

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING

Monday, October 3, 2022

**5:30 PM – Regular Meeting
David B. Roberts Council Chambers**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Pursuant to California Assembly Bill 361 amending the Ralph M. Brown Act (Govt. Code 54950-54963), the City has declared a state of emergency relating to COVID-19 and imposed measures to promote social distancing.

Join the Meeting Via Zoom Link:

<https://cityofranchocordova.zoom.us/j/83183634714?pwd=WmwydVNVcjBiQ25xZUMrdmI4UWpSdz09>

Join the Meeting via the Zoom Phone Number

Zoom Phone Number: +1 669 900 6833, +1 253 215 8782, 888 475 4499 (Toll Free)

Webinar ID: 831 8363 4714

Password: 578969

Instructions to Make Public Comment

Submitting Public Comment via Email

Members of the public who wish to provide public comment via email will need to submit written comments to CityClerk@cityofranchocordova.org no later than 3:00 p.m. on Monday, October 3, 2022. Written comments received no later than 3:00 p.m. will be distributed to the Council, filed in the record, and will not be read aloud. All comments submitted later than 3:00 p.m. will be distributed to the Council.

Listening to a Zoom Meeting by Zoom Video Conference

To make a public comment using the Zoom platform, please use the “raise hand” feature at the bottom center of the screen. Please make sure to enable audio controls once access has been given by the City Clerk’s office to speak. Please wait to be called upon by the City Clerk.

Listening to a Zoom Meeting by Phone Only

You can join a Zoom meeting via teleconferencing/audio conferencing using a cell phone or traditional landline phone. To request to make a public comment by phone press *9 to raise your hand. Please wait to be called upon by the City Clerk.

All public comments will be limited to three-minutes.

If you have questions related to the City Council Meeting or the use of Zoom, please contact the City Clerk's Office at (916) 851-8720 Monday, October 3, 2022, before 3:00 p.m.

AGENDA

1. REGULAR MEETING - CALL TO ORDER/ROLL CALL

Council Members Linda Budge, Garrett Gatewood, Siri Pulipati, David Sander, and Mayor Donald Terry

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The Clerk will announce the meetings video recording and playback schedules.

3. PLEDGE OF ALLEGIANCE

The Mayor will call on someone in attendance to lead the Pledge.

4. INVOCATION

Jennifer Laret with The Church of Jesus Christ of Latter-day Saints will give the invocation.

5. PRESENTATIONS

5.1. City Manager Announcement.

6. PUBLIC COMMENT

Citizens wishing to address the Council for any matter not on the agenda may do so at this time via teleconference or by completing and submitting a Speaker Card to the City Clerk.

If you want to make a public comment via teleconference, please use the "raise hand" feature at the bottom center of the screen. If you are participating by telephone and you want to make a public comment, please press *9 to raise your hand. For those participating by Zoom or telephone, please wait to be called upon by the City Clerk.

For items on the agenda, speakers will be called by the Mayor at the point on the agenda when the item will be heard. Speakers are encouraged to keep comments to three minutes or less and to state 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 item not on the agenda unless it can be demonstrated to be of an emergency nature or the need to take immediate action arose after the posting of the agenda.

7. COUNCIL REPORTS

8. CITY MANAGER'S REPORT

9. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

- 9.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of September 19, 2022 and the Special Meeting of September 27, 2022.

Recommendation: Adopt the minutes.

- 9.2. **Subject:** A Resolution of the City Council of the City of Rancho Cordova and on Behalf of Commissions and Committees Created by the City Council Pursuant to Government Code Section 54952(b) Confirming the State of Emergency Under Government Code Section 8625, Recognizing Continued Measures to Promote Social Distancing, and Re-authorizing Remote Teleconference Meetings of the City for the Period from October 3, 2022 to November 2, 2022.

Recommendation: Adopt the Resolution.

- 9.3. **Subject:** Biennial Review of the Updated Conflict of Interest Code for the City of Rancho Cordova Designated Employees.

Recommendation: Receive and file the Updated Conflict of Interest Code for the City of Rancho Cordova Designated Employees.

- 9.4. **Subject:** A Resolution Authorizing the City Manager to Execute Contract No. 2022-199 with Bear Construction Inc. in an Amount not to Exceed \$673,058 for the Countryside Sidewalk Improvement Project.

Recommendation: Adopt the Resolution.

- 9.5. **Subject:** A Resolution Authorizing the City Manager to Execute Contract Amendment No. 2021-337-1 with R.E.Y. Engineers, Inc. to increase the contract Amount from \$616,948, to an Amount not to Exceed \$707,182 for the Countryside Neighborhood Street Rehabilitation Project.

Recommendation: Adopt the Resolution.

- 9.6. **Subject:** A Resolution Authorizing the City Manager to Execute Contract Amendment No. 2021-38-2 with R.E.Y. Engineers, Inc. to Increase the Contract Amount from \$483,920 to an Amount not to Exceed \$512,920 and Extend the Contract to June 30, 2023 for the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project.

Recommendation: Adopt the Resolution.

- 9.7. **Subject:** A Resolution Authorizing the City Manager to Execute Contract No. 2022-218 with The Rancho Cordova Area Chamber of Commerce in an Amount not to Exceed \$665,000 for Business Retention Services.

Recommendation: Adopt the Resolution

- 9.8. **Subject:** A Resolution Approving the Final Map of Rio Del Oro East Large Lot Map, Subdivision No. FM-2020-003-01, and Authorizing the City Manager to Execute the Subdivision Improvement Agreement Contract No. 2022-205 with Aerojet Rocketdyne, Inc.

Recommendation: Adopt the Resolution.

- 9.9. **Subject:** A Resolution Declaring the Results of a Mail Ballot Election Relating to the

Imposition of the Annual Stormwater Utility Fee for the Stone Creek Village Project in the City of Rancho Cordova.

Recommendation: Adopt the Resolution declaring the results of the mail ballot election relating to the imposition of the Annual Stormwater Utility Fee for the Stone Creek Village project.

10. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

- 10.1. **Subject:** A Resolution of the City Council of the City of Rancho Cordova, Authorizing the Application and Adopting the PLHA plan for the Permanent Local Housing Allocation Program.

Recommendation: Adopt the Resolution.

- 10.2. **Subject:** An Ordinance Amending Title 2 Administration and Personnel, Chapter 2.34 Redevelopment Agency; Title 4 Business Regulation, Chapter 4.10 Special Business Licenses and Employee Permits; Title 6 Health and Sanitation, Chapter 6.28 Wells and Pumps & Chapter 6.90 Cannabis Cultivation; Title 10 Vehicles and Traffic, Chapter 10.64 Trip Reduction Programs; Title 14 Agricultural Activities, Chapter 14.05 Agricultural Activities; Title 16 Buildings and Construction, Chapter 16.95 Storm Drainage Impact Fee Program; Title 21 Plans, Chapter 21.12 Procedures for Adoption or Amendment of Plans; Title 22 Land Development, Chapter 22.160 Capital Improvement Program; and Title 23 Zoning Code, Chapter 23.104 Approval Authority, Chapter 23.119 Unified Sign Program, Chapter 23.158 Development Agreements, Chapter 23.501 Introduction to Form-Based Provisions, & Chapter 23.743 Signs.

Recommendation: Waive the first reading and introduce the Ordinance.

11. PUBLIC HEARING ITEMS

None.

12. REGULAR CALENDAR ITEMS

- 12.1. **Subject:** A Resolution of the City Council of the City of Rancho Cordova Approving a 5% Performance Incentive Payment for Cyrus Abhar for Service as City Manager

Recommendation: Receive report and adopt the Resolution.

13. COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS

14. ADJOURN TO CLOSED SESSION

Mayor Terry will adjourn the meeting to closed session.

15. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Council Members Linda Budge, Garrett Gatewood, Siri Pulipati, David Sander, and Mayor Donald Terry

16. CLOSED SESSION

Council will meet in closed session to discuss the following item:

PUBLIC EMPLOYEE APPOINTMENT
Title: City Manager

Pursuant to Government Code Section 54957.

17. OPEN SESSION - REPORT FROM CLOSED SESSION

The City Attorney will report on action taken in closed session.

18. ADJOURNMENT

ADDITIONAL INFORMATION

Special meetings listed below are subject to change/cancellation without further notice.

Unless the Council adopts a motion to extend the meeting, any item that is not initiated before 11:00 p.m. will be continued to the next day at 5:30 p.m. or scheduled on the next regular meeting Agenda of the Council.

Public documents related to items on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the time the documents are distributed to the Council. Documents are available for inspection at the City Clerk's office located in Rancho Cordova City Hall.

The agenda items are accessible on the City's website at www.cityofranchocordova.org on Thursdays or Fridays prior to the Regular City Council Meeting.

UPCOMING MEETINGS

October 17, 2022	5:30 PM Regular Meeting
October 25, 2022	5:30 PM Special Meeting/Work Session
November 7, 2022	4:00 PM Special Meeting/Regular Meeting
November 21, 2022	5:30 PM Regular Meeting
November 29, 2022	5:30 PM Special Meeting/Work Session
December 5, 2022	4:00 PM Special Meeting/Regular Meeting
December 13, 2022	5:30 PM Special Meeting/Work Session
December 19, 2022	5:30 PM Regular Meeting

If you have any technical questions related to the agenda items, please contact City Hall at (916) 851-8700.

The Rancho Cordova City Council meeting will be videotaped in its entirety and will be cablecast without interruption on Metro Cable 14, the Government Affairs Channel on the Comcast, Consolidated Communications and AT&T U-Verse Systems. Closed Captioning will be available on the playback cablecast. A DVD copy is available from the City Clerk's Department and a webcast of this meeting will be available for viewing via video streaming from the City's website within 48 hours of adjournment of this meeting.

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) 851-8720 at least 48 hours prior to the meeting.

CERTIFICATION OF POSTING OF AGENDA

I, Stacy Leitner, City Clerk for the City of Rancho Cordova, declare that the foregoing agenda for the October 3, 2022 Regular Meeting of the Rancho Cordova City Council was posted and available for review on September 30, 2022 at City Hall of the City of Rancho Cordova, 2729 Prospect Park Drive, Rancho Cordova, California, 95670. The agenda is also available on the city website at www.cityofranchocordova.org.

Signed September 30, 2022 at Rancho Cordova, California.



Stacy Leitner, CMC
City Clerk

ITEM 9.1.

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING Monday, September 19, 2022

**5:30 PM – Regular Meeting
David B. Roberts Council Chambers**

**City Hall
2729 Prospect Park Drive, Rancho Cordova**

Pursuant to California Assembly Bill 361 amending the Ralph M. Brown Act (Govt. Code 54950-54963), the City has declared a state of emergency relating to COVID-19 and imposed measures to promote social distancing.

DRAFT MINUTES

1. REGULAR MEETING - CALL TO ORDER/ROLL CALL

Mayor Terry called the Regular meeting to order in the David B. Roberts Council Chambers at 5:35 p.m.

Council Members Present: Linda Budge, Garrett Gatewood (arrived at 5:38 p.m.), Siri Pulipati, David Sander, and Mayor Donald Terry

Council Members Absent: None

Staff Members Present: Cyrus Abhar, Adam Lindgren, Stacy Leitner and Persephonie Riley

2. METRO CABLE TV TELEVISION ANNOUNCEMENT

The City Clerk read the meetings recordings and playback schedule.

3. PLEDGE OF ALLEGIANCE

Ben Avey led the pledge.

4. INVOCATION

There was a moment of silence in lieu of an invocation.

5. PRESENTATIONS

ITEM 9.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Monday, September 19, 2022

6. PUBLIC COMMENT

Mayor Terry opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. Brenda Gustin
2. Jim Garcia
3. James Garcia
4. Marilyn Metzger
5. James Garcia
6. Gregory Muilenburg
7. Deane Burke

Mayor Terry closed the public comment period.

7. COUNCIL REPORTS

Council reported on events since the last meeting.

8. CITY MANAGER'S REPORT

City Manager Cyrus Abhar gave his report.

9. CONSENT CALENDAR ITEMS - ROLL CALL VOTE

Mayor Terry opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. James Garcia

Mayor Terry closed the public comment period.

ACTION: Motion to approve item 9.1 through 9.7 by Budge second by Pulipati;
Motion passed with a 5:0 vote.

- 9.1. **Subject:** Meeting Minutes from the Regular City Council Meeting of September 6, 2022.
Recommendation: Adopt the Minutes.
- 9.2. **Subject:** Second Reading of an Ordinance Establishing a Special Tax Zone 31 for Transit-Related Services for a portion of The Ranch Project.
Recommendation: Waive second reading and adopt the Ordinance.
- 9.3. **Subject:** A Resolution Authorizing the City Manager to Execute Contract No. 2022-179 with WellSpace Health in an Amount not to Exceed \$128,000 for Workforce Recovery Program Services.
Recommendation: Adopt the Resolution.
- 9.4. **Subject:** Rancho Cordova Youth Center Master Joint Use Agreements and Joint Use Agreements with Boys and Girls Club of America and Rancho Cordova Police Activities League.
Recommendation: Adopt the Resolution.
- 9.5. **Subject:** A Resolution Approving the Final Large Lot Map of Grantline 220 Subdivision No. FM-2021-004-00, and Authorizing the City Manager to Execute Subdivision Improvement Agreement Contract No. 2022-194 with Lennar Homes of California LLC.
Recommendation: Adopt the Resolution.

ITEM 9.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Monday, September 19, 2022

- 9.6. **Subject:** A Resolution Authorizing the City Manager to Execute Contract No. 2022-198 in an Amount not to Exceed \$156,944 With Tetra Tech, Inc. for Environmental Investigation Services on the City's Property at 2738 Woodberry Way.

Recommendation: Adopt the Resolution.

- 9.7. **Subject:** A Resolution Declaring the Results of a Mail Ballot Election Relating to the Imposition of the Annual Stormwater Utility Fee for a portion of the Ranch Project in the City of Rancho Cordova.

Recommendation: Adopt the Resolution declaring the results of the mail ballot election relating to the imposition of the Annual Stormwater Utility Fee for a portion of the Ranch project.

10. CONSENT PUBLIC HEARING ITEMS - ROLL CALL VOTE

None.

11. PUBLIC HEARING ITEMS

None.

12. REGULAR CALENDAR ITEMS

- 12.1. **Subject:** Presentation of the 2024 Blueprint by the Sacramento Area Council of Governments (SACOG).

Recommendation: Receive presentation from James Corless, Sacramento Area Council of Governments

Mayor Terry opened the public comment period. Seeing no speakers. Mayor Terry closed the public comment period.

- 12.2. **Subject:** Measure R and Measure H/Community Enhancement & Investment Fund Citizen Oversight Board Appointments.

Recommendation: The City Council discuss, and select, by a majority vote of the full City Council, four, two-year term board members and two, one-year term at-large student appointees, to fill the combined Measure R and Measure H/Community Enhancement & Investment Fund Citizen Oversight Board.

Mayor Terry opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. Deane Burke
2. Kari Schoch
3. Nia Danelia
4. Valeria Aguilar

Mayor Terry closed the public comment period.

ACTION: Motion to appoint Nia Danelia and Valeria Aguilar to the Community Enhancement & Investment Citizen Oversight Board as at-large student members by Budge second by Gatewood;
Motion passed with a 5:0 vote.

ACTION: Motion to appoint Kari Schoch and Deane Burke to the Community Enhancement & Investment Fund Citizen Oversight Board by Budge second by Pulipati;

ITEM 9.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Monday, September 19, 2022

Motion passed with a 5:0 vote.

ACTION: Motion to appoint Enrique Cruz to the Community Enhancement & Investment Fund Citizen Oversight Board by Budge second by Gatewood;
Motion passed with a 5:0 vote.

ACTION: Motion to appoint Lisa Burns to the Community Enhancement & Investment Fund Citizen Oversight Board by Pulipati second by Gatewood;
Motion passed with a 5:0 vote.

12.3. **Subject:** Discussion on Naming of Streets and Facilities

Recommendation: Receive information and provide direction as needed.

Mayor Terry opened the public comment period. The following individuals addressed the Council or submitted public comment via email:

1. Helen Whelan Bashaw

Mayor Terry closed the public comment period.

ACTION: Input was received regarding the Naming of Streets and Facilities.

13. **COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

1. Sister City Relationship with Korea
2. Little League Board Discussion
3. Infill Projects Next Steps

14. **ADJOURN TO CLOSED SESSION**

Mayor Terry adjourned the meeting to closed session at 7:46 p.m.

15. **CLOSED SESSION - CALL TO ORDER/ROLL CALL**

Mayor Terry called closed session to order at 7:46 p.m.

Council Members Present: Linda Budge, Garrett Gatewood, Siri Pulipati, David Sander, and Mayor Donald Terry

Council Members Absent: None

Staff Members Present: Cyrus Abhar and Adam Lindgren

16. **CLOSED SESSION**

Council met in closed session to discuss the following item:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (pursuant to California Government Code Section 54956.9(d)(1)) Cordova Recreation and Park District v. City of Rancho Cordova, Sacramento Superior Court Case No. 34-2021-80003705.

17. **OPEN SESSION - REPORT FROM CLOSED SESSION**

City Attorney Adam Lindgren reported that staff was given direction and no reportable action was taken in closed session.

18. **ADJOURNMENT**

ITEM 9.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Monday, September 19, 2022

Mayor Terry adjourned the meeting in memory of Mark Stasyuk and Queen Elizabeth II
at 8:18 p.m.

Stacy Leitner, CMC
City Clerk

ITEM 9.1.

CITY OF RANCHO CORDOVA



CITY COUNCIL MEETING **Tuesday, September 27, 2022**

5:30 PM – Special Meeting/Closed Session

City Hall
2729 Prospect Park Drive, Rancho Cordova

Pursuant to California Assembly Bill 361 amending the Ralph M. Brown Act (Govt. Code 54950-54963), the City has declared a state of emergency relating to COVID-19 and imposed measures to promote social distancing.

DRAFT MINUTES

1. SPECIAL MEETING - CALL TO ORDER/ROLL CALL

Mayor Terry called the Special meeting to order in the David B. Roberts Council Chambers at 5:35 p.m.

Council Members Present: Linda Budge, Garrett Gatewood, Siri Pulipati, and Mayor Donald Terry

Council Members Absent: David Sander

Staff Members Present: Cyrus Abhar, Adam Lindgren, Stacy Leitner and Persephonie Riley

2. PUBLIC COMMENT

Mayor Terry opened the public comment period. Seeing no speakers. Mayor Terry closed the public comment period.

3. ADJOURN TO CLOSED SESSION

Mayor Terry adjourned the meeting to closed session at 5:37 p.m.

4. CLOSED SESSION - CALL TO ORDER/ROLL CALL

Mayor Terry called closed session to order at 5:35 p.m.

Council Members Present: Linda Budge, Garrett Gatewood, Siri Pulipati, David Sander, and Mayor Donald Terry

ITEM 9.1.

Rancho Cordova City Council - DRAFT MINUTES
Meeting of Tuesday, September 27, 2022

Council Members Absent: None

Staff Members Present: Cyrus Abhar and Adam Lindgren

5. CLOSED SESSION

Council met in closed session to discuss the following item:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: City Manager: Pursuant to Government Code Section 54957.

6. OPEN SESSION - REPORT FROM CLOSED SESSION

City Attorney Adam Lindgren reported that the Council concluded that the City Manager's performance in 2022 was exemplary.

7. ADJOURNMENT

Mayor Terry adjourned the meeting at 6:50 p.m.

Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 9.2.

DATE: October 3, 2022
TO: Honorable Mayor and Council Members
FROM: Adam Lindgren, City Attorney
SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO GOVERNMENT CODE SECTION 54952(B) CONFIRMING THE STATE OF EMERGENCY UNDER GOVERNMENT CODE SECTION 8625, RECOGNIZING CONTINUED MEASURES TO PROMOTE SOCIAL DISTANCING, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY FOR THE PERIOD FROM OCTOBER 3, 2022 TO NOVEMBER 2, 2022**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the attached Resolution would allow the City Council and the City's other legislative bodies to continue to meet via teleconference ("virtually") in a manner substantially similar to the manner in which they have met during the COVID-19 pandemic, if a proclaimed State of Emergency remains in effect and other requirements are satisfied.

BACKGROUND

All meetings of the City Council and the City's other legislative bodies are open and public, as required by the Ralph M. Brown Act, Government Code section 54950 et seq., so that any member of the public may attend, participate, and watch the City's legislative bodies conduct their business. On March 17, 2020, in response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow local legislative bodies to conduct virtual meetings to slow the spread of COVID-19. As a result of Executive Order N-29-20, City Staff set up virtual meetings for the City Council and other City legislative bodies. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which, effective September 30, 2021, ended the provisions of Executive Order N-29-20 that allowed local legislative bodies to conduct meetings telephonically or by other means.

On September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), which allows local legislative bodies to continue to conduct meetings via teleconferencing under specified

conditions. AB 361 took effect upon the expiration of Executive Order N-29-20 on October 1, 2021. On September 20, 2021, the City Council held a meeting in compliance with AB 361's requirements for remote meetings.

In order for AB 361 to remain effective for meetings of the City's legislative bodies, the City Council is required to make specified findings every 30 days. AB 361 allows a legislative body to continue holding meetings utilizing teleconferencing without complying with the standard teleconferencing requirements if a State of Emergency is proclaimed under Government Code section 8625, the City has reconsidered the emergency conditions, and if the local Public Health Officer continues to recommend social distancing measures to protect the public's health and safety during local government meetings. These conditions are present.

Governor Newsom's March 4, 2020 Proclamation of Emergency related to the COVID-19 pandemic is still in effect. The potential spread of COVID-19 continues to threaten public health and safety during indoor public gatherings, including indoor gatherings of the Rancho Cordova City Council and other Rancho Cordova legislative bodies. In addition, the Sacramento County Public Health Officer continues to recommend teleconferencing or social distancing to protect the public's health and safety during local government meetings.

SUMMARY

The attached Resolution makes the required findings that the current conditions exist to allow teleconference meetings pursuant to AB 361 for the City Council and on behalf of all of the legislative bodies commissions and committees created by the City Council pursuant to Government Code section 54952(b). This will allow members of the public to safely observe and participate in local government meetings during the pandemic.

If a meeting is held via teleconference under AB 361, the following requirements apply:

1. Notices and agenda requirements remain the same under the Brown Act;
2. No physical location is required for public attendance or public comment. However, the public must be able to access and participate in the meeting through a call-in or an internet-based service, and instructions for how to participate must appear in the posted notices or agenda;
3. Teleconference meetings must protect the statutory and constitutional rights of the parties and the public;
4. If there is any disruption of the call-in or internet-based service, the agency must suspend the meeting until the problem is fixed;
5. Legislative bodies may allow public comments to be submitted prior to a meeting but must also allow the public to participate in real time through call-in or internet-based service;
6. If an internet-based service requires registration through a third-party, individuals can be required to register with the third-party to participate in the meeting; and
7. When providing a public comment period, whether after each item or during a general comment period, a legislative body must allow reasonable time for members of the public to comment and must also include reasonable time for members to register with a third-party host if applicable.

FISCAL IMPACT AND FUNDING SOURCE

The cost of continued remote access to Council meetings and the meetings of other City committees.

ATTACHMENT(S)

1. Resolution

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA AND ON BEHALF OF COMMISSIONS AND COMMITTEES CREATED BY THE CITY COUNCIL PURSUANT TO GOVERNMENT CODE SECTION 54952(b) CONFIRMING THE STATE OF EMERGENCY UNDER GOVERNMENT CODE SECTION 8625, RECOGNIZING CONTINUED MEASURES TO PROMOTE SOCIAL DISTANCING, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE CITY FOR THE PERIOD FROM OCTOBER 3, 2022 TO NOVEMBER 2, 2022

WHEREAS, the City is committed to preserving and promoting public access and participation in meetings of the legislative bodies; and

WHEREAS, all meetings of the City are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the City conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, on September 20, 2021 the City held a meeting during a state of emergency under Government Code section 8625 and during a period of recommended social distancing by state and local officials while complying with Government Code section 54953(e)(2); and

WHEREAS, the City is required to make certain findings every thirty (30) days to continue teleconferencing under Government Code section 54953(e)(3), including reconsideration of the state of emergency declared by the Governor pursuant to Government Code section 8625, and State or local officials continue to impose or recommend measures to promote social distancing; and

WHEREAS, the City continues to experience emergency conditions due to COVID-19, specifically, the highly transmissible SARS-CoV-2 B.1.617.2 ("Delta") continues to threaten public health and safety during indoor public gatherings; and

WHEREAS, the City Council has considered the circumstances of the Governor's state of emergency proclamation pursuant to Government Code section 8625, which remains active; and

WHEREAS, on July 30, 2021, the Sacramento County Health Officer issued an order requiring all individuals, regardless of vaccination status, to wear a mask while indoors in public spaces; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least six feet (6') from others outside of the household; and

WHEREAS, the Sacramento County Health Officer's order incorporates the CDC's guidance for vaccinated and unvaccinated people; and

WHEREAS, the City Council, acting as a legislative body pursuant to Government Code section 54952(a) and for the benefit of the commissions, committees, and other bodies that were created by the City Council pursuant to Government Code section 54952(b) (collectively referred to as the "Legislative Bodies"), does hereby find that the Legislative Bodies shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Legislative Bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953 as a consequence of the ongoing state of emergency and the continued social distancing measures required by local officials.

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

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Affirmation that Local Emergency Persists. The City Council hereby considers the conditions of the state of emergency pursuant to Government Code section 8625 and proclaims that a local emergency persists throughout the City, affirms the Sacramento Health Order's required and recommended measures to promote social distancing, and finds that the conditions continue to exist pursuant to Government Code section 54953(e)(3) to allow the Legislative Bodies to use teleconferencing to hold public meetings in accordance with Government Code section 54953(e)(2) to ensure members of the public have continued access to safely observe and participate in local government meetings.

Section 3. Remote Teleconference Meetings. City Staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 2, 2022 or such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of City may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova, this 3rd day of October 2022, by the following vote:

ITEM 9.2.

ATTACHMENT 1

AYES:

NOES:

ABSENT:

ABSTAIN:

Donald Terry, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 9.3.

DATE: October 3, 2022
TO: Honorable Mayor and Council Members
FROM: Stacy Leitner, City Clerk
SUBJECT: **BIENNIAL REVIEW OF THE UPDATED CONFLICT OF INTEREST CODE FOR THE CITY OF RANCHO CORDOVA DESIGNATED EMPLOYEES**

RECOMMENDATION

Receive and file the Updated Conflict of Interest Code for the City of Rancho Cordova Designated Employees.

RESULT OF RECOMMENDED ACTION

Filing of the Updated Conflict of Interest Code for the City of Rancho Cordova Designated Employees will result in the City's compliance with Fair Political Practices Commission requirements.

BACKGROUND

Local agencies must review their Conflict of Interest Code biennially to ensure the Code accurately designates the appropriate positions and requires disclosure by designated officials in the appropriate disclosure category. The Political Reform Act requires all positions that make or participate in making governmental decisions be designated.

The City Council, City Manager, City Attorney, Chief Financial Officer, and Planning Commissioners are not covered under this Code because they are mandated filers subject to the disclosure requirements set forth in Government Code Section 87200.

The attachments reference the proposed changes from the last biennial review.

FISCAL IMPACT AND FUNDING SOURCE

There is no Fiscal Impact.

ATTACHMENT(S)

1. Local Agency Biennial Notice
2. California Code of Regulations
3. Conflict of Interest Code Proposed Changes
4. Conflict of Interest Code Final

2022 Local Agency Biennial Notice

Name of Agency: City of Rancho Cordova
 Mailing Address: 2729 Prospect Park Drive
 Contact Person: Stacy Leitner Phone No. (916) 851-8805
 Email: sleitner@cityofranchocordova.org Alternate Email: priley@cityofranchocordova.org

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

☒ **An amendment is required. The following amendments are necessary:**

(*Check all that apply.*)

- ☒ Include new positions
- ☒ Revise disclosure categories
- ☒ Revise the titles of existing positions
- ☐ Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- ☐ Other (*describe*) _____

☐ **The code is currently under review by the code reviewing body.**

☐ **No amendment is required.** (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 3, 2022**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18730. Provisions of Conflict of Interest Codes.

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Section 87300 or the amendment of a conflict of interest code within the meaning of Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of article 2 of chapter 7 of the Political Reform Act, Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (Regulations 18110, et seq.), and any amendments to the Act or regulations, are incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on economic interests.

(3) Section 3. Disclosure Categories.

This code does not establish any disclosure obligation for those designated employees who are also specified in Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their economic interests pursuant to article 2 of chapter 7 of the Political Reform Act, Sections 87200, et seq.

In addition, this code does not establish any disclosure obligation for any designated employees who are designated in a conflict of interest code for another agency, if all of the following apply:

(A) The geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction of the other agency;

(B) The disclosure assigned in the code of the other agency is the same as that required under article 2 of chapter 7 of the Political Reform Act, Section 87200; and

(C) The filing officer is the same for both agencies.¹

Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories set forth in the Appendix specify which kinds of economic interests are reportable. Such a designated employee shall disclose in the employee's statement of economic interests those economic interests the employee has which are of the kind described in the disclosure categories to which the employee is assigned in the Appendix. It has been determined that the economic interests set forth in a designated employee's

disclosure categories are the kinds of economic interests which the employee foreseeably can affect materially through the conduct of the employee's office.

(4) Section 4. Statements of Economic Interests: Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.²

(5) Section 5. Statements of Economic Interests: Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1. If a person reports for military service as defined in the Servicemember's Civil Relief Act, the deadline for the annual statement of economic interests is 30 days following the person's return to office, provided the person, or someone authorized to represent the person's interests, notifies the filing officer in writing prior to the applicable filing deadline that the person is subject to that federal statute and is unable to meet the applicable deadline, and provides the filing officer verification of the person's military status.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign Prior to Assuming Office.

Any person who resigns within 12 months of initial appointment, or within 30 days of the date of notice provided by the filing officer to file an assuming office statement, is not deemed to have assumed office or left office, provided the person did not make or participate in the making of, or use the person's position to influence any decision and did not receive or become entitled to receive any form of payment as a result of the person's appointment. Such persons shall not file either an assuming or leaving office statement.

(A) Any person who resigns a position within 30 days of the date of a notice from the filing officer shall do both of the following:

(1) File a written resignation with the appointing power; and

(2) File a written statement with the filing officer declaring under penalty of perjury that during the period between appointment and resignation the person did not make, participate in the making, or use the position to influence any decision of the agency or receive, or become entitled to receive, any form of payment by virtue of being appointed to the position.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later, or for a board or commission member subject to Section 87302.6, the day after the closing date of the most recent statement filed by the member pursuant to Regulation 18754.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investment and Real Property Disclosure.

When an investment or an interest in real property³ is required to be reported,⁴ the statement shall contain the following:

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property equals or exceeds \$2,000, exceeds \$10,000, exceeds \$100,000, or exceeds \$1,000,000.

(B) Personal Income Disclosure. When personal income is required to be reported,⁵ the statement shall contain:

1. The name and address of each source of income aggregating \$500 or more in value, or \$50 or more in value if the income was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was \$1,000 or less, greater than \$1,000, greater than \$10,000, or greater than \$100,000;

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan and the term of the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,⁶ the statement shall contain:

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than \$10,000.

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which the employee is a director, officer, partner, trustee, employee, or in which the employee holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Prohibition on Receipt of Honoraria.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept any honorarium from any source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (a), (b), and (c) of Section 89501 shall apply to the prohibitions in this section.

(D) This section shall not limit or prohibit payments, advances, or reimbursements for travel and related lodging and subsistence authorized by Section 89506.

(8.1) Section 8.1. Prohibition on Receipt of Gifts in Excess of \$520.

(A) No member of a state board or commission, and no designated employee of a state or local government agency, shall accept gifts with a total value of more than \$520 in a calendar year from any single source, if the member or employee would be required to report the receipt of income or gifts from that source on the member's or employee's statement of economic interests.

(B) This section shall not apply to any part-time member of the governing board of any public institution of higher education, unless the member is also an elected official.

(C) Subdivisions (e), (f), and (g) of Section 89503 shall apply to the prohibitions in this section.

(8.2) Section 8.2. Loans to Public Officials.

(A) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the elected officer holds office or over which the elected officer's agency has direction and control.

(B) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while he or she holds office, receive a personal loan from any officer, employee, member, or consultant of the state or local government agency in which the public official holds office or over which the public official's agency has direction and control. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(C) No elected officer of a state or local government agency shall, from the date of the election to office through the date that the officer vacates office, receive a personal loan from

any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control.

This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status.

(D) No public official who is exempt from the state civil service system pursuant to subdivisions (c), (d), (e), (f), and (g) of Section 4 of Article VII of the Constitution shall, while the official holds office, receive a personal loan from any person who has a contract with the state or local government agency to which that elected officer has been elected or over which that elected officer's agency has direction and control. This subdivision shall not apply to loans made by banks or other financial institutions or to any indebtedness created as part of a retail installment or credit card transaction, if the loan is made or the indebtedness created in the lender's regular course of business on terms available to members of the public without regard to the elected officer's official status. This subdivision shall not apply to loans made to a public official whose duties are solely secretarial, clerical, or manual.

(E) This section shall not apply to the following:

1. Loans made to the campaign committee of an elected officer or candidate for elective office.

2. Loans made by a public official's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such persons, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans from a person which, in the aggregate, do not exceed \$500 at any given time.

4. Loans made, or offered in writing, before January 1, 1998.

(8.3) Section 8.3. Loan Terms.

(A) Except as set forth in subdivision (B), no elected officer of a state or local government agency shall, from the date of the officer's election to office through the date the officer vacates office, receive a personal loan of \$500 or more, except when the loan is in writing and clearly states the terms of the loan, including the parties to the loan agreement, date of the loan, amount of the loan, term of the loan, date or dates when payments shall be due on the loan and the amount of the payments, and the rate of interest paid on the loan.

(B) This section shall not apply to the following types of loans:

1. Loans made to the campaign committee of the elected officer.

2. Loans made to the elected officer by his or her spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any such person, provided that the person making the loan is not acting as an agent or intermediary for any person not otherwise exempted under this section.

3. Loans made, or offered in writing, before January 1, 1998.

(C) Nothing in this section shall exempt any person from any other provision of Title 9 of the Government Code.

(8.4) Section 8.4. Personal Loans.

(A) Except as set forth in subdivision (B), a personal loan received by any designated employee shall become a gift to the designated employee for the purposes of this section in the following circumstances:

1. If the loan has a defined date or dates for repayment, when the statute of limitations for filing an action for default has expired.

2. If the loan has no defined date or dates for repayment, when one year has elapsed from the later of the following:

- a. The date the loan was made.
- b. The date the last payment of \$100 or more was made on the loan.
- c. The date upon which the debtor has made payments on the loan aggregating to less than \$250 during the previous 12 months.

(B) This section shall not apply to the following types of loans:

- 1. A loan made to the campaign committee of an elected officer or a candidate for elective office.
- 2. A loan that would otherwise not be a gift as defined in this title.
- 3. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor has taken reasonable action to collect the balance due.
- 4. A loan that would otherwise be a gift as set forth under subdivision (A), but on which the creditor, based on reasonable business considerations, has not undertaken collection action. Except in a criminal action, a creditor who claims that a loan is not a gift on the basis of this paragraph has the burden of proving that the decision for not taking collection action was based on reasonable business considerations.
- 5. A loan made to a debtor who has filed for bankruptcy and the loan is ultimately discharged in bankruptcy.

(C) Nothing in this section shall exempt any person from any other provisions of Title 9 of the Government Code.

(9) Section 9. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use the employee's official position to influence the making of any governmental decision which the employee knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of the official's immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth \$2,000 or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth \$2,000 or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating \$500 or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$500 or more provided to, received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(9.3) Section 9.3. Legally Required Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent the employee's participation is legally required for the decision to be made.

The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make the employees' participation legally required for purposes of this section.

(9.5) Section 9.5. Disqualification of State Officers and Employees.

In addition to the general disqualification provisions of section 9, no state administrative official shall make, participate in making, or use the official's position to influence any governmental decision directly relating to any contract where the state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of the official's immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value \$1,000 or more.

(10) Section 10. Disclosure of Disqualifying Interest.

When a designated employee determines that the employee should not make a governmental decision because the employee has a disqualifying interest in it, the determination not to act may be accompanied by disclosure of the disqualifying interest.

(11) Section 11. Assistance of the Commission and Counsel.

Any designated employee who is unsure of the duties under this code may request assistance from the Fair Political Practices Commission pursuant to Section 83114 and Regulations 18329 and 18329.5 or from the attorney for the employee's agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(12) Section 12. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Sections 81000-91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Section 87100 or 87450 has occurred may be set aside as void pursuant to Section 91003.

¹ Designated employees who are required to file statements of economic interests under any other agency's conflict of interest code, or under article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Section 81004.

² See Section 81010 and Regulation 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

³ For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

⁴ Investments and interests in real property which have a fair market value of less than \$2,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

⁵ A designated employee's income includes the employee's community property interest in the income of the employee's spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

⁶ Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

Note: Authority cited: Section 83112, Government Code. Reference: Sections 87103(e), 87300-87302, 89501, 89502 and 89503, Government Code.

HISTORY

1. New section filed 4-2-80 as an emergency; effective upon filing (Register 80, No. 14).
Certificate of Compliance included.
2. Editorial correction (Register 80, No. 29).
3. Amendment of subsection (b) filed 1-9-81; effective thirtieth day thereafter (Register 81, No. 2).
4. Amendment of subsection (b)(7)(B)1. filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
5. Amendment of subsection (b)(7)(A) filed 11-10-83; effective thirtieth day thereafter (Register 83, No. 46).
6. Amendment filed 4-13-87; operative 5-13-87 (Register 87, No. 16).
7. Amendment of subsection (b) filed 10-21-88; operative 11-20-88 (Register 88, No. 46).
8. Amendment of subsections (b)(8)(A) and (b)(8)(B) and numerous editorial changes filed 8-28-90; operative 9-27-90 (Reg. 90, No. 42).

9. Amendment of subsections (b)(3), (b)(8) and renumbering of following subsections and amendment of Note filed 8-7-92; operative 9-7-92 (Register 92, No. 32).
10. Amendment of subsection (b)(5.5) and new subsections (b)(5.5)(A)-(A)(2) filed 2-4-93; operative 2-4-93 (Register 93, No. 6).
11. Change without regulatory effect adopting Conflict of Interest Code for California Mental Health Planning Council filed 11-22-93 pursuant to title 1, section 100, California Code of Regulations (Register 93, No. 48). Approved by Fair Political Practices Commission 9-21-93.
12. Change without regulatory effect redesignating Conflict of Interest Code for California Mental Health Planning Council as chapter 62, section 55100 filed 1-4-94 pursuant to title 1, section 100, California Code of Regulations (Register 94, No. 1).
13. Editorial correction adding History 11 and 12 and deleting duplicate section number (Register 94, No. 17).
14. Amendment of subsection (b)(8), designation of subsection (b)(8)(A), new subsection (b)(8)(B), and amendment of subsections (b)(8.1)-(b)(8.1)(B), (b)(9)(E) and Note filed 3-14-95; operative 3-14-95 pursuant to Government Code section 11343.4(d) (Register 95, No. 11).
15. Editorial correction inserting inadvertently omitted language in footnote 4 (Register 96, No. 13).
16. Amendment of subsections (b)(8)(A)-(B) and (b)(8.1)(A), repealer of subsection (b)(8.1)(B), and amendment of subsection (b)(12) filed 10-23-96; operative 10-23-96 pursuant to Government Code section 11343.4(d) (Register 96, No. 43).
17. Amendment of subsections (b)(8.1) and (9)(E) filed 4-9-97; operative 4-9-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 15).

18. Amendment of subsections (b)(7)(B)5., new subsections (b)(8.2)-(b)(8.4)(C) and amendment of Note filed 8-24-98; operative 8-24-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 35).

19. Editorial correction of subsection (a) (Register 98, No. 47).

20. Amendment of subsections (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 5-11-99; operative 5-11-99 pursuant to Government Code section 11343.4(d) (Register 99, No. 20).

21. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-6-2000; operative 1-1-2001 pursuant to the 1974 version of Government Code section 11380.2 and Title 2, California Code of Regulations, section 18312(d) and (e) (Register 2000, No. 49).

22. Amendment of subsections (b)(3) and (b)(10) filed 1-10-2001; operative 2-1-2001.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 2).

23. Amendment of subsections (b)(7)(A)4., (b)(7)(B)1.-2., (b)(8.2)(E)3., (b)(9)(A)-(C) and footnote 4. filed 2-13-2001. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2001, No. 7).

24. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 1-16-2003; operative 1-1-2003.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District,

nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2003, No. 3).

25. Editorial correction of History 24 (Register 2003, No. 12).

26. Editorial correction removing extraneous phrase in subsection (b)(9.5)(B) (Register 2004, No. 33).

27. Amendment of subsections (b)(2)-(3), (b)(3)(C), (b)(6)(C), (b)(8.1)-(b)(8.1)(A), (b)(9)(E) and (b)(11)-(12) filed 1-4-2005; operative 1-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 1).

28. Amendment of subsection (b)(7)(A)4. filed 10-11-2005; operative 11-10-2005 (Register 2005, No. 41).

29. Amendment of subsections (a), (b)(1), (b)(3), (b)(8.1), (b)(8.1)(A) and (b)(9)(E) filed 12-18-2006; operative 1-1-2007. Submitted to OAL pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2006, No. 51).

30. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 10-31-2008; operative 11-30-2008. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2008, No. 44).

31. Amendment of section heading and section filed 11-15-2010; operative 12-15-2010. Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of*

Administrative Law, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2010, No. 47).

32. Amendment of section heading and subsections (a)-(b)(1), (b)(3)-(4), (b)(5)(C), (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) and amendment of footnote 1 filed 1-8-2013; operative 2-7-2013.

Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2013, No. 2).

33. Amendment of subsections (b)(8.1)-(b)(8.1)(A), (b)(8.2)(E)3. and (b)(9)(E) filed 12-15-2014; operative 1-1-2015 pursuant to section 18312(e)(1)(A), title 2, California Code of Regulations.

Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements) (Register 2014, No. 51).

34. Redesignation of portions of subsection (b)(8)(A) as new subsections (b)(8)(B)-(D), amendment of subsections (b)(8.1)-(b)(8.1)(A), redesignation of portions of subsection (b)(8.1)(A) as new subsections (b)(8.1)(B)-(C) and amendment of subsection (b)(9)(E) filed 12-1-2016; operative 12-31-2016 pursuant to Cal. Code Regs. tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision,

April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2016, No. 49).

35. Amendment of subsections (b)(8.1)-(b)(8.1)(A) and (b)(9)(E) filed 12-12-2018; operative 1-11-2019 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing and printing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2018, No. 50).

36. Amendment of subsections (b)(8.1)-(b)(8.1)(A) filed 12-23-2020; operative 1-1-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2020, No. 52).

37. Amendment of subsections (b)(3)(C), (b)(5)(C), (b)(5.5), (b)(5.5)(A)(2), (b)(7)(D), (b)(8)(A), (b)(8.1)(A), (b)(8.2)(A), (b)(8.2)(C)-(D), (b)(8.3)(A), (b)(9), (b)(9.3), (b)(9.5), (b)(10) and (b)(11) and footnote 5 filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974

Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).

CONFLICT OF INTEREST CODE FOR THE CITY OF RANCHO CORDOVA

The Political Reform Act (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices (FPPC) to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the City of Rancho Cordova.

Individuals holding designated positions shall file their statements with the City Clerk, which will retain the statements and make the statements available for public inspection and reproduction. (Government Code Section 81088). Upon receipt of the statement for Public Officials specified in Government Code Section 87200, the City shall make and retain copies and forward the originals to the Fair Political Practices Commission.

DESIGNATED POSITIONS

The positions listed below constitute the list of designated positions required by the City of Rancho Cordova Conflict of Interest Code (2 Cal. Code of Regs. Section 18730). The individual occupying each position is deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest of that individual. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Section II below.

POSITION	CATEGORY
Accountant	2
Administrative Services Director	1
Animal Services Officer I/II	2
Assistant Building Official	1
Assistant City Attorney	1
Assistant City Clerk	1
Assistant City Manager	1
<u>Assistant Planner</u>	<u>2</u>
Assistant Police Chief	1
<u>Associate Planner</u>	<u>2</u>
Building Inspector I/II	2
Business Systems Analyst	1
<u>Chief</u> Building Official	1
City Clerk	1
City Engineer/Public Works Director	1
Code Enforcement Officer I/II	2
<u>Code Enforcement Supervisor</u>	<u>2</u>

ITEM 9.3.

ATTACHMENT 3

POSITION	CATEGORY
Communications, Legislative Affairs, & Community Engagement Director	1
Community Development Director	1
Community Engagement Analyst <u>I/II</u>	3
Community Enhancement Analyst (Management Analyst)	2
Community Enhancement Technician	2
Deputy City Attorney	1
<u>Deputy City Manager</u>	<u>1</u>
Economic Development Director	1
Economic Development Analyst	2
Economic Development Manager	<u>12</u>
Engineering Manager	2
Facilities Services Manager	2
Facilities Services Supervisor	2
<u>Finance Manager</u>	<u>1</u>
Housing and Neighborhood Development Analyst II	2
Human Resources Manager	1
Information Technology Director	1
<u>Information Technology Analyst II</u>	<u>2</u>
<u>Information Technology Manager</u>	<u>1</u>
<u>Maintenance & Operations Supervisor</u>	<u>2</u>
Management Analyst I/II	2
Neighborhood Services Manager	1
Neighborhood Services Supervisor	1
Planning Manager	1
Principal Planner	<u>12</u>
Police Chief	1
Principal Building Inspector	2
<u>Principal Civil Engineer</u>	<u>1</u>
Public Works Division Manager-	
Maintenance and Operations	1
Reinvestment Analyst	1
Senior Civil Engineer	<u>21</u>
Senior Code Enforcement Officer	1
<u>Senior Community Enhancement Analyst</u>	<u>1</u>
Senior Engineer	2
Senior Finance Analyst	2
Senior Human Resources Analyst	1
Senior Information Technology Analyst	1
Senior Management Analyst	1

POSITION	CATEGORY
Senior Planner	<u>12</u>
<u>Senior Transportation Planner</u>	<u>2</u>
Supervising Building Inspector	2

Consultants shall be designated on a case-by-case basis, depending upon the nature of their services.

<u>BOARDS AND COMMISSIONS</u>	<u>CATEGORY</u>
<u>Community Enhancement and Investment Oversight</u>	<u>1</u>

PUBLIC OFFICIALS SPECIFIED IN GOVERNMENT CODE SECTION 87200

Members of the Rancho Cordova City Council

City Manager

City Attorney

Administrative Services Director

Members of the Rancho Cordova Planning Commission

DISCLOSURE CATEGORIES

Disclosure Category 1

Individuals in this category shall disclose all interests in real property located within the City and all investments in, business positions with, and sources of income from entities having an interest in real property within the City or entities which are of the type to do business with or within the City.

Disclosure Category 2

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the City, or (2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the City.

Disclosure Category 3

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the designated employee's department, or (2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the designated employee's department.

CONFLICT OF INTEREST CODE FOR THE CITY OF RANCHO CORDOVA

The Political Reform Act (Government Code Section 81000, et. seq.) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices (FPPC) to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure requirements shall constitute the conflict-of-interest code of the City of Rancho Cordova.

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DESIGNATED POSITIONS

The positions listed below constitute the list of designated positions required by the City of Rancho Cordova Conflict of Interest Code (2 Cal. Code of Regs. Section 18730). The individual occupying each position is deemed to make, or participate in the making of, decisions that may have a material effect on a financial interest of that individual. The individuals occupying the designated positions shall disclose their economic interests in accordance with the corresponding disclosure categories, defined in Section II below.

POSITION	CATEGORY
Accountant	2
Administrative Services Director	1
Animal Services Officer I/II	2
Assistant Building Official	1
Assistant City Attorney	1
Assistant City Clerk	1
Assistant City Manager	1
Assistant Planner	2
Assistant Police Chief	1
Associate Planner	2
Building Inspector I/II	2
Business Systems Analyst	1
Chief Building Official	1
City Clerk	1
City Engineer/Public Works Director	1
Code Enforcement Officer I/II	2
Code Enforcement Supervisor	2

ITEM 9.3.**ATTACHMENT 4**

POSITION	CATEGORY
Communications, Legislative Affairs, & Community Engagement Director	1
Community Development Director	1
Community Engagement Analyst I/II	3
Community Enhancement Analyst (Management Analyst)	2
Community Enhancement Technician	2
Deputy City Attorney	1
Deputy City Manager	1
Economic Development Director	1
Economic Development Analyst	2
Economic Development Manager	1
Engineering Manager	2
Facilities Services Manager	2
Facilities Services Supervisor	2
Finance Manager	1
Housing and Neighborhood Development Analyst II	2
Human Resources Manager	1
Information Technology Director	1
Information Technology Analyst II	2
Information Technology Manager	1
Maintenance & Operations Supervisor	2
Management Analyst I/II	2
Neighborhood Services Manager	1
Neighborhood Services Supervisor	1
Planning Manager	1
Principal Planner	1
Police Chief	1
Principal Building Inspector	2
Principal Civil Engineer	1
Public Works Division Manager- Maintenance and Operations	1
Reinvestment Analyst	1
Senior Civil Engineer	2
Senior Code Enforcement Officer	1
Senior Community Enhancement Analyst	1
Senior Engineer	2
Senior Finance Analyst	2
Senior Human Resources Analyst	1
Senior Information Technology Analyst	1
Senior Management Analyst	1

POSITION	CATEGORY
Senior Planner	1
Senior Transportation Planner	2
Supervising Building Inspector	2

Consultants shall be designated on a case-by-case basis, depending upon the nature of their services.

BOARDS AND COMMISSIONS	CATEGORY
Community Enhancement and Investment Oversight	1

PUBLIC OFFICIALS SPECIFIED IN GOVERNMENT CODE SECTION 87200

Members of the Rancho Cordova City Council
City Manager
City Attorney
Administrative Services Director
Members of the Rancho Cordova Planning Commission

DISCLOSURE CATEGORIES

Disclosure Category 1

Individuals in this category shall disclose all interests in real property located within the City and all investments in, business positions with, and sources of income from entities having an interest in real property within the City or entities which are of the type to do business with or within the City.

Disclosure Category 2

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the City, or (2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the City.

Disclosure Category 3

Individuals in this category shall disclose all investments and business positions in business entities, and income from sources which: (1) are contractors or subcontractors engaged in the performance of work or services of the type utilized by the designated employee's department, or (2) which manufacture or sell supplies, material, machinery or equipment of the type utilized by the designated employee's department.

MEMORANDUM



ITEM 9.4.

DATE: October 3, 2022

TO: Honorable Mayor and Council Members

FROM: Albert Stricker, Public Works Director
Jesse Yabes, Assistant Civil Engineer

SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT NO. 2022-199 WITH BEAR CONSTRUCTION INC. IN AN AMOUNT NOT TO EXCEED \$673,058 FOR THE COUNTRYSIDE SIDEWALK IMPROVEMENT PROJECT**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would authorize the City Manager to execute Construction Contract No. 2022-199 in an amount not to exceed \$673,058.00 with Bear Construction Inc. to construct the Countryside Sidewalk Improvement Project.

BACKGROUND

The Countryside Sidewalk Improvement Project (Project) is located in the Countryside Neighborhood of Rancho Cordova, which is bounded by Routier Road, Ellenwood Avenue, Nut Plains Drive and Countryside Way (Attachment 3). In anticipation of a future street rehabilitation project in the Countryside Neighborhood, city staff identified over 180 locations in need of repair.

The work to be done in this project will consist of repairing damaged sidewalks, curbs and gutters, upgrading 24 existing curb ramps to achieve compliance with the Americans with Disabilities Act, and performing other incidental work as required. The project will improve accessibility and safety in the neighborhood for pedestrians of all abilities.

This Project is necessary to encourage wellness in the community, and aligns with the City's goals to promote the positive image of Rancho Cordova; ensure a safe, inviting, and livable community; and ensure the availability of the best public services in the region while practicing sound financial management.

Funding for pedestrian improvements for the Countryside Neighborhood was proposed in the Fiscal Year 2022-2023 American Rescue Plan Act (ARPA) Budget, which was presented to Council at the meeting on June 6, 2022. On June 20, 2022, the Council adopted a resolution to

approve the budget for ARPA funds.

Bids for this work were solicited on the City's Website, CIPList.com and the Stockton, Sacramento, Placer and El Dorado County Builders Exchanges on August 5, 2022. Bids for the project were publicly opened on Tuesday, August 30, 2022. A total of six bids were received (Attachment 4) and the lowest responsible base bid was \$673,058.00. The contract award is based on the lowest base bid, and there are no project bid alternates.

The project is expected to be under construction starting Fall 2022 and completed by Spring 2023.

FISCAL IMPACT AND FUNDING SOURCE

Funding for this project will consist of ARPA Funds, Gas Tax and Street Cut Fees. There is no fiscal impact to the City's General Fund.

ATTACHMENT(S)

1. Resolution
2. Contract No. 2022-199
3. Project Map
4. Bid Summary

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT NO. 2022-199 IN AN AMOUNT NOT TO EXCEED \$673,058.00 WITH BEAR CONSTRUCTION INC. TO CONSTRUCT THE COUNTRYSIDE SIDEWALK IMPROVEMENT PROJECT

WHEREAS, the City solicited bids for the Countryside Sidewalk Improvement Project under the requirements of state and local law and publicly opened the bids on August 30, 2022; and

WHEREAS, the lowest responsible bidder was Bear Construction Inc.; and

WHEREAS, funding for this project will consist American Rescue Plan Act (ARPA) Funds, Gas Tax and Street Cut Fees. There is no impact to the City's General Fund; and

WHEREAS, this project was reviewed under the requirements of the California Environmental Quality Act (CEQA), and has been determined to be exempt from further review pursuant to CEQA Regulation 15301 regarding repairs, maintenance, or minor alterations to "existing facilities" so long as the project only involves negligible or no expansion of use beyond current facilities.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute Construction Contract No. 2022-199 in an amount not to exceed \$673,058 with Bear Construction Inc. and in a form approved by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 3rd day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Donald Terry, Mayor

Stacy Leitner, CMC
City Clerk

**CONSTRUCTION SERVICES AGREEMENT BETWEEN
THE CITY OF RANCHO CORDOVA AND BEAR CONSTRUCTION, INC.
FOR THE COUNTRYSIDE ADA SIDEWALK IMPROVEMENT PROJECT
CITY PROJECT NO. CP23-2244**

THIS AGREEMENT made and entered into between the City of Rancho Cordova ("City") and Bear Construction, Inc. ("Contractor") as of _____, 2022.

W I T N E S S E T H:

WHEREAS, the City Council for the City heretofore caused plans and specifications for Countryside ADA Sidewalk Improvement Project ("Project") to be prepared, and therefore did approve and adopt said plans and specifications; and

WHEREAS, the City Council for the City did cause to be published for the time and in the manner required by law, a notice inviting sealed bids for the performance of said work; and

WHEREAS, the notice was published on August 5, 2022 on CIPList.com and the City of Rancho Cordova Website ("Notice"); and

WHEREAS, the Contractor, in response to such Notice, submitted to the City Council for the City within the time specified in said Notice, and in the manner provided for therein, a sealed bid for the performance of the Project specified in said plans and specifications, which said bid and proposal, and other bids and proposals submitted in response to said Notice, the City Council opened and canvassed in the manner provided by law; and

WHEREAS, the Contractor was the lowest responsible bidder for the performance of said Project, and said City Council for the City as a result of the canvass of said bids, did determine and declare Contractor to be the lowest responsible bidder for said Project and award to a contract therefore.

NOW THEREFORE, in consideration of the promises herein, it is mutually agreed between the parties hereto as follows:

Section 1. CONTRACT DOCUMENTS. The following documents are by this reference incorporated in and made a part of this Agreement: The County of Sacramento, Standard Construction Specifications dated January 2016; the Special Provisions; the contract drawings, all addenda; the Notice to Contractors; the Proposal; all required bonds; and all supplemental Agreements covering alterations, amendments, or extensions to the contract. The documents which describe the work to be performed are sometimes collectively referred to herein as the Plans and Specifications.

Section 2. TERM. The term of this Agreement shall begin on the date first noted above and shall end on December 31, 2023.

Section 3. SCOPE OF WORK. The Contractor will furnish all labor, materials, services, transportation, appliances, and mechanical workmanship required for Contract No. 2022-199 as provided for and set forth in said Plans and Specifications, or in either of them, which said Plans and Specifications are hereby referred and by such reference incorporated herein and made a part of

this Agreement. All of the said work done under this Agreement shall be under the supervision of and performed to the satisfaction of the Public Works Director of the City of Rancho Cordova who shall have the right to reject any and all materials and supplies furnished by the Contractor which do not comply with the Plans and Specifications, together with the right to require the Contractor to replace any and all work furnished by the Contractor which shall not either in workmanship or material be in strict accordance with the Plans and Specifications.

Section 4. COMPLETION. Said work shall be completed and ready for acceptance.

Section 5. PAYMENT. Attached hereto as Exhibit "A" and by reference made a part hereof, is the bid and proposal of Contractor. Said bid and proposal will contain, as required by the terms of said specifications, the full and complete schedule of the different items with the lump sums or unit prices as so specified. The City agrees in consideration of the work to be performed for the Project herein and subject to the terms and conditions thereof, to pay Contractor all sums of money which may become due to Contractor in accordance with the terms of the aforesaid bid and proposal, and this Agreement, to wit: **Six Hundred Seventy-Three Thousand Fifty-Eight Dollars and Zero Cents (\$673,058.00)**. Said sum shall be paid in accordance with Section 8 of the Standard Specifications. With respect to that portion of the above sum as is based upon the estimated quantities specified for the general scope of the work to be performed herein, actual payment will be based upon the quantities as measured upon completion. No payment made under this Agreement shall be construed to be an acceptance of defective work or improper materials.

Section 6. PREVAILING WAGES. To the extent required by law, Contractor and all of the Contractor's subcontractors shall comply with California Health and Safety Code Section 33422.1 and shall comply with California Labor Code Section 1770 et seq. and all regulations adopted pursuant thereto (referred to herein as, "**Prevailing Wage Laws**"), and be responsible for carrying out the requirements of such provisions. Pursuant to the provisions of Articles 1 and 2 of Chapter 1, Part 7, Division II, of the Labor Code of the State of California, not less than the general prevailing rate of per diem wages, and not less than the general prevailing rate of per diem wages for holidays and overtime work, for each craft, classification or type of worker needed to execute the Project contemplated under this Agreement shall be paid to all workers, laborers and mechanics employed in the execution of said Project by Contractor, or by any subcontractor doing or contracting to do any part of said Project. The appropriate determination of the Director of the California Department of Industrial Relations is filed with, and available for inspection at 2729 Prospect Park Drive, Rancho Cordova, CA 95670, the office of the Clerk of the City. Contractor shall post, at each job site, a copy of such prevailing rate of per diem wages as determined by the Director for the California Department of Industrial Relations. The Contractor shall, and hereby agrees to, unconditionally indemnify, reimburse, defend, protect and hold harmless the City and its elective and appointive boards, commissions, officers, agents, attorneys, consultants and employees, and all of their respective successors and assigns, from and against any and all claims, demands, suits and actions at law or in equity, and losses, liabilities, expenses, penalties, fines, orders, judgments, injunctive or other relief, and costs and damages of every kind, nature and description (including but not limited to attorneys' fees and court costs; with counsel reasonably acceptable to the City), and administrative, enforcement or judicial proceedings, whether known or unknown, and which directly or indirectly, in whole or in part, are caused by, arise from, or relate to, or are alleged to be caused by, arise from, or relate to, the payment or requirement of payment of prevailing wages or the requirement of competitive bidding in the construction of the Project, the failure to comply with any state or federal labor laws, regulations or standards in connection with this Agreement, including but not limited to California Labor Code Section 1770 et seq. and the Prevailing Wage Laws, or any act or omission of the City or the Contractor related to this Agreement with respect to the payment or requirement of payment of prevailing wages or the requirement of competitive bidding, whether or not any

insurance policies shall have been determined to be applicable to any such claims, demands, suits, actions, losses, liabilities, expenses, penalties, fines, orders, judgments, injunctive or other relief, costs, damages, or administrative, enforcement or judicial proceedings. It is further agreed that the City does not, and shall not, waive any rights against the Contractor which they may have by reason of this indemnity and hold harmless agreement because of the acceptance by the City, or the deposit with the City by the Contractor, of any of the insurance policies described in this Agreement.

Section 7. INSURANCE. The Contractor shall carry and maintain for the duration of the term of this Agreement, such public liability, property damage and contractual liability, auto, worker's compensation and builders' risk insurance as required by the specifications.

Section 8. WORKERS' COMPENSATION CERTIFICATION. By execution of this Agreement, the Contractor certifies as follows:

"I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the work of this contract."

Section 9. PERFORMANCE AND PAYMENT BONDS. The Contractor shall, before beginning said work for the Project, file two (2) bonds with the City, each made payable to the City. These bonds shall be issued by a surety company authorized to do business in the State of California and shall be maintained during the entire life of the Agreement at the expense of the Contractor. One bond shall be in the amount of one hundred percent (100%) of the Agreement and shall guarantee the faithful performance of the Agreement. The second bond shall be the payment bond required by California Civil Code Section 3247 et seq. and shall be in the amount of one hundred percent (100%) of the Agreement. Any alterations made in the specifications which are a part of this Agreement or in any provision of this Agreement shall not operate to release any surety from liability on any bond required hereunder and the consent to make such alterations is hereby given, and any surety on said bonds hereby waives the provisions of California Civil Code Sections 2819 and 2845.

Section 10. INDEMNIFICATION.

- 10.1 Contractor's Performance.** Contractor shall indemnify, defend with counsel selected by the City, and hold harmless City, its officers, agents, employees and representatives from and against any and all claims, losses, liabilities or damages, demands and actions, including payment of reasonable attorney's fees, arising out of or resulting from Services performed pursuant to this Agreement caused in whole or in part by any negligent or willful act or omission of Contractor, its officers, agents, employees, or anyone directly or indirectly acting on behalf of Contractor. The foregoing obligation of Contractor shall not apply when (1) the injury, loss of life, damage to property, or violation of law arises wholly from the negligence or willful misconduct of the City or its officers, employees, agents, or volunteers and (2) the actions of Contractor or its employees, subcontractor, or agents have contributed in no part to the injury, loss of life, damage to property, or violation of law. It is understood that the duty of Contractor to indemnify and hold harmless includes the duty to defend as set forth in Section 2778 of the California Civil Code. Acceptance by City of insurance certificates and endorsements required under this Agreement does not relieve Contractor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. By execution of this Agreement, Contractor acknowledges and

agrees to the provisions of this Section and that it is a material element of consideration.

- 10.2 PERS Indemnification.** In the event that Contractor or any employee, agent, or subcontractor of Contractor providing Services under this Agreement is determined by a court of competent jurisdiction of the California Public Employees Retirement System ("PERS") to be eligible for enrollment in PERS as an employee of City, Contractor shall indemnify, defend, and hold harmless City for the payment of any and all employee and/or employer contributions for PERS benefits on behalf of Contractor or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City, and any attorneys' fees and costs incurred by the City to enforce this Section.

- 10.3 No Limitation of Liability for Indemnification.** The indemnities set forth in this Section shall not be limited by the insurance requirements set forth in the Contract.

Section 11. Nondiscrimination and Equal Opportunity. Contractor shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Contractor under this Agreement. Contractor shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Contractor thereby. Contractor shall include the provisions of this section in any subcontract approved by the City.

Section 12. AMENDMENTS. No modification or amendment of this Agreement is effective unless made in writing and signed by both the City and Contractor.

Section 13. ASSIGNMENT AND SUBCONTRACTING. Contractor shall not assign or transfer any interest in this Agreement without the prior written consent of the City.

Section 14. MISCELLANEOUS PROVISIONS.

- 14.1 Successors.** This Agreement shall bind and inure to the heirs, devisees, assignees, and successors in interest of Contractor and to the successors in interest of Contractor in the same manner as if such parties had been expressly named herein. All times stated herein or in the contract documents are of the essence hereof. As used in this instrument the singular includes the plural, and the masculine includes the feminine and the neuter. This Agreement may create a possessory interest subject to property taxation, and Contractor may be subject to the payment of property taxes levied on such interest.

- 14.2 Contract Administration.** This Agreement shall be administered by Jesse Yabes ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

- 14.3 Notices.** Any written notice to Consultant shall be sent to:

Jorge Lopez
Bear Construction, Inc.

29225 Sims Ct.
Hayward, CA 94544
jb@pavingbear.com

Any written notice to City shall be sent to:

Jesse Yabes
City of Rancho Cordova
Department of Public Works
2729 Prospect Park Drive
Rancho Cordova, CA 95670

- 14.4 IRS Form W-9.** Contractor shall complete and submit Internal Revenue Service Form W-9 to the City before execution of this Agreement. The City's Finance Director shall have authority to waive this requirement.
- 14.5 Governing Law and Venue.** The laws of the State of California shall govern this Agreement. Venue for any action regarding this Agreement shall be in the Superior Court of the County of Sacramento or in the United States District Court for the Eastern District of California.
- 14.6 Attorneys' Fees.** If a Party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provisions of this Agreement, the prevailing Party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that Party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.
- 14.7 Severability.** If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.
- 14.8 No Implied Waiver of Breach.** The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.
- 14.9 Survival.** The obligations of this Agreement, which by their nature would continue beyond the term or expiration of this Agreement, including without limitation obligations regarding indemnification shall survive the term or expiration of this Agreement.
- 14.10 Entire Agreement.** This Agreement, including the terms of payment attached hereto and incorporated herein as Exhibit A, and the Contract Documents as referenced above in Section 1, of this Agreement, represents the entire and integrated Agreement between City and Contractor and supersedes all prior negotiations, representations, and Agreements regarding the subject matter of this Agreement, either written or oral.

Section 15. REQUIRED CONTRACT PROVISIONS – FHWA 1273 – REVISED JULY 5, 2022, FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Non-segregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
- XI. Certification Regarding Use of Contract Funds for Lobbying
- XII. Use of United States-Flag Vessels:

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

1. Form FHWA-1273 must be physically incorporated in each construction contract funded under title 23, United States Code, as required in 23 CFR 633.102(b) (excluding emergency contracts solely intended for debris removal). The contractor (or subcontractor) must insert this form in each subcontract and further require its inclusion in all lower tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services). 23 CFR 633.102(e).

The applicable requirements of Form FHWA-1273 are incorporated by reference for work done under any purchase order, rental agreement or agreement for other services. The prime contractor shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider. 23 CFR 633.102(e).

Form FHWA-1273 must be included in all Federal-aid design-build contracts, in all subcontracts and in lower tier subcontracts (excluding subcontracts for design services, purchase orders, rental agreements and other agreements for supplies or services) in accordance with 23 CFR 633.102. The design-builder shall be responsible for compliance by any subcontractor, lower-tier subcontractor or service provider.

Contracting agencies may reference Form FHWA-1273 in solicitation-for-bids or request-for-proposals documents, however, the Form FHWA-1273 must be physically incorporated (not referenced) in all contracts, subcontracts and lower-tier subcontracts (excluding purchase orders, rental agreements and other agreements for supplies or services related to a construction contract). 23 CFR 633.102(b).

2. Subject to the applicability criteria noted in the following sections, these contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract. 23 CFR 633.102(d).

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment

or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. 23 U.S.C. 114(b). The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors. 23 U.S.C. 101(a).

II. NONDISCRIMINATION (23 CFR 230.107(a); 23 CFR Part 230, Subpart A, Appendix A; EO 11246)

The provisions of this section related to 23 CFR Part 230, Subpart A, Appendix A are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply with the following policies: Executive Order 11246, 41 CFR Part 60, 29 CFR Parts 1625-1627, 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The contractor and all subcontractors must comply with: the requirements of the Equal Opportunity Clause in 41 CFR 60-1.4(b) and, for all construction contracts exceeding \$10,000, the Standard Federal Equal Employment Opportunity Construction Contract Specifications in 41 CFR 60-4.3.

Note: The U.S. Department of Labor has exclusive authority to determine compliance with Executive Order 11246 and the policies of the Secretary of Labor including 41 CFR Part 60, and 29 CFR Parts 1625-1627. The contracting agency and the FHWA have the authority and the responsibility to ensure compliance with 23 U.S.C. 140, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.), and related regulations including 49 CFR Parts 21, 26, and 27; and 23 CFR Parts 200, 230, and 633.

The following provision is adopted from 23 CFR Part 230, Subpart A, Appendix A, with appropriate revisions to conform to the U.S. Department of Labor (US DOL) and FHWA requirements.

1. Equal Employment Opportunity: Equal Employment Opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (see 28 CFR Part 35, 29 CFR Part 1630, 29 CFR Parts 1625-1627, 41 CFR Part 60 and 49 CFR Part 27) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140, shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR Part 35 and 29 CFR Part 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

- a. The contractor will work with the contracting agency and

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the Federal Government to ensure that it has made every good faith effort to provide equal opportunity with respect to all of its terms and conditions of employment and in their review of activities under the contract. 23 CFR 230.409 (g)(4) & (5).

b. The contractor will accept as its operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, sexual orientation, gender identity, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, pre-apprenticeship, and/or on-the-job training."

2. EEO Officer: The contractor will designate and make known to the contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active EEO program and who must be assigned adequate authority and responsibility to do so.

3. Dissemination of Policy: All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action or are substantially involved in such action, will be made fully cognizant of and will implement the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer or other knowledgeable company official.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minorities and women.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. Recruitment: When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minorities and women in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral

sources likely to yield qualified minorities and women. To meet this requirement, the contractor will identify sources of potential minority group employees and establish with such identified sources procedures whereby minority and women applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, the contractor is expected to observe the provisions of that agreement to the extent that the system meets the contractor's compliance with EEO contract provisions. Where implementation of such an agreement has the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Federal nondiscrimination provisions.

c. The contractor will encourage its present employees to refer minorities and women as applicants for employment. Information and procedures with regard to referring such applicants will be discussed with employees.

5. Personnel Actions: Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to ensure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with its obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of their avenues of appeal.

6. Training and Promotion:

a. The contractor will assist in locating, qualifying, and increasing the skills of minorities and women who are applicants for employment or current employees. Such efforts should be aimed at developing full journey level status employees in the type of trade or job classification involved.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs (i.e., apprenticeship and on-the-job training programs for the geographical area of contract performance). In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the

special provision. The contracting agency may reserve training positions for persons who receive welfare assistance in accordance with 23 U.S.C. 140(a).

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of employees who are minorities and women and will encourage eligible employees to apply for such training and promotion.

7. Unions: If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use good faith efforts to obtain the cooperation of such unions to increase opportunities for minorities and women. 23 CFR 230.409. Actions by the contractor, either directly or through a contractor's association acting as agent, will include the procedures set forth below:

a. The contractor will use good faith efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minorities and women for membership in the unions and increasing the skills of minorities and women so that they may qualify for higher paying employment.

b. The contractor will use good faith efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the contracting agency and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability; making full efforts to obtain qualified and/or qualifiable minorities and women. The failure of a union to provide sufficient referrals (even though it is obligated to provide exclusive referrals under the terms of a collective bargaining agreement) does not relieve the contractor from the requirements of this paragraph. In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the contracting agency.

8. Reasonable Accommodation for Applicants / Employees with Disabilities: The contractor must be familiar with the requirements for and comply with the Americans with Disabilities Act and all rules and regulations established thereunder. Employers must provide reasonable accommodation in all employment activities unless to do so would cause an undue hardship.

9. Selection of Subcontractors, Procurement of Materials and Leasing of Equipment: The contractor shall not discriminate on the grounds of race, color, religion, sex, sexual orientation, gender identity, national origin, age, or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The

contractor shall take all necessary and reasonable steps to ensure nondiscrimination in the administration of this contract.

a. The contractor shall notify all potential subcontractors, suppliers, and lessors of their EEO obligations under this contract.

b. The contractor will use good faith efforts to ensure subcontractor compliance with their EEO obligations.

10. Assurances Required:

a. The requirements of 49 CFR Part 26 and the State DOT's FHWA-approved Disadvantaged Business Enterprise (DBE) program are incorporated by reference.

b. The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible.

c. The Title VI and nondiscrimination provisions of U.S. DOT Order 1050.2A at Appendixes A and E are incorporated by reference. 49 CFR Part 21.

11. Records and Reports: The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following the date of the final payment to the contractor for all contract work and shall be available at reasonable times and places for inspection by authorized representatives of the contracting agency and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number and work hours of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women; and

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minorities and women.

b. The contractors and subcontractors will submit an annual report to the contracting agency each July for the duration of the project indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on [Form FHWA-1391](#). The staffing data should represent the project work force on board in all or any part of the last payroll period preceding the end of July. If on-the-job training is being required by special provision, the contractor will be required to collect and report training data. The employment data should reflect the work force on board during all or any part of the last payroll period preceding the end of July.

III. NONSEGREGATED FACILITIES

This provision is applicable to all Federal-aid construction contracts and to all related construction subcontracts of more than \$10,000. 41 CFR 60-1.5.

As prescribed by 41 CFR 60-1.8, the contractor must ensure that facilities provided for employees are provided in such a manner that segregation on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin cannot result. The contractor may neither require such segregated use by written or oral policies nor tolerate such use by employee custom. The contractor's obligation extends further to ensure that its employees are not assigned to perform their services at any location under the contractor's control where the facilities are segregated. The term "facilities" includes waiting rooms, work areas, restaurants and other eating areas, time clocks, restrooms, washrooms, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing provided for employees. The contractor shall provide separate or single-user restrooms and necessary dressing or sleeping areas to assure privacy between sexes.

IV. DAVIS-BACON AND RELATED ACT PROVISIONS

This section is applicable to all Federal-aid construction projects exceeding \$2,000 and to all related subcontracts and lower-tier subcontracts (regardless of subcontract size), in accordance with 29 CFR 5.5. The requirements apply to all projects located within the right-of-way of a roadway that is functionally classified as Federal-aid highway. 23 U.S.C. 113. This excludes roadways functionally classified as local roads or rural minor collectors, which are exempt. 23 U.S.C. 101. Where applicable law requires that projects be treated as a project on a Federal-aid highway, the provisions of this subpart will apply regardless of the location of the project. Examples include: Surface Transportation Block Grant Program projects funded under 23 U.S.C. 133 [excluding recreational trails projects], the Nationally Significant Freight and Highway

Projects funded under 23 U.S.C. 117, and National Highway Freight Program projects funded under 23 U.S.C. 167.

The following provisions are from the U.S. Department of Labor regulations in 29 CFR 5.5 "Contract provisions and related matters" with minor revisions to conform to the FHWA-1273 format and FHWA program requirements.

1. Minimum wages (29 CFR 5.5)

a. All laborers and mechanics employed or working upon the site of the work, will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics.

Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions

of paragraph 1.d. of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in 29 CFR 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph 1.b. of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

b. (1) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (i) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (ii) The classification is utilized in the area by the construction industry; and
- (iii) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(2) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(3) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(4) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs 1.b.(2) or 1.b.(3) of this section, shall be paid to all workers performing work in the classification under this contract from the first day

on which work is performed in the classification.

c. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

d. If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

2. Withholding (29 CFR 5.5)

The contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor, withhold or cause to be withheld from the contractor under this contract, or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the contracting agency may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

3. Payrolls and basic records (29 CFR 5.5)

a. Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work. Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

b. (1) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the contracting agency. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the contracting agency for transmission to the State DOT, the FHWA or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the contracting agency.

Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(i) That the payroll for the payroll period contains the information required to be provided under 29 CFR 5.5(a)(3)(ii), the appropriate information is being maintained under 29 CFR 5.5(a)(3)(i), and that such information is correct and complete;

(ii) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in 29 CFR part 3;

(iii) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(2) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 3.b.(2) of this section.

(3) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

c. The contractor or subcontractor shall make the records required under paragraph 3.a. of this section available for inspection, copying, or transcription by authorized representatives of the contracting agency, the State DOT, the FHWA, or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the FHWA may,

after written notice to the contractor, the contracting agency or the State DOT, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

4. Apprentices and trainees (29 CFR 5.5)

a. Apprentices (programs of the USDOL).

Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice.

The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

b. Trainees (programs of the USDOL).

Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S.

Department of Labor, Employment and Training Administration.

The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration.

Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

d. Apprentices and Trainees (programs of the U.S. DOT).

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. 23 CFR 230.111(e)(2). The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

5. Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract as provided in 29 CFR 5.5.

6. Subcontracts. The contractor or subcontractor shall insert Form FHWA-1273 in any subcontracts and also require the subcontractors to include Form FHWA-1273 in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

7. Contract termination: debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

8. Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract as provided in 29 CFR 5.5.

9. Disputes concerning labor standards. As provided in 29 CFR 5.5, disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.

10. Certification of eligibility (29 CFR 5.5)

- a. By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- b. No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
- c. The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.

V. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

Pursuant to 29 CFR 5.5(b), the following clauses apply to any Federal-aid construction contract in an amount in excess of \$100,000 and subject to the overtime provisions of the Contract Work Hours and Safety Standards Act. These clauses shall be inserted in addition to the clauses required by 29 CFR 5.5(a) or 29 CFR 4.6. As used in this paragraph, the terms laborers and mechanics include watchmen and guards.

1. Overtime requirements. No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek. 29 CFR 5.5.

2. Violation; liability for unpaid wages; liquidated damages. In the event of any violation of the clause set forth in paragraph 1 of this section, the contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph 1 of this section, in the sum currently provided in 29 CFR 5.5(b)(2)* for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph 1 of this

section. 29 CFR 5.5.

* \$27 as of January 23, 2019 (See 84 FR 213-01, 218) as may be adjusted annually by the Department of Labor; pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990)

3. Withholding for unpaid wages and liquidated damages.

The FHWA or the contracting agency shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 2 of this section. 29 CFR 5.5.

4. Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs 1 through 4 of this section and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs 1 through 4 of this section. 29 CFR 5.5.

VI. SUBLETTING OR ASSIGNING THE CONTRACT

This provision is applicable to all Federal-aid construction contracts on the National Highway System pursuant to 23 CFR 635.116.

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the contracting agency. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635.116).

a. The term "perform work with its own organization" in paragraph 1 of Section VI refers to workers employed or leased by the prime contractor, and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor or lower tier subcontractor, agents of the prime contractor, or any other assignees. The term may include payments for the costs of hiring leased employees from an employee leasing firm meeting all relevant Federal and State regulatory requirements. Leased employees may only be included in this term if the prime contractor meets all of the following conditions: (based on longstanding interpretation)

- (1) the prime contractor maintains control over the supervision of the day-to-day activities of the leased employees;
- (2) the prime contractor remains responsible for the quality of the work of the leased employees;
- (3) the prime contractor retains all power to accept or exclude individual employees from work on the project; and
- (4) the prime contractor remains ultimately responsible for the payment of predetermined minimum wages, the submission of payrolls, statements of compliance and all

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other Federal regulatory requirements.

"Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid or propose on the contract as a whole and in general are to be limited to minor components of the overall contract. 23 CFR 635.102.

2. Pursuant to 23 CFR 635.116(a), the contract amount upon which the requirements set forth in paragraph (1) of Section VI is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. Pursuant to 23 CFR 635.116(c), the contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the contracting agency has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract. (based on long-standing interpretation of 23 CFR 635.116).

5. The 30-percent self-performance requirement of paragraph (1) is not applicable to design-build contracts; however, contracting agencies may establish their own self-performance requirements. 23 CFR 635.116(d).

VII. SAFETY: ACCIDENT PREVENTION

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR Part 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract. 23 CFR 635.108.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR Part 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704). 29 CFR 1926.10.

Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3704).

VIII. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts.

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, Form FHWA-1022 shall be posted on each Federal-aid highway project (23 CFR Part 635) in one or more places where it is readily available to all persons concerned with the project:

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 11, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined under this title or imprisoned not more than 5 years or both."

IX. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT (42 U.S.C. 7606; 2 CFR 200.88; EO 11738)

This provision is applicable to all Federal-aid construction contracts in excess of \$150,000 and to all related subcontracts. 48 CFR 2.101; 2 CFR 200.326.

By submission of this bid/proposal or the execution of this contract or subcontract, as appropriate, the bidder, proposer, Federal-aid construction contractor, subcontractor, supplier, or vendor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal Highway Administration and the Regional Office of the Environmental Protection Agency. 2 CFR Part 200, Appendix II.

The contractor agrees to include or cause to be included the requirements of this Section in every subcontract, and further agrees to take such action as the contracting agency may direct as a means of enforcing such requirements. 2 CFR 200.326.

X. CERTIFICATION REGARDING EBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost \$25,000 or more – as defined in 2 CFR Parts 180 and 1200. 2 CFR 180.220 and 1200.220.

1. Instructions for Certification – First Tier Participants:

a. By signing and submitting this proposal, the prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction. 2 CFR 180.320.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default. 2 CFR 180.325.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances. 2 CFR 180.345 and 180.350.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900-180.1020, and 1200. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or

general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction. 2 CFR 180.330.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 180.300.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. 2 CFR 180.300; 180.320, and 180.325. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to

participate in covered transactions. 2 CFR 180.335. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>). 2 CFR 180.300, 180.320, and 180.325.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default. 2 CFR 180.325.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

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a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.335;.

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property, 2 CFR 180.800;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification, 2 CFR 180.700 and 180.800; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default. 2 CFR 180.335(d).

(5) Are not a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(6) Are not a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability (USDOT Order 4200.6 implementing appropriations act requirements).

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal. 2 CFR 180.335 and 180.340.

3. Instructions for Certification - Lower Tier Participants:

(Applicable to all subcontracts, purchase orders, and other lower tier transactions requiring prior FHWA approval or estimated to cost \$25,000 or more - 2 CFR Parts 180 and 1200). 2 CFR 180.220 and 1200.220.

a. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances. 2 CFR 180.365.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180, Subpart I, 180.900 – 180.1020, and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. "First Tier Covered Transactions" refers to any covered transaction between a recipient or subrecipient of Federal funds and a participant (such as the prime or general contractor). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a recipient or subrecipient of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated. 2 CFR 1200.220 and 1200.332.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the \$25,000 threshold. 2 CFR 180.220 and 1200.220.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the System for Award Management website (<https://www.sam.gov/>), which is compiled by the General Services Administration. 2 CFR 180.300, 180.320, 180.330, and 180.335.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment. 2 CFR 180.325.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals:

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency, 2 CFR 180.355;

(b) is a corporation that has been convicted of a felony violation under any Federal law within the two-year period preceding this proposal (USDOT Order 4200.6 implementing appropriations act requirements); and

(c) is a corporation with any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted, or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. (USDOT Order 4200.6 implementing appropriations act requirements)

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant should attach an explanation to this proposal.

XI. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

This provision is applicable to all Federal-aid construction contracts and to all related subcontracts which exceed \$100,000. 49 CFR Part 20, App. A.

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite

for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting its bid or proposal that the participant shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such recipients shall certify and disclose accordingly.

USE OF UNITED STATES-FLAG VESSELS:

This provision is applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, or any other covered transaction. 46 CFR Part 381.

This requirement applies to material or equipment that is acquired for a specific Federal-aid highway project. 46 CFR

381.7. It is not applicable to goods or materials that come into inventories independent of an FHWA funded-contract.

When oceanic shipments (or shipments across the Great Lakes) are necessary for materials or equipment acquired for a specific Federal-aid construction project, the bidder, proposer, contractor, subcontractor, or vendor agrees:

To utilize privately owned United States-flag commercial vessels to ship at least 50 percent of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners, and tankers) involved, whenever shipping any equipment,

material, or commodities pursuant to this contract, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels. 46 CFR 381.7.

To furnish within 20 days following the date of loading for shipments originating within the United States or within 30 working days following the date of loading for shipments originating outside the United States, a legible copy of a rated, 'on-board' commercial ocean bill-of-lading in English for each shipment of cargo described in paragraph (b)(1) of this section to both the Contracting Officer (through the prime contractor in the case of subcontractor bills-of-lading) and to the Office of Cargo and Commercial Sealift (MAR-620), Maritime Administration, Washington, DC 20590. (MARAD requires copies of the ocean carrier's (master) bills of lading, certified onboard, dated, with rates and charges. These bills of lading may contain business sensitive information and therefore may be submitted directly to MARAD by the Ocean Transportation Intermediary on behalf of the contractor). 46 CFR 381.7.

ATTACHMENT A - EMPLOYMENT AND MATERIALS PREFERENCE FOR APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM OR APPALACHIAN LOCAL ACCESS

ROAD CONTRACTS (23 CFR 633, Subpart B, Appendix B) This provision is applicable to all Federal-aid projects funded under the Appalachian Regional Development Act of 1965.

1. During the performance of this contract, the contractor undertaking to do work which is, or reasonably may be, done as on-site work, shall give preference to qualified persons who regularly reside in the labor area as designated by the DOL wherein the contract work is situated, or the subregion, or the Appalachian counties of the State wherein the contract work is situated, except:
 - a. To the extent that qualified persons regularly residing in the area are not available.
 - b. For the reasonable needs of the contractor to employ supervisory or specially experienced personnel necessary to assure an efficient execution of the contract work.
 - c. For the obligation of the contractor to offer employment to present or former employees as the result of a lawful collective bargaining contract, provided that the number of nonresident persons employed under this subparagraph (1c) shall not exceed 20 percent of the total number of employees employed by the contractor on the contract work, except as provided in subparagraph (4) below.
2. The contractor shall place a job order with the State Employment Service indicating (a) the classifications of the laborers, mechanics and other employees required to perform the contract work, (b) the number of employees required in each classification, (c) the date on which the participant estimates such employees will be required, and (d) any other pertinent information required by the State Employment Service to complete the job order form. The job order may be placed with the State Employment Service in writing or by telephone. If during the course of the contract work, the information submitted by the contractor in the original job order is substantially modified, the participant shall promptly notify the State Employment Service.
3. The contractor shall give full consideration to all qualified job applicants referred to him by the State Employment Service. The contractor is not required to grant employment to any job applicants who, in his opinion, are not qualified to perform the classification of work required.
4. If, within one week following the placing of a job order by the contractor with the State Employment Service, the State Employment Service is unable to refer any qualified job applicants to the contractor, or less than the number requested, the State Employment Service will forward a certificate to the contractor indicating the unavailability of applicants. Such certificate shall be made a part of the contractor's permanent project records. Upon receipt of this certificate, the contractor may employ persons who do not normally reside in the labor area to fill positions covered by the certificate, notwithstanding the provisions of subparagraph (1c) above.
5. The provisions of 23 CFR 633.207(e) allow the contracting agency to provide a contractual preference for the use of mineral resource materials native to the Appalachian region.
6. The contractor shall include the provisions of Sections 1 through 4 of this Attachment A in every subcontract for work which is, or reasonably may be, done as on-site work.

IN WITNESS WHEREOF, the City Council and Contractor have caused this Agreement to be executed as of the day and year first above written.

CITY OF RANCHO CORDOVA:

CONTRACTOR:

Cyrus Abhar, City Manager

Jorge Lopez, President

Date

Date

Attest:

Stacy Leitner, CMC, City Clerk

Date

Approved as to Form:

Adam U. Lindgren, City Attorney

Date

Last revised June 23, 2022

EXHIBIT A: BID SCHEDULE

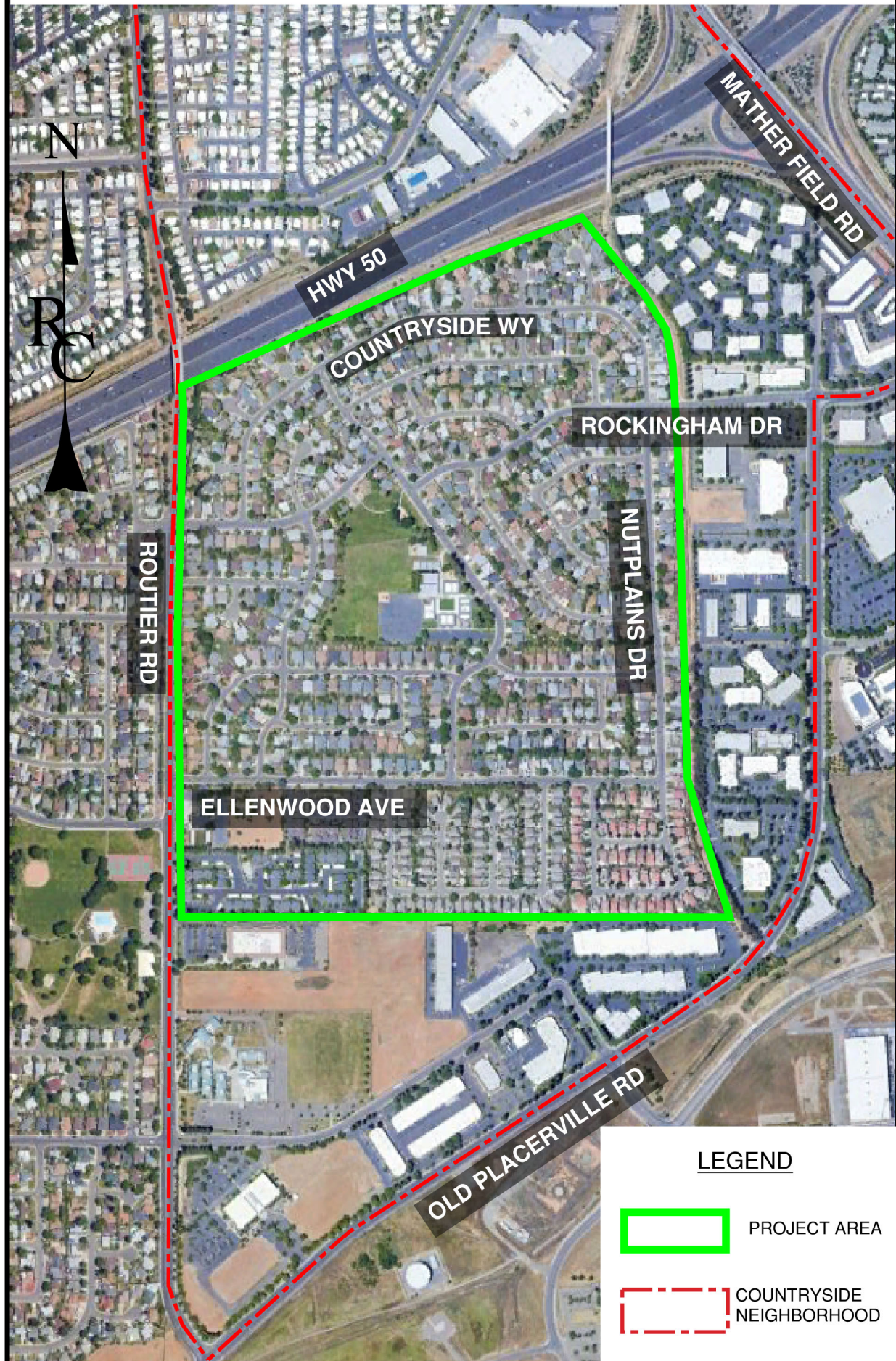
The following quantities are approximate only and are given for the purpose of comparing proposals. The City does not expressly or by implication agree that the actual amount of work will correspond with quantities given herein, but reserves the right to increase or decrease the amount of any class or portion of the work as may be deemed necessary or advisable by the Director of Public Works. Payment will be based upon the actual quantities installed or constructed, unless otherwise specified.

COUNTRYSIDE ADA SIDEWALK IMPROVEMENT PROJECT					
CITY OF RANCHO CORDOVA					
BASE BID SCHEDULE					
Item No.	Item Description	Quantity	Unit	Unit Price	Amount
1	Water Pollution and Erosion Control (WPCP)	1	LS	\$4,000.00	\$4,000.00
2	Traffic Control Plan	1	LS	\$8,000.00	\$8,000.00
3	Tree Root Trim and Root Barrier Placement	160	LF	\$60.00	\$9,600.00
4	Sawcutting	2650	LF	\$15.00	\$39,750.00
5	Aggregate Base Class 2	880	TON	\$35.00	\$30,800.00
6	Type "A" Asphalt Concrete (HMA)	101	TON	\$300.00	\$30,300.00
7	Remove and Replace PCC Curb & Gutter	2222	LF	\$60.00	\$133,320.00
8	Remove and Replace PCC Sidewalk or PCC Sidewalk Ramp	11,896	SF	\$28.00	\$333,088.00
9	3' x 4' Detectable Warning Surface	24	EA	\$1,500.00	\$36,000.00
10	Patch	9	EA	\$200.00	\$1,800.00
11	Sidewalk Grind	48	EA	\$500.00	\$24,000.00
12	Driveway Conform (Contingency Only)	800	SF	\$28.00	\$22,400.00

TOTAL BASE BID (Items 1-10, in figures) \$673,058.00

TOTAL BASE BID PRICE (IN WORDS) Six hundred seventy three thousand fifty eight

In the event that the product of a unit price and an estimated quantity does not equal the extended amount stated, the unit price will govern and the correct product of the unit price and the estimated quantity shall be deemed to be the amount bid.

COUNTRYSIDE ADA SIDEWALK IMPROVEMENT PROJECT MAP
(NO SCALE)



Countryside ADA Sidewalk Improvement Project
Bid Summary - CP23-2244
Rancho Cordova City Hall
2729 Prospect Park Drive, Rancho Cordova, CA 95670
August 30, 2022, 2:00 pm, Council Chambers

	Construction Contractor	Total Base Bid Amount	Bid Form (Proposal Signed)	Contractors License	DIR Registration	Bid Schedule	Equal Employment	Public Contract Code	Designation of Subcontractors	Experience / Qualifications Statement	Bidder's Bond	Non-Collusion Affidavit	Debarment & Suspension	Non-Lobbying Certification	Disclosure of Lobbying	Federal Minimum Wage Rates	Exhibit 15-G
A	Bear Construction, Inc.	\$673,058.00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
B	FBD Vanguard Construction, Inc.	\$692,158.00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
C	Central Valley Asphalt & Engineering, Inc.	\$771,969.00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
D	B & M Builders, Inc.	\$807,409.00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
E	All American Construction, Inc.	\$839,471.35	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
F	Bridgeway Civil Constructors, Inc.	\$851,142.00	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

Attendees Stacy Leitner, City Clerk
 Jesse Yabes, Assistant Civil Engineer

Stacy Leitner, City Clerk

Date

9/1/2022

MEMORANDUM



ITEM 9.5.

DATE: October 3, 2022

TO: Honorable Mayor and Council Members

FROM: Albert Stricker, Public Works Director
Jesse Yabes, Assistant Civil Engineer

SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 2021-337-1 WITH R.E.Y. ENGINEERS, INC. TO INCREASE THE CONTRACT AMOUNT FROM \$616,948, TO AN AMOUNT NOT TO EXCEED \$707,182 FOR THE COUNTRYSIDE NEIGHBORHOOD STREET REHABILITATION PROJECT**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would authorize the City Manager to execute Contract Amendment No. 2021-337-1 to increase the contract amount from \$616,948 to an amount not to exceed \$707,182 for continued on-call engineering and design services with R.E.Y. Engineers, Inc. for the Countryside Neighborhood Street Rehabilitation Project.

BACKGROUND

The Countryside Neighborhood Street Rehabilitation Project (Project) is located in the neighborhood bordered by Routier Road, Folsom Boulevard, Mather Field Road, Rockingham Drive, and Old Placerville Road (Attachment 3). The Project will include an overlay of existing pavement to improve the road surfaces, sidewalk repairs and curb ramp upgrades to achieve compliance with the Americans with Disabilities Act, storm drain upgrades to improve flood protection and conveyance, and other incidental work as required.

This Project is necessary and aligns with the City's goals to promote the positive image of Rancho Cordova; ensure a safe, inviting and livable community; and ensure the availability of the best public services in the region while practicing sound financial management.

On January 3, 2022, City Council approved Contract No. 2021-337 for R.E.Y. Engineers, Inc. to provide on-call engineering and design services for the Countryside Neighborhood Street Rehabilitation Project in an amount not to exceed \$616,948.

Upon completing a geotechnical report, R.E.Y. Engineers, Inc. determined 11 additional streets within the project area require full removal and replacement of asphalt. To mitigate potential

utility conflicts during construction, city staff requested R.E.Y. to measure the depths of utilities in these streets and coordinate with utility purveyors regarding relocation.

Additionally, city staff elected to expand the surveying efforts on this project to include survey monument preservation, which was not included in the original contract. Contract Amendment 2021-337-1 will allow the consultant to conduct research and field verification to determine the number of protected and non-protected monuments within the project area.

Performing additional utility locating and survey monument preservation during the design phase, and indicating these facilities in the construction plans, reduces the risk of change orders during construction. Therefore, staff is recommending the contract amendment to include scope of work to perform additional utility locating and coordination, engineering surveying, and monument preservation.

It is anticipated that the project design will be complete in Summer 2023 and construction will begin in Fall 2023.

FISCAL IMPACT AND FUNDING SOURCE

Funding for this project would consist of Community Enhancement Funds, Measure R, Gas Tax, Road Maintenance and Rehabilitation Fund, Measure A Maintenance, Supplemental Transportation, Stormwater Enterprise Fund, and Capital Infrastructure Fund. This project is included in the City's current approved Capital Improvement Plan and in the adopted 2021-2023 budget. There is no impact to the City's General Fund.

ATTACHMENT(S)

1. Resolution
2. Contract Amendment No. 2021-337-1
3. Project Map

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 2021-337-1 WITH R.E.Y ENGINEERS, INC. TO INCREASE THE CONTRACT AMOUNT FROM \$616,948 TO AN AMOUNT NOT TO EXCEED \$707,182 FOR THE COUNTRYSIDE NEIGHBORHOOD STREET REHABILITATION PROJECT

WHEREAS, the City entered into Contract No. 2021-337 with R.E.Y. Engineers, Inc. on January 4, 2022 in the amount of \$616,948 to provide on-call engineering and design services for the Countryside Neighborhood Street Rehabilitation Project; and

WHEREAS, the City wishes to update the scope of work to include services and compensation to perform additional utility location, engineering services, survey monument preservation, and utility coordination for the Countryside Neighborhood Street Rehabilitation Project; and

WHEREAS, this Amendment No. 2021-337-1 will increase the Contract Amount from \$616,948, to an Amount not to Exceed \$707,182 for the Countryside Neighborhood Street Rehabilitation project; and

WHEREAS, the project is included in the City's current approved Capital Improvement Plan and has no impact to the General Fund.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager or his designee to execute Contract Amendment No. 2021-337-1 with R.E.Y. Engineers, Inc. in a form approved by the City Attorney to increase the contract amount from \$616,948 to an amount not to exceed \$707,182 for on-call engineering and design services for the Countryside Neighborhood Street Rehabilitation Project

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 3rd day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Donald Terry, Mayor

Stacy Leitner, CMC
City Clerk

**FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF RANCHO CORDOVA AND
R.E.Y. ENGINEERS, INC. FOR THE COUNTRYSIDE NEIGHBORHOOD STREET
REHABILITATION PROJECT**

This First Amendment to the Agreement for Professional Services ("Amendment") is made by and between the City of Rancho Cordova ("City") and R.E.Y. Engineers, Inc. ("Professional") as of October 4, 2022. City and Professional are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into a Professional Services Agreement ("PSA") No. 2021-337, dated January 4, 2022, in the amount of \$616,948 to the provide on-call engineering and design services for the Countryside Neighborhood Street Rehabilitation Project; and

WHEREAS, the City wishes to update the scope of work to include services and compensation to perform additional utility location, engineering services, survey monument preservation, and utility coordination for the Countryside Neighborhood Street Rehabilitation Project to increase safety and promote livability; and

WHEREAS, this Amendment No. 2021-337-1 includes additional tasks outlined in Exhibit "C" for the Professional to perform additional utility location, engineering services, survey monument preservation, and utility coordination for the Countryside Neighborhood Street Rehabilitation Project, and will increase the contract compensation amount from \$616,948 to \$707,182; and

WHEREAS, the Parties agree that changes to the term and services provided for in the PSA are necessary in order for the City to continue receiving services by Professional.

NOW, THEREFORE, the Parties hereto agree as follows:

AGREEMENT

1. Section 2 of the PSA, "Compensation," provides for the City to pay Professional a sum not to exceed Six Hundred Sixteen Thousand, Nine Hundred Forty-Eight Dollars and No Cents (\$616,948). The Parties agree to amend Section 2 of the PSA in order to increase the compensation amount to pay Professional for additional services. The first sentence of Section 2 of the PSA is amended to read as follows:

"City hereby agrees to pay Professional a sum not to exceed Seven Hundred Seven Thousand, One Hundred Eighty-Two Dollars and No Cents (\$707,182), notwithstanding any contrary indication that may be contained in Professional's proposal, for services to be performed and reimbursable costs incurred under this Agreement."

2. The attached Exhibit "C" is hereby added to the PSA which provides for additional services and compensation as specified therein
3. All other terms and conditions in the PSA shall remain in full force and effect to the extent they are not in conflict with this Amendment.
4. The signatures of the Parties to this Amendment may be executed and acknowledged on separate pages or in counterparts which, when attached to this Amendment, shall constitute one complete Amendment.
5. **Contract Administration.** This Agreement shall be administered by Jesse Yabes ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator or his or her designee.

Notices. Any written notice to Professional shall be sent to:

James Fisher, PE, Principal

R.E.Y. Engineers, Inc.

905 Sutter Street, Suite 200

Folsom, CA 95630

Email Address (for Insurance Update Requests):

jfisher@reyengineers.com

Any written notice to City shall be sent to:

Jesse Yabes

Public Works Department

City of Rancho Cordova

2729 Prospect Park Drive

Rancho Cordova, CA 95670

jyabes@cityofranchocordova.org

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year first above written.

CITY OF RANCHO CORDOVA

PROFESSIONAL

Cyrus Abhar, City Manager

James Fisher, Principal

Date:_____

Date:_____

Attest:

Stacy Leitner, CMC, City Clerk

Date:_____

Approved as to Form:

Adam U. Lindgren, City Attorney

Date:_____

EXHIBIT C
ADDITIONAL SCOPE OF WORK AND COMPENSATION

ITEM 9.5.

ATTACHMENT 2

Contract No. 2021-337-1

R.E.Y. ENGINEERS, INC.

Civil Engineers | Land Surveyors | LiDAR

905 Sutter Street, Suite 200 Folsom, CA 95630

Phone: (916) 366-3040 Fax: (916) 366-3303

www.reyengineers.com



September 7th, 2022

Jesse Yabes
City of Rancho Cordova
Public Works Department
2729 Prospect Park Drive
Rancho Cordova, CA 95670

sent via email: JYabes@cityofranchocordova.org

Subject: Countryside Neighborhood Street Rehabilitation Project – Contract Amendment No. 1 Scope and Fee for Additional Utility Locating, Survey Monument Preservation and Additional Utility Coordination Services

Dear Mr. Yabes,

Thank you for the opportunity to work with the City of Rancho Cordova (City) on the Countryside Neighborhood Street Rehabilitation Project (Project). Below is an overview of the proposed scope of work for Contract Amendment No. 1:

Task I.14 – Utility Location (existing task)

The City has elected to expand the utility location efforts on this project to include eleven additional streets. During construction, over 0.10' will be milled off of the surface of these streets causing a reduction in cover over the subsurface utilities. This additional utility location will include the electronic depths of the existing utilities and be used to determine if the remaining cover over the utility is sufficient to protect the utility in place during construction.

Task I.14 deliverables shall include paint marks delineating the horizontal alignment and electronic depths of all underground utilities within the selected roadways. A Google Earth (.KMZ) file will be provided with all of the located utilities and depths. R.E.Y. Engineers (R.E.Y.) will evaluate the utilities and integrate those deemed to be in conflict with the project into the Utility B and C Letters sent to the utility purveyors for relocation.

This work does not include survey data collection of the paint marks or integration of all marked utilities into the topographic survey.

Task I.15 – Topographic Survey and Base Map (existing task)

The actual effort spent on this task has exceeded our budgeted amount. During contract negotiations, R.E.Y.'s initial budget for this task was reduced from \$127,119 to the currently budgeted amount of \$105,427 without an accompanying scope reduction. While we do our best to estimate the extent of our delivery efforts and work within the desired budget, we could not produce a quality deliverable within the contract budget for this task. R.E.Y. is requesting that the City consider increasing the budget for this task back up to the originally estimated amount of \$127,119.

Task I.16 – Survey Monument Preservation (new task)

The City has elected to expand the surveying efforts on this project to include survey monument preservation. On past projects, the City has placed this task with the contractor as a part of the construction contract, but during the detailed project site walks performed by R.E.Y. and the City, a large quantity of existing survey monumentation were observed. Given the increased complexity and to ensure this task gets performed to the standards set by the California Business and Professions Code, the R.E.Y. Surveying Department will perform the subtasks as follows: Task Management, Office Research, and Field Verification.

Task management will include coordination and up to one meeting with the City to discuss the results of the monument research. Office Research will include research of the filed record parcel maps, final maps, record of surveys, corner records, and City of Rancho Cordova and/or Sacramento County vertical benchmarks in the City of Rancho Cordova to

ITEM 9.5.

determine the number of protected and non-protected monuments within the project area. Field Verification will include visually verifying in the field the number of protected and non-protected monuments within the project area. R.E.Y. will attempt to locate the monuments with a metal detector if said monuments are not visible from the surface. A report will be provided to the City reporting the actual number of protected and non-protected monuments and a Google Earth (.kmz) file will show the approximate location of the protected and non-protected monuments.

The tasks included with this amendment will not complete the survey monument preservation process, and subsequent tasks will be required to fully comply with the California Business and Professions Code. A GPS/GNSS field survey location (X, Y, and Z) and traffic safety plan are not included in this task. R.E.Y. will meet with the City to discuss the field verification results and discuss GNSS location options and required corner records or record of survey to be in compliance with California State Law. A separate scope and fee for the field GPS/GNSS location and corner records/record of survey will be provided after an accurate number of monuments is obtained and a work plan approach is agreed upon with the City.

Task II.9 – Utility Coordination (new task)

R.E.Y. is currently scoped to provide Utility A Letters to inform utility purveyors of the upcoming project and request system maps, Utility B Letters to inform utility purveyors of potential conflicts, and Utility C Letters summarizing the agreed upon conflict resolution plan. On other recent projects, R.E.Y. has performed coordination services with utility purveyors during construction, prepared and updated consolidated utility conflict maps for the construction team, and attended utility pre-construction and coordination meetings. For this task, R.E.Y. will perform similar coordination services beyond the original scope of work up to the time and materials fee shown on the attached fee document.

Thank you for your consideration of these additional project services. If you have any questions or comments, please don't hesitate to contact me.

Sincerely,



Jim Fisher, PE, QSD/P

Attachments: Countryside Neighborhood Street Pavement Rehabilitation Project Contract Amendment 1 Fee Estimate

ITEM 9.5.

Countryside Neighborhood Street Pavement Rehabilitation Project City of Rancho Cordova

Contract Amendment 1 Fee Estimate

September 7, 2022

ATTACHMENT 2

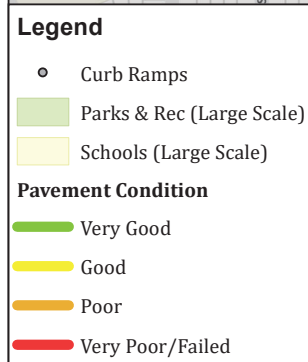
Contract No. 2021-337-1

R.E.Y. ENGINEERS, INC.
 Civil Engineers, Surveyors, LIDAR
 905 Sutter Street, Suite 200 Folsom, CA 95630
 Phone: (916) 366-3040 Fax: (916) 366-3303
 www.reyengineers.com



TASK DESCRIPTION	Billing Rate	Assistant Engineer - I	Associate Engineer - III	Associate Engineer - IV	Senior Engineer - I	Principal Manager - II	2-Person Survey Crew	Senior Technician - II	LiDAR Technician - I	Principal Surveyor - I	Principal Surveyor - II	Hours	Labor Cost	ODC's	Total
		\$112.00	\$132.00	\$142.00	\$198.00	\$283.00	\$315.00	\$155.00	\$150.00	\$268.00	\$283.00				
Task I.14 - Utility Location															
1 Utility Location	4		20	8								32	\$4,872	\$18,194	\$23,066
1.01 Utility Mark and Locate	4			4								8	\$1,240	\$18,194	\$19,434
1.02 Analyze Results			12	4								16	\$2,496		\$2,496
1.03 Integrate Information into Utility Letters			8									8	\$1,136		\$1,136
SUBTOTAL	4		20	8								32	\$4,872	\$18,194	\$23,066
Task I.15 - Topographic Survey and Base Map															
1 Topographic Survey and Base Map		8					16	40	40		12	116	\$21,692		\$21,692
1.01 Supplemental Surveys							16				8	24	\$7,304		\$7,304
1.02 Extract LAS Data and Prepare Base Map		8						40	40		4	92	\$14,388		\$14,388
SUBTOTAL		8					16	40	40		12	116	\$21,692		\$21,692
Task I.16 - Survey Monument Preservation															
1 Task Management				8						18		26	\$6,408		\$6,408
1.01 Coordination				4						16		20	\$5,080		\$5,080
1.02 Monument Research Results Meeting				4						2		6	\$1,328		\$1,328
2 Office Research				8						36		44	\$11,232		\$11,232
2.01 Office Research				8						36		44	\$11,232		\$11,232
3 Field Verification				2			40			8		50	\$15,140		\$15,140
3.01 Field Verification							40					40	\$12,600		\$12,600
3.02 Field Verification Results Report				2						8		10	\$2,540		\$2,540
SUBTOTAL				18			40			62		120	\$32,780		\$32,780
Task II.9 - Utility Coordination															
1 Utility Coordination			40	24	8							72	\$12,696		\$12,696
1.01 Utility Coordination			40	24	8							72	\$12,696		\$12,696
SUBTOTAL			40	24	8							72	\$12,696		\$12,696
TOTAL HOURS	4	8	60	50	8	56	40	40	62	12	340				
TOTAL DOLLARS	\$448	\$1,056	\$8,520	\$9,900	\$2,264	\$17,640	\$6,200	\$6,000	\$16,616	\$3,396		\$72,040	\$18,194	\$90,234	

ATTACHMENT 3



MEMORANDUM



ITEM 9.6.

DATE: October 3, 2022

TO: Honorable Mayor and Council Members

FROM: Albert Stricker, Public Works Director
Kristine Courdy, Senior Civil Engineer

SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 2021-38-2 WITH R.E.Y. ENGINEERS, INC. TO INCREASE THE CONTRACT AMOUNT FROM \$483,920 TO AN AMOUNT NOT TO EXCEED \$512,920 AND EXTEND THE CONTRACT TO JUNE 30, 2023 FOR THE MILLS RANCH/ROSSMOOR NEIGHBORHOOD STREET REHABILITATION PROJECT**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would authorize the City Manager to execute Contract Amendment No. 2021-38-2 to increase the contract amount from \$483,920 to an amount not to exceed \$512,920 and extend the contract term to June 30, 2023 for continued on-call engineering and design services with R.E.Y. Engineers, Inc. for Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project.

BACKGROUND

The Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project (Project) includes the Mills Ranch and Rossmoor neighborhoods. The Project area is located in the Rancho Cordova neighborhood bordered by Coloma Road, Chase Drive, Ambassador Drive, and McGregor Drive (see Attachment three for project area map). The Project includes an overlay of existing pavement to improve the road surfaces, sidewalk repairs and curb ramp upgrades to achieve compliance with the Americans with Disabilities Act, storm drain upgrades to improve flood protection and conveyance, and other incidental work as required.

On April 5, 2021, City Council approved Contract No. 2021-38 for R.E.Y. Engineers, Inc. to provide on-call engineering and design services for the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project in an amount not to exceed \$436,459. On November 1, 2021 the City Council approved Contract No. 2021-38-1 for R.E.Y. Engineers, to provide additional survey, field investigation and engineering services for the Project increasing the contract amount from \$436,459 to \$483,920.

The Project began construction in June 2022. During construction there have been additional field investigations, utility coordination and unforeseen conditions requiring additional services from the design engineer, R.E.Y. Engineers, Inc. Therefore, it is recommended to proceed with this contract amendment that will include scope of work to provide engineering services required during the Project construction. The proposed contract amendment number 2021-38-2 proposes a \$29,000 increase for a revised contract total of \$512,920. In addition, it is recommended to update the term of the agreement to June 30, 2023 so the consultant can provide all the deliverables required under the agreement. Construction began in June 2022 with anticipated completion in Spring 2023.

FISCAL IMPACT AND FUNDING SOURCE

Funding for this project will consist of Community Enhancement Funds, Measure R, Gas Tax, Road Maintenance and Rehabilitation Fund, Supplemental Transportation, Stormwater Enterprise Fund and Street Cut Fee. There is sufficient budget available to cover the costs of this contract amendment.

The project is included in the City's current approved Capital Improvement Plan and in the adopted 2021-2023 budget.

ATTACHMENT(S)

1. Resolution
2. Contract Amendment 2021-38-2
3. Project Area Map

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT AMENDMENT NO. 2021-38-2 WITH R.E.Y. ENGINEERS, INC. TO INCREASE THE CONTRACT AMOUNT FROM \$483,920 TO \$512,920 AND EXTEND THE CONTRACT TERM TO JUNE 30, 2023 FOR THE MILLS RANCH/ROSSMOOR NEIGHBORHOOD STREET REHABILITATION PROJECT

WHEREAS, the City entered into Contract No. 2021-38 with R.E.Y. Engineers, Inc. on April 5, 2021 in the amount of \$436,459 to provide on-call engineering and design services for the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project (Project); and

WHEREAS, the City entered into Contract Amendment No. 2021-38 with R.E.Y. Engineers, Inc. on November 1, 2021 to perform additional survey, field investigation and engineering services for the Project and increased the contract compensation from \$436,459 to \$483,920; and

WHEREAS, during the Project construction the contractor has encountered unforeseen conditions that required R.E.Y. Engineers, Inc., the engineer of record, to perform additional field investigation, utility coordination, and engineering services to accurately respond to the field conditions; and

WHEREAS, the City wishes to increase the maximum compensation from \$483,920 to an amount not to exceed \$512,920 and extend the contract term to June 30, 2023 required to perform this additional work; and

WHEREAS, the services exceed the maximum amount the City Manager has authorization to approve; and

WHEREAS, there are sufficient funds budgeted to cover the cost of the contract.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorized the City Manager or his designee to execute Contract Amendment No. 2021-38-2 with R.E.Y. Engineers, Inc. in a form approved by the City Attorney to increase the contract amount from \$483,920 to and amount not to exceed \$512,920 and extend the contract term to June 30, 2023 for the on-call engineering and design services for the Mills Ranch/Rossmoor Street Rehabilitation Project.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 3rd day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ITEM 9.6.

ATTACHMENT 1

ABSTAIN:

ATTEST:

Stacy Leitner, CMC
City Clerk

Donald Terry, Mayor

**SECOND AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF
RANCHO CORDOVA AND R.E.Y ENGINEERS, INC. FOR
THE MILLS RANCH/ROSSMOOR NEIGHBORHOOD STREET REHABILITATION PROJECT**

This Second Amendment to the Agreement for Professional Services ("Second Amendment") is made by and between the City of Rancho Cordova ("City") and R.E.Y. Engineers, Inc. ("Professional") as of October 3, 2022. City and Professional are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS, the Parties entered into the First ("PSA") No. 2021-38 dated April 5, 2021 in the amount of \$436,549 to provide on-call civil engineering and design services for the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project; and

WHEREAS, the Parties entered into the First Amendment to the PSA ("First Amendment") No. 2021-38-01 dated November 1, 2021 to perform the additional survey, field investigation and engineering services for the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project and increased the contract compensation amount from \$436,459 to \$483,920; and

WHEREAS, during the Project construction the contractor has encountered unforeseen conditions that required R.E.Y Engineers, Inc., the engineer of record, to perform additional field investigation, utility coordination, and engineering services to accurately respond to field conditions; and

WHEREAS, the City wishes to update the scope of work to add the additional services and compensation for the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project; and

WHEREAS, this Amendment No. 2021-38-2 ("Second Amendment") includes additional tasks outlined in Exhibit "D" for the Professional to perform additional field investigation and engineering services to accurately respond to field conditions for the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project and will increase the contract compensation amount from \$483,920 to \$512,920; and

WHEREAS, this Second Amendment updates the Contract Term from December 31, 2022 to June 30, 2023 to allow for the Professional to complete all the deliverables in the Project scope of work; and

WHEREAS, the Parties agree that changes to the term and services provided for in the PSA are necessary in order for the City to continue receiving services by Professional.

NOW, THEREFORE, the Parties hereby agree as follows:

AGREEMENT

1. The Parties agree to modify the scope of services to include the additional tasks outlined in Exhibit D. Section 1 of the PSA, "Services," is amended to read as follows:

"Subject to the terms and conditions set forth in this agreement, Professional shall provide to City the services described in the Scope of Services attached as Exhibit A, Exhibit C and Exhibit D at the time and place and in the manner specified therein. In the event of

inconsistency between the terms of this Agreement and Exhibit A, Exhibit C, or Exhibit D, the Agreement shall prevail.”

2. Section 2 of the PSA and Amendment 1, "Compensation," provides for the City to pay Professional a sum not to exceed Four Hundred Eighty-Three Thousand Nine Hundred Twenty Dollars and No Cents (\$483,920.00). The Parties agree to amend Section 2 of the PSA Amendment 1 in order to increase the compensation amount to pay Professional for additional services. The first sentence of Section 2 of the PSA and Amendment 1 is amended to read as follows:

"City hereby agrees to pay Professional a sum not to exceed Five Hundred Twelve Thousand Nine Hundred Twenty Dollars and No Cents (\$512,920), notwithstanding any contrary indication that may be contained in Professional's proposal, for services to be performed and reimbursable costs incurred under this Agreement."

3. The attached Exhibit "D" is hereby added to the PSA which provides for additional services and compensation as specified therein.
4. Section 1.1 of the PSA, "Terms of Services" provides for the Consultant to complete the services by December 31, 2022. The first sentence of Section 1.1 of the PSA is amended to read as follows:

"The term of this agreement shall begin on the date first noted above and shall end on June 30, 2023, the date of completion specified in Exhibit D."
5. All other terms and conditions in the PSA shall remain in full force and effect to the extent they are not in conflict with this Amendment.
6. The signatures of the Parties to this Amendment may be executed and acknowledged on separate pages or in counterparts which, when attached to this Amendment, shall constitute one complete Amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year first above written.

CITY OF RANCHO CORDOVA

PROFESSIONAL

Cyrus Abhar, City Manager

James Fisher, Principal

Date: _____

Date: _____

Attest:

Stacy Leitner, City Clerk

Date: _____

Approved as to Form:

Adam Lindgren, City Attorney

Date: _____

Attachments:
Exhibit C

EXHIBIT D

ADDITIONAL SCOPE OF WORK SERVICES AND COMPENSATION

Refer to the attached Proposal



September 9th, 2022

Kristine Courdy
 City of Rancho Cordova
 Public Works Department
 2729 Prospect Park Drive
 Rancho Cordova, CA 95670

sent via email: KCourdy@cityofranchocordova.org

Subject: Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project – Contract Amendment No. 2

Dear Ms. Courdy,

Thank you for the opportunity to work with the City of Rancho Cordova (City) on the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation (Project). During the proposal stage of a project, we do our best to estimate the extent of our delivery efforts. As projects get underway and evolve, our estimated effort transitions to actual effort spent. R.E.Y. Engineers (R.E.Y.) has exceeded the budget assigned in the RC04 Neighborhood Street Rehabilitation Project professional services contract with the City of Rancho Cordova and Contract Amendment #1. Below is an overview of the additional work accounted for in Contract Amendment No. 2:

Phase II – Final Design

For multiple reasons, R.E.Y. exceeded the contract budget for the Final Design phase by \$45,789.15. Several of the large contributions to this overrun are detailed below.

Increased Project Scope

As a result of lessons learned from the 2020 Neighborhood Street Rehabilitation – RC02 Project, for this project a detailed job walk was performed by the R.E.Y., the City project team, and the City storm drain team at the beginning of the project. During this detailed job walk, new areas of project scope were identified and later integrated into the construction documents. In conjunction with the improvements identified on the detailed job walk, throughout the life of the project the City did their due diligence in evaluating and adding improvements that would enhance the project for the community and maximize the City's project funding. While we agree with this approach, R.E.Y. had not accounted for the additional work during the proposal phase. Examples of improvements that were added after the proposal phase include the replacement of damaged sidewalk, replacement of undersized drop inlets, replacement of undersized storm drain laterals and mains, vegetation clearing, sidewalk grinds, pavement edge and sidewalk remediation, improved striping and replacement of select roadside signs. The anticipated construction budget for this project during the proposal phase was \$3.4M, while the awarded construction contract was over \$8.2M.

Increased Detail

When estimating the effort to prepare the project plans, R.E.Y. used the previous 2020 Neighborhood Street Rehabilitation – RC02 Project plan set as a guide. Throughout the progression of the Mills Ranch/Rossmoor Neighborhood Street Rehabilitation Project, a significant amount of detail was added to the plan set. Examples of this additional detail include new/proposed utilities, additional curb ramp grades and crossing utility grades.

Utility Coordination

R.E.Y. was scoped to provide Utility A Letters to inform utility purveyors of the upcoming project and request system maps, Utility B Letters to inform utility purveyors of potential conflicts, and Utility C Letters summarizing the agreed upon conflict resolution plan. However, R.E.Y. has performed coordination services outside of the scope including coordination of construction schedules, preparing and updating consolidated utility conflict maps for the construction team, and organizing and attending utility coordination meetings.

Phase III – Construction
Construction Engineering Support

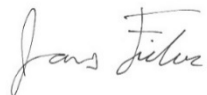
Per the contract, R.E.Y. is scoped to provide construction engineering support services up to the contract amount of \$15,000.00. We have since exceeded that budget by \$3,610.00 and are continuing to provide support for the construction team.

While R.E.Y. has exceeded the contract budget in the tasks listed above, we have also found efficiencies in other areas throughout the project which has lessened the impact of the overruns. To date, R.E.Y. has exceeded the total contract budget by \$41,564.44. In an effort to partner with the City, we are only requesting that \$29,000.00 be added to our current total contract amount of \$483,920.00; amending it to a new total of \$512,920.00. We anticipate that R.E.Y. will continue to provide construction engineering support services to the total amount of \$35,045.56; making the requested \$29,000.00 a 50/50 split shared cost between R.E.Y. and the City.

In addition to the requests above, R.E.Y. requests that the terms of our contract be extended to June 30th, 2023 to allow adequate time to complete all of the required deliverables.

Thank you for your consideration of these additional project services. If you have any questions or comments, please don't hesitate to contact me.

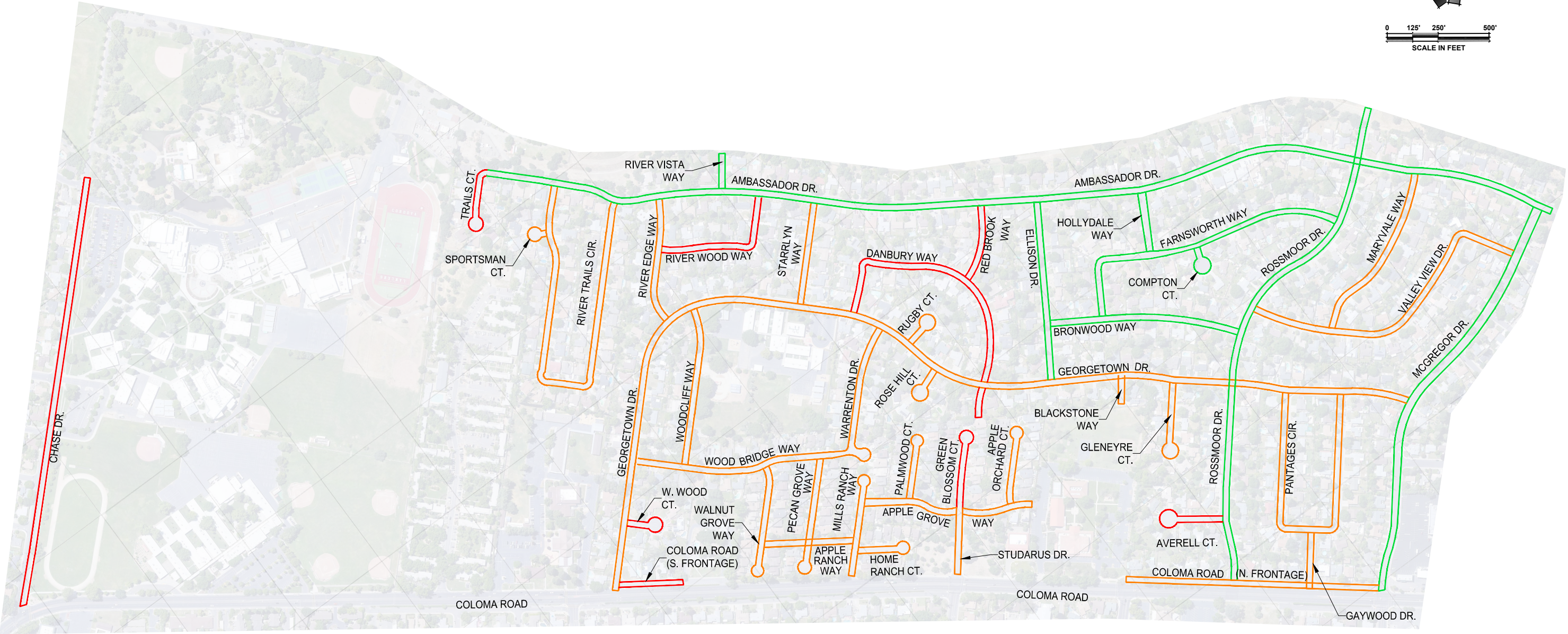
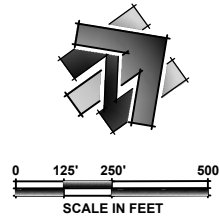
Sincerely,



Jim Fisher, PE, QSD/P

MILLS RANCH/ ROSSMOOR NEIGHBORHOOD STREET REHABILITATION PROJECT

CITY OF RANCHO CORDOVA
ROADWAY TREATMENT EXHIBIT
OCTOBER 7th, 2021



LEGEND

- PRESERVATION ROAD
- REHABILITATION ROAD
- RECONSTRUCTION ROAD

905 Sutter Street Suite 200 Folsom CA 95630
(916) 366-3040 Fax (916) 366-3303
R. E. Y. ENGINEERS, Inc.
Civil Engineers | Land Surveyors | LIDAR



MEMORANDUM



ITEM 9.7.

DATE: October 3, 2022
TO: Honorable Mayor and Council Members
FROM: Amanda Norton, Economic Development Manager
SUBJECT: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT NO. 2022-218 WITH THE RANCHO CORDOVA AREA CHAMBER OF COMMERCE IN AN AMOUNT NOT TO EXCEED \$665,000 FOR BUSINESS RETENTION SERVICES**

RECOMMENDATION

Adopt the Resolution

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would authorize the City Manager to Execute Contract No. 2022-218 with the Rancho Cordova Area Chamber of Commerce, in an amount not to exceed \$665,000 for business retention services.

BACKGROUND

In the fall of 2016, City staff presented Council with a five-year strategic plan. The strategy is designed to be broad enough to capture a changing business market. The strategy is laid out by the primary functions of the Department. There are four main functions: business attraction, business retention and expansion, network-building, marketing and visibility, and areas of collaboration.

Continuing the work of the strategy, the Economic Development Department received City Council approval for the 2019/2020 Action Plan in the Fall of 2019. As part of the Action Plan, a contract was executed with the Rancho Cordova Chamber of Commerce. The main focus of Agreement No. 2022 - 218 is assistance with business retention efforts, the RCity Shop Local app, providing micro grants to small businesses, and providing assistance to businesses as they navigate the impacts of the COVID-19 pandemic.

As the community continues to recover from the impact of the pandemic on the City's business community, especially those businesses in the service and hospitality industries, the Economic Development Department and Rancho Cordova Chamber of Commerce have expanded the Scope of Services to continue to support existing businesses and to help them succeed. The proposed Agreement No. 2022-218 will continue and expand the work proposed in the original contract. The Rancho Cordova Chamber of Commerce is partnering with the Asian Chamber and bringing the Minority Business Assistance & Recovery Kickstart (MBARK)

program to Rancho Cordova. The focus of the program is to work one-on-one with small businesses and provide technical assistance in a variety of languages. The Rancho Cordova Chamber will also continue the work to on-board businesses into the RCity app, assist with fraud and scam prevention, and post-COVID protocols and legislative mandates. Other work to be completed by the Chamber includes:

- Economic Gardening
 - Recruit five candidates for the first and second Economic Gardening cohort
 - Coordinate with the Economic Gardening program
 - Manage & facilitate + additional hours of 1:1 service
 - Specialized instruction in two key subject matter areas
 - Economic Gardening 2.0 (includes grants upon completion) for the first and second cohorts
- MBARK Cohort Project
 - Identify and recruit the first and second cohorts
 - Intensive technical assistance series focused on business growth
 - Marketing/Outreach/Communications
 - Business stipends
 - Data collection, analysis, and tracking
 - Program administration
- Workforce – Business Needs Identification Task Force
 - It is essential to ensure and confirm that the classes, skills, and curriculum of our community workforce development programs and established educational institutions directly reflect the needs of our business community. The Chamber will bring representatives from a range of industries to identify the skills and abilities required to meet current and future employee needs at a core level. The results of this assessment will be presented to our educational and training partners with the expectation that these programs are in place or can be established to meet the identified needs.
- RCity App
 - Grow and continue aggressive marketing campaigns focusing on the three audiences engaged with the program. Each audience should be approached independently and utilize tools most appropriate to each. A specific target will be the development of in-language elements.

FISCAL IMPACT AND FUNDING SOURCE

Funding for Contract 2022-218 with the Rancho Cordova Chamber of Commerce will come from the American Rescue Plan Act (ARPA) Funding.

ATTACHMENT(S)

1. Resolution

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, AUTHORIZING THE CITY MANAGER TO SIGN AGREEMENT NO.2022-218 WITH THE RANCHO CORDOVA AREA CHAMBER OF COMMERCE IN AN AMOUNT NOT TO EXCEED \$665,000 FOR BUSINESS RETENTION SERVICES FOR FISCAL YEAR 2022-2023

WHEREAS, the City of Rancho Cordova (the "City") wishes to contract with the rancho Cordova Area chamber of Commerce (the "Chamber") for business retention services for fiscal year 2022-2023; and

WHEREAS, the City would like to enter into a new Professional Services Agreement 2022-218 (the "Agreement") with the Chamber, in an amount not to exceed \$665,000 to assist the business community to continue its recovery from the COVIC-19 pandemic; and

WHEREAS, the City and the Chamber have negotiated the Agreement substantially in the form on file with the City Clerk that sets forth the requirements for the Chambers' services; and

WHEREAS, there are sufficient funds budgeted to cover the costs of the Agreement; and

WHEREAS, the Agreement is in the best interest of City and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does authorize the City Manager to execute Contract No. 2022-218 with the Rancho Cordova Area Chamber of Commerce, in a form approved by the City Attorney, and to execute all other documents and to take such actions as necessary to carry out the intent of this resolution.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 3rd day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Stacy Leitner, CMC
City Clerk

Donald Terry, Mayor

MEMORANDUM



ITEM 9.8.

DATE: October 3, 2022
TO: Honorable Mayor and Council Members
FROM: Albert Stricker, Public Works Director
Quoc Nham, Senior Civil Engineer
SUBJECT: **A RESOLUTION APPROVING THE FINAL MAP OF RIO DEL ORO EAST LARGE LOT MAP, SUBDIVISION NO. FM-2020-003-01, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT CONTRACT NO. 2022-205 WITH AEROJET ROCKETDYNE, INC.**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would authorize the City to enter into Subdivision Improvement Agreement Contract No. 2022-205 ([Attachment 2](#)) guaranteeing the construction of public roads and utilities with Aerojet Rocketdyne, Inc, and the recording of the final subdivision map creating 67 private future development lots, 10 park lots, 5 school lots, and 15 miscellaneous lots located south of White Rock Road, north of Douglas Road, east and west of the extension of Rancho Cordova Parkway.

BACKGROUND

The map has been examined and checked for compliance with Title 22 of the City of Rancho Cordova Municipal code and the California Subdivision Map Act. The City Council approved the Large Lot Tentative Map on August 29, 2016. A Development Agreement was entered on September 20, 2010. A copy of the final map ([Attachment 3](#)) and copy of the vicinity map ([Attachment 4](#)) are included with this letter.

Wood Rodgers has waived the requirement for a bond to guarantee payment for setting the survey monuments with the subdivision.

There are no delinquent taxes against the property and the Tax Collector has so certified. The 2022/2023 estimated taxes have been secured with the Sacramento County Tax Collector.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact to the City.

ATTACHMENT(S)

1. Resolution
2. Subdivision Improvement Agreement Contract No. 2022-205
3. Final Map Rio Del Oro East
4. Vicinity Map Rio Del Oro East

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, APPROVING THE FINAL MAP OF RIO DEL ORO EAST LARGE LOT MAP, SUBDIVISION NO. FM-2020-003-01, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE SUBDIVISION IMPROVEMENT AGREEMENT CONTRACT NO. 2022-205 WITH AEROJET ROCKETDYNE, INC.

WHEREAS, the City Council approved the Large Lot Tentative Map on August 29, 2016 per Resolution No. 107-2016; and

WHEREAS, the map is in substantial compliance with the approved tentative map; and

WHEREAS, the map complies with Title 22 of the City of Rancho Cordova Municipal Code and the California Subdivision Map Act; and

WHEREAS, the approval of the final maps is exempt from review under the California Environmental Quality Act (CEQA) pursuant to CEQA Regulation Section 15269(b)(3) as a ministerial approval; and

WHEREAS, the City desires to enter into a subdivision improvement agreement with the developer to ensure necessary public improvements are completed and secured with a bond.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA does approve the Final Map of Rio Del Oro East Large Lot Map, Subdivision No. FM-2020-003-01 and does authorize the City Manager to execute Subdivision Improvement Agreement 2022-205 with Aerojet Rocketdyne, Inc. in a form approved by the City Attorney.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 3rd day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Donald Terry, Mayor

Stacy Leitner, CMC
City Clerk

Contract No. 2022-205

SUBDIVISION IMPROVEMENT AGREEMENT**Rio Del Oro East Large Lot Final Map, Subdivision No. FM-2020-003-01**

THIS SUBDIVISION IMPROVEMENT AGREEMENT (hereinafter, "Agreement") entered into this 3rd day of October 2022, by and between the City of Rancho Cordova, (hereinafter "City"), a California municipal corporation, and Aerojet Rocketdyne, Inc., an Ohio 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 its 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 **Rio Del Oro East Large Large Lot Final Map, Subdivision No. FM-2020-003-01** 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

Subdivision Improvement Agreement
Between the City of Rancho Cordova and
Aerojet Rocketdyne, Inc., an Ohio Corporation

Contract No. 2022-205

agrees to complete the work of improvement required for said subdivision in accordance with the requirements of the Rancho Cordova Municipal 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 consistent with the terms and also identified in subsequent subdivision improvement agreements (SIAs) to be executed by the City and Principal, or assignee, following the approvals and recordation of small lot final maps (SLFMs) for the Project, as applicable, and any other improvements as may be reasonably required by the City.

The Large Lot Final Map shall include the following note:

A small lot final map ("SLFM") shall not be recorded, or development of a large lot identified herein shall not proceed other than pursuant to approved infrastructure improvement plans, or a building permit shall not be issued, unless: (i) all offsite and onsite public utilities and roadway and frontage improvements are installed to serve the parcels subject to or depicted on such SLFM in accordance with the requirements of the Rancho Cordova Municipal 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; or (ii) an appropriate surety bond, instrument of credit, or cash deposit satisfactory to the City is submitted and accepted by the City for said offsite and onsite public utilities and improvements.

The work required may lie within or outside the subdivision and must be completed within the terms agreed upon for any portion of the Project where a subsequent SIA for a SLFM has been entered into with the City. Principal shall ensure that any subsequent purchasers, buyers, or developers of any parcels, of any part of the Large Lot Final Map (but specifically excluding any members of the homebuying public), shall acknowledge and agree to be bound to, in writing, the above-referenced note in this paragraph and 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 Municipal Code.

6. **Park Renovation Fee.** Principal acknowledges that the City has adopted a fee for the purpose of renovating existing parks in the amount designated in the development agreement and amendments thereto with respect to the Project.

7. **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

Subdivision Improvement Agreement
Between the City of Rancho Cordova and
Aerojet Rocketdyne, Inc., an Ohio Corporation

Contract No. 2022-205

final subdivision map, and any offsite easements granted, subject to the provisions of paragraph 9 hereof. Acceptance will be postponed until such time the City determines a public purpose exists. Public Purpose is defined as existence of habitable structures within the subdivision.

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

9. **Correction of Defects.** Principal agrees to remedy any defects in the improvements that are the subject of the applicable subsequent SIA for a SLFM and arising from faulty or defective construction of said improvements occurring within twelve months after acceptance thereof by City.

10. **Indemnity.** Principal shall indemnify and hold harmless with counsel selected by the City, the City of Rancho Cordova, its agents, officers, consultants, and employees ("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.

11. **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.

12. **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 Municipal 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

Subdivision Improvement Agreement
Between the City of Rancho Cordova and
Aerojet Rocketdyne, Inc., an Ohio Corporation

Contract No. 2022-205

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 pursuant to the applicable subsequent SIA for said SLFM. The amount of the surety bond for faithful performance shall be in the sum as agreed upon for subsequent SIAs for said SLFMs. 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.

(d) Prior to issuance of improvement plans not already bonded or secured through a subsequent SIA, Principal shall obtain and furnish to the City an improvement security in favor of City under Chapter 12.03 of the Rancho Cordova Municipal Code.

(e) This Agreement shall automatically terminate as to any portion of the Project where a subsequent SIA for a SLFM has been entered into with the City.

13. Improvement Security As Condition Precedent. The furnishing of the improvement security by Principal as required by paragraph 12 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.

14. 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

Subdivision Improvement Agreement
Between the City of Rancho Cordova and
Aerojet Rocketdyne, Inc., an Ohio Corporation

Contract No. 2022-205

shall be retained to guarantee faithful performance of the provisions of paragraph 9 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.

15. 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.

16. 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.

17. City 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.

18. 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.

19. 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 12 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.

20. 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.

21. 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 supersedes all prior negotiations, representations or agreements, oral or written, that may be related to the subject matter of this Agreement.

22. Construction and Interpretation. It is agreed and acknowledged by the

Contract No. 2022-205

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.

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

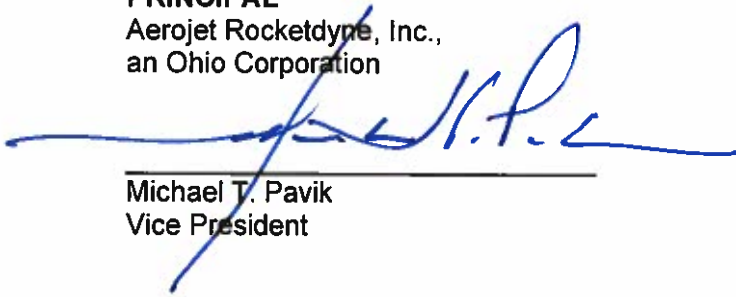
24. **Time.** Time is of the essence in the performance of each and every term of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first set forth above, which date shall be considered by the Parties to be the effective date of this Agreement.

CITY OF RANCHO CORDOVA

Cyrus Abhar, City Manager

PRINCIPAL
Aerojet Rocketdyne, Inc.,
an Ohio Corporation



Michael T. Pavik
Vice President

ATTEST:

Stacy Leitner, City Clerk

OWNER'S STATEMENT

THE UNDERSIGNED HEREBY CONSENTS TO THE PREPARATION AND RECORDING OF THIS FINAL MAP.

SUBJECT TO THE RESERVATIONS SET FORTH BELOW, THE UNDERSIGNED PURSUANT TO THE PROVISIONS OF SECTION 7050 OF THE GOVERNMENT CODE IRREVOCABLY OFFERS FOR DEDICATION TO THE CITY OF RANCHO CORDOVA FOR ANY PUBLIC PURPOSE THE RIGHT OF WAY ON, OVER, ACROSS AND UNDER THE STRIPS OF LAND SHOWN HEREON AND DESIGNATED AS "IRREVOCABLE OFFER OF DEDICATION" (IOD), AND ALSO IRREVOCABLY OFFERS FOR DEDICATION TO SPECIFIC PURPOSES THE FOLLOWING:

1. EASEMENT FOR PLANTING AND MAINTAINING TREES, ELECTROLIERS, TRAFFIC CONTROL DEVICES, WATER AND GAS PIPES, AND UNDERGROUND WIRES AND CONDUITS FOR ELECTRIC, TELEVISION AND TELEPHONE SERVICES, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, ON, OVER, UNDER AND ACROSS THOSE STRIPS OF LAND SHOWN HEREON AND DESIGNATED "PUBLIC UTILITY EASEMENT" (PUE).
2. EASEMENT FOR PLANTING AND MAINTAINING TREES, ELECTROLIERS, TRAFFIC CONTROL DEVICES, WATER AND GAS PIPES, OVERHEAD AND UNDERGROUND WIRES AND CONDUITS FOR ELECTRIC, TELEVISION AND TELEPHONE SERVICES, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, ON, OVER, UNDER AND ACROSS THOSE STRIPS OF LAND SHOWN HEREON ADJACENT TO INTERNATIONAL DRIVE AND AMERICANOS BOULEVARD AND DESIGNATED "PUBLIC UTILITY EASEMENT" (PUE)
3. EASEMENTS FOR LANDSCAPING AND ALL APPURTENANCES PERTAINING THERETO LYING ON, OVER AND ACROSS THOSE STRIPS OF LAND SHOWN HEREON AND DESIGNATED "LANDSCAPING EASEMENT" (LE) SAID STRIPS TO BE KEPT OPEN AND FREE FROM BUILDINGS. THE MAINTENANCE AND REPLANTING OF THE LANDSCAPE STRIP SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
4. RIGHT OF WAYS 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 OF LAND SHOWN HEREON AND DESIGNATED "PEDESTRIAN EASEMENT" (PE). THE MAINTENANCE AND REPAIR OF THE WALKWAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

THE UNDERSIGNED RESERVES AND RETAINS FROM THE IOD, THE PUE, THE LE AND THE PE, THE RIGHT TO INSTALL, OPERATE, AND MAINTAIN INFRASTRUCTURE, UTILITIES AND APPURTENANCES WITHIN THE IOD, THE PUE, THE LE AND THE PE FOR MANAGEMENT AND REMEDIATION OF CONTAMINATED MEDIA (SOIL, SOIL VAPOR, SURFACE WATER, GROUNDWATER, SEDIMENT) INCLUDING THE RIGHT TO EXTRACT, TREAT AND MANAGE SUCH MEDIA AND RIGHTS OF ACCESS TO INSPECT AND MONITOR SUCH REMEDIATION (INCLUDING RIGHT TO GRANT SUCH ACCESS RIGHTS TO THIRD PARTIES ENGAGED IN REMEDIATION ACTIVITIES AND/OR OVERSIGHT).

AEROJET ROCKETDYNE INC.,
AN OHIO CORPORATION

BY: *David Hatca*
NAME: DAVID HATCA
TITLE: VP & COO, REAL ESTATE

THE LOTS DEPICTED ON THIS MAP ARE NOT DEVELOPABLE BUILDING SITES. THESE LOTS MAY ONLY BE DEVELOPED UPON APPROVAL OF FURTHER SUBDIVISION MAPS OR OTHER DISCRETIONARY ENTITLEMENTS THEREFORE BY THE CITY OF RANCHO CORDOVA.

SURVEYOR'S STATEMENT

THIS FINAL 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 AEROJET-GENERAL CORPORATION, IN JANUARY, 2020. I HEREBY STATE THAT ALL THE MONUMENTS SHOWN HEREON ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE SEPTEMBER 30, 2024 AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

WOOD RODGERS, INC.

Andrew P. Tapley
ANDREW P. TAPLEY
P.L.S. 9554

7/21/2022
DATE



NOTARY'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }
COUNTY OF Sacramento } SS

ON 25 DAY OF July, 2022 BEFORE ME, Christina M. Green, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED David Hatca

 WHO 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.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL: *Christina M. Green*

PRINTED NAME: Christina M. Green

MY PRINCIPAL PLACE OF BUSINESS IS IN THE COUNTY OF: Sacramento

MY COMMISSION EXPIRES: March 10, 2026

MY COMMISSION No.: 2397240

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP OF RIO DEL ORO EAST AND FIND IT TO BE SUBSTANTIALLY THE SAME AS THE TENTATIVE MAP APPROVED BY THE CITY OF RANCHO CORDOVA, AND ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ALL APPLICABLE CITY ORDINANCES HAVE BEEN COMPLIED WITH.

CITY ENGINEER, ALBERT STRICKER, R.C.E. 64057

DATED: _____



CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I AM SATISFIED THAT SAID FINAL MAP IS TECHNICALLY CORRECT.

LAND SURVEYOR, CYRUS E. ABHAR, P.L.S. 7723

DATED: _____



CITY CLERK'S STATEMENT

I HEREBY STATE THAT THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA HAS APPROVED THIS FINAL MAP OF RIO DEL ORO EAST AND CONSENTS TO THE IRREVOCABLE OFFERS OF DEDICATION OFFERED HERON AND RESERVES THE RIGHT TO ACCEPT AT A LATER DATE ON BEHALF OF THE PUBLIC ALL EASEMENTS AND RIGHTS-OF-WAY.

BY: _____
CITY CLERK
CITY OF RANCHO CORDOVA

DATED: _____

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____, 2022, AT _____ M. IN BOOK _____ OF MAPS, AT PAGE _____ AT THE REQUEST OF WOOD RODGERS, INC. TITLE TO THE LAND INCLUDED IN THIS FINAL MAP BEING VESTED AS PER CERTIFICATE NO. _____ ON FILE IN THIS OFFICE.

DONNA ALLRED COUNTY RECORDER DOCUMENT NO.: _____
COUNTY OF SACRAMENTO

BY: _____ FEE: \$ _____
DEPUTY RECORDER

LARGE LOT FINAL MAP OF
RIO DEL ORO EAST
SUBDIVISION NO. FM-2020-003-01
BEING A PORTION OF RANCHO RIO DE LOS AMERICANOS
LYING WITHIN A PORTION OF PROJECTED SECTIONS 32, 33 & 34, T. 9 N., R. 7 E., AND
A PORTION OF PROJECTED SECTIONS 3, 4, 5, 8, 9 & 10, T. 8 N., R. 7 E., M.D.B.&M.
CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA



SEPTEMBER 2022

Sheet 1 of 22

LINE TABLE: BOUNDARY SHEET

LINE TABLE – SHEET 3			
No.	Bearing	Length	Reference
L1	N0°17'20"W	423.56'	(S00°17'18"E 423.57')(8)
L2	N89°31'55"E	682.58'	(N89°31'57"E 682.58')(8)
L3	N79°02'18"W	274.71'	(N79°02'16"W 274.71')(8)
L4	N28°09'10"W	236.87'	(N28°09'08"W 236.87')(8)
L5	N17°25'55"E	25.00'	(S17°25'57"W 25.00')(8)
L6	N72°34'05"W	651.82'	(S72°34'03"E 651.82')(8)
L7	N51°49'42"W	453.85'	(S51°49'40"E 453.85')(8)
L8	N38°10'18"E	125.00'	(N38°10'20"E 125.00')(8)
L9	N51°45'34"W	723.29'	(S51°45'32"E 723.29')(8)
L10	N4°34'38"W	192.34'	(N4°34'36"W 192.34')(7)(8)
L11	N16°09'53"W	253.09'	(N16°09'51"W 253.09')(7)(8)
L12	N11°19'52"W	479.39'	(N11°19'50"W 479.39')(7)(8)
L13	N7°23'36"W	292.93'	(N7°23'34"W 292.93')(7)(8)
L14	N6°22'43"W	169.64'	(N6°22'41"W 169.64')(7)(8)
L15	N1°23'25"W	152.03'	(N1°23'23"W 152.03')(7)(8)
L16	N71°35'32"E	146.02'	(N71°35'34"E 146.02')(7)(8)
L17	N74°08'39"E	462.88'	(N74°08'41"E 462.88')(7)(8)
L18	N84°48'46"E	66.67'	(N84°48'48"E 66.67')(7)(8)
L19	N10°56'54"E	102.96'	(N10°56'56"E 102.96')(7)(8)
L20	N4°10'38"W	197.73'	(N4°10'36"W 197.73')(7)(8)
L21	N1°46'55"E	318.01'	(N1°46'57"E 318.01')(7)(8)
L22	N0°44'06"E	496.40'	(N0°44'08"E 496.43')(7)(8)
L23	N84°13'34"E	56.81'	(N84°12'46"E 56.52')(7)(8)
L24	N0°57'37"W	40.64'	(N0°58'24"W 40.54')(7)(8)
L25	N28°35'05"E	380.75'	(S28°35'01"W 380.85')(7)
L26	N0°04'09"E	641.38'	(N0°04'01"E 641.36')(7)
L27	N89°25'45"E	195.01'	(N89°25'37"E 194.99')(7)
L28	N0°06'13"E	110.00'	(N0°06'05"E 110.00')(7)
L29	N89°14'02"E	80.11'	(N89°13'54"E)(7)(N89°58'05"E)(11)(80.06')(7)(11)
L30	N0°02'23"E	822.06'	(N00°37'29"E 821.90')(11)
L31	N89°56'15"W	434.90'	(N89°57'11"W 434.97')(7)(N89°22'31"W 435.00')(11)
L32	N1°20'40"E	344.81'	(N1°20'04"E 345.08')(7)
L33	N89°56'15"W	342.72'	(N89°58'28"W 342.71')(7)
L34	N0°03'45"E	833.76'	(N0°03'54"E 849.95')(7)
L35	N89°01'46"E	180.01'	(N89°00'55"E 179.99')(7)
L36	N55°25'15"W	159.23'	(N55°26'36"W 159.16')(7)
L37	N0°03'50"E	619.80'	(N0°03'44"E 619.85')(7)
L38	N51°33'51"E	182.24'	(N51°34'31"E 182.27')(7)
L39	N79°01'04"E	62.11'	(N79°00'45" 62.11')(7)
L40	N6°30'16"E(R)	395.96'	(N6°29'58"E 395.97')(7)
L41	N0°04'43"E	1449.32'	(N0°03'55"E 1449.44')(7)
L42	N84°13'34"E	877.46'	(N84°12'46"E 877.40')(7)
L43	N88°51'25"E	2409.49'	(N88°50'57"E 2409.24')(7)
L44	N89°05'17"E	467.08'	(N89°05'46"E 466.94')(7)(8)
L45	N86°31'01"E	62.18'	(N86°31'01"E 62.21')(7)(8)

NOTES

1. ALL CURVES DIMENSIONED WITH RADIUS, DELTA, AND ARC LENGTH.
2. ALL DISTANCES SHOWN HEREON ARE EXPRESSED IN FEET AND DECIMALS THEREOF.
3. DUE TO ROUNDING, THE SUM OF THE INDIVIDUAL DIMENSIONS MAY NOT EQUAL THE OVERALL DIMENSION.
4. TOTAL AREA FOR THIS "LARGE LOT FINAL MAP OF RIO DEL ORO EAST" IS 2,311.798± ACRES, CONSISTING OF 67 PRIVATE FUTURE DEVELOPMENT LOTS, 10 PARK LOTS, 5 SCHOOL LOTS, 1 PUBLIC/QUASI PUBLIC LOT, 1 OPEN SPACE LOTS, 3 WETLAND PRESERVE LOTS AND 10 DRAINAGE PARKWAY LOTS.
5. PRIOR TO THE RECORDATION OF SMALL LOT MAPS FOR LOTS 9A, 13A AND 13B, THE DEVELOPER SHALL CAUSE THE SMUD PARCEL IDENTIFIED AS "NAPOTS" WITHIN THIS MAP TO BE ABANDONED. THE APPROPRIATE RIGHT-OF-WAY AND EASEMENTS SHALL THEN BE DEDICATED.
6. THE LOTS DEPICTED ON THIS MAP ARE NOT DEVELOPABLE BUILDING SITES. THESE LOTS MAY ONLY BE DEVELOPED UPON APPROVAL OF FURTHER SUBDIVISION MAPS THEREFORE OR APPROVAL OF OTHER DISCRETIONARY ENTITLEMENTS THEREFORE BY THE CITY OF RANCHO CORDOVA.
7. NOTICE IS HEREBY GIVEN THAT A POTENTIAL 69KV OVERHEAD ELECTRICAL LINE IS ANTICIPATED ALONG INTERNATIONAL DRIVE AND AMERICANOS BOULEVARD.

CURVE TABLE: BOUNDARY SHEET

CURVE TABLE – SHEET 3				
No.	Radius	Delta	Length	Reference
C1	533.00'	66°04'15"	614.63'	(R=533.00' Δ=66°04'15" L=614.63')(8)
C2	3657.00'	08°53'18"	567.31'	(R=3657.00' Δ=08°53'18" L=567.31')(8)
C3	555.00'	27°49'00"	269.45'	(R=555.00' Δ=27°49'00" L=269.45')(8)
C4	164.00'	47°26'53"	135.81'	(R=164.00' Δ=47°26'53" L=135.81')(8)
C5	625.00'	50°28'53"	550.67'	(R=625.00' Δ=50°28'53" L=550.67')(8)
C6	540.00'	58°55'26"	555.34'	(R=540.00' Δ=58°55'26" L=555.35')(8)
C7	560.00'	108°28'52"	1060.28'	(R=560.00' Δ=108°28'52" L=1060.28')(8)
C8	2000.00'	19°03'35"	665.31'	(R=2000.00' Δ=19°03'35" L=665.31')(8)
C9	975.00'	46°07'00"	784.77'	(R=975.00' Δ=46°07'00" L784.77')(8)
C10	1125.00'	25°22'37"	498.28'	(R=1125.00' Δ=25°22'37" L=498.28')(8)
C11	5000.00'	04°38'44"	405.41'	(R=5000.00' Δ=04°37'52" L=404.13')(7)
C12	3000.00'	01°09'45"	60.87'	(R=3000.00' Δ=01°11'43" L=62.58')(7)(8)
C13	315.00'	54°30'00"	299.63'	(R=315.00' Δ=54°30'03" L=299.63')(7)
C14	640.00'	17°05'50"	190.98'	(R=640.00' Δ=17°07'50" L=191.35')(7)
C15	5000.00'	03°44'30"	326.51'	(R=5000.00' Δ=3°44'46" L=326.91')(7)
C16	5000.00'	00°54'15"	78.90'	(R=5000.00' Δ=0°53'06" L=77.20')(7)

LEGEND

o	DIMENSION POINT	LE	LANDSCAPE EASEMENT
⌀	FOUND 1–1/8" OD GALVANIZED	OA	OVERALL
●	PIPE WITH PLUG "LS 5760 PLANK"	PE	PEDESTRIAN EASEMENT
	FOUND MONUMENT AS NOTED	PUE	PUBLIC UTILITY EASEMENT
⌀	SET 3/4" IRON PIPE WITH CAP	(R)	RADIAL BEARING
	STAMPED "LS 8067"	SF	SQUARE FEET
⊘	SET 1 1/4" GALVANIZED IRON PIPE	IOD	IRREVOCABLE OFFER OF DEDICATION
	WITH PLUG STAMPED "LS 8067"	IP	IRON PIPE
AC	ACRES	ID	INSIDE DIAMETER
(B)	BOUNDARY DIMENSION	OD	OUTSIDE DIAMETER
(RW)	RIGHT-OF-WAY DIMENSION	(GR)	GROSS AREA
(CL)	CENTERLINE DIMENSION	(N)	NET AREA
⏟	CENTERLINE	NTS	NOT TO SCALE
L=	ARC LENGTH	(WV)	WIDTH VARIES
		6	SHEET NUMBER REFERENCE

NOTES (CONTINUED)

8. LOTS 32, 51, 56, 1F, 7, 41 AND A PORTION OF LOT 16–17 SHALL BE GRANTED TO CORDOVA RECREATION AND PARKS DISTRICT (CRPD) FOR NEIGHBORHOOD PARK PURPOSES.
9. LOTS 25B, 58A AND 58B SHALL BE GRANTED TO CORDOVA RECREATION AND PARKS DISTRICT (CRPD) FOR COMMUNITY PARK PURPOSES.
10. AN EXECUTED AND RECORDED PARK DEVELOPMENT AGREEMENT (PDA) SHALL BE REQUIRED PRIOR TO ANY OF THE FOLLOWING EVENTS:

10.1. TRANSFER OF OWNERSHIP OF ANY PARCEL EXCEPTING TRANSFER OF PARCEL(S) FOR PRESERVE OR OTHER PUBLIC USES APPROVED BY CRPD; OR

10.2. APPROVAL OF THE FIRST SMALL LOT TENTATIVE MAP; OR

10.3. FOR ANY PARCEL THAT WILL NOT BE FURTHER DIVIDED FOLLOWING THE APPROVAL OF THE LARGE LOT FINAL MAP, THE ISSUANCE OF BUILDING PERMITS.
11. PURSUANT TO SECTION 66434(g) OF THE GOVERNMENT CODE, THE FOLLOWING EASEMENT IS HEREBY ABANDONED:

11.1. THAT PORTION OF THE EASEMENT FOR COUNTY ROAD 40 FEET IN WIDTH RUNNING NORTH AND SOUTH ALONG THE EASTERLY PORTION OF TRACTS 3, 4, 9 AND 10 AS SHOWN ON THAT CERTAIN RECORD OF SURVEY ENTITLED "SOUTHEASTERLY PORTION OF RANCHO RIO DE LOS AMERICANOS", FILED FOR RECORD IN BOOK 12 OF SURVEYS, AT MAP NUMBER 30, LYING WITHIN THE BOUNDARY OF THIS MAP AND NOT SHOWN HEREON.
12. "COLLECTOR B" IS A TEMPORARY STREET NAME. A PERMANENT STREET NAME SHALL BE ASSIGNED AS PART OF THE SMALL LOT FINAL MAP PROCESS.

MONUMENT NOTES:

- 01 FOUND/HELD 1–7/8" OD IP IN CONCRETE, WITH CONC PLUG, NO TAG, SET PER (2).
- 02 FOUND 3/4" ID IP, NO TAG, 0.16' (0.23')(7) SOUTH OF BOUNDARY.
- 03 FOUND 1–1/4" OD IP, NO TAG, 0.18' (0.23')(7) SOUTH OF BOUNDARY.
- 04 FOUND RAILROAD SPIKE WITH PUNCH, NO LEGIBLE STAMP, 0.53' (0.56')(7) SOUTH OF BOUNDARY.
- 05 FOUND RAILROAD SPIKE WITH PUNCH, STAMPED "GDA 39", 17.36' (17.38')(7) SOUTH OF BOUNDARY.
- 06 FOUND/HELD 5/8" REBAR, NO TAG, AS SHOWN ON (2).
- 07 FOUND/HELD 5/8" REBAR WITH PLASTIC CAP STAMPED "LS 3680", SET PER (9).
- 08 FOUND/HELD 5/8" REBAR SET PER (5), NO TAG.
- 09 FOUND/HELD 3/4" ID IP WITH ILLEGIBLE PLASTIC PLUG. ACCEPTED AS 1–1/4" IRON ROD FOUND PER (1).
- 10 FOUND/HELD 5/8" REBAR, NO TAG, SET PER (1).
- 11 FOUND 1" OD IP, NO TAG, SHOWN PER (7), ACCEPTED AS MARKING NW CORNER PARCEL 15 OF (10).
- 12 FOUND 1" OD IP, NO TAG, SHOWN PER (7), ACCEPTED AS MARKING COMMON CORNER PARCELS 27, 28, 29 & 34 OF (10).
- 13 FOUND 5/8" REBAR, NO TAG, SHOWN PER (7), ACCEPTED AS MARKING SW CORNER PARCEL 32 OF (10).
- 14 FOUND/HELD 3/4" ID IP, NO TAG,. SET PER (6).
- 15 FOUND/HELD 3/4" ID IP WITH PLATIC PLUG STAMPED "LS 6046", SET PER (6).
- 16 FOUND 3/4" REBAR WITH 1–1/2" ALUMINUM CAP AND PUNCH STAMPED "PG&E", SHOWN PER (7).

BASIS OF BEARINGS

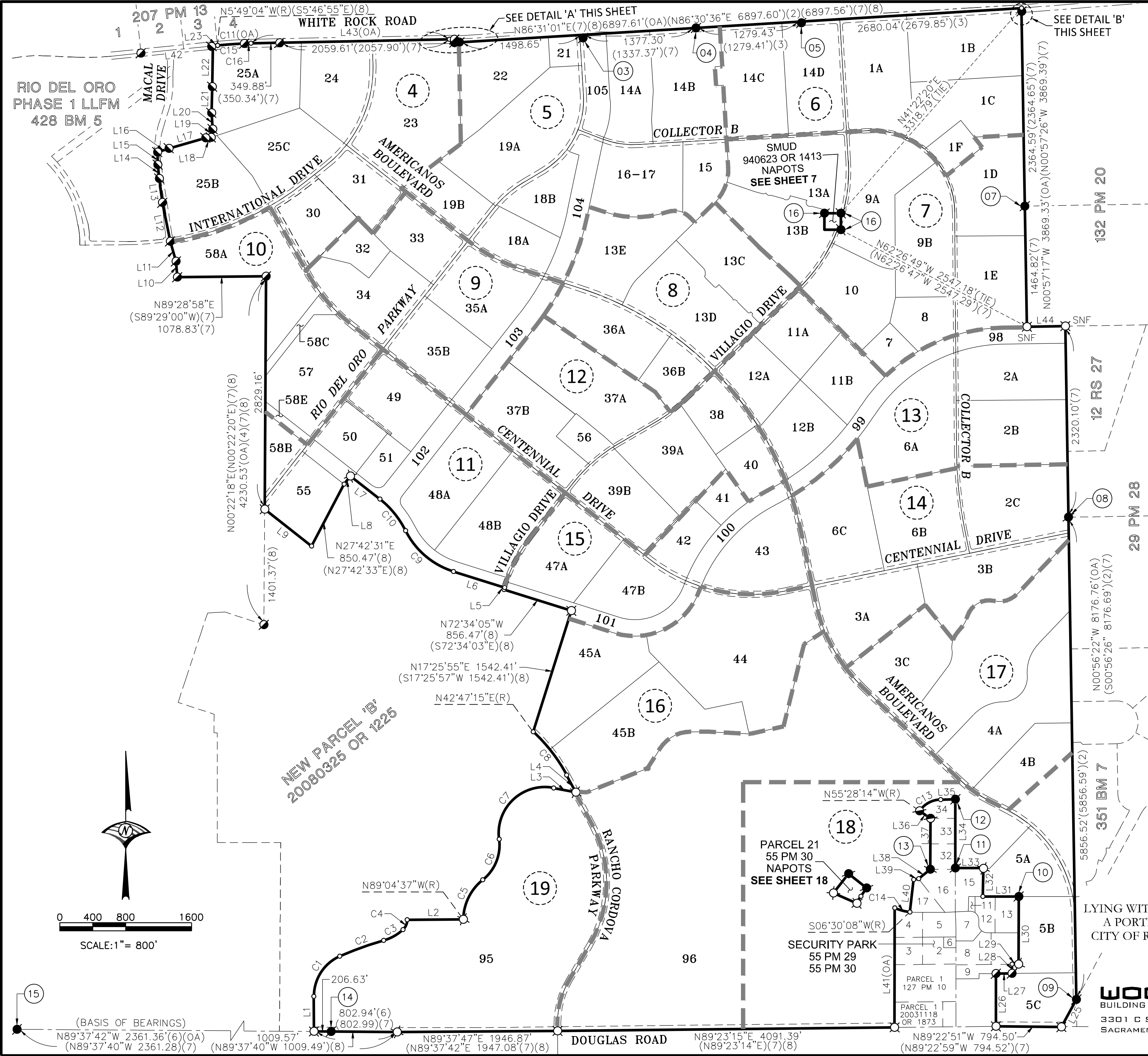
THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN TWO FOUND MONUMENTS MARKING THE CENTERLINE OF DOUGLAS ROAD AS SHOWN ON THAT CERTAIN "SUBDIVISION NO. 01–0385.0 LARGE LOT MAP OF ANATOLIA", FILED FOR RECORD ON JUNE 18, 2003 IN BOOK 316 OF MAPS, AT PAGE 8, SACRAMENTO COUNTY RECORDS. SAID BEARING IS NORTH 89°37'42" WEST. DISTANCES SHOWN HEREON ARE GROUND BASED.

LARGE LOT FINAL MAP OF
RIO DEL ORO EAST
SUBDIVISION NO. FM-2020-003-01
BEING A PORTION OF RANCHO RIO DE LOS AMERICANOS
LYING WITHIN A PORTION OF PROJECTED SECTIONS 32, 33 & 34, T. 9 N., R. 7 E., AND
A PORTION OF PROJECTED SECTIONS 3, 4, 5, 8, 9 & 10, T. 8 N., R. 7 E., M.D.B.&M.
CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

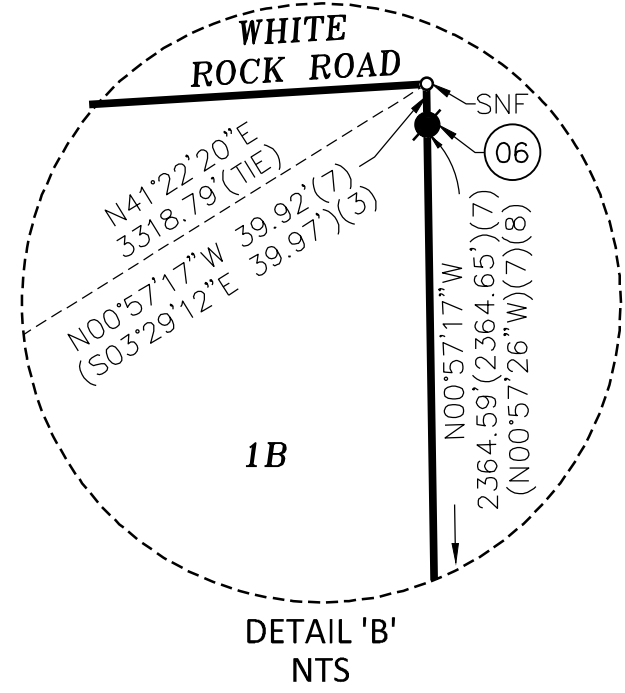
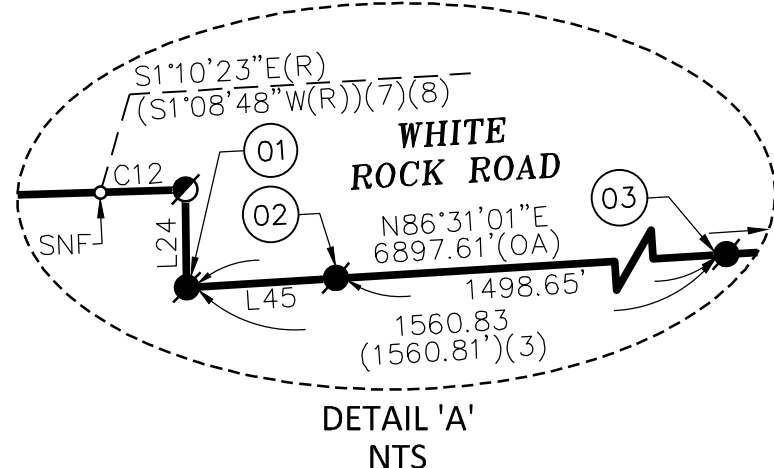


SEPTEMBER 2022

Sheet 2 of 22



SEE SHEET 2 FOR LINE TABLE, CURVE TABLE,
BASIS OF BEARINGS, LEGEND, NOTES AND
MONUMENT NOTES
SEE SHEET 20 FOR RECORD EASEMENTS



REFERENCES:

(1) 55 PM 29	(7) 76 RS 1
(2) 12 RS 30	(8) 20080325 OR 1224
(3) 52 RS 16	(9) 132 PM 20
(4) 20011130 OR 1431	(10) 55 PM 30
(5) 29 PM 28	(11) 20031118 OR 1873
(6) 316 BM 8	(12) 127 PM 10

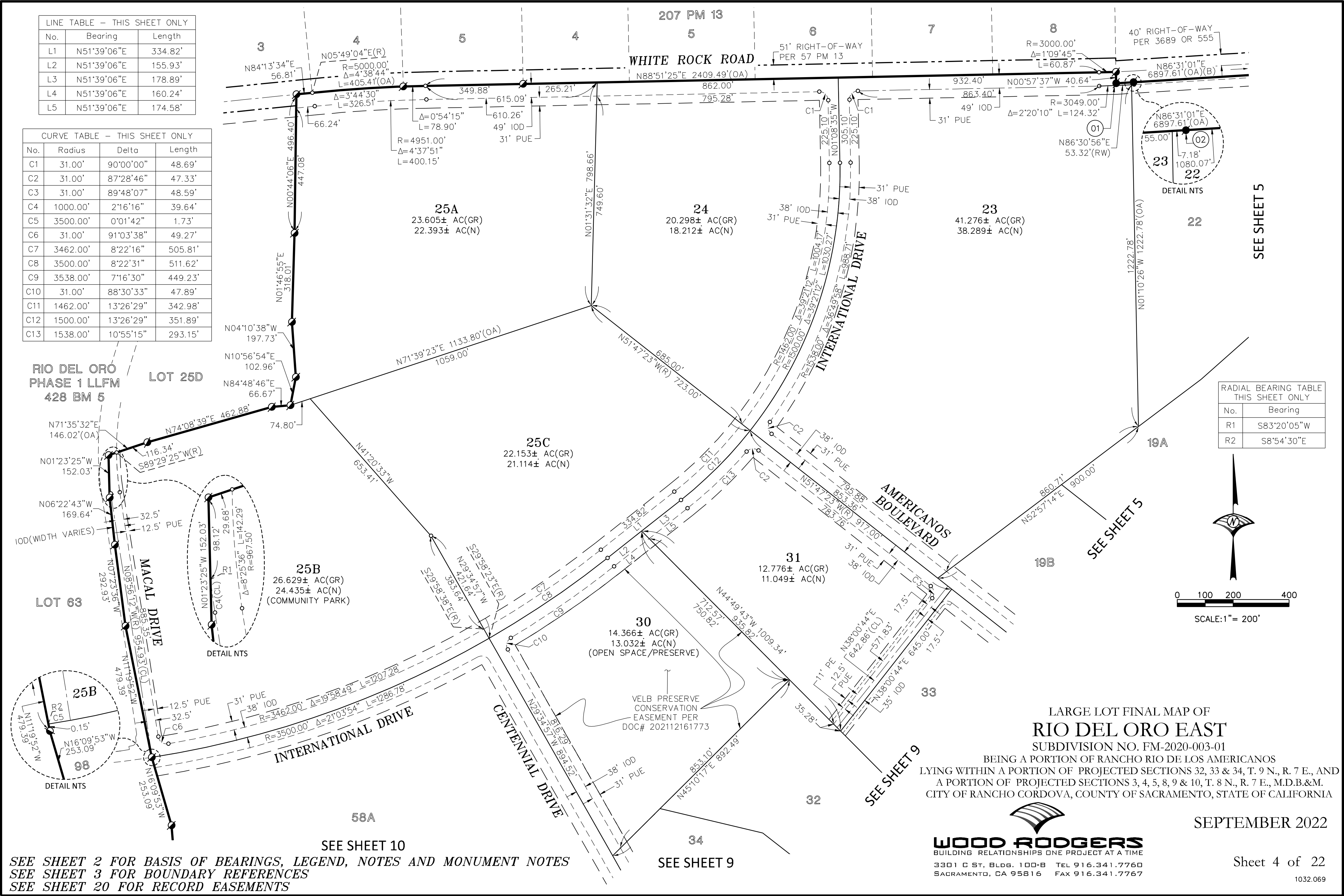
LARGE LOT FINAL MAP OF
RIO DEL ORO EAST
SUBDIVISION NO. FM-2020-003-01
BEING A PORTION OF RANCHO RIO DE LOS AMERICANOS
LYING WITHIN A PORTION OF PROJECTED SECTIONS 32, 33 & 34, T. 9 N., R. 7 E., AND
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CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

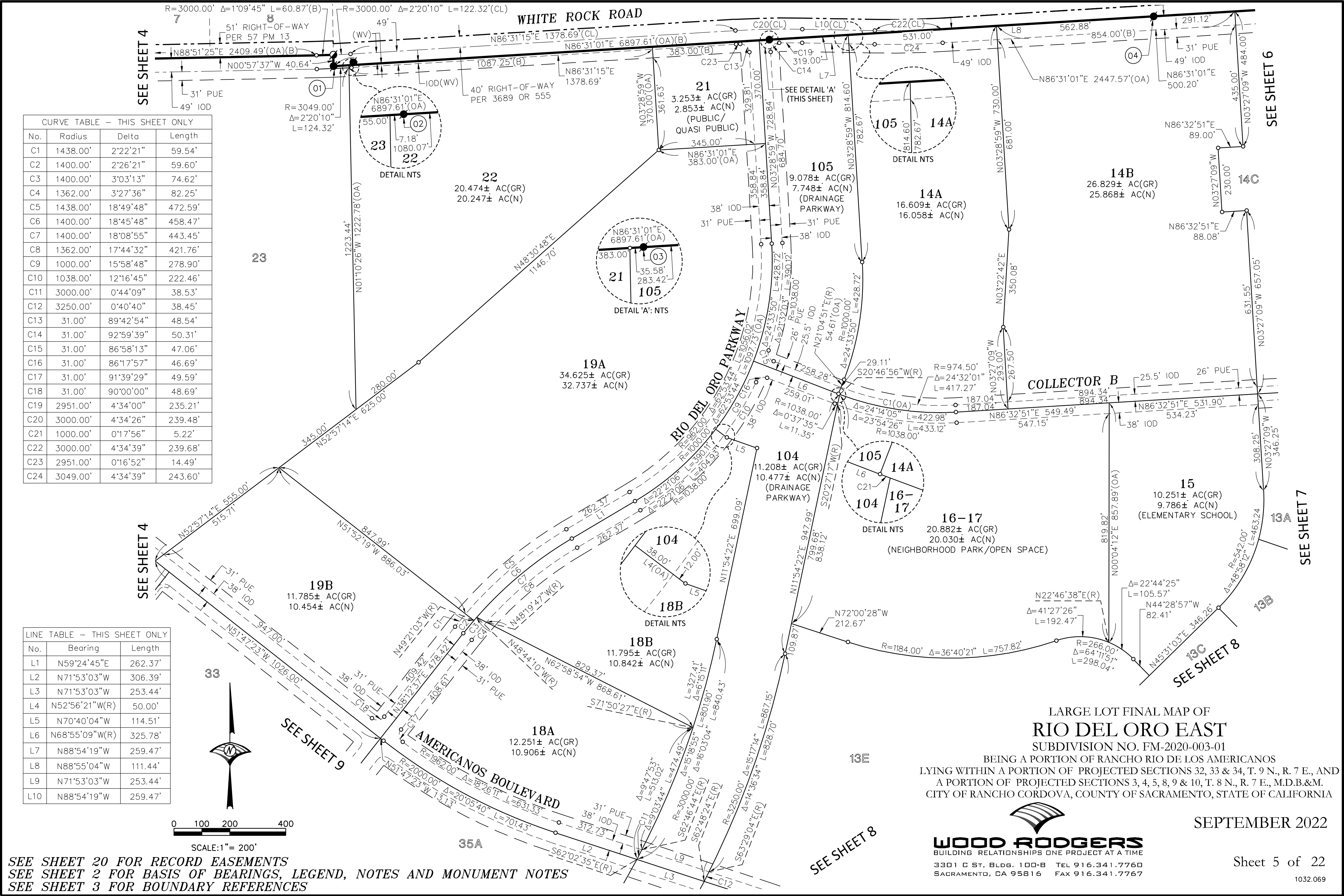
WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
3301 C ST, BLDG. 100-B TEL 916.341.7760
SACRAMENTO, CA 95816 FAX 916.341.7767

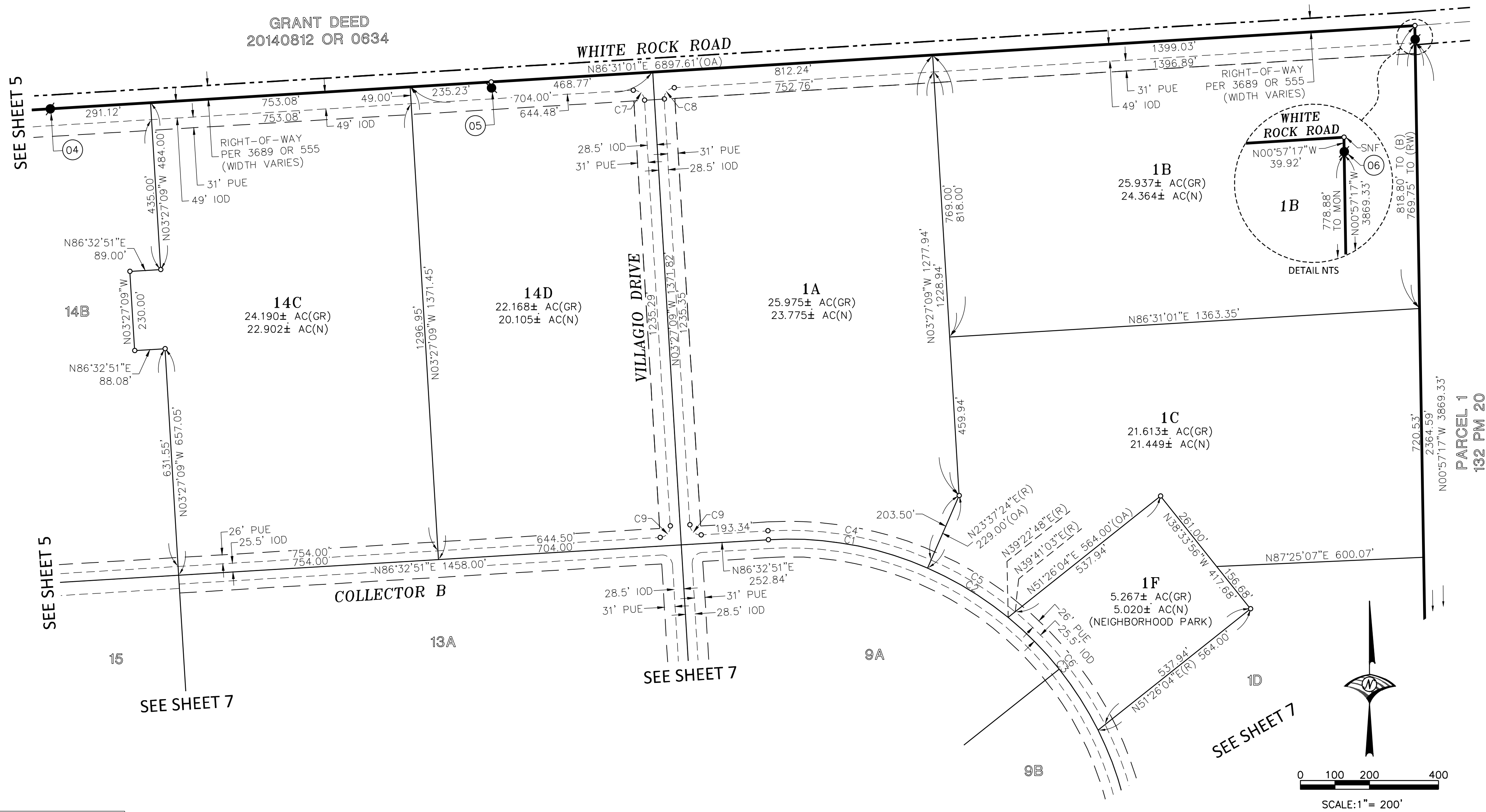
SEPTEMBER 2022

Sheet 3 of 22

1032.069







CURVE TABLE - THIS SHEET ONLY			
No.	Radius	Delta	Length
C1	1000.00'	27°04'33"	472.56'
C2	1000.00'	15°45'24"	275.01'
C3	1000.00'	24°06'31"	420.78'
C4	1025.50'	27°04'33"	484.61'
C5	1025.50'	16°03'39"	287.46'
C6	1025.50'	23°30'02"	420.62'
C7	31.00'	90°01'49"	48.71'
C8	31.00'	89°58'11"	48.68'
C9	31.00'	90°00'00"	48.69'

SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND MONUMENT NOTES
SEE SHEET 3 FOR BOUNDARY REFERENCES
SEE SHEET 20 FOR RECORD EASEMENTS

LARGE LOT FINAL MAP OF
RIO DEL ORO EAST
SUBDIVISION NO. FM-2020-003-01
BEING A PORTION OF RANCHO RIO DE LOS AMERICANOS
LYING WITHIN A PORTION OF PROJECTED SECTIONS 32, 33 & 34, T. 9 N., R. 7 E., AND
A PORTION OF PROJECTED SECTIONS 3, 4, 5, 8, 9 & 10, T. 8 N., R. 7 E., M.D.B.&M.
CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

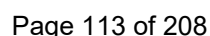


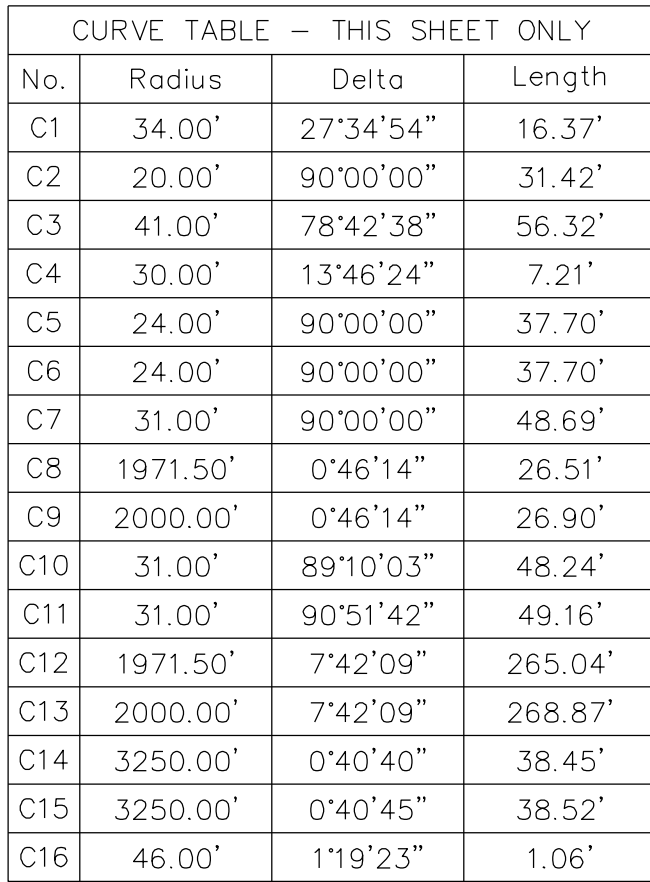
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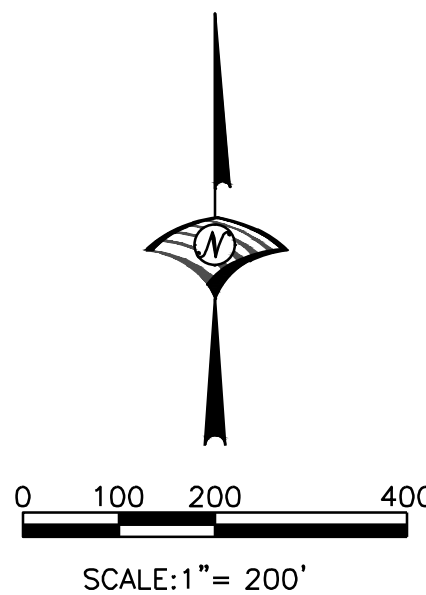
Sheet 6 of 22

1032.069





LINE TABLE - THIS SHEET ONLY		
No.	Bearing	Length
L1	N22°21'18"W	27.79'
L2	N0°13'39"W	52.49'
L3	N45°31'03"E	15.66'
L4	N45°31'03"E	42.00'
L5	N19°25'11"W	25.00'
L6	N44°28'57"W(R)	32.00'
L7	N44°28'57"W	87.00'
L8	N44°28'57"W	28.50'
L9	N44°28'57"W	82.41'
L10	N71°53'03"W	226.86'
L11	N71°53'03"W	232.70'
L12	N71°53'03"W	239.01'
L13	S45°31'03"W	8.00'



LARGE LOT FINAL MAP OF
RIO DEL ORO EAST
 SUBDIVISION NO. FM-2020-003-01
 BEING A PORTION OF RANCHO RIO DE LOS AMERICANOS
 LYING WITHIN A PORTION OF PROJECTED SECTIONS 32, 33 & 34, T. 9 N., R. 7 E., AND
 A PORTION OF PROJECTED SECTIONS 3, 4, 5, 8, 9 & 10, T. 8 N., R. 7 E., M.D.B.&M.
 CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

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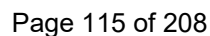
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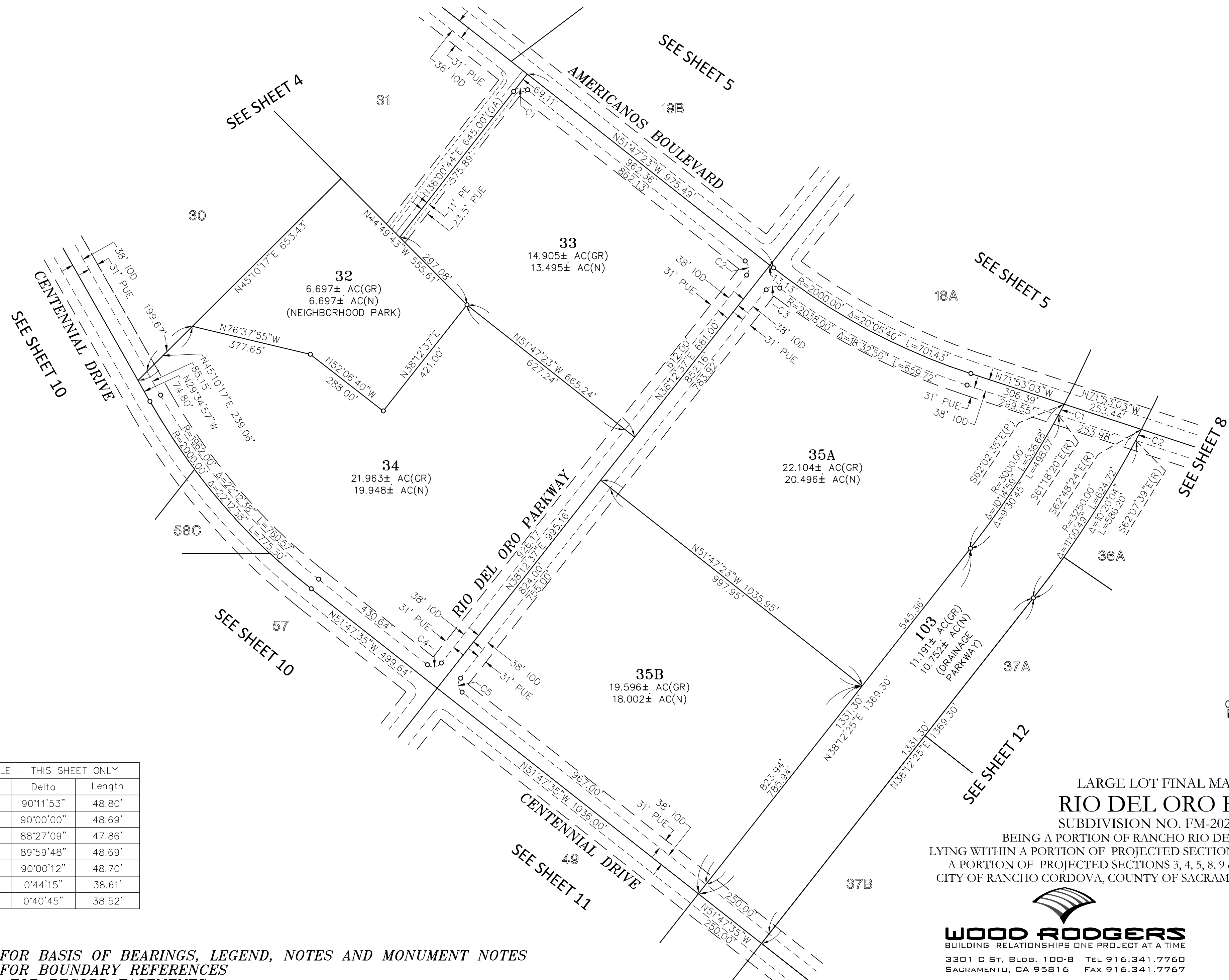
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Sheet 8 of 22

1032.069

SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND MONUMENT NOTES
SEE SHEET 3 FOR BOUNDARY REFERENCES
SEE SHEET 20 FOR RECORD EASEMENTS





CURVE TABLE – THIS SHEET ONLY			
No.	Radius	Delta	Length
C1	31.00'	90°11'53"	48.80'
C2	31.00'	90°00'00"	48.69'
C3	31.00'	88°27'09"	47.86'
C4	31.00'	89°59'48"	48.69'
C5	31.00'	90°00'12"	48.70'
C6	3000.00'	0°44'15"	38.61'
C7	3250.00'	0°40'45"	38.52'

SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND MONUMENT NOTES
SEE SHEET 3 FOR BOUNDARY REFERENCES
SEE SHEET 20 FOR RECORD EASEMENTS

SEE SHEET 1 OF 2

LARGE LOT FINAL MAP OF
RIO DEL ORO EAST
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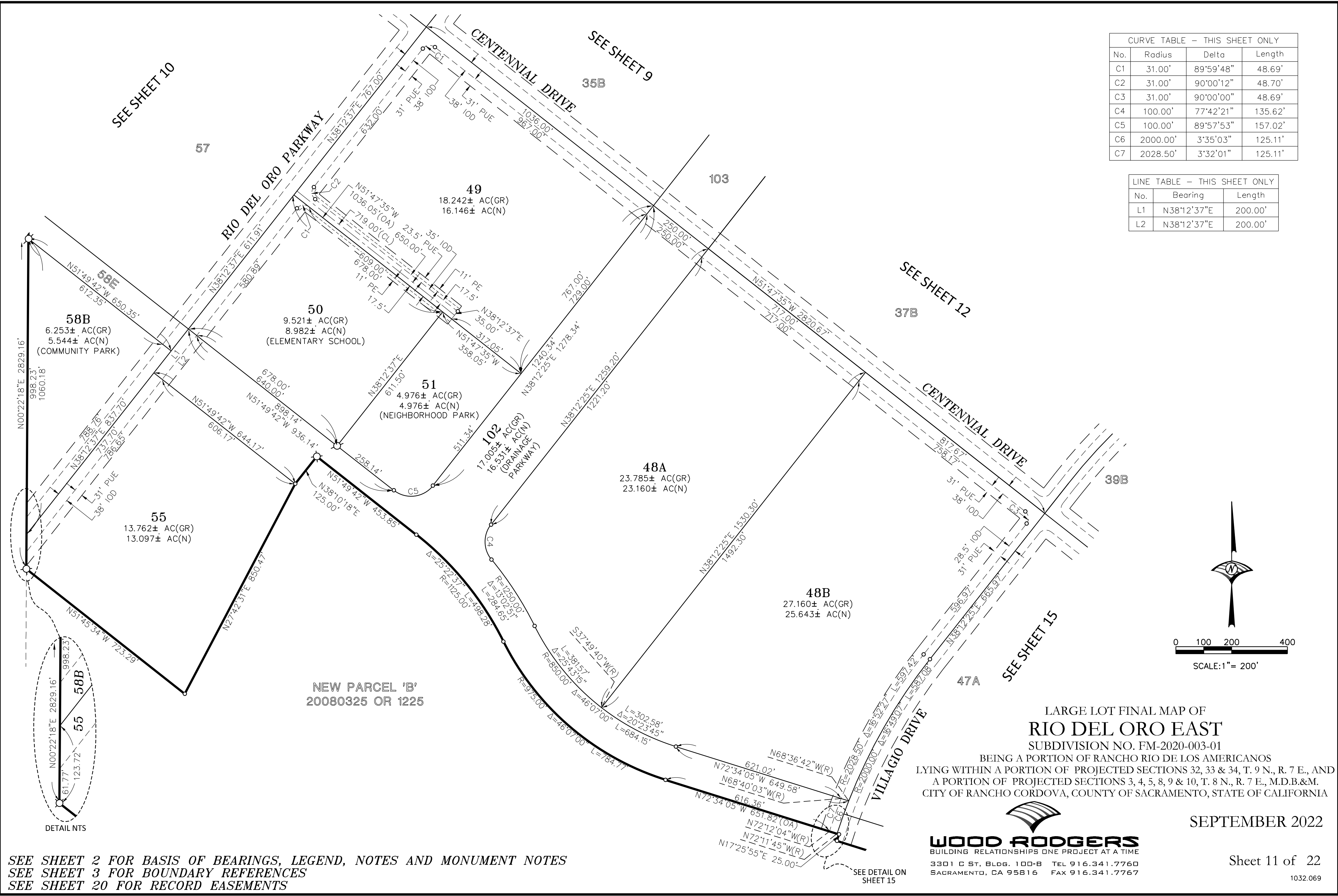


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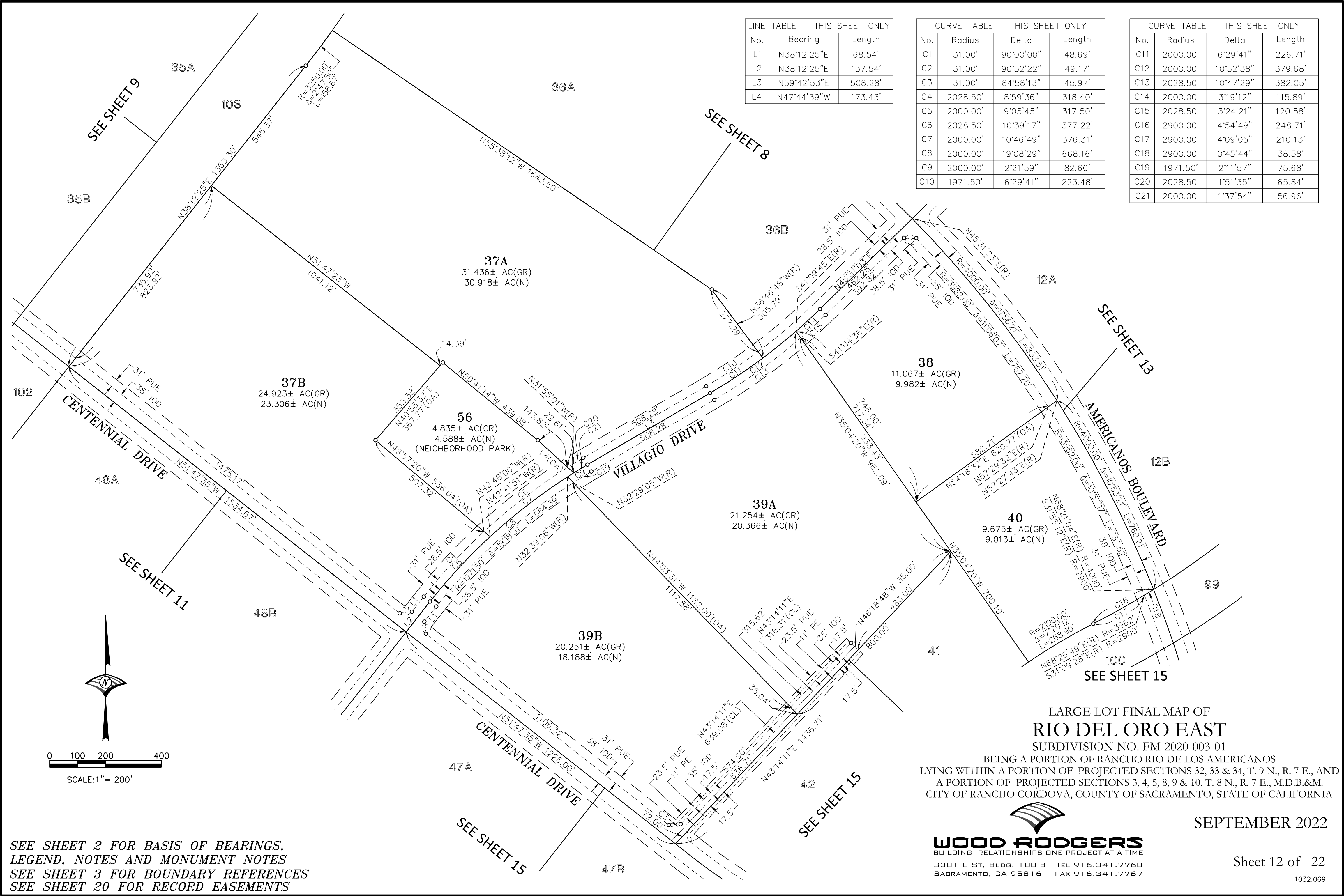
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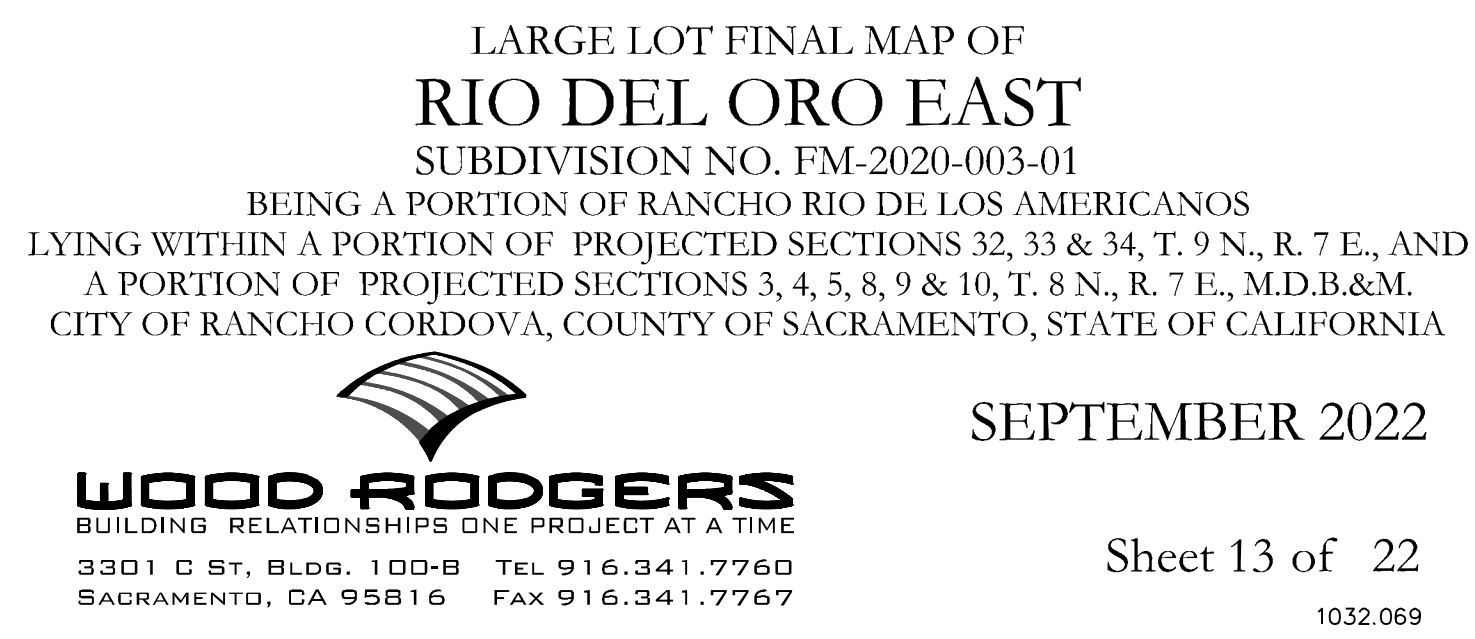
Sheet 9 of 22

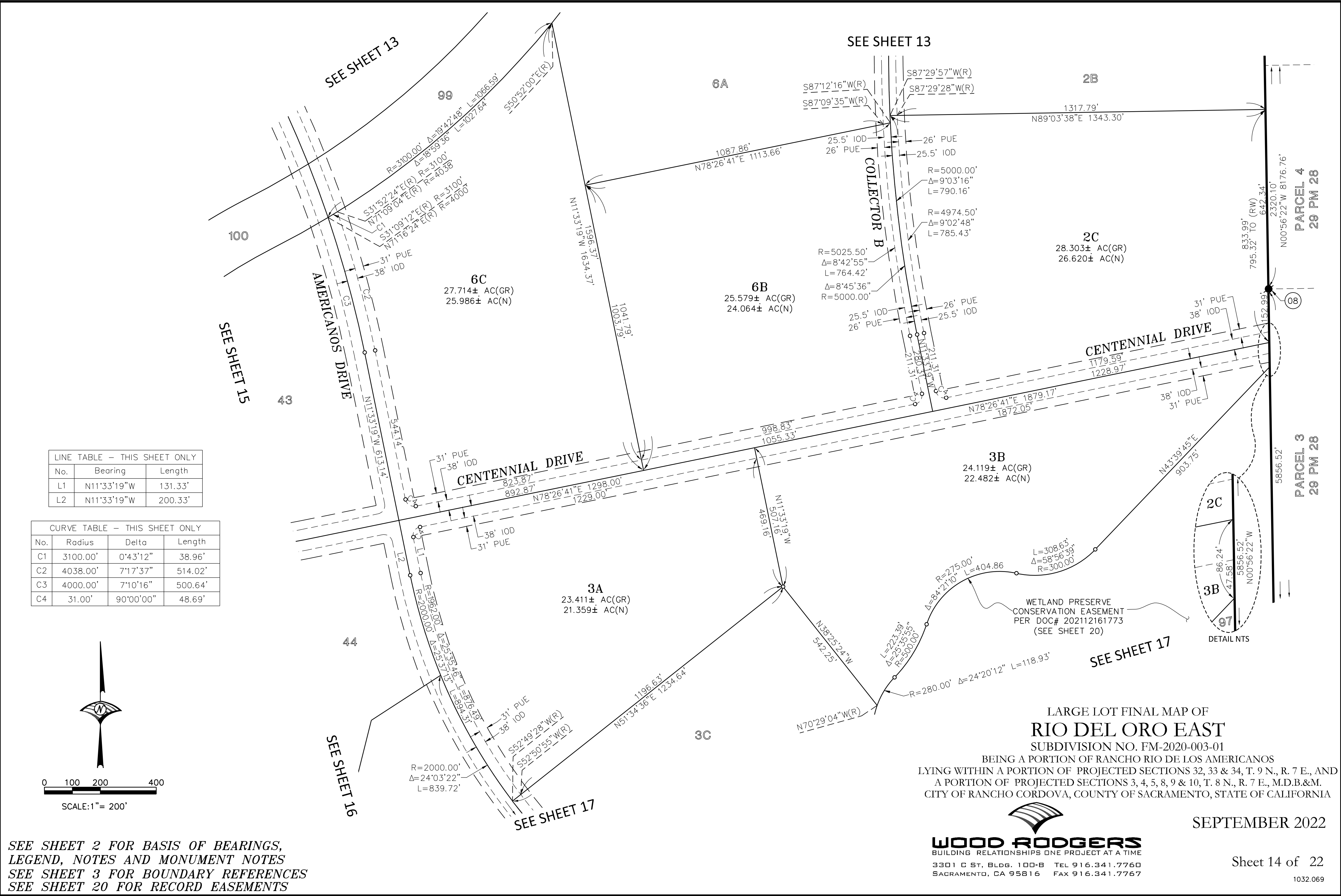
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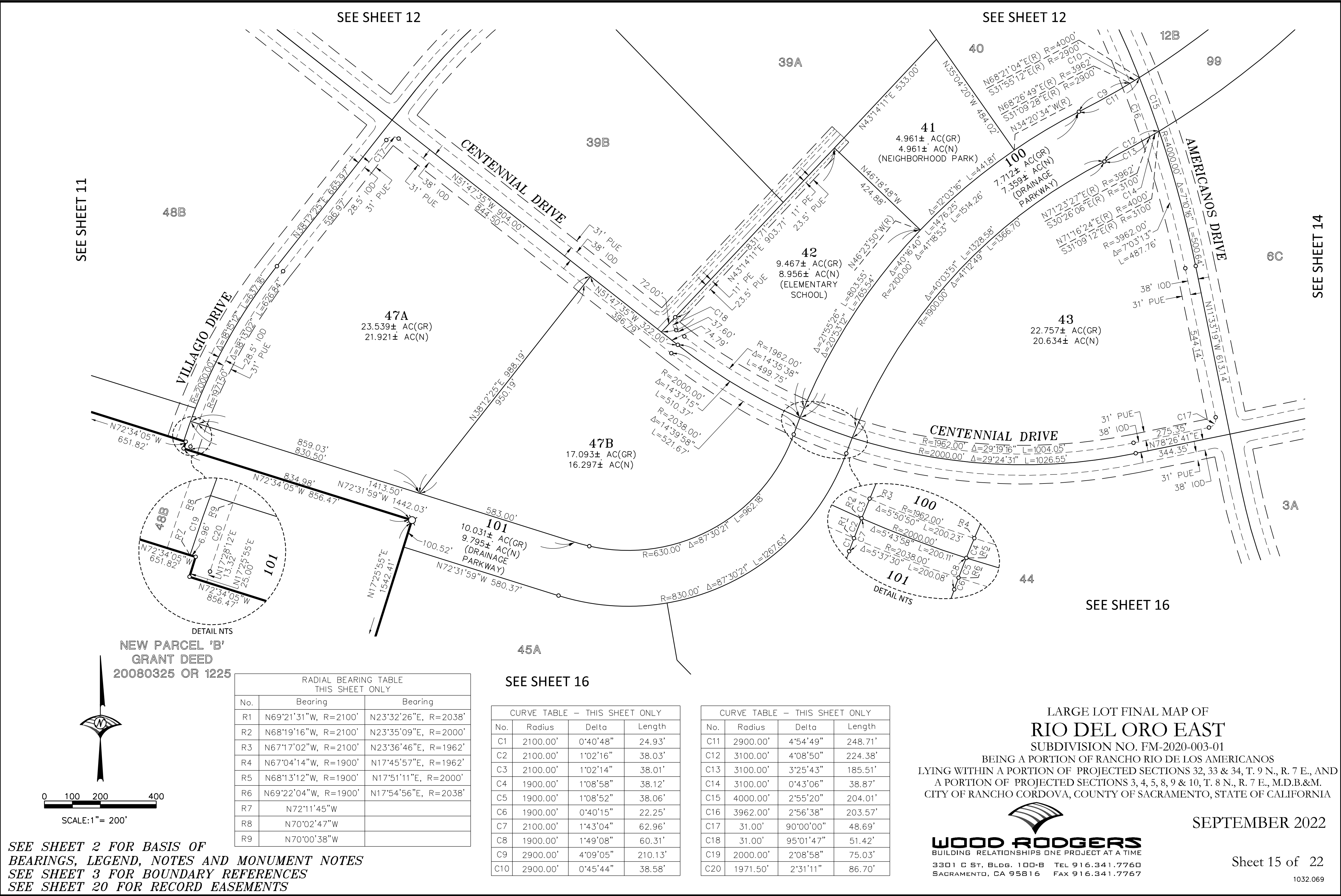


SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND MONUMENT NOTES
SEE SHEET 3 FOR BOUNDARY REFERENCES
SEE SHEET 20 FOR RECORD EASEMENTS









NEW PARCEL 'B'
GRANT DEED
20080325 OR 1225

RADIAL BEARING TABLE THIS SHEET ONLY		
No.	Bearing	Bearing
R1	N69°21'31"W, R=2100'	N23°32'26"E, R=2038'
R2	N68°19'16"W, R=2100'	N23°35'09"E, R=2000'
R3	N67°17'02"W, R=2100'	N23°36'46"E, R=1962'
R4	N67°04'14"W, R=1900'	N17°45'57"E, R=1962'
R5	N68°13'12"W, R=1900'	N17°51'11"E, R=2000'
R6	N69°22'04"W, R=1900'	N17°54'56"E, R=2038'
R7	N72°11'45"W	
R8	N70°02'47"W	
R9	N70°00'38"W	

SEE SHEET 16

CURVE TABLE - THIS SHEET ONLY			
No.	Radius	Delta	Length
C1	2100.00'	0°40'48"	24.93'
C2	2100.00'	1°02'16"	38.03'
C3	2100.00'	1°02'14"	38.01'
C4	1900.00'	1°08'58"	38.12'
C5	1900.00'	1°08'52"	38.06'
C6	1900.00'	0°40'15"	22.25'
C7	2100.00'	1°43'04"	62.96'
C8	1900.00'	1°49'08"	60.31'
C9	2900.00'	4°09'05"	210.13'
C10	2900.00'	0°45'44"	38.58'

CURVE TABLE - THIS SHEET ONLY			
No.	Radius	Delta	Length
C11	2900.00'	4°54'49"	248.71'
C12	3100.00'	4°08'50"	224.38'
C13	3100.00'	3°25'43"	185.51'
C14	3100.00'	0°43'06"	38.87'
C15	4000.00'	2°55'20"	204.01'
C16	3962.00'	2°56'38"	203.57'
C17	31.00'	90°00'00"	48.69'
C18	31.00'	95°01'47"	51.42'
C19	2000.00'	2°08'58"	75.03'
C20	1971.50'	2°31'11"	86.70'

LARGE LOT FINAL MAP OF
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SEPTEMBER 2022

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CURVE TABLE - THIS SHEET ONLY			
No.	Radius	Delta	Length
C1	1900.00'	1°49'08"	60.31'
C2	1900.00'	0°40'15"	22.25'
C3	1900.00'	1°08'52"	38.06'
C4	31.00'	90°00'00"	48.69'
C5	2000.00'	8°25'48"	294.27'
C6	2049.00'	8°59'02"	321.28'
C7	2000.00'	10°37'47"	371.04'
C8	2049.00'	10°35'24"	378.72'
C9	2000.00'	10°43'34"	374.41'
C10	2038.00'	10°55'39"	388.69'

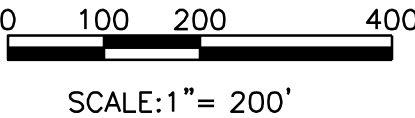
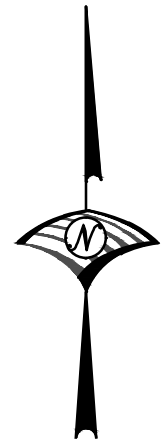
LINE TABLE - THIS SHEET ONLY		
No.	Bearing	Length
L1	N78°09'01"E	83.00'
L2	N11°50'59"W	83.00'
L3	N78°09'01"E	83.00'
L4	N11°50'59"W	83.00'
L5	N28°09'10"W	236.87'
L6	N28°00'06"W	256.45'
L7	N11°33'19"W	200.33'
L8	N11°33'19"W	131.33'
L9	N28°00'06"W	230.47'

NEW PARCEL 'B'
GRANT DEED
20080325 OR 1225

45A
27.776± AC(GR)
27.471± AC(N)

45B
37.802± AC(GR)
38.094± AC(N)

44
54.438± AC(GR)
52.754± AC(N)
(PRIVATE RECREATION)



LARGE LOT FINAL MAP OF
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1032.069

SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND MONUMENT NOTES
SEE SHEET 3 FOR BOUNDARY REFERENCES
SEE SHEET 20 FOR RECORD EASEMENTS

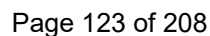
SEE SHEET 19

SEE SHEET 15

SEE SHEET 15

SEE SHEET 14

SEE SHEET 17



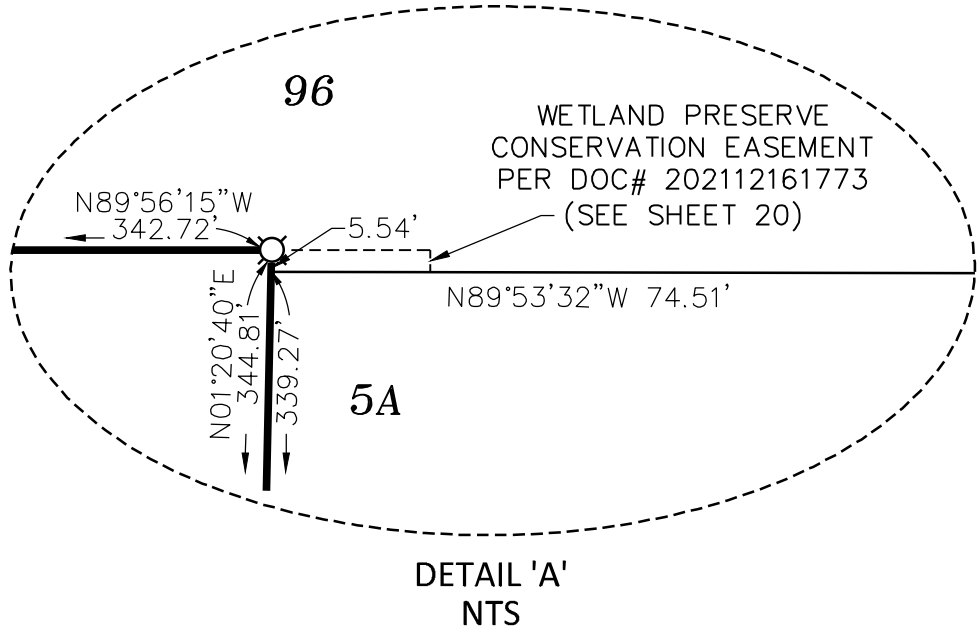
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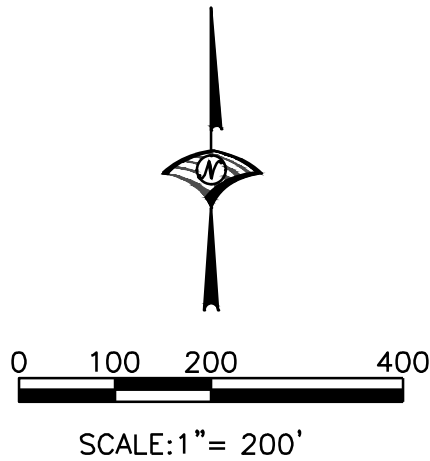
SEPTEMBER 2022

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1032.069



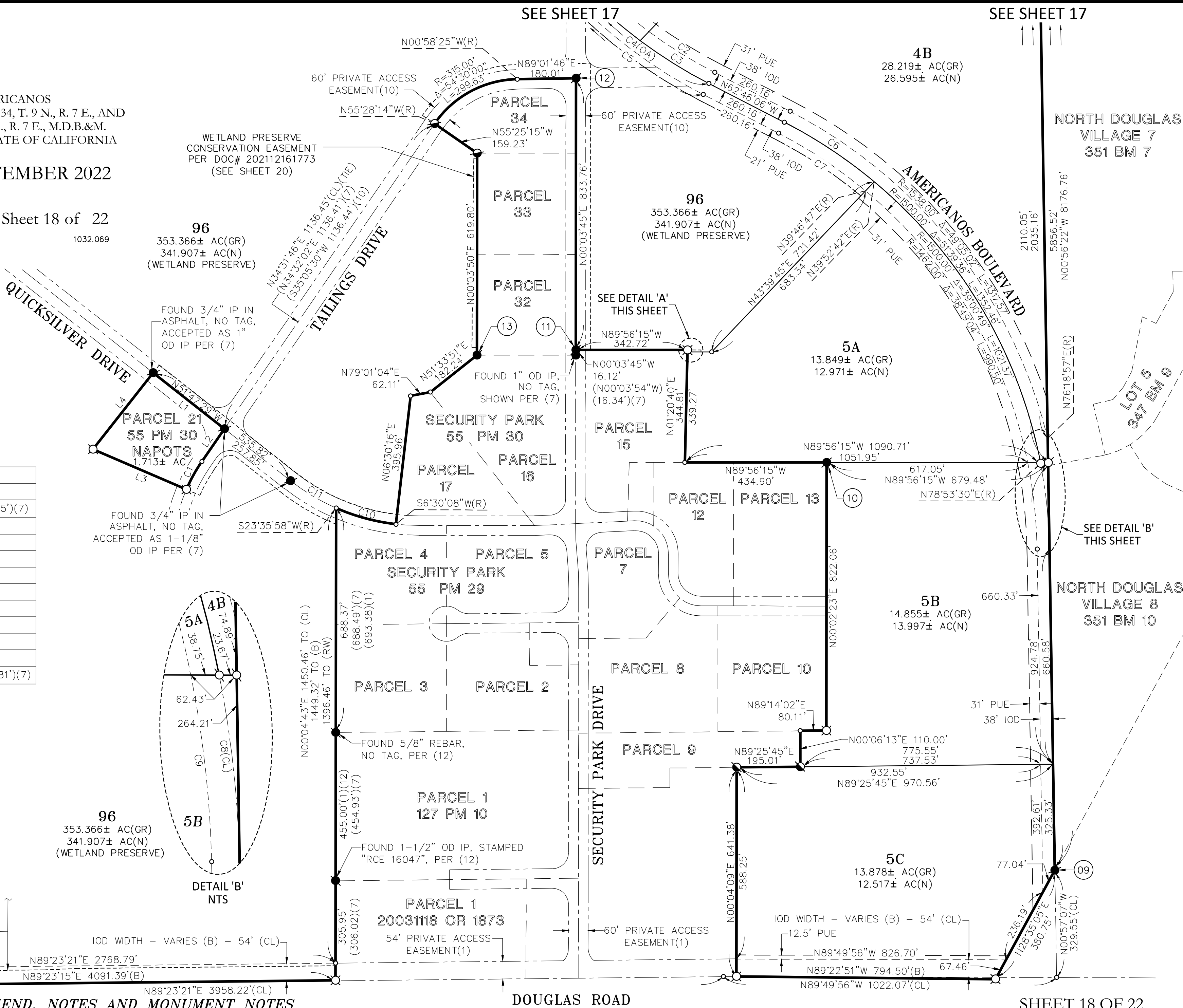
CURVE TABLE - THIS SHEET ONLY				
No.	Radius	Delta	Length	Reference
C1	500.00'	11°11'32"	97.67'	(R=500.00' Δ=11°12'03" L=97.75')(7)
C2	1462.00'	9°19'08"	237.79'	
C3	1500.00'	9°30'00"	248.71'	
C4	1500.00'	16°25'50"	430.15'	
C5	1538.00'	16°25'50"	441.05'	
C6	1500.00'	12°38'47"	331.09'	
C7	1462.00'	12°32'53"	320.18'	
C8	1500.00'	10°09'40"	266.02'	
C9	1462.00'	10°27'19"	266.78'	
C10	640.00'	17°05'50"	190.98'	
C11	640.00'	14°36'32"	163.18'	(R=640.00' Δ=14°34'31" L=162.81')(7)

LINE TABLE - THIS SHEET ONLY			
No.	Bearing	Length	Reference
L1	N51°47'29"W	277.98'	(S51°47'34"E 277.98')(7)
L2	N34°31'46"E	122.37'	(S34°32'16"W 122.26')(7)
L3	N66°39'43"W	311.99'	(N66°40'31"W 312.01')(7)
L4	N38°12'31"E	298.43'	(N38°12'24"E 298.46')(7)

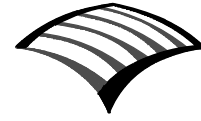


SEE SHEET 19

SEE SHEET 2 FOR BASIS OF BEARINGS, LEGEND, NOTES AND MONUMENT NOTES
SEE SHEET 3 FOR BOUNDARY REFERENCES
SEE SHEET 20 FOR RECORD EASEMENTS



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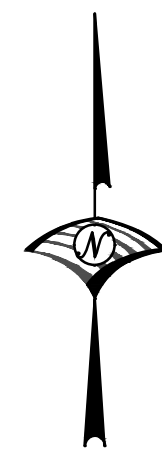
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CURVE TABLE – THIS SHEET ONLY			
No.	Radius	Delta	Length
C1	31.20'	44°37'13"	24.30'
C2	31.13'	43°07'01"	23.43'
C3	1036.00'	31°04'04"	561.75'
C4	1000.00'	30°57'01"	540.19'
C5	1000.00'	30°09'23"	526.33'
C6	11.20'	64°17'03"	12.57'
C7	17.13'	90°39'56"	27.11'

LINE TABLE — THIS SHEET ONLY		
No.	Bearing	Length
L1	N0°51'26"W	3.52'
L2	N0°03'14"E	28.69'
L3	N0°41'27"W	11.77'
L4	N0°51'26"W	3.52'
L5	N0°36'42"W	3.83'
L6	N89°23'18"E	14.00'
L7	N0°03'14"E	28.69'

RADIAL BEARING TABLE THIS SHEET ONLY	
No.	Bearing
R1	S46°56'13"W
R2	S46°14'13"E
R3	S26°34'24"E



0 100 200 400

SCALE: 1" = 200'

NEW PARCEL 'B'
GRANT DEED
20080325 OR 1225

SEE SHEET 16

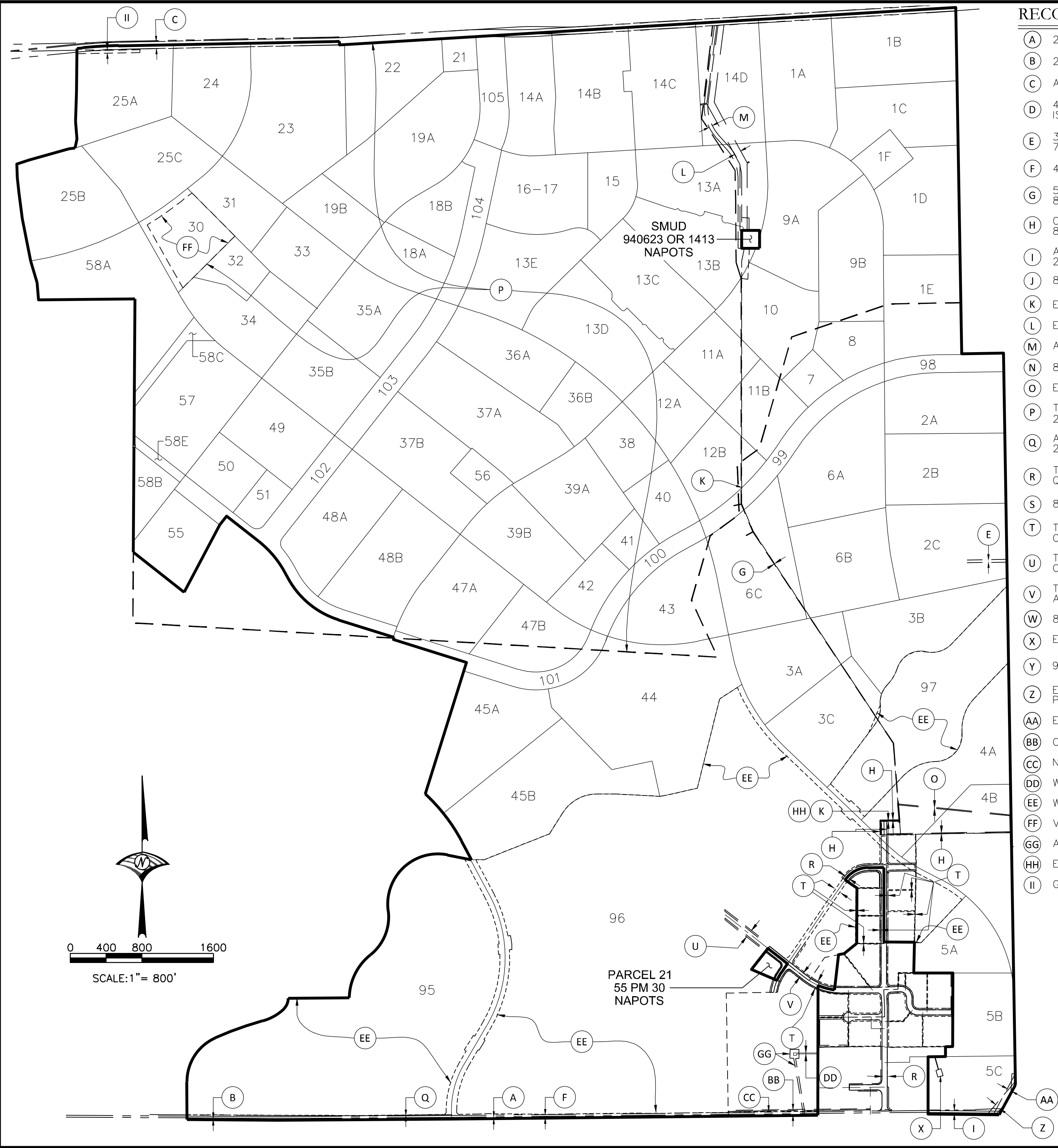
95
 $\pm$ AC(GR)
 $\pm$ AC(N)
 PRESERVE)

RANCHO CORDOVA PARKWAY

96
353.187± AC(GR)
342.614± AC(N)
(WETLAND PRESERVE)

SEE SHEET 18

SHEET 19 OF 22



RECORD EASEMENTS:

- (A) 20' ROAD AND UTILITIES EASEMENT CONVEYED TO THE COUNTY OF SACRAMENTO PER 3256 OR 31.
- (B) 20' ROAD AND UTILITIES EASEMENT CONVEYED TO THE COUNTY OF SACRAMENTO PER 3314 OR 508.
- (C) AN 80' ROAD AND UTILITIES EASEMENT CONVEYED TO THE COUNTY OF SACRAMENTO PER 3689 OR 555.
- (D) 40' ROAD EASEMENT AS SHOWN ON THAT RECORD OF SURVEY FILED IN BOOK 12 OF SURVEYS, AT PAGE 30, S.C.R. IS BEING ABANDONED WITH THIS FINAL MAP.
- (E) 30' COMMUNICATION FACILITIES EASEMENT CONVEYED TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER 780222 OR 956.
- (F) 40' ROAD RIGHT-OF-WAY FOR DOUGLAS ROAD PER 47 PM 3.
- (G) 5' COMMUNICATION FACILITIES EASEMENT CONVEYED TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER 800707 OR 681.
- (H) COMMUNICATION FACILITIES EASEMENTS CONVEYED TO THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER 800707 OR 685.
- (I) AN IRREVOCABLE OFFER OF DEDICATION FOR RIGHT OF WAY CONVEYED TO THE COUNTY OF SACRAMENTO PER 20060817 OR 549.
- (J) 800722 OR 625 HAS BEEN QUITCLAIMED VIA DOC# 202102160641.
- (K) EASEMENT FOR ELECTRICAL FACILITIES CONVEYED TO PACIFIC GAS AND ELECTRIC COMPANY PER 800910 OR 1184.
- (L) EASEMENT FOR ELECTRICAL FACILITIES CONVEYED TO PACIFIC GAS AND ELECTRIC COMPANY PER 800910 OR 1187.
- (M) AN INGRESS AND EGRESS EASEMENT CONVEYED TO PACIFIC GAS AND ELECTRIC COMPANY PER 801215 OR 499.
- (N) 820917 OR 1513 HAS BEEN QUITCLAIMED VIA DOC# 202007301121.
- (O) EASEMENT FOR ELECTRICAL FACILITIES CONVEYED TO SACRAMENTO MUNICIPAL UTILITY DISTRICT PER 920131 OR 670.
- (P) THOSE REMAINING PORTIONS OF THE DECLARATION OF RESTRICTIONS ON MINING AGGREGATES PER 20041124 OR 1838, NOT QUITCLAIMED PER QUITCLAIM DEED RECORDED AS DOC# 202008171399.
- (Q) AN EASEMENT FOR PUBLIC HIGHWAY OR ROAD CONVEYED TO THE CITY OF RANCH CORDOVA PER 20050225 OR 1625.
- (R) THOSE PORTIONS OF "AREA A" AS SHOWN ON BOOK 55 OF PARCEL MAPS, PAGE 30, EXCEPTED FROM QUITCLAIM DEED RECORDED AS DOC# 202102160642.
- (S) 800730 OR 597 HAS BEEN QUITCLAIMED VIA DOC# 202102160641.
- (T) THOSE PORTIONS OF THE EASEMENT FOR ELECTRICAL FACILITIES CONVEYED TO PACIFIC GAS AND ELECTRIC COMPANY PER 800630 OR 709, AND EXCEPTED FROM EASEMENT QUITCLAIM RECORDED AS DOC# 202102231999.
- (U) THOSE PORTIONS OF THE COMMUNICATION FACILITIES EASEMENT CONVEYED TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY PER 800707 OR 683, NOT QUITCLAIMED BY PARTIAL QUITCLAIM OF EASEMENT DOC# 202102080628.
- (V) THOSE PORTIONS OF THAT EASEMENT FOR DRAINAGE DITCHES CONVEYED TO THE SECURITY PARK OWNERS ASSOCIATION PER 800711 OR 653 AND EXCEPTED FROM QUITCLAIM DEED RECORDED AS DOC# 202102160643.
- (W) 800711 OR 660 AND 20020115 OR 566 HAVE BEEN QUITCLAIMED VIA DOC# 202007301121.
- (X) EASEMENT FOR SANITARY SEWER CONVEYED TO JOHN P. LONG AND ROBERT J. LONG PER 810529 OR 1762.
- (Y) 980430 OR 1928 HAS BEEN QUITCLAIMED VIA DOC# 202102231998.
- (Z) EASEMENT FOR TRANSMISSION OF ELECTRIC ENERGY AND COMMUNICATIONS CONVEYED TO PACIFIC GAS & ELECTRIC PER 3454 OR 172.
- (AA) EASEMENT FOR INGRESS & EGRESS AS RESERVED BY AEROJET-GENERAL CORP. PER 4260 OR 206.
- (BB) OFFER OF DEDICATION FOR ANY PUBLIC USES, THE SOUTHERLY 54' LYING WITHIN DOUGLAS ROAD PER 127 PM 10.
- (CC) NO VEHICULAR INGRESS OR EGRESS OVER THE SOUTHERLY BOUNDARY LINE TO DOUGLAS ROAD PER 127 PM 10.
- (DD) WATER LINE EASEMENT TO CITIZEN UTILITIES COMPANY PER 800722 OR 629.
- (EE) WETLAND PRESERVE CONSERVATION EASEMENT PER DOC# 202112161773.
- (FF) VELB PRESERVE CONSERVATION EASEMENT PER DOC# 202112161773.
- (GG) AN UNRECORDED ACCESS EASEMENT FOR CAL AM WATER COMPANY PREPARED BY MACKAY & SOMPS.
- (HH) ELECTRICAL & COMMUNICATIONS EASEMENT TO SMUD PER DOC# 202103041253.
- (II) GRANT OF PUBLIC ROADWAY AND PUBLIC UTILITIES EASEMENTS AGREEMENT PER DOC# 202104013056.

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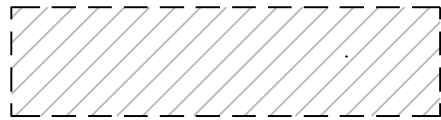
Sheet 20 of 22

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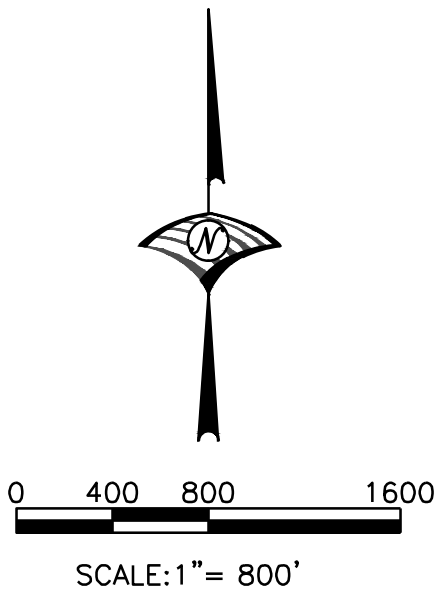
ADDITIONAL INFORMATION SHEET

NOTES:

ADDITIONAL INFORMATION SHOWN ON THIS SHEET IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST PER STATE OF CALIFORNIA GOVERNMENT CODE SECTION 66434.2 (THE SUBDIVISION MAP ACT).



- 1. COVENANT NOT TO DRILL OR DEVELOP WATER WELLS: AEROJET GENERAL CORPORATION AGREES NOT TO DRILL OR DEVELOP, ON ANY PORTION OF THE "PROPERTIES", SURFACE WELLS OF ANY FORM WHATSOEVER FOR DOMESTIC WATER PURPOSES. RECORDED IN BOOK 840423 OF OFFICIAL RECORDS, AT PAGE 1210, SACRAMENTO COUNTY RECORDS.



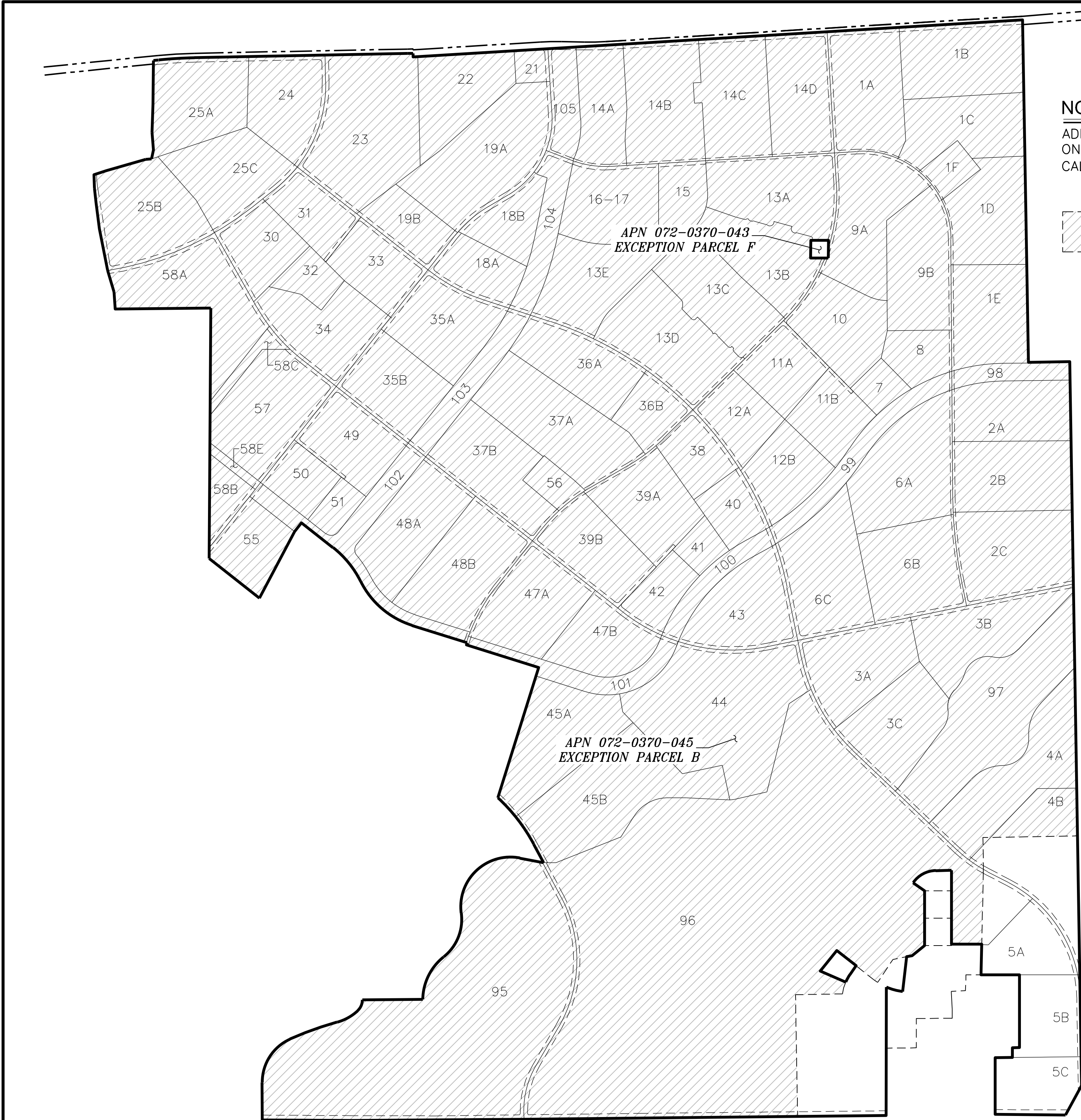
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A PORTION OF PROJECTED SECTIONS 3, 4, 5, 8, 9 & 10, T. 8 N., R. 7 E., M.D.B.&M.
CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA

SEPTEMBER 2022

WOOD RODGERS
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
3301 C ST., BLDG. 100-B TEL 916.341.7760
SACRAMENTO, CA 95816 FAX 916.341.7767

Sheet 21 of 22

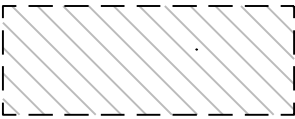
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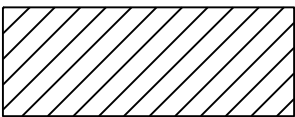
ADDITIONAL INFORMATION SHEET

NOTES:

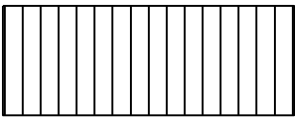
ADDITIONAL INFORMATION SHOWN ON THIS SHEET IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST PER STATE OF CALIFORNIA GOVERNMENT CODE SECTION 66434.2 (THE SUBDIVISION MAP ACT).



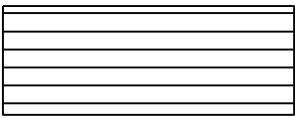
1. COVENANT TO RESTRICT USE OF PROPERTY ENVIRONMENTAL RESTRICTIONS ON GROUNDWATER AT THE CENTRAL AREA OPERABLE UNIT MCDONNELL DOUGLAS INACTIVE RANCHO CORDOVA TEST SITE DTSC PROJECT CODE 100295, RECORDED IN BOOK 20080325 OF OFFICIAL RECORDS, AT PAGE 971.



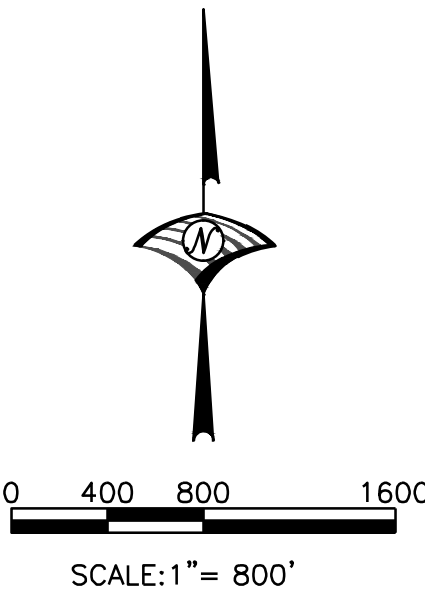
2. COVENANT TO RESTRICT USE OF PROPERTY ENVIRONMENTAL RESTRICTIONS ON GROUNDWATER AT THE CENTRAL AREA OPERABLE UNIT MCDONNELL DOUGLAS INACTIVE RANCHO CORDOVA TEST SITE DTSC PROJECT CODE 100295, RECORDED IN BOOK 20080325 OF OFFICIAL RECORDS, AT PAGE 972.



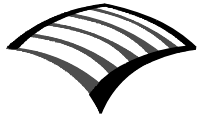
3. LAND USE COVENANT AND AGREEMENT ENVIRONMENTAL RESTRICTIONS "DM-14" DTSC PROJECT CODE 102127 RESTRICTING USE OF GROUNDWATER AND WELLS PER DOC# 202010140792, OFFICIAL RECORDS OF SACRAMENTO COUNTY.



4. LAND USE COVENANT AND AGREEMENT ENVIRONMENTAL RESTRICTIONS "WHITE ROCK DUMP 1 BUFFER AREA" DTSC PROJECT CODE 102127 RESTRICTING USE OF GROUNDWATER AND WELLS PER DOC# 202101080580, OFFICIAL RECORDS OF SACRAMENTO COUNTY.



LARGE LOT FINAL MAP OF
RIO DEL ORO EAST
SUBDIVISION NO. FM-2020-003-01
BEING A PORTION OF RANCHO RIO DE LOS AMERICANOS
LYING WITHIN A PORTION OF PROJECTED SECTIONS 32, 33 & 34, T. 9 N., R. 7 E., AND
A PORTION OF PROJECTED SECTIONS 3, 4, 5, 8, 9 & 10, T. 8 N., R. 7 E., M.D.B.&M.
CITY OF RANCHO CORDOVA, COUNTY OF SACRAMENTO, STATE OF CALIFORNIA



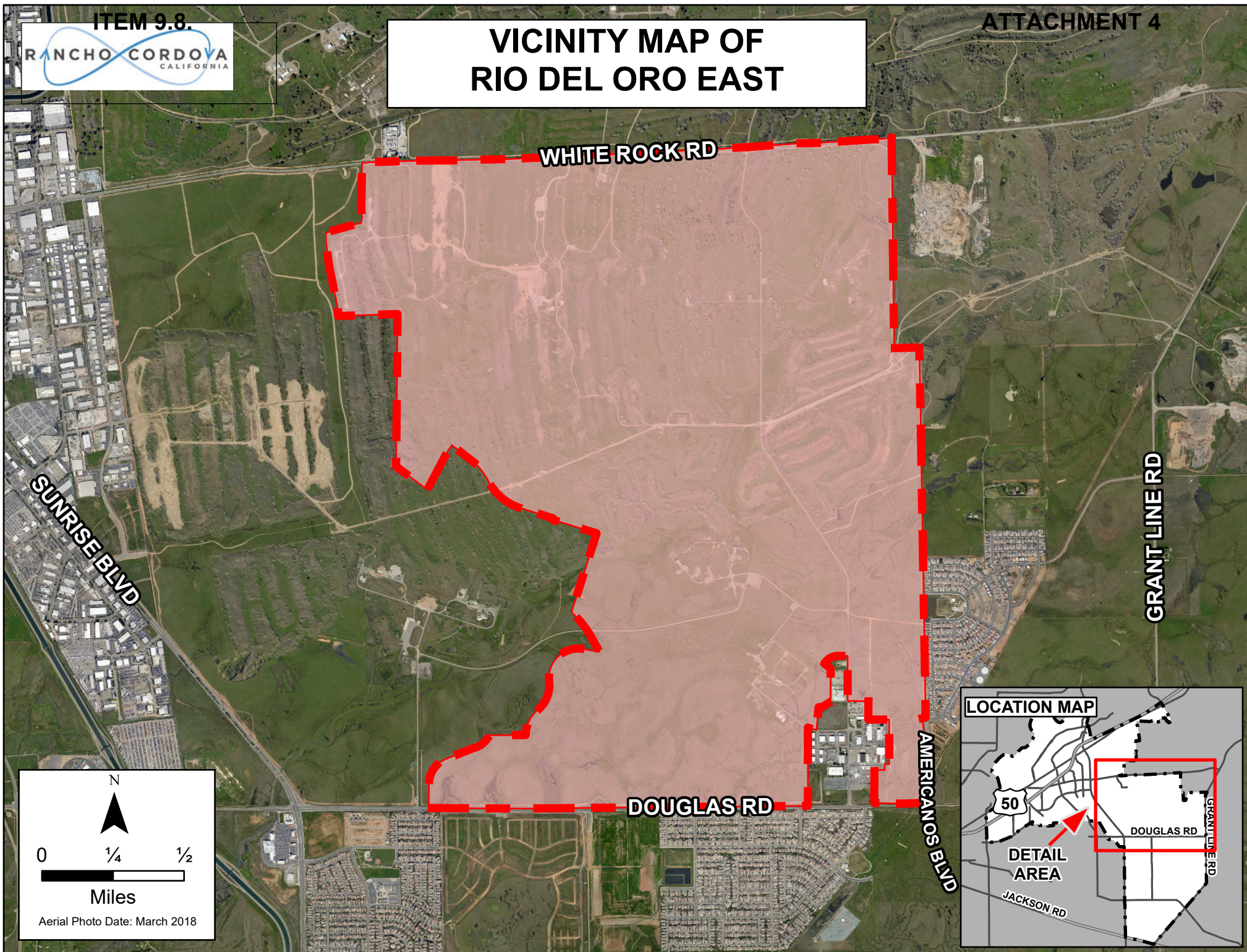
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SEPTEMBER 2022

Sheet 22 of 22

1032.069

VICINITY MAP OF RIO DEL ORO EAST



MEMORANDUM



ITEM 9.9.

DATE: October 3, 2022
TO: Honorable Mayor and Council Members
FROM: Elizabeth Sparkman, Community Development Director
Dalia Fadl, Principal Engineer
SUBJECT: **A RESOLUTION DECLARING THE RESULTS OF A MAIL BALLOT ELECTION RELATING TO THE IMPOSITION OF THE ANNUAL STORMWATER UTILITY FEE FOR THE STONE CREEK VILLAGE PROJECT IN THE CITY OF RANCHO CORDOVA**

RECOMMENDATION

Adopt the Resolution declaring the results of the mail ballot election relating to the imposition of the Annual Stormwater Utility Fee for the Stone Creek Village project.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would declare the results of the ballot tabulation in connection with the imposition of the annual Stormwater Utility Fee for the Stone Creek Village project. Since majority approval exists, the City Council may impose the annual Stormwater Utility Fee on the Stone Creek Village project pursuant to the Fee Ordinance.

BACKGROUND

The City Council previously adopted a Resolution on July 18, 2022 declaring its intention to impose the annual Stormwater Utility Fee ("Fee") pursuant to Ordinance No. 7-2014 on the Stone Creek Village project. A protest hearing was conducted on August 1, 2022, at which time no written protest was received from the property owners representing a majority of the parcels subject to the Fee. Council then adopted a Resolution authorizing the mailing of property owner ballots for the purpose of submitting the Fee to a vote of the owners, subject to the Fee.

The Clerk has tabulated the ballots returned by the property owner for the Stone Creek Village project. The majority vote of the owners of the parcels approved imposing the annual Fee on the Stone Creek Village project pursuant to the Ordinance. The Council action tonight is to adopt the Resolution declaring the results of the mail ballot election.

FISCAL IMPACT AND FUNDING SOURCE

There is no impact to the City's General Fund.

ATTACHMENT(S)

1. Resolution

2. Exhibit A to the Resolution
3. Exhibit B to the Resolution

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, DECLARING THE RESULTS OF A MAIL BALLOT ELECTION RELATING TO THE IMPOSITION OF THE ANNUAL STORMWATER UTILITY FEE FOR THE STONE CREEK VILLAGE PROJECT IN THE CITY OF RANCHO CORDOVA

WHEREAS, on July 18, 2022, the City Council adopted a Resolution declaring its intention to impose the Annual Stormwater Utility Fee ("Fee") for a portion of the Ranch project; and

WHEREAS, Article XIII D of the California Constitution (Proposition 218) requires the City to follow certain procedural and substantive requirements relating to the imposition of property-related fees and charges (as defined in Proposition 218); and

WHEREAS, the City has determined that the Fee is a property related fee, subject to the provisions of Proposition 218; and

WHEREAS, before imposing the Fee, the City Council is required to hold a noticed public hearing on a written report (the "Written Report") containing a description of each parcel of real property within the City to which the Fee is applicable and the amount of the Fee for each such parcel for Fiscal Year 2022-2023 and to consider protests to the Fee and, if a majority protest is not received at the public hearing, the Council must submit the question of the imposition of the Fee to a vote of the owners of the property subject to the proposed Fee for approval before the proposed Fee may be levied; and

WHEREAS, in accordance with Proposition 218 the City Council held a duly noticed public hearing on the matter of the Written Report and the proposed Fee on August 1, 2022 and took testimony, both written and oral; and

WHEREAS, having determined a written protest was not received from property owners representing a majority of the parcels subject to the Fee, the City Council adopted a Resolution authorizing the mailing of the property owner ballots (the "Ballot Measure") for the purpose of submitting the Fee to a vote of the owners of parcels subject to the Fee, and subject to approval by a majority vote of the owners of parcel subject to the Fee; and

WHEREAS, pursuant to the terms of Ordinance No. 7-2014 and the unanimous consent of the property owner, the Property Owner Balloting was conducted and completed, and the City Clerk has on file a Certificate of the City Clerk as to the Results of the Canvass of the Ballot Return in Connection with the Proposed Stormwater Utility Fee (the "Certificate"), a copy of which is attached hereto as Exhibit B and by this reference incorporated herein.

NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA:

1. The above recitals are true and correct.
2. The Certificate is hereby accepted into the records of the City.
3. The Ballot Measure is authorized as set forth in Exhibit A attached hereto and by this

reference incorporated herein.

4. The results of the Ballot Measure are as set forth in the Certificate on file with the City Clerk and attached to this Resolution as Exhibit B ("Certificate").
5. The City Clerk is authorized to declare the results of the mail ballot election relating to the imposition of the Stormwater Utility fee on the Stone Creek Village project.
6. Pursuant to said Certificate, the Ballot Measure submitted was approved by a majority vote of the owner of parcels subject to the Fee, the Fee is hereby imposed pursuant to Ordinance No. 7-2014 on the project.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 3rd day of October 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Donald Terry, Mayor

Stacy Leitner, CMC
City Clerk

Rancho Cordova Stormwater Utility Fee – Official Property Owner Ballot

The person completing and submitting this Property Owner Ballot must be the owner of the property identified above or the representative of the owner of such property who is legally authorized to complete and submit this ballot for and on behalf of the owner. The enclosed "Summary of Property Owner Ballot Procedures" has been provided to assist you in filling out the ballot. If there are two or more property owners, only one needs to sign and return the ballot. One ballot will be counted per property.

Assessor's Parcel Numbers: 072-2360-043-0000, 072-2360-044-0000, 072-2360-045-0000, 072-2360-046-0000, 072-2360-047-0000, 072-2360-048-0000

Property Address: Zinfandel Blvd and Bear Hollow Drive.

Designation: Vacant Land

Total Parcel(s) Area (acres): 25.1

Assessor's Parcel Numbers: 072-2360-043-0000, 072-2360-044-0000, 072-2360-045-0000, 072-2360-046-0000, 072-2360-047-0000, 072-2360-048-0000

Owner Name: Elliott Ashton Place, LLC

Proposed Maximum FY 2022-2023 Annual Fee Amount: \$143.40 per DMU

In order to provide the City of Rancho Cordova with a dedicated funding source to repair, reconstruct and maintain the storm drain system and to protect water quality, shall the City impose an annual Stormwater Utility Fee as shown in the Rate Analysis Report, dated 8/7/2014?

☒ **YES** I support the proposed annual Stormwater Utility Fee

☐ **NO** I oppose the proposed annual Stormwater Utility Fee

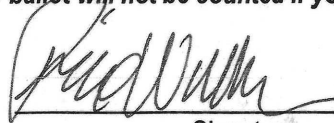
I hereby declare, under penalty of perjury under the laws of the State of California, that I am the owner, or the authorized representative of the owner, of the parcel identified above. Your ballot will not be counted if you do not sign below.

8/29/22

Date

Price Walker

Printed Name



Signature

Vote Here

If approved by a majority of the returned ballots, the proposed maximum annual Storm Drain User Fee rate for FY 2022-2023 will be \$143.40 per Drainage Measurement Unit (DMU). The maximum rate per DMU will increase annually by the amount of the increase of the CPI. However, each year the City Council will hold a public hearing and determine the actual rate per DMU that will be charged. At the annual public hearing, the City Council will set the actual rate for the next year, which would be equal to or less than the annual maximum rate. The Council may decide to reduce the rate or set the rate to \$0 per DMU in any fiscal year.

Please mark your ballot in ink and return the entire page.

Upon completion, fold the ballot, place it in the addressed, return envelope and seal the envelope. Pursuant to the enclosed instructions, mail the ballot to the address shown on the return envelope, or deliver to the City Clerk at City Hall located at 1:30 Tuesday September 6, 2022.

Return to:

**City of Rancho Cordova
Attn: City Clerk
2729 Prospect Park Drive
Rancho Cordova, CA 95670**

EXHIBIT B

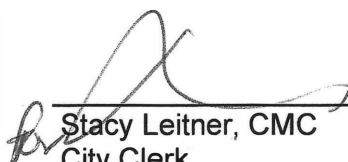
CERTIFICATE OF THE CITY CLERK AS TO
THE RESULTS OF THE CANVASS OF THE ELECTION RETURNS
IN CONNECTION WITH THE PROPOSED STORMWATER UTILITY FEE
IN THE CITY OF RANCHO CORDOVA

I, Stacy Leitner, City Clerk of the City of Rancho Cordova, hereby certify that I canvassed the returns of the election in connection with the imposition of an annual stormwater utility fee that the day for the return of mailed ballot, September 6, 2022. The election was concluded on that date and that the total number of ballots cast in said election and the total number of votes cast for and against the ballot measure, as specified below, are full, true and correct.

Total of Ballots Received: 1

Total "Yes" Ballots: 1

Total "No" Ballots: 0



Stacy Leitner, CMC
City Clerk

MEMORANDUM



ITEM 10.1.

DATE: October 3, 2022
TO: Honorable Mayor and Council Members
FROM: Stefan Heisler, Housing Manager
SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, AUTHORIZING THE APPLICATION AND ADOPTING THE PLHA PLAN FOR THE PERMANENT LOCAL HOUSING ALLOCATION PROGRAM**

RECOMMENDATION

Adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution would adopt the 2019-2023 Permanent Local Housing Allocation (PLHA) Plan and authorize the City Manager to submit an application to the noncompetitive PLHA entitlement program for \$1,712,196 over the 2019-2023 five-year period for affordable housing development projects.

BACKGROUND

In 2017, Governor Brown signed a housing package of 15 bills including the Building Homes and Jobs Act (SB 2, 2017), which establishes a \$75 recording fee on real estate documents, to increase the supply of affordable homes in California. Fifty percent of the year 1 funds were dedicated to a State-Administered Planning Grant Program, which the City applied for and received in 2019. Beginning in calendar year 2019, 70 percent of moneys collected are allocated to local governments through the PLHA program for eligible housing and homelessness activities as an on-going source of funding.

SB-2 requires the Department of Housing and Community Development to allocate 90 percent of PLHA funds available to local governments based on the federal Community Development Block Grant formula. The City of Rancho Cordova is projected to receive approximately \$1,712,196 over the 2019-2023 five-year period.

The PLHA program requires local jurisdictions to adopt, by resolution, a five-year funding plan specifying which eligible uses the funding will be used for at a public hearing and also requires a Council resolution authorizing application for entitlement funding. A Council resolution is required for any changes to the Plan greater than 10% of the five-year funding amount.

Eligible actions are limited to 10 options that variously provide funding for rental or for-sale

affordable housing for households earning up to 120% of the area median income. For simplicity sake, the proposed PLHA plan selects only one (1) of these activities. The recommended activity, 301(a)(1), broadly encompasses a wide range of activities that are all consistent with the City's Housing Element and Council direction on current projects. Due to the relatively small amount of funding available it is reasonable to expect that a single local development project will easily utilize the full amount of PLHA funding over this five-year period.

Action 1 - §301(a)(1) Allows the City to provide funding for predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary operating subsidies.

FISCAL IMPACT AND FUNDING SOURCE

There is minimal fiscal impact, limited to a small amount of Staff time to prepare the application and manage the grant.

ATTACHMENT(S)

1. Resolution
2. Exhibit A to the Resolution - DRAFT PLHA Plan
3. 2022 PLHA Formula Application

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA,
AUTHORIZING THE APPLICATION AND ADOPTING THE PLHA PLAN FOR THE
PERMANENT LOCAL HOUSING ALLOCATION PROGRAM**

WHEREAS, a necessary quorum and a majority of the Council members of the City of Rancho Cordova hereby consents to, adopts, and ratifies this resolution; and

WHEREAS, the Department is authorized to provide up to \$335 million under the SB2 Permanent Local Housing Allocation Program Formula Component from the Building Homes and Jobs Trust Fund for assistance to Cities and Counties (as described in Health and Safety Code section 50470 et seq.(Chapter 364, Statutes of 2017 (SB 2)); and

WHEREAS, the State of California (the "State"), Department of Housing and Community Development ("Department") issued a Notice of Funding Availability ("NOFA") dated 8/17/2022 under the Permanent Local Housing Allocation (PLHA) Program; and

WHEREAS, the City of Rancho Cordova (the "Applicant") is an eligible Local government who has applied for program funds to administer one or more eligible activities, or a Local or Regional Housing Trust Fund to whom an eligible Local government delegated its PLHA formula allocation; and

WHEREAS, the Department may approve funding allocations for the PLHA Program, subject to the terms and conditions of the Guidelines, NOFA, Program requirements, the Standard Agreement, and other contracts between the Department and PLHA grant recipients.

**NOW, THEREFORE, BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY
OF RANCHO CORDOVA**

SECTION 1. If Applicant receives a grant of PLHA funds from the Department pursuant to the above referenced PLHA NOFA, it represents and certifies that it will use all such funds in a manner consistent and in compliance with all applicable state and federal statutes, rules, regulations, and laws, including without limitation all rules and laws regarding the PLHA Program, as well as any and all contracts Applicant may have with the Department.

SECTION 2. Applicant is hereby authorized and directed to receive a PLHA grant, in an amount not to exceed the five-year estimate of the PLHA formula allocations, as stated in Appendix C of the current NOFA dated 8/17/2022 in accordance with all applicable rules and laws.

SECTION 3. The City shall be subject to the terms and conditions as specified in the NOFA and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, The City Council hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

SECTION 4. The City shall be subject to the terms and conditions as specified in the NOFA and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the executed Standard Agreement. Pursuant to the NOFA and in conjunction with the terms of the Standard Agreement, The City Council hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

SECTION 5. Pursuant to Section 302(c)(4) of the Guidelines, Applicant's PLHA Plan (Exhibit A) for the 2019-2023 Allocations is attached to this resolution, and Applicant hereby adopts this PLHA Plan (Exhibit A) and certifies compliance with all public notice, public comment, and public hearing requirements in accordance with the Guidelines.

SECTION 6. Applicant certifies that it has or will subgrant some or all of its PLHA funds to another entity or entities. Pursuant to Guidelines Section 302(c)(3), "entity" means a housing developer or program operator, but does not mean an administering local government to whom a local government may delegate its PLHA allocation.

SECTION 7. Applicant certifies that its selection process of these subgrantees was or will be accessible to the public and avoided or shall avoid any conflicts of interest.

SECTION 8. Pursuant to Applicant's certification in this resolution, the PLHA funds will be expended only for eligible Activities and consistent with all program requirements.

SECTION 9. Applicant certifies that, if funds are used for the acquisition, construction or rehabilitation of for-sale housing projects or units within for-sale housing projects, the grantee shall record a deed restriction against the property that will ensure compliance with one of the requirements stated in Guidelines Section 302(c)(6)(A),(B) and (C).

SECTION 10. Applicant certifies that, if funds are used for the development of an Affordable Rental Housing Development, the Local government shall make PLHA assistance in the form of a low-interest, deferred loan to the Sponsor of the Project, and such loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with a Local government-approved underwriting of the Project for a term of at least 55 years.

SECTION 11. Applicant shall be subject to the terms and conditions as specified in the Standard Agreement, the PLHA Program Guidelines and any other applicable SB 2 Guidelines published by the Department.

SECTION 12. The City Manager, or his or her designee, is authorized to execute the PLHA Program Application, the PLHA Standard Agreement and any subsequent amendments or modifications thereto, as well as any other documents which are related to the Program or the PLHA grant awarded to Applicant, as the Department may deem appropriate.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the 3rd day of October 2022 by following vote:

ITEM 10.1.

ATTACHMENT 1

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Stacy Leitner, CMC
City Clerk

Donald Terry, Mayor

ITEM 10.1.

PLHA Draft Application

Draft 302(c)(4) Plan

Eligible Applicant Type	Entitlement
Local Government Recipient of PLHA Formula Allocation	City of Rancho Cordova
5-year Allocation Period	FY 2019/2020 – FY 2023/2024
Approximate 5-year Allocation	\$1,712,196
Year One Allocation	\$285,366
§302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities.	
Over the next 5 years, the City of Rancho Cordova will use the PLHA funds to expand and enhance the access to and number of affordable housing units within the City of Rancho Cordova through the following eligible activities. The funding will be used as gap financing for the development of new affordable housing projects and permanent supportive Housing Units within the City limits of Rancho Cordova. Application Request for five-year period: • \$1,712,196 - 301(a)(1) - The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households. ○ Over the course of the 5 years, it is projected that the City will create a minimum of 50 units with 40 units dedicated to households earning 60% Area Median Income (AMI) or less. The First Annual Allocation is \$285,366. Annual Allocations over the 5-year period will average approximately \$342,439 • \$285,366 - 301(a)(1) - The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households. ○ This first-year allocation will result in a minimum of 5 units under 120% AMI with a minimum of 3 units being available to individuals at or below 60% AMI	
§302(c)(4)(B) Provide a description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of Area Median Income.	
The City will partner with local affordable housing developers by competitively awarding PLHA funds through the issuance of Request for Proposals (RFP). The City will prioritize investments that increase the supply of housing for households with incomes from 60% to 120% of the AMI. When issuing RFPs for affordable housing projects under this category, the City may award bonus points for project proposals intended to serve households below 60% AMI.	
Action 1 - §301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.	
§302(c)(4)(E)(i) Provide a description of how allocated funds will be used for each proposed Affordable Rental Housing Activity.	
PLHA funds in this category will be allocated for the predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low, very low, low, or moderate-income households. This allocation will be made	

ITEM 10.1.

PLHA Draft Application

Draft 302(c)(4) Plan

available to affordable housing developers through a competitive Request for Proposals (RFP) process and/or over the counter application process. Each RFP will seek development proposals that include new affordable housing units for households with incomes at or below 120% of AMI with an emphasis on developments that serve individuals at or below 60% AMI. The City works closely with the local Continuum of Care (CoC), affordable housing developers, and general community to increase affordable housing units across the housing continuum. The City also gives priority to projects that leverage several sources of funding for the maximum benefit to the community.

PLHA funds under this activity used for the development of Affordable Rental Housing shall be provided in the form of a low-interest, deferred loan and will be evidenced through a Promissory Note secured by a Deed of Trust, a

§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity

The City solicits projects through a RFP process that creates a consistent standard for all projects awarded funding. The areas of focus are Application Completeness, Project Design and Capacity, Urgency and Persistence of Need, Project Implementation Readiness, Past Performance, Financial Management, General Regulatory Compliance, Budget, Fund Development, and leveraging. These areas allow staff and oversight authorities the ability to assess each application to the funding requirements for any project.

Due to the relatively lower funding amount that the City is entitled to through the PHLA program, the City will also consider an over the counter application process for projects that have already been awarded City funding from other sources but need additional funding to increase competitiveness for other state or federal grant programs.

Selected projects will demonstrate that they have the capacity to secure other sources of funding. Reviewed projects are then presented to City Council for approval. All projects will be secured by a loan agreement, promissory note, Deed of Trust and Regulatory Agreement. City staff is well trained in on-going project and long-term monitoring to ensure that projects comply throughout the ongoing affordability period. The City will issue a RFP annually or biannually to ensure an ongoing project pipeline.

§302(c)(4)(6)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local Government's Housing Element.

The proposed plan directs 100% of the City's PLHA funding to the development of new affordable housing units. Use of PLHA funds for this unmet housing need is consistent with the City's Adopted 2021-2029 Certified Housing Element Action H.5.2.1 – Pursue available and appropriate state and federal funding sources to support efforts to meet new construction needs of extremely low, very low, low, and moderate-income households.

Regional Housing Needs Allocation (RHNA) – Background and Local Requirements

Table 1 illustrates RHNA allocations imposed during the 2021-2029 Housing Element Cycle for the City of Rancho Cordova for Very-low, Low-, Moderate, and Above-Moderate income levels. The City will offer PLHA funds to assist in building units in an effort to address the local RHNA housing allocations.

Table 1. City of Rancho Cordova Housing Needs Allocation 2021-2029

ITEM 10.1.

PLHA Draft Application

Draft 302(c)(4) Plan

Effective Date December 31, 2021	Very-Low Income	Low Income	Moderate Income	Above Moderate Income	Total
RHNA Allocation (Units)	2,115	1,274	1,684	3,994	9,067
Progress (Permitted Units)	0	0	235	317	552
Remaining Units	2,115	1,274	1,449	3,677	8,515

302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Affordable Rental Housing Activity	100%, approximately \$1,712,196 (over 5 years)
302(c)(4)(E)(ii) Area Median Income Level Served	30% to 120% AMI
302(c)(4)(E)(ii) Unmet share of the RHNA at the AMI Level	4,838 (VL, L, Mod)
302(c)(4)(E)(ii) Projected Number of Households Served	50 (over 5 years)
302(c)(4)(6)(E)(ii) Period of Affordability for the Proposed Affordable Rental Housing Activity (55 years required for rental housing projects)	55 years

HCD Local 2022 Income Limits for this Program

Number of Persons in Household:	1	2	3	4	5	6	7	8
---------------------------------	---	---	---	---	---	---	---	---

Sacramento County Area Median Income: \$102,200	Acutely Low	10750	12300	13800	15350	16600	17800	19050	20250
	Extremely Low	21300	24350	27400	30400	32850	37190	41910	46630
	Very Low Income	35500	40550	45600	50650	54750	58800	62850	66900
	Low Income	56750	64850	72950	81050	87550	94050	100550	107000
	Median Income	71550	81750	92000	102200	110400	118550	126750	134900
	Moderate Income	85850	98100	110400	122650	132450	142250	152100	161900

Permanent Local Housing Allocation (PLHA) Formula Allocation

2022 Application for New Applicants



**State of California
Governor, Gavin Newsom**

**Lourdes Castro Ramírez, Secretary
Business, Consumer Services and Housing Agency**

**Gustavo Velasquez, Director
Department of Housing and Community Development**

Program Design and Implementation, PLHA Program
2020 West El Camino Avenue, Suite 150, Sacramento, CA 95833
PLHA Program Email: PLHA@hcd.ca.gov

**Final Filing Date: October 31, 2022
at 4:00 P.M. PST**

Instructions		Rev. 2/16/22	
This application form is limited to Applicants who did not apply to the 2020 and 2021 Formula Allocation NOFA			
When opening this file, a yellow banner at the top may appear with a button that says "Enable Content". It is essential that you click this box so that the macros are enabled. Enabling macros is necessary for full worksheet functionality. Macros do not work with Microsoft's Excel version for Apple Mac.			
Applications must be submitted electronically to the Department's website. Requirements for uploading the Application Workbook and required supporting documentation, including naming conventions, are described in the application instructions available at https://www.hcd.ca.gov/grants-funding/active-funding/plha.shtml . All applicable information must be received by HCD no later than 4:00 p.m. on:			
Monday, October 31, 2022			
Applications must be on the Department's forms and cannot be altered or modified by the Applicant. Excel forms must be in Excel format and 'save as' .xls or .xlsx. Do not 'save as' .xlsm or .pdf format. If you encounter problems with the application, please fill out the Application Support worksheet and email the entire workbook to Application Support at AppSupport@hcd.ca.gov and PLHA@hcd.ca.gov			
General Instructions Additional instructions and guidance are given throughout the Formula Allocation Application in "red" text and in cell comments.			
Guideline references are made with "\$" and the corresponding guideline section number.			
"Yellow" cells are for Applicant input. Failure to provide the required attachments and documentation will disqualify your application from consideration.			
Required attachments are indicated in "orange" throughout the Supplemental Application. Failure to provide the required attachments and documentation may disqualify your application from consideration. Electronically attached files must use the naming convention in the PLHA Application. For Example: "App1 Payee Data" for Applicant 1 Payee Data Record/STD. 204.			
Threshold items are indicated in "blue" cells.			
"Red" shaded cells indicate the Sponsor has failed to meet a requirement of the program.			
Applicant must complete the following worksheets in the PLHA Formula Allocation Application.			
Formula Allocation Application			
302(c)(4) Plan			
Legislative Contacts			
Checklist			
Threshold Requirement	Electronic File Name	Document Description	Included?
X	Application and Adopting the PLHA Plan (2019-2023 Allocations) Reso	Pursuant to section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for 2019-2023 allocations is attached to this resolution, and Applicant certifies compliance with all public notice, comment, and hearing requirements in accordance with the Guidelines.	Included
	App1 TIN	0	Included
X	Applicant Delegation Agreement	Legally binding agreement between Delegating and Administering Local Governments (sample provided—just click on icon in row 17, column AI)	N/A
X	Reuse Plan	Program Income Reuse Plan describing how repaid loans or accrued interest will be used for eligible activities in Section 301.	Included
X	Executed Application	Provide a copy of the signed application. Signature in blue ink preferred.	Included
Disclosure of Application (California Public Records Act Statutes of 1968 Chapter 1473): Information provided in the application will become a public record available for review by the public, pursuant to the California Public Records Act Statutes of 1968 Chapter 1473. As such, any materials provided will be disclosable to any person making a request under this Act. The Department cautions Applicants to use discretion in providing information not specifically requested, including but not limited to, bank accounts, personal phone numbers and home addresses. By providing this information to the Department, the Applicant is waiving any claim of confidentiality and consents to the disclosure of submitted material upon request.			

Local Government Formula Allocation for New Applicants						Rev. 2/16/22	
Eligible Applicant Type:		Entitlement.					
Local Government Recipient of PLHA Formula Allocation:		Rancho Cordova City					
2020 PLHA NOFA Formula Allocation Amount:		\$285,366	2020 NOFA Allowable Local Admin (5%):		\$14,268		
2021 PLHA NOFA Formula Allocation Amount:		\$443,548	2021 NOFA Allowable Local Admin (5%):		\$22,177		
2022 PLHA NOFA Formula Allocation Amount:		\$488,110	2022 NOFA Allowable Local Admin (5%):		\$24,406		
Instructions: If the Local Government Recipient of the PLHA Formula Allocation delegated its PLHA formula allocation to a Local Housing Trust Fund or to another Local Government the Applicant (for which information is required below) is the Local Housing Trust Fund or administering Local Government. The PLHA award will be made to the Applicant (upon meeting threshold requirements) and the Applicant is responsible for meeting all program requirements throughout the term of the Standard Agreement. The 302(c)(4) Plan template worksheet requires first choosing one or more of the Eligible Activities listed below. If "Yes" is clicked, the 302(c)(4) Plan worksheet opens a series of questions about what precise activities are planned. Some specific activities, such as providing downpayment assistance to lower-income households for acquisition of an affordable home, could be included under either Activity 2 or 9. Please only choose one of those Activities; don't list the downpayment assistance under both Activities. If the PLHA funds are used for the same Activity but for different Area Median Income (AMI) level, select the same Activity twice (or more times) and the different AMI level the Activity will serve. Please enter the percentage of funds allocated to the Activity in only the first Activity listing to avoid double counting the funding allocation. For each year (2019-2023), allocations must equal 100% annually including the allowable administrative costs of up to 5%.							
Eligible Applicants §300							
§300(a) and (b) Eligible Applicants for the Entitlement and Non-Entitlement formula component described in Section §100(b)(1) and (2) are limited to the metropolitan cities and urban counties allocated a grant for the federal fiscal year 2017 pursuant to the federal CDBG formula specified in 42 USC, Section §5306 and Non-entitlement local governments.							
Applicant:		City of Rancho Cordova					
Address:		2729 Prospect Park Drive					
City:	Rancho Cordova	State:	CA	Zip:	95670	County:	Sacramento
Auth Rep Name:	Stefan Heisler	Title:	Housing Manager	Auth Rep. Email:	sheisler@cityoranchocordova.org	Phone:	916-851-8757
Address:	2729 Prospect Park Drive	City:	Rancho Cordova	State:	CA	Zip Code:	95670
Contact Name:	Stefan Heisler	Title:	Housing Manager	Contact Email:	sheisler@cityoranchocordova.org	Contact Phone:	916-851-8757
Address:	2729 Prospect Park Drive	City:	Rancho Cordova	State:	CA	Zip Code:	95670
§300(d) Is Applicant delegated by another Local government to administer on its behalf its formula allocation of program funds?						No	
§300(d) If Applicant answered "Yes" above, has the Applicant attached the legally binding agreement required by §300 (c) and (d)? A sample agreement can be found by double clicking on the icon to the right						N/A	
File Name:	Application and Adopting the PLHA Plan (2019-2023 Allocations) Reso	Pursuant to section 302(c)(4) of the Guidelines, Applicant's PLHA Plan for 2019-2023 allocations is attached to this resolution, and Applicant certifies compliance with all public notice, comment, and hearing requirements in accordance with the Guidelines.			Yes	Uploaded to HCD?	Yes
File Name:	App1 TIN					Uploaded to HCD?	Yes
File Name:	Applicant Delegation Agreement	Legally binding agreement between Delegating and Administering Local Governments (sample provided—just click on icon in row 17, column AI)				Uploaded to HCD?	N/A
Eligible Activities, §301							
§301(a) Eligible activities are limited to the following:						Included?	
§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to Extremely low-, Very low-, Low-, or Moderate-income households, including necessary operating subsidies.						☒ YES	
§301(a)(2) The predevelopment, development, acquisition, rehabilitation, and preservation of affordable rental and ownership housing, including Accessory Dwelling Units (ADUs), that meets the needs of a growing workforce earning up to 120 percent of AMI, or 150 percent of AMI in high-cost areas. ADUs shall be available for occupancy for a term of no less than 30 days.						☐ YES	
§301(a)(3) Matching portions of funds placed into Local or Regional Housing Trust Funds.						☐ YES	
§301(a)(4) Matching portions of funds available through the Low- and Moderate-Income Housing Asset Fund pursuant to subdivision (d) of HSC Section 34176.						☐ YES	
§301(a)(5) Capitalized Reserves for services connected to the preservation and creation of new permanent supportive housing.						☐ YES	
§301(a)(6) Assisting persons who are experiencing or At-risk of homelessness, including, but not limited to, providing rapid re-housing, rental assistance, supportive/case management services that allow people to obtain and retain housing, operating and capital costs for navigation centers and emergency shelters, and the new construction, rehabilitation, and preservation of permanent and transitional housing.						☐ YES	
§301(a)(7) Accessibility modifications in Lower-income Owner-occupied housing.						☐ YES	
§301(a)(8) Efforts to acquire and rehabilitate foreclosed or vacant homes and apartments.						☐ YES	
§301(a)(9) Homeownership opportunities, including, but not limited to, down payment assistance.						☐ YES	
§301(a)(10) Fiscal incentives made by a county to a city within the county to incentivize approval of one or more affordable housing Projects, or matching funds invested by a county in an affordable housing development Project in a city within the county, provided that the city has made an equal or greater investment in the Project. The county fiscal incentives shall be in the form of a grant or low-interest loan to an affordable housing Project. Matching funds investments by both the county and the city also shall be a grant or low-interest deferred loan to the affordable housing Project.						☐ YES	
Threshold Requirements, §302							
§302(a) The Applicant's Housing Element and Delegating Local Government's Housing Element (if applicable) was/were adopted by the Local Government's governing body by the application submittal date subsequently determined to be in substantial compliance with state Housing Element Law pursuant to Government Code Section 65585.						Yes	
§302(b) Applicant or Delegating Local Government has submitted the current or prior year's Annual Progress Report to the Department of Housing and Community Development pursuant to Government Code Section 65400.						Yes	
§302(c)(2) Applicant certified in the Resolution submitted with this application that submission of the application was authorized by the governing board of the Applicant.						Yes	
§302(c)(3) Applicant certified in the Resolution submitted with this application that, if the Local Government proposes allocation of funds for any activity to another entity, the Local government's selection process had no conflicts of interest and was accessible to the public.						Yes	
§302(c)(4) Applicant certified in the Resolution submitted with this application that the application include a Plan in accordance with §302(c)(4)?						Yes	
§302(c)(4)(D) Applicant certified in the Resolution submitted with this application that the Plan was authorized and adopted by resolution by the Local Government and that the public had an adequate opportunity to review and comment on its content.						Yes	
§302(c)(5) Applicant certified in the Resolution submitted with this application that the Plan submitted is for a term of five years (2019-2023). Local Governments agree to inform the Department of changes made to the Plan in each succeeding year of the term of the Plan.						Yes	
§302(c)(6) Applicant certified in the Resolution submitted with this application that it will ensure compliance with §302(c)(6) if funds are used for the acquisition, construction, or rehabilitation of for-sale housing projects or units within for-sale housing projects.						Yes	
§302(c)(7) Applicant certified in the Resolution submitted with this application that it will ensure that the PLHA assistance is in the form of a low-interest, deferred loan to the Sponsor of the Project, if funds are used for the development of an Affordable Rental Housing Development. The loan shall be evidenced through a Promissory Note secured by a Deed of Trust and a Regulatory Agreement shall restrict occupancy and rents in accordance with the Local government-approved underwriting of the Project for a term of at least 55 years.						Yes	
§302(c)(8) Has Applicant attached a program income reuse plan describing how repaid loans or accrued interest will be reused for eligible activities specified in Section 301?						Yes	
File Name:	Reuse Plan	Program Income Reuse Plan describing how repaid loans or accrued interest will be used for eligible activities in Section 301.			Narrative uploaded to HCD?		Yes

Administration			
Applicant agrees to adhere to §500, Accounting Records.			Yes
Applicant agrees to adhere to §501, Audits/Monitoring of Project Files.			Yes
Applicant agrees to adhere to §502, Cancellation/Termination.			Yes
Applicant agrees to adhere to §503, Reporting.			Yes
Certifications			
On behalf of the entity identified below, I certify that: The information, statements and attachments included in this application are, to the best of my knowledge and belief, true and correct and I possess the legal authority to submit this application on behalf of the entity identified in the signature block.			
Authorized Representative Printed Name		Title	Signature
			Date

§302(c)(4) Plan														Rev. 2/16/22
§302(c)(4)(A) Describe the manner in which allocated funds will be used for eligible activities. Over the next 5 years, the City of Rancho Cordova will use the PLHA funds to expand and enhance the access to and number of affordable housing units within the City of Rancho Cordova through the following eligible activities. The funding will be used as gap financing for the development of new affordable housing projects and permanent supportive Housing Units within the City limits of Rancho Cordova. Application Request for five-year period: - \$1,712,196 - 301(a)(1) - The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households. - Over the course of the 5 years, it is projected that the City will create a minimum of 50 units with 40 units dedicated to households earning 60% Area Median Income (AMI) or less. The First Annual Allocation is \$285,366. Annual Allocations over the 5-year period will average approximately \$342,439 - \$285,366 - 301(a)(1) - The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households.														
§302(c)(4)(B) Provide a description of the way the Local government will prioritize investments that increase the supply of housing for households with incomes at or below 60 percent of Area Median Income (AMI). The City will partner with local affordable housing developers by competitively awarding PLHA funds through the issuance of Request for Proposals (RFP). The City will prioritize investments that increase the supply of housing for households with incomes from 60% to 120% of the AMI. When issuing RFPs for affordable housing projects under this category, the City may award bonus points for project proposals intended to serve households below 60% AMI.														
§302(c)(4)(C) Provide a description of how the Plan is consistent with the programs set forth in the Local Government's Housing Element. The proposed plan directs 100% of the City's PLHA funding to the development of new affordable housing units. Use of PLHA funds for this unmet housing need is consistent with the City's Adopted 2021-2029 Certified Housing Element Action H.5.2.1 - Pursue available and appropriate state and federal funding sources to support efforts to meet new construction needs of extremely low, very low, low, and moderate-income households.														
Activities Detail (Activities Detail (Must Make a Selection on Formula Allocation Application worksheet under Eligible Activities, §301))														
§301(a)(1) The predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low-, very low-, low-, or moderate-income households, including necessary Operating subsidies.														
§302(c)(4)(E)(i) Provide a detailed and complete description of how allocated funds will be used for each proposed Affordable Rental Housing Activity. PLHA funds in this category will be allocated for the predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing that is affordable to extremely low, very low, low, or moderate-income households. This allocation will be made available to affordable housing developers through a competitive Request for Proposals (RFP) process and/or over the counter application process. Each RFP will seek development proposals that include new affordable housing units for households with incomes at or below 120% of AMI with an emphasis on developments that serve individuals at or below 60% AMI. The City works closely with the local Continuum of Care (CoC), affordable housing developers, and general community to increase affordable housing units across the housing continuum. The City also gives priority to projects that leverage several sources of funding for the maximum benefit to the community. PLHA funds under this activity used for the development of Affordable Rental Housing shall be provided in the form of a low-interest, deferred loan and will be evidenced through a Promissory Note secured by a Deed of Trust, and a Regulatory Agreement for a term of at least 55														
Complete the table below for each proposed Affordable Rental Housing Activity to be funded with 2019-2023 PLHA allocations. If a single Activity will be assisting households at more than one level of Area Median Income, please list the Activity as many times as needed to capture all of the AMI levels that will be assisted, but only show the percentage of annual funding allocated to the Activity one time (to avoid double counting).														
Funding Allocation Year	2019	2019	2020	2020	2021	2021	2022	2022	2023	2023				
§302(c)(4)(E)(i) Percentage of Funds Allocated for the Proposed Affordable Rental Housing Activity	100.0%		100.0%		100.0%		100.0%		100.0%					
§302(c)(4)(E)(ii) Area Median Income Level Served	60%	120%	60%	120%	60%	120%	60%	120%	60%	120%				TOTAL
§302(c)(4)(E)(ii) Unmet share of the RHNA at the AMI Level Note: complete for years 2019, 2020, 2021 only	5	5	5	5	5	5								30
§302(c)(4)(E)(ii) Projected Number of Households Served	5	5	5	5	5	5	5	5	5	5				50
§302(c)(4)(E)(iv) Period of Affordability for the Proposed Affordable Rental Housing Activity (55 years required for rental housing projects)	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years	55 Years
§302(c)(4)(E)(iii) A description of major steps/actions and a proposed schedule for the implementation and completion of the Activity. The City solicits projects through a RFP process that creates a consistent standard for all projects awarded funding. The areas of focus are Application Completeness, Project Design and Capacity, Urgency and Persistence of Need, Project Implementation Readiness, Past Performance, Financial Management, General Regulatory Compliance, Budget, Fund Development, and leveraging. These areas allow staff and oversight authorities the ability to assess each application to the funding requirements for any project. Due to the relatively lower funding amount that the city is entitled to through the PLHA program, the City will also consider an over the counter application process for projects that have already been awarded City funding from other sources but need additional funding to increase competitiveness for other state or federal grant programs. Selected projects will demonstrate that they have the capacity to secure other sources of funding. Reviewed projects are then presented to City Council for approval. All projects will be secured by a loan agreement, promissory note, Deed of Trust and Regulatory Agreement. City staff is well trained in on-going project and long-term monitoring to ensure that projects comply throughout														

MEMORANDUM



ITEM 10.2.

DATE: October 3, 2022

TO: Honorable Mayor and Council Members

FROM: Darcy Goulart, Planning Manager

SUBJECT: **AN ORDINANCE AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.34 REDEVELOPMENT AGENCY; TITLE 4 BUSINESS REGULATION, CHAPTER 4.10 SPECIAL BUSINESS LICENSES AND EMPLOYEE PERMITS; TITLE 6 HEALTH AND SANITATION, CHAPTER 6.28 WELLS AND PUMPS & CHAPTER 6.90 CANNABIS CULTIVATION; TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.64 TRIP REDUCTION PROGRAMS; TITLE 14 AGRICULTURAL ACTIVITIES, CHAPTER 14.05 AGRICULTURAL ACTIVITIES; TITLE 16 BUILDINGS AND CONSTRUCTION, CHAPTER 16.95 STORM DRAINAGE IMPACT FEE PROGRAM; TITLE 21 PLANS, CHAPTER 21.12 PROCEDURES FOR ADOPTION OR AMENDMENT OF PLANS; TITLE 22 LAND DEVELOPMENT, CHAPTER 22.160 CAPITAL IMPROVEMENT PROGRAM; AND TITLE 23 ZONING CODE, CHAPTER 23.104 APPROVAL AUTHORITY, CHAPTER 23.119 UNIFIED SIGN PROGRAM, CHAPTER 23.158 DEVELOPMENT AGREEMENTS, CHAPTER 23.501 INTRODUCTION TO FORM-BASED PROVISIONS, & CHAPTER 23.743 SIGNS**

RECOMMENDATION

Waive the first reading and introduce the Ordinance.

RESULT OF RECOMMENDED ACTION

The Ordinance would come back for a second reading and adoption at the next regular City Council meeting. Approval of the Ordinance would amend Title 2 Administration and Personnel; Title 4 Business Regulation; Title 6 Health and Sanitation; Title 10 Vehicles and Traffic; Title 14 Agricultural Activities; Title 16 Buildings and Construction; Title 21 Plans; Title 22 Land Development; and Title 23 Zoning Code.

BACKGROUND

Periodically, amendments to the Municipal Code are necessary to address ambiguities, provide clarification, to be consistent with customary practice or comply with changes in State law. In the past, various titles of the code have routinely been amended for these assorted reasons, as well as to include new development standards to address uses that may not be in the code. The amendments proposed by this Ordinance have either been previously discussed with

Council or are mostly clean up items to address. Staff did not believe these minor changes warranted a discussion with the City Council prior to scheduling the amendments for a public hearing.

ANALYSIS

Attachment 3 includes all draft amendments, shown in track changes, to Title 2 Administration and Personnel; Title 4 Business Regulation; Title 6 Health and Sanitation; Title 10 Vehicles and Traffic; Title 14 Agricultural Activities; Title 16 Buildings and Construction; Title 21 Plans; Title 22 Land Development; and Title 23 Zoning Code. Draft amendments are shown in track changes with new draft language underlines and language proposed for removal with strikethroughs. Only those chapters and/or sections with proposed changes are included in the attached documents as excerpts from the Rancho Cordova Municipal Code. A summary of the changes is provided below. As a note, Attachment 2 includes all the amendments in a non-track change format. This is provided as an exhibit to the Ordinance.

CHAPTER 2.30 PLANNING COMMISSION

The City of Rancho Cordova Municipal Code authorizes the Planning Commission to act on various planning matters with a wide range of duties. To ensure the Planning Commission has adequate training and start-up time to begin the review of submitted planning applications, Chapter 2.30 is being amended to focus the Planning Commission's powers and duties to act on applications, projects, approvals, permits, and appeals per the following phased schedule:

- November 2022–February 2023 (Phase 1): Tentative Parcel Maps, Major Design Review for Residential Projects
- March 2023–May 2023 (Phase 2): All Phase 1 Project Types, Tentative Subdivision Map, Major Design Review for Commercial & Industrial, Conditional Use Permit, Variances
- Starting June 2023 (Phase 3): All Phase 2 Project Types, Legislative Applications (i.e., Rezoning, GP Amendment, SP Amendment, etc.)

TITLE 4 BUSINESS REGULATION, CHAPTER 4.10.155 SPECIAL BUSINESS LICENSES AND EMPLOYEE PERMITS

The special business license section is amended to expand the effect of the revocation of a business license to prevent special license holders and employees from bypassing the revocation process by submitting a new application. Additionally, it prevents a special business license from being reissued at the same location where a previous license was revoked for the same type of business.

TITLE 6 HEALTH AND SANITATION, CHAPTER 6.90 CANNABIS CULTIVATION

The cannabis cultivation section is amended to clarify restrictions on cannabis cultivation and ensure consistency throughout the Municipal Code for administrative hearings. The appeal fee changes from a deposit related to the fine to a flat fee of one thousand dollars. The amendments clarify owner and responsible parties through the definitions and sets an administrative appeal fee. Additionally, an amendment is proposed to clarify that a non-English speaking person can be accompanied by an interpreter during the hearing.

MISCELLANEOUS MUNICIPAL CODE SECTIONS

There are various miscellaneous sections of the Rancho Cordova Municipal Code relating to other planning matters that need updates for consistency with current City policies, entities, and state law. The following summarizes the proposed Municipal Code amendments:

- TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.34 REDEVELOPMENT AGENCY- In 2012, the state of California officially dissolved local redevelopment agencies. This chapter is deleted in its entirety since the City of Rancho Cordova no longer has a Redevelopment agency.
- TITLE 6 HEALTH AND SANITATION, CHAPTER 6.28.040 Water Well Standards – Removed reference to redevelopment in Section 7
- TITLE 6 HEALTH AND SANITATION, CHAPTER 6.28.050 Monitoring Well Standards – Removed reference to redevelopment in Section 6
- TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.64.030 Definitions – Revised definition of “Director”
- TITLE 14 AGRICULTURAL ACTIVITIES, CHAPTER 14.05 AGRICULTURAL ACTIVITIES
- TITLE 16 BUILDINGS AND CONSTRUCTION, CHAPTER 16.95.070 Establishment of Storm Drainage Impact Fees – Revised to remove reference to redevelopment projects
- TITLE 21 PLANS, CHAPTER 21.12.020 F
- TITLE 21 PLANS, CHAPTER 21.12.020 Initiation – Revised to remove reference to community council and community plan
- TITLE 21 PLANS, CHAPTER 21.12.025 Application – Revised to remove reference to community plans
- TITLE 21 PLANS, CHAPTER 21.12.030 Fee – Revised to remove reference to community plan
- TITLE 21 PLANS, CHAPTER 21.12.040 Waiver of Fees – Revised to remove reference to community council
- TITLE 21 PLANS, CHAPTER 21.12.050 Report of Planning Commission recommendation to the City Council – Revised to remove reference to community plan
- TITLE 21 PLANS, CHAPTER 21.12.055 Public Hearings by City Council – Revised to remove reference to community plan
- TITLE 21 PLANS, CHAPTER 21.12.075 Appeal – Community Plan Matters – Revised to remove reference to community plan
- TITLE 22 LAND DEVELOPMENT, CHAPTER 22.160.050 Review by Planning Commission
- TITLE 23 ZONING CODE, CHAPTER 23.104.040 Referrals to Planning Commission or Council
- TITLE 23 ZONING CODE, CHAPTER 23.119.020 Applicability – Revised to remove reference to redevelopment
- TITLE 23 ZONING CODE, CHAPTER 23.158.020 Applicability – Revised to remove reference to redevelopment
- TITLE 23 ZONING CODE, CHAPTER 23.201.010 Purpose
- TITLE 23 ZONING CODE, CHAPTER 23.743.030 Permit Requirements for Signs

ENVIRONMENTAL ANALYSIS

CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected in State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” The proposed amendments are not a “project” within the meaning of CEQA because the

amendments seek to further regulate or clarify uses that are already present in the City or provide consistency with State law and no significant expansion of these activities can reasonably be anticipated to occur. Because no expansion of uses or activities is reasonably anticipated, no possibility exists that the ordinance will result in a significant effect on the environment. Thus, the proposed ordinance is not subject to the requirements of CEQA. However, in the event that adoption of the ordinance is considered a CEQA project, it would nonetheless qualify for categorical exemptions as set forth below.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set forth in the proposed ordinance does not approve any physical development and it would not result in a direct or indirect physical changes in the environment. Any specific development projects that may result from these changes will be subject to environmental review. The proposed amendments are consistent with the City’s General Plan. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these Municipal Code amendments are exempt from review under CEQA and no further environmental review is necessary.

FISCAL IMPACT AND FUNDING SOURCE

There is no fiscal impact.

ATTACHMENT(S)

1. Ordinance
2. Exhibit A to the Ordinance
3. Track Changes

CITY OF RANCHO CORDOVA

ORDINANCE NO. XX-2022

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.34 REDEVELOPMENT AGENCY; TITLE 4 BUSINESS REGULATION, CHAPTER 4.10 SPECIAL BUSINESS LICENSES AND EMPLOYEE PERMITS; TITLE 6 HEALTH AND SANITATION, CHAPTER 6.28 WELLS AND PUMPS & CHAPTER 6.90 CANNABIS CULTIVATION; TITLE 10 VEHICLES AND TRAFFIC, CHAPTER 10.64 TRIP REDUCTION PROGRAMS; TITLE 14 AGRICULTURAL ACTIVITIES, CHAPTER 14.05 AGRICULTURAL ACTIVITIES; TITLE 16 BUILDINGS AND CONSTRUCTION, CHAPTER 16.95 STORM DRAINAGE IMPACT FEE PROGRAM; TITLE 21 PLANS, CHAPTER 21.12 PROCEDURES FOR ADOPTION OR AMENDMENT OF PLANS; TITLE 22 LAND DEVELOPMENT, CHAPTER 22.160 CAPITAL IMPROVEMENT PROGRAM; AND TITLE 23 ZONING CODE, CHAPTER 23.104 APPROVAL AUTHORITY, CHAPTER 23.119 UNIFIED SIGN PROGRAM, CHAPTER 23.158 DEVELOPMENT AGREEMENTS, CHAPTER 23.501 INTRODUCTION TO FORM-BASED PROVISIONS, & CHAPTER 23.743 SIGNS

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

Section 1. Purpose and Declarations.

WHEREAS, the City conducts periodic updates of the provisions of the Rancho Cordova Municipal Code (RCMC) to ensure compliance with current laws, changes in local policy, consistency with adopted plans and programs, clarify ambiguities, address changing market conditions, reflect best practices, and to address issues or concerns with current regulations; and

WHEREAS, with regard to the Planning Commission:

- A. The City of Rancho Cordova has recently reconstituted its Planning Commission;
- B. Pursuant to California Government Code sections 65100, 65101, and 65103, the City of Rancho Cordova Municipal Code authorizes the Planning Commission to take action on various planning matters with a wide range of duties;
- C. In order to ensure the Planning Commission has adequate training and start-up time, the Planning Commission's powers and duties to take action on applications, projects, approvals, permits, and appeals shall be phased in per the schedule being added to Section 2.30.010 of the Rancho Cordova Municipal Code;
- D. The Planning Commission shall have the authority to receive training, conduct meetings, and engage in other organizational and start-up activities; and
- E. The Planning Commission's focus on these matters will better prepare it to engage in its full set of responsibilities and avoid the potential for unintended delays and development processing on complex land use matters.

WHEREAS, Chapter 6.90 of the Municipal Code, Cannabis Cultivation, contains local rules for the use of personal cannabis cultivation in City residences which the City wishes to update to be consistent with other Municipal Code Sections regarding the responsibility of property owners for Code violations and administrative hearing and cost recovery procedures; and

WHEREAS, Section 4.10.155 of the Municipal Code, Effect of Revocation, sets forth the impact that revocation of a Special Business License has on license holders and employees:

- A. In many cases when a Special Business License or employee permit is revoked for cause, the owner or employee applies for a new license or permit directly after; and
- B. The Municipal Code does not currently have an adequate process to allow the City to deny an application in these situations, even though the reasons for revocation remain unchanged; and
- C. The Ordinance would revise Section 4.10.155 to ensure business owners and employees may not circumvent the revocation process by applying for a new license or permit.

WHEREAS, various miscellaneous sections of the Rancho Cordova Municipal Code also need to be updated for consistency with current City policies, entities and state law; and

WHEREAS, on October 3, the City Council held a properly noticed public hearing for this Ordinance and considered all oral and written testimony.

Section 2: Findings. This Ordinance is adopted pursuant to the following findings:

- A. **CEQA Compliance.** CEQA requires analysis of agency approvals of discretionary “projects.” A “project,” under CEQA, is defined as “the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” (CEQA Guidelines, § 15378.) As reflected in State CEQA Guideline 15061 (b) (3), an activity is not subject to CEQA, “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” The proposed amendments are not a “project” within the meaning of CEQA because the amendments seek to provide clarification of uses, standards and/or enforcement procedures, address inconsistencies between definitions, delete text that is no longer necessary. Because no expansion of uses or activities is reasonably anticipated, no possibility exists that the ordinance will result in a significant effect on the environment. Thus, the proposed ordinance is not subject to the requirements of CEQA. However, in the event that adoption of the ordinance is considered a CEQA project, it would nonetheless qualify for categorical exemptions as set forth below.

CEQA Guidelines Section 15061(b)(3) states that a project is exempt from CEQA “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” The approval of the code amendments set forth in the proposed ordinance does not approve any physical development and it would not result in a direct or indirect physical changes in the environment. Any specific

development projects that may result from these changes will be subject to environmental review. The proposed amendments are consistent with the City's General Plan. For these reasons, the proposed amendments would not have the potential to result in individually or cumulatively significant effects on the environment and these Municipal Code amendments are exempt from review under CEQA and no further environmental review is necessary.

- B. **The proposed amendment is consistent with the General Plan.** The attached Municipal Code Amendments ("Amendment") are consistent with the General Plan. The amendments would provide standards and/or enforcement procedures, address inconsistencies, delete text that is no longer necessary, and clarify review procedures of planning projects.
- C. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City.** The attached amendments would provide standards and/or enforcement procedures, address inconsistencies, delete text that is no longer necessary, and clarify review procedures of planning projects. None of these proposed amendments will be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- D. **The proposed amendments are internally consistent with other applicable provisions in this Zoning Code.** The Amendments have been reviewed for consistency with the entirety of the Municipal Code and is consistent with other applicable provisions of the Municipal Code.

Section 3. Planning Commission Authority

The City Council amends Chapter 2.30 Planning Commission by adding the following at the end of Section 2.30.010, Establishment:

"; provided, however:

from the effective date of this Ordinance until March 1, 2023 (Phase 1), the Planning Commission shall only have the power to take action on the following applications, projects, approvals, permits and appeals related to:

- A. Processing, considering, and approving tentative and final parcel maps under Chapter 22.20 of the Rancho Cordova Municipal Code.
- B. Processing, considering, and approving Major Design Review for new residential projects under Municipal Code section 23.104.030 and Table 23.104-1.
- C. All other Planning Commission responsibilities regarding applications, projects, approvals, permits, and appeals in the Rancho Cordova Municipal Code are suspended from the effective date of this Ordinance until March 1, 2023. During this time, all appeals which would otherwise be heard by the Planning Commission shall be heard by the City Council.

And further provided, from, March 1, 2023, until June 1, 2023 (Phase 2), in addition to all powers granted during Phase 1, the Planning Commission shall also have the power to take action on the following applications, projects, approvals, permits and appeals related to:

- D. Processing, considering, and approving tentative and subdivision maps under Chapter 22.20 of the Rancho Cordova Municipal Code.

E. Processing, considering, and approving Major Design Review for commercial and industrial projects under Municipal Code section 23.104.030 and Table 23.104-1. ”

Section 4. Amendments to Title 2 Administration and Personnel, Title 4 Business Regulation, Title 6 Health and Sanitation, Title 10 Vehicles and Traffic, Title 14 Agricultural Activities, Title 16 Building and Construction, Title 21 Plans, Title 22 Land Development, and Title 23 Zoning Code

The City Council hereby adopts the amendments to Title 2 Administration and Personnel, Title 4 Business Regulation, Title 6 Health and Sanitation, Title 10 Vehicles and Traffic, Title 14 Agricultural Activities, Title 16 Building and Construction, Title 21 Plans, Title 22 Land Development, and Title 23 Zoning Code of the Rancho Cordova Municipal Code, as shown and incorporated in **Exhibit A** to this ordinance.

Section 4. Severability

If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 5. Effective Date

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

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova on the ____ day of ____, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Donald Terry, Mayor

ITEM 10.2.

ATTACHMENT 1

ATTEST:

Stacy Leitner, CMC
City Clerk

Rancho Cordova

Municipal Code Amendments

ITEM 10.2.

**ATTACHMENT 2
Exhibit A to the Ordinance**

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*)**.

Chapter 2.34 Redevelopment Agency is repealed in its entirety.

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 4.10 Special Business Licenses and Employee Permits

4.10.155 Effect of revocation.

- a. The revocation of a special business license or employee permit shall terminate the right of the holder of the license or permit to engage in the enterprise authorized by the license or perform the service authorized by the permit, as the case may be, anywhere within the city for a period of five years following the effective date of revocation. At the conclusion of said period, the former holder may file a written application for issuance of a new license or permit with the clerk of the city council. The city council may, in its sole discretion, grant or deny the application pursuant to such terms and conditions as it may prescribe, and may, in addition to other matters, consider factors relating to the rehabilitation of the applicant in making its determination.
- b. The revocation of a special business license or denial of renewal of a special business license for cause shall automatically and without notice also revoke or deny renewal of each special business license issued for the same business at each location where the business is located.
- c. The revocation of an employee permit or denial an employee permit for cause shall automatically and without notice also revoke or deny renewal of each employee permit issued for the same employee at each location where the business is located.
- d. Notwithstanding any other provision of this Code, the revocation of special business license or employee permit or denial of renewal of a special business license or employee permit of a massage establishment for cause, shall prohibit the operation of the same establishment in that same location for a period of five years. The revocation of a special business license or employee permit or denial of renewal of a special business license or employee permit of a massage establishment for cause, shall also prohibit a new establishment from using the same name and/or same phone number as the revoked or denied special business license or employee permit for a period of five years.
- e. In the event of revocation of a special business license, neither the spouse, child, brother, sister or parent of the holder of the revoked license, nor a person possessing an ownership interest in the enterprise for which the license was revoked or who was an employee thereof, shall be entitled to issuance of a special business license for the enterprise except upon written application filed with the clerk of the city council. Upon the filing of such an application, the city council may, in its sole discretion, grant or deny the application. In the event the application is granted, in addition to any other condition, the license may be issued pursuant to such requirements as the board deems necessary in order to ensure that the person whose conduct constituted the basis for the revocation does not exercise any control or influence over the enterprise or the person to whom the license is issued. [Ord. 45-2004 § 4].

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 6.90**CANNABIS CULTIVATION****Sections:**

6.90.010	Purpose.
6.90.020	Definitions.
6.90.030	Outdoor cultivation of cannabis.
6.90.040	Indoor cultivation of cannabis.
6.90.050	Public nuisance.
6.90.060	Sale of cannabis prohibited.
6.90.070	Enforcement.
6.90.080	Appeal from administrative citation.
6.90.090	Penalty for violation.
6.90.100	Abatement.

6.90.010 Purpose.

The purpose and intent of this chapter is to require that cannabis only be cultivated in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to prevent negative impacts to property values, to prevent odor created by cannabis plants from impacting adjacent properties, to prevent crime associated with cannabis cultivation, and to ensure that cannabis cultivation remains secure and does not find its way to minors or illicit markets. Nothing in this chapter is intended to authorize the cultivation for personal use that is in violation of state law. It is not the intent of this chapter to create conflict or inconsistency between this chapter and the Constitutions of the United States or the state of California; or California law.

6.90.020 Definitions.

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

“Abatement” means the removal of cannabis plants and improvements that support cannabis cultivation which are in excess of the number of plants allowed to be cultivated under this chapter.

“Bedroom” means a room inside a residential building being utilized by any person primarily for sleeping purposes.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by Section 11018 of the California Health and Safety Code and Section 26001(f) of the Business and Professions Code, as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. “Cannabis” or “cannabis product” does not mean industrial hemp as defined by Section 11018.5 of the Health and Safety Code. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the

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ATTACHMENT 2 Exhibit A to the Ordinance

plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

“Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Child care center” means any licensed child care center, daycare center, or child care home, or any preschool.

“Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

“Fully enclosed and secure structure” means a space within a building, greenhouse or other legal structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

“Indoors” means within a fully enclosed and secure structure.

“Marijuana” shall have the same meaning as cannabis, as defined in this chapter.

“Outdoors” means any location within the city of Rancho Cordova that is not within a fully enclosed and secure structure.

“Parcel” means property assigned a separate parcel number by the Sacramento County assessor.

“Premises” means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall constitute a single “premises” for purposes of this chapter.

“Primary caregiver” means a “primary caregiver” as defined in Section 11362.7(d) of the Health and Safety Code, as may be amended from time to time.

“Private residence” means any house, apartment unit, mobile home, or other similar dwelling.

“Qualified patient” means a “qualified patient” as defined in Section 11362.7(f) of the Health and Safety Code, as may be amended from time to time.

“Rear yard” means the rear open space portion of any premises, whether fenced or unfenced.

“Residential structure” means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, on a premises or legal parcel located within a zoning district that allows residential uses.

“Sale” or “sell” means any transaction whereby, for any consideration including trades, barter, or exchanges, title to cannabis or cannabis products is transferred from one person to another.

“School” means an institution of learning for persons under 21 years of age, whether public or private, offering regular course of instruction including, without limitation, a kindergarten, elementary school, middle or junior high school, or senior high school.

“Solid fence” means a fence constructed of substantial material (such as wood or vinyl) that prevents viewing the contents from one side to the other.

6.90.030 Outdoor cultivation of cannabis.

All outdoor cultivation of cannabis within the city is prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel upon which the person knows, or by exercising reasonable care of diligence, should know that such parcel is being used for the outdoor cultivation of cannabis, regardless of whether such cultivation is for medical, recreational, personal, or commercial uses.

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6.90.040 Indoor cultivation of cannabis.

A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel upon which the person knows, or by exercising reasonable care of diligence, should know that such parcel is being used for the cultivation of cannabis plants within a fully enclosed and secure structure on the parcel, except as provided in subsections (B) and (C) of this section.

B. Who Is Permitted to Cultivate Cannabis Indoors.

1. Only a person who is at least 18 years of age and either a qualified patient or a primary caregiver, or an adult who is at least 21 years of age, may engage in indoor cultivation of cannabis.
2. Residency Requirement. The person cultivating the cannabis shall reside full-time on the premises where the indoor cultivation of cannabis occurs.
3. Permission of Owner. Tenants or anyone cultivating shall obtain the written permission and signature of the property owner(s) prior to cultivating cannabis. A notarized signature from the owner of the property consenting to the cultivation of cannabis at the premises on a form acceptable to the city shall be made available to the city upon request by any city official.

C. Indoor Cultivation Standards. Cannabis cultivated indoors, within the city of Rancho Cordova, shall be in conformance with the following standards:

1. Indoor cultivation of cannabis is permitted only within a private residence or within a legal accessory structure to a private residence that meets the requirements of this chapter;
2. Cannabis cultivation is permitted only within fully enclosed and secure structures and the cultivation area must be inaccessible to minors. A fully enclosed and secure structure used for the cultivation of cannabis that is separate from the main residential structure on a premises must maintain a minimum 10-foot setback from any property line. Any parcel where cannabis is cultivated must be enclosed by a solid fence at least six feet in height;
3. Cannabis cultivation may not occur in both a detached structure and inside a residence on the same parcel. Only one indoor cultivation area is allowed per parcel;
4. Cannabis cultivation areas shall not be accessible to persons under 18 years of age. Cultivation areas shall be secured by lock and key or other security device which prevents unauthorized entry;
5. Indoor cultivation of cannabis shall not exceed six cannabis plants per premises, regardless of how many qualified adults, qualified patients, or primary caregivers are residing at the premises;
6. Cannabis cultivation shall not occur on any carpeted area;
7. Cannabis cultivation lighting shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the city;
8. The use of gas products (CO₂, butane, etc.) or generators for cannabis cultivation or processing is prohibited;
9. Cannabis cultivation for sale is prohibited;
10. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation;
11. The residence shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of the primary bedrooms is for their intended purpose;
12. Any cannabis cultivation area located within a residence shall not create a humidity or mold problem in violation of Rancho Cordova Building and State Health and Safety Codes;

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13. Any structure used for the cultivation of cannabis must have proper ventilation to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public;

14. The cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes;

15. Any modification to existing structures or plumbing, electrical or mechanical systems shall require a permit from the building official, or his or her designee.

6.90.050 Public nuisance.

It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Rancho Cordova to create a public nuisance in the course of cultivating cannabis. A public nuisance may be deemed to exist if such activity produces:

A. Odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property and/or areas open to the public;

B. Repeated responses (more than three times in a one-year time period) to the parcel from law enforcement or code enforcement officers;

C. Repeated disruption (more than three times in a one-year time period) to the free passage of persons or vehicles in the neighborhood;

D. Excessive noise in violation of applicable city noise standards in the general plan or municipal code;

E. Any other impacts on the neighborhood which are disruptive of normal activity in the area.

6.90.060 Sale of cannabis prohibited.

It shall be unlawful for any person cultivating cannabis pursuant to this chapter to sell or offer for sale the cannabis permitted to be grown under this chapter.

6.90.070 Enforcement.

A. The violation of this chapter is hereby declared to be a public nuisance. The city may pursue any and all legal and equitable remedies against any and all responsible parties related to the enforcement of the provisions of this code, including criminal, civil, and administrative remedies and penalties and any related cost recovery authorized pursuant to this code and state law in accordance with RCMC 1.01.190.

B. Criminal. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the amount provided in Section 19 of the Penal Code, as may be amended from time to time, by imprisonment in the county jail not to exceed six months, or by both a fine and imprisonment.

C. Civil. A violation of this chapter may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the abatement procedure set forth in Chapter 16.18 RCMC.

D. Administrative. Whenever an enforcement officer determines that a violation of any of the provisions of any of the ordinances of the city has occurred, the enforcement officer has the authority to issue an administrative citation to the person(s) responsible for the violation.

6.90.080 Appeal from administrative citation.

A. Hearing Request. A person who receives an administrative citation may contest the citation on the basis that there was no violation of the code or that he or she is not the responsible party. To contest the citation, the person shall submit a request for hearing form to the city within 30 days from the date of the administrative citation. Directions on how to obtain the request form will be provided on the administrative citation. The completed request must be submitted together with an appeal hearing fee of \$250.00.

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B. Notice of Hearing. The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

C. Additional Reports. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five days before the date of the hearing.

D. Setting the Hearing. A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than 60 days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the enforcement officer submits a written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the fine has been deposited in advance, under subsection (A) of this section.

E. Failure to Appear. The failure of the person requesting the hearing to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

F. At the Hearing. The administrative citation, and any additional report submitted by the enforcement officer, shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation. If a party does not proficiently speak or understand the English language, he or she may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have had any personal involvement in the issues of the case prior to the hearing.

G. Continuances. The hearing officer may continue the hearing and may request additional information from the enforcement officer or the person receiving the citation before issuing the decision.

H. Hearing Officer's Decision. After considering the testimony and evidence presented at the hearing, the hearing officer shall issue a written decision to uphold, dismiss, or modify the administrative citation. The hearing officer shall state the reasons for the decision and shall send a copy of the decision to the person that requested the hearing and to the enforcement officer. The decision of the hearing officer shall be final.

I. Status of Citation. Any responsible party against whom an administrative citation has been imposed shall pay the administrative citation within twenty-five (25) days after service of a final order or decision of the hearing officer. The city may take the actions set forth in this chapter to collect the unpaid penalty. J. Late Payment Charges. A person who fails to pay to the city the fine imposed under this section on or before the date that fine is due is also liable for the payment of the applicable late payment charges.

K. Recovery of Administrative Citation Fines and Costs. A person who fails to pay any fine or other charges owed to the city under this section is liable in any action brought by the city for all costs incurred in securing payment of the delinquent amount, including but not limited to administrative costs and attorneys' fees. Such collection costs are in addition to any fines, interest, and late charges. In the event a civil action is commenced to collect the administrative penalty, the city shall be entitled to recover reasonable attorney's fees and all costs associated with collection of the penalty. Costs include, but are not limited to, staff time incurred in the collection of the penalty and those costs set forth in [Code of Civil Procedure](#) Section 1033.5.

L. Other Costs. In addition to the administrative citation fine, the city may collect its administrative costs, interest, late payment charges, costs of compliance re-inspections, and collection costs.

M. Collection. The city may collect any past due administrative citation fine and other costs and charges by any available legal means, including without limitation any methods allowed in this Code or Section 1.01.200 of this Code.

N. Right to Judicial Review. A person aggrieved by the hearing officer's decision on an administrative citation may obtain review of the decision by filing a lawsuit with the superior court in Sacramento County within 20 days after service of the final decision in accordance with the timelines and provisions set forth in Section 53069.4 of the California Government Code.

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6.90.090 Penalty for violation.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to RCMC 1.01.190. Each and every separate violation of this chapter may be punishable by a fine not to exceed \$1,000 per violation.

B. Notwithstanding the foregoing and the provisions of RCMC 1.01.190, the amount of administrative penalty to be imposed for a violation of RCMC 6.90.040(C)(5) is an aggregate amount calculated at \$1,000 per plant in excess of six plants.

C. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others, including those in RCMC 1.01.190 and Chapter 16.18 RCMC, and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this chapter or to abate a public nuisance.

6.90.100 Abatement.

A. Any cannabis cultivation in violation of this chapter is a public nuisance and is subject to nuisance abatement pursuant to Chapter 16.18 RCMC including the summary abatement provisions of RCMC 16.18.901.

B. Any cannabis cultivation in violation of this chapter is also subject to the California Uniform Controlled Substances Act (Division 10 of the California Health and Safety Code), including the provisions of Chapter 8 (commencing with Section 11469) relating to seizure, forfeiture, and destruction of property.

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 10.64

Trip Reduction Programs

10.64.030 Definitions.

Unless the context indicates otherwise, the following definitions shall govern the meaning of those terms used in this chapter:

“Common business location” means a single building, group of buildings, or group of work stations at a single site or contiguous sites.

“Commuter matching service” means any system, whether by computer, manual, or mapping methods, which matches commuters residing in one common area, working in another common area, and having approximately the same work starting and stopping times.

“Director” means the director of the public works department.

“Employee transportation coordinator” means an employee, tenant, property manager, property owner, or other appropriate person who has been designated to perform various duties related to meeting the transportation needs of employees of a firm, common work location, or other geographic employment area.

“Person” means a sole proprietor, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, either public or private, carrying on an enterprise or conducting any other activity, whether or not for profit.

“Preferential parking” means a program of selecting, assigning or designating vehicle parking spaces in which priority in the selection, assignment, or designation is given to specific classes of vehicles such that vehicles in that class may be parked in locations considered by the vehicle operator to be the best or most desirable location.

“Regular employee” means any employee who works for a business, firm, agency, or other person for three or more days per week and four or more hours per day. [Revised during 2008 codification; Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0748 § 1, 1988; SCC 567 § 1, 1983].

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Chapter 16.95

Storm Drainage Impact Fee Program

16.95.070 Establishment of storm drainage impact fees.

A. A storm drainage impact fee is hereby established for all new development projects within the current city limits of the city of Rancho Cordova.

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 21.12

Procedures for Adoption or Amendment of Plans

21.12.010 General.

The general plan of the city of Rancho Cordova or specific plans, and any amendment to such plans, shall be adopted pursuant to the procedures in this chapter. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 1, 1993; SCC 233 § 1 (part), 1975].

21.12.020 Initiation.

A. The adoption or amendment of the general plan or a specific plan may be initiated by resolution of intention by the city council or by resolution of intention of the planning commission.

B. The adoption of a specific plan or an amendment to the general plan or specific plan affecting the planning area of a specific plan may be initiated by the City council, the planning commission, or an interested person as provided in this chapter requesting the planning commission to hear the matter.

[Revised during 2008 codification; Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 2, 1993; SCC 0817 § 1, 1991; SCC 0715 § 1, 1988; SCC 233 § 1 (part), 1975].

21.12.025 Application.

Application forms for amendments to the general plan and specific plans shall be filed with the secretary on forms provided for that purpose.

A. If the application is to change property from one land use category to another, the application shall be accompanied by the following:

1. A map drawn to scale showing the property for which the change is requested and the exterior property lines of the properties within 500 feet of the exterior boundary lines of the subject property. In any case the map shall show the exterior boundary lines of the nearest property;
2. The names and addresses and assessor's parcel numbers of the property owners for the properties shown on the map as listed on the latest assessment roll;
3. A filing and investigation fee as specified in RCMC 21.12.030;
4. The existing land use for the properties shown on the map;
5. The adopted and proposed land use categories as shown on the general plan and applicable specific plan of the land for which the reclassification is requested and the surrounding properties;
6. A general description of the proposed use of the subject property;

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7. The secretary of the planning commission or the planning director may require additional information necessary to show the need or desirability of the proposed change.

B. If the application is to change the text of the general plan or specific plans, the application shall be accompanied by the following:

1. Citation or reference to the page, section and element of the adopted plan for which the change is proposed;
2. The text of the section for which the change is proposed, showing by interlineation the portions of the text proposed to be deleted, and by underlining the proposed additions to the text;
3. A statement of the reason for and desirability of the proposed change;
4. A filing and investigation fee as specified in RCMC 21.12.030. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 3, 1993; SCC 233 § 1 (part), 1975].

21.12.030 Fee.

A fee shall be charged for the purpose of investigating and processing an application to change land use designations or the text of the general plan or a specific plan. The city council shall by resolution prescribe the fee schedule as provided in this section. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 233 § 1 (part), 1975].

21.12.040 Waiver of fees.

No fee, charge or expense may be waived as to any applicant for amendments pursuant to this chapter. No fee will be required or charged to persons where property is included in a resolution of intention adopted by the planning commission or the city council initiating proceedings pursuant to the provisions of this chapter. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 233 § 1 (part), 1975].

21.12.045 Notice of hearing.

Upon receipt of an application or adoption of a resolution of intention adopted pursuant to RCMC 21.12.015, the secretary shall set the matter for hearing before the planning commission, and shall cause a notice of the time and place of said hearing, including general explanation of the matter to be considered and including a general description of the area affected, to be published in a newspaper of general circulation at least 10 calendar days before the hearing. General plan amendment hearings shall be scheduled consistent with the resolution adopted by the city council as provided in RCMC 21.12.015. In addition to notice by publication, the secretary may give notice of the hearing in such other manner as the planning commission may deem necessary or desirable. Any failure by the secretary to give notice other than by publication shall not invalidate any proceeding pursuant to this chapter.

[Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 233 § 1 (part), 1975].

21.12.050 Report of planning commission recommendation to the city council.

A. After a public hearing has been held by the planning commission, the commission may approve or disapprove the matter being considered. The approval of the planning commission shall be as follows:

1. If the matter is a general plan or any amendment to such plan, the approval shall be by resolution of the commission.
2. If the matter is a specific plan or any amendment to such plan, the approval shall be by memorandum of the planning commission to the city council.

B. Where the matter has been initiated by resolution of the city council, the planning commission shall hold a public hearing as provided in this chapter, and shall report its recommendation to the city council not later than 90 days after the adoption of the resolution by the city council. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 4, 1993; SCC 430 § 1, 1980; SCC 233 § 1 (part), 1975].

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21.12.055 Public hearings by city council.

A. Upon receipt of a recommendation of the planning commission for the adoption of the general plan or specific plan, or for an amendment to a specific plan, the clerk of the city council shall set the matter for a public hearing before the city council. When the recommendation is made to amend a mandatory element of the general plan, the clerk of the city council shall set the matter for hearing at the next regular triannual meeting for hearing general plan amendments pursuant to the city council resolution adopted pursuant to RCMC 21.12.015. The clerk of the city council shall cause a notice of the time and place of said hearing, including a general explanation of the matter to be considered and including a general description of the area affected, to be published in a newspaper with general circulation at least 10 calendar days before the hearing. In addition to notice by publication, the clerk of the city council may give notice of the hearing in such other manner as the city council may deem necessary or desirable. Any failure by the clerk to give notice other than by publication shall not invalidate any proceeding pursuant to this chapter.

B. The city council may continue the matter from time to time, or approve, modify or disapprove the recommendation of the planning commission; provided, that any modification of the proposed ordinance or amendment by the city council not previously considered by the planning commission shall first be referred to the planning commission for a report and recommendation on the proposed modification, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within 40 days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

C. The approval and adoption of the general plan or specific plan, or amendment of any such plan, shall be by resolution of the city council; and such plan or amendment shall be endorsed by the clerk of the city council to show that it has been adopted. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 5, 1993; SCC 430 § 2, 1980; SCC 233 § 1 (part), 1975].

21.12.075 Appeal – Specific plan matters.

Any interested party may appeal a decision of the planning commission relating to a specific plan adoption or amendment by filing an appeal with the clerk of the city council within 10 calendar days after the matter has been decided by the planning commission. The appeal shall be accompanied by a fee to be specified in the resolution adopted pursuant to RCMC 21.12.030; provided, however, no fee shall be charged for an appeal if a vote of the planning commission results in a two-to-two tie vote by the members thereof. Any such appeal shall be denominated in any notice, agenda, or other official reference to such appeal as a petition of review of specific plan amendment. Upon receipt of the notice of appeal, the clerk of the city council shall set a hearing before the city council and shall give notice thereof, as provided by RCMC 21.12.055. The secretary shall transmit all pertinent records which relate to the matter of the appeal to the clerk of the city council in advance of the hearing. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 430 § 6, 1980].

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Chapter 22.10

Definitions and References

22.10.060 Design.

“Design” means:

- A. Street alignments, grades and width;
- B. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
- C. Location and size of all required easements and rights-of-way;
- D. Fire roads and firebreaks;
- E. Lot size and configuration;
- F. Traffic access;
- G. Grading;
- H. Land to be dedicated for park or recreational purposes; and
- I. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of the general plan or an adopted specific plan of the city. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983; SCC 327 § 10 (part), 1978].

22.10.075 Improvement.

A. “Improvement” refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval of acceptance of the final map thereof.

B. “Improvement” also refers to such other specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the general plan or an adopted specific plan of the city. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

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Chapter 22.20

Procedures

22.20.076 Waiver of parcel maps for condominiums.

The planning commission or the city council may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a residential condominium project on a single lawful parcel. The director of public works may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a commercial or industrial condominium project on a single lawful parcel.

The procedure for determining whether such a waiver for a residential condominium is appropriate shall be initiated by an application for waiver filed with the city planning director. An application for waiver for a commercial or industrial condominium shall be initiated by an application for waiver filed with the city director of public works.

The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project. If an application for waiver on a residential condominium project is filed contemporaneously with an application to adopt or amend a specific plan as provided in RCMC Title 21, then the application for waiver shall be first considered by the planning commission at a public hearing. After this hearing, the planning commission shall provide a written recommendation to the city council which shall make the final determination on the application. All other applications for waiver on a residential condominium project shall be considered by the planning commission at a public hearing. The planning commission shall make the final determination on these applications for waiver.

Applications for waiver of final or tentative maps on a commercial or industrial condominium project on a single lawful parcel shall be considered and granted or denied by the director of public works.

No applications for waiver of the requirement for a tentative or final map for the construction of a condominium project on a single lawful parcel shall be granted unless it is found that the proposed division of land complies with the requirements of the Subdivision Map Act and the Rancho Cordova Municipal Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and the Rancho Cordova Municipal Code. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0880 § 2, 1992; SCC 0712 § 2, 1988].

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Chapter 22.25

Vesting Maps

22.25.010 Limitations on vesting maps.

Whenever this title requires that a tentative subdivision map or a tentative parcel map be filed, a vesting subdivision map may instead be filed, subject, however, to the following limitations:

A. A vesting map shall not be approved unless the city council finds it to be consistent with the adopted general plan and in compliance with urban level of flood protection criteria. Except as otherwise provided in subsection (C) of this section, a vesting map may not be filed concurrently with a general plan amendment nor during the period a general plan amendment for the area covered by the proposed map is in process.

B. Applications for projects which require amendments to an adopted specific plan, or the Rancho Cordova zoning code, or which require discretionary approvals pursuant to the zoning code, including, but not limited to, special development permits, use permits, development plan reviews, exceptions, special review of parking or variances, may not include an application for a vesting map unless all needed applications for such approvals for the project are concurrently filed with the vesting map. Vesting maps may not be approved with the condition that needed plan amendments, zoning and discretionary approvals be subsequently secured.

C. Notwithstanding any other provision of this code, an application for a vesting map may be filed concurrently with an application to amend the Rancho Cordova general plan; provided, that the area covered by the vesting map is included in the area covered by the application to amend the general plan and is also included in either a concurrently filed or previously filed and pending application for a specific plan. [Ord. 7-2016 § 2 (Exh. 1A); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0975 § 1, 1994; SCC 651 § 10, 1986].

Chapter 22.30

Dedications

22.30.015 Local transit facilities.

As a condition of approval of a tentative subdivision map, a subdivider shall dedicate or make an irrevocable offer of dedication of real property within the subdivision for local transit facilities including, but not limited to, such facilities as bus turnouts, benches, shelters, landing pads and similar items which directly benefit the residents of the subdivision, provided the tentative map indicates that the subdivision has the potential for not less than 200 dwelling units if developed to the maximum density as shown on the adopted general plan and specific plan for the area, or contains 100 acres or more, and the approval body or city council finds that transit services are or will, within a reasonable time period, be made available to such subdivision. This section shall not apply to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five years old, when no new dwelling units are added by the subdivision. [Ord. 38-2007 § 1 (Exh. 1(M)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

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Chapter 22.40

Park and Recreation Dedication and Fees

22.40.005 Authority.

This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code. The park and recreational facilities for which dedication of land and/or payment of fee is required shall be in accordance with the local recreational element of the general plan. Land dedication under this chapter shall conform to the city general plan, to any adopted specific plan, and the applicable provisions of Section 66477 of the Government Code. [Ord. 25-2003 § 3; SCC 574 § 2, 1983].

Chapter 22.50

Reservations and Public Access to Public Resources

22.50.010 Standards and formula for reservation of land.

If a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan or the general plan containing a community facilities element, recreation and parks element or a public building or facilities element, the subdivider may be required to reserve sites in accordance with the definite principles and standards contained in such specific plan, community plan or general plan. The reserved area shall be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan or general plan and shall be of such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

Chapter 22.110

Design and Improvement Standards

22.110.035 Thoroughfare and arterial streets.

A. Function. The function of thoroughfare and arterial streets is to serve with freeways to form a coordinated network or vehicle routes capable of handling the movement of goods and people through and between communities in large volumes and with efficient speeds and safety. Such roads are identified in the circulation element of the general plan or on the appropriate specific plan.

B. Design Standards. If the circulation element of the general plan or the community plan shows any highway, expressway, thoroughfare, arterial or similarly named road located so that any portion lies within or adjacent to a proposed project, such roadway shall be incorporated into the project in conformance with the design standards in the general plan or specific plan. The specific location or locations if alternate alignments are feasible of such roads shall be determined in coordination with and as recommended by the city public works department.

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The design characteristics of such roads shall conform with the current improvement standards of the department of public works.

Because such roads may vary in width and may involve many design factors such as acceleration/deceleration lanes, various curb heights, bicycle lanes, bus stops/turnouts, traffic dividers, driveways, and curb cuts, the precise road improvement requirements shall be determined by consultation or coordination with the public works department. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

22.110.065 Compliance with law.

A. Each project which proposes to divide land shall result in lots which are consistent with and well suited to the land use designations and policies set forth in the city general plan and in the adopted community plans, including both maps and texts. Potential population densities of residential lots shall not exceed the densities set forth in the general plan or specific plans.

B. Each lot shall conform to the lot size, lot width, and lot frontage requirements as set forth in the city zoning code. See RCMC 22.110.070(H) for exception to frontage requirements, unless a variance, waiver, or modification is obtained, as specified in the zoning code.

C. Lot lines shall be located in relation to existing structures so as to maintain required setbacks, yards, and other open space requirements, as set forth in the city zoning code, unless a variance, waiver, or modification is obtained, as specified in the zoning code.

D. Lot lines shall be located in relation to existing private septic systems or wells so as to maintain the distance requirements as set forth in the city health code. Lots which propose the installation of private septic systems or wells shall be arranged such that there is sufficient area on the proposed lots' facilities to meet the placement and distance requirements of the city health code.

E. Each parcel of land shall front on a public street or be served by a private road approved pursuant to the zoning code which is a component of an approved local street pattern.

F. Exceptions from the requirements of subsections (A) through (E) of this section shall not be allowed pursuant to RCMC 22.110.020 and 22.110.025. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

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Chapter 23.104

APPROVAL AUTHORITY

Sections:

23.104.010	Purpose.
23.104.020	Planning agency.
23.104.030	Recommending and approval authority.
23.104.040	Referrals to planning commission or council.

23.104.010 Purpose.

The purpose of this chapter is to establish the administrative responsibilities of the zoning code and to identify the basic responsibilities of the officials and bodies charged with its administration. This chapter describes which review body makes the final decision on various types of planning and land use entitlement applications. The zoning code uses a combination of nondiscretionary and discretionary reviews to evaluate land use proposals for compliance with the use and development requirements of this code. The nondiscretionary reviews provide the certainty needed in most situations by providing clear and objective criteria. Discretionary reviews provide needed flexibility by allowing more subjective criteria and by providing for the modification of regulations in response to specific site conditions. [Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.010)].

23.104.020 Planning agency.

California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the planning and land use functions of the jurisdiction. The functions of the planning agency are assigned as designated by this code. In the absence of an assignment, the council shall retain responsibility and authority to function as the planning agency. [Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.020)].

23.104.030 Recommending and approval authority.

A. Approval Types. The zoning code establishes which planning body recommends, makes final determinations, and hears appeals for each planning and land use entitlement request. This approval authority is determined by the type of approval required for each planning and land use entitlement. The approval types are as follows:

1. Nondiscretionary Administrative. Decisions do not require interpretation or exercise of policy or legal judgment in evaluating approval criteria because the decision is made according to specific criteria where no discretion is involved. Permits may be issued over the counter by staff. The director is the approval authority for nondiscretionary actions. The action of the director is not subject to appeal.
2. Limited Discretion. Approval or denial is based on discretionary standards that regulate the physical characteristics of a use or structure. Decisions must be consistent with the adopted criteria. Notice of decision is required with opportunity to request public hearing. The action of the director may be appealed to the council.
3. Discretionary (Quasi-Judicial). Decisions involve the application of discretionary approval standards to site-specific applications. The director makes recommendations to the council or planning commission for final decisions with specific findings. A public hearing is required. Decisions of the planning commission can be appealed pursuant to RCMC 23.110.160. Decisions of the council are not subject to appeal.
4. Discretionary (Legislative). Decisions must be made by the city council. Legislative land use decisions apply to the general population and prescribe policy, requiring the greatest amount of discretion and evaluation of subjective approval criteria. City council is the approval authority for legislative land use permits. The director

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and/or planning commission makes recommendations to the city council. Generally, a recommendation is requested from staff and/or another recommending body on legislative entitlements. A public hearing is required, and these decisions cannot be appealed.

B. Public Hearings Required. Table 23.104-1 identifies the type of public hearing required by entitlement.

Table 23.104-1: Approval Authority for Entitlements

Entitlement	Approval Type	Public Hearing Required	Designated Approval Authority “F” = Final Approval Authority “A” = Appeal Body “R” = Recommendation		
			Director	Planning Commission	Council
Zoning Certification	Nondiscretionary	No	F ⁽²⁾		
Temporary Use Permit	Nondiscretionary	No	F		
Similar Use Determination	Limited Discretion	No	F	A	A
Unified Sign Program	Limited Discretion	No ⁽¹⁾	F	A	A
Administrative Use Permit	Limited Discretion	No ⁽¹⁾	F	A	A
Reasonable Accommodation	Limited Discretion	No ⁽¹⁾	F	A	A
Adjustment	Limited Discretion	No ⁽¹⁾	F	A	A
Nonconforming Use Permit	Limited Discretion	No ⁽¹⁾	F	A	A
Minor Design Review	Limited Discretion	No ⁽¹⁾	F	A	A
Conditional Use Permit	Discretionary (Quasi-Judicial)	Planning Commission	R	F	A
Major Design Review	Discretionary (Quasi-Judicial)	Planning Commission	R	F	A
Variance	Discretionary (Quasi-Judicial)	Planning Commission	R	F	A
Special Planning Areas	Discretionary (Legislative)	Council	R	R	F
Zoning Amendments	Discretionary (Legislative)	Council	R	R	F
Specific Plans	Discretionary (Legislative)	Council	R	R	F
General Plan Amendments	Discretionary (Legislative)	Council	R	R	F
Development Agreements	Discretionary (Legislative)	Council	R	R	F

(1) Notice of decision is required with the opportunity to request a public hearing. If no public hearing is requested, decision is rendered and notice of decision provided in accordance with Chapter 23.110 RCMC (Application Processing).

(2) See RCMC 23.113.090.

[Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.030)].

23.104.040 Referrals to planning commission or council.

The director may refer any entitlement with limited discretion for which the director is the final approval authority to the planning commission or council for action.

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A. Referral. The director may refer any item to planning commission or council for consideration. The director may refer an item with or without making a final determination or a recommendation for action.

B. Planning Commission or Council Review. The planning commission or council shall review the referred item at a noticed meeting and take one of the following actions:

1. Refer the item back to the director for review and final action. Referral back to the director does not preclude the item being appealed or being called up by council following final action.
2. Cause the item to be scheduled at the next regularly scheduled council meeting, allowing for public hearing notice.

C. Public Hearing Required. A public hearing shall be required for all items referred to and accepted by the planning commission or council for action in accordance with the following:

1. Public Hearing Notice. A notice for public hearing shall be provided for in accordance with RCMC 23.110.120 (Notice of public hearing).
2. Public Hearing Procedure. A public hearing shall be held in accordance with RCMC 23.110.130 (Public hearing procedures). [Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B)].

Rancho Cordova

Municipal Code Amendments

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*)**.

~~Chapter 2.34~~**~~REDEVELOPMENT AGENCY~~****~~Sections:~~**

~~2.34.010 — Purpose.~~

~~2.34.020 — Findings and determinations.~~

~~2.34.030 — Created.~~

~~2.34.040 — Legislative body — Powers and duties.~~

~~2.34.050 — Chairperson.~~

~~2.34.060 — Agency executive director.~~

~~2.34.070 — Agency counsel.~~

~~2.34.080 — Bylaws and organizational documents.~~

~~2.34.090 — Roster of public agencies.~~

~~2.34.100 — Compensation of board members.~~

~~2.34.110 — City to assist the agency.~~

~~2.34.120 — Record of proceedings.~~

~~2.34.130 — Office and travel expenses.~~

2.34.010 Purpose.

~~The purpose of this chapter is to set forth the findings of the city council of the city of Rancho Cordova (hereinafter “city council”), establish a redevelopment agency for the city of Rancho Cordova (hereinafter “city”), and set forth its powers and duties. [Ord. 55-2004 § 1].~~

2.34.020 Findings and determinations.

~~The city council hereby finds and determines that the city council has investigated and determined that there is a community need for a redevelopment agency in the city and does hereby so declare that there is a need for a redevelopment agency to function within the city pursuant to Section 33000 et seq. of the Health and Safety Code, the Community Redevelopment Law. [Ord. 55-2004 § 2].~~

2.34.030 Created.

~~Based upon the declaration in RCMC 2.34.020, the “community redevelopment agency of the city of Rancho Cordova” (the “agency”) is hereby created pursuant to the Community Redevelopment Law. [Ord. 55-2004 § 3].~~

2.34.040 Legislative body—Powers and duties.

~~Pursuant to Section 33200 of the Health and Safety Code, the city council declares itself to be, and the city council shall act as the legislative body of, the agency. The city council finds that the action declaring itself to be the agency will serve the public interest and promote the public safety and welfare in an effective manner, by ensuring that decisions of the agency will be vested in the elected representatives of the community. In accordance with Section 33200(a) of the Health and Safety Code, the city council further declares:~~

~~A. The city council has investigated and determined that there is a community need for a redevelopment agency in the city and does hereby so declare that there is a need for a redevelopment agency to function within the city pursuant to Section 33000 et seq. of the Health and Safety Code, the Community Redevelopment Law.~~

~~B. That all of the rights, powers, duties, privileges, and immunities vested by the Community Redevelopment Law in the agency shall be vested in the city council. [Ord. 55-2004 § 4].~~

2.34.050 Chairperson.

~~The mayor shall be designated as the chairperson among the city council members who shall be the board members (hereafter “members”) of the agency. When there is a vacancy in such office, the agency may elect a chairperson from among its members. The chairperson’s term shall be for the calendar year, or for that portion remaining after he or she is designated or elected. [Ord. 55-2004 § 5].~~

2.34.060 Agency executive director.

~~The city manager of the city is hereby appointed to the position of agency executive director and shall hold that position as long as he or she is the city manager, or unless duly removed by a majority of the members of the agency. [Ord. 55-2004 § 6].~~

2.34.070 Agency counsel.

~~The city attorney of the city is hereby appointed to the position of agency counsel and shall hold that position as long as he or she is the city attorney, or unless duly removed by a majority of the members of the agency. [Ord. 55-2004 § 7].~~

2.34.080 Bylaws and organizational documents.

~~The city council hereby authorizes and directs the city manager to prepare for consideration by the agency such bylaws and other organizational documents as are necessary and appropriate to enable the agency to become an actively operating legal entity under the Community Redevelopment Law, and to file a certified copy of the ordinance codified in this chapter with the Office of the Secretary of State. [Ord. 55-2004 § 8].~~

2.34.090 Roster of public agencies.

~~The city council hereby authorizes and directs the city manager to prepare, file, maintain, and update, as necessary, the information required for the agency to be included in the roster of public agencies under Sections 946.4(a) and 53051 of the California Government Code. Such information shall be filed with the Office of the Secretary of State and the county clerk’s office in each county in which the agency maintains an office. Such information shall include,~~

but is not limited to, the name and address of the agency, and the names and addresses of its governing board and officers. [Ord. 55-2004 § 9].

2.34.100 Compensation of board members.

Pursuant to Section 33114.5 of the Health and Safety Code, as long as the city's population is less than 200,000, the compensation of members of the agency shall not exceed \$30.00 per member for each meeting of the agency attended by the member. No member shall receive compensation for attending more than four meetings of the agency during any calendar month. In addition, members shall receive their actual and necessary expenses in the discharge of their duties. [Ord. 55-2004 § 10].

2.34.110 City to assist the agency.

The city is directed to provide all reasonable and necessary assistance to the functioning of the agency. Pursuant to Section 33128 of the Health and Safety Code, the agency shall have access to the services and facilities of the planning commission, the city engineer, and other departments and offices of the community. [Ord. 55-2004 § 11].

2.34.120 Record of proceedings.

The agency shall keep a record of the proceedings of its meetings and those records shall be open to examination by the public to the extent required by law. [Ord. 55-2004 § 12].

2.34.130 Office and travel expenses.

The agency shall have the power and authority to:

A. Obtain, hire, purchase, or rent office space, equipment, supplies, insurance or services.

B. Authorize and pay the travel expenses of agency members, officers, agents, counsel, and employees on agency business. [Ord. 55-2004 § 13].

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Chapter 4.10 Special Business Licenses and Employee Permits

4.10.155 Effect of revocation.

a. The revocation of a special business license or employee permit shall terminate the right of the holder of the license or permit to engage in the enterprise authorized by the license or perform the service authorized by the permit, as the case may be, anywhere within the city for a period of five years following the effective date of revocation. At the conclusion of said period, the former holder may file a written application for issuance of a new license or permit with the clerk of the city council. The city council may, in its sole discretion, grant or deny the application pursuant to such terms and conditions as it may prescribe, and may, in addition to other matters, consider factors relating to the rehabilitation of the applicant in making its determination.

b. ~~The revocation of a special business license or employee permit or denial of renewal of a special business license or employee permit for cause shall automatically and without notice also revoke or deny renewal of each special business license or employee permit~~ general business license issued for the same business or employee at each location where the business is located.

c. ~~The revocation of an employee permit or denial an employee permit for cause shall automatically and without notice also revoke or deny renewal of each employee permit issued for the same employee at each location where the business is located.~~

de. ~~Notwithstanding any other provision of this Code, tThe revocation of special business license or employee permit or denial of renewal of a special business license or employee permit of a massage establishment –for cause, shall prohibit the operation of the same establishment in that same location for a period of five years. The revocation of a special business license or employee permit or denial of renewal of a special business license or employee permit of a massage establishment –for cause, shall also prohibit a new establishment from using the same name and/or same phone number as the revoked or denied special business license or employee permit for a period of five years.~~

ed. In the event of revocation of a special business license, neither the spouse, child, brother, sister or parent of the holder of the revoked license, nor a person possessing an ownership interest in the enterprise for which the license was revoked or who was an employee thereof, shall be entitled to issuance of a special business license for the enterprise except upon written application filed with the clerk of the city council. Upon the filing of such an application, the city council may, in its sole discretion, grant or deny the application. In the event the application is granted, in addition to any other condition, the license may be issued pursuant to such requirements as the board deems necessary in order to ensure that the person whose conduct constituted the basis for the revocation does not exercise any control or influence over the enterprise or the person to whom the license is issued. [Ord. 45-2004 § 4].

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 6.90

CANNABIS CULTIVATION

Sections:

6.90.010	Purpose.
6.90.020	Definitions.
6.90.030	Outdoor cultivation of cannabis.
6.90.040	Indoor cultivation of cannabis.
6.90.050	Public nuisance.
6.90.060	Sale of cannabis prohibited.
6.90.070	Enforcement.
6.90.080	Appeal from administrative citation.
6.90.090	Penalty for violation.
6.90.100	Abatement.

6.90.010 Purpose.

The purpose and intent of this chapter is to require that cannabis only be cultivated in appropriately secured, enclosed, and ventilated structures, so as not to be visible to the general public, to provide for the health, safety and welfare of the public, to prevent negative impacts to property values, to prevent odor created by cannabis plants from impacting adjacent properties, to prevent crime associated with cannabis cultivation, and to ensure that cannabis cultivation remains secure and does not find its way to minors or illicit markets. Nothing in this chapter is intended to authorize the cultivation for personal use that is in violation of state law. It is not the intent of this chapter to create conflict or inconsistency between this chapter and the Constitutions of the United States or the state of California; or California law.

6.90.020 Definitions.

For purposes of this chapter, the following definitions shall apply, unless the context clearly indicates otherwise:

“Abatement” means the removal of cannabis plants and improvements that support cannabis cultivation which are in excess of the number of plants allowed to be cultivated under this chapter.

“Bedroom” means a room inside a residential building being utilized by any person primarily for sleeping purposes.

“Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not, or any other strain or varietal of the genus *Cannabis* that may exist or be discovered, or developed, that has psychoactive or medical properties, whether growing or not, including but not limited to the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” also means cannabis as defined by Section 11018 of the California Health and Safety Code and Section 26001(f) of the Business and Professions Code, as both may be amended from time to time. Any reference to cannabis or cannabis products shall include medical and nonmedical cannabis and medical and nonmedical cannabis products, unless otherwise specified. “Cannabis” or “cannabis product” does not mean industrial hemp as defined by Section 11018.5 of the Health and Safety Code. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the

plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

“Cannabis cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

“Child care center” means any licensed child care center, daycare center, or child care home, or any preschool.

“Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

“Fully enclosed and secure structure” means a space within a building, greenhouse or other legal structure which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

“Indoors” means within a fully enclosed and secure structure.

“Marijuana” shall have the same meaning as cannabis, as defined in this chapter.

“Outdoors” means any location within the city of Rancho Cordova that is not within a fully enclosed and secure structure.

“Parcel” means property assigned a separate parcel number by the Sacramento County assessor.

“Premises” means a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall constitute a single “premises” for purposes of this chapter.

“Primary caregiver” means a “primary caregiver” as defined in Section 11362.7(d) of the Health and Safety Code, as may be amended from time to time.

“Private residence” means any house, apartment unit, mobile home, or other similar dwelling.

“Qualified patient” means a “qualified patient” as defined in Section 11362.7(f) of the Health and Safety Code, as may be amended from time to time.

“Rear yard” means the rear open space portion of any premises, whether fenced or unfenced.

“Residential structure” means any building or portion thereof legally existing which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, on a premises or legal parcel located within a zoning district that allows residential uses.

“Sale” or “sell” means any transaction whereby, for any consideration including trades, barter, or exchanges, title to cannabis or cannabis products is transferred from one person to another.

“School” means an institution of learning for persons under 21 years of age, whether public or private, offering regular course of instruction including, without limitation, a kindergarten, elementary school, middle or junior high school, or senior high school.

“Solid fence” means a fence constructed of substantial material (such as wood or vinyl) that prevents viewing the contents from one side to the other.

6.90.030 Outdoor cultivation of cannabis.

All outdoor cultivation of cannabis within the city is prohibited. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel ~~within any zoning district in the city of Rancho Cordova upon which the person knows, or by exercising reasonable care of diligence, should know that, -to cause or allow~~ such parcel ~~to be is being~~ used for the outdoor cultivation of cannabis, regardless of whether such cultivation is for medical, recreational, personal, or commercial uses.

6.90.040 Indoor cultivation of cannabis.

A. It is hereby declared to be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any parcel upon which the person knows, or by exercising reasonable care of diligence, should know that ~~–in the city of Rancho Cordova to cause or allow–~~ such parcel ~~to be~~ being used for the cultivation of cannabis plants within a fully enclosed and secure structure on the parcel, except as provided in subsections (B) and (C) of this section.

B. Who Is Permitted to Cultivate Cannabis Indoors.

1. Only a person who is at least 18 years of age and either a qualified patient or a primary caregiver, or an adult who is at least 21 years of age, may engage in indoor cultivation of cannabis.
2. Residency Requirement. The person cultivating the cannabis shall reside full-time on the premises where the indoor cultivation of cannabis occurs.
3. Permission of Owner. Tenants or anyone cultivating shall obtain the written permission and signature of the property owner(s) prior to cultivating cannabis. A notarized signature from the owner of the property consenting to the cultivation of cannabis at the premises on a form acceptable to the city shall be made available to the city upon request by any city official.

C. Indoor Cultivation Standards. Cannabis cultivated indoors, within the city of Rancho Cordova, shall be in conformance with the following standards:

1. Indoor cultivation of cannabis is permitted only within a private residence or within a legal accessory structure to a private residence that meets the requirements of this chapter;
2. Cannabis cultivation is permitted only within fully enclosed and secure structures and the cultivation area must be inaccessible to minors. A fully enclosed and secure structure used for the cultivation of cannabis that is separate from the main residential structure on a premises must maintain a minimum 10-foot setback from any property line. Any parcel where cannabis is cultivated must be enclosed by a solid fence at least six feet in height;
3. Cannabis cultivation may not occur in both a detached structure and inside a residence on the same parcel. Only one indoor cultivation area is allowed per parcel;
4. Cannabis cultivation areas shall not be accessible to persons under 18 years of age. Cultivation areas shall be secured by lock and key or other security device which prevents unauthorized entry;
5. Indoor cultivation of cannabis shall not exceed six cannabis plants per ~~private residence~~ premises, regardless of how many qualified adults, qualified patients, or primary caregivers are residing at the ~~private residence~~ premises;
6. Cannabis cultivation shall not occur on any carpeted area;
7. Cannabis cultivation lighting shall not exceed 1,200 watts and shall comply with the California Building, Electrical and Fire Codes as adopted by the city;
8. The use of gas products (CO₂, butane, etc.) or generators for cannabis cultivation or processing is prohibited;
9. Cannabis cultivation for sale is prohibited;
10. From a public right-of-way, there shall be no exterior evidence of cannabis cultivation;
11. The residence shall be occupied and is required to maintain a functioning kitchen and bathroom(s), and the use of the primary bedrooms is for their intended purpose;
12. Any cannabis cultivation area located within a residence shall not create a humidity or mold problem in violation of Rancho Cordova Building and State Health and Safety Codes;

13. Any structure used for the cultivation of cannabis must have proper ventilation to prevent mold damage and to prevent cannabis plant odors or particles from becoming a public nuisance to surrounding properties or the public. A public nuisance may be deemed to exist if the cultivation produces odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property or areas open to the public;

14. The cannabis cultivation area shall not adversely affect the health or safety of the nearby residents by creating dust, glare, heat, noise, smoke, traffic, vibration, or other impacts, and shall not be hazardous due to use or storage of materials, processes, products or wastes;

15. Any modification to existing structures or plumbing, electrical or mechanical systems shall require a permit from the building official, or his or her designee.

6.90.050 Public nuisance.

It is hereby declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel within the city of Rancho Cordova to create a public nuisance in the course of cultivating cannabis. A public nuisance may be deemed to exist if such activity produces:

A. Odors which are disturbing to people of normal sensitivity residing or present on adjacent or nearby property and/or areas open to the public;

B. Repeated responses (more than three times in a one-year time period) to the parcel from law enforcement or code enforcement officers;

C. Repeated disruption (more than three times in a one-year time period) to the free passage of persons or vehicles in the neighborhood;

D. Excessive noise in violation of applicable city noise standards in the general plan or municipal code;

E. Any other impacts on the neighborhood which are disruptive of normal activity in the area.

6.90.060 Sale of cannabis prohibited.

It shall be unlawful for any person cultivating cannabis pursuant to this chapter to sell or offer for sale the cannabis permitted to be grown under this chapter.

6.90.070 Enforcement.

A. The violation of this chapter is hereby declared to be a public nuisance. The city may pursue any and all legal and equitable remedies against any and all responsible parties related to the enforcement of the provisions of this code, including criminal, civil, and administrative remedies and penalties and any related cost recovery authorized pursuant to this code and state law in accordance with RCMC 1.01.190.

B. Criminal. Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed the amount provided in Section 19 of the Penal Code, as may be amended from time to time, by imprisonment in the county jail not to exceed six months, or by both a fine and imprisonment.

C. Civil. A violation of this chapter may be abated by the city attorney by the prosecution of a civil action for injunctive relief and by the abatement procedure set forth in Chapter 16.18 RCMC.

D. Administrative. Whenever an enforcement officer determines that a violation of any of the provisions of any of the ordinances of the city has occurred, the enforcement officer has the authority to issue an administrative citation to the person(s) responsible for the violation.

6.90.080 Appeal from administrative citation.

A. Hearing Request. A person who receives an administrative citation may contest the citation on the basis that there was no violation of the code or that he or she is not the responsible party. To contest the citation, the person shall submit a request for hearing form to the city within 30 days from the date of the administrative citation. Directions on how to obtain the request form will be provided on the administrative citation. The completed request must be submitted together with an advance deposit of the fine/appeal hearing fee of \$250.00.

B. Notice of Hearing. The person requesting the hearing shall be notified of the time and place set for the hearing at least 10 days before the date of the hearing.

C. Additional Reports. If the enforcement officer submits an additional written report concerning the administrative citation to the hearing officer for consideration at the hearing, then a copy of this report also shall be provided to the person requesting the hearing at least five days before the date of the hearing.

D. Setting the Hearing. A hearing before the hearing officer shall be set for a date that is not less than 15 days nor more than 60 days from the date that the request for hearing is filed. The person requesting the hearing shall be notified of the time and place set for the hearing as soon as it is set, and at least 10 days before the hearing. If the enforcement officer submits a written report concerning the citation to the hearing officer for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing. No hearing shall be held unless the fine has been deposited in advance, under subsection (A) of this section.

E. Failure to Appear. The failure of the person requesting the hearing to appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust his or her administrative remedies.

F. At the Hearing. The administrative citation, and any additional report submitted by the enforcement officer, shall constitute prima facie evidence of the respective facts contained in those documents. At the hearing, the party contesting the citation shall be given the opportunity to testify and to present evidence concerning the citation. If a party does not proficiently speak or understand the English language, he or she may provide an interpreter, at that party's own cost, to translate for the party. An interpreter shall not have had any personal involvement in the issues of the case prior to the hearing.

G. Continuances. The hearing officer may continue the hearing and may request additional information from the enforcement officer or the person receiving the citation before issuing the decision.

H. Hearing Officer's Decision. After considering the testimony and evidence presented at the hearing, the hearing officer shall issue a written decision to uphold, dismiss, or modify the administrative citation. The hearing officer shall state the reasons for the decision and shall send a copy of the decision to the person that requested the hearing and to the enforcement officer. The decision of the hearing officer shall be final.

I. Status of ~~Fine Citation~~. If the citation is upheld, then Any responsible party against whom an administrative citation has been imposed shall pay the administrative citation within twenty-five (25) days after service of a final order or decision of the hearing officer. The city may take the actions set forth in this chapter and—to collect the unpaid penalty. the fine amount on deposit with the city shall be retained by the city. If the citation is dismissed, the city shall promptly refund the amount of any fine deposited, together with interest at the average rate earned on the city's portfolio for the period of time that the fine was held by the city.

J. Late Payment Charges. A person who fails to pay to the city the fine imposed under this section on or before the date that fine is due is also liable for the payment of the applicable late payment charges.

K. Recovery of Administrative Citation Fines and Costs. A person who fails to pay any fine or other charges owed to the city under this section is liable in any action brought by the city for all costs incurred in securing payment of the delinquent amount, including but not limited to administrative costs and attorneys' fees. Such collection costs are in addition to any fines, interest, and late charges. In the event a civil action is commenced to collect the administrative penalty, the city shall be entitled to recover reasonable attorney's fees and all costs associated with collection of the penalty. Costs include, but are not limited to, staff time incurred in the collection of the penalty and those costs set forth in Code of Civil Procedure Section 1033.5.

L. Other Costs. In addition to the administrative citation fine, the city may collect its administrative costs, interest, late payment charges, costs of compliance re-inspections, and collection costs.

M. Collection. The city may collect any past due administrative citation fine and other costs and charges by any available legal means, including without limitation placing a lien on the property any other methods allowed in this Code or Section 1.01.200 of this Code.

N. Right to Judicial Review. A person aggrieved by the hearing officer's decision on an administrative citation may obtain review of the decision by filing a lawsuit with the superior court in Sacramento County within 20 days after service of the final decision in accordance with the timelines and provisions set forth in Section 53069.4 of the California Government Code.

6.90.090 Penalty for violation.

A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to RCMC 1.01.190. Each and every separate violation of this chapter may be punishable by a fine not to exceed \$1,000 per violation.

B. Notwithstanding the foregoing and the provisions of RCMC 1.01.190, the amount of administrative penalty to be imposed for a violation of RCMC 6.90.040(C)(5) is an aggregate amount calculated at \$1,000 per plant in excess of six plants.

C. The remedies and penalties provided herein are cumulative, alternative and nonexclusive. The use of one does not prevent the use of any others, including those in RCMC 1.01.190 and Chapter 16.18 RCMC, and none of these penalties and remedies prevent the city from using any other remedy at law or in equity which may be available to enforce this chapter or to abate a public nuisance.

6.90.100 Abatement.

A. Any cannabis cultivation in violation of this chapter is a public nuisance and is subject to nuisance abatement pursuant to Chapter 16.18 RCMC including the summary abatement provisions of RCMC 16.18.901.

B. Any cannabis cultivation in violation of this chapter is also subject to the California Uniform Controlled Substances Act (Division 10 of the California Health and Safety Code), including the provisions of Chapter 8 (commencing with Section 11469) relating to seizure, forfeiture, and destruction of property.

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 10.64

Trip Reduction Programs

10.64.030 Definitions.

Unless the context indicates otherwise, the following definitions shall govern the meaning of those terms used in this chapter:

“Common business location” means a single building, group of buildings, or group of work stations at a single site or contiguous sites.

“Commuter matching service” means any system, whether by computer, manual, or mapping methods, which matches commuters residing in one common area, working in another common area, and having approximately the same work starting and stopping times.

“Director” means the director of ~~the environmental management department~~the public works department.

“Employee transportation coordinator” means an employee, tenant, property manager, property owner, or other appropriate person who has been designated to perform various duties related to meeting the transportation needs of employees of a firm, common work location, or other geographic employment area.

“Person” means a sole proprietor, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, either public or private, carrying on an enterprise or conducting any other activity, whether or not for profit.

“Preferential parking” means a program of selecting, assigning or designating vehicle parking spaces in which priority in the selection, assignment, or designation is given to specific classes of vehicles such that vehicles in that class may be parked in locations considered by the vehicle operator to be the best or most desirable location.

“Regular employee” means any employee who works for a business, firm, agency, or other person for three or more days per week and four or more hours per day. [Revised during 2008 codification; Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0748 § 1, 1988; SCC 567 § 1, 1983].

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*)**.

Chapter 16.95

Storm Drainage Impact Fee Program

16.95.070 Establishment of storm drainage impact fees.

A. A storm drainage impact fee is hereby established for all new development ~~and applicable redevelopment~~ projects within the current city limits of the city of Rancho Cordova.

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 21.12

Procedures for Adoption or Amendment of Plans

21.12.010 General.

The general plan of the city of Rancho Cordova or ~~community-specific~~ plans, and any amendment to such plans, shall be adopted pursuant to the procedures in this chapter. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 1, 1993; SCC 233 § 1 (part), 1975].

21.12.020 Initiation.

A. The adoption or amendment of the general plan or a ~~specific~~~~community~~ plan may be initiated by resolution of intention by the city council or by resolution of intention of the planning commission.

B. The adoption of a ~~community-specific~~ plan or an amendment to the general plan or ~~specific~~~~community~~ plan affecting the planning area of a ~~community-council-specific plan~~ may be initiated ~~by a resolution of the community-council by the application of the City Council, the planning commission, or an interested person as provided in this chapter~~ requesting the planning commission to hear the matter.

~~C. An amendment to the general plan or a community plan may be initiated by the application of an interested person as provided in this chapter.~~

~~D. Notwithstanding subsections (B) and (C) of this section, within the area depicted on Exhibit "A," which is attached to the ordinance codified in this chapter and which is on file with the clerk of the city council, no general plan amendment may be initiated by application of any interested person or resolution of a community council to and from the following land use categories after December 31, 1990, except pursuant to subsection (E) of this chapter, until adoption of the updated general plan or January 1, 1993, whichever is earlier:~~

~~From the Following Land Use Categories~~

~~Recreation,
Agricultural-Crop Land,
General Agriculture 80,
General Agriculture 20,
Agricultural-Residential,
Urban Reserve, or
Agricultural-Recreational
Reserve~~

~~To the Following Land Use Categories~~

~~Agricultural-Residential
or Urban (Low-Density-
Residential, Medium-
Density Residential,
Commercial and Office,
Industrial Intensive and
Industrial Extensive)~~

~~E. Notwithstanding subsection (D) of this section, the following general plan amendments may be initiated to and from the land use categories listed in subsection (D) of this section with the consent of the planning director on the director's written determination that the application or resolution is for an amendment which:~~

1. ~~Would change the land use categories for an insignificant number of acres and raises no major policy issue; or~~
2. ~~Would change the land use category for property that is surrounded by and adjacent to existing urban uses and has adequate public services available.~~

~~Any determination granting or denying such consent shall identify the particular circumstances justifying the decision. Any determination by the director shall be appealable to the city council by filing a notice of appeal with the clerk not later than 10 calendar days after the director's determination is mailed to the applicant, accompanied with a payment of a fee of \$563.00.~~

~~F. Subsection (D) of this section shall not prevent processing of and decisions on general plan amendment requests for which, as of December 31, 1990:~~

1. ~~A hearing has been scheduled or held before either the city council or planning commission, but the requests were continued to a date certain;~~
2. ~~A hearing before the city council or planning commission has been scheduled;~~
3. ~~The environmental document has been completed, as determined by staff;~~
4. ~~The request has been accepted for processing and the environmental document is being prepared;~~
5. ~~The request has been accepted for processing but no work has been done on the environmental document;~~
6. ~~The request has been accepted for processing, all materials requested by the planning department have been received, application fees have been paid, and all fees have been received by that department. [Revised during 2008 codification; Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 2, 1993; SCC 0817 § 1, 1991; SCC 0715 § 1, 1988; SCC 233 § 1 (part), 1975].~~

21.12.025 Application.

Application forms for amendments to the general plan and ~~community-specific~~ plans shall be filed with the secretary on forms provided for that purpose.

A. If the application is to change property from one land use category to another, the application shall be accompanied by the following:

1. A map drawn to scale showing the property for which the change is requested and the exterior property lines of the properties within 500 feet of the exterior boundary lines of the subject property. In any case the map shall show the exterior boundary lines of the nearest property;
2. The names and addresses and assessor's parcel numbers of the property owners for the properties shown on the map as listed on the latest assessment roll;
3. A filing and investigation fee as specified in RCMC 21.12.030;
4. The existing land use for the properties shown on the map;
5. The adopted and proposed land use categories as shown on the general plan and applicable ~~community-specific~~ plan of the land for which the reclassification is requested and the surrounding properties;
6. A general description of the proposed use of the subject property;
7. The secretary of the planning commission or the planning director may require additional information necessary to show the need or desirability of the proposed change.

B. If the application is to change the text of the general plan or ~~community-specific~~ plans, the application shall be accompanied by the following:

1. Citation or reference to the page, section and element of the adopted plan for which the change is proposed;
2. The text of the section for which the change is proposed, showing by interlineation the portions of the text proposed to be deleted, and by underlining the proposed additions to the text;
3. A statement of the reason for and desirability of the proposed change;
4. A filing and investigation fee as specified in RCMC 21.12.030. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 3, 1993; SCC 233 § 1 (part), 1975].

21.12.030 Fee.

A fee shall be charged for the purpose of investigating and processing an application to change land use designations or the text of the general plan or, a specific plan, ~~or a community plan~~. The city council shall by resolution prescribe the fee schedule as provided in this section. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 233 § 1 (part), 1975].

21.12.040 Waiver of fees.

No fee, charge or expense may be waived as to any applicant for amendments pursuant to this chapter. No fee will be required or charged to persons where property is included in a resolution of intention adopted by the planning commission or the city council initiating proceedings pursuant to the provisions of this chapter, ~~or where such property is included within a resolution of a community council requesting a hearing by the planning commission.~~ [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 233 § 1 (part), 1975].

21.12.045 Notice of hearing.

Upon receipt of an application or adoption of a resolution of intention adopted pursuant to RCMC 21.12.015, the secretary shall set the matter for hearing before the planning commission, and shall cause a notice of the time and place of said hearing, including general explanation of the matter to be considered and including a general description of the area affected, to be published in a newspaper of general circulation at least 10 calendar days before the hearing. General plan amendment hearings shall be scheduled consistent with the resolution adopted by the city council as provided in RCMC 21.12.015. In addition to notice by publication, the secretary may give notice of the hearing in such other manner as the planning commission may deem necessary or desirable. Any failure by the secretary to give notice other than by publication shall not invalidate any proceeding pursuant to this chapter.

~~A copy of the application or resolution of intention, with a copy of the notice of the date of hearing, shall be forwarded by the secretary to any community council affected by the matter for a recommendation to the planning commission. The community council shall report its recommendation in writing to the commission.~~ [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 233 § 1 (part), 1975].

21.12.050 Report of planning commission recommendation to the city council.

A. After a public hearing has been held by the planning commission, the commission may approve or disapprove the matter being considered. The approval of the planning commission shall be as follows:

1. If the matter is a general plan or any amendment to such plan, the approval shall be by resolution of the commission.
2. If the matter is a ~~community-specific~~ plan or any amendment to such plan, the approval shall be by memorandum of the planning commission to the city council.

B. Where the matter has been initiated by resolution of the city council, the planning commission shall hold a public hearing as provided in this chapter, and shall report its recommendation to the city council not later than 90 days after the adoption of the resolution by the city council. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 4, 1993; SCC 430 § 1, 1980; SCC 233 § 1 (part), 1975].

21.12.055 Public hearings by city council.

A. Upon receipt of a recommendation of the planning commission for the adoption of the general plan or ~~community specific~~ plan, or for an amendment to a ~~community-specific~~ plan, the clerk of the city council shall set the matter for a public hearing before the city council. When the recommendation is made to amend a mandatory element of the general plan, the clerk of the city council shall set the matter for hearing at the next regular triannual meeting for hearing general plan amendments pursuant to the city council resolution adopted pursuant to RCMC 21.12.015. The clerk of the city council shall cause a notice of the time and place of said hearing, including a general explanation of the matter to be considered and including a general description of the area affected, to be published in a newspaper with general circulation at least 10 calendar days before the hearing. In addition to notice by publication, the clerk of the city council may give notice of the hearing in such other manner as the city council may deem necessary or desirable. Any failure by the clerk to give notice other than by publication shall not invalidate any proceeding pursuant to this chapter.

B. The city council may continue the matter from time to time, or approve, modify or disapprove the recommendation of the planning commission; provided, that any modification of the proposed ordinance or amendment by the city council not previously considered by the planning commission shall first be referred to the planning commission for a report and recommendation on the proposed modification, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report within 40 days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

C. The approval and adoption of the general plan or ~~community-specific~~ plan, or amendment of any such plan, shall be by resolution of the city council; and such plan or amendment shall be endorsed by the clerk of the city council to show that it has been adopted. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0909 § 5, 1993; SCC 430 § 2, 1980; SCC 233 § 1 (part), 1975].

21.12.075 Appeal – ~~Community-Specific~~ plan matters.

Any interested party may appeal a decision of the planning commission relating to a ~~community-specific~~ plan adoption or amendment by filing an appeal with the clerk of the city council within 10 calendar days after the matter has been decided by the planning commission. The appeal shall be accompanied by a fee to be specified in the resolution adopted pursuant to RCMC 21.12.030; provided, however, no fee shall be charged for an appeal if a vote of the planning commission results in a two-to-two tie vote by the members thereof. Any such appeal shall be denominated in any notice, agenda, or other official reference to such appeal as a petition of review of ~~community-specific~~ plan amendment. Upon receipt of the notice of appeal, the clerk of the city council shall set a hearing before the city council and shall give notice thereof, as provided by RCMC 21.12.055. The secretary shall transmit all pertinent records which relate to the matter of the appeal to the clerk of the city council in advance of the hearing. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 430 § 6, 1980].

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 22.10

Definitions and References

22.10.050 ~~Community plan.~~

~~“Community plan” means a plan adopted by the city council pursuant to RCMC Title 21. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983; SCC 327 § 10 (part), 1978].~~

22.10.060 Design.

“Design” means:

- A. Street alignments, grades and width;
- B. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
- C. Location and size of all required easements and rights-of-way;
- D. Fire roads and firebreaks;
- E. Lot size and configuration;
- F. Traffic access;
- G. Grading;
- H. Land to be dedicated for park or recreational purposes; and
- I. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of the general plan or, an adopted specific plan ~~or adopted community plans~~ of the city. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983; SCC 327 § 10 (part), 1978].

22.10.075 Improvement.

A. “Improvement” refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval of acceptance of the final map thereof.

B. “Improvement” also refers to such other specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the local agency or by a combination thereof, is necessary or convenient to ensure conformity to or implementation of the general plan or, an adopted specific plan , or adopted community plan of the city. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

Chapter 22.20

Procedures

22.20.076 Waiver of parcel maps for condominiums.

The planning commission or the city council may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a residential condominium project on a single lawful parcel. The director of public works may waive the requirements for a tentative or final map imposed by the Subdivision Map Act for the construction of a commercial or industrial condominium project on a single lawful parcel.

The procedure for determining whether such a waiver for a residential condominium is appropriate shall be initiated by an application for waiver filed with the city planning director. An application for waiver for a commercial or industrial condominium shall be initiated by an application for waiver filed with the city director of public works.

The application shall contain a legal description for the single lawful parcel and a description of the proposed condominium project. If an application for waiver on a residential condominium project is filed contemporaneously with an application to adopt or amend a ~~community-specific~~ plan as provided in RCMC Title 21, then the application for waiver shall be first considered by the planning commission at a public hearing. After this hearing, the planning commission shall provide a written recommendation to the city council which shall make the final determination on the application. All other applications for waiver on a residential condominium project shall be considered by the planning commission at a public hearing. The planning commission shall make the final determination on these applications for waiver.

Applications for waiver of final or tentative maps on a commercial or industrial condominium project on a single lawful parcel shall be considered and granted or denied by the director of public works.

No applications for waiver of the requirement for a tentative or final map for the construction of a condominium project on a single lawful parcel shall be granted unless it is found that the proposed division of land complies with the requirements of the Subdivision Map Act and the Rancho Cordova Municipal Code as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act and the Rancho Cordova Municipal Code. [Ord. 38-2007 § 1 (Exh. 1(A)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0880 § 2, 1992; SCC 0712 § 2, 1988].

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Chapter 22.25

Vesting Maps

22.25.010 Limitations on vesting maps.

Whenever this title requires that a tentative subdivision map or a tentative parcel map be filed, a vesting subdivision map may instead be filed, subject, however, to the following limitations:

A. A vesting map shall not be approved unless the city council finds it to be consistent with the adopted general plan and in compliance with urban level of flood protection criteria. Except as otherwise provided in subsection (C) of this section, a vesting map may not be filed concurrently with a general plan amendment nor during the period a general plan amendment for the area covered by the proposed map is in process.

B. Applications for projects which require amendments to an adopted ~~community-specific~~ plan, or the Rancho Cordova zoning code, or which require discretionary approvals pursuant to the zoning code, including, but not limited to, special development permits, use permits, development plan reviews, exceptions, special review of parking or variances, may not include an application for a vesting map unless all needed applications for such approvals for the project are concurrently filed with the vesting map. Vesting maps may not be approved with the condition that needed plan amendments, zoning and discretionary approvals be subsequently secured.

C. Notwithstanding any other provision of this code, an application for a vesting map may be filed concurrently with an application to amend the Rancho Cordova general plan; provided, that the area covered by the vesting map is included in the area covered by the application to amend the general plan and is also included in either a concurrently filed or previously filed and pending application for a specific plan. [Ord. 7-2016 § 2 (Exh. 1A); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 0975 § 1, 1994; SCC 651 § 10, 1986].

Chapter 22.30

Dedications

22.30.015 Local transit facilities.

As a condition of approval of a tentative subdivision map, a subdivider shall dedicate or make an irrevocable offer of dedication of real property within the subdivision for local transit facilities including, but not limited to, such facilities as bus turnouts, benches, shelters, landing pads and similar items which directly benefit the residents of the subdivision, provided the tentative map indicates that the subdivision has the potential for not less than 200 dwelling units if developed to the maximum density as shown on the adopted general plan and ~~community-specific~~ plan for the area, or contains 100 acres or more, and the approval body or city council finds that transit services are or will, within a reasonable time period, be made available to such subdivision. This section shall not apply to condominium projects or stock cooperatives which consist of the subdivision of air space in an existing apartment building which is more than five years old, when no new dwelling units are added by the subdivision. [Ord. 38-2007 § 1 (Exh. 1(M)); Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

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Chapter 22.40

Park and Recreation Dedication and Fees

22.40.005 Authority.

This chapter is enacted pursuant to the authority granted by Section 66477 of the Government Code. The park and recreational facilities for which dedication of land and/or payment of fee is required shall be in accordance with the local recreational element of the general plan. Land dedication under this chapter shall conform to the city general plan, to any adopted ~~community-specific~~ plan, and the applicable provisions of Section 66477 of the Government Code. [Ord. 25-2003 § 3; SCC 574 § 2, 1983].

Chapter 22.50

Reservations and Public Access to Public Resources

22.50.010 Standards and formula for reservation of land.

If a park, recreational facility, fire station, library, or other public use is shown on an adopted specific plan, ~~adopted community plan,~~ or the general plan containing a community facilities element, recreation and parks element or a public building or facilities element, the subdivider may be required to reserve sites in accordance with the definite principles and standards contained in such specific plan, community plan or general plan. The reserved area shall be of such size and shape as to permit the balance of the property within which the reservation is located to develop in an orderly and efficient manner. The amount of land to be reserved shall not make development of the remaining land held by the subdivider economically unfeasible. The reserved area shall conform to the adopted specific plan, ~~community plan,~~ or general plan and shall be of such multiples of streets and parcels as to permit an efficient division of the reserved area in the event that it is not acquired within the prescribed period. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

Chapter 22.110

Design and Improvement Standards

22.110.035 Thoroughfare and arterial streets.

A. Function. The function of thoroughfare and arterial streets is to serve with freeways to form a coordinated network or vehicle routes capable of handling the movement of goods and people through and between communities in large volumes and with efficient speeds and safety. Such roads are identified in the circulation element of the general plan or on the appropriate ~~community-specific~~ plan.

B. Design Standards. If the circulation element of the general plan or the community plan shows any highway, expressway, thoroughfare, arterial or similarly named road located so that any portion lies within or adjacent to a proposed project, such roadway shall be incorporated into the project in conformance with the design standards in the general plan or ~~community-specific~~ plan. The specific location or locations if alternate alignments are feasible of such roads shall be determined in coordination with and as recommended by the city public works department.

Note to Reader: Section placeholders to indicate the sections between changed subsections remain the same are indicated with three stars (*).**

The design characteristics of such roads shall conform with the current improvement standards of the department of public works.

Because such roads may vary in width and may involve many design factors such as acceleration/deceleration lanes, various curb heights, bicycle lanes, bus stops/turnouts, traffic dividers, driveways, and curb cuts, the precise road improvement requirements shall be determined by consultation or coordination with the public works department. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

22.110.065 Compliance with law.

A. Each project which proposes to divide land shall result in lots which are consistent with and well suited to the land use designations and policies set forth in the city general plan and in the adopted community plans, including both maps and texts. Potential population densities of residential lots shall not exceed the densities set forth in the general plan or ~~specific~~community plans.

B. Each lot shall conform to the lot size, lot width, and lot frontage requirements as set forth in the city zoning code. See RCMC 22.110.070(H) for exception to frontage requirements, unless a variance, waiver, or modification is obtained, as specified in the zoning code.

C. Lot lines shall be located in relation to existing structures so as to maintain required setbacks, yards, and other open space requirements, as set forth in the city zoning code, unless a variance, waiver, or modification is obtained, as specified in the zoning code.

D. Lot lines shall be located in relation to existing private septic systems or wells so as to maintain the distance requirements as set forth in the city health code. Lots which propose the installation of private septic systems or wells shall be arranged such that there is sufficient area on the proposed lots' facilities to meet the placement and distance requirements of the city health code.

E. Each parcel of land shall front on a public street or be served by a private road approved pursuant to the zoning code which is a component of an approved local street pattern.

F. Exceptions from the requirements of subsections (A) through (E) of this section shall not be allowed pursuant to RCMC 22.110.020 and 22.110.025. [Ord. 21-2003 §§ 2, 4; Ord. 20-2003 §§ 2, 4; SCC 574 § 2, 1983].

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Chapter 23.104

APPROVAL AUTHORITY

Sections:

23.104.010	Purpose.
23.104.020	Planning agency.
23.104.030	Recommending and approval authority.
23.104.040	Referrals to planning commission or council.

23.104.010 Purpose.

The purpose of this chapter is to establish the administrative responsibilities of the zoning code and to identify the basic responsibilities of the officials and bodies charged with its administration. This chapter describes which review body makes the final decision on various types of planning and land use entitlement applications. The zoning code uses a combination of nondiscretionary and discretionary reviews to evaluate land use proposals for compliance with the use and development requirements of this code. The nondiscretionary reviews provide the certainty needed in most situations by providing clear and objective criteria. Discretionary reviews provide needed flexibility by allowing more subjective criteria and by providing for the modification of regulations in response to specific site conditions. [Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.010)].

23.104.020 Planning agency.

California Government Code Section 65100 requires each jurisdiction to establish a planning agency to carry out the planning and land use functions of the jurisdiction. The functions of the planning agency are assigned as designated by this code. In the absence of an assignment, the council shall retain responsibility and authority to function as the planning agency. [Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.020)].

23.104.030 Recommending and approval authority.

A. Approval Types. The zoning code establishes which planning body recommends, makes final determinations, and hears appeals for each planning and land use entitlement request. This approval authority is determined by the type of approval required for each planning and land use entitlement. The approval types are as follows:

1. Nondiscretionary Administrative. Decisions do not require interpretation or exercise of policy or legal judgment in evaluating approval criteria because the decision is made according to specific criteria where no discretion is involved. Permits may be issued over the counter by staff. The director is the approval authority for nondiscretionary actions. The action of the director is not subject to appeal.
2. Limited Discretion. Approval or denial is based on discretionary standards that regulate the physical characteristics of a use or structure. Decisions must be consistent with the adopted criteria. Notice of decision is required with opportunity to request public hearing. The action of the director may be appealed to the council.
3. Discretionary (Quasi-Judicial). Decisions involve the application of discretionary approval standards to site-specific applications. The director makes recommendations to the council or planning commission for final decisions with specific findings. A public hearing is required. Decisions of the planning commission can be appealed pursuant to RCMC 23.110.160. Decisions of the council are not subject to appeal.
4. Discretionary (Legislative). Decisions must be made by the city council. Legislative land use decisions apply to the general population and prescribe policy, requiring the greatest amount of discretion and evaluation of subjective approval criteria. City council is the approval authority for legislative land use permits. The director

and/or planning commission makes recommendations to the city council. Generally, a recommendation is requested from staff and/or another recommending body on legislative entitlements. A public hearing is required, and these decisions cannot be appealed.

B. Public Hearings Required. Table 23.104-1 identifies the type of public hearing required by entitlement, as applicable.

- ~~C. Review and Approval Authority. Table 23.104-1 establishes the responsibilities of the city's decision-making bodies by entitlement. The responsibilities of the Planning Commission shall be transitioned in based upon a three-phase approach as outlined below. Upon initiation of Phase 3, the Planning Commission's responsibilities will default to what is listed in Table 23.104-1.~~

~~Phase 1— November 2022— February 2023: Tentative Parcel Maps and Residential Major Design Review~~

~~Phase 2— March 2023— May 2023: All Phase 1 responsibilities, Tentative Subdivision Map, Commercial and Industrial Major Design Review, Conditional Use Permit and Variances~~

- ~~Phase 3— Starting June 2023: All Phase 1 and Phase 2 responsibilities and Legislative applications.~~

Table 23.104-1: Approval Authority for Entitlements

Entitlement	Approval Type	Public Hearing Required	Designated Approval Authority “F” = Final Approval Authority “A” = Appeal Body “R” = Recommendation		
			Director	Planning Commission	Council
Zoning Certification	Nondiscretionary	No	F ⁽²⁾		
Temporary Use Permit	Nondiscretionary	No	F		
Similar Use Determination	Limited Discretion	No	F	A	A
Unified Sign Program	Limited Discretion	No ⁽¹⁾	F	A	A
Administrative Use Permit	Limited Discretion	No ⁽¹⁾	F	A	A
Reasonable Accommodation	Limited Discretion	No ⁽¹⁾	F	A	A
Adjustment	Limited Discretion	No ⁽¹⁾	F	A	A
Nonconforming Use Permit	Limited Discretion	No ⁽¹⁾	F	A	A
Minor Design Review	Limited Discretion	No ⁽¹⁾	F	A	A
Conditional Use Permit	Discretionary (Quasi-Judicial)	Planning Commission	R	F	A
Major Design Review	Discretionary (Quasi-Judicial)	Planning Commission	R	F	A
Variance	Discretionary (Quasi-Judicial)	Planning Commission	R	F	A
Special Planning Areas	Discretionary (Legislative)	Council	R	R	F
Zoning Amendments	Discretionary (Legislative)	Council	R	R	F
Specific Plans	Discretionary (Legislative)	Council	R	R	F
General Plan Amendments	Discretionary (Legislative)	Council	R	R	F

Entitlement	Approval Type	Public Hearing Required	Designated Approval Authority “F” = Final Approval Authority “A” = Appeal Body “R” = Recommendation		
			Director	Planning Commission	Council
Development Agreements	Discretionary (Legislative)	Council	R	R	F

(1) Notice of decision is required with the opportunity to request a public hearing. If no public hearing is requested, decision is rendered and notice of decision provided in accordance with Chapter 23.110 RCMC (Application Processing).

(2) See RCMC 23.113.090.

[Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B); Ord. 13-2013 § 4 (Exh. B); Ord. 12-2011 § 3 (Exh. A); Ord. 27-2008 § 1 (Exh. A § 1.2.030)].

23.104.040 Referrals to planning commission or council.

The director may refer any entitlement with limited discretion for which the director is the final approval authority to the planning commission or council for action.

A. Referral. The director may refer any item to planning commission or council for consideration. The director may refer an item with or without making a final determination or a recommendation for action.

B. Planning Commission or Council Review. The planning commission or council shall review the referred item at a noticed meeting and take one of the following actions:

1. Refer the item back to the director for review and final action. Referral back to the director does not preclude the item being appealed or being called up by council following final action.
2. Cause the item to be scheduled at the next regularly scheduled council meeting, allowing for public hearing notice.

C. Public Hearing Required. A public hearing shall be required for all items referred to and accepted by the planning commission or council for action in accordance with the following:

1. Public Hearing Notice. A notice for public hearing shall be provided for in accordance with RCMC 23.110.120 (Notice of public hearing).
2. Public Hearing Procedure. A public hearing shall be held in accordance with RCMC 23.110.130 (Public hearing procedures). [Ord. 22-2021 § 3 (Exh. A); Ord. 17-2021 § 3 (Exh. A); Ord. 4-2017 § 3 (Exh. B)].

MEMORANDUM



ITEM 12.1.

DATE: October 3, 2022
TO: Honorable Mayor and Council Members
FROM: Adam Lindgren, City Attorney
SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA APPROVING A 5% PERFORMANCE INCENTIVE PAYMENT FOR CYRUS ABHAR FOR SERVICE AS CITY MANAGER**

RECOMMENDATION

Receive report and adopt the Resolution.

RESULT OF RECOMMENDED ACTION

Adoption of the Resolution will authorize payment of the 5% performance incentive payment.

BACKGROUND

Cyrus Abhar has served as the City Manager for the City of Rancho Cordova since November 2, 2015. The City Council conducted a closed session to evaluate Mr. Abhar's performance, and to receive information and provide direction regarding his salary and benefits package. The City Council unanimously agreed that the City Manager's overall performance in 2022 was "exemplary."

Consistent with the terms of the City's employment agreement with the City Manager, the Resolution before the City Council approves the 5% performance incentive payment (\$14,283.06) to be paid immediately based on the City Council's conclusion that Mr. Abhar has displayed exemplary performance and succeeded in achieving the specific objectives previously established by the City Council.

Before taking final action, the City Council will orally report a summary of the recommended actions on City Manager pay and benefits during this open session of a regular council meeting.

FISCAL IMPACT AND FUNDING SOURCE

Various.

ATTACHMENT(S)

1. Resolution City Manager Performance Bonus 2022

CITY OF RANCHO CORDOVA

RESOLUTION NO. XX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA, STATE OF CALIFORNIA, REGARDING THE PERFORMANCE EVALUATION AND INCENTIVE PAYMENT FOR CYRUS ABHAR FOR SERVICE AS CITY MANAGER

WHEREAS, Cyrus Abhar has served as City Manager for the City of Rancho Cordova since November 2, 2015; and

WHEREAS, the City Council approved an amended and restated employment agreement ("Agreement") with Cyrus Abhar ("City Manager") on November 5, 2018; and

WHEREAS, Section II(A)(1) of his Agreement allows up to a 5% performance incentive benefit, in addition to his salary; and

WHEREAS, the City Council conducted a performance evaluation of City Manager in closed session at its September 27, 2022 meeting and subsequently met in closed session on December 20, 2021 to discuss labor negotiations related to the City Manager; and

WHEREAS, on September 27, 2022, it was reported out of closed session that the City Council unanimously agreed that the City Manager's overall performance in 2020 was "exemplary"; and

WHEREAS, following the performance review and labor negotiations, the Council directed that an item be placed on the City Council agenda for the Council to consider awarding the City Manager the maximum performance incentive pay available for 2022 based on his performance, as demonstrated by his success in meeting the specific objectives established by the City Council.

NOW THEREFORE BE IT HEREBY RESOLVED THE CITY COUNCIL OF THE CITY OF RANCHO CORDOVA resolves that City Manager, Cyrus Abhar, shall be awarded a performance incentive for his exemplary 2022 performance in the amount of \$14,283.06.

PASSED AND ADOPTED by the City Council of the City of Rancho Cordova this 3rd day of October 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ITEM 12.1.

ATTACHMENT 1

Donald Terry, Mayor

ATTEST:

Stacy Leitner, CMC
City Clerk