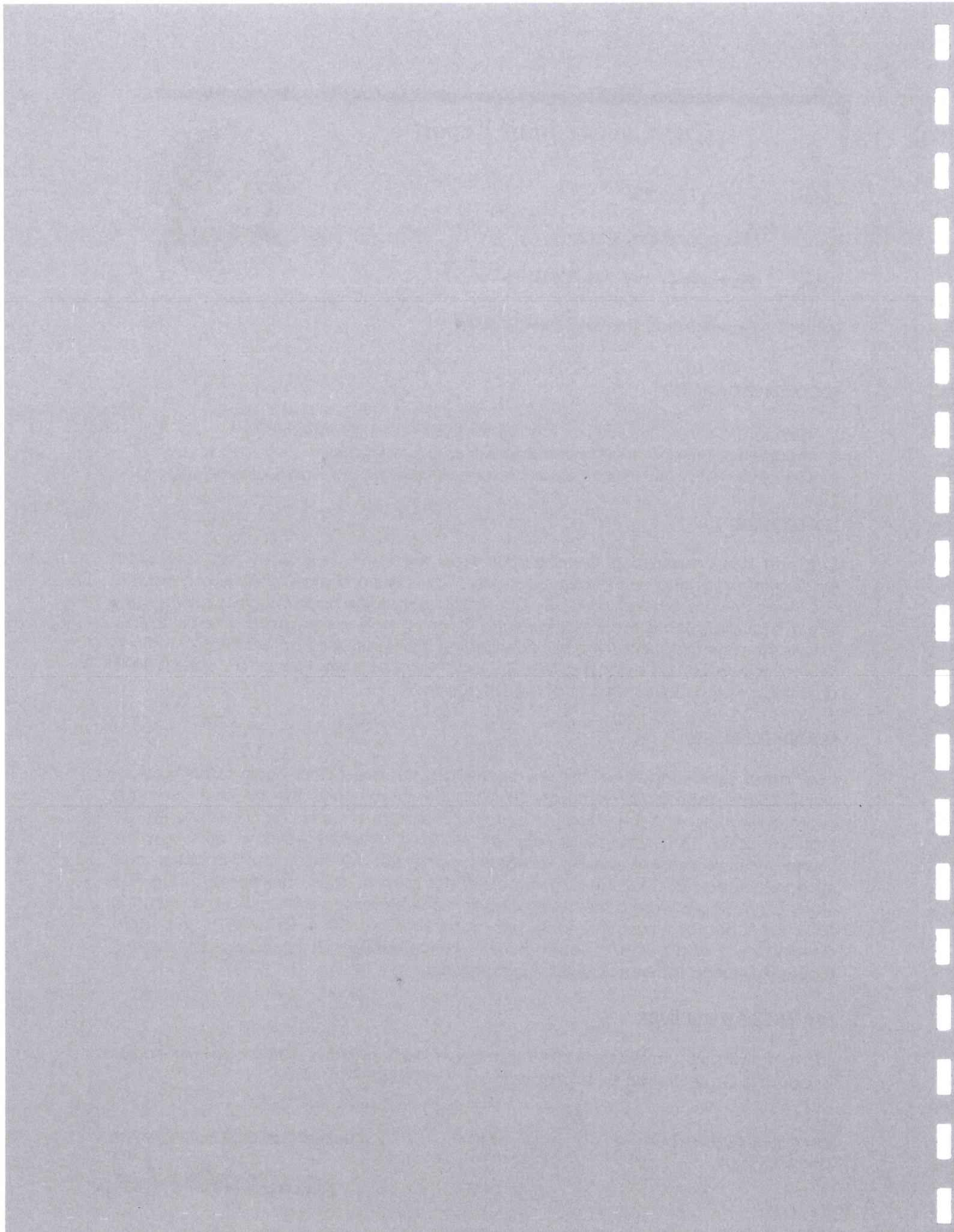
City staff has prepared a General Plan Cost Recovery Fee Study that considers funding for preparing and implementing the City's general plan. This report and the Fee Study are presented to the City Council for discussion and final direction to staff. Once final direction is received from the Council, staff will prepare a resolution to adopt the new fee. Assuming no outstanding issues require further review, staff will present the resolution adopting the General Plan Recovery Fee as a consent item during the April 5, 2004 meeting of the City Council.

Fee Study Review:

Due to the direct impact of this fee on the development community, staff held an initial informal meeting on February 19, 2004 with members of the BIA and a second informal meeting with the Rancho Cordova Chamber of Commerce and the BIA on March 9, 2004. Attendance at February 19, 2004 meeting was low, although the representatives present voiced general support for the study methodology and recognized the need for the City to collect this fee. Various comments on the Fee Study assumptions were offered, resulting in modifications to the study. The March 9, 2004 BIA/Chamber meeting included approximately 20 members of the local development and business communities. No opposition to the proposed fee was expressed during the March 9, 2004 presentation.

Fee Study Assumptions:

The underlying assumptions that led to this Fee Study and the staff recommendation to adopt a General Plan Cost Recovery Fee are as follows:



- The City will incur substantial expenses related to preparing its general plan and completing implementation steps such as a comprehensive update of the zoning code, preparation of design guidelines, and similar general plan implementation tasks.
- The planning horizon of the general plan and associated implementation tasks is 10 years, and adequate fees should be collected within this period to fund the City's efforts.
- General plan cost recovery should apply to all new development throughout the City, to be collected through the building permit process.

In order to calculate the fee amount, staff made several assumptions regarding future development within Rancho Cordova, as noted below:

Assumed Costs:

- The anticipated cost of general plan efforts is assumed to be \$2,250,000; \$1,250,000 for plan preparation, EIR, legal defense and related costs, and \$1,000,000 for subsequent implementation programs following plan adoption.
- The above estimate has been increased from staff's original proposal in response to additional potential workload, including the likelihood of lawsuit requiring the City to provide a legal defense of the General Plan.

Assumed Development for 2004 - 2014:

- 15,000 single family dwellings, average size 2,100 square feet
- 2,000 multi-family dwellings, average size 1,050 square feet
- 2,000,000 square feet of non-residential development

1390 MF

General Plan costs are assumed to be \$2,225,000 over the next ten years. Of this total, \$1,250,000 is anticipated for the costs associated with preparing, adopting and defending the General Plan, and \$1,000,000 is anticipated for plan implementation following adoption. The proposed fee noted above was increased by \$250,000 following the March 1, 2004 City Council meeting in response anticipated additional costs, including the potential for legal challenge and defense of the General Plan after adoption.

define

Resulting General Plan Cost Recovery Fees:

Staff has considered two general approaches for assessing the General Plan Cost Recovery Fee, both of which vary with the scale of the project. The first approach bases the fee on building permit valuation and the second approach bases the fee on square footage of development. Under either of these approaches the General Plan Fee would be collected prior to issuance of building permit. The two approaches described above yield the following fees under the Fee Analysis prepared by staff:

Sample of fees charged by construction valuation
(\$0.658 per \$1,000 permit valuation):

<u>Sample Projects:</u>	<u>Permit Valuation</u>	<u>GP Fee</u>
Patio Cover	\$ 4,000	\$ 2.63
SFD Unit	\$ 208,000	\$ 136.86
80,000 sf Commercial	\$5,600,000	\$3,684.64

Sample of fees charged by square feet of construction
(\$0.063 per square foot of construction):

<u>Sample Projects:</u>	<u>Square feet</u>	<u>GP Fee</u>
Patio Cover	200	\$ 12.64
SFD Unit	2,100	\$ 132.74
Commercial	80,000	\$5,056.93

Of the two methodologies described above, staff recommends the fee based on project valuation. Because the fee is based on the estimated value of the project, this methodology distributes the fee burden most equitably among projects.

As originally proposed by staff, the General Plan Cost Recovery Fee would have applied to all new construction that requires City building permits. However, during the initial City Council review staff received direction to consider exemptions for existing homeowners undertaking home improvements. Staff will offer the following approaches to the Planning Commission on March 11, 2004 and will report the Commission's recommendation at the meeting of March 15, 2004. The two exemption options proposed by staff are as follows:

- Exempt any home improvement to an existing residential structure that does not add usable square footage to the structure (i.e. interior remodels, roof replacement/repair, or exterior repairs).
- OR
- Exempt any home improvement made to an existing residential structure, including improvements adding square footage.

The City Council may identify and direct staff to incorporate alternative strategies for exempting existing homeowners from the General Plan fee.

Review of Fees at Sample Jurisdictions:

As the City considers the adoption of new fees, it is appropriate to review fees adopted by other jurisdictions to ensure that Rancho Cordova's fees are not overly burdensome to prospective developers. Based on staff's review of 18 California cities, the proposed fees, as described above, fall within the middle range of adopted general plan cost recovery fees. Staff's review of adopted fees is provided below.

E. evaluate annually

Fees charged based upon a dollar value of building permit valuation:

Belmont	\$2.20 per \$1,000 valuation (generates \$60k / year)
Daly City	\$5 per \$1,000 valuation
Garden Grove	\$2 plus \$1.75 per \$1,000 valuation (also covers cultural arts)
Modesto	\$0.26 per \$1,000 valuation
Monterey Park	\$2 per \$1,000 valuation
Oakland	\$1 per \$1,000 valuation (generates \$500k / year)
Orange	\$0.50 per \$1,000 valuation
Stockton	\$1 per \$1,000 valuation

Flat rate fee per planning application:

Pleasanton	\$250 per planning application
------------	--------------------------------

$\$25k = \16.45
 $\$100k = \65.80
1 will = 658.

Surcharge on the sum of all planning and permit fees for each building permit:

Morgan Hill	5% of building permit and planning fees
Riverside	10% of all development related fees
Sacramento	3 or 4% of building permit fee (proposed Aug. 2003)
San Rafael	15% of building permit fee (generates \$100k / year)
Tiburon	10% of building permit fee
Truckee	\$3.10 added to building permit fee

Dollar value for each dwelling unit or square foot of new construction:

Brentwood	\$211.62 per dwelling unit (fee charged against residential only)
Fairfield	Residential: \$62 per sq ft, Commercial: \$.003 per sq ft
Santa Paula	\$0.51 per sq ft of new construction (projects > 500 sq ft only)

Staff Recommendations:

Staff recommends the City Council direct staff to prepare a resolution to adopt the General Plan Cost Recovery Fee subject to the following guidelines:

- Total revenue to be generated through the General Plan Fee: \$2,250,000 over a ten year period.
- The General Plan Fee shall be assessed based on a percentage of building permit valuations. $\$0.658$ / 1000 of CV, all types?
- Exempt any home improvement to an existing residential structure that does not add usable square footage to the structure (i.e. interior remodels, roof replacement/repair, exterior repairs.
- The General Plan Fee should be evaluated annually to determine whether adjustments to the fee are required.

Attachment 1: General Plan Cost Recovery Fee Study

Chamber agrees -
CV - not
exempt
interior
remodels
also
City Council Staff Report
March 15, 2004
4 of 4

General Plan Cost Recovery Fee

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CITY OF RANCHO CORDOVA CALCULATION OF GENERAL PLAN COST RECOVERY FEE



10461 OLD PLACERVILLE ROAD, SUITE 110
RANCHO CORDOVA, CA 95827

MARCH 15, 2004

RANCHO CORDOVA GENERAL PLAN FEE ANALYSIS

Introduction

A city's General Plan and related elements must be updated periodically in order for a city to issue building permits and approve planning applications. Pacific Municipal Consultants (PMC) was engaged to calculate a fee sufficient to offset the cost of updating Rancho Cordova's General Plan and related long-range planning elements.

Scope of Project

- | | |
|--------|--|
| Task1 | Calculate a fee to fund 100% of the periodic cost of updating the City's General Plan and related long-range elements. |
| Task 2 | Identify the fee's fiscal impact on a sample of land uses and permits. |
| Task 3 | Compare the resultant proposed fee to those charged by other California jurisdictions. |

Background and Assumptions

Until recently, state law only permitted jurisdictions with populations in excess of 3 million people to collect funds, through a property tax assessment, for long-range planning activities (California Government Code Section 65250). In September of 2002, Assembly Bill 2936 was passed by the state legislature and signed by the Governor addressing the need for other jurisdictions in the state to fund General Plan maintenance and updates. The bill, enacted as Government Code 66014, provides that a local jurisdiction may impose a fee to recoup costs reasonably necessary to prepare and revise the plans and policies that a local agency is required to adopt before it can make any necessary findings and determinations. Included in these plans are a city's General Plan and associated elements and reports.

In the California cities and counties that are known to have adopted a fee for this purpose, there appears to be four methodologies used to calculate the fee. The first method bases the fee on a dollar value of building permit valuation; the second method assesses a flat rate for each planning application; the third approach imposes a percentage surcharge on the sum of all planning and permit fees for each building permit, and the fourth method applies a dollar value to each dwelling unit or square foot of new construction. Each of these four methods has advantages and disadvantages related to the calculation and application of the fee. This report will present the fee in terms of the first method, a dollar value of building permit valuation, and the fourth

method, a dollar value for each square foot of new construction. The other two methods are essentially a modification of the two analyzed methods.

Calculation of the General Plan Cost Recovery Fee (General Plan Fee) for the two selected methods requires calculation and analysis of the following information: 1) estimated cost of a General Plan update; 2) estimated useful life of an update; 3) annual construction valuation; and 4) the number of permits processed annually either historically or projected to be awarded in the future.

We assumed the costs and expenses of updating and maintaining the General Plan over the next 17 years to the year 2020. We used ten years as the useful life of a General Plan and related elements since this appears to be somewhat of an industry standard.

We also determined that the General Plan Fee would be imposed on all new construction requiring a building or land use permit. The General Plan that the fee will pay to maintain will benefit not just major new development projects, but also remodelling, expansion and improvements to existing development.¹

The City's Planning Department provided the estimated cost of a General Plan and historical and projected permit activity.

The two methods for calculating the General Plan Fee are illustrated in the following sections.

Methodology:

Cost of General Plan maintenance and update:

Based on their experience and information from other jurisdictions², City planning staff estimates the cost to update, maintain, and implement the General Plan over a ten-year period to be as follows:

	<u>Cost</u>
Update General Plan and required elements	\$1,250,000
Maintenance and implementation	<u>\$1,000,000</u>
Total Ten-Year Cost	\$2,250,000

Estimated annual development:

Both the building and planning departments provided information regarding projected development anticipated to occur in Rancho Cordova in the next decade.³

	<u>10-Year Est.</u>	<u>Annual</u>
Single Family detached units	15,000	1,500

¹ We determined that it was not necessary for any portion of the costs of maintaining the General Plan to be paid by people or property owners who were not seeking construction permits, because the primary benefits of having a General Plan and other land use planning laws in place are only realized when a person develops or builds.

² City of Rancho Cordova Planning Department; Pacific Municipal Consultants.

³ City of Rancho Cordova Planning Department based on undeveloped land use projections.

Multi-Family units	2,000	200
Non-residential (sq. ft.)	2,000,000	200,000
<u>Estimated valuation of annual development (2003 dollars):⁴</u>		
	<u>Value/unit</u>	<u>Annualized</u>
Single Family unit	\$208,000	\$312,000,000
Multi-Family	\$80,000	\$15,960,000
Non-residential (sq. ft.)	\$70	<u>\$14,000,000</u>
Total annual permit valuation		\$341,960,000

Fee Calculations:

Fee /\$1,000 of permit valuation:

Assumptions:

1. Cost per year = \$2,250,000
2. Annual permit valuation = \$341,960,000

Calculation:

Cost per year/Annual permit valuation (\$1,000) = Fee per \$1,000 of value

$$\$225,000 / \$341,960 = \$0.658 \text{ per } \$1,000 \text{ of permit valuation}$$

*for all
per units not exempted?*

Fee / square foot of new construction:

Assumptions:

1. Cost per year = \$225,000
2. Square feet of new construction per year = 3,559,475
 - a. 2,100 square feet per SFD = 3,150,000 sf
 - b. 1,050 square feet per MFDU = 209,475 sf
 - c. 200,000 square feet of non-residential

Calculation:

Cost per year/square feet of new construction per year = Fee per square foot

$$\$225,000 / 3,559,475 \text{ sf} = \$0.063 \text{ per square foot of new construction}$$

⁴ City of Rancho Cordova Planning Department; Pacific Municipal Consultants.

Impact of Fee on Various Sized Projects:

Sample of fees charged by construction valuation:

<u>Sample Projects:</u>	<u>Permit Valuation</u>	<u>GP Fee</u>
Patio Cover	\$ 4,000	\$ 2.63
SFD Unit	\$ 208,000	\$ 136.86
80,000 sf Commercial	\$5,600,000	\$3,684.64

Sample of fees charged by square feet of construction:

<u>Sample Projects:</u>	<u>Square feet</u>	<u>GP Fee</u>
Patio Cover	200	\$ 12.64
SFD Unit	2,100	\$ 132.74
Commercial	80,000	\$5,056.93

Comparable Fees Charged by other Jurisdictions

Fees charged based upon a dollar value of building permit valuation:

Belmont	\$2.20 per \$1,000 valuation (generates \$60k / year)
Daly City	\$5 per \$1,000 valuation
Garden Grove	\$2 plus \$1.75 per \$1,000 valuation (also covers cultural arts)
Modesto	\$0.26 per \$1,000 valuation
Monterey Park	\$2 per \$1,000 valuation
Oakland	\$1 per \$1,000 valuation (generates \$500k / year)
Orange	\$0.50 per \$1,000 valuation
Stockton	\$1 per \$1,000 valuation

Flat rate fee per planning application:

Pleasanton	\$250 per planning application
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Surcharge on the sum of all planning and permit fees for each building permit:

Morgan Hill	5% of building permit and planning fees
Riverside	10% of all development related fees
Sacramento	3 or 4% of building permit fee (proposed Aug.2003)
San Rafael	15% of building permit fee (generates \$100k / year)

Tiburon	10% of building permit fee
Truckee	\$3.10 added to building permit fee

Dollar value for each dwelling unit or square foot of new construction:

Brentwood	\$211.62 per dwelling unit (fee charged against residential only)
Fairfield	Residential: \$62 per sfd, Commercial: \$.003 per sq ft
Santa Paula	\$0.51 per sq ft of new construction (projects > 500 sq ft only)

Staff Report



Date: March 15, 2004

To: Honorable City Council

From: Gene Albaugh, Interim Finance Director
George Anderson, Captain
Adam U. Lindgren, Assistant City Attorney

Subject: Ordinance Amending Chapter 4.22, "Cardrooms," of the Rancho Cordova Municipal Code

RECOMMENDATION

Waive the first reading and introduce the attached ordinance.

BACKGROUND

Like Citrus Heights, the City, upon incorporation, adopted Sacramento County Code Chapter 4.22 which governs the operation of cardrooms. In October, the City Manager assigned Gene Albaugh and Captain George Anderson to review the cardroom ordinance and recommend changes in order to bring our ordinance on a par with the cities of Citrus Heights and Folsom.

As a result of the review, staff has determined that the City's cardroom ordinance needs to be updated in order to comply with the state's gambling laws and that some housekeeping changes are needed. Staff is also proposing a sunset provision allowing the City to monitor gaming and to ensure that gaming in the City does not get out of control.

Legal Analysis

The proposed amendments to the City's cardroom ordinance fall into three primary categories: 1) changes needed to bring the City's ordinance into compliance with the provisions of the state's Gambling Control Act (the "Act"; Business and Professions Code Sections 19800-19984); 2) discretionary changes allowed under the Act relating to the expansion of gambling; and 3) general housekeeping changes. In addition, staff is recommending the inclusion of a sunset provision.

Compliance Changes

The Act went into effect January 1, 1998, and has occasionally been amended by the state since that time. Unfortunately, the County has not kept their cardroom

AGENDA ITEM # 13

ordinance up-to-date. As such, the following changes are needed in order to bring the City's ordinance into compliance with current state law:

- 1) **Identification of cardroom locations.** Section 19860 of the Act provides for the denial of a state gambling license if the applicant is located in a city that does not have an ordinance governing, among other things, the "location of gambling establishments." Section 4.22.010, "Location of Cardrooms," which specifically identifies the City's two existing cardrooms and their addresses, has been added to satisfy this requirement.
- 2) **New standards for issuance of work permits.** In order to work as a cardroom manager or employee, an individual must obtain a work permit from the City. Sections 4.22.040 and 4.22.045 have been updated to reflect changes to the employee permitting standards set forth in Sections 19910-19914 of the Act.
- 3) **Removal of language referring to non-profit groups.** Currently, Section 4.22.050, "Bond," makes reference to the fact that the section's provisions will not be applicable to card games played by non-profit groups for charitable purposes. The Attorney General's office has previously objected to the inclusion of this language in Citrus Height's ordinance on the grounds that it is potentially in conflict with the state's rules distinguishing public and private clubs. Given the AG's opinion, staff recommends that the language be removed.
- 4) **New standards for the protection of patrons.** Under Section 4.22.125, cardroom operators will now have an affirmative responsibility to maintain security in the cardroom and in the parking lot. This change will allow the City's law to better reflect the requirements of Sections 19860, 19920 and 19924 of the Act concerning security and patron safety.
- 5) **New rules regarding the exclusion or ejection of patrons from cardrooms.** The language in the City's ordinance concerning the ejection of patrons no longer reflects changes made to state law on this subject. Under Section 4.22.130, the City's law will now reflect the standards contained in Section 19845 of the Act.

Expansion of Gambling

Section 19961 of the Act requires voter approval for any local ordinance amendments that will result in the "expansion of gambling" within the local jurisdiction. A one time exception is allowed, however, for amendments that don't result in any of the following events that are defined as "expansion[s] of gambling":

- an increase of 25 percent or more in the number of gambling tables in the city;
- an increase of 25 percent or more in the number of licensed card rooms in the city;

- an increase of 25 percent or more in the number of gambling tables that may be operated in a gambling establishment in the city;
- the authorization of any additional form of gambling, other than card games, that may be legally played in this state, to be played at a gambling establishment in the city;
- an increase of 25 percent or more in the hours of operation of a gambling establishment in the city; or
- an increase of 25 percent or more in the maximum amount permitted to be wagered in a game.

In accordance with these restrictions, the following amendments are proposed:

1) **Establishment of a 2-cardroom limit.** Section 4.22.025 of the City's ordinance currently allows one cardroom for every 75,000 in population. Staff proposes the establishment of a 2-cardroom limit, which will maintain the City's ability to control gambling in the future as well as reflect the City's current situation.

2) **Removal of restrictions concerning the types of card games that can be played and equipment that can be used.** Currently, only the games Draw Poker, Lowball, Panguingue, Hold'em, and Seven Card Stud may be played in the City. In addition, the City's ordinance specifically prohibits the use of all gambling related equipment other than playing cards and dealer shoes. Under the proposed ordinance, Section 4.22.090 will allow cardrooms to play all card games lawful under the regulations of the State. Section 4.22.095 will maintain the general equipment prohibition, but will allow use of other equipment if it is authorized under applicable state law.

3) **An increase in the maximum betting limit from \$40 to \$50 under Section 4.22.105.**

Housekeeping Changes

Staff has included a number of general housekeeping changes into the amended ordinance – County to City, Board to Council, etc. In addition, a number of sections have been renumbered in order to correct a numbering omission found in the County's version of the ordinance.

Sunset Provision

Finally, staff recommends the inclusion of a sunset provision with respect to certain provisions of the ordinance. In order to operate under the state's gambling laws, cardrooms are dependent upon the fact that the City regulates certain matters. For example, the state will deny a state gambling license if the City's ordinance does not govern certain matters such as hours of operation, patron security, or as mentioned above, cardroom location. Subjecting these "necessary" regulations to a sunset ordinance will allow the City to monitor gaming and ensure that gaming in

the City does not expand or get out of control. A similar provision has been adopted by the Citrus Heights.

REQUESTED MOTION

"I move that the City Council waive the first reading and introduce the ordinance amending Chapter 4.22, "Cardrooms," of the Rancho Cordova Municipal Code."

ATTACHMENTS

1. Ordinance

1 = more than 5.
2 = less than 5.
700 Rancho Club
1000 Don Juan Club

CITY OF RANCHO CORDOVA

ORDINANCE NO. 7-2004

**AN ORDINANCE OF THE CITY OF RANCHO CORDOVA AMENDING CHAPTER
4.22, "CARDROOMS," OF THE RANCHO CORDOVA MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN
AS FOLLOWS:

SECTION 1: Title 4, Chapter 4.22, "Cardrooms," is hereby amended to read as
follows:

"Cardrooms

- 4.22.000 Definitions.
- 4.22.005 License Required;
- 4.22.010 Location of Cardrooms.
- 4.22.015 Statement of Purpose.
- 4.22.020 Qualifications – Use.
- 4.22.025 Number of Licenses Limited.
- 4.22.030 Employee Permits.
- 4.22.035 Application for Permits.
- 4.22.040 Issuance or Denial of Permit.
- 4.22.045 Revocation of Permits.
- 4.22.050 Bond.
- 4.22.055 Responsibility of Licensee.
- 4.22.060 Records and Audit.
- 4.22.065 Temporary Suspension.
- 4.22.070 Temporary Suspension – Notice of Suspension and Appeal.
- 4.22.075 Operating as a Cardroom Manager or Dealer or Dealer after
Temporary Suspension.
- 4.22.080 Table Operation Fee.
- 4.22.085 Hours of Operation.
- 4.22.090 Games Permitted
- 4.22.095 Equipment – Separation.
- 4.22.100 Minors Prohibited.
- 4.22.105 Bets Limited – Notice.
- 4.22.110 Notice of Table Rent.
- 4.22.115 Credit Prohibited.
- 4.22.120 Display of Licenses and Permits.
- 4.22.125 Protection of Patrons.
- 4.22.130 Exclusion or Ejection from a Cardroom.
- 4.22.135 Conflicts.
- 4.22.140 Severability.
- 4.22.145 Sunset Provision.

- 4.22.000 Definitions.**

A. Cardroom. As used in this Chapter the term "Cardroom" means any place where gaming is conducted and to which the public is invited to participate.

B. Gaming or Gambling.

(1) As used in this Chapter the term "Gaming" or "Gambling" means any game of chance played with cards, dice, or any device for currency, money, check, credit, or other thing of value which is not prohibited and made unlawful by Penal Code Chapter 9 (commencing with Section 319) or Chapter 10 (commencing with Section 330) of Title 9 of Part I of the Penal Code or by this Chapter.

(2) "Gaming" or "Gambling" for purposes of this Chapter does not mean the following:

(a) The game of bingo conducted pursuant to and as otherwise regulated by the City of Rancho Cordova Municipal Code.

(b) Any lottery game conducted and regulated by the California State Lottery.

(c) Parimutuel wagering on horse races regulated by the California Horse Racing Board.

(d) Games played with cards in private homes or residences in which no person makes money for operating the game, residences in which no person makes money for operating the game except as a player.

4.22.005 License Required.

A. No person shall operate or conduct a cardroom in the City unless under and by authority of a valid, unexpired and unrevoked Special Business License authorizing a Cardroom issued pursuant to this Chapter.

4.22.010 Location of Cardrooms.

Cardrooms that conduct business within the City on the effective date of this Ordinance from which this section derives are:

- (1) Rancho's Club, located at 2740 Mills Park Drive; and
- (2) the Don Juan Club, located 2780 Don Juan Avenue.

4.22.015 Statement of Purpose.

A. The regulatory provisions of this Chapter are necessary to ensure that Cardrooms are operated reasonably for the protection of public health, safety, and welfare and to conform to State mandated requirements set by the Gambling Control Act found in the Business and Professions Code commencing with Section 19800, et seq. The more liberalized regulations provided in this amendment of the Chapter permit cardrooms to play a wider range of card games and increase the monetary limit on the

amount of wagers. With such liberalization of gaming regulations, the City's ability to enforce state and local law is compromised because the City's time, effort and expense increases due to an increased opportunity for dishonesty and criminal conduct. Although many operators are highly reputable, others are creative in avoiding the letter of the law. Gaming brings with it the elements of enjoyment and entertainment for its patrons but also undesirable elements such as compulsive gambling, cheating, dishonesty, and other possible criminal violations and peace disturbances.

B. If all Licensees were reputable and vigilant, regulatory supervision would be almost perfunctory. Such is the case with many existing licensees. Others, however, require exhaustive monitoring and enforcement. Integrity is a difficult commodity to ascertain in advance of licensure. Thorough screening of applicants prior to licensure is desirable. Pursuant to the regulations set forth in this Chapter, the Chief of Police conducts a thorough investigation into the background of applicants and their entities in order to assure that licensure will not set the stage for fraud or deceit. Such investigation is particularly difficult when applicants have no local track record. Accordingly, two years residence or two years business operation within this City is required before an applicant is eligible to apply for a cardroom license. A two-year period for the observation of an individual's or business entity's ethical practices or lack thereof is a more realistic period of time for such assessment as opposed to a one year residence requirement.

C. This ordinance authorizes the issuance of only two (2) Cardroom licenses in the City. This restriction will limit the expansion of gambling within this community to a level where such gambling will be a source of local entertainment and recreation for local citizens while preventing this community and City from becoming a mecca for professional gamblers and gamblers from other jurisdictions. A "casino" type atmosphere where gambling becomes the major industry or attraction of a community or mecca for gamblers from all jurisdictions is detrimental to the development of this community as such increased and unrestrained gambling creates greater law enforcement problems compromising the ability of law enforcement to totally control the criminal and peace disturbance effects thereof. Limiting the number of licensed Cardrooms assists in the accomplishment of these goals.

D. The two-year residency requirement and the limitation in the number of cardroom licenses available will allow City energies to be more efficiently allocated. Pre-license screening will be supplemented with the objective track record of each applicant. The number of Cardrooms will remain at a manageable level for the Chief of Police. The volume of unstable or illegally run Cardroom operations will be more effectively curtailed.

E. Accordingly, it is the opinion and finding of the Rancho Cordova Chief of Police and of this City Council that a two year residence or operation prerequisite for a Special Business License and a two Cardroom license limit in the City will eliminate many of the above mentioned problems without undue burden on stable and reputable cardrooms. The purpose therefore of the regulatory provisions of this Chapter is to protect the health, safety, and welfare of the citizens within the City limits, to assure that City expenditure is efficiently allocated, and to provide legitimate Cardrooms where citizens of this City can safely enjoy the entertainment provided by reputable Cardrooms.

4.22.020 Qualifications – Use.

A. If the applicant for a Special Business License to operate a Cardroom is a sole proprietor, the proprietor shall have been a resident of the City for at least two (2) years immediately preceding the filing of an application for the license and shall have met the requirements set by the State Department of Justice pursuant to the Gambling Control Act (commencing with Business and Professions Code Section 19800, et seq.) prior to filing the application for the license. If the applicant is a partnership, corporation, or other business entity owned by more than one individual, the business entity shall have engaged in a business within the City continuously for at least two years immediately preceding the filing of the application and shall have met the requirements set by the State Department of Justice pursuant to the Gambling Control Act (commencing with Business and Professions Code Section 19800, et seq.) prior to filing an application for a license.

B. The Special Business License issued pursuant to this Chapter shall be placed in use at the designated location no later than ninety (90) days following the issuance thereof and the Special Business License shall remain in use thereafter for the term of the license. Failure to place such license in use at the designated location within the ninety (90) day period provided herein or to maintain the license in use during the term of the license, shall be grounds for revocation of the license by the Chief of Police. For purposes of this Section "in use" shall mean that at the location designated in the license the business of a Cardroom shall be in operation and that games as provided for in this Chapter shall be conducted therein.

C. For purposes of revocation under this Section, temporary closure of the Cardroom for necessary remodeling, rebuilding, repair improvements or other necessary and reasonable activity required to operate or improve the operation of the Cardroom when such activities are undertaken by the Licensee in a good faith effort to complete the activity within a reasonable period of time, shall not be grounds for revocation.

D. The Licensee shall cooperate with the Chief of Police by providing the Chief of Police the necessary information and documentation upon demand by the Chief of Police in order for the Chief of Police to determine whether the Licensee comes under the provisions of this Section requiring revocation of the license. Failure of the Licensee to cooperate with the Chief of Police pursuant to the provision of this Section shall be grounds for the revocation of the Special Business License to operate the Cardroom. The procedure for notice of revocation, revocation, and appeal of revocation shall be the same as is provided in Chapter 4.10 for the revocation of Special Business Licenses.

4.22.025 Number of Licenses Limited.

A. Only two (2) Special Business Licenses to operate Cardrooms shall be issued by the City of Rancho Cordova.

B. In the event there are more applications for Special Business Licenses to operate Cardrooms than the limitation in subdivision (A) of this Section allows, the

6 issues
Business
Licenses

License

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qualified applicant or applicants to whom a license is issued shall be selected by the Chief of Police in the order the applications were filed with the City Clerk. Once all available number of licenses are issued, no applications will be accepted or considered until such time as an additional license becomes available. When the additional license becomes available, applications will then be taken and will be considered as provided herein upon the timely filing of a new application therefore. For purposes of this subdivision of this Section, the unrevoked, valid and unexpired license of a Cardroom Licensee who has filed a timely application for renewal of the license is not considered an additional license available for issuance until the license renewal application has been denied and the appeal thereof, if any, has become final.

C. Notwithstanding the provisions of Chapter 4.10, a Licensee shall operate no more than one Cardroom in the City and shall hold no more than one Special Business License issued pursuant to this Chapter to operate that Cardroom; and no more than one Cardroom shall be located within a single structure or at a single location.

4.22.030 Employee Permits.

A. No person shall work in a Cardroom as a manager, employee or independent agent and no person who holds a Special Business License authorizing operation of a Cardroom shall employ any person as a cardroom manager, employee or independent agent unless such person possesses a valid Employee Permit.

B. Notwithstanding the provisions of Chapter 4.10, an Employee Permit as a cardroom manager, employee, or independent agent shall authorize the permittee to operate as a cardroom manager, employee or independent agent in any Cardroom possessing an unrevoked, unexpired and valid Special Business License issued pursuant to this Chapter authorizing the operation of such Cardroom within the City limits. Notwithstanding the provisions of Chapter 4.10, the Employee Permit shall not include the name and address of the Cardroom for which the Employee Permit is issued as the Employee Permit authorizes the permittee to operate within any Cardroom as indicated above.

C. Upon demand by the Chief of Police, the Cardroom shall provide the Chief of Police with the full name and the residence address of persons operating as cardroom managers, employees or independent agents in the Cardroom.

4.22.035 Application for Permits.

In addition to the matters prescribed by Chapter 4.10, an application for an Employee Permit to serve as a cardroom manager, employee or independent agent shall contain a list of each criminal conviction of the applicant, pleas of guilty, or pleas of nolo contendere. The list shall, for each such conviction or pleas, set forth the date of arrest, the offense charged, and the offense of which the applicant was convicted.

4.22.040 Issuance or Denial of Permit.

A. Upon receipt of an application for an Employee Permit to serve as a cardroom manager, employee or independent agent, the Chief of Police shall conduct

such investigation as he or she deems necessary.

B. The Chief of Police shall deny an Employee Permit if the Chief of Police finds that the Applicant:

- (1) Is less than twenty-one (21) years of age;
- (2) Was convicted of any crime punishable as a felony, including a conviction by a federal court or a court in another state for a crime that would constitute a felony if committed in this state;
- (3) Was convicted of any misdemeanor involving dishonesty or moral turpitude within the ten-year period immediately preceding the submission of the application, unless the applicant has been granted relief pursuant to Sections 1203.4, 1203.4a or 1203.45 of the Penal Code;
- (4) Was associated with criminal profiteering activity or organized crime, as defined by Penal Code Section 186.2;
- (5) Exhibited *stubbornly disobedient* contumacious defiance of any legislative investigatory body, or other official investigative body of any state or of the United States, when that body is engaged in the investigation of crimes relating to gambling, official corruption relating to gambling activities, or criminal profiteering activity or organized crime, as defined by Penal Code Section 186.2;
- (6) Fails to provide information, documentation, and assurances required by this article or requested by the chief of police, fails to reveal any fact material to qualification, or supplies information that is untrue or misleading as to a material fact pertaining to the qualification criteria; and/or
- (7) Fails to clearly establish eligibility and qualification in accordance with this article.

C. The Chief of Police may deny an Employee Permit if the Chief of Police finds that the applicant:

- (1) Was convicted of a crime and the time for appeal has elapsed, or when an order granting probation is made suspending the imposition of sentence, irrespective of the entry of a subsequent order under California Penal Code Section 1203.4, and the Chief of Police concludes that by reason of the crime or act the applicant would perform his or her duties as a cardroom manager, employee or independent agent in an unlawful manner or in a manner which subjects patrons of the Cardroom to risk of harm or criminal deceitful or otherwise unethical practices; or
- (2) Violated or is in noncompliance with any of the provisions and requirements of this Chapter or other applicable law or administrative rule or regulation.

D. Notwithstanding Subsection (C)(1) of this Section an application shall not be denied solely on the basis that the applicant was convicted of a misdemeanor if the applicant has met all applicable requirements of the criteria of rehabilitation developed

to evaluate the rehabilitation of a person when considering the denial of a license under California Penal Code Section 4852.05.

E. The Department of Justice, Division of Gambling Control, may object to the issuance of any Employee Permit issued pursuant to this Chapter.

F. The Chief of Police shall have the authority and discretion, but shall be under no obligation, to issue a temporary employee permit for a period not to exceed 30 days pending determination as to whether a prospective employee is eligible for an employee permit

4.22.045 Revocation of Permits.

A. An Employee Permit may be revoked or suspended pursuant to Chapter 4.10 upon any of the following grounds:

(1) Violation of any of the duties requirements or prohibitions set forth in any administrative regulations issued pursuant to this Chapter, Chapter 4.02 or Chapter 4.10;

(2) Misrepresentation of a material fact contained in the application for the permit;

(3) The Chief of Police has acquired information supporting a finding prescribed by Section 4.22.040(C)(1) in relation to the holder of the permit; or

(4) The holder of the permit has violated any term condition or requirement or prohibition established by this Chapter which is applicable to the holder of the permit.

B. An employee permit shall be revoked pursuant to Chapter 4.10 upon a finding that the holder thereof would be disqualified from holding an employee permit for the reasons specified in Section 4.22.040(B)(1) or (B)(5).

C. An Employee Permit may be temporarily suspended pending expiration of the time for appeal or exhaustion of an appeal pursuant to Chapter 4.10, as applicable.

4.22.050 Bond.

Before issuing a Special Business License under the provisions of this Chapter, the City Council shall require the applicant, as a condition to the issuance of the Special Business License, to post with the city a cash bond in the sum of One Thousand Dollars (\$1,000) or a surety bond in the same amount furnished by a corporate surety authorized to do business in the state payable to the City. The bond shall guarantee that the Licensee shall redeem all chips for cash, and the bond shall be kept in full force and effect by the Licensee throughout the term of the License.

4.22.055 Responsibility of Licensee.

The holder of a Special Business License issued pursuant to this Chapter and Chapter

4.10 shall be financially and otherwise responsible for the operation of the Cardroom and for the conduct of any manager or other employee connected with the operation of the Cardroom. All employees of the Cardroom shall be identified by a name tag measuring no smaller than one inch by three inches and the tag shall be worn in plain view on the upper body of the employee.

4.22.060 Records and Audit.

A. The Licensee shall keep full and accurate records of the income and expenses received and disbursed in connection with the operation, conduct, promotion, suspension, and any other phase of the Cardroom enterprise and card games which are authorized by this Chapter. The records shall be of such types and maintained in such manner as prescribed by the Chief of Police. Upon demand, the Chief of Police or any other authorized representative of the City shall have the right to examine and audit such records at any reasonable time and the license holder shall fully cooperate by making such records available.

B. The records described in subdivision (A) of this Section shall be subject to disclosure only pursuant to any suspension, revocation, or other proceedings conducted under this Chapter, Chapter 4.02 or Chapter 4.10; any civil or criminal investigation conducted by the Chief of Police, the District Attorney, the Grand Jury or the City Attorney. For all other purposes, the records shall be kept confidential by the Chief of Police, as custodian of those records.

4.22.065 Temporary Suspension.

A. The Chief of Police shall have the authority to temporarily suspend the Special Business License and to order the Licensee to immediately cease and desist any further operation of the Cardroom pending expiration of the time for appeal or exhaustion of an appeal pursuant to Chapter 4.10 if the Chief of Police finds that such temporary suspension is necessary in order to protect against a serious and immediate threat to the health or safety of the public caused by exercise of the License and one of the following occurs:

(1) The Licensee is operating the Cardroom in a manner which is a serious and immediate threat to the health or safety of the public;

(2) The Licensee is in violation of any of the provisions of this Chapter, Chapters 4.02, 4.06, and/or 4.10, administrative regulations adopted pursuant to those Chapters, the Penal Code of the State of California, or any applicable law, rule or regulation; or

(3) The Chief of Police makes a finding pursuant to Section 4.10.040(c) that by reason of the crime or act the patrons of the Cardroom and the public are subject to the immediate risk of harm or criminal, deceitful or otherwise unethical practices.

4.22.070 Temporary Suspension – Notice of Suspension and Appeal.

A. The temporary suspension shall be effective twenty-four (24) hours

following delivery of a temporary suspension notice to the licensee as provided in Section 4.10.145. If the licensee is unavailable or unable to be served, notice may be delivered to the person in charge of the Cardroom and mailed to the licensee at the Cardroom premises, and shall take effect twenty (24) hours after the notice is delivered and placed in the mail.

B. The appeal by the holder of the Special Business License of the revocation or suspension of its license pursuant to Section 4.10.135, whose license has been temporarily suspended, shall be as provided in Section 4.10.150.

4.22.075 Operating as a Cardroom Manager or Dealer or Dealer after Temporary Suspension.

It shall be unlawful for the holder of a Special Business License to operate a Cardroom after temporary suspension of the Special Business License, and it shall be unlawful for the holder of a Cardroom Employee Permit to operate as a Cardroom manager or dealer in a Cardroom after temporary suspension of the permit and such violation shall be punishable as a misdemeanor.

4.22.080 Table Operation Fee.

A. In addition to any application or renewal license fees imposed by the City pursuant to Chapters 4.06 or 4.10 upon the business of a Cardroom, such Cardroom shall be charged a quarterly table operation fee for each card table operated by the Licensee or to be operated by the applicant. The amount of this quarterly fee shall be as prescribed by the City Manager and shall be based upon the cost to the City of enforcement and administration of this Chapter, as provided in Section 4.02.060.

Exempted from this quarterly fee are additional tables used for promotional or tournament play; provided, however, that the total number of regular tables plus promotional or tournament tables in use shall not exceed the maximum number of allowable tables as provided for by this Chapter or the Licensee's Special Business License, whichever is less. Such promotional or tournament play and the use of such additional tables for such promotions and tournaments shall not exceed four days in any calendar month. The Chief of Police shall be notified seven days in advance of the promotional or tournament events and shall be notified of the duration and dates of such events.

B. The quarterly table operation fee shall be paid quarterly by the applicant or Licensee to the Director of Finance. The first quarterly fee shall be due at the filing of the initial application for a Special Business License to conduct a Cardroom. Thereafter, the quarterly due dates for payment of the quarterly table operation fee shall be on January 10 for the quarter ending December 31, April 10 for the quarter ending March 31, July 10 for the quarter ending June 30, and October 10 for the quarter ending September 30; except that if any of these days falls on a Sunday or a City holiday, the quarterly due date for payment shall be the day after such Sunday or City holiday. The quarterly table operation fee shall be delinquent if not received or postmarked on or before the quarterly due date for payment as such quarterly due date is defined above.

Prior to the beginning of each quarter the Licensee shall notify the Chief of Police as to the number of tables to be operated for that new quarter and shall pay to the Director of Finance the table operation fee accordingly. In the event that the Licensee reduces the number of tables in operation during a quarter the City shall not rebate any of the previously paid table operation fees for that quarter.

In the event that the Licensee desires to increase the number of tables in operation during a quarter, the Licensee shall pay to the Director of Finance the appropriate table operation fee for that entire quarter regardless of when the additional tables(s) are added.

C. On the denial by the Chief of Police of an application or a renewal of a Special Business License to conduct a Cardroom the quarterly table operation fee paid by the applicant or Licensee at the time of filing the initial application or the renewal shall be rebated to the applicant or Licensee by the Director of Finance until the appeal period on the denial has elapsed or, if an appeal is filed, until a final decision upholding the denial has been made and the appeal has become final in the administrative or judicial process, whichever is applicable.

If the applicant's or Licensee's appeal of the denial is granted, the applicant or Licensee shall owe and pay the appropriate table operation fee to the Director of Finance prior to the issuance of the Special Business License.

4.22.085 Hours of Operation.

A. Except as otherwise provided hereinafter in subdivisions (B) and (C) of this Section, the Licensee may operate a Cardroom twenty-four (24) hours a day and seven (7) days a week.

B. Applicants for a Cardroom license to operate a Cardroom after the effective date of this ordinance shall be required to secure a use permit as approved by the appropriate authority in accordance with the requirements of the Zoning Code of the City. Operation of the Cardroom shall thereafter be in accordance with the hours set by the use permit.

C. Those Cardrooms which possess a valid, unexpired, and unrevoked license to operate a Cardroom issued pursuant to the provisions of this Chapter and operated the Cardroom twenty-four (24) hours a day on Saturday and Sunday or on both such days for at least a continuous six month period immediately preceding the effective date of this ordinance, shall be permitted to continue the same twenty-four (24) hour operation as the Licensee conducted during such continuous six month period without the necessity of securing a use permit pursuant to subdivision (B) of this Section and as was permitted under the immediately preceding Cardroom ordinance. If such Cardroom seeks to operate other than under the same twenty-four (24) hour period it operated during such continuous six month period immediately prior to the effective date of this ordinance, and such Cardroom is located within 500 feet of a residential zone or 500 feet of property used for residential purposes, then such Cardroom is required to secure a use permit prior to such change in hours or days of operation.

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4.22.090 Games Permitted.

A. Cardrooms licensed to conduct gaming in the City of Rancho Cordova shall be permitted to conduct all lawful card games allowed under applicable state law and/or state regulations.

B. Written rules for each card game offered by a Cardroom shall be provided to any patron upon request. The Licensee shall file with the Chief of Police a written Copy of the rules to each card game played in the Cardroom within thirty (30) days of the effective date of this ordinance. The Chief of Police is authorized to require modifications to the rules of such games to ensure compliance with the law.

C. The Licensee shall neither conduct games which are not on file with the Chief of Police nor change the rules of existing games that are on file with the Chief of Police. Should the Licensee desire to either conduct new games or change the rules to existing games, Licensee shall file with the Chief of Police a written copy of the rules for the proposed new games and/or the proposed new rules of an existing game within ninety (90) days. The Chief of Police shall review proposed new card games and/or proposed new rules of an existing game within ninety (90) days. The Chief of Police shall approve the proposed new card and/or proposed new rules to an existing game provided such new game or rules conform to state law.

D. If the game is patented, the Licensee shall obtain written permission from the patent-owner prior to offering the game to patrons and prior to acquiring the approval of the Chief of Police to conduct the game.

E. Except as provided in subdivision (A) of this Section, all other gaming (including, but not limited to gaming played with dice or any device for money) not otherwise prohibited by California law is prohibited. Nothing contained in this Chapter shall be construed to permit the licensing of any gambling declared illegal in the State of California.

4.22.095 Equipment – Separation.

A. No Cardroom shall maintain more than seven card tables. Chairs shall be provided for all card players. No more than twelve players shall be permitted to play at any time at any one table. Authorized games shall not utilize dominoes, tiles, dice, spinning wheels, electronic player-controlled machines or any other device other than the standard decks of playing cards traditionally used for playing such games, poker chips, and the optional dealer shoes, except, to the extent such equipment is allowed by applicable state law and/or state regulations, such equipment shall also be allowed in the City.

B. Each licensed Cardroom shall be maintained separate and apart from any other room or business operated in the building, but may be connected by a door.

4.22.100 Minors Prohibited.

No person under the age of twenty-one (21) years shall be permitted to frequent a Cardroom or to engage in any card game conducted therein.

4.22.105 Bets Limited – Notice.

No Player in a cardroom shall be permitted to wager or raise a wager by more than Fifty Dollars (\$50.00). No player shall be able to bet with cash money, markers or anything other than poker chips. The wagering limits for each table shall be clearly displayed at that table so that those who are playing at that table may be aware of the wagering limit. Notice of all the provisions and restrictions provided in this section shall be posted in a conspicuous place in the Cardroom.

4.22.110 Notice of Table Rent.

The Licensee shall post in a conspicuous place in the Cardroom notice of the amount of table rent to be charged for each table and notice of the total number of tables permitted to be in operation during the particular quarter.

4.22.115 Credit Prohibited.

No Cardroom shall extend credit to any patron in order for the patron to participate in a card game.

4.22.120 Display of Licenses and Permits.

A copy of the Special Business License applicable to the Cardroom premises and the Employee Permit of any person employed as a manager or dealer shall be posted and exhibited while in force in some conspicuous place on the Cardroom premises.

4.22.125 Protection of Patrons.

A. The Licensee shall be responsible for maintaining security on both the premises of the Cardroom and the parking lot used by the Cardroom for its patrons and employees. The Licensee shall take reasonable precautions to protect its patrons and employees. The Licensee shall also take reasonable precautions to prevent the occurrence of criminal activity on both the premises of the Cardroom and the parking lot used by the Cardroom for its patrons and employees. If the Chief of Police determines that security personnel are necessary at a Cardroom to protect the health and safety of the public, the Chief of Police is authorized to require the Cardroom to provide uniformed security personnel on both the premises and the parking lot used by the Cardroom for its patrons and employees. Such determinations by the Chief of Police shall be based on the:

(1) Propensity for peace disturbances or criminal activity in the geographic area in which the Cardroom is located

(2) Criminal activity or peace disturbances on Cardroom premises or the parking lot used by the Cardroom for its patrons and employees

(3) Particular time of day, or

(4) Any other factors which affect the health and safety of the

public and Cardroom patrons

The Chief of Police shall notify the Licensee in writing, as to the time periods; days of the week during which security is required; the number of security officers; and the location where such officers are to be provided (whether in the parking lot or on the premises). Upon receiving the written notice of security requirements, the Licensee shall conform to those requirements within forty-eight (48) hours of service thereof and shall maintain those requirements in full force and effect until such time as the Chief of Police deems they are no longer necessary.

B. Between the hours of 2:00 a.m. and 6:00 a.m., the Licensee shall not knowingly permit the consumption of alcoholic beverages on the premises or in the parking lot which the Cardroom uses for its patrons.

C. The Licensee shall not knowingly permit any obviously intoxicated person to participate in any card game.

D. The Licensee shall not knowingly permit any illegal activity to occur on the premises or in the parking lot used by the Cardroom for its patrons or employees. Illegal activity includes, but is not limited to, narcotics violations, book marking, illegal gambling loan sharking, receiving stolen property, or prostitution.

E. The Licensee shall permit the Chief of Police, Health Department, Fire Department or any other authorized public official to inspect the premises at any time during the hours of operation.

4.22.130 Exclusion or Ejection from a Cardroom.

Pursuant to and for the reasons set forth in Business and Professions Code Section 19845, the Licensee may exclude or eject individuals from the Licensee's Cardroom. Any individual who is excluded or ejected from any Cardroom and who refuses to leave the premises is subject to arrest for trespassing.

4.22.135 Conflicts.

A. If any section, subdivision, clause, phrase or portion of this Chapter conflicts with any section, subdivision, clause, phrase or portion of an express provision of the city's zoning ordinance or conditions of a use permit of the zoning ordinance or other administrative approvals issued under the zoning ordinance, the city's zoning ordinance, conditions of the use permit under the zoning ordinance, or the administrative approvals issued under the zoning ordinance shall prevail.

B. If any section, subdivision, clause, phrase or portion of this Chapter conflicts with any section, subdivision, clause, phrase or portion of The Gambling Control Act (Business and Professions Code commencing with Section 19800, et seq.) as required by the State of California, then The Gambling Control Act shall prevail.

4.22.140 Severability.

If any section, subdivision, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

4.22.145 Sunset Provision.

Sections 4.22.005, 4.22.010, 4.22.085, 4.22.090, 4.22.095, 4.22.105, and 4.22.125 shall remain in effect only until December 31, 2006. As of that date, these sections are repealed unless a later enacted ordinance, that is enacted on or before December 31, 2006, deletes or extends that date. Upon repeal of such sections pursuant to this section, all Cardrooms within the City of Rancho Cordova shall be prohibited."

SECTION 2: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 3: Effective Date and Publication

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

* * * * *

PASSED AND ADOPTED this _____ day of _____, 2004, by the following
vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Staff Report



Date: March 15, 2004

To: Honorable City Council

From: Adam U. Lindgren, Assistant City Attorney

Subject: Ordinance Amending Sections 4.02.095, 16.18.204, and 16.22.205 Relating to Hearing Authorities and Adding Section 1.01.200, "Assignment of Hearing Responsibilities" to the Rancho Cordova Municipal Code

RECOMMENDATION

Waive the first reading and introduce the attached ordinance.

BACKGROUND

This ordinance is part of a series of ordinances that the City Attorney's office anticipates making in coordination with the City's Code Enforcement Department in order to allow the Department to more efficiently and effectively carry out its duties in the City.

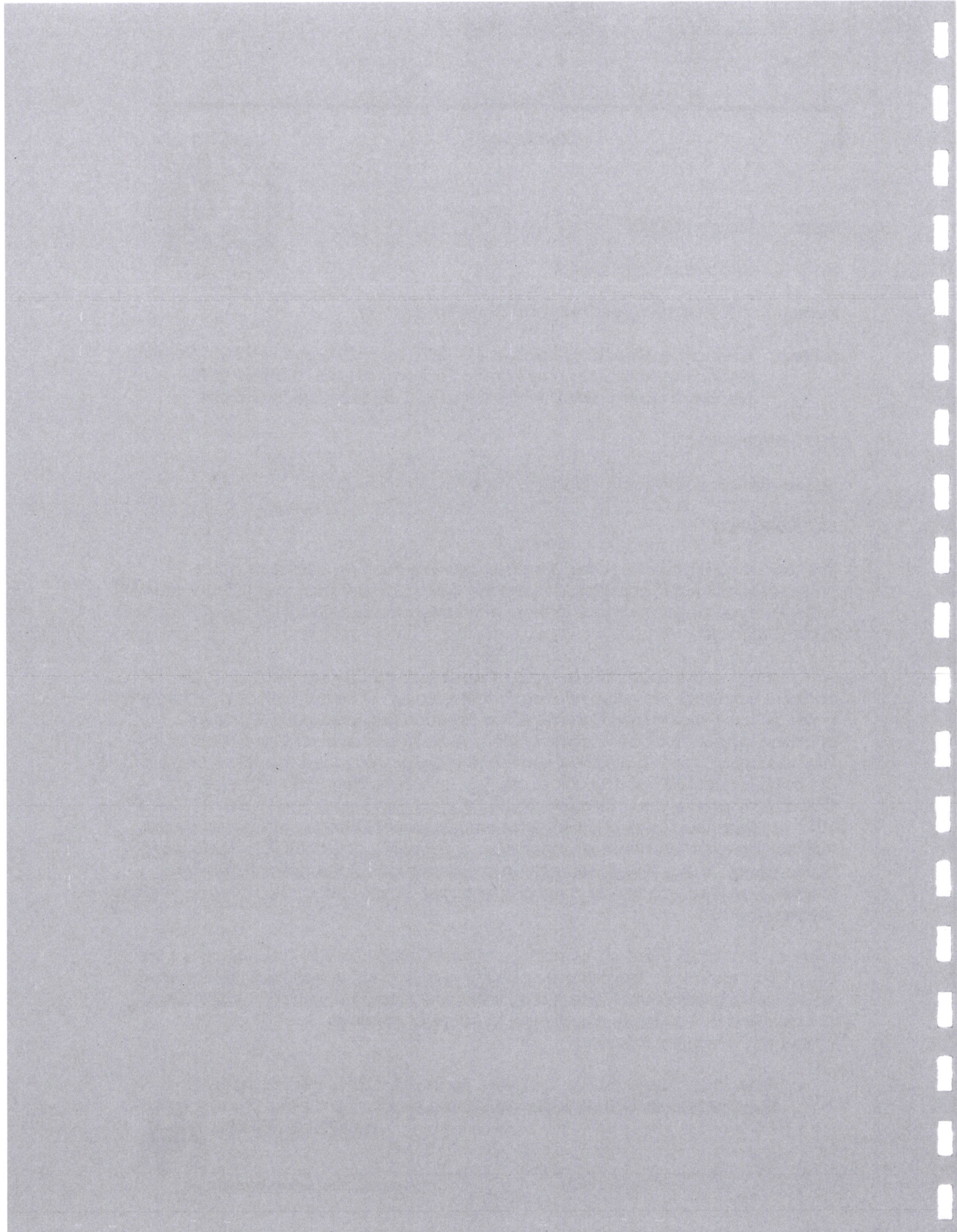
With respect to administrative hearing procedures, the City's Municipal Code contains numerous provisions relating to the selection of hearing officers. However, staff has found that in some instances the direction provided in the Code for choosing a hearing officer is either unclear or no longer accurate as a result of the City's incorporation. In addition, some of the options provided the City Manager for choosing a qualified hearing officer are now questionable in light of the recent California Supreme Court decision, Haas v. City of San Bernardino (2002), 27 Cal. 4th 1017. In Haas, the Court found that the employment of hearing officers on an ad hoc basis, a practice common among local agencies, could result in violations of due process. As a result of the decision, cities throughout the state, including Rancho Cordova, are now looking at alternative ways to select and provide hearing officers.

In order to address these issues, staff recommends that the City Council adopt the attached ordinance. The primary result of this ordinance is that the City Manager will be given broad authority to assign, employ or retain individuals or entities that are qualified by training or experience to conduct hearings. Specifically, the ordinance will do the following:

- Amend Section 4.02.095. Currently, Section 4.02.095, which applies to business license and abandoned vehicle hearings, limits the City Manager's

AGENDA ITEM #

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options for hearing officers to either City management personnel, private attorneys, or administrative law judges from the State's Office of Administrative Hearings.

- Amend Sections 16.18.204 and 16.22.205. Currently, these two sections, which apply to nuisance abatement and dangerous buildings, respectively, provide for the establishment of, and the assignment of hearing officers through, the County Office of Hearing Officer. Cities are not authorized by state law to create or maintain such departments.
- Create Section 1.05.200, "Assignment of Hearing Responsibilities." This is a catch-all section that will provide the City Manager the authority to provide a hearing officer in the event the Municipal Code does not otherwise clearly provide for one.

It is staff's opinion that these changes will provide the City with the flexibility needed to ensure that the City can react effectively and efficiently to the City's hearing needs and/or to changes in the law.

REQUESTED MOTION

"I move that the City Council waive the first reading and introduce the ordinance amending Sections 4.02.095, 16.18.204 and 16.22.205 relating to hearing authorities and adding Section 1.01.200, "Assignment of Hearing Responsibilities," to the Rancho Cordova Municipal Code."

ATTACHMENTS

1. Ordinance

• • •
• •

CITY OF RANCHO CORDOVA

ORDINANCE NO. ____-2004

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF RANCHO CORDOVA AMENDING SECTIONS 4.02.095,
16.18.204 AND 16.22.205 RELATING TO HEARING AUTHORITIES AND
ADDING SECTION 1.01.200, "ASSIGNMENT OF HEARING
RESPONSIBILITIES" TO THE RANCHO CORDOVA MUNICIPAL CODE**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES
ORDAIN AS FOLLOWS:

SECTION 1: Title 11, Chapter 4.02, Section 4.02, "Hearing Authority," is hereby amended to read as follows:

"4.02.095 Hearing Authority.

Whenever the terms "Hearing Authority" are utilized in this Title, they shall be deemed to refer to a person assigned the responsibility of conducting a hearing by the City Manager. The City Manager shall be authorized to assign hearing responsibilities from time to time to any person or persons, qualified by training or experience, who the City Manager may appoint, employ or who are retained by contract to conduct such hearings."

SECTION 2: Title 16, Chapter 16.18, Section 16.18.204, "Hearing Examiner," is hereby amended to read as follows:

"16.18.204 Hearing Examiner.

Whenever the terms "Hearing Examiner" are utilized in this Chapter, they shall be deemed to refer to a person assigned the responsibility of conducting a hearing by the City Manager. The City Manager shall be authorized to assign hearing responsibilities from time to time to any person or persons, qualified by training or experience, who the City Manager may appoint, employ or who are retained by contract to conduct such hearings."

SECTION 3: Title 16, Chapter 16.22, Section 16.22.205, "Hearing Officer," is hereby amended to read as follows:

"16.22.205 Hearing Officer.

Whenever the terms "Hearing Officer" or "Hearing Examiner" are utilized in this Chapter, they shall be deemed to refer to a person assigned the responsibility of conducting a hearing by the City Manager. The City Manager shall be authorized to assign hearing responsibilities from time to time to any person or persons,

qualified by training or experience, who the City Manager may appoint, employ or who are retained by contract to conduct such hearings.”

SECTION 4: Section 1.05.200, “Assignment of Hearing Responsibilities,” is hereby added to Title 1 of the Rancho Cordova Municipal Code to read as follows:

“Section 1.05.200 Assignment of Hearing Responsibilities.

A. Unless otherwise provided for in this Code, whenever this Code provides that a hearing be held, the City Manager shall be authorized to assign hearing responsibilities to any person or persons, qualified by training or experience, who the City Manager may appoint, employ or who are retained by contract to conduct such hearings. Such persons include, but are not limited to, City employees, hearing officers employed by the Office of County Hearing Officer of the County of Sacramento, and administrative law judges assigned to the State of California Office of Administrative Hearings.

B. For purposes of this Section, “Code” shall mean the Rancho Cordova Municipal Code and shall include the City’s Zoning Code, all incorporated Uniform Codes, and any applicable state laws and regulations.”

SECTION 5: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 6: Effective Date and Publication

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

* * * * *

PASSED AND ADOPTED this _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

MAYOR

ATTEST:

CITY CLERK



City Council Report

Date: March 15, 2004

Project: Surface Mining and Reclamation Ordinance
File: Special Project
Request: Draft Surface Mining and Reclamation Ordinance to State Mines and Geology.
Staff: Adam Lindgren, Assistant City Attorney
William Campbell, Principal Planner

Recommendation

Direct staff to forward the draft Surface Mining & Reclamation Ordinance (Chapter 20.04) to State Mines and Geology (SMGB) for review and comment, prior to formal adoption.

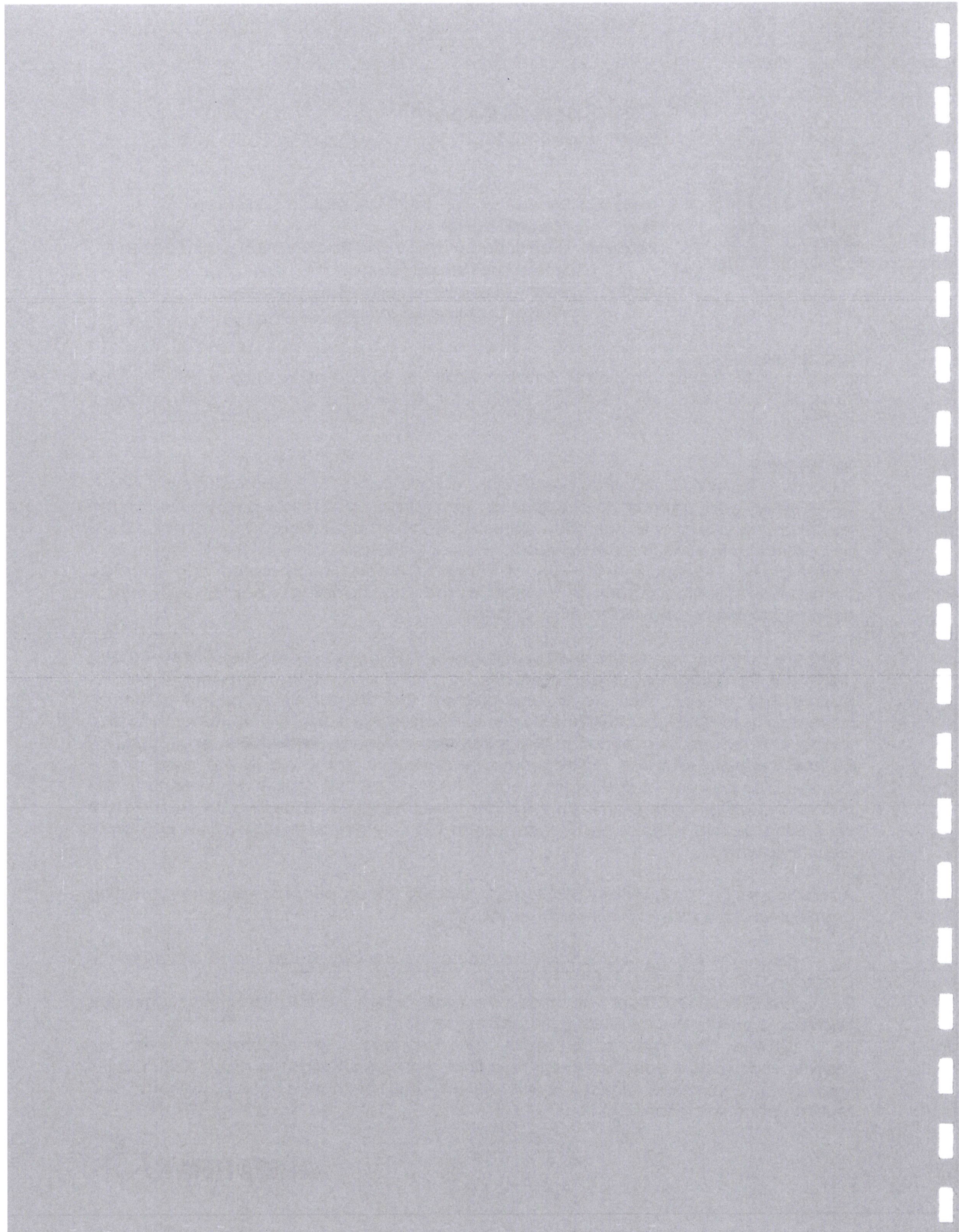
Background

Pursuant to SMARA (State Mines and Reclamation Act of 1975, Public Resources Code § 2774) every lead agency must adopt an ordinance establishing procedures for the review and approval of reclamation plans and financial assurances. This ordinance must be certified by the SMGB as being in accordance with state policy for the reclamation of mined lands. At the time the City of Rancho Cordova incorporated and adopted Sacramento County's Codes by reference, the City adopted Chapter 20.04 which pertained to mining and reclamation of lands.

There are currently two active mining and reclamation plans within the City of Rancho Cordova. The Villages of Zinfandel received a mining and reclamation permit from the County that allowed them to fill and prepare the site for development of homes according to the Villages of Zinfandel Special Planning Area document. The other active mining and reclamation permit is along the east boundary of the City on Grant Line Road. The both of these projects have reclamation plans and in the case of the "Villages", as portions of the project record tract maps the area is removed from the mining and reclamation permit. In the other case, Teickert is requesting an expansion of an existing permit, which is part of the reason the City needs to up date its ordinance regarding mining.

According to the State Mines and Geology (SMGB), the proper procedure for submitting a proposed ordinance to the Board is as follows:

1. Before the City Council adopts the ordinance, the City should submit a draft to the Executive Officer of State Mines and Geology
2. The Executive Officer will critique this draft and, if needed, provides suggestions and recommendations for revising the ordinance.
3. If the City agrees to revise the ordinance in accordance with the recommendations, it can then prepare a final draft for submittal to the SMGB Policy & Legislation Committee, which it will review the ordinance along with a staff report/recommendation.



case by case

4. If the Committee finds that the ordinance is not in accordance with state policy, it must communicate the ordinance's deficiencies in writing to the City. The City will then have 90 days to submit a revised ordinance. However, if the Committee finds the ordinance is in accordance with state policy, it will recommend certification by the Board.
5. The City Council should then formally adopt the ordinance as recommended by the Board.
6. Once adopted by the City, the ordinance may be submitted to the Board for certification.
7. The ordinance is only effective upon certification by the Board.

Analysis:

The following discussion is a brief outline of the major and minor differences between the Sacramento County's Surface Mining Code (which was adopted by the City of Rancho Cordova) and the Model SMARA Ordinance prepared by the State Mining and Geology Board and the new Ordinance for the City. In principal, the new ordinance is tailored to the State Model, plus added provisions providing additional authority to the City to regulate and determine the future use of the reclaimed land. The attached table compares the **major differences** between current Code, the State's Model Ordinance and the new Ordinance of the City. (See attached Table 1)

Minor Differences

- 1) Definitions – Both ordinances contain definitions for the key SMARA terms (i.e., "idle", "mined lands", "operator", "reclamation", and "surface mining operations"). However, the Model Ordinance includes about 10 additional definitions.
- 2) The Model Ordinance contains an entire section setting forth the process for submitting reclamation plans for review by the lead agency. (The County Code discusses submittal of applications for use permits, but this section is briefer. (See County Code § 20.04.080).
- 3) Each Code discusses financial assurances. The substance of these Code sections is the same. However, the Model Ordinance section on financial assurances is more detailed than the County's.
- 4) Unlike the Model Ordinance, the County Code does not contain separate sections addressing appeal process protection of mineral resources and severability

The draft ordinance has been reviewed by those interested parties that would have direct or indirect involvement with the new ordinance. There is general acceptance with the new ordinance and they believe the draft should be sent to Mine and Geology for review and comment.

Conclusion:

The City will be best served in the future by having a consistent Ordinance with State Mines and Geology, which can be certified. There is strong interest in mining and

of what?

reclaiming more of the Aerojet lands in the future and the City would be in the position. The new Ordinance will allow the City to control and determine the reuse of the reclaimed land, according to its General Plan.

Environmental Analysis:

The draft Ordinance is to replace the existing Ordinance, which is intended to protect the environment and be consistent with State Law. According to the Guidelines of the California Environmental Quality Act, State required regulations to protect the environment are exempt, according to Section 15308.

Financial Implications to City:

There are no significant cost implications to the City for updating its provisions to regulate mining and land reclamation. Should future operations in the City generate sales in the City, the City would receive its percentage of sales tax, based on the volume of material sold from the site.

Recommendation:

Move to direct staff to forward the draft Surface Mining & Reclamation Ordinance (Chapter 20.04) to State Mines and Geology (SMGB) for review and comment.

Attachments:

1. Table 1. Comparisons of Major Differences
2. Draft Surface Mining and Reclamation Ordinance

**Table 1- Comparison of Major Differences
Between the Ordinances for Mining and Reclamation**

Existing Chapter 20.04	State Model Ordinance	City's Ordinance
The County Code does not include exemptions for certain activities, which are included in the Model SMARA Ordinance.	The Model SMARA Ordinance exempts the following activities: ▪ Surface mining operations required under federal law to protect a mining claim; ▪ Surface mining operations that the SMGB determines to be of an infrequent nature; ▪ Solar evaporation of bay or salt water in order to produce salt or a similar material; ▪ Emergency excavations or grading by DWR or the Reclamation Board; ▪ Excavations for road construction or maintenance for timber or forest operations; and ▪ Excavations, grading or earthmoving activities necessary for extracting oil or gas, under certain circumstances.	Follows State Model Ordinance
The County Code does not require a "Statement of Responsibility" to be included with an applicant's reclamation plans.	The Model Ordinance requires a "Statement of Responsibility" to be included with an applicant's reclamation plans.	Follows State Model Ordinance
County Code has no findings for approval	The Model Ordinance provides a list of findings required for approval.	Follows State Model Ordinance

Existing Chapter 20.04	State Model Ordinance	City's Ordinance
Interim Management Plans (IMPs): County Code provides that if a mine is idle for more than one year without an approved I.M.P., the mine is considered "abandoned." (County Code § 20.04.130(d)).	Interim Management Plans (IMPs): County Code does not include the process for review of an I.M.P. The Model Ordinance does.	Follows State Model Ordinance
Provides for annual inspection and report to State Department of Conservation.	Provides for annual inspection and report to State Department of Conservation.	City ordinance provides for periodic review and can modify reclamation plans, based on changed circumstances such as physical development near the operation or improved technological innovations that could significantly improve the reclamation process. Modification would be considered at a public hearing.
The County Code's exemption for "agricultural operations" is significantly more detailed than the corresponding section of the Model Ordinance.	The Model Ordinance does not exempt "agricultural operations".	Follows State Model Ordinance

Table 1

Chapter 20.04

Surface Mining & Reclamation

20.04.010 Purpose and Intent

The City of Rancho Cordova (hereinafter "City") recognizes that the extraction of minerals is essential to the continued economic being of the City and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety. The City also realizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and the reclamation operations and the specifications therefore may vary accordingly.

The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code sections 2710 et seq.), as amended, hereinafter referred to as "SMARA, Public Resources Code section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Chapter 8, Subchapter 1, Sections 3500 et seq.), to ensure that:

- (a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses;
- (b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment; and
- (c) Residual hazards to the public health and safety are eliminated.

20.04.020 Definitions

The definitions set forth in this section shall govern the construction of this chapter.

Area of Regional Significance, An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the State within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance.

City of Rancho Cordova
DRAFT Surface Mining & Reclamation Ordinance

Area of Statewide Significance. An area designated by the Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the State and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

Borrow Pits. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

Board. The State Mining and Geology Board.

Compatible Land Uses. Land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space.

Haul Road. A road along which material is transported from the area of excavation to the processing plant or stock pile area of the surface mining operation.

Idle. Surface mining operations curtailed for a period of one year or more, by more than 90 percent of the operation's previous maximum annual mineral production, with the intent to resume those surface mining operations at a future date.

Incompatible Land Uses. Land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial.

Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Operator. Any person who is engaged in surface mining operations, or who contracts with others to conduct operations on his/her behalf, except a person who is

City of Rancho Cordova
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engaged in surface mining operations as an employee with wages as his/her sole compensation.

Reclamation. The combined process of land treatment that maximizes post-mining land uses and minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed as rapidly as reasonably feasible to an unusable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, or other measures.

Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

Surface Mining Operation. All, or any part of, the process involved in the mining of mineral on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in place distillation or retorting or leaching, the production and disposal of mining waste, prospecting and exploratory activities, borrow pitting, streambed skimming, and segregation and stockpiling of mined materials (and recovery of same).

20.04.030 Incorporation by Reference

The provisions of SMARA (PRC § 2710 et seq.), PRC section 2207, and State regulations CCR § 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail.

20.04.040 Scope

Except as provided in this Chapter, no person shall conduct surface mining operations unless a permit, reclamation plan, and financial assurances for reclamation have first been approved by the City. Any applicable exemption from this requirement does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the City, including but not limited to, the application of CEQA, the requirement of Site Approvals or other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the City, public and private.

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This Chapter shall not apply to the following activities, subject to the above-referenced exceptions:

- (a) Excavations or grading related to agricultural activities or on-site construction or for the purpose of restoring land following a flood or natural disaster.
- (b) Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, and the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions:
 - (1) All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA", Public Resources Code, Division 13, § 21000 et seq.).
 - (2) The City's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA.
 - (3) The approved construction project is consistent with the general plan or zoning of the site.
 - (4) Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued.
- (c) Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions:
 - (1) The plant site is located on lands designated for industrial or commercial uses in the City's general plan.
 - (2) The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the City.
 - (3) None of the minerals being processed are being extracted onsite.

City of Rancho Cordova
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- (4) All reclamation work has been completed pursuant to the approved Reclamation Plan for any mineral extraction activities that occurred onsite after January 1, 1976.
- (d) Prospecting for, or the extraction of, minerals for commercial purposes and removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.
- (e) Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose.
- (f) Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances.
- (g) Emergency excavations or grading conducted by the Department of Water Resources or the Reclamation Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, or disasters, or other emergencies.
- (h) Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with Board regulations and, upon closure of the site, the person closing the site implements, where necessary, re-vegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation and grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavations for materials that are, or to excavations for materials that are, or have been sold, for commercial purposes.
- (i) Excavations, grading, or other earthmoving activities in oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: (1) the operations are being conducted in accordance with Division 3 (commencing with Section 3000); (2) the operations are consistent with the City's General Plan and the zoning applicable to the site; (3) the earthmoving activities are within oil or gas field properties under a common owner or operator; and (4) no excavated materials are sold for commercial purposes.

20.04.050 Vested Rights

No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, state regulations, and this Chapter. Where a person with

City of Rancho Cordova
DRAFT Surface Mining & Reclamation Ordinance

vested rights has continued surface mining operations in the same area subsequent to January 1, 1976, he shall obtain City approval of a Reclamation Plan covering the mined lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the Reclamation Plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976).

All other requirements of State law and this Chapter shall apply to vested mining operations.

20.04.060 Process

- (a) Applications for a Site Approval or Reclamation Plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. Said application shall be filed in accord with this Chapter and procedures to be established by the Planning Director. The forms for Reclamation Plan applications shall require, at a minimum, each of the elements required by SMARA (PRC §§ 2772-2773) and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed Reclamation Plan, to be established at the discretion of the Planning Director. As many copies of the Site Approval application as may be required by the Planning Director shall be submitted to the Planning Department.
- (b) As many copies of a Reclamation Plan application as may be required shall be submitted in conjunction with all applications for Site Approvals for surface mining operations. For surface mining operations that are exempt from a Site Approval pursuant to this Chapter, the Reclamation Plan application shall include information concerning the mining operation that is required for processing the Reclamation Plan. All documentation for the Reclamation Plan shall be submitted to the City at one time.
- (c) Applications shall include all required environmental review forms and information prescribed by the Planning Director.
- (d) Upon completion of the environmental review procedure and filing of all documents required by the Planning Director, consideration of the Site Approval or Reclamation Plan for the proposed or existing surface mine shall be completed pursuant to this Section of this Chapter at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code.
- (e) The reclamation plan shall be applicable to a specific property or properties and shall be based upon the character of the surrounding area and such characteristics of the property as the type of overburden, vegetation, soil stability, topography, geology, climate, stream characteristics and principal mineral commodities.

City of Rancho Cordova
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(f) All reclamation plans shall contain, at a minimum, the following information and documents:

- Adam added*
1. The estimated time schedule for the beginning and completion of reclamation activities. If the mining operation is to be accomplished in phases, the time schedule shall indicate the estimated beginning and completion of reclamation activities for each phase;
 2. An estimate of the cost of completion of reclamation activities, computed at current cost at the time proposed in the time schedule submitted for completion of the reclamation plan;
 3. A description of the existing vegetation at and surrounding the site;
 4. A general description of the geology of the surrounding area and a detailed description of the geology at the reclamation site;
 5. A description of the proposed use or potential uses of land after reclamation, and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses;
 6. A description of the manner in which reclamation, adequate for the proposed use or potential uses, will be accomplished, including:
 - a. The manner in which mining wastes and related contaminants will be controlled and disposed of;
 - b. The manner in which affected streambed channels and stream banks will be rehabilitated to a condition minimizing erosion and sedimentation;
 7. An assessment of the effect of implementation of the reclamation plan on future mining in the area;
 8. A statement by the applicant that he accepts responsibility for reclaiming mined lands in accordance with the approved reclamation plan;
 9. A statement by the applicant that he accepts responsibility for all completed reclamation work for a period of two years or such greater period as deemed necessary by the Planning Commission to assure the permanency of all features of the reclamation plan. This subsection shall not apply to normal maintenance and repairs unrelated to the reclamation work on public facilities where dedicated to and accepted by the City of Rancho Cordova;
 10. Such other information as the Planning Department may require. The Planning Department may waive the filing of one or more of the above items where unnecessary to process the application.
- [Signature]*

City of Rancho Cordova
DRAFT Surface Mining & Reclamation Ordinance

- (g) Additional information may be required per a planning department form. Where reclamation plans are not filed as a part of a surface mining permit, such plan shall be accompanied by an application for separate reclamation plan approval which contains the following information:
 - 1. The names and addresses of the applicant and the mining operator, if different, and of any persons designated by the applicant as his agents for service of process; and
 - 2. The names and addresses of all persons owning a possessory and/or mineral interest in any or all of the property to be used for mining operations.
- (h) The Planning Department may deny, without a public hearing, an application for a reclamation plan if such application or plan does not contain the information required by [section number of above regarding application info]. The Planning Department may permit the applicant to amend such application.
- (i) Within thirty (30) days of acceptance of an application for a Site Approval for surface mining operations and/or a Reclamation Plan as complete, the Planning Department shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year flood plain of any stream, as shown in Zone A of the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the Planning Department shall also notify the State Department of Transportation that the application has been received.
- (j) The Planning Department shall process the application(s) through environmental review pursuant to California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the City's environmental review guidelines.
- (k) Subsequent to the appropriate environmental review, the Planning Department shall prepare a staff report with recommendations for consideration by the Planning Commission.
- (l) The Planning Commission shall hold at least one noticed public hearing on Site Approval and/or Reclamation Plan.
- (m) Prior to final approval of a Reclamation Plan, financial assurances (as provided in this Chapter), or any amendments to the Reclamation Plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the Reclamation Plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the Reclamation Plan and financial assurance before submittal to the State Department of Conservation. If a Site Approval is being processed concurrently with the Reclamation Plan, the

City of Rancho Cordova
DRAFT Surface Mining & Reclamation Ordinance

Planning Commission may simultaneously also conceptually approve the Site Approval. However, the Planning Commission may defer action on the Site Approval until taking final action on the Reclamation Plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the Site Approval with the Condition that the Planning Department shall not issue the Site Approval for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the Reclamation Plan and financial assurances.

Pursuant to PRC §2774(d), the state Department of Conservation shall be given 30 days to review and comment on the Reclamation Plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. In particular, when the Planning Commission's position is at variance with the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant.

- (n) The Planning Commission shall then take action to approve, conditionally approve, or deny the Site Approval and/or Reclamation Plan, and to approve the financial assurances pursuant to PRC §2770(d).
- (o) The Planning Department shall forward a copy of each approved Site Approval for mining operations and/or approved Reclamation Plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each year, the Planning Department shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Site Approval or Reclamation Plan amendments, as applicable, or a statement that there have been no charges during the previous year.

20.040.070 Standards for Reclamation

- (a) All Reclamation Plans shall comply with the provisions of SMARA (§2772 and §2773) and State regulations (CCR §3500-3505). Reclamation Plans approved after January 15, 1993, Reclamation Plans for proposed new mining operations, and any substantial amendments to previously approved Reclamation Plans, shall also comply with the requirements for reclamation performance standards (CCR §§3700-3713).
- (b) The City may impose additional performance standards, including without limitation standards beyond those cited to make the findings in Section 20.04.090,

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as developed either in review of individual projects, as warranted, or through the formulation and adoption of Citywide performance standards.

- (c) Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations or in connection with approved or proposed development. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the City. Each phase of reclamation shall be specifically described in the Reclamation Plan and shall include (a) the beginning and expected ending dates for each phase; (b) all reclamation activities required; (c) criteria for measuring completion of specific reclamation activities; and, (d) estimated costs for completion of each phase of reclamation.

- (d) Unless otherwise specified in the approved reclamation plan, the reclamation of mined lands shall be carried out in accordance with the following requirements:¹

1. Reclamation Timing

a. The reclamation of mined lands shall occur as soon as practical following completion of mining operations at successive locations within the mining site as required by the schedule in the approved reclamation plan.

b. The reclamation of lands affected by surface mining operations shall be completed within one year of the completion of mining operations on such lands, except where the permanent reclaimed condition of mined lands cannot be achieved within one year due to the regulatory approvals (e.g., compliance with the California Environmental Quality Act) required for the ultimate land use contemplated or proposed for the property (e.g., urban development) In such case only interim reclamation, pursuant to section 20.040.070(c), need be accomplished within one year, and final reclamation shall be completed as soon as it is possible to complete the reclamation in compliance with the above regulatory approvals.

2. Disposal of Overburden and Mining Waste.

a. Permanent piles or dumps of overburden and waste rock placed on the land shall be made stable, shall not restrict natural drainage without provision for diversion, and shall have an overall smooth or even profile subject to the satisfaction of the City Engineer. Where practical, such permanent piles or dumps shall be located in the least visible location at the mining site.

b. Old equipment and inert mining wastes shall be removed or buried subject to the approval of the hearing officer.

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- c. Toxic materials shall be removed from the site or permanently protected to prevent leaching into the underlying groundwater, to the satisfaction of the Planning Department.
 - d. Overburden and mining waste placed beneath the existing or potential groundwater level which will reduce the transmissivity or area through which water may flow shall be confined to an area approved by the City Engineer.
- 3. Re-vegetation.
 - a. All permanently exposed lands that have been denuded by mining operations shall be re-vegetated to provide ground cover sufficient to control erosion from such lands.
 - b. All plantings shall be established and maintained in good horticultural condition. The re-vegetation shall be able to survive under natural conditions, with native species used whenever possible.
 - c. Re-vegetation methods shall take into account the topography and existing growth patterns and mixes of flora present at and adjacent to the site of mining operations in order to create a more natural appearance. Plantings shall avoid rigid, geometric patterns and shall utilize natural scatterings.
 - d. Where the ultimate intended or proposed use of mined lands would be a level of development inconsistent with extensive permanent vegetation, the amount of vegetation required for reclamation need not be more than is sufficient to prevent erosion.
- 4. Re-soiling.
 - a. Re-soiling measures shall take into consideration the quality of soils which may be required to sustain plant life pursuant to any re-vegetation that the hearing officer may require in its approval of the applicant's reclamation plan.
 - b. Coarse, hard material shall be graded and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Where quantities of available soils are inadequate to provide cover, native materials shall be upgraded to the extent feasible for this purpose.
- 5. Final Slopes.
 - a. Final slopes shall be engineered and contoured so as to be geologically stable, to control the drainage therefrom, and to blend with the surrounding topography

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where practical. On the advice of the City Engineer, the Planning Department may require the establishment of terrace drains to control drainage and erosion.

b. Final slopes shall not be steeper than two feet horizontal to one foot vertical (2:1) unless the applicant can demonstrate to the Planning Department's satisfaction that a steeper slope will not:

- (1) Reduce the effectiveness of re-vegetation and erosion control measures where they are necessary; and
- (2) Be incompatible with the alternate future uses approved by the commission for the site; and
- (3) Be hazardous to persons that may utilize the site under the alternate future uses approved for the site.

6. Drainage, Erosion and Sediment Control.

a. Any temporary stream or watershed diversion shall be restored to its state prior to any surface mining activities unless the Planning Department deems otherwise based on recommendations from the City Engineer.

b. Stream bed channels and stream banks affected by surface mining shall be rehabilitated to a condition which would minimize erosion and sedimentation, except that such rehabilitation need not attempt to restore or mimic natural conditions where the contemplated or proposed ultimate use of the reclaimed property would be inconsistent with the maintenance of restored or rehabilitated stream bed channels and stream banks.

c. Re-vegetation and re-grading techniques shall be designed and executed so as to minimize erosion and sedimentation. Drainage shall be provided to natural outlets or interior basins designed for water storage, with such basins subject to the approval of the City Engineer. In addition, final excavation shall eliminate potholes and similar catchments so as to prevent potential breeding areas for mosquitoes.

d. The final grading and drainage of the site shall be designed in a manner to prevent discharge of sediment above natural levels existent prior to mining operations.

e. Silt basins which will store water during periods of surface runoff shall be equipped with sediment control and removal facilities and protected spillways designed to minimize erosion when such basins have outlet to lower ground.

f. No condition shall remain after reclamation which will or could lead to degradation of groundwater quality below applicable standards to the Regional



Water Quality Control Board or any other agency with jurisdiction over water quality.

7. Backfilling and Grading.

a. Subject to the approval of the City Engineer, backfilled and graded areas shall be compacted to avoid excessive settlement and to the degree necessary to accommodate anticipated future uses.

b. Materials used in the refilling shall be of a quality suitable to prevent contamination and/or pollution of groundwater. If materials for backfilling and grading are obtained from an area other than the site of surface mining operations, such materials shall be included and the approximate quantities identified in the applicant's reclamation plan.

8. Reservoirs, ponds, lakes or any body of water created as a feature of the reclamation plan shall be approved by the City Engineer and the Planning Department.

20.04.080 Statement of Responsibility

The person submitting the Reclamation Plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the Reclamation Plan. Said statement shall be kept by the Planning Department in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Department for placement in the permanent record.

20.04.090 Findings for Approval

(a) Site Approvals. In addition to any findings required by this Chapter, Site Approvals for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations.

(b) Reclamation Plans. For Reclamation Plans, the following findings shall be required:

(1) That the Reclamation Plan complies with SMARA §2772 and §2773, and any other applicable provisions;

(2) That the Reclamation Plan complies with applicable requirements of State regulations (CCR §§3500-3505, and §§3700-3713).

Findings

- (3) That the Reclamation Plan will restore the mined lands to a usable condition that is readily adaptable for alternative land uses that are consistent with this Chapter and either (i) the City's General Plan and any applicable resource plan or element or (ii) probable future uses anticipated by the City to be adopted in future amendments to the City's General Plan which uses are identified in findings made on approval of the Reclamation Plan.
- (4) That the Reclamation Plan has been reviewed pursuant to CEQA and the City environmental review guidelines, and any significant adverse impacts from reclamation of the surface mining operations are mitigated to the extent feasible.
- (5) That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.
- (6) That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

20.04.100 Financial Assurances

- (a) To ensure that the reclamation will proceed in accordance with the approved Reclamation Plan, the City shall require as a condition of approval security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the City and the State Mining and Geology Board as specified in State regulations, and which the City reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved Reclamation Plan. Financial assurances shall be made payable to the City of Rancho Cordova and the State Department of Conservation.
- (b) Financial assurance will be required to ensure compliance with elements of the Reclamation Plan, including but not limited to, re-vegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary.
- (c) Cost estimates for the financial assurance shall be submitted to the Planning Department for review and approval prior to the operator securing financial

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assurances. The Planning Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the City has reason to determine that additional costs may be incurred. The Planning Director shall have the discretion to approve the financial assurance, if it meets the requirements of this Chapter, SMARA and State regulations.

- (d) The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years of phases stipulated in the approved Reclamation Plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities necessary to implement the approved Reclamation Plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with re-vegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved Reclamation Plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent (10%)
- (e) In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the City or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site.
- (f) The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required).
- (g) The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operation, inflation, and reclamation of lands accomplished in accordance with the approved Reclamation Plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year.
- (h) Revisions to financial assurances shall be submitted to the Planning Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation.

If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required.

02.04.110 Interim Management Plans

- (a) Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Department a proposed Interim Management Plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Site Approval conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Department and shall be processed as an amendment to the Reclamation Plan. IMPs shall not be considered a project for the purposes of environmental review.
- (b) Financial assurances for idle operations shall be maintained as though the operation were active.
- (c) Upon receipt of a complete proposed IMP, the Planning Department shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least 30 days prior to approval by the Planning Commission.
- (d) Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Planning Director and the operator, the Planning Commission shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have thirty (30) days, or a longer period mutually agreed upon by the operator and the Planning Director, to submit a revised IMP. The Planning Commission shall approve or deny the revised IMP within (60) days of receipt. If the Planning Commission denies the revised IMP, the operator may appeal that action to the City Council.
- (e) The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved Reclamation Plan.

20.04.120 Annual Report Requirements

Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the City Planning Department on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded

to the State Department of Conservation at the time of filing the annual surface mining report.

20.04.130 Inspections

The Planning Department shall arrange for inspection of a surface mining operation within six months of receipt of the Annual Report required in Section 12, to determine whether the surface mining operation is in compliance with the approved Site Approval and/or Reclamation Plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, or state-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Planning Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board.

The Planning Department shall notify the State Department of Conservation within thirty (30) days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

The periodic review of the conditions contained in approved reclamation plans shall be conducted by the Planning Department in accordance with the schedule adopted at the time such plans were approved. At the time of approval of a permit to mine, the City shall determine whether future public hearings are necessary to consider such new or changed circumstances as physical development near the mining site and improved technological innovations in the field of reclamation which may significantly improve the reclamation process. The City may set a term for such reviews on a case by case basis as a condition of the permit if it deems such a review to be necessary. Should a permit be modified pursuant to such a review, the modified permit and/or reclamation plan shall be binding upon the operator and all successors, heirs and assigns of the applicant.

20.04.140 Violations and Penalties

If the Planning Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Site Approval, any required permit and/or the Reclamation Plan, the City shall follow the procedures set forth in Public Resources Code, §2774.1 and §2774.2 concerning violations and penalties, as well as those provisions of the City Development Code for revocation and/or abandonment of Site Approval which are not preempted by SMARA.

20.04.150 Appeals

Any person aggrieved by an act or determination of the Planning Department in the exercise of the authority granted herein, shall have the right to appeal to the Planning Commission or the City Council, whichever is the next higher authority. An appeal shall be filed on forms provided, within fifteen (15) calendar days after the rendition, in writing, of the appealed decision.

20.04.160 Fees

The City shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the City, at the time of filing of the Site Approval application, Reclamation Plan application, and at such other times as are determined by the City to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator.

20.04.170 Mineral Resource Protection

Mine development is encouraged in compatible areas before encroachment of conflicting uses. Except as provided by Public Resources Code section 2763, mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from the intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the City's General Plan.

In accordance with PRC §2762, the City's General Plan and resource maps will be prepared to reflect mineral information (classification and/or designation reports) within 12 months of receipt from the State Mining and Geology Board of such information. Land use decisions within the City will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts.

20.04.180 Severability

If any section, subsection, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter.

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20.04.190 Effective Date

This Chapter shall take effect thirty (30) days following its adoption.

680719_1

Dave

log-yes

red-yes

cost is ok

David

Logo increase for log
letters in white?

Bob

letters all white

logo in red

Ernie

Vandalism

Memorandum



Date: March 15, 2004
To: Honorable City Council
From: Cyrus Abhar, City Engineer *CEA*
SUBJECT: Street Name Sign Design

The City Council approved a general design and color scheme for the street name signs at the Council meeting of January 5, 2004. The new design includes white lettering for the street name and red lettering for the "City of Rancho Cordova" on blue background. The Council directed staff to further investigate the possibility of including a simple logo on the signs. Staff has coordinated with several vendors for design of a logo and a sample will be presented at the Council meeting for review and approval. Staff has also received feedback from several community members indicating that red lettering on blue background may not provide adequate contrast and that consideration should be given to using all white lettering for better visibility.

The following provides a summary of the options discussed at the Council meeting of January 5, 2004. The cost estimates for adding the logo for these options are also provided.

Reflective Street Name Signs

10" x 36" plates with 6" lettering on Diamond Grade reflective sheeting background mounted on wooden posts or existing street light and signal poles.

Estimated Replacement Cost without logo:	\$420,000
Estimated Replacement Cost with logo:	\$490,000

Internally Illuminated Street Name Signs

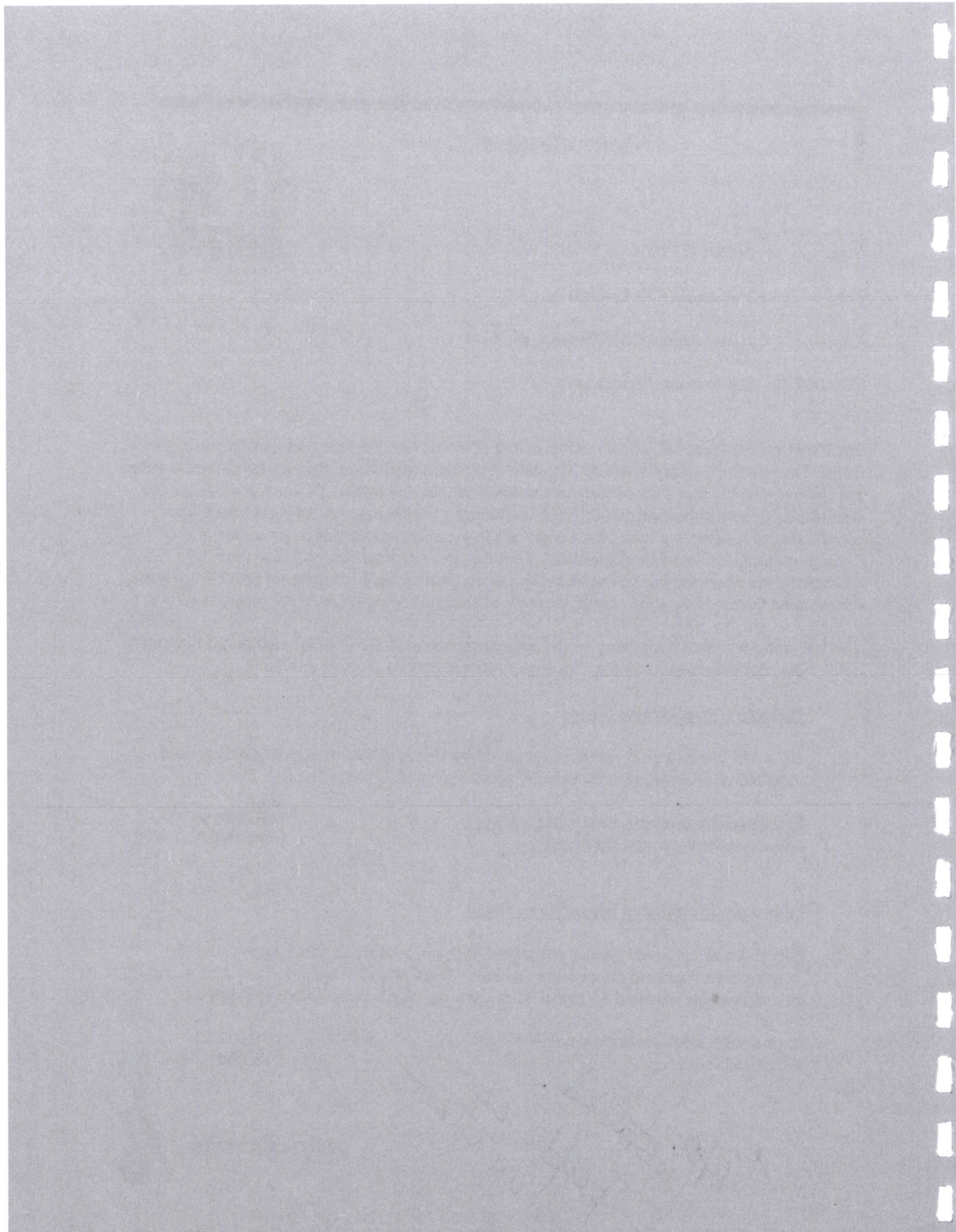
City Council approved the use of internally illuminated street name signs using the existing sign frames and mounting brackets. The Council also authorized staff to use reflective signs mounted on signal mast arms and signal poles where appropriate.

Estimated Replacement Cost without logo:	\$ 75,000
Estimated Replacement Cost with logo:	\$ 85,000

*140: installed.
people can
buy them*

AGENDA ITEM #

16



Recommendation:

Staff is seeking the Council's approval for the proposed design and color scheme for the City's street name signs. The implementation of the new signs will begin immediately with the use of the approved signs for damaged or lost replacement signs. The new signs will also be used in all future development and capital improvement projects in the City. Staff will continue exploring funding opportunities and will develop a financial strategy along with an implementation plan for Council's review and approval as appropriate.

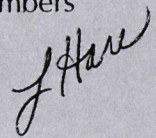
CEA

Memorandum

Date: March 15, 2004

To: Mayor and Council Members

From: Lillian Hare, City Clerk



Subject: Ordinance Authorizing a Contract between the City and the Public Employee's Retirement System (PERS)

RECOMMENDATION:

Move to introduce Ordinance 10-2004 for first reading and waive reading of the body of the ordinance.

BACKGROUND:

Last summer, the City Council took the first step towards entering PERS as the retirement system for city employees. At the March 1, 2004 City Council meeting, the Council approved the resolution of intent to contract with PERS. An employee election was held, following the approval of the resolution, to determine whether a majority of the employees approved the proposed PERS retirement plan. The election was unanimous in favor of PERS. One of the final steps in the process is the passage of an ordinance which will authorize the city to execute the attached contract after second reading and adoption of the ordinance.

Attachment: Ordinance 10-2004

CITY OF RANCHO CORDOVA

ORDINANCE NO. 10-2004

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA
AUTHORIZING A CONTRACT BETWEEN THE CITY OF RANCHO CORDOVA AND
THE BOARD OF ADMINISTRATION OF THE CALIFORNIA
PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA DOES ORDAIN AS
FOLLOWS:

SECTION 1: That a contract between the City Council of the City of Rancho Cordova and the Board of Administration of the California Public Employees' Retirement System is hereby authorized, a copy of said document being attached hereto, marked Exhibit B, and by such reference made a part hereof as though herein set out in full.

SECTION 2: The Mayor of the City of Rancho Cordova is hereby authorized, empowered, and directed to execute said contract for and on behalf of said Agency.

SECTION 3: Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

SECTION 3: Effective Date and Publication

Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Grapevine Independent, a newspaper of general circulation printed and published in Sacramento County and circulated in the City of Rancho Cordova, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

I HEREBY CERTIFY that this ordinance was introduced at a regular meeting of the City Council of the City of Rancho Cordova, held on the 15th day of March, 2004 and **ADOPTED AND PASSED** at a regular meeting of the City Council of the City of Rancho Cordova, held on the 5th day of April, 2004 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

LINDA BUDGE, MAYOR
CITY OF RANCHO CORDOVA

ATTEST:

LILLIAN HARE, CITY CLERK

C

EXHIBIT B

California
Public Employees' Retirement System



CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Rancho Cordova



In consideration of the covenants and agreement hereafter contained and on the part of both parties to be kept and performed, the governing body of above public agency, hereafter referred to as "Public Agency", and the Board of Administration, Public Employees' Retirement System, hereafter referred to as "Board", hereby agree as follows:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for local miscellaneous members.
2. Public Agency shall participate in the Public Employees' Retirement System from and after _____ making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

- a. Employees other than local safety members (herein referred to as local miscellaneous members).

4. Any exclusion(s) shall remain in effect until such time as the Public Employees' Retirement System determines that continuing said exclusion(s) would risk a finding of non-compliance with any federal tax laws or regulations. If such a determination is contemplated, the Public Employees' Retirement System will meet with the Public Agency to discuss the matter and coordinate any required changes or amendments to the contract.

In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

- a. **SAFETY EMPLOYEES.**

5. The percentage of final compensation to be provided for each year of credited prior and current service as a local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Full).

6. Public Agency elects to be subject to the following optional provisions:

- a. Section 20938 (Limit Prior Service to Members Employed on Contract Date).

7. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.

8. Public Agency shall also contribute to said Retirement System as follows:

- a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574.5 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members.

- b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
 - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
9. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
10. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF RANCHO CORDOVA

BY _____
KENNETH W. MARZION, CHIEF
ACTUARIAL & EMPLOYER SERVICES DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
PRESIDING OFFICER

Witness Date

Attest:

Clerk

Staff Report

Date: March 15, 2004

To: Honorable City Council

From: Paul Junker, Planning Director

Subject: SACOG Community Design Grant Program

Jim Carney



Recommendation

Provide direction to staff for SACOG Community Design Grant Applications.

Background

The City Council has previously considered appropriate projects to submit to the Sacramento Area Council of Governments (SACOG) under the Community Design Grant Program. Program objectives include providing support for transportation infrastructure for projects or planned areas that are consistent with smart growth principals, planning assistance to promote smart growth project design, and establishment of prototype projects throughout the region.

The direction from the City Council on February 2, 2004 was to apply for grants for planning efforts related to redevelopment of the Mervyn's/Target shopping centers and to incorporate smart growth concepts and principals into the City's General Plan. Each of these grants will be for \$150,000, the minimum planning grant level established by SACOG. The third application approved in concept by the Council was to support construction of the Cordova City Center project.

During the February 2, 2004 Council discussion, support was expressed for funding certain components of the City Center project. Additionally, Councilmembers Roberts and McGarvey were designated by the Council to review and refine the grant proposals. During the subsequent meeting with Councilmembers Roberts and McGarvey staff received direction to apply for funds for the frontage improvements and for the project's internal road, totaling approximately \$2,000,000. This direction was partially in response to the limited amount of funding required for the frontage improvements, as compared to the funding required to make the project economically viable. Subsequent discussions among the developer, SACOG staff and City staff suggested the parking structure is a more appropriate funding item than the internal road.

Local match to be
provided by developer

Planning

11.40% = 17k.

garage construct independently.

• use prevailing wage.

• has "showered parking."

• open to public -

per federal guidelines.

20 year deed for public access.

Bob supports multi story

on Folson Blvd.

Dave - the future is vertical.

- need to function as a catalyst.
- Metro Square by Savas Regis.
- how selling for 3x the original value
- this project is aggressive @ \$18-25k/space.
- precedent setting.

①

Mervyn's Target

②

GP

Smart Planning grant

Cordova City Center

Garage

Street improvements

③

Since initial direction was provided by the Council, the developer's agent, Mogavera Notestine Associates, has submitted its formal request for funding to the City and has included three improvements totaling \$3,200,000: Folsom Boulevard street frontage and public plaza improvements (\$700,000); a public parking garage structure in conjunction with the commercial/office building (\$1,500,000), and an internal public road within the project (\$1,000,000). Staff recommends the City seek SACOG funding for the frontage/plaza and the parking structure, total request of \$2,200,000, for the following reasons:

- Frontage and plaza improvements contribute to the Folsom Boulevard streetscape and represent a significant step toward enhancing the corridor.
- The City Center project is able to provide high density development adjacent to the Mills Station light rail station through the use of structured parking, and the cost of such parking within the corridor is cost prohibitive at this time.
- The structured parking will be available for public use, including by light rail riders. Therefore, the structure contributes to transit ridership, a fundamental goal of the grant program.

Fiscal Impacts

During further review of the SACOG Grant application forms, staff has determined that a local match is required for all funded projects. In the case of the City Center project, that local match can be structured such that the developer provides the match. In the case of the planning projects, the City will be required to provide the local funding in the amount of 11.47% of the grant, or \$17,205 for each of the planning grants. Staff is recommending the City Council proceed with both Planning Grant applications due to the 89.5% funding level provided under the program and the need to complete the work efforts covered by each planning grant, regardless of the source of funding.

Recommendation

Direct staff to proceed with the following SACOG Community Design Grant applications: Planning grant for Mervyn's/Target shopping center, \$150,000; Planning grant for General Plan smart growth programs, \$150,000; Capital improvements grant for City Center project, \$2,200,000.

Attachments: City Center developer's request and cost estimate

Cordova City Center

Requested SACOG Funds: **DRAFT** 3/2/04

It is understood that SACOG's Regional Funding is a reimbursable grant. Meaning that the developer must built the improvements and submit monthly requests for reimbursement from the administering agency. It is also understood that the federal funds will only pay for 88.5% of an accepted request.

The applicant requests: \$3,200,000.

1. **Folsom Boulevard and Plaza Improvements:** *Request \$700,000 to significantly improve the pedestrian environment and encourage light rail use.*
 - a. Funds will be used to replace the street frontage along the Folsom Boulevard, and La Loma Drive with a café sidewalk, moved curb line, parallel parking, street trees and street furniture.
 - b. Funds to be used to a build decorative hardscape and landscape "Wernoof" (pedestrian and auto entry) into the project directly across from Mills Station.
 - c. The Funds will be used to build the pedestrian walk and decorative plaza including a central fountain that connects the residential townhouse street to Folsom Blvd. and Mills Station.

2. **Public Parking Structure:** *Request \$1,500,000 to consolidate the parking area to a shared, centralized location and enhance the pedestrian experience. The garage will be used by commercial users during the day and by residents at night.*
 - a. Funds will cover 75% of the parking structure construction, meaning 151 of the 201 parking spaces.
 - b. The structure will be legally separated from the occupied building, both beside and above.
 - c. The concrete parking structure will be built under a separate building permit and contractors subject to Davis-Bacon requirements.
 - d. During business hours, the privately built (non-reimbursed) component of the parking structure (25%, approximately 49 spaces) will include reserved parking for the building tenants.
 - e. After business hours, the upper deck will be secured for the residents of the townhouses and future senior housing.

3. **The internal Village Drive:** *Request \$1,000,000 to build a narrow street, with separated sidewalks and landscape amenities, connecting La Loma Drive and El Caprice Drive to enhance the shared parking area and encourage pedestrian connections to the existing pedestrian crossing at Folsom Blvd. to Mills Station.*
 - a. The drive would remain open to the public during business hours to encourage shared parking.
 - b. During the evenings, the drive would be secured for resident use.

Cordova City Center

Items for SACOG Application:

DRAFT*Note SACOG Regional Funding is Federal money and is therefore subject to Davis-Bacon requirements.*

ITEM:	Qty	Unit	Unit price	Amount
FOLSOM AVE., LA LOMA				
Demolition of sidewalk and curb and gutter	22,300	s.f.	\$2	\$44,600
Café Sidewalk, some colored, parking entry & plaza	22,300	s.f.	\$20	\$446,000
Plaza Fountain at community and senior entry	1	ea	\$100,000	\$100,000
vertical curb and gutter: Folsom only	518	lf	\$40	\$20,720
Street Landscape, trees, grates	500	s.f.	\$40	\$20,000
A.C.: Bike Lane enlargement, parallel parking: AC	4,000	s.f.	\$30	\$120,000
LA LOMA Sidewalk Improvements:	700	s.f.	\$15	\$10,500
Lighting, Folsom and Plaza	17	ea	\$5,000	\$85,000
				\$751,320 Subtotal
PARKING STRUCTURE				
Parking Structure: "Condo"	25,700	s.f.	\$77	\$1,978,900
				\$1,978,900 Subtotal
VILLAGE DRIVE:				
Internal Drive paved area	44,700	s.f.	\$20	\$894,000
Separate Sidewalks	8,550	s.f.	\$12	\$102,600
Internal drive - curb and gutter 1,350'x2	2,700	lf	\$40	\$108,000
Trees:	50	ea	\$200	\$10,000
Lighting	26	ea	\$3,000	\$78,000
				\$1,114,600 Subtotal
TOTAL				\$4,018,320 Total

Memorandum

Date: March 15, 2004

To: Mayor and Council Members

From: Lillian Hare, City Clerk



Subject: Selection of Firm to Represent the City in Federal Matters

RECOMMENDATION:

Review the proposals received from Spiegel & McDiarmid, and Simon and Company and direct staff as deemed appropriate regarding selecting a firm to represent the city in federal matters.

BACKGROUND:

During the recent trip to the National League of Cities Conference in Washington, DC, contact was made with three federal lobbyists. Proposals from two of the firms have been received and are being provided to the City Council for review.

A federal lobbyist would be tasked with expanding the city's federal opportunities by developing a comprehensive legislative program and helping to secure federal dollars for economic development, infrastructure, housing and urban development, public safety and other important city priorities. They could also provide the city with timely information on all legislative and budgetary issues of potential concern to the city and work with the California delegation and key congressional committees to convey the city's message to the Members and staff best positioned to listen to and advance the City's priorities in legislation of interest.

The specific scope of work proposed by each firm is outlined in their attached proposals.

Fiscal Impact

Spiegel & McDiarmid's proposal - \$4,000/month. (The firm bills separately for out-of-pocket expenses such as travel, telephone, faxing and copying, which is estimated by the firm to be minimal.)

expensive bldg

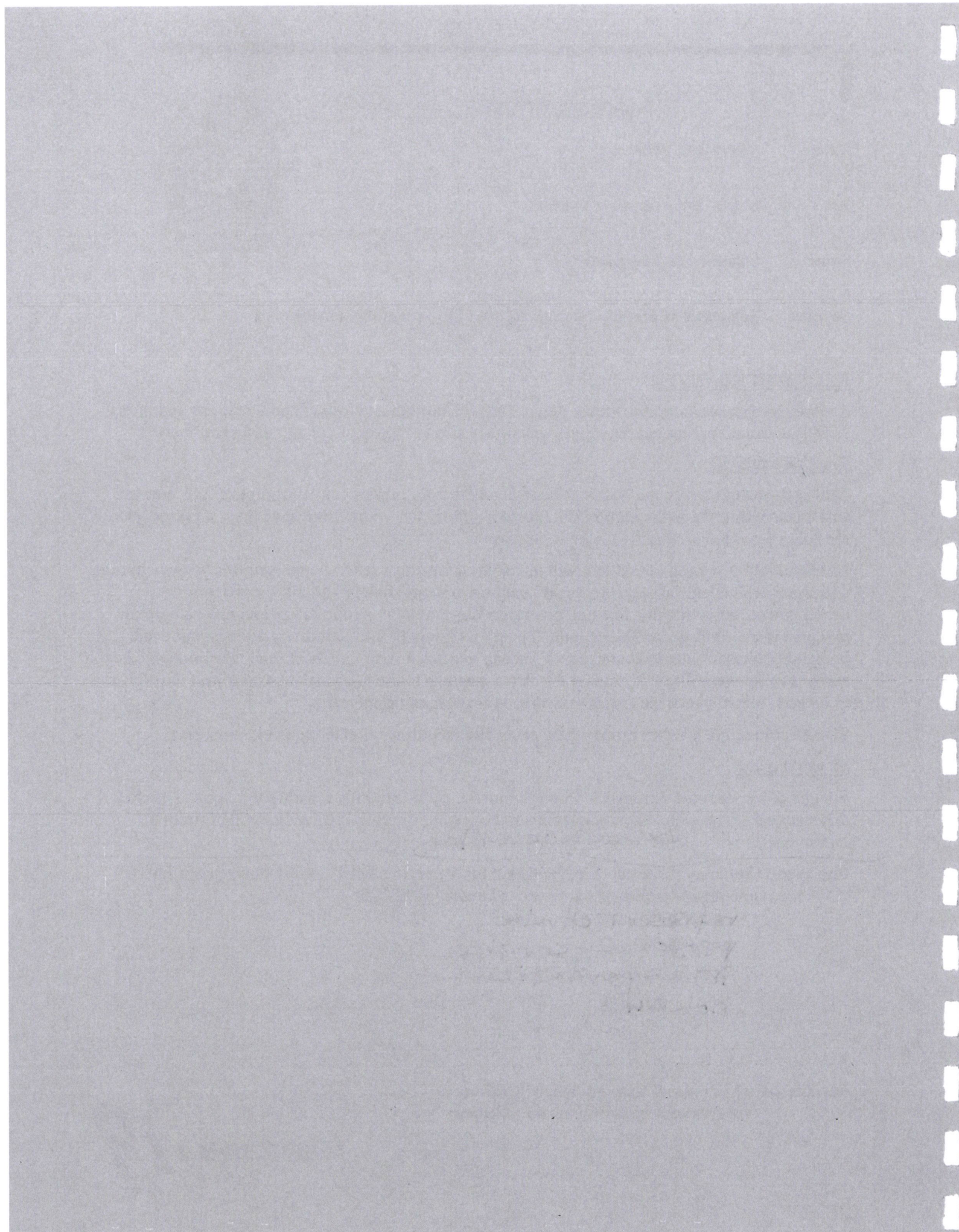
Simon and Company proposal - \$3,000/month for the period April 1, 2004 through March 31, 2005 and reimbursable expenses not to exceed a total of \$3,000.

*represent at also
personal service
transportation
housing*

Attachment: (1) Proposal from Spiegel & McDiarmid
(2) Proposal from Simon and Company

AGENDA ITEM #

19



SPIEGEL & McDIARMID

GEORGE SPIEGEL (1919-1997)

ROBERT C. McDIARMID
ROBERT A. JABLON
JAMES N. HORWOOD
FRANCES E. FRANCIS
DANIEL I. DAVIDSON
THOMAS C. TRAUGER
JOHN J. CORBETT
CYNTHIA S. BOGORAD
GARY J. NEWELL
SCOTT H. STRAUSS
BEN FINKELSTEIN
LISA G. DOWDEN
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MARGARET A. MEISER
JEFFREY A. SCHWARZ
BARRY M. SMOLER
SANDRA J. STREBEL
LEE C. WHITE

GOVERNMENT AFFAIRS DIRECTOR

KENNETH A. BROWN
(NOT A MEMBER OF THE BAR)

March 8, 2004

Via email to tgaebler@cityofranchocordova.org

Ted Gaebler
City Manager
City of Rancho Cordova
3121 Gold Canal Drive
Rancho Cordova, CA 95670

Re: Proposal to Help the City of Rancho Cordova Obtain Federal Funding

Dear Ted:

It was nice seeing you again today and meeting Rancho Cordova City Council Members Dave Roberts, Bob McGarvey, and Ken Cooley. In response to your request, Spiegel & McDiarmid is pleased to submit this proposal to provide government affairs services with a focus on helping the City of Rancho Cordova obtain federal funding to revitalize blighted areas, prepare for future growth, improve transportation, and meet other City needs and priorities.

As we have discussed, our firm has substantial experience in helping local governments obtain federal funding and other assistance for economic development, community revitalization, transportation, infrastructure, law enforcement, parks, trails, and other local needs. We have a track record of success in helping communities secure funding both through Congressional appropriations and through grants from federal agencies – with more than \$80 million obtained for our clients in the last four years alone. We are optimistic that we can help Rancho Cordova obtain federal resources to enhance your priority projects. However, as we discussed, we should begin work very soon since Fiscal Year 2005 appropriations requests are due by the end of March and some initial deadlines have already passed.

Below, we provide more details on: (1) our proposed scope of work; (2) Spiegel & McDiarmid's qualifications; and (3) the firm's fees.

Proposed Scope of Work

Spiegel & McDiarmid proposes to provide the following services to the City of Rancho Cordova:

- We will work with the City to develop an effective strategy to secure federal funding during the Fiscal Year 2005 Congressional appropriations process. The strategy will include drafting and submitting funding request letters, garnering support among Rancho Cordova's Congressional delegation, helping the City mobilize constituent support, maintaining close contact with Congressional offices and appropriations committees throughout the process, and scheduling and coordinating meetings with key decision makers in Washington.
- We will work with the City to identify major Rancho Cordova transportation projects and work with your Congressional Delegation to include those projects in the reauthorization of the federal transportation law.
- We will provide input and guidance to the City as it prepares specific funding applications for various federal agencies and help Rancho Cordova to secure the support of senior Administration and key Congressional officials for your funding applications.

Spiegel & McDiarmid will carry out these activities according to the following schedule:

- We will conduct research on Congressional appropriations and federal grant funding opportunities to support Rancho Cordova priority projects. (March, 2004)
- We will work with the City to finalize priorities for FY 2005 congressional appropriations requests. (March, 2004)
- We will work with Congressional offices to ensure timely submission of requests to the appropriations subcommittees. (March/April, 2004)
- We will work with the City to obtain local support (letters and phone calls) for funding requests. (March-May, 2004)
- We will work with Rancho Cordova officials to set up and prepare for meetings with Congressional members and/or staff locally in California. (April/May, 2004)
- We will track the funding requests and work with the City to conduct regular follow-up with Congressional offices. (May-September, 2004)
- If necessary, we will coordinate a follow-up trip to Washington, DC for the Mayor to meet with key Members of Congress. (June/July, 2004)

Spiegel & McDiarmid Qualifications

Spiegel & McDiarmid is a national law firm, based in Washington, D.C., which provides legal, policy and government affairs services to local governments in economic development, environment, energy, transportation and telecommunications matters. We possess the following skills and experience which make us uniquely qualified to help Rancho Cordova obtain federal funding:

- strong working relationships with key federal officials in the White House, federal agencies and Congress;
- in-depth knowledge of transportation, community and economic development issues and federal programs (e.g., transportation, economic development, infrastructure, energy, job training, brownfields, and natural resource protection);
- experience in securing federal funding for local governments; and
- the ability to be your community's "eyes, ears, and legs" in Washington, and provide other support services to advance your objectives.

Spiegel & McDiarmid has a solid track record of developing and implementing winning strategies for its clients. The firm has helped numerous communities prepare and win support for successful grant applications from various federal agencies. The firm has also helped several communities secure Congressional appropriations for their priority projects. Examples of the firm's successful work for local governments during the last five years include the following:

- We have helped the ***City of Stamford, CT*** obtain ***\$39 million*** in federal funding for local transportation, community revitalization, housing, environmental cleanup, and law enforcement and public safety projects.
- We have helped the ***City of Des Moines, IA*** win designation as a Brownfields Showcase Community and obtain more than ***\$25 million*** in federal funding for the City's priority transportation, economic development, environmental remediation, storm sewer, flood prevention, recreation, and law enforcement projects.
- We have helped the ***Town of North Hempstead, NY*** secure ***\$4.5 million*** from the U.S. EPA, the Army Corps of Engineers and Congress to support its community revitalization priorities, improve its transportation systems, upgrade its wastewater and storm water infrastructure and improve its local public safety programs.
- The firm has helped the ***City of Nashville, TN*** obtain ***\$2 million*** in federal transportation, environmental cleanup, and economic development funding for

its priority redevelopment project – the revitalization of the Rolling Mill Hill area.

- We have helped the *City of East Palo Alto, CA* obtain **\$4 million** in federal funding to support the City's priority community revitalization, transportation, economic development, infrastructure, environmental, recreation and planning needs.
- The firm helped the *Town of Babylon, NY* obtain **\$600,000** in federal funding to support an intermodal transit facility and wastewater infrastructure improvements.
- We helped the *City of Charles Town, WV*, a small community of 3,000 people, secure more than **\$3 million** in federal grants and Congressional appropriations for its community development priorities during the past three years.
- The firm helped the *City of Portland, OR* prepare its application and win designation as a Brownfields Showcase Community. The firm also obtained U.S. EPA grant funding for *Portland* to establish a pioneering program to use the State of Oregon's "one-call" utility notification center to prevent improper excavation or disturbance of brownfields and to maintain institutional controls on those properties.
- The firm helped the *City of Glen Cove, NY* obtain regulatory assistance and funding from the U.S. EPA that will help fund and expedite the cleanup and redevelopment of the City's Superfund site into a mixed-use waterfront development.
- The firm represented the *City of Monterey Park, CA* in its efforts to redevelop a complex Superfund site into a mixed-retail development. Our services included assistance in negotiating with U.S. EPA and responsible industrial parties at the site with respect to the City's involvement in redevelopment.

Spiegel & McDiarmid Fees

Spiegel & McDiarmid's work for Rancho Cordova will be performed by our Government Affairs team which includes myself, Firm Partner Matt Ward, David Dickson, our Government Affairs Projects Manager, Bridget Thorsen, our Government Affairs Project Coordinator, and Amy Ewen, our Government Affairs Project Assistant. Based on the scope of work outlined above, we propose to bill the City a set \$4,000 per month. The firm bills separately for out of pocket expenses such as travel, telephone, faxing, and copying. However, given the nature of activities described above, we anticipate that such costs will be minimal. Alternatively, we could bill the City on an hourly basis.

Ted Gaebler
March 8, 2004
Page 5

We are very excited about the prospect of helping the City of Rancho Cordova obtain federal funding to help you build and revitalize your community. I will call you shortly to see if you have any questions or want additional information regarding our proposal.

Sincerely,

/S/

Kenneth A. Brown

KAB:kab

SIMON AND COMPANY

INCORPORATED

Intergovernmental Relations and Federal Affairs

1660 L Street N.W. • Suite 1050 • Washington, D.C. 20036
(202) 659-2229 • Fax (202) 659-5234 • e-mail: len.simon@simoncompany.com

March 10, 2004

Mr. Ted A Gaebler
City Manager
City of Rancho Cordova
3121 Gold Canal Drive
Ranch Cordova, CA 95670

Dear Ted:

It was a pleasure to meet with you and the City Council members in Washington yesterday. I know the new City of Rancho Cordova is in good hands with the combined enthusiasm and dedication of you and the founding elected officials.

As we discussed, I am submitting this material outlining an approach for assistance to the City in developing and implementing its federal affairs agenda. I enjoyed our conversations and look forward to the potential opportunity to work with you. Additionally, Ted, I have been a devotee of your "Reinventing Government" work and it would be an honor to work side-by-side with you in City government.

We're proud of our role in helping cities at the federal level. Our experience on their behalf includes a record of achievements in grants, appropriations, authorizations and administrative affairs. In each of our relationships we have been part of a team which includes the congressional delegation, the city elected leadership and key managers and staff. In addition, we have served two cities previously that have been newly-incorporated and I can tell you it brings a special sense of satisfaction to help the "founders" do well in their relationships with the federal establishment.

Thank you for your time and consideration! I look forward to perhaps visiting with you soon and discussing this further with you.

Best Regards,

Len Simon

LEONARD S. SIMON

SIMON AND COMPANY

INCORPORATED

Intergovernmental Relations and Federal Affairs

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Federal Affairs Assistance

for

The City of Rancho Cordova

STRATEGY AND ACTION PLAN

Submitted to

Ted. A Gaebler

City Manager
City of Rancho Cordova

March 10, 2004

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WASHINGTON REPRESENTATION FOR CITIES: An Overview

Cities that wish to achieve strategic aims should look to a vigorous interaction with the federal government as an important part of their overall effort. Through appropriations bills, authorization measures and effectively working with federal agencies and the Congressional delegation much good can be accomplished.

The federal government exerts great influence on the conditions, resources and plans of cities. Whether a city seeks to take advantage of federal opportunities or solve problems created by the federal establishment, Washington representation can help if it is: (1) *targeted*; and (2) viewed as an *extension of the city staff*. Washington representation works well for city governments when it is based on a specific and prioritized plan so that time and energy can be properly channeled to achieve objectives and success can be measured. When properly structured, it is a traditional staff function simply located in Washington, working with the Congress and federal agencies as its principal assignment and, effectively, the City's "Washington Office".

Cities who derive the most *return* of federal resources are those who approach the federal local relationship in an entrepreneurial fashion – understanding the opportunities and marshalling strategies to successfully obtain them. This requires a vigorous diligence in understanding and analyzing federal developments to ensure the city is poised to take whatever appropriate actions are necessary. This could include but not be limited to city specific projects in appropriations bills and major authorization measures and could play a key part in a federal strategy for Rancho Cordova.

These are the approaches we have always adopted for local governments in relation to our services and believe that it can make a solid contribution to the new City of Rancho Cordova in the challenging period ahead as it seeks the best possible deployment of federal resources and opportunities.

In the sections which follow, we examine more closely some individual policy and program areas to underscore the scope of issues pending in Washington which could impact the City's priorities, and chart the directions where some of these may go in forthcoming months.

Economic Development, Community Development and Housing. For several years the practice of seeking Economic Development Initiative Grants in the annual HUD appropriation bill has been a successful strategy for achieving funding for key city redevelopment strategies. The prerequisite is an effective working relationship with the House and Senate members representing the community, a standard that Rancho Cordova can meet by working with Rep. Matsui, Rep. Ose and his successor and with Senators Feinstein and Boxer. Generally, this process commences with informal discussions with

the congressional delegation early in the year and continues throughout the appropriations cycle closely working with delegation members and staff.

There are also numerous HUD programs for annual grants, which are being rolled out on a regular basis to achieve a wide variety of housing, economic development and community development needs. For example, the city should work to become an "entitlement" city under the Community Development Block Grant and a recipient of HOME housing rehabilitation funding as well. Our objective would be to ensure that the City had early awareness of these and to assist in the process in whatever way was most beneficial.

Transportation. Our discussions indicated that enhancing transportation infrastructure is central to the City's future plans. Transportation projects can be funded in two distinct ways:

(1) through the every six year authorization process (ISTEA 1991, TEA-21 1998, SAFETEA-TEA-LU this year) or

(2) through the annual appropriations process.

In its last iteration the authorization process included some 1800 projects all of which were individually sponsored by House and Senate members. Broad criteria were used to evaluate the projects, but a key ingredient was the city working closely with its members of Congress, a process which began last year when Rancho Cordova proposed the Folsom Boulevard and Rod Beaudry Drive to Sunrise Boulevard projects. As Congress nears some key decisions with respect to the reauthorization, Rancho Cordova will certainly continue to work with the delegation on organizing and prioritizing potential projects and undertaking the Congressional education process in hopes of being a priority project.

On the appropriations side, the Congress has become quite aggressive in extending its earmarking energies to most programs under its transportation jurisdiction. Annually, it has distributed project funding for bus and intermodal facilities, rail programs, clean fuels, intelligent transportation systems, jobs access and many other programs. As we head towards FY2005, transportation infrastructure investment certainly has the attention of congressional leaders, which is good news for Rancho Cordova.

Environmental Quality and Water Resources. Through the appropriations process for the Environmental Protection Agency the Congress has provided hundreds of millions in recent years for a wide variety of local projects for water and sewer, wetlands, and related water infrastructure activities. In addition, the roughly biennial Water Resources

Development Act (WRDA) and the appropriations bill which funds it, provides a steady stream of resources for projects under the aegis of the Army Corps of Engineers which provides billions in funding for flood control and navigation and environmental restoration. Federal funding devoted to "brownfields" cleanup has also been growing and has received a big boost with legislation recently passed two years ago by the Congress.

Public Safety. Probably as in no other programmatic area, the events of September 11 will have a significant impact on the public safety relationship between the federal government and cities. Billions have been added to the federal budget for homeland security purposes, though little has yet to arrive at the City Hall doorstep. These could include new resources to secure transportation systems, protect public drinking water systems, provide funding for preparedness planning, bolster the ability of public health departments to respond to biological or chemical threats, enhance the integration of regional telecommunications systems, and generally provide new resources for local police, fire and emergency services departments. Efforts are continuing to more effectively target these funds to the local level, an uphill fight given those who argue for a more centralized state role in this area.

The COPS program, which pays for equipment and personnel, inaugurated under the 1994 Crime Bill, should play the same important role it has in the last decade though its budget is under continual attack. Congress in the last three years has also begun to earmark sizeable amounts of COPS funding, particularly in the public safety technology area. In addition to the COPS program, there is also the Local Law Enforcement Block Grant Program, which the City may be able to receive on a formula basis, and the broad range of programs contained in the Bureau of Justice Assistance within the Justice Department and the fire department support program started by FEMA in 2000.

In all the areas above, we would look forward to working with the City to craft strategies to take advantage of the federal resources and opportunities available.

ACTION PROGRAM FOR THE CITY OF RANCHO CORDOVA

As noted previously, Washington representation for cities works best when it is sharply focused to achieve specific objectives.

Our style has been to work closely with senior City officials to develop an action program that forms the basis of our activity. This is simply an expression of the specific needs and goals with respect to priority federal affairs issues for the year ahead.

Developing a Federal Agenda

In a typical year, the action program includes a range of activities such as agency grants, targeted congressional actions, agency-specific consideration in relevant authorization legislation and administrative or regulatory decisions expedited or problems solved. A program for Rancho Cordova would very likely focus on the major items outlined in the previous section. It would be our intention to work with City officials to formulate such a program for the period ahead.

Monitoring Activities in Washington

We place a major emphasis in our work on the continuous monitoring of developments in Washington that could have an impact on City priorities. In our daily efforts with federal agencies and Congress our goal is to maintain an overview of all significant actions of the federal establishment which could conceivably make a difference to the City, and be in a position to quickly communicate this to the manager and key staff.

For example, the issues cited in the previous section cover a wide range of territory and numerous federal agencies and congressional committees. It is our job to have points of contact in all of those agencies and committees, and we have been generally successful in doing so. *However, they are not the limit of our scope of activities.* We are alert to all areas that could have a beneficial impact on the City or even pose a possible threat. We routinely interact with all federal departments and with the congressional committees with which they correspond and would look forward to discussions on how their work affects the City of Rancho Cordova.

Promoting the City's Priorities

Promoting the City's agenda requires a multi-faceted and continuous approach. Basic elements include:

- (1) Ongoing discussions with City leadership and staff to finalize priority activities;
- (2) Regular meetings with federal officials to review priority project status and assess the potential for their success in the coming months;
- (3) Regular liaison through email, telephone and fax, and memorandum on progress made on the various project areas including: (a) suggestions of the specific roles to be played by City officials; and (b) information resources which will need to be developed.

Working with the City Officials

When City officials travel to Washington, we will work to coordinate Washington activities in pursuit of the City federal affairs agenda. This will include briefings and meetings with executive and legislative branch officials and related activities, as appropriate. We believe that the Council, City Manager and other city officials can make a dramatic difference to our overall efforts on their behalf by regular travel to Washington to meet with federal officials.

A Communications System with City Hall

We would function as the "Washington Office" for the City, providing a base in the nation's capital and a wide variety of services. In addition to regular information and updates on a full range of issues, we would also provide the City with our weekly publication, *The Washington Friday Report*, which focuses on important federal developments that week. The City would receive faxes or direct mail from us an average of several times a week or more and we are also in regular telephone and e-mail contact (see enclosed samples). Our website, www.simoncompany.com also provides helpful up-to-date information and links.

Simon and Company, Inc. Background and Staffing

Simon and Company, Inc. is a Washington, D.C. based firm specializing in the field of local government concerns. It provides assistance to its clients in the areas of legislative affairs, grant and program development and special projects. Its clients include city governments, municipal and county authorities, non-profit groups, and national associations. The company began operations in 1987.

The firm is proud of its record in helping cities to take advantage of opportunities and solve problems within the federal legislative and executive branches. It's experience on behalf of cities for many years has included a track record of measurable achievements in the areas of grants, appropriations, authorizations and regulatory affairs, functioning as part of a team which includes the congressional delegation, the local government's elected leadership and key managers, the department heads and staff.

Len Simon has spent the last twenty-seven years directly involved in the federal affairs concerns of local governments. He joined the staff of the U.S. Conference of

Mayors in March 1977 and became an Assistant Executive Director in October 1978, a position he held until July 1986. In that role he was responsible for policy development and legislative affairs in the fields of transportation, environment, infrastructure, natural resources and telecommunications, and was involved in many other areas on behalf of the Conference. The firm works very closely with the U.S. Conference of Mayors today.

He holds graduate and undergraduate degrees in public policy from the George Washington University, where he also taught for five years (College of Continuing Education in Washington). He speaks frequently in forums around the country on developments in Washington that impact local governments. Simon is a member of the Board of Directors of: the Rechargeable Battery Recycling Corporation and Kidsave, International and serves as president of his local civic association in downtown Bethesda, MD.

Also with the firm are Shannon Long, who joined the firm from a major Washington trade association, David Cobb who previously worked for Senator Mary Landrieu of Louisiana and Kevin DeGood who came to us from Congressman Rick Boucher of Virginia

PROPOSED BUDGET

Based on our experience in working for the public and non-profit sectors we believe strongly that the most appropriate manner in which to be compensated is a flat monthly professional services fee, plus reimbursement for routine and documented expenses. In our view, the flat fee works best because it gives the City the opportunity to budget for this additional staff capacity and be assured that there will be no adjustments necessary to the budgeted amount. An agreed upon flat fee does not change even in months when the workload is unusually heavy. We are comfortable with this approach because it closely conforms to our "extension of staff" concept.

The proposed budget for the work outlined above is \$3,000 per month for the period of April 1, 2004 through March 31, 2005. This represents the basic fee for professional services and will be billed monthly. We further propose a total ceiling during this 12 month period of \$3,000 for reimbursable, documented expenses, which should be sufficient to cover routine items such as long-distance telephone, photocopying, intra-city travel, and when necessary, travel to Rancho Cordova to meet with City officials.

EXAMPLES OF SUCCESSFUL WORK FOR OTHER CLIENTS

The firm is proud of its record in securing assistance for local governments from federal funding sources as well as other accomplishments with the federal legislative and executive branches.

In the sections which follow we have selected from a range of clients' illustrative examples of how we have worked to advance their federal affairs objectives. Most of our client relationships have been multi-year in duration. Therefore, the vignettes below describe only one of many activities we have pursued over the years for the city, authority or association involved. We have chosen the particular instance described because it provides some useful insight into the working details of the modern federal establishment. Equally important, each of the stories below is consistent with our philosophy that Washington representation for local governments today must be a collaborative process involving the local government, the congressional delegation and the Washington representative working together as a team.

Project funding in Authorization Bills. A national organization concerned with the interests of the disabled wanted funding in the omnibus reauthorization of all surface transportation programs. Working with other national organizations in Washington, and the authorizing committees of the House and Senate, we helped to develop a coalition of support for providing funding to this organization from the Department of Transportation for activities related to educating transit authorities on disabilities issues. Typical activities included drafting legislative and report language, press releases, fact sheets, draft letters of support and other materials. This effort resulted in a \$12 and \$18 million authorization, which forms the basis for annual appropriations for the program (*National Easter Seal Society*).

Saving Endangered Federal Funding. A city in the San Francisco bay area had a small marina as one of the key elements of its economic vitality. It relied completely on the Army Corps of Engineers for the quadrennial dredging of the marina, which kept navigation viable. Yet the White House had made a political decision that the Army Corps would get out of the business of dredging small ports and marinas because that activity was not in the "national interest". Our job was to save the funding. We mobilized congressional support, ensured that local officials testified and visited in Washington, and helped to prepare justifications for the dredging. Dredging has now been funded twice since the initial decision to delete it (*San Leandro, California*).

Federal Laws That Miss the Mark Locally. A Pacific Northwest city was ordered by the state environmental agency to provide wastewater treatment to 54,000 residents in an unincorporated area outside the city that was without a sewer system and causing a threat

to groundwater supplies. The city turned to the Clean Water Act for assistance, but was told by the Environmental Protection Agency that its principal needs to finance this burdensome project were ineligible. Working with the City, EPA and the congressional delegation, we led the effort to amend the Clean Water Act through the appropriations process so that this City's needs could be met under the Clean Water Act (*Portland, Oregon*).

New Circumstances Requiring New Action. Two newly incorporated and financially strapped cities needed to move rapidly to obtain the public safety resources to take over that function from their county governments. Weeks after officially becoming a cities, we began working with the Mayor, City Council, Manager, Congressional delegation and the COPS office to secure funding for their new departments. Significantly, the issue of the local match loomed extremely large in the overall equation of whether they could provide these services. With all members of the team providing information and support, we worked on an ongoing basis within the fairly complex COPS office budgetary justification system to ensure that the COPS office could waive the local match so the new officers could join the start-up Police Departments at the appropriate time. (*Oakley and Citrus Heights, California*).

Minimizing Federal Regulatory Abuse. A small city in California was informed that a federal wildlife refuge adjacent to the City was set to expand into all of the remaining downtown developable land. This was to be done through federal legislation sponsored by the hometown Congressman and one of the Senators. Our job was to stop the forward progress of the legislation, create the climate for compromise with the local Congressman and ensure that the City's future rights were protected. Though an arduous process, including hearings, tours, language drafting, coalition building, and work with various Congressional staffs, all of these goals were successfully achieved and the refuge expanded in a manner consistent with the City's long-term development plans (*Newark, California*).

CONCLUSION

It is a great honor to be considered to provide these services to the City of Rancho Cordova. I look forward to discussing this further and hope to have the opportunity to work successfully with you in the very exciting period ahead to ensure effective federal relations approach for the City and the citizens it serves.

ATTACHMENTS

- **Recent Grant Opportunity Memoranda**
- **Washington Friday Report (see email attachment)**
- **Simon and Company website: www.simoncompany.com**

SIMON AND COMPANY

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FEDERAL GRANT OPPORTUNITY

TO: Randy Lewis
City of Tacoma

FROM: Len Simon
Shannon Long

SUBJECT: EPA Now Accepting Brownfields Grants

DATE: October 17, 2003

Following up on the Brownfields Job-Training Program announcement, the Environmental Protection Agency has released the proposal guidelines for Assessment Grants, Revolving Loan Grants and Clean Up Grants under the Small Business Liability Relief and Brownfields Revitalization Act. Proposals are due **December 4, 2003**. *We have attached the complete proposal guidelines for your review.*

EPA estimates that approximately \$100 million will be available in FY04 for 200 brownfields assessment, revolving loan fund and cleanup grant awards. Eligibility and award amounts for assessment, revolving loan fund and clean up grants are defined below.

Eligible entities

Eligible entities for the three grant programs include units of local government, land clearance authority or other quasi-governmental entities that operate under the control of a unit of local government, government entities created by the state legislature, regional councils of units of local government, redevelopment agencies, states, and Indian Tribes. Nonprofit organizations are only permitted to apply for cleanup grants.

Assessment Grant Program

Entities may apply for up to \$200,000 to address sites contaminated by hazardous substances and up to \$200,000 to address sites contaminated by petroleum. Applicants may request a waiver to allow up to \$350,000 dependent upon the level of contamination, size and ownership status of the site. The grant period is for two years.

Revolving Loan Fund Grant Program

Entities may apply for up to \$1 million and coalitions of eligible entities may apply for up to \$1 million per eligible entity. Grantees must provide a 20% cost share for revolving loan fund grants and hardship waivers may be allowed. The grant period is for five years.

Cleanup Grant Program

Entities may apply for up to \$200,000 per site, but are encouraged not to apply for cleanup for more than five sites. Grantees must provide a 20% cost share for the cleanup grant program and hardship waivers may be allowed. The grant period is for two years.

Applicants must submit initial proposals for grant funding by **November 27, 2002**. EPA will invite applicants to submit final proposals based upon evaluation results. Final proposals for each program are due March 5, 2003. EPA intends to provide evaluation results by mid-January of 2003. Applicants are encouraged to contact their respective Intergovernmental Review Office immediately so that the review process may commence once EPA requests a final proposal.

If you have any questions or if we may be of further assistance, please do not hesitate to contact us. We look forward to talking with you soon.

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FEDERAL GRANT OPPORTUNITY

TO: Randy Lewis
City of Tacoma

FROM: Len Simon
Shannon Long

SUBJECT: Technology Opportunities Program FY2004 Grant Round

DATE: February 19, 2004

The National Telecommunications and Information Administration has announced that it is accepting applications for grants under the FY2004 round of the *Technology Opportunities Program* (TOP). *We have attached the official notice for your review.* The deadline for receipt of applications is 5 p.m. **April 27, 2004.**

TOP provides funding to support model projects that demonstrate innovative uses of digital network technologies in underserved communities. TOP projects must address specific challenges and realize opportunities in such areas as community and economic development, lifelong learning, government and public services, safety, health and culture and the arts.

Eligible applicants include all non-profit entities; and all state, local and tribal governments. Individuals and for-profit entities are not eligible to apply, but are encouraged to participate as project partners. Approximately \$12.9 million is available for new grants. Grant recipients are required to provide 50% matching funds, which may be in the form of cash or in-kind contributions.

The NTIA's emphasis for the FY 2004 TOP grant round is on projects that deploy, use and evaluate applications of new telecommunications technology; however, NTIA will support projects that incorporate some planning activities as part of the proposed project.

All forms and guidelines for the FY2004 TOP application process are posted on-line at the NTIA website at www.ntia.doc.gov/top, or we would be pleased to obtain any information or materials for you.

Please let us know if you have any questions or if we may be of further assistance. We look forward to talking with you soon.

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FEDERAL GRANT OPPORTUNITY

TO: Randy Lewis
City of Tacoma

FROM: Len Simon
Shannon Long

SUBJECT: November 3, 2003

DATE: Family Justice Center Initiative

The Office on Violence Against Women within the Department of Justice is now accepting applications for the President's Family Justice Center Initiative. This initiative will support the development of 12 Family Justice Centers nationwide to improve access to vital services for victims and families of domestic violence. The Centers will provide a central location for local service providers to support victim advocacy, law enforcement intervention, and prevention initiatives. Applications are due February 5, 2004. Interested applicants must submit a letter of intent to apply by December 12, 2003 and register to use the Office of Justice Programs Online Grants Management System by January 15, 2004. *We have attached the complete announcement for your review.*

The Office on Violence Against Women has determined that at a minimum, the following activities must be undertaken by the individual projects selected to develop Family Justice Centers:

- Hiring project coordinator and key staff
- Perform assessment of community's domestic violence program
- Coordinate planning meetings with appropriate local partners
- Strengthen collaborative partnerships
- Develop strategic plan
- Identify and secure site for Center
- Establish Center and each of innovative components with existing personnel
- Develop evaluation plan
- Provide funding for local research partner to provide key data services
- Develop case management information system
- Obtain technical assistance from Office on Violence Against Women

The Office on Violence Against Women will make awards through the Arrest Program (Grants to encourage arrest policies and enforcement of protection orders), The Rural Program (Rural domestic violence and child victimization enforcement grants), and the LAV Program (Grants to provide legal assistance to victims).

Eligible applicants for the Arrest Program include states, units of local government, Indian tribal governments, and state and local courts. Eligible applicants under the Rural Program include rural states, Indian tribal governments, local governments of rural states, and public and private entities of rural states, including faith and community-based organizations. The Office of Violence Against Women designates the following states as rural: Alaska, Arizona, Arkansas, Colorado, Idaho, Iowa, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Vermont, and Wyoming. *Please note that local law enforcement agencies are not defined as eligible entities, but law enforcement agencies may assume the lead on the project and administer the grant funds.*

Eligible applicants for the Legal Assistance for Victims Programs include non-profit entities, publicly funded organizations acting in a non-governmental capacity, and Indian Tribal governments. Please note that eligible applicants under both the Arrest and Rural Programs may co-apply with legal assistance provider for the LAV Program.

The President has requested \$20 million for the pilot program in Fiscal Year 2004. The program will award up to \$1.5 million for twelve sites across the country, but individual award amounts will vary based on population of area to be served and scope of the program.

Additional information on this initiative may be obtained by contacting the Office on Violence Against Women at 202-307-6026, or we would be pleased to obtain further details at your request.

Please let us know if you have any questions, or if we may be of further assistance. We look forward to talking with you soon.

Washington Friday Report

Volume VI, Issue 10

March 5, 2004

INSIDE THIS WEEK

- 1 Young Succumbs to House and White House
- 1 Leasing Measure Moves to Senate Floor
- 2 Budget Blueprints, Chairman Barton, Elections

TEA-3 Watch

Succumbing to pressure from the Bush Administration and House Leadership, Transportation and Infrastructure Committee Chairman **Don Young** (Alaska) announced yesterday that he has agreed to a \$279.5 billion surface transportation bill, drastically lower than his original proposal of \$375 billion. Details on the new bill are not yet available, but the committee is expected to mark up the new version later this month.

Young tried unsuccessfully to index the gasoline tax to reflect inflation, but ultimately conceded after repeated veto threats from the White House and fierce opposition from Republican leaders in the House. The bill will most likely pass the House, but will again face a battle during conference when negotiators will have to reach a compromise between the new \$279.5 billion House bill and the recently passed \$318 billion Senate bill. Both chambers passed a two-month extension of the current TEA-21 legislation last week. The Administration also opposes the Senate level.

Several national organizations including the American Public Transportation Association and the American Road and Transportation Builders Association immediately sent letters to the White House and Congress urging support for the \$318 billion Senate bill. Transportation Secretary **Norm Mineta** reissued his call for Congress to support passage of the Administration's \$256 billion SAFETEA bill.

Young's announcement immediately followed an apparent agreement with Ways and Means Committee

Chairman **Bill Thomas** to add a provision to the corporate tax bill to end ethanol subsidies that would add an additional \$15 billion to the Highway Trust Fund over the next six years. The additional \$15 billion barely makes up the difference between Young's original proposal and the recently announced transportation measure.

The strategy of adding the provision to a corporate tax measure, as compared to the finance title of the highway bill, has drawn criticism from many groups that fear opponents of the ethanol measure could delay passage. The House and Senate have already passed two extensions of the current TEA-21 bill and transportation advocates are wary of additional roadblocks. The Senate-passed surface transportation bill also includes the ethanol subsidy language. *Information regarding the new House bill is not yet available, but we will forward the details as soon as they become available.*

Leasing Advocates Step Up Efforts

The corporate tax bill that will generate an additional \$15 billion in the Highway Trust Fund by ending ethanol subsidies is also the vehicle for ending the tax preference for leasing public infrastructure. The Senate version of the bill that would generate \$519 million over 10 years by ending the leasing transactions will move to floor next week, and Finance Committee Chairman **Charles Grassley** (Ia.) has indicated that he will offer the White House preferred version that would generate \$33 billion in revenue over the next 10 years.

The bill would end the sale-leaseback transactions that many local governments have greatly benefited from. According to Treasury Department estimates, local governments only receive \$1 of benefit for every \$10 of lost federal revenue. To refute the Treasury argument, a recent study released by the Big-Ticket Leasing Coalition found that *"the benefits to the municipal lessee on average are likely to exceed the revenue losses to the federal government."* The study

concluded that in many cases, municipalities receive more than \$10 in benefit for the \$10 in lost federal revenues. *We have attached additional information on the study for your review.*

Senate Budget Blueprints

The Senate Budget Committee approved a FY2005 \$814 billion budget plan yesterday that would reduce the President's defense spending request by \$7 billion. The bill moves to the Senate floor next week and a brutal fight by defense hawks on the proposed cuts to the defense budget are all but certain. At the same time, many Democrats, already angry over the President's proposed lack of spending on domestic programs, are mounting opposition to the Budget Committee's \$2 billion cut to the President's domestic spending request.

The budget plan would attempt to cut the ever-growing federal deficit in half in three years, but responding to the outcries from many senators concerning the proposed cuts in defense spending, Budget Committee members are signaling that they may add additional funds to the budget resolution during the floor debate. Senate Appropriations Committee Chairman **Ted Stevens** (Alaska) voiced his opposition to the cuts in defense spending earlier this week and said that, *"They can put any number you want in there for defense - I'm going to take it up to the president's level."*

Budget resolutions are non-binding, but House and Senate leaders would like to see the resolution pass to give them ammunition for fiscal discipline. The House version, which is still being drafted and is scheduled for mark up on March 10, is also calling for cuts to the President's budget proposal. *We have attached additional information on the committee-passed budget resolution for your review and will provide additional updates after the bill goes to the Senate floor. We have also attached a letter from 31 members of the Senate to the Budget Committee leadership urging for an allocation of \$5.2 billion for the Clean Water and Drinking Water State Revolving funds, almost \$4 billion more than the amount appropriated in FY04.*

Barton's Agenda

Congressman **Joe Barton** (Tex.) has officially taken over the Energy and Commerce Committee and

made clear at his first press conference as chairman that passing an energy bill is his top priority, but only if it includes a liability waiver for MTBE producers. *"If the price of the bill is to say that MTBE won't have safe harbor, then there won't be a bill."* The MTBE provision has been stripped from the Senate energy bill because inclusion of the measure ultimately killed the bill last year.

Barton has indicated that he is not pleased with the removal of the liability protection waiver and with his insistence that the protection waiver remain, the future of energy legislation is unclear. In addition to the energy bill, Barton indicated that updating the Telecommunications Act and holding hearings on the President's "Clear Skies" proposal are also top priorities for the committee. *We have attached additional information on Chairman Barton's agenda for the Energy and Commerce Committee for your review.*

Election Watch

Senator **John Kerry** clinched the Democratic nomination for President this week with victories in 9 of the 10 primaries held on Tuesday. In addition to the presidential race, there are several Senate races that are shaping up to be just as competitive. *We have attached additional information on these races for your review that handicaps the seats.*

Welcome Kevin DeGood!

*Please join us in welcoming **Kevin DeGood** to our professional family, effective March 8, 2004. Kevin, who joins us from the office of Congressman **Richard Boucher** of Virginia, will be assisting us in all aspects of our activities on your behalf. He is a native of Toledo, Ohio, where his father served 3 terms as Mayor, and is a graduate of the University of North Carolina. We are sure that you will fondly remember that Kevin's brother Alex served in our office from 1999 through 2003 and had the opportunity to work with you in a broad range of areas. We know that Kevin will ably follow in Alex's footsteps and we look forward to you getting to know him well!*

Please contact Len Simon, Shannon Long or David Cobb if you have any questions.