PALMDALE

a place to call home

CITY COUNCIL MEETING
HOUSING AUTHORITY
CITY COUNCIL CHAMBERS
38300 SIERRA HIGHWAY
SUITE B
PALMDALE, CA 93550
WEDNESDAY, AUGUST 16, 2023
5:00 PM

www.cityofpalmdale.org

WELCOME

1. **CALL MEETING TO ORDER**

***Note: All City Council memberships are reflected in their City Council titles.**

2. **ROLL CALL**
   MAYOR BETTENCOURT, MAYOR PRO TEM ALARCÓN, COUNCILMEMBERS BISHOP, LOA, OHLSEN
   COMMISSIONERS FRAGA-SAENZ, BETTS

3. **PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

4. **WAIVER OF FULL READING OF RESOLUTION(S) and ORDINANCE(S)**
   Staff Recommendation: Move to waive full reading of the Resolution (s) and/or Ordinance(s) to be considered and voted on at this meeting. (Voice Vote - Requires a majority to waive.)

PUBLIC COMMENT RULES:

"(California Government Code Section 54954.3).
(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of

Section 54954.2 [section omitted].

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of the subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency."

In furtherance of Section 54954.3 of the Brown Act, the public is allotted to speak a total of three (3) minutes on the entirety of the Consent Calendar(s), Appointment, and Closed Session, with two (2) minutes on each New Business and Public Hearing item, and, if desired, an additional two (2) minutes on items not on the agenda that are within the subject matter jurisdiction of the City Council. As specified in the Brown Act, a speaker utilizing a translator will receive twice the amount of time specified.

5. **PUBLIC COMMENTS:**

CONSENT CALENDAR(S), APPOINTMENT, AND CLOSED SESSION: Now is the time for public participation on items listed on the Consent Calendar(s), Appointment, and Closed Session. Each speaker is allotted three (3) minutes total on the entirety of the above sections.

6. **HOUSING AUTHORITY CONSENT CALENDAR**

All matters listed under the Consent Calendar will be enacted by one motion unless an item(s) is pulled by the Housing Authority, in which case the item(s) will be removed from the Calendar and will be considered separately following this portion of the Agenda.

6.1 Review and approve budget adjustments for acquisition of vacant land located along 3rd Street East near Avenue P-12 (APN 3006-006-036).

04 SR - HA Budget Adjustments.docx

6.2 Approve the minutes from the previous meetings.

June 7, 2023 - HA Minutes
June 21, 2023 - HA Minutes

HA - 06_07_2023 - 5pm.pdf
HA Mins 06 21 2023.pdf

7. **CONSENT CALENDAR**

All matters listed under the Consent Calendar will be enacted by one motion unless an item(s) is pulled by Council, in which case the item(s) will be removed from the Calendar and will be considered separately following this portion of the Agenda.

7.1 Approve Second Amendment to agreement with NBS Government Finance Group (A-7611) to increase the total amount of the Agreement by $75,250 for a not to exceed amount of $1,001,380 for the remainder of the term through 2024.

Staff_Report_-_Agreement_A-7611_Amendment 2.docx
City of Palmdale - mrentner@nbsgov.com - NBS Government Finance Group (A-7611) Amendment 2 - 05-24-2023 - Signed v34.pdf

7.2 Approve Second Amendment to Legal Services Agreement with Bradley, Gmelich & Wellerstein, LLP (A-7819) to increase the total amount of the Agreement by an additional $240,000 not to exceed the sum of $990,000.

SR - Bradley, Gmelich & Wellerstein, LLP A-7819 Amend 2 - 08162023.docx
Bradley, Gmelich & Wellerstein, LLP (A-7819) Amendment 2.pdf
A-7819 A1 Bradley Gmelich Wellerstein.pdf
Bradley & Gmelich - Agreement 7819.pdf

7.3 Approve service agreement for a digital divide study with Nutter Consulting in the amount of $140,000 for a term of six (6) months.

A-8413 Nutter Consulting Staff Report_Revised.docx
Consulting Services w- Term (#3A) - Nutter Consulting (A-8413) - 07-12-2023 - Preview (3).pdf

7.4 Award Agreement with MNS Engineers, Inc. for Construction Management and Inspection Services Associated with PN795, Sam Yellen Park Phase 2, in the amount of $535,568 for a term of 16 months from the date of Notice to Proceed.

PN795_-_Award_Con_Inspection_Contract_2023.07.26.docx
MNS ENGINEERS (A-8470).pdf
Agreement No. A-8470 - Exhibit A.pdf

7.5 Approve Grant Agreement A-8464 with Advancing Communities Together for $781,820 for development of 20-units of crisis interim housing, for a ten-year term, to be located at 38629 9th Street East, Palmdale.

01 SR ACT ARPA PDC Agreement 8.16.2023.docx
01 ACT Dream Village ARPA Grant Agreement A-8464 v2.pdf
01 Project Location Map.docx

7.6 Approve Grant Agreement A-8465 with Advancing Communities Together for $390,220 for facility improvements and site preparation for a Winter Shelter to be located at 38626 9th Street East, Palmdale.

01 SR ACT ARPA WSP Agreement 8.16.2023.docx

01 Project Location Map.docx
ACT Winter Shelter ARPA Grant Agreement v6 exhibits.pdf

7.7 Adopt Resolution No. CC 2023-050, a Resolution of the City Council of the City of Palmdale establishing a new full-time position and amending the City's Classification and Pay Plan for General Positions.

1. Staff_Report_-_Classification_And_Pay_Plan.docx
2. Reso 2023-050 Class & Pay Plan.docx
3. CLASSIFICATION_AND_PAY_PLAN_General_Positions Rev 8.16.23.pdf
4. 7.3.23 Salary Schedule General Positions.pdf

7.8 Adopt Resolution No. CC 2023-048, a Resolution of the City Council of the City of Palmdale, authorizing the submission of the application for the 2023 Local Edward Byrne Memorial Justice Grant (JAG) Program to receive Grant allocation of $54,869.

JAG Staff Report Resolution No CC 2023-048.docx
JAG__Resolution_No_CC_2023-048.docx
2023 JAG Application for Submission.pdf

7.9 Approve the minutes from the previous meeting.

July 12, 2023 - CC/SA Minutes
July 19, 2023 - CC Minutes

City Council_SA - 07_12_2023 - 5pm.pdf
City Council - 7 19 2023 - 5PM.pdf

8. APPOINTMENT

8.1 City Council nomination and appointment of one (1) member to The Palmdale Aerospace Academy Board of Directors.

TPAA_Appointment_SR_final rev.docx
TPAA Application - Patrick Brophy Redacted.pdf
Perkins, Tracy Redacted.pdf
Board of Directors Description of Duties.pdf
By-Laws Excerpts.pdf

9. PUBLIC HEARING

9.1 Introduction and Adoption of Ordinance No. 1613, an Ordinance of the City Council of the City of Palmdale approving Zoning Ordinance Amendment 23-001 and Zone Change 23-001, a request to modify Title 17 of the Palmdale Municipal Code to address inconsistencies correct typographical errors, update the associated Zoning Map and find that the Amendment is consistent with Program Environmental Impact Report (PEIR) 22-002 prepared and certified in conjunction

with City's General Plan (Palmdale2045).

PUBLIC COMMENTS: Now is the time for public participation on this item. Each speaker is allotted two (2) minutes.

Staff_Report_ZOA_23-001_and_ZC_23-001-V1.docx
Ordinance_No._1613__ZOA_23-001_and_ZC_23-001-V2.doc
Exhibit I - Redlines_v1.pdf
Exhibit II - Zoning Map.pdf

9.2 Introduction and Adoption of Ordinance No. 1614, an Ordinance of the City Council of the City of Palmdale, a request to amend various sections of the Palmdale Municipal Code to address inconsistencies, correct typographical errors and references and finding that the Amendment is consistent with Program Environmental Impact Report 20-002 prepared and certified in conjunction with the City's General Plan (Palmdale 2045).

PUBLIC COMMENTS: Now is the time for public participation on this item. Each speaker is allotted two (2) minutes.

Staff Report - PMC Amendment.docx
Ordinance No. 1614 - PMC Amendment V1.doc
Exhibit 1 v2.docx

9.3 Introduction and Adoption of Ordinance No. 1611, an Ordinance of the City Council of the City of Palmdale, Amending Section 2.08.010 of the Palmdale Municipal Code to establish the process to annually designating the mayor and selecting the mayor pro tem.

PUBLIC COMMENTS: Now is the time for public participation on this item. Each speaker is allotted two (2) minutes.

Recommendation re mayor and mayor pro tem 08102023.docx
Ordinance No. 1611 .docx

10. NEW BUSINESS

10.1 Presentation update for the Community Programs Division.

PUBLIC COMMENTS: Now is the time for public participation on this item. Each speaker is allotted two (2) minutes.

10.2 Consideration and adoption of City Council Rules and Regulations; recommendation to adopt Resolution No. CC 2023-052, a Resolution establishing a Code of Conduct for City Council Members and Officials and establishing rules for conducting City Council Meetings.

PUBLIC COMMENTS: Now is the time for public participation on this item. Each speaker is allotted two (2) minutes.

Consideration and Adoption of City Council Rules and Regulations 08102023 .docx
Reso. No. CC 2023-052.docx

10.3 Letter of Support protecting U.S. Manufacturing Jobs, Community Investments and Promoting Innovative Workforce and Community Partnerships.

PUBLIC COMMENTS: Now is the time for public participation on this item. Each speaker is allotted two (2) minutes.

BYD Support Letter2.docx

11. **NON-AGENDA PUBLIC COMMENTS*: Now is the time for public participation on items not listed on the agenda. Each speaker is allotted two (2) minutes total on items not listed on the agenda.***

12. **CITY COUNCIL ANNOUNCEMENTS AND REQUESTS**

13. **CITY MANAGER'S REPORT**

14. **PRESENTATION BY CITY ATTORNEY**

    14.1 PUBLIC EMPLOYMENT
    Title: City Attorney

15. **ANNOUNCEMENT BY CITY ATTORNEY**

16. **ADJOURN** meeting to September 6, 2023 at 5:00 p.m. in the City Hall Council Chamber located at 38300 Sierra Highway, Suite B, Palmdale, California.

Americans with Disabilities Act (ADA) Accommodations
In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (661) 267-5151 at least 72 hours prior to the meeting.

If you require oral Spanish translation, please contact the City Clerk's Office at (661) 267-5151 at least 72 hours prior to the meeting.

Housing Authority
Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE CHAIR AND COMMISSIONERS**

FROM: **NEIGHBORHOOD SERVICES**

HOUSING DIVISION

DISTRICT: **1**

SUBJECT: **REVIEW AND APPROVE BUDGET ADJUSTMENTS FOR ACQUISITION OF VACANT LAND LOCATED ALONG 3RD STREET EAST NEAR AVENUE P-12 (APN 3006-006-036)**

ISSUE

Review and approve Housing Authority budget adjustments for acquisition of vacant land located along 3rd Street East near Avenue P-12 (APN 3006-006-036).

RECOMMENDATION

Staff recommends that the Housing Authority review and approve the budget adjustments for acquisition of vacant land located along 3rd Street East near Avenue P-12 (APN 3006-006-036).

BACKGROUND

The Housing Authority has approved the proposed acquisition of vacant land located along 3rd Street East near Avenue P-12 (APN 3006-006-036) in the Transit Village Specific Plan Area for future development.

DISCUSSION

The Housing Authority has received approval to negotiate the acquisition of the property and seeks to have budget allocated to the appropriate accounts through the following budget adjustments:

From:	To:	Amount:
29364011-782921 Transit Village	29364011-774500 Land Held for Resale	$552,940

FISCAL IMPACT

There is a net zero fiscal impact.

STRATEGIC PLAN

Goal II: Ensure long-term fiscal health of the City and maintain funding for services.

A. Manage resources, costs and liabilities to ensure the City's long-term fiscal health.

Prepared by:	Heather Nichols, Senior Housing Coordinator
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, Executive Director
Approved as to form:	William P. Curley, III, Interim Authority Attorney

MINUTES
CITY COUNCIL/SA/HA - 06/07/2023 - 5PM
CITY HALL COUNCIL CHAMBER
38300 SIERRA HIGHWAY, SUITE B
PALMDALE, CALIFORNIA

www.cityofpalmdale.org

1) CALL MEETING TO ORDER

Mayor Bettencourt called the meeting to order at 5:01 p.m.

*Note: All City Council memberships are reflected in their City Council titles.

2) ROLL CALL MAYOR BETTENCOURT, MAYOR PRO TEM ALARCÓN, COUNCILMEMBERS BISHOP, LOA, OHLSEN COMMISSIONERS FRAGA- SAENZ, DENNY

PRESENT: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Christina Fraga-Saenz, Phil Denny.
ABSENT: Richard J. Loa.
Motion: Excuse the absence of Councilmember Loa.
Moved by Laura Bettencourt, seconded by Austin Bishop.

Vote: Motion carried (6-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Christina Fraga-Saenz, Phil Denny.
Absent: Richard J. Loa.

3) PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

4) PRESENTATION

4.1) Mayor Bettencourt provided information on the immigrants that founded the City of Palmdale and a breakdown of city demographics. The Immigrant Heritage Month proclamation was presented to Bethany Hadlock, City of Palmdale Library Associate.

5) WAIVER OF FULL READING OF RESOLUTION(S) and ORDINANCE(S)

Motion: Move to waive full reading of the Resolution (s) and/or Ordinance(s) to be considered and voted on at this meeting
Moved by Andrea Alarcón, seconded by Eric Ohlsen.

Vote: Motion carried (6-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Christina Fraga-Saenz, Phil Denny.
Absent: Richard J. Loa.

6) PUBLIC COMMENTS

The following individuals commented regarding an editor's letter in the AV Press: Diane, Rich Gallego, and Yul Gevargis.

Jason Zink commented on the sustainable transportation plan and other topics.

The following individuals commented on the Immigrant Heritage Month presentation and the City's budget: Xavier Flores and Felix Menendez.

The following individuals commented regarding the allocation of Measure AV funds, support of non-profit organizations, businesses, and the community:Juan Eduardo Medina, Erika Alonzo, Irma Hernandez, Marcos Alvarez, Julio Lopez, Vicky Ventura, Jacqueline Diaz, Karina Monzano, Omar Ruiz, Josefina Cruz, Alex Aldana, and Ruth Sanchez.

David Harris commented in support of firework booths and City leadership. Sylvia (NAACP) commented regarding the Rapid Re-housing Program.
Marsha Furman commented in support of safe and sane fireworks and in opposition to the public comment policy.

Mario Presents spoke regarding the People's Business, public comments, and other matters.

Michael Ross commented regarding the distribution of Measure AV funds and the Council code of conduct.

A motion was made and carried unanimously to close the public comments.

Interim City Attorney Curley provided clarification on the Public Comment Rules.

7) HOUSING AUTHORITY CONSENT CALENDAR

7.1) Adopt Resolution No. HA 2023-002, a Resolution of the Housing Authority of the City of Palmdale; repealing Resolution No. HA 2017-004 and approving the Housing Authority of the City of Palmdale's Homelessness Prevention and Rapid Rehousing Program; approve agreement A-8366 with The Salvation Army to conduct the Homelessness Prevention and Rapid Rehousing Program (HPRP); and authorizing the Executive Director or their designee to make necessary changes and execute documents related to the Homelessness Prevention and Rapid Rehousing Program.

7.2) Approve the minutes from the previous meeting.

HA - April 5, 2023 HA - May 17, 2023

Motion: Approve all items as listed on the Housing Authority Consent Calendar
Moved by Andrea Alarcón, seconded by Austin Bishop.

Vote: Motion carried (6-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Christina Fraga-Saenz, Phil Denny.
Absent: Richard J. Loa.

Mayor Bettencourt adjourned the Housing Authority at 6:23 p.m.

8) CONSENT CALENDAR

8.1) Receive and file the Monthly Investment Activity Reports for April 2023.

8.2) Receive and file the Annual Report on Development Impact Fees for Fiscal Year Ended June 30, 2022 and adopt findings to commit funds held in the Littlerock Drainage Fee Fund, Fire Facilities Fund, and the Sewer Upgrade Fee Fund.

8.3) Approve agreement with Harrell & Company Advisors, LLC. for Municipal Advisory Services, in the amount of $125,000, for a five (5) year term through June 30, 2028.

8.4) Approve Agreement with Flock Group, Inc to provide a fixed location Automated License Plate Recognition (ALPR) system, fifty LPR cameras, and provide implementation services in a not to exceed amount of $157,500 for a one (1) year term.

Mayor Pro Tem Alarcón pulled this item for discussion. Mayor Bettencourt recused herself from this item.

Information Technology Manager Thompson presented the staff report and introduced Jesse Mund from Flock Group to answer questions. Discussion ensued regarding the product features offered to the City, placement of cameras, storage of data, implementation plan, access of information, Amber Alert situations, and privacy of citizens.

There was Council consensus to continue this item to a meeting in July.

Mayor Bettencourt returned to the dais.

8.5) Approve First Amendment to Agreement with True Point, LLC to provide implementation services for Accela land use, plan review, permitting, and inspection tracking system for an additional amount of $150,000 and a not to exceed amount of $450,000 for a three (3) year term through December 31, 2024.

8.6) Approval of 36 Fireworks booth permits for non-profit organizations.

Mayor Pro Tem Alarcón pulled this item for discussion. Business License Coordinator Andrews provided a PowerPoint presentation. Mayor Bettencourt encouraged citizens to use Safe and Sane fireworks in permitted areas. Mayor Pro Tem Alarcón spoke in support of the non-profits.

Motion: Approval of 36 Fireworks booth permits for non-profit organizations.
Moved by Andrea Alarcón, seconded by Austin Bishop.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen.
Absent: Richard J. Loa.

8.7) Adopt Resolution No. CC 2023-026, a Resolution of the City Council of the City of Palmdale of intention to continue assessments for Fiscal Year 2023/2024, preliminarily approving the annual Engineer's Report and providing for notice of hearing for the City of Palmdale Drainage Benefit Assessment Districts No. 1 and No. 2006-02.

8.8) Adopt Resolution No. CC 2023-027, a Resolution of the City Council of the City of Palmdale of intention to continue assessments for Fiscal Year 2023/2024, preliminarily approving the annual Engineer's Report and providing for notice of hearing for the City of Palmdale Landscape Maintenance Assessment Districts and Annexations, Park Maintenance and Recreation Improvement District, and Streetlight Maintenance Assessment Districts and Annexations.

8.9) Approve lease agreement between the City of Palmdale and New Cingular Wireless, dba AT&T Wireless for a cellular wireless facility lease located at McAdam Memorial Park.

8.10) Adopt Resolution No. CC 2023-039, a Resolution of the City Council of the City of Palmdale to repeal and replace Resolution No. CC 2020-035 with Resolution No. CC 2023-039 which adopts the updated Title VI Plan for the City of Palmdale for 2023-2026.

8.11) Adopt Resolution No. CC 2023-040, a Resolution of the City Council of the City of Palmdale to adopt the City of Palmdale Sustainable Transportation Plan.

Mayor Pro Tem Alarcón pulled this item for discussion. City Traffic Manager Nelson and Darryl, of Kimley-Horn provided a detailed PowerPoint presentation. Mayor Pro Tem Alarcón spoke in support of this item. Mayor Bettencourt requested a meeting with City Traffic Manager Nelson regarding red light cameras. Councilmember Bishop inquired regarding federal and state grant funding and the school traffic issue. Discussion ensued regarding school traffic.

Motion: Adopt Resolution No. CC 2023-040
Moved by Andrea Alarcón, seconded by Austin Bishop.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen.

Absent: Richard J. Loa.

8.12) Adopt Resolution No. CC 2023-034, a Resolution of the City Council of the City of Palmdale to adopt a list of projects for Fiscal Year 2023-2024 Funded by SB 1: The Road Repair and Accountability Act of 2017.

Mayor Pro Tem Alarcón pulled this item for discussion. City Engineer Padilla presented the staff report. Mayor Pro Tem Alarcón asked questions regarding the analysis, and City Engineer Padilla stated software was used to find the worst roadways.

Motion: Adopt Resolution No. CC 2023-034
Moved by Austin Bishop, seconded by Laura Bettencourt.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen.
Absent: Richard J. Loa.

8.13) Approve the minutes from the previous meeting. May 17, 2023 - CC/SA/IDA/PAA/PCA/PFA
City Manager's Office - City Clerk Department

Motion: Approve all items listed on the Consent Calendar 8.4, 8.6, 8.11, 8.12
Moved by Andrea Alarcón, seconded by Laura Bettencourt.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen.
Absent: Richard J. Loa.

9) NEW BUSINESS

9.1) Presentation of the City’s Homelessness Plan Update.

Director of Neighborhood Services Reyes provided a detailed PowerPoint presentation. Council spoke in support of the City's Homelessness Plan and other outside organizations that provide resources.

9.2) Discussion and possible direction on the relinquishment of Palmdale Blvd by Caltrans to the City of Palmdale.

City Manager Perez provided an update on the meeting with Caltrans and the relinquishment process.

Mayor Pro Tem Alarcón recommended that the Council authorize Caltrans to move forward with the ADA Ramp and Gap Closure Sidewalk Project and explore the opportunity to advance funding for the second pavement project that is six (6) years out.

Council discussion ensued regarding the legislative process, designation of Palmdale Boulevard, benefits of taking over Palmdale Boulevard, liability and exposure to the City, and ongoing maintenance of Palmdale Boulevard.

Council directed staff to bring back a report in 60 to 90 days regarding the proposed use of Palmdale Boulevard.

Authorize City Manager Perez to direct Caltrans to move forward with the ADA Ramp and Gap Closure Project.

10) INFORMATIONAL REPORT FROM MAYOR AND / OR COUNCILMEMBERS ON THEIR VARIOUS COMMITTEE MEMBERSHIPS AND MEETINGS ATTENDED AT PUBLIC EXPENSE

10.1) Council Reports on Committee Memberships and Meetings Attended at Public Expense.

All reports were attached for the public to view.

11) CITY COUNCIL ANNOUNCEMENTS AND REQUESTS FOR NEW AGENDA ITEMS

Mayor Pro Tem Alarcón requested the following:

- Add an item to the Joint Palmdale/Lancaster agenda regarding establishing a satellite Community Assistance, Recovery and Empowerment (CARE) Court office in the Antelope Valley.

12) CITY MANAGER'S REPORT

City Manager Perez reported the following: The City will be celebrating Flag Day on Wednesday, June 14 from 12 - 12:30 pm; Juneteenth event will be held at Poncitlan Square on June 19th; Summer Concert series in July, AV Taco Festival, and Yellen Park groundbreaking on Friday, June 8.

13) PRESENTATION BY CITY ATTORNEY

Interim City Attorney Curley announced items were properly agendized. He spoke in support of City Manager Perez.

13.1) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION
Gerald Lynn Dolen and Roberta Dora Dolen v. City of Palmdale et al. Los Angeles County Superior Court Case No. 21AVCV00377
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

13.2) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Edman Discua v. City of Palmdale, et al.
Los Angeles Superior Court
Case No. 21STCV45406
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

14) ANNOUNCEMENT BY CITY ATTORNEY

Interim City Attorney Curley reported the Council was updated and there were no

reportable actions.

15) ADJOURNMENT

Mayor Bettencourt adjourned the meeting at 8:30 p.m., in honor of Kamal Al-Khatib a great community mentor and faith leader, to June 21, 2023, at 5:00 p.m. in the City Hall Council Chamber located at 38300 Sierra Highway, Suite B, Palmdale, California.

PASSED, APPROVED, and ADOPTED this 16th day of August 2023.

_____
Laura Bettencourt, Mayor

ATTEST:

_____
Rochelle Scott, Acting City Clerk

MINUTES
CITY COUNCIL/SA/HA/IDA/PAA/PCA/PFA
CITY HALL COUNCIL CHAMBER
38300 SIERRA HIGHWAY, SUITE B
PALMDALE, CALIFORNIA
JUNE 21, 2023

www.cityofpalmdale.org

1) CALL MEETING TO ORDER
Mayor Bettencourt called the meeting to order at 5:00 p.m.

*Note: All City Council memberships are reflected in their City Council titles.

2) ROLL CALL MAYOR BETTENCOURT, MAYOR PRO TEM ALARCÓN, COUNCILMEMBERS BISHOP, LOA, OHLSEN, COMMISSIONERS FRAGA-SAENZ, DENNY
PRESENT: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa, Christina Fraga-Saenz, Phil Denny.
ABSENT: None.

3) PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

4) PRESENTATIONS
4.1) Councilmember Bishop presented a Commendation recognizing Fiona Currie,12-year-old, for graduating from Los Angeles City College with a 4.0 GPA and an associate degree in studio arts.

4.2) Councilmember Ohlsen presented a Certificate of Recognition to Robert “Bobby” Breech, Atherine Blanco, and the Antelope Valley Cemetery District for their service to the veteran community.

5) WAIVER OF FULL READING OF RESOLUTION(S) and ORDINANCE(S)

Motion: Move to waive full reading of the Resolution (s) and/or Ordinance(s) to be considered and voted on at this meeting.
Moved by Andrea Alarcón, seconded by Richard J. Loa.

Vote: Motion carried (5-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

6) PUBLIC COMMENT RULES:

(California Government Code Section 54954.3).
(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2 [section omitted].

(b) (1) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of the subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(2) Notwithstanding paragraph (1), when the legislative body of a local agency limits time for public comment, the legislative body of a local agency shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the legislative body of a local agency."

In furtherance of Section 54954.3 of the Brown Act, the public is allotted to speak a total of three (3) minutes on the entirety of the Consent Calendar, Appointment(s), New Business and Closed Session, with two (2) minutes on each Public Hearing, and, if desired, an additional two (2) minutes on items not on the agenda that are within the subject matter jurisdiction of the City Council. As specified in the Brown Act, a speaker utilizing a translator will receive twice the amount of time specified.

7) PUBLIC COMMENTS:

The following individuals provided public comments: Jorge Ventura spoke regarding the Taco Festival; Eugene Hernandez commented regarding the unhoused; and Jason Zink spoke on Items 8.3, 8.4 and 8.5.

A motion was made and carried unanimously to close the Public Comments.

8) CONSENT CALENDAR

8.1) Adopt Resolution No. CC 2023-042, a Resolution of the City Council of the City of Palmdale establishing an appropriations limit for Fiscal Year 2023-24 pursuant to Article XIII B of the California Constitution and repeal Resolution No. CC 2022-067.

8.2) Approve purchase order 20240000 with Amazon Capital Services, Inc. dba Amazon Business in an amount not to exceed $205,000.00 for FY 2023-24.

8.3) Adopt Resolution No. CC 2023-044, a Resolution of the City Council of the City of Palmdale Amending the City's Classification and Pay Plan for General Positions; Adopt Resolution No. CC 2023-045, a Resolution of the City Council of the City of Palmdale Amending the City's Classification and Pay Plan for Bargaining Unit Positions; and Adopt Resolution No. CC 2023-046, a Resolution of the City Council of the City of Palmdale Amending the City's Classification and Pay Plan for Parks and Recreation Unbenefited Positions.

8.4) Approve Second Amendment to Legal Services Agreement with Harper & Burns, LLP (A-8232) to increase the total amount of the Agreement by an additional $400,000 not to exceed the sum of $720,000.

Mayor Pro Tem Alarcón pulled Item 8.4 for discussion and made remarks on Items 8.3 and 8.5. City Manager Perez provided a detailed overview of Item 8.4. Discussion ensued regarding the cost and term of the contract and number of consulting legal contracts. Interim City Attorney Curley provided clarification on the streamlining of billings for consulting attorneys and firms.

Motion: Approve Second Amendment to Legal Services Agreement with Harper & Burns, LLP
Moved by Laura Bettencourt, seconded by Austin Bishop.

Vote: Motion carried (4-1)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa. No: Andrea Alarcón.

8.5) Approve authorizing City Manager to bind insurance coverages related to the agreement between VINSA, Inc. and City of Palmdale (A-7994) in an amount not to exceed $2,750,000.

Motion: Approve all items listed on the Consent Calendar with the exception of 8.4.
Moved by Richard J. Loa, seconded by Eric Ohlsen.

Vote: Motion carried (5-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

9) PUBLIC HEARING

9.1) Adopt Resolution No. CC 2023-043, a Resolution of the City Council of the City of Palmdale restating in its entirety the City of Palmdale Master Schedule of Fees and repealing all prior enactments inconsistent with this Resolution.
Director of Finance Samson presented the staff report.

The following individuals provided public comments: Jason Zink and Xavier Flores spoke regarding waiving fees for Palmdale residents.

A motion was made and carried unanimously to close the Public Comments.

Mayor Pro Tem Alarcón spoke regarding support of residents and access to public facilities, special events, and parks. She provided three (3) suggestions: 1) Create equity in the deposit structure so that the security deposit is the same for all parks; 2) Do not increase the fees for youth sports; and 3) Do not implement the special event fees for the Jolly Holiday activity wristband, Springfest activity wristband, and the Bingo Card fee.

Recreation Manager Altobelli and Management Analyst I Kelley provided information to Council regarding the park fees and youth scholarships. Discussion ensued regarding disseminating scholarship information to schools and organizations, increased costs, use of American Rescue Plan Act (ARPA) funds, waiver or reduction of the general admission fee for the fireworks show, and the use of Measure AV funds for community events.

Motion: Adopt Resolution No. CC 2023-043 as proposed with the exception of the park security deposit fees ensuring that they are applied equitably to all parks throughout the City; eliminate the increase in youth sports; eliminate wristband fee for Springfest and Jolly Holiday, and the Bingo Card fee; and consideration of an admission fee reduction for the 4th of July event in 2024.
Moved by Andrea Alarcón, seconded by Austin Bishop.

Vote: Motion carried (5-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

10) JOINT PUBLIC HEARING CC/SA/HA/IDA/PAA/PCA/PFA

10.1) Adopt Joint Resolution of the City Council of the City of Palmdale (No. CC 2023-041), the Successor Agency to the Community Redevelopment Agency of the City of Palmdale (No. SA 2023-003), the Palmdale Civic Authority (No. PCA 2023-001), the Housing Authority of the City of Palmdale (No. HA 2023-003), the Industrial Development Authority (No. IDA 2023-001), the Palmdale Airport Authority of the City of Palmdale (No. PAA 2023-001), and the Palmdale Financing Authority (No. PFA 2023-001) approving and adopting the City of Palmdale's Annual Budget for Fiscal Year 2023-24, and approving revenue and expenditure adjustments to Fiscal Year 2022-23.

City Manager Perez presented a video of the City's accomplishments and made remarks regarding the City's budget.

Director of Finance Samson provided a detailed PowerPoint presentation of the budget.

Council directed City Manager Perez to address the CARPing (Cadre of Administrative Reserve Personnel program) issue in the upcoming Sheriff's Department contract.

There was Council discussion regarding the Sheriff's Department being understaffed and the CARPing system.

Mayor Bettencourt recused herself from the discussion.

Discussion continued regarding deputy fatigue, community safety, minimum standard of servicing noted in the contract, disputing CARPing, and use of Code Enforcement staff for non-emergent items.

Acting Captain Rhea provided clarification on the CARPing system. Mayor Bettencourt rejoined the meeting.

Director of Finance Samson continued with the budget PowerPoint presentation.

Council discussion continued regarding the American Rescue Plan Act (ARPA) funds, disadvantaged and disproportionately impacted communities, and Capital Improvement Projects.

Mayor Bettencourt recessed the meeting from 7:46 pm - 8:03 pm.

The following individuals commented regarding the City's budget: Jason Zink, Marcos Alvarez, Felix Menendez, Arturo Perez, Xavier Flores, Lilia Galindo, Laurel Forrest, Eduardo Medina, Marisela Gomez, Stephanie Mavol, Azuceno Preciado, Allan Morales, Ismael Galvan, Shannon Wainwright, Vincent Allen, Ruth Sanchez, Diana Morales, Jasmine Graham, Jose Madera, Eugene Hernandez, and Steve Hill.

A motion was made and carried unanimously to close the Public Comments.

Councilmember Loa thanked the community for their comments on the budget and spoke regarding providing equal service across the City.

Mayor Pro Tem Alarcón spoke regarding community voices, community service providers, thanked staff, and proposed revisions to the Community Programs component of the Measure AV budget.

There was further Council discussion regarding the allocation of Measure AV funds, the grant process, and hiring of an Independent Consultant to manage the process.

Motion: Adopt Joint Resolution Nos. CC 2023-041, SA 2023-003, PCA 2023-001, HA 2023-003, IDA 2023-001, PAA 2023-001, PFA 2023-001.
Moved by Richard J. Loa, seconded by Laura Bettencourt.

Vote: Motion carried (6-1)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa, Christina Fraga- Saenz, Phil Denny.
No: Andrea Alarcón.

Mayor Bettencourt called for a break at 9:09 pm - 9:17 pm.

Mayor Bettencourt adjourned the Housing Authority meeting at 9:18 pm.

11) APPOINTMENT

11.1) City Council Nomination and Appointment of one (1) Member to the Board of Library Trustees.

Motion: Appoint Challen David
Moved by Austin Bishop, seconded by Richard J. Loa.

Vote: Motion carried (5-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

Challen David provided her background and experience.

12) NEW BUSINESS

12.1) Discussion, direction and possible action on future public safety initiatives.

This item was addressed during the budget discussion.

13) CITY COUNCIL ANNOUNCEMENTS AND REQUESTS FOR NEW AGENDA ITEMS

Councilmember Bishop requested that staff go back to the Measure AV board and fund community groups through an equitable distribution of a to be determined dollar amount with a Professional Grant Administrator in place.

Discussion ensued regarding the allocation of Measure AV funds, other fund sources, and a professional Administrator for Measure AV grant funds.

14) CITY MANAGER'S REPORT

City Manager Perez reported on the following items: Flag Day event; Yellen Park groundbreaking; Juneteenth event; Summer Concerts and Family Movie Nights; Cine Gear Expo at Paramount Studios; and grand opening of the eastside Chick-fil- A and Trader Joe warehouse.

15) NON-AGENDA PUBLIC COMMENTS

The following individuals provided public input regarding Council and Committee Member conduct: Rich Gallego, Yul Gevargis, and Abraham Salcedo.

The following individuals provided input regarding the Measure AV budget: Abraham Salcedo, Marcos Alvarez, Mario Presents, Jason Zink, Ruth Sanchez, Stephanie Mayol, and Xavier Flores.

The following individuals provided public input: Laurel Forrest commented regarding ADA compliance; and Eugene Hernandez spoke regarding freedom of speech.
Mayor Bettencourt directed staff to record Measure AV meetings.

Mayor Pro Tem Alarcón spoke in support of non-profits.

16) PRESENTATION BY CITY ATTORNEY

Interim City Attorney Curley confirmed items were properly agendized.

16.1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Shanae Smith, Patricia Nevarez and Michael "Mike" Behen vs. City of Palmdale, et al.
Los Angeles County Superior Court
Case No. 22STCV18219
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

16.2) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Maithi Ricci v. City of Palmdale, et al.Los Angeles County Superior Court Case No. 22STCV01269
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

16.3) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Ricky Thorstensen v. City of Palmdale, et al.Los Angeles County Superior Court Case No. 22STCV29463
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

16.4) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Kenya Torres vs. City of Palmdale, et al.
Los Angeles County Superior Court
Case No. 22STCV37041
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

16.5) PUBLIC EMPLOYMENT

Title: City Attorney

17) ANNOUNCEMENT BY CITY ATTORNEY

Attorney Halfman, Harper & Burns, LLP, announced Council was updated on Closed Session matters and there was no reportable action.

18) ADJOURNMENT

Mayor Bettencourt adjourned the meeting at 10:56 p.m. to July 12, 2023 at 5:00 p.m. in the City Hall Council Chamber located at 38300 Sierra Highway, Suite B, Palmdale, California.

PASSED, APPROVED, and ADOPTED this 16th day of August, 2023.

_____
Laura Bettencourt, Mayor

ATTEST:

_____
Rochelle Scott, Acting City Clerk

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **CITY MANAGER'S OFFICE – FINANCE DIVISION**

DISTRICT: **ALL**

SUBJECT: **APPROVE SECOND AMENDMENT TO AGREEMENT WITH NBS GOVERNMENT FINANCE GROUP TO INCREASE THE TOTAL AMOUNT OF THE AGREEMENT BY $75,250 FOR A NOT TO EXCEED AMOUNT OF $1,001,380 FOR THE REMAINDER OF THE TERM THROUGH 2024.**

ISSUE

Approve Second Amendment to agreement with NBS Government Finance Group (A-7611) to increase the total amount of the Agreement by $75,250 for a not to exceed amount of $1,001,380 for the remainder of the term through 2024.

RECOMMENDATION

Staff recommends that the City Council:

1. Approve Second Amendment to agreement with NBS Government Finance Group (A-7611) to increase the total amount of the Agreement by $75,250 for a not to exceed amount of $1,001,380 for the remainder of the term through 2024.
2. Authorize the City Manager or her designee to execute the agreements, including making minor and non-substantive changes.

BACKGROUND

NBS assists the City with managing and reporting on behalf of its Special Financing Districts. The City's Special Financing Districts include one Assessment District and nine Community Facilities Districts that require continuous management and reporting. Services could include (but are not limited to) notice of special tax disclosures, debt disclosures, delinquency monitoring, reminder and demand letters, data collection, policy review, cost recovery, cash flow analysis, fund analysis, levy submittal, tax roll removal and notice, foreclosure proceedings, resubmission of rejects, maintaining parcel change data, annual reports, prepayment and recalculation of amortization schedules, bond calls, bond tenders, release of liens, notice of special assessment, California Debt and Investment Advisory Commission reporting, and county assessor reporting.

In addition to the administration services for Assessment District and Community Facilities Districts, NBS provides the continuing disclosure services, required by Federal regulations for debts issued by the City of Palmdale and Successor Agency of the City of Palmdale.

DISCUSSION

In 2022 the City formed three new Community Facility Districts: 2022-1 Citywide Maintenance and Services, 2022-2 Ritter Ranch Maintenance Services, and 2022-3 Ritter Ranch Phase I Public Facilities. The scope of the agreement with NBS has been amended to include services for these additional districts.

FISCAL IMPACT

$75,250; the fiscal impact for FY 2023-24 is $75,250 and is budgeted and available in respective Assessment District and Community Facility District budgets.

STRATEGIC PLAN

Goal II: Ensure long-term fiscal health of the City and maintain funding for services.

B. Manage resources, costs, and liabilities to ensure the City's long-term fiscal health.

C. Involve and expand engagement to enhance public oversight and transparency.

Prepared by:	Janelle Samson, Director of Finance
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, Interim City Attorney

ATTACHMENTS

1. 2nd Amendment to Agreement A-7611 NBS Government Finance Group

2ND AMENDMENT TO AGREEMENT A-7611
BETWEEN THE CITY OF PALMDALE AND NBS GOVERNMENT FINANCE GROUP

This 2ND Amendment to Agreement No. A-7611 (“Agreement”) is made and entered into by and between the City of Palmdale (hereinafter called “CITY”) and NBS GOVERNMENT FINANCE GROUP (hereinafter called "CONSULTANT"). This Contract shall become effective on the date of the last signatory.

A. Intent of the Parties

1. On 07-01-2021 ("Original Agreement") the CITY and CONSULTANT entered into an agreement to provide:

    a. Assessment District Administration and Community Facilities Districts Administration, perform Fiscal Impact Analysis and Report Services for Ritter Ranch, Solid Waste Fee Mailing of Notices, Solid Waste Fee Tax Roll Billing Services.

    b. The parties desire to amend the Original Agreement to include additional tasks into the scope of services, provide specific authority to the Parties and to define the tasks with greater detail.

1. To include additional tasks into the scope of services, provide specific authority to the parties and to define the tasks with greater detail.

2. except for the revisions set forth in Section B hereunder, all terms and conditions shall remain unchanged and fully enforceable as to Agreements A-7611, as amended.

CFD BONDED

B. revisions to Agreement A-7611 as amended ,

a. DATA COLLECTION:
Consultant will gather and review data pertinent to the administration of the Community Facilities District. Data will be obtained from various sources such as Assessor’s parcel maps, building permits and County Assessor information as determined to be necessary based on the requirements of the Rate and Method of Apportionment. Consultant will maintain and periodically update a database of all parcels within the district along with relevant parcel information.

b. ADMINISTRATIVE COST RECOVERY:
Consultant will identify all costs associated with the administration of the Community Facilities District and recover those costs through the levy process as outlined in §53317(e) and §53340 of the Government Code of the State of California. Such costs may include, but are not to be limited to: Bank fees, legal fees, county tax collection fees, and all costs and expenses of the City Council, and its consultants related to district administration.

c. CASH FLOW ANALYSIS:
Consultant will determine the cash flow requirement, acquire current fund balances

and make recommendations to keep the flow of funds and fund balances in compliance with the bond documents. Fund transfers might include the transfer of available surplus funds to be used as levy credits or the transfer of reserve funds to the redemption fund upon the prepayment of special taxes. Cash flow analysis will also be performed to determine any levy shortfall or surplus collections.

d. SPECIAL TAX REQUIREMENT:
Consultant will calculate the annual Special Tax Requirement that will include all necessary components as outlined in the Rate and Method of Apportionment, such as principal and interest due, administrative expenses, collection for direct financing of services or facilities, and a fund credit or replenishment as determined from analysis of the district funds.

e. LEVY CALCULATION:
Consultant will calculate the annual special tax levy for each parcel within the Community Facilities District following the guidelines established in the Rate and Method of Apportionment.

f. MEETING ATTENDANCE:
Consultant will attend up to two (2) City Council meetings related to district administration, as requested by the City. Consultant will attend additional meetings as requested by the City subject to additional expenses for time and travel.

g. LEVY SUBMITTAL:
Consultant will submit the levy to the County Auditor-Controller in the required format. Special Taxes rejected by the County Auditor-Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not submitted by the County for collection will be invoiced with payment to be directed to the City.

h. MAINTAIN DISTRICT DATA:
Consultant will annually track all parcel changes to ensure that all changes are documented. Historical parcel change data will be maintained by Consultant.

i. SPECIAL TAX LEVY REPORT:
Consultant will provide an annual Special Tax Levy Report. This report will include a parcel listing with levy amounts and other parcel information, the details of the annual Special Tax Requirement, current delinquency information, fund analysis, administrative expenses to be recovered, and status of the project and current issues affecting the district.

j. DELINQUENCY MONITORING:
Consultant will provide a comprehensive list of delinquencies after each installment becomes due. The delinquency report will provide the district’s overall delinquency percentage as well as a detailed list of each delinquent parcel, with the name and address of the delinquent parcel owner, the delinquent amount, and penalties.

k. PREPAYMENT CALCULATIONS:
Consultant will provide special tax prepayment calculations to interested parties. The party requesting the calculation shall pay the fee of any prepayment calculation.

l. BOND CALLS:
Consultant will prepare the spread of principal to be called within maturities for all bond calls and coordinate the call with the Paying Agent/Trustee.

m. RELEASE OF LIENS:
Consultant will prepare all documents required to release the liens of parcels that have prepaid the special tax.

n. CDIAC REPORTING:
Consultant will perform all necessary reporting to the California Debt and Investment Advisory Commission as required by §53359.5(b) and §53359.5(c) of the Government Code of the State of California.

o. ADDITIONAL REPORTING:
Consultant will be a resource to the City by staying current and identifying any new legislation and reporting requirements as they relate to the CFD.

1.For each of the following reporting requirements, Consultant will review all pertinent documents and obtain the information needed to:

a. Prepare the required reporting to the California State Controller's Office California Government Code, Section 12463.2, enacted as part of AB 2109. Provide to City staff for inclusion in the annual financial transaction report.

b. Assist in the filing of the SB 165 report to the [City Council (CITY)/Board of Directors (SPECIAL DIS)/Board of Supervisors (COUNTY)] each year to comply with legislation that enforces additional reporting requirements. California Government Code, Sections 50075.3 or 53411.

c. Prepare other reports as required by any State and/or Federal disclosure reporting requirements pertaining to each CFD, as applicable, amended, or newly enacted and required. This may be subject to additional fee.

p. NOTICE OF SPECIAL TAX DISCLOSURE:
Consultant will provide Notice of Special Tax Disclosure notices to requesting parties as required by §53340.2 and §53341.5 of the Government Code of the State of California. The fee of any Notice of Special Tax shall be billed to the requesting party.

q. CONSULTING SUPPORT:
Consultant will provide a toll-free phone number for use by the City, other interested parties and property owners. Consultants staff will be available to answer questions regarding the CFD and ongoing collection of the special tax. Bilingual staff is available for Spanish-speaking property owners.

2. Community Facilities District Administration (Non-Bonded)

a. DATA COLLECTION:
Consultant will gather and review data pertinent to the administration of the

Community Facilities District (CFD). Data will be obtained from various sources such as assessor's parcel maps, building permits and county assessor information as determined to be necessary based on the requirements of the Rate and Method of Apportionment. Consultant will maintain and periodically update a database of all parcels within the CFD and relevant parcel information.

b. ADMINISTRATIVE COST RECOVERY
Consultant will assist the City in identifying all costs associated with the administration of the CFD and recover those costs through the levy process as outlined in §53317(e) and §53340 of the Government Code of the State of California. Such costs may include, but are not to be limited to: bank fees, legal fees, county tax collection fees, and costs and expenses of the City and its consultants related to administration of the CFD.

c. SPECIAL TAX REQUIREMENT:
Consultant will calculate the annual Special Tax Requirement that will include all necessary components as outlined in the Rate and Method of Apportionment, such as funds necessary for authorized services and maintenance, administrative expenses, collection costs for direct financing of services or facilities, and credits as determined from the analysis of the CFD funds.

d. LEVY CALCULATION:
Consultant will calculate the annual special tax levy for each parcel within the CFD following the guidelines established in the Rate and Method of Apportionment.

e. MEETING ATTENDANCE:
Consultant will attend CFD-related City Council meetings as requested by the City.

f. LEVY SUBMITTAL:
Consultant will submit the levy to the County Auditor-Controller in the required format by the County's deadline. Special Taxes rejected by the County Auditor-Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not accepted by the County for collection will be invoiced directly to the parcel owner, with payment to be directed to the City.

g. SPECIAL TAX LEVY REPORT:
Consultant will provide an annual Special Tax Levy Report. This report will include a parcel listing with levy amounts and other parcel information, the details of the annual Special Tax Requirement, fund analysis, administrative expenses to be recovered, and status of the project and current issues affecting the CFD.

h. ADDITIONAL REPORTING:
Consultant will be a resource to the City by staying current and identifying any new legislation and reporting requirements as they relate to the CFD.

1. For each of the following reporting requirements, Consultant will review all pertinent documents and obtain the information needed to:
a. Prepare the required reporting to the California State Controller's Office California Government Code, Section 12463.2, enacted as part of AB 2109. Provide to City staff for inclusion in the annual financial transaction report.

b. Assist in the filing of the SB 165 report to the City each year to comply with legislation that enforces additional reporting requirements. California Government Code, Sections 50075.3 or 53411.
c. Prepare other reports as required by any State and/or Federal disclosure reporting requirements pertaining to each CFD, as applicable, amended, or newly enacted and required. This may be subject to additional fee.

i. NOTICE OF SPECIAL TAX DISCLOSURE:
Consultant will provide Notice of Special Tax Disclosure notices to requesting parties as required by §53340.2 and §53341.5 of the Government Code of the State of California. The fee of any Notice of Special Tax shall be billed to the party requesting the disclosure form.

j. CONSULTING SUPPORT:
Consultant will provide a toll-free phone number for use by the City, other interested parties and property owners. Consultant's staff will be available to answer questions regarding the CFD and ongoing collection of the special tax. Bilingual staff is available for Spanish-speaking property owners.

3. Continuing Disclosure

a. In accordance with the Continuing Disclosure Certificate of the Bonds, Consultant will support with the annual disclosure filing requirements of the SEC Continuing Disclosure Rule 15c2-12. Specifically, Consultant will perform the following:

b. DOCUMENT REVIEW:
Consultant will review pertinent documents of the Bonds, including the Official Statement and Continuing Disclosure Certificate. Consultant will identify material such as the Comprehensive Annual Financial Report and/or other operating data that the City has agreed to provide in the Continuing Disclosure Certificate.

c. DATA COLLECTION:
Consultant will collect the bond issue-specific financial information and operating data that the City has agreed to provide in the Continuing Disclosure Certificate.

d. REPORT PREPARATION
Consultant will prepare the Annual Disclosure Report as required in the Disclosure Certificate.

e. ANNUAL DISSEMINATION
Consultant will disseminate the Annual Disclosure Report including City Financials to the Electronic Municipal Market Access system, or EMMA, to other required parties.

f. SIGNIFICANT EVENTS
Consultant will prepare and disseminate a “Notice of Significant Events”, as listed on the Continuing Disclosure Certificate, to EMMA, as required in the certificate. Action will commence upon notification by the City of the occurrence of any of the events.

g. CITY’S RESPONSIBILITIES FOR CONTINUING DISCLOSURE:
1. The City shall:

a. Furnish Consultant with any pertinent information that is available to the City and applicable to the services.
b. Designate a person to act with authority on its behalf in respect to the services.
c. Notify Consultant of the occurrence of any events listed in the Continuing Disclosure Certificate.
d. Promptly respond to Consultant's requests for reviews and approvals of its work, and to its requests for decisions related to the services.
e. Understand and agree that the Consultant is entitled to rely on all information, data and documents (collectively, "Information") supplied to Consultant by the City or any of its agents, contractors or proxies or obtained by Consultant from other usual and customary sources including other government sources or proxies as being accurate and correct and Consultant will have no obligation to confirm that such Information is correct and that Consultant will have no liability to City or any third party if such Information is not correct.

4. Arbitrage Rebate

a. To assist in compliance with the IRS Code and U.S. Treasury Regulations, Consultant will provide the following services, at the fees quoted, through the firm of Bond Logistix, LLC ("BLX"), the premier firm for the provision of these services. The following outlines the specific services provided relating to arbitrage rebate calculation and consulting services.

b. DOCUMENT REVIEW:
Pertinent documents of the issue will be reviewed including the Official Statement, Trust Indenture, Tax Certificate, and IRS form 8038-G to determine whether the issue is subject to the rebate requirement and identify what general and/or elective exceptions are available to the issue.

c. DATA COLLECTION:
Collect third-party data and other statistical, financial, and cash flow information required for the reports.

d. BOND YIELD:
Sources and uses of all proceeds will be identified to determine how the rebate requirement applies to each fund. Produce a debt service schedule for the issue and calculate and/or verify the bond yield.

e. EXCESS EARNINGS CALCULATION:
Trust statements and/or City accounting records will be utilized to create a cash flow report for each fund. These reports will be used to identify all investment activity and interest earnings attributable to the funds. Calculate the arbitrage earnings on investment of funds subject to rebate and determine the issuer's net rebate and/or penalty liability.

f. INVESTMENT YIELD CALCULATION:
The investment yield will be calculated for each fund as a "reality check" to reaffirm the accuracy of the cash flow report. This measure not only ensures the accuracy of the report but also is a useful tool when analyzing investment opportunities.

g. SUMMARY REPORT:
A report will be prepared that summarizes the rebate liability of the issue, identifies the methodology employed, computational assumptions, conclusions, and any recommended changes in record keeping and investment policies. Analyze all transactions and explore every legally permissible avenue to minimize the rebate liability. Identify outstanding proceeds subject to the rebate requirement, and identify the instruments and yields of the investment vehicles utilized by each fund.

h. FILING REQUIREMENT:
Consultant will coordinate the preparation and filing of the IRS form 8038-T with the payment as required.

h. REVIEW:
Consultant will review the rebate report with City staff and discuss the policies and procedures as they relate to the rebate requirement to ensure compliance with treasury regulations. The review will also be used to determine the necessity of any future calculations.

i. LEGAL COUNSEL:
Engage, upon request and at additional cost, the services of a tax counsel; whereupon, an independent legal opinion shall be rendered. All BLX reports include a legal opinion from Orrick at no additional charge.

j. ARBITRAGE COMPLIANCE
Keep abreast of enforcement actions and changes to the code/regulations that affect arbitrage compliance requirements. Assist, upon request and at additional cost, the City in the event of a rebate calculation audit. Consult, upon request and at additional cost, with respect to the structuring of new bond issues and other matters that will affect any eventual arbitrage liability.

k. City’s Responsibilities for Administration and Arbitrage

1. The City shall furnish Consultant with any pertinent information that is available to City and applicable to the Services. The City shall designate a person to act with authority on its behalf in respect to the Services. The City shall promptly respond to Consultant's requests for reviews and approvals of its work, and to its requests for decisions related to the Services. City understands and agrees that the Consultant is entitled to rely on all information, data and documents (collectively, “Information”) supplied to the Consultant by City or any of its agents, contractors or proxies or obtained by Consultant from other usual and customary sources including other government sources or proxies as being accurate and correct and Consultant will have no obligation to confirm that such Information is correct and that Consultant will have no liability to City or any third party if such Information is not correct.

5. Solid Waste Fee Mailing of Notices

a. NOTICE MAILING PROJECT STARTUP:
Consultant will consult with City staff to understand the Mailing Project timeline for the Solid Waste Fee.

b. NOTICE:
Consultant will prepare the required Notice for the Solid Waste Fee and the Notice will be approved by the City's legal counsel.

c. MAILING LIST:
Consultant will review both the data supplied by the City from the customer database and the most recent County Assessor's secured roll data to identify parcels that should receive the Notice. The Consultant will create the Notice mailing list.

d. NOTICE MAILING:
Consultant will manage the process required to print and mail the Notice to property owners and customers subject to the Solid Waste Fee.

e. CONSULTING SUPPORT:
Consultant will provide consulting support including a toll-free phone number for use by the City, other interested parties, property owners, and customers. The Consultants staff will be available to answer questions regarding the Solid Waste Fee. Bilingual staff is available to assist Spanish-speaking property owners.

f. City's Responsibilities for Solid Waste Fee Mailing of Notices

1. The City shall furnish Consultant with any pertinent information that is available to the City and applicable to the Mailing Project. The City shall designate a person to act with authority on its behalf with respect to the Mailing Project. The City shall promptly respond to requests for review and approval of work prepared by Consultant, and to requests for decisions related to the Mailing Project.

2. City understands and agrees that the Consultant is entitled to rely on all information, data and documents (collectively, "Information") supplied to Consultant by City or any of its agents, contractors or proxies or obtained by Consultant from other usual and customary sources including other government sources or proxies as being accurate and correct and Consultant will have no obligation to confirm that such Information is correct and that Consultant will have no liability to City or any third party if such Information is not correct.

6. Solid Waste Fee Tax Roll Billing and Calculation

a. KICK-OFF MEETING - MEET WITH CITY STAFF TO DISCUSS:
a. Tax roll billing steps and appropriate timeline
b. Method of application of the Solid Waste Fee and the data required to establish the proper procedure for levying
c. Process for any appeals or disputes

b. DATA COLLECTION:
Gather and review data pertinent to the calculation and billing of the Solid Waste Fee. Data will be obtained from various sources such as the City's utility database, Assessor's parcel maps and County Assessor information as determined to be necessary based on the requirements of the formula.

c. QUALITY CONTROL:

Perform cross-reference tests looking at the various data sources, land use codes, and other pertinent information to improve accuracy of application of the charges.

d. DATABASE MAINTENANCE:
Maintain and periodically update a database for all parcels and relevant parcel information within the service area.

e. LEVY CALCULATION:
Calculate the annual levy for each applicable parcel within the City following the guidelines established in the formula.

f. LEVY SUBMITTAL:
Submit the levy to the County Auditor Controller in the required electronic format. Levies rejected by the County Auditor Controller will be researched and resubmitted for collection on the County Tax Roll. Any parcels that are not accepted by the County for collection will be invoiced with payment to be directed to the City.

g. REPORTING:
Provide an annual Levy Report. The report will include a parcel listing with levy amounts. Parcel and levy data can be provided electronically if desired.

h. CONSULTING SUPPORT:
Consultant will provide a toll-free phone number for use by the City, other interested parties, and all property owners. Our staff will be available to answer questions regarding the Solid Waste Fee. Bilingual staff is available for Spanish-speaking property owners.

i. City’s Responsibilities for Tax Roll Billing Services

The City shall furnish Consultant with any pertinent information that is available to City and applicable to the Services. The City shall designate a person to act with authority on its behalf in respect to the Services. The City shall promptly respond to Consultant’s requests for reviews and approvals of its work, and to its requests for decisions related to the Services. City understands and agrees that Consultant is entitled to rely on all information, data and documents (collectively, “Information”) supplied to Consultant by City or any of its agents, contractors or proxies or obtained by Consultant from other usual and customary sources including other government sources or proxies as being accurate and correct and Consultant will have no obligation to confirm that such Information is correct and that Consultant will have no liability to City or any third party if such Information is not correct.

7. This amendment number 2, will increase the overall price of the Agreement by $75,250.00 for a new not to exceed amount of $ 1,001,379.00, inclusive of the payments already made pursuant to Agreement A-7611 as amended, and as set forth on Attachment A here to.

All other terms and conditions of the Original Agreement not amended herein, remain in full force and effect.

In Witness Whereof, the parties hereto have caused this Contract to be executed and attested by their respective officers thereunto duly authorized.

CITY OF PALMDALE:

RONDA PEREZ
CITY MANAGER

JS

Signed: 7/28/2023

ADDRESS FOR NOTICE:
CITY OF PALMDALE
38300 Sierra Highway, Suite D
Palmdale, CA 93550

APPROVE AS TO FORM:

William Patrick Curley III

Signed: 7/31/2023

William P. Curley, III
Interim City Attorney

ATTEST:

Roxanne Faber
Acting City Clerk

NBS GOVERNMENT FINANCE GROUP
:

Michael Rentner

Signed: 7/31/2023

MICHAEL RENTNER
PRESIDENT & CEO

ADDRESS FOR NOTICE:
NBS GOVERNMENT FINANCE GROUP
32605 Temecula Parkway, Suite 100
Temecula, CA 92592

ATTACHMENT A
A-7611 Second Amendment

COMPENSATION FOR SERVICES

Total Fees for Services shown below are not to exceed $75,250 for Fiscal Year 2023/24 (assumes five Zones in CFD 2022-1).

Administration Services

CFD 2022-1 Citywide Maintenance and Services

Initial District	$3,750
Zones 1-10	$1,000 Per Zone
Zones 11 Plus	$750 Per Zone
Maximum District Total (Up to 50 Zones)[1][2]	$42,500
CFD 2022-2 Ritter Ranch Services	$4,000
CFD 2022-3 Ritter Ranch Facilities	$5,500
Estimated Expenses $500 per District [3]	$1,500
FY 2023/24 Total Not to Exceed (assumes five Zones for CFD 2022-1)	**$19,750**

[1] Fees to be split between zones annually based on parcel count (or other criteria as directed by the City).

[2] Fees for 51 or more zones will require amendment between City and NBS.

[3] See description of expenses below

Solid Waste Fee Mailing of Notices

Consulting Fee	$ 21,000
Estimated Expenses (Excluding Mailing Costs) [1][2]	$ 500
Total Not to Exceed [2]	$ 21,500

[1] See description of expenses below

[2] Notice Mailing costs are not included and are estimated at $1 per mailing for 50K parcels. Total number of mailings are dependent upon the final Notice Mailing database.

Solid Waste Fee Tax Roll Billing Services

Annual Base Fee	$ 19,000
Consulting Services	$14,500
Estimated Expenses (1)	$ 500
Total Not to Exceed	$ 34,000

[1] See description of expenses below

Continuing Disclosure

ANNUAL REPORT FEE

Report Fee	TBD at the time of bond issuance
Significant Event Notification (as needed)	Hourly or $250 per event

DISSEMINATION SERVICES

Report Dissemination	$25
Significant Event Dissemination (per recipient)	$25

Arbitrage Rebate Reporting

The following fees are for typical bond issues and analysis required. If there are unusual issues or commingled funds, there could be additional fees. We will recommend strategies to minimize the effort and fees for this work.

BASE FEES

Commitment Fee: ..... $Waived
Report Fee (per report):..... $2,250

ADDITIONAL SERVICE FEES

Computation Periods in Excess of 18 Months (per year): $500
Commingled Funds Analysis (as appropriate)..... $500
Transferred Proceeds Analysis (as appropriate)..... $500
Variable Rate Issues $500

ANNUAL FEE INCREASES

Cost of living increases may be applied to the Administration services listed above on October 1 each year, beginning with the invoices issued on October 1, 2024. The COLA would be the actual cost of living increase based on the 12-month change from May to May in the U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban consumers for the applicable region for the City's location.

EXPENSES

Customary out-of-pocket expenses will be billed to the City at actual cost to NBS. These expenses may include, but not be limited to, mailing fulfillment, postage, reproduction, telephone, travel, meals and various third-party charges for data, maps, and recording fees.

ADDITIONAL SERVICES

The following table shows our current hourly rates. Additional services authorized by the City but not included in the scope of services will be billed at this rate or the then applicable hourly rate.

Title	Hourly Rate
Director	$250
Associate Director / Engineer	$225
Senior Consultant / Manager	$200
Consultant	$175
Financial Analyst	$150
Clerical / Support	$110

TERMS

Administration and Tax Roll Billing services will be invoiced at the beginning of each quarter. Arbitrage Services, Disclosure & Mailing of Notices will be billed upon completion. Expenses will be itemized and included in the next regular invoice. If the project is prematurely terminated by either party, NBS shall receive payment for work completed. Payment shall be made within 30 days of submittal of an invoice. If payment is not received within 90 days simple interest will begin to accrue at the rate of 1.5% per month. Either party may cancel this contract with 30 days written notice.

---------- INTERNAL USE ONLY ----------

■Certificate(s) and Endorsement(s) attached
■Confirmed business name on contract with certificate(s)
■Original contract and previous amendment(s) (if any) are attached
■Attached Agreement Checklist and met all requirements

Record of Signing

For
Name
Title

JS

Signed on 2023-07-28 16:16:02 GMT

Secured by Concord™
DocumentID: MDQwNjA1NzItZW
SigningID: MzZlNmIyZmEtZT
Signing date: 7/28/2023
IP Address: 206.171.111.149
Email: jsamson@cityofpalmdale.org

For
Name
Title

Michael Rentner

Signed on 2023-07-31 14:23:02 GMT

Secured by Concord™
DocumentID: MDQwNjA1NzItZW
SigningID: YWFiMmU2MGEtNT
Signing date: 7/31/2023
IP Address: 174.236.229.83
Email: mrentner@nbsgov.com

For
Name
Title

William Patrick Curley III

Signed on 2023-07-31 16:52:16 GMT

Secured by Concord™
DocumentID: MDQwNjA1NzItZW
SigningID: NDBjNWI1YjItOG
Signing date: 7/31/2023
IP Address: 107.131.11.226
Email: wcurley@harperburns.com

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Where agreements happen.

Signed with www.concordnow.com

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **CITY ATTORNEY'S OFFICE**

DISTRICT: **ALL**

SUBJECT: **APPROVE SECOND AMENDMENT TO LEGAL SERVICES AGREEMENT WITH BRADLEY, GMELICH & WELLERSTEIN, LLP TO INCREASE THE TOTAL AMOUNT OF THE AGREEMENT BY AN ADDITIONAL $240,000 NOT TO EXCEED THE SUM OF $990,000**

ISSUE

Approve Second Amendment to Legal Services Agreement with Bradley, Gmelich & Wellerstein, LLP to increase the total amount of the Agreement by an additional $240,000 not to exceed the sum of $990,000.

RECOMMENDATION

Staff recommends that the City Council:

1. Approve the Second Amendment to Legal Services Agreement with Bradley, Gmelich & Wellerstein, LLP to increase the total amount of the Agreement by an additional $240,000 not to exceed the sum of $990,000; and
2. Authorize the City Manager or her designee to execute the Second Amendment with Bradley, Gmelich & Wellerstein, LLP substantially in the same form as presented to the City Council.

BACKGROUND

Bradley, Gmelich & Wellerstein, LLP has competently provided legal services to the City of Palmdale for more than a decade. The City Attorney's Office would like to continue to use their services for various legal matters.

DISCUSSION

Bradley, Gmelich & Wellerstein, LLP would continue to provide legal services pertaining to personal injury, property damage and employment law defense. This work would also include cross claims, counter claims, summary judgments and all manner of motions, discovery proceedings, trials, and post-trial and appellate work. In addition, the firm would provide general advisory services related to such claims and lawsuits and the prevention of future claims and lawsuits. The Second Amendment to the Legal Services Agreement will increase the not-to-exceed agreement amount by an additional $240,000

to $990,000. Staff proposes that the City Council authorize the City Manager to execute the Amendment and allow Bradley, Gmelich & Wellerstein, LLP to continue to provide legal services for the remainder of the term through February 2025.

FISCAL IMPACT

The Second Amendment to the Legal Services Agreement will increase the not-to-exceed agreement amount by $240,000. However, this amount is not guaranteed. Fees will only be paid to the extent services are provided. Funds for this agreement are currently budgeted in the City Attorney's Office budget accounts: 15014101-721150 / 15014101-721151 / 10114001-721100.

STRATEGIC PLAN

Goal II: Ensure long-term fiscal health of the City and maintain funding for services.

A. Manage resources, costs, and liabilities to ensure the City's long-term fiscal health.

Prepared by:	Angie Barajas, Legal & Risk Coordinator
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, Interim City Attorney

ATTACHMENTS

Second Amendment with Bradley, Gmelich & Wellerstein, LLP
First Amendment with Bradley, Gmelich & Wellerstein, LLP
Agreement with Bradley, Gmelich & Wellerstein, LLP (A-7819)

SECOND AMENDMENT TO AGREEMENT A-7819
BETWEEN THE CITY OF PALMDALE AND BRADLEY, GMELICH & WELLERSTEIN, LLP

This Second Amendment to Agreement No. A-7819 ("Agreement") is made and entered into by and between the City of Palmdale (hereinafter called "CITY") and Bradley, Gmelich & Wellerstein, LLP (hereinafter called "FIRM"). This Contract shall become effective on the date of the last signatory.

WHEREAS, CITY and FIRM entered into an Agreement on February 16, 2022 for legal services pursuant to California Business and Professions Code Section 6148;

WHEREAS, CITY and FIRM entered into an Amendment One to the Agreement for Legal Services on November 16, 2022 to increase the contract amount to $750,000; and

WHEREAS, CITY and FIRM desire to amend the contract amount of the Agreement to provide for additional services.

NOW THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. The compensation identified in Section 4(e) shall be amended to increase the total amount of the Agreement by an additional Two-Hundred and Forty Thousand Dollars ($240,000) not to exceed the sum of Nine-Hundred and Ninety Thousand Dollars ($990,000).

2. All other terms and conditions remain the same.

In Witness Whereof, the parties hereto have caused this Contract to be executed and attested by their respective officers thereunto duly authorized.

CITY OF PALMDALE

SIGNATURE AREA

Ronda Perez Date
City Manager

SIGNATURE AREA

ADDRESS FOR NOTICE:
CITY OF PALMDALE
38300 Sierra Hwy
Palmdale, CA 93550

BRADLEY, GMELICH & WELLERSTEIN, LLP

SIGNATURE AREA

Barry Bradley, Esq. Date
Managing Partner

ADDRESS FOR NOTICE:
BRADLEY, GMELICH & WELLERSTEIN, LLP
700 N. Brand Blvd., 10th Floor
Glendale, CA 91203

APPROVE AS TO FORM:

SIGNATURE AREA

William P. Curley
Interim City Attorney

ATTEST:

SIGNATURE AREA

Roxanne Faber
Acting City Clerk

FIRST AMENDMENT TO AGREEMENT A-7819
BETWEEN THE CITY OF PALMDALE AND BRADLEY, GMELICH & WELLERSTEIN LLP

This First Amendment to Agreement No. A-7819 ("Agreement") between the City of Palmdale and Bradley, Gmelich & Wellerstein, LLP is made and entered into this 16th day of November, 2022 by and between the City of Palmdale (hereinafter called "CITY") and Bradley, Gmelich & Wellerstein, LLP (hereinafter called "FIRM").

WHEREAS, CITY and FIRM entered into an Agreement on February 16, 2022 for legal services pursuant to California Business and Professions Code Section 6148; and

WHEREAS, CITY and FIRM desire to amend the contract amount of the Agreement to provide for additional services.

NOW THEREFORE, in consideration of the foregoing, the parties agree as follows:

1. The compensation identified in Section 4(e) shall be amended to increase the total amount of the Agreement by Five-Hundred Thousand Dollars ($500,000) not to exceed the sum of Seven-Hundred and Fifty Thousand Dollars ($750,000).

2. All other terms and conditions remain the same.

In Witness Whereof, the parties hereto have caused this Contract to be executed and attested by their respective officers thereunto duly authorized.

CITY OF PALMDALE

Ronda / 12/5/22

Ronda Perez Date
Interim City Manager

ADDRESS FOR NOTICE:
CITY OF PALMDALE
38300 Sierra Hwy
Palmdale, CA 93550

APPROVE AS TO FORM:

Scott Porter

Scott E. Porter
Interim City Attorney

ATTEST:

Roxanne Faber

Roxanne Faber
Acting City Clerk

BRADLEY, GMELICH & WELLERSTEIN LLP

11/23/22

Barry Bradley, Esq. Date
Managing Partner

ADDRESS FOR NOTICE:
BRADLEY, GMELICH & WELLERSTEIN LLP
700 N. Brand Blvd., 10th Floor
Glendale, CA 91203

ATTEST: If Corporation

Secretary

ORIGINAL

AGREEMENT FOR LEGAL SERVICES BETWEEN THE CITY OF PALMDALE AND BRADLEY, GMELICH & WELLERSTEIN LLP

AGREEMENT NO. A- 7819

This Legal Services Agreement ("Agreement") is made and entered into by and between the City of Palmdale ("City") and Bradley, Gmelich & Wellerstein LLP ("Firm"), collectively identified as "the parties."

RECITALS:

A. This Agreement is made pursuant to California Business and Professions Code Section 6148, and is intended to fulfill the requirements of that section.

B. The City desires to retain the Firm to provide specialized legal services related to the areas of civil litigation and personal injury defense, general advisory services related to municipal law and business practices, as well as legal services related to employment law litigation, advice and counsel.

C. The attorneys of the Firm are duly licensed under the laws of the State of California and are fully qualified to provide the services contemplated by this Agreement.

THE PARTIES AGREE AS FOLLOWS:

1. **Scope of Services.**

a. The Firm will provide those legal services as may be authorized and assigned by the Palmdale City Attorney, including, without limitation, legal services related to personal injury and property damage defense, employment law defense, cross claims, counter claims, summary judgments and all manner of motions, discovery proceedings, trials, and post-trial and appellate work, as well as general advisory services related to such claims and lawsuits and the prevention of future claims and lawsuits. The firm will provide those legal services reasonably required to accomplish City's stated goals.

b. The legal services the Firm will provide to City will be billed at the rates set forth in Exhibit "A", attached.

2. **Designation of Responsible Attorneys.**

Barry Bradley, Esq. is designated as the attorney responsible for providing the legal services under this Agreement to City and for

supervising any other attorneys within the Firm assisting him in the performance of those services. The Firm's offices are located at 700 North Brand Boulevard, 10th Floor, Glendale, CA 91203.

3. **Confidentiality.**

All reports, information, data, or other documents prepared or assembled by the Firm under this Agreement are confidential and the Firm shall not make the same available to any individual or organization without the prior written approval of the Palmdale City Attorney.

4. **Maximum Contract Amount, Billing Procedures, and Monthly Statements.**

a. The Firm shall submit to the Palmdale City Attorney, within thirty (30) days after the end of each calendar month, an itemized statement of the professional services provided and the time expended providing those services. This statement will be in the form customarily submitted by the Firm to clients that are billed on an hourly basis. The parties acknowledge that payment of all monthly statements is expected to be made within thirty (30) days of the billing date.

b. The Firm will bill the City for items such as, but not limited to, long distance telephone calls, filing fees (if applicable), document duplication, computerized legal research, word-processing, and similar out-of-pocket expenditures. These items will be separately designated on the Firm's monthly statements as "disbursements," and will be billed in addition to the fees for professional services.

c. If the Firm's services are billed by the hour, time will be charged by the Firm in increments of 1/10 of an hour (i.e., six-minute units). Among the services which are routinely billed are telephone conversations and travel time. In addition to the fees charged for services, the Firm also bills for costs incurred, which include, but are not limited to, filing fees (if applicable), messenger and air courier expensed, parking expenses, local and out-of-town travel expenses, facsimile and other communication expenses, postage, and printing costs. In addition, the Firm charges for certain internal costs if incurred on City's behalf, such as photocopying, secretarial overtime, and word processing.

The rate structure in general, or the rates of particular attorneys, may be increased from time to time, after a minimum 30-day written notice to and written consent of the Palmdale City Attorney. To the extent

feasible, these adjustments will be made so as to coincide with the beginning of City's fiscal year, which begins on July 1st. If possible, requests to increase fees should be forwarded to the Palmdale City Attorney in February of any given year.

d. The Firm's fees for legal services are based primarily on hourly rates; other factors considered by the Firm in determining a fair fee are set forth in Rule 4-200 of the Rules of Professional Conduct of the California State Bar Association. If persons who are "Of Counsel" to the Firm work on City matters, the Firm and its Of Counsel may from time to time share the fees paid by City; however, if such is the case, City's fees will not be increased in any way, and the fees which City is requested to pay will be the same as would have been payable had there been no such sharing of fees.

e. All fees, charges, costs and reimbursable items for the entire term of this Agreement shall not exceed a maximum of **$250,000.00**.

5. **Resolution of Fee Disputes.**

City is entitled to require that any fee dispute be resolved by binding arbitration in Los Angeles in accordance with the arbitration rules of the Los Angeles County Bar Association for legal fee disputes. If City chooses not to use the Los Angeles County Bar Association's arbitration procedures, City agrees that any disputes regarding the professional services rendered or fees charged by the Firm will be submitted to binding arbitration in Los Angeles to be conducted by the American Arbitration Association (or an alternative provider if the Parties so agree) in accordance with its commercial arbitration rules.

6. **Term of the Agreement.**

This Agreement will take effect on February 16, 2022 and will remain in full force and effect for a period of three (3) years or until terminated in accordance with the provisions of Section 7.

7. **Termination of the Agreement.**

City has the right to terminate the Firm's representation at any time, without cause, subject to an obligation to give notice in writing to the Firm at least thirty (30) days prior to termination. The Firm has the same right, subject to an obligation to give City written notice at least ninety (90) days prior to termination so that City will be able to arrange alternative representation. In either circumstance, City agrees to secure new counsel as quickly as possible and to cooperate fully in the substitution of the new counsel as counsel of record

in any pending litigation matters. The Firm agrees to cooperate fully in any such transition, including the transfer of files. Upon termination, all finished or unfinished materials shall become the property of City. Notwithstanding the termination of the Firm's representation, City will remain obligated to pay to the Firm all fees and costs incurred prior to such termination.

8. **Modifications to the Agreement.**

Unless otherwise provided for in this Agreement, modifications relating to the nature, extent, or duration of the Firm's professional services to be rendered will require the written approval of the Palmdale City Attorney. Any such written approval will be deemed to be a supplement to this Agreement and will specify any changes in the Scope of Services and the agreed-upon billing rate to be charged by the Firm and paid by the City.

9. **Independent Contractor.**

No employment relationship is created by this Agreement with the Firm or any employees of the Firm. For all purposes, the Firm and its employees are independent contractors to City and shall not incur, nor have the authority to incur any debt, obligation, or liability for or against City.

10. **Assignment and Delegation.**

This Agreement contemplates the performance of professional services by the Firm. Neither this Agreement, nor any portion of it, may be assigned or delegated by the Firm without the prior written consent of the Palmdale City Attorney. Delegation to attorneys outside the Firm will be limited to those situations in which the Firm is disqualified by virtue of a conflict of interest, or where the Firm does not possess the expertise to perform services in a particular practice area. The Firm will supervise delegated work, except where precluded from doing so by virtue of a conflict of interest, and where otherwise agreed to by the parties.

11. **Conflict of Interest.**

The Firm affirms that it presently has no interest and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of the services contemplated by this Agreement. No person having such interest shall be employed by or associated with the Firm.

12. **Insurance.**

a. The Firm shall obtain and maintain in full force and effect a professional liability insurance policy that provides coverage in an amount not less than $1,000,000 per occurrence. This insurance policy shall provide coverage to the City for any damages or losses suffered by City as a result of any error, omission, or neglect by the Firm that arises out of the professional services rendered under this Agreement. Such insurance may be subject to a self-insured retention or deductible to be borne entirely by the Firm.

b. The Firm will obtain and maintain workers' compensation insurance in accordance with Section 3700 of the California Labor Code.

c. The Firm will obtain and maintain in full force and effect comprehensive general liability insurance in an amount not less than $1,000,000 per occurrence with a $2,000,000 aggregate.

d. All insurance coverage specified above will provide for a minimum of thirty (30) days notice of cancellation by the insurance carrier, and will be maintained in full force and effect throughout the term of this Agreement.

13. **Legal Files.**

a. During the period that the Firm is actively working upon a matter, the files pertaining thereto will be maintained in its offices. Files may be maintained in physical files or electronically. After the Firm has concluded working upon a matter, any physical files will be destroyed within a reasonable time in a confidentially safe manner. Electronic files will be maintained for a period of five years. City is free to request any of its original physical files or documents at any time, and further request that the original files not be destroyed for a specified period of time not to exceed four years from the date of file closure. All original agreements, modification or deeds, easements or similar original documents should be forwarded to the Palmdale City Clerk either as created or at the conclusion of a case. City may request copies of its client matter files at any time, including, without limitation, upon termination of the Firm's engagement. City agrees that upon delivery of any client matter files that it will pay the Firm for its costs incurred in photocopying such files.

b. If the firm is called upon to give testimony or produce documents in any legal or administrative proceeding which concerns City in any way, whether before or after the representation and rendition of legal services to City under this agreement terminates, City agrees to pay the Firm, at it's then prevailing hourly rates, for it's time in investigating, preparing for and in giving testimony and/or in producing documents and for all expense incurred in connection with doing so.

14. **Entire Agreement**

This Agreement will constitute the full and complete agreement and understanding of the parties and supersedes all prior agreements and all other written or oral statements of either party relating to its subject matter.

TO EFFECTUATE THIS AGREEMENT, the authorized representatives of the parties have caused this Agreement to be executed as of the dates indicated below.

CITY OF PALMDALE

Christopher Beck
City Attorney

BRADLEY, GMELICH & WELLERSTEIN LLP

Barry Bradley, Esq.
Managing Partner

Attest:

Shanae S. Smith
City Clerk

Approved as to form:

Christopher Beck
City Attorney

EXHIBIT "A"
RATE SCHEDULE

A. Identification.

Client: City of Palmdale
Matter: Any matters assigned by the Palmdale City Attorney.

B. Attorney Fees. (Hourly)

1. **For General Liability, Personal Injury and Property Loss Claims:**

Managing Partner	$275/hour
Partners and Special Counsel	$255/hour
Senior Associates	$240/hour
Associates	$220/hour
Paralegals and Law Clerks	$135/hour

2. **For Employment Law Claims, Including Employment Advice, Counsel and Workplace Investigations:**

Managing Partner	$300/hour
Partners and Special Counsel	$300/hour
Senior Associates	$250/hour
Associates	$250/hour
Paralegals and Law Clerks	$135/hour

C. Standard Charges.

Hourly rate will be billed in minimum units of one-tenth hours.

D. Costs and Expenses.

In-office photocopying	$0.25/page
Mileage	IRS prevailing mileage rates
Computerized Legal Research	At vendor cost
Word Processing	Varies
Postage	At vendor cost
Courier and Air Freight Charges	At vendor cost
Messenger Services	At vendor cost
Title Report and/or Litigation Guarantee	At vendor cost
Notary	At vendor cost
Court Photocopying	At cost
Incoming or out-going Fax Charges	$1.00/page

Conference Call Charges	AT&T standard rates or equal
Travel Expenses	At cost
Other reasonable costs	At cost

E. Subject to Change.

The rates on this schedule are subject to change on thirty (30) days written notice and approval by the Palmdale City Attorney. If City declines to pay any increased rates, Firm will have the right to withdraw as Palmdale's counsel.

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **PUBLIC WORKS DEPARTMENT**

DISTRICT: **ALL**

SUBJECT: **APPROVE SERVICE AGREEMENT FOR A DIGITAL DIVIDE STUDY WITH NUTTER CONSULTING IN THE AMOUNT OF $140,000 FOR A TERM OF SIX (6) MONTHS**

ISSUE

Approve service agreement for a digital divide study with Nutter Consulting in the amount of $140,000 for a term of six (6) months.

RECOMMENDATION

Staff recommends that the City Council:

1. Approve Agreement No. A-8413 with Nutter Consulting for service agreement in the amount of $140,000.

2. Authorize the City Manager or her designee to execute Agreement No. A-8413, with Nutter Consulting, including non-substantive changes.

BACKGROUND

The City of Palmdale applied for the California Public Utilities Commission's (CPUC) Local Agency Technical Assistance (LATA) Grant in October 2022. The CPUC awarded the City of Palmdale a total of $325,000 to perform a Digital Equity Study along with subsequent programs based on its recommendations. The grant estimated that the study could cost up to $150,000. The City of Palmdale accepted the LATA grant on February 15, 2023.

DISCUSSION

The Digital Equity Study is intended to survey the community on how connected residents are to the internet. The plan will determine what might impede people from accessing the internet and how best to help them. Accessibility is important, and lack of it can be for a variety of reasons, such as education, training, lack of proper equipment and affordability. The study will pinpoint the root causes for the lack of access, so that we may be able to better serve our community and provide programs that are of true value to our residents. The study will include a robust community outreach approach such as workshops, surveys, and quality engagements with the residents of the City.

The deliverable from this study will include a final report, summary of data and an interactive and user-friendly dashboard.

A Request for Proposal was re-released publicly on Planet Bids in April and was sent to a substantial list of vendors. Staff received four (4) qualification and cost proposal packages. An evaluation committee reviewed each proposal, and the most qualified consultant was chosen based upon the following criteria:

Criteria	Maximum Score
Proof of Successful Past Performance and Experience: • Demonstrated present and past work record performance of Digital Equity Study. • Reference Responses (Comments from references regarding Respondent's responsiveness to customer requirements, compliance with the contract terms, conditions, and products and work quality).	30 Points Maximum
Proposer's ability to perform general and specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services. Project timeline and associated milestones are fair and reasonable. • Key Personnel Resumes – experience of key staff on comparable projects, or in performing comparable services	15 Points Maximum
Cost Proposal. Mathematically calculated based upon the reasonableness of the cost or price proposed for services. Competitiveness of the price with the other proposals received and least amount of risk. Completeness and adequacy of data in support of the figures quoted, and the basis on which prices are quoted.	15 Points Maximum
Technical, Plan, & Scheduled Approach. • Demonstrate the company's ability to deliver the requirements of this RFP. The overall quality of the proposed plan for performing the required services and the demonstration of a clear understanding of the project. • Quality of RFP response is based on the overall quality and presentation of the proposer's response documents. Responses that are complete, organized and provide all relevant materials to properly evaluate the response and the company. • Understanding of digital equity and the project in general • Project schedule • QA/QC guarantees • Able to change budget or scope based on the Cities needs in a reasonable time and manner. • Bi-monthly updates of the project and outreach attempts. • Approach to the project	40 Points Maximum
TOTAL POINTS MAXIMUM 100	

Staff evaluated all proposals and determined that Nutter Consulting was the most qualified applicant for the project. This was based on their well-rounded approach and prior experience working with other cities and companies providing similar studies.

FISCAL IMPACT

This project is funded in Account No G0157241-724525-2104, with a current balance of $325,000.

STRATEGIC PLAN

Goal III: Invest in infrastructure to improve community livability.

B. Implement and administer environmentally sustainable programs.

Goal IV: Maintain a desirable community where everyone wants to live, work and play.

B. Provide inclusive access to a variety of supportive services that build a resilient and healthy community.

Prepared by:	Lynn Glidden, P.E., Director of Public Works
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Interim City Attorney

ATTACHMENTS

Agreement No. A-8413 Consulting Services Agreement

AGREEMENT NO. A-8413
CONTRACT FOR CONSULTANT SERVICES
BETWEEN THE CITY OF PALMDALE AND NUTTER CONSULTING

THIS CONTRACT FOR CONSULTANT SERVICES ("Contract" herein) is made and entered into by and between the City of Palmdale a public body corporate and politic, (hereinafter called "CITY") and NUTTER CONSULTING (hereinafter called "CONSULTANT"). This Contract shall become effective on the date of the last signatory.

RECITALS

WHEREAS**,** City desires to engage CONSULTANT to provide certain consultant services; and

WHEREAS, CONSULTANT represents that CONSULTANT has the expertise and is qualified to perform the services described in this Contract. And, if required, is duly registered under the laws of the State of California; and

WHEREAS, CONSULTANT desires to accept such engagement.

NOW, THEREFORE, the parties agree as follows:

1 DESCRIPTION OF WORK

1.1 The City hereby engages CONSULTANT, and CONSULTANT accepts such engagement, to provide the following services:

1. Kickoff Meeting
One kickoff meeting to formally share a project approach, start date, and roles of all team members.

2. Project Management Plan
Nutter Consulting will development a Project Management Plan.

The PMP will include the following:

A project schedule.
A work plan to complete the study in nine months
Introduction of the project team members.
Deliverables strategy.
Bi-monthly check ins.
Notification procedures of any updates or changes in the schedule or deliverables that would affect the timeline.

3. Preliminary Findings
Nutter Consulting will provide a midway analysis of any outliers or concerning findings

that have arrived before the final report. This information will allow the City to move forward in the right direction as needed.

4. Bi-Monthly Check-ins
Nutter Consulting will provide bi-Monthly check-ins with City Staff via online or in person.

5. Thorough Surveys
Nutter Consulting will provide the following:

Surveys that have been reviewed by City Staff before deployment.
Paper surveys, they will be distributed by Nutter Consulting, City or community-based organizations.
A summary of findings and provide a summary report of the findings.
Produce Surveys in english and spanish to engage residents.

6. Community Outreach/ Engagement
Nutter Consulting will provide Outreach to communities can be via city events, town halls, and community events. If the City sees fit a town hall or open house can happen virtually.

Nutter Consulting will provide the following:

The City expects a minimum of four community outreach events.
One virtual focus group hosted by the City but facilitated by Consultant.
Targeted assessments can be done via workshops, forums, and focus groups. The assessments and should have a diverse range of participants.
The Consultant should produce a community engagement plan that they will implement with their goals, key messages, demographic analysis, and outreach methods.

7. Utilization of all available and relevant data
Nutter Consulting will use all available and relevant data to provide a thorough analysis of the City. The Consultant should use methods such as data cleaning, and data scraping.

8. Documentation of Feedback

9. Workshop Training
Nutter Consulting will provide education to City Staff and the community.

10. City Council Briefing
Nutter Consulting will attend at least 4 City Council briefings.

11. A Concise Final Report

12. A clear, interactive, and user-friendly dashboard

13. Access to graphs used in the dashboard separately.

14. SiFi Networks as part of their partnership with the City has requested the addresses of a maximum of ten (10) percent of City residential units that qualify for a discounted rate program. Consultants must aid City Staff with generating the proposed list of addresses.

CONSULTANT shall perform and complete all such work and services in a manner satisfactory to CITY.

1.2 Project deliverables shall be reviewed and approved by CITY to determine acceptable completion. CITY shall have the right to review and inspect the work during the course of its performance at such times as may be specified by CITY.

1.3 CONSULTANT shall not accept any change of scope, or change in contract provisions, unless issued in writing, as a contract change order or amendment and signed by CITY. Any extensions of time must be mutually agreed upon in writing and executed by both parties.

1.4 CITY shall provide to CONSULTANT, without charge, all data, program information, including reports, records, maps, and other information, now in CITY's possession, which may facilitate the timely performance of the work.

2 CITY PROJECT MANAGER

To provide the services required by this Contract, CONSULTANT shall act under the authority and approval of a Project Manager appointed by CITY. The City Project Manager will oversee the work under this Contract, assist CONSULTANT with any necessary information, audit billings, and approve payments. CONSULTANT shall channel reports, deliverables, and special requests through the City Project Manager.

3 CONSULTANT'S KEY PERSONNEL

CONSULTANT's Team and Key Personnel are as follows:

Melanie Nutter, Principal; Katherine Lee, Senior Associate; Emily Walsh, Consulting Fellow.

This Consultant Services Contract has been awarded to CONSULTANT based on its representation that those personnel and subcontractors listed above will perform the portions of the work listed herein. CONSULTANT shall not deviate nor substitute any of these team members without prior written approval by CITY.

4 CONTRACT TERM

The term of this contract is ONE (1) YEAR, commencing on the effective date.

5 TAXES

5.1 CONSULTANT shall pay all sales, consumer, use, and other similar taxes required to be paid by CONSULTANT in accordance with state and local laws.

5.2 CONSULTANT is an independent contractor and shall have no power or authority to incur any debt, obligation, or liability on behalf of CITY. No person employed by CONSULTANT or acting on its behalf, in connection with this Contract shall be considered the Agent or employee of CITY.

5.3 CONSULTANT shall be required to obtain a current City of Palmdale business license, as required by the Palmdale Municipal Code, before an Authorization to Proceed is issued.

6 PATENT FEES AND ROYALTIES

CONSULTANT shall pay all license fees and royalties and assume all costs incident to the use, in the performance of the work or the incorporation in the work of any invention, design, process, product or device which is the subject of patent rights or copyrights held by others. If a particular invention, design, process, product or device is specified by CITY for use in the performance of the work and if, to the actual knowledge of CITY, its use is subject to patent rights or copyrights calling for the payment of any license fee or royalty to others, the existence of such rights shall be disclosed by CITY in the contract documents. CONSULTANT shall indemnify and hold harmless CITY and anyone directly or indirectly employed by CITY from and against all claims, damages, losses and expenses (including attorneys' fees) arising out of any infringement of patent rights or copyrights incident to the use in the performance of the work, or resulting from the incorporation in the work of any invention, design, process, product or device not specified by CITY, and shall defend all such claims in connection with any alleged infringement of such rights.

7 STANDARDS OF PERFORMANCE

CONSULTANT shall be responsible for the completeness and accuracy of its services and work and documents resulting there from, and CITY shall not be responsible for discovering deficiencies therein. CONSULTANT shall correct any such deficiencies or errors without additional compensation and without cost to CITY, except to the extent any such deficiency is directly attributable to deficiencies in CITY -furnished information.

8 CONSULTANT’S PERSONNEL

8.1 All services required under this Contract shall be performed by CONSULTANT, or under CONSULTANT’S direct supervision, and all personnel shall

possess the qualifications, permits and licenses required by State and local law to perform such services.

8.2 CONSULTANT shall be solely responsible for the satisfactory work performance of all personnel engaged in performing services required by this Contract, and compliance with all reasonable performance standards established by CITY.

8.3 CONSULTANT shall be responsible for payment of all CONSULTANT's employees' and subcontractor's wages and benefits and shall comply with all requirements pertaining to the employer's liability, workers' compensation, unemployment insurance, and Social Security.

8.4 CONSULTANT shall indemnify and hold harmless CITY, and its respective officers, agents and employees from and against all claims, demands, damages or costs arising from CONSULTANT's acts or omissions with respect to any liability, damages, claims, costs and expenses of any nature arising from alleged violations of personnel practices.

9 COMPENSATION

9.1 For all of work and services including the various phases of tasks as described in Section 1, CITY shall pay to CONSULTANT an amount not to exceed the sum of ONE HUNDRED AND FOURTY THOUSAND dollars ($140000), payable as follows:

The Contract Price is CONSULTANT'S estimate of its charges for all of the services, including all labor, equipment, material, subcontractor and reimbursable costs, to be provided under this Agreement. Progress payments shall be made on a time and material basis. Final payment shall be made upon completion of all services and City acceptance of all deliverables, not-to-exceed the Contract Price.

9.2 CONSULTANT shall perform no work in excess of the total contract price without prior written approval of CITY. Total contract price includes expenses related to travel to and from CITY to meet with City and to appear, if so required, before City Council or any other board or commission of CITY.

9.3 CONSULTANT shall maintain adequate records and shall permit inspection and audit by CITY of CONSULTANT's charges under this Contract. CONSULTANT shall make such records available to CITY during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records, and they will be available only to CITY and any specified public agencies. Such records shall be maintained by CONSULTANT for one (1) year following completion of the work under this Contract unless a longer period of time is required by state or federal law, in which event CONSULTANT shall retain its records for the time required by such laws.

9.4 No payment made hereunder by CITY to CONSULTANT, shall be construed as an acceptance by CITY of any work or materials, nor as evidence of satisfactory performance by CONSULTANT of its obligations under this Contract.

10 INDEMNIFICATION

To the fullest extent permitted by law, CONSULTANT and any contractors or subcontractors working on its behalf agree to indemnify CITY, its officers, employees, agents and elected and appointed boards (hereinafter "Indemnified Parties") for any loss, claim, demand, cause of action, cost, expense, damage, obligation or liability which arises out of or is in any way connected with the performance of any work under this agreement, including any acts or omissions, willful misconduct or negligent conduct, whether active or passive, on the part of CONSULTANT, its contractors or subcontractors, and regardless of any acts, omissions or negligence (whether active or passive) of any person or entity indemnified hereunder. At their own expense, CONSULTANT and, as applicable, any contractors or subcontractors working on its behalf, shall defend any suit, claim or action against the Indemnified Parties founded upon such loss, claim, demand, cause of action, cost, expense, damage, obligation or liability. CONSULTANT shall ensure that the contract of any contractor or subcontractor working under this agreement contain an indemnity agreement, requiring the contractor or subcontractor to indemnify and defend the Indemnified Parties pursuant the terms set forth above. CONSULTANT shall indemnify the Indemnified Parties, and save it harmless from any and all loss, damage, costs, expenses and attorney's fees suffered or incurred on account of any breach of the aforesaid obligations and covenants, and any other provision or covenant of this agreement.

11 INSURANCE

11.1 CONSULTANT, at its expense, shall maintain in effect at all times during the performance of work under this Contract not less than the following coverage and limits of insurance, which shall be maintained with insurers listed "A" or better in the Best's Insurance Guide and authorized to do business in the State of California. **Proof of Insurance, as identified in Section 11.8, must be reviewed and accepted by the City Attorney**.

11.1.1 Workers' Compensation and Employer's Liability

- Workers' Compensation—coverage as required by the State of California
- Employer's Liability:
  $1,000,000.00 each accident
  $1,000,000.00 policy limit bodily injury
  $1,000,000.00 each employee bodily injury by disease

11.1.2 Professional Liability (Errors & Omissions) Insurance*

- $1,000,000 limit on a per occurrence basis

11.1.3 Commercial General Liability

- $1,000,000.00 limit on a per occurrence basis
- $2,000,000.00 general aggregate limit

11.1.4 Commercial Automobile Liability

- $1,000,000.00 combined single limit including owned, non-owned and hired automobile coverage

11.2 All of CONSULTANT's policies shall contain an endorsement providing that written notice shall be given to CITY at least thirty- (30) calendar days prior to termination, cancellation or reduction of coverage in the policy.

11.3 Policies providing for bodily injury and property damage coverage shall contain the following:

A. An endorsement extending coverage to the City as an additional insured, in the same manner as the named insured, as respects liability arising out of the performance of any work under the Contract. Such insurance shall be primary insurance, as respects the interest of the City, and any other insurance maintained by the City shall be considered excess coverage and not contributing insurance with the insurance required hereunder. The certificate and endorsements shall state: "The City of Palmdale, the Successor Agency of the Community Redevelopment Agency of the City of Palmdale, Palmdale Civic Authority, Industrial Development Authority of the City of Palmdale, Palmdale Airport Authority, their officers, agents, employees and volunteers are named as additional insured's."

B. "Severability of Interest" clause.

11.4 Promptly on execution of this Contract, and prior to commencement of any work, CONSULTANT shall deliver to CITY certificates of insurance and endorsements to all required policies demonstrating that CONSULTANT has the required coverage and showing the required named insureds. Within five (5) days of written request from CITY, CONSULTANT shall deliver to CITY full and complete copies of all insurance policies required by this Contract.

11.5 The requirements as to the types and limits of insurance to be maintained by CONSULTANT are not intended to and shall not in any manner limit or qualify CONSULTANT's liabilities and obligations under this Contract.

11.6 Any policy or policies of insurance that CONSULTANT elects to carry as insurance against loss or damage to its equipment and tools or other personal property used in the performance of this Contract shall include a provision waiving the insurer's right of subrogation against CITY.

11.7 All insurance coverage must be maintained throughout the duration of this Contract.

11.8 Acceptable Proof of Insurance:

11.8.1 ACORD Certificate of Insurance listing all coverages, limits, deductibles and insureds; and endorsements for all applicable coverages if agent has authority to issue it; Additional insured Form CG20101185 or CG20100707 and CG20370704 or equivalent must be provided for general liability coverage. Additional insured form CA0001 must be provided for automobile liability coverage.

11.8.2 Agents must confirm that policy endorsements have been ordered from the respective insurance companies. Upon issuance, policy endorsements listing all insurers must be submitted to the City Attorney.

11.8.3 *When professional (E&O) liability coverage is provided on a “claims made basis”, CONSULTANT will continue to renew the insurance for a period of five (5) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover CONSULTANT, or its officers, employees, or agents during the time this Agreement was in effect.

11.9 Notwithstanding any other provision of this Contract, CITY may immediately terminate this Contract if, at any time CONSULTANT fails to maintain the required insurance for any period of time or fails to comply with any of the insurance requirements listed above.

11.10 CONTRACTOR shall require any and all subcontractor's working on its behalf to provide insurance coverages and limits that are based on the scope of work and nature of risk being performed by the subcontractor. Any and all subcontractors working on behalf of CONTRACTOR shall be subject to all other insurance requirements that are stated herein.

Any deviation in this requirement will be CONTRACTOR's sole risk. CONTRACTOR's insurance requirements in Section 11 will not be impacted and/or limited by such deviation.

12 TERMINATION WITHOUT CAUSE

CITY reserves the right to terminate this Contract or any part thereof for its sole convenience with fifteen (15) days written notice. In the event of such termination, CONSULTANT shall immediately stop all work hereunder, and shall immediately cause any of its suppliers and sub-consultants to cease such work. CONSULTANT shall also surrender to CITY all finished or unfinished documents or programs and other materials, which shall be City’s property. As compensation in full for services performed to the date of such termination, the CONSULTANT shall receive an amount equal to the value of the work completed as of the termination date in accordance with the fee schedule or as negotiated between the parties. In no event

shall the amount payable upon termination exceed the total maximum compensation provided for in this Contract.

13 TERMINATION FOR CAUSE

13.1 If the City determines that the CONSULTANT has failed to supply an adequate working force, or to provide services of proper quality, or has failed in any other respect to satisfactorily perform the services specified in this Contract, the City shall give written notice to the CONSULTANT specifying all defaults to be remedied within thirty (30) days. Such notice shall set forth the basis for the City's dissatisfaction and suggest corrective measures. If, after thirty days, the CONSULTANT has failed to implement the corrective measures, the City may elect to terminate this Contract, in whole or in part.

13.2 In the event the City terminates this Contract in whole or in part as provided herein above, the City may procure, upon such terms and in such manner, as it may deem appropriate, services similar to those terminated.

13.3 If this Contract is terminated as provided above, the City may require the CONSULTANT to provide all finished or unfinished documents, data, studies, software, drawings, maps, photographs, reports, etc., prepared by the CONSULTANT. Upon such termination, the CONSULTANT shall be paid an amount equal to the value of the services provided and work performed as of the date of termination. Such payment by the City may take into consideration the costs associated with hiring another CONSULTANT to complete the services. In the event no new CONSULTANT is employed, the CONSULTANT shall be paid an amount equal to the value of the work performed. In ascertaining the value of the work performed up to the date of termination, consideration shall be given to both completed work and work in progress, to complete and incomplete documents when such are delivered to CITY, and to authorized reimbursement expenses.

The above is in addition to any other remedies available by law or equity to the City.

13.4 If, after notice of termination of the Contract under the provisions of this Section 13, it is determined, for any reason, that CONSULTANT was not in default, or that the default was excusable, then the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to Section 12.

14 DISPUTE RESOLUTION

All claims, disputes, and other matters in question between CITY and CONSULTANT arising out of, or relating to this Contract, or the breach thereof shall, to the extent reasonably feasible, be resolved through good faith negotiations between the parties.

15 OWNERSHIP OF DOCUMENTS

All documents, including, but not limited to, research, field notes, investigations, analysis, and studies which are prepared in the performance of this Contract are to

be, and remain the property of CITY. CONSULTANT shall furnish CITY, upon its request, originals or reproducible or electronic copies of reports, studies and of all other documents listed above.

16 SUBCONTRACTING, DELEGATION AND ASSIGNMENT

16.1 CONSULTANT shall not delegate, subcontract or assign its duties or rights hereunder, either in whole or in part, without the prior written consent of CITY; provided, however, that claims for money due or to become due to CONSULTANT from CITY under this Contract may be assigned to a bank, trust company or other financial institution without such approval. Any proposed delegation, assignment or subcontract shall provide a description of the services covered, identification of the proposed assignee, delegates or subcontractor, and an explanation of why and how the same was selected, including the degree of competition involved. Any proposed agreement with an assignee, delegates or subcontractor shall include the following:

A. The amount involved, together with CONSULTANT's analysis of such cost or price; and

B. A provision requiring that any subsequent modification or amendment shall be subject to the prior written consent of CITY.

C. The requirement to hire only those persons authorized by federal law to work in the United States.

16.2 Any assignment, delegation or subcontract shall be made in the name of CONSULTANT and shall not bind or purport to bind CITY and shall not release CONSULTANT from any obligations under this Contract including, but not limited to, the duty to properly supervise and coordinate the work of employees, assignees, delegates and subcontractors. No such assignment, delegation or subcontract shall result in any increase in the amount of total compensation payable to CONSULTANT under this Contract.

17 NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

17.1 In performance of this Contract, CONSULTANT shall not discriminate against any employee, subcontractor, or applicant for employment because of sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, or age. CONSULTANT will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation or age. Affirmative action relating to employment shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

17.2 The provisions of subsection 17.1 above shall be included in all solicitations or advertisements placed by or on behalf of CONSULTANT for personnel to perform any services under this Contract. CITY shall have access to all documents, data and records of CONSULTANT and its subcontractors for purposes of determining compliance with the equal employment opportunity and non-discrimination provisions of this Section, and all applicable provisions of Executive Order No. 11246 which is incorporated herein by this reference. A copy of Executive Order No. 11246 is available for inspection at, and on file with, the Palmdale City Clerk's Office.

18 FINANCIAL INTEREST CERTIFICATION

18.1 CONSULTANT warrants that no person has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee; and that no officer or employee of the CITY has any interest, financially or otherwise, in CONSULTANT's firm.

18.2 For breach or violation of this warranty, CITY shall have the right to annul this Contract without liability, or at its discretion to deduct from the Contract Price or consideration, the full amount of such commission, percentage, brokerage or contingent fee.

19 CONFLICT OF INTEREST

19.1 CONSULTANT stipulates that its officers and employees do not now have a conflict of interest and it further agrees for itself, its officers and its employees that it will not contract for or accept employment for the performance of any work or services with any individual business, corporation or government unit that would create a conflict of interest in the performance of its obligations pursuant to this Contract or which would cause CONSULTANT to be "financial interested" (as provided in California Government Code Section 1090 et seq. or 87100 et seq.) in any contract or decision made by CITY on any matter.

19.2 CONSULTANT shall not employ any City official or employee to perform any work required pursuant to this Contract.

19.3 If CONSULTANT is a registered professional engineer or licensed land surveyor and the scope of work requires CONSULTANT'S recommendation of the actual formula to spread the costs of an assessment district's improvements, then CONSULTANT shall not participate in making that recommendation if the additional elements set forth in Government Code section 87100.1(c) apply. Those additional elements are: (1) CONSULTANT has received income of $250 or more for professional services in connection with any parcel included in the benefit assessment district within 12 months prior to the creation of the district; and (2) the district includes other parcels in addition to those parcels for which CONSULTANT received the income. In the event a conflict of interest does arise in that context, City shall select a different CONSULTANT to recommend the actual formula to spread the

costs of the assessment district's improvements and the costs of such services shall be deducted from the compensation to be paid to CONSULTANT.

19.4 To the extent required by the City Manager/designee, CONSULTANT shall complete and file with the City Clerk a Form 700 Statement of Economic Interests disclosing any reportable property interests, income, gifts, investments, or business positions.

20 COMPLIANCE WITH LAW

20.1 CONSULTANT shall comply with all state and federal laws, including but not limited to, the requirement to hire only those persons authorized by federal law to work in the United States. If CONSULTANT uses any subcontractors to complete this Contract, this same requirement shall be included in all subcontracts and strictly enforced by CONSULTANT.

20.2 The law of the state of California shall govern this Contract. The venue of any legal action, either formal or informal, shall be the County of Los Angeles.

21 NOTICES

Any notice required under this Contract shall be in writing, addressed to the appropriate party at its address on the signature page and given personally or by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.

22 ENTIRE CONTRACT AND AMENDMENTS

22.1 This Contract is the complete agreement between the parties and supersedes all prior proposals, agreements, and understandings between the parties and may not be modified or terminated orally.

22.2 No attempted waiver of any of the provisions hereof, nor any modification in the nature, extent or duration of the work to be performed by CONSULTANT hereunder, shall be binding unless in writing and signed by the party against whom the same is sought to be enforced.

22.3 The failure of any party to enforce against another party any provision of this Contract shall not constitute a waiver of that party's right to enforce such a provision at a later time, and shall not serve to vary the terms of this Contract.

23 ATTORNEY'S FEES

If any action at law or in equity is brought to enforce or interpret any provisions of this Contract, the prevailing party in such action shall be entitled to reasonable attorney's fees, costs and necessary disbursements, in addition to such other relief as may be sought and awarded.

In Witness Whereof, the parties hereto have caused this Contract to be executed and attested by their respective officers thereunto duly authorized.

CITY OF PALMDALE:

SIGNATURE AREA

Ronda Perez
City Manager

SIGNATURE AREA

ADDRESS FOR NOTICE:
CITY OF PALMDALE
383 Sierra Highway
Palmdale, CA 93550

NUTTER CONSULTING:

SIGNATURE AREA

Melanie Nutter
Principal

ADDRESS FOR NOTICE:
NUTTER CONSULTING
3145 Geary Boulevard, #464
San Francisco, CA 94118

APPROVE AS TO FORM:

SIGNATURE AREA

William P. Curley, III
Interim City Attorney

ATTEST:

SIGNATURE AREA

Roxanne Faber
Acting City Clerk

---------- INTERNAL USE ONLY ----------

□Certificate(s) and Endorsement(s) attached
□Confirmed business name on contract with certificate(s)
□Attached Agreement Checklist and met all requirements

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **PUBLIC WORKS DEPARTMENT**
CAPITAL IMPROVEMENT PROGRAM DIVISION

DISTRICT: **4**

SUBJECT: **AWARD AGREEMENT WITH MNS ENGINEERS, INC. FOR INSPECTION SERVICES ASSOCIATED WITH PN 795, SAM YELLEN PARK PHASE 2, IN THE AMOUNT OF $535,568 FOR A TERM OF 16 MONTHS FROM THE DATE OF NOTICE TO PROCEED.**

ISSUE

Award agreement with MNS Engineers, Inc. for inspection services associated with PN 795, Sam Yellen Park Phase 2, in the amount of $535,568 for a term of 16 months from the date of Notice to Proceed.

RECOMMENDATION

Staff recommends that the City Council:

1. Award agreement with MNS Engineers, Inc. for inspection services associated with PN 795, in the amount of $535,568; and

2. Authorize the City Manager or her designee to execute Agreement No. A-8470 with MNS Engineers, Inc., including minimal and/or non-substantive changes.

BACKGROUND

Project No. 795, Sam Yellen Park Phase 2, includes the build-out of the remaining 12 acre site with various amenities that includes a central plaza with a community center / restroom building, a separate prefabricated restroom building, shaded and unshaded picnic areas with tables, futsal courts, fitness stations, a large playground area, illuminated pedestrian walkways, water-efficient plantings, drought-tolerant groundcovers, preserved Joshua trees to match the local desert climate and habitat, and natural grass and artificial turf areas with topographic relief.

Access and infrastructure improvements include a modified roundabout entry from Avenue S that connects to the existing parking lot and provides convenient drop-off zone, a new 84-space parking lot accessible from Hillcrest Drive, as well as irrigation and landscape improvements to the original park site. This project was awarded in

March 2023 and construction began in early May. The construction inspection services associated with PN 795, Sam Yellen Park Phase 2, are anticipated to be required from August 2023 to November 2024.

DISCUSSION

MNS Engineers Inc. is one of the City's on-call civil engineering consultants that can provide both civil engineering and inspection/construction management services. All work will be performed on a time-and-materials basis to an approved budget limit. Approved budgets will not be exceeded without City direction and approval. City Staff will provide guidance regarding their expectations and process preferences in performing these tasks.

Due to current staff limitations to provide full time inspection and multiple trades on the project, MNS was selected to provide construction inspection services to the City to observe the ongoing construction operations of the Contractor. The construction inspector will be onsite during construction activities to inspect and verify conformance with the approved plans and specifications. The construction inspector's responsibilities will include but are not limited to: full time inspection of contractor's work, inspection reports, verifying materials incorporated meet contract requirements, photo documentation and punch list oversight. MNS will also assist the City's Project Manager through construction completion with review and approval of payment quantities, change orders and changes to the design if applicable and other miscellaneous items necessary for the project to be complete.

FISCAL IMPACT

This agreement will be funded through FY 2023-24 Measure AV (157), which has sufficient funds already allocated in Account No. P0009.

SCOPE OF WORK		COST
Construction Management and Inspection Services		$535,568
	Total Cost:	**$535,568**

Account Number	Starting Balance	Remaining Balance
P0009157	$4,996,293	$4,460,725

STRATEGIC PLAN

Goal III: Invest in infrastructure to improve community livability.

C. Plan and maintain safe and attractive neighborhoods, streets, facilities, and public spaces with exciting programming that promotes active funds for everyone.

Prepared by:	Lynn Glidden, P.E., Director of Public Works
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Interim City Attorney

ATTACHMENTS

Agreement No. A-8470

AGREEMENT NO. A-8470
CONTRACT FOR CONSULTANT SERVICES
BETWEEN THE CITY OF PALMDALE AND MNS ENGINEERS

THIS CONTRACT FOR CONSULTANT SERVICES ("Contract" herein) is made and entered into by and between the City of Palmdale a public body corporate and politic, (hereinafter called "CITY") and MNS ENGINEERS (hereinafter called "CONSULTANT"). This Contract shall become effective on the date of the last signatory.

RECITALS

WHEREAS**,** City desires to engage CONSULTANT to provide certain consultant services; and

WHEREAS, CONSULTANT represents that CONSULTANT has the expertise and is qualified to perform the services described in this Contract. And, if required, is duly registered under the laws of the State of California; and

WHEREAS, CONSULTANT desires to accept such engagement.

NOW, THEREFORE, the parties agree as follows:

1 DESCRIPTION OF WORK

1.1 The City hereby engages CONSULTANT, and CONSULTANT accepts such engagement, to provide the following services:

MNS Engineers will provide professional Public Works inspection services to the City for Sam Yellen Park Phase 2 (City Project Number 795).

The Construction Inspector shall observe the ongoing construction operations of the Contractor. The Construction Inspector will be onsite during the construction activities to inspect and verify if the work is constructed in accordance with the City approved plans and specifications.

The Construction Inspector's responsibilities includes but not limited to:
1. Full Time inspection of contractor's work.
2. Inspection Reports
3. Verify materials incorporated into the project meet contract requirements.
4. Photo documentation
5. Punchlist oversight
6. Assist the City with Contractor's to process Invoices, Submittals, RFI's and Change Order Request
7. Assist the City with punch list and closeout process.

The CONSULTANT shall not accept any change of scope, or change in contract

provisions, unless issued in writing, as a Change Order, or amendment to this Agreement and signed by CITY.

CONSULTANT shall perform and complete all such work and services in a manner satisfactory to CITY.

1.2 Project deliverables shall be reviewed and approved by CITY to determine acceptable completion. CITY shall have the right to review and inspect the work during the course of its performance at such times as may be specified by CITY.

1.3 CONSULTANT shall not accept any change of scope, or change in contract provisions, unless issued in writing, as a contract change order or amendment and signed by CITY. Any extensions of time must be mutually agreed upon in writing and executed by both parties.

1.4 CITY shall provide to CONSULTANT, without charge, all data, program information, including reports, records, maps, and other information, now in CITY's possession, which may facilitate the timely performance of the work.

2 CITY PROJECT MANAGER

To provide the services required by this Contract, CONSULTANT shall act under the authority and approval of a Project Manager appointed by CITY. The City Project Manager will oversee the work under this Contract, assist CONSULTANT with any necessary information, audit billings, and approve payments. CONSULTANT shall channel reports, deliverables, and special requests through the City Project Manager.

3 CONSULTANT'S KEY PERSONNEL

CONSULTANT's Team and Key Personnel are as follows:

MNS Engineers shall use only those employees, and consultants listed below:
Chris Cox - Public Works Inspector

This Consultant Services Contract has been awarded to CONSULTANT based on its representation that those personnel and subcontractors listed above will perform the portions of the work listed herein. CONSULTANT shall not deviate nor substitute any of these team members without prior written approval by CITY.

4 CONTRACT TERM

The term of this contract is Sixteen (16) Months, commencing on the effective date.

5 TAXES

5.1 CONSULTANT shall pay all sales, consumer, use, and other similar taxes required to be paid by CONSULTANT in accordance with state and local laws.

5.2 CONSULTANT is an independent contractor and shall have no power or authority to incur any debt, obligation, or liability on behalf of CITY. No person employed by CONSULTANT or acting on its behalf, in connection with this Contract shall be considered the Agent or employee of CITY.

5.3 CONSULTANT shall be required to obtain a current City of Palmdale business license, as required by the Palmdale Municipal Code, before an Authorization to Proceed is issued.

6 PATENT FEES AND ROYALTIES

CONSULTANT shall pay all license fees and royalties and assume all costs incident to the use, in the performance of the work or the incorporation in the work of any invention, design, process, product or device which is the subject of patent rights or copyrights held by others. If a particular invention, design, process, product or device is specified by CITY for use in the performance of the work and if, to the actual knowledge of CITY, its use is subject to patent rights or copyrights calling for the payment of any license fee or royalty to others, the existence of such rights shall be disclosed by CITY in the contract documents. CONSULTANT shall indemnify and hold harmless CITY and anyone directly or indirectly employed by CITY from and against all claims, damages, losses and expenses (including attorneys' fees) arising out of any infringement of patent rights or copyrights incident to the use in the performance of the work, or resulting from the incorporation in the work of any invention, design, process, product or device not specified by CITY, and shall defend all such claims in connection with any alleged infringement of such rights.

7 STANDARDS OF PERFORMANCE

CONSULTANT shall be responsible for the completeness and accuracy of its services and work and documents resulting there from, and CITY shall not be responsible for discovering deficiencies therein. CONSULTANT shall correct any such deficiencies or errors without additional compensation and without cost to CITY, except to the extent any such deficiency is directly attributable to deficiencies in CITY -furnished information.

8 CONSULTANT’S PERSONNEL

8.1 All services required under this Contract shall be performed by CONSULTANT, or under CONSULTANT’S direct supervision, and all personnel shall possess the qualifications, permits and licenses required by State and local law to perform such services.

8.2 CONSULTANT shall be solely responsible for the satisfactory work performance of all personnel engaged in performing services required by this Contract, and compliance with all reasonable performance standards established by CITY.

8.3 CONSULTANT shall be responsible for payment of all CONSULTANT's employees' and subcontractor's wages and benefits and shall comply with all requirements pertaining to the employer's liability, workers' compensation, unemployment insurance, and Social Security.

8.4 CONSULTANT shall indemnify and hold harmless CITY, and its respective officers, agents and employees from and against all claims, demands, damages or costs arising from CONSULTANT's acts or omissions with respect to any liability, damages, claims, costs and expenses of any nature arising from alleged violations of personnel practices.

9 COMPENSATION

9.1 For all of work and services including the various phases of tasks as described in Section 1, CITY shall pay to CONSULTANT an amount not to exceed the sum of Five Hundred Thirty Five Thousand Five Hundred Sixty Eighty dollars ($535568), payable as follows:

All work will be performed on a time-and-material basis to an approved budget limit as shown in Exhibit A. Approved budget will not be exceeded without City direction and approval. Actual costs shall be billed to the City on an actual time spent. City Staff will provide guidance regarding their expectation and process preferences in performing tasks

The Contract Price is CONSULTANT'S estimate of its charges for all of the services, including all labor, equipment, material, subcontractor and reimbursable costs, to be provided under this Agreement. Progress payments shall be made on a time and material basis. Final payment shall be made upon completion of all services and City acceptance of all deliverables, not-to-exceed the Contract Price.

9.2 CONSULTANT shall perform no work in excess of the total contract price without prior written approval of CITY. Total contract price includes expenses related to travel to and from CITY to meet with City and to appear, if so required, before City Council or any other board or commission of CITY.

9.3 CONSULTANT shall maintain adequate records and shall permit inspection and audit by CITY of CONSULTANT's charges under this Contract. CONSULTANT shall make such records available to CITY during normal business hours upon reasonable notice. Nothing herein shall convert such records into public records, and they will be available only to CITY and any specified public agencies. Such records shall be maintained by CONSULTANT for one (1) year following completion of the work under this Contract unless a longer period of time is required by state or federal law, in which event CONSULTANT shall retain its records for the time required by such laws.

9.4 No payment made hereunder by CITY to CONSULTANT, shall be construed as an acceptance by CITY of any work or materials, nor as evidence of satisfactory performance by CONSULTANT of its obligations under this Contract.

10 INDEMNIFICATION

To the fullest extent permitted by law, CONSULTANT and any contractors or subcontractors working on its behalf agree to indemnify CITY, its officers, employees, agents and elected and appointed boards (hereinafter "Indemnified Parties") for any loss, claim, demand, cause of action, cost, expense, damage, obligation or liability which arises out of or is in any way connected with the performance of any work under this agreement, including any acts or omissions, willful misconduct or negligent conduct, whether active or passive, on the part of CONSULTANT, its contractors or subcontractors, and regardless of any acts, omissions or negligence (whether active or passive) of any person or entity indemnified hereunder. At their own expense, CONSULTANT and, as applicable, any contractors or subcontractors working on its behalf, shall defend any suit, claim or action against the Indemnified Parties founded upon such loss, claim, demand, cause of action, cost, expense, damage, obligation or liability. CONSULTANT shall ensure that the contract of any contractor or subcontractor working under this agreement contain an indemnity agreement, requiring the contractor or subcontractor to indemnify and defend the Indemnified Parties pursuant the terms set forth above. CONSULTANT shall indemnify the Indemnified Parties, and save it harmless from any and all loss, damage, costs, expenses and attorney's fees suffered or incurred on account of any breach of the aforesaid obligations and covenants, and any other provision or covenant of this agreement.

11 INSURANCE

11.1 CONSULTANT, at its expense, shall maintain in effect at all times during the performance of work under this Contract not less than the following coverage and limits of insurance, which shall be maintained with insurers listed "A" or better in the Best's Insurance Guide and authorized to do business in the State of California. **Proof of Insurance, as identified in Section 11.8, must be reviewed and accepted by the City Attorney**.

11.1.1 Workers' Compensation and Employer's Liability

- Workers' Compensation—coverage as required by the State of California
- Employer's Liability:
  $1,000,000.00 each accident
  $1,000,000.00 policy limit bodily injury
  $1,000,000.00 each employee bodily injury by disease

11.1.2 Professional Liability (Errors & Omissions) Insurance*

- $1,000,000 limit on a per occurrence basis

11.1.3 Commercial General Liability

- $1,000,000.00 limit on a per occurrence basis
- $2,000,000.00 general aggregate limit

11.1.4 Commercial Automobile Liability

- $1,000,000.00 combined single limit including owned, non-owned and hired automobile coverage

11.2 All of CONSULTANT's policies shall contain an endorsement providing that written notice shall be given to CITY at least thirty- (30) calendar days prior to termination, cancellation or reduction of coverage in the policy.

11.3 Policies providing for bodily injury and property damage coverage shall contain the following:

A. An endorsement extending coverage to the City as an additional insured, in the same manner as the named insured, as respects liability arising out of the performance of any work under the Contract. Such insurance shall be primary insurance, as respects the interest of the City, and any other insurance maintained by the City shall be considered excess coverage and not contributing insurance with the insurance required hereunder. The certificate and endorsements shall state: "The City of Palmdale, the Successor Agency of the Community Redevelopment Agency of the City of Palmdale, Palmdale Civic Authority, Industrial Development Authority of the City of Palmdale, Palmdale Airport Authority, their officers, agents, employees and volunteers are named as additional insured's."

B. "Severability of Interest" clause.

11.4 Promptly on execution of this Contract, and prior to commencement of any work, CONSULTANT shall deliver to CITY certificates of insurance and endorsements to all required policies demonstrating that CONSULTANT has the required coverage and showing the required named insureds. Within five (5) days of written request from CITY, CONSULTANT shall deliver to CITY full and complete copies of all insurance policies required by this Contract.

11.5 The requirements as to the types and limits of insurance to be maintained by CONSULTANT are not intended to and shall not in any manner limit or qualify CONSULTANT's liabilities and obligations under this Contract.

11.6 Any policy or policies of insurance that CONSULTANT elects to carry as insurance against loss or damage to its equipment and tools or other personal property used in the performance of this Contract shall include a provision waiving the insurer's right of subrogation against CITY.

11.7 All insurance coverage must be maintained throughout the duration of this Contract.

11.8 Acceptable Proof of Insurance:

11.8.1 ACORD Certificate of Insurance listing all coverages, limits, deductibles and insureds; and endorsements for all applicable coverages if agent has authority to issue it; Additional insured Form CG20101185 or CG20100707 and CG20370704 or equivalent must be provided for general liability coverage. Additional insured form CA0001 must be provided for automobile liability coverage.

11.8.2 Agents must confirm that policy endorsements have been ordered from the respective insurance companies. Upon issuance, policy endorsements listing all insurers must be submitted to the City Attorney.

11.8.3 *When professional (E&O) liability coverage is provided on a “claims made basis”, CONSULTANT will continue to renew the insurance for a period of five (5) years after this Agreement expires or is terminated. Such insurance will have the same coverage and limits as the policy that was in effect during the term of this Agreement, and will cover CONSULTANT, or its officers, employees, or agents during the time this Agreement was in effect.

11.9 Notwithstanding any other provision of this Contract, CITY may immediately terminate this Contract if, at any time CONSULTANT fails to maintain the required insurance for any period of time or fails to comply with any of the insurance requirements listed above.

11.10 CONSULTANT shall require any and all subcontractor's working on its behalf to provide insurance coverages and limits that are based on the scope of work and nature of risk being performed by the subcontractor. Any and all subcontractors working on behalf of CONSULTANT shall be subject to all other insurance requirements that are stated herein.

Any deviation in this requirement will be CONSULTANT's sole risk. CONSULTANT's insurance requirements in Section 11 will not be impacted and/or limited by such deviation.

12 TERMINATION WITHOUT CAUSE

CITY reserves the right to terminate this Contract or any part thereof for its sole convenience with fifteen (15) days written notice. In the event of such termination, CONSULTANT shall immediately stop all work hereunder, and shall immediately cause any of its suppliers and sub-consultants to cease such work. CONSULTANT shall also surrender to CITY all finished or unfinished documents or programs and other materials, which shall be City’s property. As compensation in full for services performed to the date of such termination, the CONSULTANT shall receive an amount equal to the value of the work completed as of the termination date in accordance with the fee schedule or as negotiated between the parties. In no event

shall the amount payable upon termination exceed the total maximum compensation provided for in this Contract.

13 TERMINATION FOR CAUSE

13.1 If the City determines that the CONSULTANT has failed to supply an adequate working force, or to provide services of proper quality, or has failed in any other respect to satisfactorily perform the services specified in this Contract, the City shall give written notice to the CONSULTANT specifying all defaults to be remedied within thirty (30) days. Such notice shall set forth the basis for the City's dissatisfaction and suggest corrective measures. If, after thirty days, the CONSULTANT has failed to implement the corrective measures, the City may elect to terminate this Contract, in whole or in part.

13.2 In the event the City terminates this Contract in whole or in part as provided herein above, the City may procure, upon such terms and in such manner, as it may deem appropriate, services similar to those terminated.

13.3 If this Contract is terminated as provided above, the City may require the CONSULTANT to provide all finished or unfinished documents, data, studies, software, drawings, maps, photographs, reports, etc., prepared by the CONSULTANT. Upon such termination, the CONSULTANT shall be paid an amount equal to the value of the services provided and work performed as of the date of termination. Such payment by the City may take into consideration the costs associated with hiring another CONSULTANT to complete the services. In the event no new CONSULTANT is employed, the CONSULTANT shall be paid an amount equal to the value of the work performed. In ascertaining the value of the work performed up to the date of termination, consideration shall be given to both completed work and work in progress, to complete and incomplete documents when such are delivered to CITY, and to authorized reimbursement expenses.

The above is in addition to any other remedies available by law or equity to the City.

13.4 If, after notice of termination of the Contract under the provisions of this Section 13, it is determined, for any reason, that CONSULTANT was not in default, or that the default was excusable, then the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to Section 12.

14 DISPUTE RESOLUTION

All claims, disputes, and other matters in question between CITY and CONSULTANT arising out of, or relating to this Contract, or the breach thereof shall, to the extent reasonably feasible, be resolved through good faith negotiations between the parties.

15 OWNERSHIP OF DOCUMENTS

All documents, including, but not limited to, research, field notes, investigations, analysis, and studies which are prepared in the performance of this Contract are to

be, and remain the property of CITY. CONSULTANT shall furnish CITY, upon its request, originals or reproducible or electronic copies of reports, studies and of all other documents listed above.

16 SUBCONTRACTING, DELEGATION AND ASSIGNMENT

16.1 CONSULTANT shall not delegate, subcontract or assign its duties or rights hereunder, either in whole or in part, without the prior written consent of CITY; provided, however, that claims for money due or to become due to CONSULTANT from CITY under this Contract may be assigned to a bank, trust company or other financial institution without such approval. Any proposed delegation, assignment or subcontract shall provide a description of the services covered, identification of the proposed assignee, delegates or subcontractor, and an explanation of why and how the same was selected, including the degree of competition involved. Any proposed agreement with an assignee, delegates or subcontractor shall include the following:

A. The amount involved, together with CONSULTANT's analysis of such cost or price; and

B. A provision requiring that any subsequent modification or amendment shall be subject to the prior written consent of CITY.

C. The requirement to hire only those persons authorized by federal law to work in the United States.

16.2 Any assignment, delegation or subcontract shall be made in the name of CONSULTANT and shall not bind or purport to bind CITY and shall not release CONSULTANT from any obligations under this Contract including, but not limited to, the duty to properly supervise and coordinate the work of employees, assignees, delegates and subcontractors. No such assignment, delegation or subcontract shall result in any increase in the amount of total compensation payable to CONSULTANT under this Contract.

17 NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

17.1 In performance of this Contract, CONSULTANT shall not discriminate against any employee, subcontractor, or applicant for employment because of sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation, or age. CONSULTANT will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their sex, color, race, religion, ancestry, national origin, disability, medical condition, marital status, sexual orientation or age. Affirmative action relating to employment shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

17.2 The provisions of subsection 17.1 above shall be included in all solicitations or advertisements placed by or on behalf of CONSULTANT for personnel to perform any services under this Contract. CITY shall have access to all documents, data and records of CONSULTANT and its subcontractors for purposes of determining compliance with the equal employment opportunity and non-discrimination provisions of this Section, and all applicable provisions of Executive Order No. 11246 which is incorporated herein by this reference. A copy of Executive Order No. 11246 is available for inspection at, and on file with, the Palmdale City Clerk's Office.

18 FINANCIAL INTEREST CERTIFICATION

18.1 CONSULTANT warrants that no person has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee; and that no officer or employee of the CITY has any interest, financially or otherwise, in CONSULTANT's firm.

18.2 For breach or violation of this warranty, CITY shall have the right to annul this Contract without liability, or at its discretion to deduct from the Contract Price or consideration, the full amount of such commission, percentage, brokerage or contingent fee.

19 CONFLICT OF INTEREST

19.1 CONSULTANT stipulates that its officers and employees do not now have a conflict of interest and it further agrees for itself, its officers and its employees that it will not contract for or accept employment for the performance of any work or services with any individual business, corporation or government unit that would create a conflict of interest in the performance of its obligations pursuant to this Contract or which would cause CONSULTANT to be "financial interested" (as provided in California Government Code Section 1090 et seq. or 87100 et seq.) in any contract or decision made by CITY on any matter.

19.2 CONSULTANT shall not employ any City official or employee to perform any work required pursuant to this Contract.

19.3 If CONSULTANT is a registered professional engineer or licensed land surveyor and the scope of work requires CONSULTANT'S recommendation of the actual formula to spread the costs of an assessment district's improvements, then CONSULTANT shall not participate in making that recommendation if the additional elements set forth in Government Code section 87100.1(c) apply. Those additional elements are: (1) CONSULTANT has received income of $250 or more for professional services in connection with any parcel included in the benefit assessment district within 12 months prior to the creation of the district; and (2) the district includes other parcels in addition to those parcels for which CONSULTANT received the income. In the event a conflict of interest does arise in that context, City shall select a different CONSULTANT to recommend the actual formula to spread the

costs of the assessment district's improvements and the costs of such services shall be deducted from the compensation to be paid to CONSULTANT.

19.4 To the extent required by the City Manager/designee, CONSULTANT shall complete and file with the City Clerk a Form 700 Statement of Economic Interests disclosing any reportable property interests, income, gifts, investments, or business positions.

20 COMPLIANCE WITH LAW

20.1 CONSULTANT shall comply with all state and federal laws, including but not limited to, the requirement to hire only those persons authorized by federal law to work in the United States. If CONSULTANT uses any subcontractors to complete this Contract, this same requirement shall be included in all subcontracts and strictly enforced by CONSULTANT.

20.2 The law of the state of California shall govern this Contract. The venue of any legal action, either formal or informal, shall be the County of Los Angeles.

21 NOTICES

Any notice required under this Contract shall be in writing, addressed to the appropriate party at its address on the signature page and given personally or by registered or certified mail postage prepaid, or by a commercial courier service. All notices shall be effective upon the date of receipt.

22 ENTIRE CONTRACT AND AMENDMENTS

22.1 This Contract is the complete agreement between the parties and supersedes all prior proposals, agreements, and understandings between the parties and may not be modified or terminated orally.

22.2 No attempted waiver of any of the provisions hereof, nor any modification in the nature, extent or duration of the work to be performed by CONSULTANT hereunder, shall be binding unless in writing and signed by the party against whom the same is sought to be enforced.

22.3 The failure of any party to enforce against another party any provision of this Contract shall not constitute a waiver of that party's right to enforce such a provision at a later time, and shall not serve to vary the terms of this Contract.

23 ATTORNEY'S FEES

If any action at law or in equity is brought to enforce or interpret any provisions of this Contract, the prevailing party in such action shall be entitled to reasonable attorney's fees, costs and necessary disbursements, in addition to such other relief as may be sought and awarded.

In Witness Whereof, the parties hereto have caused this Contract to be executed and attested by their respective officers thereunto duly authorized.

CITY OF PALMDALE:

SIGNATURE AREA

Ronda Perez.
City Manager

SIGNATURE AREA

ADDRESS FOR NOTICE:
CITY OF PALMDALE
38250 Sierra Highway
Palmdale, CA 93550

MNS ENGINEERS:

SIGNATURE AREA

Jeff Edwards
Vice President

ADDRESS FOR NOTICE:
MNS ENGINEERS
4580 E. Thousand Oaks Blvd., Ste 101
Westlake Village, CA 91362

APPROVE AS TO FORM:

SIGNATURE AREA

William P. Curley, III
Interim City Attorney

ATTEST:

SIGNATURE AREA

Roxanne Faber
Acting City Clerk

---------- INTERNAL USE ONLY ----------

□Certificate(s) and Endorsement(s) attached
□Confirmed business name on contract with certificate(s)
□Attached Agreement Checklist and met all requirements

Committed to improving people's lives every day

July 5, 2023

Hamed Hashemian, PE
Deputy Director of Public Works
City of Palmdale
38250 Sierra Highway
Palmdale, CA 93550

SUBJECT: Public Works Inspection Services
Phase II Sam Yellen Park Construction – Project No. 795

Dear Hamed:

Thank you for the opportunity to submit a proposal for construction support services of Phase II of Yellen Park. We, at MNS Engineers, are excited to be considered for this project and are committed to providing our expertise and services to support the City's vision.

Based on our discussions with City Staff, we have developed a comprehensive proposal outlining our approach, methodology, and the services we will provide throughout the construction process. Our proposal focuses on delivering a high-quality park that meets the community's needs and aligns with the City's goals.

Our team of experienced professionals will work closely with the City to ensure the successful completion of Phase II. We will collaborate closely with City Staff, adhering to project schedule and budgetary constraints. Our commitment to clear and open communication will enable us to address any challenges effectively and ensure a smooth construction process.

Project Understanding

The Sam Yellen Park Phase II Project (Phase II Project), consisting of the 12 acres of the existing undeveloped Park site, was awarded to RC Becker on February 15, 2023, for just over $17.5 million dollars. We understand that construction is still in the early stages and that the Contractor has raised concerns regarding differing site conditions. Addressing differing site conditions is a common challenge in construction projects, and it requires careful evaluation and problem-solving. As an experienced construction management team of professionals, we have dealt with similar issues in the past and are equipped to assist in finding effective solutions.

The Phase II Project, includes the build out of the park site with various amenities that include a central plaza with a 1,888 SF community center/ restroom buildings, a separate prefabricated restroom building, shaded and unshaded picnic areas with tables, futsal courts, fitness stations, a large playground area, illuminated pedestrian walkways, water-efficient plantings, drought-tolerant groundcovers, preserved Joshua trees to match the local desert climate and habitat, and natural grass and artificial turf areas with topographic relief.

Access and infrastructure improvements include a modified roundabout entry accessible from Avenue S that connects to the existing parking lot and provides convenient drop-off zone, a new 84-space parking lot accessible from Hillcrest Drive, a detention basin, a new water service, sewer, and storm drain improvements, as well as irrigation and land scape improvements to the original park site.

Exhibit A

Committed to improving people's lives every day

All work will be performed on a time-and-materials basis to an approved budget limit. Approved budgets will not be exceeded without City direction and approval. City Staff will provide guidance regarding their expectations and process preferences in performing these tasks. For all TASKS, MNS will provide required tools, templates, and summary documents for the City.

MNS will perform the following tasks:

Task 1 - Public Works Inspection

MNS will provide public works inspection services to the City to observe the ongoing construction operations of the Contractor. The Inspector will be onsite during construction activities to inspect and verify the work is constructed in accordance with the City approved plans and specifications. The Construction Inspector, in addition to performing inspection duties, will perform the Project Management Services listed in Task 1b. The Construction Inspector's responsibilities will include:

- Full Time inspection of contractor's work.
- Inspection reports.
- Verify materials incorporated into the project meet contract requirements.
- Photo documentation
- Punchlist oversight.
- Assist City with Contractor submittals, RFI's, Change Order Requests for City consideration.

Fee Compensation

MNS proposes to provide Public Works Inspection as outlined in the Scope of Work on a time and materials not-to-exceed basis. The estimated cost of services is shown in the attached Staffing Plan in accordance with the approved plans, standard specifications, and construction schedule. Actual costs billed to the City will be on actual time spent; the budget will require prior written approval from the City if it exceeds the approved budget total. Based upon our project understanding and estimated number of support hours needed to ensure a quality project, we initiate the work in an expeditious manner, working within the remaining contract authority MNS has with the City totaling $58k.

Based upon the staffing plan MNS estimates the initial fee of $58k will take the work through approximately August 18, 2023, with a total fee through the current contractor's schedule project completion for the work which is expected to end in November 2024 to be $535,568.

Conclusion

We look forward to working with the City of Palmdale to complete this project. Please feel free to contact Robert Newman with any questions you may have about our proposal at 661-510-0111 or RNewman@mnsengineers.com or Jeff Edwards at (805)697-1401 or JEdwards@mnsengineers.com.

Sincerely,
MNS Engineers, Inc.

Jeff Edwards Vice President
Government Services Division

Yellen Park - Project Management / Public Works Inspection

Cost Proposal

	Monthy Staffing Hours					Project Completion Total Cost (17 months)
	Principal in Charge	Senior Project Manager	Senior Public Works Inspector	MNS Resource Hours	MNS Resource Costs	Total Costs
Task Descriptions	$310	$250	$177			
Task 1a. Public Works Inspection						
Public Works Inspection (40 hrs week - 17 months)			172	172	$30,444	$517,548
PWI Oversight / Supprot PWI (4 hours mnth - 17 mnths)	1	3		4	$1,060	$18,020
Total Monthly Staff Hours	1	3	172	176 Hours	$31,504	$535,568
Subtotal Monthly Staff Costs	$310	$750	$30,444			**$535,568**

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **NEIGHBORHOOD SERVICES**

HOUSING DIVISION

DISTRICT: **1**

SUBJECT: **APPROVE GRANT AGREEMENT A-8464 WITH ADVANCING COMMUNITIES TOGETHER FOR $781,820 FOR DEVELOPMENT OF 20-UNITS OF CRISIS INTERIM HOUSING, FOR A TEN-YEAR, TERM TO BE LOCATED AT 38626 9TH STREET EAST, PALMDALE.**

ISSUE

Approve Grant Agreement A-8464 with Advancing Communities Together for $781,820 for development of 20-units of crisis interim housing, for a ten-year term, to be located at 38626 9th Street East, Palmdale.

RECOMMENDATION

Staff recommends that the City Council:

1. Approve Grant Agreement A-8464 with Advancing Communities Together for $781,820 for development of 20-units crisis interim housing to be located at 38626 9th Street East, Palmdale called Palmdale's Dream Village for a ten-year term; and
2. Authorize the City Manager or their designee to execute the Grant Agreement with Advancing Communities Together for the 20-units of crisis interim housing, Palmdale's Dream Village, for a ten-year term and take all necessary actions to implement the approved actions.

BACKGROUND

The City of Palmdale was awarded $35,445,019 by the United States Department of the Treasury of Coronavirus Local Fiscal Recovery Funds (CSLRF Funds) under the American Rescue Plan Act (ARPA). Among the eligible uses described in the Final Rule is the investment of funds to "support the COVID-19 public health and economic response by addressing COVID-19 and its impact on public health" allowing for assistance to disproportionately impacted classes which faced more severe impacts and have not yet recovered for the impacts of the pandemic.

DISCUSSION

Advancing Communities Together (ACT) proposes to develop and operate a 20-unit crisis interim housing program called Palmdale's Dream Village at 38626 9th Street East, Palmdale, for a ten-year term. The crisis interim housing will provide twenty unhoused adult individuals in crisis interim housing, with safe and supportive housing conditions, community engagement teams, wrap around services, housing navigation services, case management, family reunification, health and wellness services and various workforce development programs. ACT is seeking to provide each unhoused person an opportunity to be in an impactful and transformational environment that supports their goals towards stability, utilizing their strengths, resiliency and community support to achieve their individual goals.

ACT proposes to use the CSLRF funding for facility improvements to have the site prepped, and electrical, water and sewer lines installed to accommodate Pallet unit structures. These improvements include repairing the parking lot and reusing materials, grading the lot to provide a leveled foundation and laying concrete, architectural and engineering support to design the sewer and utilities plan, including electrical and water to each pallet unit. ACT proposes to purchase one two stall hygiene units with separate toilet sink and individual shower units, one ADA accessible unit with two toilets, sink and one shower hygiene unit. In addition, ACT will purchase one community activity room for meals and workshops, one laundry unit with four washer/dryer stackable sets, one housing office for case management one-on-one meetings, twenty 8x8 housing units and training for ACT facility crews on construction/deconstruction and maintenance of all units.

FISCAL IMPACT

Funds are available in account 15818503-737100-1332 ARPA Affordable Housing.

STRATEGIC PLAN

Goal III: Invest in infrastructure to improve community livability and to plan and maintain safe and attractive neighborhoods, streets and facilities.

C. Plan and maintain safe and attractive neighborhoods, streets, facilities, and public spaces with exciting programming that promotes active fun for everyone.

Prepared by:	Heather Nichols, Senior Housing Coordinator
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Interim City Attorney

ATTACHMENTS

1. Grant Agreement A-8464
2. Project Location Map

DREAM VILLAGE GRANT AGREEMENT
(A-8464)

This DREAM VILLAGE GRANT AGREEMENT (this "**Agreement**") is dated for reference purposes as of August 16, 2023, and is entered into by and between the CITY OF PALMDALE, a charter city of the State of California ("**City**"), and ADVANCING COMMUNITIES TOGETHER, a California nonprofit public benefit corporation ("**ACT**"), who agree as follows:

RECITALS

A. On July 17, 2023, ACT submitted to City a proposal (the "**Proposal**"), attached hereto as Exhibit A and incorporated herein by this reference.

B. Under the Proposal, ACT would develop and operate a 20-unit crisis interim housing program (the "**Dream Village**") at ACT's property at 38626 9th St. E, Palmdale, California 93550 and at three ACT-owned lots adjacent thereto (collectively, the "**Property**").

C. In connection with the Proposal, ACT concurrently submitted to City a budget (the "**Budget**"), attached hereto as Exhibit B and incorporated herein by this reference.

D. The Budget sets forth ACT's proposed use of funds for the development of the Dream Village at the Property.

E. ACT requests that City provide the amount set forth in the Budget: $781,817.

F. City was awarded $35,445,019 in American Rescue Plan Act ("**ARPA**") funds ("**ARPA Funds**") through the United States Department of the Treasury.

G. Among the eligible uses of ARPA Funds is (i) to make necessary investments in water, sewer, or broadband infrastructure and (ii) to respond to public health and negative economic impacts of the pandemic in disproportionately impacted communities (youth and low-income communities).

H. In order to make necessary investments in water, sewer, or broadband infrastructure and to respond to public health and negative economic impacts of the pandemic in disproportionately impacted communities (youth and low-income communities), City desires to grant to ACT the sum of $781,817 to be used to develop the Dream Village at the Property (the "**Dream Village Grant**").

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, CITY AND ACT HEREBY AGREE AS FOLLOWS:

TERMS

1. The foregoing Recitals are true and correct and are a substantive part of this Agreement.

2. City shall make the Dream Village Grant to ACT. All proceeds of the Dream Village Grant shall be used solely to reimburse ACT for ACT's costs of developing the Dream Village at the Property, and all expenditures shall be supported by customary invoices, lien releases, *etc*. From time to time, ACT may request to draw upon the Dream Village Grant in accordance with the Budget: the initial draw is estimated to be $390,050, the second draw request is estimated to be for $305,060.98, and the third draw request is estimated to be for $86,705, each of the latter two to be accompanied by documentation of previous expenditures made prior to such new draw(s) being approved and released. As soon as practicable, the parties hereto shall develop and implement a report, which shall be due on the 5th day of each calendar month, to track draw requests submitted, funds disbursed, Budget line items funded, and the outstanding balance, with regard to the Dream Village Grant.

3. ACT shall develop and operate the Dream Village consistent with the Proposal and in conformity with all applicable laws, including all applicable federal and state labor standards, including, without limitation, the requirement to pay not less than the wages prevailing in the locality as determined by the United States Secretary of Labor pursuant to the Davis Bacon Act (40 U.S.C. 276a to 276a-5), if applicable, to pay state prevailing wages, if applicable, to comply with the sub-recipient reporting requirements of ARPA which requirements are further set forth in Exhibit C, attached hereto and incorporated herein by this reference, if applicable, and, if applicable, to comply with the beneficiary reporting requirements of ARPA as required by 31 CFR Title 35, which requirements are further set forth in Exhibit D, attached hereto and incorporated herein by this reference.

4. ACT agrees to carry out development, construction (as defined by applicable law) and operation of the Dream Village on the Property, including, without limitation, any and all public works (as defined by applicable law), in conformity with all applicable local, state and federal laws, including, without limitation, all applicable federal and state labor laws (including, without limitation, any requirement to pay state prevailing wages). ACT expressly acknowledges and agrees that City has never previously affirmatively represented to ACT or its contractor(s) for the Dream Village in writing or otherwise, in a call for bids or otherwise, that the work to be covered by the bid or contract is not a "public work", as defined in Section 1720 of the California Labor Code. ACT agrees that ACT shall have the obligation to provide any and all disclosures, representations, statements, rebidding, and/or identifications which may be required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. ACT agrees that ACT shall have the obligation to provide and maintain any and all bonds to secure the payment of contractors (including the payment of wages to workers performing any public work) which may be required by the California Civil Code, California Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. ACT agrees that ACT

shall have the obligation, at ACT's sole cost, risk and expense, to obligate any party as may be required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. ACT shall indemnify, protect, defend and hold harmless City and its elected officers, employees, contractors and agents, with counsel reasonably acceptable to City, from and against any and all loss, liability, damage, claim, cost, expense, and/or "increased costs" (including labor costs, penalties, reasonable attorneys' fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction (as defined by applicable law) and/or operation of the Dream Village, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by ACT of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Sections 1726 and 1781 of the California Labor Code, as the same may be enacted, adopted or amended from time to time, or any other similar law; (3) failure by ACT to provide any required disclosure, representation, statement, rebidding and/or identification which may be required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law; (4) failure by ACT to provide and maintain any and all bonds to secure the payment of contractors (including the payment of wages to workers performing any public work) which may be required by the California Civil Code, California Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law; (5) failure by ACT to obligate any party as may be required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. It is agreed by the parties hereto that, in connection with the development, construction (as defined by applicable law) and operation of the Dream Village, including, without limitation, any public work (as defined by applicable law), ACT shall bear all risks of payment or non-payment of state prevailing wages and/or the implementation of California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, and/or any other provision of law; and/or (6) noncompliance with ARPA. "Increased costs" as used in this Section shall have the meaning ascribed to it in California Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time. The foregoing indemnity shall survive termination of this Agreement.

5. ACT acknowledges that, but for the execution of this Agreement, City would not make the Dream Village Grant.

6. The Dream Village Grant need not be repaid to City. Notwithstanding the foregoing, the Dream Village Grant shall be immediately repaid by ACT to City in the event that ACT is in default of any provision of this Agreement, and fails to cure such default within 10 days after receiving notice.

7. The funds used by City to make the Dream Village Grant shall be ARPA Funds. Accordingly, ACT agrees for itself, its successors and assigns that the use of the Dream Village Grant funds shall be for purposes permitted by ARPA and for no other purpose.

8. Due to the significant size of City's Dream Village Grant, ACT's extensive work to develop the Dream Village at the Property, and the value of the Dream Village to the community, it is anticipated that ACT will operate and maintain the Dream Village at the Property for as long as possible (*i.e.,* 10 years, assuming that adequate funding for operations from Los Angeles Homeless Services Authority (and/or other agencies) is obtained). If and when ACT ceases to operate the Dream Village at the Property, then ACT shall promptly surrender to City ownership and possession of the modular units for placement and use thereof elsewhere, at City's discretion.

9. ACT hereby agrees to pay all costs and expenses, including reasonable attorneys' fees, which may be incurred by City, in the enforcement of this Agreement or any term or provision hereof.

10. Upon the failure of ACT to perform or observe any other term or provision of this Agreement, City may exercise its rights or remedies hereunder.

11. If the rights created by this Agreement shall be held by a court of competent jurisdiction to be invalid or unenforceable as to any part of the obligations described herein, then the remaining obligations shall be completely performed.

12. This Agreement may not be changed orally, but only by an amendment in writing signed by ACT and City.

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13. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

Executed in Palmdale, California, as of the date first set forth above.

"**ACT**"

Date: _____

ADVANCING COMMUNITIES TOGETHER,
a California nonprofit public benefit corporation

By:_____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

*In accordance with California Corporations Code Section 313, this document must be executed by the Corporation's Chief Executive Officer, President or Vice-President, on the one hand, and the Corporations' Chief Financial Officer, Treasurer, Assistant Treasurer or Secretary on the other hand.

[Signatures Continue on Following Page]

"**CITY**"

CITY OF PALMDALE,
a charter city of the State of California

By: _____ Date: _____
Ronda Perez
City Manager

ATTEST:

By: _____
Roxanne Faber
Acting City Clerk

APPROVED AS TO FORM:

By: _____
William P. Curley III
Interim City Attorney

KANE, BALLMER & BERKMAN
City Special Counsel

By: _____
Todd C. Mooney

Exhibit A

PROPOSAL

[behind this page]

Advancing Communities Together
Transform.Build.Support

Palmdale's Dream Village (Crisis - Interim Housing for Adults) Proposal

UEI: WHQ2RQGDNSQ3

EIN: 45-1745040

Summary of Proposal

Advancing Communities Together (ACT) is pleased to submit this proposal for development and operation of a 20-unit Crisis Interim housing program in the city of Palmdale, called Palmdale's Dream Village.

Over the past several years, our organization has developed, rehabilitated, and currently operate an 11-bed housing facility for Transitional Aged Youth (TAY) and allowed utilization of our main office facility located on 38626 9th St. E, Palmdale, California 93550, to serve as host of Winter Shelter Program's with operation and program services provided by different providers, including Hope of the Valley and Volunteers of America, before, during and after Covid pandemic. During this time, our organization has been a willing partner with City of Palmdale and other community-based organizations, to "see a need, and meet a need," in addressing the concerns of the unhoused, developing quality affordable housing, workforce development, community engagement and public safety. We endeavor to expand our role in this collective partnership with LAHSA, Valley Oasis, and other community partners, including faith-based groups, to provide quality direct services to the unhoused with standards of dignity and consistent, authentic engagement.

We base our plan of support, development and operations, in alignment with recently approved City of Palmdale Homeless plan and related initiatives, providing up to 20 individuals in crisis based interim housing, with safe and supportive housing conditions, community engagement teams from local housing and faith based partners , wrap around services, housing navigation services, case management, family reunification (when appropriate), health and wellness services and various workforce development programs.

Advancing Communities Together (ACT) submits this proposal in support of disproportionately impacted individuals with goals for having a safe place to rest with standards of dignity, purpose, and a solid foundation in which to begin their transition from unhoused to stable and productive residents of Palmdale.

We have partnered and collaborated with community-based organizations, faith-based groups, local, county, state and federal governments and others throughout Los Angeles County seeking to address the needs of many. We seek to expand our role and provide each unhoused person an opportunity to be in an impactful and transformational environment that supports their goals toward stability, utilizing their strengths, resiliency, and community support to achieve their individual goals.

Interim Housing Program Service Plan

In collaboration with community partners, we have developed a plan to address twenty unhoused adult individuals, in a "village like setting," utilizing promising practices, dignity standards and support from LAHSA and other county agencies. We will follow LAHSA's general principles, policies, and standards for program operation, along with other promising practices and ACT's unique way of engaging people and building relationships. We hope to serve sixty individuals per year, utilizing qualified and trained staff, some with "lived experience," providing trauma informed care, strategies of de-escalation, and continued support as they successfully cycle out and into permanent housing solutions or appropriate programs.

ACT proposes to provide and connect eligible, qualified, and interested individuals to participate in a set of program activities/services beyond providing a bed and meal for the night, although those are necessary. Our goal is to communicate and advocate for and for everyone to seek a path toward stability while addressing any challenges and barriers in their lives. Every individual housed in the Dream Village will be treated with respect as we partner with each to set up an action plan (ISTEP) that will be revisited every 90 days.

ACT will provide 3 meals and a healthy snack daily, along with an opportunity to meet formally with a transitional advocate (case manager) to discuss developing an ISTEP plan (Individual Stability & Engagement Plan) which will entail an intake, enrollment, progression, and navigation of needed services (mental health, disability, veteran support, etc.) through city, county, and community-based organizations.

We propose to provide additional to meet the needs of individuals who have pets by including a seventy feet dog run, additional shaded areas, laundry unit with four washer/dryer units, and an onsite Counseling office, plus full-time security and provide a community room for program activities including workshops.

Facility Improvement and site preparation plans:

ACT with its main facility on 9th St E, also owns three adjacent lots totaling over 12,500 square feet. ACT also proposes the City of Palmdale provide funding for facility improvement to have site prepped, electrical, water and sewer lines installed to accommodate each Pallet unit structure. This also includes funding for surveying, engineering for utility and sewer plans, permits, licenses and fees. These Pallet modular units must be connected to water and electricity once site infrastructure is in place to provide running water and lighting to each unit. We propose to develop this site through facility improvements which includes:

a. repairing parking lot and reusing material
b. grading lot to provide a leveled foundation and laying concrete.
c. Architectural and engineering support to design sewer and utilities plan, including electrical to run to each modular unit.
d. Providing persons of lived experience, were disproportionately impacted by Covid pandemic, disadvantaged economically, and resides locally.

ACT proposes the City of Palmdale to provide funding for Pallet Shelter modular units for interim housing campus individuals to utilize. Pallet Shelter (palletshelter.com) products include:

1. 1 two stall hygiene unit with separate toilet, sink and individual shower.
2. 1 ADA accessible, two toilets, sink and 1 shower hygiene unit.
3. 1 Community Activity Room (400 Sq feet) for meals and workshops.
4. 1 Laundry unit (100 sq feet) with 4 washer/dryer stackable sets.
5. 1 Housing Office for case management and 1 on 1 meetings
6. 20 Housing Units (8x8) - These are fire and weather resistant units (up to 170 mph wind loads) and are pre-manufactured and delivered to the facility for installation.
7. Training for ACT facility crews on construction/deconstruction and maintenance of all units.

ACT also proposes for the City of Palmdale to utilize SLFRF resources to fund this project.

According to FINAL RULE for SLFRF funding, the following are eligible uses:

Use of Funds (Obligated by dec 31, 2024 and spent by Dec 31, 2026) and eligibility:

a. To Make necessary investments in water, sewer, or broadband infrastructure.
    1. Develop facility improvements with site prep, engineering, design, and construction to tie in electrical, sewer and water lines for Interim Housing Program to provide modular housing units, bathrooms, showers, and laundry for unhoused.

b. Public health and negative economic Impact or disproportionately impacted communities (youth and low-income communities).
    1. Assistance to nonprofits to provide a service with direct benefit to government and communities. We believe that this project would be a benefit to local government agencies, public safety, health, and wellness of communities and those we intend to serve and will provide additional high wage job opportunities for residents and communities, especially on the east side of Palmdale.

    2. Development of interim housing facilities for individuals who were disproportionally impacted by Covid pandemic includes people of color, immigrants, and low-income residents, especially on the East side of Palmdale where this project will be located.

<u>The Objective</u>

Develop a progressive and stable series of safe housing units that create an environment of dignity, consistent engagement, support, and structure for unhoused to transition from Winter shelter to interim housing to permanent housing within the City of Palmdale.

Pallet shelter structures are cost efficient and can immediately bridge individuals between being unhoused in the streets, desert encampments or in cars, to a more stable and permanent housing solution for adults.

Build 20 Pallet shelter housing units within a “village” of support setting, providing individual interim housing units with all necessary amenities to provide dignity of standards values to participants.

Palmdale’s Dream Village along with the twenty individual interim housing units, will also include on campus access to showers and bathroom units (including ADA compliant), laundry facilities, community

building for meetings, workshops and activities, case management office, dog run and offered in a safe and secure environment. All elements that provide formerly unhoused residents with an opportunity to evaluate, plan for, and be safely supported in their progression and journey to stability and permanent housing.

This project will also provide a stable location for outreach teams and case managers to find their clients when needed to continue their services as well as connect residents with new services that require a stable location.

Through ACT'S successful apprenticeship readiness programs collaborating with large employers, American Job, and Career Centers (AJCC), as well local community partners and more, we will create workforce development support and resources, providing jobs and training for the unhoused and disenfranchised, and support their goals toward financial independence, high wages, and stability.

ACT also believes this program will provide other meaningful and impactful outcomes:

- Reduce the unhoused population overall in City of Palmdale.
- Increase access to mental health and substance abuse treatment for those living in encampments.
- Eliminate or reduce desert encampment activities in Palmdale.
- Promote long-term housing stability and support for people experiencing homelessness;
- and Enhance the safety, health, and wellness of neighborhoods for all residents and businesses.

Operations:

ACT will work with local agencies, law enforcement and LAHSA to set policies and procedures that adhere to evidenced based practices with safety for everyone, being a priority. The interim housing campus will be ADA compliant. There are many people experiencing Houselessness who are confined to wheelchairs or are in some way with a challenging handicap so accessibility must be a requirement of the development. Site infrastructure including emergency services access, parking/guest access, handicap accessibility, residential pathways, fire extinguishers, emergency evacuation procedures will be included.

Initial Start Up Development Funds and Drawdowns: ACT humbly request that the City of Palmdale provide initial develop funds for this project once agreements and requirements from ACT are met. These funds will allow ACT to meet a project completion deadline that is aligned with housing needs beginning in November 2023 and fabrication timelines for Pallet housing units, shipping, and installation. In order to meet this expedited timeline, ACT has set a timeline to begin breaking ground on project by August 21 for property improvements and order Pallet housing units by August 25, 2023 in order for fabrication and delivery to take place by start of November 2023 to meet interim housing needs.

Exhibit B

BUDGET

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PDC Dream Village

Project Name:
Developer: **Advancing Communities Together**
Address: **38626 9th St East SITE B, Palmdale, CA 93550** White Cells are Automatically Calculated Values

Uses

Acquisition Costs:

Acquisition: Land	$	-
Acquisition: Buildings		
Total Acquisition:	***$***	***-***

Construction Improvements:

Contract with GC (incl profit, OH, gen conditions)	$	40,000
Bond Premium	$	-
Construction Contingency	$	-
Total Construction:	***$***	***40,000***

Costs:	**Unit**			**Unit Cost**		
Building Permit, License & Fees		$	10,000			
Plumbing Installation	3	$	12,000			
Electrical Installation	25	$	112,500			
Concrete Flat/grading work		$	90,382			
SubTotal		**$**	**224,882**			
Pallet Shelter Cost						
Cost per Housing Shelter Unit	20	$	159,900	$	7,995	
Pallet Laundry Unit	1	$	39,995	$	39,995	
Pallet Community Room (400 sq feet)	1	$	39,999	$	39,999	
Pallet Case Management office	1	$	11,995	$	11,995	
Folding Bunk Bed. Aluminum frame with composite platform,	20	$	7,980	$	399	
120v Electrical Kit w/ 1500w Heater	21	$	29,379	$	1,399	
Mattrees Pad	20	$	5,980	$	299	
A/C and Install Kit 400Sq Community Room	1	$	499	$	499	
AC and Install Kits Housing Shelters	20	$	7,980	$	399	
Assembly Cost for Shelter	20	$	24,200	$	1,200	
Assembly Cost for 400sq Community Room	1	$	6,000	$	6,000	
Shipping and Handling of units	1	$	33,000	$	33,000	

Pallet Tax		**$**	**34,512**
Total Pallet Cost		**$**	**401,419**
Other Costs.			
Fencing		$	25,000
4 Stackable washer/dryer units		$	9,000
ADA Ramps		$	5,000
Landscaping and outdoor lighting		$	25,000
SUBTOTAL		**$**	**64,000**
Total from above		**$**	**730,301**
Soft Cost Contingency	5%	$	36,515
Developer Fee		$	15,000
Total Soft Costs:		***$***	***51,515***

Total Development Cost:	***$***	***781,817***

Initial Start Cost

Total Development Sources:

$ 781,817

Start Up Cost - Drawdown #1 Dream Village		Total:	$390,050
Pallet Shelter	Deposit 50%		$151,853.50
Initial Order of All units			
1. Laundry Unit			
2. Community Room			
3. Case Management Office			
4. Bunk Beds			
5. Electrical Kits w/heaters			
6. Mattress pads			
7. Install Kits Community Rm			
8. A/C and Install Kit shelters			
Fencing to Secure site Pre/Post			$25,000
Outdoor Lighting			$15,000
Building Permits/Licensing/Fees			$10,000
General Contractor Fees	33%		$13,333
Concrete Flatwork/Grading	50%		$45,191
5% Contingency	33%		$12,172
Developer Fees	33%		$5,000
Electrical Installation	50%		112,500
Drawdown #2 Dream Village		Total:	$305,060.98
Pallet Remaining Unit Cost Balance, Taxes and Shippir			$219,365.98
Landscaping/Outdoor Lighting			$10,000

Concrete Flat work/Grading	50%		$45,191
General Contractor Fees	33%		$13,333
Developer Fees	33%		$5,000
5% Contingency	33%		$12,171
		0	
Drawdown #3 Dream Village			$86,705
Pallet Assembly Cost (Shelters/Community room)			$30,200
Plumbing Installation			$12,000
			$0
4 Stackable Washer/dryer units			$9,000
ADA Ramps			$5,000
5% Contingency	33%		$12,171
General contractor Fees	33%		$13,334
Developer Fees	33%		$5,000

Exhibit C

REPORTING REQUIREMENTS

[behind this page]

Compliance and Reporting Guidance

State and Local Fiscal Recovery Funds



June 6, 2023
Version: 5.1

Coronavirus State and Local Fiscal Recovery Funds Guidance on Recipient Compliance and Reporting Responsibilities

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

In May 2021, Treasury published the interim final rule ("IFR") describing eligible and ineligible uses of SLFRF, as well as other program requirements. The initial versions of this Compliance and Reporting guidance reflected the IFR and its eligible use categories. On January 6, 2022, the U.S. Department of the Treasury ("Treasury") adopted the final rule implementing the SLFRF program. The final rule became effective on April 1, 2022. Prior to the final rule effective date, the IFR remained in effect; funds used consistently with the IFR while it was in effect were in compliance with the SLFRF program. However, recipients could choose to take advantage of the final rule's flexibilities and simplifications ahead of the effective date. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule* for more information on compliance with the IFR and the final rule.

To support recipients in complying with the final rule, this reporting guidance reflects the final rule and provides additional detail and clarification for each recipient's compliance and reporting responsibilities under the SLFRF program, and should be read in concert with the Award Terms and Conditions, the authorizing statute, the final rule, other program guidance including the Final Rule FAQs, and other regulatory and statutory requirements, including regulatory requirements under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance" or 2 CRF Part 200), and 2021 SLFRF Compliance Supplement – Technical Update and 2022 SLFRF Compliance Supplement. Please see the Assistance Listing in SAM.gov under assistance listing number (formerly known as CFDA number) 21.027 for more information.

Please Note: This guidance document applies to the SLFRF program only and does not change or impact reporting and compliance requirements for the Coronavirus Relief Fund ("CRF") established by the CARES Act.

This guidance includes two parts:

Part 1: General Guidance

This section provides an orientation to recipients' compliance responsibilities and Treasury's expectations and recommends best practices where appropriate under the SLFRF program.

A. Key Principles…….. P. 4

B. Statutory Eligible Uses…… P. 4

C. Treasury's Final Rule……..…… P. 5

D. Uniform Guidance (2 CFR Part 200)……..…… P. 7

E. Award Terms and Conditions……..……... P. 11

Part 2: Reporting Requirements

This section provides information on the reporting requirements for the SLFRF program.

A. Interim Report..... P. 16
B. Project and Expenditure Report..... P. 17
C. Recovery Plan Performance Report..... P. 34

Appendix 1: Expenditure Categories..... P. 42
Appendix 2: Evidenced-Based Intervention Additional Information..... P. 47
Appendix 3: Expenditure Categories under the Interim Final Rule..... P. 48

OMB Control Number: 1505-0271

OMB Expiration Date: 04/30/2025

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden for the collections of information included in this guidance is as follows: 30 minutes for Title VI Assurances, 2 hours per response for the Interim Report, 6 hours per response for the Project and Expenditure Report and 100 hours per response for the Recovery Plan Performance Report (if applicable). Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Part 1: General Guidance

This section provides an orientation on recipients' compliance responsibilities and Treasury's expectations and recommended best practices where appropriate under the SLFRF program.

Recipients under the SLFRF program are the eligible entities identified in sections 602 and 603 of the Social Security Act as added by section 9901 of the American Rescue Plan Act of 2021 (the "SLFRF statute") that receive an SLFRF award. Subrecipients under the SLFRF program are entities that receive a subaward from a recipient to carry out the purposes (program or project) of the SLFRF award on behalf of the recipient.

Recipients are accountable to Treasury for oversight of their subrecipients in accordance with 2 CFR 200.332, including ensuring their subrecipients comply with the SLFRF statute, SLFRF Award Terms and Conditions, Treasury's interim final rule and final rule, applicable federal statutes, regulations, and reporting requirements.

A. Key Principles

There are several guiding principles for developing your own effective compliance regimes:

- Recipients and subrecipients are the first line of defense and responsible for ensuring the SLFRF award funds are not used for ineligible purposes, and there is no fraud, waste, or abuse associated with their SLFRF award;
- Many SLFRF-funded projects respond to the COVID-19 public health emergency and meet urgent community needs. Swift and effective implementation is vital, and recipients must balance facilitating simple and rapid program access widely across the community and maintaining a robust documentation and compliance regime;
- Treasury encourages recipients to use SLFRF-funded projects to advance shared interests and promote equitable delivery of government benefits and opportunities to underserved communities, as outlined in Executive Order 13985, On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and
- Transparency and public accountability for SLFRF award funds and use of such funds are critical to upholding program integrity and trust in all levels of government, and SLFRF award funds should be managed consistent with Administration guidance per Memorandum M-21-20 and Memorandum M-20-21.

B. Statutory Eligible Uses

As a recipient of an SLFRF award, your organization has substantial discretion to use the award funds in the ways that best suit the needs of your constituents – as long as such use fits into one of the following four statutory categories:

1. To respond to the COVID-19 public health emergency or its negative economic impacts;
2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the recipient that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
3. For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; or
4. To make necessary investments in water, sewer, or broadband infrastructure.

Treasury adopted an interim final rule in May 2021 and the final rule on January 6, 2022 to implement these eligible use categories and other restrictions on the use of funds under the SLFRF

program. The final rule took effect on April 1, 2022, and the interim final rule remained in effect until that time, although recipients could choose to take advantage of the final rule's flexibilities and simplifications prior to April 1, 2022. Recipients may consult the Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule for more information on compliance with the interim final rule and the final rule.

It is the recipient's responsibility to ensure all SLFRF award funds are used in compliance with the program's requirements. In addition, recipients should be mindful of any additional compliance obligations that may apply – for example, additional restrictions imposed upon other sources of funds used in conjunction with SLFRF award funds, or statutes and regulations that may independently apply to water, broadband, and sewer infrastructure projects. Recipients should ensure they maintain proper documentation supporting determinations of costs and applicable compliance requirements, and how they have been satisfied as part of their award management, internal controls, and subrecipient oversight and management.

C. Treasury's Final Rule

Treasury's final rule details recipients' compliance responsibilities and provides additional information on eligible and restricted uses of SLFRF award funds and reporting requirements.

1. **Eligible and Restricted Uses of SLFRF Funds.** As described in the SLFRF statute and summarized above, there are four enumerated eligible uses of SLFRF award funds. As a recipient of an award under the SLFRF program, your organization is responsible for complying with requirements for the use of funds. In addition to determining a given project's eligibility, recipients are also responsible for determining subrecipient's or beneficiaries' eligibility, and must monitor subrecipients' use of SLFRF award funds.

   To help recipients build a greater understanding of eligible uses, Treasury's final rule establishes a framework for determining whether a specific project would be eligible under the SLFRF program, including some helpful definitions. For example, Treasury's final rule establishes:

   - A framework for determining whether a project responds to the COVID-19 public health emergency or its negative economic impacts;
   - Definitions of "eligible employers," "essential work," "eligible workers," and "premium pay" for cases where premium pay is an eligible use;
   - The option to select between a standard amount of revenue loss or complete a full revenue loss calculation of revenue lost due to the COVID-19 public health emergency;
   - A framework for necessary water and sewer infrastructure projects that aligns eligible uses with projects that are eligible under the Environmental Protection Agency's Drinking Water and Clean Water State Revolving Funds along with certain additional projects, including a wider set of lead remediation and stormwater infrastructure projects and aid for residential wells; and
   - A framework for necessary broadband projects that allows for projects that are designed to provide service of sufficient speeds to eligible areas, as well as an affordability requirement for providers that provide service to households.

   Treasury's final rule also provides more information on important restrictions on use of SLFRF award funds, including that recipients other than Tribal governments may not deposit SLFRF funds into a pension fund; and recipients that are States or territories may not use SLFRF funds to offset a reduction in net tax revenue resulting from the recipient's change in law, regulation, or administrative interpretation. In addition, recipients may not use SLFRF funds directly to service debt, satisfy a judgment or settlement, or contribute to a "rainy day" fund. Recipients should refer to Treasury's final rule for more information on these restrictions.

Treasury's final rule outlines that funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, the final rule notes that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget ("OMB") has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. For example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects.

2. **Eligible Costs Timeframe.** Your organization, as a recipient of an SLFRF award, may use SLFRF funds to cover eligible costs that your organization incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. Costs for projects incurred by the recipient State, territorial, local, or Tribal government prior to March 3, 2021 are not eligible, as provided for in Treasury's final rule.

   Recipients may, in certain circumstances, use SLFRF award funds for the eligible use categories described in Treasury's final rule for costs incurred prior to March 3, 2021. Specifically,

   a. Public Health/Negative Economic Impacts: Recipients may use SLFRF award funds to provide assistance to households, small businesses, and nonprofits to respond to the public health emergency or negative economic impacts of the pandemic – such as rent, mortgage, or utility assistance – for costs incurred by the beneficiary (e.g., a household) prior to March 3, 2021, provided that the recipient State, territorial, local or Tribal government did not incur the cost of providing such assistance prior to March 3, 2021.
   b. Premium Pay: Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be "in addition to" wages and remuneration already received and the obligation to provide such premium pay must not have been incurred by the recipient prior to March 3, 2021.
   c. Revenue Loss: Recipients have broad discretion to use funds for the provision of government services to the extent of reduction in revenue. While calculation of lost revenue is based on the recipient's revenue in the last full fiscal year prior to the COVID-19 public health emergency, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
   d. Investments in Water, Sewer, and Broadband: Recipients may use SLFRF award funds to make necessary investments in water, sewer, and broadband infrastructure. Recipients may use SLFRF award funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the SLFRF award funds were incurred by the recipient after March 3, 2021.

   Any funds not obligated or expended for eligible uses by the timelines above must be returned to Treasury, including any unobligated or unexpended funds that have been provided to subrecipients and contractors as part of the award closeout process pursuant to 2 C.F.R. 200.344(d). For the purposes of determining expenditure eligibility, Treasury's final rule provides

that "incurred" means the recipient has incurred an obligation, which has the same meaning given to "financial obligation" in 2 CFR 200.1.

3. **Reporting.** Generally, recipients must submit one initial Interim Report, quarterly or annual Project and Expenditure reports which include subaward reporting, and in some cases annual Recovery Plan reports. Treasury's final rule and Part 2 of this guidance provide more detail around SLFRF reporting requirements.

4. **Expenditure Categories**. Treasury's final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients report on a broader set of eligible uses and associated Expenditure Categories ("EC"), which began with the April 2022 Project and Expenditure Report. Appendix 1 includes the new ECs, as well as a reference to previous ECs used for reporting under the interim final rule.

Assistance Listing

The Assistance Listing for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) was published May 28, 2021 on SAM.gov under Assistance Listing Number ("ALN"), formerly known as CFDA Number, **21.027**.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The ALN is the unique 5-digit number assigned to identify a federal assistance listing, and can be used to search for federal assistance program information, including funding opportunities, spending on USASpending.gov, or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines Treasury issued initial payments under an existing ALN, 21.019, assigned to the CRF. If you have already received funds or captured the initial number in your records, please update your systems and reporting to reflect the new ALN 21.027 for the SLFRF program. **Recipients must use ALN 21.027 for all financial accounting, subawards, and associated program reporting requirements for the SLFRF awards.**

D. Uniform Administrative Requirements

The SLFRF awards are generally subject to the requirements set forth in the Uniform Guidance. In all instances, your organization should review the Uniform Guidance requirements applicable to your organization's use of SLFRF funds, and SLFRF-funded projects. Additional details about applicability of certain provisions of the Uniform Guidance may be found in:

- SLFRF final rule;
- SLFRF Assistance Listing; and
- SLFRF Final Rule FAQs, including FAQ 4.9, 10.1, and Section 13.

The following sections provide a general summary of your organization's compliance responsibilities under applicable statutes and regulations, including the Uniform Guidance, as described in the most recent compliance supplement issued by OMB. Note that the descriptions below are only general summaries and all recipients and subrecipients are advised to carefully review the Uniform Guidance requirements and any additional regulatory and statutory requirements applicable to the program.

1. **Allowable Activities.** Each recipient should review program requirements, including Treasury's final rule and the recipient's Award Terms and Conditions, to determine and record eligible uses

of SLFRF funds. Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

2. **Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability. Please note that as outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart E (Cost Principles) applies to recipients' use of funds in the revenue loss eligible use category.

   SLFRF funds may be, but are not required to be, used along with other funding sources for a given project. Recipients should note that SLFRF funds available under the "revenue loss" eligible use category generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, the recipient should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. For instance, recipients should note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the OMB has approved a waiver from this provision as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

   SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

   Treasury's final rule, program guidance, and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F and the Compliance Supplement are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

   a. Administrative costs*:* Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.[1] Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the SLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs as long as they are accorded consistent treatment per 2 CFR 200.403. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as

[1] Recipients also may use SLFRF funds directly for administrative costs to improve the design and execution of programs responding to the COVID-19 pandemic and to administer or improve the efficacy of programs addressing the public health emergency or its negative economic impacts. 31 CFR 35.6(b)(3)(ii)(E)(3).

contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office.[2][3] Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement ("NICRA") established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).

b. Salaries and Expenses*:* In general, certain employees' wages, salaries, and covered benefits are an eligible use of SLFRF award funds. Please see Treasury's final rule for details.

3. **Cash Management.** SLFRF payments made to recipients are not subject to the requirements of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR Part 205 or 2 CFR 200.305(b)(8)-(9).

   As such, recipients can place funds in interest-bearing accounts, do not need to remit interest to Treasury, and are not limited to using that interest for eligible uses under the SLFRF award.

4. **Eligibility.** Under this program, recipients are responsible for ensuring funds are used for eligible purposes. Generally, recipients must develop and implement policies and procedures, and retain records, to determine and monitor implementation of criteria for determining the eligibility of beneficiaries and/or subrecipients. Your organization, and if applicable, the subrecipient(s) administering a program on behalf of your organization, will need to maintain procedures for obtaining information evidencing a given beneficiary, subrecipient, or contractor's eligibility, including a valid SAM.gov registration (except with respect to individuals or households for which a SAM.gov registration is not required). Implementing risk-based due diligence for eligibility determinations is a best practice to augment your organization's existing controls.

5. **Property Management.** Any purchase of real or personal property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D, unless stated otherwise by Treasury. For example, as outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. Furthermore, as outlined in Final Rule FAQ 13.16, Treasury has clarified the use and disposition requirements for real and personal property, supplies, and equipment purchased with SLFRF funds.

6. **Matching, Level of Effort, Earmarking.** There are no matching, level of effort, or earmarking compliance responsibilities associated with the SLFRF award. See Section C.1 (Eligible and Restricted Uses of SLFRF Funds) for a discussion of restrictions on use of SLFRF funds. Please see 2. Allowable Costs/Cost Principles above for information on the use of SLFRF funds for non-Federal match or cost-sharing requirements in other Federal programs.

7. **Period of Performance.** Your organization should also develop and implement internal controls related to activities occurring outside the period of performance. All funds remain subject to statutory and regulatory requirements that they must be used for costs incurred by the recipient during the period that begins on March 3, 2021, and ends on December 31, 2024, and that award funds for the financial obligations incurred by December 31, 2024 must be expended by December

[2] 2 CFR 200.413 Direct Costs.
[3] 2 CFR 200.414 Indirect Costs.

31, 2026. Any funds not used must be returned to Treasury as part of the award closeout process pursuant to 2 C.F.R. 200.344(d).

8. **Procurement, Suspension & Debarment.** Recipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds, are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, unless stated otherwise by Treasury. As outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The procurement standards set forth in the Uniform Guidance at 2 CRF 200.317 through 2 CRF 200.327 are not included in Final Rule FAQ 13.15's list of applicable Subpart D requirements that apply to recipients' use of funds in the revenue loss eligible use category.

   The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in certain circumstances. Recipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance, pursuant to 2 CFR 180, requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Your organization must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

9. **Program Income.** Generally, program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, and principal and interest on loans made with Federal award funds. Program income does not include interest earned on advances of Federal funds, rebates, credits, discounts, or interest on rebates, credits, or discounts. Recipients of SLFRF funds should calculate, document, and record the organization's program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.

   The Uniform Guidance outlines the requirements that pertain to program income at 2 CFR 200.307. Treasury has clarified in its Final Rule FAQs that recipients may add program income to the Federal award. Any program income generated from SLFRF funds must be used for the purposes and under the conditions of the Federal award. Further, Final Rule FAQ 4.9 provides additional information about program income requirements applicable to certain eligible uses, and Final Rule FAQ 13.15 clarifies that only a subset of the Uniform Guidance requirements at 2 CFR 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The list of applicable Subpart D requirements in Final Rule FAQ 13.15 does not include the program income requirements in 2 CFR 200.307.

10. **Reporting.** All recipients of federal funds must complete financial, performance, and compliance reporting as required and outlined in Part 2 of this guidance. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR 200.1. Your organization should appropriately maintain accounting records for compiling and reporting accurate, compliant financial data, in accordance with appropriate accounting standards and principles.

    In addition, where appropriate, your organization needs to establish controls to ensure completion and timely submission of all mandatory performance and/or compliance reporting. See Part 2 of this guidance for a full overview of recipient reporting responsibilities.

    Consolidated jurisdictions or other types of jurisdictions that received multiple SLFRF allocations

(e.g., a county and city with a consolidated government) are only required to file once per reporting period, and such reports will cover the total SLFRF allocations received by the jurisdiction. This includes Non-entitlement units of local government ("NEUs") and/or Units of general local government located within counties that are not units of general local government. In addition, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction's Reporting Tier.

11. **Subrecipient Monitoring.** SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

    First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.

    Next, your organization will need to evaluate each subrecipient's risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

    Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

    Recipients should note that NEUs are not subrecipients under the SLFRF program. They are SLFRF recipients that report directly to Treasury.

    Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

    Many recipients may choose to provide a subaward or contract to other entities to provide services to other end users. For example, a recipient may provide a subaward to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the recipient intends to provide (assistance to households experiencing homelessness), and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient. Subrecipients are subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements, whereas contractors are not subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements.

    Please note that as outlined in Final Rule FAQ 13.14, recipients' use of funds in the revenue loss eligible use category does not give rise to subrecipient relationships. As a result, subaward reporting is not required for projects in the revenue loss eligible use category.

12. **Special Tests and Provisions.** From time-to-time, Treasury may issue subregulatory guidance as well as frequently asked questions.

    Across each of the compliance requirements above, Treasury has described some best practices for development of internal controls in **Table 1** below, with an example of each best practice.

Table 1: Internal controls best practices

Best Practice	Description	Example
Written policies and procedures	Formal documentation of recipient policies and procedures	Documented procedure for determining worker eligibility for premium pay
Written standards of conduct	Formal statement of mission, values, principles, and professional standards	Documented code of conduct / ethics for subcontractors
Risk-based due diligence	Pre-payment validations conducted according to an assessed level of risk	Enhanced eligibility review of subrecipient with imperfect performance history
Risk-based compliance monitoring	Ongoing validations conducted according to an assessed level of risk	Higher degree of monitoring for projects that have a higher risk of fraud, given program characteristics
Record maintenance and retention	Creation and storage of financial and non-financial records.	Storage of all subrecipient payment information.

E. Award Terms and Conditions

The Award Terms and Conditions of the SLFRF financial assistance agreement sets forth the compliance obligations for recipients pursuant to the SLFRF statute, the Uniform Guidance, Treasury's final rule, and applicable federal laws and regulations. Recipients should ensure they remain in compliance with all Award Terms and Conditions. These obligations include the following items in addition to those described above:

1. **SAM.gov Requirements.** All eligible recipients are required to have an active registration with the System for Award Management ("SAM") (https://www.sam.gov) pursuant to 2 CFR Part 25. To ensure timely receipt of funding, Treasury has stated that NEUs who have not previously registered with SAM.gov may do so after receipt of the award, but before the submission of mandatory reporting.[4]

2. **Recordkeeping Requirements.** Generally, your organization must maintain records and financial documents for five years after all funds have been expended or returned to Treasury, as outlined in paragraph 4.c. of the Award Terms and Conditions. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

   Your organization must agree to provide or make available such records to Treasury upon request, and to the Government Accountability Office ("GAO"), Treasury's Office of Inspector General ("OIG"), and their authorized representative in order to conduct audits or other investigations.

3. **Single Audit Requirements.** Recipients and subrecipients that expend more than $750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements.[5] Note that the Compliance Supplement provides information on the existing, important compliance requirements that the federal government expects to be considered as a part of such audit. For example, the SLFRF Compliance Supplement describes an alternative to the Single Audit for

[4] See flexibility provided in https://www.whitehouse.gov/wp-content/uploads/2021/03/M_21_20.pdf.
[5] For-profit entities that receive SLFRF subawards are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury and Treasury's OIG.

eligible recipients. Recipients should consult the Compliance Supplement for more information about the alternative compliance examination engagement. The Compliance Supplement is routinely updated, and is made available in the Federal Register and on OMB's website: https://www.whitehouse.gov/omb/office-federal-financial-management/ Recipients and subrecipients should consult the Federal Audit Clearinghouse to see examples of Single Audit submissions.

4. **Civil Rights Compliance**. Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

   In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). Treasury may request that non-tribal recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status. As explained in Treasury FAQ 12.1, the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF program, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

Part 2: Reporting Guidance

There are three types of reporting requirements for the SLFRF program. The report requirements are approved and documented under OMB PRA number - OMB # 1505-0271.

- **Interim Report:** Provide initial overview of status and uses of funding. This is a one-time report. **See Section A, page 16.**

- **Project and Expenditure Report:** Report on projects funded, expenditures, and contracts and subawards equal to or greater than $50,000, and other information. **See Section B, page 17.**

- **Recovery Plan Performance Report:** The Recovery Plan Performance Report (the "Recovery Plan") will provide information on the projects that large recipients are undertaking with program funding and how they plan to ensure program outcomes are achieved in an effective, efficient, and equitable manner. It will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury. The Recovery Plan will be posted on the website of the recipient as well as provided to Treasury. **See Section C, page 28.**

The reporting threshold is based on the total award amount allocated by Treasury under the SLFRF program, not the funds received by the recipient as of the time of reporting.

States and territories are also required to submit information on their distributions to NEUs. Please refer to Section D for additional details.

Table 2: Reporting requirements by recipient type

Tier	Recipient	Interim Report	Project and Expenditure Report	Recovery Plan Performance Report
1	States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents	By August 31, 2021 or 60 days after receiving funding if funding was received by October 15, with expenditures by category. *Note: NEUs were not required to submit an Interim Report*	By January 31, 2022, and then the last day of the month after the end of each quarter thereafter *Note: NEUs were not required to submit a Project and Expenditure Report on January 31, 2022. The first reporting date for NEUs was April 30, 2022.*	By August 31, 2021 or 60 days after receiving funding, and annually thereafter by July 31
2	Metropolitan cities and counties with a population below 250,000 residents that are allocated more than $10 million in SLFRF funding, and NEUs that are allocated more than $10 million in SLFRF funding			
3	Tribal Governments that are allocated more than $30 million in SLFRF funding			
4	Tribal Governments that are allocated less than $30 million in SLFRF funding		By April 30, 2022, and then annually thereafter	
5	Metropolitan cities and counties with a population below 250,000 residents that are allocated less than $10 million in SLFRF funding, and NEUs that are allocated less than $10 million in SLFRF funding			

Note: Based on the period of performance, reports will be collected through April 30, 2027. See the specific due dates listed in Sections B and C.

As mentioned above, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction's Reporting Tier, beginning in April of 2022. Treasury may reach out to jurisdictions to update Reporting Tiers.

The remainder of this document describes these reporting requirements. User guides describing how and where to submit required reports are posted at www.treasury.gov/SLFRPReporting and updated on a regular basis.

Comparison to reporting for the CRF

This guidance does not change the reporting or compliance requirements pertaining to the CRF. Reporting and compliance requirements for the SLFRF are separate from CRF reporting requirements. Differences between CRF and SLFRF include:

- **Project, Expenditure, and Subaward Reporting**: The SLFRF reporting requirements leverage the existing reporting regime used for CRF to foster continuity and provide many recipients with a familiar reporting mechanism. The data elements for the Project and Expenditure Report will largely mirror those used for CRF, with some minor exceptions noted in this guidance. The users' guide will describe how reporting for CRF funds will relate to reporting for the SLFRF.
- **Timing of Reports**: CRF reports were due within 10 days of each calendar quarter end. For quarterly reporters, SLFRF reporting will be due the last day of the month following the end of the period covered. For annual reporters, SLFRF reporting will be due on an annual schedule (see table in Section B below).
- **Program and Performance Reporting**: The CRF reporting did not include any program or performance reporting. To build public awareness and accountability and allow Treasury to monitor compliance with eligible uses, some program and performance reporting is required for SLFRF.

A. Interim Report

Note: The Interim Reports were submitted under the interim final rule.

States, U.S. territories, metropolitan cities, counties, and Tribal governments were required to submit a one-time interim report with expenditures[6] by Expenditure Category covering the period from March 3rd to July 31, 2021, by August 31, 2021 or sixty (60) days after first receiving funding if the recipient's date of award was between July 15, 2021 and October 15, 2021. The recipient was required to enter obligations[7] and expenditures and, for each, select the specific expenditure category from the available options. See Appendix 3 for Expenditure Categories applicable for the Interim Report.

1. Required Programmatic Data

Recipients were also required to provide the following information if they had or planned to have expenditures in the following Expenditure Categories.

a. Revenue replacement (EC 6.1[8]): Key inputs into the revenue replacement formula in the Interim Final Rule and estimated revenue loss due to the Covid-19 public health emergency calculated using the formula in the Interim Final Rule as of December 31, 2020.
- Base year general revenue (e.g., revenue in the last full fiscal year prior to the public health emergency)
- Fiscal year end date
- Growth adjustment used (either 4.1 percent or average annual general revenue growth over 3 years prior to pandemic)
- Actual general revenue as of the twelve months ended December 31, 2020

[6] For purposes of reporting in the SLFRF portal, an expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity).
[7] For purposes of reporting in the SLFRF portal, an obligation is an order placed for property and services, contracts and subawards made, and similar transactions that require payment.
[8] See Appendix 3 for the full Expenditure Category (EC) list. Please note that Appendix 3 includes the expenditure categories under the interim final rule, applicable to the Interim Report.

- Estimated revenue loss due to the Covid-19 public health emergency as of December 31, 2020
- An explanation of how revenue replacement funds were allocated to government services (Note: additional instructions was provided in the user guide)

In calculating general revenue and the other items discussed above, recipients should have used audited data if it was available. When audited data was not available, recipients were not required to obtain audited data if substantially accurate figures could be produced on an unaudited basis. Recipients should have used their own data sources to calculate general revenue and did not need to rely on revenue data published by the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients' self-reported general revenue figures may differ from those published by the Census Bureau. Recipients were permitted to provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required. Recipients' reporting should align with their own financial reporting.

In calculating general revenue, recipients should have excluded all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a State to a locality pursuant to the CRF or SLFRF. To the extent federal funds are passed through States or other entities or intermingled with other funds, recipients should have attempted to identify and exclude the federal portion of those funds from the calculation of general revenue on a best-efforts basis.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of reduction in revenue, recipients were required to submit a description of services provided. This description may be in narrative or in another form, and recipients were encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with $100 in revenue replacement funds available could indicate that $50 were used for law enforcement operating expenses and $50 were used for pay-go building of sidewalk infrastructure. As discussed in the interim final rule, these services can include a broad range of services but may not be used directly for pension deposits or debt service.

Reporting requirements did not require tracking the indirect effects of Fiscal Recovery Funds, apart from the restrictions on use of Fiscal Recovery Funds to offset a reduction in net tax revenue. In addition, recipients were required to indicate that Fiscal Recovery Funds were not used to make a deposit in a pension fund.

B. Project and Expenditure Report

All recipients are required to submit Project and Expenditure Reports.

Note on NEUs: To facilitate reporting, each NEU will need an NEU Recipient Number. This is a unique identification code for each NEU assigned by the State or territory to the NEU as part of its request for funding.

1. Quarterly Reporting

The following recipients are required to submit quarterly Project and Expenditure Reports:

- States and U.S. territories
- Tribal governments that are allocated more than $30 million in SLFRF funding
- Metropolitan cities and counties with a population that exceeds 250,000 residents

- Metropolitan cities and counties with a population below 250,000 residents that are allocated more than $10 million in SLFRF funding and NEUs that are allocated more than $10 million in SLFRF funding.

For these recipients, the initial quarterly Project and Expenditure Report covers three calendar quarters from March 3, 2021 to December 31, 2021 and was required to be submitted to Treasury by January 31, 2022. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury by the last day of the month following the end of the period covered. Quarterly reports are not due concurrently with applicable annual reports. **Table 3** summarizes the quarterly report timelines:

Table 3: Quarterly Project and Expenditure Report Timeline

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 – 4	March 3 – December 31	January 31, 2022
2	2022	1	January 1 – March 31	April 30, 2022
3	2022	2	April 1 – June 30	July 31, 2022
4	2022	3	July 1 – September 30	October 31, 2022
5	2022	4	October 1 – December 31	January 31, 2023
6	2023	1	January 1 – March 31	April 30, 2023
7	2023	2	April 1 – June 30	July 31, 2023
8	2023	3	July 1 – September 30	October 31, 2023
9	2023	4	October 1 – December 31	January 31, 2024
10	2024	1	January 1 – March 31	April 30, 2024
11	2024	2	April 1 – June 30	July 31, 2024
12	2024	3	July 1 – September 30	October 31, 2024
13	2024	4	October 1 – December 31	January 31, 2025
14	2025	1	January 1 – March 31	April 30, 2025
15	2025	2	April 1 – June 30	July 31, 2025
16	2025	3	July 1 – September 30	October 31, 2025
17	2025	4	October 1 – December 31	January 31, 2026
18	2026	1	January 1 – March 31	April 30, 2026
19	2026	2	April 1 – June 30	July 31, 2026
20	2026	3	July 1 – September 30	October 31, 2026
21	2026	4	October 1 – December 31	April 30, 2027

2. Annual Reporting

The following recipients are required to submit annual Project and Expenditure Reports:

- Tribal governments that are allocated less than $30 million in SLFRF funding
- Metropolitan cities and counties with a population below 250,000 residents that are allocated less than $10 million in SLFRF funding and NEUs that are allocated less than $10 million in SLFRF funding.

For these recipients, the initial Project and Expenditure Report covered from March 3, 2021 to March 31, 2022 and was required to be submitted to Treasury by April 30, 2022. The subsequent annual reports will cover one calendar year and must be submitted to Treasury by April 30. **Table 4** summarizes the annual report timelines:

Table 4: Annual Project and Expenditure Report timeline

Report	Period Covered	Due Date
1	March 3, 2021 – March 31, 2022	April 30, 2022
2	April 1, 2022 – March 31, 2023	April 30, 2023
3	April 1, 2023 – March 31, 2024	April 30, 2024
4	April 1, 2024 – March 31, 2025	April 30, 2025
5	April 1, 2025 – March 31, 2026	April 30, 2026
6	April 1, 2026 – December 31, 2026	April 30, 2027

3. Required Information

The following information is required in Project and Expenditure Reports for both quarterly and annual reporting:

a. Projects: Provide information on all SLFRF funded projects. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding. For each project, the recipient is required to enter the project name, identification number (created by the recipient), project expenditure category (see Appendix 1), description, and status of completion. Project descriptions must describe the project in sufficient detail to provide an understanding of the major activities that will occur, and must be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose. Recipients should review the Required Programmatic Data described in 3.g. below and define their projects at a sufficient level of granularity.

   Note: For each project, the recipient is asked to select the appropriate Expenditure Category based on the scope of the project (see Appendix 1). Projects should be scoped to align to a single Expenditure Category. For select Expenditure Categories, the recipient also is asked to provide additional programmatic data (described further below).

b. Obligations and Expenditures: Once a project is entered the recipient will be able to report on the project's obligations and expenditures. Recipients will be asked to report:
   - Current period obligation
   - Cumulative obligation
   - Current period expenditure
   - Cumulative expenditure

c. Project Status: Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:
   - Not Started
   - Completed less than 50 percent
   - Completed 50 percent or more
   - Completed

d. Program Income: Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

e. Adopted Budget *(States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents only)*: Each state, territory and metropolitan city and county with a population that exceeds 250,000 residents will provide the budget adopted for each project by its jurisdiction associated with SLFRF funds. Treasury will use this information to better understand the intended impact, identify opportunities for outreach, and understand the recipient's progress in program implementation. Treasury is not approving or pre-approving projects or budgets.

- Recipients will enter the Adopted Budget based on information that exists currently in the recipient's financial systems and the recipient's established budget process. Treasury understands that recipients may use different budget processes. For example, a recipient may consider a project budgeted once a legislature has appropriated funds; whereas another recipient may consider a project budgeted at the moment when the funds have been obligated.
- Additional information is provided on the differences between Adopted Budget, Obligations, and Expenditures as part of the user guide posted at www.treasury.gov/SLFRPReporting.

f. Project Demographic Distribution (applicable to Public Health and Negative Economic Impact ECs: EC 1.1-2.37)– *Collection began April 2022*

Recognizing the disproportionate public health and negative economic impacts of the pandemic on many households, communities, and other entities, recipients must report whether certain types of projects are targeted to impacted and disproportionately impacted communities. Recipients will be asked to respond to the following:

a. What Impacted and/or Disproportionally Impacted population does this project primarily serve? Please select the population primarily served.
b. If this project primarily serves more than one Impacted and/or Disproportionately Impacted population, please select up to two additional populations served.

Recipients will select from the following options:

	Impacted	Disproportionately Impacted
Public Health	• General Public	
Assistance to Households	• Low- or-moderate income households or populations[9] • Households that experienced unemployment • Households that experienced increased food or housing insecurity • Households that qualify for certain federal programs[10] • For services to address lost instructional time in K-12 schools: any students that lost access to in-person instruction for a significant period of time	• Low-income households and populations[11] • Households and populations residing in Qualified Census Tracts • Households that qualify for certain federal programs[12] • Households receiving services provided by Tribal governments • Households residing in the U.S. territories or receiving services from these governments

[9] Low or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 65 percent of the Area Median Income for the county and size of household based on the most recently published data by the Department of Housing and Urban Development (HUD).

[10] For Impacted households, these programs are Children's Health Insurance Program ("CHIP"); Childcare Subsidies through the Child Care and Development Fund ("CCDF") Program; Medicaid; National Housing Trust Fund ("HTF"), for affordable housing programs only; Home Investment Partnerships Program ("HOME"), for affordable housing programs only.

[11] Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by HHS or (ii) income at or below 40 percent of Area Median Income for its county and size of household based on the most recently published data by HUD.

[12] For Disproportionately Impacted households, these programs are Temporary Assistance for Needy Families ("TANF"), Supplemental Nutrition Assistance Program ("SNAP"), Free- and Reduced-Price Lunch ("NSLP") and/or School Breakfast ("SBP") programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income ("SSI"), Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children ("WIC"), Section 8 Vouchers, Low-Income Home Energy Assistance Program ("LIHEAP"), and Pell Grants.

	Impacted	Disproportionately Impacted
	• Other households or populations that experienced a negative economic impact of the pandemic other than those listed above (please specify)	• For services to address educational disparities, Title I eligible schools[13] • Other households or populations that experienced a disproportionate negative economic impact of the pandemic other than those listed above (please specify)
Assistance to Small Businesses	• Small businesses that experienced a negative economic impact of the pandemic • Classes of small businesses designated as negatively economically impacted by the pandemic (please specify)	• Small businesses operating in Qualified Census Tracts • Small businesses operated by Tribal governments or on Tribal lands • Small businesses operating in the U.S. territories • Other small businesses disproportionately impacted by the pandemic (please specify)
Assistance to Non-Profits	• Non-profits that experienced a negative economic impact of the pandemic (please specify) • Classes of non-profits designated as negatively economically impacted by the pandemic (please specify)	• Non-profits operating in Qualified Census Tracts • Non-profits operated by Tribal governments or on Tribal lands • Non-profits operating in the U.S. territories • Other non-profits disproportionately impacted by the pandemic (please specify)
Aid to Impacted Industries	• Travel, tourism, or hospitality sectors (including Tribal development districts) • Industry outside the travel, tourism, or hospitality sectors that experienced a negative economic impact of the pandemic (please specify)	N/A

g. Subawards, Contracts, Grants, Loans, Transfers, and Direct Payments: Each recipient shall also provide detailed obligation and expenditure information for any contracts and grants awarded, loans issued, transfers made to other government entities, and direct payments made by the recipient that are equal to or greater than $50,000. As noted in Treasury's Project & Expenditure User Guides, subaward reporting for funds spent under the revenue loss eligible use category has not been required in past reporting periods. Please note that as outlined in Final Rule FAQ 13.14, Treasury is not collecting subaward data for projects categorized under the revenue loss eligible use category.

   Recipients do not need to submit separate monthly subaward reports to FSRS.gov as required pursuant to the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, which is included in the SLFRF Award Terms and Conditions. Treasury

[13] For educational services and other efforts to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school service as eligible. "Title I eligible schools" means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.

will submit this reporting on behalf of recipients using the $50,000 reporting threshold, timing, and data elements discussed in this guidance. If recipients choose to continue reporting to FSRS.gov in addition to reporting directly to Treasury on these funds, they may do so and will be asked to notify Treasury as part of their quarterly submission.

In general, recipients will be asked to provide the following information for each Contract, Grant, Loan, Transfer, or Direct Payment equal to or greater than $50,000:

- Subrecipient identifying and demographic information (e.g., UEI/TIN number and location)
- Award number (e.g., Award number, Contract number, Loan number)
- Award date, type, amount, and description
- Award payment method (reimbursable or lump sum payment(s))
- For loans, expiration date (date when loan expected to be paid in full)
- Primary place of performance
- Related project name(s)
- Related project identification number(s) (created by the recipient)
- Period of performance start date
- Period of performance end date
- Quarterly obligation amount
- Quarterly expenditure amount
- Project(s)
- Additional programmatic performance indicators for select Expenditure Categories (see below)

Aggregate reporting is required for contracts, grants, transfers made to other government entities, loans, and direct payments that are below $50,000. This information will be accounted for by Expenditure Category at the project level. Note that all obligations and expenditures made directly to individuals, regardless of dollar amount, should be included in aggregate reporting.

As required by the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, recipients must also report the names and total compensation of their five most highly compensated executives and their subrecipients' executives for the preceding completed fiscal year if (1) the recipient received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as provided by 2 CFR 170.320 (and subawards), and received $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act (and subawards), and (2) if the information is not otherwise public. In general, most SLFRF recipients are governmental entities with executive salaries that are already disclosed, so no additional information would be required to be reported for them. The recipient is responsible for the subrecipients' compliance with registering and maintaining an updated profile on SAM.gov.

h. Civil Rights Compliance: Treasury will request information on recipients' compliance with Title VI of the Civil Rights Act of 1964, as applicable, on an annual basis. This information may include a narrative describing the recipient's compliance with Title VI, along with other questions and assurances. This collection does not apply to Tribal governments[14]

i. Ineligible Activities: Tax Offset Provision (States and territories only): Section 602(c)(2)(A) of the Social Security Act prohibits a State or territory from using SLFRF funds to directly or indirectly offset a reduction in the net tax revenue of the State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period (the "Tax Offset Provision"). The Final Rule implements the Tax Offset Provision at 31 CFR § 35.8. Violations of the Tax

[14] Please note, as explained in Treasury FAQ 12.1, that the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

Offset Provision may be subject to recoupment. The following information is required for Treasury to ensure SLFRF funding is not used for ineligible activities related to the Tax Offset Provision.

For each reporting year, in the quarterly reporting cycle occurring 90 days after the end of the recipient's fiscal year, States and territories will report certain items related to the Tax Offset Provision, as detailed below. For example, if a recipient's fiscal year ends June 30, 2022, reporting on the Tax Offset Provision for fiscal year 2022 will be due in October 2022. All States and territories reported on the Tax Offset Provision for fiscal year 2021 in July 2022.

As indicated in the final rule, Treasury is implementing a tiered approach to reporting on the Tax Offset Provision, which is described below. Although Treasury is implementing a tiered approach to reporting, recipients should maintain records to support their compliance with the Tax Offset Provision.

The terms "reporting year," "baseline," "covered change," "covered period," "net reduction in total spending," and "tax revenue" are defined in the Final Rule, 31 CFR § 35.3. For purposes of calculating a net reduction in total spending, total spending for the fiscal year ending 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule. Similarly, for purposes of calculating baseline tax revenue, tax revenue for the fiscal year 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule.

For purposes of reporting actual tax revenue for the requested fiscal year and baseline tax revenue for the fiscal year ending 2019,[15] (a) if available, recipients should report information using audited financials and (b) recipients may provide data on a cash, accrual, or modified accrual basis, but must be consistent in their approach across all reporting periods. Similarly, for purposes of calculating a net reduction in total spending, recipients should report data using audited financials where available.

Recipients will first answer a series of summary questions to determine the tiering of their tax offset reporting:

Summary Questions

- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
    - If no, recipients have no further reporting requirements in the tax offset section. (Remaining summary questions will be greyed out).
    - If yes, recipients will complete part 1 and additional fields.
- Is the aggregate value of your revenue-reducing covered change(s) for the requested fiscal year less than the de minimis? Yes/No.
    - If yes, recipients will complete parts 1 and 2, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
    - If no, recipients will complete parts 1, 2 and additional fields.
- Do you have a reduction in net tax revenue for the requested fiscal year, meaning that actual tax revenue for the requested fiscal year is less than baseline tax revenue? Yes/No.
    - If yes, recipients will complete parts 1, 2, and 3 and additional fields.
    - If no, recipients will complete parts 1, 2, and 3, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No
    - If yes, recipients will complete parts 1, 2, 3, and 4.
    - If no, recipients will complete the revenue reduction cap.

Reporting Part 1: Revenue-reducing Covered Changes

[15] Tax revenue for fiscal year ending 2019 is relevant for calculating the recipient's baseline.

- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
    - If yes, complete grid or upload spreadsheet with the name of each revenue-reducing covered change and the value of the revenue-reducing covered change for the requested fiscal year and for future fiscal years.
    - If no, a recipient has no revenue-reducing covered changes to report, no additional reporting is required.
- Enter in the aggregate value of all revenue-reducing covered change(s) for the requested fiscal year.[16]

Revenue-reducing Covered Changes: Guidance
For each reporting year, a recipient must report the value of covered changes that the recipient predicts will have the effect of reducing tax revenue in a given reporting year (revenue-reducing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-reducing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-reducing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth. In general and where possible, reported values should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. Recipients must maintain records regarding the identification and predicted effects of revenue-reducing covered changes.

Reporting Part 2: Baseline Revenue and De Minimis Threshold

- Enter Baseline Revenue:
- Enter in the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year as a percentage of baseline revenue:
- Is the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year less than one percent of baseline revenue? Y/N
    - If yes, a recipient's aggregate value of the revenue-reducing covered changes in the reporting year is less than the *de minimis threshold*, and no additional reporting is required.

Baseline Revenue: Guidance
Baseline has the meaning defined in the Final Rule, 31 CFR 35.3.

Recipients must determine whether the aggregate value of the revenue-reducing covered changes in the reporting year is less than one percent of baseline revenue (the de minimis threshold).

Reporting Part 3: Actual Tax Revenue and Reduction in Net Tax Revenue

- Enter Actual Tax Revenue for the requested fiscal year:
- Enter Reduction in Net Tax Revenue: baseline revenue minus actual tax revenue

[16] The final rule defines covered change. "Covered change means a change in law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period."

- If the value of the reduction in net tax revenue is zero or negative (meaning that actual tax revenue is equal to or greater than baseline revenue), no additional reporting is required.

Actual Tax Revenue: Guidance
Actual tax revenue means the tax revenue received by the recipient government in the reporting year. Tax revenue has the meaning defined in the Final Rule, 31 CFR 35.3.

Reduction in Net Tax Revenue: Guidance
The reduction in net tax revenue is equal to baseline revenue minus actual tax revenue in each reporting year. If this value is zero or negative, there is no reduction in net tax revenue.

Reporting Part 4: Revenue-increasing Covered Changes and Covered Spending Cuts

- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No.
- If yes, complete grid or upload spreadsheet with the name of each revenue-increasing covered change and the value.
- Enter in the aggregate value of revenue-increasing covered change(s):

- Enter net reduction in total spending for the requested fiscal year:
- Complete grid or upload spreadsheet of specific spending cuts and the corresponding "reporting unit", including the name of the reporting unit, description of the spending cut, the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and the amount by which the reduction in spending in the reporting unit in the reporting year exceeds the Fiscal Recovery Funds spent in the reporting unit in the reporting year, if at all.
- Enter the aggregate value of covered spending cuts.

- Enter the aggregate value of revenue-increasing covered changes + the aggregate value of covered spending cuts.
- Enter the total value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing covered changes + aggregate value of covered spending cuts).
- Is the aggregate value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) negative or equal to zero? (Yes/No)
  - If yes, recipients have no further reporting requirements related to the Tax Offset Provision.
  - If no, recipients must move on to the calculation of the revenue reduction cap.

Revenue-increasing covered changes: Guidance
If a recipient has revenue-reducing covered changes, the aggregate value of which exceed the de minimis threshold, and its actual tax revenue does not exceed baseline tax revenue, a recipient must report the value of covered changes that have had or that the recipient predicts will have the effect of increasing tax revenue in a given reporting year (revenue-increasing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-increasing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-increasing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the revenue-increasing covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth.

In general and where possible, reporting should be produced by the agency of the recipient responsible for estimating the costs and effects of fiscal policy changes. Recipients should maintain records regarding revenue-increasing covered changes and estimates of such changes.

Net reduction in total spending, and tables of specific spending cuts: Guidance
Recipients may cut spending in certain areas to pay for revenue-reducing covered changes, up to the amount of the recipient's net reduction in total spending. To calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient must first consider whether there has been a reduction in total net spending, excluding Fiscal Recovery Funds (net reduction in total spending). As defined in the Final Rule, 35 CFR 35.3, net reduction in total spending is measured as the recipient government's total spending for a given reporting year excluding Fiscal Recovery Funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States for that reporting year. If that calculation yields a positive value, there has been a net reduction in total spending; if it yields zero or a negative value, there has not been a net reduction in total spending. If there has been no net reduction in total spending, a recipient will have no spending cuts to offset a reduction in net tax revenue.

Next, a recipient must determine and aggregate the value of spending cuts in each "reporting unit." "Reporting units" are departments, agencies, or authorities of the recipient's government. For each reporting unit, the recipient must report (1) the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, (2) the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and (3) the amount by which the reduction in spending in the reporting year exceeds the Fiscal Recovery funds spent in the reporting unit in the reporting year. If a recipient has not spent amounts received from the Fiscal Recovery Funds in a reporting unit, the full amount of the reduction in spending counts as a covered spending cut and may be included in the aggregate value of spending cuts. If the recipient has spent amounts received from the Fiscal Recovery Funds, such amounts generally would be deemed to have replaced the amount of spending cut, and only reductions in spending above the amount of Fiscal Recovery Funds spent on the reporting unit would be eligible to offset a reduction in net tax revenue. Only such amounts above the amount of Fiscal Recovery Funds spent on the reporting unit should be included in the aggregate value of spending cuts.

To align with existing reporting and accounting, the Final Rule considers the department, agency, or authority from which spending has been cut and whether the recipient government has spent amounts received from the Fiscal Recovery Funds on that same department, agency, or authority. Some commenters on the interim final rule argued that the methodology for identifying offsetting spending cuts at the department, agency, or authority level was too restrictive, but as discussed in the final rule, Treasury maintained the approach of requiring this reporting at the department, agency, or authority level. Recipients are encouraged to define reporting units in a manner consistent with their existing budget process and should, to the extent possible, report using the same reporting unit in each reporting year. Spending cuts must be reported relative to FY 2019 spending levels, adjusted for inflation, and excluding Fiscal Recovery Funds from reporting year spending levels.

Recipients should maintain records regarding spending cuts.

Reporting Part 5: Revenue Reduction Cap
The "revenue reduction cap," together with Part 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue-reducing covered changes. If, based on the calculations completed so far, a recipient has not yet demonstrated how its revenue-reducing

covered changes were offset by non-SLFRF sources, the reporting portal will auto-calculate the revenue reduction cap, which will be the lesser of the following two amounts:

- Reduction in Net Tax Revenue (baseline tax revenue minus actual tax revenue) [pre-populated from Part 3] and
- Aggregate Value of revenue-reducing covered changes minus (total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) [pre-populated from Part 4].

j. Required Programmatic Data (other than infrastructure projects): For all projects listed under the following Expenditure Categories (see Appendix 1), the information listed must be provided in each report.

1. Public Health and Negative Economic Impact (EC 1.1-3.5) - *Collection began in April 2022*
   - Brief description of structure and objectives of assistance program(s), including public health or negative economic impact experienced
   - Brief description of how a recipient's response is related and reasonably proportional to a public health or negative economic impact of COVID-19.[17]

     Note: The final rule presumes that all enumerated eligible uses for programs and services, including COVID-19 mitigation and prevention programs and services, are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Many of the Eligibility Categories encompass multiple specific enumerated eligible uses and may be provided to a variety of populations. For example, EC 2.13 *Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* includes a wide array of financial, educational, child development, or health supports, or other supports necessary, including supports for kinship care, and may be provided to foster youth and/or families involved in the child welfare system. Between these two fields above, recipients should provide enough information to identify the type of enumerated eligible use being provided within the EC (e.g., kinship care support services), the public health or economic impact experienced, who the program and/or service is being provided to, and what services are being provided (e.g., respite resources). For enumerated eligible uses, recipients are not required to provide substantive documentation that the response is related and reasonably proportional in the Project and Expenditure Report.

2. Capital Expenditures (EC 1.1-3.5) - *Collection began in January 2022, with additional fields required starting in July 2022*
   - Does this project include a capital expenditure? *(Collection began in January 2022)*
   - Total expected capital expenditure, including pre-development costs, if applicable *(Collection began in January 2022)*
   - Type of capital expenditure, based on the following enumerated uses (*Collection began in July 2022*):
     - COVID-19 testing sites and laboratories, and acquisition of related equipment
     - COVID-19 vaccination sites
     - Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., emergency rooms, intensive care units, telemedicine capabilities for COVID-19 related treatment)
     - Temporary medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs
     - Acquisition of equipment for COVID-19 prevention and treatment, including ventilators, ambulances, and other medical or emergency services equipment

[17] Please note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in the final rule.

  - Emergency operations centers and acquisition of emergency response equipment (e.g., emergency response radio systems)
  - Installation and improvement of ventilation systems in congregate settings, health facilities, or other public facilities
  - Public health data systems, including technology infrastructure
  - Adaptations to congregate living facilities, including skilled nursing facilities, other long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities, as well as public facilities and schools (excluding construction of new facilities for the purpose of mitigating spread of COVID-19 in the facility)
  - Mitigation measures in small businesses, nonprofits, and impacted industries (e.g., developing outdoor spaces)
  - Behavioral health facilities and equipment (e.g., inpatient or outpatient mental health or substance use treatment facilities, crisis centers, diversion centers)
  - Technology and equipment to allow law enforcement to efficiently and effectively respond to the rise in gun violence resulting from the pandemic
  - Affordable housing, supportive housing, or recovery housing development
  - Food banks and other facilities primarily dedicated to addressing food insecurity
  - Transitional shelters (e.g., temporary residences for people experiencing homelessness)
  - Devices and equipment that assist households in accessing the internet (e.g., tablets, computers, or routers)
  - Childcare, daycare, and early learning facilities
  - Job and workforce training centers
  - Improvements to existing facilities to remediate lead contaminants (e.g., removal of lead paint)
  - Medical equipment and facilities designed to address disparities in public health outcomes (includes primary care clinics, hospitals, or integrations of health services into other settings)
  - Parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, streetlights, neighborhood cleanup, and other projects to revitalize public spaces
  - Rehabilitations, renovation, remediation, cleanup, or conversions of vacant or abandoned properties
  - Schools and other educational facilities or equipment to address educational disparities
  - Technology and tools to effectively develop, execute, and evaluate government programs
  - Technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, improvements to case management systems or data sharing resources), reduce government backlogs, or meet increased maintenance needs
  - Other (please specify)
- For recipients (other than Tribal governments) investing in projects with total expected capital expenditures for an enumerated eligible use of $10 million or more, as well as projects with total expected capital expenditures for an “other” use of $1 million or more, provide a written justification (*Collection began in July 2022)*
- For projects with total expected capital expenditures of over $10 million, provide labor reporting as outlined for infrastructure projects on pages 26 and 27 (*Collection began July 2022*)

3. Household Assistance (EC 2.1-2.8) – *Collection began January 2022*:
   - Number of households served (by program if recipient establishes multiple separate household assistance programs)

4. Small Business Economic Assistance (EC 1.8, 2.29-2.33) – *Collection began April 2022*
   - Number of small businesses served (by program if recipient establishes multiple separate small business assistance programs)

5. Assistance to Non-Profits (EC 1.9, 2.34)- *Collection began April 2022*
   - Number of Non-Profits served (by program if recipient establishes multiple separate non-profit assistance programs)

6. Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 1.10, 2.35-2.36) – *Collection began April 2022*:
   - If aid is provided to industries other than travel, tourism, and hospitality (EC 2.36), describe if the industry experienced at least 8 percent employment loss from pre-pandemic levels, or the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, and rationale for providing aid to the industry
   - For each subaward:
     - Sector of employer (Note: additional detail, including list of sectors, to be provided in the user guide posted to www.treasury.gov/SLFRP)
     - Purpose of funds (e.g., payroll support, safety measure implementation)

7. Education Assistance (EC 2.14, 2.24-.2.27) – *Collection began in January 2022*:
   - The National Center for Education Statistics ("NCES") School ID or NCES District ID. List the School District if all schools within the school district received some funds. If not all schools within the school district received funds, list the School ID of the schools that received funds. These can allow evaluators to link data from the NCES to look at school-level demographics and, eventually, student performance.[18]

8. Payroll for Public Health and Safety Employees (EC 3.1) – *Collection began in January 2022*:
   - Number of government FTEs responding to COVID-19 supported under this authority

9. Rehiring Public Sector Staff (EC 3.2) – *Collection began in January 2022*:
   - Number of FTEs rehired by governments under this authority

10. Premium Pay (both Public Sector EC 4.1 and Private Sector EC 4.2) – *Collection began in January 2022*; *additional field began in April 2022*
    - List of sectors designated as critical to protecting the health and well-being of residents by the chief executive of the jurisdiction, if beyond those included in the final rule *(Collection began January 2022)*
    - Number of workers to be served (*Collection began January 2022)*
    - Employer sector for all subawards to third-party employers (i.e., employers other than the State, local, or Tribal government) (*Collection began January 2022)*
    - For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, other than those where the eligible worker receiving premium pay is earning (with the premium pay included) below 150 percent of their residing state or county's average annual wage for all occupations, as defined by the Bureau of Labor Statistics Occupational Employment and Wage Statistics, whichever is

[18] For more information on NCES identification numbers see https://nces.ed.gov/ccd/districtsearch/ (districts) and https://nces.ed.gov/ccd/schoolsearch/ (schools).

higher, on an annual basis; OR the eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions:
    - A brief written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient government determined that the premium pay was responsive to workers performing essential work during the pandemic. This description should not include personally identifiable information; when addressing individual workers, recipients should be careful not to include this information. Recipients may consider describing the workers' occupations and duties in a general manner as necessary to protect privacy (*Collection began January 2022)*
- Number of workers to be served with premium pay in K-12 schools (*Collection began April 2022)*

11. Revenue replacement (EC 6.1) – *Collection began in August 2021*:
As outlined in the final rule, recipients have the option to make a one-time decision to calculate revenue loss according to the formula outlined in the final rule or elect a "Standard Allowance" of up to $10 million, not to exceed the award allocation, to spend on government services throughout the period of performance. The option to make this one-time decision was provided during the April 30, 2022 reporting deadline.

    For recipients electing the "Standard Allowance," Treasury will presume that up to $10 million, not to exceed the award allocation, in revenue has been lost due to the public health emergency. Recipients are permitted to use that amount to fund "government services." Please note that electing the standard allowance does not change a recipient's total allocation. Recipients that elect to use this standard allowance will make this election instead of calculating lost revenue using the formula.

    For recipients calculating revenue loss according to the formula, the final rule permits recipients to choose whether to use calendar or fiscal year calculation dates. Recipients must use the same calculation time frame (calendar or fiscal year) throughout the award period.

    Recipients calculating lost revenue using the formula should report the following:

    - Choice of fiscal or calendar year revenue loss (choice must remain consistent throughout award period)
    - General revenue collected over the past 12 months as of the most recent calculation date, as outlined in the final rule.
    - Calculated revenue loss due to the Covid-19 public health emergency; and
    - An explanation of how the revenue replacement funds were allocated to government services (note: additional instructions and/or template provided in the user guide posted at www.treasury.gov/SLFRPReporting).

        For information on treatment of future tax changes, please see the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*.

k. Required Programmatic Data for Infrastructure Projects (EC 5): For all projects listed under the Water, Sewer, and Broadband Expenditure Categories (see Appendix 1), more detailed project-level information is required. Each project will be required to report expenditure data as described above, but will also report the following information:

    1. All infrastructure projects (EC 5) – *Collection began in January 2022:*

- Projected/actual construction start date (month/year)
- Projected/actual initiation of operations date (month/year)
- Location
- For projects over $10 million (based on expected total cost):
  a. A recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:
     - The number of employees of contractors and sub-contractors working on the project;
     - The number of employees on the project hired directly and hired through a third party;
     - The wages and benefits of workers on the project by classification; and
     - Whether those wages are at rates less than those prevailing.[19]

     Recipients must maintain sufficient records to substantiate this information upon request.
  b. A recipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the recipient does not provide such certification, the recipient must provide a project workforce continuity plan, detailing:
     - How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training;
     - How the recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
     - How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
     - Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
     - Whether the project has completed a project labor agreement.
  c. Whether the project prioritizes local hires.
  d. Whether the project has a Community Benefit Agreement, with a description of any such agreement.

2. Water and sewer projects (EC 5.1-5.18) *Required once the project starts:*
   - National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund) (*Collection began in January 2022)*

[19] As determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed.

- Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund) (*Collection began January 2022)*
- Median Household Income of service area *(Collection began in April 2022)*
- Lowest Quintile Income of the service area *(Collection began in April 2022)*

3. Broadband projects (EC 5.19-5.21) *Collection includes new fields that began in July 2022. Additional fields will be phased in through future reporting periods, as noted below.*

Overall Project Information

- Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
  - If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
  - Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.
- Confirm that the service provider for the project has, or will upon completion of the project, either participated in the Federal Communications Commission (FCC)'s Affordable Connectivity Program (ACP) or otherwise provided access to a broad-based affordability program that provides benefits to households commensurate with those provided under the ACP to low-income consumers in the proposed service area of the broadband infrastructure *(applicable only to projects that provide service to households).*

Detailed Project Information

- Project technology type(s) (Planned/Actual)
  - Fiber
  - Coaxial Cable
  - Terrestrial Fixed Wireless
  - Other (specify)
- Total miles of fiber deployed (Planned/Actual)
- Total number of funded locations served (Planned/Actual)
  - Total number of funded locations served, broken out by speeds:
    - Pre-SLFRF Investment:
      - Number receiving 25/3 Mbps or below
      - Number receiving between 25/3 Mbps and 100/20 Mbps
    - Post-SLFRF Investment (Planned/Actual):
      - Number receiving minimum 100/100 Mbps
      - Number receiving minimum 100/20 Mbps and scalable to minimum 100/100 Mbps
  - Total number of funded locations served, broken out by type (Planned/Actual):
    - Residential
      - Total Housing Units
    - Business
    - Community anchor institution
- Speed tiers offered, corresponding non-promotional prices, including associated fees, and data allowance for each speed tier of broadband service (*collection to be phased in a future reporting period)*

Location-by-Location Project Information

For each location served by a Project, the recipient must collect from the subrecipient or contractor and submit the following information to Treasury using a predetermined file format that will be provided by Treasury (*collection of certain fields will begin in October 2022, as specified below*):

- Latitude/longitude at the structure where service will be installed (*required starting October 2022)*Technology used to offer service at the location (*required starting October 2022)*
- Location type (*required starting October 2022)*
  - Residential
    - If Residential, Number of Housing Units
  - Business
  - Community anchor institution
- Speed tier at the location pre-SLFRF investment (*collection to be phased in)*
  - 25/3 Mbps or below
  - Between 25/3 Mbps and 100/20 Mbps
- Speed and latency at the location post-SLFRF investment (*collection to be phased in)*
  - Maximum download speed offered
  - Maximum download speed delivered
  - Maximum upload speed offered
  - Maximum upload speed delivered
  - Latency
- Standardized FCC Identifiers
  - Fabric ID # (Broadband Serviceable Fabric Locations)
  - FCC Issued Provider ID #

l. Additional Required Programmatic Data for States, U.S. territories, and metropolitan cities and counties with a population that exceeds 250,000 residents only: As noted in the Recovery Plan section of this guidance, states, U.S. territories, and metropolitan cities and counties with a population over 250,000 are required to provide additional data in the Project and Expenditure report for projects in the following expenditure categories:

1. Use of Evidence (for relevant ECs noted in Appendix 1)—*Collection began April 2022*
   - The dollar amount of the total project spending that is allocated towards evidence-based interventions
   - Whether a program evaluation of the project is being conducted

2. Household Assistance (EC 2.2, Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
   - Number of households receiving eviction prevention services (including legal representation)
   - Number of affordable housing units preserved or developed

3. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
   - Number of workers enrolled in sectoral job training programs
   - Number of workers completing sectoral job training programs
   - Number of people participating in summer youth employment programs

4. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
   - Number of students participating in evidence-based tutoring programs[20]

5. Healthy Childhood Environments (EC 2.11-2.14):

[20] For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.

- Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
- Number of families served by home visiting

m. NEU Documentation (NEUs only): Each NEU is also required to provide the following information once its accounts are established in Treasury's Reporting Portal and prior to the due date for their first Project and Expenditure Report (due April 30, 2022):
   - Copy of the signed award terms and conditions agreement (which was signed and submitted to the State as part of the request for funding)
   - Copy of the signed assurances of compliance with Title VI of the Civil Rights Act of 1964 (which was signed and submitted to the State as part of the request for funding)
   - Copy of actual budget documents validating the top-line budget total provided to the State as part of the request for funding

   NEU accounts are established in Treasury's Portal based on information provided by the States or territories, as further described in Section Part 2 D below.

C. Recovery Plan Performance Report

States, territories, and metropolitan cities and counties with a population that exceeds 250,000 residents (i.e., Tier 1 recipients) will also be required to publish and submit to Treasury a Recovery Plan performance report ("Recovery Plan"). Each Recovery Plan must be posted on an easily discoverable webpage on the public-facing website of the recipient by the same date the recipient submits the report to Treasury. Treasury recommends that Recovery Plans be accessible within three clicks or fewer from the homepage of the recipient's website. Within Treasury's reporting portal, recipients must upload a link to the publicly available Recovery Plan and provide required data.

The Recovery Plan provides the public and Treasury both retrospective and prospective information on the projects recipients are undertaking or planning to undertake with program funding and how they are planning to ensure program outcomes are achieved in an effective, efficient, and equitable manner. While this guidance outlines some minimum requirements for the Recovery Plan, each recipient is encouraged to add information to the plan that they feel is appropriate to provide information to their constituents on efforts they are taking to respond to the pandemic and promote economic recovery. Each jurisdiction may determine the general form and content of the Recovery Plan, as long as it includes the minimum information required by Treasury. Treasury provided a template (located at www.treasury.gov/SLFRP) but recipients may modify this template as appropriate for their jurisdiction, provided the modified template meets Treasury's requirements, outlined below. Through the Recovery Plan, recipients may link to public documents, including, but not limited to, legislation, dashboards, survey results, community engagement reports, and equity frameworks to support the Recovery Plan narrative. The Recovery Plan should include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury, as noted below.

The initial Recovery Plan covered the period from the date of award to July 31, 2021 and was required to be submitted to Treasury by August 31, 2021, or 60 days after receiving funding. Thereafter, the Recovery Plan will cover a 12-month period and recipients are required to submit the report to Treasury after the end of the 12-month period by July 31**.** The Recovery Plan should include both retrospective information covering the time period of the Recovery Plan along with prospective information on future work to be undertaken with SLFRF funds or on the planning that has been undertaken during the covered period. **Table 5** summarizes the report timelines:

Table 5 Recovery Plan Timeline

Annual Report	Period Covered	Due Date
1	Award Date – July 31, 2021	August 31, 2021 or 60 days after receiving funding
2	July 1, 2021 – June 30, 2022	July 31, 2022
3	July 1, 2022 – June 30, 2023	July 31, 2023
4	July 1, 2023 – June 30, 2024	July 31, 2024
5	July 1, 2024 – June 30, 2025	July 31, 2025
6	July 1, 2025 – June 30, 2026	July 31, 2026
7	July 1, 2026 – December 31, 2026	April 30, 2027

Recovery Plans submitted as part of reporting are used by Treasury, third party organizations, the public, and other stakeholders to obtain a comprehensive understanding of SLFRF's largest recipients' planned and actual usage of SLFRF funding, including the jurisdiction's policy goals, its strategy for achieving them, and specific projects or initiatives underway. Alignment of data reported in Project and Expenditure reports and Recovery Plans is expected by both Treasury and SLFRF's many stakeholders. Finally, Recovery Plans will be posted publicly by Treasury to provide transparency about how program funds are being used by recipient governments.

The Recovery Plan must include, at a minimum, the following information:

1. Executive Summary

In this section, recipients should provide a high-level overview of the jurisdiction's intended and actual uses of funding including, but not limited to: the jurisdiction's strategy, goals, and plan for using Fiscal Recovery Funds to respond to the pandemic and promote economic recovery, key outcome goals, progress to date on those outcomes, and any noteworthy challenges or opportunities identified during the reporting period.

2. Uses of Funds

In this section, recipients should describe in further detail the strategy and goals of their jurisdiction's SLFRF program, such as how their jurisdiction's approach would help support a strong and equitable recovery from the COVID-19 pandemic and economic downturn. Recipients should describe how their intended and actual uses of funds will achieve their goals. Given the broad eligible uses of funds established by the final rule and the specific needs of different jurisdictions, recipients should also explain how the funds would support the communities, populations, or individuals in their jurisdiction. Recipients should describe how their use of funds supports their overall strategy and goals in the following areas:

a. Public Health (EC 1): As relevant, describe how funds are being used to respond to COVID-19, the broader health impacts of COVID-19, and the COVID-19 public health emergency, including community violence interventions and behavioral health.
b. Negative Economic Impacts (EC 2): As relevant, describe how funds are being used to respond to negative economic impacts of the COVID-19 public health emergency, including services to households (such as affordable housing, job training, and childcare), small businesses, non-profits, and impacted industries.
c. Public Health-Negative Economic Impact: Public Sector Capacity (EC 3): As relevant, describe how funds are being used to support public sector workforce and capacity, including public sector payroll, rehiring of public sector workers, and building of public sector capacity.
d. Premium Pay (EC 4): As relevant, describe the approach, goals, and sectors or occupations served in any premium pay program. Describe how the approach prioritizes low-income workers and/or any particular group of eligible workers.
e. Water, sewer, and broadband infrastructure (EC 5): As relevant, describe the approach, goals, and types of projects being pursued. Where relevant, recipients should note how projects

contribute to addressing climate change and/or how projects benefit disadvantaged communities in line with the Justice40 Initiative.[21]

f. Revenue Replacement (EC 6): Describe the loss in revenue, including if electing the standard allowance, due to the COVID-19 public health emergency, and how funds have been used to provide government services, including any funds used under revenue loss for non-federal cost-share or matching requirements of other federal programs.

If appropriate, recipients may also include information on their jurisdiction's use (or planned use) of other federal recovery funds, including other programs under the American Rescue Plan such as Emergency Rental Assistance, the Homeowner Assistance Fund, the Capital Projects Fund, the State Small Business Credit Initiative, and so forth, to provide broader context on the overall approach for pandemic recovery. Jurisdictions may also address use of SLFRF funds in coordination with, or in preparation for, funding available through the Infrastructure Investment and Jobs Act.

3. Promoting equitable outcomes

Treasury encourages uses of funds that advance strong, equitable growth, including economic and racial equity. For the purposes of the SLFRF, equity is described in the Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, as issued on January 20, 2021.

In this section, recipients should describe, as applicable, their efforts to promote equitable outcomes, including economic and racial equity, and their efforts to design, implement, and measure their SLFRF program and projects with equity in mind.

In describing their efforts to **design** their SLFRF program and projects with equity in mind, recipients may consider the following:

a. Goals: Are there particular historically underserved, marginalized, or adversely affected groups that recipients intend to serve within their jurisdiction?
b. Awareness: How equitable and practical is the ability for residents or businesses to become aware of the services funded by SLFRF?
c. Access and Distribution: Are there differences in levels of access to benefits and services across groups? Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?
d. Outcomes: How are intended outcomes focused on closing gaps and/or reaching universal levels of service? How is the considering disaggregating outcomes by race, ethnicity, and other equity dimensions where relevant for the policy objective?

In describing their efforts to **implement** their SLFRF program and projects with equity in mind, recipients may consider the following:

a. Goals and Targets: Please describe how planned or current uses of funds prioritize economic and racial equity as a goal, name specific targets intended to produce meaningful equity results at scale, and include initiatives to achieve those targets.
b. Project Implementation: In addition, please explain how the jurisdiction's overall equity strategy translates into focus areas for SLFRF projects and the specific services or programs offered by the jurisdiction in the following Expenditure Category, as indicated in the final rule.

    Negative Economic Impacts (EC 2): assistance to households, small businesses, and non-profits to address impacts of the pandemic, which have been most severe among low-income populations. This includes assistance with food, housing, and other needs; employment programs for people with barriers to employment who faced negative economic impacts from

[21] See Executive Order 14008, On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, OMB M-21-28.

the pandemic (such as residents of low-income neighborhoods, minorities, disconnected youth, the unemployed, formerly incarcerated people, veterans, and people with disabilities); services to provide long-term housing security and housing supports, address educational disparities, or provide child care and early learning services; and other strategies that provide impacted and disproportionately impacted communities with services to address the negative economic impacts of the pandemic

The first annual Recovery Plan, due in 2021, was required to describe initial efforts and intended outcomes to promote equity, as applicable. Beginning in 2022, each annual Recovery Plan must provide an update, using qualitative and quantitative data, on how the recipients' approach achieved or promoted equitable outcomes or progressed against equity goals during the performance period, as applicable. Each jurisdiction should describe any constraints or challenges that impacted project success in terms of increasing equity. In particular, this section should describe the geographic and demographic distribution of funding, including whether it is targeted toward traditionally marginalized communities (recipients may reference the demographic data information in their Project and Expenditure Reports as relevant).

4. Community Engagement

In this section, recipients should describe how their jurisdiction's planned or current use of funds incorporates community engagement strategies including written feedback through surveys, project proposals, and related documents; oral feedback through community meetings, issue-specific listening sessions, stakeholder interviews, focus groups, and additional public engagement; as well as other forms of input, such as steering committees, taskforces, and digital campaigns that capture diverse feedback from the community. Recipients may describe completed or planned community engagement strategies specifically focused on their SLFRF program and projects or community engagement strategies that included SLFRF among other government programs. Recipients should also describe how community engagement strategies support their equity goals, including engagement with communities that have historically faced significant barriers to services, such as people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.

5. Labor Practices

In this section, recipients should describe workforce practices on any infrastructure projects or capital expenditures being pursued. How are projects using strong labor standards to promote effective and efficient delivery of high-quality infrastructure projects while also supporting the economic recovery through strong employment opportunities for workers? For example, report whether any of the following practices are being utilized: project labor agreements, community benefits agreements, prevailing wage requirements, and local hiring.

6. **Use of Evidence**

In this section of the Recovery Plan, recipients should describe whether and how evidence-based interventions and/or program evaluation are incorporated into their SLFRF program. Recipients may include links to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation for Fiscal Recovery Funds. Recipients are encouraged to consider how a learning agenda, either narrowly focused on SLFRF or broadly focused on the recipient's broader policy agenda, could support their overarching evaluation efforts in order to create an evidence-building strategy for their jurisdiction.[22]

In the Project Inventory section of the Recovery Plan (see Section 8 below), recipients should identify whether SLFRF funds are being used for evidence-based interventions[23] and/or if projects are being evaluated through rigorous program evaluations that are designed to build evidence. In the Project Inventory, recipients must briefly describe the goals of the project and the evidence base for the

[22] For more information on learning agendas, please see OMB M-19-23

[23] As noted in Appendix 2, evidence-based refers to interventions with strong or moderate levels of evidence.

interventions funded by the project. As part of the Project Inventory section, recipients must also specifically identify the dollar amount of the total project spending that is allocated towards evidence-based interventions for each project in the Expenditure Categories noted with an asterisk in Appendix 1. Please note that to increase consistency, the Project and Expenditure report now also includes fields for recipients to identify the dollar amount of the total project spending that is allocated to evidence-based interventions and to indicate if a program evaluation of the project is being conducted.

Recipients are encouraged to reference relevant evidence clearinghouses, among other sources, to assess the level of evidence for their interventions and identify evidence-based models that could be applied in their jurisdiction; such evidence clearinghouses include the U.S. Department of Education's What Works Clearinghouse, the U.S. Department of Labor's CLEAR, and the Childcare & Early Education Research Connections and the Home Visiting Evidence of Effectiveness clearinghouses from Administration for Children and Families, as well as other clearinghouses relevant to particular projects conducted by the recipient.

Recipients are exempt from reporting on evidence-based interventions in cases where a program evaluation is being conducted. In such cases where a recipient is conducting a program evaluation, recipients must describe the evaluation design, including whether it is a randomized or quasi-experimental design; the key research questions being evaluated; whether the study has sufficient statistical power to disaggregate outcomes by demographics; and the timeframe for the completion of the evaluation (including a link to the completed evaluation if relevant).[24] Once the evaluation has been completed, recipients must post the evaluation publicly and link to the completed evaluation in the Recovery Plan. Once an evaluation has been completed (or has sufficient interim findings to determine the efficacy of the intervention), recipients should determine whether the spending for the evaluated interventions should be counted towards the dollar amount categorized as evidence-based for the relevant project.

For all projects, recipients may be selected to participate in a national evaluation, which might, for example, study their project along with similar projects in other jurisdictions that are focused on the same set of outcomes. In such cases, recipients may be asked to share information and data that is needed for the national evaluation.

Appendix 2 contains additional information on evidence-based interventions for the purposes of the Recovery Plan.

7. Performance Report

In this section, recipients should describe how performance management is incorporated into their SLFRF program, including how they are tracking their overarching jurisdictional goals for these funds as well as measuring results for individual projects. The recipient has flexibility in terms of how this information is presented in the Recovery Plan, and may report key performance indicators for each project, or may group projects with substantially similar goals and the same outcome measures. In some cases, the recipient may choose to include some indicators for each individual project as well as crosscutting indicators. Recipients may include links to performance management dashboards, performance management policies, and other public facing tools that are used to track and communicate the performance of Fiscal Recovery Funds. In addition to outlining in this section their high-level approach to performance management, recipients must also include key performance indicators for each SLFRF project in the Project Inventory section (described below in #8).

Performance indicators should include both output and outcome measures. Output measures, such as the number of students enrolled in an early learning program, provide valuable information about the early implementation stages of a project. Outcome measures, such as the percent of students

[24] For more information on the required standards for program evaluation, see OMB M-20-12.

reading on grade level, provide information about whether a project is achieving its overall goals. Recipients are encouraged to use logic models[25] to identify their output and outcome measures.

While the initial Recovery Plan focused heavily on early output goals, recipients should include the related outcome goal for each project and provide updated information on achieving these outcome goals in subsequent annual reports. In cases where recipients are conducting a program evaluation for a project (as described above), the outcome measures in the performance report should be aligned with those being evaluated in the program. As described in the final rule, to support their performance measurement and program improvement efforts, recipients are permitted to use funds to make improvements to data or technology infrastructure and data analytics, as well as perform program evaluations.

While recipients have discretion on the full suite of performance indicators to include, a number of mandatory performance indicators and programmatic data must be included. These are necessary to allow Treasury to conduct oversight as well as understand and aggregate program outcomes across recipients. This section provides an overview of the mandatory performance indicators and programmatic data. This information should be included in the Project Inventory, but this data will also need to be entered directly into the Treasury reporting portal as part of the Project and Expenditure report, as Treasury has added these fields (for Tier 1 recipients only) to the Project and Expenditure report. Below is a list of required data for each Expenditure Category, where relevant.

a. Household Assistance (EC 2.2), Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
   - Number of households receiving eviction prevention services (including legal representation)
   - Number of affordable housing units preserved or developed

b. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
   - Number of workers enrolled in sectoral job training programs
   - Number of workers completing sectoral job training programs
   - Number of people participating in summer youth employment programs

c. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
   - Number of students participating in evidence-based tutoring programs[26]

d. Healthy Childhood Environments (EC 2.11-2.14):
   - Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
   - Number of families served by home visiting

The initial report should have included the key indicators above. Each annual report thereafter should include updated data for the performance period as well as prior period data, and a brief narrative adding any additional context to help the reader interpret the results and understand any changes in performance indicators over time. To the extent possible, Treasury also encourages recipients to provide data disaggregated by race, ethnicity, gender, income, and other relevant factors.

8. Project Inventory

[25] A logic model is a tool that depicts the intended links between program investments and outcomes, specifically the relationships among the resources, activities, outputs, outcomes, and impact of a program.
[26] For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.).

In this section, recipients should list the name and provide a brief description of each SLFRF funded project. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding.

For each project, recipients should include the project name, funding amount, identification number (the same identification number created by the recipient that matches the identification number used in the quarterly Project and Expenditure Report), project Expenditure Category (see Appendix 1), and a description of the project that includes an overview of the main activities of the project, approximate timeline, primary delivery mechanisms and partners, and intended outcomes. Each jurisdiction should also include a link to the website of the project if available. This information will provide context and additional detail for the information reported quarterly in the Project and Expenditure Report.

For infrastructure projects, where relevant, recipients should describe how the project contributes to addressing climate change and/or advances the Justice40 initiative[27], which sets a target of providing 40 percent of the benefits of certain federal investments, including climate and clean energy investments to disadvantaged communities.

As noted above in section 6, the Project Inventory must also include information about the dollar amount of the total project spending that is allocated towards evidence-based interventions (or describe how projects are being evaluated as noted above). As described above in section 7, the Project Inventory must also contain information about the performance indicators for each project, including both those measures that recipients have defined for each project as well as the mandatory performance indicators defined by Treasury.

Recipients have flexibility in the presentation and format of their Project Inventory, provided it includes the minimum required information. Recipients have the option of downloading a spreadsheet of the information entered into their Project and Expenditure Report to assist them in creating the Project Inventory in their Recovery Plan. However, recipients must ensure that their Project Inventory contains the additional information required by this guidance, including but not limited to information about performance measures and evidence/evaluation for each project. In all cases, recipients must post publicly (and submit to Treasury) a single PDF file of their Recovery Plan, which includes the Project Inventory.

D. Distributions to NEUs

Each state and territory is required to provide regular updates on their NEU distributions as well as their distributions to units of general local government within counties that are not units of general local government. The distribution template generally requests information on whether the local government has (1) received funding; (2) declined funding and requested a transfer to the state under Section 603(c)(4) of the Act; or (3) not taken action on its funding or declined funding.

For NEUs, states and territories should be prepared to report on their information, including the following:

- NEU name
- NEU UEI number
- NEU Taxpayer Identification Number (TIN)
- NEU Recipient Number (a unique identification code for each NEU assigned by the State or territory to the NEU as part of the request for funding)
- NEU contact information (e.g., address, point of contact name, point of contact email address, and point of contact phone number)
- NEU authorized representative name and email address

[27] See Executive Order 14008, On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, OMB M-21-28.

- Initial allocation and, if applicable, subsequent allocation to the NEU (before application of the 75 percent cap)
- Total NEU reference budget (as submitted by the NEU to the State or territory as part of the request for funding)
- Amount of the initial and, if applicable, subsequent allocation above 75 percent of the NEU's reference budget which will be returned to Treasury
- Payment amount(s)
- Payment date(s)

States with "weak" minor civil divisions (i.e., Illinois, Indiana, Kansas, Missouri, Nebraska, North Dakota, Ohio, and South Dakota) should also list any minor civil divisions that the state deemed ineligible.

For each eligible NEU that declined funding and requested a transfer to the state under Section 603(c)(4) of the Social Security Act, the state or territory must also attach a form signed by the NEU, as detailed in the Guidance on Distributions of Funds to Non-Entitlement Units of Local Government.

Appendix 1: Expenditure Categories

Treasury's final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients began reporting on a broader set of eligible uses and associated Expenditure Categories ("EC"), starting with the April 2022 Project and Expenditure Report than they did in their interim reports, initial Recovery Plans, and January Project and Expenditure Report. The table below includes the new Expenditure Categories, as well as a reference to previous Expenditure Categories aligned with the interim final rule and used for reporting before this date.

The Expenditure Categories (EC) listed below must be used to categorize each project as noted in Part 2 above. The term "Expenditure Category" refers to the detailed level (e.g., 1.1 COVID-19 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level.

*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disproportionately impacted communities (see Project Demographic Distribution section above for details)

Expenditure Category	EC[28]	Previous EC[29]
1: Public Health		
COVID-19 Mitigation & Prevention		
COVID-19 Vaccination^	1.1	1.1
COVID-19 Testing^	1.2	1.2
COVID-19 Contact Tracing^	1.3	1.3
Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.)*^	1.4	1.4
Personal Protective Equipment^	1.5	1.5
Medical Expenses (including Alternative Care Facilities)^	1.6	1.6
Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)^	1.7	1.8
COVID-19 Assistance to Small Businesses^	1.8	-
COVID 19 Assistance to Non-Profits^	1.9	-
COVID-19 Aid to Impacted Industries^	1.10	-
Community Violence Interventions		
Community Violence Interventions*^	1.11	3.16
Behavioral Health		
Mental Health Services*^	1.12	1.10
Substance Use Services*^	1.13	1.11
Other		
Other Public Health Services^	1.14	1.12
Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	-	1.7
2: Negative Economic Impacts		
Assistance to Households		
Household Assistance: Food Programs*^	2.1	2.1

[28] Under the final rule to be used starting with April 2022 reports

[29] Under the interim final rule to be used in Interim Report and January 2022 Project and Expenditure Report

Expenditure Category	EC[28]	Previous EC[29]
Household Assistance: Rent, Mortgage, and Utility Aid*^	2.2	2.2
Household Assistance: Cash Transfers*^	2.3	2.3
Household Assistance: Internet Access Programs*^	2.4	2.4
Household Assistance: Paid Sick and Medical Leave^	2.5	-
Household Assistance: Health Insurance*^	2.6	-
Household Assistance: Services for Un/Unbanked*^	2.7	-
Household Assistance: Survivor's Benefits^	2.8	-
Unemployment Benefits or Cash Assistance to Unemployed Workers*^	2.9	2.6
Assistance to Unemployed or Underemployed Workers (e.g. job training, subsidized employment, employment supports or incentives)*^	2.10	2.7
Healthy Childhood Environments: Child Care*^	2.11	3.6
Healthy Childhood Environments: Home Visiting*^	2.12	3.7
Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System*^	2.13	3.8
Healthy Childhood Environments: Early Learning*^	2.14	3.1
Long-term Housing Security: Affordable Housing*^	2.15	3.10
Long-term Housing Security: Services for Unhoused Persons*^	2.16	3.11
Housing Support: Housing Vouchers and Relocation Assistance for Disproportionately Impacted Communities*^	2.17	-
Housing Support: Other Housing Assistance*^	2.18	3.12
Social Determinants of Health: Community Health Workers or Benefits Navigators*^	2.19	3.14
Social Determinants of Health: Lead Remediation*^	2.20	3.15
Medical Facilities for Disproportionately Impacted Communities^	2.21	-
Strong Healthy Communities: Neighborhood Features that Promote Health and Safety^	2.22	-
Strong Healthy Communities: Demolition and Rehabilitation of Properties^	2.23	-
Addressing Educational Disparities: Aid to High-Poverty Districts^	2.24	3.2
Addressing Educational Disparities: Academic, Social, and Emotional Services*^	2.25	3.3
Addressing Educational Disparities: Mental Health Services*^	2.26	3.4
Addressing Impacts of Lost Instructional Time^	2.27	-
Contributions to UI Trust Funds^	2.28	2.8
Assistance to Small Businesses		
Loans or Grants to Mitigate Financial Hardship^	2.29	2.9
Technical Assistance, Counseling, or Business Planning*^	2.30	
Rehabilitation of Commercial Properties or Other Improvements^	2.31	-
Business Incubators and Start-Up or Expansion Assistance*^	2.32	
Enhanced Support to Microbusinesses*^	2.33	
Assistance to Non-Profits		
Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)^	2.34	2.10
Aid to Impacted Industries		
Aid to Tourism, Travel, or Hospitality^	2.35	2.11
Aid to Other Impacted Industries^	2.36	2.12
Other		
Economic Impact Assistance: Other*^	2.37	2.13
Household Assistance: Eviction Prevention*^	-	2.5
Education Assistance: Other*^	-	3.5

Expenditure Category	EC[28]	Previous EC[29]
Healthy Childhood Environments: Other*^	-	3.9
Social Determinants of Health: Other*^	-	3.13
3: Public Health-Negative Economic Impact: Public Sector Capacity		
General Provisions		
Public Sector Workforce: Payroll and Benefits for Public Health, Public Safety, or Human Services Workers	3.1	1.9
Public Sector Workforce: Rehiring Public Sector Staff	3.2	2.14
Public Sector Workforce: Other	3.3	-
Public Sector Capacity: Effective Service Delivery	3.4	7.2
Public Sector Capacity: Administrative Needs	3.5	-
4: Premium Pay		
Public Sector Employees	4.1	4.1
Private Sector: Grants to Other Employers	4.2	4.2
5: Infrastructure		
Water and Sewer		
Clean Water: Centralized Wastewater Treatment	5.1	5.1
Clean Water: Centralized Wastewater Collection and Conveyance	5.2	5.2
Clean Water: Decentralized Wastewater	5.3	5.3
Clean Water: Combined Sewer Overflows	5.4	5.4
Clean Water: Other Sewer Infrastructure	5.5	5.5
Clean Water: Stormwater	5.6	5.6
Clean Water: Energy Conservation	5.7	5.7
Clean Water: Water Conservation	5.8	5.8
Clean Water: Nonpoint Source	5.9	5.9
Drinking water: Treatment	5.10	5.10
Drinking water: Transmission & Distribution	5.11	5.11
Drinking water: Lead Remediation, including in Schools and Daycares	5.12	5.12
Drinking water: Source	5.13	5.13
Drinking water: Storage	5.14	5.14
Drinking water: Other water infrastructure	5.15	5.15
Water and Sewer: Private Wells	5.16	-
Water and Sewer: IIJA Bureau of Reclamation Match	5.17	-
Water and Sewer: Other	5.18	-
Broadband		
Broadband: “Last Mile” projects	5.19	5.16
Broadband: IIJA Match	5.20	-
Broadband: Other projects	5.21	5.17
6: Revenue Replacement		
Provision of Government Services	6.1	6.1
Non-federal Match for Other Federal Programs	6.2	-
7: Administrative		
Administrative Expenses	7.1	7.1
Transfers to Other Units of Government	7.2	7.3
Transfers to Non-entitlement Units (States and territories only)	-	7.4

Treasury has prepared the additional guidance below to support recipients in implementing the new expenditure categories. This table includes only those previous expenditure categories that are changing under the new structure, aligned with the final rule.

January 2022 Expenditure Categories		April 2022 Guidance
1: Public Health		
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	EC removed, capital expenditures can be designated in any relevant PH-NEI EC (e.g., new hospital wing would be tracked under EC 1.4)
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)	EC is 1.7
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19	EC is 3.1
1.10	Mental Health Services*	EC is 1.12
1.11	Substance Use Services*	EC is 1.13
1.12	Other Public Health Services	EC is 1.14
2: Negative Economic Impacts		
2.5	Household Assistance: Eviction Prevention	EC is now included as part of 2.2
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*	EC is 2.9
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)*^	EC is 2.10
2.8	Contributions to UI Trust Funds	EC is 2.28
2.9	Small Business Economic Assistance (General)*^	If public-health related (e.g., providing rapid tests for small businesses), EC is 1.8; if related to negative economic impact eligible use (e.g., grants, technical assistance, rehabilitation, incubators, or microbusinesses), EC is 2.29-2.33
2.10	Aid to Nonprofit Organizations*	If public-health related (e.g., providing rapid tests for non-profits), EC is 1.9; if related to negative economic impact (e.g., grants to stabilize non-profit budget), EC is 2.34
2.11	Aid to Tourism, Travel, or Hospitality	EC is 2.35
2.12	Aid to Other Impacted Industries	EC is 2.36
2.13	Other Economic Support*^	EC is 2.37, re-named Other Economic Impact
2.14	Rehiring Public Sector Staff	EC is 3.2
3: Services to Disproportionately Impacted Communities		
3.1	Education Assistance: Early Learning*^	EC is 2.14
3.2	Education Assistance: Aid to High-Poverty Districts ^	EC is 2.24
3.3	Education Assistance: Academic Services*^	EC is 2.25, social and emotional services will now be tracked under this EC
3.4	Education Assistance: Social, Emotional, and Mental Health Services*^	EC is 2.26, if social and emotional services, EC is 2.25;

January 2022 Expenditure Categories	April 2022 Guidance
3.5 Education Assistance: Other*^	EC is 2.37, collected under Other Economic Impact
3.6 Healthy Childhood Environments: Child Care*^	EC is 2.11
3.7 Healthy Childhood Environments: Home Visiting*^	EC is 2.12
3.8 Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System*^	EC is 2.13
3.9 Healthy Childhood Environments: Other*^	EC is 2.37, collected under Other Economic Impact
3.10 Housing Support: Affordable Housing*^	EC is 2.15
3.11 Housing Support: Services for Unhoused Persons*^	EC is 2.16
3.12 Housing Support: Other Housing Assistance*^	EC is 2.18
3.13 Social Determinants of Health: Other*^	EC is 2.37, collected under Other Economic Impact
3.14 Social Determinants of Health: Community Health Workers or Benefits Navigators*^	EC is 2.19
3.15 Social Determinants of Health: Lead Remediation^	EC is 2.20
3.16 Social Determinants of Health: Community Violence Interventions*^	EC is 1.11
5: Infrastructure	
5.16 Broadband: “Last Mile” projects	EC is 5.19
5.17 Broadband: Other projects	EC is 5.20
7: Administrative	
7.2 Evaluation and Data Analysis	EC is 3.4 and has been renamed Effective Service Delivery
7.3 Transfers to Other Units of Government	EC is 7.2
7.4 Transfers to Non-entitlement Units (States and territories only)	To be separately reported as part of NEU/Non-UGLG module. Refer to Part 2 Section D.

Appendix 2: Evidenced-Based Intervention Additional Information

What is evidence-based?
For the purposes of the SLFRF, with the exception of investments in educational services (see additional information below), evidence-based refers to interventions with strong or moderate evidence as defined below:

Strong evidence means that the evidence base can support causal conclusions for the specific program proposed by the applicant with the highest level of confidence. This consists of one or more well-designed and well-implemented experimental studies conducted on the proposed program with positive findings on one or more intended outcomes.

Moderate evidence means that there is a reasonably developed evidence base that can support causal conclusions. The evidence base consists of one or more quasi-experimental studies with positive findings on one or more intended outcomes OR two or more non-experimental studies with positive findings on one or more intended outcomes. Examples of research that meet the standards include: well-designed and well-implemented quasi-experimental studies that compare outcomes between the group receiving the intervention and a matched comparison group (i.e., a similar population that does not receive the intervention).

Preliminary evidence means that the evidence base can support conclusions about the program's contribution to observed outcomes. The evidence base consists of at least one non-experimental study. A study that demonstrates improvement in program beneficiaries over time on one or more intended outcomes OR an implementation (process evaluation) study used to learn about and improve program operations would constitute preliminary evidence. Examples of research that meet the standards include: (1) outcome studies that track program beneficiaries through a service pipeline and measure beneficiaries' responses at the end of the program; and (2) pre- and post-test research that determines whether beneficiaries have improved on an intended outcome.

For investments in educational services, "evidence-based", consistent with the American Rescue Plan Act, has the meaning in section 8101(21) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6301 *et seq*.). Please see page 16 of this Frequently Asked Questions resource on the Department of Education's Elementary and Secondary School Emergency Relief Programs and Governor's Emergency Education Relief Programs for more information.

Appendix 3: Expenditure Categories aligned with the Interim Final Rule

1: Public Health	
1.1	COVID-19 Vaccination ^
1.2	COVID-19 Testing ^
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
1.10	Mental Health Services*
1.11	Substance Use Services*
1.12	Other Public Health Services
2: Negative Economic Impacts	
2.1	Household Assistance: Food Programs* ^
2.2	Household Assistance: Rent, Mortgage, and Utility Aid* ^
2.3	Household Assistance: Cash Transfers* ^
2.4	Household Assistance: Internet Access Programs* ^
2.5	Household Assistance: Eviction Prevention* ^
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)* ^
2.10	Aid to Nonprofit Organizations*
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support* ^
2.14	Rehiring Public Sector Staff
3: Services to Disproportionately Impacted Communities	
3.1	Education Assistance: Early Learning* ^
3.2	Education Assistance: Aid to High-Poverty Districts ^
3.3	Education Assistance: Academic Services* ^
3.4	Education Assistance: Social, Emotional, and Mental Health Services* ^
3.5	Education Assistance: Other* ^
3.6	Healthy Childhood Environments: Child Care* ^
3.7	Healthy Childhood Environments: Home Visiting* ^
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^
3.9	Healthy Childhood Environments: Other* ^
3.10	Housing Support: Affordable Housing* ^
3.11	Housing Support: Services for Unhoused Persons* ^

3.12	Housing Support: Other Housing Assistance* ^
3.13	Social Determinants of Health: Other* ^
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
3.15	Social Determinants of Health: Lead Remediation ^
3.16	Social Determinants of Health: Community Violence Interventions* ^
4: Premium Pay	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
5: Infrastructure	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking water: Treatment
5.11	Drinking water: Transmission & Distribution
5.12	Drinking water: Transmission & Distribution: Lead Remediation
5.13	Drinking water: Source
5.14	Drinking water: Storage
5.15	Drinking water: Other water infrastructure
5.16	Broadband: “Last Mile” projects
5.17	Broadband: Other projects
6: Revenue Replacement	
6.1	Provision of Government Services
7: Administrative	
7.1	Administrative Expenses
7.2	Evaluation and Data Analysis
7.3	Transfers to Other Units of Government
7.4	Transfers to Non-entitlement Units (States and territories only)

Revision Log

Version	Date Published	Summary of changes
1.0	June 17, 2021	Initial publication
1.1	June 24, 2021	• Pg. 12, removed references to “summary” level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 13, revised the coverage period end date for the Interim Report from June 30, 2021 to July 31, 2021 to align with the IFR. • Pg. 13, removed references to “summary” level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 31, removed references to “summary level” with respect to Expenditure Categories in Appendix 1 to avoid confusion.
1.1	September 30, 2021	• Announced the extension in the Project and Expenditure Report submission date, originally due on October 31, 2021.
2.0	November 5, 2021	• Updated Subrecipient Monitoring section to clarify beneficiaries and recipients. • Updated references to Interim Final Rule comment period as comment period is closed. • Updated reporting tiers, thresholds and timelines in Part 2 Table 2, Reporting Requirements by recipient type, as well as Part 2 A and Part 2 B. • Updated reporting periods for Interim Report and Project and Expenditure reports. • Added concept of Adopted Budget to Project and Expenditure Report data fields. • Noted phase in of Required Programmatic Data in the Project and Expenditure Report. • Removed certain data fields from the Ineligible Activities: Tax Offset Provision under the Recovery Plan. • Separated reporting of NEU Distributions (for States and territories) from the Interim Report and Project and Expenditure Reports as information will be provided on an ongoing basis.
2.1	November 15, 2021	• Updated pages 9 and 11 to note that civil rights certification is not applicable to Tribal Governments.
3.0	February 28, 2022	• Updated to incorporate reporting updates under the final rule
4.0	June 10, 2022	• Updated Recovery Plan guidance to incorporate minor revisions • Updated language around certain data fields that were required for April 2022 reporting • Updated data fields for Ineligible Activities: Tax Offset Provision for the Project and Expenditure report • Updated Broadband data fields
4.1	June 17, 2022	• Updated clerical errors in Ineligible Activities: Tax Offset Provision
4.2	August 15, 2022	• Updated to clarify resources for Uniform Guidance applicability and add a reference to an alternative to the Single Audit available for eligible recipients
5.0	September 20, 2022	• Updated to note phase in of broadband location by location data fields
5.1	June 6, 2023	• Updated to include Fabric ID and Provider ID fields for broadband location by location data collection.

Exhibit D

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.

2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.

3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit http://www.lep.gov.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.

5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and

agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

> *The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.*

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.

7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.

8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.

9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of sub-recipients.

11. **The Catalogue of Federal Domestic Assistance (CFDA) Number for the State and Local Fiscal Recovery Funds is 21.027.**

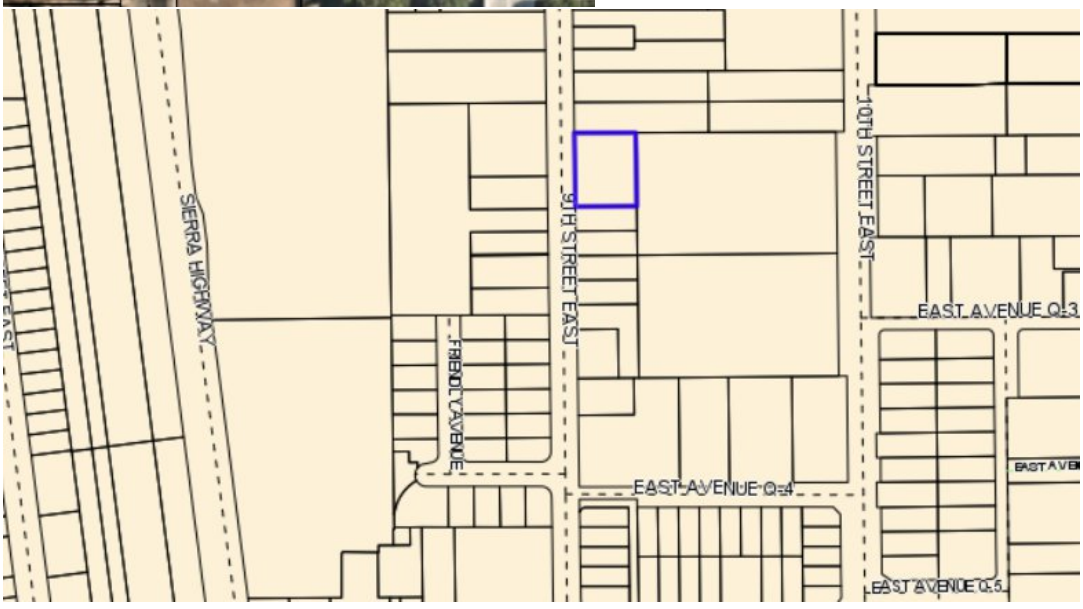
The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Winter Shelter Palmdale/
Palmdale Dream Village:
38626 9th Street East







City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **NEIGHBORHOOD SERVICES**

HOUSING DIVISION

DISTRICT: **1**

SUBJECT: **APPROVE GRANT AGREEMENT A-8465 WITH ADVANCING COMMUNITIES TOGETHER FOR $390,220 FOR FACILITY IMPROVEMENTS AND SITE PREPARATION FOR A WINTER SHELTER TO BE LOCATED AT 38626 9TH STREET EAST, PALMDALE.**

ISSUE

Approve Grant Agreement A-8465 with Advancing Communities Together for $390,220 for facility improvements and site preparation for a winter shelter to be located at 38626 9th Street East, Palmdale.

RECOMMENDATION

Staff recommends that the City Council:

1. Approve Grant Agreement A-8465 with Advancing Communities Together for $390,220 for facility improvements and site preparation for a Winter Shelter Program to be located at 38626 9th Street East, Palmdale; and
2. Authorize the City Manager or their designee to execute the Grant Agreement with Advancing Communities Together for a Winter Shelter Program and take all necessary actions to implement the approved actions.

BACKGROUND

The City of Palmdale was awarded $35,445,019 by the United States Department of the Treasury of Coronavirus Local Fiscal Recovery Funds (CSLRF Funds) under the American Rescue Plan Act (ARPA). Among the eligible uses described in the Final Rule is the investment of funds to "support the COVID-19 public health and economic response by addressing COVID-19 and its impact on public health" allowing for assistance to disproportionately impacted classes which faced more severe impacts and have not yet recovered for the impacts of the pandemic.

DISCUSSION

Advancing Communities Together (ACT) proposes to develop and operate a 14 hour Winter Shelter Program at 38626 9th Street East, Palmdale. In collaboration with community partners, ACT will develop a plan to address 35 unhoused adult individuals from 5pm to 7am during the winter months of November to April. ACT will provide 2 meals, a snack and a meeting with a transitional advocate (case manager) to discuss developing an Individual Stability & Engagement Plan (ISTEP) which will entail an intake, enrollment, progression of support, and housing navigation and other needed services (mental health, disability, veteran support, etc.) through city, county, interim and permanent housing programs. ACT's facility has a large, open space, multi-purpose room to host individuals in need of Winter Shelter Services.

ACT proposes to use funding to acquire 1 Pallet Shelter hygiene unit, with a two-stall hygiene unit with separate toilet, sink and individual shower. Provide facility improvements to have site prepped, electrical, water and sewer lines installed to accommodate the hygiene unit, including surveying, engineer utility and sewer plans, permits, licenses and fees. Funding will also go towards a new roof for the ACT facility due to leakage, after numerous repairs, during last winter's storm.

FISCAL IMPACT

Funds are available in account 15818503-737100-1332 ARPA Affordable Housing.

STRATEGIC PLAN

Goal III: Invest in infrastructure to improve community livability and to plan and maintain safe and attractive neighborhoods, streets and facilities.

C. Plan and maintain safe and attractive neighborhoods, streets, facilities, and public spaces with exciting programming that promotes active fun for everyone.

Prepared by:	Heather Nichols, Senior Housing Coordinator
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Interim City Attorney

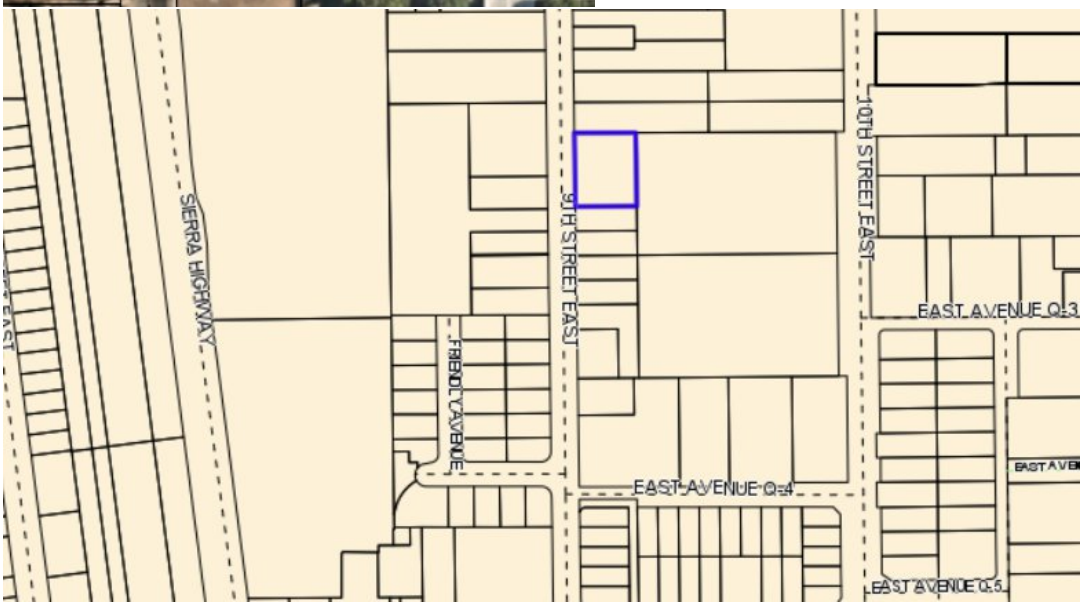
ATTACHMENTS

1. Grant Agreement A-8465
2. Project Location Map

Winter Shelter Palmdale/
Palmdale Dream Village:
38626 9th Street East







WINTER SHELTER GRANT AGREEMENT
(A-8465)

This WINTER SHELTER GRANT AGREEMENT (this "**Agreement**") is dated for reference purposes as of August 16, 2023, and is entered into by and between the CITY OF PALMDALE, a charter city of the State of California ("**City**"), and ADVANCING COMMUNITIES TOGETHER, a California nonprofit public benefit corporation ("**ACT**"), who agree as follows:

RECITALS

A. On July 17, 2023, ACT submitted to City a proposal (the "**Proposal**"), attached hereto as Exhibit A and incorporated herein by this reference.

B. Under the Proposal, ACT would develop and operate a Winter Shelter Program (the "**WSP**") at ACT's property at 38626 9th St. E, Palmdale, California 93550 (the "**Property**").

C. In connection with the Proposal, ACT concurrently submitted to City a budget (the "**Budget**"), attached hereto as Exhibit B and incorporated herein by this reference.

D. The Budget sets forth ACT's proposed use of funds for the development of the WSP at the Property.

E. ACT requests that City provide the amount set forth in the Budget: $390,218.30.

F. City was awarded $35,445,019 in American Rescue Plan Act ("**ARPA**") funds ("**ARPA Funds**") through the United States Department of the Treasury.

G. Among the eligible uses of ARPA Funds is (i) to make necessary investments in water, sewer, or broadband infrastructure and (ii) to respond to public health and negative economic impacts of the pandemic in disproportionately impacted communities (youth and low-income communities).

H. In order to make necessary investments in water, sewer, or broadband infrastructure and to respond to public health and negative economic impacts of the pandemic in disproportionately impacted communities (youth and low-income communities), City desires to grant to ACT the sum of $390,218.30 to be used to develop the WSP at the Property (the "**Winter Shelter Grant**").

NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING RECITALS AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, CITY AND ACT HEREBY AGREE AS FOLLOWS:

TERMS

1. The foregoing Recitals are true and correct and are a substantive part of this Agreement.

2. City shall make the Winter Shelter Grant to ACT. All proceeds of the Winter Shelter Grant shall be used solely to reimburse ACT for ACT's costs of developing the WSP at the Property, and all expenditures shall be supported by customary invoices, lien releases, *etc*. From time to time, ACT may request to draw upon the Winter Shelter Grant in accordance with the Budget: the initial draw is estimated to be $194,285.91, and the subsequent draw request is estimated to be for $195,932.39, to be accompanied by documentation of previous expenditures made prior to such new draw being approved and released. As soon as practicable, the parties hereto shall develop and implement a report, which shall be due on the 5th day of each calendar month, to track draw requests submitted, funds disbursed, Budget line items funded, and the outstanding balance, with regard to the Winter Shelter Grant.

3. ACT shall develop and operate the WSP consistent with the Proposal and in conformity with all applicable laws, including all applicable federal and state labor standards, including, without limitation, the requirement to pay not less than the wages prevailing in the locality as determined by the United States Secretary of Labor pursuant to the Davis Bacon Act (40 U.S.C. 276a to 276a-5), if applicable, to pay state prevailing wages, if applicable, to comply with the sub-recipient reporting requirements of ARPA which requirements are further set forth in Exhibit C, attached hereto and incorporated herein by this reference, if applicable, and, if applicable, to comply with the beneficiary reporting requirements of ARPA as required by 31 CFR Title 35, which requirements are further set forth in Exhibit D, attached hereto and incorporated herein by this reference.

4. ACT agrees to carry out development, construction (as defined by applicable law) and operation of the WSP on the Property, including, without limitation, any and all public works (as defined by applicable law), in conformity with all applicable local, state and federal laws, including, without limitation, all applicable federal and state labor laws (including, without limitation, any requirement to pay state prevailing wages). ACT expressly acknowledges and agrees that City has never previously affirmatively represented to ACT or its contractor(s) for the WSP in writing or otherwise, in a call for bids or otherwise, that the work to be covered by the bid or contract is not a "public work", as defined in Section 1720 of the California Labor Code. ACT agrees that ACT shall have the obligation to provide any and all disclosures, representations, statements, rebidding, and/or identifications which may be required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. ACT agrees that ACT shall have the obligation to provide and maintain any and all bonds to secure the payment of contractors (including the payment of wages to workers performing any public work) which may be required by the California Civil Code, California Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. ACT agrees that ACT shall have the obligation, at ACT's sole cost, risk and expense, to obligate any party as may be

required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. ACT shall indemnify, protect, defend and hold harmless City and its elected officers, employees, contractors and agents, with counsel reasonably acceptable to City, from and against any and all loss, liability, damage, claim, cost, expense, and/or "increased costs" (including labor costs, penalties, reasonable attorneys' fees, court and litigation costs, and fees of expert witnesses) which, in connection with the development, construction (as defined by applicable law) and/or operation of the WSP, including, without limitation, any and all public works (as defined by applicable law), results or arises in any way from any of the following: (1) the noncompliance by ACT of any applicable local, state and/or federal law, including, without limitation, any applicable federal and/or state labor laws (including, without limitation, if applicable, the requirement to pay state prevailing wages); (2) the implementation of Sections 1726 and 1781 of the California Labor Code, as the same may be enacted, adopted or amended from time to time, or any other similar law; (3) failure by ACT to provide any required disclosure, representation, statement, rebidding and/or identification which may be required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law; (4) failure by ACT to provide and maintain any and all bonds to secure the payment of contractors (including the payment of wages to workers performing any public work) which may be required by the California Civil Code, California Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law; (5) failure by ACT to obligate any party as may be required by California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, or any other provision of law. It is agreed by the parties hereto that, in connection with the development, construction (as defined by applicable law) and operation of the WSP, including, without limitation, any public work (as defined by applicable law), ACT shall bear all risks of payment or non-payment of state prevailing wages and/or the implementation of California Labor Code Sections 1726 and 1781, as the same may be enacted, adopted or amended from time to time, and/or any other provision of law; and/or (6) noncompliance with ARPA. "Increased costs" as used in this Section shall have the meaning ascribed to it in California Labor Code Section 1781, as the same may be enacted, adopted or amended from time to time. The foregoing indemnity shall survive termination of this Agreement.

5. ACT acknowledges that, but for the execution of this Agreement, City would not make the Winter Shelter Grant.

6. The Winter Shelter Grant need not be repaid to City. Notwithstanding the foregoing, the Winter Shelter Grant shall be immediately repaid by ACT to City in the event that ACT is in default of any provision of this Agreement, and fails to cure such default within 10 days after receiving notice.

7. The funds used by City to make the Winter Shelter Grant shall be ARPA Funds. Accordingly, ACT agrees for itself, its successors and assigns that the use of the Winter Shelter Grant funds shall be for purposes permitted by ARPA and for no other purpose.

8. Due to the significant size of City's Winter Shelter Grant, ACT's extensive work to develop the WSP at the Property, and the value of the WSP to the community, it is anticipated that ACT will operate and maintain the WSP at the Property for as long as possible (*i.e.*, 10 years, assuming that adequate funding for operations from Los Angeles Homeless Services Authority (and/or other agencies) is obtained). If and when ACT ceases to operate the WSP at the Property, then ACT shall promptly surrender to City ownership and possession of the hygiene units for placement and use thereof elsewhere, at City's discretion.

9. ACT hereby agrees to pay all costs and expenses, including reasonable attorneys' fees, which may be incurred by City, in the enforcement of this Agreement or any term or provision hereof.

10. Upon the failure of ACT to perform or observe any other term or provision of this Agreement, City may exercise its rights or remedies hereunder.

11. If the rights created by this Agreement shall be held by a court of competent jurisdiction to be invalid or unenforceable as to any part of the obligations described herein, then the remaining obligations shall be completely performed.

12. This Agreement may not be changed orally, but only by an amendment in writing signed by ACT and City.

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13. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

Executed in Palmdale, California, as of the date first set forth above.

"**ACT**"

Date: _____

ADVANCING COMMUNITIES TOGETHER,
a California nonprofit public benefit corporation

By:_____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

*In accordance with California Corporations Code Section 313, this document must be executed by the Corporation's Chief Executive Officer, President or Vice-President, on the one hand, and the Corporations' Chief Financial Officer, Treasurer, Assistant Treasurer or Secretary on the other hand.

[Signatures Continue on Following Page]

"**CITY**"

CITY OF PALMDALE,
a charter city of the State of California

By: _____ Date: _____
Ronda Perez
City Manager

ATTEST:

By: _____
Roxanne Faber
Acting City Clerk

APPROVED AS TO FORM:

By: _____
William P. Curley III
Interim City Attorney

KANE, BALLMER & BERKMAN
City Special Counsel

By: _____
Todd C. Mooney

Exhibit A

PROPOSAL

[behind this page]

Advancing Communities Together
Transform.Build.Support

Advancing Communities Together (ACT) Winter Shelter Program Proposal:

UEI: WHQ2RQGDNSQ3

EIN: 45-1745040

Summary of Proposal

Advancing Communities Together (ACT) is pleased to submit this proposal for development and operation of a fourteen-hour (14) Winter Shelter Program (WSP) at 38626 9th St. E, Palmdale, California 93550. Over the past several years (excluding last year – 2022), our facility has hosted Winter Shelter Program's with operation and program services provided by different providers, including Hope of the Valley and Volunteers of America. During this time, our organization has been a willing partner with City of Palmdale and other community-based organizations, to "see a need, and meet a need," in addressing the concerns of the unhoused, developing quality affordable housing, workforce development, community engagement and public safety. We endeavor to expand our role in this collective partnership with LAHSA, Valley Oasis, and other housing focused community partners, including faith-based groups, to provide quality direct services to the unhoused with standards of dignity and consistent, authentic engagement. We base our plan of support in alignment with the recently approved City of Palmdale Homeless plan, providing up to 35 individuals in Winter Shelter Program, with safe and supportive housing conditions, community outreach services, wrap around services, housing navigation services, case management, family reunification (when appropriate), health and wellness services and various workforce development programs.

Advancing Communities Together (ACT) submits this proposal in support of disproportionately impacted individuals with goals for having a safe place to shelter with standards of dignity, purpose, and establish a solid foundation in which to begin their transition from unhoused to stable and productive citizens.

We have partnered and collaborated with community-based organizations, faith-based groups, local, county, state and federal governments and others throughout Los Angeles County seeking to address the needs of Palmdale residents for over 15 years. We seek to expand our role and provide each unhoused person an opportunity to be in an impactful and transformational environment, that supports their goals toward stability, utilizing their strengths, resiliency, and community support to achieve their individual goals.

Winter Shelter Program Service Plan

In collaboration with community partners, we have developed a plan to address 35 unhoused adult individuals, from 5 pm to 7 am, during the winter months of November to April, utilizing promising practices, dignity standards and support from LAHSA and other local and county agencies. ACT's facility has a large, open space, multi purpose room to host individuals in need of Winter Shelter services. ACT has already been approved as a LAHSA service provider, the facility has also been inspected and approved by LAHSA and Fire Marshall.

ACT proposes to provide and connect eligible, qualified, and interested individuals to participate in a set of program activities/services beyond providing a bed and meal for the night, although those are necessary. Our goal is to communicate and advocate for and for everyone to seek a path toward stability while addressing any challenges and barriers in their lives.

ACT will provide 2 meals daily and a healthy snack for everyone, along with an opportunity to meet formally with a transitional advocate (case manager) to discuss developing an ISTEP plan (Individual Stability & Engagement Plan) which will entail an intake, enrollment, progression of support, and housing navigation and other needed services (mental health, disability, veteran support, etc.) through city, county, interim and permanent housing programs.

Facility Improvement and site preparation plans:

ACT proposes the City of Palmdale to fund the acquisition of one Pallet Shelter hygiene unit for Winter Shelter individuals to use. Pallet Shelter products include a two-stall hygiene unit with separate toilet, sink and individual shower. These are fire and weather resistant units (up to 170 mph wind loads) and are pre-assembled and delivered to our facility for installation.

ACT proposes the City of Palmdale provide funding for facility improvement to have site prepped, electrical, water and sewer lines installed to accommodate hygiene unit. This also includes funding for surveying, engineer utility and sewer plans, permits, licenses and fees. Pallet Shelter products, are simple to connect to once site infrastructure is in place to provide running water and lighting to hygiene unit. They come with a unique stabilizing base to lock each unit into but must have ground level to create secure stable points of contact.

ACT also proposes for the City of Palmdale to fund a new roof for the ACT facility. After getting numerous repairs done and getting professional roof contractors estimates, it was determined that a new roof is leaking to stop leaking the occurred heavily last winter.

Project Development Funds and Drawdowns for Start Up Cost:

ACT humbly request that the City of Palmdale provide initial develop funds for this project once agreements and requirements from ACT are met. These funds will allow ACT to meet a project completion deadline that is aligned with Winter Shelter needs beginning in November 2023 and fabrication timelines for hygiene units, shipping, and installation. In order to meet this expedited timeline, ACT has set a timeline to begin breaking ground on project by August 21 for sewer and water lines, and order Pallet hygeine units by August 25, 2023 in order for fabrication and delivery to take place by start of November 2023 when Winter Shelter is needed.

According to FINAL RULE for ARPA funding, the following are eligible uses:

Use of Funds (Obligated by Dec 31, 2024, and spent by Dec 31, 2026) and eligibility:

a. To Make necessary investments in water, sewer, or broadband infrastructure.
    1. Develop ACT with facility improvements and tie in electrical, sewer and water lines for Winter Shelter Program to provide modular bathroom with two showers, two sinks, two toilets. The Pallet modular units require water and electricity directly to each unit. We request to develop a sewer, utilities, and water plan to accommodate this.

2. Public health and negative economic Impact or disproportionately impacted communities (youth and low-income communities).

3. Assistance to nonprofits to provide a service with direct benefit to government and communi es: We propose and request funds for use to improve ACT facili es to construct a new roof for our 10,500 square foot building which will host the Winter Shelter program. We were informed by local roof contractors that roof could not be repaired any further and due to Covid it wasn't maintained properly and our ability to raise funds were impacted by low program enrollment and the inability to hire a regular maintenance crew.

ACT will develop a maintenance training program and encourage individuals with "lived experience" with various levels of being unhoused and were impacted by Covid. They will also support the program as advisors. We are seeking to provide a competitive wage during and after their training.

The Objective

Develop a Winter Shelter in Palmdale that creates an impactful and transformation environment of dignity, consistent engagement, support, and structure for unhoused to transition from Winter shelter to interim housing to permanent housing within the City of Palmdale.

Pallet shelter structures are cost efficient and can immediately bridge individuals between being unhoused in the streets, desert encampments or in cars, to a more stable and permanent housing solution for adults.

ACT Winter Shelter Program in Palmdale, will house up to 35 individuals, as determined by Fire Marshall, will also include on-site access to showers and bathroom units (including ADA compliant), workshops and activities, case management office, dog run and offered in a safe and secure environment.

We will provide a safe and supportive space for outreach teams, housing specialists and case managers to find their clients when needed to continue their services as well as connect individuals with new services that require a stable location.

Our partnerships will also work with eligible and interested individuals in planning workforce development support and resources, providing jobs and training for the unhoused and disenfranchised, self-purpose and engage a work force of ambassadors to relieve pressure from many understaffed city departments and personnel.

- Reduce the unhoused population overall in the City of Palmdale.
- Increase access to mental health, substance abuse treatment and overall health and wellness for those who are unhoused.
- Reduction or eliminate desert encampments and solicitors on streets and road islands Palmdale.
- Promote long-term permanent housing stability for people experiencing homelessness.
- Enhance the safety, health, and wellness of neighborhoods for all residents, businesses, and unhoused.

In conclusion, we are excited and hopeful that this proposal will gain your support and approval. Advancing Communities Together is available to answer any questions related to this proposal and our development or operational plans for the Winter Shelter Program.

Exhibit B

BUDGET

[behind this page]

ACT WSP Development Project Budget

	Description	Unit Cost		Units	Amounts
	Building Permits Fees, County Fees	$25,000.00		1	$25,000.00
	Architect Design	$4,000.00		1	$4,000.00
	Topography Survey	$2,500.00		1	$2,500.00
	Plumbing - Sewer and Water Lines	$8,500.00		1	$8,500.00
	Electrical Engineering (civil)	$4,000.00		1	$4,000.00
	Engineering (sewer and utilities plans)	$16,000.00		1	$16,000.00
	Forklift (8 foot) for& unloading hygeine units	$2,500.00		1	$2,500.00
	Ramps for Bathroom	$2,500.00		1	$2,500.00
	Plumbing Installation	$5,000.00		1	$5,000.00
	Electrical Installation	$112,500.00	50%	1	$112,500.00
	Roof Improvements	$80,000.00		1	$80,000.00
Contract/Vendor Subtotal					**$262,500.00**
	Pallet Two Stall Hygiene Unit (Shower, sink, toilet in each)	$44,995.00		1	$44,995.00
	Pallet ADA Hygiene Unit	$44,995.00		1	$44,995.00
	Shipping Cost for Hygiene	$9,000		1	$9,000.00
					$98,990.00
10.25%					$10,146.48
Subtotal					**$109,136.48**
					$371,636.48
	5% contingency				$18,581.82
Grand total					**$390,218.30**

Drawdown #1 Winter Shelter Project				
Pallet -	Hygiene Unit order	Invoice 1 - 50% d	$44,995.00	Due upon contract Signing (Net 30)
County/City	Building Fees		$25,000	
Engineering	Electrical, Topo, Sewer, Utilities		$22,500	
Architect			$4,000	
Plumber	Sewer/Water Lines		8,500	
Roof Improvement			$80,000	
5% Contingency	50%		9,290.91	
		Drawdown #1	Total: $194,285.91	

Drawdown #2 Winter Shelter Project -				
Pallet -	Hygiene Unit +Tax/Shipping	Invoice 2 - 50%	$64,141.48	Due upon shipping (Net 30)
Forklift	Unloading Units		$2,500	Due upon units arriving
Plumbing Install			$5,000	
Ramps	For Hygiene Unit		$2,500	
Electrical Installation			$112,500.00	
5% Contingency	50%		9290.91	
		Drawdown #2	Total:$195,932.39	

Exhibit C

REPORTING REQUIREMENTS

[behind this page]

Compliance and Reporting Guidance

State and Local Fiscal Recovery Funds



June 6, 2023
Version: 5.1

Coronavirus State and Local Fiscal Recovery Funds Guidance on Recipient Compliance and Reporting Responsibilities

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

In May 2021, Treasury published the interim final rule ("IFR") describing eligible and ineligible uses of SLFRF, as well as other program requirements. The initial versions of this Compliance and Reporting guidance reflected the IFR and its eligible use categories. On January 6, 2022, the U.S. Department of the Treasury ("Treasury") adopted the final rule implementing the SLFRF program. The final rule became effective on April 1, 2022. Prior to the final rule effective date, the IFR remained in effect; funds used consistently with the IFR while it was in effect were in compliance with the SLFRF program. However, recipients could choose to take advantage of the final rule's flexibilities and simplifications ahead of the effective date. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule* for more information on compliance with the IFR and the final rule.

To support recipients in complying with the final rule, this reporting guidance reflects the final rule and provides additional detail and clarification for each recipient's compliance and reporting responsibilities under the SLFRF program, and should be read in concert with the Award Terms and Conditions, the authorizing statute, the final rule, other program guidance including the Final Rule FAQs, and other regulatory and statutory requirements, including regulatory requirements under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance" or 2 CRF Part 200), and 2021 SLFRF Compliance Supplement – Technical Update and 2022 SLFRF Compliance Supplement. Please see the Assistance Listing in SAM.gov under assistance listing number (formerly known as CFDA number) 21.027 for more information.

Please Note: This guidance document applies to the SLFRF program only and does not change or impact reporting and compliance requirements for the Coronavirus Relief Fund ("CRF") established by the CARES Act.

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PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden for the collections of information included in this guidance is as follows: 30 minutes for Title VI Assurances, 2 hours per response for the Interim Report, 6 hours per response for the Project and Expenditure Report and 100 hours per response for the Recovery Plan Performance Report (if applicable). Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Part 1: General Guidance

This section provides an orientation on recipients' compliance responsibilities and Treasury's expectations and recommended best practices where appropriate under the SLFRF program.

Recipients under the SLFRF program are the eligible entities identified in sections 602 and 603 of the Social Security Act as added by section 9901 of the American Rescue Plan Act of 2021 (the "SLFRF statute") that receive an SLFRF award. Subrecipients under the SLFRF program are entities that receive a subaward from a recipient to carry out the purposes (program or project) of the SLFRF award on behalf of the recipient.

Recipients are accountable to Treasury for oversight of their subrecipients in accordance with 2 CFR 200.332, including ensuring their subrecipients comply with the SLFRF statute, SLFRF Award Terms and Conditions, Treasury's interim final rule and final rule, applicable federal statutes, regulations, and reporting requirements.

A. Key Principles

There are several guiding principles for developing your own effective compliance regimes:

- Recipients and subrecipients are the first line of defense and responsible for ensuring the SLFRF award funds are not used for ineligible purposes, and there is no fraud, waste, or abuse associated with their SLFRF award;
- Many SLFRF-funded projects respond to the COVID-19 public health emergency and meet urgent community needs. Swift and effective implementation is vital, and recipients must balance facilitating simple and rapid program access widely across the community and maintaining a robust documentation and compliance regime;
- Treasury encourages recipients to use SLFRF-funded projects to advance shared interests and promote equitable delivery of government benefits and opportunities to underserved communities, as outlined in Executive Order 13985, On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and
- Transparency and public accountability for SLFRF award funds and use of such funds are critical to upholding program integrity and trust in all levels of government, and SLFRF award funds should be managed consistent with Administration guidance per Memorandum M-21-20 and Memorandum M-20-21.

B. Statutory Eligible Uses

As a recipient of an SLFRF award, your organization has substantial discretion to use the award funds in the ways that best suit the needs of your constituents – as long as such use fits into one of the following four statutory categories:

1. To respond to the COVID-19 public health emergency or its negative economic impacts;
2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the recipient that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
3. For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; or
4. To make necessary investments in water, sewer, or broadband infrastructure.

Treasury adopted an interim final rule in May 2021 and the final rule on January 6, 2022 to implement these eligible use categories and other restrictions on the use of funds under the SLFRF

program. The final rule took effect on April 1, 2022, and the interim final rule remained in effect until that time, although recipients could choose to take advantage of the final rule's flexibilities and simplifications prior to April 1, 2022. Recipients may consult the Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule for more information on compliance with the interim final rule and the final rule.

It is the recipient's responsibility to ensure all SLFRF award funds are used in compliance with the program's requirements. In addition, recipients should be mindful of any additional compliance obligations that may apply – for example, additional restrictions imposed upon other sources of funds used in conjunction with SLFRF award funds, or statutes and regulations that may independently apply to water, broadband, and sewer infrastructure projects. Recipients should ensure they maintain proper documentation supporting determinations of costs and applicable compliance requirements, and how they have been satisfied as part of their award management, internal controls, and subrecipient oversight and management.

C. Treasury's Final Rule

Treasury's final rule details recipients' compliance responsibilities and provides additional information on eligible and restricted uses of SLFRF award funds and reporting requirements.

1. **Eligible and Restricted Uses of SLFRF Funds.** As described in the SLFRF statute and summarized above, there are four enumerated eligible uses of SLFRF award funds. As a recipient of an award under the SLFRF program, your organization is responsible for complying with requirements for the use of funds. In addition to determining a given project's eligibility, recipients are also responsible for determining subrecipient's or beneficiaries' eligibility, and must monitor subrecipients' use of SLFRF award funds.

   To help recipients build a greater understanding of eligible uses, Treasury's final rule establishes a framework for determining whether a specific project would be eligible under the SLFRF program, including some helpful definitions. For example, Treasury's final rule establishes:

   - A framework for determining whether a project responds to the COVID-19 public health emergency or its negative economic impacts;
   - Definitions of "eligible employers," "essential work," "eligible workers," and "premium pay" for cases where premium pay is an eligible use;
   - The option to select between a standard amount of revenue loss or complete a full revenue loss calculation of revenue lost due to the COVID-19 public health emergency;
   - A framework for necessary water and sewer infrastructure projects that aligns eligible uses with projects that are eligible under the Environmental Protection Agency's Drinking Water and Clean Water State Revolving Funds along with certain additional projects, including a wider set of lead remediation and stormwater infrastructure projects and aid for residential wells; and
   - A framework for necessary broadband projects that allows for projects that are designed to provide service of sufficient speeds to eligible areas, as well as an affordability requirement for providers that provide service to households.

   Treasury's final rule also provides more information on important restrictions on use of SLFRF award funds, including that recipients other than Tribal governments may not deposit SLFRF funds into a pension fund; and recipients that are States or territories may not use SLFRF funds to offset a reduction in net tax revenue resulting from the recipient's change in law, regulation, or administrative interpretation. In addition, recipients may not use SLFRF funds directly to service debt, satisfy a judgment or settlement, or contribute to a "rainy day" fund. Recipients should refer to Treasury's final rule for more information on these restrictions.

Treasury's final rule outlines that funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, the final rule notes that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget ("OMB") has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. For example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects.

2. **Eligible Costs Timeframe.** Your organization, as a recipient of an SLFRF award, may use SLFRF funds to cover eligible costs that your organization incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. Costs for projects incurred by the recipient State, territorial, local, or Tribal government prior to March 3, 2021 are not eligible, as provided for in Treasury's final rule.

   Recipients may, in certain circumstances, use SLFRF award funds for the eligible use categories described in Treasury's final rule for costs incurred prior to March 3, 2021. Specifically,

   a. Public Health/Negative Economic Impacts: Recipients may use SLFRF award funds to provide assistance to households, small businesses, and nonprofits to respond to the public health emergency or negative economic impacts of the pandemic – such as rent, mortgage, or utility assistance – for costs incurred by the beneficiary (e.g., a household) prior to March 3, 2021, provided that the recipient State, territorial, local or Tribal government did not incur the cost of providing such assistance prior to March 3, 2021.
   b. Premium Pay: Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be "in addition to" wages and remuneration already received and the obligation to provide such premium pay must not have been incurred by the recipient prior to March 3, 2021.
   c. Revenue Loss: Recipients have broad discretion to use funds for the provision of government services to the extent of reduction in revenue. While calculation of lost revenue is based on the recipient's revenue in the last full fiscal year prior to the COVID-19 public health emergency, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
   d. Investments in Water, Sewer, and Broadband: Recipients may use SLFRF award funds to make necessary investments in water, sewer, and broadband infrastructure. Recipients may use SLFRF award funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the SLFRF award funds were incurred by the recipient after March 3, 2021.

   Any funds not obligated or expended for eligible uses by the timelines above must be returned to Treasury, including any unobligated or unexpended funds that have been provided to subrecipients and contractors as part of the award closeout process pursuant to 2 C.F.R. 200.344(d). For the purposes of determining expenditure eligibility, Treasury's final rule provides

that "incurred" means the recipient has incurred an obligation, which has the same meaning given to "financial obligation" in 2 CFR 200.1.

3. **Reporting.** Generally, recipients must submit one initial Interim Report, quarterly or annual Project and Expenditure reports which include subaward reporting, and in some cases annual Recovery Plan reports. Treasury's final rule and Part 2 of this guidance provide more detail around SLFRF reporting requirements.

4. **Expenditure Categories**. Treasury's final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients report on a broader set of eligible uses and associated Expenditure Categories ("EC"), which began with the April 2022 Project and Expenditure Report. Appendix 1 includes the new ECs, as well as a reference to previous ECs used for reporting under the interim final rule.

Assistance Listing

The Assistance Listing for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) was published May 28, 2021 on SAM.gov under Assistance Listing Number ("ALN"), formerly known as CFDA Number, **21.027**.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The ALN is the unique 5-digit number assigned to identify a federal assistance listing, and can be used to search for federal assistance program information, including funding opportunities, spending on USASpending.gov, or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines Treasury issued initial payments under an existing ALN, 21.019, assigned to the CRF. If you have already received funds or captured the initial number in your records, please update your systems and reporting to reflect the new ALN 21.027 for the SLFRF program. **Recipients must use ALN 21.027 for all financial accounting, subawards, and associated program reporting requirements for the SLFRF awards.**

D. Uniform Administrative Requirements

The SLFRF awards are generally subject to the requirements set forth in the Uniform Guidance. In all instances, your organization should review the Uniform Guidance requirements applicable to your organization's use of SLFRF funds, and SLFRF-funded projects. Additional details about applicability of certain provisions of the Uniform Guidance may be found in:

- SLFRF final rule;
- SLFRF Assistance Listing; and
- SLFRF Final Rule FAQs, including FAQ 4.9, 10.1, and Section 13.

The following sections provide a general summary of your organization's compliance responsibilities under applicable statutes and regulations, including the Uniform Guidance, as described in the most recent compliance supplement issued by OMB. Note that the descriptions below are only general summaries and all recipients and subrecipients are advised to carefully review the Uniform Guidance requirements and any additional regulatory and statutory requirements applicable to the program.

1. **Allowable Activities.** Each recipient should review program requirements, including Treasury's final rule and the recipient's Award Terms and Conditions, to determine and record eligible uses

of SLFRF funds. Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

2. **Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability. Please note that as outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart E (Cost Principles) applies to recipients' use of funds in the revenue loss eligible use category.

   SLFRF funds may be, but are not required to be, used along with other funding sources for a given project. Recipients should note that SLFRF funds available under the "revenue loss" eligible use category generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, the recipient should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. For instance, recipients should note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the OMB has approved a waiver from this provision as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

   SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

   Treasury's final rule, program guidance, and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F and the Compliance Supplement are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

   a. Administrative costs*:* Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.[1] Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the SLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs as long as they are accorded consistent treatment per 2 CFR 200.403. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as

[1] Recipients also may use SLFRF funds directly for administrative costs to improve the design and execution of programs responding to the COVID-19 pandemic and to administer or improve the efficacy of programs addressing the public health emergency or its negative economic impacts. 31 CFR 35.6(b)(3)(ii)(E)(3).

contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office.[2][3] Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement ("NICRA") established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).

b. Salaries and Expenses*:* In general, certain employees' wages, salaries, and covered benefits are an eligible use of SLFRF award funds. Please see Treasury's final rule for details.

3. **Cash Management.** SLFRF payments made to recipients are not subject to the requirements of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR Part 205 or 2 CFR 200.305(b)(8)-(9).

   As such, recipients can place funds in interest-bearing accounts, do not need to remit interest to Treasury, and are not limited to using that interest for eligible uses under the SLFRF award.

4. **Eligibility.** Under this program, recipients are responsible for ensuring funds are used for eligible purposes. Generally, recipients must develop and implement policies and procedures, and retain records, to determine and monitor implementation of criteria for determining the eligibility of beneficiaries and/or subrecipients. Your organization, and if applicable, the subrecipient(s) administering a program on behalf of your organization, will need to maintain procedures for obtaining information evidencing a given beneficiary, subrecipient, or contractor's eligibility, including a valid SAM.gov registration (except with respect to individuals or households for which a SAM.gov registration is not required). Implementing risk-based due diligence for eligibility determinations is a best practice to augment your organization's existing controls.

5. **Property Management.** Any purchase of real or personal property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D, unless stated otherwise by Treasury. For example, as outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. Furthermore, as outlined in Final Rule FAQ 13.16, Treasury has clarified the use and disposition requirements for real and personal property, supplies, and equipment purchased with SLFRF funds.

6. **Matching, Level of Effort, Earmarking.** There are no matching, level of effort, or earmarking compliance responsibilities associated with the SLFRF award. See Section C.1 (Eligible and Restricted Uses of SLFRF Funds) for a discussion of restrictions on use of SLFRF funds. Please see 2. Allowable Costs/Cost Principles above for information on the use of SLFRF funds for non-Federal match or cost-sharing requirements in other Federal programs.

7. **Period of Performance.** Your organization should also develop and implement internal controls related to activities occurring outside the period of performance. All funds remain subject to statutory and regulatory requirements that they must be used for costs incurred by the recipient during the period that begins on March 3, 2021, and ends on December 31, 2024, and that award funds for the financial obligations incurred by December 31, 2024 must be expended by December

[2] 2 CFR 200.413 Direct Costs.
[3] 2 CFR 200.414 Indirect Costs.

31, 2026. Any funds not used must be returned to Treasury as part of the award closeout process pursuant to 2 C.F.R. 200.344(d).

8. **Procurement, Suspension & Debarment.** Recipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds, are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, unless stated otherwise by Treasury. As outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The procurement standards set forth in the Uniform Guidance at 2 CRF 200.317 through 2 CRF 200.327 are not included in Final Rule FAQ 13.15's list of applicable Subpart D requirements that apply to recipients' use of funds in the revenue loss eligible use category.

   The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in certain circumstances. Recipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance, pursuant to 2 CFR 180, requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Your organization must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

9. **Program Income.** Generally, program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, and principal and interest on loans made with Federal award funds. Program income does not include interest earned on advances of Federal funds, rebates, credits, discounts, or interest on rebates, credits, or discounts. Recipients of SLFRF funds should calculate, document, and record the organization's program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.

   The Uniform Guidance outlines the requirements that pertain to program income at 2 CFR 200.307. Treasury has clarified in its Final Rule FAQs that recipients may add program income to the Federal award. Any program income generated from SLFRF funds must be used for the purposes and under the conditions of the Federal award. Further, Final Rule FAQ 4.9 provides additional information about program income requirements applicable to certain eligible uses, and Final Rule FAQ 13.15 clarifies that only a subset of the Uniform Guidance requirements at 2 CFR 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The list of applicable Subpart D requirements in Final Rule FAQ 13.15 does not include the program income requirements in 2 CFR 200.307.

10. **Reporting.** All recipients of federal funds must complete financial, performance, and compliance reporting as required and outlined in Part 2 of this guidance. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR 200.1. Your organization should appropriately maintain accounting records for compiling and reporting accurate, compliant financial data, in accordance with appropriate accounting standards and principles.

    In addition, where appropriate, your organization needs to establish controls to ensure completion and timely submission of all mandatory performance and/or compliance reporting. See Part 2 of this guidance for a full overview of recipient reporting responsibilities.

    Consolidated jurisdictions or other types of jurisdictions that received multiple SLFRF allocations

(e.g., a county and city with a consolidated government) are only required to file once per reporting period, and such reports will cover the total SLFRF allocations received by the jurisdiction. This includes Non-entitlement units of local government ("NEUs") and/or Units of general local government located within counties that are not units of general local government. In addition, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction's Reporting Tier.

11. **Subrecipient Monitoring.** SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

    First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.

    Next, your organization will need to evaluate each subrecipient's risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

    Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

    Recipients should note that NEUs are not subrecipients under the SLFRF program. They are SLFRF recipients that report directly to Treasury.

    Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

    Many recipients may choose to provide a subaward or contract to other entities to provide services to other end users. For example, a recipient may provide a subaward to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the recipient intends to provide (assistance to households experiencing homelessness), and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient. Subrecipients are subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements, whereas contractors are not subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements.

    Please note that as outlined in Final Rule FAQ 13.14, recipients' use of funds in the revenue loss eligible use category does not give rise to subrecipient relationships. As a result, subaward reporting is not required for projects in the revenue loss eligible use category.

12. **Special Tests and Provisions.** From time-to-time, Treasury may issue subregulatory guidance as well as frequently asked questions.

    Across each of the compliance requirements above, Treasury has described some best practices for development of internal controls in **Table 1** below, with an example of each best practice.

Table 1: Internal controls best practices

Best Practice	Description	Example
Written policies and procedures	Formal documentation of recipient policies and procedures	Documented procedure for determining worker eligibility for premium pay
Written standards of conduct	Formal statement of mission, values, principles, and professional standards	Documented code of conduct / ethics for subcontractors
Risk-based due diligence	Pre-payment validations conducted according to an assessed level of risk	Enhanced eligibility review of subrecipient with imperfect performance history
Risk-based compliance monitoring	Ongoing validations conducted according to an assessed level of risk	Higher degree of monitoring for projects that have a higher risk of fraud, given program characteristics
Record maintenance and retention	Creation and storage of financial and non-financial records.	Storage of all subrecipient payment information.

E. Award Terms and Conditions

The Award Terms and Conditions of the SLFRF financial assistance agreement sets forth the compliance obligations for recipients pursuant to the SLFRF statute, the Uniform Guidance, Treasury's final rule, and applicable federal laws and regulations. Recipients should ensure they remain in compliance with all Award Terms and Conditions. These obligations include the following items in addition to those described above:

1. **SAM.gov Requirements.** All eligible recipients are required to have an active registration with the System for Award Management ("SAM") (https://www.sam.gov) pursuant to 2 CFR Part 25. To ensure timely receipt of funding, Treasury has stated that NEUs who have not previously registered with SAM.gov may do so after receipt of the award, but before the submission of mandatory reporting.[4]

2. **Recordkeeping Requirements.** Generally, your organization must maintain records and financial documents for five years after all funds have been expended or returned to Treasury, as outlined in paragraph 4.c. of the Award Terms and Conditions. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

   Your organization must agree to provide or make available such records to Treasury upon request, and to the Government Accountability Office ("GAO"), Treasury's Office of Inspector General ("OIG"), and their authorized representative in order to conduct audits or other investigations.

3. **Single Audit Requirements.** Recipients and subrecipients that expend more than $750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements.[5] Note that the Compliance Supplement provides information on the existing, important compliance requirements that the federal government expects to be considered as a part of such audit. For example, the SLFRF Compliance Supplement describes an alternative to the Single Audit for

[4] See flexibility provided in https://www.whitehouse.gov/wp-content/uploads/2021/03/M_21_20.pdf.
[5] For-profit entities that receive SLFRF subawards are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury and Treasury's OIG.

eligible recipients. Recipients should consult the Compliance Supplement for more information about the alternative compliance examination engagement. The Compliance Supplement is routinely updated, and is made available in the Federal Register and on OMB's website: https://www.whitehouse.gov/omb/office-federal-financial-management/ Recipients and subrecipients should consult the Federal Audit Clearinghouse to see examples of Single Audit submissions.

4. **Civil Rights Compliance**. Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

   In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). Treasury may request that non-tribal recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status. As explained in Treasury FAQ 12.1, the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF program, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

Part 2: Reporting Guidance

There are three types of reporting requirements for the SLFRF program. The report requirements are approved and documented under OMB PRA number - OMB # 1505-0271.

- **Interim Report:** Provide initial overview of status and uses of funding. This is a one-time report. **See Section A, page 16.**

- **Project and Expenditure Report:** Report on projects funded, expenditures, and contracts and subawards equal to or greater than $50,000, and other information. **See Section B, page 17.**

- **Recovery Plan Performance Report:** The Recovery Plan Performance Report (the "Recovery Plan") will provide information on the projects that large recipients are undertaking with program funding and how they plan to ensure program outcomes are achieved in an effective, efficient, and equitable manner. It will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury. The Recovery Plan will be posted on the website of the recipient as well as provided to Treasury. **See Section C, page 28.**

The reporting threshold is based on the total award amount allocated by Treasury under the SLFRF program, not the funds received by the recipient as of the time of reporting.

States and territories are also required to submit information on their distributions to NEUs. Please refer to Section D for additional details.

Table 2: Reporting requirements by recipient type

Tier	Recipient	Interim Report	Project and Expenditure Report	Recovery Plan Performance Report
1	States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents	By August 31, 2021 or 60 days after receiving funding if funding was received by October 15, with expenditures by category. *Note: NEUs were not required to submit an Interim Report*	By January 31, 2022, and then the last day of the month after the end of each quarter thereafter *Note: NEUs were not required to submit a Project and Expenditure Report on January 31, 2022. The first reporting date for NEUs was April 30, 2022.*	By August 31, 2021 or 60 days after receiving funding, and annually thereafter by July 31
2	Metropolitan cities and counties with a population below 250,000 residents that are allocated more than $10 million in SLFRF funding, and NEUs that are allocated more than $10 million in SLFRF funding			
3	Tribal Governments that are allocated more than $30 million in SLFRF funding			
4	Tribal Governments that are allocated less than $30 million in SLFRF funding		By April 30, 2022, and then annually thereafter	
5	Metropolitan cities and counties with a population below 250,000 residents that are allocated less than $10 million in SLFRF funding, and NEUs that are allocated less than $10 million in SLFRF funding			

Note: Based on the period of performance, reports will be collected through April 30, 2027. See the specific due dates listed in Sections B and C.

As mentioned above, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction's Reporting Tier, beginning in April of 2022. Treasury may reach out to jurisdictions to update Reporting Tiers.

The remainder of this document describes these reporting requirements. User guides describing how and where to submit required reports are posted at www.treasury.gov/SLFRPReporting and updated on a regular basis.

Comparison to reporting for the CRF

This guidance does not change the reporting or compliance requirements pertaining to the CRF. Reporting and compliance requirements for the SLFRF are separate from CRF reporting requirements. Differences between CRF and SLFRF include:

- **Project, Expenditure, and Subaward Reporting**: The SLFRF reporting requirements leverage the existing reporting regime used for CRF to foster continuity and provide many recipients with a familiar reporting mechanism. The data elements for the Project and Expenditure Report will largely mirror those used for CRF, with some minor exceptions noted in this guidance. The users' guide will describe how reporting for CRF funds will relate to reporting for the SLFRF.
- **Timing of Reports**: CRF reports were due within 10 days of each calendar quarter end. For quarterly reporters, SLFRF reporting will be due the last day of the month following the end of the period covered. For annual reporters, SLFRF reporting will be due on an annual schedule (see table in Section B below).
- **Program and Performance Reporting**: The CRF reporting did not include any program or performance reporting. To build public awareness and accountability and allow Treasury to monitor compliance with eligible uses, some program and performance reporting is required for SLFRF.

A. Interim Report

Note: The Interim Reports were submitted under the interim final rule.

States, U.S. territories, metropolitan cities, counties, and Tribal governments were required to submit a one-time interim report with expenditures[6] by Expenditure Category covering the period from March 3rd to July 31, 2021, by August 31, 2021 or sixty (60) days after first receiving funding if the recipient's date of award was between July 15, 2021 and October 15, 2021. The recipient was required to enter obligations[7] and expenditures and, for each, select the specific expenditure category from the available options. See Appendix 3 for Expenditure Categories applicable for the Interim Report.

1. Required Programmatic Data

Recipients were also required to provide the following information if they had or planned to have expenditures in the following Expenditure Categories.

a. Revenue replacement (EC 6.1[8]): Key inputs into the revenue replacement formula in the Interim Final Rule and estimated revenue loss due to the Covid-19 public health emergency calculated using the formula in the Interim Final Rule as of December 31, 2020.
- Base year general revenue (e.g., revenue in the last full fiscal year prior to the public health emergency)
- Fiscal year end date
- Growth adjustment used (either 4.1 percent or average annual general revenue growth over 3 years prior to pandemic)
- Actual general revenue as of the twelve months ended December 31, 2020

[6] For purposes of reporting in the SLFRF portal, an expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity).
[7] For purposes of reporting in the SLFRF portal, an obligation is an order placed for property and services, contracts and subawards made, and similar transactions that require payment.
[8] See Appendix 3 for the full Expenditure Category (EC) list. Please note that Appendix 3 includes the expenditure categories under the interim final rule, applicable to the Interim Report.

- Estimated revenue loss due to the Covid-19 public health emergency as of December 31, 2020
- An explanation of how revenue replacement funds were allocated to government services (Note: additional instructions was provided in the user guide)

In calculating general revenue and the other items discussed above, recipients should have used audited data if it was available. When audited data was not available, recipients were not required to obtain audited data if substantially accurate figures could be produced on an unaudited basis. Recipients should have used their own data sources to calculate general revenue and did not need to rely on revenue data published by the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients' self-reported general revenue figures may differ from those published by the Census Bureau. Recipients were permitted to provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required. Recipients' reporting should align with their own financial reporting.

In calculating general revenue, recipients should have excluded all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a State to a locality pursuant to the CRF or SLFRF. To the extent federal funds are passed through States or other entities or intermingled with other funds, recipients should have attempted to identify and exclude the federal portion of those funds from the calculation of general revenue on a best-efforts basis.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of reduction in revenue, recipients were required to submit a description of services provided. This description may be in narrative or in another form, and recipients were encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with $100 in revenue replacement funds available could indicate that $50 were used for law enforcement operating expenses and $50 were used for pay-go building of sidewalk infrastructure. As discussed in the interim final rule, these services can include a broad range of services but may not be used directly for pension deposits or debt service.

Reporting requirements did not require tracking the indirect effects of Fiscal Recovery Funds, apart from the restrictions on use of Fiscal Recovery Funds to offset a reduction in net tax revenue. In addition, recipients were required to indicate that Fiscal Recovery Funds were not used to make a deposit in a pension fund.

B. Project and Expenditure Report

All recipients are required to submit Project and Expenditure Reports.

Note on NEUs: To facilitate reporting, each NEU will need an NEU Recipient Number. This is a unique identification code for each NEU assigned by the State or territory to the NEU as part of its request for funding.

1. Quarterly Reporting

The following recipients are required to submit quarterly Project and Expenditure Reports:

- States and U.S. territories
- Tribal governments that are allocated more than $30 million in SLFRF funding
- Metropolitan cities and counties with a population that exceeds 250,000 residents

- Metropolitan cities and counties with a population below 250,000 residents that are allocated more than $10 million in SLFRF funding and NEUs that are allocated more than $10 million in SLFRF funding.

For these recipients, the initial quarterly Project and Expenditure Report covers three calendar quarters from March 3, 2021 to December 31, 2021 and was required to be submitted to Treasury by January 31, 2022. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury by the last day of the month following the end of the period covered. Quarterly reports are not due concurrently with applicable annual reports. **Table 3** summarizes the quarterly report timelines:

Table 3: Quarterly Project and Expenditure Report Timeline

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 – 4	March 3 – December 31	January 31, 2022
2	2022	1	January 1 – March 31	April 30, 2022
3	2022	2	April 1 – June 30	July 31, 2022
4	2022	3	July 1 – September 30	October 31, 2022
5	2022	4	October 1 – December 31	January 31, 2023
6	2023	1	January 1 – March 31	April 30, 2023
7	2023	2	April 1 – June 30	July 31, 2023
8	2023	3	July 1 – September 30	October 31, 2023
9	2023	4	October 1 – December 31	January 31, 2024
10	2024	1	January 1 – March 31	April 30, 2024
11	2024	2	April 1 – June 30	July 31, 2024
12	2024	3	July 1 – September 30	October 31, 2024
13	2024	4	October 1 – December 31	January 31, 2025
14	2025	1	January 1 – March 31	April 30, 2025
15	2025	2	April 1 – June 30	July 31, 2025
16	2025	3	July 1 – September 30	October 31, 2025
17	2025	4	October 1 – December 31	January 31, 2026
18	2026	1	January 1 – March 31	April 30, 2026
19	2026	2	April 1 – June 30	July 31, 2026
20	2026	3	July 1 – September 30	October 31, 2026
21	2026	4	October 1 – December 31	April 30, 2027

2. Annual Reporting

The following recipients are required to submit annual Project and Expenditure Reports:

- Tribal governments that are allocated less than $30 million in SLFRF funding
- Metropolitan cities and counties with a population below 250,000 residents that are allocated less than $10 million in SLFRF funding and NEUs that are allocated less than $10 million in SLFRF funding.

For these recipients, the initial Project and Expenditure Report covered from March 3, 2021 to March 31, 2022 and was required to be submitted to Treasury by April 30, 2022. The subsequent annual reports will cover one calendar year and must be submitted to Treasury by April 30. **Table 4** summarizes the annual report timelines:

Table 4: Annual Project and Expenditure Report timeline

Report	Period Covered	Due Date
1	March 3, 2021 – March 31, 2022	April 30, 2022
2	April 1, 2022 – March 31, 2023	April 30, 2023
3	April 1, 2023 – March 31, 2024	April 30, 2024
4	April 1, 2024 – March 31, 2025	April 30, 2025
5	April 1, 2025 – March 31, 2026	April 30, 2026
6	April 1, 2026 – December 31, 2026	April 30, 2027

3. Required Information

The following information is required in Project and Expenditure Reports for both quarterly and annual reporting:

a. Projects: Provide information on all SLFRF funded projects. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding. For each project, the recipient is required to enter the project name, identification number (created by the recipient), project expenditure category (see Appendix 1), description, and status of completion. Project descriptions must describe the project in sufficient detail to provide an understanding of the major activities that will occur, and must be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose. Recipients should review the Required Programmatic Data described in 3.g. below and define their projects at a sufficient level of granularity.

   Note: For each project, the recipient is asked to select the appropriate Expenditure Category based on the scope of the project (see Appendix 1). Projects should be scoped to align to a single Expenditure Category. For select Expenditure Categories, the recipient also is asked to provide additional programmatic data (described further below).

b. Obligations and Expenditures: Once a project is entered the recipient will be able to report on the project's obligations and expenditures. Recipients will be asked to report:
   - Current period obligation
   - Cumulative obligation
   - Current period expenditure
   - Cumulative expenditure

c. Project Status: Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:
   - Not Started
   - Completed less than 50 percent
   - Completed 50 percent or more
   - Completed

d. Program Income: Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

e. Adopted Budget *(States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents only)*: Each state, territory and metropolitan city and county with a population that exceeds 250,000 residents will provide the budget adopted for each project by its jurisdiction associated with SLFRF funds. Treasury will use this information to better understand the intended impact, identify opportunities for outreach, and understand the recipient's progress in program implementation. Treasury is not approving or pre-approving projects or budgets.

- Recipients will enter the Adopted Budget based on information that exists currently in the recipient's financial systems and the recipient's established budget process. Treasury understands that recipients may use different budget processes. For example, a recipient may consider a project budgeted once a legislature has appropriated funds; whereas another recipient may consider a project budgeted at the moment when the funds have been obligated.
- Additional information is provided on the differences between Adopted Budget, Obligations, and Expenditures as part of the user guide posted at www.treasury.gov/SLFRPReporting.

f. Project Demographic Distribution (applicable to Public Health and Negative Economic Impact ECs: EC 1.1-2.37)– *Collection began April 2022*

Recognizing the disproportionate public health and negative economic impacts of the pandemic on many households, communities, and other entities, recipients must report whether certain types of projects are targeted to impacted and disproportionately impacted communities. Recipients will be asked to respond to the following:

a. What Impacted and/or Disproportionally Impacted population does this project primarily serve? Please select the population primarily served.
b. If this project primarily serves more than one Impacted and/or Disproportionately Impacted population, please select up to two additional populations served.

Recipients will select from the following options:

	Impacted	Disproportionately Impacted
Public Health	• General Public	
Assistance to Households	• Low- or-moderate income households or populations[9] • Households that experienced unemployment • Households that experienced increased food or housing insecurity • Households that qualify for certain federal programs[10] • For services to address lost instructional time in K-12 schools: any students that lost access to in-person instruction for a significant period of time	• Low-income households and populations[11] • Households and populations residing in Qualified Census Tracts • Households that qualify for certain federal programs[12] • Households receiving services provided by Tribal governments • Households residing in the U.S. territories or receiving services from these governments

[9] Low or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 65 percent of the Area Median Income for the county and size of household based on the most recently published data by the Department of Housing and Urban Development (HUD).

[10] For Impacted households, these programs are Children's Health Insurance Program ("CHIP"); Childcare Subsidies through the Child Care and Development Fund ("CCDF") Program; Medicaid; National Housing Trust Fund ("HTF"), for affordable housing programs only; Home Investment Partnerships Program ("HOME"), for affordable housing programs only.

[11] Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by HHS or (ii) income at or below 40 percent of Area Median Income for its county and size of household based on the most recently published data by HUD.

[12] For Disproportionately Impacted households, these programs are Temporary Assistance for Needy Families ("TANF"), Supplemental Nutrition Assistance Program ("SNAP"), Free- and Reduced-Price Lunch ("NSLP") and/or School Breakfast ("SBP") programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income ("SSI"), Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children ("WIC"), Section 8 Vouchers, Low-Income Home Energy Assistance Program ("LIHEAP"), and Pell Grants.

	Impacted	Disproportionately Impacted
	• Other households or populations that experienced a negative economic impact of the pandemic other than those listed above (please specify)	• For services to address educational disparities, Title I eligible schools[13] • Other households or populations that experienced a disproportionate negative economic impact of the pandemic other than those listed above (please specify)
Assistance to Small Businesses	• Small businesses that experienced a negative economic impact of the pandemic • Classes of small businesses designated as negatively economically impacted by the pandemic (please specify)	• Small businesses operating in Qualified Census Tracts • Small businesses operated by Tribal governments or on Tribal lands • Small businesses operating in the U.S. territories • Other small businesses disproportionately impacted by the pandemic (please specify)
Assistance to Non-Profits	• Non-profits that experienced a negative economic impact of the pandemic (please specify) • Classes of non-profits designated as negatively economically impacted by the pandemic (please specify)	• Non-profits operating in Qualified Census Tracts • Non-profits operated by Tribal governments or on Tribal lands • Non-profits operating in the U.S. territories • Other non-profits disproportionately impacted by the pandemic (please specify)
Aid to Impacted Industries	• Travel, tourism, or hospitality sectors (including Tribal development districts) • Industry outside the travel, tourism, or hospitality sectors that experienced a negative economic impact of the pandemic (please specify)	N/A

g. Subawards, Contracts, Grants, Loans, Transfers, and Direct Payments: Each recipient shall also provide detailed obligation and expenditure information for any contracts and grants awarded, loans issued, transfers made to other government entities, and direct payments made by the recipient that are equal to or greater than $50,000. As noted in Treasury's Project & Expenditure User Guides, subaward reporting for funds spent under the revenue loss eligible use category has not been required in past reporting periods. Please note that as outlined in Final Rule FAQ 13.14, Treasury is not collecting subaward data for projects categorized under the revenue loss eligible use category.

   Recipients do not need to submit separate monthly subaward reports to FSRS.gov as required pursuant to the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, which is included in the SLFRF Award Terms and Conditions. Treasury

[13] For educational services and other efforts to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school service as eligible. "Title I eligible schools" means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.

will submit this reporting on behalf of recipients using the $50,000 reporting threshold, timing, and data elements discussed in this guidance. If recipients choose to continue reporting to FSRS.gov in addition to reporting directly to Treasury on these funds, they may do so and will be asked to notify Treasury as part of their quarterly submission.

In general, recipients will be asked to provide the following information for each Contract, Grant, Loan, Transfer, or Direct Payment equal to or greater than $50,000:

- Subrecipient identifying and demographic information (e.g., UEI/TIN number and location)
- Award number (e.g., Award number, Contract number, Loan number)
- Award date, type, amount, and description
- Award payment method (reimbursable or lump sum payment(s))
- For loans, expiration date (date when loan expected to be paid in full)
- Primary place of performance
- Related project name(s)
- Related project identification number(s) (created by the recipient)
- Period of performance start date
- Period of performance end date
- Quarterly obligation amount
- Quarterly expenditure amount
- Project(s)
- Additional programmatic performance indicators for select Expenditure Categories (see below)

Aggregate reporting is required for contracts, grants, transfers made to other government entities, loans, and direct payments that are below $50,000. This information will be accounted for by Expenditure Category at the project level. Note that all obligations and expenditures made directly to individuals, regardless of dollar amount, should be included in aggregate reporting.

As required by the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, recipients must also report the names and total compensation of their five most highly compensated executives and their subrecipients' executives for the preceding completed fiscal year if (1) the recipient received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as provided by 2 CFR 170.320 (and subawards), and received $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act (and subawards), and (2) if the information is not otherwise public. In general, most SLFRF recipients are governmental entities with executive salaries that are already disclosed, so no additional information would be required to be reported for them. The recipient is responsible for the subrecipients' compliance with registering and maintaining an updated profile on SAM.gov.

h. Civil Rights Compliance: Treasury will request information on recipients' compliance with Title VI of the Civil Rights Act of 1964, as applicable, on an annual basis. This information may include a narrative describing the recipient's compliance with Title VI, along with other questions and assurances. This collection does not apply to Tribal governments[14]

i. Ineligible Activities: Tax Offset Provision (States and territories only): Section 602(c)(2)(A) of the Social Security Act prohibits a State or territory from using SLFRF funds to directly or indirectly offset a reduction in the net tax revenue of the State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period (the "Tax Offset Provision"). The Final Rule implements the Tax Offset Provision at 31 CFR § 35.8. Violations of the Tax

[14] Please note, as explained in Treasury FAQ 12.1, that the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

Offset Provision may be subject to recoupment. The following information is required for Treasury to ensure SLFRF funding is not used for ineligible activities related to the Tax Offset Provision.

For each reporting year, in the quarterly reporting cycle occurring 90 days after the end of the recipient's fiscal year, States and territories will report certain items related to the Tax Offset Provision, as detailed below. For example, if a recipient's fiscal year ends June 30, 2022, reporting on the Tax Offset Provision for fiscal year 2022 will be due in October 2022. All States and territories reported on the Tax Offset Provision for fiscal year 2021 in July 2022.

As indicated in the final rule, Treasury is implementing a tiered approach to reporting on the Tax Offset Provision, which is described below. Although Treasury is implementing a tiered approach to reporting, recipients should maintain records to support their compliance with the Tax Offset Provision.

The terms "reporting year," "baseline," "covered change," "covered period," "net reduction in total spending," and "tax revenue" are defined in the Final Rule, 31 CFR § 35.3. For purposes of calculating a net reduction in total spending, total spending for the fiscal year ending 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule. Similarly, for purposes of calculating baseline tax revenue, tax revenue for the fiscal year 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule.

For purposes of reporting actual tax revenue for the requested fiscal year and baseline tax revenue for the fiscal year ending 2019,[15] (a) if available, recipients should report information using audited financials and (b) recipients may provide data on a cash, accrual, or modified accrual basis, but must be consistent in their approach across all reporting periods. Similarly, for purposes of calculating a net reduction in total spending, recipients should report data using audited financials where available.

Recipients will first answer a series of summary questions to determine the tiering of their tax offset reporting:

Summary Questions

- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
    - If no, recipients have no further reporting requirements in the tax offset section. (Remaining summary questions will be greyed out).
    - If yes, recipients will complete part 1 and additional fields.
- Is the aggregate value of your revenue-reducing covered change(s) for the requested fiscal year less than the de minimis? Yes/No.
    - If yes, recipients will complete parts 1 and 2, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
    - If no, recipients will complete parts 1, 2 and additional fields.
- Do you have a reduction in net tax revenue for the requested fiscal year, meaning that actual tax revenue for the requested fiscal year is less than baseline tax revenue? Yes/No.
    - If yes, recipients will complete parts 1, 2, and 3 and additional fields.
    - If no, recipients will complete parts 1, 2, and 3, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No
    - If yes, recipients will complete parts 1, 2, 3, and 4.
    - If no, recipients will complete the revenue reduction cap.

Reporting Part 1: Revenue-reducing Covered Changes

[15] Tax revenue for fiscal year ending 2019 is relevant for calculating the recipient's baseline.

- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
    - If yes, complete grid or upload spreadsheet with the name of each revenue-reducing covered change and the value of the revenue-reducing covered change for the requested fiscal year and for future fiscal years.
    - If no, a recipient has no revenue-reducing covered changes to report, no additional reporting is required.
- Enter in the aggregate value of all revenue-reducing covered change(s) for the requested fiscal year.[16]

Revenue-reducing Covered Changes: Guidance
For each reporting year, a recipient must report the value of covered changes that the recipient predicts will have the effect of reducing tax revenue in a given reporting year (revenue-reducing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-reducing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-reducing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth. In general and where possible, reported values should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. Recipients must maintain records regarding the identification and predicted effects of revenue-reducing covered changes.

Reporting Part 2: Baseline Revenue and De Minimis Threshold

- Enter Baseline Revenue:
- Enter in the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year as a percentage of baseline revenue:
- Is the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year less than one percent of baseline revenue? Y/N
    - If yes, a recipient's aggregate value of the revenue-reducing covered changes in the reporting year is less than the *de minimis threshold*, and no additional reporting is required.

Baseline Revenue: Guidance
Baseline has the meaning defined in the Final Rule, 31 CFR 35.3.

Recipients must determine whether the aggregate value of the revenue-reducing covered changes in the reporting year is less than one percent of baseline revenue (the de minimis threshold).

Reporting Part 3: Actual Tax Revenue and Reduction in Net Tax Revenue

- Enter Actual Tax Revenue for the requested fiscal year:
- Enter Reduction in Net Tax Revenue: baseline revenue minus actual tax revenue

[16] The final rule defines covered change. "Covered change means a change in law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period."

- If the value of the reduction in net tax revenue is zero or negative (meaning that actual tax revenue is equal to or greater than baseline revenue), no additional reporting is required.

Actual Tax Revenue: Guidance
Actual tax revenue means the tax revenue received by the recipient government in the reporting year. Tax revenue has the meaning defined in the Final Rule, 31 CFR 35.3.

Reduction in Net Tax Revenue: Guidance
The reduction in net tax revenue is equal to baseline revenue minus actual tax revenue in each reporting year. If this value is zero or negative, there is no reduction in net tax revenue.

Reporting Part 4: Revenue-increasing Covered Changes and Covered Spending Cuts

- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No.
- If yes, complete grid or upload spreadsheet with the name of each revenue-increasing covered change and the value.
- Enter in the aggregate value of revenue-increasing covered change(s):

- Enter net reduction in total spending for the requested fiscal year:
- Complete grid or upload spreadsheet of specific spending cuts and the corresponding "reporting unit", including the name of the reporting unit, description of the spending cut, the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and the amount by which the reduction in spending in the reporting unit in the reporting year exceeds the Fiscal Recovery Funds spent in the reporting unit in the reporting year, if at all.
- Enter the aggregate value of covered spending cuts.

- Enter the aggregate value of revenue-increasing covered changes + the aggregate value of covered spending cuts.
- Enter the total value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing covered changes + aggregate value of covered spending cuts).
- Is the aggregate value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) negative or equal to zero? (Yes/No)
  - If yes, recipients have no further reporting requirements related to the Tax Offset Provision.
  - If no, recipients must move on to the calculation of the revenue reduction cap.

Revenue-increasing covered changes: Guidance
If a recipient has revenue-reducing covered changes, the aggregate value of which exceed the de minimis threshold, and its actual tax revenue does not exceed baseline tax revenue, a recipient must report the value of covered changes that have had or that the recipient predicts will have the effect of increasing tax revenue in a given reporting year (revenue-increasing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-increasing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-increasing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the revenue-increasing covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth.

In general and where possible, reporting should be produced by the agency of the recipient responsible for estimating the costs and effects of fiscal policy changes. Recipients should maintain records regarding revenue-increasing covered changes and estimates of such changes.

Net reduction in total spending, and tables of specific spending cuts: Guidance
Recipients may cut spending in certain areas to pay for revenue-reducing covered changes, up to the amount of the recipient's net reduction in total spending. To calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient must first consider whether there has been a reduction in total net spending, excluding Fiscal Recovery Funds (net reduction in total spending). As defined in the Final Rule, 35 CFR 35.3, net reduction in total spending is measured as the recipient government's total spending for a given reporting year excluding Fiscal Recovery Funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States for that reporting year. If that calculation yields a positive value, there has been a net reduction in total spending; if it yields zero or a negative value, there has not been a net reduction in total spending. If there has been no net reduction in total spending, a recipient will have no spending cuts to offset a reduction in net tax revenue.

Next, a recipient must determine and aggregate the value of spending cuts in each "reporting unit." "Reporting units" are departments, agencies, or authorities of the recipient's government. For each reporting unit, the recipient must report (1) the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, (2) the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and (3) the amount by which the reduction in spending in the reporting year exceeds the Fiscal Recovery funds spent in the reporting unit in the reporting year. If a recipient has not spent amounts received from the Fiscal Recovery Funds in a reporting unit, the full amount of the reduction in spending counts as a covered spending cut and may be included in the aggregate value of spending cuts. If the recipient has spent amounts received from the Fiscal Recovery Funds, such amounts generally would be deemed to have replaced the amount of spending cut, and only reductions in spending above the amount of Fiscal Recovery Funds spent on the reporting unit would be eligible to offset a reduction in net tax revenue. Only such amounts above the amount of Fiscal Recovery Funds spent on the reporting unit should be included in the aggregate value of spending cuts.

To align with existing reporting and accounting, the Final Rule considers the department, agency, or authority from which spending has been cut and whether the recipient government has spent amounts received from the Fiscal Recovery Funds on that same department, agency, or authority. Some commenters on the interim final rule argued that the methodology for identifying offsetting spending cuts at the department, agency, or authority level was too restrictive, but as discussed in the final rule, Treasury maintained the approach of requiring this reporting at the department, agency, or authority level. Recipients are encouraged to define reporting units in a manner consistent with their existing budget process and should, to the extent possible, report using the same reporting unit in each reporting year. Spending cuts must be reported relative to FY 2019 spending levels, adjusted for inflation, and excluding Fiscal Recovery Funds from reporting year spending levels.

Recipients should maintain records regarding spending cuts.

Reporting Part 5: Revenue Reduction Cap
The "revenue reduction cap," together with Part 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue-reducing covered changes. If, based on the calculations completed so far, a recipient has not yet demonstrated how its revenue-reducing

covered changes were offset by non-SLFRF sources, the reporting portal will auto-calculate the revenue reduction cap, which will be the lesser of the following two amounts:

- Reduction in Net Tax Revenue (baseline tax revenue minus actual tax revenue) [pre-populated from Part 3] and
- Aggregate Value of revenue-reducing covered changes minus (total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) [pre-populated from Part 4].

j. Required Programmatic Data (other than infrastructure projects): For all projects listed under the following Expenditure Categories (see Appendix 1), the information listed must be provided in each report.

1. Public Health and Negative Economic Impact (EC 1.1-3.5) - *Collection began in April 2022*
   - Brief description of structure and objectives of assistance program(s), including public health or negative economic impact experienced
   - Brief description of how a recipient's response is related and reasonably proportional to a public health or negative economic impact of COVID-19.[17]

     Note: The final rule presumes that all enumerated eligible uses for programs and services, including COVID-19 mitigation and prevention programs and services, are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Many of the Eligibility Categories encompass multiple specific enumerated eligible uses and may be provided to a variety of populations. For example, EC 2.13 *Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* includes a wide array of financial, educational, child development, or health supports, or other supports necessary, including supports for kinship care, and may be provided to foster youth and/or families involved in the child welfare system. Between these two fields above, recipients should provide enough information to identify the type of enumerated eligible use being provided within the EC (e.g., kinship care support services), the public health or economic impact experienced, who the program and/or service is being provided to, and what services are being provided (e.g., respite resources). For enumerated eligible uses, recipients are not required to provide substantive documentation that the response is related and reasonably proportional in the Project and Expenditure Report.

2. Capital Expenditures (EC 1.1-3.5) - *Collection began in January 2022, with additional fields required starting in July 2022*
   - Does this project include a capital expenditure? *(Collection began in January 2022)*
   - Total expected capital expenditure, including pre-development costs, if applicable *(Collection began in January 2022)*
   - Type of capital expenditure, based on the following enumerated uses (*Collection began in July 2022*):
     - COVID-19 testing sites and laboratories, and acquisition of related equipment
     - COVID-19 vaccination sites
     - Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., emergency rooms, intensive care units, telemedicine capabilities for COVID-19 related treatment)
     - Temporary medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs
     - Acquisition of equipment for COVID-19 prevention and treatment, including ventilators, ambulances, and other medical or emergency services equipment

[17] Please note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in the final rule.

  - Emergency operations centers and acquisition of emergency response equipment (e.g., emergency response radio systems)
  - Installation and improvement of ventilation systems in congregate settings, health facilities, or other public facilities
  - Public health data systems, including technology infrastructure
  - Adaptations to congregate living facilities, including skilled nursing facilities, other long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities, as well as public facilities and schools (excluding construction of new facilities for the purpose of mitigating spread of COVID-19 in the facility)
  - Mitigation measures in small businesses, nonprofits, and impacted industries (e.g., developing outdoor spaces)
  - Behavioral health facilities and equipment (e.g., inpatient or outpatient mental health or substance use treatment facilities, crisis centers, diversion centers)
  - Technology and equipment to allow law enforcement to efficiently and effectively respond to the rise in gun violence resulting from the pandemic
  - Affordable housing, supportive housing, or recovery housing development
  - Food banks and other facilities primarily dedicated to addressing food insecurity
  - Transitional shelters (e.g., temporary residences for people experiencing homelessness)
  - Devices and equipment that assist households in accessing the internet (e.g., tablets, computers, or routers)
  - Childcare, daycare, and early learning facilities
  - Job and workforce training centers
  - Improvements to existing facilities to remediate lead contaminants (e.g., removal of lead paint)
  - Medical equipment and facilities designed to address disparities in public health outcomes (includes primary care clinics, hospitals, or integrations of health services into other settings)
  - Parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, streetlights, neighborhood cleanup, and other projects to revitalize public spaces
  - Rehabilitations, renovation, remediation, cleanup, or conversions of vacant or abandoned properties
  - Schools and other educational facilities or equipment to address educational disparities
  - Technology and tools to effectively develop, execute, and evaluate government programs
  - Technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, improvements to case management systems or data sharing resources), reduce government backlogs, or meet increased maintenance needs
  - Other (please specify)
- For recipients (other than Tribal governments) investing in projects with total expected capital expenditures for an enumerated eligible use of $10 million or more, as well as projects with total expected capital expenditures for an “other” use of $1 million or more, provide a written justification (*Collection began in July 2022)*
- For projects with total expected capital expenditures of over $10 million, provide labor reporting as outlined for infrastructure projects on pages 26 and 27 (*Collection began July 2022*)

3. Household Assistance (EC 2.1-2.8) – *Collection began January 2022*:
   - Number of households served (by program if recipient establishes multiple separate household assistance programs)

4. Small Business Economic Assistance (EC 1.8, 2.29-2.33) – *Collection began April 2022*
   - Number of small businesses served (by program if recipient establishes multiple separate small business assistance programs)

5. Assistance to Non-Profits (EC 1.9, 2.34)- *Collection began April 2022*
   - Number of Non-Profits served (by program if recipient establishes multiple separate non-profit assistance programs)

6. Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 1.10, 2.35-2.36) – *Collection began April 2022*:
   - If aid is provided to industries other than travel, tourism, and hospitality (EC 2.36), describe if the industry experienced at least 8 percent employment loss from pre-pandemic levels, or the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, and rationale for providing aid to the industry
   - For each subaward:
     - Sector of employer (Note: additional detail, including list of sectors, to be provided in the user guide posted to www.treasury.gov/SLFRP)
     - Purpose of funds (e.g., payroll support, safety measure implementation)

7. Education Assistance (EC 2.14, 2.24-.2.27) – *Collection began in January 2022*:
   - The National Center for Education Statistics ("NCES") School ID or NCES District ID. List the School District if all schools within the school district received some funds. If not all schools within the school district received funds, list the School ID of the schools that received funds. These can allow evaluators to link data from the NCES to look at school-level demographics and, eventually, student performance.[18]

8. Payroll for Public Health and Safety Employees (EC 3.1) – *Collection began in January 2022*:
   - Number of government FTEs responding to COVID-19 supported under this authority

9. Rehiring Public Sector Staff (EC 3.2) – *Collection began in January 2022*:
   - Number of FTEs rehired by governments under this authority

10. Premium Pay (both Public Sector EC 4.1 and Private Sector EC 4.2) – *Collection began in January 2022*; *additional field began in April 2022*
    - List of sectors designated as critical to protecting the health and well-being of residents by the chief executive of the jurisdiction, if beyond those included in the final rule *(Collection began January 2022)*
    - Number of workers to be served (*Collection began January 2022)*
    - Employer sector for all subawards to third-party employers (i.e., employers other than the State, local, or Tribal government) (*Collection began January 2022)*
    - For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, other than those where the eligible worker receiving premium pay is earning (with the premium pay included) below 150 percent of their residing state or county's average annual wage for all occupations, as defined by the Bureau of Labor Statistics Occupational Employment and Wage Statistics, whichever is

[18] For more information on NCES identification numbers see https://nces.ed.gov/ccd/districtsearch/ (districts) and https://nces.ed.gov/ccd/schoolsearch/ (schools).

higher, on an annual basis; OR the eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions:
    - A brief written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient government determined that the premium pay was responsive to workers performing essential work during the pandemic. This description should not include personally identifiable information; when addressing individual workers, recipients should be careful not to include this information. Recipients may consider describing the workers' occupations and duties in a general manner as necessary to protect privacy (*Collection began January 2022)*
- Number of workers to be served with premium pay in K-12 schools (*Collection began April 2022)*

11. Revenue replacement (EC 6.1) – *Collection began in August 2021*:
As outlined in the final rule, recipients have the option to make a one-time decision to calculate revenue loss according to the formula outlined in the final rule or elect a "Standard Allowance" of up to $10 million, not to exceed the award allocation, to spend on government services throughout the period of performance. The option to make this one-time decision was provided during the April 30, 2022 reporting deadline.

    For recipients electing the "Standard Allowance," Treasury will presume that up to $10 million, not to exceed the award allocation, in revenue has been lost due to the public health emergency. Recipients are permitted to use that amount to fund "government services." Please note that electing the standard allowance does not change a recipient's total allocation. Recipients that elect to use this standard allowance will make this election instead of calculating lost revenue using the formula.

    For recipients calculating revenue loss according to the formula, the final rule permits recipients to choose whether to use calendar or fiscal year calculation dates. Recipients must use the same calculation time frame (calendar or fiscal year) throughout the award period.

    Recipients calculating lost revenue using the formula should report the following:

    - Choice of fiscal or calendar year revenue loss (choice must remain consistent throughout award period)
    - General revenue collected over the past 12 months as of the most recent calculation date, as outlined in the final rule.
    - Calculated revenue loss due to the Covid-19 public health emergency; and
    - An explanation of how the revenue replacement funds were allocated to government services (note: additional instructions and/or template provided in the user guide posted at www.treasury.gov/SLFRPReporting).

        For information on treatment of future tax changes, please see the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*.

k. Required Programmatic Data for Infrastructure Projects (EC 5): For all projects listed under the Water, Sewer, and Broadband Expenditure Categories (see Appendix 1), more detailed project-level information is required. Each project will be required to report expenditure data as described above, but will also report the following information:

    1. All infrastructure projects (EC 5) – *Collection began in January 2022:*

- Projected/actual construction start date (month/year)
- Projected/actual initiation of operations date (month/year)
- Location
- For projects over $10 million (based on expected total cost):
  a. A recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:
     - The number of employees of contractors and sub-contractors working on the project;
     - The number of employees on the project hired directly and hired through a third party;
     - The wages and benefits of workers on the project by classification; and
     - Whether those wages are at rates less than those prevailing.[19]

     Recipients must maintain sufficient records to substantiate this information upon request.
  b. A recipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the recipient does not provide such certification, the recipient must provide a project workforce continuity plan, detailing:
     - How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training;
     - How the recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
     - How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
     - Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
     - Whether the project has completed a project labor agreement.
  c. Whether the project prioritizes local hires.
  d. Whether the project has a Community Benefit Agreement, with a description of any such agreement.

2. Water and sewer projects (EC 5.1-5.18) *Required once the project starts:*
   - National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund) (*Collection began in January 2022)*

[19] As determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed.

- Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund) (*Collection began January 2022)*
- Median Household Income of service area *(Collection began in April 2022)*
- Lowest Quintile Income of the service area *(Collection began in April 2022)*

3. Broadband projects (EC 5.19-5.21) *Collection includes new fields that began in July 2022. Additional fields will be phased in through future reporting periods, as noted below.*

Overall Project Information

- Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
  - If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
  - Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.
- Confirm that the service provider for the project has, or will upon completion of the project, either participated in the Federal Communications Commission (FCC)'s Affordable Connectivity Program (ACP) or otherwise provided access to a broad-based affordability program that provides benefits to households commensurate with those provided under the ACP to low-income consumers in the proposed service area of the broadband infrastructure *(applicable only to projects that provide service to households).*

Detailed Project Information

- Project technology type(s) (Planned/Actual)
  - Fiber
  - Coaxial Cable
  - Terrestrial Fixed Wireless
  - Other (specify)
- Total miles of fiber deployed (Planned/Actual)
- Total number of funded locations served (Planned/Actual)
  - Total number of funded locations served, broken out by speeds:
    - Pre-SLFRF Investment:
      - Number receiving 25/3 Mbps or below
      - Number receiving between 25/3 Mbps and 100/20 Mbps
    - Post-SLFRF Investment (Planned/Actual):
      - Number receiving minimum 100/100 Mbps
      - Number receiving minimum 100/20 Mbps and scalable to minimum 100/100 Mbps
  - Total number of funded locations served, broken out by type (Planned/Actual):
    - Residential
      - Total Housing Units
    - Business
    - Community anchor institution
- Speed tiers offered, corresponding non-promotional prices, including associated fees, and data allowance for each speed tier of broadband service (*collection to be phased in a future reporting period)*

Location-by-Location Project Information

For each location served by a Project, the recipient must collect from the subrecipient or contractor and submit the following information to Treasury using a predetermined file format that will be provided by Treasury (*collection of certain fields will begin in October 2022, as specified below*):

- Latitude/longitude at the structure where service will be installed (*required starting October 2022)*Technology used to offer service at the location (*required starting October 2022)*
- Location type (*required starting October 2022)*
  - Residential
    - If Residential, Number of Housing Units
  - Business
  - Community anchor institution
- Speed tier at the location pre-SLFRF investment (*collection to be phased in)*
  - 25/3 Mbps or below
  - Between 25/3 Mbps and 100/20 Mbps
- Speed and latency at the location post-SLFRF investment (*collection to be phased in)*
  - Maximum download speed offered
  - Maximum download speed delivered
  - Maximum upload speed offered
  - Maximum upload speed delivered
  - Latency
- Standardized FCC Identifiers
  - Fabric ID # (Broadband Serviceable Fabric Locations)
  - FCC Issued Provider ID #

l. Additional Required Programmatic Data for States, U.S. territories, and metropolitan cities and counties with a population that exceeds 250,000 residents only: As noted in the Recovery Plan section of this guidance, states, U.S. territories, and metropolitan cities and counties with a population over 250,000 are required to provide additional data in the Project and Expenditure report for projects in the following expenditure categories:

1. Use of Evidence (for relevant ECs noted in Appendix 1)—*Collection began April 2022*
   - The dollar amount of the total project spending that is allocated towards evidence-based interventions
   - Whether a program evaluation of the project is being conducted

2. Household Assistance (EC 2.2, Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
   - Number of households receiving eviction prevention services (including legal representation)
   - Number of affordable housing units preserved or developed

3. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
   - Number of workers enrolled in sectoral job training programs
   - Number of workers completing sectoral job training programs
   - Number of people participating in summer youth employment programs

4. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
   - Number of students participating in evidence-based tutoring programs[20]

5. Healthy Childhood Environments (EC 2.11-2.14):

[20] For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.

- Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
- Number of families served by home visiting

m. NEU Documentation (NEUs only): Each NEU is also required to provide the following information once its accounts are established in Treasury's Reporting Portal and prior to the due date for their first Project and Expenditure Report (due April 30, 2022):
   - Copy of the signed award terms and conditions agreement (which was signed and submitted to the State as part of the request for funding)
   - Copy of the signed assurances of compliance with Title VI of the Civil Rights Act of 1964 (which was signed and submitted to the State as part of the request for funding)
   - Copy of actual budget documents validating the top-line budget total provided to the State as part of the request for funding

   NEU accounts are established in Treasury's Portal based on information provided by the States or territories, as further described in Section Part 2 D below.

C. Recovery Plan Performance Report

States, territories, and metropolitan cities and counties with a population that exceeds 250,000 residents (i.e., Tier 1 recipients) will also be required to publish and submit to Treasury a Recovery Plan performance report ("Recovery Plan"). Each Recovery Plan must be posted on an easily discoverable webpage on the public-facing website of the recipient by the same date the recipient submits the report to Treasury. Treasury recommends that Recovery Plans be accessible within three clicks or fewer from the homepage of the recipient's website. Within Treasury's reporting portal, recipients must upload a link to the publicly available Recovery Plan and provide required data.

The Recovery Plan provides the public and Treasury both retrospective and prospective information on the projects recipients are undertaking or planning to undertake with program funding and how they are planning to ensure program outcomes are achieved in an effective, efficient, and equitable manner. While this guidance outlines some minimum requirements for the Recovery Plan, each recipient is encouraged to add information to the plan that they feel is appropriate to provide information to their constituents on efforts they are taking to respond to the pandemic and promote economic recovery. Each jurisdiction may determine the general form and content of the Recovery Plan, as long as it includes the minimum information required by Treasury. Treasury provided a template (located at www.treasury.gov/SLFRP) but recipients may modify this template as appropriate for their jurisdiction, provided the modified template meets Treasury's requirements, outlined below. Through the Recovery Plan, recipients may link to public documents, including, but not limited to, legislation, dashboards, survey results, community engagement reports, and equity frameworks to support the Recovery Plan narrative. The Recovery Plan should include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury, as noted below.

The initial Recovery Plan covered the period from the date of award to July 31, 2021 and was required to be submitted to Treasury by August 31, 2021, or 60 days after receiving funding. Thereafter, the Recovery Plan will cover a 12-month period and recipients are required to submit the report to Treasury after the end of the 12-month period by July 31**.** The Recovery Plan should include both retrospective information covering the time period of the Recovery Plan along with prospective information on future work to be undertaken with SLFRF funds or on the planning that has been undertaken during the covered period. **Table 5** summarizes the report timelines:

Table 5 Recovery Plan Timeline

Annual Report	Period Covered	Due Date
1	Award Date – July 31, 2021	August 31, 2021 or 60 days after receiving funding
2	July 1, 2021 – June 30, 2022	July 31, 2022
3	July 1, 2022 – June 30, 2023	July 31, 2023
4	July 1, 2023 – June 30, 2024	July 31, 2024
5	July 1, 2024 – June 30, 2025	July 31, 2025
6	July 1, 2025 – June 30, 2026	July 31, 2026
7	July 1, 2026 – December 31, 2026	April 30, 2027

Recovery Plans submitted as part of reporting are used by Treasury, third party organizations, the public, and other stakeholders to obtain a comprehensive understanding of SLFRF's largest recipients' planned and actual usage of SLFRF funding, including the jurisdiction's policy goals, its strategy for achieving them, and specific projects or initiatives underway. Alignment of data reported in Project and Expenditure reports and Recovery Plans is expected by both Treasury and SLFRF's many stakeholders. Finally, Recovery Plans will be posted publicly by Treasury to provide transparency about how program funds are being used by recipient governments.

The Recovery Plan must include, at a minimum, the following information:

1. Executive Summary

In this section, recipients should provide a high-level overview of the jurisdiction's intended and actual uses of funding including, but not limited to: the jurisdiction's strategy, goals, and plan for using Fiscal Recovery Funds to respond to the pandemic and promote economic recovery, key outcome goals, progress to date on those outcomes, and any noteworthy challenges or opportunities identified during the reporting period.

2. Uses of Funds

In this section, recipients should describe in further detail the strategy and goals of their jurisdiction's SLFRF program, such as how their jurisdiction's approach would help support a strong and equitable recovery from the COVID-19 pandemic and economic downturn. Recipients should describe how their intended and actual uses of funds will achieve their goals. Given the broad eligible uses of funds established by the final rule and the specific needs of different jurisdictions, recipients should also explain how the funds would support the communities, populations, or individuals in their jurisdiction. Recipients should describe how their use of funds supports their overall strategy and goals in the following areas:

a. Public Health (EC 1): As relevant, describe how funds are being used to respond to COVID-19, the broader health impacts of COVID-19, and the COVID-19 public health emergency, including community violence interventions and behavioral health.
b. Negative Economic Impacts (EC 2): As relevant, describe how funds are being used to respond to negative economic impacts of the COVID-19 public health emergency, including services to households (such as affordable housing, job training, and childcare), small businesses, non-profits, and impacted industries.
c. Public Health-Negative Economic Impact: Public Sector Capacity (EC 3): As relevant, describe how funds are being used to support public sector workforce and capacity, including public sector payroll, rehiring of public sector workers, and building of public sector capacity.
d. Premium Pay (EC 4): As relevant, describe the approach, goals, and sectors or occupations served in any premium pay program. Describe how the approach prioritizes low-income workers and/or any particular group of eligible workers.
e. Water, sewer, and broadband infrastructure (EC 5): As relevant, describe the approach, goals, and types of projects being pursued. Where relevant, recipients should note how projects

contribute to addressing climate change and/or how projects benefit disadvantaged communities in line with the Justice40 Initiative.[21]

f. Revenue Replacement (EC 6): Describe the loss in revenue, including if electing the standard allowance, due to the COVID-19 public health emergency, and how funds have been used to provide government services, including any funds used under revenue loss for non-federal cost-share or matching requirements of other federal programs.

If appropriate, recipients may also include information on their jurisdiction's use (or planned use) of other federal recovery funds, including other programs under the American Rescue Plan such as Emergency Rental Assistance, the Homeowner Assistance Fund, the Capital Projects Fund, the State Small Business Credit Initiative, and so forth, to provide broader context on the overall approach for pandemic recovery. Jurisdictions may also address use of SLFRF funds in coordination with, or in preparation for, funding available through the Infrastructure Investment and Jobs Act.

3. Promoting equitable outcomes

Treasury encourages uses of funds that advance strong, equitable growth, including economic and racial equity. For the purposes of the SLFRF, equity is described in the Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, as issued on January 20, 2021.

In this section, recipients should describe, as applicable, their efforts to promote equitable outcomes, including economic and racial equity, and their efforts to design, implement, and measure their SLFRF program and projects with equity in mind.

In describing their efforts to **design** their SLFRF program and projects with equity in mind, recipients may consider the following:

a. Goals: Are there particular historically underserved, marginalized, or adversely affected groups that recipients intend to serve within their jurisdiction?
b. Awareness: How equitable and practical is the ability for residents or businesses to become aware of the services funded by SLFRF?
c. Access and Distribution: Are there differences in levels of access to benefits and services across groups? Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?
d. Outcomes: How are intended outcomes focused on closing gaps and/or reaching universal levels of service? How is the considering disaggregating outcomes by race, ethnicity, and other equity dimensions where relevant for the policy objective?

In describing their efforts to **implement** their SLFRF program and projects with equity in mind, recipients may consider the following:

a. Goals and Targets: Please describe how planned or current uses of funds prioritize economic and racial equity as a goal, name specific targets intended to produce meaningful equity results at scale, and include initiatives to achieve those targets.
b. Project Implementation: In addition, please explain how the jurisdiction's overall equity strategy translates into focus areas for SLFRF projects and the specific services or programs offered by the jurisdiction in the following Expenditure Category, as indicated in the final rule.

    Negative Economic Impacts (EC 2): assistance to households, small businesses, and non-profits to address impacts of the pandemic, which have been most severe among low-income populations. This includes assistance with food, housing, and other needs; employment programs for people with barriers to employment who faced negative economic impacts from

[21] See Executive Order 14008, On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, OMB M-21-28.

the pandemic (such as residents of low-income neighborhoods, minorities, disconnected youth, the unemployed, formerly incarcerated people, veterans, and people with disabilities); services to provide long-term housing security and housing supports, address educational disparities, or provide child care and early learning services; and other strategies that provide impacted and disproportionately impacted communities with services to address the negative economic impacts of the pandemic

The first annual Recovery Plan, due in 2021, was required to describe initial efforts and intended outcomes to promote equity, as applicable. Beginning in 2022, each annual Recovery Plan must provide an update, using qualitative and quantitative data, on how the recipients' approach achieved or promoted equitable outcomes or progressed against equity goals during the performance period, as applicable. Each jurisdiction should describe any constraints or challenges that impacted project success in terms of increasing equity. In particular, this section should describe the geographic and demographic distribution of funding, including whether it is targeted toward traditionally marginalized communities (recipients may reference the demographic data information in their Project and Expenditure Reports as relevant).

4. Community Engagement

In this section, recipients should describe how their jurisdiction's planned or current use of funds incorporates community engagement strategies including written feedback through surveys, project proposals, and related documents; oral feedback through community meetings, issue-specific listening sessions, stakeholder interviews, focus groups, and additional public engagement; as well as other forms of input, such as steering committees, taskforces, and digital campaigns that capture diverse feedback from the community. Recipients may describe completed or planned community engagement strategies specifically focused on their SLFRF program and projects or community engagement strategies that included SLFRF among other government programs. Recipients should also describe how community engagement strategies support their equity goals, including engagement with communities that have historically faced significant barriers to services, such as people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.

5. Labor Practices

In this section, recipients should describe workforce practices on any infrastructure projects or capital expenditures being pursued. How are projects using strong labor standards to promote effective and efficient delivery of high-quality infrastructure projects while also supporting the economic recovery through strong employment opportunities for workers? For example, report whether any of the following practices are being utilized: project labor agreements, community benefits agreements, prevailing wage requirements, and local hiring.

6. **Use of Evidence**

In this section of the Recovery Plan, recipients should describe whether and how evidence-based interventions and/or program evaluation are incorporated into their SLFRF program. Recipients may include links to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation for Fiscal Recovery Funds. Recipients are encouraged to consider how a learning agenda, either narrowly focused on SLFRF or broadly focused on the recipient's broader policy agenda, could support their overarching evaluation efforts in order to create an evidence-building strategy for their jurisdiction.[22]

In the Project Inventory section of the Recovery Plan (see Section 8 below), recipients should identify whether SLFRF funds are being used for evidence-based interventions[23] and/or if projects are being evaluated through rigorous program evaluations that are designed to build evidence. In the Project Inventory, recipients must briefly describe the goals of the project and the evidence base for the

[22] For more information on learning agendas, please see OMB M-19-23

[23] As noted in Appendix 2, evidence-based refers to interventions with strong or moderate levels of evidence.

interventions funded by the project. As part of the Project Inventory section, recipients must also specifically identify the dollar amount of the total project spending that is allocated towards evidence-based interventions for each project in the Expenditure Categories noted with an asterisk in Appendix 1. Please note that to increase consistency, the Project and Expenditure report now also includes fields for recipients to identify the dollar amount of the total project spending that is allocated to evidence-based interventions and to indicate if a program evaluation of the project is being conducted.

Recipients are encouraged to reference relevant evidence clearinghouses, among other sources, to assess the level of evidence for their interventions and identify evidence-based models that could be applied in their jurisdiction; such evidence clearinghouses include the U.S. Department of Education's What Works Clearinghouse, the U.S. Department of Labor's CLEAR, and the Childcare & Early Education Research Connections and the Home Visiting Evidence of Effectiveness clearinghouses from Administration for Children and Families, as well as other clearinghouses relevant to particular projects conducted by the recipient.

Recipients are exempt from reporting on evidence-based interventions in cases where a program evaluation is being conducted. In such cases where a recipient is conducting a program evaluation, recipients must describe the evaluation design, including whether it is a randomized or quasi-experimental design; the key research questions being evaluated; whether the study has sufficient statistical power to disaggregate outcomes by demographics; and the timeframe for the completion of the evaluation (including a link to the completed evaluation if relevant).[24] Once the evaluation has been completed, recipients must post the evaluation publicly and link to the completed evaluation in the Recovery Plan. Once an evaluation has been completed (or has sufficient interim findings to determine the efficacy of the intervention), recipients should determine whether the spending for the evaluated interventions should be counted towards the dollar amount categorized as evidence-based for the relevant project.

For all projects, recipients may be selected to participate in a national evaluation, which might, for example, study their project along with similar projects in other jurisdictions that are focused on the same set of outcomes. In such cases, recipients may be asked to share information and data that is needed for the national evaluation.

Appendix 2 contains additional information on evidence-based interventions for the purposes of the Recovery Plan.

7. Performance Report

In this section, recipients should describe how performance management is incorporated into their SLFRF program, including how they are tracking their overarching jurisdictional goals for these funds as well as measuring results for individual projects. The recipient has flexibility in terms of how this information is presented in the Recovery Plan, and may report key performance indicators for each project, or may group projects with substantially similar goals and the same outcome measures. In some cases, the recipient may choose to include some indicators for each individual project as well as crosscutting indicators. Recipients may include links to performance management dashboards, performance management policies, and other public facing tools that are used to track and communicate the performance of Fiscal Recovery Funds. In addition to outlining in this section their high-level approach to performance management, recipients must also include key performance indicators for each SLFRF project in the Project Inventory section (described below in #8).

Performance indicators should include both output and outcome measures. Output measures, such as the number of students enrolled in an early learning program, provide valuable information about the early implementation stages of a project. Outcome measures, such as the percent of students

[24] For more information on the required standards for program evaluation, see OMB M-20-12.

reading on grade level, provide information about whether a project is achieving its overall goals. Recipients are encouraged to use logic models[25] to identify their output and outcome measures.

While the initial Recovery Plan focused heavily on early output goals, recipients should include the related outcome goal for each project and provide updated information on achieving these outcome goals in subsequent annual reports. In cases where recipients are conducting a program evaluation for a project (as described above), the outcome measures in the performance report should be aligned with those being evaluated in the program. As described in the final rule, to support their performance measurement and program improvement efforts, recipients are permitted to use funds to make improvements to data or technology infrastructure and data analytics, as well as perform program evaluations.

While recipients have discretion on the full suite of performance indicators to include, a number of mandatory performance indicators and programmatic data must be included. These are necessary to allow Treasury to conduct oversight as well as understand and aggregate program outcomes across recipients. This section provides an overview of the mandatory performance indicators and programmatic data. This information should be included in the Project Inventory, but this data will also need to be entered directly into the Treasury reporting portal as part of the Project and Expenditure report, as Treasury has added these fields (for Tier 1 recipients only) to the Project and Expenditure report. Below is a list of required data for each Expenditure Category, where relevant.

a. Household Assistance (EC 2.2), Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
   - Number of households receiving eviction prevention services (including legal representation)
   - Number of affordable housing units preserved or developed

b. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
   - Number of workers enrolled in sectoral job training programs
   - Number of workers completing sectoral job training programs
   - Number of people participating in summer youth employment programs

c. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
   - Number of students participating in evidence-based tutoring programs[26]

d. Healthy Childhood Environments (EC 2.11-2.14):
   - Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
   - Number of families served by home visiting

The initial report should have included the key indicators above. Each annual report thereafter should include updated data for the performance period as well as prior period data, and a brief narrative adding any additional context to help the reader interpret the results and understand any changes in performance indicators over time. To the extent possible, Treasury also encourages recipients to provide data disaggregated by race, ethnicity, gender, income, and other relevant factors.

8. Project Inventory

[25] A logic model is a tool that depicts the intended links between program investments and outcomes, specifically the relationships among the resources, activities, outputs, outcomes, and impact of a program.
[26] For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.).

In this section, recipients should list the name and provide a brief description of each SLFRF funded project. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding.

For each project, recipients should include the project name, funding amount, identification number (the same identification number created by the recipient that matches the identification number used in the quarterly Project and Expenditure Report), project Expenditure Category (see Appendix 1), and a description of the project that includes an overview of the main activities of the project, approximate timeline, primary delivery mechanisms and partners, and intended outcomes. Each jurisdiction should also include a link to the website of the project if available. This information will provide context and additional detail for the information reported quarterly in the Project and Expenditure Report.

For infrastructure projects, where relevant, recipients should describe how the project contributes to addressing climate change and/or advances the Justice40 initiative[27], which sets a target of providing 40 percent of the benefits of certain federal investments, including climate and clean energy investments to disadvantaged communities.

As noted above in section 6, the Project Inventory must also include information about the dollar amount of the total project spending that is allocated towards evidence-based interventions (or describe how projects are being evaluated as noted above). As described above in section 7, the Project Inventory must also contain information about the performance indicators for each project, including both those measures that recipients have defined for each project as well as the mandatory performance indicators defined by Treasury.

Recipients have flexibility in the presentation and format of their Project Inventory, provided it includes the minimum required information. Recipients have the option of downloading a spreadsheet of the information entered into their Project and Expenditure Report to assist them in creating the Project Inventory in their Recovery Plan. However, recipients must ensure that their Project Inventory contains the additional information required by this guidance, including but not limited to information about performance measures and evidence/evaluation for each project. In all cases, recipients must post publicly (and submit to Treasury) a single PDF file of their Recovery Plan, which includes the Project Inventory.

D. Distributions to NEUs

Each state and territory is required to provide regular updates on their NEU distributions as well as their distributions to units of general local government within counties that are not units of general local government. The distribution template generally requests information on whether the local government has (1) received funding; (2) declined funding and requested a transfer to the state under Section 603(c)(4) of the Act; or (3) not taken action on its funding or declined funding.

For NEUs, states and territories should be prepared to report on their information, including the following:

- NEU name
- NEU UEI number
- NEU Taxpayer Identification Number (TIN)
- NEU Recipient Number (a unique identification code for each NEU assigned by the State or territory to the NEU as part of the request for funding)
- NEU contact information (e.g., address, point of contact name, point of contact email address, and point of contact phone number)
- NEU authorized representative name and email address

[27] See Executive Order 14008, On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, OMB M-21-28.

- Initial allocation and, if applicable, subsequent allocation to the NEU (before application of the 75 percent cap)
- Total NEU reference budget (as submitted by the NEU to the State or territory as part of the request for funding)
- Amount of the initial and, if applicable, subsequent allocation above 75 percent of the NEU's reference budget which will be returned to Treasury
- Payment amount(s)
- Payment date(s)

States with "weak" minor civil divisions (i.e., Illinois, Indiana, Kansas, Missouri, Nebraska, North Dakota, Ohio, and South Dakota) should also list any minor civil divisions that the state deemed ineligible.

For each eligible NEU that declined funding and requested a transfer to the state under Section 603(c)(4) of the Social Security Act, the state or territory must also attach a form signed by the NEU, as detailed in the Guidance on Distributions of Funds to Non-Entitlement Units of Local Government.

Appendix 1: Expenditure Categories

Treasury's final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients began reporting on a broader set of eligible uses and associated Expenditure Categories ("EC"), starting with the April 2022 Project and Expenditure Report than they did in their interim reports, initial Recovery Plans, and January Project and Expenditure Report. The table below includes the new Expenditure Categories, as well as a reference to previous Expenditure Categories aligned with the interim final rule and used for reporting before this date.

The Expenditure Categories (EC) listed below must be used to categorize each project as noted in Part 2 above. The term "Expenditure Category" refers to the detailed level (e.g., 1.1 COVID-19 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level.

*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disproportionately impacted communities (see Project Demographic Distribution section above for details)

Expenditure Category	EC[28]	Previous EC[29]
1: Public Health		
COVID-19 Mitigation & Prevention		
COVID-19 Vaccination^	1.1	1.1
COVID-19 Testing^	1.2	1.2
COVID-19 Contact Tracing^	1.3	1.3
Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.)*^	1.4	1.4
Personal Protective Equipment^	1.5	1.5
Medical Expenses (including Alternative Care Facilities)^	1.6	1.6
Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)^	1.7	1.8
COVID-19 Assistance to Small Businesses^	1.8	-
COVID 19 Assistance to Non-Profits^	1.9	-
COVID-19 Aid to Impacted Industries^	1.10	-
Community Violence Interventions		
Community Violence Interventions*^	1.11	3.16
Behavioral Health		
Mental Health Services*^	1.12	1.10
Substance Use Services*^	1.13	1.11
Other		
Other Public Health Services^	1.14	1.12
Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	-	1.7
2: Negative Economic Impacts		
Assistance to Households		
Household Assistance: Food Programs*^	2.1	2.1

[28] Under the final rule to be used starting with April 2022 reports

[29] Under the interim final rule to be used in Interim Report and January 2022 Project and Expenditure Report

Expenditure Category	EC[28]	Previous EC[29]
Household Assistance: Rent, Mortgage, and Utility Aid*^	2.2	2.2
Household Assistance: Cash Transfers*^	2.3	2.3
Household Assistance: Internet Access Programs*^	2.4	2.4
Household Assistance: Paid Sick and Medical Leave^	2.5	-
Household Assistance: Health Insurance*^	2.6	-
Household Assistance: Services for Un/Unbanked*^	2.7	-
Household Assistance: Survivor's Benefits^	2.8	-
Unemployment Benefits or Cash Assistance to Unemployed Workers*^	2.9	2.6
Assistance to Unemployed or Underemployed Workers (e.g. job training, subsidized employment, employment supports or incentives)*^	2.10	2.7
Healthy Childhood Environments: Child Care*^	2.11	3.6
Healthy Childhood Environments: Home Visiting*^	2.12	3.7
Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System*^	2.13	3.8
Healthy Childhood Environments: Early Learning*^	2.14	3.1
Long-term Housing Security: Affordable Housing*^	2.15	3.10
Long-term Housing Security: Services for Unhoused Persons*^	2.16	3.11
Housing Support: Housing Vouchers and Relocation Assistance for Disproportionately Impacted Communities*^	2.17	-
Housing Support: Other Housing Assistance*^	2.18	3.12
Social Determinants of Health: Community Health Workers or Benefits Navigators*^	2.19	3.14
Social Determinants of Health: Lead Remediation*^	2.20	3.15
Medical Facilities for Disproportionately Impacted Communities^	2.21	-
Strong Healthy Communities: Neighborhood Features that Promote Health and Safety^	2.22	-
Strong Healthy Communities: Demolition and Rehabilitation of Properties^	2.23	-
Addressing Educational Disparities: Aid to High-Poverty Districts^	2.24	3.2
Addressing Educational Disparities: Academic, Social, and Emotional Services*^	2.25	3.3
Addressing Educational Disparities: Mental Health Services*^	2.26	3.4
Addressing Impacts of Lost Instructional Time^	2.27	-
Contributions to UI Trust Funds^	2.28	2.8
Assistance to Small Businesses		
Loans or Grants to Mitigate Financial Hardship^	2.29	2.9
Technical Assistance, Counseling, or Business Planning*^	2.30	
Rehabilitation of Commercial Properties or Other Improvements^	2.31	-
Business Incubators and Start-Up or Expansion Assistance*^	2.32	
Enhanced Support to Microbusinesses*^	2.33	
Assistance to Non-Profits		
Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)^	2.34	2.10
Aid to Impacted Industries		
Aid to Tourism, Travel, or Hospitality^	2.35	2.11
Aid to Other Impacted Industries^	2.36	2.12
Other		
Economic Impact Assistance: Other*^	2.37	2.13
Household Assistance: Eviction Prevention*^	-	2.5
Education Assistance: Other*^	-	3.5

Expenditure Category	EC[28]	Previous EC[29]
Healthy Childhood Environments: Other*^	-	3.9
Social Determinants of Health: Other*^	-	3.13
3: Public Health-Negative Economic Impact: Public Sector Capacity		
General Provisions		
Public Sector Workforce: Payroll and Benefits for Public Health, Public Safety, or Human Services Workers	3.1	1.9
Public Sector Workforce: Rehiring Public Sector Staff	3.2	2.14
Public Sector Workforce: Other	3.3	-
Public Sector Capacity: Effective Service Delivery	3.4	7.2
Public Sector Capacity: Administrative Needs	3.5	-
4: Premium Pay		
Public Sector Employees	4.1	4.1
Private Sector: Grants to Other Employers	4.2	4.2
5: Infrastructure		
Water and Sewer		
Clean Water: Centralized Wastewater Treatment	5.1	5.1
Clean Water: Centralized Wastewater Collection and Conveyance	5.2	5.2
Clean Water: Decentralized Wastewater	5.3	5.3
Clean Water: Combined Sewer Overflows	5.4	5.4
Clean Water: Other Sewer Infrastructure	5.5	5.5
Clean Water: Stormwater	5.6	5.6
Clean Water: Energy Conservation	5.7	5.7
Clean Water: Water Conservation	5.8	5.8
Clean Water: Nonpoint Source	5.9	5.9
Drinking water: Treatment	5.10	5.10
Drinking water: Transmission & Distribution	5.11	5.11
Drinking water: Lead Remediation, including in Schools and Daycares	5.12	5.12
Drinking water: Source	5.13	5.13
Drinking water: Storage	5.14	5.14
Drinking water: Other water infrastructure	5.15	5.15
Water and Sewer: Private Wells	5.16	-
Water and Sewer: IIJA Bureau of Reclamation Match	5.17	-
Water and Sewer: Other	5.18	-
Broadband		
Broadband: “Last Mile” projects	5.19	5.16
Broadband: IIJA Match	5.20	-
Broadband: Other projects	5.21	5.17
6: Revenue Replacement		
Provision of Government Services	6.1	6.1
Non-federal Match for Other Federal Programs	6.2	-
7: Administrative		
Administrative Expenses	7.1	7.1
Transfers to Other Units of Government	7.2	7.3
Transfers to Non-entitlement Units (States and territories only)	-	7.4

Treasury has prepared the additional guidance below to support recipients in implementing the new expenditure categories. This table includes only those previous expenditure categories that are changing under the new structure, aligned with the final rule.

January 2022 Expenditure Categories		April 2022 Guidance
1: Public Health		
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	EC removed, capital expenditures can be designated in any relevant PH-NEI EC (e.g., new hospital wing would be tracked under EC 1.4)
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)	EC is 1.7
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19	EC is 3.1
1.10	Mental Health Services*	EC is 1.12
1.11	Substance Use Services*	EC is 1.13
1.12	Other Public Health Services	EC is 1.14
2: Negative Economic Impacts		
2.5	Household Assistance: Eviction Prevention	EC is now included as part of 2.2
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*	EC is 2.9
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)*^	EC is 2.10
2.8	Contributions to UI Trust Funds	EC is 2.28
2.9	Small Business Economic Assistance (General)*^	If public-health related (e.g., providing rapid tests for small businesses), EC is 1.8; if related to negative economic impact eligible use (e.g., grants, technical assistance, rehabilitation, incubators, or microbusinesses), EC is 2.29-2.33
2.10	Aid to Nonprofit Organizations*	If public-health related (e.g., providing rapid tests for non-profits), EC is 1.9; if related to negative economic impact (e.g., grants to stabilize non-profit budget), EC is 2.34
2.11	Aid to Tourism, Travel, or Hospitality	EC is 2.35
2.12	Aid to Other Impacted Industries	EC is 2.36
2.13	Other Economic Support*^	EC is 2.37, re-named Other Economic Impact
2.14	Rehiring Public Sector Staff	EC is 3.2
3: Services to Disproportionately Impacted Communities		
3.1	Education Assistance: Early Learning*^	EC is 2.14
3.2	Education Assistance: Aid to High-Poverty Districts ^	EC is 2.24
3.3	Education Assistance: Academic Services*^	EC is 2.25, social and emotional services will now be tracked under this EC
3.4	Education Assistance: Social, Emotional, and Mental Health Services*^	EC is 2.26, if social and emotional services, EC is 2.25;

January 2022 Expenditure Categories	April 2022 Guidance
3.5 Education Assistance: Other*^	EC is 2.37, collected under Other Economic Impact
3.6 Healthy Childhood Environments: Child Care*^	EC is 2.11
3.7 Healthy Childhood Environments: Home Visiting*^	EC is 2.12
3.8 Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System*^	EC is 2.13
3.9 Healthy Childhood Environments: Other*^	EC is 2.37, collected under Other Economic Impact
3.10 Housing Support: Affordable Housing*^	EC is 2.15
3.11 Housing Support: Services for Unhoused Persons*^	EC is 2.16
3.12 Housing Support: Other Housing Assistance*^	EC is 2.18
3.13 Social Determinants of Health: Other*^	EC is 2.37, collected under Other Economic Impact
3.14 Social Determinants of Health: Community Health Workers or Benefits Navigators*^	EC is 2.19
3.15 Social Determinants of Health: Lead Remediation^	EC is 2.20
3.16 Social Determinants of Health: Community Violence Interventions*^	EC is 1.11
5: Infrastructure	
5.16 Broadband: “Last Mile” projects	EC is 5.19
5.17 Broadband: Other projects	EC is 5.20
7: Administrative	
7.2 Evaluation and Data Analysis	EC is 3.4 and has been renamed Effective Service Delivery
7.3 Transfers to Other Units of Government	EC is 7.2
7.4 Transfers to Non-entitlement Units (States and territories only)	To be separately reported as part of NEU/Non-UGLG module. Refer to Part 2 Section D.

Appendix 2: Evidenced-Based Intervention Additional Information

What is evidence-based?
For the purposes of the SLFRF, with the exception of investments in educational services (see additional information below), evidence-based refers to interventions with strong or moderate evidence as defined below:

Strong evidence means that the evidence base can support causal conclusions for the specific program proposed by the applicant with the highest level of confidence. This consists of one or more well-designed and well-implemented experimental studies conducted on the proposed program with positive findings on one or more intended outcomes.

Moderate evidence means that there is a reasonably developed evidence base that can support causal conclusions. The evidence base consists of one or more quasi-experimental studies with positive findings on one or more intended outcomes OR two or more non-experimental studies with positive findings on one or more intended outcomes. Examples of research that meet the standards include: well-designed and well-implemented quasi-experimental studies that compare outcomes between the group receiving the intervention and a matched comparison group (i.e., a similar population that does not receive the intervention).

Preliminary evidence means that the evidence base can support conclusions about the program's contribution to observed outcomes. The evidence base consists of at least one non-experimental study. A study that demonstrates improvement in program beneficiaries over time on one or more intended outcomes OR an implementation (process evaluation) study used to learn about and improve program operations would constitute preliminary evidence. Examples of research that meet the standards include: (1) outcome studies that track program beneficiaries through a service pipeline and measure beneficiaries' responses at the end of the program; and (2) pre- and post-test research that determines whether beneficiaries have improved on an intended outcome.

For investments in educational services, "evidence-based", consistent with the American Rescue Plan Act, has the meaning in section 8101(21) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6301 *et seq*.). Please see page 16 of this Frequently Asked Questions resource on the Department of Education's Elementary and Secondary School Emergency Relief Programs and Governor's Emergency Education Relief Programs for more information.

Appendix 3: Expenditure Categories aligned with the Interim Final Rule

1: Public Health	
1.1	COVID-19 Vaccination ^
1.2	COVID-19 Testing ^
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
1.10	Mental Health Services*
1.11	Substance Use Services*
1.12	Other Public Health Services
2: Negative Economic Impacts	
2.1	Household Assistance: Food Programs* ^
2.2	Household Assistance: Rent, Mortgage, and Utility Aid* ^
2.3	Household Assistance: Cash Transfers* ^
2.4	Household Assistance: Internet Access Programs* ^
2.5	Household Assistance: Eviction Prevention* ^
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)* ^
2.10	Aid to Nonprofit Organizations*
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support* ^
2.14	Rehiring Public Sector Staff
3: Services to Disproportionately Impacted Communities	
3.1	Education Assistance: Early Learning* ^
3.2	Education Assistance: Aid to High-Poverty Districts ^
3.3	Education Assistance: Academic Services* ^
3.4	Education Assistance: Social, Emotional, and Mental Health Services* ^
3.5	Education Assistance: Other* ^
3.6	Healthy Childhood Environments: Child Care* ^
3.7	Healthy Childhood Environments: Home Visiting* ^
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^
3.9	Healthy Childhood Environments: Other* ^
3.10	Housing Support: Affordable Housing* ^
3.11	Housing Support: Services for Unhoused Persons* ^

3.12	Housing Support: Other Housing Assistance* ^
3.13	Social Determinants of Health: Other* ^
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
3.15	Social Determinants of Health: Lead Remediation ^
3.16	Social Determinants of Health: Community Violence Interventions* ^
4: Premium Pay	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
5: Infrastructure	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking water: Treatment
5.11	Drinking water: Transmission & Distribution
5.12	Drinking water: Transmission & Distribution: Lead Remediation
5.13	Drinking water: Source
5.14	Drinking water: Storage
5.15	Drinking water: Other water infrastructure
5.16	Broadband: “Last Mile” projects
5.17	Broadband: Other projects
6: Revenue Replacement	
6.1	Provision of Government Services
7: Administrative	
7.1	Administrative Expenses
7.2	Evaluation and Data Analysis
7.3	Transfers to Other Units of Government
7.4	Transfers to Non-entitlement Units (States and territories only)

Revision Log

Version	Date Published	Summary of changes
1.0	June 17, 2021	Initial publication
1.1	June 24, 2021	• Pg. 12, removed references to “summary” level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 13, revised the coverage period end date for the Interim Report from June 30, 2021 to July 31, 2021 to align with the IFR. • Pg. 13, removed references to “summary” level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 31, removed references to “summary level” with respect to Expenditure Categories in Appendix 1 to avoid confusion.
1.1	September 30, 2021	• Announced the extension in the Project and Expenditure Report submission date, originally due on October 31, 2021.
2.0	November 5, 2021	• Updated Subrecipient Monitoring section to clarify beneficiaries and recipients. • Updated references to Interim Final Rule comment period as comment period is closed. • Updated reporting tiers, thresholds and timelines in Part 2 Table 2, Reporting Requirements by recipient type, as well as Part 2 A and Part 2 B. • Updated reporting periods for Interim Report and Project and Expenditure reports. • Added concept of Adopted Budget to Project and Expenditure Report data fields. • Noted phase in of Required Programmatic Data in the Project and Expenditure Report. • Removed certain data fields from the Ineligible Activities: Tax Offset Provision under the Recovery Plan. • Separated reporting of NEU Distributions (for States and territories) from the Interim Report and Project and Expenditure Reports as information will be provided on an ongoing basis.
2.1	November 15, 2021	• Updated pages 9 and 11 to note that civil rights certification is not applicable to Tribal Governments.
3.0	February 28, 2022	• Updated to incorporate reporting updates under the final rule
4.0	June 10, 2022	• Updated Recovery Plan guidance to incorporate minor revisions • Updated language around certain data fields that were required for April 2022 reporting • Updated data fields for Ineligible Activities: Tax Offset Provision for the Project and Expenditure report • Updated Broadband data fields
4.1	June 17, 2022	• Updated clerical errors in Ineligible Activities: Tax Offset Provision
4.2	August 15, 2022	• Updated to clarify resources for Uniform Guidance applicability and add a reference to an alternative to the Single Audit available for eligible recipients
5.0	September 20, 2022	• Updated to note phase in of broadband location by location data fields
5.1	June 6, 2023	• Updated to include Fabric ID and Provider ID fields for broadband location by location data collection.

Exhibit D

CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964
In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.

2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.

3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit http://www.lep.gov.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.

5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and

agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

> *The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.*

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.

7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.

8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.

9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of sub-recipients.

11. **The Catalogue of Federal Domestic Assistance (CFDA) Number for the State and Local Fiscal Recovery Funds is 21.027.**

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **CITY MANAGER'S OFFICE – FINANCE DIVISION**

DISTRICT: **ALL**

SUBJECT: **ADOPT RESOLUTION NO. CC 2023-050, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE ESTABLISHING A NEW FULL-TIME POSITION AND AMENDING THE CITY'S CLASSIFICATION AND PAY PLAN FOR GENERAL POSITIONS.**

ISSUE

Adopt Resolution No. CC 2023-050, a Resolution of the City Council of the City of Palmdale establishing a new full-time position and amending the City's Classification and Pay Plan for General Positions.

RECOMMENDATION

Staff recommends that the City Council:

1. Adopt Resolution No. CC 2023-050, a Resolution of the City Council of the City of Palmdale establishing a new full-time position and amending the City's Classification and Pay Plan for General Positions.

BACKGROUND

The City Manager, in collaboration with the Human Resources division, monitors and evaluates positions within the organization and makes recommendations based on the needs of the City.

DISCUSSION

It is requested that the City add a Deputy Director in the Human Resources division. The position will provide a strong level of leadership, direct, develop and coordinate policies and staff, ensure legal compliance and implementation of the organization's mission and talent strategy.

In Fiscal Year 2023-24, the City budgeted for a Deputy City Manager position, that has since become vacant. The Deputy City Manager position will be removed from authorized position listing and replaced with the Deputy Director position.

FISCAL IMPACT

$0; there is no fiscal impact. Funds are budgeted and available in account 10111201-701000/705000 and will be transferred to account 10113001-701000/70500.

STRATEGIC PLAN

Goal II: Ensure long-term fiscal health of the City and maintain funding for services.

B. Manage resources, costs, and liabilities to ensure the City's long-term fiscal health.

C. Involve and expand engagement to enhance public oversight and transparency.

Prepared by:	Janelle Samson, Director of Finance
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, Interim City Attorney

ATTACHMENTS

1. Resolution No. CC 2023-050

CITY COUNCIL
CITY OF PALMDALE, CALIFORNIA
RESOLUTION NO. CC 2023-050

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE ESTABLISHING A NEW FULL-TIME POSITION AND AMENDING THE CITY'S CLASSIFICATION AND PAY PLAN FOR GENERAL POSITIONS

NOW THEREFORE, BE IT RESOLVED, THE CITY COUNCIL OF THE CITY OF PALMDALE DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

SECTION 1. One new full-time positions, Deputy Director, is approved; and

SECTION 2. The City's Classification and Pay Plan for General Positions is amended as set forth in attached Exhibit #1; and

SECTION 3. The City Manager, or her designee thereof, shall take, without further action of this City Council, all actions necessary or desirable to accomplish the establishment of a new full-time position and necessary related actions, as contemplated by this Resolution.

SECTION 4. The City Clerk shall certify to the adoption of this resolution.

SECTION 5. This Resolution is effective August 16, 2023

PASSED, APPROVED and **ADOPTED** this 16th day of August, 2023.

_____
Laura Bettencourt, Mayor

Approved as to form:

ATTEST:

_____
William P. Curley,
Interim City Attorney

_____
Rochelle Scott, Acting City Clerk

I, Rochelle Scott, Acting City Clerk of Palmdale, California, do hereby certify that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 16th day of August, 2023 by the following roll call vote:

AYES: _____

NOES:_____

ABSTAIN:_____ABSENT:_____

Date: _____ _____

Rochelle Scott, Acting City Clerk

Effective July 3, 2023, Revised August 16, 2023

CLASSIFICATION AND PAY PLAN – GENERAL POSITIONS
FY 2023 – 2024

TITLE	RANGE Hourly	RANGE #
Intern	$17.00- $19.17 per hour	14
Program Aide	$17.00- $19.17 per hour	14
Administrative Intern	$18.61 – $23.76 per hour	18
Records Management Clerk I	$18.61 – $23.76 per hour	18
Public Security Officer	$18.61 – $23.76 per hour	18
Office Assistant I	$20.52 – $26.19 per hour	20
Records Management Clerk II	$20.52 – $26.19 per hour	20
Senior Public Security Officer	$20.52 – $26.19 per hour	20
SAVES Assistant	$22.63 – $28.88 per hour	22
Senior Records Management Clerk	$22.63 – $28.88 per hour	22
Neighborhood Compliance Officer	$24.95 – $31.85 per hour	24
Theater Operations Technician	$24.95 – $31.85 per hour	24
Senior Neighborhood Compliance Officer	$27.51 – $35.11 per hour	26
Theater Operations Coordinator	$27.51 – $35.11 per hour	26
Administrative Assistant	$28.88 – $36.86 per hour	27

TITLE	RANGE Monthly	RANGE #
Office Assistant I	$3,557 - $4,540	20
Senior Public Security Officer	$3,557 - $4,540	20
Account Clerk I	$3,923 - $5,006	22
Office Assistant II	$3,923 - $5,006	22
SAVES Assistant	$3,923 - $5,006	22
Account Clerk II	$4,325 - $5,521	24
Audio Technician	$4,325 - $5,521	24
Neighborhood Compliance Officer	$4,325 - $5,521	24
Public Safety Technician	$4,325 - $5,521	24
Records Management Specialist	$4,325 - $5,521	24
Community Compliance Aide I	$4,768 - $6,086	26
Community Service Officer	$4,768 - $6,086	26
Development Technician I	$4,768 - $6,086	26
Information Technology Technician I	$4,768 - $6,086	26
Senior Account Clerk	$4,768 - $6,086	26
Theater Operations Coordinator	$4,768 - $6,086	26
Administrative Assistant	$5,006 - $6,389	27
Management Aide	$5,006 - $6,389	27
Business License Coordinator	$5,255 - $6,711	28
Community Compliance Aide II	$5,255 - $6,711	28
Community Development Technician II	$5,255 - $6,711	28
Financial Technician	$5,255 - $6,711	28
Information Technology Technician II	$5,255 - $6,711	28

Effective July 3, 2023, Revised August 16, 2023

TITLE	RANGE Monthly	RANGE #
Payroll Specialist	$5,255 - $6,711	28
Public Safety Specialist	$5,255 - $6,711	28
Housing Technician	$5,521 - $7,044	29
SAVES Coordinator	$5,521 - $7,044	29
Senior Administrative Assistant	$5,521 - $7,044	29
Senior Community Development Technician	$5,521 - $7,044	29
Supervising Public Security Officer	$5,521 - $7,044	29
Building Inspector I	$5,796 - $7,398	30
Economic Development Coordinator	$5,796 - $7,398	30
Engineering Technician I	$5,796 - $7,398	30
Plan Reviewer Aide	$5,796 - $7,398	30
Planning Aide	$5,796 - $7,398	30
Public Works Inspector I	$5,796 - $7,398	30
Recreation Coordinator	$5,796 - $7,398	30
Senior Payroll Specialist	$5,796 - $7,398	30
Buyer	$6,086 - $7,769	31
City Council Legislative Aide	$6,086 - $7,769	31
Code Enforcement Officer I	$6,086 - $7,769	31
Community Compliance Specialist	$6,086 - $7,769	31
Deputy City Clerk	$6,086 - $7,769	31
Digital Media Specialist	$6,086 - $7,769	31
Environmental Compliance Inspector	$6,086 - $7,769	31
Executive Assistant	$6,086 - $7,769	31
Human Resources Specialist	$6,086 - $7,769	31
Neighborhood Services Specialist	$6,086 - $7,769	31
Traffic Signal & Streetlight Technician I	$6,086 - $7,769	31
Assistant Planner	$6,389 - $8,155	32
Building Inspector II	$6,389 - $8,155	32
Engineering Technician II	$6,389 - $8,155	32
Information Technology Specialist	$6,389 - $8,155	32
Public Works Inspector II	$6,389 - $8,155	32
Supervising Community Development Technician	$6,389 - $8,155	32
Assistant Engineer I	$6,711 - $8,564	33
Code Enforcement Officer II	$6,711 - $8,564	33
Collection System Maintenance Planner	$6,711 - $8,564	33
Community Compliance Coordinator	$6,711 - $8,564	33
GIS Analyst	$6,711 - $8,564	33
Human Resources Analyst I	$6,711 - $8,564	33
Legal and Risk Coordinator	$6,711 - $8,564	33
Management Analyst I	$6,711 - $8,564	33
Recreation Supervisor	$6,711 - $8,564	33
Senior Buyer	$6,711 - $8,564	33
Traffic Signal & Streetlight Technician II	$6,711 - $8,564	33
Associate Planner	$7,044 - $8,993	34
Plan Reviewer	$7,044 - $8,993	34
Senior Building Inspector	$7,044 - $8,993	34
Senior Engineering Technician	$7,044 - $8,993	34
Senior Public Works Inspector	$7,044 - $8,993	34

Effective July 3, 2023, Revised August 16, 2023

TITLE	RANGE Monthly	RANGE #
Assistant Engineer II	$7,398 - $9,443	35
Assessment District Specialist	$7,398 - $9,443	35
City Council Chief of Staff	$7,398 - $9,443	35
Community Programs Coordinator	$7,398 - $9,443	35
Financial Analyst	$7,398 - $9,443	35
Housing Coordinator	$7,398 - $9,443	35
Human Resources Analyst II	$7,398 - $9,443	35
Information Technology Analyst I	$7,398 - $9,443	35
Asset Management Specialist	$7,398 - $9,443	35
Management Analyst II	$7,398 - $9,443	35
Marketing & Digital Specialist	$7,398 - $9,443	35
Media Production Specialist	$7,398 - $9,443	35
Paralegal	$7,398 - $9,443	35
Senior Code Enforcement Officer	$7,398 - $9,443	35
Senior Traffic Signal & Streetlight Technician	$7,398 - $9,443	35
Water Park Supervisor	$7,398 - $9,443	35
Collection System Superintendent	$7,769 - $9,915	36
Community Compliance Supervisor	$7,769 - $9,915	36
Facilities Superintendent	$7,769 - $9,915	36
Fleet Superintendent	$7,769 - $9,915	36
Landscape Superintendent	$7,769 - $9,915	36
Parks Superintendent	$7,769 - $9,915	36
Public Safety Supervisor	$7,769 - $9,915	36
Senior Financial Analyst	$7,769 - $9,915	36
Associate Engineer	$8,155 - $10,402	37
Information Technology Analyst II	$8,155 - $10,402	37
Public Art Program Manager	$8,155 - $10,402	37
Public Works Project Manager	$8,155 - $10,402	37
Senior Housing Coordinator	$8,155 - $10,402	37
Senior Human Resources Analyst	$8,155 - $10,402	37
Senior Management Analyst	$8,155 - $10,402	37
Senior Planner	$8,155 - $10,402	37
Senior Plan Reviewer	$8,155 - $10,402	37
Supervising Building Inspector	$8,155 - $10,402	37
Supervising Financial Analyst	$8,155 - $10,402	37
Supervising Public Works Inspector	$8,155 - $10,402	37
Budget Officer	$8,564 - $10,930	38
Deputy Public Information Officer	$8,564 - $10,930	38
Diversity, Equity & Inclusion Specialist	$8,564 - $10,930	38
Purchasing & Contracts Manager	$8,564 - $10,930	38
Safety Officer	$8,564 - $10,930	38
Street Superintendent	$8,564 - $10,930	38
Traffic Signal & Streetlight Manager	$8,564 - $10,930	38
GIS Coordinator	$8,993 - $11,476	39
Senior Information Technology Analyst	$8,993 - $11,476	39
Senior Public Works Project Manager	$8,993 - $11,476	39

Effective July 3, 2023, Revised August 16, 2023

TITLE	RANGE Monthly	RANGE #
Community Compliance Manager	$9,443 - $12,052	40
Community Programs Manager	$9,443 - $12,052	40
Deputy City Attorney	$9,443 - $12,052	40
Emergency Services Administrator	$9,443 - $12,052	40
Energy Resources Manager	$9,443 - $12,052	40
Engineering Manager	$9,443 - $12,052	40
Innovation and Environmental Manager	$9,443 - $12,052	40
Housing Manager	$9,443 - $12,052	40
Principal Planner	$9,443 - $12,052	40
Recreation Manager	$9,443 - $12,052	40
Senior Engineer	$9,443 - $12,052	40
Senior Civil Engineer	$9,443 - $12,052	40
Traffic Manager	$9,443 - $12,052	40
Assistant to the City Manager	$9,915 - $12,653	41
City Clerk	$9,915 - $12,653	41
Communications Manager	$9,915 - $12,653	41
Building Official	$10,402 - $13,286	42
Economic Development Manager	$10,402 - $13,286	42
Information Technology Manager	$10,402 - $13,286	42
Maintenance Services Manager	$10,402 - $13,286	42
Capital Improvement Program Manager	$11,476 - $14,647	44
Finance Manager	$11,476 - $14,647	44
Human Resources Manager	$11,476 - $14,647	44
Planning Manager	$11,476 - $14,647	44
Traffic Engineer	$11,476 - $14,647	44
Deputy Director of Economic & Community Development	$12,052 - $15,378	45
Deputy Director	$12,052 - $15,378	45
Deputy Director of Finance	$12,052 - $15,378	45
Deputy Director of Parks & Recreation	$12,052 - $15,378	45
Assistant City Attorney	$13,286 - $16,955	47
City Engineer	$13,286 - $16,955	47
Deputy Director of Public Works	$13,286 - $16,955	47
Deputy City Manager	$13,948 – $17,805	48
Director of Economic & Community Development	$13,948 – $17,805	48
Director of Finance	$13,948 – $17,805	48
Director of Parks & Recreation	$13,948 – $17,805	48
Director of Neighborhood Services	$13,948 – $17,805	48
Director of Public Works	$16,955 - $21,641	52
Assistant City Manager	$19,630 - $25,052	55

TITLE	Monthly - Contract
City Manager	$25,728.54

City of Palmdale
Hourly Wage Range/Step Schedule - General Positions
Effective July 3, 2023

Range	Step A	Step B	Step C	Step D	Step E	Step F
14	N/A	N/A	17.00	17.74	18.61	19.17
15	15.50	17.00	17.74	18.61	19.55	20.52
16	17.00	17.74	18.61	19.55	20.52	21.56
17	17.74	18.61	19.55	20.52	21.56	22.63
18	18.61	19.55	20.52	21.56	22.63	23.76
19	19.55	20.52	21.56	22.63	23.76	24.95
20	20.52	21.56	22.63	23.76	24.95	26.19
21	21.56	22.63	23.76	24.95	26.19	27.51
22	22.63	23.76	24.95	26.19	27.51	28.88
23	23.76	24.95	26.19	27.51	28.88	30.32
24	24.95	26.19	27.51	28.88	30.32	31.85
25	26.19	27.51	28.88	30.32	31.85	33.44
26	27.51	28.88	30.32	31.85	33.44	35.11
27	28.88	30.32	31.85	33.44	35.11	36.86
28	30.32	31.85	33.44	35.11	36.86	38.72
29	31.85	33.44	35.11	36.86	38.72	40.64
30	33.44	35.11	36.86	38.72	40.64	42.68
31	35.11	36.86	38.72	40.64	42.68	44.82
32	36.86	38.72	40.64	42.68	44.82	47.05
33	38.72	40.64	42.68	44.82	47.05	49.41
34	40.64	42.68	44.82	47.05	49.41	51.88
35	42.68	44.82	47.05	49.41	51.88	54.48
36	44.82	47.05	49.41	51.88	54.48	57.20
37	47.05	49.41	51.88	54.48	57.20	60.01
38	49.41	51.88	54.48	57.20	60.01	63.06
39	51.88	54.48	57.20	60.01	63.06	66.21
40	54.48	57.20	60.01	63.06	66.21	69.53
41	57.20	60.01	63.06	66.21	69.53	73.00
42	60.01	63.06	66.21	69.53	73.00	76.65
43	63.06	66.21	69.53	73.00	76.65	80.47
44	66.21	69.53	73.00	76.65	80.47	84.50
45	69.53	73.00	76.65	80.47	84.50	88.72
46	73.00	76.65	80.47	84.50	88.72	93.16
47	76.65	80.47	84.50	88.72	93.16	97.82
48	80.47	84.50	88.72	93.16	97.82	102.72
49	84.50	88.72	93.16	97.82	102.72	107.84
50	88.72	93.16	97.82	102.72	107.84	113.25
51	93.16	97.82	102.72	107.84	113.25	118.91
52	97.82	102.72	107.84	113.25	118.91	124.85
53	102.72	107.85	113.25	118.91	124.85	131.09
54	107.85	113.25	118.91	124.85	131.09	137.65
55	113.25	118.91	124.85	131.09	137.65	144.53
56	118.91	124.85	131.09	137.65	144.53	151.75
57	124.85	131.09	137.65	144.53	151.75	159.34
58	131.09	137.65	144.53	151.75	159.34	167.31
59	137.65	144.53	151.75	159.34	167.31	175.68
60	144.53	151.75	159.34	167.31	175.68	184.46
61	151.75	159.34	167.31	175.68	184.46	193.69
62	159.34	167.31	175.68	184.46	193.69	203.36
63	167.31	175.68	184.46	193.69	203.36	213.54

City of Palmdale
Bi-weekly Wage Range/Step Schedule - General Positions
Effective July 3, 2023

Range	Step A	Step B	Step C	Step D	Step E	Step F
14	N/A	N/A	1,360.00	1,419.20	1,488.80	1,533.60
15	1,240.00	1,360.00	1,419.20	1,488.80	1,564.00	1,641.60
16	1,360.00	1,419.20	1,488.80	1,564.00	1,641.60	1,724.80
17	1,419.20	1,488.80	1,564.00	1,641.60	1,724.80	1,810.40
18	1,488.80	1,564.00	1,641.60	1,724.80	1,810.40	1,900.80
19	1,564.00	1,641.60	1,724.80	1,810.40	1,900.80	1,996.00
20	1,641.60	1,724.80	1,810.40	1,900.80	1,996.00	2,095.20
21	1,724.80	1,810.40	1,900.80	1,996.00	2,095.20	2,200.80
22	1,810.40	1,900.80	1,996.00	2,095.20	2,200.80	2,310.40
23	1,900.80	1,996.00	2,095.20	2,200.80	2,310.40	2,425.60
24	1,996.00	2,095.20	2,200.80	2,310.40	2,425.60	2,548.00
25	2,095.20	2,200.80	2,310.40	2,425.60	2,548.00	2,675.20
26	2,200.80	2,310.40	2,425.60	2,548.00	2,675.20	2,808.80
27	2,310.40	2,425.60	2,548.00	2,675.20	2,808.80	2,948.80
28	2,425.60	2,548.00	2,675.20	2,808.80	2,948.80	3,097.60
29	2,548.00	2,675.20	2,808.80	2,948.80	3,097.60	3,251.20
30	2,675.20	2,808.80	2,948.80	3,097.60	3,251.20	3,414.40
31	2,808.80	2,948.80	3,097.60	3,251.20	3,414.40	3,585.60
32	2,948.80	3,097.60	3,251.20	3,414.40	3,585.60	3,764.00
33	3,097.60	3,251.20	3,414.40	3,585.60	3,764.00	3,952.80
34	3,251.20	3,414.40	3,585.60	3,764.00	3,952.80	4,150.40
35	3,414.40	3,585.60	3,764.00	3,952.80	4,150.40	4,358.40
36	3,585.60	3,764.00	3,952.80	4,150.40	4,358.40	4,576.00
37	3,764.00	3,952.80	4,150.40	4,358.40	4,576.00	4,800.80
38	3,952.80	4,150.40	4,358.40	4,576.00	4,800.80	5,044.80
39	4,150.40	4,358.40	4,576.00	4,800.80	5,044.80	5,296.80
40	4,358.40	4,576.00	4,800.80	5,044.80	5,296.80	5,562.40
41	4,576.00	4,800.80	5,044.80	5,296.80	5,562.40	5,840.00
42	4,800.80	5,044.80	5,296.80	5,562.40	5,840.00	6,132.00
43	5,044.80	5,296.80	5,562.40	5,840.00	6,132.00	6,437.60
44	5,296.80	5,562.40	5,840.00	6,132.00	6,437.60	6,760.00
45	5,562.40	5,840.00	6,132.00	6,437.60	6,760.00	7,097.60
46	5,840.00	6,132.00	6,437.60	6,760.00	7,097.60	7,452.80
47	6,132.00	6,437.60	6,760.00	7,097.60	7,452.80	7,825.60
48	6,437.60	6,760.00	7,097.60	7,452.80	7,825.60	8,217.60
49	6,760.00	7,097.60	7,452.80	7,825.60	8,217.60	8,627.20
50	7,097.60	7,452.80	7,825.60	8,217.60	8,627.20	9,060.00
51	7,452.80	7,825.60	8,217.60	8,627.20	9,060.00	9,512.80
52	7,825.60	8,217.60	8,627.20	9,060.00	9,512.80	9,988.00
53	8,217.60	8,628.00	9,060.00	9,512.80	9,988.00	10,487.20
54	8,628.00	9,060.00	9,512.80	9,988.00	10,487.20	11,012.00
55	9,060.00	9,512.80	9,988.00	10,487.20	11,012.00	11,562.40
56	9,512.80	9,988.00	10,487.20	11,012.00	11,562.40	12,140.00
57	9,988.00	10,487.20	11,012.00	11,562.40	12,140.00	12,747.20
58	10,487.20	11,012.00	11,562.40	12,140.00	12,747.20	13,384.80
59	11,012.00	11,562.40	12,140.00	12,747.20	13,384.80	14,054.40
60	11,562.40	12,140.00	12,747.20	13,384.80	14,054.40	14,756.80
61	12,140.00	12,747.20	13,384.80	14,054.40	14,756.80	15,495.20
62	12,747.20	13,384.80	14,054.40	14,756.80	15,495.20	16,268.80
63	13,384.80	14,054.40	14,756.80	15,495.20	16,268.80	17,083.20

City of Palmdale
Monthly Wage Range/Step Schedule - General Positions
Effective July 3, 2023

Range	Step A	Step B	Step C	Step D	Step E	Step F
14	N/A	N/A	2,947	3,075	3,226	3,323
15	N/A	2,947	3,075	3,226	3,389	3,557
16	2,947	3,075	3,226	3,389	3,557	3,737
17	3,075	3,226	3,389	3,557	3,737	3,923
18	3,226	3,389	3,557	3,737	3,923	4,118
19	3,389	3,557	3,737	3,923	4,118	4,325
20	3,557	3,737	3,923	4,118	4,325	4,540
21	3,737	3,923	4,118	4,325	4,540	4,768
22	3,923	4,118	4,325	4,540	4,768	5,006
23	4,118	4,325	4,540	4,768	5,006	5,255
24	4,325	4,540	4,768	5,006	5,255	5,521
25	4,540	4,768	5,006	5,255	5,521	5,796
26	4,768	5,006	5,255	5,521	5,796	6,086
27	5,006	5,255	5,521	5,796	6,086	6,389
28	5,255	5,521	5,796	6,086	6,389	6,711
29	5,521	5,796	6,086	6,389	6,711	7,044
30	5,796	6,086	6,389	6,711	7,044	7,398
31	6,086	6,389	6,711	7,044	7,398	7,769
32	6,389	6,711	7,044	7,398	7,769	8,155
33	6,711	7,044	7,398	7,769	8,155	8,564
34	7,044	7,398	7,769	8,155	8,564	8,993
35	7,398	7,769	8,155	8,564	8,993	9,443
36	7,769	8,155	8,564	8,993	9,443	9,915
37	8,155	8,564	8,993	9,443	9,915	10,402
38	8,564	8,993	9,443	9,915	10,402	10,930
39	8,993	9,443	9,915	10,402	10,930	11,476
40	9,443	9,915	10,402	10,930	11,476	12,052
41	9,915	10,402	10,930	11,476	12,052	12,653
42	10,402	10,930	11,476	12,052	12,653	13,286
43	10,930	11,476	12,052	12,653	13,286	13,948
44	11,476	12,052	12,653	13,286	13,948	14,647
45	12,052	12,653	13,286	13,948	14,647	15,378
46	12,653	13,286	13,948	14,647	15,378	16,148
47	13,286	13,948	14,647	15,378	16,148	16,955
48	13,948	14,647	15,378	16,148	16,955	17,805
49	14,647	15,378	16,148	16,955	17,805	18,692
50	15,378	16,148	16,955	17,805	18,692	19,630
51	16,148	16,955	17,805	18,692	19,630	20,611
52	16,955	17,805	18,692	19,630	20,611	21,641
53	17,805	18,694	19,630	20,611	21,641	22,722
54	18,694	19,630	20,611	21,641	22,722	23,859
55	19,630	20,611	21,641	22,722	23,859	25,052
56	20,611	21,641	22,722	23,859	25,052	26,303
57	21,641	22,722	23,859	25,052	26,303	27,619
58	22,722	23,859	25,052	26,303	27,619	29,000
59	23,859	25,052	26,303	27,619	29,000	30,451
60	25,052	26,303	27,619	29,000	30,451	31,973
61	26,303	27,619	29,000	30,451	31,973	33,573
62	27,619	29,000	30,451	31,973	33,573	35,249
63	29,000	30,451	31,973	33,573	35,249	37,014

City of Palmdale
Yearly Wage Range/Step Schedule - General Positions
Effective July 3, 2023

Range	Step A	Step B	Step C	Step D	Step E	Step F
14	N/A	N/A	35,360	36,899	38,709	39,874
15	N/A	35,360	36,899	38,709	40,664	42,682
16	35,360	36,899	38,709	40,664	42,682	44,845
17	36,899	38,709	40,664	42,682	44,845	47,070
18	38,709	40,664	42,682	44,845	47,070	49,421
19	40,664	42,682	44,845	47,070	49,421	51,896
20	42,682	44,845	47,070	49,421	51,896	54,475
21	44,845	47,070	49,421	51,896	54,475	57,221
22	47,070	49,421	51,896	54,475	57,221	60,070
23	49,421	51,896	54,475	57,221	60,070	63,066
24	51,896	54,475	57,221	60,070	63,066	66,248
25	54,475	57,221	60,070	63,066	66,248	69,555
26	57,221	60,070	63,066	66,248	69,555	73,029
27	60,070	63,066	66,248	69,555	73,029	76,669
28	63,066	66,248	69,555	73,029	76,669	80,538
29	66,248	69,555	73,029	76,669	80,538	84,531
30	69,555	73,029	76,669	80,538	84,531	88,774
31	73,029	76,669	80,538	84,531	88,774	93,226
32	76,669	80,538	84,531	88,774	93,226	97,864
33	80,538	84,531	88,774	93,226	97,864	102,773
34	84,531	88,774	93,226	97,864	102,773	107,910
35	88,774	93,226	97,864	102,773	107,910	113,318
36	93,226	97,864	102,773	107,910	113,318	118,976
37	97,864	102,773	107,910	113,318	118,976	124,821
38	102,773	107,910	113,318	118,976	124,821	131,165
39	107,910	113,318	118,976	124,821	131,165	137,717
40	113,318	118,976	124,821	131,165	137,717	144,622
41	118,976	124,821	131,165	137,717	144,622	151,840
42	124,821	131,165	137,717	144,622	151,840	159,432
43	131,165	137,717	144,622	151,840	159,432	167,378
44	137,717	144,622	151,840	159,432	167,378	175,760
45	144,622	151,840	159,432	167,378	175,760	184,538
46	151,840	159,432	167,378	175,760	184,538	193,773
47	159,432	167,378	175,760	184,538	193,773	203,466
48	167,378	175,760	184,538	193,773	203,466	213,658
49	175,760	184,538	193,773	203,466	213,658	224,307
50	184,538	193,773	203,466	213,658	224,307	235,560
51	193,773	203,466	213,658	224,307	235,560	247,333
52	203,466	213,658	224,307	235,560	247,333	259,688
53	213,658	224,328	235,560	247,333	259,688	272,667
54	224,328	235,560	247,333	259,688	272,667	286,312
55	235,560	247,333	259,688	272,667	286,312	300,622
56	247,333	259,688	272,667	286,312	300,622	315,640
57	259,688	272,667	286,312	300,622	315,640	331,427
58	272,667	286,312	300,622	315,640	331,427	348,005
59	286,312	300,622	315,640	331,427	348,005	365,414
60	300,622	315,640	331,427	348,005	365,414	383,677
61	315,640	331,427	348,005	365,414	383,677	402,875
62	331,427	348,005	365,414	383,677	402,875	422,989
63	348,005	365,414	383,677	402,875	422,989	444,163

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **NEIGHBORHOOD SERVICES DEPARTMENT**

DISTRICT: **ALL**

SUBJECT: **ADOPT RESOLUTION NO. CC 2023-048, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE, AUTHORIZING THE SUBMISSION OF THE APPLICATION FOR THE 2023 LOCAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM TO RECEIVE A GRANT ALLOCATION OF $54,869**

ISSUE

Adopt Resolution No. CC 2023-048, a resolution of the City Council of the City of Palmdale, authorizing the submission of the application for the 2023 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

RECOMMENDATION

Staff recommends the City Council:

1. Adopt Resolution No. CC 2023-048 authorizing the submission of the application for the 2023 JAG grant.
2. Authorize the City Manager or their designee to execute any documents related to the application, acceptance, and implementation of the grant.

BACKGROUND

Since November 2005, the City has contracted two (2) additional motorcycle deputies, bringing the total number of motorcycle deputies contracted with the Los Angeles Sheriff's Department to five (5) and includes one (1) motorcycle sergeant. The two additional motor deputies have provided critical services in traffic and crime deterrence.

Each year the City sets goals to help reduce overall collisions and incidents. In 2020, collisions were reduced by 4%, Speed-related collisions were reduced by 4%, DUI/DWI related collisions were reduced by 5% and the percentage of DUI/DWI collisions involving an injury or fatality were reduced by 5%. The two grant deputies also issued 2,265 citations for hazardous violations, concentrating on the speed-related problem areas throughout the City, particularly around school zones. A total of 474 non-hazardous citations were also issued and 45 traffic related arrests were made.

The deputies are available to respond to calls for service and will work in coordination with the City's Neighborhood Services Department to identify high-risk areas and other areas of concern, such as school zones. In addition, the deputies are responsible for conducting DUI/DWI checkpoints and neighborhood traffic operations to reduce speed.

The ten (10) identifiers associated with the grant funded activities include: alcohol testing, drugs, corrections, crime prevention, DWI, education, evaluation, impaired driving, policing, and traffic enforcement.

The two (2) motorcycle deputies, partially funded through this grant, will help mitigate traffic incidents from increasing and provide timely response to citizen complaints. Their efforts to maintain traffic safety and community safety, law enforcement priorities, will help reduce the number of overall collisions and incidents.

City staff will submit specific performance measure data as required under the award. The City's performance measures correlate to the goals, objectives and deliverables identified in the grant solicitation.

The City proposes utilizing the 2023 Edward Byrne Memorial Justice Grant (JAG) program allocation of $54,869 to continue to assist with the cost of two motor deputies.

FISCAL IMPACT

The 2023 JAG grant allocation of $54,869 will be utilized to continue funding two motorcycle deputies in account 10125002-721836-1072. The general fund will fund the remaining $433,479 for the cost of the two deputies.

STRATEGIC PLAN

Goal I: Maintain effective public safety and protection for life, property, and the environment.

A. Provide comprehensive and innovative safety services to prevent crime and promote a safe community.

Prepared by:	Heather Nichols, Senior Housing Coordinator
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Acting City Attorney

ATTACHMENTS

1. Resolution No. CC 2023-048
2. Application

CITY COUNCIL
CITY OF PALMDALE, CALIFORNIA
RESOLUTION NO. CC 2023-048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE APPROVING THE SUBMISSION OF A GRANT FROM THE U.S. DEPARTMENT OF JUSTICE, 2023 LOCAL EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

WHEREAS, the City of Palmdale is eligible to receive an allocation of $54,869 from the US Department of Justice, 2023 Local Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, the current grant of $54,869 will be utilized to continue funding two motorcycle deputies; and

WHEREAS, the City will contribute $433,479 to fully fund the two motorcycle deputy items.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALMDALE, AS FOLLOWS:

SECTION 1. Approve the application and submission of the City of Palmdale's Application for the 2023 Local Edward Byrne Memorial Justice Assistance Grant.

SECTION 2. Authorizes its City Manager or their designee to implement the City's JAG grant program, to execute all documents and take all actions necessary and convenient to carry out and implement the grant agreement for the 2023 program year, and to administer the City's obligations, responsibilities and duties to be performed thereunder;

SECTION 3. Authorizes the City Manager or their designee to update the City's JAG program in accordance with the Office of Justice's technical and regulatory requirements.

SECTION 4. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED and **ADOPTED** this 16th day of August, 2023.

Approved as to form:

_____
Laura Bettencourt, Mayor

ATTEST:

_____
William P. Curley, III
Interim City Attorney

_____
Rochelle Scott, Acting City Clerk

I, Rochelle Scott, Acting City Clerk of the City of Palmdale, California, do hereby certify that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 16th day of August, 2023 by the following roll call vote:

AYES: _____

NOES:_____

ABSTAIN:_____ABSENT:_____

Date: _____ _____
Rochelle Scott, Acting City Clerk

PALMDALE

a place to call home

DRAFT

The City of Palmdale is soliciting input on its application for the

Edward Byrne Memorial Justice Assistance Grant Program
(JAG 2023)

Please submit any comments to:

City of Palmdale
Neighborhood Services Department
Attn: Heather Nichols
38250 Sierra Hwy., 2nd Floor
Palmdale, CA 93550
661/267-5126

A public hearing will also be held on this matter on
August 16, 2023
5:00pm
City Council Chambers

This document will be available for public comment from
Thursday, August 10, 2023, to Wednesday, August 16, 2023

DO NOT REMOVE COPY

FOR REVIEW ONLY

GRANTS.GOV™

WORKSPACE FORM

1-800-518-4726
SUPPORT@GRANTS.GOV

This Workspace form is one of the forms you need to complete prior to submitting your Application Package. This form can be completed in its entirety offline using Adobe Reader. You can save your form by clicking the "Save" button and see any errors by clicking the "Check For Errors" button. In-progress and completed forms can be uploaded at any time to Grants.gov using the Workspace feature.

When you open a form, required fields are highlighted in yellow with a red border. Optional fields and completed fields are displayed in white. If you enter invalid or incomplete information in a field, you will receive an error message. Additional instructions and FAQs about the Application Package can be found in the Grants.gov Applicants tab.

OPPORTUNITY & PACKAGE DETAILS:

Opportunity Number:	O-BJA-2023-171790
Opportunity Title:	BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation
Opportunity Package ID:	PKG00282389
CFDA Number:	16.738
CFDA Description:	Edward Byrne Memorial Justice Assistance Grant Program
Competition ID:	C-BJA-2023-00105-PROD
Competition Title:	Category 2-Applicants with eligible allocation amounts of $25,000 or more
Opening Date:	06/30/2023
Closing Date:	08/24/2023
Agency:	Bureau of Justice Assistance
Contact Information:	For assistance with the requirements of this solicitation, contact the OJP Response Center at 800-851-3420, 301-240-6310 (TTY for hearing-impaired callers only), or grants@ncjrs.gov.The OJP Response Center operates from 10:00 a.m. to 6:00 p.m. eastern time (ET) Monday-Friday, and 10:00 a.m. to 8:00 p.m. ET on the solicitation close date.

APPLICANT & WORKSPACE DETAILS:

Workspace ID:	WS01171131
Application Filing Name:	City of Palmdale - Byrne Jag Application
UEI:	YX39EBRTDCT5
Organization:	Palmdale, City Of
Form Name:	Application for Federal Assistance (SF-424)
Form Version:	4.0
Requirement:	Mandatory
Download Date/Time:	Aug 09, 2023 04:12:02 PM EDT
Form State:	No Errors

FORM ACTIONS:

OMB Number: 4040-0004
Expiration Date: 11/30/2025

Application for Federal Assistance SF-424

* 1. Type of Submission:	* 2. Type of Application:	* If Revision, select appropriate letter(s):
☐ Preapplication	☒ New	
☒ Application	☐ Continuation	* Other (Specify):
☐ Changed/Corrected Application	☐ Revision	

* 3. Date Received:	4. Applicant Identifier:
Completed by Grants.gov upon submission.	

5a. Federal Entity Identifier:	5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:	7. State Application Identifier:
	California

8. APPLICANT INFORMATION:

* a. Legal Name:	City of Palmdale
* b. Employer/Taxpayer Identification Number (EIN/TIN):	95-2226242
* c. UEI:	YX39EBRTDCT5

d. Address:

* Street1:	38300 Sierra Highway
Street2:	#A
* City:	Palmdale
County/Parish:	Los Angeles
* State:	CA: California
Province:	
* Country:	USA: UNITED STATES
* Zip / Postal Code:	93550-4611

e. Organizational Unit:

Department Name:	Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:		* First Name:	Heather
Middle Name:			
* Last Name:	Nichols		
Suffix:			

Title:	
Organizational Affiliation:	
* Telephone Number:	6612675161
Fax Number:	
* Email:	hnichols@cityofpalmdale.org

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Bureau of Justice Assistance

11. Catalog of Federal Domestic Assistance Number:

16.738

CFDA Title:

Edward Byrne Memorial Justice Assistance Grant Program

*** 12. Funding Opportunity Number:**

O-BJA-2023-171790

* Title:

BJA FY 23 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Local Solicitation

13. Competition Identification Number:

C-BJA-2023-00105-PROD

Title:

Category 2-Applicants with eligible allocation amounts of $25,000 or more

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment | Delete Attachment | View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Enhanced Traffic Enforcement

Attach supporting documents as specified in agency instructions.

Add Attachments | Delete Attachments | View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant: 27 * b. Program/Project: 27

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment | Delete Attachment | View Attachment

17. Proposed Project:

* a. Start Date: 09/01/2023 * b. End Date: 06/30/2024

18. Estimated Funding ($):

* a. Federal	54,869.00
* b. Applicant	433,479.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	488,348.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

☒ a. This application was made available to the State under the Executive Order 12372 Process for review on 08/09/2023.

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment | Delete Attachment | View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name: Heather

Middle Name:

* Last Name: Nichols

Suffix:

* Title: Senior Housing Coordinator

* Telephone Number: 6612675161 Fax Number:

* Email: hnichols@cityofpalmdale.org

* Signature of Authorized Representative: Completed by Grants.gov upon submission. * Date Signed: Completed by Grants.gov upon submission.

Grant: Edward Byrne Memorial Justice Assistant Grant Program 2023
Agency: City of Palmdale
Project Title: Enhanced Traffic Enforcement
Project Contact: Heather Nichols, hnichols@cityofpalmdale.org, 661-267-5126

BUDGET SUMMARY AND BUDGET NARRATIVE

The City of Palmdale is eligible for $54,869 through the 2023 JAG Program. The City anticipates expending all grant funds during the FY 2023-24, which began July 1, 2023 through June 30, 2024. The proposed budget for this grant is as follows:

Budget Summary

Personnel	Computation	Total Cost	Total Requested JAG 2023 Funds
Deputy Jason Towne Grant Bonus Deputy	Full-time, contract rate is estimated to be $244,174.00 (inclusive of benefits and is the City's contract rate from the Los Angeles County Sheriff's Department (LASD)), deputy is deployed 100% to the project	$ 244,174.00	$ 27,434.50
Deputy Brett Nolin Grant Bonus Deputy	Full-time, contract rate is estimated to be $244,174.00 (inclusive of benefits and is the City's contract rate from the Los Angeles County Sheriff's Department (LASD), deputy is deployed 100% to the project	$ 244,174.00	$ 27,434.50
	Personnel Total	**$ 488,348.00**	**$ 54,869.00**
	Total Expenditure	$ 488,348.00	
	JAG 2023 Requested Funds		**$ 54,869.00**
	General Fund	$ 433,479.00	

Budget Narrative

The City contracts for complete municipal law enforcement services with the Los Angeles County Sheriff's Department (LACSD) based on past studies, which have analyzed the delivery of public safety services compared to the per capita costs of operating a municipal agency. Studies have shown that areas patrolled by contract Sheriff's, experience a 50% lower crime rate and estimate the average costs for a sheriff's contract is nearly 50% lower than the costs to operate and insure a municipal police agency. The City contracts with LACSD to provide all law enforcement services as the most cost-effective way to provide public safety services for its residents.

The City is eligible for $54,869.00 through the 2023 JAG Program. Two (2) bonus deputy salaries will be partially funded by the grant. The City is not requesting matching funds and will utilize General Fund expenditures to make up the amount not covered by this grant request.

Grant: Edward Byrne Memorial Justice Assistant Grant Program 2023
Agency: City of Palmdale
Project Title: Enhanced Traffic Enforcement
Project Contact: Heather Nichols, hnichols@cityofpalmdale.org, 661-267-5126

DISCLOSURE OF PROCESS RELATED TO EXECUTIVE COMPENSATION

NOT APPLICABLE

Grant: Edward Byrne Memorial Justice Assistant Grant Program 2023
Agency: City of Palmdale
Project Title: Enhanced Traffic Enforcement
Project Contact: Heather Nichols, hnichols@cityofpalmdale.org, 661-267-5126

DISCLOSURE OF PENDING APPLICATIONS

The City of Palmdale does not have pending applications submitted within the last 12 months for federally funded assistance that includes requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.

Grant: Edward Byrne Memorial Justice Assistant Grant Program 2023
Agency: City of Palmdale
Project Title: Enhanced Traffic Enforcement
Project Contact: Heather Nichols, hnichols@cityofpalmdale.org, 661-267-5126

INDIRECT COST RATE AGREEMENT

NOT APPLICABLE

Grant: Edward Byrne Memorial Justice Assistant Grant Program 2023
Agency: City of Palmdale
Project Title: Enhanced Traffic Enforcement
Project Contact: Heather Nichols, hnichols@cityofpalmdale.org, 661-267-5126

PROJECT ABSTRACT

The City of Palmdale proposes the use of the Edward Byrne Memorial Justice Assistance Recovery Grant (JAG) funds to continue the contract of two additional motorcycle deputies.

These two deputies are primarily utilized for directed enforcement efforts to help reduce total overall collisions in the city by 4%, reduce speed related collisions by 4%, reduce DUI related collisions by 5% and reduce the percentage of DUI related collisions involving an injury or fatality by 10% by the end of June 2024.

The deputies, additionally are available to respond to calls for service and will work in coordination with the City's Neighborhood Services Department to identify high-risk areas and other areas of concern, such as School zones. They will also be responsible for conducting DUI checkpoints and neighborhood traffic operations to reduce speed.

The city will establish separate accounts to track and record all expenditures related to the JAG Recovery Grant. The City will comply with all reporting requirements outlined in the grant.

The ten project identifiers that will be associated with the proposed project activities, include: alcohol testing, drugs, corrections, crime prevention, DWI, education, evaluation, impaired driving, policing, and traffic enforcement.

Grant: Edward Byrne Memorial Justice Assistant Grant Program 2023
Agency: City of Palmdale
Project Title: Enhanced Traffic Enforcement
Project Contact: Heather Nichols, hnichols@cityofpalmdale.org, 661-267-5126

PROPOSAL NARRATIVE

Description of the Issue

The City of Palmdale (City) has a population of approximately 169,500 residents, in a 104-square mile area, located approximately 60 freeway miles northeast of downtown Los Angeles. The City of Palmdale is located in the Antelope Valley. Early morning and early evening traffic flow increases drastically due to a large commuting workforce.

The roadway system in Palmdale has a total of 534 miles of paved roadway. The City is traversed by one major freeway running North and South, and one highway running East and West. There is a total of 176 miles of arterial roads, conforming to a basic grid plan that connects with roadways of similar nature in those cities and areas bordering Palmdale. The remaining 358 miles of paved roadway is made up of alleyways, collector and residential streets.

The high volume of commuters and passenger vehicles that drive on Palmdale's roadways leads to high levels of incidents and creates the need for critical and immediate response. Traffic enforcement for the City is provided by the Los Angeles County Sheriff's Department under a service contract. Enforcement operations are conducted on a 24-hour basis but are limited by response to priority and emergency calls for service (criminal). During specific time periods, such as late afternoon or early evenings, there is a higher volume of calls for service. Traffic units are utilized to respond to criminal calls in addition to working traffic enforcement. DUI/DWI enforcement is done by all deputies assigned to field duties and is aided by sixteen (16) Preliminary Alcohol screening (PAS) devices, assigned to traffic deputies.

Available collision information indicates that Palmdale has experienced a steady increase in collisions in recent years, specifically in DUI/DWI and in alcohol related collisions. In 2022, the City had a total of 109 DUI/DWI crashes which resulted in 77 injuries and 4 fatalities. Attested decreases are credited to the use of this grant on two additional motorcycle deputies.

The two (2) motorcycle deputies partially funded through this grant, will help mitigate increasing traffic incidents and provide timely response to citizen complaints. It will also help ensure that collisions will continue to decrease, thereby maintain traffic safety and community safety as law enforcement priorities.

Project Design and Implementation

Since 2005 the City has employed two additional motorcycle deputies that have provided critical services in traffic and crime determent. Each year the City sets goals that will help reduce overall collisions and incidents within the City boundaries. The City proposes to reduce and maintain overall collisions in the City by 4%; reduce speed related collisions by 4%; reduce DUI/DWI collisions by 5%, and reduce the percentage of DUI/DWI related collisions involving an injury or fatality by 5% by June 30, 2024. The City proposes utilizing the 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) funds to continue to contract for two additional motorcycle deputies. These two deputies will be utilized primarily for directed enforcement efforts to help reduce speed-related collisions. The deputies will also be available to respond to calls for service as prioritized. The deputies will work

in coordination with the City's Neighborhood Services Department to identify high-risk areas and other areas of concern. Quarterly statistical reports will be provided from the Sheriff's Department to the City.

Capabilities and Competencies

The City of Palmdale employs 291 full-time personnel. The City contracts with the Los Angeles Sheriff's Department to provide law enforcement service for the City. The City currently contracts for personnel, including 68 deputies, of which 4 are motorcycle deputies and 1 motorcycle sergeant.

The City has actively pursued traffic-engineering solutions that provide adequate capacity, operations, and safety for its officers and communities alike. Palmdale has continued to increase its commitment of resources to traffic enforcement and management. The City utilized the FY 2005-2022 JAG grants, to offset the cost of deploying two additional motorcycle deputies to enhance our traffic enforcement program. Deputies began their deployment in November 2005. One deputy recently promoted to Sergeant and was replaced with a Deputy who has been doing enforcement at a different station since 2015.

The motorcycle deputies are utilized to address traffic problems and incidents as reported and identified by collision records and complaints. In 2022 two grant deputies issued 2,265 citations for hazardous violations, concentrating on the speed-related problem areas throughout the City, particularly around school zones. The two deputies also issued 474 non-hazardous citations and made 45 traffic related arrests.

Data Collection and Management

The City of Palmdale will submit specific performance measures data as required under the award. The City's performance measures correlate to the goals, objectives and deliverables identified under this proposal and the subsequent award document.

Grant: Edward Byrne Memorial Justice Assistant Grant Program 2023
Agency: City of Palmdale
Project Title: Enhanced Traffic Enforcement
Project Contact: Heather Nichols, hnichols@cityofpalmdale.org, 661-267-5126

RESEARCH AND EVALUATION INDEPENDENCE AND INTEGRITY STATEMENT

NOT APPLICABLE

MINUTES
CITY COUNCIL/SA
CITY HALL COUNCIL CHAMBER
38300 SIERRA HIGHWAY, SUITE B
PALMDALE, CALIFORNIA
JULY 12, 2023
www.cityofpalmdale.org

Mayor Pro Tem Alarcón participated via teleconference from the New York Marriott Marquis, 1535 Broadway, 8th Floor Lobby, New York, NY 10063 pursuant to Government Code Section 54953

1) CALL MEETING TO ORDER

Mayor Bettencourt called the meeting to order at 5:00 pm.

*Note: All City Council memberships are reflected in their City Council titles.

2) ROLL CALL MAYOR BETTENCOURT, MAYOR PRO TEM ALARCÓN, COUNCILMEMBERS BISHOP, LOA, OHLSEN

PRESENT: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.
ABSENT: Andrea Alarcón.

Staff announced that they were working on Mayor Pro Tem Alarcón's teleconference connection.

3) PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

4) PRESENTATIONS

4.1) Joubin Pakpour, PE, American Public Works Association presented a plaque to the City of Palmdale Public Works Department recognizing them for their APWA re-accreditation.

5) WAIVER OF FULL READING OF RESOLUTION(S) and ORDINANCE(S)

Motion: Move to waive full reading of the Resolution (s) and/or Ordinance(s) to be considered and voted on at this meeting.
Moved by Richard J. Loa, seconded by Eric Ohlsen.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

6) PUBLIC COMMENT RULES

7) PUBLIC COMMENTS:

The following individuals provided public input:

Marsha Furman commented regarding Items 8.2 and 8.13.

Rich Gallego spoke regarding Item 8.2.

A motion was made and carried unanimously to close the Public Comments.

8) CONSENT CALENDAR

8.1) Receive and file the monthly investment activity reports for May 2023.

8.2) Approve Agreement with Flock Group, Inc to provide a fixed location Automated License Plate Recognition (ALPR) system, 50 LPR cameras, and provide implementation services in a not to exceed amount of $157,500 for a one (1) year term.

Mayor Bettencourt pulled this item for discussion. Information Technology Manager Thompson provided a brief overview of the project. Hector Soliman of Flock Safety spoke regarding benefits of the Flock technology.

Discussion ensued regarding access and retention of video footage.

Motion: Approve Agreement with Flock Group, Inc to provide a fixed location Automated License Plate Recognition (ALPR) system, 50 LPR cameras, and provide implementation services in a not to exceed amount of $157,500
Moved by Richard J. Loa, seconded by Laura Bettencourt.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

8.3) Adopt Resolution No. CC 2023-047, a Resolution of the City Council of the City of Palmdale Approving the Palmdale California Environmental Quality Act Procedures.

8.4) Notice of Completion - Accept Public Improvements for Pilot Travel Centers located at 5231 Pearblossom Highway.

8.5) Notice of Completion - Accept Public Improvements for Desert Wind Church located at 38117 13th Street East.

8.6) Award On-Call Emergency Sewer Collection System Repairs Agreement with Mike Prlich & Sons in an amount not to exceed $350,000 for on-call citywide sewer emergency repairs for at term of three (3) years.

8.7) Award construction agreement with Blue Ridge Mechanical for PN 804, The Oasis Generator Infrastructure Project, in the amount of $98,078.

8.8) Award construction agreement with Interior Demolition, Inc. for PN 873, Hammack Activity Center Demolition Project, in the amount of $284,295 and determine this project to be exempt from CEQA.

Councilmember Loa pulled Item 8.8 for discussion. Director of Public Works Glidden provided a brief overview of the project.

Motion: Award construction agreement with Interior Demolition, Inc. for PN 873, Hammack Activity Center Demolition Project, in the amount of $284,295 and determine this project to be exempt from CEQA
Moved by Richard J. Loa, seconded by Austin Bishop.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

8.9) Approve Purchase Order No. 20240001 with Walsma Oil Company, Inc. for Diesel and Unleaded Fuel, Motor Oil, and Lubricants in an amount not to exceed $600,000 for FY 2023-24.

8.10) Approve Purchase Order No. 20240002 with Nutrien AG Solutions, Inc. for fertilizer supplies in an amount not to exceed $207,750 for FY 2023-24.

8.11) Approve Purchase Order No. 20240003 with Smith Pipe & Supply, Inc. for irrigation and water conservation supplies in an amount not to exceed $278,000 for FY 2023-24.

8.12) Approve Purchase Order No. 20240004 with Wilbur-Ellis Company for herbicide and pesticide chemicals in an amount not to exceed $120,000 for FY 2023-24.

8.13) Approve Purchase Order No. 20240005 with Hasa, Inc. for pool chemical supplies in an amount not to exceed $155,000 for FY 2023-24.

8.14) Approve Final Tract Map No. 69651, located at Palmdale Blvd and 61st Street East.

8.15) Approve service agreement for a digital divide study with Nutter Consulting in the amount of $140,000 for a term of six (6) months.

City Manager Perez requested the removal of Item 8.15 from the agenda.

Motion: Remove Item 8.15 from the agenda.
Moved by Laura Bettencourt, seconded by Richard J. Loa.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

8.16) Approve the minutes from the previous meeting.
June 7, 2023 - CC/SA

Motion: Approve all items listed on the Consent Calendar except Items 8.2, 8.8, and 8.15.
Moved by Richard J. Loa, seconded by Austin Bishop.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

9) PUBLIC HEARING

9.1) Adopt Resolution No. CC 2023-028, a Resolution of the City Council of the City of Palmdale approving the Engineer's Report and the continuation of the levy and collection of assessments for Fiscal Year 2023/2024 for the City of Palmdale Drainage Benefit Assessment Districts No. 1 and No. 2006-02.

Public Works Director Glidden read the title of Resolution No. CC 2023-028 and spoke regarding this item.

Mayor Bettencourt called for Public Comments.

Public Comments: None.

Mayor Bettencourt closed the Public Comments.

Motion: Adopt Resolution No. CC 2023-028.
Moved by Richard J. Loa, seconded by Laura Bettencourt.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

9.2) Adopt Resolution No. CC 2023-029, a Resolution of the City Council of the City of Palmdale approving the Engineer's Report and the continuation of the levy and collection of assessments for Fiscal Year 2023/2024 for the City of Palmdale Landscape Maintenance Assessment Districts and Annexations, Park Maintenance and Recreation Improvement District, and Streetlight Maintenance Assessment Districts and Annexations.

Public Works Director Glidden read the title of Resolution No. CC 2023-029 and spoke regarding this item.

Mayor Bettencourt called for Public Comments.

Public Comments: None.

Mayor Bettencourt closed the Public Comments.

Motion: Adopt Resolution No. CC 2023-029
Moved by Laura Bettencourt, seconded by Richard J. Loa.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

9.3) Adopt Resolution No. CC 2023-030, a Resolution of the City Council of the City of Palmdale updating the Sewer Collection Service Charge and ordering the continuation of the charge for the operation and maintenance of the Palmdale sewer collection system for Fiscal Year 2023/2024.

Public Works Director Glidden read the title of Resolution No. CC 2023-030 and spoke regarding this item.

Mayor Bettencourt called for Public Comments.

Public Comments: None.

Mayor Bettencourt closed the Public Comments.
Motion: Adopt Resolution No. CC 2023-030
Moved by Laura Bettencourt, seconded by Richard J. Loa.

Vote: Motion carried (4-0)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.

Mayor Pro Tem Alarcón, 5:28 p.m. via teleconference, announced she was unable to participate in any of the items due to technical difficulties and requested Council re-vote on the items.

Mayor Bettencourt stated the majority had already voted.

10) NON-AGENDA PUBLIC COMMENTS:

The following individuals provided public input on the City's adopted budget, allocation of Measure AV funds and essential services: Michael Ross, Carol Ross, Marisela Gomez, Angie Morcedo, Oscar Carrasco, Rich Gallego, Senage Ginza, Marsha, Patricia Salazar, Antonio Hernandez, Felix Menendez, Maribel Swenson, Ruth Sanchez, Stephanie Mayol, Victor Segura, Allen Morales, Eduardo, David Harris, and Gloria Yescaz.

Yul Gevargis apologized to Councilmember Ohlsen for negative comments and spoke regarding his life experiences.

Interim City Attorney Curley commented regarding the gift of public fund laws and

Charter cities.

Eugene Hernandez commented regarding the Palmdale Freedom Coalition.

Laurel Forrest spoke regarding approval of an Accessory Dwelling Unit.

Mayor Konstantine Anthony, Burbank, spoke regarding his campaign for the County Supervisor's Office and the increased cost of the City of Palmdale's Sheriff's Department budget.

The following individuals commented regarding the Amazon strike: Bryant Cline, Jesus Gutierrez Lopez, Heath Lopez, and Shaun Martinez.

Marcos Alvarez spoke regarding the history of Palmdale.

Steve Hill spoke regarding the monitoring of the Flock cameras and human rights issues.

Marsha spoke regarding the right to speak.

Individual, no name submitted, provided information for non-profit grants.

Mayor Bettencourt closed the Public Comments.

11) INFORMATIONAL REPORT FROM MAYOR AND / OR COUNCILMEMBERS ON THEIR VARIOUS COMMITTEE MEMBERSHIPS AND MEETINGS ATTENDED AT PUBLIC EXPENSE

Council Reports were provided for public review.

12) CITY COUNCIL ANNOUNCEMENTS AND REQUESTS FOR NEW AGENDA ITEMS

None.

13) CITY MANAGER’S REPORT

City Manager Perez reported on the following: Fireworks Show July 1st; Family Movie Nights; Brian McKnight Concert; Music in the Park at Domenic Massari Park; SAVES Back to School event; activation of Cooling Centers at the Library, Legacy Commons and Victory Outreach; future grand opening of Xevichez Sushi Bar and construction of Trader Joe's facility; announced Star awards received from Nevada Telecommunications and Advisors for Economic Development and Parks and Recreation, and an Excellence in Safety Award to be presented at a future Council meeting.

Mayor Pro Tem Alarcón requested that Council allow Dolores Huerta the opportunity to make public comments. There was Council consensus to approve the request.

14) PRESENTATION BY CITY ATTORNEY

Interim City Attorney Curley confirmed items were properly agendized.

14.1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Shanae Smith, Patricia Nevarez and Michael "Mike" Behen vs. City of Palmdale, et al.
Los Angeles County Superior Court
Case No. 22STCV18219
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

14.2) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Maithi Ricci v. City of Palmdale, et al.
Los Angeles County Superior Court
Case No. 22STCV01269
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

14.3) CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Ricky Thorstensen v. City of Palmdale, et al.
Los Angeles County Superior Court
Case No. 22STCV29463
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

14.4) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Kenya Torres vs. City of Palmdale, et al.
Los Angeles County Superior Court
Case No. 22STCV37041
This closed session is being held pursuant to the authority of California Government Code Section 54956.9(d)(1).

Closed Session 7:14 p.m. - 8:27 p.m.

15) ANNOUNCEMENT BY CITY ATTORNEY

Interim City Attorney Curley announced all items were considered, Council was updated, and there were no reportable actions.

Staff attempted to reach Mayor Pro Tem Alarcón at her location to rejoin the meeting.

16) ADJOURNMENT

Mayor Bettencourt adjourned the meeting at 8:33 p.m., in honor of Andrea Pullum-Jones, to July 19, 2023 at 5:00 p.m. in the City Hall Council Chamber located at 38300 Sierra Highway, Suite B, Palmdale, California.

PASSED, APPROVED, and ADOPTED this 16th day of August 2023

_____
Laura Bettencourt, Mayor

ATTEST:

_____
Rochelle Scott, Acting City Clerk

MINUTES
CITY COUNCIL
CITY HALL COUNCIL CHAMBER
38300 SIERRA HIGHWAY, SUITE B
PALMDALE, CALIFORNIA
JULY 19, 2023

www.cityofpalmdale.org

1) CALL MEETING TO ORDER

Mayor Bettencourt called the meeting to order at 5:00 pm.

*Note: All City Council memberships are reflected in their City Council titles.

2) ROLL CALL MAYOR BETTENCOURT, MAYOR PRO TEM ALARCÓN, COUNCILMEMBERS BISHOP, LOA, OHLSEN

PRESENT: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.
ABSENT: None.

3) PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

4) PUBLIC COMMENT RULES

5) PUBLIC COMMENTS

Public Comments: None.

Mayor Bettencourt closed the Public Comments.

6) CONSENT CALENDAR

6.1) Approve the minutes from the previous meeting.

June 21, 2023 - CC/SA/IDA/PAA/PCA/PFA

Mayor Pro Tem Alarcón pulled this item for discussion and commented regarding the adoption of the budget at the June 21, 2023 meeting.

Motion: Approve the item listed on the Consent Calendar.
Moved by Laura Bettencourt, seconded by Richard J. Loa.

Vote: Motion carried (5-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

7) APPOINTMENTS

7.1) City Council Nomination and Appointment of one (1) Alternate Member for the Human Rights Advisory Committee.

Ms. Sartika spoke regarding her background and personal experience.

Motion: Appoint Hestia Sartika as the Alternate Member for the Human Rights Advisory Committee.
Moved by Austin Bishop, seconded by Laura Bettencourt.

Vote: Motion carried (5-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

7.2) City Council Nomination and Appointment of four (4) Members to fill the current vacancies on the Mobile Home Park Rental Review Board.

Motion: Appoint Amber Henderson, Debra McLaurin, Hector Ramses, Richard Perkins.
Moved by Andrea Alarcón, seconded by Austin Bishop.

Vote: Motion carried (5-0)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

7.3) City Council Nomination and Appointment of two (2) Housing Authority Tenant Member Commissioners.

Motion: Separate the votes and appoint each position independently.
Moved by Andrea Alarcón, seconded by Eric Ohlsen.

Vote: Motion carried (4-1)
Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen.
No: Richard J. Loa.

Motion: Appoint Christina Fraga-Saenz as a Housing Authority Tenant Member Commissioner.
Moved by Laura Bettencourt, seconded by Austin Bishop.

Vote: Motion carried (4-1)
Yes: Laura Bettencourt, Austin Bishop, Eric Ohlsen, Richard J. Loa.
No: Andrea Alarcón.

Motion: Appoint Dianne Betts as a Housing Authority Tenant Member Commissioner.
Moved by Laura Bettencourt, seconded by Andrea Alarcón.

Vote: Motion carried (5-0)

Yes: Laura Bettencourt, Andrea Alarcón, Austin Bishop, Eric Ohlsen, Richard J. Loa.

Council thanked Commissioner Denny for his service.

8) NEW BUSINESS

8.1) Presentation update for Economic Development.

Economic Development Manager Schuler and Deputy Director of Economic and Community Development Taggart provided a detailed PowerPoint presentation.

Council thanked staff for their hard work and streamlining the process.

Mayor Bettencourt called for Public Comments.

Public Comments: None.

Mayor Bettencourt closed the Public Comments.

Mayor Bettencourt announced that Mayor Pro Tem Alarcón desired to make a statement.

Mayor Pro Tem Alarcón spoke requesting a review of the City budget in order to fund several additional services to provide opportunities to the citizens of Palmdale and respectfully requested that Council give due consideration to her budget revisions.

9) NON-AGENDA PUBLIC COMMENTS:

The following individuals provided public comments regarding Law Enforcement: Eugene Hernandez, Steve Hill, and Yul Gevargis.

The following individuals spoke regarding the City's adopted budget: Stephanie Mayol, Felix Menendez, Ruth Sanchez, Oscar Carrasco, Marcos Alvarez, Maria Ibarra, Patricia Salazar, and Xavier Flores.

The following individuals spoke regarding immigrant rights: Cal Soto and Chris Newman.

Marsha spoke regarding the importance of Palmdale's Veterans Day activities.

Mayor Bettencourt closed Public Comments.

10) CITY COUNCIL ANNOUNCEMENTS AND REQUESTS FOR NEW AGENDA ITEMS

None.

11) CITY MANAGER'S REPORT

City Manager Perez reported on the following: Music and Movies in the Park; National Night Out on July 25th; SAVES Back to School program; Veteran Memorial Sculpture Unveiling in Poncitlan Square on July 27th.

12) ANNOUNCEMENT BY CITY ATTORNEY

This section was not required.

13) ADJOURN

Mayor Bettencourt adjourned the meeting at 6:19 p.m. to August 2, 2023, at 5:00 p.m. in the City Hall Council Chamber located at 38300 Sierra Highway, Suite B, Palmdale, California.

PASSED, APPROVED, and ADOPTED this 16th day of August 2023

_____
Laura Bettencourt, Mayor

ATTEST:

_____
Rochelle Scott, Acting City Clerk

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **OFFICE OF THE CITY MANAGER**
CITY CLERK DIVISION

DISTRICT: **ALL**

SUBJECT: **CITY COUNCIL NOMINATION AND APPOINTMENT OF ONE (1) MEMBER TO THE PALMDALE AEROSPACE ACADEMY BOARD OF DIRECTORS**

ISSUE

City Council nomination and appointment of one (1) member to The Palmdale Aerospace Academy Board of Directors.

RECOMMENDATION

Pursuant to the Palmdale Municipal Code Section 2.08.030 staff recommends that the City Council nominate and appoint one of the following individuals to serve as a member of the Palmdale Aerospace Academy Board of Directors for a new three (3) year term to expire on July 31, 2026.

1. Patrick Brophy **(D4)**
2. Tracy Perkins **(D1)**

BACKGROUND

According to The Palmdale Aerospace Academy ("TPAA") Bylaws, Article 3 Directors, Section 3.3, the City shall designate three (3) Directors to serve on the Board of Directors. According to Section 3.3 (b), "All Directors of the Corporation shall serve a term of three (3) years expiring on July 31st of the third year of office and shall hold office until the expiration of the term, for which selected and until a successor has been duly designated, or until that Director's earlier resignation or removal in accordance with these Bylaws and the California Nonprofit Corporation Law."

Directors provide an invaluable service to the Academy and represent a variety of backgrounds and many levels of expertise to the Board. The Board values diversity and expertise in curriculum, instruction, assessment, finance, business management, special education, law, facilities, and governance. Directors receive no compensation.

DISCUSSION

On June 21, 2023, the City Council was notified of a vacancy on the Palmdale Aerospace Academy Board of Directors. A recruitment ad was placed in the AV Press, AV Press online and on the city's website. The recruitment ran from July 14, 2023 through July 31, 2023. Two applications were received.

The City Clerk provided Mayor and City Council with the applications to consider approval of one (1) qualified applicant. The District information below has been provided for qualification purposes only.

1. Patrick Brophy (D4)
2. Tracy Perkins (D1)

Attached are the redacted applications, a copy of TPAA Board of Director's Duties and Responsibilities, and excerpts from TPAA By-laws outlining the requirements of a Board Director.

TPAA meetings are generally held on the 2nd and 4th Monday every month at 5:00 p.m., at the Palmdale Aerospace Academy, located at 3300 East Palmdale Boulevard, Palmdale, California.

FISCAL IMPACT

Approximately $3,075 was needed for advertising the position paid out of Account # 10112001-722310.

STRATEGIC PLAN

Goal II: Ensure long-term fiscal health of the City and maintain funding for services.

C. Involve and expand engagement to enhance public oversight and transparency.

Prepared by:	Roxanne Faber, Acting City Clerk
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Interim City Attorney

ATTACHMENTS

1. Redacted Applications
2. The Palmdale Aerospace Academy's Board of Directors Duties and Responsibilities
3. By-laws

THE PALMDALE AEROSPACE ACADEMY
Design, Create and Explore

New Board Member Application

Please complete this form and either e-mail, hand-deliver, or mail the application and your resume on or before the deadline to the following:
City of Palmdale City Clerk Department 38300 Sierra Hwy., Suite C, Palmdale.
E-mail: cityclerkdepartment@cityofpalmdale.org - Hours: Mon-Thurs. 7:30 AM - 6:00 PM Closed Fridays

Full Name: Patrick Brophy District 4

Address [redacted]

City: Palmdale State: CA Zip Code: [redacted]

Cell Phone: [redacted] Email: [redacted]

Current Employer: Lockheed Martin

Current Position: Software Engineer

Experience

Please list any relevant experience and/or employment:

Former Teacher: 11 years teaching including 9 at TPAA.
- Math & Computer Science, Several Leadership roles.
- Co-Founded Robotics Program

Software Engineer at Lockheed Martin Skunkworks
- STEM Outreach Volunteer

Please list prior experience serving as a board member for non-profit organizations:

Board Member and Secretary for Next Careers
- Our purpose is to develop student technical and interpersonal skills through FIRST Tech Challenge robotics competitions. We annually serve 170+ teams and 50+ events around Southern California.

Please check your area(s) of expertise and/or the contribution you feel you can make to further the mission of TPAA: (Pick at least one)

- ☐ Business Management
- ☑ Curriculum, Instruction, and Assessment
- ☐ Facilities
- ☑ Finance
- ☐ Governance
- ☐ Law
- ☐ Special Education

Additional Information

Why are you interested in serving as a board member for TPAA?

I believe in the mission and vision of TPAA. We prepare our students to be a home-grown workforce for the types of careers available in the Aerospace Valley.

I have been a member of the TPAA community since the beginning. TPAA is important to me.

What other volunteer commitments do you currently have?

FTC Co Program Delivery Partner - This role involves leading our planning committee, and planning events throughout the school year.

Robotics mentor at TPAA - I'm one of several adult mentors and advisors that help out with TPAA's robotics team.

Please share any other information you feel important for consideration of your application to serve as a TPAA board member:

I believe independent public charter schools like TPAA provide great options for parents. TPAA is a valuable part of the Palmdale community and I believe my experience and background can be a great asset as we go into charter reauthorization.

Print Clear Form

Patrick Brophy

[redacted] ❖ [redacted] ❖ Palmdale, CA

WORK EXPERIENCE

Lockheed Martin **August 2022 - Present**
Software Engineer *Palmdale, CA*
- Experienced in Agile, C++, CI/CD Pipelines, System Integration, Team demonstrations, cross-site team collaboration
- Volunteered as a Codequest Academy Technical Mentor, classroom guest speaker, Aerospace Robotics Competition judge.

Norton Science and Language Academy **July 2021 - June 2022**
Math and Computer Science Teacher *San Bernardino, CA*
- Implemented a new computer science pathway for high school students with plans for a four year course sequence.
- Established two new robotics teams, recruited 30 students, recruited an additional teacher, and competed in the *FIRST* Tech Challenge

The Palmdale Aerospace Academy **July 2012 – June 2021**
Math and Computer Science Teacher and Robotics Team Advisor *Palmdale, CA*
- Teaching - PLTW Cybersecurity and Computer Science Principles. AP Calculus AB/BC, Algebra 1, Algebra 2, Middle School math.
  - Grew student participation in computer science pathway courses. From 3 sections in 2017/18 to 6 in 21/22.
  - Organized enrichment activities such as trips to Cal Poly Pomona Cybersecurity Fair and Lockheed Martin's Codequest.
- Leadership Roles - STEM Co-Lead (2019-2021), Robotics Director (2019-2021), Budget Advisory Committee (Sept 2020-2021), FACT/Leadership Team (2013-2017, 2019-2021)
  - Recruit new robotics advisors for sustainability, planning a TK-12 robotics program, advising on robotics budget.
- Robotics Team Advisor - Co-founded TPAA's FRC and FTC robotics program.
  - Grew participation from 25 students and one team in 2012 to 110+ students and 7 teams in 2017.
  - Returned in 2022-23. The team made the playoffs and won a judged award (first time since 2019).
  - Member of the 2015 World Champion Alliance. Multiple Awards including Rookie All-Star.

Antelope Valley High School **August 2011 – June 2012**
Math Teacher *Lancaster, CA*
- Robotics advisor for a team of students and mentors where I managed the budget and team travel logistics.

Vista Murrieta High School **January 2011 – May 2011**
Student Teacher *Murrieta, CA*
- Algebra I, Advanced Algebra II, Precalculus

Wynright **April 2006 – May 2009**
Project Management and IT support *Chino, CA*
- Provided design support using AutoCAD for material handling system projects

Hewlett-Packard **December 2005 – March 2006**
Printer Test Operator *Rancho Bernardo, CA*
- Executed test scripts and summarized test data to be presented to the lead engineers.

VOLUNTEER EXPERIENCE

***FIRST* Tech Challenge SoCal/Los Angeles** **June 2016 – Present**
Co-Program Delivery Partner and Planning Committee Member *Los Angeles, CA*
- One of the lead volunteers for a region of 170+ robotics teams and 50+ yearly events. Responsible for planning tournaments, communicating with *FIRST* headquarters, and keeping *FIRST* a great experience for all stakeholders.
- Board Member/Secretary for Next Careers (Winter 2018-), the nonprofit that controls funds for our region (~$70k annual budget).
- Equipment manager in charge of event setup/cleanup, tracking inventory, and planning for future needs.

EDUCATION

University of Phoenix **June 2011**
Masters, Secondary Education - Mathematics *(Online) Phoenix, AZ*
- Single Subject Teaching Credential - Mathematics (Examination)

University of California, Los Angeles **June 2005**
B.S., Computer Science and Engineering *Los Angeles, CA*
- Experience programming in C, C++, Java, JavaScript, SQL, Python, HTML, Assembly, OpenGL, Lisp, Scheme.
- UCLA Alumni Scholar
- Bruin Marching Band, 4 years, Trombone

From: noreply@civicplus.com
To: City Clerk Department
Subject: Online Form Submittal: The Palmdale Aerospace Academy Director Recruitment
Date: Monday, July 31, 2023 3:32:46 PM

CAUTION: This email originated from outside of the organization.

The Palmdale Aerospace Academy Director Recruitment

Full Name	Tracey Perkins District 1
Address	[redacted]
City	Palmdale
Zip Code	[redacted]
Cell Phone	[redacted]
Email	[redacted]
Current Employer	Round Hill Search, Inc.
Current Position	Legal Recruiting Associate
Experience	
Please list any relevant experience and/or employment.	B.A. in Political Science from the University of Virginia Extensive coursework in Public Policy Experience establishing legal budgets in law firms Experience responding to legal audits for various law firms regarding attorney and paralegal billing and budgets Coursework in Sociology, Psychology, MultiCultural Education, Financial Math, Economics, and Statistics 18 years of experience in law as a Paralegal in the legal industry in multiple states Project Management of litigation matters by drafting budgets, communicating with and selecting vendors, price assessment and analysis, and research of products and results Consistently worked closely with all level of C-Suite executives and Managing Partners to establish and progress accounting systems, data analysis and tracking tools Perform extensive contract review and proposals from vendors on special projects Well-versed and quick learner of technology tools, databases and software such as tools for research, tracking, data analysis, and e-discovery Well-versed in Microsoft applications, such as Word, Excel, Powerpoint and Outlook Assisted Freeman Mathis & Gary Partner with paralegal certification class courses at Kennesaw State University in

Kennesaw, Georgia
Prepared demonstratives for paralegal certification class courses
Reviewed tests and provided scores and corrections to paralegal certification exams
Employed for two years as a Financial Aid Representative with the University of Virginia
Employed for one year as an Office Assistant with the Virginia Sexual and Domestic Violence Non-Profit Coalition in Charlottesville, Virginia

PROFESSIONALEXPERIENCE
Round Hill Search, Inc. Los Angeles, CA
Legal Recruiting Associate May 2023 - Present

Elkins Kalt Weintraub Reuben Gartside, LLP Los Angeles, CA
Paralegal/Legal Assistant Hybrid/Litigation May 2019 - May 2023

Tesser Grossman, LLP Los Angeles, CA
Legal Assistant, Entertainment/Business Litigation June 2018 – May 2019

Carlock, Copeland & Stair, LLP Atlanta, GA
Paralegal, Insurance Defense/General Liability June 2017 – May 2018

Carlton Fields, P.A. Atlanta, GA
Paralegal, Business Litigation June 2016 – June 2017

Freeman, Mathis & Gary, LLP Atlanta, GA
Senior Paralegal, Complex Commercial Litigation & Construction February 2015 – May 2016

Finnegan, Henderson, Farabow, Garrett & Dunner L.L.P. District of Columbia
Litigation Paralegal, Intellectual Property March 2012 - January 2014

Nagle & Zaller, P.C. Columbia, MD
Paralegal, Real Estate/HOA July 2007-November 2011

Steptoe & Johnson LLP Washington DC
Calendaring Paralegal, Asbestos Litigation September 2005 – July 2007

A full and complete resume including tasks can be provided upon request

Please list prior experience serving as a board member for non-profit organizations.	*Field not completed.*
Please check your area(s) of expertise and/or the contribution you feel you can make to further the mission of TPAA.	Business Management, Curriculum, Instruction, and Assessment, Facilities, Finance, Governance, Law, Special Education
Additional Information	
Why are you interested in serving as a board member for TPAA?	A community thrives based on the educational opportunities and access to programs and information afforded to its citizens. This in turn means by investing in our schools on the front-end, we invest in our children and the future and in turn, we build a community of future leaders who will bring that investment back to the Palmdale community. In that way, the Antelope Valley will continue as one of the Nation's leaders in Aviation and Aerospace because we have invested in our future Scientist and Engineers. I am interested in serving as a Board Member first because I am a parent and homeowner in the City of Palmdale and would like to be more involved in my community and the education and betterment of our citizens by assisting in the educational progression of our children. The City of Palmdale is a diverse community and this should be reflective in our education and in our Boards/Committees. Our children deserve the access to opportunity afforded to become successful and active participants in civil engagement and the overall common good. I would value the opportunity to be a part of TPAA and contribute to the progression of access to opportunities so our children are competitive as they hit college and the job market. I am a mom and a Palmdale citizen. I have a successful career in the legal industry and feel I would be a valuable asset to TPAA's Board/Committees and the forward thinking and movement of TPAA's mission, overall business and educational goals. My driving force and motivation are my children, OUR CHILDREN, and we must ensure our schools are in collaboration with the community and parents for the continued growth of our City, population, workforce and opportunities available to its citizens.
What other volunteer commitments do you currently have?	This would be my first volunteer opportunity for the City of Palmdale. I am committed to. my community and doing more in its development and progression.
	I am a mother with an Autistic child who was very active in her

Please share any other information you feel important for consideration of your application to serve as a TPAA board member.	IEP and being an advocate for special education. From this lens, I realized the importance of having the right officials in place to ensure our children are given equal opportunities to exceed. I have incentive to further the goals of TPAA because I am a homeowner in the City of Palmdale and would like my children to be able to go to a school that provides top tier education and increases chances of college attendance. One of my children is entering the 9th grade of TPAA this year and I would like to be involved in ensuring the best education is available to all Palmdale residents. A community thrives based on the educational opportunities and access to programs afforded to its citizens. This in turn means our children will bring that investment back to the Palmdale community and the Antelope Valley will continue as one of the Nation's leaders in Aviation and Aerospace. I have an extensive background in the legal industry and a demonstrated track record of being a valuable asset to any firm/organization. I have a background and skillset in project management, budgets, contracts, law, public policy, extensive research and analysis and working within a team for a common goal. Given the access to the analytics, research, budget, resources, and tools, I feel I would be useful in assisting with the strategizing and implementation of TPAA's policies that lead to progression and success. We must use the data and facts to figure out what works, and couple that with the means we are given and find, to implement the best strategies in alignment with success within the budget, but without sacrificing the well-being and opportunities afforded to our children.

Email not displaying correctly? View it in your browser.

THE PALMDALE AEROSPACE ACADEMY
Design, Create and Explore

3300 East Palmdale Blvd.
Palmdale, CA 93550
(661) 273-3680
www.tpaa.org

Board of Directors Duties and Responsibilities

Board Directors for the Palmdale Aerospace Academy provide an invaluable service to the Academy. TPAA's Directors come from a variety of backgrounds and bring many levels of expertise to their work on the Board. The Board values diversity and looks for expertise in curriculum, instruction, assessment, finance, business management, special education, law, facilities, and governance.

All Board Directors serve in the following ways:

- Consistently attend regular Board of Directors meetings
- Participate in fund-raising activities in a manner appropriate for that Board Director
- Participate in the annual Board planning meeting
- Prepare in advance before regular Board meetings by reading and studying materials sent in advance regarding key actions the Board is expected to take at the next meeting

Members of the Board of Directors may also attend special events and participate in professional development activities, as appropriate.

In accordance with The Palmdale Aerospace Academy, Inc.'s approved Bylaws, all Board Directors shall:

- Act in good faith in what they believe to the in the best interests of the organization
- Act with care, including reasonable inquiry, as an ordinarily prudent person would use in similar circumstances
- Act as a member of the group, and as a group:
    - Exercise fiduciary role to ensure that the organization is properly managed but not manage the organization
    - Validate information from the Executive Director/Superintendent
    - Maintain corporate status; ensure that proper paperwork is submitted to governmental agencies
    - Approve the annual budget
    - Review periodic financial reports
    - Ensure proper internal controls are in place
    - Establish a mission and program direction for the organization
    - Review and evaluate program plan and progress
    - Set policy
    - Elect officers
    - Hire Executive Director/Superintendent and review performance of same
    - Establish fundraising goals and participate in fundraising efforts
    - Oversee maintenance of minutes, attendance records, and deal with Board Directors who have lapsed in responsibilities

ARTICLE 1. OFFICES

Section 1.1. Principal Office The principal office of The Palmdale Aerospace Academy, Inc. (the "Corporation") is hereby fixed and located at 38060 20th Street East, Palmdale, CA 93550. The board of directors of the Corporation (the "Board") shall have the full power and authority to change the principal office from one location to another, and such location may be at any place where the Corporation is qualified to conduct its activities. The Secretary shall note any change of location of the principal office.

Section 1.2. Other Offices. Branch or subordinate offices may be established at any time by the Board at any place or places where the Corporation is qualified to conduct its activities.

ARTICLE 2. MEMBERSHIP

Section 2.1. Members. The Corporation shall have no members within the meaning of Section 5056 of the California Nonprofit Corporation Law. Any action that would otherwise require approval by a majority of all members or approval by the members shall require only approval of the Board. All rights which would otherwise vest in the members shall vest in the Board.

Section 2.2. Associates. Nothing in this Article 2 shall limit the right of the Corporation to refer to persons associated with it as "members" even though such persons are not members, and no such reference shall constitute anyone a member, within the meaning of Section 5056 of the California Nonprofit Corporation Law. The Board may adopt policies and procedures for the admission of associate members or other designated members who shall have no voting rights in the Corporation, and such associate or other members shall not be "members" of the Corporation as defined in Section 5056 of the California Nonprofit Corporation Law. The Corporation may confer some or all of the rights of a member, as set forth in the California Nonprofit Corporation Law, upon any person or persons who do not have the right to vote for or regarding (i) the election of Directors, (ii) a disposition of all or substantially all of the assets of the Corporation, (iii) a merger or dissolution of the Corporation, (iv) changes to the Corporation's Articles of Incorporation or Bylaws, or (v) the selection of delegates who possess any of the preceding voting rights, but no such person shall be a member within the meaning of Section 5056 of the California Nonprofit Corporation Law.

ARTICLE 3. DIRECTORS

Section 3.1. Powers. Subject to provisions of the California Nonprofit Public Benefit Corporation Law and any other applicable laws and any limitations of the Articles of Incorporation and these Bylaws, the activities and affairs of the Corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board. The Board may delegate the management of the activities of the Corporation to any person or persons, a management company or Committees however composed, provided that the activities and affairs of the Corporation shall be managed and all corporate powers shall be exercised under the

ultimate direction of the Board. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Board shall have the following powers in addition to the other powers enumerated in these Bylaws:

(a) to select, remove, and supervise all the officers, agents and employees of the Corporation, prescribe qualifications, powers, and duties for them that are not inconsistent with law, the Articles of Incorporation or these Bylaws, fix their compensation, and require from them security or otherwise provide for faithful service;

(b) to conduct, manage and control the affairs and activities of the Corporation and to make such rules and regulations therefor not inconsistent with law, the Articles of Incorporation or these Bylaws, as they may deem best;

(c) to adopt, make and use a corporate seal and alter the form of the seal;

(d) to borrow money and incur indebtedness on behalf of the Corporation and cause to be executed and delivered for the Corporation's purposes, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities therefor; and

(e) seek out and actively pursue outside resources and funding for the purposes of improving, maintaining or expanding the services provided by the Corporation.

Section 3.2. Number of Directors. There shall be no more than twelve (12) directors of the Board. As per section 3.3 there shall be nine (9) positions filled by the original designating agencies. The Board reserves the right to fill and designate an additional three (3) "at large" directors at its discretion without further notice except as provided by Government Code 54950 et. seq.

Section 3.3. Selection and Term of Office.

(a) Designation of Directors. The directors of the Board (the "Directors") shall be selected in the following manner: the Palmdale School District shall designate three (3) Directors, the City of Palmdale shall designate three (3) Directors, and the AERO Institute shall designate one (1) Director. By a majority vote of the Directors present and voting at the annual meeting of the Board, provided that a quorum is present, the Board shall elect one (1) Director employed in or with experience in the private sector in a field related to the areas of study emphasized at the Academy (as defined herein) (the "Private Sector Director"). The final Director shall be selected by the parent association (or the parent-teacher association, or the parent-teacher-student association, as applicable) of the Academy, subject to the approval of the Board (the "Parent Director"). The Board, or any committee of the Board so authorized, shall administer and oversee the appointment or approval, as applicable, of the Private Sector Director and the Parent Director to the Board.

(b) Term of Office. All Directors of the Corporation shall serve a term of three (3) years, expiring on July 31 of the third year of office, and shall hold office until the expiration of the term for which selected and until a successor has been duly designated, or until that Director's earlier resignation or removal in accordance with these Bylaws and the California Nonprofit Corporation Law.

The terms of the Directors shall be staggered, with the intention that only one-

third (1/3) of the directors of the Board shall be selected each year to replace the one-third (1/3) of the Directors whose terms shall expire each year. The Directors in the first election group shall have their initial term as Director reduced to only one (1) year, and such Directors shall include one (1) Director designated by the Palmdale School District, one (1) Director designated by the City of Palmdale, and the Parent Director. The Directors in the second election group shall have their initial term as Director reduced to only two (2) years, and such Directors shall include one (1) Director designated by the Palmdale School District, one (1) Director designated by the City of Palmdale, and the Director designated by the AERO Institute. The Directors in the third election group shall have their initial term remain as three (3) years, and shall include one (1) Director designated by the Palmdale School District, one (1) Director designated by the City of Palmdale, and the Private Sector Director. With respect to the initial Directors appointed by them, each of the Palmdale School District and the City of Palmdale shall determine which of such initial Directors shall be allocated to each election group. If these Bylaws are amended to alter the number of Directors comprising the Board, any increase or decrease in such number shall be apportioned among the election groups so as to maintain the number of Directors in each election group as nearly equal as practicable, and any additional Directors elected to fill a vacancy resulting from an increase in any election group shall hold office for a term that shall coincide with the remaining term of that election group.

After the expiration of the initial terms of the Directors in each of the three (3) election groups, all Directors in each election group shall serve terms of three (3) years. No Director shall serve more than two (2) complete, consecutive three-year terms. A Director who has served two (2) such consecutive three-year terms shall be eligible to serve again as a Director after one (1) year has passed since the expiration of such Director's last term of office.

For purposes of this Section 3.3, any Director elected to serve an unexpired term created by an existing vacancy on the Board (provided that the vacancy occurs during, rather than prior to, such term and therefore such Director serves less than three (3) full years during his or her initial term as a Director), or any Director whose initial term as a Director is less than three years as a result of the initial staggering of the terms of Director positions as described in this Section 3.3, shall be eligible to serve two (2) full three-year terms thereafter, regardless of the length of time served in the unexpired term created by such vacancy or in such initial term.

(c) Selection Criteria. When selecting and designating Directors to the Board, each designator shall be mindful of the benefits of the inclusion of Directors with expertise in curriculum, instruction and assessment, finance, business management, special education, law and facilities.

The Parent Director shall be chosen from among the parents of students then enrolled at the Academy. The Parent Director shall not be required to be the parent of a student who will be enrolled at the Academy during the entirety of such Parent Director's three (3) year term, provided, however, that, if at any time during such Parent Director's term, the child of the

Parent Director ceases to be a student then enrolled in the Academy, the Parent Director shall be deemed to have resigned from the Board, creating a vacancy under Section 3.4.

Section 3.4. Vacancies.

(a) Events Causing Vacancies. A vacancy on the Board shall be deemed to exist at the occurrence of any of the following:

(i) the death, resignation or removal of any Director;

(ii) the failure of the applicable designator to designate the number of Directors required to be designated at such time as a vacancy occurs;

(iii) with respect to the Parent Director, the deemed resignation of such Director upon the child of such Parent Director ceasing to be a student then enrolled in the Academy; or

(iv) the increase of the authorized number of Directors.

(b) Removal.

(i) Any Director may be removed, with or without cause, by a vote of a majority of the Directors then in office.

(ii) Any Director shall be removed automatically from the Board without any action required by the Board, if such Director has been declared of unsound mind by a final order of court, or convicted of a felony, or found by a final order or judgment of any court to have breached any duty under Chapter 2, Article 3 of the California Nonprofit Public Benefit Corporation Law.

(iii) No reduction in the authorized number of Directors shall effect a removal of any Director prior to the expiration of such Director's term of office.

(c) Resignations. Any Director may resign, which resignation shall be effective upon giving written notice to the Chairperson of the Board, the President (if any), the Secretary or the Board, unless the notice specifies a later time for the effectiveness of such resignation, provided that, except upon notice to the Attorney General of the State of California, no Director may resign if the Corporation would then be left without a duly-elected Director or Directors in charge of its affairs. If the resignation of a Director is effective at a future time, a successor may be designated before that time, to take office when the resignation becomes effective. In addition, unexcused absence of any Director from four (4) regular Board meetings over a one (1) year period shall be deemed a resignation of such absent Director from the Board, creating a vacancy to be filled as provided in Section 3.4(d). The determination of whether an absence is excused or unexcused shall be made by the Chairperson of the Board.

(d) Filling of Vacancies. Vacancies in the Board shall be filled in the same manner as the vacant position was last filled; that is, either by the same designator as the designator who appointed the Director(s) whose office is vacant, if applicable, or by the Board of Directors, if the Director(s) whose office is vacant was elected by the Board . Each Director so

selected shall hold office until the expiration of the term of the replaced Director and until a successor has been selected and qualified.

Section 3.5. Place of Meeting. Meetings of the Board shall be held at the principal office of the Corporation. The Board may designate that a meeting be held at any place within California that has been designated by resolution of the Board or in the notice of the meeting provided that all meetings of the Board shall be called, held and conducted in accordance with the terms and provisions of the Ralph M. Brown Act California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Section 3.6. Regular Meetings. Regular meetings of the Board shall be held on the third Monday of each month at 4:15 p.m. local time. The Board shall hold an annual meeting for the purpose of organization, appointment of officers, election of such directors, if any, as are to be elected by the Board in the applicable year, and the transaction of other business. Annual meetings of the Board shall be held without call or notice on the first Wednesday of July of each year at 4:00 p.m. local time; provided, however, that the Board may designate another date or time for the annual meeting in any year. If for any reason the annual meeting is not held on the date scheduled, the term of office for the incumbent directors and officers shall continue until adjournment of the succeeding Board meeting at which such elections take place. Notice of regular and annual meetings is not required if conducted in accordance with these Bylaws. Agendas for each such meeting must be posted seventy-two (72) hours previous to such meeting.

All meetings of the Board shall be called, held and conducted in accordance with the terms and provisions of the Ralph M. Brown Act California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Section 3.7. Special Meetings. Special meetings of the Board for any purpose or purposes may be called at any time by the Chairperson of the Board or by a majority of the Directors, or as otherwise provided by the terms and provisions of the Ralph M. Brown Act California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Notice of the time and place of special meetings, and the business to be transacted at the meeting, shall be provided to the Directors and to all media who have provided written notice to the Corporation. All notices shall provide such information and be given with at least such notice as is required in accordance with the terms and provisions of the Ralph M. Brown Act California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation that is applicable to the type of meeting called.

Section 3.8. Quorum and Action of the Board.

(a) Quorum. A majority of the Directors then in office (excluding non-voting Directors) constitute a quorum of the Board for the transaction of business, except to adjourn as provided in Section 3.11.

(b) Valid Board Actions. Every act or decision done or made by a vote of a majority of the Directors present at a meeting duly held at which a quorum is present shall be

regarded as the act of the Board, unless a greater number be required by law, by the Articles of Incorporation, or by these Bylaws, including, without limitation, acts or decisions relating to (a) approval of contracts or transactions in which a Director has a direct or indirect material financial interest, (b) approval of certain transactions between corporations having common directorships, and (c) creation of and appointments to Committees, and (d) indemnification of Directors. Notwithstanding the foregoing, a meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of Directors from the meeting, if any action taken is approved by at least a majority of the required quorum for such meeting.

Section 3.9. Participation in Meetings by Conference Telephone. Meetings of the Board may be held by teleconference, provided that all Directors participating in the meeting must be able to hear one another. All meetings held by teleconference must comply with the terms and provisions of the Ralph M. Brown Act California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Section 3.10. Waiver of Notice. Except as otherwise provided in the Ralph M. Brown Act California Government Code Sections 54950, et seq. with respect to waivers of notice of special meetings, notice of a meeting need not be given to any Director who signs a waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such Director. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meetings. A waiver of notice need not specify the purpose of any regular or special meeting of the Board. Directors can protest a lack of notice only by presenting a written protest to the Secretary either in person, by first-class mail addressed to the Secretary at the principal office of the Corporation as contained on the records of the Corporation as of the date of the protest, or by facsimile addressed to the facsimile number of the Corporation as contained on the records of the Corporation as of the date of the protest.

Section 3.11. Adjournment. A Board meeting may be adjourned in accordance with the provisions of the Ralph M. Brown Act California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Section 3.12. Conduct of Meetings. Meetings of the Board shall be presided over by the Chairperson of the Board, or, in his or her absence, the Treasurer or, in the absence of each of these persons, by a chairperson chosen by a majority of the Directors present at the meeting. The Secretary of the Corporation shall act as secretary of all meetings of the Board, provided that, in his or her absence, the presiding officer shall appoint another person to act as secretary of the meeting.

All meetings of the Board shall be called, held and conducted in accordance with the terms and provisions of the Ralph M. Brown Act California Government Code Sections 54950, et seq., as said chapter may be modified by subsequent legislation.

Section 3.13. Fees and Compensation. Directors shall not receive any compensation for their service as Directors or as members of Committees of the Board; provided, however, that any Director may receive advances or reimbursement of actual reasonable expenses incurred by such Director in carrying out his or her duties as a Director or as

a member of a Committee of the Board, as may be authorized by the Board. This Section 3.13 shall not be construed to preclude any Director from serving the Corporation in any other capacity as an officer, agent, employee or otherwise, and receiving reasonable compensation for those services, as may be authorized by the Board.

Section 3.14. Restrictions on Interested Directors. Not more than forty-nine percent (49%) of the persons serving on the Board at any time may be Interested Persons. An "Interested Person" is (a) any person currently being compensated by the Corporation for services rendered to it within the previous 12 months, whether as a full-time or part-time employee, independent contractor or otherwise; (b) any employee or officer of any corporation, or any shareholder holding more than 3 percent of the shares in any corporation, or any partner or employee of any partnership, that has rendered compensated services to the Corporation within the previous 12 months; and (c) any brother, sister, ancestor, descendant, spouse, brother-in-law, sister-in-law, mother-in-law, father-in-law, daughter-in-law or son-in-law of any person described in clause (a) or (b) above. Any violation of the provisions of this paragraph shall not, however, affect the validity or enforceability of any transaction entered into by the Corporation.

Section 3.15. Rights of Inspection. Every Director shall have the absolute right at any reasonable time to inspect and copy all books, records, and documents of every kind and to inspect the physical properties of the Corporation.

Section 3.16. Guests of Honor. From time to time the Board, or any Committee so authorized, may place in nomination before the Board the names of individuals for election to life terms as Guests of Honor in recognition of especially meritorious service to the Corporation. The specific requirements and procedures for nomination and election shall be established by the Board, or any Committee so authorized, provided that any Director who has served at least one full term as the Chairperson of the Board or the President (if any) shall be eligible for nomination to the status of Guest of Honor.

Guests of Honor shall receive notice of and be permitted to attend all meetings of the Board and all functions of the Board, unless the Board by resolution has determined that such Guest of Honor shall be excluded from any such meeting, but shall not be deemed Directors and therefore shall not (i) have voting power or any notice rights as a Director, (ii) have any authority to act as a Director, or (iii) be counted for quorum purposes. There shall be no limit to the number of Guests of Honor.

Section 3.17. Non-liability of Directors. The Directors shall not be personally liable for the debts, liabilities or other obligations of the Corporation.

The personal liability (including personal liability to a third party for monetary damages) of any Director for such person's acts or omissions occurring within the scope of the performance of such person's duties as such shall be limited to the fullest extent permitted by law (including Section 5047.5 of the California Nonprofit Corporation Law or Section 5239 of the Nonprofit Public Benefit Law, as applicable). Such Directors shall also have a right to indemnification by the Corporation as and to the extent set forth in Article 9 hereof.

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION**

DISTRICTS: **ALL**

SUBJECT: **ADOPT ORDINANCE NO. 1613, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE APPROVING ZONING ORDINANCE AMENDMENT 23-001 AND ZONE CHANGE 23-001**

ISSUE

Adopt Ordinance No. 1613 approving Zoning Ordinance Amendment (ZOA) 23-001 and Zone Change (ZC) 23-001

RECOMMENDATION

The Planning Commission recommends that the City Council:

1. Receive public testimony regarding Ordinance No. 1613;
2. Adopt Ordinance No. 1613 approving ZOA 23-001 and ZC 23-001; and,
3. Find that the project is consistent with Program Environmental Impact Report (PEIR) 22-002 prepared and certified in conjunction with the City's General Plan update (Palmdale 2045).

BACKGROUND

On September 21, 2022, Palmdale 2045 was approved by the City Council and replaced the previously adopted General Plan (1993). State law requires that the regulations governing the use and development of lands within the municipal limits of a city be consistent with the adopted General Plan for that city. ZOA 21-007 was adopted by the City Council on March 15, 2023, which amended Title 17 of the Palmdale Municipal Code (PMC) to implement the vision of Palmdale 2045 as well as support new land use patterns and future development. Subsequently, City staff have identified minor amendments to Title 17, which are necessary to address inconsistencies, clarify review procedures, correct typographical errors and section references, as well as update the associated Zoning Map. On July 20, 2023, the Planning Commission adopted Resolution No. PC-2023-015 recommending City Council approval of ZOA 23-001 and ZC 23-001. Staff recommends minor changes to the draft as noted below.

DISCUSSION

The proposed project is a request to amend Title 17 of the Palmdale Municipal Code (PMC) to address inconsistencies, clarify review procedures, correct typographical errors and section references, as well as update the associated Zoning Map.

ZOA 23-001 and ZC 23-001 will amend Title 17 and the associated Zoning Map, as follows:

- Clarify the noticing process for Site Plan Review applications.
- Clarify PMC Section references within the permissions tables for Residential, Commercial/Office, and Mixed-Use zones.
- Modify allowable uses within the permissions tables for Industrial, Public Facilities and Open Space zones.
- Clarify PMC Section references and footnotes within development standards tables for Single-Family Residential, Commercial/Office, and Industrial zones.
- Clarify allowable material and height for walls and fences.
- Modify the required number of vehicle parking spaces for uses.
- Modify review procedures for by-right affordable residential developments.
- Clarify standards and requirements for two-unit developments and urban lot splits in single-family zones.
- Modify the zoning designation for an existing mobile home park, located at the northwest corner of East Avenue R and 65th Street East from RN1 (Residential Neighborhood 1) to MH (Mobile Home).

The proposed amendments are necessary to clarify review procedures and inconsistencies in a continued effort to streamline processes and provide flexibility.

FISCAL IMPACT

None.

STRATEGIC PLAN

Goal IV: Maintain a desirable community where everyone wants to live, work and play.

B. Provide inclusive access to a variety of supportive services that build a resilient and healthy community.

Prepared by:	Jasmine Almora, Associate Planner
Certified as to availability of funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Interim City Attorney

ATTACHMENT

1. Ordinance No. 1613

CITY OF PALMDALE
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1613

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE APPROVING ZONING ORDINANCE AMENDMENT 23-001 AND ZONE CHANGE 23-001; A REQUEST TO MODIFY TITLE 17 OF THE PALMDALE MUNICIPAL CODE TO ADDRESS INCONSISTENCIES, CORRECT TYPOGRAPHICAL ERRORS, UPDATE THE ASSOCIATED ZONING MAP AND FIND THAT THE AMENDMENT IS CONSISTENT WITH PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR) 22-002 PREPARED AND CERTIFIED IN CONJUNCTION WITH CITY'S GENERAL PLAN (PALMDALE 2045)

A. RECITALS

WHEREAS, the City of Palmdale (City) has filed applications that apply to the City and the City's sphere of influence, requesting approval of Zoning Ordinance Amendment (ZOA) 23-001 and Zone Change (ZC) 23-001, to address inconsistencies, clarify review procedures, correct typographical errors and section references, as indicated in Exhibit I and update the associated Zoning Map as shown within Exhibit II (hereinafter referred to as "Application");

WHEREAS, California State law requires that the regulations governing the use and development of lands within the municipal limits of a city be consistent with the adopted General Plan for that city. On September 21, 2022, the City Council adopted a comprehensive update to the General Plan (Palmdale 2045), which required a comprehensive update to Title 17 of the Palmdale Municipal Code (PMC) through ZOA 21-007;

WHEREAS, on February 9, 2023, the Planning Commission of the City of Palmdale adopted Resolution No. PC-2023-001 recommending City Council approval of ZOA 21-007 by the City Council;

WHEREAS, on March 15, 2023, the City Council of the City of Palmdale adopted Ordinance No. 1613 for the comprehensive Zoning Code and Map update. Subsequently, City staff have identified minor amendments to Title 17, which are necessary to address inconsistencies, clarify review procedures, correct typographical errors and section references, as well as update the associated Zoning Map;

WHEREAS, on July 20, 2023, the Planning Commission of the City of Palmdale adopted Resolution No. PC-2023-015 recommending City Council approval of ZOA 23-001 and ZC 23-001; and,

WHEREAS, on August 16, 2023, the City Council of the City of Palmdale conducted a duly noticed public hearing on the Application and concluded said hearing

on that date. Evidence, both written and oral, was duly presented and considered by the City Council at the aforesaid public hearing, including but not limited to, the staff report, dated August 16, 2023.

B. ORDINANCE

THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

SECTION 2. The City Council hereby finds as follows with respect to the environmental documentation:

(a) PEIR 22-002 (State Clearinghouse # 2021060494) was prepared and certified by the City Council (Resolution No. CC 2022-096) on September 21, 2022, for approval of the City's General Plan (Palmdale 2045). As part of the environmental analysis, PEIR 22-002 also considered the adoption and implementation of the Comprehensive Zoning Code and Map update. The ZOA and ZC ensures consistency between Palmdale 2045 and the PMC. Staff review has determined that a subsequent or supplemental PEIR as described in California Environmental Quality Act (CEQA) Guidelines Sections 15162, 15163, or 15164, is not required because the proposed Application modifies language in the PMC to ensure compliance with the adopted General Plan and applicable laws, and would not require major revisions of the PEIR, there are no significant changes in circumstances and there is no new information of substantial importance that will involve new significant environmental effects or increase the severity of previously identified significant effects. As such, staff concluded that the request is consistent with the previous PEIR in accordance with CEQA Guidelines.

(b) The custodian of records for the environmental document, and all other materials which constitute the record of proceedings upon which the City Council decision is based, is the Planning Manager of the City of Palmdale. These documents are available for public review in the Planning Division of the City of Palmdale located at 38250 Sierra Highway, Palmdale, California 93550, telephone (661) 267-5200. In addition, the Final PEIR is available at: https://palmdale2045gp.org/wp-content/uploads/2022/10/PalmdaleGP_FinalEIRAppendicesResponsetoCommentsFindingofFactandStatementofOverridingConsiderations.pdf.

SECTION 3. Based upon substantial evidence presented to the City Council during the August 16, 2023, public hearing, including public testimony and written and oral staff reports, the City Council specifically finds as follows:

(a) The proposed ZOA conforms with the goals, objectives, and policies of the General Plan. (ZOA) (ZC)

(b) The proposed ZOA is necessary to implement the General Plan and to provide the public safety, convenience and/or general welfare. (ZOA)

This Application will ensure consistency with the goals, policies, and objectives of Palmdale 2045, because the Application will address inconsistencies, clarify review procedures, correct typographical errors and section references, as well as update the Zoning Map to reflect the modifications included as necessary.

(c) The proposed Zone Change will not have a substantial adverse effect on surrounding properties or the community in general. (ZC)

With the adoption of Palmdale 2045, new land use designations were incorporated within the document and its associated map. Therefore, the Application is required to update the zoning designation as needed to be consistent with the recently adopted General Plan land use map.

SECTION 4. Based on the findings and conclusions set forth in the above Sections, and based on all other evidence in the record, the City Council hereby approves ZOA 23-001 and ZC 23-001 to amend Title 17 of the PMC to address inconsistencies, clarify review procedures, correct typographical errors and section references, as well as update the associated Zoning Map as shown in Exhibits I and II of this Ordinance.

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or

ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

SECTION 6. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance to be published or posted as required by law.

PASSED, APPROVED and **ADOPTED** this 16th day of August, 2023.

Approved as to form:

_____
Laura Bettencourt, Mayor

ATTEST:

_____
William P. Curley, III,
Interim City Attorney

_____
Rochelle Scott, Acting City Clerk

I, Rochelle Scott, Acting City Clerk of the City of Palmdale, California, do hereby certify that the foregoing Ordinance was duly introduced, passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the _____ day of _____, 20___ effective on the ____ day of _____, 20___ by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

Date: _____ _____
Rochelle Scott, Acting City Clerk

EXHIBIT I

17.20.010 Review Procedures

C. Owner-occupied and rental multifamily residential development that have 20 percent of the units reserved for lower-income households shall be allowed by-right.

~~C~~D. Review Authority and the procedures for each approval type are summarized in PMC Table 17.20.010-1 (Review Authority), below.

17.21.040 Review Authority

All applications for Site Plan Review or a Major Revision of a Site Plan Review pursuant to PMC Section 17.21.070.~~A~~B.2, shall be reviewed and determined by the Director following the procedures for Administrative Review, pursuant to PMC Section 17.20.010.A.2, except as otherwise provided by PMC Section 17.20.080 (Decisions by Review Authority). Prior to rendering a decision, the Director shall provide written notice to all property owners within a 300-foot radius of the requested Site Plan Review. The notice shall contain a description of the type and location of the requested Site Plan Review, the anticipated decision date, and shall allow 10 days to submit comments to the City. Upon the passage of 10 days, the Director shall render a decision.

17.26.090 Minor Site Plan Review

G. Time Limits and Extensions for Minor Site Plan Review Decisions. One or more extensions of time, not to exceed a total of 24 months from the original expiration date, may be granted pursuant to PMC 17.20.120 (Time Limits and Extensions for Conditional Land Use Decisions).

17.26.100 Temporary Use and Special Event Permits

E. Temporary Use Permit. A Temporary Use Permit shall be required for the following temporary uses pursuant to PMC Section 17.98.020 (Temporary Uses).

8. On-Site Temporary Real Estate Sales Office, subject to the standards within PMC Section 17.98.020.E.5. ~~Temporary Real Estate Sales Offices shall also require approval of Minor Site Plan Review pursuant to PMC Section 17.26.090 (Minor Site Plan Review);~~

17.35 Land Use Regulations

Table 17.35.020-1. Allowed Uses – Residential Zones

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Aerospace Uses										
Aerospace Manufacturing	-	-	-	-	-	-	-	-	-	
Aerospace Services	-	-	-	-	-	-	-	-	-	
Agriculture & Animal Keeping Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Agricultural Support, Sales, Service, and Storage	-	-	-	-	-	-	-	-	-	
Animal Husbandry and Production	-	-	-	-	-	-	-	-	-	
Animal Raising and Keeping, Domestic	A	A	A	A	A	A	A	A	A	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Exotic	-	-	-	-	-	-	-	-	-	
Animal Raising and Keeping, Horses	A	A	A	A	A	-	-	-	-	Permitted only on lots 20,000 square feet or greater. See PMC Chapter 17.89 (Animal Keeping).
Animal Raising and Keeping, Livestock	A	A	A	A	A	-	-	-	-	Permitted only on lots 20,000 square feet or greater. See PMC Chapter 17.89 (Animal Keeping).
Animal Raising and Keeping, Poultry and Beekeeping	A	A	A	A	A	-	-	-		Permitted only on lots 20,000 square feet or greater, provided that said birds are kept or maintained for the private use of members of the family residing on the premises. Excludes roosters and peafowl. See PMC Chapter 17.89 (Animal Keeping).
Aquaculture	-	-	-	-	-	-	-	-	-	
Crop Production	MUP	-	-	-	-	-	-	-	-	
Farmstands	A	-	-	-	-	-	-	-	-	
Garden/Greenhouse, Private	A	A	A	A	A	A	A	A	A	
Horticultural Production	MUP	-	-	-	-	-	-	-	-	
Kennels, Private/Hobby	MUP	MUP	MUP	-	-	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Stable/Equestrian Facility, Commercial/Public	CUP	CUP	-	-	-	-	-	-	-	

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Stable/Equestrian Facility, Hobby/Private	A	A	A	-	-	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Automobile and Vehicle Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Fueling Station	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Travel Center	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Major	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Minor	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Rental	-	-	-	-	-	-	-	-	-	
Vehicle Sales, New	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Sales, Used	-	-	-	-	-	-	-	-	-	
Vehicle Sales and Rental, Large Vehicles and Equipment	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Towing/Impounding	-	-	-	-	-	-	-	-	-	See PMC Section 17.93.040 (Vehicle Towing/Impounding)
Vehicle Washing & Detailing	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.180 (Vehicle Washing and Detailing)
Vehicle Wrecking/Dismantling	-	-	-	-	-	-	-	-	-	See PMC Section 17.93.030 (Salvage Yards)
Eating and Drinking Establishments & Entertainment Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Bar/Nightclub/Lounge	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Brewpub/Taproom/Wine Bar/Microdistillery	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Café/Bakery	-	-	-	-	-	-	-	-	-	
Cinema/Theater/Performing Arts Center	-	-	-	-	-	-	-	-	-	
Live Entertainment as Accessory Use, Indoor (Accessory)	-	-	-	-	-	-	-	-	-	
Live Entertainment as Accessory Use, Outdoor (Accessory)	-	-	-	-	-	-	-	-	-	Regular outdoor events as an accessory use require an MUP. Sporadic events require a TUP (See PMC Section 17.98.020 (Temporary Uses)).
Outdoor Dining (Accessory)	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.100 (Outdoor Dining)
Outdoor Entertainment	-	-	-	-	-	-	-	-	-	
Restaurant, Bona Fide	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Restaurant, Dine-In and Take-Out	-	-	-	-	-	-	-	-	-	
Restaurant, Drive-Through	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.050 (Drive-Through Restaurants and Drive-Through Services)
Film, Research and Development										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Film Production & Post Production	-	-	-	-	-	-	-	-	-	
Research & Development	-	-	-	-	-	-	-	-	-	
Industrial and Manufacturing Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Artisan Manufacturing/Makers Space	-	-	-	-	-	-	-	-	-	
Brewery/Distillery/Winery - without tasting room or > 10,000 sf	-	-	-	-	-	-	-	-	-	
Brewery/Distillery/Winery - with tasting room and <10,000 sf	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Commercial Vehicle Parking (Primary)	-	-	-	-	-	-	-	-	-	See PMC Section 17.93.010 (Commercial Vehicle Parking as a Primary Use)
Construction and Materials Yards	-	-	-	-	-	-	-	-	-	
Food or Beverage Manufacturing	-	-	-	-	-	-	-	-	-	
Hazardous Materials Facility	-	-	-	-	-	-	-	-	-	See PMC Chapter 17.96 (Hazardous Materials Facilities)

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Indoor Warehousing, Storage, Wholesaling, and Distribution	-	-	-	-	-	-	-	-	-	
Manufacturing, Outdoors	-	-	-	-	-	-	-	-	-	
Manufacturing/Processing, Light	-	-	-	-	-	-	-	-	-	
Manufacturing/Processing, Heavy	-	-	-	-	-	-	-	-	-	
Mining/Resource Extraction	-	-	-	-	-	-	-	-	-	See PMC Section 17.67.~~070~~120 (Mining and Quarry Special Standards) and PMC Chapter 17.102 (Surface Mining and Reclamation)
Mini-Storage Warehousing or Facility	-	-	-	-	-	-	-	-	-	See PMC Section 17.93.020 (Mini-Storage Warehousing or Facility)
Outdoor Storage (Accessory)	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory)
Outdoor Storage (Primary)	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory)
Outdoor Storage (Temporary)	T; TUP	T; TUP	-	-	-	-	-	-	-	If less than 72 hours, allowed by right (T). If over 72 hours, a TUP is required per PMC Section 17.26.100 (Temporary Use and Special Event Permits). See also PMC Section 17.98.020 (Temporary Uses).
Salvage Yards	-	-	-	-	-	-	-	-	-	See PMC Section 17.93.0~~2~~30 (Salvage Yards)
Temporary Buildings or Storage Facilities (Temporary and Accessory)	-	-	-	-	-	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Lodging										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Bed and Breakfast	MUP	MUP	MUP	MUP	MUP	MUP	-	-	-	
Lodging - Extended Stay	-	-	-	-	-	-	-	-	-	
Lodging - Hotels	-	-	-	-	-	-	-	-	-	
Lodging - Motels	-	-	-	-	-	-	-	-	-	
Lodging - Timeshares	-	-	-	-	-	-	-	-	-	
Public, Quasi-Public and Institutional Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Civic/Government	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	-	
Cultural Institutions	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	
Hospital	-	-	-	-	-	-	-	-	-	
Public Service Facility	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	-	
Social Service Facilities	-	-	-	-	-	-	MUP	MUP	-	See PMC Section 17.94.040 (Social Service Facilities with Congregate Meal Facilities)
Recreation, Education, and Public Assembly Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Athletic Fields, Unlighted	P	P	P	P	P	P	P	P	-	
Athletic Fields, Lighted	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	
Campground	CUP	CUP	-	-	-	-	-	-	-	
Cemeteries, Crematories, or Mausoleums	CUP	CUP	CUP	-	-	-	-	-	-	
College/University	-	-	-	-	-	-	-	-	-	
Commercial Recreation and Sports, Indoor	-	-	-	-	-	-	-	-	-	
Commercial Recreation and Sports, Outdoor	CUP	CUP	CUP	CUP	CUP	-	-	-	-	See PMC Section 17.94.030 (Golf Courses)
Community Assembly, ≤ 5,000 sf (gross sf)	P	P	P	P	P	P	P	P	-	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, 5,001 sf - 12,000 sf (gross sf)	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, > 12,000 sf (gross sf)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Family Day Care Center	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	See PMC Section 17.92.060 (Family Day Care Center)
Instructional Services, ≤ 5,000 sf	-	-	-	-	-	-	-	-	-	
Instructional Services, > 5,001 sf	-	-	-	-	-	-	-	-	-	
Open Space, Natural	P	P	P	P	P	P	P	P	-	

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Parks and Recreation Facilities	P	P	P	P	P	P	P	P	-	See PMC Section 17.94.030 (Golf Courses)
Retreat Center	CUP	CUP	-	-	-	-	-	-	-	
Recreational Vehicle (RV) Park	CUP	CUP	-	-	-	-	-	-	-	
Schools, Public or Private (TK-12)	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	
Tutoring Facilities	-	-	-	-	-	-	-	-	-	
Vocational/Trade School, ≤ 10,000 sf	-	-	-	-	-	-	-	-	-	
Vocational/Trade School, > 10,001 sf	-	-	-	-	-	-	-	-	-	
Residential Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) (Accessory)	A	A	A	A	A	A	A	A	-	See PMC Section 17.91.010 (Accessory Dwelling Units and Junior Accessory Dwelling Unit Standards)
Agricultural Worker Housing	P	P	-	-	-	-	-	-	-	
Caretaker's Unit (Accessory)	-	-	-	-	-	-	-	-	-	See PMC Section 17.91.030 (Caretaker's Units (Accessory))
Child Day Care in a Home	P	P	P	P	P	P	P	P	P	
Cottage Food Operation (Accessory)	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	-	See PMC Section 17.91.040 (Cottage Food Operation
Cottage Industry (Accessory)	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	-	
Emergency Shelters	-	-	-	-	-	-	-	-	-	See PMC Section 17.94.020 (Emergency Shelters)
Group Residential Home	-	-	-	-	-	CUP	CUP	CUP	-	
Home Occupation (Accessory)	A	A	A	A	A	A	A	A	A	
Live/Work	-	-	-	-	-	-	-	-	-	
Model Home (on-site)	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	See PMC Section 17.98.020 (Temporary Uses)
Manufactured/Mobile Home Park	-	-	-	-	-	-	-	-	CUP	See PMC Section 17.91.050 (Manufactured/Mobile Home Parks) and 17.91.060 (Manufactured/Mobile Home Park Closures)

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Residential Care Facilities, Small	P	P	P	P	P	P	P	P	-	
Residential Care Facilities, Large	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	See PMC Section 17.91.070 (Residential Care Facilities, Large)
Residential Housing Types										
Single-Family Dwelling, Attached	-	-	-	-	P	P	P	P[1]	-	
Single-Family Dwelling, Detached	P	P	P	P	P	P	P	P[1]	-	
Two-Family Dwelling/Duplex	-	-	-	-	P	P	P	P	-	
Multi-Family Dwelling, Triplex/Quadplex	-	-	-	-	P	P	P	P	-	
Multi-Family Residential, ≥ 5 Units	-	-	-	-	-	P	P	P	-	
Manufactured/Mobile Home	-	-	-	-	-	-	-	-	CUP	
Single-Room Occupancy	-	-	-	-	-	-	CUP	CUP	-	
Sober Living Home	-	-	CUP	CUP	CUP	-	-	-	-	See PMC Section 17.91.080 (Sober Living Home)
Supportive Housing	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	
Transitional Housing	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	-	
Yard Sales (Temporary Use)	T	T	T	T	T	T	T	T	T	See PMC Section 17.98.020 (Temporary Uses)
Retail, Service, and Office Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Adult-Oriented Business	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.010 (Adult-Oriented Businesses)
Alcohol & Drug Treatment Facility, Large	-	-	-	-	-	-	-	-	-	See PMC Section 17.91.020 (Alcohol and Drug Treatment Facility)
Alcohol & Drug Treatment Facility, Small	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	-	
Alcohol Sales, Off-Sale	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Animal Sales and Services	-	-	-	-	-	-	-	-	-	
Auction Sales, Indoor	-	-	-	-	-	-	-	-	-	
Auction Sales, Outdoor	-	-	-	-	-	-	-	-	-	
ATM (Accessory)	-	-	-	-	-	-	-	-	-	
Bail Bonds	-	-	-	-	-	-	-	-	-	
Banks, Financial, Savings and Loan Institutions	-	-	-	-	-	-	-	-	-	
Building Materials Sales and Services	-	-	-	-	-	-	-	-	-	

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Business to Business Support Services	-	-	-	-	-	-	-	-	-	
Check-Cashing Businesses	-	-	-	-	-	-	-	-	-	
Convenience Market	-	-	-	-	-	-	-	-	-	See PMC Sections 17.92.030 (Convenience Markets) and PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Drive-Through Services (Accessory)	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.050 (Drive-Through Restaurants and Drive-Through Services)
Farmer's Market (Temporary)	-	-	-	-	-	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Food Preparation, Commercial	-	-	-	-	-	-	-	-	-	
Fortunetelling, Palm and Card Reading	-	-	-	-	-	-	-	-	-	
Funeral Homes and Mortuaries	-	-	-	-	-	-	-	-	-	
General Retail ≤ 5,000 sf	-	-	-	-	-	-	-	-	-	
General Retail 5,001 sf - 25,000	-	-	-	-	-	-	-	-	-	
General Retail/Superstore > 25,000	-	-	-	-	-	-	-	-	-	
Grocery Store	-	-	-	-	-	-	-	-	-	
Kennels/Boarding, Commercial	CUP	CUP	-	-	-	-	-	-	-	Permitted only on lots of 20,000 square feet or greater. See PMC Section 17.92.080 (Kennels/Boarding, Commercial).
Kiosk/Outdoor Vending	-	-	-	-	-	-	-	-	-	
Laundromat	-	-	-	-	-	-	-	-	-	
Massage Establishment, Accessory (Accessory)	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.090 (Massage Establishment (Accessory))
Massage Establishment, Stand-Alone	-	-	-	-	-	-	-	-	-	
Medical Services, Extended Care	-	-	-	-	-	-	-	-	-	
Medical Services, Medical/Dental/Holistic/Clinic	-	-	-	-	-	-	-	-	-	
Medical Services, Urgent Care	-	-	-	-	-	-	-	-	-	
Microblading/Permanent Makeup	-	-	-	-	-	-	-	-	-	
Neighborhood Market	-	-	-	-	-	-	-	-	-	
Nursery/Garden Center	CUP	CUP	-	-	-	-	-	-	-	
Office, Processing	-	-	-	-	-	-	-	-	-	
Office, Professional/Administrative	-	-	-	-	-	-	-	-	-	
Office, Service	-	-	-	-	-	-	-	-	-	

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Outdoor Display	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.110 (Outdoor Display)
Pawnshop	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.130 (Pawnshops)
Personal Services	-	-	-	-	-	-	-	-	-	
Pet Daycare	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.140 (Pet Daycare)
Resale/Consignment/Thrift Shop	-	-	-	-	-	-	-	-	-	
Smoking Lounge	-	-	-	-	-	-	-	-	-	
Smoke Shop	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.150 (Smoke Shop)
Swap Meet, Indoor	-	-	-	-	-	-	-	-	-	
Swap Meet, Outdoor	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.160 (Swap Meet, Outdoor)
Tattoo/Body Art/Piercing	-	-	-	-	-	-	-	-	-	See PMC Section 17.92.170 (Tattoo/Body Art/Piercing Establishments)
Temporary Real Estate Sales Office (Temporary)	TUP	TUP	TUP	TUP	TUP	TUP	TUP	TUP	-	See PMC Section 17.98.020 (Temporary Uses)
Veterinary Hospitals	CUP	CUP	-	-	-	-	-	-	-	See PMC 17.92.190 (Veterinary Hospitals)
Utility, Transportation, and Communication Uses										
	ER	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Airports and Heliports	-	-	-	-	-	-	-	-	-	
Co-located Small Wind Energy Systems (CSWES) (Accessory)	-	-	-	-	-	-	-	-	-	See PMC Section 17.99.010 (Co-located Small Wind Energy Systems (CSWES))
Communication/Wireless Telecommunications Facilities, Major	-	-	-	-	-	-	-	-	-	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication/Wireless Telecommunications Facilities, Minor	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	-	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communications, Facilities within Buildings	-	-	-	-	-	-	-	-	-	
Freight/Trucking Facility	-	-	-	-	-	-	-	-	-	
Light Fleet-Based Services	-	-	-	-	-	-	-	-	-	
Parking Lots & Structures	-	-	-	-	-	-	-	-	-	
Passenger Transportation Facilities	-	-	-	-	-	-	-	-	-	
Recycling Collection Facility, Large	-	-	-	-	-	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)

Residential Zones										
Use	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3/RN4**	**MH**	**Specific Use Regulations**
Recycling Collection Facility, Small	-	-	-	-	-	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Heavy	-	-	-	-	-	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Light	-	-	-	-	-	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Reverse Vending Machine	-	-	-	-	-	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Sanitary Landfills	-	-	-	-	-	-	-	-	-	See PMC Section 17.98.010 (Sanitary Landfills)
Small Residential Wind Generator Systems (SRWGS) (Accessory)	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	-	-	-	-	See PMC Section 17.99.020 (Small Residential Wind Generator Systems (SRWGS))
Solar Energy System (Primary)	-	-	-	-	-	-	-	-	-	See PMC Section 17.99.030 (Solar Energy System (Primary))
Utilities, Major	CUP	CUP	-	-	-	-	-	-	-	
Utilities, Minor	MUP	MUP	MUP	MUP	MUP	MUP	MUP	MUP	-	
Utility Yard	-	-	-	-	-	-	-	-	-	

Notes:

1. Permitted within RN3 only

17.36 Development Regulations

Table 17.36.010-1. Development Standards – Single-Family Residential

Residential Zones - Single-Family Residential Development Standards									
Standards	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3**	**Additional Regulations**
Maximum Unit Size per Dwelling Unit (sf) (for SFR)	-	-	-	-	-	3,500	3,000	2,500	Inclusive of attached garage space.
Maximum Lot Coverage (% of lot)	20	30	30	40	50	60	75	NA	See PMC Section 17.17.050 (Floor Area and Lot Coverage).
Building Form and Location									
Maximum Height (ft)/Stories - Primary Structure	35/2 stories	35/2 stories	35/2 stories	35/2 stories	35/2 stories	35/2.5 stories	40/3 stories	50/4 stories	• Projects must comply with both stories and overall height maximums. See PMC Section 17.17.030 (Measuring Heights). • Architectural features may project above the maximum height by five feet. Architectural features include rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by the Director.
Maximum Height (ft)/Stories - Accessory Building	40/2 stories	40/2 stories	17/1 story	17/1 story	17/1 story	17/1 story	17/1 story	17/1 story	
Minimum Distance between Structures (both between main structures and accessory structures)	See PMC Section 17.82.050 (Distance Between Buildings in Residential and Mixed-Use Zones)								
Lot Setbacks - Minimums (ft)							Applies to individual lots within a development site.		
Front (primary frontage)[3]	35	25	20	15	15	10	5	5	• For new single-family attached and detached dwelling units, front-loaded garages shall be set back at minimum 20 feet from the property line. • For RN3, front-loaded parking is not allowed.
Street Side (corner lots)[2]	35	25	20	15	15	10	5	5	
Interior Side	25	20	15	5 ft minimum on one side of the dwelling	5 ft minimum on one side of the dwelling unit,	5	5	5	• Only applies to detached single-family dwellings and the ends of attached single-family dwellings.

Residential Zones - Single-Family Residential Development Standards									
Standards	**ER**	**LDR**	**SFR1**	**SFR2**	**SFR3**	**RN1**	**RN2**	**RN3**	**Additional Regulations**
				unit, and 10 ft minimum required on the garage side	and 10 ft minimum required on the garage side				• Where a railroad right-of-way is located along the side setback of a lot, the minimum side setback for the habitable residential structure(s) on the lot shall be 50 feet.
Open Space Standards									
Minimum Usable Open Space (sf per unit)	-	-	-	-	-	300 sf total per unit, of which 150 ft must be private	200 sf total per unit, minimum 100 sf of private open space required for ground-level units and 60 sf of private open space for upper-level units	200 sf total per unit; minimum 100 sf of private open space for ground-level units and 60 sf of private open space for upper-level units	• Setback areas are not considered usable open space unless they are at least 20 feet wide. Minimum private open space is 6 feet in either direction. • See PMC Section 17.38.050 (Open Space).
Maximum front yard paving	A maximum of 40 percent of the required front yard setback, excluding the driveway, shall be covered with impervious surfaces.								
Minimum Required Landscaping	See PMC Section 17.3~~97.03~~10.G (Detached Single-Family Residential Standards)								See PMC Section 17.86.010 (Landscaping Requirements)
Other Standards	**See additional standards in PMC Chapter 17.37 (Supplemental Standards for Single-Family Residential Development), Division 8 (General Standards of Development), Division 9 (Special Regulations), Division 10 (Environmental Management), and the City of Palmdale Multi-Family and Mixed-Use Design Standards (Adopted by Ordinance 1594)**								

17.39.040 Standards and Requirements

A. Standards. The proposed Two-Unit Development shall comply with all objective development standards and design review standards in Division 3 (Residential Zones) of this Ordinance applicable to the parcel as provided in the zone in which the parcel is located, and objective subdivision standards in PMC Title 16 (Subdivisions) provided, however, that:

8. Access. All lots shall have existing access, provide new access, or adjoin the public right-of-way. All access drives shall have a minimum width of ~~10~~ 12 feet.

B. Rental Period. Dwelling units created through the Two-Unit Development process may be used for residential uses only and may not be used for rentals of less than ~~30~~ 31 days.

17.47 Land Use Regulations

Table 17.47.020-1 Allowed Uses – Commercial/Office Zones

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Aerospace Uses							
Aerospace Manufacturing	-	-	-	-	-	-	
Aerospace Services	-	-	-	-	-	-	
Agriculture & Animal Keeping Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Agricultural Support, Sales, Service, and Storage	-	-	-	-	-	-	
Animal Husbandry and Production	-	-	-	-	-	-	
Animal Raising and Keeping, Domestic	-	A	-	-	A	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Exotic	-	-	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Horses	-	-	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Livestock	-	-	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Poultry and Beekeeping	-	-	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Aquaculture	-	-	-	-	-	-	
Crop Production	-	-	-	-	-	-	

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Farmstands	-	-	-	-	-	-	
Garden/Greenhouse, Private	A	A	A	A	A	A	
Horticultural Production	-	-	-	-	-	-	
Kennels, Private/Hobby	-	-	-	-	-	-	
Stable/Equestrian Facility, Commercial/Public	-	-	-	-	-	-	
Stable/Equestrian Facility, Hobby/Private	-	-	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Automobile and Vehicle Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Fueling Station	CUP	MUP	P	-	-	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Travel Center	-	CUP	P	-	-	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Major	-	CUP	CUP	-	-	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Minor	MUP	MUP	P	CUP	-	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Rental	CUP	MUP	P	-	-	-	
Vehicle Sales, New	-	-	-	-	-	-	
Vehicle Sales, Used	-	-	-	-	-	-	
Vehicle Sales and Rental, Large Vehicles and Equipment	-	CUP	CUP	-	-	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Towing/Impounding	-	-	-	-	-	-	See PMC Section 17.93.040 (Vehicle Towing/Impounding)
Vehicle Washing & Detailing	CUP	P	P	-	-	-	See PMC Section 17.92.180 (Vehicle Washing and Detailing)
Vehicle Wrecking/Dismantling	-	-	-	-	-	-	See PMC Section 17.93.030 (Salvage Yards)
Eating and Drinking Establishments & Entertainment Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Bar/Nightclub/Lounge	CUP	CUP	CUP	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Brewpub/Taproom/Wine Bar/Microdistillery	MUP	MUP	MUP	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Café/Bakery	P	P	P	P	P	P	

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Cinema/Theater/Performing Arts Center	CUP	P	P	-	P	-	
Live Entertainment as Accessory Use, Indoor (Accessory)	A	A	A	A	A	A	
Live Entertainment as Accessory Use, Outdoor (Accessory)	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	Regular outdoor events as an accessory use require an MUP. Sporadic events require a TUP (See PMC Section 17.98.020 (Temporary Uses)).
Outdoor Dining (Accessory)	A	A	A	A	A	A	See PMC Section 17.92.100 (Outdoor Dining)
Outdoor Entertainment	-	P	P	-	CUP	-	
Restaurant, Bona Fide	MUP	P	P	P	P	P	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Restaurant, Dine-In and Take-Out	P	P	P	P	P	P	
Restaurant, Drive-Through	CUP	P	P	-	CUP	CUP	See PMC Section 17.92.050 (Drive-Through Restaurants and Drive-Through Services)
Film, Research and Development							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Film Production & Post Production	-	MUP	-	-	-	MUP	Only allowed on parcels that fall within the Los Angeles Secondary Studio zone.
Research & Development	-	-	-	P	P	P	
Industrial and Manufacturing Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Artisan Manufacturing/Makers Space	CUP	MUP	-	-	MUP	P	
Brewery/Distillery/Winery - without tasting room or > 10,000 sf	-	-	-	-	-	-	
Brewery/Distillery/Winery - with tasting room and <10,000 sf	CUP	MUP	MUP	-	-	CUP	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Commercial Vehicle Parking (Primary)	-	-	-	-	-	-	See PMC Section 17.93.010 (Commercial Vehicle Parking as a Primary Use)
Construction and Materials Yards	-	-	-	-	-	-	
Food or Beverage Manufacturing	-	-	-	-	-	-	
Hazardous Materials Facility	-	-	-	-	-	-	See PMC Chapter 17.96 (Hazardous Materials Facilities)
Indoor Warehousing, Storage, Wholesaling, and Distribution	-	CUP	-	-	-	A, MUP	
Manufacturing, Outdoors	-	-	-	-	-	-	
Manufacturing/Processing, Light	-	-	-	-	-	MUP	

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Manufacturing/Processing, Heavy	-	-	-	-	-	-	
Mining/Resource Extraction	-	-	-	-	-	-	See PMC Section 17.67.~~070~~120 (Mining and Quarry Special Standards) and PMC Chapter 17.102 (Surface Mining and Reclamation)
Mini-Storage Warehousing or Facility	-	CUP	-	-	-	CUP	See PMC Section 17.93.020 (Mini-Storage Warehousing or Facility)
Outdoor Storage (Accessory)	-	A, MUP	A, MUP	A, CUP	A, CUP	A, CUP	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))
Outdoor Storage (Primary Use)	-	-	-	-	-	-	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))
Outdoor Storage (Temporary)	T; TUP	T; TUP	T; TUP	T; TUP	T; TUP	T; TUP	If less than 72 hours, allowed by right (T). If over 72 hours, a TUP is required per PMC Section 17.26.100 (Temporary Use and Special Event Permits). See also PMC Section 17.98.020 (Temporary Uses).
Salvage Yards	-	-	-	-	-	-	See PMC Section 17.93.030 (Salvage Yards)
Temporary Structures or Storage Facilities (Temporary and Accessory)	A, TUP	A, TUP	A, TUP	A, TUP	A, TUP	A, TUP	See PMC Section 17.98.020 (Temporary Uses)
Lodging							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Bed and Breakfast	-	-	-	-	-	-	
Lodging - Extended Stay	CUP	P	P	MUP	MUP	MUP	
Lodging - Hotels	CUP	P	P	MUP	MUP	MUP	
Lodging - Motels	CUP	P	P	MUP	MUP	MUP	
Lodging - Timeshares	-	P	P	-	-	-	
Public, Quasi-Public and Institutional Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Civic/Government	P	P	P	P	P	P	
Cultural Institutions	CUP	P	P	P	P	CUP	
Hospital	-	CUP	CUP	MUP	-	-	
Public Service Facility	P	P	P	P	P	P	
Social Service Facilities	MUP	MUP	MUP	P	MUP	MUP	See PMC Section 17.94.040 (Social Service Facilities with Congregate Meal Facilities)
Recreation, Education, and Public Assembly Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Athletic Fields, Unlighted	-	P	P	-	P	-	
Athletic Fields, Lighted	-	MUP	MUP	-	CUP	-	

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Campground	-	-	-	-	-	-	
Cemeteries, Crematories, or Mausoleums	-	-	-	-	-	-	
College/University	CUP	CUP	CUP	CUP	P	CUP	
Commercial Recreation and Sports, Indoor	CUP	P	P	-	P	CUP	
Commercial Recreation and Sports, Outdoor	-	P	P	-	MUP	-	See PMC Section 17.94.030 (Golf Courses)
Community Assembly, ≤ 5,000 sf (gross sf)	P	P	P	P	P	P	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, 5,001 sf - 12,000 sf (gross sf)	MUP	P	P	MUP	P	MUP	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, >12,000 sf (gross sf)	CUP	CUP	CUP	CUP	CUP	CUP	See PMC Section 17.94.010 (Community Assembly Uses)
Family Day Care Center	P	P	P	P	P	P	See PMC Section 17.92.060 (Family Day Care Center)
Instructional Services, ≤ 5,000 sf	P	P	P	MUP	P	P	
Instructional Services, > 5,000 sf	MUP	P	P	MUP	P	MUP	
Open Space, Natural	P	P	P	P	P	P	
Parks and Recreation Facilities	P	P	P	P	P	P	See PMC Section 17.94.030 (Golf Courses)
Retreat Center	CUP	P	P	CUP	MUP	CUP	
Recreational Vehicle (RV) Park	-	-	-	-	-	-	
Schools, Public or Private (TK-12)	-	-	-	-	P	-	
Tutoring Facilities	P	P	P	MUP	P	MUP	
Vocational/Trade School, ≤ 10,000 sf	MUP	MUP	MUP	MUP	P	MUP	
Vocational/Trade School, >10,001 sf	CUP	CUP	CUP	CUP	P	CUP	
Residential Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)	-	A	-	A	A	-	See PMC Section 17.91.010 (Accessory Dwelling Unit and Junior Accessory Dwelling Unit Standards)
Agricultural Worker Housing	-	-	-	-	-	-	
Caretaker's Unit (Accessory)	-	-	-	-	P	-	See PMC Section 17.91.030 (Caretaker's Units (Accessory))
Child Day Care in a Home	-	P	-	P	P	-	
Cottage Food Operation	-	-	-	-	-	-	See PMC Section 17.91.040 (Cottage Food Operation)
Cottage Industry	-	-	-	-	-	-	

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Emergency Shelters	-	-	-	CUP	-	-	See PMC Section 17.94.020 (Emergency Shelters)
Group Residential Home	-	-	-	MUP	MUP	-	
Home Occupation (Accessory)	-	A	-	A	A	-	
Live/Work	-	MUP		P	P	-	
Model Home (on-site)	-	-	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Manufactured/Mobile Home Park	-	-	-	-	-	-	See PMC Section 17.91.050 (Manufactured/Mobile Home Parks) and 17.91.060 (Manufactured/Mobile Home Park Closures)
Residential Care Facilities, Small	CUP	-	-	P	-	-	
Residential Care Facilities, Large	CUP	CUP	CUP	P	-	-	See PMC Section 17.91.070 (Residential Care Facilities, Large)
Residential Housing Types							
Single-Family Dwelling, Attached	-	-	-	-	-	-	
Single-Family Dwelling, Detached	-	-	-	-	-	-	
Two-Family Dwelling/Duplex	-	-	-	-	-	-	
Multi-Family Dwelling, Triplex/Quadplex	-	-	-	-	-	-	
Multi-Family Residential, ≥ 5 Units	-	P[1]	-	CUP	CUP	-	
Manufactured/Mobile Home	-	-	-	-	-	-	
Single-Room Occupancy	-	-	-	-	-	-	
Sober Living Home	-	-	-	-	-	-	See PMC Section 17.91.080 (Sober Living Home)
Supportive Housing	-	-	-	-	-	-	
Transitional Housing	-	-	-	-	-	-	
Yard Sales (Temporary Use)	-	T	-	T	T	-	See PMC Section 17.98.020 (Temporary Uses)
Retail, Service, and Office Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Adult-Oriented Business	-	CUP	CUP	-	-	-	See PMC Section 17.92.010 (Adult-Oriented Businesses)
Alcohol & Drug Treatment Facility, Large	-	-	-	CUP	-	-	See PMC Section 17.91.020 (Alcohol & Drug Treatment Facility)
Alcohol & Drug Treatment Facility, Small	-	-	-	MUP	-	-	
Alcohol Sales, Off-Sale	-	CUP	CUP	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Animal Sales and Services	CUP	P	P	-	-	-	
Auction Sales, Indoor	-	MUP	MUP	-	-	-	
Auction Sales, Outdoor	-	CUP	CUP	-	-	-	
ATM (Accessory Use)	A	A	A	A	A	A	
Bail Bonds	-	CUP	CUP	-	-	-	
Banks, Financial, Savings and Loan Institutions	P	P	P	P	P	P	
Building Materials Sales and Services	-	-	-	-	-	-	

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Business to Business Support Services	-	MUP	MUP	-	-	P	
Check-Cashing Businesses	-	CUP	CUP	-	-	-	
Convenience Market	-	CUP	CUP	-	-	-	See PMC Section 17.92.030 (Convenience Markets) and PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Drive-Through Services (Accessory)	A, MUP	A	A	A	A	A	See PMC Section 17.92.050 (Drive-Through Restaurants and Drive-Through Services)
Farmer's Market (Temporary)	TUP	TUP	TUP	TUP	TUP	TUP	See PMC Section 17.98.020 (Temporary Uses)
Food Preparation, Commercial	CUP	P	P	P	P	MUP	
Fortunetelling, Palm and Card Reading	P	P	P	-	-	-	
Funeral Homes and Mortuaries	MUP	P	P	P	-	-	
General Retail ≤ 5,000 sf	P	P	P	P	P	P	
General Retail 5,001 sf - 25,000	MUP	P	P	MUP	MUP	MUP	
General Retail/Superstore > 25,000	-	P	P	CUP	CUP	CUP	
Grocery Store	P	P	P	CUP	MUP	-	
Kennels/Boarding, Commercial	MUP	P	P	-	-	-	See PMC Section 17.92.080 (Kennels/Boarding, Commercial)
Kiosk/Outdoor Vending [2]	A	A	A	A	A	A	
Laundromat	P	P	P	P	P	P	
Massage Establishment, Accessory (Accessory)	A	A	A	A	A	A	See PMC Section 17.92.090 (Massage Establishment (Accessory))
Massage Establishment, Stand-Alone	-	-	-	-	-	-	
Medical Services, Extended Care	-	MUP	MUP	P	-	-	
Medical Services, Medical/Dental/Holistic/Clinic	P	P	P	P	P	P	
Medical Services, Urgent Care	CUP	P	P	P	P	CUP	
Microblading/Permanent Makeup	P	P	P	P	P	P	
Neighborhood Market	P	P	P	P	P	P	
Nursery/Garden Center	MUP	P	P	-	-	-	
Office, Processing	-	P	P	P	MUP	P	
Office, Professional/Administrative	P	P	P	P	P	P	
Office, Service	P	P	P	P	P	P	
Outdoor Display (Accessory)	A	A	A	A	A	A	See PMC Section 17.92.110 (Outdoor Display)
Pawnshop	-	CUP	CUP	-	-	-	See PMC Section 17.92.130 (Pawnshops)
Personal Services	P	P	P	P	P	P	

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Pet Daycare	P	P	P	P	P	P	PMC Section 17.92.140 (Pet Daycare)
Resale/Consignment/Thrift Shop	CUP	MUP	MUP	-	-	-	
Smoking Lounge	CUP	P	P	-	-	-	
Smoke Shop	-		CUP	-	-	-	See PMC Section 17.92.150 (Smoke Shop)
Swap Meet, Indoor	-	P	P	-	-	-	
Swap Meet, Outdoor	-	MUP; TUP	MUP; TUP	-	-	-	See PMC Section 17.92.160 (Swap Meet, Outdoor). Temporary outdoor swap meets require a TUP pursuant to PMC Section 17.98.020 (Temporary Uses).
Tattoo/Body Art/Piercing	CUP	CUP	CUP	CUP	-	-	See PMC Section 17.92.170 (Tattoo/Body Art/Piercing Establishments)
Temporary Real Estate Sales Office (Temporary)	-	-	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Veterinary Hospitals	MUP	P	P	P	MUP	-	See PMC 17.92.190 (Veterinary Hospitals)
Utility, Transportation, and Communication Uses							
	NC	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Airports and Heliports	-	CUP	CUP	CUP	-	-	
Co-located Small Wind Energy Systems (CSWES) (Accessory)	A, MUP	A, MUP	A, MUP	-	-	A, MUP	See PMC Section 17.99.010 (Co-located Small Wind Energy Systems (CSWES))
Communication/Wireless Telecommunications Facilities, Major	-	CUP	CUP	CUP	CUP	CUP	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication/Wireless Telecommunications Facilities, Minor	MUP	MUP	MUP	MUP	MUP	MUP	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication, Facilities within Buildings	-	MUP	MUP	MUP	MUP	P	
Freight/Trucking Facility	-	-	-	-	-	-	
Light Fleet-Based Services	-	P	P	P	P	P	
Parking Lots & Structures	-	A, MUP	A, MUP	A, MUP	A, MUP	A, MUP	
Passenger Transportation Facilities	-	CUP	CUP	CUP	CUP	CUP	
Recycling Collection Facility, Large	-	-	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Collection Facility, Small	CUP	-	-	CUP	CUP	CUP	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Heavy	-	-	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Light	-	-	-	-	-	CUP	See PMC Chapter 17.97 (Recycling Facilities)
Reverse Vending Machine (Accessory)	A			A	A	A	See PMC Chapter 17.97 (Recycling Facilities)

Commercial/Office Zones							
Use	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Specific Use Regulations**
Sanitary Landfills	-	-	-	-	-	-	See PMC Section 17.98.010 (Sanitary Landfills)
Small Residential Wind Generator Systems (SRWGS) (Accessory)	-	-	-	-	-	-	See PMC Section 17.99.020 (Small Residential Wind Generator Systems (SRWGS))
Solar Energy System (Primary Use)	-	-	-	-	-	-	See PMC Section 17.99.030 (Solar Energy System (Primary))
Utilities, Major	-	MUP	MUP	MUP	MUP	MUP	
Utilities, Minor	P	P	P	P	P	P	
Utility Yard	-	-	-	-	-	-	

17.48 Development Regulations

Table 17.48.010-1. Development Standards – Commercial/Office Zones

Commercial/Office Zones							
Standards	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Additional Regulations**
Lot and Density Standards							
Minimum Lot Size (sf)	10,000	40,000	40,000	40,000	20,000	20,000	
Minimum Lot Width (ft)	60	100	100	100	100	100	
Minimum Lot Depth (ft)	100	200	200	200	100	100	
Building Form and Location							
Minimum Residential Density (units/acre)	-	-	-	30	10	-	
Maximum Residential Density (units/acre)	-	Up to 30[1]	-	50	30	-	
Maximum Floor Area Ratio	0.5	1.0	1.5; 2.0 for hotels/lodging	2.0	2.0	1.0	
Maximum Height (ft)/Stories – Primary Structure	35/2 stories	55/4 stories; 85/7 stories for lodging uses	65/5 stories; 85/7 stories for lodging uses	85/7 stories	65/5 stories	50/4 stories	• Projects must comply with both stories and overall height maximums. See PMC Section 17.17.030 (Measuring Heights). • Architectural features may project above the maximum height by five feet. Architectural features include rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by the Director.
Maximum Height (ft) - Accessory Structures	25	25	25	25	25	25	
Maximum Height Adjacent to Residential Zones	Starting from the third floor up, step back each subsequent floor by 15 ft for every two floors.						See Figure 17.38.060-1 (Transitions to Lower Density Building Types)
Distance between Structures (sf)	Minimum required by Building and Fire code.						
Setbacks – Minimums (ft)							

Commercial/Office Zones							
Standards	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Additional Regulations**
Front	5	10	10	10	10	10	• Minimum front setback shall be landscaped excluding driveways. • No parking allowed in minimum setback area.
Street Side	5	10	10	10	10	10	• No parking allowed in minimum setback area.
Interior Side	0, 10 abutting a residential zone	10; 25 abutting a residential zone	10; 25 abutting a residential zone	10; 25 abutting a residential zone	10; 25 abutting a single-family residential zone	10; 20 abutting a residential zone	
Rear	10; 20 abutting a residential zone	10; 25 ft abutting a residential zone	10; 25 ft abutting a residential zone	10; 25 abutting a residential zone	10; 25 abutting a single-family residential zone	10; 20 abutting a residential zone	
Alley (when present)	5	5	5	5	5	5	
Open Space Standards							
Minimum Open Space	3% of gross floor area	5% of lot (must be publicly-accessible)	5% of lot (must be publicly-accessible)	**Residential Component:** 200 sf total per unit; minimum 100 sf of private open space for ground-level units and 60 sf of private open space for upper-level units **Non-Residential:** 3% of gross floor area	**Residential Component:** 200 sf total per unit; minimum 100 sf of private open space for ground-level units and 60 sf of private open space for upper-level units **Non-Residential:** 5% of lot area (must be publicly-accessible); if the open space is over 1,000 square feet, up to 50 percent may counted towards the required residential common open space.	3% of gross floor area	Common open space includes roof decks and other shared common open areas. Minimum open space dimension is 20 feet in either direction. Setback areas are not considered usable open space unless they are at least 20 feet wide. See PMC Section 17.49.060.~~L~~M (Common Open Space Design).
Minimum Landscaping (% of lot)	10%	10%	10%	10%	10%	10%	Includes required setbacks. 25% must be live plant material. See PMC Section 17.86.010 (Landscaping Requirements).

Commercial/Office Zones							
Standards	**NC**	**RC**	**VC**	**MEDFX**	**EDFX**	**OFX**	**Additional Regulations**
Other Standards	**See additional standards in PMC Chapter 17.49 (Supplemental Standards), Division 8 (General Standards of Development), Division 9 (Special Regulations), Division 10 (Environmental Management), and the Palmdale Multi-Family and Mixed-Use Design Standards (Adopted by Ordinance No. 1594).**						

Notes:

1. Only permitted on Antelope Valley Mall site and property south of Palmdale Boulevard between SR-14 and Division Street with a comprehensive development plan.

~~*2. Number of employees shall be based on the largest shift that occurs in a typical week.*~~

17.54 Land Use Regulations

Table 17.54.020 1. Allowed Uses – Mixed-Use Zones

Mixed-Use Zones				
Use	**MU1[1]**	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Aerospace Uses				
Aerospace Manufacturing	-	-	-	
Aerospace Services	-	-	-	
Agriculture & Animal Keeping Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Agricultural Support, Sales, Service, and Storage	-	-	-	
Animal Husbandry and Production	-	-	-	
Animal Raising and Keeping, Domestic	A	A	A	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Exotic	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Horses	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Livestock	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Poultry and Beekeeping	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Aquaculture	-	-	-	
Crop Production	-	-	-	
Farmstands	-	-	-	
Garden/Greenhouse, Private	A	A	A	
Horticultural Production	-	-	-	
Kennels, Private/Hobby	-	-	-	
Stable/Equestrian Facility, Commercial/Public	-	-	-	
Stable/Equestrian Facility, Hobby/Private	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Automobile and Vehicle Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Fueling Station	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair)
Travel Center	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair)
Vehicle and Equipment Services and Repair, Major	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair
Vehicle and Equipment Services and Repair, Minor	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair
Vehicle Rental	-	-	-	
Vehicle Sales, New	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Sales, Used	-	-	-	
Vehicle Sales and Rental, Large Vehicles and Equipment	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair)
Vehicle Towing/Impounding	-	-	-	See PMC Section 17.93.040 (Vehicle Towing/Impounding)
Vehicle Washing & Detailing	-	-	-	See PMC Section 17.92.180 (Vehicle Washing and Detailing)
Vehicle Wrecking/Dismantling	-	-	-	See PMC Section 17.93.030 (Salvage Yards)
Eating and Drinking Establishments & Entertainment Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**

Mixed-Use Zones				
Use	**MU1[1]**	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Bar/Nightclub/Lounge	CUP	CUP	CUP	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Brewpub/Taproom/Wine Bar/Microdistillery	MUP	MUP	MUP	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Café/Bakery	P	P	P	
Cinema/Theater/Performing Arts Center	MUP	P	P	
Live Entertainment as Accessory Use, Indoor (Accessory)	A	A	A	
Live Entertainment as Accessory Use, Outdoor (Accessory)	A, MUP	A, MUP	A, MUP	Regular outdoor events as an accessory use require an MUP. Sporadic events require a TUP (See PMC Section 17.98.020 (Temporary Uses)).
Outdoor Dining (Accessory)	A	A	A	See PMC Section 17.92.100 (Outdoor Dining)
Outdoor Entertainment	-	-	-	
Restaurant, Bona Fide	P	P	P	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Restaurant, Dine-In and Take-Out	P	P	P	
Restaurant, Drive-Through	-	-	-	See PMC Section 17.92.050 (Drive-Through Restaurants and Drive-Through Services)
Film, Research and Development				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Film Production & Post Production	-	-	-	
Research & Development	-	-	-	
Industrial and Manufacturing Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Artisan Manufacturing/Makers Space	MUP	MUP	MUP	
Brewery/Distillery/Winery - without tasting room or > 10,000 sf	-	-	-	
Brewery/Distillery/Winery - with tasting room and <10,000 sf	MUP	MUP	MUP	See PMC Section 17.92.020 (Alcohol Beverage Establishments)
Commercial Vehicle Parking (Primary)	-	-	-	See PMC Section 17.93.010 (Commercial Vehicle Parking as a Primary Use)
Construction and Materials Yards	-	-	-	
Food or Beverage Manufacturing	-	-	-	
Hazardous Materials Facility	-	-	-	See PMC Chapter 17.96 (Hazardous Materials Facilities)
Indoor Warehousing, Storage, Wholesaling, and Distribution	-	-	-	
Manufacturing, Outdoors	-	-	-	
Manufacturing/Processing, Light	-	-	-	
Manufacturing/Processing, Heavy	-	-	-	
Mining/Resource Extraction	-	-	-	See PMC Section 17.67.~~070~~120 (Mining and Quarry Special Standards) and PMC Chapter 17.102 (Surface Mining and Reclamation)
Mini-Storage Warehousing or Facility	-	-	-	See PMC Section 17.93.020 (Mini-Storage Warehousing or Facility)
Outdoor Storage (Accessory)	-	-	-	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))
Outdoor Storage (Primary)	-	-	-	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))

Mixed-Use Zones				
Use	**MU1[1]**	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Outdoor Storage (Temporary)	T; TUP	T; TUP	T; TUP	If less than 72 hours, allowed by right (T). If over 72 hours, a TUP is required per PMC Section 17.26.100 (Temporary Use and Special Event Permits). See also PMC Section 17.98.020 (Temporary Uses).
Salvage Yards	-	-	-	See PMC Section 17.93.0~~23~~0 (Salvage Yards)
Temporary Structures or Storage Facilities (Temporary and Accessory)	A, TUP	A, TUP	A, TUP	See PMC Section 17.98.020 (Temporary Uses)
Lodging				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Bed and Breakfast	CUP	CUP	CUP	
Lodging - Extended Stay	-	-	CUP	
Lodging - Hotels	-	MUP	MUP	
Lodging - Motels	-	MUP	MUP	
Lodging - Timeshares	-	-	-	
Public, Quasi-Public and Institutional Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Civic/Government	MUP	P	P	
Cultural Institutions	MUP	MUP	MUP	
Hospital	-	-	-	
Public Service Facility	MUP	P	P	
Social Service Facilities	CUP	CUP	CUP	See PMC Section 17.94.040 (Social Service Facilities with Congregate Meal Facilities)
Recreation, Education, and Public Assembly Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Athletic Fields, Unlighted	MUP	MUP	MUP	
Athletic Fields, Lighted	-	-	-	
Campground	-	-	-	
Cemeteries, Crematories, or Mausoleums	-	-	-	
College/University	CUP	CUP	CUP	
Commercial Recreation and Sports, Indoor	MUP	P	P	
Commercial Recreation and Sports, Outdoor	-	-	-	See PMC Section 17.94.030 (Golf Courses)
Community Assembly, ≤ 5,000 sf (gross sf)	P	P	P	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, 5001 sf - 12,000 sf (gross sf)	MUP	P	P	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, >12,000 sf (gross sf)	CUP	CUP	CUP	See PMC Section 17.94.010 (Community Assembly Uses)
Family Day Care Center	P	P	P	See PMC Section 17.92.060 (Family Day Care Center)
Instructional Services, ≤ 5000 sf	P	P	P	
Instructional Services, > 5001 sf	MUP	P	P	
Open Space, Natural	P	P	P	
Parks and Recreation Facilities	P	P	P	See PMC Section 17.94.030 (Golf Courses)
Retreat Center	-	-	-	
Recreational Vehicle (RV) Park	-	-	-	

Mixed-Use Zones				
Use	**MU1[1]**	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Schools, Public or Private (TK-12)	CUP	CUP	CUP	
Tutoring Facilities	P	P	P	
Vocational/Trade School, ≤ 10,000 sf	MUP	MUP	MUP	
Vocational/Trade School, > 10,001 sf	CUP	CUP	CUP	
Residential Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)	P	P	P	Only ADUs (not JADUs) are allowed within multi-family housing developments. See PMC Section 17.91.010 (Accessory Dwelling Unit and Junior Accessory Dwelling Unit Standards).
Agricultural Worker Housing	-	-	-	
Caretaker's Unit (Accessory)	-	-	-	See PMC Section 17.91.030 (Caretaker's Units (Accessory))
Child Day Care in a Home	P	P	P	
Cottage Food Operation (Accessory)	A, MUP	A, MUP	A, MUP	See PMC Section 17.91.040 (Cottage Food Operation)
Cottage Industry (Accessory)	A, MUP	A, MUP	A, MUP	
Emergency Shelters	-	-	-	See PMC Section 17.94.020 (Emergency Shelters)
Group Residential Home	CUP	CUP	CUP	
Home Occupation (Accessory)	A	A	A	
Live/Work	P	P	P	
Model Home (on-site)	TUP	TUP	TUP	See PMC Section 17.98.020 (Temporary Uses)
Manufactured/Mobile Home Park	-	-	-	See PMC Section 17.91.050 (Manufactured/Mobile Home Parks) and 17.91.060 (Manufactured/Mobile Home Park Closures)
Residential Care Facilities, Small	P	P	P	
Residential Care Facilities, Large	CUP	CUP	CUP	See PMC Section 17.91.070 (Residential Care Facilities, Large)
Residential Housing Types				
Single-Family Dwelling, Attached	P	P	P	
Single-Family Dwelling, Detached	-	-	-	
Two-Family Dwelling/Duplex	P	P	P	
Multi-Family Dwelling, Triplex/Quadplex	P	P	P	
Multi-Family Residential, ≥ 5 Units	P	P	P	
Manufactured/Mobile Home	-	-	-	
Single-Room Occupancy	CUP	CUP	MUP	
Sober Living Home	-	-	-	See PMC Section 17.91.080 (Sober Living Home)
Supportive Housing	CUP	CUP	CUP	
Transitional Housing	CUP	CUP	CUP	
Yard Sales (Temporary Use)	P	P	P	See PMC Section 17.98.020 (Temporary Uses)
Retail, Service, and Office Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Adult-Oriented Business	-	-	-	See PMC Section 17.92.010 (Adult-Oriented Businesses)
Alcohol & Drug Treatment Facility, Large	CUP	CUP	CUP	See PMC Section 17.91.020 (Alcohol & Drug Treatment Facility)
Alcohol & Drug Treatment Facility, Small	MUP	MUP	MUP	
Alcohol Sales, Off-Sale	CUP	CUP	CUP	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Animal Sales and Services	MUP	P	P	
Auction Sales, Indoor	CUP	CUP	CUP	

Mixed-Use Zones				
Use	**MU1[1]**	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Auction Sales, Outdoor	-	-	-	
ATM (Accessory Use)	A	A	A	
Bail Bonds	-	-	-	
Banks, Financial, Savings and Loan Institutions	P	P	P	
Building Materials Sales and Services	-	-	-	
Business to Business Support Services	-	-	-	
Check-Cashing Businesses	-	-	-	
Convenience Market	-	-	-	See PMC Sections 17.92.030 (Convenience Markets) and PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Drive-Through Services (Accessory)	A, CUP	A, CUP	A, CUP	See PMC Section 17.92.050 (Drive Through Restaurants and Drive-Through Services)
Farmer's Market (Temporary)	TUP	TUP	TUP	See PMC Section 17.98.020 (Temporary Uses)
Food Preparation, Commercial	-	-	-	
Fortunetelling, Palm and Card Reading	MUP	P	P	
Funeral Homes and Mortuaries	-	-	-	
General Retail ≤ 5,000 sf	P	P	P	
General Retail 5,001 sf - 25,000	MUP	P	P	
General Retail/Superstore > 25,000	-	-	-	
Grocery Store	MUP	P	P	
Kennels/Boarding, Commercial	-	-	-	See PMC Section 17.92.080 (Kennels/Boarding, Commercial)
Kiosk/Outdoor Vending [2]	A	A	A	
Laundromat	P	P	P	
Massage Establishment, Accessory (Accessory)	A	A	A	See PMC Section 17.92.090 (Massage Establishment (Accessory))
Massage Establishment, Stand-Alone	-	-	-	
Medical Services, Extended Care	-	CUP	CUP	
Medical Services, Medical/Dental/Holistic/Clinic	P	P	P	
Medical Services, Urgent Care	P	P	P	
Microblading/Permanent Makeup	P	P	P	
Neighborhood Market	P	P	P	
Nursery/Garden Center	-	-	-	
Office, Processing	-	-	-	
Office, Professional/Administrative	P	P	P	
Office, Service	P	P	P	
Outdoor Display	A	A	A	See PMC Section 17.92.110 (Outdoor Display)
Pawnshop	-	-	-	See PMC Section 17.92.130 (Pawnshops)
Personal Services	P	P	P	
Pet Daycare	MUP	MUP	MUP	PMC Section 17.92.140 (Pet Daycare)
Resale/Consignment/Thrift Shop	CUP	CUP	CUP	
Smoking Lounge	MUP	MUP	MUP	
Smoke Shop	-	-	-	See PMC Section 17.92.150 (Smoke Shop)
Swap Meet, Indoor	-	-	-	
Swap Meet, Outdoor	-	-	-	See PMC Section 17.92.160 (Swap Meet, Outdoor)
Tattoo/Body Art/Piercing	-	-	-	See PMC Section 17.92.170 (Tattoo/Body Art/Piercing Establishments)

Mixed-Use Zones				
Use	**MU1[1]**	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Temporary Real Estate Sales Office (Temporary)	TUP	TUP	TUP	See PMC Section 17.98.020 (Temporary Uses)
Veterinary Hospitals	MUP	MUP	MUP	See PMC 17.92.190 (Veterinary Hospitals)
Utility, Transportation, and Communication Uses				
	MU1[1]	**MU2[1]**	**MU3[1]**	**Specific Use Regulations**
Airports and Heliports	-	-	-	
Co-located Small Wind Energy Systems (CSWES) (Accessory)	-	-	-	See PMC Section 17.99.010 (Co-located Small Wind Energy Systems (CSWES))
Communication/Wireless Telecommunications Facilities, Major	-	-	-	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication/Wireless Telecommunications Facilities, Minor	MUP	MUP	MUP	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication, Facilities within Buildings	MUP	MUP	MUP	
Freight/Trucking Facility	-	-	-	
Light Fleet-Based Services	-	-	-	
Parking Lots & Structures	A, MUP	A, MUP	A, MUP	
Passenger Transportation Facilities	-	CUP	CUP	
Recycling Collection Facility, Large	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Collection Facility, Small	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Heavy	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Light	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Reverse Vending Machine	A	A	A	See PMC Chapter 17.97 (Recycling Facilities)
Sanitary Landfills	-	-	-	See PMC Section 17.98.010 (Sanitary Landfills)
Small Residential Wind Generator Systems (SRWGS) (Accessory)	-	-	-	See PMC Section 17.99.020 (Small Residential Wind Generator Systems (SRWGS))
Solar Energy System (Primary)	-	-	-	See PMC Section 17.99.030 (Solar Energy System (Primary))
Utilities, Major	-	-	-	
Utilities, Minor	MUP	MUP	MUP	
Utility Yard	-	-	-	

17.65 Land Use Regulations

Table 17.65.020 1. Allowed Uses – Industrial Zones

Industrial Zones					
Use	**LI**	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Aerospace Uses					
Aerospace Manufacturing	-	-CUP	P	-	
Aerospace Services	-	CUP	P	-	
Agriculture & Animal Keeping Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Agricultural Support, Sales, Service, and Storage	P	P	-	-	
Animal Husbandry and Production	-	-	-	-	
Animal Raising and Keeping, Domestic	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Exotic	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Horses	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Livestock	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Poultry and Beekeeping	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Aquaculture	CUP	CUP	-	-	
Crop Production	-	-	-	-	
Farmstands	-	-	-	-	
Garden/Greenhouse, Private	-	-	-	-	
Horticultural Production	MUP	MUP	-	-	
Kennels, Private/Hobby	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Stable/Equestrian Facility, Commercial/Public	-	-	-	-	
Stable/Equestrian Facility, Hobby/Private	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Automobile and Vehicle Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Fueling Station	CUP	CUP	CUP	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Travel Center	CUP	CUP	-	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Major	MUP	P	P	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Minor	P	P	P	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Rental	-	-	-	-	

Industrial Zones					
Use	**LI**	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Vehicle Sales, New	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Sales, Used	-	-	-	-	
Vehicle Sales and Rental, Large Vehicles and Equipment	MUP	P	P	-	All vehicle repair work shall be conducted within an enclosed structure only. See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Towing/Impounding	MUP	P	P	-	See PMC Section 17.93.040 (Vehicle Towing/Impounding)
Vehicle Washing & Detailing	P	P	P	-	See PMC Section 17.92.180 (Vehicle Washing and Detailing)
Vehicle Wrecking/Dismantling	-	P	P	-	See PMC Section 17.93.030 (Salvage Yards)
Eating and Drinking Establishments & Entertainment Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Bar/Nightclub/Lounge	CUP	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Brewpub/Taproom/Wine Bar/Microdistillery	MUP	MUP	MUP	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Café/Bakery	P	P	P	-	
Cinema/Theater/Performing Arts Center	-	-	-	-	
Live Entertainment as Accessory Use, Indoor (Accessory)	A	-	-	-	
Live Entertainment as Accessory Use, Outdoor (Accessory)	A, MUP	-	-	-	Regular outdoor events as an accessory use require an MUP. Sporadic events require a TUP (See PMC Section 17.98.020 (Temporary Uses)).
Outdoor Dining (Accessory)	A	A	A	-	See PMC Section 17.92.100 (Outdoor Dining)
Outdoor Entertainment	MUP	-	-	CUP	
Restaurant, Bona Fide	P	P	P	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Restaurant, Dine-In and Take-Out	P	P	P	-	
Restaurant, Drive-Through	P	P	P	-	See PMC Section 17.92.050 (Drive-Through Restaurants and Drive-Through Services)
Film, Research and Development					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Film Production & Post Production	P	P	-	P	
Research & Development	P	P	P	P	
Industrial and Manufacturing Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Artisan Manufacturing/Makers Space	P	P	-	-	
Brewery/Distillery/Winery – without tasting room or > 10,000 sf	P	P	-	-	
Brewery/Distillery/Winery – with tasting room and <10,000 sf	MUP	MUP	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)

Industrial Zones					
Use	**LI**	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Commercial Vehicle Parking (Primary)	-	MUP	MUP	-	See PMC Section 17.93.010 (Commercial Vehicle Parking as a Primary Use)
Construction and Materials Yards	MUP	P	P	P	
Food or Beverage Manufacturing	MUP	P	P	-	
Hazardous Materials Facility	-	CUP	CUP	CUP	See PMC Chapter 17.96 (Hazardous Materials Facilities)
Indoor Warehousing, Storage, Wholesaling, and Distribution	P	P	P	MUP	
Manufacturing, Outdoors	-	P	P	MUP	
Manufacturing/Processing, Light	P	P	P	MUP	
Manufacturing/Processing, Heavy	-	P	P	MUP	
Mining/Resource Extraction	-	-	-	CUP	See PMC Section 17.67.~~070~~120 (Mining and Quarry Special Standards) and PMC Chapter 17.102 (Surface Mining and Reclamation)
Mini-Storage Warehousing or Facility	P	P	-	-	See PMC Section 17.93.020 (Mini-Storage Warehousing or Facility)
Outdoor Storage (Accessory)	A, MUP	A	A	A	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))
Outdoor Storage (Primary Use)	CUP	P	P	-	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))
Outdoor Storage (Temporary)	T; TUP	T; TUP	T; TUP	T; TUP	If less than 72 hours, allowed by right (T). If over 72 hours, a TUP is required per PMC Section 17.26.100 (Temporary Use and Special Event Permits). See also PMC Section 17.98.020 (Temporary Uses).
Salvage Yards	-	P		-	See PMC Section 17.93.0~~2~~30 (Salvage Yards)
Temporary Structures or Storage Facilities (Temporary and Accessory)	A, TUP	A, TUP	A, TUP	A, TUP	See PMC Section 17.98.020 (Temporary Uses)
Lodging					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Bed and Breakfast	-	-	-	-	
Lodging – Extended Stay	-	-	-	-	
Lodging – Hotels	-	-	-	-	
Lodging – Motels	-	-	-	-	
Lodging – Timeshares	-	-	-	-	
Public, Quasi-Public and Institutional Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Civic/Government	P	P	P	-	
Cultural Institutions	P	-	P	-	
Hospital	-	-	-	-	
Public Service Facility	P	P	P	-	

Industrial Zones					
Use	**LI**	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Social Service Facilities	MUP	MUP	-	-	See PMC Section 17.94.040 (Social Service Facilities with Congregate Meal Facilities)
Recreation, Education, and Public Assembly Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Athletic Fields, Unlighted	P	P	-	-	
Athletic Fields, Lighted	P	P	-	-	
Campground	-	-	-	-	
Cemeteries, Crematories, or Mausoleums	CUP	CUP	-	-	
College/University	CUP	-	-	-	
Commercial Recreation and Sports, Indoor	P	P	-	-	
Commercial Recreation and Sports, Outdoor	P	P	-	-	See PMC Section 17.94.030 (Golf Courses)
Community Assembly, ≤ 5,000 sf (gross sf)	P	MUP	MUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, 5001 sf – 12,000 sf (gross sf)	MUP	MUP	MUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, > 12,000 sf (gross sf)	CUP	CUP	CUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Family Day Care Center	CUP	-	-	-	See PMC Section 17.92.060 (Family Day Care Center)
Instructional Services, ≤ 5000 sf	P	-	-	-	
Instructional Services, > 5001 sf	P	-	-	-	
Open Space, Natural	P	P	P	P	
Parks and Recreation Facilities	P	P	P	P	See PMC Section 17.94.030 (Golf Courses)
Retreat Center	-	-	-	-	
Recreational Vehicle (RV) Park	-	-	-	-	
Schools, Public or Private (TK-12)	-	-	-	-	
Tutoring Facilities	-	-	-	-	
Vocational/Trade School, ≤ 10,000 sf	MUP	-	-	-	
Vocational/Trade School, > 10,001 sf	CUP	-	-	-	
Residential Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)	-	-	-	-	See PMC Section 17.91.010 (Accessory Dwelling Units and Junior Accessory Dwelling Unit Standards)
Agricultural Worker Housing	-	-	-	-	
Caretaker's Unit (Accessory)	A	A	A	A	See PMC Section 17.91.030 (Caretaker's Units (Accessory))
Child Day Care in a Home	-	-	-	-	
Cottage Food Operation	-	-	-	-	See PMC Section 17.91.040 (Cottage Food Operation
Cottage Industry	-	-	-	-	

Industrial Zones					
Use	**LI**	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Emergency Shelters	P	-	-	-	See PMC Section 17.94.020 (Emergency Shelters)
Group Residential Home	-	-	-	-	
Home Occupation	-	-	-	-	
Live/Work	CUP	-	-	-	
Model Home (on-site)	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Manufactured/Mobile Home Park	-	-	-	-	See PMC Section 17.91.050 (Manufactured/Mobile Home Parks) and 17.91.060 (Manufactured/Mobile Home Park Closures)
Residential Care Facilities, Small	-	-	-	-	
Residential Care Facilities, Large	-	-	-	-	See PMC Section 17.91.070 (Residential Care Facilities, Large)
Residential Housing Types					
Single-Family Dwelling, Attached	-	-	-	-	
Single-Family Dwelling, Detached	-	-	-	-	
Two-Family Dwelling/Duplex	-	-	-	-	
Multi-Family Dwelling, Triplex/Quadplex	-	-	-	-	
Multi-Family Residential, ≥ 5 Units	-	-	-	-	
Manufactured/Mobile Home	-	-	-	-	
Single-Room Occupancy	-	-	-	-	
Sober Living Home	CUP	-	-	-	See PMC Section 17.91.080 (Sober Living Home)
Supportive Housing	CUP	-	-	-	
Transitional Housing	CUP	-	-	-	
Yard Sales (Temporary Use)	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Retail, Service, and Office Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Adult-Oriented Business	-	-	-	-	See PMC Section 17.92.010 (Adult-Oriented Businesses)
Alcohol & Drug Treatment Facility, Large	CUP	-	-	-	See PMC Section 17.91.020 (Alcohol and Drug Treatment Facility)
Alcohol & Drug Treatment Facility, Small	-	-	-	-	
Alcohol Sales, Off-Sale	CUP	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Animal Sales and Services	P	MUP	-	-	
Auction Sales, Indoor	P	P	-	-	
Auction Sales, Outdoor	MUP	MUP	-	-	
ATM (Accessory Use)	A	A	A	-	
Bail Bonds	CUP	CUP	-	-	
Banks, Financial, Savings and Loan Institutions	P	CUP	-	-	
Building Materials Sales and Services	P	P	P	P	

Industrial Zones					
Use	**LI**	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Business to Business Support Services	P	P	P	-	
Check-Cashing Businesses	CUP	CUP	-	-	
Convenience Market	CUP	CUP	CUP	-	See PMC Sections 17.92.030 (Convenience Markets) and PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Drive-Through Services (Accessory)	A	A	A	-	See PMC Section 17.92.050 (Drive Through Restaurants and Drive-Through Services)
Farmer's Market (Temporary)	TUP	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Food Preparation, Commercial	P	P	P	-	
Fortunetelling, Palm and Card Reading	P	-	-	-	
Funeral Homes and Mortuaries	P	-	-	-	
General Retail ≤ 5,000 sf	P	MUP	CUP[1]	-	
General Retail 5,001 sf - 25,000	P	MUP	-	-	
General Retail/Superstore > 25,000	MUP	CUP	-	-	
Grocery Store	CUP	-	-	-	
Kennels/Boarding, Commercial	P	P	-	-	See PMC Section 17.92.080 (Kennels/Boarding, Commercial)
Kiosk/Outdoor Vending [2]	P	P	P	-	
Laundromat	P	-	-	-	
Massage Establishment, Accessory (Accessory)	A	-	-	-	See PMC Section 17.92.090 (Massage Establishment (Accessory))
Massage Establishment, Stand-Alone	-	-	-	-	
Medical Services, Extended Care	CUP	-	-	-	
Medical Services, Medical/Dental/Holistic/Clinic	P	-	-	-	
Medical Services, Urgent Care	P	-	-	-	
Microblading/Permanent Makeup	P	-	-	-	
Neighborhood Market	P	-	-	-	
Nursery/Garden Center	P	P	-	-	
Office, Processing	P	P	P	-	
Office, Professional/Administrative	P	MUP	MUP	-	
Office, Service	P	MUP	MUP	-	
Outdoor Display (Accessory)	A	-	-	-	See PMC Section 17.92.110 (Outdoor Display)
Pawnshop	CUP	-	-	-	See PMC Section 17.92.130 (Pawnshops)
Personal Services	P	-	-	-	
Pet Daycare	P	-	-	-	See PMC Section 17.92.140 (Pet Daycare)
Resale/Consignment/Thrift Shop	P	-	-	-	
Smoking Lounge	P	-	-	-	
Smoke Shop	CUP	-	-	-	See PMC Section 17.92.150 (Smoke Shop)
Swap Meet, Indoor	P	P	-	-	
Swap Meet, Outdoor	TUP		-	-	See PMC Section 17.92.160 (Swap Meet, Outdoor)

Industrial Zones					
Use	**LI**	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Tattoo/Body Art/Piercing	P	-	-	-	See PMC Section 17.92.170 (Tattoo/Body Art/Piercing Establishments)
Temporary Real Estate Sales Office (Temporary)	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Veterinary Hospitals	P	MUP	-	-	See PMC 17.92.190 (Veterinary Hospitals)
Utility, Transportation, and Communication Uses					
	LI	**HI**	**AI**	**MRE**	**Specific Use Regulations**
Airports and Heliports	CUP	CUP	CUP	-	
Co-located Small Wind Energy Systems (CSWES) (Accessory)	A, MUP	A, MUP	A, MUP	-	See PMC Section 17.99.010 (Co-located Small Wind Energy Systems (CSWES))
Communication/Wireless Telecommunications Facilities, Major	CUP	CUP	CUP	CUP	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication/Wireless Telecommunications Facilities, Minor	MUP	MUP	MUP	MUP	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication, Facilities within Buildings	P	P	P	P	
Freight/Trucking Facility	MUP	P	P	-	
Light Fleet-Based Services	P	P	P	-	
Parking Lots & Structures	P	P	P	-	
Passenger Transportation Facilities	CUP	CUP	-	-	
Recycling Collection Facility, Large	MUP	P	P	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Collection Facility, Small	P	P	P	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Heavy	CUP	P	P	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Light	MUP	P	P	MUP	See PMC Chapter 17.97 (Recycling Facilities)
Reverse Vending Machine	A, MUP	A, MUP	A, MUP	-	See PMC Chapter 17.97 (Recycling Facilities)
Sanitary Landfill	-	-	-	-	See PMC Section 17.98.010 (Sanitary Landfills)
Small Residential Wind Generator Systems (SRWGS) (Accessory)	-	-	-	-	See PMC Section 17.99.020 (Small Residential Wind Generator Systems (SRWGS))
Solar Energy System (Primary)	P	P	P	P	See PMC Section 17.99.030 (Solar Energy System (Primary))
Utilities, Major	CUP	P	P	-	
Utilities, Minor	P	P	P	-	
Utility Yard	MUP	P	P	-	

17.66 Development Regulations

Table 17.66.010-1. Development Standards – Industrial Zones

Industrial Zones					
Standards	**LI**	**HI**	**AI**	**MRE**	**Additional Regulations**
Lot and Density Standards					
Minimum Lot Size (sf)	10,000	20,000	20,000	5 acres	
Minimum Lot Width (ft)	80	100	100	-	
Minimum Lot Depth (ft)	100	100	100	-	
Building Form and Location					
Maximum Floor Area Ratio	0.5	0.5	0.5	0.25	
Maximum Height (ft)/Stories – Primary Structure	50/4 stories[1]	50/4 stories[1]	75/6 stories[1]	100	• Projects must comply with both stories and overall height maximums. See PMC Section 17.17.030 (Measuring Heights). • Architectural features may project above the maximum height by five feet. Architectural features include rooftop stair access and elevator shafts, mechanical equipment, or other rooftop amenities, as approved by City staff.
Maximum Height (ft) Accessory Structures	35	35	35	35	
Distance between Structures (sf)	Minimum required by Building and Fire code.				
Setbacks – Minimums (ft)					
Front	10	10	10	25	• Minimum 10 ft shall be landscaped excluding driveways. • No parking allowed in minimum setback area.
Street Side	10; 20 abutting a freeway	10; 20 abutting a freeway	10; 20 abutting a freeway	25	• Minimum 10 ft shall be landscaped excluding driveways. • No parking allowed in minimum setback area.
Interior Side	0 abutting another industrial zoned property and 10 abutting any other non-residential zone; 20 abutting a freeway; 25 abutting a residential zone	0 abutting another industrial zoned property and 10 abutting any other non-residential zone; 20 abutting a freeway; 40 abutting a residential zone	0 abutting another industrial zoned property and 10 abutting any other non-residential zone; 20 abutting a freeway; 50 abutting a residential zone	25	Setbacks shall comply with the following (with the exception of properties abutting industrial where 0 ft setback applies): • Minimum 10 ft shall be landscaped excluding driveways. • No parking allowed within the first 10 ft of the setback.
Rear	0 abutting another industrial zoned property and 10 abutting any	0 abutting another industrial zoned property and 10 abutting any	0 abutting another industrial zoned property and 10 abutting any	25	Setbacks shall comply with the following (with the exception of properties abutting industrial where 0 ft setback applies): • Minimum 10 ft shall be landscaped excluding driveways.

Industrial Zones					
Standards	**LI**	**HI**	**AI**	**MRE**	**Additional Regulations**
	other non-residential zone; 20 abutting a freeway; 25 abutting a residential zone	other non-residential zone; 20 abutting a freeway; 40 abutting a residential zone	other non-residential zone; 20 abutting a freeway; 50 abutting a residential zone		• No parking allowed within the first 10 ft of the setback.
Alley (when present)	5	5	5	-	
Open Space Standards					
Minimum Open Space	400 sf total for the first 20 employees[2], and additional 10 sf per employee over 20	400 sf total for the first 20 employees[2], and additional 10 sf per employee over 20	400 sf total for the first 20 employees[2], and additional 10 sf per employee over 20	-	Common open space includes roof decks and other shared common open areas. Up to 50% may be indoors. Minimum open space dimension is 15 feet in either direction. Setback areas are not considered usable open space unless they are at least 20 feet wide.
Minimum Landscaping (% of lot)	10%	10%	10%	-	Includes required setbacks. 25% must be live plant material. See PMC Section 17.86.010 (Landscaping Requirements).
Other Standards	**See additional standards in PMC Chapter 17.67 (Supplemental Standards), Division 8 (General Standards of Development), Division 9 (Special Regulations), and Division 10 (Environmental Management).**				

Notes:

1. *Additional height may be allowed through approval of a CUP. In approving a CUP for additional building height, the Review Authority shall find that adequate setbacks are provided on the project site to mitigate adverse impacts on adjacent properties; that adequate fire protection is provided for the subject buildings; that all FAA clearance requirements are met; that maximum floor area ratio requirements are not exceeded; and that the height, bulk, massing, design, and placement of the building on the subject site will not adversely impact adjacent properties or the general public.*
2. *The number of employees shall be based on the largest shift that occurs in a typical week.*

17.75 Land Use Regulations

Table 17.75.020 1 Allowed Uses – Public Facilities and Open Space Zones

Public Facilities and Open Space Zones					
Use	**PF-C**	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Aerospace Uses					
Aerospace Manufacturing	-	-	-	-	
Aerospace Services	-	-	-	-	
Agriculture & Animal Keeping Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Agricultural Support, Sales, Service, and Storage	-	-	-	-	
Animal Husbandry and Production	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Domestic	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Exotic	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Horses	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Livestock	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Animal Raising and Keeping, Poultry and Beekeeping	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Aquaculture	-	-	-	-	
Crop Production	-	-	-	-	
Farmstands	-	-	-	-	
Garden/Greenhouse, Private	-	-	-	-	
Horticultural Production	-	-	-	-	
Kennels, Private/Hobby	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Stable/Equestrian Facility, Commercial/Public	-	CUP	-	CUP	
Stable/Equestrian Facility, Hobby/Private	-	-	-	-	See PMC Chapter 17.89 (Animal Keeping)
Automobile and Vehicle Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Fueling Station	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Travel Center	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Major	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle and Equipment Services and Repair, Minor	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Rental	-	-	-	-	
Vehicle Sales, New	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).
Vehicle Sales, Used	-	-	-	-	
Vehicle Sales and Rental, Large Vehicles and Equipment	-	-	-	-	See PMC Section 17.92.070 (Fueling Station/Vehicle and Equipment Services and Repair).

Public Facilities and Open Space Zones					
Use	**PF-C**	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Vehicle Towing/Impounding	-	-	-	-	See PMC Section 17.93.040 (Vehicle Towing/Impounding)
Vehicle Washing & Detailing	-	-	-	-	See PMC Section 17.92.180 (Vehicle Washing and Detailing)
Vehicle Wrecking/Dismantling	-	-	-	-	See PMC Section 17.93.030 (Salvage Yards)
Eating and Drinking Establishments & Entertainment Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Bar/Nightclub/Lounge	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Brewpub/Taproom/Wine Bar/Microdistillery	MUP	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Café/Bakery	P	P	P	-	
Cinema/Theater/Performing Arts Center	P	P	P	-	
Live Entertainment as Accessory Use, Indoor (Accessory)	A	A	A	-	
Live Entertainment as Accessory Use, Outdoor (Accessory)	A, MUP	A, MUP	A, MUP	A, MUP	Regular outdoor events as an accessory use require an MUP. Sporadic events require a TUP (See PMC Section 17.98.020 (Temporary Uses)).
Outdoor Dining (Accessory)	A	A	A	A	See PMC Section 17.92.100 (Outdoor Dining)
Outdoor Entertainment	A, MUP	A, MUP	A, MUP	A, MUP	
Restaurant, Bona Fide	P	P	P	P	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Restaurant, Dine-In and Take-Out	P	P	P	P	
Restaurant, Drive-Through	-	-	-	-	See PMC Section 17.92.050 (Drive-Through Restaurants and Drive-Through Services)
Film, Research and Development					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Film Production & Post Production	-	-	-	-	
Research & Development	-	-	-	-	
Industrial and Manufacturing Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Artisan Manufacturing/Makers Space	-	-	-	-	
Brewery/Distillery/Winery - without tasting room or > 10,000 sf	-	-	-	-	
Brewery/Distillery/Winery - with tasting room and <10,000 sf	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Commercial Vehicle Parking (Primary)	-	-	-	-	See PMC Section 17.93.010 (Commercial Vehicle Parking as Primary Use)
Construction and Materials Yards	-	-	-	-	
Food or Beverage Manufacturing	-	-	-	-	
Hazardous Materials Facility	-	-	-	-	See PMC Chapter 17.96 (Hazardous Materials Facilities)
Indoor Warehousing, Storage, Wholesaling, and Distribution	-	-	-	-	
Manufacturing, Outdoors	-	-	-	-	

Public Facilities and Open Space Zones					
Use	**PF-C**	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Manufacturing/Processing, Light	-	-	-	-	
Manufacturing/Processing, Heavy	-		-	-	
Mining/Resource Extraction	-	-	-	-	See PMC Section 17.67.~~070~~120 (Mining and Quarry Special Standards) and PMC Chapter 17.102 (Surface Mining and Reclamation)
Mini-Storage Warehousing or Facility	-	-	-	-	See PMC Section 17.93.020 (Mini-Storage Warehousing or Facility)
Outdoor Storage (Accessory)	A	A	A	A	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))
Outdoor Storage (Primary)	-	-	-	-	See PMC Section 17.92.120 (Outdoor Storage (Primary and Accessory))
Outdoor Storage (Temporary)	T; TUP	T; TUP	T; TUP	T; TUP	If less than 72 hours, allowed by right (T). If over 72 hours, a TUP is required per PMC Section 17.26.100 (Temporary Use and Special Event Permits). See also PMC Section 17.98.020 (Temporary Uses).
Salvage Yards	-	-	-	-	See PMC Section 17.93.0~~23~~0 (Salvage Yards)
Temporary Structures or Storage Facilities (Temporary and Accessory)	A, TUP	A, TUP	A, TUP	A, TUP	See PMC Section 17.98.020 (Temporary Uses)
Lodging					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Bed and Breakfast	-	-	-	-	
Lodging - Extended Stay	-	-	-	-	
Lodging - Hotels	-	-	-	-	
Lodging - Motels	-	-	-	-	
Lodging - Timeshares	-	-	-	-	
Public, Quasi-Public and Institutional Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Civic/Government	P	-	-	-	
Cultural Institutions	P	-	-	-	
Hospital	CUP	-	-	-	
Public Service Facility	P	-	-	-	
Social Service Facilities	P	-	-	-	See PMC Section 17.94.040 (Social Service Facilities with Congregate Meal Facilities)
Recreation, Education, and Public Assembly Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Athletic Fields, Unlighted	-	P	P	P	
Athletic Fields, Lighted	-	MUP	MUP	CUP	See PMC Section 17.86.030 (Outdoor Lighting)
Campground	-	MUP	-	MUP	
Cemeteries, Crematories, or Mausoleums	CUP	CUP	-	-	

Public Facilities and Open Space Zones					
Use	**PF-C**	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
College/University	MUP	-	CUP	-	
Commercial Recreation and Sports, Indoor	-	-CUP	-	-	
Commercial Recreation and Sports, Outdoor	-	-CUP	-	-	See PMC Section 17.94.030 (Golf Courses)
Community Assembly, ≤ 5,000 sf (gross sf)	MUP	MUP	MUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, 5001 sf - 12,000 sf (gross sf)	MUP	MUP	MUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Community Assembly, > 12,000 sf (gross sf)	MUP	MUP	MUP	-	See PMC Section 17.94.010 (Community Assembly Uses)
Family Day Care Center	P	P	P	-	See PMC Section 17.92.060 (Family Day Care Center)
Instructional Services, ≤ 5000 sf	MUP	MUP	MUP	-	
Instructional Services, > 5001 sf	MUP	MUP	MUP	-	
Open Space, Natural	P	P	P	P	
Parks and Recreation Facilities	P	P	P	P	See PMC Section 17.94.030 (Golf Courses)
Retreat Center	-	CUP	CUP	CUP	
Recreational Vehicle (RV) Park	-	CUP		CUP	
Schools, Public or Private (TK-12)	CUP	-	CUP	-	
Tutoring Facilities	MUP	-	MUP	-	
Vocational/Trade School, ≤ 10,000 sf	MUP	-	MUP	-	
Vocational/Trade School, > 10,001 sf	CUP	-	CUP	-	
Residential Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU)	-	-	-	-	See PMC Section 17.91.010 (Accessory Dwelling Unit and Junior Accessory Dwelling Unit Standards)
Agricultural Worker Housing	-	-	-	-	
Caretaker's Unit (Accessory)	A	-	A	-	See PMC Section 17.91.030 (Caretaker's Units (Accessory))
Child Day Care in a Home	-	-	-	-	
Cottage Food Operation	-	-	-	-	
Cottage Industry	-	-	-	-	See PMC Section 17.91.040 (Cottage Food Operation)
Emergency Shelters	MUP	-	-	-	
Group Residential Home	CUP	-	-	-	
Home Occupation	-	-	-	-	
Live/Work	-	-	-	-	
Model Home (on-site)	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Manufactured/Mobile Home Park	-	-	-	-	See PMC Section 17.91.050 (Manufactured/Mobile Home Parks) and 17.91.060 (Manufactured/Mobile Home Park Closures)
Residential Care Facilities, Small	-	-	-	-	

Public Facilities and Open Space Zones					
Use	**PF-C**	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Residential Care Facilities, Large	-	-	-	-	See PMC Section 17.91.070 (Residential Care Facilities, Large)
Residential Housing Types					
Single-Family Dwelling, Attached	-	-	-	-	
Single-Family Dwelling, Detached	-	-	-	-	
Two-Family Dwelling/Duplex	-	-	-	-	
Multi-Family Dwelling, Triplex/Quadplex	-	-	-	-	
Multi-Family Residential, ≥ 5 Units	-	-	-	-	
Manufactured/Mobile Home	-	-	-	-	
Single-Room Occupancy	CUP	-	-	-	
Sober Living Home	CUP	-	-	-	See PMC Section 17.91.080 (Sober Living Home)
Supportive Housing	CUP	-	-	-	
Transitional Housing	CUP	-	-	-	
Yard Sales (Temporary Use)	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses)
Retail, Service, and Office Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Adult-Oriented Business	-			-	See PMC Section 17.92.010 (Adult-Oriented Businesses)
Alcohol & Drug Treatment Facility, Large		-	-	-	See PMC Section 17.91.020 (Alcohol & Drug Treatment Facility)
Alcohol & Drug Treatment Facility, Small	-	-	-	-	
Alcohol Sales, Off-Sale	-	-	-	-	See PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Animal Sales and Services	-	-	-	-	
Auction Sales, Outdoor	-	-	-	-	
Auction Sales, Indoor	-	-	-	-	
ATM (Accessory Use)	-	-	-	-	
Bail Bonds	-	-	-	-	
Banks, Financial, Savings and Loan Institutions	-	-	-	-	
Building Materials Sales and Services	-	-	-	-	
Business to Business Support Services	-	-	-	-	
Check-Cashing Businesses	-	-	-	-	
Convenience Market	-	-	-	-	See PMC Sections 17.92.030 (Convenience Markets) and PMC Section 17.92.020 (Alcoholic Beverage Establishments)
Drive-Through Services (Accessory)	-	-	-	-	See PMC Section 17.92.050 (Drive Through Restaurants and Drive-Through Services)
Farmer's Market (Temporary)	TUP	TUP	TUP	-	See PMC Section 17.98.020 (Temporary Uses)
Food Preparation, Commercial	-	-	-	-	
Fortunetelling, Palm and Card Reading	-	-	-	-	
Funeral Homes and Mortuaries	CUP	-	-	-	
General Retail ≤ 5,000 sf	~~C~~MUP	-	-	-	

Public Facilities and Open Space Zones					
Use	**PF-C**	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
General Retail 5,000 sf - 25,000	~~C~~MUP	-	-	-	
General Retail/Superstore > 25,000	-CUP	-	-	-	
Grocery Store	-CUP	-CUP	-	-	
Kennels/Boarding, Commercial	-	-	-	-	See PMC Section 17.92.080 (Kennels/Boarding, Commercial)
Kiosk/Outdoor Vending [1]	A	A	A	A	
Laundromat	-	-	-	-	
Massage Establishment, Accessory (Accessory)	-	-	-	-	See PMC Section 17.92.090 (Massage Establishment (Accessory))
Massage Establishment, Stand-Alone	-	-	-	-	
Medical Services, Extended Care	-	-	-	-	
Medical Services, Medical/Dental/Holistic/Clinic	-	-	-	-	
Medical Services, Urgent Care	-	-	-	-	
Microblading/Permanent Makeup	-	-	-	-	
Neighborhood Market	-CUP	-CUP	-	-	
Nursery/Garden Center	-	-	-	-	
Office, Processing	-	-	-	-	
Office, Professional/Administrative	-	-	-	-	
Office, Service	-	-	-	-	
Outdoor Display	-	-	-	-	See PMC Section 17.92.110 (Outdoor Display)
Pawnshop	-	-	-	-	See PMC Section 17.92.130 (Pawnshops)
Personal Services	-	-	-	-	
Pet Daycare	-	-	-	-	See PMC Section 17.92.140 (Pet Daycare)
Resale/Consignment/Thrift Shop	-	-	-	-	
Smoking Lounge	-	-	-	-	
Smoke Shop	-	-	-	-	See PMC Section 17.92.150 (Smoke Shop)
Swap Meet, Indoor	-	-	-	-	
Swap Meet, Outdoor	-	-	TUP	-	Outdoor swap meets require a TUP per PMC Section 17.98.020 (Temporary Uses)
Tattoo/Body Art/Piercing	-	-	-	-	See PMC Section 17.92.170 (Tattoo/Body Art/Piercing Establishments)
Temporary Real Estate Sales Office (Temporary)	-	-	-	-	See PMC Section 17.98.020 (Temporary Uses))
Veterinary Hospitals	-	-	-	-	See PMC 17.92.190 (Veterinary Hospitals)
Utility, Transportation, and Communication Uses					
	PF-C	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Airports and Heliports	CUP	-	-	-	
Co-located Small Wind Energy Systems (CSWES) (Accessory)	-	-	-	-	See PMC Section 17.99.010 (Co-located Small Wind Energy Systems (CSWES))
Communication/Wireless Telecommunications Facilities, Major	CUP	CUP	-	-	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)
Communication/Wireless Telecommunications Facilities, Minor	MUP	MUP	MUP	-	See PMC Section 17.95.010 (Communication/Wireless Telecommunications Facilities)

Public Facilities and Open Space Zones					
Use	**PF-C**	**PF-P**	**PF-S**	**OS**	**Specific Use Regulations**
Communication, Facilities within Buildings	MUP		MUP		
Freight/Trucking Facility	-	-	-	-	
Light Fleet-Based Services	-	-	-	-	
Parking Lots & Structures	P	A	A	A	
Passenger Transportation Facilities	CUP	CUP	CUP	-	
Recycling Collection Facility, Large	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Collection Facility, Small	MUP	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Heavy	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Recycling Processing Facility, Light	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Reverse Vending Machine	-	-	-	-	See PMC Chapter 17.97 (Recycling Facilities)
Sanitary Landfills	CUP	-	-	-	See PMC Section 17.98.010 (Sanitary Landfills)
Small Residential Wind Generator Systems (SRWGS) (Accessory)	-	-	-	-	See PMC Section 17.99.020 (Small Residential Wind Generator Systems (SRWGS))
Solar Energy System (Primary)	-	-	-	-	See PMC Section 17.99.030 (Solar Energy System (Primary))
Utilities, Major	CUP	-	-	-	
Utilities, Minor	P	P	P	P	
Utility Yard	P	-	-	-	

17.84.020 Smoke or Other Particulate Matter

All proposed uses shall comply with the applicable requirements of the ~~South Coast~~ Antelope Valley Air Quality Management District.

17.86.010 Landscaping Requirements

A. Applicability. These standards shall apply to all new development and major additions or renovations of existing properties/structures or existing properties in the City, including any construction, expansion, or improvement on private property which requires the issuance of a building permit or other approval by the City, except business licenses. This Chapter shall not apply to the following:

1. Registered local, State or Federal historical sites;

2. Open space, Ecological restoration, or habitat areas that do not require a permanent irrigation system;

3. Mined-land reclamation projects in the MRE zone that do not require a permanent irrigation system; or,

4. Existing plant collections, as part of botanical gardens and arboretums open to the public.

17.86.040 Walls and Fences

B. Maximum Height. Fences and walls shall be measured pursuant to PMC Section 17.17.030.E (Fence and Wall Height Measurement). Tiering of walls shall be allowed as long as the horizontal distance between the walls is a minimum of three feet, which must be landscaped. Unless otherwise specified and per PMC Section 17.82.070 (Safety Visibility Area Restrictions), fences, walls, and similar screening structures shall be limited to a maximum height as follows:

1. Residential and Mixed-Use Zones

a. Within Required Front Setbacks:

i. Three feet for a sight-obscuring wall, fence, or hedge. Open view fencing may be allowed up to five feet in height.

ii. On residential lots of 20,000 square feet or more, a six-foot-high open view fence may be located within the required front setback. Any gates for vehicles must be set back a minimum of 20 feet from the property line to allow for vehicle parking when the gate is closed.

iii. Walls and fencing within the front setback shall be located within the property line of the subject parcel. A wall, fence, or hedge a maximum of three feet high may be located a minimum of 12 feet from the face of curb or edge of easement.

2. Commercial/Office Zones
a. Within Required Front Setbacks. Three feet for a sight-obscuring wall, fence, or hedge. Open view fencing may be allowed up to five feet in height.

3. Industrial Zones
a. Within Required Front Setbacks. Three feet for a sight-obscuring wall, fence, or hedge. Open view fencing may be allowed up to five feet in height.

4. Public Facilities and Open Space Zones

a. Within Required Front Setbacks. Three feet for a sight-obscuring wall, fence, or hedge. Open view fencing may be allowed up to five feet in height.

b. All Other Required Setback Areas. Six feet. An additional foot is allowed (maximum seven feet), provided that the portion of the fence exceeding six feet in height consists of open view fencing.

5. Vacant or Abandoned Lots
a. Within Required Front Setbacks. Six feet. Must be ~~for~~ an open-view fence.

17.87 Off-Street Parking and Loading

Table 17.87.060-1. Required Number of Vehicle Parking Spaces

Use	Number of Required Spaces
Aerospace Uses	
Aerospace Manufacturing	1 space/employee [1], plus 5 guest spaces, plus space to accommodate all service trucks/vehicles
Aerospace Services	1 space/employee, plus 5 guest spaces, plus space to accommodate all service trucks/vehicles
Agriculture & Animal Keeping Uses	
Agricultural Support, Sales, Service, and Storage	1 space/employee
Animal Husbandry and Production	Not applicable
Animal Raising and Keeping (domestic, livestock, horses, poultry)	Not applicable
Farmstands	Not applicable
Garden/Greenhouse, Private	Not applicable
Horticultural/Crop Production/Aquaculture	1 space/employee
Kennels, Private/Hobby	Not applicable
Stable/Equestrian Facility, Commercial/Public	1 space/4 stables
Stable/Equestrian Facility, Hobby/Private	Not applicable ~~1~~
Automobile and Vehicle Uses	
Fueling Station	1 space/employee, plus additional spaces for convenience store and/or service/repair if included (see Convenience Store and Vehicles and Equipment Services and Repair). If a convenience store is included, see "General Retail" for additional required parking. If service bays are included, see "~~Auto and~~ Vehicle and Equipment Services and Repair" for additional required parking.
Travel Center	1 space/employee, plus truck space parking sufficient to accommodate the use, plus additional parking required (per this table) for additional uses
Vehicle and Equipment Services and Repair, Major	2 spaces/service bay
Vehicle and Equipment Services and Repair, Minor	2 spaces/service bay
Vehicle Rental	3 spaces/1,000 sf of office or retail area, 1 space for each rental vehicle for planned fleet inventory, plus 1 space/service bay when repair services are included

Use	Number of Required Spaces
Vehicle Sales, New	3 spaces/1,000 sf of office area, 1 space for each sale vehicle for planned fleet inventory, 2.5/1,000 sf of gross floor area in the showroom, plus 1 space/service bay when repair services are included
Vehicle Sales, Used	3 spaces/1,000 sf of office or retail area, 1 space for each sale vehicle for planned fleet inventory, 2.5/1,000 sf of gross floor area in the showroom, plus 1 space/service bay when repair services are included
Vehicle Sales and Rental, Large Vehicles and Equipment	2 spaces/1,000 sf of office or retail area, plus 1 space /1,000 sf of outdoor display
Vehicle Towing/Impounding	1 space/employee, plus sufficient vehicle spaces to accommodate all impounded vehicles
Vehicle Washing & Detailing	2 spaces/service bay or lane
Vehicle Wrecking/Dismantling	5 spaces, plus 1 space/employee
Eating and Drinking Establishments & Entertainment Uses	
Bar/Nightclub/Lounge	Greater of: 1 space/3 seats or 10 spaces/1,000 sf for indoor areas, For outdoor dining/seating areas > 450 sf in size: 1 space/150 sf of outdoor dining and seating area over 450 sf
Brewpub/Taproom/Wine Bar/Microdistillery	Greater of: 1 space/3 seats or 6 spaces/1,000 sf for indoor areas, For outdoor dining/seating areas > 450 sf in size: 1 space/150 sf of outdoor dining and seating area over 450 sf
Café/Bakery	Greater of: 1 space/4 seats or 5 spaces/1,000 sf for indoor areas, For outdoor dining/seating areas > 450 sf in size: plus 1 space/150 sf of outdoor dining and seating area over 450 sf
Cinema/Theater/Performing Arts Center	1 space/4 fixed seats, or 1 space/40 sf of assembly area if seats are not fixed
Live Entertainment as Accessory Use, Indoor (Accessory)	Not applicable
Live Entertainment as Accessory Use, Outdoor (Accessory)	Not applicable
Outdoor Dining (Accessory)	Not applicable
Outdoor Entertainment	1 space/4 fixed seats or 1 space/60 sf of assembly area if seats are not fixed, or 1 space/1,000 sf of lot area
Restaurant, Bona Fide	Greater of: 1 space/3 seats or 6 spaces/1,000 sf for indoor areas, For outdoor dining areas > 450 sf in size: 1 space/150 sf of outdoor dining and seating area over 450 sf
Restaurant, Dine-In and Take-Out	Greater of: 1 space/3 seats or 6 spaces/1,000 sf for indoor areas, For outdoor dining areas > 450 sf in size:1 space/150 sf of outdoor dining and seating area over 450 sf
Restaurant, Drive-Through	1 space/employee plus 4 spaces for pickup
Film, Research and Development	
Film Production & Post Production	~~3~~2.5 spaces/1,000 sf, plus space to accommodate all service trucks/vehicles
Research & Development	2.5 spaces/1,000 sf. For developments where office space exceeds 25% of the gross floor area, parking for that portion of office space shall be required at 4 spaces/1,000 sf.
Industrial and Manufacturing Uses	
Artisan Manufacturing/Makers Space	2 spaces/1,000 sf
Brewery/Distillery/Winery - without tasting room or > 10,000 sf	2 spaces/1,000 sf, plus space to accommodate all service trucks/vehicles

Use	Number of Required Spaces
Brewery/Distillery/Winery - with tasting room and <10,000 sf	2 spaces/1,000 sf, plus 1 space/4 seats in tasting room area, plus space to accommodate all service trucks/vehicles
Commercial Vehicle Parking (Primary	Not Applicable
Construction and Materials Yards	1.5 spaces/1,000 sf
Food or Beverage Manufacturing	~~2~~1 spaces/1,000 sf, plus space to accommodate all service trucks/vehicles
Hazardous Materials Facility	1 space/employee, plus space to accommodate all service trucks/vehicles
Indoor Warehousing, Storage, Wholesaling, and Distribution	0.5 spaces/1,000 sf or 1 space/employee [1] whichever is less, plus space to accommodate all service trucks/vehicles
Manufacturing, Outdoors	0.5 spaces/1,000 sf of outdoor storage area or 1 space/employee [1] whichever is ~~greater~~ less, plus space to accommodate all service trucks/vehicles
Manufacturing/Processing, Light	~~2~~1 spaces/1,000 sf, plus space to accommodate all service trucks/vehicles
Manufacturing/Processing, Heavy	1 spaces/1,000 sf, plus space to accommodate all service trucks/vehicles
Mining/Resource Extraction	Not applicable~~1~~
Mini-Storage Warehousing or Facility	1 space /75 storage units, plus 3 spaces/1,000 sf of office area. A minimum of 5 spaces shall be provided.
Outdoor Storage (Accessory)	Not applicable
Outdoor Storage (Primary)	0.5 space/1,000 sf, plus space to accommodate all service trucks/vehicles
Outdoor Storage (Temporary)	Not Applicable
Salvage Yards	1 space/employee, plus space to accommodate all service trucks/vehicles
Temporary Buildings or Storage Facilities (Temporary and Accessory)	Not applicable
Lodging	
Bed and Breakfast	1 space/guest room, plus 2 spaces/resident owner or manager
Lodging – Hotels, Motels, Extended Stay	1 space/guest room, plus 4 spaces/1,000 sf of eating area in a restaurant/café, plus 1 space/70 sf of seating area in a ballroom/banquet hall, plus 1 space/3 employees
Lodging - Timeshares	1 space/unit, plus 1 space/10 units for guest and staff parking, plus 4 spaces/1,000 sf of eating area in a restaurant/café, plus 1 space/70 sf of seating area in a ballroom/banquet hall
Public, Quasi-Public and Institutional Uses	
Civic/Government	2.5 spaces/1,000 sf of gross floor area
Cultural Institutions	2.5 spaces/1,000 sf
Hospital	Adequate number as determined through Review process
Public Service Facility	Adequate number as determined through Review process
Social Service Facilities	4 spaces/1,000 sf
Recreation, Education, and Public Assembly Uses	
Athletic Fields, Unlighted	Not applicable (see required spaces for primary use)
Athletic Fields, Lighted	Not applicable (see required spaces for primary use)
Campground	1 space/campsite, plus 1 space/onsite caretaker
Cemeteries, Crematories, or Mausoleums	1 space/6 fixed seats or 1 space/150 sf of assembly area if no fixed seats
College/University	Adequate number as determined through Review process

Use	Number of Required Spaces
Commercial Recreation and Sports, Indoor	• Health, Fitness and Sports Clubs: 4.5 spaces/1,000 sf • Bowling Alleys and Billiard Clubs: 3 spaces /bowling lane and/or billiard table plus additional spaces for accessory uses (e.g., restaurant) • Pools: 2 spaces/1,000 square feet of pool area, minimum 5 spaces • Indoor tennis, racquet, or handball facilities: 3 spaces/court • Coin-operated electronic amusement centers: 4.5 spaces/1,000 sf • All Other Outdoor Recreational Uses: 2 spaces/1,000 sf Plus 4 spaces/1,000 sf for associated restaurant/cafe/commercial uses.
Commercial Recreation and Sports, Outdoor	• Golf Facilities: ○ Pitch and Putt: 3 spaces /hole ○ Driving Range: 1 space/tee ○ Golf Course: 5 spaces/hole • Outdoor tennis, racquet, or handball facilities: 3 spaces/court Pools: 2 spaces/1,000 square feet of pool area, minimum 5 spaces • Community Assembly/Amphitheaters: 1 space/8 fixed seats or 1 space/100 sf of assembly area if no fixed seats • All Other Recreational Uses: 1 space/1,000 sf of lot area Plus 4 spaces/1,000 sf for associated restaurant/cafe/commercial uses.
Community Assembly, ≤ 5,000 sf (gross sf)	1 space/4 fixed seats, or 1 space/40 sf of assembly area if no fixed seats
Community Assembly, > 5001 sf - 12,000 sf (gross sf)	1 space/4 fixed seats, or 1 space/40 sf of assembly area if no fixed seats
Community Assembly, >12,000 sf (gross sf)	1 space/4 fixed seats, or 1 space/40 sf of assembly area if no fixed seats
Family Day Care Center	1 space/employee plus 1 space/8 children/adults for loading and unloading
Instructional Services, ≤ 5,000 sf	1 space/employee plus 1 space/4 students
Instructional Services, > 5,001 sf	1 space/employee plus 1 space/4 students
Open Space, Natural	Not applicable
Parks and Recreation Facilities	• 10 spaces /net acre of active recreational area (e.g., athletic fields) within a park or playground, plus 5 spaces /net acre of passive recreational area; minimum 5 spaces • Additional spaces shall be required for uses such as swimming pools, gymnasiums, and tennis courts as follows: ○ Golf Course: 5 spaces/hole ○ Tennis, racquet, or handball facilities: 3 spaces/court ○ Pools: 2 spaces/1,000 sf of pool area, minimum 5 spaces ○ Gymnasiums: 2 spaces/1,000 sf ○ Community Assembly/Amphitheaters: 1 space/8 fixed seats or 1 space/100 sf of assembly area if no fixed seats
Retreat Center	Adequate number as determined through Review process
Recreational Vehicle (RV) Park	1 space/travel trailer/RV site
Schools, Public or Private (TK-12)	• Elementary and Middle Schools: 1.5 spaces/classroom, plus 1 space/2 employees or admin personnel • High School: 5 spaces/classroom, plus 1 space/2 employees or admin personnel
Tutoring Facilities	1 space/employee plus 1 space/4 students

Use	Number of Required Spaces
Vocational/Trade School ≤ 10,000 sf	1 space/employee, plus 1 space/3 students
Vocational/Trade School > 10,001 sf	1 space/employee, plus 1 space/4 students
Residential Uses	
Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) (Accessory)	See Section 17.91.030 (Accessory Dwelling Unit and Junior Accessory Dwelling Unit Standards)
Agricultural Worker Housing	1 space/employee, plus 1 space/unit or 1 space/3 beds
Caretaker's Unit (Accessory)	1 space/unit
Child Day Care in a Home	1 space/nonresident employee plus one space for loading and unloading children plus parking required for the Residential Housing Type
Cottage Food Operation (Accessory)	None beyond the parking required for the Residential Housing Type
Cottage Industry (Accessory)	None beyond the parking required for the Residential Housing Type
Emergency Shelters	1 space/employee, plus 1 space/20 temporary residents
Group Residential Home	1 space/employee, plus 1 space / bedroom/sleeping room
Home Occupation (Accessory)	None beyond the parking required for the Residential Housing Type
Live/Work	2 spaces/1,000 square feet of nonresidential area plus 1 space for each residential unit
Model Home (on-site)	Not applicable
Manufactured/Mobile Home Park or Subdivision	2 spaces/unit (may be tandem), plus 1 guest space/5 home lots (may be provided on street)
Residential Care Facilities, Small	1 space/employee, plus 1 space/facility vehicle, plus 1 space/6 beds
Residential Care Facilities, Large	1 space/employee, plus 1 space/facility vehicle, plus 1 space/8 beds
Residential Housing Types	
Single-Family Dwelling - Attached	2 spaces /unit, of which 1 shall be enclosed
Single-Family Dwelling - Detached	2 enclosed spaces /unit
Two-Family Dwelling/Duplex	• 1 space /studio or one-bedroom unit • 2 spaces /unit with two or more bedrooms Minimum 1 space /unit shall be enclosed
Multi-Family Dwelling, Triplex/Quadplex	• 1 space per studio or one-bedroom unit • 2 spaces per unit with two or more bedrooms Minimum 1 space /unit shall be covered.
Multi-Family Residential, ≥ 5 Units	• 1 space per studio or one-bedroom unit • 1.5 spaces per two-bedroom unit • 2 spaces per unit with three or more bedrooms Minimum 0.5 space per unit shall be covered. Plus 0.2 guest space per unit For senior housing developments (62 years or age or older): 0.5 space /unit. Plus 0.1 guest space per unit
Manufactured/Mobile Home	See "Mobile/Manufactured Home Park or Subdivision." Manufactured/mobile homes not within a mobile/manufactured home park or subdivision shall provide parking pursuant to the parking requirements for a "Single-Family Dwelling (Attached or Detached)."

Use	Number of Required Spaces
Single-Room Occupancy	0.5 space/unit
Sober Living Home	1 space/employee plus 1 space/7 beds
Supportive Housing	1 space/employee plus 1 space/7 beds
Transitional Housing	1 space/employee plus 1 space/7 beds
Yard Sales (Temporary Use)	Not applicable
Retail, Service, and Office Uses	
Adult-Oriented Business	Greater of: 1 space/3 fixed seats or 4 spaces/1,000 sf
Alcohol & Drug Treatment Facility, Large	1 space/employee plus 1 space/7 beds
Alcohol & Drug Treatment Facility, Small	1 space/employee plus 1 space/7 beds
Alcohol Sales, Off-Sale	4 spaces/1,000 sf
Animal Sales and Services	4 spaces/1,000 sf
Auction Sales, Indoor	1 space/3 fixed seats or 1 space/50 sf in the seating area used for the auction if no fixed seats
Auction Sales, Outdoor	1 space/1,000 sf of lot area devoted to sales and display
ATM (Accessory)	1 space/ATM (if stand-alone)
Bail Bonds	3 spaces/1,000 sf
Banks, Financial, Savings and Loan Institutions	3 spaces/1,000 sf
Building Materials Sales and Services	2 spaces/1,000 sf interior sales area, plus 1 space/1,000 sf exterior sales and storage area
Business to Business Support Services	2 spaces/1,000 sf, plus 1 space/service or fleet vehicle
Check-Cashing Businesses	3 spaces/1,000 sf
Convenience Market	4 spaces/1,000 sf
Drive-Through Services (Accessory)	Not applicable
Farmer's Market (Temporary)	1 space/1,000 sf of lot area devoted to sales and display
Food Preparation, Commercial	2 spaces/1,000 sf, plus 1 space/service or fleet vehicle
Fortunetelling, Palm and Card Reading	3 spaces/1,000 sf
Funeral Homes and Mortuaries	1 space/4 fixed seats or 1 space/40 sf of assembly area where no seats or where temporary or moveable seats are provided
General Retail ≤ 5,000 sf	5 spaces/1,000 sf
General Retail 5,001 sf - 25,000 sf	25 spaces for the first 5,000 sf; plus 4 spaces/1,000 sf above 5,000 sf
General Retail/Superstore > 25,000 sf	105 spaces for the first 25,000 sf; plus 3 spaces/1,000 sf above 25,000 sf
Grocery Store	25 spaces for the first 5,000 sf; plus 4 spaces/1,000 sf above 5,000 sf
Kennels/Boarding, Commercial	3 spaces/1,000 sf
Kiosk/Outdoor Vending	Not applicable
Laundromat	4 spaces/1,000 sf
Massage Establishment, Accessory (Accessory)	Not applicable
Massage Establishment, Stand-Alone	3 spaces/1,000 sf
Medical Services, Extended Care	1 space/employee, plus 1 space/facility vehicle, plus 1 space/3 beds
Medical Services, Medical/Dental/Holistic/Clinic	5 spaces/1,000 sf
Medical Services, Urgent Care	4 spaces/1,000 sf

Use	Number of Required Spaces
Microblading/Permanent Makeup	Greater of: 4 spaces/1,000 sf or 2 spaces/chair
Neighborhood Market	4 spaces/1,000 sf
Nursery/Garden Center	2 spaces/1,000 sf of building floor area; 1 space/1,000 sf of outdoor display area
Office, Processing	7 spaces/1,000 sf
Office, Professional/Administrative	4 spaces/1,000 sf
Office, Service	5 spaces/1,000 sf
Outdoor Display	Not applicable
Pawnshop	5 spaces/1,000 sf
Personal Services	Greater of: 4 spaces/1,000 sf or 2 spaces/chair
Pet Daycare	4 spaces/1,000 sf
Resale/Consignment/Thrift Shop	5 spaces/1,000 sf
Smoking Lounge	Greater of: 1 space/3 fixed seats or 5 spaces/1,000 sf
Smoke Shop	5 spaces/1,000 sf
Swap Meet, Indoor	3 spaces/1,000 sf of floor area devoted to sales and display
Swap Meet, Outdoor	1 space/1,000 sf of lot area devoted to sales and display
Tattoo/Body Art/Piercing	Greater of: 4 spaces/1000 sf or 2 spaces/chair
Temporary Real Estate Sales Office (Temporary)	1 space/employee, plus 2 guest spaces
Veterinary Hospitals	4 spaces/1,000 sf
Utility, Transportation, and Communication Uses	
Airports and Heliports	Adequate number as determined through Review process
Co-located Small Wind Energy Systems (CSWES) (Accessory)	Not applicable
Communications/Wireless Telecommunications Facilities, Major	1 space /maintenance vehicle operated or kept on-site; minimum 2 spaces
Communications/Wireless Telecommunications Facilities, Minor	1 space /maintenance vehicle operated or kept on-site; minimum 2 spaces
Communications, Facilities within Buildings	3 spaces/1,000 sf of office space, plus 1 space/service or fleet vehicle
Freight/Trucking Facility	2 spaces/1,000 sf of office space, plus 1 space/service or fleet vehicle
Light Fleet-Based Services	2 spaces/1,000 sf of office space, plus 1 space/service or fleet vehicle
Parking Lots & Structures	Not applicable
Passenger Transportation Facilities	Adequate number as determined through Review process
Recycling Collection Facility, Large	1 space/employee, plus 1 space/service or fleet vehicle
Recycling Collection Facility, Small	1 space/employee, plus 1 space/service or fleet vehicle; plus 3 spaces required for accessory small recycling collection facilities located at the established parking lot of the primary use
Recycling Processing Facility, Heavy	1 space/employee, plus 1 space/service or fleet vehicle
Recycling Processing Facility, Light	1 space/employee, plus 1 space/service or fleet vehicle
Reverse Vending Machine	3 spaces
Sanitary Landfills	1 space/employee, plus 1 space/service or fleet vehicle
Small Residential Wind Generator Systems (SRWGS) (Accessory)	Not applicable

Use	Number of Required Spaces
Solar Energy System (Primary)	1 space /maintenance vehicle operated or kept on-site; minimum 2 spaces
Utilities, Major	1 space /maintenance vehicle operated or kept on-site; minimum 2 spaces
Utilities, Minor	1 space /maintenance vehicle operated or kept on-site; minimum 2 spaces
Utility Yard	1 space/service or fleet vehicle

Notes:

1. Number of employees shall be based on the largest shift that occurs in a typical week.

17.87.080 Use of Parking Spaces

D. Residential Zones.

1. No vehicle which is registered for commercial purposes pursuant to applicable provisions of the Vehicle Code of the State of California or other jurisdiction and which has a manufacturer's gross vehicle weight rating of 10,000 pounds or more shall be parked or left standing on any residentially zoned property, in excess of 30 consecutive minutes unless it falls within the exceptions given in PMC Section 10.04.040.

2. Light auto repair and maintenance activities on vehicles owned and operated by the resident of a dwelling unit are permitted only within the dwelling unit's garage, and shall be conducted pursuant to Chapter 8.36 PMC. Any waste oil, automobile fluids or automobile parts shall be disposed of as prescribed by state law and local ordinance. No vehicle repair or maintenance activities, or storage of inoperable vehicles, are permitted within driveway areas, front yard setbacks or in rear or side yard areas which are visible from a public right-of-way. No commercial auto repair activities are permitted in the residential zones.

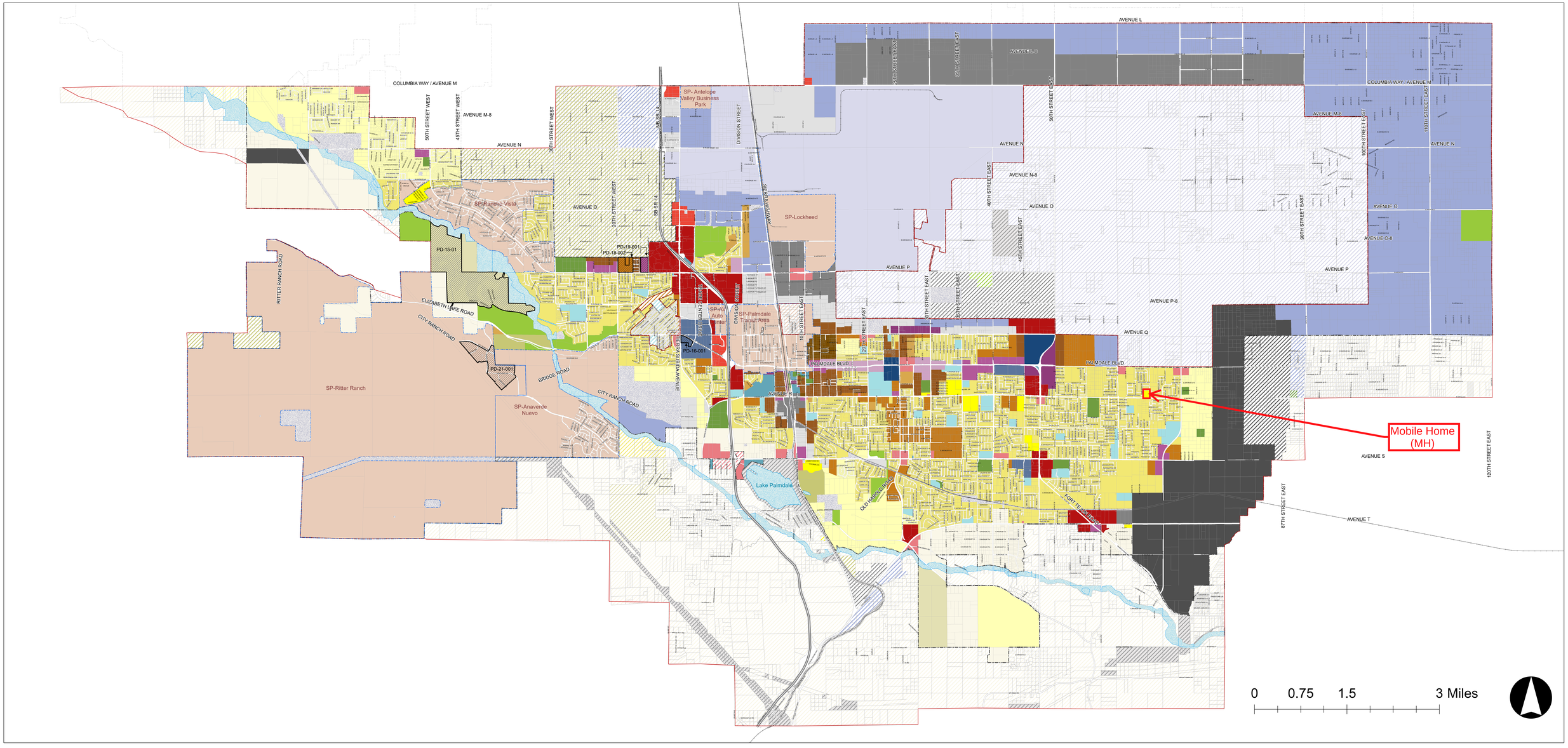
17.96.060 Contents of Application

T. An analysis of all anticipated air quality impacts associated with the proposed facility, including the effect of wind patterns at the site, proposed mitigation measures to ensure no degradation of air quality in the area, and a copy of all required permits from the ~~South Coast~~ Antelope Valley Air Quality Management District, or any other agency;

Z. A plan that identifies an ongoing monitoring program of air, soil, groundwater, and other environmental systems. This plan must include any monitoring requirements imposed by other permitting agencies include, but are not limited to, the ~~South Coast~~

Antelope Valley Air Quality Management District, the Regional Water Quality Control Board, and the State Department of Health Services;

EXHIBIT II



Palmdale Zoning Map

6/29/2023

- Equestrian Residential (ER)
- Low Density Residential (LDR)
- Single Family Residential 1 (SFR 1)
- Single Family Residential 2 (SFR 2)
- Single Family Residential 3 (SFR 3)
- Mobile Home (MH)
- Residential Neighborhood 1 (RN 1)
- Residential Neighborhood 2 (RN 2)
- Residential Neighborhood 3 (RN 3)
- Residential Neighborhood 4 (RN 4)
- Mixed Use 1 (MU 1)
- Mixed Use 2 (MU 2)
- Mixed Use 3 (MU 3)
- Neighborhood Commercial (NC)
- Visitor Commercial (VC)
- Regional Commercial (RC)
- Office Flex (OF)
- Aerospace Industrial (AI)
- Light Industrial (LI)
- Heavy Industrial (HI)
- Mineral Resource Extraction (MRE)
- Medical Flex (MEDFX)
- Educational Flex (EF)
- Specific Plan (SP)
- Open Space (OS)
- Public Facility-Park (PF-P)
- Public Facility-School (PF-S)
- Public Facility-Civic (PF-C)
- Utilities (U)
- Water Body/Aqueduct
- Prezone Equestrian Residential
- Prezone Low Density Residential
- Prezone Single Family Residential 1
- Prezone Single Family Residential 2
- Prezone Single Family Residential 3
- Prezone Mobile Home
- Prezone Residential Neighborhood 2
- Prezone Neighborhood Commercial
- Prezone Aerospace Industrial
- Prezone Light Industrial
- Prezone Heavy Industrial
- Prezone Mineral Resource Extraction
- Prezone Specific Plan
- Prezone Open Space
- Prezone Public Facility-Park
- Prezone Public Facility-School
- Prezone Public Facility-Civic
- Prezone Utilities
- Planned Developments
- City Boundary
- Sphere of Influence
- Major Highway/Arterial
- Railroad

PALMDALE
a place to call home

City Council Staff Report

DATE: **AUGUST 16, 2023**

TO: **HONORABLE MAYOR AND CITY COUNCIL**

FROM: **ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION**

DISTRICTS: **ALL**

SUBJECT: **ADOPT ORDINANCE NO. 1614, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE APPROVING VARIOUS AMENDMENTS TO THE PALMDALE MUNICIPAL CODE**

ISSUE

Adopt Ordinance No. 1614 approving various amendments to the Palmdale Municipal Code (PMC)

RECOMMENDATION

The Planning Commission recommends that the City Council:

1. Receive public testimony regarding Ordinance No. 1614;
2. Adopt Ordinance No. 1614 recommending City Council approval of various amendments to the Palmdale Municipal Code (PMC); and,
3. Find that the project is consistent with Program Environmental Impact Report (PEIR) 22-002 prepared and certified in conjunction with the City's General Plan update (Palmdale 2045).

BACKGROUND

On September 21, 2022, Palmdale 2045 was adopted by the City Council and replaced the previously adopted General Plan (1993). State law requires that the regulations governing the use and development of lands within the municipal limits of a city be consistent with the adopted General Plan for that city. ZOA 21-007 was adopted by the City Council on March 15, 2023, which amended Title 17 of the PMC to implement the vision of Palmdale 2045, as well as support new land use patterns and future development. Subsequently, City staff and the consultant team have identified various amendments to the PMC, which are necessary to address inconsistencies, correct typographical errors and section references.

DISCUSSION

The proposed amendments to the PMC address inconsistences, correct typographical errors and section references, as follows:

- Clarify references of authorized designees such as Director/Manager/Review Authority to be with consistent with new review processes
- Modify PMC Section references
- Clarify references to land uses to be consistent with the permission tables within Title 17
- Modify Title 8 to include Chapter 8.48 Regulation of Illegal Dumping

The proposed amendments are necessary to ensure consistency within Palmdale 2045 and the PMC.

FISCAL IMPACT

None.

STRATEGIC PLAN

Goal IV: Maintain a desirable community where everyone wants to live, work and play.

B. Provide inclusive access to a variety of supportive services that build a resilient and healthy community.

Prepared by:	Brenda Magaña, Planning Manager
Certified as to availability of Funds:	Janelle Samson, Director of Finance
Approved by:	Ronda Perez, City Manager
Approved as to form:	William P. Curley, III, Interim City Attorney

ATTACHMENT

1. Ordinance No. 1614

CITY OF PALMDALE
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1614

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE APPROVING VARIOUS AMENDMENTS TO THE PALMDALE MUNICIPAL CODE TO ADDRESS INCONSISTENCIES, CORRECT TYPOGRAPHICAL ERRORS AND REFERENCES AND FINDING THAT THE AMENDMENT IS CONSISTENT WITH PROGRAM ENVIRONMENTAL IMPACT REPORT 22-002 PREPARED AND CERTIFIED IN CONJUNCTION WITH THE CITY'S GENERAL PLAN (PALMDALE 2045)

A. RECITALS

WHEREAS, the City of Palmdale (City) has filed applications that apply to the City and the City's sphere of influence, requesting various amendments to the Palmdale Municipal Code (PMC), to address inconsistencies, correct typographical errors and section references, as indicated in Exhibit I (hereinafter referred to as "Application");

WHEREAS, California State law requires that the regulations governing the use and development of lands within the municipal limits of a city be consistent with the adopted General Plan for that city. On September 21, 2022, the City Council adopted a comprehensive update to the General Plan (Palmdale 2045), which required a comprehensive update to Title 17 of the PMC through ZOA 21-007;

WHEREAS, on February 9, 2023, the Planning Commission of the City of Palmdale adopted Resolution No. PC-2023-001 recommending City Council approval of ZOA 21-007 by the City Council;

WHEREAS, on March 15, 2023, the City Council of the City of Palmdale adopted Ordinance No. 1613 for the comprehensive Zoning Code and Map update. Subsequently, City staff have identified minor amendments to Title 17, which are necessary to address inconsistencies, clarify review procedures, correct typographical errors and section references, as well as update the associated Zoning Map;

WHEREAS, July 20, 2023, the Planning Commission of the City of Palmdale adopted Resolution No. PC-2023-016 recommending City Council approval of various amendments to the PMC to address inconsistencies, correct typographical errors and references; and,

WHEREAS, on August 16, 2023, the City Council of the City of Palmdale conducted a duly noticed public hearing on the Application and concluded said hearing on that date. Evidence, both written and oral, was duly presented and considered by the City Council at the aforesaid public hearing, including but not limited to, the staff report, dated August 16, 2023.

B. ORDINANCE

THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby specifically finds that all of the facts set forth in the Recitals, Part A of this Ordinance, are true and correct.

SECTION 2. The City Council hereby finds as follows with respect to the environmental documentation:

(a) PEIR 22-002 (State Clearinghouse # 2021060494) was prepared and certified by the City Council (Resolution No. CC 2022-096) on September 21, 2022, for approval of the City's General Plan (Palmdale 2045). As part of the environmental analysis, PEIR 22-002 also considered the adoption and implementation of the Comprehensive Zoning Code and Map update. The PMC amendment ensures consistency between Palmdale 2045 and the PMC. Staff review has determined that a subsequent or supplemental PEIR as described in California Environmental Quality Act (CEQA) Guidelines Sections 15162, 15163, or 15164, is not required because the proposed Application modifies language in the PMC to ensure compliance with the adopted General Plan and applicable laws, and would not require major revisions of the PEIR, there are no significant changes in circumstances and there is no new information of substantial importance that will involve new significant environmental effects or increase the severity of previously identified significant effects. As such, staff concluded that the request is consistent with the previous PEIR in accordance with CEQA Guidelines.

(b) The custodian of records for the environmental document, and all other materials which constitute the record of proceedings upon which the City Council decision is based, is the Planning Manager of the City of Palmdale. These documents are available for public review in the Planning Division of the City of Palmdale located at 38250 Sierra Highway, Palmdale, California 93550, telephone (661) 267-5200. In addition, the Final PEIR is available at: https://palmdale2045gp.org/wp-content/uploads/2022/10/PalmdaleGP_FinalEIRAppendicesResponsetoCommentsFindingofFactandStatementofOverridingConsiderations.pdf.

SECTION 3. Based upon substantial evidence presented to the City Council during the August 16, 2023, public hearing, including public testimony and written and oral staff reports, the City Council specifically finds as follows:

(a) The proposed PMC Amendment conforms with the goals, objectives, and policies of the General Plan.

This Application will ensure consistency with the goals, policies, and objectives of Palmdale 2045, because the Application will address inconsistencies, correct typographical errors and section references within the PMC.

SECTION 4. Based on the findings and conclusions set forth in the above Sections, and based on all other evidence in the record, the City Council hereby approves various amendments to the Palmdale Municipal Code as shown in Exhibit I of this Ordinance.

SECTION 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

SECTION 6. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance to be published or posted as required by law.

PASSED, APPROVED and **ADOPTED** this 16th day of August, 2023.

Approved as to form:

_____
Laura Bettencourt, Mayor

ATTEST:

_____
William P. Curley, III,
Interim City Attorney

_____
Rochelle Scott, Acting City Clerk

I, Rochelle Scott, Acting City Clerk of the City of Palmdale, California, do hereby certify that the foregoing Ordinance was duly introduced, passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the _____ day of _____, 20___ effective on the ____ day of _____, 20___ by the following roll call vote:

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

Date: _____ _____
Rochelle Scott, Acting City Clerk

EXHIBIT I

PMC Section 1.01.020 Title – Citation – Reference

This code shall be known as the "Palmdale Municipal Code" or "PMC" and it shall be sufficient to refer to the code as the "Palmdale Municipal Code" or "PMC" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an amendment to, correction or repeal of the "Palmdale Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Palmdale Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

PMC Section 1.04.010 Definitions

(F) "Director of ~~Planning~~Economic and Community Development" or "Economic and Community Development~~Planning~~ Director" means the Director of ~~Planning~~Economic and Community Development or the ~~employee designated by the City Manager to act as the Director of Planning~~Director's authorized designee.

(G) "Law" denotes applicable ~~F~~federal law, the Constitution and statutes of the ~~S~~state of California, the ordinances of the City of Palmdale, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

(T) "State" means the ~~S~~state of California.

(U) "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this ~~S~~state.

PMC Section 1.04.100 Photographic identification

Whenever proof of identity is required by ~~this Municipal Code~~the PMC or any other policy or procedure of the City, an individual must proffer acceptable photographic identification. The following shall be considered acceptable forms of photographic identification:

(A) A current and valid driver's license issued by the ~~S~~state of California or any other state or territory of the United States;

(D) A current and valid identification card issued by the ~~S~~state of California or any other state or territory of the United States; and

PMC Section 1.06.040 Publication and notice of ordinances

(A) Prior to Adoption. The full text of proposed ordinances may be published on the City ~~of Palmdale~~ website and available for review in the office of the City Clerk, five days prior to adoption by the City Council. A notice of the public hearing at which an ordinance will be considered by the City Council together with a summary of the proposed ordinance

may be posted at least 72 hours prior to said public hearing at the same three public places at which the City Council agenda is posted.

PMC Section 1.08.010 Notice to appear in court
If any person is arrested for the violation of any ordinance of this City and such person is not immediately taken before a magistrate, as is more fully set forth in the Penal Code of the Sstate, the arresting officer shall prepare, in duplicate, a written notice to appear in court, containing the name and address of such person, the offense charged and the time and place where and when such person shall appear in court.

PMC Section 1.08.070 Failure to appear – Penalty.
Every person wilfullywillfully violating his written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

PMC Section 1.08.080 Failure to appear – Warrant issuance.
When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in PMC Section 1.08.050 (Bail forfeiture), the magistrate shall issue and have delivered for execution a warrant for his arrest within 20 days after his failure to appear as promised. If a person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then within 20 days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense, the magistrate shall issue and have delivered for execution a warrant for his arrest. When the person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer.

Chapter 1.12 PENALTY PROVISIONS
Prior legislation: Ords. 83, 470 and 502.

PMC Section 1.12.010 Misdemeanors – Infraction Administrative citations
(C) A public officer or employee designated in or pursuant to PMC Section 1.16.010 (Issuance of citations by designated employees) issues a citation charging the offense as an infraction; or

(D) A public officer or employee designated in or pursuant to PMC Section 1.20.020 (Definitions) issues an administrative citation charging the offense as an administrative violation subject to administrative penalties in accordance withpursuant to PMC Chapter 1.20 (Administrative Citations) PMC.

PMC Section 1.12.020 Punishment.
(C) Any person found responsible for an administrative violation under the provisions of

PMC Chapter 1.20 (Administrative Citations)~~PMC~~ shall be subject to the administrative penalties set forth therein.

PMC Section 1.16.020 Procedures and rules concerning issuance of citations.
The City Manager may, by administrative instruction, establish procedures and rules governing the conduct of officers and employees designated in or pursuant to PMC Section 1.16.010 (Issuance of citations by designated employees), and may specify what ordinances such officers and employees shall have the duty to enforce if other than all ordinances of the City.

PMC Section 1.20.010 Applicability.
(A) Use of this chapter shall be at the sole discretion of the City and is one remedy that the City has to address violations of the ~~Palmdale Municipal Code~~PMC. By adopting this chapter, the City does not intend to limit its discretion or ability to utilize any criminal, civil or other remedies, or any combination thereof, to address any violations of the City's laws.

(B) This chapter makes any violation of the provisions of the ~~Palmdale Municipal Code~~ PMC subject to administrative penalties.

(D) An administrative penalty in the amount adopted by resolution of the City Council is hereby imposed on all persons found to have violated any provision of the ~~Palmdale Municipal Code~~PMC.

(E) City of Palmdale Enforcement Officers and other persons designated by the City Manager are hereby authorized to issue administrative citations ~~in accordance with~~pursuant to the provisions of this chapter.

PMC Section 1.20.020 Definitions.
(E) "Hearing Officer" means the person, private entity, organization, association, public official, or duly constituted R~~r~~eview~~ing~~ A~~a~~uthority or commission, designated or appointed by the City Manager.

1.20.030 Scope.
This chapter imposes an administrative penalty pursuant to an administrative citation for any violation of the code, as well as for a breach or violation of any condition of a permit, approval or license issued pursuant to the code. This remedy may be utilized in place of, or in addition to, any other remedy allowed by the code or S~~s~~tate law. The City Manager/designee shall have sole discretion to utilize any remedy or remedies as authorized by law. This administrative citation remedy may be utilized notwithstanding the fact that a violation of any specific code section is designated therein to be a misdemeanor or infraction.

1.20.040 Issuance of administrative citation – Contents.
(A) Whenever an Officer determines that a violation of the code has occurred, the Officer may issue an administrative citation on a City-approved form listing the code violation(s)

and the amount of the administrative penalties required to be paid by the responsible person(s) in accordance with pursuant to the provisions of this ~~c~~Chapter.

(B) When the violation pertains to building, plumbing, electrical or other similar structural or zoning issues that creates an immediate danger to health or safety, a citation may be issued forthwith together with a notice to abate pursuant to in accordance with PMC Title 8 (Health and Safety). In the absence of an immediate danger, a citation for such a violation shall not be issued pursuant to this chapter unless the responsible person has first been provided with notice to abate and a reasonable period, as determined by the Officer, in which to abate or correct the violations.

2.04.060 Powers and duties.
(A) To ensure, in cooperation with the City Attorney, that all laws of the ~~s~~State pertaining to the City, and all laws and ordinances of the City, are duty enforced, and that all franchises, permits and privileges granted by the City are faithfully observed and performed;

2.04.100 Removal – Procedure.
(A) The removal of the City Manager shall be only on a majority vote of the whole City Council, subject, however, to the provisions of PMC Section 2.04.110 (Removal – After election), and subject to any additional requirements for removal of the City Manager, including additional supermajority requirements as contractually obligated to a City Manager by the City Council. Any change made to this provision shall not take effect until the expiration of the existing agreement with the City Manager on December 30, 2024. In case of intended removal by the City Council, the City Manager shall be furnished with a written notice stating that the City Council's intention is to remove the City Manager and the reasons therefor at least 30 days before the effective date of any such removal.

2.04.110 Removal – After election.
Notwithstanding the provisions of this C~~c~~hapter, the City Manager shall not be removed from office during or within a period of 90 days next succeeding any general municipal election, at which election a member of the City Council is elected. The purpose of this provision is to allow any new-elected member of the City Council, or a reorganized City Council, to observe the actions and abilities of the City Manager in the performance of the powers and duties of this office. After the expiration of said 90-day period, the provisions of PMC Section 2.04.100 (Removal – Procedure) relating to the removal of the City Manager shall be applicable.

2.04.130 Severability of provisions.
If any part of this C~~c~~hapter is found to be illegal, invalid or unconstitutional by a court of competent jurisdiction, the provision(s) found to be illegal, invalid or unconstitutional shall be severed and all the other provision(s) shall remain in full force and effect.

2.06.010 Office created.
(A) The office of City Attorney of the City is established. The office shall consist of the City Attorney, and such attorneys and other employees as the City Council may provide for in the budget. The City Attorney shall be head of the office and be responsible for the successful performance of its functions. It shall be the duty of the City Attorney to assist

the City Manager in administering the affairs of the City efficiently, economically, and harmoniously so far as may be consistent with the duties of the City Attorney as prescribed by law and the ethical rules and standards applicable to the practice of law and of the State Bar of the ~~s~~State of California.

2.06.020 Appointment and qualifications.
(B) No person shall be eligible to be appointed City Attorney unless he or she shall have been admitted to practice before the supreme court of the ~~s~~State of California and shall have been engaged in the practice of law in the ~~s~~State of California for at least five years prior to his or her appointment.

2.06.050 Performance of duties during absence or disability.
Upon any absence or disability of the City Attorney which precludes the performance of the duties specified herein, an A~~a~~ssistant City Attorney or D~~d~~eputy City Attorney may be appointed by the City Council as the interim acting City Attorney. In the event of a vacancy in the office of City Attorney, the City Council shall appoint an interim acting City Attorney until such time as the vacancy is filled. Such interim appointment may be conditioned upon that person obtaining a corporate surety bond to ensure the faithful performance of the duties required to be performed as set forth herein.

2.06.060 Powers and duties.
The City Attorney shall have the following powers and duties:

(A) To be the sole and exclusive legal adviser of the City, the City Council and all City agencies, authorities, boards, commissions, committees, officers, and departments pertaining to all of their functions, powers, and duties under this code, and under F~~f~~ederal and S~~s~~tate law. The City Attorney may retain outside counsel to attend to cases or other legal matters as the need may arise or as the City Council may direct;

(F) To perform such other legal services as may be required from time to time by the City ~~Council, or~~Council or requested by the City Manager or other subordinate officers, or as may be necessary to perform the foregoing functions or duties of the legal advisor of the City.

2.06.070 Attendance at meetings.
The City Attorney, or the City Attorney's designee, shall attend all meetings of the City Council, P~~p~~lanning C~~c~~ommission, and of all City agencies, authorities, boards, commissions, and committees as the City Council shall direct.

2.06.080 Compensation.
The City Attorney, A~~a~~ssistant City Attorney, D~~d~~eputy City Attorney and employees of the office of the City Attorney shall receive such compensation as the City Council shall from time to time authorize in the budget. Said compensation shall be a proper charge against such funds of the City as the City Council shall designate.

2.06.090 Severability of provisions.
If any S~~s~~ection, S~~s~~ubsection, subdivision, paragraph, sentence, clause or phrase in this C~~c~~hapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity

or effectiveness of the remaining portions of this Cchapter or any part thereof. The City Council hereby declares that it would have passed each Ssection, Ssubsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more Ssubsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

2.08.030 Appointments to boards, commissions, and committees.
Unless otherwise specifically provided in this code or by sState law, the City Council shall make all appointments to boards, commissions and committees of the City as follows unless otherwise formed by resolution:

2.08.040 Regular meeting day, time and place.
Regular meetings of the City Council will be held on the first and third Wednesday of each month except in January and July where regular meetings will be held on the second Wednesday of those months. Meetings of the City Council shall be held at 38300 Sierra Highway, Suite B, Palmdale, California, at 5:00 p.m. If all matters on the agenda for any regular meeting have not been considered by the City Council by the hour of 10:30 p.m., or such earlier or later time as may be fixed by a majority vote of the City Council, then the regular meeting may be adjourned to the next succeeding Wednesday, at the same time and at the same location, unless a different day, time or location is specified in the order of adjournment. When so adjourned, each adjourned meeting shall be a regular meeting for all purposes. Notice of all meetings of the City Council, whether regular, adjourned, special or emergency, will be given in the manner required by statute. When a regular Wednesday meeting of the City Council falls on a national or sState holiday and City offices are scheduled to be closed, then such meeting shall not be held and will be deemed adjourned for all purposes with no further action required by the City Council or the City Clerk except such written notices of adjournment as may be required by law. The ordinance codified in this Ssection shall take effect 30 days after adoption.

2.08.060 Additional compensation for elected Mayor.
During such period of time as the office of Mayor is an elective office, the Mayor shall receive, in addition to the compensation set forth in PMC Section 2.08.050 (Compensation), such further amount as shall cause the total compensation for services to equal $2,000 per month.

2.10.030 Powers, duties and responsibilities of City Clerk.
The City Clerk shall have all the powers, duties and responsibilities of the City Clerk as prescribed by the laws of the sState, the City Charter, the ordinances of the City, and the City's classification plan for this position.

2.16.010 Amounts designated.
(A) In accordance withPursuant to Section 36518 of the Government Code, bonds shall be required of City officers and employees in penal sums as follows:

(3) All other officers and employees of this City, including deputies of the City Clerk and City Treasurer, shall be covered by an honesty position bond, issued by a surety company authorized to do business in this sState, for the faithful performance of the duties of their

respective offices or employment, in the aggregate penal sum of $20,000 for all such employees.

(Repealed by Ord. 1102)

PMC Chapter 2.20 ~~PMC~~derived from Ord. 189; repealed by Ord. 738 § 1, 1988; mistakenly re-instated by Ord. 1091 § 6, 1996; and repealed by Ord. 1102 § 2, 1997.

2.24.030 Copy filed.

The City Clerk shall cause a certified copy of the ordinance codified in this C~~c~~hapter to be filed in the office of the Secretary of State.

2.24.040 Designated.

(A) The City Council has, by PMC Section 2.24.010 (Authority) through 2.24.030 (Copy filed), declared the need for a redevelopment agency to function in the City, now declares itself to be the redevelopment agency provided in this S~~s~~ection and that all the rights, powers, duties, privileges and immunities vested by the Community Redevelopment Law in such agency shall be, and are, vested in the Council.

2.26.030 Appointment of members.

The members of the Building Rehabilitation Appeals Board shall be appointed by the Mayor with the approval of the City Council ~~in accordance with~~pursuant to PMC Section 2.08.030 (Appointments to boards, commissions, and committees) and shall hold office at the pleasure of the City Council of the City.

2.26.050 City Engineer to be ex officio member.

The City Engineer of the City, or ~~his~~ designee, shall be an ex officio nonvoting member of the board and shall act as secretary. The City Engineer or designee, ~~He~~ shall keep a record of all proceedings and notify all parties concerned of the findings and determinations of the Building Rehabilitation Appeals Board.

2.28.010 Purposes.

The declared purposes of this C~~c~~hapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons.

2.28.020 Definition.

As used in this C~~c~~hapter, “emergency” means the actual or threatened existence of and conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat.

2.28.040 Powers and duties of the Director and Assistant Director of Emergency Services.

(A) The Director of Emergency Services is empowered to:

(3) Control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this Cchapter;

(5) Represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this Cchapter;

(6) In the event of the proclamation of a local emergency as provided in this Cchapter, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Director of Emergency Services is empowered:

(c) To require emergency services of any City officer or employee and, in the event of a state of emergency in the County in which this City is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as he deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by sState law for registered disaster service workers;

(e) To execute all of his ordinary power as City Manager conferred upon him by this Cchapter or by resolution or emergency plan adopted pursuant to this Cchapter by the City Council, and by any other lawful authority.

2.28.050 Emergency organizations.
All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of PMC Section 2.28.040(A)(6)(c), be charged with duties incident to the protection of life and property in this City during such emergency, constitute the emergency organization of the City.

2.28.080 Punishment for violations.
Upon proclamation or declaration by the City, Los Angeles County, sState or fFederal officials of a state of emergency within or including the City of Palmdale, and for a period of 30 days after the date the emergency is declared terminated, it is unlawful for any person to do any of the following:

(A) Willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Cchapter, or in the performance of any duty imposed upon him by virtue of this Cchapter;

(B) Do any act forbidden by any lawful rule or regulation issued pursuant to this Cchapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil lives or property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof;

(C) Wear, carry or display, without authority, any means of identification specified by the emergency agency of the sState;

(E) In addition to the criminal penalties set forth in PMC Chapter 1.12 ~~PMC~~(Penalty Provisions), the City Attorney or any resident may prosecute a civil action to enforce this S~~s~~ection and in any action obtain such legal and equitable relief, including the recovery of actual and punitive damages and reasonable attorney fees, as may be imposed by law.

2.32.020 Trustees – Appointment.
The public library shall be managed by a Board of Library Trustees, consisting of five members, to be appointed by the Mayor with the approval of the City Council ~~in accordance with~~pursuant to PMC Section 2.08.030 (Appointments to boards, commissions, and committees).

2.46.020 Creation of Planning Commission districts.
The boundaries of the Planning Commission districts shall be congruent with the boundaries of the electoral districts of the City Council as identified in PMC Section 4.10.010 (District boundaries). The Planning Commission districts shall use the same numerical designations as the electoral districts of the City Council.

2.46.040 Terms of office – Vacancies.
(A) The terms for districts 1, 3 and 4 expire on June 30th of every even-numbered year. The terms for districts 2 and 5 expire on June 30th of every odd-numbered year. Notwithstanding the foregoing, all Commissioners will hold office until their successors are qualified and take office.

(B) All vacancies will be filled ~~in accordance with~~pursuant to PMC Section 2.46.030 (Composition and appointment of Commissioners) to fill the unexpired term of the vacated seat.

2.46.090 Duties of the Commission.
The Commission will discharge the duties and responsibilities set forth in PMC ~~zoning ordinance~~ Section ~~12.01~~ 17.13 and in Government Code Section 65100 et seq.

2.52.030 Executive Director of the Palmdale Airport Authority – Powers and duties.
The Executive Director/designee shall be responsible for the efficient administration of all the affairs of the Palmdale Airport and Palmdale Airport Authority under the direction and control of the Palmdale Airport Authority. The Executive Director and his or her designees shall have the following powers and duties:

(G) Interact with the Federal Aviation Administration of the U.S. Department of Transportation and other ~~f~~Federal and ~~s~~State agencies regarding Palmdale Airport operations, inspections, security and facility use and regarding the Palmdale Airport Authority;

(J) Coordinate airport development and operating programs with ~~s~~State and ~~f~~Federal agencies;

(K) Prepare applications for and review, monitor and manage ~~s~~State and ~~f~~Federal grants;

2.55.010 Establishment and purpose.
A Human Rights Advisory Committee is created by the City Council of the City ~~of~~ ~~Palmdale~~ to act in an advisory capacity to the Mayor, City Council, and City Manager. The purpose of the Palmdale Human Rights Advisory Committee is to provide advice and actionable recommendations to the Mayor, City Council and City Manager in their efforts to build and maintain an inclusive community by cultivating awareness, increasing diversity, encouraging sensitivity, promoting equity, and improving relations with various segments of the community.

2.55.020 Membership.
The Palmdale Human Rights Advisory Committee shall have seven members. All Committee members shall be appointed pursuant to PMC Section 2.08.030 (Appointments to boards, commissions, and committees).

2.55.030 Term of office.
The term of each Committee member shall be two years, commencing on the date of appointment. A Committee member may be reappointed for additional terms. All Committee members serve at the pleasure of the Mayor and City Council. Any vacancy on the Committee shall be filled pursuant to PMC Section 2.08.030 (Appointments to boards, commissions, and committees).

2.60.010 Definitions.
The following definitions apply to this C~~c~~hapter:

2.60.020 Applicability and purpose.
In any written communication or transaction with the City where a signature is required, any party to the communication may use a digital signature; provided, that it complies with the requirements of this C~~c~~hapter. This C~~c~~hapter is intended to enable the City to use digital signatures to the fullest extent allowed by law, and does not limit the City's ability to use electronic records, electronic signatures, or digital signatures in any way.

2.60.030 Requirements.
In any transaction with the City for which the parties have elected to conduct the transaction by electronic means, the following provisions shall apply:

(B) When a signature is required, the parties may agree that either:

(2) A digital signature satisfies that requirement, if it is ~~in accordance with~~pursuant to Government Code Section 16.5.

2.60.040 Policies.
The City Council, by resolution, may establish and from time to time amend such policies as the City Council deems necessary or desirable to expand upon the provisions of this C~~c~~hapter; provided, that such policies are consistent with the provisions of this C~~c~~hapter.

2.60.050 Excluded transactions.
The authorization conferred under this C~~c~~hapter shall not apply where the use of digital signatures or electronic signatures is prohibited by law or otherwise not governed by the UETA.

3.04.010 Adoption date.
The City Council shall adopt a budget prescribing the spending policy of the City for the ensuing fiscal year on or before the ~~thirtie~~30th day of June of each year.

3.08.010 Title and purpose.
This chapter shall be known as the City of Palmdale P~~p~~urchasing O~~o~~rdinance. The provisions of this chapter shall prevail over any conflicting State law. The purpose of this chapter is to establish procedures and policies for the procurement of goods, materials, equipment, supplies and services, including, but not limited to, construction of public works projects and professional services.

3.08.060 Definitions.
As used in this chapter, unless the context otherwise clearly indicates:

(A) "Awarding authority" means the Palmdale City Council employee of the City ~~of Palmdale~~ authorized to award or enter into any contract, as defined in this chapter, on behalf of the City.
(K) "Local provider Palmdale" shall mean a manufacturer, supplier or provider of goods, materials, equipment, supplies or services which has an established place of business within the City ~~of Palmdale~~, which has complied with City's ~~of Palmdale~~business license requirements, and which has paid all currently due business license fees and taxes prior to the City's solicitation for the respective purchase.

(8) Be responsible for the inspection of all goods, materials, equipment, supplies and services purchased to ensure conformance with specifications, and, where necessary, to require chemical and physical tests of samples submitted with bids and samples of deliveries to determine their quality and conformance with specifications; and,

3.08.130 Bid protest procedures/solicitations.
(C) The respondent may appeal the decision of the Procurement Officer to the Director of Finance by filing a letter of appeal within 10 calendar days from the date of the Procurement Officer's decision. The letter must be addressed to the Director of Finance and set forth the information required in ~~s~~Subsection (A) of this section. A letter of appeal not conforming to these procedures shall be rejected as invalid.

3.08.140 Exceptions to competitive procurement requirements.
(D) Cooperative Purchasing. The Central Purchasing Office may participate in, sponsor, conduct, or administer cooperative purchasing with other public agencies and with nonprofit groups or organizations established by public entities for the purpose of cooperative purchasing; provided, that competitive purchasing procedures similar to those required in the City ~~of Palmdale~~are employed. Such participation may also consist of the following:

3.08.170 Public works projects and construction projects.
(A) Bidding Thresholds.

(2) Construction projects less than the amount specified in Section 22032(b) (currently $200,000 or less) of the California Public Contract Code may be let to contract by informal

bidding procedures, set forth in ~~s~~Subsection (D) of this section, to the lowest responsible bidder.

(3) Construction projects of more than the amount specified in Section 22032(c) (currently $200,000 and over) of the California Public Contract Code shall be let by formal bidding procedure, set forth in ~~s~~Subsection (E) of this section, to the lowest responsible bidder.

(4) It shall be unlawful to split projects into smaller work orders or projects for the purpose of evading the provisions of this chapter or applicable ~~s~~State laws.
(D) Notice Inviting Bids, Informal Bidding. The notice inviting bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids. Notice shall be provided in accordance with either ~~s~~Subsection (D)(1) or (2) of this section, or both.

(1) The Central Purchasing Office or the Public Works Department, through the City's electronic bid management system, shall maintain a list of qualified contractors, identified according to categories of work. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this ~~s~~Subsection shall be completed not less than 10 calendar days before bids are due.

(E) Notice Inviting Bids, Formal Bidding. The notice inviting bids shall distinctly state the project to be done. Notice shall be provided as set forth in ~~s~~Subsection (E)(1) of this section.

(2) Additional Notice. In addition to notice required by ~~s~~Subsection (E)(1) of this section, the City may also give such other notice as it deems proper, including mailing or emailing the notice to prospective vendors and contractors whose names are or are not on the City's vendors list.

(G) Award of Bid. The City Manager, or designee, has the authority to award informal bids up to the amount specified in PMC Section 3.08.240 (Approval of purchase orders, contracts, contract amendments and change orders). Any informal bid over the threshold set forth in PMC Section 3.08.240 (Approval of purchase orders, contracts, contract amendments and change orders) shall be awarded by City Council. All formal bids shall only be awarded by the City Council. A bid shall be awarded to the lowest responsible bidder.

3.08.240 Approval of purchase orders, contracts, contract amendments and change orders.
(3) The City Manager shall have the authority and discretion, up to the amount authorized under ~~s~~Subsection (A)(1) of this section, to delegate the authority to review, approve and execute contracts, purchase orders, contract amendments and change orders of goods, materials, supplies and services to specific department representatives based on the needs of the organization.

(D) Any change order exceeding the limitations set forth in ~~s~~Subsection (A) of this section shall be submitted to the City Council for approval in the form of a contract amendment or supplemental agreement. Such amendment or supplemental agreement shall set forth

the amended contract price which will constitute the new contract price for purposes of the authority for City Manager-approved change orders or amendments in accordance with subsection (A) of this section.

3.08.260 SB 1383 procurement requirements.
(B) All vendors providing paper products and printing and writing paper shall:

(5) Provide records to the City or its designee of all paper products and printing and writing paper purchases within 30 days of the purchase (both recycled-content and nonrecycled content, if any is purchased) made by any division or department or employee of the City. Records shall include a copy (electronic or paper) of the invoice or other documentation of purchase, written certifications as required in ~~s~~Subsection s (B)(3) and (B)(4) of this section for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if nonrecycled content paper products or printing and writing papers are provided, include a description of why recycled-content paper products or printing and writing papers were not provided.

3.12.020 Claims required.
All claims against the City for money or damages not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another ~~s~~State law (hereinafter in this chapter, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter.

3.12.040 Claim prerequisite to suit.
In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the City prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of PMC Section 3.12.020 (Claims required).

3.12.060 Claims for tax refunds.
Claims for tax refunds shall comply with the provisions of this chapter in addition to any other requirements in ~~s~~State law or this ~~municipal code~~PMC.

3.14.030 Designation by resolution of signatures permitted.
The City Council shall, from time to time, designate by resolution the names of those individuals holding the offices identified in PMC Section 3.14.020 (Depositories – Requirements). Any authorized officer whose facsimile signature is required or permitted may make the necessary filing with the Secretary of State pursuant to Government Code Section 5501.

3.16.030 Documents subject to tax.
Any tax imposed pursuant to PMC Section 3.16.020 (Imposed) shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit it is made, signed or issued.

3.16.050 Exemption – Government entity.
Any deed, instrument or writing to which the United States or any agency or instrumentality thereof, any ~~s~~State or territory, or political subdivision thereof, is a party, shall be exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title.

3.16.080 Exemption – Partnership interest transfer.
(C) Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in ~~s~~Subsection (B) of this section, and any transfer pursuant thereto, with respect to the realty held by the partnership at the time of the termination.

Chapter 3.20

Sections:
3.20.090 Limitations on adoption of ~~s~~State provisions.

(B) To adopt a sales and use tax ordinance which incorporates provisions identical to those of the sales and use tax law of the ~~s~~State insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code;

3.20.050 Sales tax imposed.
For the privilege of selling tangible personal property at retail a tax is imposed upon all retailers in the City at the rate stated in PMC Section 3.20.030 (Rate) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this City on and after the operative date.

3.20.060 Place of sale designated.
For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-~~s~~State destination or to a common carrier for delivery to an out-of-~~s~~State destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the ~~s~~State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the S~~s~~State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.20.070 Use tax imposed.
An excise tax is imposed on the storage, use or other consumption in this City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this City at the rate stated in PMC Section 3.20.030 (Rate) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to ~~s~~State sales or use tax regardless of the place to which delivery is made.

3.20.090 Limitations on adoption of ~~s~~State provisions.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the ~~s~~State is named or referred to as the taxing agency, the name of this City shall be substituted therefor. The substitution, however, shall not be made when the word "State" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the ~~s~~State; the substitution shall not be made when the result of that substitution would require action to be taken by or against the City, or any agency thereof rather than by or against the State Board of Equalization in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the ~~s~~State, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the ~~s~~State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the ~~s~~State under the provisions of that code; the substitution shall not be made in Section 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 or in the definition of that phrase in Section 6203.

3.20.110 Exemptions – Designated.

There shall be excluded from the measure of tax:

(A) The amount of any sales or use tax imposed by the ~~s~~State upon a retailer or consumer;

(B) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this ~~s~~State;

(D) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate, or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the ~~s~~State.

3.20.120 Exemptions – Additional.

(A) The amount subject to tax shall not include any sales or use tax imposed by the ~~s~~State upon a retailer or consumer.

(B) The storage, use, or other consumption of tangible personal property, the gross receipts from the sale of which have been subject to tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation

Code by any city and county, county, or city in this ~~s~~State shall be exempt from the tax due under this chapter.

(C) There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this ~~s~~State, the United States, or any foreign government.

(D) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this ~~s~~State, the United States, or any foreign government is exempted from the use tax.

3.20.130 Exemptions – Applicability.
(A) PMC Section 3.20.120 (Exemptions – Additional) shall become operative on January 1st of the year following the year in which the State Board of Equalization adopts an assessment ratio for ~~s~~State -assessed property which is identical to the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, at which time PMC Section 3.20.110 (Exemptions – Designated) shall become inoperative.

(B) In the event that PMC Section 3.20.120 (Exemptions – Additional) becomes operative and the State Board of Equalization subsequently adopts an assessment ratio for the ~~s~~State -assessed property which is higher than the ratio which is required for local assessments by Section 401 of the Revenue and Taxation Code, PMC Section 3.20.110 (Exemptions – Designated) shall become operative on the first day of the month next following the month in which the higher ratio is adopted, at which time PMC Section 3.20.120 (Exemptions – Additional) shall be inoperative until the first day of the month following the month in which the Board again adopts an assessment ratio for ~~s~~State -assessed property which is identical to the ratio required for local assessments by Section 401 of the Revenue and Taxation Code, at which time PMC Section 3.20.120 (Exemptions – Additional) shall again become operative and PMC Section 3.20.110 (Exemptions – Designated) shall become inoperative.

3.20.150 Enjoining collection prohibited.
No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the ~~s~~State or this City, or against any officer of the ~~s~~State or this City, to prevent or enjoin the collection under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Chapter 3.21

Sections:
3.21.030 Contract with ~~s~~State.

3.21.070 Adoption of the provisions of ~~s~~State law.
3.21.080 Limitations on adoption of ~~s~~State law and collection of use taxes.
3.21.110 Amendments to ~~s~~State law.

(B) To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the ~~s~~State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

3.21.030 Contract with ~~s~~State.

3.21.050 Place of sale.
For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the ~~s~~State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

3.21.060 Use tax rate.
An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of the ordinance codified in this chapter for storage, use or other consumption in said territory at the rate of three-quarters of a cent per dollar (0.75 percent) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to ~~s~~State sales or use tax regardless of the place to which delivery is made.

3.21.070 Adoption of the provisions of ~~s~~State law.

3.21.080 Limitations on adoption of ~~s~~State law and collection of use taxes.
In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

(A) Wherever the ~~s~~State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

(2) The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof, rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this ~~c~~Chapter;

(3) In those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the ~~s~~State of California, where the result of the substitution would be to:

(a) Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the ~~s~~State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; or

(b) Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the ~~s~~State under the said provision of that code;

3.21.100 Exemptions and exclusions.

(A) There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the ~~s~~State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any ~~s~~State -administered transactions or use tax.

(B) There are exempted from the computation of the amount of transactions tax the gross receipts from:

(1) Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this ~~s~~State, the United States, or any foreign government.

(2) Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this ~~s~~Subsection, delivery to a point outside the City shall be satisfied:

(5) For the purposes of ~~s~~Subsections (B)(3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(C) There is exempted from the use tax imposed by this chapter the storage, use or other consumption in this City of tangible personal property:

(1) The gross receipts from the sale of which have been subject to a transactions tax under any ~~s~~State -administered transactions and use tax ordinance.

(2) Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this ~~s~~State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the ~~s~~State of California.

(5) For the purposes of ~~s~~Subsection s (C)(3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

(6) Except as provided in ~~s~~Subsection (C)(7) of this section, a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

3.21.110 Amendments to ~~s~~State law.

3.21.120 Enjoining collection forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the ~~s~~State or the City, or against any officer of the ~~s~~State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3.21.160 Oversight.

Following adoption of this chapter by the voters, the City Council shall appoint, pursuant to PMC Section 2.08.030 (Appointments to boards, commissions, and committees), a seven-member Citizen's Advisory Committee. The City Council shall, by resolution, adopt guidelines for the duties of the Citizen's Advisory Committee which shall include, but not be limited to, receiving semi-annual reports from City staff each fiscal year on revenues and expenditures from the tax imposed by this chapter and review of proposed spending plans. The revenue from the sales tax shall not be spent by the City until after the Citizen's Advisory Committee has had an opportunity to review and comment on proposed expenditures.

3.22.020 Agency sales tax.

(A)(2) For the purposes of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-~~ s~~State destination or to a common carrier for delivery to an out-of-~~ s~~State destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State of California (the "State") sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

(B)(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code the State is named or referred to as the taxing agency, the name "Community Redevelopment Agency of the City of Palmdale" shall be substituted

therefor. Nothing in this ~~s~~Subsection shall be deemed to require substitution of the name "Community Redevelopment Agency of the City of Palmdale" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

3.22.030 Agency use tax.

(B)(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code the State is named or referred to as the taxing agency, the name "Community Redevelopment Agency of the City of Palmdale" shall be substituted therefor. Nothing in this ~~s~~Subsection shall be deemed to require substitution of the name "Community Redevelopment Agency of the City of Palmdale" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

3.22.070 Agency sales tax.

(A)(2) For the purposes of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-~~-s~~State destination or to a common carrier for delivery to an out-of-~~-s~~State destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State of California (the "State") sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

(B(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code the State is named or referred to as the taxing agency, the name "Community Redevelopment Agency of the City of Palmdale" shall be substituted therefor. Nothing in this ~~s~~Subsection shall be deemed to require substitution of the name "Community Redevelopment Agency of the City of Palmdale" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

3.22.080 Agency use tax.

(B)(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code the State is named or referred to as the taxing agency, the name "Community Redevelopment Agency of the City of Palmdale" shall be substituted therefor. Nothing in this ~~s~~Subsection shall be deemed to require substitution of the name "Community Redevelopment Agency of the City of Palmdale" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

3.22.120 Agency sales tax.

(A)(2) For the purposes of this article, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-~~-s~~State destination or to a common carrier for delivery to an out-of-~~-s~~State destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State of California (the "State") sales and

use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

(B)(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code the State is named or referred to as the taxing agency, the name "Community Redevelopment Agency of the City of Palmdale" shall be substituted therefor. Nothing in this ~~s~~Subsection shall be deemed to require substitution of the name "Community Redevelopment Agency of the City of Palmdale" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

3.22.130 Agency use tax.

(B)(2) Wherever, and to the extent that, in Part 1 (commencing with Section 6001) of Division 2 of the Code the State is named or referred to as the taxing agency, the name "Community Redevelopment Agency of the City of Palmdale" shall be substituted therefor. Nothing in this ~~s~~Subsection shall be deemed to require substitution of the name "Community Redevelopment Agency of the City of Palmdale" for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 of the Code nor in the definition of that phrase in Section 6203 of the Code.

3.24.030 Transient occupancy tax imposed.

For the privilege of occupancy in any hotel or motel in the City ~~of Palmdale~~, each transient is subject to and shall pay a tax in the amount of 10 percent of the rent charged for the room. This tax constitutes a debt owed by the transient to the city, which is extinguished only by payment to the operator, the person or entity collecting the room rent or the City. Any person or entity which collects rent or other charges for the use of a hotel or motel room in the City ~~of Palmdale~~ shall collect and transmit such tax to the City.

3.24.035 Section 23 amended – Exemptions.

Section 23. Exemptions. No tax shall be imposed upon any officer or employee of a foreign government who is exempt by reason of express provision of ~~f~~Federal law or international treaty.~~-~~

3.24.040 Enjoining collection forbidden.

(B) No suit or proceeding shall be maintained in any court for recovery of any amount alleged to have been erroneously or illegally determined or collected unless a claim for each refund or credit has been duly filed pursuant to PMC Chapter 3.12 (Claims Against the City) ~~PMC~~.

3.28.040 Allocation.

The City Council may allocate the funds to a suitable nongovernmental organization by written contract to carry out the purposes enumerated in PMC Section 3.28.020 (Purpose). Any such contract shall provide for termination by either party thereto on 30 days' written notice to the other party.

3.32.020 Source of funds.
All moneys received by the City from the ~~s~~State under the provisions of the Streets and Highways Code for the acquisition of real property or interests therein, or for engineering, or for the construction, maintenance or improvement of streets or highways by the City shall be paid into the fund.

3.34.030 Definitions.
The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

(G) "Park and recreation facilities" includes, but is not limited to, land and interests in land, swimming pools, tennis and volleyball and basketball courts, baseball grounds, children's play areas, turf, sprinkler systems, community center buildings, recreation buildings and other works, properties, structures and facilities necessary or convenient for public park, playground and recreation purposes; and also including any of the facilities described in this ~~s~~Subsection constructed or installed within or upon any public school grounds where the City is given the right to use the same for public playground or recreation purposes.

3.34.050 Exemptions.
The fee imposed under this chapter shall not apply to the following:

(A) The City, the United States or any agency or instrumentality thereof, the ~~s~~State or any county, city and county, district or any political subdivision of the ~~s~~State;

3.34.060 Dedication.
(A) Where the acceptance of land in lieu of fees will better serve the purpose of the citizens of Palmdale, such land may be accepted based upon findings by the Planning Commission. The Planning Commission shall consider the following:

(1) Parks, and ~~r~~Recreation, and Open Space element of the City's G~~g~~eneral P~~p~~lan;

3.38.010 Finding and intent.
(B) It is the intent of the City to require every person who develops land to mitigate the impacts of that development on the City's drainage facilities. The City will therefore require developers to construct drainage facilities in accordance with the ~~City of~~ Palmdale Drainage ~~m~~Master ~~drainage p~~Plan per the City of Palmdale General Plan or pay drainage fees that will be used to construct drainage facilities pursuant to the master drainage plan.

3.38.020 Residential drainage fees required.
Except as provided in PMC Section 3.38.040 (Drainage fees – Exemptions – Reduction – Deferral), the required drainage fees for a residential dwelling unit must be paid, in the amount established by resolution of the City Council, when the City inspects the completion of rough grading.

3.38.030 Nonresidential drainage fees required.
Except as provided in PMC Section 3.38.040 (Drainage fees -Exemptions – Reductions – Deferral), the required drainage fees for a nonresidential development must be paid, in the amount established by resolution of the City Council, when the City inspects the completion of rough grading.

3.38.040 Drainage fees – Exemptions – Reduction – Deferral.

(A) A developer shall be exempted from the drainage fee requirements of PMC Sections 3.38.020 (Residential drainage fees required) and 3.38.030 (Nonresidential drainage fees required) if the developer enters into a development agreement with the City pursuant to which drainage fees are assessed to the developer, or drainage improvements are implemented by the developer.

(B) The City Manager may grant an exemption of the drainage fee required by PMC Sections 3.38.020 (Residential drainage fees required) and 3.38.030 (Nonresidential drainage fees required) if the City Manager makes the following findings: (1) that a development will generate extraordinary economic benefit upon the City, and (2) the initial revenue loss to the City, if any, will be recouped over a reasonable period of time through increased revenues to the City. Factors which the City Manager may consider include whether the proposed development will provide job creation, sales tax, property tax, or redevelopment tax-increment revenues to the City and/or the Community Redevelopment Agency of the City of Palmdale either individually or as part of a larger multiparty development plan; if the proposed development will provide a much needed service to the local community or economy, or encourage the development of businesses or suppliers ancillary to preexisting businesses in the City; or development at the proposed site has been hampered by such impediments as the burden of liens, including assessment, community facility district or County tax liens.

(C) A developer shall be entitled to a reduction in the amount of the drainage fee required by PMC Sections 3.38.020 (Residential drainage fees required) and 3.38.030 (Nonresidential drainage fees required) if the developer constructs drainage facilities pursuant to the master drainage plan. The drainage fee shall be reduced by the amount of engineering and construction costs that would be reasonably incurred by the City in building those same drainage facilities. The amount of such reduction shall be subject to the approval of the City Engineer prior to construction.

If a developer constructs drainage facilities pursuant to the master drainage plan, and if the City's engineering and construction costs to install those same improvements would have exceeded the drainage fee assessed to that developer pursuant to PMC Sections 3.38.020 (Residential drainage fees required) and 3.38.030 (Nonresidential drainage fees required), then nothing in this section shall prevent the City from entering into a reimbursement agreement with that developer, subject to availability of funds.

(D) Notwithstanding ~~s~~Subsection (B) of this section, a developer shall be entitled to a reduction in the amount of the drainage fee required by PMC Sections 3.38.020 (Residential drainage fees required) and 3.38.030 (Nonresidential drainage fees required) if the development is located in an assessment district that has been formed to construct facilities pursuant to the master drainage plan. The drainage fee shall be reduced by the amount of the total assessment placed upon the development for engineering and construction costs of drainage facilities. The amount of such reduction shall not exceed the amount of the drainage fee required by PMC Sections 3.38.020 (Residential drainage fees required) and 3.38.030 (Nonresidential drainage fees required).

(E) The City Manager may grant a reduction in the amount of the drainage fee required by PMC Section 3.38.020 (Residential drainage fees required) and 3.38.030 (Nonresidential drainage fees required) if the City Manager determines that a development will contribute extraordinary sales tax revenue to the City and thereby confer extraordinary financial benefit upon the City.

(F) The City Manager may authorize the deferred payment of the nonresidential drainage fees required by PMC Section 3.38.030 (Nonresidential drainage fees required) if the City Manager determines that a development complies with all requirements for such deferred payment that are set forth in PMC Chapter 3.43 (Deferred payment of development impact fees)~~PMC~~.

3.40.020 Residential traffic impact fees required.

(A) Except as provided in PMC Section 3.40.040 (Traffic impact fees – Exemptions – Reduction – Deferral), the required traffic impact fee for a residential building shall be paid, in an amount established by resolution of the City Council, prior to or on the date of the final Building Department inspection of the building, or the date the certificate of occupancy is issued, whichever occurs first. If the residential development contains more than one dwelling, the traffic impact fee may be paid on a lump-sum basis when the first dwelling in the development or development phase receives its final inspection or certificate of occupancy, whichever occurs first.

(C) For the purposes of this section, “final building inspection” or “final Building Department inspection” shall mean the physical inspection of the building by the City’s Division of Building and Safety ~~of the City of Palmdale~~ for compliance of the building with all applicable building codes and the issuance by all applicable City, County, regional, ~~s~~State and ~~f~~Federal agencies of their respective clearances for occupancy.

3.40.030 Nonresidential traffic impact fees required.

(A) Except as provided in PMC Section 3.40.040 (Traffic impact fees – Exemptions – Reduction – Deferral), the required traffic impact fee for a nonresidential development shall be paid, in an amount established by resolution of the City Council, prior to issuance of the certificate of occupancy for that development; provided, however, that if a nonresidential development project is to be constructed and occupied in phases, and a separate certificate of occupancy will be issued for each phase, payment of the traffic impact fee may be made separately prior to the issuance of a certificate of occupancy for each phase of the development.

(C) For the purposes of this section, “certificate of occupancy” shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, the ~~Palmdale Municipal Code~~PMC, and conditions of approval.

3.40.040 Traffic impact fees – Exemptions – Reduction – Deferral.

(A) A developer shall be exempted from the traffic impact fee requirements of PMC Sections 3.40.020 (Residential traffic impact fee provided) and 3.40.030 (Nonresidential traffic impact fees required) if the developer enters into a development agreement with

the City pursuant to which traffic impact fees are assessed to the developer, or transportation improvements are implemented by the developer.

(B) The City Manager may grant an exemption from the traffic impact fee required by PMC Sections 3.40.020 (Residential traffic impact fee provided) and 3.40.030 (Nonresidential traffic impact fees required) if the City Manager makes the following findings: (1) that a development will generate extraordinary economic benefit upon the City, and (2) the initial revenue loss to the City, if any, will be recouped over a reasonable period of time through increased revenues to the City. Factors which the City Manager may consider include whether the proposed development will provide job creation, sales tax, property tax, or redevelopment tax-increment revenues to the City and/or the Community Redevelopment Agency of the City of Palmdale either individually or as part of a larger multiparty development plan; if the proposed development will provide a much needed service to the local community or economy, or result in the development of businesses or suppliers ancillary to preexisting businesses in the City; or development at the proposed site has been hampered by such impediments as the burden of liens, including assessment, community facility district or County tax liens.

(C)(1) A developer shall be entitled to a reduction in the amount of the traffic impact fee required by PMC Sections 3.40.020 (Residential traffic impact fee provided) and 3.40.030 (Nonresidential traffic impact fees required) if the developer constructs roadway improvements or traffic signals pursuant to the master traffic level maintenance plan. The traffic impact fee shall be reduced by the amount of engineering and construction costs that would be reasonably incurred by the City in building those same roadway improvements or traffic signals. The amount of such reduction shall be subject to the approval of the City Engineer prior to construction.

(2) If a developer constructs roadway improvements or installs traffic signals pursuant to the master traffic level maintenance plan, and if the City's engineering and construction costs to install those same improvements or signals would have exceeded the traffic fee assessed to that developer pursuant to PMC Sections 3.40.020 (Residential traffic impact fee provided) and 3.40.030 (Nonresidential traffic impact fees required), then nothing in this section shall prevent the City from entering into a reimbursement agreement with that developer, subject to availability of funds.

(D) Notwithstanding ~~s~~Subsection (B) of this section, a developer shall be entitled to a reduction in the amount of the traffic impact fee required by PMC Sections 3.40.020 (Residential traffic impact fee provided) and 3.40.030 (Nonresidential traffic impact fees required) if the development is located in an assessment district that has been formed to construct facilities pursuant to the master traffic level maintenance plan. The traffic impact fee shall be reduced by the amount of the total assessment placed upon the development for engineering and construction costs of roadway improvements or traffic signals. The amount of such reduction shall not exceed the amount of the traffic impact fee required by PMC Sections 3.40.020 (Residential traffic impact fee provided) and 3.40.030 (Nonresidential traffic impact fees required).

(E) The City Manager may grant a reduction in the amount of the traffic impact fee required by PMC Sections 3.40.020 (Residential traffic impact fee provided) and 3.40.030

(Nonresidential traffic impact fees required) if the City Manager determines that a development will contribute extraordinary sales tax revenue to the City and thereby confer extraordinary financial benefit upon the City.

(F) The City Manager may authorize the deferred payment of the nonresidential traffic impact fees required by PMC Section 3.40.030 if the City Manager determines that a development complies with all requirements for such deferred payment that are set forth in PMC Chapter 3.43 ~~PMC~~(Deferred payment of development impact fees).

3.40.070 Fee amount applicable to pending projects.

Except as may otherwise be provided in the resolution which adopts the fee amount, an applicant subject to the payment of traffic impact fees required by PMC Section 3.40.020 (Residential traffic impact fee provided) or 3.40.030 (Nonresidential traffic impact fees required) must pay the amount of the fee that is in effect when the fee becomes due. The amount of the fee is the amount specified by resolution of the City Council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

3.42.020 Residential fire facilities impact fee required.

(A) Except as provided in PMC Section 3.42.040 (Exceptions from, and reduction of, fire facilities impact fees), a fire facilities impact fee for a residential building must be paid, in an amount established by resolution of the City Council, upon the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first.

3.42.040 Exceptions from, and reduction of, fire facilities impact fees.

(A) A developer is entitled to a reduction in the amount of the fire facilities impact fee required by PMC Sections 3.42.020 (Residential fire facilities impact fee required) and 3.42.030 (Nonresidential public facilities development impact fee required) if the developer constructs fire facilities pursuant to a fire facilities plan adopted by the City Council. The fire facilities impact fee will be reduced by the amount of engineering and construction costs that would reasonably be incurred by the City in building those same public facilities. The amount of the reduction in the fire facilities impact fee is subject to the approval of the Director of Public Works prior to construction of the development.

(B) If a developer constructs fire facilities pursuant to a plan adopted by City Council, and if the City's engineering and construction costs to construct those same fire facilities would have been more than the fee assessed to that developer pursuant to PMC Sections 3.42.020 (Residential fire facilities impact fee required) or 3.42.030 (Nonresidential public facilities development impact fee required), then nothing in this section prevents the City from entering into a reimbursement agreement with that developer, subject to the availability of funds.

(C) The City Manager may reduce the amount of the fire facilities impact fee required by PMC Sections 3.42.020 (Residential fire facilities impact fee required) or 3.42.030 (Nonresidential public facilities development impact fee required) if the City Manager

determines that a development will generate extraordinary sales tax revenue for the City and thereby confer an extraordinary financial benefit upon the City.

3.42.070 Calculation of fees.
A developer subject to the fire facilities impact fee required by PMC Section 3.42.020 (Residential fire facilities impact fee required) or 3.42.030 (Nonresidential public facilities development impact fee required) must pay the amount of the fee that is in effect when the fee becomes due. Furthermore, any fee imposed on a development that is protected by vested rights acquired through a vesting subdivision map will be the amount in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date that the fee becomes due.

3.43.010 Findings and intent.
The City Council finds and determines that numerous social services of benefit to the community are provided by tax-exempt organizations that develop nonresidential buildings and structures within the City. The City Council further finds and determines that the implementation of policies and procedures that authorize qualified tax-exempt organizations to defer the payment of development impact fees required under PMC Chapters 3.38 (Drainage Fee Requirements) and 3.40 (Traffic Impact Fee Requirements)~~PMC~~ will have the salutary effect of expediting the construction of new nonresidential developments that will be used, in whole or in part, to provide social services for the benefit of residents of this community.

3.43.020 Eligibility for the deferred payment of development impact fees.
(A) The payment of development impact fees required under PMC Chapters 3.38 (Drainage Fee Requirements) and 3.40 (Traffic Impact Fee Requirements)~~PMC~~ for nonresidential developments may be deferred for a period not to exceed five years from the date that they would otherwise be payable if the developer meets the following requirements:

(3) The developer submits to the City Manager an application for the deferred payment of development impact fees that contains, at a minimum, the information specified below in PMC Section 3.43.030 (Application for the deferred payment of development impact fees), and complies with all other applicable requirements of this chapter.

3.43.030 Application for the deferred payment of development impact fees.
(A) A developer meeting the threshold requirements of PMC Section 3.43.020 (Eligibility for the deferred payment of development impact fees) may submit to the City Manager, on a form to be provided by the City, an application for the deferred payment of development impact fees. This application, at a minimum, will require the following information:

(9) A statement that the applicant will, as a condition of the deferred payment of development impact fees, enter into an agreement with the City that sets forth the respective rights and obligations of the parties relating to the deferred payment of those fees, including the applicant's obligation to provide to the City adequate security for payment, as required by the provisions of PMC Section 3.43.040 (Security for payment of development impact fees);

3.44.030 Definitions.
For purposes of this chapter, the following terms shall have the following meanings unless it is apparent from their context that a different meaning is intended:

(S) “Professional” means any person, including any professional corporation, wherever located, engaged in or carrying on, within the City, any profession requiring satisfactory compliance with written or oral examination standards adopted by a branch of the ~~s~~State or ~~f~~Federal government. Such professions include, but are not limited to, architects, attorneys, accountants, auditors, audiologists, chiropractors, clinical social workers, dentists, electrologists, engineers, geologists, gemologists, herbalists, marriage, family and child counselors, morticians, naturopaths, nurses (registered), oculists, opticians, optometrists, osteopaths, physicians, podiatrists, psychologists, speech pathologists, surveyors and veterinarians.

3.44.060 Business license taxes – Payment.
(B) Due Date. Renewals of business license taxes shall be due and payable, pursuant to PMC Section 3.44.050 (Business licenses – Duration), on March 31st, June 30th, September 30th and December 31st, as may be applicable.

3.44.070 Business license taxes – Delinquencies.
(A) Generally. All business license taxes shall become delinquent if not paid by 5:00 p.m. on the date that the tax becomes due and payable. If the date that the tax becomes due and payable falls on a Saturday, Sunday, a date on which City offices are closed, or a national or ~~s~~State holiday, the tax will be delinquent if not paid by 5:00 p.m. on the next working day.

3.44.080 Business licenses – Issuance to persons operating under fictitious names.
A business license may be issued to a person operating under a fictitious business name who has complied with all of the applicable provisions of the Business and Professions Code of this ~~s~~State. Otherwise, all licenses shall be issued in the true name of the person applying for a license, and must appear as such on the application for a license.

3.44.090 Unlawful business.
No business license issued under the provisions of this chapter shall be construed as authorizing any business activity which is prohibited under the laws of the United States, the ~~f~~Federal and ~~s~~State Constitutions, this code or any applicable law, ordinance, rule or regulation. Any such business license shall be void.

3.44.220 Permit prerequisite.
The Director shall not issue any license for any business, profession, trade, commercial enterprise or occupation for which a business permit is required pursuant to PMC Title 5 (Business Licenses, Taxes and Regulations) until such permit is obtained. The Director shall not issue a license if any such permit has been revoked or has expired and has not been reinstated or renewed. Any license issued under this chapter for any business, profession, trade, commercial enterprise or occupation for which a business permit is required by PMC Title 5 (Business Licenses, Taxes and Regulations), or by any other provision of this code, shall be void upon the revocation or expiration of any such permit.

3.44.230 Application.
Every person desiring to conduct, manage, or carry on any business, profession, trade, commercial enterprise or occupation in the City shall file with the Director a form provided by the City, sworn to or made under penalty of perjury, setting forth the following information, as may be applicable:

(A) The name, home address and telephone number, Social Security number, and California driver's license number of the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation. Additionally, there shall be included the names, addresses and telephone numbers of all directors, any stockholder holding 10 percent or more of the shares of the corporation, and the name, home address and telephone number of an officer who is duly authorized to accept service of legal process. If the applicant is a partnership, the names, home addresses and telephone numbers of each general partner shall be stated. If one or more of the partners is a corporation, the provisions of this ~~s~~Subsection pertaining to a corporate applicant shall apply to that partner;

3.44.250 Exemptions.
(A) General Exemptions. Except as otherwise provided herein, no license tax shall be required of:

(1) The ~~f~~Federal government or the ~~s~~State of California, or any political subdivisions, agencies or instrumentalities thereof;

(2) Any person engaging in any business exempt from the payment of such tax by virtue of the Constitution or laws of the ~~s~~State of California, or the Constitution or laws of the United States; or

(3) Any religious, charitable, fraternal, educational, cultural or civic organization, and any other organization, whether incorporated or not, described in Article 1, Chapter 4, Part II of the Revenue and Taxation Code of the ~~s~~State of California; provided, however, that any such organization shall be required to obtain a license and pay the applicable license taxes if and to the extent it engages in any "unrelated trade or business" as that term is used in Section 23734 of the California Revenue and Taxation Code.

(B) Limited Exemptions. The Director, upon application being made therefor, and upon the applicant presenting evidence of its eligibility therefor, shall issue a business license endorsed as partially or wholly exempt from taxes as follows:

(3) Notwithstanding the provisions of ~~s~~Subsection (B)(2) of this section:

(a) Every honorably discharged or honorably relieved soldier, sailor, or marine of the United States who served in any Indian war, the Spanish-American War, any Philippine insurrection, the Chinese Relief Expedition, the World War of 1914 and years following, or World War II, who is physically unable to obtain a livelihood by manual labor, and who is a voter of this ~~s~~State, may distribute circulars, and hawk, peddle, and vend any goods, wares or merchandise owned by him, except spirituous malt, vinous, or other intoxicating liquor, without payment of any license tax or fee whatsoever; provided, however, that he

is registered with the City, and the Director shall issue to such soldier, sailor or marine, without cost, a license therefor.

(b) Every person who was honorably discharged or honorably relieved from the military, naval or air service of the United States who served on or after June 27, 1950, and prior to February 1, 1955, or on or after August 5, 1964, and prior to a future date to be established by the Legislature, who is physically unable to obtain a livelihood by manual labor, and who is a resident of this ~~s~~State may distribute circulars, and hawk, peddle, and vend any goods, wares or merchandise owned by him, except spirituous, malt, vinous, or other intoxicating liquor, without payment of any license tax or fee whatsoever, and the Director shall issue to such person, upon registering with the City, a license therefor without cost.

3.44.260 Confidential information.

(D) The disclosure, after the filing by licensee of a written request to that effect, to the licensee or to the licensee's successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information regarding the computation of any paid or unpaid license tax, or amounts of license tax and any penalties required to be collected; provided, however, that the City Attorney shall approve each such disclosure and the Director may refuse to make any disclosure referred to in this ~~s~~Subsection when, in the opinion of the Director, the public interest in disclosure is outweighed by the public interest saved by not making the information public; and

3.44.310 Severability.

If any section, ~~s~~Subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this chapter. The City Council hereby declares that it would have adopted this chapter and each section, ~~s~~Subsections, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, ~~s~~Subsections, phrases, or portions be declared invalid or unconstitutional.

3.45.020 Residential public facility development impact fee required.

(A) Except as provided in PMC Section 3.45.040 (Exemptions from, and reduction of, public facility development impact fee), a public facility development impact fee for a single dwelling residential building must be paid, in an amount established by resolution of the City Council, upon the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first. If the residential development contains more than one dwelling, the public facility development impact fee must be paid on a lump-sum basis when the first dwelling in the development or development phase receives its final inspection or certificate of occupancy, whichever occurs first.

(B) For the purposes of this ~~s~~Section, the terms "final inspection" and "certificate of occupancy" have the same meaning as described in Government Code Section 66007, as amended.

3.45.030 Nonresidential public facility development impact fee required.

(A) Except as provided in PMC Section 3.45.040 (Exemptions from, and reduction of, public facility development impact fee), a public facility development impact fee for a nonresidential building must be paid, in an amount established by resolution of the City Council, upon the date of the final inspection, or the date the certificate of occupancy is issued, whichever occurs first.

(B) For the purposes of this ~~s~~Section, the terms "final inspection" and "certificate of occupancy" have the same meaning as described in Government Code Section 66007, as amended.

3.45.040 Exemptions from, and reduction of, public facility development impact fee.

(A) A developer is entitled to a reduction in the public facility development impact fee required by PMC Section 3.45.020 (Residential public facility development impact fee required) and 3.45.030 (Nonresidential public facility development impact fee required) if the developer constructs public facilities pursuant to a public facilities plan adopted by the City Council. The public facility development impact fee will be reduced by the amount of engineering and construction costs that would reasonably be incurred by the City in building those same public facilities. The amount of the reduction in the public facility development impact fee is subject to the approval of the Director of Public Works prior to construction of the development.

(B) If a developer constructs public facilities pursuant to a plan adopted by the City Council, and if the City's engineering and construction costs to construct those same facilities would have been more than the fee assessed to that developer pursuant to PMC Section 3.45.020 (Residential public facility development impact fee required) and 3.45.030 (Nonresidential public facility development impact fee required), then nothing in this ~~s~~Section prevents the City from entering into a reimbursement agreement with that developer, subject to the availability of funds.

(C) The City Manager may reduce the amount of the public facility development impact fee required by PMC Section 3.45.030 (Nonresidential public facility development impact fee required) if the City Manager determines that a development will generate extraordinary sales tax revenue for the City and thereby confer an extraordinary financial benefit upon the City.

3.45.050 Fee adjustment.

(B) Invalidation of Fee Reduction. If a reduction is granted pursuant to this ~~s~~Section, then any subsequent change in the design of the subject development that may impact the demand for general public facilities, or any increase in the square footage of the development, will invalidate the reduction.

(C) Processing of Protests. The procedure set forth in this ~~s~~Section will implement Government Code Section 66020, or any successor statute, and will serve as the City's method for processing protests filed pursuant to that section. Prior to the effective date of the City's approval of the development, or, if no discretionary review is required, then prior to the issuance of a building permit, a developer that is subject to this chapter must sign

and acknowledge receipt of a notice informing the developer of the amount of the public facility development impact fee imposed upon the development. The acknowledgment of the notice will not be deemed a waiver of the developer's right to protest the imposition and to request a fee adjustment under this ~~s~~Section.

3.45.070 Calculation of fees.

A developer subject to the public facility development impact fee required by PMC Section 3.45.020 (Residential public facility development impact fee required) or 3.45.030 (Nonresidential public facility development impact fee required) must pay the amount of the fee that is in effect when the fee becomes due. Furthermore, any fee imposed on a development that is protected by vested rights acquired through a vesting subdivision map will be the amount in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date that the fee becomes due.

3.46.040 Provisions of Mello-Roos Act that are not applicable.

(A) Notwithstanding PMC Section 3.46.020 (Incorporation of Mello-Roos Act), the following provisions of the Mello-Roos Act shall not apply to community facilities districts formed under the authority of this chapter, or otherwise to extensions of authorized facilities and services, changes in special taxes, annexations of territory, levies of special taxes, or the incurrence of bonded indebtedness with respect to community facilities districts formed under the authority of this chapter (all references below to sections are to sections of the California Government Code, as in effect on the date of adoption by the City Council of Ordinance No. 1479): (1) Section 53312; (2) Section 53312.7; (3) Section 53312.8; (4) Section 53315.6; (5) Section 53316.2; (6) Section 53316.4; (7) Section 53316.6; (8) Section 53325.6; (9) Section 53329.5; (10) Section 53332; (11) Section 53333; (12) Section 53340.1(b); (13) Section 53343.1; (14) Section 53345.8; (15) Section 53356.05; (16) Section 53363.5; and (17) Section 53365.

3.46.050 Provisions of Mello-Roos Act that are modified.

(A) Notwithstanding PMC Section 3.46.020 (Incorporation of Mello-Roos Act), the following provisions of the Mello-Roos Act shall apply, as modified as set forth below, to community facilities districts formed under the authority of this chapter, or otherwise to extensions of authorized facilities and services, changes in special taxes, annexations of territory, levies of special taxes, or the incurrence of bonded indebtedness with respect to community facilities districts formed under the authority of this chapter (all references below to sections are to sections of the California Government Code, as in effect on the date of adoption by the City Council of Ordinance No. 1479):

4.01.030 Adjustment of terms of office.

Pursuant to~~In accordance with~~ Sections 1301 and 10403.5(d) of the California Elections Code, the settlement agreement and the Court's order, and because of the change of election date, the terms of office of those members of the City Council presently serving whose terms would previously have expired in November 2013 or those whose terms would expire in November 2015 shall instead continue in their offices until certification of the results and administration of oaths of office after the November 2016 general municipal election.

4.01.040 Notice to voters.
If the Los Angeles County Board of Supervisors approves the ordinance codified in this Cchapter, the City elections official shall cause a notice to be mailed to registered voters within the City of Palmdale as required by Elections Code Section 10403.5(e).

4.01.050 Environmental review.
The City Council finds that the ordinance codified in this Cchapter is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(c)(3), i.e. respectively, that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and it does not have the potential to cause a significant effect on the environment (CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3).

4.01.060 Effective date.
Pursuant to Elections Code Sections 1301 and 10403.5, the ordinance codified in this Cchapter shall not become effective until approved by the Los Angeles County Board of Supervisors ("effective date"). Within 30 days of the effective date, the City Clerk shall cause a notice to be mailed to all voters of the City informing them of the change in the election day.

4.01.080 Settlement of lawsuit and compliance with Los Angeles County Superior Court order.
The ordinance codified in this Cchapter is being considered pursuant to a negotiated settlement of a lawsuit which settlement was approved and ordered by the Los Angeles County Superior Court and the California Court of Appeals.

Chapter 4.04

Sections:
4.04.010 Short title.
4.04.020 Purposes of Cchapter.
4.04.030 Application and scope of this Cchapter.
4.04.040 Interpretation of this Cchapter.

4.04.010 Short title.
This Cchapter shall be known and may be cited as the "fair campaign practices ordinance" of the City of Palmdale.

4.04.020 Purposes of Cchapter.
The City Council enacts this Cchapter in order to accomplish the following:

4.04.030 Application and scope of this Cchapter.
(A) To the extent that this Cchapter imposes reporting and filing requirements additional to or different from those set forth in Chapter 4 of Title 9 of the Government Code (Sections 84100 through 84400) for elections held in this City, such additional or different reporting and filing requirements shall apply only to candidates seeking election in this City, their controlled committees, committees formed or existing primarily to support or oppose their candidacies, and to committees formed or existing primarily to support or

oppose a candidate who is being voted on only in this City, and to general purpose committees active only in this City.

(B) Nothing in this Cchapter shall exempt or excuse any person from compliance with all applicable provisions of the laws of this sState, including the Political Reform Act of 1974, as amended (Government Code Sections 81000 through 91015).

4.04.040 Interpretation of this Cchapter.

(A) Except as otherwise set forth in this sSection, the words, terms and phrases used herein shall have the same meanings as defined in the Political Reform Act of 1974, as amended, which definitions are contained in Chapter 2 of Title 9 of the Government Code (Section 82000 et seq.).

(B) The definitions set forth below shall be applied in the interpretation and construction of this Cchapter:

(b) A photograph or drawing of the candidate; or,

4.04.060 Electronic filing of campaign statements and statements of economic interests.

(A) Findings. Pursuant to California Government Code Section 84615, the Cityof Palmdale hereby finds that the online or electronic filing system required by this Cchapter will operate securely and effectively and will not unduly burden filers. Said system promotes the use of electronic filing of campaign forms required by the sState of California to provide for a streamlined paperless and secure system to meet the demand for digital and transparent systems.

(B) Any elected officer, candidate, committee or other person required to file statements, reports or other documents required by Government Code Section 84100, 87200 or 87300 et seq. shall file those statements, including anyone required to file any required Statement of Economic Interest reports (Form 700), or other documents online or electronically with the City Clerk. However, an elected officer, candidate, committee or other person who receives contributions totaling less than $2,000 and makes expenditures totaling less than $2,000 in a calendar year is not subject to the requirements of this sSection.

(D) Once an elected officer, candidate, committee, or other person files a statement, report, or other document electronically pursuant to Ssubsection (B) of this sSection, all future statements, reports, or other documents on behalf of that filer shall be filed electronically.

(F) The date of filing for a statement, report, or other document that is filed online or electronically pursuant to this sSection shall be the day that it is received by the City Clerk. The City Clerk shall issue to a person who files a statement, report, or other document online or electronically an electronic confirmation that notifies the filer that the statement, report, or other document was received. The confirmation shall include the date and the time that the statement, report, or other document was received by the City Clerk and the method by which the filer may view and print the data received by the City Clerk.

4.04.090 Campaign statement required for late distribution of reproduced campaign material.

If a candidate, committee or other person disseminates a mass distribution of reproduced campaign material 16 days or fewer before an election, the candidate, committee or person responsible for the mass distribution of reproduced campaign material shall file or cause to be filed with the City Clerk a campaign statement with all of the information required by Government Code Section 84211. The period covered by the campaign statement shall be from the date of the last campaign statement filed with the City Clerk until, and including, the date of the mass distribution of reproduced campaign material. The campaign statement required by this ~~s~~Section shall be filed with the City Clerk at the same time a copy of the reproduced campaign material is filed with City Clerk as required in PMC Section 4.04.110 (Required notices on reproduced campaign material). A campaign statement filed pursuant to this ~~s~~Section shall be in addition to any other requirement of this C~~c~~hapter or the Political Reform Act of 1974, as amended.

(2) If the sender of the reproduced campaign material is a person or committee which is not controlled, directly or indirectly, by a candidate, and which does not act jointly with a candidate or a controlled committee in connection with the making of expenditures, the following supplemental notice shall be affixed, either separately or in combination with the notice required in S~~s~~ubsection (A)(1) of this ~~s~~Section:

(B) Any notice required under the provisions of S~~s~~ubsection (A) of this s~~s~~Section shall appear on the reproduced campaign material in at least 10-point type, not subject to the half-tone or screening process, and in a printed or drawn box set apart from any other printed matter.

4.04.110 Filing copies of reproduced campaign material.

The candidate, committee or other campaign responsible for a mass distribution of reproduced campaign material before the date of an election, but after the closing date of the last campaign statement required to be filed before the election, shall file or cause to be filed with the City Clerk a copy of each such item. The copy shall be filed with the City Clerk within 24 hours after all or any portion of such reproduced campaign material is first disseminated to the public and shall be filed with the campaign statement required by PMC Section 4.04.090 (Campaign statement required for late distribution of reproduced campaign material). Copies filed with the City Clerk shall be a public record and available for public inspection.

4.04.120 Violations.

(A) Any person who knowingly or ~~wilfully~~willfully violates any provision of this C~~c~~hapter is guilty of a misdemeanor and upon conviction is punishable by a fine not exceeding $1,000 or by imprisonment in the County Jail for a period not exceeding six months, or by both such fine and imprisonment.

(B) Whether a violation is inadvertent, negligent or deliberate, and the presence or absence of good faith, shall be considered in applying the remedies and sanctions of this ~~s~~Section.

4.04.130 Injunctive relief.
Any person residing in the City may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Cchapter.

4.04.140 Severability.
If any provisions of this Cchapter, or the application thereof to any person or circumstances is held invalid, the remainder of this Cchapter, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those as to which it was held invalid, shall not be affected thereby, and, to this end, the provisions of this Cchapter are severable.

4.10.010 District boundaries.
The following district boundaries are hereby adopted as the electoral districts for the five City Council members ~~of the City of Palmdale~~ through the general municipal election in November 2030:

4.10.020 Map.
A map depicting the boundaries set forth in PMC Section 4.10.010 (District boundaries) is attached to the ordinance codified in this Cchapter as Exhibit A and incorporated into this Cchapter by this reference.

4.10.030 District-based elections.
(A) District-Based Elections. Pursuant to California Government Code Section 34886, all members of the City Council ~~of the City of Palmdale~~ shall be elected by district in five single-member districts.

(1) All members of the City Council shall be elected in the electoral districts established by PMC Section 4.10.010 (District boundaries) and as subsequently reapportioned pursuant to ~~s~~State law. All City Council elections shall be "district-based" as that term is defined in California Elections Code Section 14026(b), meaning each of the five Councilmembers shall be elected from each district, by the voters of that district alone.

4.11.030 Subsequent terms of office.
After the initial terms of office as set forth in PMC Sections 4.11.010 (Term of office for Districts One and Two) and 4.11.020 (Term of office for Districts Three, Four and Five), the term of office of members of the City Council of the City ~~of Palmdale~~ elected pursuant to the provisions of this Cchapter shall be four years, and until a successor is qualified.

6.04.010 Adoption of Los Angeles County animal control ordinance.
(A) Subject to the amendments contained in this Cchapter, Divisions 1, 2, and 3 of Title 10 of the Los Angeles County Code ("Animals"), in effect on October 3, 2017, and as they may be amended from time to time, are hereby adopted and incorporated herein by reference, and may be cited as the "Animal Control Ordinance" of the City of Palmdale.

(B) In the event there are any inconsistencies between Title 10 of the Los Angeles County Code and this Cchapter pertaining to animal control, the latter shall prevail.

(C) In the event there are any inconsistencies between the Title 10 of the Los Angeles County Code and the City's Z~~z~~oning O~~o~~rdinance relating to the keeping of animals, the latter shall prevail.

6.04.020 Definitions.
Notwithstanding the definitions provided in Chapter 10.08 of the animal control ordinance, whenever any of the following names or terms is used in the animal control ordinance and this C~~c~~hapter, each such name or term shall be deemed or construed to have the meaning ascribed to it in this S~~s~~ection as follows:

6.04.030 Repeals to the animal control ordinance.
Notwithstanding the provisions of PMC Section 6.04.010 (Adoption of Los Angeles County animal control ordinance), the following provisions of the animal control ordinance are hereby repealed: Section 10.04.060 ("Penalty: General") and Section 10.84.030 ("Penalty: Predator Animals").

6.04.040 Penalties.
Any person violating or failing to comply with any provision, regulation, or requirement of the animal control ordinance or of this C~~c~~hapter r shall be deemed guilty of a violation pursuant to PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

6.04.050 Penalty for dog bites.
Notwithstanding the provisions of PMC Section 6.04.010(A), Section 10.37.180 of the animal control ordinance is hereby amended to read as follows:

10.37.180 Penalty for dog bites. In addition to the conditions and restrictions imposed on the ownership of potentially dangerous and vicious dogs set forth in this C~~c~~hapter, an owner or custodian of a dog who permits, allows or causes a dog to run, stray or be uncontrolled or at large upon a public street, sidewalk, park or other public property, or in or upon the private property of another person, is guilty of a public offense punishable pursuant to Chapter 1.12 of this Code if such dog bites, attacks or causes injury to any person or to a domestic animal.

A. Dogs. It is unlawful to keep more than the allowable number of dogs, pursuant to PMC Chapter 17.89 (Animal Keeping)~~Section 17.89.030,~~ at any residence without an animal facility license. Each dog must be licensed. For purposes of this S~~s~~ection, a service dog licensed under Section 10.20.090 and serving a person who is disabled within the meaning of Government Code S~~s~~ection 12926 S~~s~~ubsection (i) or (j) is not counted toward the number of dogs kept or maintained.

B. Cats. It is unlawful to keep more than the allowable number of cats, pursuant to ~~Section 17.89.030~~PMC Chapter 17.89 (Animal Keeping), at any residence without an animal facility license. Each cat must be licensed, and kept primarily indoors.

6.08.010 Purpose.
The purpose of this C~~c~~hapter is to permit, subject to proper regulation, the keeping and flying of racing homing pigeons as a recreational sport and hobby, and for no other purpose.

6.08.030 Permit – Required.
Homing pigeons, which are not raised or kept for the market or other commercial purpose, may be kept and liberated for exercise or racing within not less than 25 feet from any door, window or other opening of any dwelling, if a permit in writing, authorizing the keeping and liberating for exercise and racing of such homing pigeons, is first applied for and obtained from the City. Each application for a permit to keep and liberate for exercise and racing of the homing pigeons shall be made upon forms to be furnished for that purpose by the City, signed by the applicant and filed with the City. No such application shall be received for filing by the City unless accompanied by a filing fee of $10.00. The permit shall be issued by the City upon compliance by the applicant with the conditions set out in this Cchapter.

6.08.040 Permit – Term and fee.
Each permit issued pursuant to the provisions of this Cchapter shall be valid for a period of one year from and after the date of issuance and shall be renewable on the payment to the City of a renewal fee in the sum of $7.50 annually.

6.08.120 Fee exemption.
Any junior member of the American Racing Pigeon Union shall be subject to all of the requirements of this Cchapter except that a junior member shall be issued a no-fee permit upon compliance with this Cchapter and displaying his membership card in the American Racing Pigeon Union.

8.04.050 Appeals board.
Whenever any code adopted herein by reference refers to an appeals board or board of appeals, or requires that a board be appointed to hear appeals of the provisions of that adopted code or the determinations of the Building Official, such board shall mean the board of appeals appointed for the Palmdale Building Code, pursuant to Subsection 105 of PMC Section 8.04.202 (Copy of Palmdale Building Code maintained by City Clerk) and hearings shall be conducted in accordance withpursuant to the procedures set forth therein.

With this section, the City will amend the Municipal Code by adding and adopting County of Los Angeles Ordinance 2018-0037. This action serves to keep the City of Palmdale in compliance with the State Water Resources Control Board regulations and standards for on-site wastewater treatment systems.

8.04.120 Penalty for violation.
It is unlawful for any person to violate any provision, or fail to comply with any of the requirements of the Palmdale health code. Any person who violates or fails to comply with the Palmdale health code is guilty of a misdemeanor and shall be prosecuted and punished pursuant to PMC Chapter 1.08 (Arrest Procedure)PMC. In addition to the penalties therein provided, any condition caused or permitted to exist in violation of any provision of the Palmdale health code shall be deemed a public nuisance and may be abated as such by the City, including, but not limited to, by summary abatement. Each day such violation or condition continues shall constitute a new and separate offense.

8.04.200 Adoption of administrative provisions for the Palmdale Building Code, Plumbing Code, Mechanical Code, Electrical Code, Residential Code and Green Building Code.

The following provisions are adopted as the administrative provisions and constitute Chapter 1 of the Palmdale Building Code, Palmdale Plumbing Code, Palmdale Mechanical Code, Palmdale Residential Code, Palmdale Green Code and Article 89 of the Palmdale Electrical Code to read and to be cited as set forth herein below. The ~~s~~Subsections are numbered to be consistent with the numbering of the codes adopted by reference.

CHAPTER 1 ADMINISTRATIVE PROVISIONS

SECTION 101 Titles, Purpose and Scope

101.2 Purpose and Intent.

The PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code, shall not be construed to hold the City ~~of Palmdale~~ or any officer, employee or agent thereof responsible for any damage to persons or property by reason of any inspection authorized herein or by reason of the issuance or nonissuance of any permit authorized herein, and/or for any action or omission in connection with the application and/or enforcement of the Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code provision and/or any provisions of the PAP. The adoption of the Palmdale Administrative provisions, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code the City does not intend to impose on itself, its employees or agents any mandatory duties of care toward persons and property within its jurisdiction so as to provide a basis of civil liability for damages. This ~~s~~Section is declaratory of existing law and is not to be construed as suggesting that such was not the purpose and intent of previous code adoptions.

101.3.1 Repairs, and Alterations

Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in Chapter 34 of the Building Code. Where, in any specific case, different ~~s~~Sections of the PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In existing buildings or premises in which any installations are to be altered, repaired or renovated, deviations from the provisions of the PPC are permitted, provided such deviations are found to be necessary and are first approved by the Building Official. Any

building may have its existing use, maintenance or repair continued when the Building Official determines that its use, maintenance or repair is ~~in accordance with~~pursuant to the original design and no hazard to the public health, safety or welfare has been created by such building or installation.

Existing plumbing and any drains may be used in connection with new buildings or new plumbing and drainage work only when they are found on examination and test to conform in all respects to the requirements governing new work, and the Building Official shall notify the owner to make any changes necessary to conform to the Palmdale Plumbing Code. No building or part thereof, shall be erected or placed over any part of a drainage system, which is constructed of materials other than those approved elsewhere in the PPC for use under or within a building. Existing building sewers and building drains may be used in connection with plumbing alterations or repairs if such sewers or drains have been properly maintained and were installed ~~in accordance with~~pursuant to the applicable laws in effect at the time of installation. Any plumbing system existing on January 1, 1975, shall be deemed to have conformed to applicable law in effect at the time of installation and to have been maintained in good condition if currently in good and safe condition and working properly.

101.3.3 Existing Construction.

No provision of the codes shall be deemed to require a change in any building system or any other work regulated by the PAP in or on an existing building or lot when such work was installed and is maintained ~~in accordance with~~pursuant to law in effect prior to the effective date of the PAP, except when any such building, system or other work regulated by the PAP is determined by the Building Official to be in fact dangerous, unsafe, unsanitary, or a nuisance and a menace to life, health, or property.

103.1 Compliance with Code.

It shall be unlawful for a person to erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, equip, or perform any other work on any building or structure or portion thereof, or perform any grading in the City ~~of Palmdale~~, or cause the same to be done, contrary to, or in violation of, any of the provisions of the PAP, Palmdale building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code.

103.2 Violation.

It shall be unlawful for any person to own, use, occupy or maintain any building or structure or portion thereof, in the City ~~of Palmdale~~, or cause the same to be done, contrary to, or in violation of, any of the provisions of the PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code.

103.3 Penalty.

Violations of any provision of the PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code is

punishable as set forth in PMC ~~Palmdale Municipal Code~~ Title 1 (General Provisions). It shall constitute a new and separate offense for each and every day or portion thereof during which any violation of any of the provisions is committed, continued or permitted. The provisions for punishment in this ~~s~~Subsection are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of the PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code.

103.4.1 General.

The Building Official may record a notice with the county recorder's office that a property, building or structure, or any part thereof, is in violation of any code provision provided that the provisions of this ~~s~~Section are complied with. The remedy provided by this ~~s~~Section is cumulative to any other enforcement actions permitted.

103.4.3 Notice.

The written notice given pursuant to this ~~s~~Section shall indicate: 1. The nature of the violation(s); and 2. That if the violation is not remedied to the satisfaction of the Building Official within 15 days the Building Official may, at any time thereafter, record with the county recorder's office a notice that the property and/or any building or structure located thereon is in violation of the PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and/or Green building code. The notice shall be posted on the property and shall be mailed to the owner of the property as indicated on the last equalized county assessment roll. The mailed notice may be by registered, certified or first class mail. The 15-day period for achieving compliance with shall run from the date the property is posted or from the date of the mailing of the notice, whichever is later.

104.2 Powers and Duties of the Building Official.

The Building Official of the Building and Safety division for the City ~~of Palmdale~~ shall have all authority granted by the PAP, Palmdale Building, Plumbing, Residential, Green, Mechanical, Electrical, Housing and Abatement of Dangerous Building Codes and all mandated State of California regulations and codes. The Building Official shall have the power to render interpretations of these codes and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of these codes and available to the public for review.

104.2.1 Deputies.

~~In accordance with~~pursuant to the procedures of the City ~~of Palmdale~~ and with the approval of the ~~c~~City manager, the Building Official may appoint such number of officers, inspectors and assistants, and other employees as shall be authorized from time to time. The Building Official may deputize such employees as may be necessary to carry out the functions of the building and safety division.

104.2.2.1 Intent. It is the Intent of the City Council to authorize the Building Official to issue orders regarding the occupancy of buildings, structures, or other premises in the City~~ of Palmdale~~ by the posting of safety assessment placards in the event of a catastrophic event, disaster, or other local, ~~s~~State, or ~~f~~Federal declaration of emergency.

104.2.2.2. Applicability. The provisions of this ~~s~~Section 104.2.2 and its ~~s~~Subsections are applicable to all buildings, structures, and other premises (whether improved or unimproved land), of all occupancies in the City~~ of Palmdale~~.

104.2.2.4. Safety Assessment Placards.

(A) Upon completing a safety assessment of any building, structure, or premises (whether improved or unimproved land) in the event of a catastrophic event, disaster, or declaration of a ~~f~~Federal, ~~s~~State or local disaster or emergency, the Building Official or his authorized designee, shall post a Safety Assessment Placard at each apparent entrance into such building, structure, or premises or at an otherwise conspicuous place thereon. Each placard shall cite Palmdale Building Code Section 104.2.2 et seq. as its authority, and shall contain the address and telephone number of the Building and Safety Department. The Building Official or his authorized designee performing the safety assessment shall legibly note on the placard his or her name or registration number, the facility name, if any, and address to which the placard pertains, and the date and time the safety assessment was completed. Each placard shall also contain a statement prohibiting its removal, alteration, or covering until authorized by the Building Official.

(B) Upon completing a safety assessment, the Building Official or his authorized designee shall post one of the three Safety Assessment Placards set forth in this ~~s~~Subsection. The Building Official may, but is not required to, assign a color for each type of placard. The following are verbal descriptions of the Safety Assessment Placards to be used to designate the condition of buildings, structures, or other premises.

2) “RESTRICTED USE” is to be posted on each building, structure, or other premises (whether improved or unimproved land) that has been damaged wherein the damage requires some form of restriction to its use or occupancy. The placard shall note in general terms the type of damage encountered and concisely note the restrictions on continued occupancy. The placard shall constitute a lawful order of the Building Official, the violation of which is punishable as set forth in PMC Chapter 1.12 (Penalty Provisions).~~of the Palmdale Municipal Code.~~

3) “UNSAFE – Do Not Enter or Occupy” is to be posted on each building or structure, or premises (whether improved or unimproved land) that has been damaged such that continued occupancy poses a threat to life safety. Buildings, structures, or premises posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized designee. Safety assessment teams, law enforcement, and disaster response personnel shall be authorized to enter at any time. This placard is not to be used or considered as a demolition order and shall so state. The placard shall note in general terms the type of damage observed during the safety assessment. The placard shall constitute a lawful

order of the Building Official, the violation of which may be punished as set forth in PMC Chapter 1.12 (Penalty Provisions) of this Code.

104.2.3.4 Denial of Access.

No person shall fail or refuse, after proper demand has been made upon such person as provided in this ~~s~~Section, to promptly permit the Building Official or an authorized representative to make any inspection provided for by this PAP. Any person violating this ~~s~~Section shall be punishable as set forth in PMC Title 1 (General Provisions)~~of the Palmdale Municipal Code.~~

104.2.7 Modifications.

Whenever there are practical difficulties involved in carrying out the provisions of the PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code, the Building Official may grant modifications for individual cases, provided the Building Official shall first find that a special individual reason makes the strict letter of the provision impractical and that the modification is in conformity with the spirit and purpose of the code provision and that such modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the enforcement agency. A written application for the granting of such modifications shall be submitted together with a filing fee as adopted in the current ~~c~~City fee resolution.

104.2.12 Reports and Records.

The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received under the provisions of the PAP or any ~~c~~City ordinance, the names of the persons upon whose account the same were paid, and the date and amount thereof, together with the location of the building or premises to which they relate.

104.3 Definitions.

Whenever any of the names or terms defined in this ~~s~~Section is used in the PAP, Palmdale Building code, Plumbing code, Mechanical code, Electrical code, Residential code and Green building code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this ~~s~~Section.

The ~~b~~Building ~~o~~Official shall be an ex-officio member and shall act as secretary to the board. The members of the board of appeals shall be appointed by the City Council and shall hold office at its pleasure. If the appeals board has not been appointed, the City Council, for expediency, hereby authorizes the City Manager as follows.

105.1.3 Accessibility Appeals Board.

In order to conduct the hearings on written appeals regarding notice and orders of the ~~b~~Building ~~o~~Official and to ratify certain exempting actions of the ~~b~~Building ~~o~~Official in enforcing the accessibility requirements of the Palmdale Administrative provisions or any Palmdale Code for privately funded construction, to serve as an advisor to the ~~b~~Building

~~o~~Official on disabled access matters, there shall be an accessibility appeals board which shall be the Appeals Board as Defined in Section 105.1.

The Accessibility appeals board may approve or disapprove interpretations and enforcement actions taken by the ~~b~~Building ~~o~~Official. All such approvals or disapprovals for privately funded construction shall be final and conclusive as to the ~~b~~Building ~~o~~Official in the absence of fraud or prejudicial abuse of discretion.

105.2. Appeal.

Any person adversely affected by any regulation, interpretation, rule or decision may appeal from any notice and order of the ~~b~~Building ~~o~~Official as determined by this PAP or Building, Green, Uniform Abatement of Dangerous Buildings, Housing, Electrical, Mechanical, Plumbing Codes, by filing at the office of the Building Official a written appeal containing the names and addresses of all persons filing the appeal; the interest of each appellant being adversely affected, a description of the specific order, action, interpretation or decision being appealed, a statement of the reasons for the appeal and the relief being sought. The written appeal must be signed by all persons filing the appeal.

105.3. Time for appeal. Any appeal must be filed within 30 days from the date of the service of the order or notice of the decision which is the subject of the appeal, provided, however, that if the appeal concerns a building or structure in such condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is posted ~~in accordance with~~pursuant to Section 404 of the Abatement of Dangerous Building Codes and Section 1104 of the Housing Code, such appeal must be filed within 10 days from the date of the service of the notice, and order of the ~~b~~Building ~~o~~Official. If the office of the Building Official does not receive the appeal within the times specified above, the right to an appeal shall be waived and the Order, notice or decision shall be confirmed and final.

105.4. Hearing on Appeal.

Upon receipt of any appeal filed pursuant to this ~~s~~Section, the Building Official shall schedule a hearing before the appeals board or before the Administrative Hearing Officer appointed by the City Manager. The hearing shall be held within sixty days of the City's receipt of the written appeal. Written notice of the time and place of the hearing shall be given at least 10 days prior to the date of the hearing to each appellant by the Building Official by mailing such notice to the address or addresses provided in the appeal.

105.6 Staying Of Order under Appeal.

Except for vacation orders made pursuant to the Abatement of Dangerous Buildings Code and the Housing Code, enforcement of any notice and order of the ~~b~~Building ~~o~~Official issued under this code shall be stayed during the pendency of an appeal there from which is properly and timely filed.

105.7.6. Subpoenas

The board or hearing officer may obtain the issuance and service of a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the board or upon the written request of any party. It is a violation of the Code punishable as set forth in PMC Title 1 (General Provisions) of this Code for any person to refuse without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena.

105.7.7 Inspection of the premises.

The board or the hearing officer may inspect any building or premises involved in the appeal during the course of the hearing, provided that (i) notice of such inspection shall be given to the parties before the inspection is made, (ii) the parties are given an opportunity to be present during the inspection, and (iii) the board or the hearing officer shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn there from. Each party then shall have a right to rebut or explain the matters so stated by the board or Hearing Officer.

105.7.8. Fees.

A fee as adopted by the current fee resolution shall be paid to the ~~b~~Building ~~o~~Official whenever a person requests a hearing or a rehearing before the appeals boards provided for in this ~~s~~Section. All requests to appeal determinations, orders or actions of the ~~b~~Building ~~o~~Official or to seek modifications of previous orders of the appeals boards shall be presented in writing as outlined above.

SECTION 106 PERMITS

106.4.2 Plans and Specifications.

General:

Within each application for a permit and when required by the Building Official for enforcement of any provisions of the Palmdale codes, plans and specifications shall be submitted in an electronic format approved by the Building Official. If approved prior to submittal by the Building Official two sets of paper plans may be submitted. Additional storage and processing fees may apply as adopted by the current ~~c~~City fee resolution. The Building Official may require plans and specifications to be prepared and designed by an engineer, architect or landscape architect licensed or registered by the ~~s~~State to practice as such. Submittals shall include construction inspection documents completed by the design professional.

106.4.3 Information on Plans and Specifications.

Building, Residential, and Green code:

Plans and specifications shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of the Codes and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall have the address and street name of the location of the work and the name

and address of the owner. The name and contact persons of who prepared the plans if other then the owner shall also be given. Plans shall include a plot plan showing the location of any proposed buildings and of every existing building on the property. In lieu of detailed specifications, the Building Official may approve references on the plans to a specific ~~s~~Section or part of the codes or other ordinances or laws.

Computations, stress diagrams and other data sufficient to show the correctness of the plans shall be submitted. Plans for buildings more than two stories in height of other than Group U Occupancies shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems. Where proposed construction will affect site drainage, existing and proposed drainage patterns shall be shown on the plot plan and shall be approved by the City Engineer. The plans shall show all mitigation measures required under the National Pollution Discharge Elimination System (NPDES) permit issued to the City ~~of Palmdale~~. For the application of NPDES permit requirements as they apply to grading plans and permits, see Chapter 70 of this code.

Electrical Code:

(1) Every plan shall be a type approved by the Building Official. The information contained on the plans shall be drawn in a professional manner, be clearly legible, and contain the information required in ~~s~~Subsection (2) below. The plans for the electrical wiring in a building shall be of a scale no smaller than one-eighth inch per foot. Reasonable symbols satisfactory to the department shall be used on all plans.

A lighting fixture schedule;

The existing load, as calculated ~~in accordance with~~pursuant to the Palmdale Electrical Code or by other methods satisfactory to the Building Official shall be indicated for existing installations having alterations or additions made thereto;

106.4.4.1 General.

When ~~s~~State law or the ~~b~~Building Official requires that documents be prepared by a State of California licensed Designer, the Building Official shall require the owner to designate on the building permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The owner shall notify the Building Official in writing if the architect or engineer of record is changed or is unable to continue to perform the duties.

106.4.4.2 Deferred Submittals.

For the purposes of this ~~s~~Section, deferred submittals are defined as those portions of the design which are not submitted at the time of the application, and which are to be submitted to the Building Official within a specified period.

106.5.1 Issuance.

Exception

The Building Official shall not issue a permit for temporary or permanent electrical or gas service when there is no apparent legally permitted use for the property and/or no approval has been issued for the use by the Palmdale Planning department. In determining whether a proposed use is legally permitted, the Building Official may consider not just the provisions of the codes but all applicable statutes, ordinances, rules and regulations of the ~~c~~City.

The work described conforms to the requirements of other pertinent laws and ordinances of the City ~~of Palmdale~~.

When the Building Official issues a permit, the Building Official shall endorse in writing or stamp on both sets of plans and specifications “APPROVED.” Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official, and all work shall be done ~~in accordance with~~pursuant to the approved plans. The issuance of a permit shall not be deemed to certify that the site of the described work is safe. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the Palmdale codes. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire building or structure will be granted.

106.5.2 Licensed contractor requirements for permit issuance.

Building and mechanical permits may be issued to a bona fide Owner(s) of a property or a licensed California contractor ~~in accordance with~~pursuant to provisions of California ~~s~~State law.

REGISTERED MAINTENANCE ELECTRICIAN – A registered maintenance electrician is a person possessing a valid certificate of registration issued by the Building Official. A certificate of registration as maintenance electrician, upon application therefor, may be issued to any person regularly employing one or more electricians for the purpose of installation, alteration or maintenance of electrical wiring or equipment on his own premises. The application for such certificate shall be made in writing by a responsible officer of the firm, and shall designate one or more persons as registrant. A registration fee shall be paid for each maintenance electrician as set forth in this code. All such work shall be installed and done pursuant to~~in accordance with~~ the provisions of this code, and such work shall be subject to permits, fees, and inspection to the same extent as all other similar work for which such inspection is provided. The firm shall keep a record of all work performed under the maintenance certificate, showing the nature and location of the work, and such records shall be made available to the Building Official.

106.5.4 Expiration.

Every permit issued by the Building Official under the provisions of this PAP shall expire by limitation and become null and void if the building or work authorized by such permit has not passed a foundation inspection or the first phase of inspections if no foundation

exists within one year from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned for a period of one year or more at any time after the work is commenced. Before such work can be commenced or recommenced, a new permit shall first be obtained and the fee therefor shall be 25 percent of the amount required for a new permit for such work, provided no codes or plan changes have been made or will be made in the original plans and specifications for such work and provided further that the duration of such failure to commence, or abandonment has not exceeded one and one-half years. Any permittee holding an unexpired permit may apply for an extension of the time within which he may commence work under that permit when he is unable to commence work within the time required by this ~~s~~Section for good and satisfactory reasons. The Building official may extend the time for action by the permittee for a period not exceeding 365 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. The fee for extension of the permit shall be 25% of the amount of the original fee plus the issuance fee. No permit shall be extended more than once.

2. The total permit fee for a combined building permit for a one and two family dwelling shall be 1.43 times the building permit fee. The total permit for a tenant improvement permit shall be 1.33 times the building permit fee for tenant improvements with a restroom(s) and 1.23 times the fee for those without restroom improvements. (For the purposes of this ~~s~~Section a tenant improvement is the completion of a shell type of structure with minimal amounts of equipment. Restaurants or industrial type uses would require separate permits for their equipment systems.)

When an application for a building permit is submitted for review, whether or not plans and specifications are required, a fee shall be paid to the Building Official. Said fee shall be equal to 85 percent of the building permit fee as set forth current in the current Fee Resolution. Specific fees shall also be paid for plan check work pursuant to~~in accordance with~~ the current fee resolution. In addition to the aforementioned fees, the Building Official may require additional charges for review required by changes, additions or revisions of approved plans or reports, and for services beyond the first and second check due to changes, omissions or errors on the part of the applicant. The payment of said fees shall not exempt any person from compliance with other provisions of the codes.

Electrical Plan reviews required.

The fee for each plan check pursuant to ~~s~~Subsection above shall be equal to seventy percent (70%) of the required permit fee, however, the minimum fee shall be as required in the currently adopted fee resolution.

The plan check fees specified in this ~~s~~Section are separate fees from the permit fees.

107.3 Standard Plans.

The Building Official may approve a set of plans for a building or structure as a “standard plans,” provided that the applicant has made proper application, submitted complete sets of plans as required by this ~~s~~Section, and paid the plan checking fee required by ~~s~~Section 107.2 above.

Plans shall reflect laws and ordinances in effect at the time a permit is issued except as provided herein below in this ~~s~~Section. Nothing in this ~~s~~Section shall prohibit modifying the permit set of plans to reflect changes in laws and ordinances, which have become effective since the approval of the standard plan. The standard plans shall become null and void where the work required by such changes exceeds ten percent of the value of the building or structure. When it is desired to use an approved "standard plan" for an identical structure, two plot plans and one duplicate plan shall be submitted and a plan checking fee equal to 70 percent of the full plan checking fee required shall be paid at the time application is made for such identical structure. Such duplicate plans shall be compared, stamped and kept on the project site. In case of deviation from this standard plan, except as permitted in this ~~s~~Section, complete plans, together with a full plan-checking fee, shall be submitted for the proposed work.

Neither the Housing Authority of the City ~~of Palmdale~~ nor any public officer or body acting in an official capacity on behalf of the Housing Authority shall pay or deposit any building fees for buildings owned by the City ~~of Palmdale~~. This ~~s~~Section does not apply where a public officer is acting with reference to private assets which have come under such public officer's jurisdiction by virtue of his or her office.

107.12 Refunds.

In the event that any person shall have obtained a permit and no portion of the work or construction covered by such permit shall have been commenced, and such permit shall have been canceled either as provided for the permittee, upon presentation to said Building Official of a request therefor, in writing shall be entitled to a refund in an amount equal to 80 percent of the fee actually paid for such permit. The Building Official shall satisfy himself or herself as to the right of such applicant to such refund, and each such refund shall be paid, provided a refund request has been submitted prior to one year from expiration of the permit. If inspections have been made and the permit has been cancelled because of an issue beyond the owner's control, the ~~b~~Building Official may approve a pro-rated amount of the permit fees be applied toward a new permit for the same project. A letter releasing the funds from the original permittee shall be required before any funds are applied.

107.14 Noncompliance Fee.

If the Building Official or duly authorized board, in the course of enforcing the provisions of this PAP or any Palmdale building code or any ~~s~~State law, issues an order to a person and that person fails to comply with the order within 15 days following the due date for compliance stated in the order, including any extensions thereof, then the Building official shall have the authority to collect a noncompliance fee. The noncompliance fee shall not be imposed unless the order states that a failure to comply within 15 days after the compliance date specified in the order will result in the fee being imposed. No more than one such fee shall be collected for failure to comply with an order. The amount of the noncompliance fee shall be as adopted in the current fee resolution in addition to the fees specified elsewhere in this PAP.

107.17 Annual Review of Fees.

The Building Official shall review all fees annually in conjunction with the review of the Palmdale Fee resolution. The amount of each fee shall be adjusted as follows: The Director of Finance shall calculate the Consumer Price Index (CPI) pursuant to~~in accordance with c~~City policy and advise of such increase. The Building Official shall adjust each fee by said percentage amount and round off to the nearest 10 cents. All fees shall be adopted by a fee resolution and implemented by August 1st of the same year, provided, however, that no adjustment shall exceed the reasonable cost of providing services. When it is determined that the amount reasonably necessary to recover the cost of providing services is in excess of this adjustment, the Building Official may present such fee proposals to the City Council for approval with the fee resolution.

107.18.1 General.

The fees established by Section 107 for building permits and for plan checking shall be modified for factory-built housing as set forth in this ~~s~~Section.

107.18.2 Definition.

For the purpose of this ~~s~~Section, certain terms are defined as follows:

FACTORY-BUILT HOUSING shall mean structures, which meet all of the following criteria:

1. Fabrication on an off-site location under the inspection of the ~~s~~State, for which the ~~s~~State inspection agency has attested to compliance with the applicable ~~s~~State laws and regulations by the issuance, of an insignia;

2. The bearing of the ~~s~~State insignia and which have not been modified since fabrication in a manner that would void the ~~s~~State approval; and for which the City ~~of Palmdale~~ has been relieved by statute of the responsibility for the enforcement of laws and regulations of the State of California.

107.18.4 Plan Checking Fees.

A plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for the proposed work. The plan-checking fee shall be 80 percent of the building permit fee established by this ~~s~~Section.

107.18.5 Plans and Specifications.

With each application, two sets of plans and specifications for the work to be performed at the job site shall be submitted with such other information as may be necessary to determine compliance with local and ~~s~~State laws and regulations.

2. Utility connection.

Equipment regulated by the PMC~~Palmdale Mechanical code~~ shall not be connected to the fuel or power supply until authorized by the Building Official.

EXCEPTION: The requirements of this ~~s~~Section shall not be considered to prohibit the operation of any heating equipment installed to replace existing heating equipment serving an occupied portion of a building, in the event a request for inspection of such heating equipment has been filed with the Building and Safety office not more than 48 hours after such replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the building.

SECTION 109 – USE AND OCCUPANCY

109.1 General.

No building or structure or portion thereof shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the Building Official has approved the building or structure or portion thereof for such use or occupancy as evidenced by the issuance of a certificate of occupancy or a temporary certificate of occupancy. A building of Group R, Division I or Group R, Division-3 Occupancy, if erected on a site where grading has been performed pursuant to a grading permit issued under provisions of this PAP, shall not be occupied, nor shall gas or electric utilities be connected thereto, unless the grading has been completed pursuant to~~in accordance with~~ all applicable requirements or the Building Official has found, should the grading not be so completed, that the site conditions will pose no hazard to health, safety or welfare of occupants and/or occupants of adjacent properties, and that a temporary certificate of occupancy has been issued. Approval of a building or structure for use or occupancy (including, but not limited to, final inspection approval and/or issuance of a certificate of occupancy or temporary certificate of occupancy) shall not be construed as approval of a violation of the provisions of this PAP or of other laws and regulations. Approvals presuming to give authority to violate or cancel the provisions of this PAP or of other laws or regulations are not valid. The Building Official may, in writing, suspend or revoke any such approvals or certificates whenever the Building Official determines that the approval or certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this PAP or other laws or regulations. Any certificate of occupancy or temporary certificate of occupancy so issued shall be surrendered upon request of the Building Official.

110.1.1 Buildings requirements.

The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mud flow will not be a hazard to the building or adjacent property. Subject to the conditions of Section 110.1.2, this prohibition shall not apply when provision is made to eliminate such hazard to the satisfaction of the Department of Public Works by providing adequate drainage facilities by protective walls, suitable fill, raising the floor level of the building, a combination of these methods, or by other means. The Department of Public Works, in the application of this ~~s~~Section, shall enforce, as a minimum, the current Federal Flood Plain Management Regulations defined in Title 44, Code of Federal Regulations, Section 60.3 and all City adopted requirements.

110.1.2 Floodway.

Portions of the City ~~of Palmdale~~ subject to severe flood hazard by reason of inundation, overflow, erosion or deposition of debris are established as floodways by F.E.M.A. Whenever reference is made to any floodways in such ordinance establishing floodways, it shall be construed to mean a floodway referred to in this ~~s~~Section. A person shall not perform work for which a building or grading permit is required within the boundaries of an established floodway if such work increases the flood hazard to adjacent properties by either increasing the capital flood water surface elevation, deflecting flows or increasing bank erosion. Such work may be performed within an established floodway and a building or grading permit therefor may be issued, where provisions are made to the satisfaction of the City Engineer to avoid such an increase in the flood hazard.

110.1.3 City Engineer.

The ~~c~~City engineer shall act as a consultant to the ~~b~~Building ~~o~~Official in permit matters relating to flood control and flood hazard identification, avoidance and mitigation in all areas defined on maps furnished to the engineer. The ~~c~~City engineer shall maintain a series of maps delineating areas subject to flood, mud and debris hazards. The Building Official shall consult with the ~~c~~City engineer with respect to work requiring a building or grading permit in the hazard areas delineated on the maps. The ~~c~~City engineer shall prepare written reports of its examination of each building or grading permit application for work in the hazard areas as delineated on the maps. The Building Official in acting upon the application shall consider the reports. The actions upon the applications shall be supported in writing.

110.2.1 Building Restrictions.

No building or grading permit shall be issued under the provisions of this ~~s~~Section when the Building Official or City Engineer finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geologically hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested. For the purpose of this ~~s~~Section, geologically hazardous condition does not include surface displacement due to earthquake faults.

110.2.2 Permits.

Work requiring a building or grading permit is not permitted in an area determined by the Building Official or City Engineer to be subject to hazard from landslide, settlement or slippage. These hazards include those from loose debris, slope wash and the potential for mudflows from natural slopes or graded slopes. For the purpose of this ~~s~~Section, landslide, settlement or slippage does not include surface displacement due to earthquake faults.

110.2.3. Conditional requirements.

When the applicant has submitted a geological and/or geotechnical engineering report or reports complying with the provisions of Section 111 and containing sufficient data to show to the satisfaction of the ~~c~~City engineer that the site appears to be safe for the intended use.

When the work involves the alteration or minor repair of existing structures and the cost of such alteration or repair does not exceed 25 percent of the value of the existing structure, such value to be based on assumed continuation of the established legal use. Before a permit is issued, the owner shall record in the office of the Department of Registrar-Recorder (1) a statement that the owner is aware that the records of the Building Official indicate that the property is subject to a physical hazard of a geological nature and (2) an agreement relieving the City and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the Building Official records in the office of the Department of Registrar-Recorder a statement that the Building Official finds such hazard no longer exists. The repair work shall consist of restoring the original construction. Provision may be made for adjustment of the floor in anticipation of future settlement. For the purposes of this ~~s~~Section, “alteration” does not include an addition or additions.

Notwithstanding any other provisions of this ~~s~~Section, the Building Official may, at his or her discretion, deny a permit for any building, structure or grading subject to a hazard of a geological nature which cannot be mitigated and may endanger the health or safety of the occupants, adjoining property or the public.

110.3. Fills Containing Decomposable Material.

Permits shall not be issued for buildings or structures within 1,000 feet (304.8 m) of fills containing rubbish or other decomposable material unless the fill is isolated by approved natural or artificial protective systems or unless designed according to the recommendation contained in a report prepared by a licensed civil engineer. Such report shall contain a description of the investigation, study and recommendation to minimize the possible intrusion, and to prevent the accumulation of explosive concentrations of decomposition gases within or under enclosed portions of such building or structure. At the time of the final inspection, the civil engineer shall furnish a signed statement attesting that the building or structure has been constructed pursuant to~~in accordance with~~ the civil engineer’s recommendations as to decomposition gases required herein.

110.4 Methane Gas Hazards.

Permits shall not be issued for buildings or structures regulated on or adjacent to or within 25 feet (7620 mm) of active, abandoned or idle oil or gas well(s) unless designed according to recommendations contained in a report prepared by a licensed civil engineer and approved by the Building Official. In addition, permits shall not be issued for a building or structure located between 25 feet (7620 mm) and 200 feet (60,960 mm) from active, abandoned or idle oil or gas well(s) unless designed according to the recommendations contained in a report prepared by a licensed civil engineer and approved by the Building Official or Unless all active, abandoned or idle oil or gas well(s) between 25 feet (7620 mm) and 200 feet (60,960 mm) from said building or structure are examined by a licensed petroleum engineer to evaluate whether, pursuant to~~in accordance with~~ the current rules and regulations of the Division of Oil and Gas of the State of California, such wells are being properly operated or maintained, or are abandoned. No permits shall be issued until certification of proper operation, maintenance, or abandonment or reabandonment,

as determined by the Division of Oil and Gas, is submitted to the Building Official. This requirement is not applicable to active, abandoned or idle oil or gas well(s) located more than 200 feet (60,960 mm) from the proposed buildings or structures. As used in this ~~s~~Section, “well” shall mean any well as defined by Section 3008, Subdivisions (a) and (b) of the California Public Resources Code.

110.5 Conditional Use.

Work required by this ~~s~~Section as a condition for the use of the site shall be performed prior to the connection of the utilities or occupancy of the building.

SECTION 112 – EARTHQUAKE FAULT MAPS

Special studies zones maps within the City ~~of Palmdale~~ prepared pursuant to Sections 2622 and 2623 of the California Resources Code which show traces of earthquake faults are hereby incorporated by reference and declared to be, on the date of official issue, a part of this code, and may be referred to elsewhere in this code. Special studies zones maps revised under the above ~~s~~Sections of the California Resources Code shall, on the date of their official issue, supersede previously issued maps that they replace. Copies of each of the above maps shall be available for examination by the public at the Department of Public Works.

SECTION 113 – EARTHQUAKE FAULTS

113.1 General.

The construction of a building or structure near a known active earthquake fault and regulated by this PBC shall be permitted as set forth in this ~~s~~Section.

113.2 Scope.

The provisions of this ~~s~~Section shall apply only to permits for buildings or structures on individual lots or parcels and are not intended to be supplementary to geologic investigations required to qualify divisions of land as set forth in the ~~City of Palmdale Subdivision Codes~~PMC Title 16 Subdivisions.

113.3 Definition.

For the purpose of this ~~s~~Section, a geologist shall be a registered geologist, licensed by the California State Board of Registration for Geologists and Geophysicists to practice geology in California.

113.4 Known Active Earthquake Faults.

For the purpose of this ~~s~~Section, known active earthquake faults are those faults, which have had displacement within Holocene time (approximately the last 11,000 years) as defined in the most current issue of Special Publication 42 of the California Division of Mines and Geology.

113.5 Construction Limitations.

No building or structure shall be constructed over or upon the trace of a known active earthquake fault which is shown on maps maintained by the City Engineer. The absence of a known active earthquake fault trace at the proposed building location shall be determined by the ~~c~~City engineer or a geologist in the following cases:

In these cases when a geologist has not otherwise made such a determination, the ~~c~~City engineer may require the excavation of a trench, as a subsurface exploration for the purpose of determining the absence of a known active earthquake fault. Such a trench will be required if a lack of distinguishable fault features in the vicinity prevents the Building official from determining by a site examination, review of available aerial photographs, or by other means that the fault trace does not underlie the proposed building. The trench shall be approximately perpendicular to the most probable direction of the fault trace, at least 1 1/2 feet (457 mm) wide and at least five feet (1524 mm) in depth measured from natural grade, or to a depth satisfactory to the ~~c~~City engineer.

The trench must be accessible for mapping and inspection by the ~~c~~City engineer, when requested, and meet the requirements of Title 8 of the California Code of Regulations, Construction Safety Orders. The trench need not extend further than the full width of the proposed structure plus 5 feet (1524 mm) beyond the traversed exterior walls. A known, active earthquake fault shall be presumed nonexistent if an exposure is not found by the Building Official, City Engineer or a geologist in the walls or floor of the trench.

EXCEPTION: The provisions of this ~~s~~Section do not apply to:

113.6 Maps of Active Faults.

Special Studies Zones. Work within the special studies zones established under Sections 2622 and 2623 of the California Public Resources Code shall comply with ~~s~~State laws, policies, criteria, rules and regulations applicable to such work. Fees established by Chapter 7.5 of Division 2 of the California Public Resources Code shall be collected and disbursed as required by ~~s~~State law. In addition to the ~~s~~State regulations, the provisions of this ~~s~~Section shall apply when geologic investigations, mapping, aerial photographs, other acceptable data or Special Studies Zones Maps show the location of a known active earthquake fault as defined by Section 113.4.

8.04.201 Adoption of building code.

8.04.202 Copy of Palmdale Building Code maintained by City Clerk.

A copy of the ordinance codified in this ~~c~~Chapter and the California Building Code adopted herein by reference are kept in the office of the City Clerk and maintained for use and examination by the public.

8.04.203 Addition to the definitions in Chapter 7 of the Palmdale Building Code to include the local agency very high fire hazard severity zone maps.
Adopted Local Agency Very High Fire Hazard Severity Zone Maps for the City ~~of Palmdale~~ are the maps approved by the California Department of Forestry and Fire Protection in cooperation with Los Angeles County Fire Department and the City ~~of Palmdale~~ dated July 2008.

8.04.245 Adoption of Chapter 65, Signs.
A new Chapter 65, Signs, is adopted as the sign provisions of the Palmdale Building Code, to read and to be cited as follows:

CHAPTER 65 SIGNS

BUILDING LINE. For the purpose of this ~~c~~Chapter, a “property line” shall also mean a building line whose boundaries are established by a building line ordinance.

6502 – GENERAL REQUIREMENTS

6502.1 Scope.

This ~~c~~Chapter is intended to regulate the construction, erection, alteration, repair and maintenance of all signs and their supports in the City ~~of Palmdale~~ except ground signs extending not more than 6 feet (1829 mm) above grade.

6502.2 Permits.

A building permit as specified in Section 106 shall be required for every sign and sign structure regulated by this ~~c~~Chapter. Where electrical lighting illuminates signs, a separate electrical permit shall be obtained as required by the Electrical Code of the City ~~of Palmdale~~ Code.

6502.6 Materials.

Signs and their supports may be constructed of any material allowed in this ~~c~~Chapter for the classification and location of sign to be erected. Glass used in signs shall be of the size, thickness and type given in Table 65-1 of this ~~c~~Chapter.

EXCEPTION: Surfaces of signs not more than 55 feet (16,764 mm) above grade may be of plastic material, which has a flame-spread rating of 225, or less when tested pursuant to ~~in accordance with~~ B.C. Standard 8-1 in the way intended for use.

8.04.250 Adoption of Chapter 66, Special Safety Provisions.
A new Chapter 66, Special Safety Provisions, is adopted as the special safety provisions of the Palmdale Building Code, to read and to be cited as follows:

CHAPTER 66 SPECIAL SAFETY PROVISIONS

6601.1 Structures Regulated.

The provisions of this ~~c~~Chapter are intended to regulate structures that are not otherwise regulated by this code, but that affect or may affect the physical safety of human beings.

This shall include the installation, maintenance and operations of public assembly tents over 90 days, amusement devices, towers, membrane structures not regulated by Chapter 31, Division H, and other structures.

6601.2 Permits.

No person shall erect or construct or proceed with the erection or construction of any amusement device, or other structure regulated by this ~~c~~Chapter without first filing an application and obtaining a permit therefor from the Building Official. A permit shall be required each time said structure is erected or moved. Any person desiring a permit under this ~~c~~Chapter shall, when filing an application, pay the Building Official a fee as set forth in Section 107.

6601.3 Construction Requirements.

Amusement devices, and all structures, equipment or devices regulated by this ~~c~~Chapter, whether specifically mentioned or not, shall be made structurally safe, with due allowance for impact, wear and injury during use. Where not otherwise specifically provided in this code, the construction, installation, maintenance and use of everything regulated by this ~~c~~Chapter r shall provide adequate safety for the loads to which they may be subjected. A current certificate or license from the State of California for the amusement device shall serve as evidence that the device complies with the intent of this ~~s~~Section unless a visual inspection reveals otherwise.

6601.4 Certificate of Occupancy.

No structure regulated by this ~~c~~Chapter shall be used or occupied unless or until an inspection has been made and a certificate of occupancy has been issued each time said structure is erected or moved.

6601.5 Unsafe Structure or Device.

Whenever any structure or device regulated by this ~~c~~Chapter is being used or occupied contrary to the provisions of this code or in a dangerous or unsafe manner, the Building Official may order such use or occupancy discontinued by notice in writing served on any persons engaged in using or occupying or causing to be used or occupied such structure or device, and all such persons shall forthwith discontinue such use or occupancy until authorized by the Building Official to continue the same.

6602 – AMUSEMENT DEVICES

6602.1 General.

This ~~s~~Section shall regulate amusement devices or structures.

6602.2 Location on Property.

Location of structures and devices regulated by this ~~s~~Section shall be such as to provide adequate safety to the occupants of or adequate egress from said structure or device, or adjacent structures or devices, in case of fire or panic.

6602.3 Construction.

All structures or devices regulated by this ~~s~~Section shall be constructed and maintained as required in Section 6601.

6602.4 Special Safety Measures.

In case of doubt, the Building Official, at any time, may order a structure or device regulated by this ~~c~~Chapter to be tested in his or her presence with loads equal to double the weight of the proposed occupants, loaded either uniformly or eccentrically. When necessary for safety, the Building official may limit the speed of operation of such devices or order sufficient alterations to make them safe.

6602.7 Reinspection.

The Building Official may cause all structures and devices regulated by this ~~s~~Section to be reinspected, and fees for such inspection shall be paid as required by Section 107.

6603 – REBOUND TUMBLING EQUIPMENT

Rebound tumbling equipment, as used in this ~~c~~Chapter and Section 107, is a fabric bed or surface designed to provide resilience by virtue of its own elasticity or that provided by an elastic or spring suspension system, or by both, within a stable and tested frame that is intended to be used for jumping, bouncing or acrobatic tumbling.

6604 – REBOUND TUMBLING CENTER

Rebound tumbling center, as used in this ~~c~~Chapter, is a place where rebound tumbling equipment is provided and maintained for public use.

6611 – AUTOMOBILE RACING FACILITIES

6611.1 Scope.

Every person or corporation owning or operating oval and other closed track automobile racing facilities shall erect and maintain protective fencing between grandstands or bleacher areas pursuant to~~in accordance with~~ Section 6611.2. This ~~s~~Section shall not apply where racing is limited to quarter midget cars, go-carts and similar smaller vehicles.

6611.3 Curves.

For the purpose of this ~~s~~Section, curves are defined as those portions of the track having a radius of less than 1,000 feet (304.8 m) at the inside edge and shall include a distance of 50 feet (15,240 mm) from each end of the curve.

8.04.255 Adoption of Chapter 67, Security Provisions.
A new Chapter 67, Security Provisions, is adopted as the security provisions of the Palmdale Building Code, to read and be cited as follows:

CHAPTER 67 SECURITY PROVISIONS

6701 – PURPOSE

The purpose of this ~~c~~Chapter is to set forth minimum standards of construction for resistance to unlawful entry.

6702 – SCOPE

The provisions of this ~~c~~Chapter shall apply to enclosed Groups B, F, M, R and S occupancies and enclosed private garages.

6703 – LIMITATIONS

No provision of this ~~c~~Chapter shall require or be construed to require devices on exit doors or on sleeping room emergency exits contrary to the requirements specified in Chapter 10 and Section 310.4.

6704 – ALTERNATE SECURITY PROVISIONS

The provisions of this ~~c~~Chapter are not intended to prevent the use of any device or method of construction not specifically prescribed by this code when such alternate provides equivalent security based on a recommendation of the county sheriff or the City Public Safety Office.

6705 – DEFINITIONS

For the purpose of this ~~c~~Chapter, certain terms are defined as follows:

CYLINDER GUARD is a protective metal device of hardened steel, or with a hardened steel

6706.5 Identification.

Sliding glass door assemblages subject to the provisions of this ~~s~~Section shall bear a label or other approved means of identification indicating compliance with these tests. The label shall be a type authorized through a recognized testing agency that provides periodic follow-up inspection service.

6707.5 Identification.

Sliding glass window assemblages subject to the provisions of this ~~s~~Section shall bear a label or other approved means of identification indicating compliance with these tests. The label shall be a type authorized through a recognized testing agency, which provides periodic follow up inspection service.

6715.3

Other operable windows shall be provided with substantial locking devices, which render the building as secure as the devices required by this ~~s~~Section. In Groups B, F, M and S occupancies, such devices shall be a glide bar, bolt, cross bar, and/or padlock with hardened steel shackle.

8.04.260 Adoption of Chapter 68, Relocation Permits Provisions.
A new Chapter 68, Relocation Permit Provisions, is adopted as the relocation permit provisions of the Palmdale Building Code, to read and to be cited as follows:

6803 – APPLICATIONS

Every application to the Building Official for a relocation building permit shall be in writing on a form furnished by the Building Official and shall set forth such information as the Building Official may reasonably require in order to carry out the purpose of this ~~c~~Chapter.

6806 – PERMIT FEES

Relocation building permit fees for repairs or alterations to relocated buildings shall be required pursuant to~~in accordance with~~ Section 107 of this code.

6808 – PROHIBITED BUILDINGS

Except as otherwise provided in this ~~c~~Chapter, the Building Official shall not issue relocation buildings permit for any building or structure which:

property and improvements, in the district, as limited herein, to which it is to be relocated.

6810 – UNFINISHED RELOCATED BUILDINGS OR STRUCTURES

Where the work required to be done pursuant to the terms and conditions of a relocation-building permit has not been performed within the period of time allowed by such permit, or within the extension of time granted thereto in writing by the Building Official, the building or structure shall be deemed and is hereby found to be substandard. The nuisance shall be abated pursuant to~~in accordance with~~ provisions of the Housing or Abatement of Dangerous Buildings or ~~c~~City nuisance abatement codes as appropriate.

8.04.270 Adoption of Chapter 98, Unoccupied Buildings and Structures.
A new Chapter 98, Unoccupied Buildings and Structures, is adopted as the unoccupied buildings and structures provisions of the Palmdale Building Code, to read and to be cited as follows:

CHAPTER 98 UNOCCUPIED BUILDINGS AND STRUCTURES

9802 – CONTENTS OF NOTICE

9802.1

They must forthwith secure or close the building or structure to prevent unauthorized persons from gaining access thereto pursuant to~~in accordance with~~ the current FHA or VA standards for securing buildings:

9802.2

If, in their opinion, the building or structure is sufficiently secure and closed or if, for any other reason, they cannot be required to comply with Section 9802.1, within 10 days after receipt of the notice, they may request a hearing by filing with, or mailing to, the Building Official a demand for such hearing pursuant to~~in accordance with~~ the appeal provisions of this code.

9805 – SERVICE

Proper service of any notice required by this ~~c~~Chapter shall be by personal service or by first class mail upon the record owner, any lien holder and any person having control of such building or structures. In the event the Building official is unable to serve any notice on any person as specified above, proper service on such person shall be by posting the notice in a conspicuous place on the building or structure.

The failure of any owner or other person to receive a notice shall not affect in any manner the validity of any proceedings under this ~~c~~Chapter.

9808 – PROCEDURE

Except as inconsistent with any other provisions of this ~~c~~Chapter, all procedures taken by the Board of Appeals of Housing Code and Code for the Abatement of Dangerous Buildings, as appropriate and the ~~c~~City shall be as provided in this code.

9812 – BUILDING OFFICIAL

Nothing in this ~~c~~Chapter shall be deemed to preclude, prohibit or restrict the Building Official from securing the prompt demolition or repair of buildings found to be substandard or unsafe under other provisions of the code.

9814 – HEARING AS TO NECESSITY AND COST

The provisions of this ~~c~~Chapter that provide for hearings shall apply to any person having any right, title or interest in any building secured pursuant to Section 9813. Such person may request a hearing as to the necessity and reasonable cost of the work performed pursuant to Section 9813 within 10 days after the building is secured or within 10 days after receiving notice of such work.

8.04.330 Copy of electrical code maintained by City Clerk.
A copy of the ordinance codified in this ~~c~~Chapter and the California Electrical Code adopted herein by reference shall be kept in the office of the City Clerk and maintained for use and examination by the public.

8.04.340 Adoption of Palmdale Electrical Code Chapter 1, Administrative Provisions.
See PMC Section 8.04.200, (Adoption of administrative provisions for the Palmdale Building Code, Plumbing Code, Mechanical Code, Electrical Code, Residential Code and Green Building Code).

8.04.410 Definitions.
Whenever any of the following names or terms are used in the Palmdale Fire Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this ~~s~~Section as follows:

8.04.430 Fireworks – Safe and sane fireworks permitted.
A new Section 3308.2 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.2. Safe and Sane Fireworks Permitted.

A. Notwithstanding any other provision of the Palmdale Fire Code, "safe and sane" fireworks as defined by Section 12529 of the California Health and Safety Code may be sold and discharged within the City (except those areas of the City excluded in ~~s~~Subsection (C) of this ~~s~~Section) during the period beginning at 12:00 noon on the twenty-eighth day of June and ending at 12:00 noon on the fifth day of July of each year pursuant to the provisions of this ~~c~~Chapter and not otherwise.

B. No "safe and sane" fireworks may be sold or discharged on any date or time other than those specified in ~~s~~Subsection (A) of this ~~s~~Section.

C. No "safe and sane" fireworks, nor any other fireworks, may be sold or discharged in the areas of the City designated as a Very High Fire hazard Severity Zone by PMC Section 8.04.203 (Addition to the definitions in Chapter 7 of the Palmdale Building Code to include the local agency very high fire hazard severity zone maps) or in the "No Fireworks Zone."

8.04.440 Fireworks – Dangerous prohibited.
A new Section 3308.3 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.3. Dangerous Fireworks Prohibited.

Except pursuant to a license or permit issued by the Fire Marshall, it shall be unlawful for any person to possess, store, manufacture, transport, give, hold for others, offer for sale, expose for sale, sell at retail or wholesale, or use, discharge or explode, within the City, any fireworks which are classified as dangerous fireworks, as that term is defined by the Health and Safety Code of the ~~s~~State of California. Safe and sane fireworks shall include only those fireworks that have been classified and registered as "safe and sane" by the State Fire Marshal.

8.04.450 Fireworks – Permit – Required.
A new Section 3308.4 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.4. Fireworks Permit Required.

No person shall sell fireworks within the City without first having applied for and received a permit from the office of the State Fire Marshal. Additionally, no person shall sell

fireworks within the City without first having applied for and received a permit therefor in compliance with the terms of this ~~c~~Chapter.

8.04.460 Fireworks – Permit – Application – Procedure.
A new Section 3308.5 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.5. Fireworks Permit – Application – Procedure.

(A) Applications for a permit:

(2) Shall be filed with the Director of Economic and Community Development or designee based upon the following procedure and shall be approved in the order in which they are received; provided, that there are spaces available as specified in PMC Subsection 8.04.500(E) (Fireworks – Stand – Operation):

(3) Shall set forth the proposed location of any and all fireworks stands pursuant to~~in accordance with~~ the provisions of PMC Section 17.27.030 (Permits Required for Temporary Uses) ~~Chapter 2, Article 27, Section 27.03B.1(e)~~ of the Palmdale zoning ordinance;

8.04.480 Fireworks – Permit – Deposits.
A new Section 3308.7 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.7. Fireworks Permit – Deposits.

Upon receipt of written application for a permit pursuant to this ~~c~~Chapter the City Manager shall cause an investigation to be made and submit to the City Council a report of findings and recommendations for or against the issuance of the permit, together with reasons therefor. After receipt of the recommendations and report, the City Council shall have the power in its discretion to grant or deny the application. Any permit granted by the City Council may be subject to such reasonable conditions and restrictions as may be imposed by the City Council, and such conditions and restrictions shall be complied with by the permittee. The Council shall require a cash deposit with the City Clerk in the sum of $200.00 for each fireworks stand to be used by applicant, as a condition of granting a permit. One hundred dollars of the deposit shall be refunded to the permittee upon compliance with PMC Sections 8.04.500 (Fireworks – Stand – Operation) and 8.04.510 (Fireworks – Stand – Construction), but the deposit shall be forfeited and retained by the City in the event of noncompliance with PMC Sections 8.04.500 (Fireworks – Stand – Operation) and 8.04.510 (Fireworks – Stand – Construction). The other $100.00 shall be retained by the City as a license fee for the business and no other business license shall be required of the applicant for conducting the business. The amount of the fees set forth in this ~~s~~Section shall be paid, unless the City Council subsequently adopts a resolution setting forth different fees, in which event the fees provided for in said resolution shall be paid.

8.04.510 Fireworks – Stand – Construction.
A new Section 3308.10 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.10. Fireworks Stand – Construction.

(B) If, in the judgment of the Fire Department Inspector, the construction of the stands or the conduct of the operators therein do not conform to the provisions of this ~~c~~Chapter, the officer may order the stands immediately closed.

8.04.520 Responsibility.
A new Section 3308.11 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.11. Responsibility.

(A) All persons concerned in the commission of any violation of the provisions of this ~~c~~Chapter, whether it be misdemeanor, infraction or administrative violation subject to administrative penalties, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, being present, are spectators and encourage its commission, or, not being present, have advised and encouraged its commission, or knowingly allow its commission on property owned by such person, and all persons counseling, advising, or encouraging children under the age of 16 years, or mentally impaired persons, to commit any offense, or who, by fraud, contrivance, or force, occasion the drunkenness of another for the purpose of causing him to commit any offense, or who, by threats, menaces, command, or coercion, compel another to commit any offense, are principals in any offense so committed and are guilty of and responsible for any offense so committed.

(B) Any person who personally or through another wilfully, negligently or in violation of law sets a fire, allows a fire to be set, or allows a fire kindled or attended by such person to escape from his or her control, allows any hazardous material to be handled, stored or transported in a manner not pursuant to~~in accordance with~~ nationally recognized standards, allows any hazardous material to escape from his or her control, neglects to properly comply with any written notice of the chief, or wilfully or negligently allows the continuation of a violation of the Palmdale Fire Code and amendments thereto is liable for the expense of fighting the fire or for the expenses incurred during a hazardous materials incident, and such expense shall be a charge against that person. Such charge shall constitute a debt of such person and is collectible by the public agency incurring such expense in the same manner as in the case of an obligation under a contract, expressed or implied.

8.04.530 Violations and penalties.
A new Section 3308.12 is hereby added and incorporated into the Palmdale Fire Code to read as follows:

3308.12. Violations and Penalties.

(B) Every violation determined to be an infraction hereunder is punishable in such manner and to such extent as is provided by PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

(C) For the purposes of this ~~s~~Section, a forfeiture of bail shall be equivalent to a conviction.

8.04.555 Amendment to Appendix B, Fire Flow Requirements for Buildings.*
Section B105.4, Land Subdivision Projects, is amended to read as follows:

For the subdivision of undeveloped land, due to the undetermined building size and type of construction, the required fire-flow shall be 4,000 gallons per minute (18927 L/min) for duration of four hours with public hydrant spacing of 300 feet. The required fire-flow for the subdivision of land consisting of lots having existing structures shall be pursuant to~~in accordance with~~ Table B105.1 for fire-flow and duration.

* Code reviser's note: Ordinance 1410 adds this ~~s~~Section as PMC Section 8.04.550 (Amendments to Chapter 49, Requirements for Wildland-Urban Interface, of the Palmdale Fire Code). It has been editorially renumbered to avoid duplication of numbering.

8.04.610 Copy of plumbing code maintained by City Clerk.
A copy of the ordinance codified in this ~~c~~Chapter and the California Plumbing Code adopted herein by reference shall be kept in the office of the City Clerk and maintained for use and examination by the public.

8.04.630 Adoption of Palmdale Plumbing Code Chapter 1, Administrative Provisions.
See PMC Section 8.04.200 (Adoption of administrative provisions for the Palmdale Building Code, Plumbing Code, Mechanical Code, Electrical Code, Residential Code and Green Building Code)

8.04.710 Copy of mechanical code maintained by City Clerk.
A copy of the ordinance codified in this ~~c~~Chapter and the California Mechanical Code adopted herein by reference shall be kept in the office of the City Clerk and maintained for use and examination by the public.

8.04.730 Adoption of the Palmdale Mechanical Code Chapter 1, Administrative Provisions.
See PMC Section 8.04.200 (Adoption of administrative provisions for the Palmdale Building Code, Plumbing Code, Mechanical Code, Electrical Code, Residential Code and Green Building Code).

8.04.751 Copy of residential code maintained by City Clerk.
A copy of the ordinance codified in this ~~c~~Chapter and the California Residential Code adopted herein by reference shall be kept in the office of the City Clerk and maintained for use and examination by the public.

8.04.752 Adoption of the Palmdale Residential Code Chapter 1, Administrative Provisions.
See PMC Section 8.04.200 (Adoption of administrative provisions for the Palmdale Building Code, Plumbing Code, Mechanical Code, Electrical Code, Residential Code and Green Building Code).

8.04.776 Copy of green code maintained by City Clerk.
A copy of the ordinance codified in this ~~c~~Chapter and the California Green Code adopted herein by reference shall be kept in the office of the City Clerk and maintained for use and examination by the public.

8.04.777 Adoption of the Palmdale Green Code Chapter 1, Administrative Provisions.
See PMC Section 8.04.200 (Adoption of administrative provisions for the Palmdale Building Code, Plumbing Code, Mechanical Code, Electrical Code, Residential Code and Green Building Code).

8.04.820 Violations and penalties.
Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted. Upon conviction of any such violation, such person shall be punishable by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment. The provisions of this ~~s~~Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this code.

8.04.920 Violations and penalties.
Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted. Upon conviction of any such violation such person shall be punishable by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment. The provisions of this ~~s~~Section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this code.

8.04.940 Definitions amended.
(B) “Repair and demolition fund” means the ~~c~~City’s general fund.

8.05.050 Severability of unreasonable restrictions.

8.05.010 Purpose.
The purpose of this ~~c~~Chapter is to comply with Government Code Section 65850.5 and Civil Code Section 714 and to promote and encourage the use of solar energy systems by creating an expedited, streamlined permitting process for residential rooftop solar energy systems while promoting public health and safety and preventing specific adverse impacts in the installation and use of such systems. Palmdale’s unique climactic and

topographical conditions create a snow load greater than that normally found in California and, as such, the City ~~of Palmdale~~ is authorized to modify the standards found in the California Solar Permitting Guidebook.

8.05.020 Definitions.

For purposes of this ~~c~~Chapter, the following words shall have the same definitions as set forth in Government Code Section 65850.5 or Civil Code Section 714, as applicable, as they may be amended from time to time. As of the effective date of the ordinance codified in this ~~c~~Chapter, the following words and phrases are defined as follows:

(A) "Significantly" has the following meanings: For solar domestic water heating systems or solar swimming pool heating systems that comply with ~~s~~State and ~~f~~Federal l law, "significantly" means an amount exceeding 10 percent of the cost of the system, but in no case more than $1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed. For photovoltaic systems that comply with ~~s~~State and ~~f~~Federal law, "significantly" means an amount not to exceed $1,000 over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

(B) "Small residential rooftop solar energy system" means all of the following: (1) a solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal; (2) a solar energy system that conforms to all applicable ~~s~~State fire, structural, electrical, and other building codes as adopted or amended by the City, County, or City and County and Section 714(c)(3) of the Civil Code; (3) a solar energy system that is installed on a duplex or single-family dwelling; and (4) a solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

8.05.030 Expedited permitting process.

(C) Checklist Contents. The checklist and procedures may refer to the recommendations contained in the most current version of the California Solar Permitting Guidebook and adopted by the Governor's Office of Planning and Research. Such checklist must ensure that all requirements of this ~~c~~Chapter are met, including the following:

8.05.040 Permit application processing.

(C) Electronic Submission Permitted. Permit applications covered by this ~~c~~Chapter and associated supporting documentation may be submitted via email to the Building Official, but such documentation shall only be considered received on the date the Building Official personally responds via email that the documents were received. In accepting such permit applications, the Building Official shall also accept electronic signatures on all forms, applications, and other documentation in lieu of a wet signature by any applicant.

(D) Appeal. The Building Official's determination may be appealed to the Planning Commission. Such appeal shall be governed by the procedures of Division 2 (Review Procedures) of PMC Title 17 (Zoning), except that the determination of the Planning Commission shall be final and cannot be appealed to the City Council. After conducting

the public hearing, the review~~ing body~~ authority shall issue its determination in writing, based upon substantial evidence in the record.

8.05.050 Severability of unreasonable restrictions.
Notwithstanding any other provision of this code to the contrary, if, upon request of an applicant pursuant to this ~~s~~Section, the Building Official determines that any ~~s~~Section of this ~~c~~Chapter, or any method, condition or mitigation established pursuant to this ~~c~~Chapter, establishes a standard which "significantly" increases the cost of the system (see PMC Subsection 8.05.020(A)) or significantly decreases its efficiency or specified performance, or that disallows an alternative system of comparable cost, efficiency, and energy conservation benefits, then such requirement shall not be enforced by the Building Official. In such event, the Building Official will notify the Director of Economic and Community Development in writing that the official is waiving the requirement, and the reason the requirement should be waived.

8.08.010 Title.
This ~~c~~Chapter shall be known as and may be cited as the "general hazards ordinance."

8.08.020 Purpose.
The purpose of this ~~c~~Chapter is to provide minimum standards to safeguard life, limb, safety, and public welfare by requiring protection from hazardous bodies of water, wells and other defined excavations and abandoned chests not presently covered by statutes of the ~~s~~State.

8.08.030 Deputies.
Whenever, by the provisions of this ~~c~~Chapter, a power is granted to a public officer or a duty imposed upon the officer, the power may be exercised or duty performed by a deputy of the officer or by a person authorized pursuant to law by the officer, unless it is expressly otherwise provided.

8.08.040 Reference to ordinance or statute.
Whenever any reference is made to any portion of this ~~c~~Chapter, or of any other ordinance, or to any statute, the reference shall apply to all amendments and additions thereto now or hereafter made.

8.08.050 Exceptions.
Should any exception to the provisions of this ~~c~~Chapter be held invalid or should any provisions of this chapter be held invalid because of any exception, the exception shall be eliminated from the ~~c~~Chapter. The Board declares that it intends this ~~c~~Chapter to apply to every excavation which by reason of constitutional limitations cannot be excepted from the provisions of this ~~c~~Chapter and to every excavation the exception of which would invalidate this ~~c~~Chapter or any portion thereof.

8.08.070 Penalty for violation.
Violation of this ~~c~~Chapter is a misdemeanor punishable by a fine of not more than $500.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of

this ~~c~~Chapter is committed, continued or permitted constitutes the violation a separate offense.

8.08.080 Generally.
Unless the provision or the context otherwise requires, the definitions in this article shall govern the construction of this ~~c~~Chapter.

8.08.090 Article.
"Article" means an article of this ~~c~~Chapter unless some other ordinance or statute is mentioned.

8.08.160 Person.
"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, or any other group or combination acting as a unit.

8.08.170 Section.
"Section" means a ~~s~~Section of this ~~c~~Chapter unless some other ordinance or statute is specifically mentioned

8.08.250 Alternate construction.
If the City Engineer finds that any other type of construction has resulted in, or will result in, a fence or wall in all respects the equivalent in protection, strength and durability to a fence constructed as provided in PMC Section 8.08.230 (Fences), the alternate type of construction may be used.

8.08.280 City protection.
Whenever any person fails or refuses to perform any act required by this article, the City may itself cap, cover or fill the well, or the City may follow the procedure provided for in Article VIII of this ~~c~~Chapter.

8.08.320 Signs – New pools.
Every contractor or other person, firm, copartnership, association or corporation constructing any private swimming pool which is subject to the provisions of PMC Section 8.08.310 (Signs – Required) shall, upon completion of the swimming pool, erect a sign or poster which in all respects complies with the requirements of PMC Section 8.08.310 (Signs – Required).

8.08.340 Wood fences.
Wood fences shall have posts not less than three inches by three inches, spaced not over 10 feet on centers, and embedded at least 18 inches into the ground. Posts, other than redwood, shall be treated with a preservative. Fencing shall be at least one-half inch in thickness and fastened securely to at least two rails not less than two inches by three inches in cross-~~ s~~Section.

8.08.370 Alternate construction.
If the City Engineer finds that any other type of construction has resulted in, or will result in, a fence in all respects the equivalent in strength and durability to a fence constructed as provided in PMC Sections 8.08.040 (Reference to ordinance or statute), 8.08.050

(Exceptions), or 8.08.060 (Interpretation of language), such type of construction may be used.

8.08.420 Penalty for violation.
Any person owning, maintaining, operating or in possession of a pond or pool as defined in this article and who is in violation of this ~~c~~Chapter, is guilty of a misdemeanor and may be arrested and taken immediately before the magistrate by the Sheriff or released after giving his written promise to appear before the magistrate as provided in County Ordinance No. 6723.

8.08.430 Findings.
The Board finds that there are numerous bodies of water, both natural and manmade, throughout the City which are not included within the provisions of Article III, IV or V of this ~~c~~Chapter, yet are a serious hazard to children and others because of their depth, size, vegetable growth therein, nature of soil, and for many other reasons. The Board further finds that these bodies of water are attractive to children and that children will use them for boating, floating and bathing.

8.08.440 Abatement.
Whenever any body of water, whether natural or manmade, or partially natural and partially manmade, is a hazard to children because of its size, depth, vegetable growth therein, nature of soil, or for any other reason, the Board may declare by resolution such body of water to be a public nuisance and abate the hazard as provided in Article 9 (beginning with Section 50230) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, the provisions of which article are incorporated by reference as a portion of this ~~c~~Chapter.

8.08.480 Exception.
This article does not apply to any refrigerator icebox, or deep freeze locker in current use. This article does not prohibit or cover any act prohibited by Section 402b of the Penal Code or by any other ~~s~~State statute.

8.08.500 Protection.
(A) A person owning, having possession of, or in control of, any oil well shall not maintain or allow to exist thereon, any moving parts or machinery in use and/or operable at the oil well, unless the machinery or moving parts are securely enclosed by a fence complying with the provisions of PMC Section 8.08.230 (Fences), 8.08.250 (Alternate construction), or screening or housing sufficient to prevent the entry of unauthorized persons. If a fence is equipped with gates, the gates shall comply with PMC Section 8.08.240 (Gates). A single fence, screen or housing may be used to enclose more than one oil well.

8.08.520 Penalty for violation.
Any person owning, maintaining, operating or in possession of hazardous oil well machinery as defined in this article and who is in violation of this ~~c~~Chapter is guilty of a misdemeanor and may be arrested and taken immediately before the magistrate by the Sheriff or released after giving his written promise to appear before the magistrate as provided in County Ordinance No. 6723.

8.16.010 Definitions.
For the purpose of this ~~c~~Chapter, the following definitions apply:

(A) This ~~c~~Chapter applies to public eating places and food establishments as well as to restaurants as defined in this code and in Section 28522 of the Health and Safety Code.

(C) “Employee” means any person working in a restaurant, public eating place or food or beverage establishment or performing any operation covered by the provisions of this ~~c~~Chapter and the Health Code and include beverage handlers, food handlers, waiters and waitresses. Any person serving, delivering or handling any food or beverage within any restaurant, public eating place or food establishment for consideration, wages, remuneration or reward is an employee for the purposes of this ~~c~~Chapter.

8.16.020 Clean outer garments required.
All employees, as defined in this ~~c~~Chapter, while preparing, serving or handling or delivering food or beverage or utensils, shall wear clean, washable outer garments or other clean uniforms as defined in this ~~c~~Chapter.

8.16.040 Relation to statutes.
The provisions of this ~~c~~Chapter are not intended to supersede or replace the terms and provisions of the California Restaurant Act commencing with Section 28520 of the Health and Safety Code. This ~~c~~Chapter has been enacted pursuant to Section 28693 of the Health and Safety Code as an additional and more strict standard pertaining to the outer garments to be worn by employees as therein defined. Except to the extent this ~~c~~Chapter, this code, and the Health Code are more strict than Section 28686 of the Health and Safety Code as well as the terms and provisions of the California Restaurant Act, all of the terms and provisions of the California Restaurant Act and Section 28686 of the Health and Safety Code shall apply.

Chapter 8.20

8.20.110 Notice to ~~s~~State.

8.20.010 Findings and declarations.
In addition to and pursuant to~~in accordance with~~ the determination made and the authority granted by the ~~s~~State under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly

permitted in this ~~c~~Chapter, is declared to constitute a public nuisance which may be abated as such pursuant to~~in accordance with~~ the provisions of this ~~c~~Chapter.

8.20.020 Definitions.
As used in this ~~c~~Chapter:

8.20.030 Exemptions.
(A) This ~~c~~Chapter shall not apply to:

(B) Nothing in this ~~s~~Section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this ~~c~~Chapter

8.20.040 Removal from private property.
When the City Council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this ~~c~~Chapter.

8.20.050 Administrative costs.
The City Council shall from time to time determine and fix an amount to be assessed as administrative costs (excluding the actual cost of removal of any vehicle or parts thereof) under this ~~c~~Chapter.

8.20.060 Abatement – Authorized.
Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private property or public property within the City, the City Manager shall have the authority to cause the abatement and removal thereof pursuant to~~in accordance with~~ the procedures prescribed in this ~~c~~Chapter.

8.20.070 Abatement – Notice.
A 10-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by certified or registered mail to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine the ownership. The notices of intention shall be in substantially the following forms:

NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

(Name and address of last registered and/or legal owner of record of vehicle – notice should be given to both if different)

As owner shown on the last equalized assessment roll of the land located at (address), and as the last registered (and/or legal) owner of record of (description of vehicle, make,

model, license, etc.,) you are hereby notified that the undersigned pursuant to Palmdale Municipal Code Chapter 8.20 (Abandoned, Wrecked, Dismantled or Inoperative Vehicles) of ~~the Palmdale Municipal Code~~, the City of Palmdale has determined that there exists upon said land an abandoned, wrecked, dismantled or inoperative vehicle (or parts thereof) registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of (municipal code chapter number). You and each of you are hereby ordered to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and are notified that upon your failure to do so the same will be abated and removed by the City of Palmdale and the costs hereof, together with administrative costs, assessed to each of you.

You may request an administrative hearing to contest this Order and Notice by filing a Request for Hearing with the City Clerk of the City of Palmdale at 38300 Sierra Highway, Palmdale, California 95350, within 10 days after the date of this Notice of Intention to Abate and Remove. If the property or vehicle owner requests a hearing, said owner may appear in person at the hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, explaining the reasons for the denial, in lieu of appearing. The submission of such a sworn statement within the required time shall be considered a request for a hearing that does not require the presence of the owner submitting the statement. Any person who does not file a request for a hearing in the office of the City Clerk within the required time, shall have waived the right to a hearing and admitted that the vehicle or parts thereof do not constitute a public nuisance, agreed that the City has the right to and may abate the nuisance and admitted liability for the abatement costs incurred by the City.

Notice Mailed _____ (date)

s/ _____
(locally designated officer)

8.20.090 Abatement – Hearing – Procedure.

(A) All hearings under this ~~c~~Chapter shall be held before the administrative hearing officer appointed by the City Manager, who shall hear all facts and testimony he or she deems pertinent. The facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property.

(C) The hearing officer may impose conditions and take such other actions as deemed appropriate under the circumstances to carry out the purposes of this ~~c~~Chapter. The hearing officer may delay the time for removal of the vehicle or parts thereof if the circumstances justify it. At the conclusion of the hearing, the hearing officer may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as provided in this ~~c~~Chapter and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

8.20.100 Disposal.
Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, or five days from the date of mailing of notice of the decision if the notice is required by PMC Section 8.20.090 (Abatement – Hearing – Procedure), or 15 days after the decision of the hearing officer authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

8.20.110 Notice to ~~s~~State.
Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

8.20.120 Cost assessment.
If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to PMC Section 8.20.090 (Abatement – Hearing – Procedure) are not paid within 30 days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. The assessment shall have the same priority as other City taxes.

8.20.140 Refusal to remove abandoned vehicle.
It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate the nuisance when ordered to do so pursuant to~~in accordance with~~ the abatement provisions of this ~~c~~Chapter or ~~s~~State law where the ~~s~~State law is applicable.

8.20.150 Provisions supplemental.
This ~~c~~Chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the City. It shall supplement and be in addition to the other regulatory codes, statutes, and ordinances heretofore or hereafter enacted by this City, the ~~s~~State, or any other legal entity or agency having jurisdiction.

8.20.160 Administration.
Except as otherwise provided in this ~~c~~Chapter, the provisions of this ~~c~~Chapter shall be administered and enforced by the City Manager. In the enforcement of this ~~c~~Chapter such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause to be removed any vehicle or parts thereof declared to be a nuisance pursuant to this ~~c~~Chapter.

8.20.170 Penalty for violation.
Upon conviction of a violation of this ~~c~~Chapter any person so convicted shall be subject to a fine of not more than $500.00. Each act in violation of any of the provisions of this ~~c~~Chapter shall be deemed a separate offense.

Chapter 8.24
PARK AND REC

8.24.010 Title.
This ~~c~~Chapter shall be known as, and may be cited as, the “park ordinance.”

8.24.020 Definitions.
(B) “Article” means an article of this ~~c~~Chapter unless some other ordinance or statute is mentioned.

(K) “Section” means a ~~s~~Section of this ~~c~~Chapter unless some other statute or ordinance is specifically mentioned.

8.24.030 Compliance required.
A person shall not enter, be, or remain in any park unless he complies with all of the regulations set forth in this ~~c~~Chapter applicable to such park, with all rules posted at the park, and with all other applicable laws, ordinances, rules and regulations. The Director shall have the authority to order any person who violates the provisions of this ~~c~~Chapter to leave the premises of, and stay away from, any particular park. The failure to comply with an order to leave or stay away from any park is a separate offense and may be prosecuted as either an infraction or misdemeanor.

8.24.040 Power exercised by deputy.
Whenever a power is granted to, or a duty is imposed upon, the Director or other public officer, the power may be exercised or the duty performed by a deputy of the public officer or other person so authorized pursuant to law, by the Director except as otherwise provided by this ~~c~~Chapter.

8.24.050 Applicability of regulations.
The rules and regulations set forth in this ~~c~~Chapter apply to all parks as defined in PMC Section 8.24.020 (Definitions) except as otherwise expressly stated.

8.24.090 Fireworks.
A person shall not take or transport into any park, or have in his possession therein, or fire or discharge therein, any firecracker, rocket, torpedo, fireworks, or other explosive substance. This ~~s~~Section shall not apply to a “pyrotechnic operator,” as defined by Health and Safety Code Section 12527, providing a “public display of fireworks,” as defined by Health and Safety Code Section 12524, authorized by the City.

This ~~s~~Section shall not apply to the temporary transport, storage and sale of safe and sane fireworks as permitted by PMC Section 8.04.430 (Fireworks – Safe and sane fireworks permitted) et seq. if the City Manager or his or her designee has approved the park site for temporary lease for the purpose of fireworks sales. The City Manager may place limitations and requirements on fireworks booths in City parks that he or she deems appropriate for City facilities such as rent, increased insurance, indemnity and other requirements. All other provisions of this code relating to fireworks, including, but not limited to, the application process, permitting requirements, deposits, eligibility, operation, booth construction and related regulations, shall apply.

8.24.110 Fires.
A person shall not light or maintain any fire in any park other than in a stove, fire circle, or area designated for such purpose, except upon written authorization from the Director. All fires lighted or maintained pursuant to this ~~s~~Section shall be in compliance with all applicable rules and regulations of the County air pollution control district and any Fire Department having jurisdiction over the respective park areas.

8.24.130 Animals.
A person shall not bring into a park any cattle, horse, mule, goat, sheep, swine, reptile, fowl, or other animal of any kind except as specifically provided in this ~~c~~Chapter or as otherwise permitted by the Director.

8.24.140 Dogs and cats.
(A) Except as provided below, a person may bring and maintain in any outdoor park a dog or cat.

(B) Dogs and cats are prohibited at the following facilities: DryTown Water Park, Palmdale Amphitheater, and Best of the West Softball Complex.

(E) Except as provided in PMC Section 8.24.141 (Dog exercise and recreation areas), all dogs and cats must be kept on a leash or chain, not exceeding six feet in length, at all times while on park property.

8.24.141 Dog exercise and recreation areas.
(A) The Director is authorized to designate individual parks, or portions thereof, as dog exercise and recreation areas. These areas may be referred to as “dog parks” or “authorized off-leash areas.” The Director is authorized to promulgate rules and regulations regarding the nature and use of the dog exercise and recreation areas and shall post such rules and regulations at, or near, each dog exercise and recreation area. It shall be unlawful to violate any rule or regulation of this ~~c~~Chapter or any rule or regulation posted at, or near, a dog exercise and recreation area.

(D) The presence of a dog in a designated dog exercise and recreation area shall constitute implied consent of the person either owning or controlling the dog to the regulations imposed by the PMC~~Palmdale Municipal Code~~ and the Director.

(E) The presence of a dog in a designated dog exercise and recreation area shall constitute a waiver of liability, on behalf of the person owning and controlling the dog, to the City~~ of Palmdale~~, as well as an agreement and undertaking to protect, indemnify, defend, and hold harmless the City~~ of Palmdale~~ for any injury or damage caused by the dog.

8.24.180 Motor vehicles.
A person shall not bring to, or operate in, any park any motor vehicle except at such times and at such places as permitted by the Director in written regulations or permits issued by him from time to time, and any such operation of a motor vehicle shall be pursuant to~~in accordance with~~ the conditions contained in the regulation or permit. A person shall not park any motor vehicle in any park except in areas designated by the Director for parking.

8.24.185 Skateboards, roller skates, scooters and bicycles.
(A) A person shall not skate, use, ride or otherwise operate a skateboard, roller skates, scooter, or a bicycle, as defined in PMC Section 8.24.020 (Definitions) and 8.32.010 (Definitions), in any park.

(B) Notwithstanding ~~s~~Subsection (A) of this ~~s~~Section, a person may skate, use, ride or operate roller skates or a skateboard in a skatepark as set forth in and in compliance with the provisions of PMC Chapter 8.32 (Skateboards, Roller Skates and Bicycles)~~PMC~~.

(C) Notwithstanding ~~s~~Subsection (A) of this ~~s~~Section, a person may use, ride, or otherwise operate a bicycle in a park specifically designated and posted for that purpose by the Director.

(D) Any person who violates this ~~s~~Section is guilty of an infraction.

8.24.210 Vending.
(A) Vending is allowed in City parks subject to the following regulations:

(1) All sidewalk vendors must comply with the applicable regulations in PMC Section 5.04.590 (Sidewalk vending);

(5) Vending is prohibited in, or within the immediate vicinity of, any park area subject to a rental agreement or during any special event. For purposes of this ~~s~~Section, "special event" shall mean any ~~c~~City event and any community event subject to a special event permit or temporary use permit pursuant to PMC Section 17.26.100 (Temporary Use and Special Event Permits)~~Chapter 17.27 PMC~~. This prohibition shall only be effective for the limited duration of the rental agreement or event;

(6) No vending shall be allowed in any pool area. For purposes of this ~~s~~Section, "pool area" shall mean any pool or water park attraction and any adjacent area circumscribed by a fence or building.

(D) This ~~s~~Section shall not apply to:

(2) Any persons authorized to vend in City parks pursuant to a special event permit or temporary use permit issued pursuant to~~in accordance with~~ PMC Section 17.26.100 (Temporary Use and Special Event Permits)~~Chapter 17.27 PMC~~.

8.24.240 Hours.
A person shall not enter, be, or remain in any park or in any building in any park between the hours of 10:00 p.m. and 6:00 a.m. except where such person is camping as provided for under PMC Section 8.24.260 (Overnight camping) or as authorized by a written permit issued by the Director. The Director may, from time to time, change the hours of use as stated in this ~~s~~Section for any individual park by posting the hours at the entrance of the park. All persons shall comply with the changed hours.

8.24.250 Recreational vehicles.
A person shall not bring a recreational vehicle, as defined in PMC Section 15.28.010

(Definitions), into any park not having a designated overnight camping area except when authorized by the Director, City Manager, or the City Manager's designee.

8.24.260 Overnight camping.
(A) A person shall not camp or sleep overnight in any park except where a family-type camping area is so designated and then only pursuant to~~in accordance with~~ the rules and regulations governing the use of the area. The Director may issue a permit to any youth group of a character-building nature and to any special interest group

8.24.290 Posted property.
A person shall not operate any motor vehicle on or over any firebreak or any fire protection roads which are posted against public use or operate any motor vehicle on or over any riding or hiking trail, including a riding and hiking trail established under Article 6 of Chapter 1 of Division 5 of the Public Resources Code of the ~~s~~State.

8.24.291 Indoor City recreation or activity centers.
In addition to all City ordinances, ~~s~~State and ~~f~~Federal laws, and any other applicable laws, rules, and regulations, the following applies specifically to the park facilities known as the Hammack Activity

8.24.292 Palmdale Amphitheater.
In addition to all City ordinances,~~ s~~State and ~~f~~Federal laws, and any other applicable laws, rules, and regulations, the following apply specifically to the park known as the Palmdale Amphitheater:

8.24.293 DryTown Water Park.
In addition to all City ordinances, ~~s~~State and ~~f~~Federal l laws, and any other applicable laws, rules, and regulations, the following apply specifically to the park known as the DryTown Water Park:

8.24.294 Best of the West Softball Complex.
In addition to all City ordinances, ~~s~~State and ~~f~~Federal laws, and any other applicable laws, rules, and regulations, the following apply specifically to the park known as the Best of the West Softball Complex:

8.24.300 Personal liability.
A person exercising any of the privileges authorized by this ~~c~~Chapter does so at his own risk without liability on the part of the City, their officers, employees and agents for death or injury to persons or damage to property resulting therefrom.

8.24.310 Enforcement.
The Director shall enforce the provisions of this ~~c~~Chapter.

8.24.320 Penalty for violation.
Any person who, within the incorporated territory of the City, violates any provisions of this ~~c~~Chapter, the conditions of any permit issued pursuant thereto, or any rule or regulation relating to parks, is guilty of a misdemeanor. Upon conviction thereof, he shall be punishable by a fine of not less than $5.00 nor more than $200.00 or by imprisonment

in the County Jail for not less than five days nor more than six months, or by both such fine and imprisonment.

8.25.010 Ambulance service authorized.
Pursuant to Section 38794 of the Government Code of the ~~s~~State, the City is authorized to contract for the furnishing of ambulance services to residents of the City.

8.28.010 Definitions.
As used in this ~~c~~Chapter:

(B) "Section" means a ~~s~~Section of this ~~c~~Chapter.

(C) Reference to Ordinance or Statute. Whenever any reference is made to this ~~c~~Chapter, or any other ordinance, or to any statute, such reference shall apply to all amendments and additions thereto, now or hereafter made.

8.28.030 Construction noise prohibited in residential zones.
Except as otherwise provided in this ~~c~~Chapter, no person shall perform any construction or repair work on any Sunday, or any other day after 8:00 p.m. or before 6:30 a.m., in any residential zone or within 500 feet of any residence, hotel, motel or recreational vehicle park. For the purposes of this ~~s~~Section, construction and repair work includes work of any kind upon any building or structure, earth excavating, filling, or moving, and delivery, preparation or operation of construction equipment, materials or supplies where any of the foregoing entails the use of an air compressor, jack hammer, power-driven drill, riveting machine, excavator, semi-truck, diesel power truck, tractor, cement truck, or earth moving equipment, hand hammer, or other machine, tool, device or equipment which makes loud noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness sleeping or residing in the area.

8.28.040 Exceptions.
The provisions of PMC Section 8.28.030 (Construction noise prohibited in residential zones) do not apply to any person who performs the construction, repair, excavation or earth moving work involved pursuant to the express written permission of the City Engineer to perform such work at times prohibited in PMC Section 8.28.030 (Construction noise prohibited in residential zones). Upon receipt of an application in writing therefor, stating the reasons for the request and the facts upon which such reasons are based, the City Engineer may grant such permission if he finds that:

(B) Hardship, injustice or unreasonable delay would result from the interruption thereof during the hours and days specified in PMC Section 8.28.030 (Construction noise prohibited in residential zones); or

8.28.050 Appeals.
Any person dissatisfied with the decision of the City made pursuant to the provisions of this ~~c~~Chapter may appeal therefrom to the administrative hearing officer appointed pursuant to PMC Chapter 1.20 (Administrative Citations), within 15 days of the date of the decision, by filing with the City Clerk a written notice of appeal, briefly stating in the notice the grounds relied upon for appeal. If the appeal is made within the time prescribed,

the City Clerk shall cause the matter to be set for hearing before the administrative hearing officer, to be held within 45 days from the date of receipt of the notice of appeal, giving the appellant not less than five days' notice in writing of the time and place of hearing. The findings and determinations of the administrative hearing officer at the hearing shall be final and conclusive, and within three days after the findings and determinations are made, the City Clerk shall give notice thereof to the appellant.

In the event no appeal is taken by the permittee, the decision of the City Engineer shall become final and conclusive on the expiration of the time fixed in this ~~s~~Section for appeal.

8.28.060 Exemptions – Generally.
The provisions of PMC Section 8.28.030 (Construction noise prohibited in residential zones) do not apply to the construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property when such necessity arises during such hours as the offices of the City are closed, or where such necessity requires immediate action prior to the time at which it would be possible to obtain a permit pursuant to PMC Section 8.28.040 (Exceptions), if the person doing such construction, repair or excavation obtains a permit therefor within one day after the office of the City Engineer is first opened subsequent to the making of such construction, repair or excavation.

8.28.070 Exemptions for public utilities.
The provisions of PMC Section 8.28.030 (Construction noise prohibited in residential zones) do not apply to the construction, repair, or excavation by a public utility which is subject to the jurisdiction of the Public Utilities Commission as may be necessary for the preservation of life or property and where such necessity makes it necessary to construct, repair, or excavate during the prohibited hours.

8.28.080 Exemptions in nonresidential zones.
Repealed by Ord. 1335.

8.28.090 Violations – Penalties.
Any person violating any provision of this ~~c~~Chapter r is guilty of a misdemeanor punishable by a fine of not more than $500.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. Every such person is guilty of a separate offense for every day during any portion of which any violation of any of the provisions of this ~~c~~Chapter is committed, continued, or permitted by such person and shall be punished as provided by this ~~c~~Chapter.

8.32.010 Definitions.
As used in this ~~c~~Chapter, the following terms shall have the following meanings:

8.32.040 Applicability.
The provisions of this ~~c~~Chapter shall not be applicable to any person merely walking a bicycle or carrying a skateboard or roller skates in the areas designated herein, except that any person within the confines of a skate park shall wear a helmet, elbow pads, and knee pads at all times. The provisions of this ~~c~~Chapter shall not be applicable to any Peace Officer who, in the performance of official duties, operates a bicycle upon or over

any parking lot, private roadway, street, sidewalk or walkway of any shopping center, or skate park within the City.

8.32.045 Skate parks.
(A) It is unlawful for any person to skate, use, ride or otherwise operate any skateboard at any skate park located on property owned by the City, unless that person is:

(2) Twelve years of age or older, unless accompanied by a responsible adult. "Responsible adult" has the same meaning as in PMC Section 9.25.010 (Definitions).

(D) Signs shall be posted at all skate parks affording reasonable notice that:

(2) Any person violating any of the provisions of this ~~s~~Section is subject to citation under the provisions of this code.

8.32.050 Violations.
Any person violating or failing to comply with any provision, regulation, or requirement of this ~~c~~Chapter shall be deemed guilty of a violation pursuant to PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

8.34.010 Title.
This ~~c~~Chapter shall be known and may be cited as "the ordinance regulating smoking."

8.34.020 Findings and purpose.
The City Council makes the following findings and statement of purpose with respect to the adoption of the ordinance codified in this ~~c~~Chapter:

(A) Scientific studies conducted by the Surgeon General of the United States and the United States Environmental Protection Agency have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand and sidestream smoke is a significant health hazard to children and teenagers, elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function.

(D) The City Council finds and determines that the City is authorized under its police power to implement and enforce this ~~c~~Chapter in order to protect the public health, safety and welfare of its residents and visitors by prohibiting smoking in certain public places and places of employment; to guarantee the rights of nonsmokers to breathe smoke-free air; and to recognize that the need to breathe tobacco smoke-free air has priority over the desire to smoke.

8.34.030 Definitions.
For the purpose of this ~~c~~Chapter certain words and phrases shall be defined as follows:

"Restaurant" means any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, including any associated outdoor eating area, and any other eating establishment which gives or offers for sale food to the public, guests or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere, including catering facilities, except that the term "restaurant" shall not include a cocktail lounge or bar as defined in this ~~s~~Section.

8.34.040 City-owned, leased or operated facilities.
(A) All enclosed facilities which are owned, leased or operated by the City, including vehicles, shall be subject to the provisions of this ~~c~~Chapter.

(C) Notwithstanding the provisions of ~~s~~Subsection (B) of this ~~s~~Section, smoking shall be prohibited, except in those areas designated as smoking areas, at the following facilities:

(D) The City Manager, or his or her designee, is authorized to establish, and change, the designated smoking area(s) for each facility identified in ~~s~~Subsection (C) of this ~~s~~Section. The City Manager, or his or her designee, shall conspicuously post, or cause to be posted, at every designated smoking area, signs identifying that area as a location where smoking is permitted.

8.34.050 Regulation of smoking in enclosed public places.
(A) Smoking shall be prohibited in all enclosed public places located within the City during the time such places are open for use by the general public, including but not limited to the following:

(6) Waiting rooms, hallways, wards and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctor's offices and dentist's offices, except that such health facilities shall also be subject to the provisions of PMC Section 8.34.060 (Regulation of smoking in places of employment) regulating smoking in places of employment;

(8) Retail food marketing establishments, including grocery stores and supermarkets, except those areas not open to the general public and those areas of such establishments set aside for the serving of food and beverages which are regulated by other ~~s~~Sections of this ~~c~~Chapter;

(10) Any restaurant; provided, that any owner, operator or manager of a restaurant regulated by this ~~c~~Chapter may, by signs, designate no more than 50 percent of the total seating area capacity as a smoking area;

(B) Notwithstanding any other provision of this ~~c~~Chapter, any owner, operator, manager or other person who controls any establishment described in this ~~c~~Chapter may declare the entire establishment as a nonsmoking establishment.

8.34.060 Regulation of smoking in places of employment.
(A) All employers shall adopt a written smoking policy and make it available to all current and prospective employees within 90 days of the effective date of this ~~c~~Chapter. This policy shall include the treatment of private offices occupied exclusively by smokers, and shall require the posting of appropriately sized "no smoking" signs where applicable. It shall be the responsibility of employers to provide smoke free areas for nonsmokers within facilities to the extent reasonably possible, but employers are not required to incur any expense to make structural or other physical modifications in providing such areas. The total area designated for nonsmokers and smokers shall be determined by each employer pursuant to~~in accordance with~~ one of the following methods:

(B) Notwithstanding any other provision of this ~~s~~Section, every employer shall have the right to designate the entire work place as a nonsmoking establishment.

8.34.070 Places where smoking is not regulated.
(A) Notwithstanding any provisions of this ~~c~~Chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this ~~c~~Chapter:

(B) Notwithstanding any other provision of this ~~s~~Section, any owner, operator or other person who controls any establishment described in this ~~s~~Section may declare that entire establishment as a nonsmoking establishment.

8.34.080 Separation of nonsmoking and smoking areas.
(C) The interior design of new construction shall accommodate smoking and nonsmoking areas where required by this ~~c~~Chapter.

8.34.090 Request for modification or exemption.
(A) Any owner, operator or manager of an establishment or other workplace subject to the provisions of this ~~c~~Chapter may request a modification or an exemption from said requirements due to financial hardship, based upon the cost of complying with the provisions of this ~~c~~Chapter.

(B) Said request shall be submitted in writing to the City's Planning Division ~~epartment~~ and shall be subject to a public hearing before the City's Hearing Officer.

(C) Approval of a modification or exemption request may be granted only upon a finding made by the review~~ing~~ authority upon evidence presented by the applicant prior to or at the public hearing that it would be a financial hardship for the applicant to comply with the requirements of this ~~c~~Chapter.

8.34.100 Sign posting requirements.
(A) Every owner, operator or person having control of a building or workplace where smoking is regulated by this ~~c~~Chapter shall conspicuously post or cause to be posted in every such building or workplace "smoking" or "no smoking" signs, as applicable, with individual letters of not less than three inches in height, or with the international no smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it).

(B) Any owner, manager, operator or employee of any establishment regulated by this chapter may inform persons violating this ~~c~~Chapter of the appropriate provisions thereof.

8.34.120 Violations and penalties.
(A) It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this ~~c~~Chapter to fail to comply with any of its provisions.

(B) It is unlawful for any person to smoke in any area where smoking is prohibited by any provision of this ~~c~~Chapter.

(C) Violation of any provision of this ~~c~~Chapter shall be punishable as set forth in PMC Title 1 (General Provisions).

8.34.130 Prohibition of retaliation.
It is unlawful for an employer or other person to discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights to a smoke-free environment afforded by this ~~c~~Chapter.

8.34.140 Applicability of other laws.
This ~~c~~Chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted or prohibited by other applicable laws.

8.34.150 Severability.
If any ~~s~~Section, ~~s~~Subsection, paragraph, sentence, clause or phrase of this ~~c~~Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ~~c~~Chapter. The City Council declares that it would have adopted this ~~c~~Chapter, and each ~~s~~Section, ~~s~~Subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more ~~s~~Sections, ~~s~~Subsection, phrases or portions be declared invalid or unconstitutional.

8.36.030 Authority.
The definitions set forth in PMC Chapter 1.20 (Administrative Citations) ~~PMC~~ are applicable to this chapter.

8.36.050 Conditions constituting a nuisance.
(C) Nuisances Affecting Structures and Structural Components. Structures or buildings, both permanent and temporary, or other improvements, including, but not limited to, walls, fences, pools, slabs and utility extensions, which exhibit any of the following conditions are deemed to be nuisances:

(15) Any swimming or architectural pools or spas not properly maintained so as to create a safety hazard or harbor insect infestation, or create a visible deteriorated or blighted appearance, including but not limited to: water in such pools or spas which has been allowed to stagnate, or to become stale or foul through lack of circulation; pools in which the bottom and sides of the pool or spa are not reasonably free of sediment, dirt, slime and algae; water not sufficiently clear so that the main drain outlet is clearly visible to an adult standing on the pool deck; a lack of fencing or other barriers required for swimming pool and spa enclosures as required by PMC Chapter 8.08 (General Hazards)~~PMC~~, and premises constituting a safety hazard inclusive of, but not limited to, lack of security, water stagnation, or abandoned pools, regardless of whether or not there is water in the pools;

8.36.060 Public nuisance.
Any condition qualifying as a nuisance as defined in PMC Section 8.36.050 (Conditions constituting a nuisance) as well as any violation of this chapter, any other provision of the Palmdale Municipal Code, adopted or uniform codes of the City, or State or Federal law

enforceable by the City shall constitute a public nuisance subject to abatement by any means available by law.

8.36.160 Administrative hearing – Procedures.
(C) The person requesting a hearing may appear at the hearing in person or by written declaration executed under penalty of perjury. Said declaration and any documents in support thereof shall be tendered to and received by the office of the City Clerk (or designee) at least three City business days prior to the hearing. If such person fails to attend the scheduled hearing and does not submit a written declaration in a timely manner, he or she shall be deemed to have waived the right to a hearing. In such an instance, the Hearing Officer shall issue an abatement order and judgment in favor of the City. Notice of such final abatement order shall be given in accordance with PMC Section 8.36.130 (Notice and order to abate)(C).

(D) At the hearing, the Hearing Officer shall accept reliable evidence from any person if such evidence bears on the issue of whether violations of law constituting a nuisance as stated in the notice and order to abate exist on the subject property. The Hearing Officer is authorized to take testimony and is authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure Section 2093(a). The City may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony at the hearing in accordance with PMC Section 2.08.090 (Mayor to sign subpoenas).

8.36.160 Administrative hearing – Procedures.
Notwithstanding any other provision of this code, whenever the City Manager, or his or her designee, determines that a nuisance, as defined in this chapter or in any other applicable law, exists, and that such nuisance constitutes an immediate threat, hazard or danger to persons or property, the City Manager, or his or her designee, without observing the procedures set forth in this chapter with reference to nuisance abatement, may forthwith immediately cause the abatement of such nuisance in such manner as the City Manager, or his or her designee, determines is reasonably required. If the City Manager, or his or her designee, deems it feasible, the City Manager, or his or her designee, shall attempt to give the owner and any occupants verbal notice of the existence of the nuisance, and the proposed timing and method of abatement thereof. The City Manager, or his or her designee, shall, forthwith, report such circumstances to the City Council. The City shall notify in writing the owner of the property upon which the nuisance was located, the place or area upon which the nuisance was abated by the City, and the cost of the abatement. Such notification shall be given in the same manner described in PMC Section 1.20.050 (Service of citation) for service of administrative citations and conspicuously posted on the property containing the abated nuisance. The City may recover the costs of abatement as set forth in this chapter. The City may seek a civil abatement warrant through a court of competent jurisdiction.

8.36.200 City expenses – Recovery of costs.
(A) After the abatement of any nuisance authorized under this chapter, any provision of this code, adopted codes, or provisions of State or Federal law that the City may enforce,

unless abatement is achieved through court action, in which case, the City may utilize the procedure in this section if it so determines necessary as the case may be, the City shall thereupon serve the owner of the property where the nuisance exists a statement of costs of abatement. Service shall be made pursuant to PMC Section 8.36.100 (Formal notice of substandard property) (C). The costs shall become a debt against the property upon which the nuisance existed, as well as a debt in favor of the City and against each person or entity who permitted, allowed, created, maintained or authorized the creation or maintenance of the nuisance. Payment of the costs of abatement shall be due on the date of the statement of costs, unless timely and properly appealed as provided in this section.

(C) Request for Hearing On Reasonableness of Costs of Abatement.

(1) The owner of the property where the nuisance exists may contest the reasonableness

(3) The timing for the hearing, the notice of the hearing and the procedures of the hearing, shall be conducted as provided in PMC Sections 8.36.150 (Hearing on contest to the notice and order to abate) and 8.36.160 (Administrative hearing – Procedures). However, in those sections where reference is made to the existence of a nuisance, for purposes of this section, the references should be understood as referring to the reasonableness of the costs of abatement.

(4) Based upon the evidence regarding the reasonableness of the costs of abatement, the Hearing Officer shall determine whether the costs of abatement in the statement of the costs of abatement were reasonable. As soon as is practicable following the close of such hearing, and no later than 14 business days following the close of the hearing unless cause exists therefor, the Hearing Officer shall render a written decision on the matter. If the costs of abatement were found to be reasonable or the Hearing Officer found another cost reasonable based on the evidence, the Hearing Officer shall issue an order requiring the payment of the costs of abatement in a reasonable time and manner as set forth in the order and shall also notify the owner that in the event the owner fails reimburse the City within the time prescribed, the City will have the option to ensure reimbursement in accordance with the provisions of PMC Chapter 8.36 (Regulation of Property Maintenance) ~~PMC~~ and other available remedies under the law. The hearing officer shall promptly give written notice to the person requesting the hearing and to the owner(s) and any other interested person who requests, in writing, notice of such decision, including a copy of the order. The order issued by the Hearing Officer shall be deemed a final order and may be judicially reviewed pursuant to California Code of Civil Procedure Section 1094.6.

(5) If the owner fails to reimburse the City after a final order, the City will have the option to ensure reimbursement in accordance with the provisions of PMC Chapter 8.36 (Regulation of Property Maintenance) ~~PMC~~ and other available remedies under the law.

8.36.240 Judicial and other remedies.

(B) Where a civil action is filed, if the court issues an order or a judgment which finds a nuisance to exist, and orders or approves the abatement of the nuisance, or where the

court validates the City's claim for reimbursement for costs of abatement of a nuisance, the court may also award the City its actual and reasonable costs of abatement, including, without limitation, reasonable attorneys' fees incurred by the City in such judicial proceeding as provided in PMC Section 8.36.210 (Recovery of attorneys' feed – Prevailing party).

8.38.010 Purpose – Scope.

It is the purpose and intent of the Palmdale City Council, through the adoption of this ~~c~~Chapter, to establish an abandoned or vacant property registration program as a mechanism to protect neighborhoods and commercial areas from becoming blighted through the lack of adequate maintenance and security of abandoned and vacated properties.

8.38.020 Definitions.

For the purposes of this ~~c~~Chapter, certain words and phrases used in this ~~c~~Chapter are defined as follows:

"Beneficiary/trustee" means both the beneficiary and the trustee. When any act is required of the beneficiary/trustee by this ~~c~~Chapter, both are responsible for performing such act and may be charged with a violation of this code for failure to act. However, it is sufficient if it is accomplished by either one. If information is required to be provided,

8.38.030 Registration.

Any beneficiary/trustee, who holds a deed of trust on a property located within the City ~~of Palmdale~~, shall perform an inspection of the property that is the security for the deed of trust, upon default by the trustor, prior to recording a notice of default with the Los Angeles County Recorder's Office. If the property is found to be vacant or shows evidence of vacancy, it is, by this ~~c~~Chapter, deemed abandoned and the beneficiary/trustee shall, within 10 days of the inspection, register the property with the Planning Director on forms provided by the City.

(F) Any person, firm or corporation required to register a property pursuant to this ~~c~~Chapter must report any change of information contained in the registration within 10 days of the change.

8.38.040 Inspection and registration of previously abandoned properties.

Any beneficiary/trustee who holds a deed of trust on a property located within the City ~~of Palmdale~~, which property is, on the effective date of the ordinance codified in this ~~c~~Chapter: (1) under a current notice of default; (2) under a current notice of trustee's sale; (3) pending a tax assessor's lien sale; (4) that has been subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; and (5) which was transferred under a deed in lieu of foreclosure/sale, shall, on or before June 30, 2008, perform an inspection of the property that is the security for the deed of trust. If the property is found to be vacant or shows evidence of vacancy, it is, by this ~~c~~Chapter, deemed abandoned and the beneficiary/trustee shall, within 10 days of the inspection, register the property with the Planning Director on forms provided by the City.

8.38.050 Maintenance requirements.

Responsible persons, including beneficiaries/trustees, shall maintain properties subject to inspection and/or registration pursuant to this ~~c~~Chapter, as required by PMC Chapter 8.36 (Regulation of Property Maintenance)~~PMC~~ and any other applicable provisions of ~~f~~Federal, ~~s~~State or local law, and shall keep such properties free of weeds, dry brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by ~~f~~Federal, ~~s~~State or local law, discarded personal items including but not limited to furniture, clothing, large and small appliances, or printed material and shall take any other action necessary to

(B) Visible front and side yards shall be landscaped and maintained pursuant to~~in accordance with~~ City requirements and neighborhood standards.

(F) Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the ~~s~~State of California.

8.38.060 Security requirements.

Responsible persons, including beneficiaries/trustees, shall secure properties subject to inspection and/or registration pursuant to this ~~c~~Chapter, in a manner to prevent access by unauthorized persons, including but not limited to the following: the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows securing means the re-glazing or boarding of the window. Responsible persons shall do the following:

(A) If the responsible person is a corporation and/or out-of-area beneficiary/trustee/owner, a local property manager shall be hired to perform weekly inspections to verify that the requirements of this ~~c~~Chapter, and any other applicable laws, are being met.

(C) The responsible person or local property manager shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this ~~c~~Chapter.

8.38.070 Additional authority.

In addition to the enforcement remedies established in PMC Chapters 1.16 (Enforcement), 1.20 (Administrative Citations), 8.10 (Public Nuisances and Abatement Procedures) and 8.36 (Regulation of Property Maintenance) ~~PMC~~, the Director of Economic and Community Development/designee shall have the authority to require the responsible person of any property affected by this ~~s~~Section to implement additional maintenance and/or security measures including but not limited to securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard, disconnecting utilities and removing the meter boxes, or other measures as may be reasonably required to arrest the decline of the property and prevent unauthorized entry.

8.38.080 Enforcement.
Violations of this ~~c~~Chapter may be enforced in any combination as allowed in PMC Chapters 1.16 (Enforcement), 1.20 (Administrative Citations), 8.10 (Public Nuisances and Abatement Procedures) and 8.36 (Regulation of Property Maintenance) ~~PMC~~.

8.38.090 Violation – Penalty.
Violations of this ~~c~~Chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this ~~s~~Section shall be subject to prosecution and/or administrative enforcement as provided in PMC Title 1 (General Provisions) and subject to the penalties set forth therein. It shall constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this ~~c~~Chapter is committed, continued, or permitted by any person, and such person shall be punished accordingly.

8.40.005 Purpose.
The City Council of the City ~~of Palmdale~~ finds and declares that there exist in the City ~~of Palmdale~~ substandard and unsanitary residential buildings and dwelling units the physical conditions and characteristics of which violate ~~s~~State housing and technical codes and render them unfit or unsafe for human occupancy and habitation, and which are detrimental to or jeopardize the health, safety, and welfare of their occupants and of the public.

For these reasons, it is hereby declared to be the policy of the City ~~of Palmdale~~:

(B) That the adoption of this ~~c~~Chapter protects and promotes the health, safety, and welfare of the people of Palmdale.

8.40.010 Scope.
The Comprehensive Residential Rental Unit (CRRU) inspection program shall apply to all properties within the City ~~of Palmdale~~ with residential rental units; except that hotels and motels subject to the transient occupancy tax pursuant to PMC Chapter 3.24 (Transient Occupancy Tax) ~~PMC~~ shall be exempt. All properties subject to this ~~c~~Chapter shall be inspected by the Building Official or his designee for compliance with the City ~~of Palmdale~~ housing and property maintenance standards.

8.40.015 Definitions.
The following definitions shall apply to this ~~c~~Chapter:

“Building Official” means the City Building Official, or his designee, who shall possess all statutorily mandated certifications to enforce ~~s~~State building and construction codes.

“Certificate of compliance” means a certificate issued by the Building Official for residential rental unit properties, certifying compliance with this ~~c~~Chapter and the housing and property maintenance standards of the City ~~of Palmdale~~.

“Frequency upgrade” means modifying the inspection frequency to extend the length of time between re-registration and renewal of certificate of compliance of a residential rental unit.

“Housing and property maintenance standards” means the health, safety, and technical construction codes as amended, adopted and incorporated by reference in PMC Chapters 8.04 (Adoption of Health, Safety and Technical Construction Codes) and 8.08 (General Hazards) ~~PMC~~ and in the property maintenance standards set forth in PMC Chapter 8.36 (Regulation of Property Maintenance) ~~PMC~~.

8.40.020 Registration required.

All owners of residential rental units shall register each such unit with the Building Official and comply with all the requirements of this ~~c~~Chapter within 60 days of acquiring ownership, or within 60 days of a property being converted to a residential rental unit or being converted to include a residential rental unit. A fee shall not be required to register new construction, which shall not require re-registration for five years unless its certificate of compliance is terminated or otherwise expires.

8.40.030 Inspections.

All rental properties shall be inspected for compliance with City ~~of Palmdale~~ housing and property maintenance standards. The owner shall provide access for inspection within 10 working days of the Building Official’s request. The Building Official in his discretion may require inspections by other City departments and/or Los Angeles County enforcement agencies, including, but not limited to, the County Health Department and Fire Department.

8.40.035 Certificate of compliance.

(A) Owners of all residential rental units shall have obtained and maintain for them a valid and current certificate of compliance. All residential rental units that do not have a certificate of compliance, and their owners, shall be in violation of this ~~c~~Chapter unless all registration requirements have been met by the owner and site inspections have not been completed through no fault or lack of action by the owner.

(B) A certificate of compliance shall be issued for all residential rental units upon completion of the following:

(4) The residential rental unit property is posted as follows:

(a) One to four units: a property management posting sign as defined in PMC Section 8.40.015 (Definitions) shall be posted in a prominent outdoor location and in a manner approved by the Building Official.

(C) Issuance of a certificate of compliance shall not constitute a guarantee or warranty of the habitability or complete compliance with the City housing and property maintenance standards, and the occupant of any residential rental unit shall not rely on the certificate of compliance as such a guarantee or warranty. The certificate of compliance shall contain a notice to this effect. The City shall not assume any liability to any person by reason of the inspections required by this ~~c~~Chapter or the issuance of a certificate of compliance. Certificates of compliance shall expire on the expiration date shown on the certificate and shall be renewed prior to such date. The Building Official shall determine the expiration dates of certificates of compliance and inspection frequency based on the nature of violations found during the residential rental unit inspections, the following

registration and inspection frequency schedule, in conjunction with his review of past compliance violations within the preceding 12 months.

8.40.050 Complaints and violations.
Upon receipt of a complaint of violations of the housing and property maintenance standards, the Building Official shall inspect the pertinent unit(s) and/or area(s) of the property. All violations shall be corrected and reinspected within the time specified on the notice and order of the Building Official in order to maintain a certificate of compliance for a property. Noncompliance with a notice and order of the Building Official shall automatically terminate the certificate of compliance and render it expired and invalid. All requirements of PMC Sections 8.40.035 (Certificate of compliance) and 8.40.040 (Re-registration and certificate of compliance renewal) shall be maintained during the entire time period of a certificate of compliance by the owner. Noncompliance with these requirements shall automatically terminate the certificate of compliance and render it expired and invalid. If a property does not maintain its PAC certification during a its five-year certificate period, then the certificate will be automatically reduced to a maximum one-year certificate period.

8.40.055 Expired certificate of compliance.
(A) This ~~c~~Chapter is not intended to and shall not be construed to limit in any way the remedies available to the City to prosecute or abate public nuisances or violations of the City's housing and property maintenance standards. Upon expiration of a certificate of compliance the City may proceed with any remedy permitted by law or equity to abate the violations or prosecute the owner and/or responsible party.

8.40.080 Enforcement and penalties.
(A) Violations of this c~~c~~Chapter shall be punishable as provided in PMC Title 1 (General Provisions).

(B) Each day that an owner fails to register or allows a residential rental unit which she or he owns to continue unregistered or fails to obtain a certificate of compliance is a separate and distinct offense.

(C) In addition to or in the alternative to the penal sanctions set forth in ~~s~~Subsection (A) of this ~~s~~Section, any person violating this ~~c~~Chapter shall be liable for a civil penalty of up to $1,000 for each day the violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the City~~of Palmdale~~ by the City Attorney in any court of competent jurisdiction. The City shall also be entitled to the costs of enforcing this ~~c~~Chapter, pursuant to court order.

(D) Any person, the owner or the owner's authorized agent, or other responsible party who violates, disobeys, omits, neglects, or refuses to pay any fee or costs imposed under this ~~c~~Chapter shall be subject to the placement of a lien, plus any penalties and accrued interest, against the real property, or any other procedures set forth in this code or in ~~s~~State law to recover costs incurred for the abatement of nuisances by cities.

8.41.010 Purpose and intent.
The purpose of this ~~c~~Chapter is to protect the public health, safety, and general welfare by ensuring quick public safety access to properties in times of emergency.

8.41.040 New and existing structures and communities.
(A) All newly constructed structures and communities subject to this ~~c~~Chapter shall have the key access system installed and operational prior to the issuance of an occupancy permit. All structures and communities in existence on the effective date of the ordinance codified in this ~~c~~Chapter and subject to this ~~s~~Section shall have one year from the effective date of the ordinance codified in this ~~c~~Chapter to have a key access system installed and operational.

(B) The Fire Chief and Sheriff's Captain shall designate the type of key access system(s) to be implemented within

8.41.050 Penalties.
Any person or entity that owns, manages or operates a structure or community subject to this ~~c~~Chapter in violation of any of the provisions of this ~~c~~Chapter shall be deemed guilty of a misdemeanor and subject the offender to the penalties set forth in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

8.44.010 Title.
This ~~c~~Chapter shall be known and may be cited as "the Palmdale street tree maintenance ordinance."

8.44.020 Findings and purpose.
State law requires each property owner to maintain street trees located in a parkway abutting the owner's property. The City Council finds that the adoption of the ordinance codified in this ~~c~~Chapter will serve the following purposes:

8.44.030 Definitions.
As used in this ~~c~~Chapter, the terms listed below shall have the meaning assigned them:

8.36.160 Administrative hearing – Procedures.
(A) Whenever equipment or food is impounded pursuant to PMC Section 8.46.040 (City inspection to identify immediate public health or safety hazards) (B)(2), the Enforcement Officer shall move the impounded equipment or food to a designated place of storage at the City through the Code Enforcement Division. The City shall maintain a record of the date and manner of coming into possession of the impounded equipment or food, adequate description of the same, and the dates of storage and disposition of the equipment or food.

(B) The impounded equipment or food will be stored and made available for release for a period of 30 days from the date the equipment or food was impounded, after which time, if not claimed, it may be subject to disposition as provided in this chapter or as otherwise provided by law. Upon expiration of that initial 30-day period, the City shall provide one final notice if the responsible party does not seek reclamation pursuant to subsection (B)(1) of this section.

(1) Reclamation. During the 30-day holding period pursuant to subsection (B) of this section, the responsible party may repossess the equipment or food provided he or she presents to the City's Code Enforcement Division the receipt of impoundment and provides proof of ownership or otherwise provides proof of ownership by, among other methods, describing the location and date when the equipment or food was impounded from public area, and providing reasonably specific and detailed description of the personal property as well as photographic identification, as defined in PMC Section 1.04.100 (Photographic identification). If ownership cannot be determined to the satisfaction of the Code Enforcement Division, the City may refuse to return the equipment or food until ordered to do so by a court of competent jurisdiction; however, the impounding agency shall continue to hold the equipment or food until such determination is made.

8.46.060 Violations and penalties.

It is unlawful to have any immediate health hazard upon any food facilities within the City and is punishable as set forth in PMC Chapter 1.12 (Penalty Provisions) ~~PMC~~ as a misdemeanor, consistent with Health and Safety Code Section 114395.

8.46.070 Public nuisance declared.

In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this code shall be deemed a public nuisance and may be abated as such by the City Enforcement Officer as provided in PMC Chapter 8.36 (Regulation of Property Maintenance) ~~PMC~~, irrespective of any other remedy hereinabove provided. Each day such condition continues shall constitute a new and separate offense.

8.46.080 Administrative hearing.

(A) Request for Hearing.

(1) The owner or other responsible person who was issued a notice pursuant to PMC Section 8.46.040 (City inspection to identify imminent health hazards) (C) may contest the Enforcement Officer's permit suspension by filing a timely and complete request for an administrative hearing on a City-approved form with the Office of the City Clerk, 38300 Sierra Highway, Palmdale, CA 93550, within 15 calendar days from the issuance date of the notice. Failure to file a request for a hearing in the office of the City Clerk within the required period shall have waived the right to a hearing and admitted that the permit suspension was reasonable and justified. In that event, the permit suspension by the Enforcement Officer is final.

8.48 Regulation Of Illegal Dumping.

8.48.010 Purpose and Intent.

The purpose and intent of this Chapter is to protect public and private property from illegal dumping by streamlining and enhancing the tools and remedies available to address and discourage such acts. This Chapter is adopted pursuant to the City's police powers and California Government Code Sections 38771 through 38773.7, including any successor

statutes, for the purpose of defining nuisances and establishing nuisance abatement procedures.

The City Council has determined that the quality of life in the City of Palmdale is impaired by illegal dumping that occurs within its borders on all forms of property. There are designed places for dumping of waste matter, but often, such designated places are not utilized and instead, other parcels of property that when so used, create a host of dangers and other nuisances to the community. These issues range from blight, sanitation hazards, fire hazards, and more.

It is the City Council's intent through this Chapter to deter illegal dumping and provide a means of abatement of illegal dumping when necessary by City action and related recovery of costs so taxpayers are not burdened by the abatement costs that are the responsibility of others.

8.48.020 Definitions.
As used in this Chapter, the terms listed below shall have the following meaning assigned to them:

(A) "Illegal dumping" means the willful, intentional, or negligent act of throwing, dropping, placing or depositing a bulky item, or any waste matter onto public or private real property that does not have governmental approval for said use.
(B) "Littering" means the willful, intentional, or negligent act of throwing, dropping, placing, depositing, or sweeping, or causing any such acts, of any waste matter on land or water in other than appropriate storage containers or areas designated for such purposes.

(C) "Person" means any natural person, firm, partnership, association, corporation, or other entity of any kind or nature.

(D) "Waste Matter" means discarded, used, or leftover substance including, but not limited to, a lighted or nonlighted cigarette, cigar, match, or any flaming or glowing material, or any garbage, trash, refuse, paper, container, packaging, liquid waste or construction material, carcass of a dead animal, any nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.

(E) "Waste Items" means any discarded, used, broken, abandoned, wrecked, or other waste item that is likely to create a hazard to public health, safety, or welfare, including but not limited to: Broken or discarded furniture, appliances, all forms of electronic waste, boxes and containers, play equipment, toys and similar household articles; Abandoned, inoperative, wrecked or dismantled autos, trucks, trailers, motorcycles, camper boats or other recreational vehicles; Discarded, wrecked or inoperable machinery, auto parts and tools; Salvage materials, scrap metal or other building and construction materials including, but not limited to, liquid waste, dirt, sand, gravel, lumber, concrete, tile, rocks, bricks and other similar materials; and equipment or machinery of any sort

(F) The definitions set forth in PMC Chapter 1.20 are also applicable to this Chapter.

8.48.030 Application.

(A) Illegal Dumping on Public Lands.

(1) No person shall cause, permit, or allow the disposal of or dump of any waste matter or waste items of any kind or composition upon any public property, street or alley of the City including trash dumpsters, cans and receptacles, except where public property is provided and set apart by the City for such specific use.

(2) No person shall request, hire, or cause another person to dispose of or dump any waste matter or waste items of any kind or composition upon any public property, street or alley of the City including trash dumpsters, cans and receptacles, except where public property is provided and set apart by the City for such specific use.

(A) Illegal Dumping on Private Lands.

(1) No person shall cause, permit, or allow the disposal of or dump of any waste matter or waste items in or upon any private property including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or by license, or upon any private property without the consent of the property owner.

(2) No person shall request, hire, or cause another person to dispose of or dump any waste matter or waste items in or upon any private property including any portion of the right-of-way thereof, or in or upon any private property into or upon which the public is admitted by easement or by license, or upon any private property without the consent of the property owner.

(B) Lawful Stockpiling or Storage.

(1) This Chapter does not restrict a property owner in the use of his or her own private property for the legal storage or stockpiling of materials (in conformance with any applicable state, County or City permit or code), unless the placing, depositing or dumping of the materials on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by the Enforcement Officer.

(2) This Chapter does not restrict a person from requesting, hiring, or causing another person to lawfully dispose of or dump any waste matter or waste item, unless the placing, depositing or dumping of the materials on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by the Enforcement Officer.

(D) Duty for Proper Disposal.

(1) All persons creating or generating waste matter/items are responsible for ensuring that it is disposed of in the manner provided by law.

(a) This responsibility includes not giving waste matter/items to any person for disposal who is not authorized to legally dispose of such waste matter.

(b) A person whose waste matter or items are illegally dumped or a person who partakes in the illegal dumping or disposal are jointly liable for the illegal acts.

(E) Strict Liability.
Liability under this Chapter does not turn on or require specific knowledge of the illegal dumping or disposal or intent to conduct illegal dumping or disposal. Only the fact that said illegal dumping or disposal occurs is relevant.

8.48.040 Enforcement.
The Enforcement Officer is authorized to make inspections and take such actions as may be required for enforcement of this Chapter.

8.48.050 Public Nuisance.
Any violation of this Chapter shall constitute a public nuisance subject to all enforcement methods, abatement procedures, other remedies, and cost recovery as prescribed in PMC Chapter 8.36 (Regulation of Property Maintenance). The City may enforce any violation of this Chapter by any and all means available by law, including, but not limited to, civil enforcement through such means as a restraining order and nuisance abatement action for relief such as preliminary or permanent injunction, criminal enforcement, and administrative enforcement. These remedies are intended to be cumulative and may be used in conjunction with or in lieu of each other remedy.

8.48.060 Penalties.
(A) Violations of any provision of this Chapter shall be punishable as set forth in Palmdale Municipal Code Title 1. Each day that a violation of this Chapter occurs shall constitute a new and separate offense as provided in PMC section 1.12.030 (Continuing violations).

(B) For any criminal enforcement of the provisions of this Chapter, the prosecutor or other designated official may seek fines in the amounts set forth in California Penal Code Section 374.3.

(C) The abatement process provided in PMC Chapter 9.47 as it relates to illegal dumping applies to violations of any provision of this Chapter.

9.12.120 Exceptions.
This article does not apply to:

(B) Any act authorized or prohibited by any sState statute.

9.12.170 Exceptions.
This article does not apply to:

(B) Any act authorized or prohibited by any sState statute.

9.13.020 Buildings or places used by criminal street gangs – Nuisance.

Every building or place used by members of a criminal street gang for the purpose of the commission of the offenses listed in PMC Section 9.13.010(B) or any offense involving dangerous or deadly weapons, burglary, or rape, and every building or place wherein or upon which that criminal conduct by gang members takes place is a nuisance which may be punished as set forth in PMC Section 9.13.040(A) as well as enjoined, abated, and prevented, and for which damages may be recovered, whether it is a public or private nuisance, as set forth in PMC Section 9.13.040(B).

9.13.040 Enforcement and penalties.

(A) Criminal Penalty. Violations of this chapter may be punished as set forth in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

(B) Civil Abatement. The City Attorney, or his designee attorney, or the District Attorney, may bring an action for damages, to enjoin, or both, in the name of the people of the sState of California or of the City~~ of Palmdale~~, to abate and prevent the nuisance and perpetually to enjoin the person or persons committing the nuisance or maintaining the nuisance, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance. Suit may not be filed until 30-day written notice of the unlawful use or criminal conduct has been provided to the owner, lessee, or their agent. In a civil action for damages brought pursuant to this subsection, the City Attorney, his designee attorney, or District Attorney may use, but is not limited to the use of, the testimony of experts to establish damages suffered by the community or neighborhood injured by the nuisance.

9.13.050 Powers of Law Enforcement Officers not limited.

Nothing in this ~~c~~Chapter shall be construed in any way to limit the power or right of a Law Enforcement Officer to make any investigation, detention, or arrest as such Law Enforcement Officer would be permitted to make in the absence of this ~~c~~Chapter.

9.14.030 Penalty for violation.

Violations of this chapter may be punished as set forth in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

9.18.010 Noise.

(B) The characteristics and conditions, which may be considered in determining whether such noise violates the provisions of this ~~s~~Section, shall include, but not be limited to, the following:

(11) Whether the noise is recurrent, intermittent, or constant; and,

9.18.020 Acts constituting disturbing, excessive, loud, offensive noise.

The following activities, among others, are declared to cause disturbing, excessive, loud, or offensive noises in violation of this ~~c~~Chapter and causing or permitting such activities is unlawful; provided, however, that inclusion in this ~~s~~Section shall not be construed as limiting the type of activities which may be found to cause disturbing, excessive, loud, or offensive noises:

(2) Prima Facie Violations of this Subsection. Any of the following shall constitute evidence of a prima facie violation of this ~~s~~Subsection; provided, however, that inclusion herein shall not be construed as limiting the activities which may be found to violate this ~~s~~Section:

(3) Impoundment. Any person who is authorized to enforce any provision of this ~~c~~Chapter and who encounters evidence of a prima facie violation of this ~~s~~Section is empowered to confiscate and impound as evidence any or all of the components amplifying or transmitting the sound.

(D) Jake Brakes. The use of jake brakes, using compression release engine brakes and any method of using engine compression to slow a vehicle is prohibited in the City ~~of Palmdale~~ and unlawful.

9.18.030 Loud parties.

(B) Loud Parties Prohibited. It shall be unlawful for any responsible person to organize, cause, or permit a loud party.

(1) For the purposes of this ~~s~~Subsection, "responsible person" means the person who owns the property where the party, gathering or event takes place; the person in charge of the premises; and/or the person who organized the event. If the responsible person is a minor, then the parents or guardians of that minor are also responsible persons whether or not they are present at the party. All responsible persons, as defined herein, are deemed to have caused or permitted the loud party and are responsible for and may be charged with a violation of this ~~c~~Chapter; provided, however, a property owner who is not present at the party or gathering may not be charged with a violation of this chapter unless the absentee owner had knowledge that the party or gathering was occurring, was planned to occur or reasonably should have known the party or gathering would occur. This exception does not apply to a parent or guardian of a responsible person who is a minor.

(2) Prima Facie Violations of this Subsection. The following shall constitute evidence of a prima facie violation of this ~~s~~Subsection; provided, however, that inclusion herein shall not be construed as limiting the activities which may be found to violate this ~~s~~Subsection: A party, event or gathering where:

(a) Noise emanating from or attributable to that party, event or gathering is audible from a distance of 50 feet from the source of that noise; ~~or~~

(b) Persons present at the party or gathering are acting in a wild, unruly, uncontrollable manner disruptive to neighbors; ~~or~~

(c) The number of persons present violates the fire code, presenting a fire hazard; ~~or~~

(C) Loud Parties Declared a Public Nuisance. Loud parties as defined in this ~~s~~Section shall constitute a public nuisance subject to all enforcement methods, abatement procedures, other remedies, and cost recovery as prescribed in PMC Chapter 8.36 (Regulation of Property Maintenance). The City may enforce any violation of this Chapter by any and all means available by law, including, but not limited to, civil enforcement

through such means as a restraining order and nuisance abatement action for relief such as preliminary or permanent injunction, criminal enforcement, and administrative enforcement. These remedies are intended to be cumulative and may be used in conjunction with or in lieu of each other remedy.~~are hereby declared to be a public nuisance and may be abated as set forth herein or as otherwise provided by law.~~

(D) Authority of Law Enforcement Personnel. Law enforcement personnel are authorized to take all actions and to give all directions and orders that may be necessary to abate the nuisance, violation or condition, including the arrest of, or issuance of citations to, the responsible person or persons, and any others who are in violation of this ~~c~~Chapter or any other sState statute or local ordinance.

9.18.040 Reimbursement for law enforcement costs.

If after issuance of a written reimbursement notice as required by this ~~s~~Section, law enforcement personnel are required to respond to the property to address another violation of this ~~c~~Chapter within a 30-day period after issuance of said notice, then the responsible person or persons, as defined in this ~~c~~Chapter, shall be jointly and severally liable for all actual costs and expenses incurred by the City during second or subsequent responses.

(A) Written Reimbursement Notice. Law enforcement personnel responding to a loud party shall issue a written reimbursement notice to the responsible person that if within a 30-day period after the initial response law enforcement personnel are again required to respond to the property to address a violation of this ~~c~~Chapter, then the responsible person shall be liable to reimburse the City for all costs and expenses incurred by law enforcement personnel during second or subsequent responses for violations of this ~~c~~Chapter.

(B) Reimbursement of Costs and Expenses. All responsible persons for a party or gathering, which requires a second or subsequent response, as described herein above are jointly and severally liable for the following costs and expenses incurred by the City:

(2) Damage to public property incurred in the course of any second or subsequent response by law enforcement personnel; and,

(C) Collection. The expense of a reimbursable response hereunder shall be charged against the person liable for the expense under this ~~c~~Chapter. The charge constitutes a debt of that person to the City, and is collectible by the City in the same manner as in the case of an obligation under a contract, expressed or implied.

(D) Other Penalties Not Precluded. Nothing contained in this ~~s~~Subsection is intended to preclude the filing of any administrative or criminal charges or the imposition of criminal fines or administrative penalties, or the summary, civil or administrative abatement of any public nuisance under sState or local law, including other sections of this chapter, against any person or persons who may be subject to the reimbursement provisions of this section.

9.18.050 Enforcement and penalties for all provisions of this chapter.
(A) This ~~c~~Chapter may be enforced by Peace Officers and by the City ~~of Palmdale~~ employees specified in PMC Title 1 (General Provisions).

(B) Violations of this ~~c~~Chapter may be punished as set forth in PMC Title 1 (General Provisions).

(C) As an additional remedy for violations of this ~~c~~Chapter, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this ~~c~~Chapter, which operation or maintenance causes discomfort or annoyance to reasonable persons of normal sensitiveness, or which endangers the comfort, repose, health, or peace of residents in the area, shall be deemed and is declared to be a public nuisance subject to all enforcement methods, abatement procedures, other remedies, and cost recovery as prescribed in PMC Chapter 8.36 (Regulation of Property Maintenance). The City may enforce any violation of this Chapter by any and all means available by law, including, but not limited to, civil enforcement through such means as a restraining order and nuisance abatement action for relief such as preliminary or permanent injunction, criminal enforcement, and administrative enforcement. These remedies are intended to be cumulative and may be used in conjunction with or in lieu of each other remedy.~~which may be abated through summary abatement, administrative abatement, or abatement by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 1332 § 1, 2007)~~

9.20.020 Damaging property.
No person shall ~~wilfully~~willfully or maliciously break or destroy any window, window sash, door, blind or pane of glass of any occupied or unoccupied house or outhouse in the City or enter any unoccupied house or outhouse and commit any nuisance therein or break, destroy or injure anything therein or any part of the house or outhouse, or any fence, or improvement whatever, or aid, abet or assist anyone to commit such nuisance or injure the property.

9.20.040 Gate crashing.
No person, with intent gratuitously to avail himself of the entertainment or recreation furnished or the privileges conferred therein, shall enter any theater, stadium, athletic club, ball park, golf course, golf club, tennis club, beach club, bathing beach, or other place of amusement, entertainment or recreation, for admission to which an admission fee or membership fee is charged, without first paying the admission fee or membership fee. Any person who is a bona fide guest of a member of any club may enter the club in accordance with the rules thereof. Any person may enter any place which is within the purview of this section with the consent of the owner or manager thereof. This ~~s~~Section shall not be deemed to apply to the entry into any such place by a Law Enforcement Officer acting within the scope and course of his official duties.

9.24.020 Circumstances.
(A) Is a known unlawful drug user, possessor or seller. For purposes of this ~~c~~Chapter, a "known unlawful drug user, possessor or seller" is a person who has, within the knowledge of the arresting officer, been convicted in any court within this ~~s~~State of any violation involving the use, possession or sale of any of the substances referred to in Chapters 6

and 6.5 of Division 10 of the California Health and Safety Code, or such person has been convicted of any violation of any of the provisions of said sections or substantially similar laws of any political subdivision of this sState or of any other sState; or a person who displays physical characteristics of drug intoxication or usage; or a person who possesses drug paraphernalia as described in PMC Chapter 9.28 (Offenses by or against minors)~~PMC~~;

(I) Is on or in premises that have been reported to law enforcement as a place suspected of unlawful drug activity; and,

9.24.030 Enforcement.
Enforcement of this ~~c~~Chapter shall be pursuant to the policy statement dated December 7, 1992, issued by the Sheriff's Department, as approved by the City Council and Council Resolution No. 93-3 adopted on January 14, 1993. A copy of said resolution shall be kept on file in the office of the City Clerk.

9.25.010 Definitions.
For purposes of this ~~c~~Chapter, the following definitions shall apply:

9.25.020 Acts prohibited.
(A) It is unlawful for any minor who is subject to compulsory education or to compulsory continuation education to be present in any public place or on the premises of any establishment within the City ~~of Palmdale~~ during school hours.

(B) It is unlawful for any parent or guardian of a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City ~~of Palmdale~~ during school hours.

(C) It is a defense to prosecution under this ~~s~~Section when the minor is:

(1) Accompanied by the minor's parent or guardian, or by a responsible adult; ~~or~~

(2) Involved in an emergency or is on an emergency errand at the direction of the minor's parent or guardian, or the responsible adult, without any detour or stop; ~~or~~

(3) In a motor vehicle involved in interstate travel; ~~or~~

(4) Going or coming directly to or from his or her place of gainful employment without any detour or stop; ~~or~~

(5) Going or coming directly to or from a medical appointment without any detour or stop; ~~or~~

(6) Has permission to leave school campus for lunch or school-related activity and has in his or her possession a valid, school-issued, off-campus permit; ~~or~~

(7) Exercising First Amendment rights protected by the United States Constitution; or,

(D) Before taking any enforcement action under this ~~s~~Section, a Police Officer shall ask the apparent offender's age and reason for being in the public place or on the premises

of the establishment during school hours. The Officer shall not issue a citation or make an arrest under this ~~s~~Section unless the Officer reasonably believes that an offense has occurred and that, based on any responses and other circumstances, no defense under ~~s~~Subsection (C) of this ~~s~~Section, is present or applicable.

(E) Each violation of this ~~s~~Section shall constitute a separate offense.

9.25.030 Penalty for violation.
A violation of PMC Section 9.25.020 (Acts prohibited) shall be punished pursuant to PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

9.25.040 Arrest powers not limited.
Nothing in this ~~c~~Chapter shall be construed as in any way affecting or limiting the power or right of Law Enforcement Officers to make such investigations, detentions, or arrests as the Law Enforcement Officers would be permitted to make had this chapter not been enacted.

9.28.011 Curfew restrictions.
(A) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City ~~of Palmdale~~ during curfew hours.

(C) It is a defense to prosecution under this ~~s~~Section that the minor was:

(7) Attending an official school, religious or other recreational activity supervised by adults and sponsored by the City ~~of Palmdale~~, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City ~~of Palmdale~~, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution; or,

(D) Before taking any enforcement action under this ~~s~~Section, a Police Officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The Officer shall not issue a citation or make an arrest under this ~~s~~Section unless the Officer reasonably believes that an offense has occurred and that, based on any responses and other circumstances, no defense under ~~s~~Subsection (C) of this ~~s~~Section, is present or applicable.

(E) Each violation of this ~~s~~Section shall constitute a separate offense.

9.28.012 Penalty for violation.
A violation of PMC Section 9.28.011 (Curfew restrictions) shall be punished pursuant to PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

9.28.050 Allowing minors on premises.
No owner, manager, proprietor or other person in charge of any place of business selling or displaying for the purpose of sale any device, contrivance, instrument or paraphernalia for smoking or injecting, or consuming marijuana, hashish, PCP, or any controlled

substance, as defined in the Health and Safety Code of the sState (other than prescription drugs and devices to ingest or inject prescription drugs) as well as roach clips, and cigarette papers and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of 18 years to be, remain in, enter or visit such room unless the minor person is accompanied by one of his or her parents, or by his or her legal guardian.

9.28.080 Violation – Nuisance.

The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this article, and where devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance (other than prescription drugs or devices to ingest or inject prescription drugs) including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, is declared to be a public nuisance, and may be abated pursuant to the provisions of Section 731 of the Code of Civil Procedure of the State and is subject to all enforcement methods, abatement procedures, other remedies, and cost recovery as prescribed in PMC Chapter 8.36 (Regulation of Property Maintenance). The City may enforce any violation of this Article by any and all means available by law, including, but not limited to, civil enforcement through such means as a restraining order and nuisance abatement action for relief such as preliminary or permanent injunction, criminal enforcement, and administrative enforcement. These remedies are intended to be cumulative and may be used in conjunction with or in lieu of each other remedy.~~pursuant to the of Section 731 of the Code of Civil Procedure of the sState~~. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this ~~a~~Article.

9.28.090 Violation – Penalty.

Every person who violates any of the provisions of this ~~a~~Article is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ~~a~~Article is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding $500.00 or by imprisonment in the County Jail for a period not to exceed six months or by both such fine and imprisonment.

9.28.100 Display of matter harmful to minors.

(A) For the purpose of this ~~s~~Section, the following terms shall have the following meanings:

(C) The provisions of subsection (B) of this ~~s~~Section shall not apply to any business which is not open to persons under the age of 18 and which has a sign posted at each door intended for public entrance which shall read:

9.28.120 Penalty for violation.

Every person who violates any provision of this ~~a~~Article is guilty of an infraction punishable by a fine of not more than $100.00. Every person who having been twice convicted of any violation of this article is upon each subsequent violation guilty of a misdemeanor punishable by a fine of not more than $500.00, or imprisonment in the County Jail for not

more than 30 days, or both; provided, that both of the prior violations occurred within a two-year period of the subsequent violation.

9.30.010 Purpose and intent.
The City Council finds and declares as follows:

(B) Graffiti has also been found to be associated with criminal activity and delinquency. It is also a means of identification and intimidation utilized by gangs and its presence may further gang-related activities. The power of graffiti to create fear within the community and blight upon the landscape, devaluing property and detracting from a sense of community enjoyed by the residents of the City ~~of Palmdale~~, goes beyond the cost of clean-up or removal. Not only is graffiti a criminal act of vandalism, but it is also a social crime upon the quality of life and freedom from intimidation that citizens desire in their neighborhoods.

(E) It is the purpose and intent of the City Council ~~of Palmdale~~, through the adoption of this ~~c~~Chapter, to provide enforcement tools to protect public and private property from acts of vandalism and defacement, including the application of graffiti on public and private property, walls, vehicles, and other structures. Such acts are destructive of the rights and values of private property owners as well as the entire community. It is the further intent of the City Council, through the adoption of this chapter, to provide to all of those who disregard the property rights of others, that the City's Code Enforcement and Public Safety Divisions, the Sheriff's Department, the District Attorney's Office, and the City Attorney/Prosecutor's Office will strictly enforce the law and vigorously prosecute those persons engaging in the defacement of public or private properties.

9.30.020 Definitions.
For the purpose of this ~~c~~Chapter, certain terms used shall be defined as provided in this ~~s~~Section:

9.30.030 Regulation of sales and purchases of aerosol paint containers and etching solution.
(A) It is unlawful for any person, firm or corporation, except a parent or legal guardian, to sell or give or in any way furnish to another person, who is in fact under the age of 18 years, any aerosol paint container or etching solution without first obtaining bona fide evidence of majority and identity. As used herein, the phrase "bona fide evidence of majority and identity" means any document evidencing the age and identity of any individual which has been issued by a ~~f~~Federal, ~~s~~State or local governmental entity, including, but not limited to, the acceptable forms of photographic identification outlined in PMC Section 1.04.100 (Photographic identification).

9.30.040 Regulation of the possession of graffiti implements.
(B) It shall be unlawful and a misdemeanor for any person under the age of 18 years to have in his or her possession any instrument described hereinbelow while upon private property without the prior written consent of the owner of such property, or upon a public highway, street, alleyway, park, playground, swimming pool, public building or any area open to the public:

(2) Any spray can tips, other than those affixed to a spray can not meeting the description of subsection (B)(1) of this ~~s~~Section;

(C) The provisions of this ~~s~~Section shall not apply to any person under the age of 18 years attending or traveling to or from school, at which time the minor is enrolled, if the minor is participating in a class at said school which has a written requirement of the class for the possession of the implements or instruments described in this ~~s~~Section. The burden of proof in any prosecution for a violation of this ~~s~~Section shall be upon the minor student to establish enrollment in a class that requires the possession of the implements or instruments described in this ~~s~~Section.

9.30.060 Graffiti reward.

(A) Pursuant to California Government Code Section 53069.5, the City does hereby offer a reward in an amount to be established by resolution of the City Council for information leading to the arrest and conviction of any person for a violation committed within the State of California Penal Code Sections 594 or 594.3 (by the use of graffiti), 640, 640.5, 640.6, or PMC Sections 9.30.030 (Regulation of sales and purchases of aerosol paint containers and etching solution), 9.30.040 (Regulation of the possession of graffiti implements), 9.30.050 (Graffiti prohibited), or this ~~s~~Section. In the event of multiple contributors of information regarding a single event or suspect, the reward amount shall be divided by the City in the manner it shall deem appropriate. For the purposes of this ~~s~~Section, diversion of the offending violator to a community service program, or a plea bargain to a lesser offense, shall constitute a conviction.

(B) Claims for rewards under this ~~s~~Section shall be filed, in writing, with the City Clerk. Each claim should:

(C) The City Council shall review each claim for reward submitted pursuant to this ~~c~~Chapter and either accept, accept in part, or deny the claim. No claim for a reward shall be accepted by the City Council unless the City investigates and verifies the accuracy of the claim and determines that the requirements of this ~~s~~Section have been satisfied. The investigation must determine that the claimant's information was relevant and directly responsible for the arrest and conviction of the suspect.

(E) Any person committing graffiti vandalism, and if said person is an unemancipated minor, then the parent or lawful guardian of said minor, shall be civilly liable for any reward paid pursuant to this ~~s~~Section.

9.30.070 Liability for damages and reimbursement of reward payments.

(B) Any person violating the provisions of PMC Section 9.30.050 (Graffiti prohibited) shall pay to the City the amount of any reward paid pursuant to PMC Section 9.30.060 (Graffiti reward), and, if such person is an unemancipated minor, such minor's parent or guardian shall be liable therefor and shall pay the amount of any such reward to the City. Failure to pay any amount demanded by the City pursuant to this ~~s~~Subsection within 30 days after written demand therefor shall constitute a violation of the provisions of this ~~s~~Subsection.

9.30.075 Determination and recovery of costs by probation officer.
(A) The Los Angeles County probation officer is hereby authorized to recoup on behalf of the City and to promptly transfer to the City, the City's graffiti abatement costs through juvenile court proceedings pursuant to the Graffiti Removal and Damage Recovery Program (California Welfare and Institutions Code Sections 742.10 et seq.) and the provisions of this ~~c~~Chapter.

(B) For purposes of this ~~s~~Section only, "graffiti abatement costs" means:

(1) The average law enforcement costs incurred in identifying and apprehending a person convicted of Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code or a minor subsequently found to be a person described in Section 602 of the Penal Code by reason of the commission of an act prohibited by Section 594, 594.3, 594.4, 640.5, 640.6, or 640.7 of the Penal Code; and

(2) The average costs incurred in removing graffiti or other inscribed material; and,

9.30.080 Graffiti removal from private property by owner.
It is unlawful for the owner of any privately owned real property to permit graffiti or other unauthorized inscriptions to remain on any building, structure or other facility so as to be capable of being viewed by persons utilizing any public right-of-way in the City, such as a highway, street, road, parkway or alley; provided, that the City Manager, or his designee, has given written notice to the owner to remove the graffiti within a period of three calendar days and such time period has elapsed without remedial action. For the purpose of this ~~s~~Section, "remedial action" shall mean painting, washing, sandblasting, chemically treating, or otherwise obscuring the graffiti such as to blend the affected area with the surrounding structure or property.

Upon a determination by the City Manager, or his designee, that graffiti or other unauthorized inscriptions are on any privately owned building, structure or other facility and are in view of persons utilizing any public right-of-way, whether a highway, street, road, parkway or alley, the City shall be authorized to undertake the removal of such graffiti. Prior to the removal of such graffiti, the City shall obtain the written consent of the owner, including an appropriate release form and right of entry form authorizing such graffiti removal. The City shall not authorize or undertake to provide for the painting or repair of a more extensive area than that where the graffiti is located. The authority of the City under this section shall be in addition to all other remedies available under the provisions of this code, including those related to the abatement of nuisances pursuant to PMC Chapter 8.36 (Regulation of Property Maintenance), or any other means authorized by law.

9.30.100 Penalties.
(A) Criminal Penalties. Any violation of this ~~c~~Chapter shall constitute a misdemeanor offense and subject to the penalties set forth in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

9.32.010 Shooting arrows or missiles.
Except as otherwise provided in this ~~c~~Chapter, no person shall within the incorporated limits of the City shoot any arrow or similar missile and no person, firm or corporation shall cause or permit any arrow or similar missile to be shot at any place within 200 yards of any public highway, private street used by the general public, recreational area, park, riding and hiking trail, dwelling house, camp or place of human habitation, except when the arrow is shot from and at all times remains on or over, and lands upon, private property or portion thereof, when permission has been granted by the property owner.

9.32.020 Air guns and pellet guns.
Except as otherwise provided in this ~~c~~Chapter, it is unlawful in the City for any person to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging, shooting, or for any person under 18 years of age without direct adult supervision to have in his or her possession, care, custody, or control, any spring gun, air gun, sling, slingshot or device designed or intended to discharge, or capable of discharging, any dangerous missile, including but not limited to pellets or BBs.

9.32.030 Discharging firearms.
Except as otherwise provided in this ~~c~~Chapter, no person shall shoot, fire or discharge and no person, firm or corporation shall cause or permit to be shot, fired or discharged within the incorporated boundaries of the City, any rifle, shotgun, revolver, pistol or firearm of any kind.

9.32.050 Target shooting.
The provisions of this ~~c~~Chapter shall not be deemed or construed to prohibit the establishment or maintenance of any pistol, rifle, shotgun or target range, nor to prohibit the discharge of such weapons at any target thereon, by any person using the range.

9.32.060 Penalty for violation.
Every person, firm, or corporation violating any provision of this ~~c~~Chapter is guilty of a misdemeanor punishable by a fine not to exceed $500.00 or by imprisonment in the County Jail for a period not to exceed six months or by both such fine and imprisonment.

9.33.010 Purpose and intent.
This chapter is enacted in view of the following facts and circumstances:

(F) The City Council desires to enact local legislation complementary to and in furtherance of the above-recited sState law in order to accomplish the following:

9.33.020 Definitions.
As used in this ~~c~~Chapter, the following terms and phrases shall be defined as follows:

9.33.040 Unlawful detainer action required.
Unless otherwise excepted under the provisions of this ~~c~~Chapter, every landlord shall give notice as required by law and bring an action within 30 days after the occurrence of any of the following:

(C) Receipt of notification as provided for in PMC Section 9.33.050 (Notification from the City).

9.33.060 Landlord's compliance following notification.
Every landlord shall in good faith comply with its obligations under this chapter following receipt of the notification provided for in PMC Section 9.33.050 (Notification from the City). Such good faith compliance may be evidenced by any of the following:

(B) By the landlord bringing an action in unlawful detainer as requested by PMC Section 9.33.040 (Unlawful detainer action required); or,

9.33.070 Action to abate a nuisance.
In addition to any other remedies provided by this ~~c~~Chapter or by applicable ~~s~~State statutes, the City Attorney may determine that a landlord's violation of any provisions of PMC Section 9.33.030 (Prohibition) or Section 9.33.040 (Unlawful detainer action required) hereof constitutes a nuisance, and may, pursuant to California Health and Safety Code Section 11571 et seq., commence an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the landlord of the rental unit, in or upon which the nuisance exists, from directly or indirectly maintaining or permitting the nuisance.

9.33.080 Construction.
Nothing contained in this ~~c~~Chapter shall be construed or interpreted to create a principal-agent relationship between the City and a landlord.

9.33.090 Violations.
Any person who knowingly or ~~wilfully~~willfully violates any provision of this ~~c~~Chapter is guilty of a misdemeanor and upon conviction is punishable as provided for in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

9.36.010 Penalty for violation.
Every person who violates any of the provisions of PMC Chapter 9.04 (Offenses By or Against Public Officers and Government), 9.08 (Offenses Against the Person), 9.12 (Offenses Against Public Decency), 9.16 (Offenses Against Public Peace) or 9.20 (Offenses Against Property) ~~PMC~~ is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of PMC Chapter 9.04 (Offenses By or Against Public Officers and Government), 9.08 (Offenses Against the Person), 9.12 (Offenses Against Public Decency), 9.16 (Offenses Against Public Peace) or 9.20 (Offenses Against Property)~~PMC~~ is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding $500.00 or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

9.40.010 Definitions.
As used in this ~~c~~Chapter, the words hereinafter defined are used as so defined unless it is apparent from the context that a different meaning is intended:

9.40.040 False alarm.
The knowing commission of a false alarm is prohibited. This ~~s~~Section does not prohibit any test of an alarm system as permitted in advance by the Sheriff.

9.40.070 Exemptions.
The provisions of this ~~c~~Chapter are not applicable to audible alarms affixed to motor vehicles or to a public telephone utility whose only duty is to furnish telephone service pursuant to tariffs on file with the California Public Utilities Commission.

9.40.080 Violations.
(A) Any person violating any of the provisions of this ~~c~~Chapter other than PMC Section 9.40.040 (False alarm) is guilty of an infraction, which is punishable as provided in PMC Section 1.12.010(B).

(B) Violation of PMC Section 9.40.040 (False alarm) is a misdemeanor, which is punishable by a fine not to exceed $1,000 or by imprisonment in the County Jail for a period not to exceed six months or by both such fine and imprisonment.

(C) Notwithstanding subsection (A) of this ~~s~~Section, upon the first violation of PMC Section 9.40.060 (Public nuisance alarm) in a calendar year beginning January 1st, the Sheriff shall serve a written notice (in triplicate) to the alarm owner, to the City, and to the Sheriff's Department indicating the property location, date of false alarm, and other information necessary to track false alarms. The City will retain copies and track all subsequent false alarms for that alarm user. The notice will describe the violation and specify that the causes of the violation shall be corrected within 10 days of the date of service of the written notice.

9.40.110 Compliance required.
Any alarm installed prior to the effective date of the ordinance codified in this ~~c~~Chapter shall comply with all provisions of the ordinance codified in this ~~c~~Chapter.

9.44.010 Purpose and findings.
The City Council finds and determines as follows:

(C) Guests and visitors of law-abiding tenants sometimes engage in unlawful activity on the premises of such law-abiding tenants, thereby subjecting the property owner to potential civil penalties under ~~s~~State and ~~f~~Federal law.

9.44.020 Definitions.
For the purpose of this ~~c~~Chapter, the following term shall be defined as follows:

9.44.030 Trespass on private property.
THIS PROPERTY CLOSED TO THE PUBLIC
No Entry Without Permission
P~~.~~M~~.~~C. SEC. 9.44.030

9.44.040 Entry requiring express consent of owner.
(A) No person shall enter or be present upon private property not open to the general public without the express consent of the owner or the owner's agent when that person:

(1) Has been convicted of any violation of the law involving narcotics, prostitution, vandalism, weapons, disturbance of the peace, loitering, threat to commit a violent act, or the commission of a violent act, on that same private property not open to the general

public, whether or not such property is posted in accordance with PMC Section 9.44.030(B); and

(C) This ~~s~~Section applies even if the person has the consent of a person in lawful possession but does not apply to persons who have a right of lawful possession to the subject property. An individual who has the consent of the person in lawful possession may not be refused entry by the owner or the owner's agent for a period exceeding 12 months, computed from the date of the request.

9.44.070 Exceptions.
The provisions of this ~~c~~Chapter shall not apply in any of the following instances:

(C) When public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or,

9.44.080 Severability.
If any part or provision of this ~~c~~Chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the ~~c~~Chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of the ~~c~~Chapter are severable.

9.44.090 Violations.
The violation of any of the provisions of this ~~c~~Chapter shall be a misdemeanor or an infraction and shall be punishable as provided for in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

9.45.020 Trespass on certain public property.
(A) No person shall enter upon any of the following premises owned by the City without the express permission of the Director of Public Works, or his or her duly authorized representative, where signs forbidding entry are displayed as provided in ~~s~~Subsection (B) of this ~~s~~Section: maintenance yards, maintenance shops, lift stations, detention basins, and retention basins. No person shall be deemed to have such permission unless such person has evidence thereof upon his or her person or unless he or she has the express oral consent of the officer or employee present at, and in immediate charge or care of, the premises.

P~~.~~M~~.~~C~~.~~ SEC. 9.45.020

9.45.030 Exceptions.
(A) The provisions of this ~~c~~Chapter shall not apply to law enforcement officers or to officers or employees of the City or of any governmental agency acting in the course of their public duties.

(B) The provisions of this ~~c~~Chapter shall not apply to any portion of any such structure or premises to which general public access is required in the normal use and operation thereof during normal operating hours.

9.45.040 Violations.
Violations of any provision of this ~~c~~Chapter shall be punishable as set forth in PMC Title 1 (~~General~~General Provisions).

9.46.010 Unpermitted camping, lodging and sleeping prohibited.
(3) "Prohibited public places" means any public place not designated as a public campground pursuant to ~~f~~Federal, sState, or local statute or ordinance and shall include the following:

(c) Public parks, except as may be permitted under PMC Section 8.24.260 (Overnight camping);

9.46.020 Enforcement and penalties.
(A) This chapter may be enforced by Peace Officers and by the City of Palmdale employees specified in PMC Chapter 1.16 (Enforcement) ~~PMC~~ and Enforcement Officers as specified in PMC Chapter 1.20 (Administrative Citations) ~~PMC~~.

(B) Violations of this chapter may be punished only as an infraction or as an administrative violation as set forth in PMC Sections 1.12.010 (Penalty Provisions) (C) or (D) and in no event shall any fine be issued.

(C) No citation for a violation of PMC Sections 9.46.010(B)(1) and (B)(2) issued pursuant to the enforcement authority of this section, whether criminal, civil, or administrative, shall be issued to any person unless, at the time in question, the Enforcement Officer, in his or her reasonable discretion, is able to make an affirmative determination that there is an available bed in a shelter in the City, which includes a temporary shelter for individuals who do not have permanent housing, based on the information known to the Enforcement Officer at the time. In determining whether there is an available bed in a shelter, the Enforcement Officer shall consider all the circumstances and the policies and requirements of an available bed in a shelter, and whether it is practicable for the person to seek shelter there or elsewhere.

9.46.030 Construction with other laws.
The City may enforce any violation of this ~~c~~Chapter by any and all means available by law, including, but not limited to, civil enforcement through such means as a restraining order and nuisance abatement action for relief such as preliminary or permanent injunction, criminal enforcement, and administrative enforcement. These remedies are intended to be cumulative and may be used in conjunction with or in lieu of each other remedy.

9.47.010 Purpose and intent.
The purpose of this ~~c~~Chapter is to enjoin and abate nuisance vehicles by establishing a process to allow the seizure and forfeiture of such vehicles when used in conjunction with the commission or furtherance of certain criminal offenses.

The intent of this ~~c~~Chapter is to deter persons from committing, or attempting to commit, certain criminal offenses in Palmdale.

9.47.020 Definitions.
The following terms, as used in this ~~c~~Chapter, are defined as follows:

(N) "Waste" means and includes "hazardous waste" and "solid waste," as these terms are defined in PMC Section 5.52.030 (Definitions) or by a subsequently amended or adopted provision in the ~~Palmdale Municipal Code~~PMC.

9.47.030 Abatement of nuisance vehicle by seizure and forfeiture.
Any person or his or her servant, agent, or employee who owns, leases, conducts or maintains any vehicle used for any of the purposes or acts set forth in this ~~s~~Section is responsible for creating a public nuisance. Any vehicle that is used in the commission or furtherance of the following activities is declared a nuisance and shall be enjoined and abated as provided for in this ~~c~~Chapter.

9.47.040 Title to vest in the City.
All rights, title and interest in any vehicle described in PMC Section 9.47.030 (Abatement of nuisance vehicle by seizure and forfeiture) shall vest in the City upon commission of the act giving rise to the nuisance under this ~~c~~Chapter.

9.47.050 Seizure of vehicle.
(A) A Peace Officer may seize a vehicle subject to forfeiture under this ~~c~~Chapter upon the issuance of an order by a court having jurisdiction of the vehicle. Seizure without court order may be made in any of the following circumstances:

(1) The seizure is incident to an arrest or search under a search warrant; or,~~.~~

(2) There is probable cause to believe the vehicle was used in violation of this ~~c~~Chapter.

(B) A Peace Officer seizing a vehicle under this ~~c~~Chapter shall complete a receipt in accordance with Penal Code Section 1412 and deliver it to the person from whose possession the vehicle was seized.

(C) Within two business days of seizing the vehicle, the Los Angeles County Sheriff's Department shall file a post-seizure statement of probable cause for review by a neutral magistrate. The reviewing magistrate shall limit review to the question of whether probable cause exists for the vehicle to be held under this ~~c~~Chapter. If the reviewing magistrate finds that no probable cause exists for the vehicle to be held, the vehicle shall, within two business days of that finding, be made available to be released to the registered or legal owner as may be identified pursuant to the investigation required by ~~s~~Subsection (D) of this ~~s~~Section.

(D) Upon seizure of the vehicle, an immediate investigation shall be made by the Los Angeles County Sheriff's Department as to any potential claimant to a vehicle whose right, title, interest, or lien is of record in the Department of Motor Vehicles of this or any other sState or appropriate ~~f~~Federal agency. If the Los Angeles County Sheriff's Department finds that any person, other than the registered owner, is the legal owner, and the ownership did not arise subsequent to the date and time of arrest or seizure of the vehicle or notification of the forfeiture proceedings, it shall, within four business days of the vehicle's seizure, send a notice of seizure to the legal owner at his or her address

appearing on the records of the Department of Motor Vehicles of this or any other state or any appropriate ~~f~~Federal agency.

(E) The notice of seizure sent pursuant to the requirements of ~~s~~Subsection (C) of this ~~s~~Section shall set forth the time in which a claim of interest in the vehicle seized or subject to forfeiture is required to be filed.

9.47.060 Forfeiture and notice of intended forfeiture of vehicle.

(A) The City Attorney, or his designee attorney, may, pursuant to this ~~s~~Section, order the forfeiture of vehicles seized under this ~~c~~Chapter.

(B) If the City Attorney, or his designee attorney, determines that the factual circumstances warrant forfeiture of the vehicle described in PMC Section 9.47.030 (Abatement of nuisance vehicle by seizure and forfeiture), he or she shall serve a notice of intended forfeiture upon any person who has an interest in the seized vehicle. The notice shall be served within 30 calendar days of the finding of probable cause by the neutral magistrate.

(C) The notice of intended forfeiture shall be served as follows:

(1) By personal delivery or certified mail, return receipt requested, upon any person who has an interest in the seized vehicle as determined pursuant to PMC Section 9.47.050(C).

(2) In the event that the person entitled to service refuses to accept certified return receipt mail or cannot be personally served, service may be made by substituted service. Substituted service may be accomplished by any one of the following methods:

(a) By leaving a copy during usual business hours at the recipient's business with the person who is apparently in charge, and by thereafter mailing by first class mail a copy to the recipient where the copy was left;~~.~~

(b) By leaving a copy at the recipient's dwelling or usual place of abode, in the presence of a competent member of the household and thereafter mailing by first class mail a copy to the recipient at the address where the copy was left;~~.~~

(c) If the person entitled to service resides out of ~~s~~State and will not accept certified return receipt mail, then service may be made by first class mail; or,~~.~~

(D) A notice of seizure and intended forfeiture shall include:

(4) The instructions and time limits for filing and serving a claim with the court pursuant to PMC Section 9.47.070 (Claim opposing forfeiture and court proceedings). The notice shall contain a statement that, in order to receive a post-seizure hearing, a claimant shall request a hearing in person or in writing with the court within 10 calendar days of the date of the notice.

9.47.070 Claim opposing forfeiture and court proceedings.

(A) A person claiming an interest in the vehicle seized pursuant to PMC Section 9.47.050 (Seizure of vehicle) must within 10 calendar days from the date of the notice of intended forfeiture or within 30 calendar days from the date of first publication of the notice of

seizure, file with the Los Angeles County Superior Court: (North District) or the superior court of the County in which the property was seized if not in Los Angeles County, a claim opposing forfeiture, verified in accordance with California Code of Civil Procedure Section 446, stating his or her interest in the property, along with a filing fee as may be required by the court. The person filing the claim shall be responsible for filing an endorsed copy of the claim upon the City Attorney within 10 calendar days of the filing of the claim in court. If the seizure is incident to a first-time violation of this ~~c~~Chapter, the claimant may post a bond with the City in an amount equal to the Kelly Blue Book suggested retail value, or equivalent valuation acceptable to the City, to retain against sale or disposal of the vehicle pending final adjudication of the forfeiture. Upon posting of the bond, the City shall release the vehicle to the registered or legal owner.

(B) If a verified claim is filed in accordance with this ~~s~~Section, the forfeiture proceeding shall be set for a court hearing within 30 calendar days from the date the claim is filed.

(C) The provisions of the Code of Civil Procedure shall apply to proceedings under this ~~s~~Section unless otherwise inconsistent with the provisions or procedures set forth in this ~~c~~Chapter. However, in proceedings under this ~~s~~Section, there shall be no joinder of actions, coordination of actions, except for forfeiture proceedings, or cross-complaints, and the issues shall be limited strictly to those related to this ~~c~~Chapter. Any trial pursuant to this ~~c~~Chapter shall be before the court.

(D) With respect to vehicles described in PMC Section 9.47.030 (Abatement of nuisance vehicle by seizure and forfeiture) for which forfeiture is sought and as to which forfeiture is contested, the City Attorney shall have the burden of proving by a preponderance of the evidence that the vehicle constituted a nuisance pursuant to this ~~c~~Chapter.

(E) Upon proof that the vehicle was used in connection with any of the activities set forth in PMC Section 9.47.030 (Abatement of nuisance vehicle by seizure and forfeiture), the court shall declare the vehicle a nuisance and order that it be forfeited, sold, and the proceeds distributed as set forth in PMC Section 9.47.080 (Disposal of vehicle and distribution of proceeds).

(F) If no claims are timely filed, the City Attorney shall prepare a written declaration of forfeiture of the vehicle to the City. A written declaration of forfeiture signed by the City Attorney under this section shall be deemed to provide good and sufficient title to the forfeited property. The proceeds from the disposal of the vehicle declared forfeited by the City Attorney shall be distributed in accordance with PMC Section 9.47.080 (Disposal of vehicle and distribution of proceeds). The City Attorney ordering forfeiture pursuant to this section shall provide a copy of the declaration of forfeiture to any person who received notice of the forfeiture proceedings.

9.47.080 Disposal of vehicle and distribution of proceeds.

(A) In all cases where vehicles seized pursuant to this ~~c~~Chapter are forfeited to the City, the vehicles shall be sold, or if cash is paid as settlement in lieu of forfeiture of the vehicle, the proceeds of sale or settlement shall be distributed and appropriated as follows:

(1) To pay costs associated with the towing, storage and release of any vehicle seized under this ~~c~~Chapter.

(B) The remaining funds shall be distributed as follows:

(1) To the City Attorney for all expenditures other than personnel costs, made or incurred by his or her office in connection with the enforcement of this ~~c~~Chapter, including, but not limited to, costs for equipment, investigation, supplies, litigation, as well as insurance and liability resulting from enforcement of this ~~c~~Chapter and costs of publication of the notices set forth in PMC Section 9.47.060 (Forfeiture and notice of intended forfeiture of vehicle).

(C) For budgeting purposes, funds obtained from enforcement of this ~~c~~Chapter shall not be considered anticipated revenue into the general fund.

(D) If a vehicle that is forfeited pursuant to this ~~c~~Chapter is not legally saleable due to modifications thereto prior to the seizure, the City Attorney may cause its destruction and any funds received by the City for its scrap value shall be applied in accordance with this section.

9.47.090 Stolen vehicles.
A vehicle that has been reported stolen, prior to a seizure under this ~~c~~Chapter, shall not be subject to forfeiture unless the identity of the registered owner cannot be reasonably ascertained or the registered owner fails to redeem the vehicle within 30 calendar days of the seizure. The registered owner of the vehicle may claim the vehicle upon payment of tow, storage and release charges, provided the vehicle is not subject to any holds for traffic or parking violations and the vehicle registration is current.

9.47.100 Recovery of monetary loss.
Nothing in this ~~c~~Chapter shall preclude a person with an ownership or secured interest in the vehicle who suffers a monetary loss from the forfeiture of a vehicle under this ~~c~~Chapter from recovering the amount of the actual monetary loss from a driver or responsible person.

9.50.010 Title.
This ~~c~~Chapter shall be known as, and may be cited as, the “Palmdale film ordinance.”

9.50.020 Definitions.
(C) “City-produced public access films” shall mean motion picture, television or still photography produced by or in association with the City ~~of Palmdale~~. No person, directly or indirectly, shall receive a profit from the marketing and production of the film or from showing the films, tapes, or photos.

(E) “Film Liaison” shall mean a City official designated by the City Manager to promote photography and film production within the City ~~of Palmdale~~ and to administer the provisions of this ~~c~~Chapter.

9.50.030 Permits and exemptions.
(A) Permit Required. No person shall use any public or private property, public right-of-way, facility or residence for the purpose of taking motion pictures or television pictures

or still photography without first applying for and receiving a permit issued pursuant to the provisions of this ~~c~~Chapter.

(B) Exemptions. The provisions of this ~~c~~Chapter shall not apply to:

(1) News media;~~.~~

(2) City-produced public access films;~~.~~

(3) Family video; and,~~.~~

9.50.050 Applicants and issuance.

(A) Any person desiring a permit under the provisions of this ~~c~~Chapter r shall make application on the appropriate form provided by the Film Liaison. The form must be signed and, except where otherwise provided, accompanied by all required fees, deposits, forms and insurance certificates required by this ~~c~~Chapter before it will be processed.

(B) Issuing Authority. The Film Liaison shall be responsible for issuing permits under this ~~c~~Chapter.

(C) Issuance. The Film Liaison shall issue, conditionally issue, or not issue a permit as provided for in this ~~c~~Chapter after consideration of the application and such other information as may be otherwise obtained. The decision of issuance will be final unless appealed in writing within five working days of the decision by requesting a hearing of the City Manager and/or the City Manager's designated appeal officer. The appeal shall be heard within five working days of receipt of the applicant's written appeal.

9.50.070 Liability provisions.

(A) Liability Insurance. Before a permit is issued, a certificate of insurance evidencing general liability insurance, in an amount not less than $1,000,000, will be required naming the City ~~of Palmdale~~, including its agencies, officers, employees and agents, as an additional insured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage and to indemnify the City for damage to City property arising out of the permittees' or their agents', employees' or contractors' activities. The certificate of insurance shall not be subject to cancellation or modification until after 30 days' written notice to the City.

(B) Vehicle Insurance. For all applicant's vehicles that are operated in the public right-of-way under the permit, a certificate of insurance will be required for auto coverage with limits of no less than $1,000,000 and scheduled under any umbrella policy. At the request of the applicant, the City Attorney may waive the requirement to obtain insurance, and provide proof thereof, as to one, some or all of the vehicles operated under the permit. Certificates of insurance evidencing vehicle insurance are not required to be submitted with the initial permit application as provided for in PMC Section 9.50.050 (Applicants and issuance). However, a film permit shall not be valid until proof of insurance for all vehicles required to have insurance under this ~~s~~Subsection is provided to the Film Liaison.

(C) Worker's Compensation Insurance. An applicant shall conform to all applicable ~~f~~Federal and sState requirements for worker's compensation insurance for all persons operating under a permit.

(D) Additional Insurance. The City Attorney shall have the authority to require higher insurance limits or additional insurance if, in his or her opinion and discretion, the type of activity permitted is of such a nature as to warrant greater risk protection. Certificates of insurance evidencing additional insurance are not required to be submitted with the initial permit application as provided for in PMC Section 9.50.050 (Applicants and issuance). However, a film permit may be conditionally issued upon obtaining insurance, and providing proof thereof, as provided for in this subsection.

(F) Security Deposit. To ensure cleanup and restoration of the site, an applicant may be required to post a security deposit in the form of a refundable security deposit or faithful performance bond (amount to be determined). Upon completion of filming and inspection of the site by the City, the security deposit or faithful performance bond may be returned to the applicant. The security deposit is not required to be submitted with the initial permit application as provided for in PMC Section 9.50.050 (Applicants and issuance). However, a film permit may be conditionally issued upon posting a security deposit as provided for in this subsection.

9.50.080 Violation.
(B) Violation of the terms of this ~~c~~Chapter, or any permit issued thereto, shall constitute a misdemeanor and subject the offender to the penalties set forth in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

10.04.030 Amendments.
The Palmdale vehicles and traffic code is amended by adding thereto the C~~c~~hapters set forth in PMC Sections 10.04.031 (Section 15.08.130 of Chapter 15.08 of Division 1 of Title 15 Los Angeles County Code amended) through 10.04.150 (Chapter 15.130 added – Prohibiting the parking of recreational vehicles in residential districts for more than 72 hours).

10.04.032 Section 15.08.040 of Chapter 15.08 of Division 1 of Title 15 Los Angeles County Code amended.
Section 15.08.040 of Chapter 15.08 of Division 1 of Title 15 of the Los Angeles County Code is amended to read as follows:

Section 15.08.040 Board.

"Board" shall mean the ~~c~~City ~~c~~Council of the ~~c~~City of Palmdale.

10.04.033 Section 15.08.070 of Chapter 15.08 of Division 1 of Title 15 Los Angeles County Code amended.
Section 15.08.070 of Chapter 15.08 of Division 1 of Title 15 of the Los Angeles County Code is amended to read as follows:

Section 15.08.070 Commissioner.

“Commissioner” shall mean the ~~c~~City of Palmdale traffic engineer.

10.04.035 Section 15.64.200 of Chapter 15.64 of Division 1 of Title 15 Los Angeles County Code amended.
Section 15.64.200 of Chapter 15.64 of Division 1 of Title 15 of the Los Angeles County Code is amended to read as follows:

B. As used in this section, the words “safe place” include but are not confined to, any garage, parking lot or open space owned by, maintained by or under the jurisdiction of the cCounty of Los Angeles or the ~~c~~City of Palmdale, and also every privately owned garage the owner or proprietor of which will accept such vehicle.

10.04.040 Chapter 15.101 added – Commercial vehicle parking restrictions in residential or agricultural zones.
Chapter 15.101 is added to read as follows:

Chapter 15.101

A person shall not park any commercial vehicle having a manufacturer’s gross vehicle weight rating of 10,000 pounds or more on any highway or alley at anytime in any residential or agricultural zone as defined in ~~Ordinance No. 140, entitled~~ The Zoning Ordinance. It is not a violation of this chapter to park said vehicles in residential or agricultural zones when such vehicles are involved in:

10.04.050 Chapter 15.102 added – Prohibition of certain vehicles except on designated routes.
Chapter 15.102 is added to read as follows:

Chapter 15.102

A. Except as provided in S~~s~~ubparagraph B hereof, any commercial vehicle exceeding a manufacturer’s gross vehicle weight rating of 10,000 pounds is hereby prohibited from using any streets in the C~~c~~ity other than those designated in Chapter 15.103 which have been marked by appropriate signs. All streets in the C~~c~~ity not designated in Chapter 15.103 shall be restricted streets for the purpose of this Chapter 15.102.

10.04.060 Chapter 15.103 added – Truck routes designated.
Chapter 15.103 is added to read as follows:

Chapter 15.103

Commercial vehicles having a manufacturer’s gross vehicle weight rating of 10,000 pounds or more shall use the following streets or portions of streets within the C~~c~~ity limits except as provided in Section 15.102.B:

10.04.070 Chapter 15.104 added – Traffic and fire access lanes designated.
Chapter 15.104 is added to read as follows:

Chapter 15.104

The driveways, passageways and circulation routes within a public parking area, serving commercial or industrial uses as stipulated in ~~Ordinance 140,~~ the Zoning Ordinance of the C~~c~~ity, whether publicly or privately owned, are designated as traffic and fire access lanes.

10.04.090 Chapter 15.106 added – Transporting dogs in open vehicles.
Chapter 15.106 is added to read as follows:

Chapter 15.106

A. No person shall transport any dog in or on the back of any open truck or other open vehicle while traveling on any road, street, highway, lane or alley in the C~~c~~ity.

10.04.100 Chapter 15.107 added – Regulation of speed bumps on private streets, easements and fire lanes.
Chapter 15.107 is added to read as follows:

Chapter 15.107

A. Declaration of Policy. It is hereby declared to be the policy of the C~~c~~ity to prohibit the installation of new speed bumps on private streets, easements or fire lanes, as such vehicle speed control devices may obstruct convenient and timely emergency vehicle access or otherwise jeopardize the public health, safety and general welfare.

2. “Traffic Control Review Committee” or “Review Committee” shall mean a committee comprised of the following individuals or their designees: Fire Marshall, Sheriff, Director of Public Works and ~~Director of Planning.~~Planning Manager.

10.04.110 Chapter 15.108 added – Speed limits designated.
Chapter 15.108

A. As authorized by the California Vehicle Code (CVC), it is hereby determined upon the basis of engineering and traffic surveys that the maximum speeds (in miles per hour) on the following streets are as identified in S~~s~~ubsection C. Speed limits established pursuant to this Chapter shall be effective when appropriate signs giving notice thereof are erected upon said street.

10.04.130 Chapter 15.110 added – Enforcement of vehicle and traffic laws in designated mobile home parks.
Chapter 15.110 is added to read as follows:

B. The provisions of the California Vehicle Code shall apply to the roads within the mobile home parks enumerated in paragraph A, above, and may be enforced; and as authorized by Chapter 9 of Division 11 of the California Vehicle Code, Section 22500 et seq., local City of Palmdale ordinances prohibiting, restricting or regulating the parking, stopping or standing of vehicles as set forth in Divisions 1 and 2 of Title 15 of the Los Angeles County Code, as adopted and amended as the Palmdale Vehicles and Traffic Code by ~~Palmdale Municipal Code~~ PMC Section 10.04.010 (Chapter 15.108 added – Speed limits designated), shall apply to the roads and may be enforced as well. Notwithstanding the

foregoing, the roads shall remain privately owned and maintained, and the City~~of Palmdale~~ assumes no obligation to maintain them, nor to provide patrol or traffic enforcement services for the enforcement of the California Vehicle Code or Palmdale Vehicles and Traffic Code. The Los Angeles Sheriffs Department shall be authorized to enforce the California Vehicle Code and the Palmdale Vehicles and Traffic Code on those roads. City~~ of Palmdale~~ Traffic Enforcement Officers shall be authorized to enforce the Palmdale Vehicle and Traffic code and those provisions of the California Vehicle Code related to the stopping, standing, or parking of vehicles.

10.04.140 Chapter 15.120 added – Enforcement of California Vehicle Code provisions on private roads and off-street parking facilities of the Antelope Valley Mall.

Chapter 15.120 is added to read as follows:

2. It is the intent of the City Council that the provisions of the California Vehicle Code shall apply to the Roadways and that said code may be enforced thereon. In so doing, the Roadways remain privately owned and maintained, and the City~~ of Palmdale~~ assumes no obligation to maintain them, nor to provide patrol or traffic enforcement services for the enforcement of the California Vehicle Code thereon.

D. No Obligation to Maintain or Enforce. The Antelope Valley Mall Roadways remain privately owned and maintained. The City~~ of Palmdale~~ assumes no obligation to maintain them, nor to provide patrol or traffic enforcement services for the enforcement of the California Vehicle Code thereon.

15.120.020 Enforcement of Certain Provisions of the California Vehicle Code to Antelope Valley Mall Parking Lots.

A. Findings and Intent. Pursuant to California Vehicle Code Section 21107.8, the City Council finds and declares as follows:

1. There are privately owned and maintained ~~offstreet~~off-street parking facilities serving the Antelope Valley Mall (“Antelope Valley Mall Parking Lots”) that are generally held open for use of the public for purposes of vehicular parking. The Antelope Valley Mall is bounded generally to the north by West Avenue O-8, thence to the northeast by the Antelope Valley Freeway, State Route 14, thence to Tenth Street West on the east, thence to Rancho Vista Boulevard (Avenue P) on the south, thence to Fifteenth Street West on the west.

2. It is the intent of the City Council that Sections 22350, 23103, and 23109 and the provisions of Division 16.5 (commencing with Section 38000) of the California Vehicle Code shall not apply to the Antelope Valley Mall Parking Lots unless its owner or operator has caused to be posted in a conspicuous place at each entrance to the Antelope Valley Mall Parking Lots a notice not less than 17 by 22 inches in size with lettering not less than one inch in height to the effect that the Antelope Valley Mall is subject to public traffic regulations and control. In adopting the ordinance codified in this section, the Antelope Valley Mall Parking Lots remain privately owned and maintained and the City~~ of Palmdale~~

assumes no obligation to maintain them, nor to provide patrol or traffic enforcement for the enforcement of the California Vehicle Code thereon.

C. No Obligation to Maintain or Enforce. The Antelope Valley Mall Parking Lots remain privately owned and maintained. The City ~~of Palmdale~~ assumes no obligation to maintain them, nor to provide patrol or traffic enforcement services for the enforcement of the California Vehicle Code thereon.

10.04.160 Chapter 15.140 added – Electric vehicle parking.
Chapter 15.140 is added to read as follows:

Chapter 15.140 Electric Vehicle Parking

15.140.010 Definitions: For the purposes of this ~~c~~Chapter:

10.06.010 Title.
This ~~c~~Chapter shall be known as the “parking citation processing ordinance” of the City.

10.06.020 Definitions.
Except where the context otherwise requires, the definitions provided in this ~~s~~Section shall govern the construction of this ~~c~~Chapter.

“Administrative policy” means a policy which establishes procedures for the implementation of this ~~c~~Chapter and is approved by the City Manager.

“Violation” means any parking, equipment or other vehicle violation as established pursuant to ~~s~~State law or local ordinance.

10.06.040 Authority to conduct administrative review process – Hearing Officer – Procedures.
The processing agency may review appeals or other objections to a parking citation pursuant to the procedures set forth in this section.

(B) The initial review by the processing agency shall consist of those procedures outlined in PMC Section 10.06.130(A)(1).

(C) If the operator is dissatisfied with the results of the initial review, the operator may contest the parking citation or notice of delinquent parking violation through an administrative hearing review process as outlined in PMC Section 10.06.130(B)(1).

(D) Notwithstanding the provisions of ~~s~~Subsection (C) of this ~~s~~Section, if the vehicle has been immobilized or impounded for unpaid parking citations, the processing agency shall permit the registered owner of the vehicle to contest the parking citations upon which the seizure was based, without requiring a deposit of the parking penalty; provided, that the vehicle remains under the control of the immobilizing or impounding agency.

10.06.050 Process by which parking citations must be issued.
Parking citations shall be issued ~~in accordance with~~pursuant to the following procedures:

(A) If a vehicle is unattended at the time that the parking citation is issued for a parking violation, the issuing officer shall securely attach to the vehicle the parking citation setting forth the violation, including reference to the section of the California Vehicle Code, the City's Municipal Code, or other parking regulation violated; the approximate time of the violation; the location of the violation, and the date by which the operator is to deposit the parking penalty or contest the parking citation pursuant to PMC Section 10.06.130 (Contesting parking citation – Procedure). The citation shall state the amount of the parking penalty and the address of the agent authorized to receive deposit of the parking penalty.

(C) Once the parking citation is prepared and attached to the vehicle pursuant to subsection (A) of this ~~s~~Section, the issuing officer shall file notice of the parking violation with the processing agency.

agency, and the parking citation shall be canceled pursuant to PMC Section 10.06.130(A)(1).

10.06.070 Parking penalties received by date fixed – No contest – Request to contest.

(A) If the payment of the parking penalty is received by the processing agency and there is no contest by the date fixed on the parking citation, all proceedings as to that parking citation shall terminate.

(B) If the operator contests the parking citation, the processing agency shall proceed ~~in accordance with~~pursuant to PMC Section 10.06.130 (Contesting parking citation – Procedure).

10.06.080 Parking penalties not received by date fixed.

(A) If payment of the parking penalty is not received by the processing agency by the date fixed on the parking citation, the processing agency shall deliver to the registered owner a notice of delinquent parking violation pursuant to PMC Section 10.06.090 (Notice of delinquent parking violation – Contents).

10.06.090 Notice of delinquent parking violation – Contents.

(A) A notice of delinquent parking violation shall contain the information required to be included in a parking citation pursuant to PMC Section 10.06.050 (Process by which parking citations must be issued). The notice of delinquent parking violation shall also contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within 10 days after mailing the notice of delinquent parking violation or completes and files an affidavit of nonliability that complies with PMC Section 10.06.110 (Affidavit of nonliability – Leased or rented vehicle) or 10.06.120 (Affidavit of nonliability – Sale), the vehicle registration will not be renewed until the parking penalties have been paid. In addition, the notice of delinquent parking violation shall contain, or be accompanied by, an affidavit of nonliability and information of what constitutes nonliability, information as to the effect of executing an affidavit, and instructions for returning the affidavit to the issuing agency.

10.06.110 Affidavit of nonliability – Leased or rented vehicle.
A registered owner shall be released from liability for a parking citation if the registered owner files with the processing agency an affidavit of nonliability in a form satisfactory to the processing agency and such form is returned within 30 days after the mailing of the notice of delinquent parking violation together with proof of a written lease or rental agreement between a bona fide rental or leasing company and its customer which identifies the renter or lessee and provides the operator's driver's license number, name and address. The processing agency shall serve or mail to the renter or lessee identified in the affidavit of nonliability a notice of delinquent parking violation. The processing agency shall inform the renter or lessee that he or she must pay the full amount of the parking penalty or provide notice to the processing agency that he or she intends to contest the parking citation pursuant to PMC Section 10.06.130 (Contesting parking citation – Procedure) within 15 days of the mailing of the notice of delinquent parking violation. If the processing agency does not receive payment of the contest within those 15 days, the processing agency may proceed against the renter or lessee pursuant to PMC Section 10.06.140 (Collection of unpaid parking penalties).

10.06.120 Affidavit of nonliability – Sale.
(C) If the registered owner has not complied with the requirements necessary to release the owner from liability pursuant to California Vehicle Code Section 5602, or any successor statute thereto, the processing agency shall inform the registered owner that the citation must be paid in full or contested pursuant to PMC Section 10.06.130 (Contesting parking citation – Procedure). If the registered owner does not comply, the processing agency shall proceed pursuant to PMC Section 10.06.140 (Collection of unpaid parking penalties).

10.06.130 Contesting parking citation – Procedure.
(A) If an operator or registered owner contests a parking citation or a notice of delinquent parking violation, the processing agency shall do all of the following:

(2) If the contestant is not satisfied with the results of the investigation provided for in ~~s~~Subsection (A)(1) of this section, the contestant may, within 15 days of the mailing of the results of the initial investigation, deposit the amount of the parking penalty and other related fees or provide proof of inability to deposit the parking penalty, and request an administrative review.

(E) If the contestant is not the registered owner of the vehicle, all notices to the contestant required under this ~~s~~Section shall also be given to the registered owner by first class mail.

10.06.140 Collection of unpaid parking penalties.
Except as otherwise provided below, the processing agency shall proceed under subsection (A) or (B) of this ~~s~~Section, but not both, in order to collect an unpaid parking penalty:

(B) If more than $400.00 in unpaid parking penalties and other related fees have been accrued by any one registered owner or the registered owner's renter, lessee or sales transferee, proof thereof may be filed with the court with the same effect as a civil judgment. Execution may be ~~levied~~levied, and such other measures may be taken for the

collection of the judgment as are authorized for the collection of unpaid civil judgments entered against a defendant in an action on a debt.

The processing agency shall send notice by first class mail to the registered owner or renter, lessee or sales transferee indicating that a civil judgment has been filed and the date that the judgment shall become effective. The notice shall also indicate:indicate that execution may be levied against that person's assets, that liens may be placed against the person's property, that the person's wages may be garnished, and that other steps may be taken to satisfy the judgment. The notice shall also state that the processing agency will terminate the commencement of a civil judgment proceeding if all parking penalties and other related fees are paid prior to the date set for hearing. If judgment is entered, then the City may file a writ of execution or an abstract with the court clerk's office identifying the means by which the civil judgment is to be satisfied.

10.06.150 Obligation of processing agency once parking penalty paid.
(A) If the operator or registered owner served with notice of delinquent parking violation, or any other person who presents the parking citation or notice of delinquent parking violation, deposits the penalty with the person authorized to receive it, the processing agency shall do both of the following:

(2) Determine whether the notice of delinquent parking violation has been filed with the Department or a civil judgment has been entered pursuant to PMC Section 10.06.140 (Collection of unpaid parking penalties).

10.08.010 Purpose.
The purpose of this ~~c~~Chapter is to comply with Government Code Section 65850.7 and to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts in the installation and use of such charging stations.

10.08.030 Expedited permitting process.
(C) Checklist Contents. The checklist and procedures may refer to the recommendations contained in the most current version of the "Plug-In Electric Vehicle Infrastructure Permitting Checklist" of the "Zero-Emission Vehicles in California: Community Readiness Guidebook" as published by the Governor's Office of Planning and Research. Such checklist must ensure that all requirements of this ~~c~~Chapter are met, including the following:

10.08.040 Permit application processing.
(D) Appeal. The Building Official's determination may be appealed to the Planning Commission. Such appeal shall be governed by the procedures of Division 2 (Review Procedures) of PMC Title 17 (Zoning), except that the determination of the Planning Commission shall be final and cannot be appealed to the City Council. After conducting the public hearing, the ~~r~~Reviewing ~~a~~Authority shall issue its determination in writing based upon substantial evidence in the record.

10.08.050 City-owned electric vehicle parking spaces.
The Director of Public Works, or designee, is authorized to designate parking spaces or stalls in any off-street parking facility owned and operated by the City ~~of Palmdale~~ for the exclusive purpose of charging and parking a vehicle that is connected for electric charging purposes.

10.09.010 Unlawful possession of a catalytic converter prohibited.
(A) It shall be unlawful for any person, other than a core recycler as defined in California Business and Professions Code Section 21610, to possess any catalytic converter that is not attached to a vehicle, unless the possessor has valid documentation or other proof to verify that they are in lawful possession of the catalytic converter.

(B) This ~~s~~Section does not apply to a detached catalytic converter that has been tested, certified, and labeled or otherwise approved for reuse, and being bought or sold for purposes of reuse ~~in accordance with~~pursuant to the Federal Clean Air Act (42 U.S.C. Section 7401 et seq.) and regulations under the Clean Air Act, as they may, from time to time, be amended.

10.09.020 Definitions.
(A) For purposes of this ~~c~~Chapter, "lawful possession" includes (1) being the lawful owner of the catalytic converter or (2) in possession of the catalytic converter with the lawful owner's written consent. It is not required to prove the catalytic converter was stolen to establish the possession is not a "lawful possession."

(B) For purposes of this ~~c~~Chapter, "documentation or other proof" means written document(s) that clearly identify the vehicle from which the catalytic converter originated based on the totality of the circumstances, and includes, but is not limited to, the following types of documents:

10.09.030 Violations.
(A) Each and every violation of this ~~c~~Chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the PMC~~Palmdale Municipal Code~~. Each and every catalytic converter unlawfully possessed is a separate violation of this ~~c~~Chapter.

(B) It is unlawful and a misdemeanor subject to punishment ~~in accordance with~~pursuant to PMC Chapter 1.12 (Penalty Provisions)~~PMC~~ for any person to violate any provision of this ~~c~~Chapter.

Title 12

Chapters:
12.04 Underground Utilities
12.08 Highway Permits
12.12 Parades
12.16 Advertising Displays Adjacent to Landscaped Highways
12.20 Policy for Displaying Written Materials at City Facilities
12.24 Displaying Personal Property for Sale – Parking for Repair or Maintenance

12.28 Storage of Personal Property in Public Places
12.30 Shopping Carts
12.32 Maintenance of Drainage Facilities
12.34 Communications and Utilities

12.04.010 Definitions.
For the purposes of this ~~c~~Chapter, the following words or phrases shall be defined as follows:

(E) “Underground utility district” or “district” means that area in the City within which poles, overhead wires and associated overhead structures are prohibited as such area is designated and described in a resolution adopted pursuant to the provisions of PMC Section 12.04.040 (Designation).

(G) “Utility facilities” shall mean poles, overhead wires and associated overhead structures as defined in ~~s~~Subsection (D) of this section.

12.04.020 Public hearing.
The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. The City may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony at the hearing in accordance with PMC Section 2.08.90. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of the hearings at least 10 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.

12.04.050 Compliance required.
Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in PMC Section 12.04.040 (Designation), it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by the resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by the owner or occupant of the underground work necessary for the owner or occupant to continue to receive utility service as provided in PMC Section 12.04.100 (Property owner responsibility), and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this ~~a~~Article.

12.04.060 Exceptions – Emergency or unusual circumstances.
Notwithstanding the provisions of this ~~a~~Article, overhead facilities may be installed and maintained for a period, not to exceed 30 days, without authority of the Director of Public Works in order to provide emergency service. The Director of Public Works may grant

special permission on such terms as the Director of Public Works may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

12.04.070 Exceptions – Facilities.
This ~~a~~Article and any resolution adopted pursuant to PMC Section 12.04.040 (Designation) shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

12.04.080 Notice to property owners and utility companies.
(A) Within 10 days after the effective date of a resolution adopted pursuant to PMC Section 12.04.040 (Designation), the City Clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adopting thereof. The City Clerk shall further notify the affected property owners of the necessity that, if they or any person occupying the property desire to continue to receive electric, communication or similar or associated service, they or the occupant shall provide all necessary facility changes on their premises so as to receive the service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

(B) Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to PMC Section 12.04.040 (Designation), together with a copy of this ~~a~~Article, to affected property owners as such are shown on the last equalized assessment roll and the affected utilities.

12.04.090 Utility company responsibility.
If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to PMC Section 12.04.040 (Designation), the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission.

12.04.100 Property owner responsibility.
(A) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in PMC Section 12.04.090 (Utility company responsibility) and the termination facility on or within the building or structure being served, all ~~in accordance with~~pursuant to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. In the event any person owning, operating, leasing, occupying or renting the property does not comply with the provisions of this ~~s~~Subsection (A) within the time provided for in the resolution enacted pursuant to PMC Section 12.04.040 (Designation), the City Engineer shall post written notice on the property being serviced and 30 days thereafter may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property; or

(B) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in PMC Section 12.04.090 (Utility company responsibility) and the termination facility on or within the building or structure being served, all ~~in accordance with~~pursuant to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to PMC Section 12.04.040 (Designation), the City Engineer shall give notice in writing to the person in possession of the premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after the receipt of the notice;

(G) Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there are any, and then proceed to affirm, modify or reject the assessment. The City may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony at the hearing in accordance with PMC Section 2.08.90;

12.04.110 City responsibility.
The City shall remove at its own expense all City-owned equipment from all poles required to be removed under this ~~a~~Article in ample time to enable the owner or user of the poles to remove them within the time specified in the resolution enacted pursuant to PMC Section 12.04.030 (Engineering report).

12.04.120 Time extension.
In the event that any act required by this ~~a~~Article or by a resolution adopted pursuant to PMC Section 12.04.040 (Designations) cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which the act will be accomplished shall be extended for a period equivalent to the time of the limitation.

12.04.130 Penalty for violation.
It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ~~a~~Article. Any person violating any provision of this ~~a~~Article or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this ~~a~~Article is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this ~~a~~Article.

Article II. New Construction

12.04.140 New construction – Underground installations required.
Except as otherwise provided in this ~~a~~Article, no building permit shall be issued for the construction of a building, nor shall any site plan be approved, nor any tract or parcel map

be recorded, unless the Public Works Department has approved plans which show that the building or development will comply with the provisions of this ~~a~~Article.

12.04.150 Development subject to undergrounding requirements.
Except as otherwise provided in this ~~a~~Article, all utility facilities shall be installed underground if they are located on or adjacent to a lot being developed.

For the purposes of this ~~s~~Section, utility facilities shall be deemed "adjacent" to a lot if they are located in a public right-of-way contiguous to the lot, including, but not limited to, a public utility right-of-way, flood control or drainage channel, or street or alley.

12.04.160 Exceptions to undergrounding requirements for new construction.
Notwithstanding the provisions of PMC Section 12.04.150 (Development subject to undergrounding requirements), the following facilities and equipment shall not be required to be placed underground:

12.04.180 Development of single-family residential lots and subdivision of less than five lots.
Undergrounding of utility facilities "adjacent" to property being developed, as "adjacent" is defined in PMC Section 12.04.150 (Development subject to undergrounding requirements), shall not be imposed as a condition upon the development of a single-family residential lot, the division of land resulting in four or fewer parcels, or the merger of four or fewer parcels, if the development, division, or merger is located in an area currently served by utility facilities. This ~~s~~Section shall not restrict the City's ability to require undergrounding of utility facilities located "on" a property.

12.04.190 Manner of installation.
All undergrounding, including the undergrounding of service laterals, required by PMC Section 12.04.150 (Development subject to undergrounding requirements) shall be completed prior to the paving of streets; provided, however, that the City Engineer may waive this requirement if the undergrounding will not require reconstruction or repair of streets, or if unusual circumstances warrant such waiver. Furthermore, upon approval of a proposed tentative tract map, the Planning Commission may waive this requirement if this requirement imposes an undue hardship due to the physical condition of the subdivision.

12.04.200 Plans required.
Plans detailing the location of all utility facilities required by PMC Section 12.04.150 (Development subject to undergrounding requirements) to be installed underground shall be submitted for approval to the Public Works Department. The Public Works Department shall approve such plans if they meet the requirements of this ~~a~~Article and other applicable provisions of ~~this code~~the PMC.

12.04.210 Waivers.
The City Council or the Planning Commission may waive the requirements of PMC Section 12.04.150 (Development subject to undergrounding requirements) upon a finding that compliance with the requirements of that section would be technically or economically infeasible due to geologic, soil, or topographic conditions.

The City Council or the Planning Commission may condition such waiver as it deems necessary to effectuate the purposes and intent of this ~~a~~Article.

12.04.220 Placement of utility facilities.
The placement or location of all utility facilities exempted from the provisions of this ~~a~~Article pursuant to PMC Section 12.04.160 (Exceptions to undergrounding requirements for new construction) or 12.04.210 (Waivers) shall require approval by the Director of Economic and Community Development. The Director shall not approve any location if the City Engineer determines that placement of a utility facility at the proposed location will unreasonably interfere with travel along a public right-of-way.

12.08.010 County Code provisions adopted by reference.
(A) Except as provided in this ~~c~~Chapter, the highway permit ordinance of the County of Los Angeles, as set forth in Title 16, Division 1 of the Los Angeles County Code, as amended by Los Angeles County Ordinance No. 88-0056 and in effect on April 26, 1988, is adopted by reference and shall become the highway permit ordinance of the City of Palmdale.

12.08.020 Definitions.
Whenever any of the following names or terms are used in the County highway permit ordinance, each such name or term shall be deemed and construed to have the meaning ascribed to it in this ~~s~~Section as follows:

12.08.030 Chapter 16.24 of highway permit ordinance amended – Special provisions for newspaper dispensing devices.
Chapter 16.24 of the highway permit ordinance is amended in its entirety to read as follows:

Chapter 16.24

SPECIAL PROVISIONS FOR NEWSPAPER DISPENSING DEVICES

16.24.010 Purposes.

The purpose of this ~~c~~Chapter is to promote the public health, welfare and safety by regulating the placement, appearance, maintenance and insuring of newspaper dispensing devices on public rights-of-way so as to:

I. Regulate newspaper dispensing devices ~~in accordance with~~pursuant to constitutional guarantees of freedom of speech and freedom of the press for newspapers and periodicals using dispensing devices for distribution purposes on public rights-of-way.

16.24.020 Definitions.
As used in this ~~c~~Chapter, unless the context otherwise clearly indicates, each of the following words or terms shall have the meaning ascribed to it in this ~~s~~Section:

H. “Permittee” means the person who is authorized pursuant to this ~~c~~Chapter to place and maintain a newspaper dispensing device in a public right-of-way.

16.24.030 Encroachment permit required.A. No person shall place, affix, erect, construct, or maintain a newspaper dispensing device which in whole or in part rests upon, in or over any public right-of-way without first obtaining an encroachment permit from the director in accordance withpursuant to the provisions of this cChapter.

16.24.040 Application for encroachment permit.

A. The application for an encroachment permit to install or maintain any newspaper dispensing device shall be on a form provided by the Director and shall contain or be accompanied by the following:

4. A statement that, to the best of the applicant's knowledge and belief, and based upon the applicant's inspection of each proposed location, the installation or maintenance of each proposed newspaper dispensing device will be in compliance with all standards and requirements set forth in Section 16.24.080 of this ~~c~~Chapter;

9. Evidence of a current business license as required by the ~~Palmdale Municipal Code~~PMC; and,

16.24.050 Issuance or denial of encroachment permit.
A. Following the receipt of an application for encroachment permit submitted pursuant to the provisions of this ~~c~~Chapter, the Director shall cause an inspection to be made of each location proposed by the applicant for the installation or maintenance of a newspaper dispensing device. The inspection fee established by resolution of the City Council shall be deemed to cover all newspaper dispensing devices proposed by the applicant to be installed or maintained on any one block.

C. The encroachment permit may authorize less than all of the locations proposed by the applicant for the installation or maintenance of newspaper dispensing devices. If a proposed location is disapproved by the Director, the applicant shall be given written notice of the reasons for such disapproval. The applicant shall have the right to a hearing on such determination in accordance with the provisions of Section 16.24.160. Disapproval of a proposed location shall not preclude the applicant from subsequently submitting a new and additional application for encroachment permit designating another proposed location. The City may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony at the hearing in accordance with PMC Section 2.08.90.

16.24.060 Encroachment permit identification tags.
B. The encroachment permit identification tag shall be valid for a period of one year after date of issuance. At the expiration of the initial one-year period, and annually thereafter, the Director shall cause to be issued renewal identification tags upon application by the permittee, payment of such renewal and inspection fees as may be established by resolution of the City Council, and a determination by the Director that each location authorized by the encroachment permit and each newspaper dispensing device continues to comply with the standards and requirements set forth in Sections 16.24.080 and 16.24.090, respectively, of this ~~c~~Chapter.

16.24.070 Identification required on newspaper dispensing devices.
The permittee under an encroachment permit issued pursuant to this ~~c~~Chapter shall cause to be affixed to each newspaper dispensing device installed or maintained at a location authorized by such encroachment permit the following:

10. Within five feet of a curb painted ~~in accordance with~~pursuant to local parking regulations, pursuant to California Vehicle Code Section 21458;

16. In any City right-of-way within 150 feet of any doorway of an essential public facility, unless such dispensing device was already located at said location as of the date of this ordinance, and written permission to maintain the newspaper dispensing device within 150' of the public facility has been granted by the agency occupying said public facility; and,

B. No more than eight newspaper dispensing devices shall be located on any public right-of-way within a space of 200 feet in any direction within the same block of the same street. No more than sixteen newspaper dispensing devices shall be located on public right-of-way on any one block unless the Director has established a higher limit pursuant to this ~~s~~Subsection. The Director shall, upon request of any encroachment permit applicant, perform an engineering study to determine whether the public right-of-way on a particular block can accommodate more than sixteen newspaper dispensing devices installed in compliance with ~~s~~Subsection A above. If the study concludes that more than sixteen newspaper dispensing devices can be accommodated, then the Director shall prescribe a higher limit and such limit shall apply to that particular block. The encroachment permit applicant requesting the study shall pay an engineering study fee to cover the cost of the study.

16.24.090 Standards for the installation, use and maintenance of newspaper dispensing devices.
K. No newspaper dispensing device shall display or exhibit in a public place, other than a location from which minors are excluded, any material which is harmful to minors unless a device commonly known as a "blinder rack" is placed in front of the materials or the material is otherwise displayed or exhibited so that the lower two-thirds (2/3) thereof is not exposed to public view. For purposes of this ~~s~~Subsection, "material which is harmful to minors" shall mean "harmful matter" as defined in California Penal Code Section 313 as currently in effect and as may hereafter be amended.

16.24.100 Resolution of conflicts regarding proposed locations.
A. If implementation or enforcement of the provisions of this ~~c~~Chapter requires the Director to disapprove any proposed location for a newspaper dispensing device so as to establish or maintain any numerical or other restrictions set forth in Section 16.24.080, and competing claims for the same or an adjacent proposed location cannot be resolved by negotiations with the applicants or permittees involved, the Director shall be guided solely by the following criteria and categorical priorities in issuing an encroachment permit:

16.24.120 Notices of violation.
A. Unless a violation necessitates immediate impoundment of the newspaper dispensing device pursuant to Section 16.24.130, the Director shall notify any permittee or other person who installs, uses or maintains a newspaper dispensing device in violation of the provisions of this ~~c~~Chapter that unless the violation is corrected or a hearing requested, the newspaper dispensing device will be impounded. Such notice shall be given by mail to the permittee or other responsible person, or, if no permittee or other responsible person can be identified, by affixing a notice to the newspaper dispensing device. Impoundment shall be authorized hereunder unless the violation is corrected or a hearing is requested within seven business days after the date on which notice is given by mail or affixed to the newspaper dispensing device.

B. Notwithstanding ~~s~~Subsection A, if a violation of Section 16.24.080 is involved, the Director may immediately correct any such violation, and shall do so without impounding, if such correction can be accomplished easily, quickly and without expense to the city.

16.24.130 Removal and impoundment of newspaper dispensing devices.
A. Notwithstanding any other provision of this ~~c~~Chapter, the Director may immediately remove and impound any newspaper dispensing device in violation of this ~~c~~Chapter where one or more of the following is involved:

2. A notice has been affixed to the newspaper dispensing device by the Director pursuant to this ~~c~~Chapter, and the permittee has neither caused the violation to be corrected nor requested a hearing within the time specified in Section 16.24.120.

B. Whenever any newspaper dispensing device is removed and impounded pursuant to paragraphs 1 or 2 of ~~s~~Subsection A above, written notice of such action shall be mailed to the permittee by the Director within three working days after such removal and impoundment. The permittee may thereafter request a hearing pursuant to the provisions of Section 16.24.160.

16.24.140 Return of impounded newspaper dispensing devices.
A. Unless the newspaper dispensing device and its contents are being held as evidence in a criminal prosecution, the permittee or, if there is no known permittee, a claimant who provides sufficient proof of ownership of an impounded newspaper dispensing device may, at any time up to and including the thirtieth day after the impounding, or, if a hearing by the city manager or an administrative hearing officer, pursuant to this ~~c~~Chapter is requested and held concerning the newspaper dispensing device, may, at any time up to and including, the thirtieth day after the decision at such hearing becomes final, obtain a return of the newspaper dispensing device and its contents, upon paying an impound fee, including the reasonable costs of removal and storage by the City, in an amount established by resolution of the City Council.

B. The city manager or the administrative hearing officer may, after conducting any hearing ~~in accordance with~~pursuant to this ~~c~~Chapter, order the newspaper dispensing device returned without payment of any impound fee, or, if an impound fee has previously been paid, may order the refund of any such impound fee.

16.24.150 Disposal after impoundment.
If a hearing on the impounding of a newspaper dispensing device is not timely requested, or if the newspaper dispensing device is not returned ~~in accordance with~~pursuant to the provisions of this ~~c~~Chapter, the Director may sell or otherwise dispose of the newspaper dispensing device and its contents. The proceeds, if any, from any such sale or other disposition, and any moneys contained in such newspaper dispensing device, shall be delivered to the Director of Finance and shall be credited to the general fund of the City.

16.24.160 Hearings on impoundment.
A. Any permittee or other person installing or maintaining a newspaper dispensing device in violation of this ~~c~~Chapter or any person aggrieved by a determination of the Director may request in writing a hearing before the city manager within the following time periods:

1. If a notice of violation has been issued by the Director pursuant to Section 16.24.120, within the time periods specified in ~~s~~Subsection A of Section 16.24.120. A timely request for a hearing made prior to any impounding shall operate to stay any impounding until five working days after the final determination is rendered by the city manager, unless further stayed pending any appeal therefrom.

2. If removal and impoundment has occurred pursuant to Section 16.24.130, within 30 days after the date of written notice of such action as required by ~~s~~Subsection B of Section 16.24.130.

C. At the hearing, any person may present evidence or argument as to whether the newspaper dispensing device was in violation of this ~~c~~Chapter, whether it was properly removed and impounded, and whether it should be returned without payment of an impound fee. Such hearing need not be conducted ~~in accordance with~~pursuant to technical rules relating to evidence and witnesses.

16.24.170 Appeal after hearing.
A. Any permittee or other person who requested a hearing pursuant to Section 16.24.160 may, within ten (10) days after notice of the city manager's determination is given pursuant to Section 16.24.160(D), appeal such determination to the independent administrative hearing office appointed by the cCity pursuant to PMC Chapter 1.20 (Administrative Citations)~~PMC~~. The appeal shall be in writing, shall state the legal and factual basis upon which the appeal is to be based, and shall be filed with the Director. The Director shall forthwith transmit the appeal, together with a copy of the determination and other relevant documents, to the City Clerk for hearing before the administrative hearing officer ~~in accordance with~~pursuant to the provisions herein.

B. A timely appeal of the city manager's determination shall operate to stay any impounding, pending action on the appeal by the administrative hearing officer pursuant to this section.

C. Upon receipt of the appeal, the city manager's determination, and other relevant documents, and as soon as practical, the administrative hearing officer shall conduct a hearing. The City may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony at the hearing in accordance with

PMC Section 2.08.90. The administrative hearing officer may thereafter take any of the following actions:

16.24.180 Time for compliance.
A. The provisions of this ~~c~~Chapter shall apply to all newspaper dispensing devices in the City, whether installed prior to or after the effective date of this ~~c~~Chapter or of any amendment to this ~~c~~Chapter. Any person who owns, controls or is otherwise responsible for the installation of any newspaper dispensing device on public rights-of-way prior to the effective date of this ~~c~~Chapter shall file with the Director an application for encroachment permit within thirty (30) days after the effective date of this ~~c~~Chapter, subject to the provisions of ~~s~~Subsection B hereof. Any person who owns, controls or is otherwise responsible for the installation of any newspaper dispensing device on public rights-of-way prior to the effective date of any amendment to this ~~c~~Chapter shall bring such device into conformance with the amendment within ninety (90) days after the effective date of the amendment, subject to the provisions of ~~s~~Subsection B hereof.

B. Compliance with this ~~c~~Chapter may, in the discretion of the Director, be extended for a period not exceeding six (6) months if the Director determines, upon the basis of information submitted, that undue hardship would otherwise result. Such information shall be submitted to the Director within thirty (30) days after the effective date of this ~~c~~Chapter or the effective date of the amendment to this ~~c~~Chapter that results in the newspaper dispensing device being nonconforming.

C. Any person who owns, controls or is otherwise responsible for the installation of any newspaper dispensing device upon the public right-of-way and who fails or refuses to file with the Director an application for encroachment permit, or to bring the device into conformance with an amendment to this ~~c~~Chapter, within the time periods specified in this ~~s~~Section shall be in violation of this ~~c~~Chapter.

16.24.190 Cumulative remedies.
The remedies available to the City for violations of this ~~c~~Chapter, as set forth in Sections 16.24.120 and 16.24.130 hereof, are cumulative and in addition to other penalties provided for in the Highway Permit ordinance.

16.24.195 Fees.
All fees provided for in this ~~c~~Chapter shall be set by City Council resolution and shall not exceed the City's reasonable administrative costs.

16.24.200 Severability.
If any provision of this ~~c~~Chapter or the application thereof to any person or circumstance is held to be invalid, or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision or application of this ~~c~~Chapter which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ~~c~~Chapter are declared to be severable. The City Council hereby declares that it would have adopted and passed this ~~c~~Chapter, and each ~~s~~Section, ~~s~~Subsection, sentence, clause, phrase, and word hereof, irrespective of the fact that one or more of the other ~~s~~Sections, ~~s~~Subsection, sentences, clauses, phrases or words hereof be declared invalid or unconstitutional.

12.12.010 Definitions.
As used in this ~~c~~Chapter, unless the context otherwise clearly indicates, each of the following words or terms shall have the meaning ascribed to it in this ~~s~~Section:

(B) “Person” means any individual, association, firm, partnership, joint venture, corporation, organization, municipality, ~~c~~County, district or political subdivision.

12.12.020 Permit required.
No person shall organize, conduct, promote or manage any parade in or over any street, park or other public place in the City without first obtaining a permit from the City Engineer ~~in accordance with~~pursuant to the provisions of this ~~c~~Chapter.

12.12.030 Application for permit.
(A) The application for a permit to organize, conduct, promote or manage a parade shall be on a form provided by the City Engineer and shall contain or be accompanied by the following:

(8) The distance proposed to be maintained between units of the parade; and,

12.12.040 Permit issuance.
(A) Following the receipt of an application for permit submitted pursuant to the provisions of this ~~c~~Chapter, the City Engineer shall review and evaluate said application and all information and documentation submitted in connection therewith. A permit shall be issued by the City Engineer upon a determination that the following standards will be met:

(8) Prior to issuance of the permit, the applicant shall provide to the City Engineer satisfactory evidence of having obtained a policy of public liability insurance from a company authorized to transact business in the ~~s~~State of California. The policy of public liability insurance shall be maintained at all times the permit is in effect and shall:

12.12.050 Alternate dates, times and routes.
If the conduct of the parade on the date, time and route as proposed by the applicant is determined by the City Engineer to be inconsistent or in conflict with compliance with any or all of the standards set forth in PMC Section 12.12.040(A), the City Engineer may recommend to the applicant an alternate date, time or route. Upon applicant’s written acceptance thereof, the City Engineer may further process the application and issue the permit.

12.12.060 Contents of permit.
A permit issued by the City Engineer pursuant to the provisions of this ~~c~~Chapter shall set forth the following:

(E) The maximum length of the parade in terms of miles or fractions thereof; and,

12.12.080 Notification of permit denial.
Within seven days after the filing of an application pursuant to this chapter, the City Engineer shall act thereon. If the City Engineer determines that a permit should not be issued, written notice shall be given to the applicant setting forth the reasons for such denial, consistent with the provisions of PMC Section 12.12.040(A).

12.12.090 Appeal from permit denial.
Within five days after notice of denial of a permit is given by the City Engineer, the applicant may appeal such determination to the administrative hearing officer appointed pursuant to PMC Chapter 1.20 (Administrative Citations)~~PMC~~. The appeal shall be in writing, shall state the legal and factual basis upon which the appeal is based, and shall be filed with the City Clerk to be set for hearing within 60 days of the date of the appeal.

12.12.100 Appeals hearings.
(A) Upon receipt of an appeal filed in the time and manner set forth in PMC Section 12.12.090 (Appeal from permit denial), and receipt of the City Engineer's determination and other relevant documents, the administrative hearing officer shall, as soon as may be practical, conduct a hearing and may thereafter take any of the following actions:

(1) Approve, reverse or modify the determination of the City Engineer; or,

(2) Refer the matter back to the City Engineer with or without instructions.

12.12.110 Duties of the permittee.
(B) The permittee shall comply with all terms and conditions of the permit, all applicable laws and regulations of the ~~s~~State of California, and all applicable ordinances and regulations of the City.

12.12.120 Revocation of permit.
The City Engineer shall be authorized to revoke any permit previously issued under the provisions of this ~~c~~Chapter under any of the following circumstances:

12.12.130 Waivers and exemptions.
No waiver of or exemption from any provision of this ~~c~~Chapter shall be granted except upon application to and approval by the City Council.

12.12.140 Penalty for violation.
The violation of any provision of this ~~c~~Chapter shall be a misdemeanor punishable as provided ~~for in this code.~~in PMC Chapter 1.12 (Penalty Provisions).

12.16.010 Definitions.
As used in this ~~c~~Chapter, certain terms are defined as follows:

(C) Neither "advertising structure" or "sign," as used in this chapter, includes:

(2) Notices posted by any public officer in performance of a public duty, or by any person in giving legal notice; and,

(3) Directional, warning, or information signs or structures required or authorized by law or by ~~f~~Federal, ~~s~~State, or municipal authority.

(D) "Freeway" is deemed to mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which the owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the ~~s~~State.

12.16.020 Prohibited displays.
No advertising displays shall be placed or maintained on property adjacent to a section of freeway which has been, or hereafter may be, landscaped as defined in PMC Section 12.16.010 (Definitions), if the advertising display is designed to be viewed primarily by persons traveling on the landscaped section of a freeway.

12.16.030 Exceptions.
The provisions of PMC Section 12.16.020 (Prohibited displays) shall not apply to any of the following listed advertising structures or signs used exclusively:

(B) To designate the name of the owner or occupant of the premises upon which the advertising display is placed or to identify the premises; or,

12.16.040 Removal.
Any advertising structure or sign which is now, or hereafter may be, in violation of the provisions of PMC Section 12.16.020 (Prohibited displays) shall be removed within three years from the effective date of the ordinance codified in this ~~c~~Chapter or within three years from the date when the project for the landscaping of a section or sections of a freeway have been completed or accepted, and the character of the section or sections have been changed from a freeway to a landscaped freeway, whichever is later.

12.20.010 Compliance required.
Written materials will be approved for displaying, placing or posting only if the materials conform to the criteria set out in this ~~c~~Chapter.

12.20.020 Definitions.
(A) The terms “City facility” and “City facilities” mean any real or personal property owned or leased by the City~~ of Palmdale~~.

12.20.080 Penalty for violation.
Every person who violates any of the provisions of this ~~c~~Chapter is guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and upon conviction is punishable by a fine not exceeding $500.00 or by imprisonment in the County Jail for a period not to exceed six months or by both such fine and imprisonment.

12.24.010 Definitions.
As used in this ~~c~~Chapter:

12.24.020 Prohibited parking or display.
(B) Upon any roadway for the principal purpose of painting, greasing or repairing a vehicle or property thereon except repairs necessitated by emergency; or,

12.24.030 Violation – Removal authorized.
(A) Any person violating or failing to comply with any provision, regulation, or requirement of this ~~c~~Chapter shall be deemed guilty of a violation pursuant to PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

12.24.040 Exceptions – Parking or display on private residential property.
Notwithstanding anything herein to the contrary, this ~~c~~Chapter shall not prohibit any person from parking, for the purpose of displaying for sale, up to two vehicles on (1) privately owned property if such property is zoned for residential use and such person resides on such property or (2) the public street immediately adjacent to such private property.

12.30.010 Purpose – Declaration of nuisance.
Many retail establishments provide shopping carts for the convenience of customers while shopping on the premises of such businesses. However, shopping carts removed from the premises of such businesses and left abandoned on public or private property throughout the City constitute a public nuisance and a potential hazard to the health and safety of the public. The proliferation of lost, stolen or abandoned shopping carts on public and private property causes blighting conditions in the community, results in the obstruction of free access to public and private sidewalks, streets, parking lots and other ways, interferes with pedestrian and vehicular traffic on public and private streets, and impedes emergency services. For the aforesaid reasons, such lost, stolen or abandoned shopping carts are declared to be a public nuisance which shall be subject to abatement in the manner set forth in this ~~c~~Chapter or in any other manner provided by law. The purpose of this ~~c~~Chapter is to set forth regulations to ensure that reasonable measures are taken by the owners and operators of businesses which provide shopping carts for the convenience of customers to deter the removal of shopping carts from business premises and parking lots, and provide for the prompt retrieval of lost, stolen or abandoned shopping carts, to complement and supplement provisions of ~~s~~State law, and to adopt local regulations to the extent not otherwise preempted by ~~s~~State statute.

12.30.020 Definitions.
Except as otherwise expressly set forth herein, the following words and terms as used in this ~~c~~Chapter shall have the following meanings:

(A) “Abandoned shopping cart” means a shopping cart which is either (1) removed from the premises of a retail establishment by any person without the written permission or consent of the owner of the shopping cart or the retailer otherwise entitled to possession of such cart, or (2) left unattended, discarded or abandoned upon any public or private property other than the premises of the retail establishment from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the permission of the owner. For purposes of this ~~c~~Chapter, any shopping cart located on any public or private property other than the premises of the retail establishment from which such shopping cart was removed shall be presumed lost, stolen or abandoned, even if in the possession of any person, unless such person in possession thereof either (1) is the owner, or an employee or authorized agent of the owner, entitled to possession of the shopping cart, (2) is an officer, employee or agent of a cart retrieval service hired by the owner to retrieve such carts, or (3) is an enforcement officer retrieving, storing or disposing of the cart pursuant to the provisions of this ~~c~~Chapter.

(B) “Cart control plan” means a written plan, developed ~~in accordance with~~pursuant to PMC Section 12.30.060 (Shopping cart control plan) and approved by the City, to prevent customers from removing shopping carts from the premises of a retail establishment

without authorization of the owner and to provide for the prompt retrieval of any abandoned shopping cart.

(C) “Director” means the Director of Economic and Community Development ~~Planning~~ of the City, or his designee.

(D) “Enforcement Officer~~personnel~~” means any person authorized to issue citations as set forth in PMC Section 1.16.010 (Issuance of citations by designated employees).

12.30.030 Shopping cart signs required.
(A) Each shopping cart used within the City shall have a permanently affixed, and clearly visible, sign that:

(4) Notifies the public that the unauthorized removal of the cart from the premises or parking area of the retail establishment, or the unauthorized possession of the cart, is a violation of ~~s~~State law.

(B) It shall be the responsibility of each shopping cart owner to comply with ~~s~~Subsection

(A) of this ~~s~~Section, and to continuously maintain, or cause to be maintained, the required sign in such a manner that the required information is accurate, current, and clearly legible.

12.30.040 Unauthorized removal or possession of a shopping cart.
(A) It is unlawful to do any of the following acts, if a shopping cart has a permanently affixed sign as provided in PMC Section 12.30.030 (Shopping cart signs required):

(B) This ~~s~~Section shall not apply to the owner of a shopping cart or to a retailer, or to their agents or employees, or to a customer of a retail establishment who has written consent from the owner of a shopping cart or a retailer to be in possession of the shopping cart or to remove the shopping cart from the premises or the parking area of the retail establishment, or to do any of the acts specified in ~~s~~Subsection (A) of this ~~s~~Section.

(C) In any civil proceeding, any shopping cart which has a sign affixed to it pursuant to PMC Section 12.30.030 (Shopping cart sign required) shall establish a rebuttable presumption affecting the burden of producing evidence that the property is that of the person or business named in the sign and not abandoned by the person or business named in the sign.

(D) In any criminal proceeding, it may be inferred that any shopping cart which has a sign affixed to it pursuant to PMC Section 12.30.030 (Shopping cart sign required) is the property of the person or business named in the sign and has not been abandoned by the person or business named in the sign.

12.30.050 Abatement, removal and storage of abandoned shopping cart.
(A) The City Manager, or his or her designee, is authorized to abate, remove and store abandoned shopping carts found within the City. Procedures relating to the abatement, removal and storage of abandoned shopping carts shall be pursuant to Section 22435.7 of the California Business and Professions Code.

12.30.060 Shopping cart control plan.

(A) Except as otherwise provided in this ~~c~~Chapter, every owner who provides shopping carts to customers for use on the premises of any retail establishment shall develop, implement and comply with the provisions of a written plan approved by the City designed to prevent customers from removing shopping carts from the premises of the retail establishment without authorization of the owner and to provide for the prompt retrieval of any abandoned shopping cart.

(B) The shopping cart control plan shall be designed to effectively prevent the removal of shopping carts from the retail establishment. The owner shall have the obligation to provide demonstrable evidence to the ~~Director~~ Enforcement Officer the elements proposed will be effective. The plan shall include the following elements:

(1) Signs Affixed to Carts. Every shopping cart made available for use by customers shall comply with the sign requirements of PMC Section 12.30.030 (Shopping cart sign required).

(2) Signs Posted on Premises. Conspicuous signs, in both English and Spanish, shall be placed and maintained on the premises near all customer entrances and exits and throughout the premises, including the parking area, warning customers that removal of shopping carts from the premises is prohibited by ~~s~~State law.

(5) Employee Training. The owner of the retail establishment shall implement and maintain a periodic training program for its new and existing employees designed to educate such employees concerning the requirements of the cart control plan and the provisions of ~~s~~State law prohibiting the unauthorized removal of shopping carts from the premises of the retail establishment. The cart control plan shall expressly describe the employee training program.

(7) Shopping Cart Retrieval. The cart control plan shall include provisions for the retrieval of abandoned shopping carts. The cart retrieval element should identify the following:

(b) Retrieval Area. The owner shall provide retrieval personnel in sufficient number to assure that all public streets within a minimum one and one-half mile radius of the premises of the retail establishment are patrolled not less often than every 48 hours, and all bus stops within a minimum one and one-half mile radius of the retail establishment are patrolled not less often than every 24 hours, and each abandoned shopping cart owned or provided by the retail establishment which is found as a result of such patrols is immediately retrieved and removed from any public or private property upon which the cart is found. The cart control plan shall identify the perimeter streets and bus stops in which all streets within the perimeter area will be patrolled as required by this ~~s~~Subsection; the manner, frequency and times of such patrols; and the procedures to be employed by the retail establishment to identify and retrieve any abandoned shopping carts. The cart control plan shall identify the number of trucks, hours of operation of the retrieval personnel, and such other information as reasonably required by the City to assure that the owner is devoting sufficient resources to cart retrieval operations to comply with the provisions of this ~~s~~Section and the approved cart control plan.

(D) Exemption. The requirements of this ~~s~~Section shall not apply to any retail establishment that provides a total of 10 or less shopping carts for use by customers.

12.30.070 Shopping cart control plan approval.

(A) New or Relocated Retail Establishments. Unless exempt, each new retail establishment, and any existing retail establishment relocating to a different location within the City, shall submit a proposed shopping cart control plan complying with the requirements of PMC Section 12.30.060 (Shopping cart control plan) to the ~~Director~~ Enforcement Officer and obtain approval thereof by the City, prior to providing any shopping carts to customers of the retail establishment. Each proposed shopping cart control plan shall be accompanied by a processing fee in an amount as set by resolution of the City Council. No proposed plan shall be accepted for filing and processing by the Director unless accompanied by the processing fee established by the City Council.

(B) Existing Retail Establishments. Unless exempt, each existing retail establishment shall submit a proposed plan complying with the requirements of PMC Section 12.30.060 (Shopping cart control plan) to the ~~Director~~ Enforcement Officer within 180 calendar days following the date of adoption of this ~~c~~Chapter. Each proposed plan shall be accompanied by a processing fee in an amount as set by resolution of the City Council. No proposed plan shall be accepted for filing and processing by the ~~Director~~ Enforcement Officer unless accompanied by the processing fee as established by the City Council.

(C) Plan Review and Approval. Upon the filing of any proposed shopping cart control plan pursuant to PMC Section 12.30.060 (Shopping cart control plan) or a request for renewal of an approved shopping cart control plan pursuant to PMC Section 12.30.090 (Shopping cart control plan renewal), and receipt of the required processing fee, the ~~Director~~ Enforcement Officer shall review the proposed plan and either approve or deny approval of the proposed plan within 30 calendar days following the receipt thereof by the ~~Director~~ Enforcement Officer. The ~~Director~~ Enforcement Officer may deny a plan based upon any of the following grounds:

(1) Implementation of the plan violates any provision of the building, zoning, health, safety, fire, police or other provision of this code or any ~~c~~County, ~~s~~State or ~~f~~Federal law that substantially affects public health, welfare, or safety;

(2) The plan fails to include all of the information required by this ~~c~~Chapter;

(6) Implementation of the plan violates a term or condition of a plan or other requirement of this code; or,

(D) The decision of the ~~Director~~ Enforcement Officer shall be made in writing and notice thereof shall be transmitted to the owner of the retail establishment by the United States Postal Service, first-class mail, postage prepaid, or by personal delivery or fax transmission. The notice of decision of the ~~Director~~ Enforcement Officer shall be deemed given to the owner on the date of personal delivery or on the date of the fax transmission to the owner. Notices given by the United States Postal Service, first-class mail, postage prepaid, shall be deemed given to the owner on the fifth day following the date of deposit in the course of transmission with the United States Postal Service, first-class mail,

postage prepaid. If the proposed plan is denied, the notice of decision given to the owner shall state the grounds upon which the proposed plan was denied. If the plan is rejected as incomplete or inadequate, the ~~Director~~ Enforcement Officer shall indicate areas of incompleteness or inadequacy, and the owner shall have an additional 30 days in which to resubmit a complete and adequate plan. The decision of the ~~Director~~ Enforcement Officer is final.

12.30.080 Shopping cart control plan modification.

(A) Amendments by Owner. The owner of any retail establishment which has an approved shopping cart control plan conforming to the requirements of this chapter may, at any time, submit a proposed amendment to the approved plan, which amendment shall be processed ~~in accordance with~~pursuant to the procedure provided for a proposed shopping cart control plan as set forth in PMC Section 12.30.070 (Shopping cart control plan approval). Each proposed amendment shall be accompanied by a processing fee in an amount as set by resolution of the City Council. No proposed amendment shall be accepted for filing and processing by the ~~Director~~ Enforcement Officer unless accompanied by the processing fee as established by the City Council.

(B) Revocation or Amendment by City. An approved shopping cart control plan may be revoked by the ~~Director~~ Enforcement Officer, or modified in lieu of revocation in the exercise of the ~~Director~~ Enforcement Officer sound discretion, upon any of the following grounds:

(1) The owner of any retail establishment is operating, or is permitting operation of, the retail establishment in violation of one or more of the provisions of the approved shopping cart control plan and has failed to correct the violation(s) for a period of at least 15 calendar days following the date of receipt of written notice of such violation(s) from the City; ~~or~~

(2) The owner of any retail establishment with an approved shopping cart control plan is operating, or is permitting the operation of, the retail establishment in violation of one or more of the requirements of this chapter and has failed to correct the violation(s) for a period of at least 15 calendar days following the date of receipt of written notice of such violation(s) from the City; ~~or~~

12.30.090 Shopping cart control plan renewal.

(A) Prior to the expiration of an approved shopping cart control plan, the owner of any retail establishment holding an approved shopping cart control plan shall submit to the ~~Director~~ Enforcement Officer a request for renewal. Each request for renewal shall be accompanied by a processing fee in an amount as set by resolution of the City Council. No request for renewal shall be accepted for filing and processing by the ~~Director~~ Enforcement Officer unless accompanied by the processing fee as established by the City Council.

(C) Requests for renewal shall be processed ~~in accordance with~~pursuant to PMC Section 12.30.070(C) and the decision of the ~~Director~~ Enforcement Officer shall be made ~~in accordance with~~pursuant to PMC Section 12.30.070(D).

12.30.100 Enforcement.
Any person violating any of the provisions of this ~~c~~Chapter shall be punishable as set forth in PMC Title 1 (General Provisions). Where the conduct constituting the violation is of a continuing nature, each day that the conduct continues shall be deemed a separate and distinct violation.

12.32.010 Findings.
The City Council finds, determines and declares as follows:

(A) Regulations as set forth in this ~~c~~Chapter are required so as to permit drainage facilities and structures located on publicly and privately owned properties within the City to be free and clear of all trash, debris, vegetation and other material which would, or might, impede the free flow of storm waters therein; and

(C) This ~~c~~Chapter is necessary in order to eliminate such conditions; damage to properties and possible injury to persons will result unless the ordinance codified in this chapter is immediately adopted; and

(D) The public interest, convenience and necessity require the immediate adoption of the ordinance codified in this ~~c~~Chapter.

12.32.030 Penalty for violation.
A violation of any provision of this ~~c~~Chapter shall be deemed to be a misdemeanor, and shall be punishable by a fine of not more than $500.00, or by imprisonment in the County Jail for not more than six months, or both. Each day during any portion of which any violation of any provision of this code is committed or permitted shall be deemed to be a separate offense.

13.02.010 Purpose of sanitary sewer and industrial waste ordinance provisions.
The provisions of the sanitary sewer and industrial waste ordinance codified in this T~~t~~itle shall apply to the discharge, deposit or disposal of all wastes, including any material which may cause pollution of underground or surface waters, in, upon or affecting the City ~~of Palmdale~~; and the design, construction, alteration, use and maintenance of public sewers and house laterals, industrial connection sewers, water pollution control plants, sewage pumping plants, industrial liquid-waste pretreatment plants, sand and grease interceptors, and appurtenances; the issuance of permits and the collection of fees therefor, and fees to pay the cost of checking plans, inspecting the construction and making record plans of the facilities permitted hereunder or as provided elsewhere in this code; and providing penalties for violation of any of the provisions of this T~~t~~itle.

13.02.020 Definitions applicable to title.
The definitions in this ~~c~~Chapter shall govern the construction of this T~~t~~itle and any permits issued thereunder unless otherwise apparent from the context or as identified separately in this ~~c~~Chapter.

“Categorical pretreatment standards” means limitations on pollutant discharges to publicly owned treatment works promulgated by EPA pursuant to ~~in accordance with~~ Section 307 of the Act that apply to specific process wastewaters or particular industrial categories (40 CFR 403.6 and 405 through 471).

“Cesspool” means a lined excavation in the ground which receives the discharge of a drainage system, or part thereof, so designed as to retain the organic matter and solids discharging therein, but permitting the liquids to seep through the bottom and sides, and constructed pursuant to the provisions of PMC Section 8.04.600 (Adoption of the Palmdale Plumbing Code) et seq.

“Director” means the Director of Public Works of the City of Palmdale, or his/her authorized deputy, agent, or the employee designated by the City Manager to act as the Director of Public Works or inspector unless otherwise specifically defined.

“Illicit discharge” means any discharge to the sanitary sewer system that is prohibited under local, ~~s~~State, or ~~f~~Federal statutes, ordinances, codes, or regulations. Illicit discharges include all non-domestic sewage discharges not permitted under the provisions of this title and discharges through connections to the sanitary sewer system, either directly or through satellite collection systems, not authorized pursuant to PMC Chapter 13.08 (Permits, Fees, Design and Inspection Requirements)~~PMC~~, sanitary sewers.

(2) Is therefore a cause of a violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent ~~s~~State or local regulations): Chapter 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Chapter II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including the ~~s~~State regulations contained in any sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, and the Marine Protection, Research and Sanctuaries Act.

“National categorical pretreatment standard,” “NCPS,” “national pretreatment standard,” “pretreatment standard,” or “standard” means any regulation containing pollutant discharge limits promulgated by the EPA ~~in accordance with~~pursuant to Chapters 307(b) and (c) of the Act which applies to industrial users. This term includes prohibitive discharge limits established pursuant to Chapter 403.5 of Chapter 40 of the Code of Federal Regulations.

“Publicly owned treatment works” or “POTW” means a treatment works as defined by Title 212 of the Act, which is owned by a ~~s~~State or municipality (as defined by Title 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant (40 CFR 403.3).

(1) “Wye saddle” means a short pipe-fitting with a shoulder at one end to allow the application of the fitting to a hole tapped in the mainline sewer such that the short pipe shall form a 45-degree angle from the mainline sewer pipe; or,

(1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR ~~c~~Chapter I, subchapter N; and,

“Wye” or “Y” means a fitting for a branch on which the spur joins the barrel of the pipe at an angle of approximately 45 degrees.

13.02.030 Time limits – Extension permitted when.
Any time limit provided for in the provisions of this Tt~~t~~itle may be extended by mutual written consent of both the City and the permittee or applicant, or other person affected, except as otherwise provided.

13.02.040 Responsibility and maintenance of facilities – Applicability of provisions.
The requirements contained in this Tt~~t~~itle covering the maintenance of sanitary sewer collection system pipelines, sewage pumping plants, industrial waste pretreatment plants, or other appurtenances shall apply to all such facilities now existing or hereafter constructed.

(A) Responsibility and Maintenance for House Laterals and Industrial Connection Sewer. Each property owner is responsible for the installation, repair and maintenance of the entire house lateral or industrial connection sewer up to and including the wye or tee in the City’s main line. Each owner shall keep his/her house lateral/industrial connection sewer in good working order at his/her own expense and is responsible for damage to any of the City’s property which results from the owner’s use, repair or maintenance of the house lateral or industrial connection sewer within the control and responsibility of the owner. If repair and maintenance of the house lateral or industrial connection sewer extends into the mainline sewer at the sewer line tap, then the sewer tap repair at the main line becomes the responsibility of the City and no such repairs shall be done without the permission and approval of the City. All house laterals or industrial connection sewer shall be maintained by the owners thereof in a safe and sanitary condition, and all devices or safeguards which are required by this title for the operation of such facilities shall be maintained in good working order.

13.02.050 Inspection to ascertain compliance – Access required – Acceptance of permit conditions.
(A) The City may inspect, as often as City deems necessary, every mainline or public sewer, sewage pumping plant, industrial waste pretreatment plant or facility, industrial sewer connection, interceptor, or other similar appurtenances to ascertain whether such facilities are maintained and operated ~~in accordance with~~pursuant to the provisions of this Tt~~t~~itle. All persons shall permit and provide the City with access to all such facilities at reasonable times.

(B) An applicant by accepting a permit issued pursuant to this Tt~~t~~itle does thereby consent and agree to entry upon the premises described in the permit by the City at all reasonable times for the purpose of:

13.02.060 Notice service procedures.
Unless otherwise provided herein, any notice required to be given by the City under this Tt~~t~~itle shall be in writing and served in the manner provided in the Code of Civil Procedure for the service of process, or by registered or certified mail. If served by mail, the notice shall be sent to the last address known to the City. Where the address is unknown, service may be made as above provided upon the owner of record of the property.

13.02.080 Limitation and notification of uncontrolled discharges required.
(1) Any water, wastes or other matter which will result in the contamination, pollution or a nuisance; or,

13.02.090 Notification of uncontrolled or slug discharges required.

13.02.100 Violation – Penalty – Continued violations – Injunctive relief.
This Ttitle is enforceable as set forth in PMC Title 1 (General Provisions) and violations of this Ttitle are punishable as set forth therein.

13.05.010 Purpose.
The purpose of this cChapter is to impose a charge on users of the sanitary sewer collection system to reimburse the City for the reasonable costs of providing this service. The cost of providing sanitary sewer collection service includes the costs of acquisition, construction, reconstruction, maintenance, repairs, replacement and operation of the sanitary sewer system and the payment of principal and interest on bonds or other debt instruments issued for the construction or reconstruction of the sanitary sewer system. These costs are not related to expenses incurred to accommodate new development. The amount of the charge to each property owner shall be reasonably related to the services provided by the City.

13.05.020 Definitions.
(A) "Parcel of real property" means a parcel of real property as shown on the local secured tax rolls of the cCounty of Los Angeles.

(B) "Sewage unit" means that number listed in Table A of PMC Section 13.05.130 (Table A – Sewage units for designated land uses) determined by the land use of a parcel of real property.

(C) "Sewage unit charge" means the annual charge determined by dividing the annual revenue requirement to provide sewer collection services by the total number of sewage units from all properties within the City of Palmdale corporate boundaries.

13.05.030 Charge for sewer collection service.
There is hereby adopted and imposed a sewer collection service charge in the amounts as set forth herein and all persons whose real property is served by a connection to the City sewer system shall pay such charge pursuant to the provisions of this cChapter. The charges established and imposed herein are applicable only to parcels of real property to which a City sewer main is connected.

13.05.040 Computation.
The amount of the sewer collection service charge for each parcel of real property is computed by determining the total cost to the City to provide sewer collection services, dividing that total by the number of sewer units within the City, which result constitutes the sewage unit charge. The sewage unit charge is then multiplied by the number of sewage units allocated to a specific parcel based on the then current land use of such parcel, as shown in Table A, set forth in PMC Section 13.05.130 (Table A – Sewage units for designated land uses), which result constitutes the annual sewer collection service charge for such parcel.

13.05.060 Sewer enterprise fund established.
There is hereby established a sewer enterprise fund in the financial records of the City. All fees and charges imposed, levied and collected pursuant to this ~~c~~Chapter shall be deposited into the sewer enterprise fund. Nothing herein shall prevent the City from depositing other revenues in the sewer enterprise fund. The Director of Finance may establish such subaccounts within the sewer enterprise fund as may be necessary to properly account for collections and expenditures of the sewer collection service charges. The sewer collection service charges shall be used for the purposes allowed by law.

13.05.070 Power to inspect premises.
In order to enforce the provisions of this ~~c~~Chapter and pursuant to Section 6523.2 of the California Health and Safety Code of the ~~s~~State, the City's Director of Public Works shall have the power and authority to enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities, including, but not limited to, ascertaining the nature of such premises, the type of activities carried on therein, the number of plumbing fixtures situated therein, and any other facts or information reasonably necessary to ascertain the applicability of any charges to such premises, or the amount of such charges.

13.05.080 Collection of charges on tax roll.
(D) The sewer service charges for any and all governmental or public premises or for any premises which are not subject to taxation on the tax roll shall be collected ~~in accordance with~~pursuant to other provisions of this ~~c~~Chapter.

(E) If any parcel of real property for which a sewer collection service charge is owed is omitted from the report to the auditor or the tax roll, either because the charge therefor shall not have yet been ascertained by the Director of Public Works as of the date of the report or for any other reason, the sewer collection service charge for each such parcel shall be collected ~~in accordance with~~pursuant to other provisions of this ~~c~~Chapter.

13.05.090 Alternate method of collection.
Sewer collection service charges imposed under the provisions of this ~~c~~Chapter against owners of property not subject to taxation on the tax roll and against owners whose property is omitted from the report filed with the auditor or from the tax roll shall be billed on an annual or semiannual basis as determined by the Director of Public Works/designee, and shall be payable upon the billing of such charges to the owner. Bills for such sewer collection service charges are due and shall become delinquent 30 days after the date the bill is mailed and a penalty of 10 percent of the amount of such charge shall be added thereto and in addition shall bear interest at the rate of one and one-half percent per month for each month or portion thereof that said charge remains unpaid after becoming delinquent. Delinquent charges, interest and penalty shall constitute a lien upon the real property served (except publicly owned property), and such lien shall continue until the charge and all penalties and interest thereon are fully paid.

13.05.100 Disputed bills.
If any owner disputes the amount of the annual sewer collection service charge, the number of sewage units allocated to his or her parcel of real property, or the computation of the sewer collection service charge based on that number of units, such owner may

submit, at or before the public hearing on the annual report, a protest or objection with the Director of Public Works accompanied by detailed supporting factual data in support of the claim. It shall be the duty of each such owner to provide evidence to the Director of Public Works showing that such charge, number of sewage units and/or computation by the City is in error and the correct amount thereof. If the Director of Public Works, after consulting with the City Engineer and ~~Planning~~ Director, determines that the number of units allocated or the computation was in error, the Director of Public Works shall make the necessary corrections to the report. Failure to protest or object within the time specified herein shall be deemed acceptance of the correctness of the charge, the number of units allocated and the computation of the charge and the adoption of the report by the City Council shall be final.

13.05.110 Adjustments.

(A) It is the intent of the provisions of this ~~c~~Chapter, in establishing different sewer service charges for different categories of properties, to reflect the benefit from such service to each parcel of real property. If, in respect to any customer, the Council should find that the charge is inequitable, or unfair because of unusual circumstances, it may establish a special service charge for such customer, differing from those otherwise established, which will bear a closer relationship to the benefit received from the City system. Such special charge may be revoked at any time by the Council whenever it finds that continuation thereof would be inequitable or unfair under the circumstances then prevailing.

13.05.130Table A – Sewage units for designated land uses.

Table A – Number of Sewage Units for Current Land Use

Land Use	**Number of Sewage Units**
Manufactured Homes	
Manufactured/Mobile Homes	1.00
Manufactured/Mobile Home Parks with Pool	1.00
Manufactured/Mobile Home Parks	1.00

13.08.010 Sanitary sewer policy.

All new buildings constructed for human occupancy in the City ~~of Palmdale~~ shall be connected to a public sewer unless the parcel ~~complies with~~is exempt per policies in the City of Palmdale General Plan ~~General Plan Policy PS 2.2.4~~. All such sewers shall be designed and constructed according to the provisions of this T~~t~~itle and any other provisions of the PMC~~Palmdale Municipal Code~~. All sanitary sewers, including pumping stations, constructed and dedicated for public use shall be operated and maintained by the City ~~of Palmdale~~ and the benefitting property owner shall bear the cost thereof as provided in PMC Chapter 13.05 (Sewer Collection Service Charges)~~PMC~~.

13.08.020 Sewer permit required when – Period of validity.
(A) No person other than the person specifically excepted by this ~~c~~Chapter shall commence, do or cause to be done, construct or cause to be constructed, use or cause to be used, alter or cause to be altered any public sewer, mainline sewer, manholes, inspection or sampling site, house lateral, sewage pumping plant, or other appurtenance thereto in the City ~~of Palmdale~~ without first obtaining a sewer permit from the City.

(E) A sewer permit issued by the City shall expire one year from the date of issuance, except when the plans were approved ~~in accordance with~~pursuant to an agreement either with another governmental agency or for a subdivision as required by PMC Title 16 (Subdivisions), and the permit shall be valid for the period specified in the agreement.

13.08.030 Permits – Issuance authorized when.
If it appears from the application for any permit required by this ~~c~~Chapter that the application complies with all applicable requirements and that the work to be performed thereunder is to be done according to the provisions of this title, the City, upon receipt of the fees hereinafter required, may issue such permit. No permit will be issued pursuant to this ~~c~~Chapter until the applicant has paid all appropriate fees and sewer collection service charges, as established from time to time by the City Council, to cover all costs including but not limited to the cost of field inspection of the proposed construction, procuring or preparing record plans, and all overhead and indirect costs.

13.08.040 Exception.
Contractors constructing, maintaining or repairing public sewers and/or sanitary sewer pumping stations pursuant to a contract with the City ~~of Palmdale~~ are exempt from the requirement to obtain a sewer permit.

13.08.110 No transferability of permits.
Permits issued pursuant to this ~~c~~Chapter are not transferable from one person to another person or from one location to another location.

Article II. Fees

13.08.120 Connection to public sewer – Payment of fees required.
Any person desiring to connect to a public sewer shall, as a prerequisite to obtaining the permits required by this ~~c~~Chapter, pay all fees or charges which may be required by the City ~~of Palmdale~~.

13.08.130 Fees – Estimated valuation procedures.
Whenever the fees required by this ~~c~~Chapter are based on valuations, the City shall determine the estimated valuation in all cases, and for such purposes the City shall be guided by approved estimating practices.

13.08.140 Sewer capacity fee (connection fee) – Designated.
(B) The sewer capacity fee for all uses shall be determined ~~in accordance with~~pursuant to a sewer capacity fee study adopted by the City Council.

(C) Sewer capacity fees as defined by this ~~c~~Chapter shall automatically adjust annually by the same percentage of change in the Consumer Price Index on March 1st of each

year, for the All Urban Consumers, for the Los Angeles-Riverside-Orange County Area (CPI), as determined by the United States Department of Labor, Bureau of Labor Statistics, or its successor. Should the Bureau of Labor Statistics revise such index, the Director of Finance shall use the revised index or a comparable system as approved by the City Council for determining fluctuations in the cost of living. The sewer capacity fees may also be recalculated at new sewer capacity fee unit costs established from time to time by the City Council to keep pace with changing cost of construction.

13.08.160 Area and connection charges in reimbursement districts.
(A) If any property is in a sewer reimbursement district, no permit shall be issued for the connection of such property to a public sewer until, in addition to any other fees required by this ~~c~~Chapter, all area charges and frontage charges required by this section have been paid.

(C) Additionally, if a reimbursement agreement pursuant to PMC Chapter 16.165 (Reimbursement Agreements)~~PMC~~ provides for frontage reimbursement, any lot located in the frontage reimbursement area and seeking direct house connection to any public sewer shall pay a reimbursement district connection charge in the amount specified in ~~s~~Section (D) of this ~~s~~Section.

(D) The reimbursement district connection charge shall be computed at the rate as established from time to time by the City Council in the fee resolution or as designated in the reimbursement agreement affecting the property. If a reimbursement district connection charge is collected as provided in this ~~s~~Section, then the connection charge required by PMC Section 13.08.140 (Sewer capacity fee (connection fee) – Designated) shall not be collected.

13.08.190 Consolidated sewer maintenance district withdrawal fees.
Any person who desires to place a newly constructed public sewer system in operation and connect such sewer system to that operated by the City ~~of Palmdale~~, and the property to be so benefited is not within the City limits of the City ~~of Palmdale~~, then they shall pay a charge as determined from time to time by the City Council to cover all costs incurred to accomplish a withdrawal from the consolidated sewer maintenance district and inclusion within the City ~~of Palmdale~~ sanitary sewer service area, including the necessary State of California processing fee.

13.08.200 Sewer maintenance charges.
(B) Such charge shall be computed by multiplying the sewage unit charge, as annually determined by the City Council from time to time, times the number of sewage units to be discharging from the subject property as determined in PMC Chapter 13.05 (Sewer Collection Service Charges)~~PMC~~.

13.08.220 Charges for substantial increase in public sewer capacity.
The provisions of this ~~c~~Chapter shall also apply to any property previously connected to a public sewer, the discharge from which is later proposed to be increased or is found to have been increased substantially beyond the proportionate share of public sewer capacity allotted to the property by the sewer permit. Any previously connected property discharging more than that permitted may be charged an additional sewer capacity fee

and a charge to cover the cost of maintenance at the then-current fee or rate or any other fees and charges applicable to the substantial increase in public sewer capacity.

13.08.230 Refund procedures.
(A) In the event that any person shall have paid a fee as required under this ~~c~~Chapter and no work or processing has been done on these functions by the City and the project has been formally abandoned or cancelled, such person, upon presentation to the City of a request in writing, shall be entitled to a refund in an amount equal to not more than 75 percent of the fee actually paid.

Article III. Design Standards

13.08.260 Participation in project – Letter requirements.
(B) All such properties listed will be exempt from the connection charge only, specified in this ~~c~~Chapter.

(D) Exception. The letter of participation shall not be revised after a reimbursement agreement authorized under PMC Chapter 16.165 (Reimbursement Agreements)~~PMC~~ has been approved by the Council.

13.08.280Exceptions to requirements authorized when.
If a literal compliance with any engineering requirement of this ~~c~~Chapter is impossible or impractical because of peculiar conditions in no way the fault of the person requesting an exception, and the purposes of this ~~c~~Chapter may be accomplished and public safety secured by an alternate construction or procedure, and the City so finds that such alternate complies with sound engineering practice, the City may grant an exception permitting such alternate construction or procedure.

13.08.290 Plan preparation by registered civil engineer.
Any plans submitted for approval under the provisions of this ~~c~~Chapter shall be prepared by or under the direction of and shall be signed by a registered civil engineer of the ~~s~~State of California or by a professional engineer registered in the discipline required for the type of infrastructure proposed.

13.08.300 Sewer plans.
(A) Before a sewer permit required by this ~~c~~Chapter may be issued, plans for the proposed construction shall be submitted to and approved by the City, unless the City determines that plans are not necessary.

13.08.310 Materials and construction – Conformity with standard specifications.
All material used in any work done under provisions of this ~~c~~Chapter shall be new, first-class material and shall conform to and the manner of construction shall meet all the requirements prescribed by this ~~c~~Chapter, by the Standard Specifications for Public Works Construction, and by the Special Provisions for the Construction of Sanitary Sewers (supplement to the Standard Specifications) and Standard Plans on file in the office of the City.

13.08.320 Sewer easement requirements.
(A) A person desiring to construct a sewer in an easement under the provisions of this ~~c~~Chapter shall present to the City a request for processing, sufficient information to enable the preparation of a written description, together with all applicable fees.

(1) No plans shall be approved by the City for sewer facilities to be constructed by any person across the property of others; and,

Article IV. Inspections

13.08.330 Inspection by City – Requirements.
All work done under the provisions of this ~~c~~Chapter shall be subject to inspection by and shall meet the approval of the City; provided, however, that approval by the City shall not relieve the permittee or any other person from complying with all of the applicable provisions of this T~~t~~itle or the Palmdale plumbing code, and no provision of this T~~t~~itle or ~~c~~Chapter supersedes, affects or modifies in any way the provisions of said Palmdale plumbing code.

13.08.360 Using facilities before inspection prohibited – Exceptions.
No sewer or other facility constructed under the provisions of this ~~c~~Chapter may be placed in use until the work has been approved by the City and for public sewers has been accepted for maintenance by the City Council. The City may grant exceptions to this requirement only when the work is substantially complete and has been inspected, and if the City determines that the best interests of the public are served by permitting such use prior to completion of the work. Such approval, prior to completion, shall make the properties being served by the sewer subject to the sewer collection service charge required by PMC Chapter 13.05 (Sewer Collection Service Charges)~~PMC~~. The charge will be placed on the next available tax rolls for the subject properties.

13.08.380 Correction of defective work.
If the construction does not conform to the provisions of this ~~c~~Chapter, or if the permittee fails to prosecute the work with such diligence to ensure its completion within the time specified, the City shall notify the permittee in writing to comply. If the permittee fails to comply within five business days after the written notice, the permit shall be suspended or revoked ~~in accordance with~~pursuant to the procedures set forth in this ~~c~~Chapter and no further work shall be done by the permittee until the suspension is removed either by correction of the work or after an appeal hearing ~~in accordance with~~pursuant to the procedures set forth herein.

13.08.390 Certificate of final inspection – Conditions.
When it appears to the satisfaction of the City that all work done under the permit has been constructed according to and meets the requirements of all the applicable provisions of this T~~t~~itle, and that all fees have been paid, the City, if requested, shall cause to be issued to the permittee constructing such work a certificate of final acceptance. The certificate shall recite that such work as is covered by the permit has been constructed according to this T~~t~~itle and that said work is in an approved condition.

Article V. Maintenance

13.08.420 Reconnection following violations – Conditions – Cost reimbursement.
Whenever an industrial connection sewer has been disconnected from the public sewer by the City for failure to comply with the provisions of this ~~c~~Chapter, reconnection shall be made only upon issuance of a sewer permit as elsewhere in this ~~c~~Chapter provided. Before such permit is issued, the applicant shall pay all fees required by this T~~t~~itle for new permits and also reimburse the City for all costs of the disconnection made. The City may also require the installation of a manhole for the purpose of measuring the flow, or for making periodic tests of the wastes from such connection.

13.08.430 Reimbursement for repairs and maintenance following violations.
Whenever an industrial sewer connection permittee by reason of violation of this T~~t~~itle, or any other person by reason of violation of this T~~t~~itle, causes obstruction, damage or destruction of a public sewer, or any appurtenances thereto, or pumping plants in connection therewith, they shall reimburse the City for the cost of flushing, cleaning, repairing and reconstruction of such sewer or facility, made necessary by such violation, within 30 days after the City has rendered an invoice for the same.

Chapter 13.11

Sections:

Article I. Permits

13.11.010 Definitions applicable to this ~~c~~Chapter.

Article I. Permits

13.11.010 Definitions applicable to this ~~c~~Chapter.
“Director” means the Director of Public Works of the City of Palmdale or an authorized deputy, agent, representative or inspector designated by the Director of Public Works.

13.11.030 Industrial waste permit required.
No person shall discharge or cause to be discharged any industrial wastewater to the public sewer system without first acquiring an industrial waste permit issued pursuant to Article III of this ~~c~~Chapter.

13.11.040 Dilution prohibited.
No person shall discharge or cause to be discharged any water or other substance added for the purpose of diluting any industrial waste to achieve compliance with limitations imposed by the provisions of this ~~c~~Chapter.

13.11.060 Construction of new industrial buildings – Building permit issuance prerequisites.
An application for an industrial waste permit to construct a new industrial building, to change the use of an industrial building or for an addition or alteration to an existing industrial building will not be approved until provision has been made for the installation

of such pretreatment facilities and disposal methods or both as, in the opinion of the Director, are necessary to carry out the provisions and intent of this ~~c~~Chapter.

13.11.070 Permit to discharge industrial waste – Issuance conditions.
(A) The Director may issue a permit containing limitations or conditions, or both, and may modify an existing permit by the addition of or elimination of such conditions and limitations as may be necessary to accomplish the purpose of this ~~c~~Chapter as determined necessary by the Director. No person shall discharge industrial waste in violation of the maximum permissible rate of discharge stated in the permit or in violation of any other concentrations or limitations in the permit.

13.11.080 Revised or renewal of permit – Application required when.
(E) Expiration of term of existing industrial waste permit granted pursuant to PMC Section 13.11.070 (Permit to discharge industrial waste – Issuance conditions).

13.11.100 Grant or denial – Notice to applicant.
(A) The Director shall either grant, conditionally grant or deny a permit within a reasonable time after all fees required by this T~~t~~itle have been paid and upon the receipt of a complete application with all supplemental data.

13.11.140 Hearing – Conduct – Administrative Hearing Officer determination authority.
The City may issue subpoenas requiring attendance of witnesses or production of books or other documents for evidence or testimony at the hearing in accordance with PMC Section 2.08.90. Within 30 days after the close of the appeal hearing, the Administrative Hearing Officer will issue a written decision to:

(1) Failure of the permittee to correct conditions as required by the Director;

(2) Conditions which would justify the denial of a permit;

(4) Any other violation of this ~~c~~Chapter or of any permit, license or exception granted hereunder; or,

13.11.160 Failure to obtain permit deemed violation when.
A person who does not have an industrial waste permit and who has been notified by the Director that he is required to obtain an industrial waste permit pursuant to the provisions of this ~~c~~Chapter shall immediately submit to the Director an application and all fees as required by this ~~c~~Chapter for such permit, and shall rectify and cure all such violations. Failure to do so shall constitute a willful violation of this ~~c~~Chapter.

13.11.170 Successor in interest – New permit required.
The change of owner, operator or possessor, including a change in ownership of a majority of stock in any corporation, of a premises for which a permit had previously been granted shall file with the Director a new permit application, ~~in accordance with~~pursuant to the provisions of PMC Sections 13.11.370 (Permit – Application forms – Information required) or 13.11.610 (Permit – Application – Form and contents), within 30 days after assumption of such title or interest, and shall furnish plans and data as may be required by the Director. If it appears from the application, data, and/or inspection of the facility

that the succeeding operation and disposal practices comply with the provisions of this ~~c~~Chapter, the Director, upon receipt of the fees hereinafter required, may issue a new industrial waste permit. The Director may issue an interim permit pursuant to PMC Section 13.11.180 (Interim permit – Ongoing discharge) to allow continued operations during the permit processing period.

13.11.180 Interim permit – Ongoing discharge.
Upon determination that any person is discharging industrial wastewater directly or indirectly to a facility regulated by this ~~c~~Chapter without a valid permit or upon receipt of an application for a permit for an ongoing discharge, an interim permit may be issued by the Director to allow the continuation of such discharge during the application review period, subject to such conditions, limitations, restrictions, and other provisions or requirements which the Director determines are necessary or advisable to protect the City sewage collection system and to assure compliance with all ~~f~~Federal, ~~s~~State and local laws and that the continuation of such discharge will not be detrimental to the public health and safety. An interim permit is revocable by the Director at any time. Any person whose interim permit is revoked shall immediately cease and desist all unpermitted discharge of industrial waste. Unless revoked by the Director, the interim permit shall be enforceable until such time as a permit is issued or denied by the Director and shall be subject to annual inspection fees pursuant to PMC Section 13.11.310 (Classes of businesses, processes and industries for plan review and inspection fee). The discharger shall immediately comply with all of the provisions and requirements of such interim permit and, if the discharger has not already applied for a permit, shall apply for a permit within 30 days from the issuance of the interim permit.

13.11.190 Permit not transferable from one location to another.
Permits issued under this ~~c~~Chapter are not transferable from one location to another, and discharge of wastes shall be made strictly ~~in accordance with~~pursuant to all provisions contained in the permit, at the location specifically designated therein.

13.11.200 Monitoring and sampling – Prenotification.
Any permittee or discharger required by the Director, by permit or otherwise, to engage in periodic, stand alone, backup, follow-up, compliance or confirmation monitoring or sampling of a discharge shall notify the Director by telephone or other authorized means, at least 48 hours in advance of any monitoring or sampling to be done. Prior to the commencement of any sampling or monitoring, the Director may request that the permittee furnish the Director a split sample and all supporting data. Notification is not required for internal monitoring and sampling by a discharger for the purpose of process and pretreatment controls unless so requested by the Director. However, such procedures, results and records shall be made available to the Director upon request. Sample acquisition and monitoring shall be performed at a location or sampling point as designated in any permit or as specified by the Director. The Director may require installation of a secured sampling facility to be designated as the sampling point. Sampling and analysis shall be performed ~~in accordance with~~pursuant to the techniques prescribed in 40 CFR 136 and amendments thereto. Dischargers to a public sewer system subject to an approved pretreatment program administered by the POTW shall submit to the Director, at minimum, all conditions required by 40 CFR 403.12 as may be

amended unless otherwise directed. Each permittee or discharger, regardless of industrial waste disposal method, shall submit to the Director, certified under penalty of perjury by the permittee or discharger, all required monitoring and sampling reports or other requested data within the times specified in the permit.

13.11.210 Notice to correct violations.
(2) The permittee has failed to conform to conditions or limitations of any permit issued ~~in accordance with~~pursuant to this ~~c~~Chapter; or,

(B) Failure to comply with such notice shall constitute a willful violation of this ~~c~~Chapter.

13.11.220 Investigation of complaints – Correction of violations.
The Director shall promptly investigate every complaint charging violation of any of the provisions of this ~~chapter, and~~Chapter and shall take action to correct any violation discovered.

13.11.230 Suspension of permit – Conditions.
When the conditions described in PMC Section 13.11.210 (Notice to correct violations) are so aggravated that immediate cessation of operation is necessary and the Director so finds, the Director shall suspend the permit. The Director shall serve notice of such suspension on the permittee. The Director may also suspend a permit if objectionable conditions listed in a notice to correct, served ~~in accordance with~~pursuant to PMC Section 13.11.210 (Notice to correct violations), are not corrected within the time specified in such notice.

13.11.240 Discontinuance of discharge or deposit required when.
A person whose industrial waste permit has been suspended, or who has been notified of violation, as provided in this ~~c~~Chapter, shall immediately discontinue the deposit or discharge of industrial waste, sewage, or effluent, or use of any described facility, and shall not resume such deposit or discharge, or use of the described facility, until a permit has been issued or reinstated by the Director or Administrative Hearing Officer as hereinafter provided. Failure to do so shall constitute willful violation of this ~~c~~Chapter.

13.11.260 Reinstatement of suspended permit.
The Director shall reinstate a suspended permit when all violations are corrected and all fees required by this ~~c~~Chapter have been paid.

13.11.270 Cancellation of permit and facility closure – Conditions.
(A) A person owning or operating premises containing industrial waste treatment or disposal facilities operated under a valid industrial waste permit issued under the provisions of this ~~c~~Chapter may file a written application with the Director to cancel such permit upon termination of operations and/or closure of the permitted facility. Upon receipt of such an application, the Director shall investigate and cancel the permit if it is determined that:

(5) All fees required by Article II of this ~~c~~Chapter due up to the date of closure of the facility have been paid;

(B) Should the Director deny an application for a permit cancellation or closure of the facility, the owner or operator of any facilities required by the permit shall maintain these facilities in good operating condition and pay all fees required by this ~~c~~Chapter to maintain a valid permit.

Article II. Fees and Deposits – Industrial Waste

13.11.290 Fees are not refundable.
All such fees described in PMC Section 13.11.280 (Industrial waste related fees and charges) are separate and apart from any fee or deposit paid for industrial waste plan review or imposed under provisions of the Palmdale plumbing code. Application fees shall not be refundable even though the application be denied except as provided in PMC Section 13.11.330 (Annual fee – Refund conditions).

13.11.310 Classes of businesses, processes and industries for plan review and inspection fee.
Plan review and inspection classes shall be established ~~in accordance with~~pursuant to Table 13.11.310. The classes for any business, process, industry or connection not listed in Table 13.11.310 shall be determined by the Director using Table 13.11.310 as a guide.

Table 13.11.310

Business Class	**Plan Review Class**	**Inspection Class**
Agricultural Production, Food Processing and Handling		
Breweries, wineries, and distilleries	3	D

13.11.320 Annual fee, wastewater sampling and analysis fee and miscellaneous service fee – Payment time – Penalties for delinquency.
All annual fees, wastewater sampling and analysis fees and any other fees required by PMC Section 13.11.280 (Industrial waste related fees and charges) shall be due and payable on the billing date as established by the Director. Fees not paid within 30 calendar days from the billing or invoice date shall be considered delinquent. Delinquent fees shall be subject to a late fee established by resolution of the City Council. Permits for which the annual fee is delinquent for 60 days or more are subject to suspension as provided in PMC Section 13.11.230 (Suspension of permit – Conditions).

13.11.330 Annual fee – Refund conditions.
Upon cancellation of a permit pursuant to PMC Section 13.11.270 (Cancellation of permit and facility closure – Conditions), and upon written request of the permittee, the Director shall refund a portion of the annual fee as determined from the table below:

13.11.340 Annual review of fees.
Beginning on July 1, 2009, and thereafter on each succeeding July 1st, the amount of each fee in this ~~c~~Chapter shall be adjusted as follows: calculate the percentage

movement between April of the previous year and March of the current year in the Consumer Price Index (CPI) for all urban consumers in the Los Angeles, Anaheim, Riverside areas, as published by the United States Government Bureau of Labor Statistics, adjust each fee by said percentage amount and round off to the nearest $1.00; provided, however, that no adjustment shall decrease any fee, and no fee shall exceed the reasonable cost of providing the services. When it is determined that the amount reasonably necessary to recover the costs of providing the services is in excess of this adjustment, the Director may present fee proposals to the City Council for approval.

Article III. Discharge of Industrial Waste to Public Sewers

13.11.350 Application of article provisions.
The provisions of this ~~a~~Article shall pertain to the disposal of industrial waste to the public sewer only.

13.11.360 Permit – Required when.
(D) For the purpose of this ~~c~~Chapter, discharges resulting from garbage grinders powered by motors of less than one and one-half horsepower installed in food service establishments ~~in accordance with~~pursuant to the provisions of the Los Angeles County Plumbing Code prior to July 1, 2009, or the City of Palmdale Plumbing Code thereafter, and where such facilities are not required by other provisions of this ~~c~~Chapter, are not considered to be industrial waste discharges.

(E) A person shall obtain an industrial waste permit from the Director to maintain an existing but ~~no~~unused industrial waste connection to the public sewer. The annual fee for such permit shall be as that for Inspection Class A. The connection shall be removed upon the expiration or revocation of such permit pursuant to the criteria established by PMC Section 13.11.270 (Cancellation of permit and facility closure – Conditions).

13.11.370 Permit – Application forms – Information required.
(A) The Director shall provide printed application forms for the industrial waste permit required by this ~~a~~Article, indicating thereon the information to be furnished by the applicant. The application shall be signed under penalty of perjury by the authorized representative of the discharger.

(B) For the purpose of this ~~c~~Chapter, the Director may utilize joint permit application forms under agreements established with other public agencies as provided in PMC Chapter 13.08 (Permits, Fees, Design and Inspection Requirements)~~PMC~~.

13.11.390 Permit – Issuance conditions.
If it appears from the application and supporting information submitted for any industrial waste permit required by this ~~c~~Chapter that the proposed disposal complies with the provisions of this ~~c~~Chapter and other applicable laws and ordinances, the Director, upon receipt of the fees hereinafter required, shall issue such permit.

13.11.410 Pretreatment – Plans prerequisite to permit issuance when.
In event pretreatment or special facilities are required to make the waste acceptable as provided under the provisions of this ~~c~~Chapter, the applicant for an industrial waste disposal permit may be required to furnish plans showing the method of collections and

pretreatment proposed to be used, and a permit shall not be issued until said plans or required modification thereof have been checked and approved by the Director.

13.11.420 Permit – Revocation conditions.
By following the procedure set forth in Article I of this ~~c~~Chapter, the Director may revoke any permit if, after due investigation, the Director finds:

13.11.430 Public participation – Notification of significant violations.
At least annually, the Director shall provide public notification, in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which, at any time during the previous 12 months, were in significantly violating noncompliance with applicable pretreatment standards or other pretreatment requirements. For the purpose of this ~~s~~Section, a significant industrial user (SIU) (or any industrial user which violates ~~s~~Section (C), (D), or (H) of this ~~s~~Section) is in significant noncompliance if its violation meets one of the following criteria:

(G) Failure to accurately report non compliance; or,

13.11.450 Pretreatment – Standards and criteria.
The Director may establish uniform minimum standards and criteria for the application of such standards for pretreatment of specific industrial waste discharges. The provisions of this ~~c~~Chapter shall not prohibit the Director from requiring additional pretreatment to accomplish the objective of PMC Section 13.11.400 (Determination of type of liquid waste).

13.11.460 FOG disposal systems – Installation required.
Wastewater discharge originating at food service establishments (FSE) from fixtures and equipment which may contain fats, oils and grease (FOG), including but not limited to scullery sinks, pot and pan sinks, soup kettles, automatic vent cleaning devices, and floor drains located in areas where FOG-containing materials may exist, shall be drained into the sanitary waste system through a FOG disposal system approved by the Director. Multiple FOG disposal systems may be required to satisfy the requirements of this ~~s~~Section. The Director may waive this requirement for specific fixtures upon determination that compliance may create a health hazard and/or impeded by a physical constraint that is impractical to overcome when retrofitting an existing facility.

13.11.470 Rainwater diversion systems – Authorized when.
(C) The system meets minimum operational and component standards as may be established pursuant to PMC Section 13.11.450 (Pretreatment – Standards and criteria); and

13.11.480 Deposit of certain substances prohibited.
(C) Any discharge or effluent which may obstruct or cause an unwarranted increase in the cost of treatment of the sewage, or which may introduce into a publicly owned treatment works (POTW) any pollutant(s) which creates a fire or explosive hazard in the sewer or POTW, pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with a pH lower than specified in PMC Section 13.11.530 (Control of pH), pollutants which result in the presence of toxic gases, vapors, or fumes

within the POTW, or which may introduce into a POTW any pollutant(s) which may cause pass through or interference.

13.11.490 National categorical pretreatment standards (NCPS) – Compliance.
Upon the promulgation of mandatory NCPS for any industrial subcategory, the NCPS, if more restrictive than limitations imposed by this ~~c~~Chapter, shall apply. The Director may impose a phased compliance schedule to ensure that affected industries meet the NCPS. Failure to meet the phased compliance schedule may result in permit suspension or revocation. Those dischargers subject to NCPS shall comply with all reporting requirements ~~in accordance with~~pursuant to the General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR 403). Facilities subject to this ~~c~~Chapter and regulated by joint permits issued in conjunction with other agencies may meet the requirements of this ~~c~~Chapter as set forth in such joint permit and by furnishing such evidence of compliance as may be required by the Director.

13.11.510 Slug discharge control plan – When required.
(C) Procedures for immediately notifying the Director of slug discharges, including any discharge that would violate a prohibition under PMC Section 13.11.480 (Deposit of certain substances prohibited) with procedures for follow-up written notification within five days;

Article IV. Other Methods of Disposal

13.11.570 Applicability of article provisions.
The provisions of this ~~a~~Article shall pertain to the disposal, discharge or deposit of all industrial waste except where such wastes are discharged to a public sewer ~~in accordance with~~pursuant to the provisions of Article III of this ~~c~~Chapter.

13.11.580 Depositing or discharging wastes prohibited without permit.
A person shall not maintain a deposit of waste material, or discharge or deposit or cause or suffer to be discharged or deposited, except as otherwise provided in this ~~c~~Chapter, any waste material or effluent in or upon lands of the City ~~of Palmdale~~, or into streams or bodies of surface or subsurface water, or storm drains, or flood control channels, where the same is deposited upon or may be carried through or upon lands of the City without first securing, in the manner provided in this ~~c~~Chapter, a permit from the Director, and at all times having an unrevoked permit therefor, unless otherwise exempted by the provisions of this ~~c~~Chapter.

13.11.590 Maintenance of existing, ~~nou~~nused facility for industrial waste deposit, discharge or storage.
A person shall obtain a permit from the Director to maintain an existing but ~~nou~~nused facility designed or formerly used for the deposit, discharge or storage of industrial wastes. The annual fee for such permit shall be the same as that for Inspection Class A.

Exception: Such permit is not required when, to the satisfaction of the Director, compliance with the permit cancellation criteria of PMC Section 13.11.270 (Cancellation of permit and facility closure – Conditions) has been provided.

13.11.610 Permit – Application – Form and contents.
Any person requiring a permit under the provisions of this ~~a~~Article shall make written application therefor to the Director, giving such information as the Director may require. The Director shall provide printed application forms, indicating thereon the information to be furnished by the applicant. The Director may require from the applicant, in addition to the information furnished on the printed form, any additional information including detailed plans and specifications which will enable the Director to determine that the proposed discharge or deposit and plan of operation complies with the provisions of this ~~c~~Chapter and other applicable laws and ordinances.

13.11.660 Permit – Issuance conditions.
The Director may issue a permit as required by this ~~c~~Chapter only if the Director determines that all of the following conditions have been met:

(C) The material to be discharged or deposited does not or will not, in the opinion of the Director, constitute a potential public nuisance or menace to the public health and safety, and will not violate other provisions of the California Health and Safety Code ~~of the state of California~~;

(E) The material to be discharged or deposited does not or will not damage or adversely affect any storm drain, channel, or any public or private property; and,

Article V. Industrial Waste Treatment Plants and Facilities

13.11.680 Pretreatment – Standards and criteria.
The Director may establish uniform minimum standards and criteria for the application of such standards for pretreatment of specific industrial waste discharges. The provisions of this ~~c~~Chapter shall not prohibit the Director from requiring additional pretreatment to accomplish the objective of PMC Section 13.11.400 (Determination of type of liquid waste).

13.11.690 Facilities not required when.
(A) The waste is prohibited for discharge to the available systems by this ~~c~~Chapter or other applicable ordinances or regulations;

(D) An application for industrial waste disposal permit has been filed ~~in accordance with~~pursuant to Article IV of this ~~c~~Chapter; and,

(E) All fees required by this ~~c~~Chapter have been paid.

13.11.710 FOG disposal systems – Installation requirements.
Each FOG disposal system shall be installed at a location shown on plans approved by the Director in full compliance with PMC Title 8 (Health and Safety). Such systems shall be located in an area that is at all times easily accessible for inspection, cleaning, maintenance, and removal of the recovered FOG in a manner that does not require entry into a food or utensil handling area as follows:

(B) Grease removal devices (GRDs) shall be installed as provided for hydromechanical grease interceptors in ~~s~~Subsection (A) of this ~~s~~Section with the additional provision that

the storage of removed FOG also be outside food and utensil handling areas in a secure location that protects against the accidental spill of grease into floor drains, parking lots, catch basins, storm drains, sidewalks, streets, or gutters and is protected from inundation by stormwater flows.

13.11.730 Operation and maintenance.
All industrial waste treatment facilities and all appurtenances thereto existing as of July 1, 2009, or hereafter constructed under jurisdiction of this ~~c~~Chapter shall be maintained by the owner or person having jurisdiction of the property affected in good operating condition and in a safe and sanitary condition at all times. All devices and safeguards which are required by this ~~c~~Chapter for the operation thereof, and all records of such operation, shall be maintained in good order and made available to the City upon request.

13.11.740 Inspection and testing.
The Director may make tests of industrial wastes, and/or periodic inspections of industrial waste treatment plants or facilities to determine whether such treatment plants or facilities are maintained ~~in accordance with~~pursuant to the requirements of this ~~c~~Chapter. The Director shall also make periodic tests on samples of sewage, industrial waste or effluents obtained at the point of discharge or deposit to determine whether such discharges or deposits are made ~~in accordance with~~pursuant to the provisions of this ~~c~~Chapter.

Chapter 13.14

13.14.010 Purpose.
The purpose of this ~~c~~Chapter is to implement additional specific requirements for the use of the public sewer system to ensure compliance with Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, State Board Order No. 2006-0003-DWQ (State Board Order) and as may be hereinafter amended or superseded.

13.14.020 Duty of the discharger.
All dischargers to the public sewer system shall implement best management practices (BMPs) to ensure that their discharge, either singularly or in combination with other discharges, does not create a condition in the system that might cause damage to the system or a sanitary sewer overflow (SSO). Commercial and industrial discharges shall be made only in full compliance with PMC Chapter 13.11 (Industrial Waste)~~PMC~~.

13.14.030 House lateral maintenance.
Dischargers to the public sewer system shall use house lateral maintenance procedures that maximize the recovery of deleterious materials and minimize the passage of fats, oils and grease (FOG), debris, cut roots and similar materials to the mainline sewers. PMC Section 13.02.040 (Responsibility and maintenance of facilities – Applicability of provisions) notwithstanding, no person shall interfere with the City's access to house laterals extending from the mainline sewer and the right-of-way boundary or property line.

13.14.040 Illicit discharges prohibited.
(B) Consists of nondomestic sewage that is authorized pursuant to the provisions of PMC Chapter 13.08 (Permits, Fees, Design and Inspection Requirements) or 13.11 (Industrial Waste)~~PMC~~;

(C) Consists of domestic and nondomestic sewage combined ~~in accordance with~~pursuant to PMC Section 13.11.720 (Separation of domestic and industrial wastes); and,

13.14.050 Limitations – City may establish.
The City may establish numerical limitations on the amount of FOG and other debris that may cause blockages or contribute to SSOs on discharges to all or portions of the sanitary sewer system where the City finds that such limitation is necessary to protect the system from damage or potential SSOs. Industrial waste disposal permits issued pursuant to PMC Chapter 13.11 (Industrial Waste)~~PMC~~ shall include such limitations where imposed.

13.14.060 Existing FOG disposal systems.
Existing grease interceptors, grease traps or other FOG disposal systems, previously approved by the City, may remain in service provided such systems are properly maintained to effectively reduce FOG discharges, are operating within original design parameters, have not been altered in a manner not approved by the City, and where required are operated under a valid industrial waste disposal permit pursuant to PMC Chapter 13.11 (Industrial Waste)~~PMC~~. Such authorization does not preclude the City from establishing discharge limitations which may require the modification, enlargement, addition, or replacement of FOG disposal system to protect the sanitary sewer system from blockages or overflows.

13.14.070 Investigation of sanitary sewer overflow (SSO) incidents.
The City shall investigate and determine the probable cause of an actual or potential SSO incident. In the course of any such investigation, the City may enter the premises of any discharger to the sanitary sewer system to determine the presence of potential sources of FOG, inspection of FOG disposal systems, review wastewater disposal procedures, ascertain if BMPs are in place and adequate, review records, photograph disposal systems, take samples and other measurements in order to determine the cause or sources of an SSO. PMC Section 13.14.060 (Existing FOG disposal systems) notwithstanding, where the City determines that additional, improved, upgraded, repaired or more frequently maintained FOG removal systems are required to prevent the contribution to actual or potential SSOs, the City may serve notice on the discharger to implement such improvements. Such notice may include prohibitions against unauthorized discharges, timetables and/or deadlines.

13.14.090 FOG control programs.
Where a discharger is required to install and maintain a FOG disposal system pursuant to the provisions of this ~~c~~Chapter and/or is found to be a potential uncontrolled source of FOG, the City may require that the discharger develop and implement a FOG control program. Where required, such a program is subject to approval by the City and may be included as a part of the conditions and limitations of any permit issued pursuant to this ~~c~~Chapter. Such a program may be required to include but is not limited to the following provisions:

13.14.110 Food service establishments – Operating permit required.
Where the City has determined that installation of a FOG disposal system at a food service establishment (FSE) is necessary to protect the public sewer system, such installation shall be subject to plan review and operating industrial waste disposal permit

requirements pursuant to PMC Chapter 13.11 (Industrial Waste)~~PMC~~. Each separate system connected to the public sewer system shall require a separate permit. The City may authorize multiple FSEs to discharge through a single FOG disposal system provided each establishment enters into an agreement with a single entity that maintains the device including continuous maintenance of any permits required for operation of the facility and submits the agreement to the City.

14.04.010 Purpose and intent.
It is determined by the City Council that appropriate action must be taken in order to protect and preserve desert vegetation, and particularly Joshua trees, so as to retain the unique natural desert aesthetics in some areas of this City, and to promote the general welfare of the community. Although it may not be feasible, practicable, or in the public interest to preserve all healthy desert vegetation regulated under this ~~c~~Chapter due to reasonable planning, developmental or property rights considerations, the design of development projects should strive to protect and maintain the most desirable and significant of the healthy desert vegetation in a manner consistent with the City's G~~g~~eneral P~~p~~lan and the California Environmental Quality Act (CEQA).

14.04.020 Title cite and applicability.
(A) This ~~c~~Chapter shall be known and may be cited as the “Palmdale native desert vegetation ordinance.”

(B) The provisions of this ~~c~~Chapter shall apply to all public and private property within the City which contains Joshua trees or other desert vegetation as defined by this ~~c~~Chapter.

14.04.030 Definitions.
For purposes of this ~~c~~Chapter, certain words and phrases shall be defined as follows unless the context clearly requires otherwise:

(C) “Desert vegetation” shall mean California juniper as defined by this ~~c~~Chapter, and other living plants identified pursuant to the California Desert Native Plants Act (Food and Agricultural Code Section 80001, et seq.) as protected or designated on any ~~s~~State or ~~f~~Federal rare and endangered species list.

14.04.040 Requirements for removal.
(A) Desert vegetation shall not be removed, nor caused to be removed, on or from any parcel of land, except as provided by the provisions of this ~~c~~Chapter.

(B) A native desert vegetation removal permit shall be obtained from the City’s Landscape Architect, or in lieu thereof, the Director of Public Works’ designee, prior to the removal of any native desert vegetation as defined in this ~~c~~Chapter.

(C) The project proponent or its agent may remove a detached dead western Joshua tree or detached limb of a western Joshua tree. All other removals and all trimming of western Joshua trees authorized by permits issued pursuant to this ~~s~~Subsection shall be completed by a desert native plant specialist. A permit may be issued, without payment of mitigation fees, provided that the dead western Joshua tree or the limb(s) to be removed:

(F) Minimization.

(3) For purposes of this ~~s~~Subsection, relocation of a western Joshua tree shall be determined to be infeasible if either of the following applies:

(D) Such other and further information as the Economic and Community Development Director ~~of Planning~~ may deem necessary to fulfill the purposes and intent of this ~~c~~Chapter in a particular case.

14.04.060 Joshua tree relocation methodology.

(E) A water regimen shall be conducted to ~~insure~~ensure survivability. All trees shall receive a pre-soaking approximately one week prior to transplanting. Each tree shall have an earthen berm built around the perimeter, large enough to accommodate 20 gallons of water to ensure the root ball will hold together and to minimize transplant shock.

14.04.070 Desert vegetation preservation criteria.

(A) The minimum standard of preservation shall be:

(2) Where soil conditions or conditions of the California juniper prohibit the preservation of two trees per acre, or where the total number of healthy trees per gross acre is not equal to two per acre, the minimum standard of preservation will be determined by a desert native plant specialist and confirmed by the City's Landscape Architect, or in lieu thereof, the Director of Public Works' designee, ~~in accordance with~~pursuant to the following criteria:

(B) The quantity of California junipers calculated under the minimum standard of preservation as determined above shall be preserved by any combination of the following means:

(1) The development proposal shall be prepared in a manner which retains on site those plants that can be incorporated into the design of the development. Development proposals should use native desert vegetation to landscape on-site detention basins, entry statement areas, and other open space sites whenever possible, where xeric landscaping is appropriate;

(b) Other methods of preservation as shown in ~~s~~Subsection (B)(2) shall not apply to California junipers;

(3) Any native desert vegetation in excess of the minimum standard for preservation may be removed after the public has had the opportunity to transplant native desert vegetation per ~~s~~Subsection (B)(2)(a) of this section, and after the native desert vegetation preservation plan and native desert vegetation removal permit has been approved by the City, or, if applicable, after the payment of the in-lieu fee.

14.04.080 Maintenance requirements.

Upon completion of construction of the development proposal and after final inspection and acceptance by the City, the following standards relative to ongoing maintenance of native desert vegetation shall apply:

(C) The Director ~~of Planning~~ shall require posting of a bond or other appropriate security at the time of development proposal approval to assure maintenance of on-site trees, or trees in landscape easements or assessment districts, for a period of two years. If the project is otherwise required to have a bond posted for landscape maintenance requirements, this requirement shall be incorporated into the same bond.

14.04.090 Unlawful activities prohibited.
(A) Except as provided in this ~~c~~Chapter, it is unlawful for any person to damage any desert vegetation as defined in this code.

(B) It is unlawful for any person to falsify any oral statement, paper or document issued to give permission for any person to remove desert vegetation or fail to comply with all conditions or stipulations of this ~~c~~Chapter.

14.04.100 Violation – Penalty.
Penalties for violations of this ~~c~~Chapter shall be as specified in PMC Chapter 1.12 (Penalty Provisions)~~PMC~~.

14.04.110 Compliance with other laws and regulations.
Nothing in the provisions of this ~~c~~Chapter shall relieve nor be interpreted to exempt a proponent of a development proposal from complying with the requirements of the California Desert Native Plants Act, Food and Agricultural Code Section 80001, et seq., and/or any applicable ~~f~~Federal laws and regulations. Nor shall any provision of this ~~c~~Chapter be construed so as to conflict with, duplicate, or otherwise interfere with general law preemptive of local regulation.

15.01.010 Definitions.
The City Council hereby finds the following terms shall have the following meanings:

(B) “Artist” shall mean an individual generally recognized by critics and peers as a professional practitioner of the visual arts as judged by the quality of that professional practitioner’s body of work, educational background, experience, past public art commissions, sale of works, exhibition record, publications, and production of artwork. The members of the architectural, engineering, design, or landscaping firms retained for the design and construction of a development project covered shall not be considered artists for the purposes of this ~~c~~Chapter.

(D) “Capital improvement program” or “CIP” shall mean any construction project of any new City building or facility, renovation of any existing City building or facility, transportation improvement projects, new parks, and other above-ground structures, such as bridges, that are financed wholly or in part by funds appropriated by the City Council. For the purposes of this ~~s~~Section, below-ground sewer and drainage projects are not applicable.

(F) “Development project” shall mean any commercial and residential development which requires the issuance of a building permit by the City ~~of Palmdale~~.

(G) “Public art policy guidelines” or “guidelines” shall mean the document adopted by the Public Art Commission that includes standards and procedures for the implementation and administration of public art ~~in accordance with~~pursuant to this ~~c~~Chapter.

(H) “In-lieu contribution” shall equal the percentage of building permit valuation required by this ~~c~~Chapter.

(K) “Public art” as defined herein shall be located in a public place on private property, or on land or in a building owned by the City~~ of Palmdale~~, and encompass all cultures through the broadest possible range of expression, media, and materials that may be permanent, fixed, temporary or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals.

(N) “Public art project plan” shall mean a narrative statement submitted to the Public Art Coordinator by the private developer or City department under whose jurisdiction the public art project is located, indicating how the development will meet the requirements of this ~~c~~Chapter for on-site artwork. A public art project plan shall be submitted at the concept and final design stages of the project.

15.01.020 Public art in private and municipal development project contribution requirements.

(B) As of July 1, 2021, private developments shall devote an amount not less than one-half percent of building permit valuation for private development of $500,000 or more for acquisition and installation of public art on the development site. This amount shall be the program allocation with a cap of $250,000 allocated for single construction projects. The public art shall be installed on the development site in a public place that allows the public art to be visible from a public right-of-way or from other public property. The fee associated with ~~this subsection~~thisSubsection may be subject to a development or deferral agreement with the City~~of Palmdale~~. For residential development projects with no funding mechanism for repairs and maintenance (as required in PMC Section 15.01.080(A)(8)), the developer shall make an in-lieu contribution into the public art fund as stated in PMC Section 15.01.020 (Public art in private and municipal development project contribution requirements)(G).

(D) For phased development, calculation of the total building permit valuation shall be based on the total number of building permits applied for and does not include any withdrawn permit applications. If an owner or developer chooses to stagger the application of building permits ~~in accordance with~~pursuant to a phased schedule, the contribution shall be applicable to the total number of building permits applied for at the time of each application.

(E) The contribution requirement of ~~this section~~this Section shall apply to mixed-use and residential projects that create five or more residential units.

(F) All nonprofit and affordable housing developments and structures shall be exempt from the requirements of ~~this section~~this Section. The valuation of any exempt component of a mixed-use development shall be deducted from the combined total building permit valuation. If only part of a development or project is affordable, the public art fee shall be

reduced, pro rata, based on the affordable portion of the development or project. Determination of a project or development as affordable housing shall be determined in the sole discretion of the Planning Manager/Director.

15.01.030 Public art in private and municipal development project contribution exemptions.
(A) Private Development Exemptions.

(1) Nonprofit and affordable housing developments and structures, as set forth in PMC Section 15.01.020 (Public art in private and municipal development project contribution requirements)(F).

(B) Municipal Development Exemptions.

(6) Appropriations for purposes of acquiring public art in order to carry out the provisions of this ~~c~~Chapter shall comply with applicable funding source requirements. If the source of funding or other applicable law or regulation with respect to any particular project prohibits or restricts the use of funds for public art, the amount of funds so prohibited or restricted shall be excluded in determining the one percent.

15.01.040 Public art in private and municipal development project compliance standards.
The following public art may be used to satisfy the requirements of this ~~c~~Chapter:

(A) On-Site Artwork. On-site installation of artwork that is created uniquely by an artist.

(4) Standardized fixtures such as grates, street lights, signage, and other design enhancements, as are rendered by an artist for unique or limited editions; and,

(5) Any other form determined by the City Manager or designee to satisfy the intent of ~~this section~~this Section if the owner or developer appeals the decision of the Public Art Coordinator.

15.01.050 Establishes the public art fund.
(A) There is hereby created the public art fund to account for the public art in-lieu contributions and any and all other revenues appropriated or received for public art. The revenues in such fund shall be used solely for:

(4) Furthering the purposes of public art as defined in this ~~c~~Chapter.

(B) The public art fund shall be distributed annually as follows:

(3) The public art fund shall be authorized to accept gifts, grants and donations made to the City ~~of Palmdale~~, as well as any in-lieu contributions from private and municipal development projects. The fund shall be self-perpetuating from year to year.

(D) The Public Art Commission shall present annually to the City Council for approval a public art workplan that recommends the use of public art fund monies consistent with the purpose of ~~this section~~this Section. The public art workplan shall be administered by the City Manager or designee.

15.01.070 Establishes the Public Art Commission.
(A) There is hereby created the City of Palmdale Public Art Commission ~~in accordance with~~pursuant to PMC Section 2.08.030 (Appointments to boards, commissions, and committees).

(C) It shall be the duty of the Palmdale Public Art Commission to:

(1) Prepare and approve bylaws that follow this ~~c~~Chapter and the Ralph M. Brown Act; organize and conduct meetings in compliance with the Ralph M. Brown Act;

(11) Review and forward recommendations to City Council for deaccession of artwork, acceptance of artwork gifts and loans, and proposals for memorials and murals on City-owned property, ~~in accordance with~~pursuant to each respective policy; and,

15.01.080 Application and approval procedures for public art.
(A) Private Property.

(1) The developer has the option of proposing public art incorporating on-site artwork into the development or may elect to deposit the full amount into the public art fund as required under PMC Section 15.01.020 (Public art in private and municipal development project contribution requirements)(B). In any event, 10 percent of the amount required under PMC Section 15.01.020 (Public art in private and municipal development project contribution requirements)(B) (B) shall be deposited into the public art fund as required under PMC Section 15.01.020 (Public art in private and municipal development project contribution requirements)(B) (C).

(3) Following approval of the concept public art project plan by the Public Art Coordinator, the developer shall refine the design and submit a final public art project plan.

(b) The developer shall refer to the public art policy guidelines referenced in this ~~c~~Chapter.

(4) The concept public art project plan and final public art project plan submitted pursuant to this ~~s~~Section shall be delivered to the Public Art Coordinator for review to determine whether the public art project plan is complete.

(6) The Public Art Coordinator shall approve or deny the concept public art project plan and final public art project plan ~~in accordance with~~pursuant to the public art policy guidelines referenced in this ~~c~~Chapter. The Public Art Coordinator may conditionally approve a concept public art project plan and final public art project plan subject to such conditions that the Public Art Coordinator deems reasonably necessary to conform to the public art policy guidelines for approval.

(7) The public art project plans required by this ~~s~~Section shall be made, approval obtained, and the public art installed prior to final building inspection or issuance of approval of a certificate of occupancy for the new construction. If installation prior to the date of occupancy is impracticable, as determined by the Public Art Coordinator, a certificate of occupancy may be approved for the building or portion thereof if the concept public art project plan and final public art project plan submitted pursuant to this ~~s~~Section have been approved, the applicant has executed a written agreement with the City to

install the public art, and the applicant deposits with the City security either in the form of a surety bond issued by a surety company authorized to do business in the State of California, or in cash, or the equivalent amount in other security approved by the City Manager and City Attorney in an amount equal to one-half percent of the total building permit valuation to guarantee installation of the public art. Any costs associated with acquiring the required security are the responsibility of the applicant and may not be applied to the public art allocation.

(9) Stolen or removed artwork shall be replaced by the property owner. Replaced artwork shall be reviewed and approved by the Public Art Commission and City Council subject to the criteria set forth in this ~~c~~Chapter.

(B) Municipal Property.

(3) The Public Art Commission shall approve or deny the selection of artists and shall make recommendations to the City Council or their delegated authority for approval of the commissioning of public art and/or the purchase of artwork to be located on municipal property ~~in accordance with~~pursuant to the public art policy guidelines defined in this ~~c~~Chapter.

(4) The Public Art Coordinator shall set meetings with the Engineering, Public Works, and Building and Safety departments/divisions to review maintenance and safety considerations for all public art prior to it being commissioned and/or purchased.

15.01.090 Public art in private development.
Compliance with the provisions of this ~~s~~Section shall be demonstrated by the owner or developer prior to the issuance of a certificate of occupancy as follows:

(B) Installation of the public art ~~in accordance with~~pursuant to approval of the final public art project plan submitted pursuant to this ~~c~~Chapter; and

(C) Execution of an installation agreement and evidence that a maintenance covenant has been recorded against the property as outlined in PMC Section 15.01.080(A)(7).

15.01.110 City Council role and responsibilities.
(C) Approve annual capital improvement plan allocations to include the public art program, as outlined in this ~~c~~Chapter.

(D) Approve annual operating allocations for the public art program from the general fund as part of the City's annual budget process, including necessary funding for staffing the public art program and maintenance of public art with a relief of 20 percent for allowable costs from the public art fund as indicated in PMC Section 15.01.050(B).

(F) Make final determinations on Public Art Commission recommendations regarding deaccession of artwork, acceptance of artwork gifts and loans, and proposals for memorials on City property, ~~in accordance with~~pursuant to each respective policy.

15.01.120 Severability.
If any ~~s~~Section, subsection, subdivision, paragraph, sentence, clause or phrase in this ~~c~~Chapter, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ~~c~~Chapter or any part thereof. The City Council hereby declares that it would have passed each ~~s~~Section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this ~~c~~Chapter and the benefits to the City and the public are not substantially impaired.

15.24.010 Adopted.
(A) Except as provided in this ~~c~~Chapter, County Substandard Property Ordinance No. 9371 in effect August 18, 1967, shall be the substandard property ordinance of the City providing regulations for the control and abatement of substandard property.

15.24.020 Definitions.
Whenever any of the following names or terms are used in the County substandard property ordinance, each such name or term shall be deemed and construed to have the meaning ascribed to it in this ~~s~~Section as follows:

Chapter 15.28
Sections:
15.28.020 Lands to which this ~~c~~Chapter applies.
15.28.150 Standards for manufactured/mobile homes.

15.28.002 Findings of fact.
(A) The flood hazard areas of City ~~of Palmdale~~ are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

15.28.003 Statement of purpose.
It is the purpose of this ~~c~~Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow) or flood related erosion areas. These regulations are designed to:

15.28.004 Methods of reducing flood losses.
In order to accomplish its purposes, this ~~c~~Chapter includes regulations to:

15.28.010 Definitions.
Unless specifically defined in this ~~s~~Section, words or phrases used in this ~~c~~Chapter shall be interpreted according to their common usage and to give this ~~c~~Chapter its most reasonable application to further its purpose.

“Appeal” means a request for a review of the Floodplain Administrator’s interpretation of any provision of this ~~c~~Chapter or a request for a variance.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also called “100-year flood”). “Base flood” is a term used throughout this ~~c~~Chapter.

“Existing manufactured/mobile home park or subdivision” means a manufactured/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date (December 10, 1987, Ordinance 711) of the floodplain management regulations adopted by a community.

“Expansion to an existing manufactured/mobile home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City ~~of Palmdale~~.

“Floodplain management regulations” means this ~~c~~Chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications of the police power which controls development in flood-prone areas. The term describes such ~~f~~Federal, ~~s~~State or local regulations, which provide standards for the purpose of preventing flood and reducing flood loss and damage.

“Fraud and victimization” as related to PMC Section 15.28.185 (Nature of variances) through 15.28.200 (Conditions for variances) means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City ~~of Palmdale~~ will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Hardship” as it relates to PMC Section 15.28.185 (Nature of variances) through 15.28.200 (Conditions for variances) means the exceptional hardship that would result from a failure to grant the requested variance. The City ~~of Palmdale~~ requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations,

physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different

"Lowest floor" means the lowest floor of the lowest enclosed area, including the basement.

(1) An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:

(a) The wet floodproofing standard in PMC Section 15.28.120(C)(5);

(b) The anchoring standards in PMC Section 15.28.120(A);

(c) The construction materials and methods standards in PMC Section 15.28.120(B);

(d) The standards for utilities in PMC Section 15.28.130 (Standards for utilities).

"Manufactured home" as defined in State of California Health and Safety Code Section 18007, shall mean a structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in them traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.~~means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle."~~

"Manufactured/mobile home park~~ or subdivision~~" shall mean a development designed and occupied by manufactured/mobile housing units or park models including development with facilities and amenities used in common by occupants who rent, lease, or own spaces for mobile/manufactured/park model housing units through a subdivision, cooperative, condominium, or other form of resident ownership.~~means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

"Manufactured/mobile home subdivision" shall mean an area of land where lots are divided for sale, rent, or lease to accommodate manufactured or mobile homes.

"New manufactured/mobile home park or subdivision" means a manufactured/mobile home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured/mobile homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the

pouring of concrete pads) is completed on or after the effective date (December 10, 1987, Ordinance 711) of floodplain management regulations adopted by this community.

“One-hundred-year flood” or “100-year flood” means a flood which has a one percent annual probability of being equaled or exceeded in any given year. It is identical to the “base flood,” which will be the term used throughout this ~~c~~Chapter.

“Public safety and nuisance” as related to PMC Section 15.28.185 (Nature of variances) means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Remedy a violation” means to bring the structure or other development into compliance with ~~s~~State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter, or otherwise deterring future similar violations, or reducing ~~s~~State and ~~f~~Federal financial exposure with regard to the structure or other development.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. If the actual start of construction, repair, reconstruction, placement or other improvement is not within 180 days of the permit date, then “start of construction” shall mean the actual start. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured/mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured/mobile home.

“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(2) If the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the

building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

(a) Any project for improvement of a structure to comply with existing ~~s~~State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

“Variance” means a grant of relief from the requirements of this ~~c~~Chapter, which permits construction in a manner that would otherwise be prohibited by this ~~c~~Chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this ~~c~~Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ~~c~~Chapter is presumed to be in violation until such time as that documentation is provided.

15.28.020 Lands to which this ~~c~~Chapter applies.
This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City.

15.28.030 Basis for establishing the areas of special flood hazard.
The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for the City ~~of Palmdale~~ dated March 30, 1998, and accompanying Flood Insurance Rate Maps (FIRM), dated March 30, 1998, and all subsequent amendments and/or revisions are hereby adopted by reference and declared to be a part of this ~~c~~Chapter. This Flood Insurance Study and attendant mapping are the minimum area of applicability for this ~~c~~Chapter and may be supplemented by studies for other areas that allow implementation of this ~~c~~Chapter and are recommended to the City Council by the Floodplain Administrator. The Flood Insurance Study and FIRM are on file in the office of the City Engineer.

15.28.040 Compliance.
No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ~~c~~Chapter and other applicable regulations. Violations of the provisions of this ~~c~~Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connections with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

15.28.050 Abrogation and greater restrictions.
This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ~~c~~Chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.28.060 Interpretation.
In the interpretation and application of this ~~c~~Chapter, all provisions shall be:

(B) Liberally construed in favor of protecting persons and property from flood hazards; and,

(C) Deemed neither to limit nor repeal any other powers granted to the City under ~~s~~State statutes.

15.28.070 Warning and disclaimer of liability.
The degree of flood protection required by this ~~c~~Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ~~c~~Chapter or any administrative decision lawfully made thereunder.

15.28.090 Establishment of development permit.
A development permit shall be obtained before construction or development begins within any area of special flood hazards. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include but need not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

(A) Site plan, including but not limited to:

(3) For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95 percent using the Standard Proctor Test Method); and,

(5) All appropriate certifications listed in PMC Section 15.28.110(D); and

15.28.100 Designation of Floodplain Administrator.
The City Engineer is appointed to administer and implement this ~~c~~Chapter by granting or denying development permits ~~in accordance with~~pursuant to its provisions and is referred to in this ~~c~~Chapter as the “Floodplain Administrator.”

15.28.110 Duties and responsibilities of the Floodplain Administrator.
The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

(A) Permit Review. Review of all development permits to determine that:

(1) The permit requirements of this ~~c~~Chapter have been satisfied, including a determination of substantial improvement and substantial damage of existing structures;

(2) All other required ~~s~~State and ~~f~~Federal permits have been obtained;

(4) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been

designated. For purposes of this ~~c~~Chapter, “adversely affect” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

(B) Use of Other Base Flood Data. When base flood elevation data has not been provided in the Flood Boundary and Floodway Map, the Flood Insurance Rate Map, or the Flood Insurance Study, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a ~~f~~Federal, ~~s~~State or other source, in order to administer PMC Section 15.28.120 (Standards of construction).

(F) Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed:

(1) The certification required in PMC Section 15.28.120(C)(1) (lowest floor elevations);

(2) The certification required in PMC Section 15.28.120(C)(4) (elevation of floodproofing of nonresidential structures);

(3) The certification required in PMC Section 15.28.120(C)(2) (elevations in areas of shallow flooding);

(4) The certification required in PMC Section 15.28.120(C)(5)(a) (wet floodproofing standard);

(5) The certified elevation required in PMC Section 15.28.140 (Standards for subdivisions).

(G) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in PMC Section 15.28.190 (Appeal board).

(H) Take action to remedy violations of this ~~c~~Chapter as specified in PMC Section 15.28.040 (Compliance).

15.28.120 Standards of construction.
In all areas of special flood hazards the following standards are required to be met to the satisfaction of the Floodplain Administrator:

(A) Anchoring.

(2) All manufactured/mobile homes shall meet the anchoring standards of PMC Section 15.28.150 (Standards for manufactured/mobile).

(B) Construction Materials and Methods.

(1) All new construction and substantial improvements, including manufactured/mobile homes, shall be constructed with materials and utility equipment resistant to flood damage below the base flood elevation;

(2) All new construction and substantial improvements, including manufactured/mobile homes, shall be constructed using methods and practices that minimize flood damage;

(3) All new construction and substantial improvements, including manufactured/mobile homes, shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(4) All new construction and substantial improvements, including manufactured/mobile homes, within Zones AH or AO shall be required to have adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

(C) Elevation and Floodproofing.

(1) In an AO Zone, new residential construction and substantial improvement, including manufactured/mobile homes, of any residential lowest floor, including basement, elevated to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;

(2) In an A and AE Zone, new residential construction and substantial improvement, including manufactured/mobile homes, of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation;

(3) In all other special flood hazard area zones, new residential construction and substantial improvement, including manufactured/mobile homes, of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation;

(5) Nonresidential construction, new or substantial improvement, shall either be elevated in conformance with subsection (C)(1), (2) or (3) of this ~~s~~Section or together with attendant utility and sanitary facilities:

(c) Be certified by a registered professional engineer or architect that the standards of this ~~s~~Subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator;

(7) Manufactured/mobile homes shall also meet the standards in PMC Section 15.28.150 (Standards for manufactured/mobile).

(D) Garages and Low-Cost Accessory Structures.

(2) Detached Garages and Accessory Structures.

(a) “Accessory structures” used solely for parking (two-car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in PMC Section 15.28.010 (Definitions), may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed ~~in accordance with~~pursuant to the following requirements:

(v) The accessory structure must comply with floodplain encroachment provisions in PMC Section 15.28.160 (Floodways); and

(vi) The accessory structure must be designed to allow for the automatic entry of flood waters ~~in accordance with~~pursuant subsection (C)(6) of this ~~s~~Section.

(2) Detached garages and accessory structures not meeting the above standards must be constructed ~~in accordance with~~pursuant all applicable standards in this ~~s~~Section.

15.28.140 Standards for subdivisions.
Subdivisions and other proposed development, including proposals for manufactured/mobile home parks or subdivisions, greater than 50 lots or five acres, whichever is the lesser, shall meet the following requirements to the satisfaction of the Floodplain Administrator:

(A) Shall identify any special flood hazard area and the elevation of the base flood.

(B) Will provide the elevation of proposed structure(s) and pads on the final plans. If the site is filled above the base flood elevation, the lowest floor final pad elevations shall be certified by a registered professional civil engineer or surveyor as part of an application for a FEMA letter of map revision based on fill (LOMR-F) to the Floodplain Administrator.

15.28.150 Standards for manufactured/mobile homes.
(A) All manufactured/mobile homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the City’s Flood Insurance Rate Map, shall be elevated on a permanent foundation such that the lowest floor of the manufactured/mobile home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse or lateral movement on sites located:

(1) Outside of a manufactured/mobile home park or subdivision;

(2) In a new manufactured/mobile home park or subdivision;

(3) In an expansion to an existing manufactured/mobile home park or subdivision; or,

(4) In an existing manufactured/mobile home park or subdivision on a site upon which a manufactured/mobile home has incurred “substantial damage” as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor of the manufactured/mobile home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

(B) All manufactured/mobile homes to be placed or substantially improved on sites in an existing manufactured/mobile home park or subdivision within Zones A1-30, AH, and AE on the community's Flood Insurance Rate Map that is not subject to the provisions of subsection (A) of this ~~s~~Section will be elevated so that either the:

(1) Lowest floor of the manufactured/mobile home is at or above the base flood elevation; or

(2) The manufactured/mobile home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.

15.28.155 Standards for recreational vehicles.
All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the City's Flood Insurance Rate Map will either:

(B) Meet the permit requirements of PMC Section 15.28.090 (Establishment of development permit) through 15.28.110 (Duties and responsibilities of the Floodplain Administrator) and the elevation and anchoring requirements for manufactured/mobile homes in PMC Section 15.28.150 (Standards for manufactured/mobile homes).

15.28.160 Floodways.
Located within areas of special flood hazards established in PMC Section 15.28.030 (Basis for establishing the areas of special flood hazard) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions apply:

(B) Where the floodway has not been determined, no construction, substantial development, or other development including fill shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the City ~~of Palmdale~~.

(C) If subsections (A) and (B) of this ~~s~~Section are satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of PMC ~~s~~Section 15.28.120 (Standards of construction).

15.28.185 Nature of variances.
The variance criteria set forth in this ~~s~~Section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ~~c~~Chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

15.28.190 Appeal board.
(A) The City Council shall hear and decide appeals from decisions made by the Floodplain Administrator and requests for variances from the requirements of this ~~s~~Section.

(B) The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ~~c~~Chapter.

(C) In passing upon such applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other ~~s~~Section s of this ~~c~~Chapter, and:

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and,

15.28.200 Conditions for variances.
(A) Generally, variances may be issued for new construction, substantial improvement, and other proposed new developments to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation; provided, that the procedures of PMC Section 15.28.090 (Establishment of development permit) through 15.28.160 (Floodways) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(B) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed reconstruction, rehabilitation or restoration will not preclude the structure's continued designation as an historic structure as defined in PMC Section 15.28.010 (Definitions) and the variance is the minimum necessary to preserve the historic character and design of the structure.

(E) Variances shall only be issued upon:

(2) A determination that failure to grant the variance would result in exceptional "hardship" as defined in PMC Section 15.28.010 (Definitions) to the applicant; and,

(F) Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections (A) through (D) of this ~~s~~Section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(G) Upon consideration of the factors of PMC Section 15.28.190 (Appeal board) and the purposes of this ~~c~~Chapter, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ~~c~~Chapter.

15.28.300 Extent of provisions.
To the extent the provisions of this ~~c~~Chapter are substantially the same as previous provisions of the ~~Palmdale Municipal Code~~PMC, these provisions shall be construed as continuations of those provisions and not as new enactments.

Chapter 15.30

Sections:
15.30.010 CALGreen recycling requirements.

15.30.010 CALGreen recycling requirements.
(B) Persons applying for a permit from the City for new construction and building additions and alternations shall comply with all required components of CALGreen, as amended, if its project is covered by the scope of CALGreen, as amended, July 1, 2019, and effective January 1, 2020, including:

(3) If, after the adoption of this ~~c~~Chapter, Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 of CALGreen are amended in a manner that requires the City to incorporate the requirements in an updated local ordinance, and the amended requirements are more stringent than those required in this ~~s~~Section, the revised requirements of CALGreen Sections 4.408.1, 4.410.2, 5.408.1, and 5.410.1 shall be enforced.

16.00.010 Authority and purpose.
This ~~t~~Title, which may be cited as the "City of Palmdale subdivision ordinance," is adopted pursuant to Article XI, Section 7 of the California Constitution, and Government Code Section 66410, et seq., herein cited as the "Subdivision Map Act." The purpose of this ~~t~~Title, and any City standards adopted to implement this ~~t~~Title, is to regulate and control the division of land within the City of Palmdale and to supplement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all required maps, and the procedure to be followed in securing the City's official approval of all required maps. This ~~t~~Title and all actions taken pursuant to it are necessary to preserve and protect the public health, safety and general welfare; to implement the City's ~~g~~General ~~p~~Plan and ~~z~~Zoning ~~o~~Ordinance, applicable specific plans, and other applicable provisions of the ~~City's Municipal Code~~PMC pertaining to land development or development projects; to assure sufficient public infrastructure and facilities for adequate traffic circulation, water, utilities and public services, sanitary sewer facilities and storm drain facilities, and to promote orderly growth and development and proper use of land and to provide for the efficient uses and conservation of resources.

16.00.020 Scope and applicability.
This ~~t~~Title shall apply to any division of land within the City and shall control the preparation, processing and approval of all tentative maps, final maps, parcel maps, common interest subdivisions, lot line adjustments, lot mergers, reversions to acreage, exceptions and waivers.

This ~~t~~Title shall also apply to the division of land within unincorporated territory to the extent permitted by Subdivision Map Act Section 66454.

16.00.040 Exceptions.
(A) The Planning Commission or, on appeal, the City Council may authorize exceptions to any of the requirements or standards imposed by these regulations where not inconsistent with or prohibited by the provisions of the Subdivision Map Act, ~~Municipal Code~~the PMC or ~~g~~General ~~p~~Plan.

(B) An application for any exception shall be filed concurrently with the filing of the development application for which the exception is sought. The exception application shall state fully the grounds for the exception and the facts supporting the application. Before recommending or approving any application for exception, the Planning Commission, or the City Council on appeal, shall make all the following findings:

(1) There are special circumstances applicable to the property, including size, shape, topography, location or surroundings, so that the strict application of this ~~t~~Title would deprive such property of privileges enjoyed by other properties in the vicinity and under identical land use district classifications;

(2) Granting the exception is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and land use district and denied to property for which the exception is sought;

(3) Granting the exception will not be materially detrimental to the public health, safety or welfare, or injurious to the properties or improvements in such vicinity and land use district in which the property is located; and

(4) Granting the exception does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which such property is located.

16.00.050 Fees.
All persons submitting maps or other development applications required by this ~~t~~Title shall pay all fees and deposits required by this ~~t~~Title, in the amount prescribed by resolution of the City Council at the time the fees are due and payable, except as otherwise authorized by City ordinance. These fees shall include, but are not limited to, plan check fees, processing fees, inspection fees, mitigation fees and impact fees.

16.00.060 Hold harmless and indemnification of City.
Pursuant to the authority of Government Code Section 66474.9, the City shall require, as a condition of approval of any tentative or parcel map or other subdivision approval, that the subdivider indemnify, defend and hold harmless the City and its elected and appointed officials, officers, agents and employees (indemnitees) from any claim, action or proceeding, whether judicial, quasi-judicial, administrative, legislative or otherwise against the indemnitee to attack, set aside, void or annul an approval of the City or an indemnitee, concerning a subdivision, which claim, action or proceeding is brought within the time period provided for in Government Code Section 66499.37. The City shall promptly notify the subdivider of any such claim, action or proceeding and shall cooperate fully in the defense.

16.03.020 Approval process.
The City shall ministerially approve a parcel map for the split of a single-family residential lot into two parcels if the following requirements are met, in addition to the requirements of PMC Section 16.03.030 (Standards and requirements).

16.03.030 Standards and requirements.
An urban lot split pursuant to PMC Section 16.03.020 (Approval process) shall comply with the following requirements:

Chapter 16.10

Secions:
16.10.100 Director ~~of Planning~~of Economic and Community Development.
16.10.110 General ~~p~~Plan.
16.10.150 Review~~ing~~ ~~a~~Authority.
16.10.180 Zoning ~~o~~Ordinance.

16.10.040 Commercially or industrially zoned land.
The term “commercially or industrially zoned land” means any land shown on the most current City ~~of Palmdale z~~Zoning ~~m~~Map within any of the following ~~zoning designations:~~ zones: Neighborhood Commercial (NC), Regional Commercial (RC), Visitor Commercial (VC), Medical Flex (MEDFX), Educational Flex (EDFX), Office Flex (OFX), Light Industrial (LI), Heavy Industrial (HI), Aerospace Industrial (AI), or Mineral Resource Extraction (MRE)~~C-1 (light commercial), C-2 (office professional), C-3 (general commercial), C-4 (commercial center), C-5 (service commercial), M-1 (light industrial), M-2 (general industrial), M-3 (airport industrial), M-4 (planned industrial), or QR (quarry and reclamation)~~, or any approved specific plan area for which the underlying ~~g~~General ~~p~~Plan designation ~~is commercial or industrial.~~falls within these zones.

16.10.060 Composite development plan.
The term “composite development plan” means a plan or plans, filed at the time of filing of a final map, which shows the information required by PMC Section 16.80.050 (Composite development plan).

16.10.090 Development Advisory Board.
The term “Development Advisory Board” means those representatives of the City ~~of Palmdale~~ Planning ~~Department~~ Division, Public Works Department, Fire Department, Building and Safety Division, Public Safety Division~~Crime Prevention~~, and those representatives of local public utilities, who confer from time to time to review development applications and preliminary development proposals for conformance with City regulations, policies and standards.

16.10.100 Director of Economic and Community Development ~~of Planning~~.
The term “Director,” ~~“Director of Planning” or “Planning Director”~~ means the Director of ~~Planning~~ Economic and Community Development of the City of Palmdale, or the Director’s authorized designee.

16.10.110 General ~~p~~Plan.
The term "~~g~~General ~~p~~Plan" means the Palmdale ~~g~~General ~~p~~Plan ~~of the City of Palmdale~~, including all adopted elements and maps, as it may be amended from time to time.

16.10.130 Orderly development.
The term "orderly development" means the logical and practical extension of land uses and infrastructure to previously undeveloped sites, in a manner which does not result in isolated pockets of developed land, cause a significant impact to the provision of public services or to other properties, or result in the development of vacant unimproved land before adequate services and infrastructure are available to serve the area in a cost-effective manner, as determined by the ~~r~~Review~~ing~~ ~~a~~Authority.

16.10.140 Planning Commission.
The term "Planning Commission" means the Planning Commission of the City of Palmdale.

16.10.150 Review~~ing~~ ~~a~~Authority.
The term "~~r~~Review~~ing~~ ~~a~~Authority" means the person or decision-making body (i.e., ~~Planning~~ Director, Planning Commission or City Council) responsible for the review and/or final action on a land use entitlement.

16.10.180 ~~z~~Zoning ~~o~~Ordinance.
The term "~~z~~Zoning ~~o~~Ordinance" means PMC Title 17 (Zoning), including all text and maps, as it may be amended from time to time.

Chapter 16.20

Sections:
16.20.010 Director of ~~Planning~~Economic and Community Development.
16.20.020 City Engineer.
16.20.030 Planning Commission.
16.20.040 City Council.

16.20.010 Director of ~~Planning~~Economic and Community Development.
The responsibilities of the Director of ~~Planning~~Economic and Community Development shall include, but are not limited to:

(A) To develop forms, procedures and policies necessary for the processing of applications for tentative and parcel maps, parcel map waivers, reversions to acreage, lot mergers and unmergers and other land use actions as provided for in this ~~t~~Title;

(B) To review and make recommendations to the Planning Commission with respect to an application's conformance with the ~~g~~General ~~p~~Plan, ~~z~~Zoning ~~o~~Ordinance and any applicable specific plans, and this ~~t~~Title;

(E) To review and approve voluntary lot mergers and unmergers pursuant to PMC Chapter 16.130 (Lot Mergers/Unmergers)~~PMC~~. When necessary to carry out these responsibilities, the ~~Planning~~ Director may authorize a designee to act on the ~~Planning~~ Director's behalf.

When necessary to carry out these responsibilities, the City Engineer may authorize a designee to act on the City Engineer's behalf, pursuant toin accordance with current sState law.

16.20.030 Planning Commission.
The Planning Commission is designated as the advisory agency regarding subdivisions, and shall have the authority as follows:

(A) To approve, conditionally approve or deny applications for tentative subdivision maps and extensions thereto, parcel map waivers, amendments of final maps pursuant to Government Code Section 66472.1, deferment of improvements, and exceptions to this tTitle in accordance withpursuant to PMC Section 16.00.040 (Exceptions);

(B) To consider and act on any timely appeals of decisions of the Planning Director;

(C) To review and approve involuntary lot mergers, and to consider and act on requests for hearing on determination of status regarding the merger of parcels or lots, pursuant to PMC Chapter 16.130 (Lot Mergers/Unmergers)PMC;

(D) To make recommendations to the City Council regarding an application's conformance with the gGeneral pPlan, any applicable specific plan, and the zZoning oOrdinance with respect to any tentative or parcel map which proposes to create subdivided lots which are less than 7,000 square feet in area, for single-family attached or detached dwellings.

16.20.040 City Council.
The City Council shall have the authority to act as follows:

(B) To review and approve amended maps, pursuant to PMC Section 16.140.040 (City Council approval required);

(D) To act as the Appeal Board for purposes of hearing and deciding timely appeals of Planning Commission actions on land use issues regulated by this tTitle;

16.30.010 Requirement for a tentative map in lieu of a parcel map.
(A) Pursuant to Government Code Section 66428, a tentative map shall be required, where a parcel map would otherwise be allowed by the Subdivision Map Act in the following circumstances:

(2) Access from the public right-of-way to the proposed lots within the subdivision of commercially or industrially zoned land, or mixed-use zoned land is provided through easements or reciprocal parking and access agreements, rather than by direct frontage to publicly dedicated and improved roadways; or

(B) Any required tentative map shall be processed in accordance withpursuant to the provisions of PMC Section 16.30.020 (Requirements for tentative maps) and PMC Chapter 16.40 (General Tentative Map Procedures)PMC.

16.30.020 Requirements for tentative maps.
(B) A parcel map shall be authorized for those subdivisions described in ~~s~~Subsections (A)(1) through (5) of this ~~s~~Section.

16.30.030 Requirements for parcel maps.
A parcel map or a tentative parcel map as provided in PMC Section 16.30.010 (Requirements for a tentative map in lieu of a parcel map) shall be required for all subdivisions creating four or fewer lots, four or fewer condominiums, a community apartment project containing four or fewer dwelling units, and for the conversion of the dwelling to a stock cooperative containing four or fewer units, except that parcel maps shall not be required for:

(B) Any interest in land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to such public utility, for rights- of-way where such conveyance has been reviewed ~~in accordance with~~pursuant to this ~~t~~Title, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map; or

(C) Lot line adjustments between four or fewer adjoining parcels, ~~in accordance with~~pursuant to this ~~t~~Title; or

(D) The merger of contiguous parcels under common ownership, subject to the recordation of an instrument evidencing the merger, such instrument to be approved ~~in accordance with~~pursuant to this ~~t~~Title.

16.30.040 Other maps.
(A) Vesting tentative maps may be filed pursuant to Government Code Section 66452(b) and PMC Chapter 16.100 (Vesting Tentative Maps)~~PMC~~.

(B) Final maps shall be filed pursuant to Government Code Section 66457 and PMC Chapters 16.70 (Final and Parcel Map Processing) and 16.80 (Additional Final and Parcel Map Requirements)~~PMC~~.

Chapter 16.40

16.40.030 Compliance with the City's ~~g~~General ~~p~~Plan and ~~z~~Zoning ~~o~~Ordinance.

16.40.010 General.
The procedures set forth in this ~~c~~Chapter shall be applicable to tentative maps and tentative parcel maps.

16.40.020 Tentative map form and content.
Before any tentative map, or request for extension thereto, is accepted for filing, the subdivider shall file with the Director ~~of Planning~~ a completed application form, pay all applicable fees, and submit the required number of copies of the tentative map and all supporting materials and documents required on the City's official application form. The Director ~~of Planning~~ and the City Engineer may, from time to time, amend the official application form and the map submittal requirements specified thereon. Tentative maps shall be prepared in a size, form, and manner acceptable to the Director ~~of Planning~~ and

the City Engineer and shall be prepared by a duly authorized registered civil engineer or licensed land surveyor authorized to practice land surveying by the ~~s~~State of California, pursuant to the requirements of the City Engineer. The tentative map shall be clearly and legibly drawn on one sheet and shall contain all information required by the official application form and any requirements identified during the preliminary review of the map by the City. Vesting tentative maps shall conform with PMC Chapter 16.100 (Vesting Tentative Maps)~~PMC~~. The Director ~~of Planning~~ and the Development Advisory Board may modify any of the above tentative map submittal requirements through the preliminary conceptual review process, if the type of subdivision does not need to comply with these requirements, or if other circumstances justify a modification or a waiver. The Director ~~of Planning~~ and Development Advisory Board may require other drawings, data, reports or information deemed necessary to accomplish the purposes of the Subdivision Map Act, the California Environmental Quality Act (CEQA) and this ~~t~~Title.

16.40.030 Compliance with the City's ~~g~~General ~~p~~Plan and ~~z~~Zoning ~~o~~Ordinance.
All divisions of land pursuant to this ~~t~~Title shall conform to those development standards set forth in the ~~z~~Zoning ~~o~~Ordinance for the zone in which the property proposed to be divided is located at the time the application for the tentative map is deemed complete. ~~In accordance with~~Pursuant to PMC Section 16.40.100(A), all divisions of land pursuant to this ~~t~~Title shall also conform with the City's ~~g~~General ~~p~~Plan, including all maps, goals, objectives, policies and implementation measures in effect at the time the tentative map is approved.

16.40.040 Determination of application completeness.
The Planning ~~Department~~ Division shall notify the applicant of its determination of completeness of the subdivision application, as required by Government Code Section 65943. The applicant shall have the right to appeal a decision that an application is incomplete, pursuant to Government Code Section 65943(c), through the appeal process set forth in the City's ~~z~~Zoning ~~o~~Ordinance, Section 20.11. The subdivider shall supply the requested plans and/or information within 60 calendar days of the notice of incomplete filing, or the provisions of Section 20.06 (Denial of Incomplete Applications) of the City's ~~z~~Zoning ~~o~~Ordinance will be applied to the application.

16.40.050 Notification of affected agencies.
Pursuant to Government Code Section 66455.7, notice of a proposed subdivision shall be provided to affected school districts within five days of the application being deemed complete. In addition, pursuant to Government Code Sections 66455 through 66455.9, notice may also be provided to other affected agencies, which may include but shall not be limited to the County of Los Angeles, the ~~c~~City of Lancaster, the ~~c~~City of Santa Clarita, ~~s~~State agencies, including Caltrans and the Department of Water Resources, regional agencies, nearby town councils, transit providers, water districts, and other utilities or service providers.

16.40.060 Environmental review.
After determination that the tentative map application is complete, the Planning ~~Department~~ Division shall comply with the provisions of the ~~California Environmental Quality Act (~~CEQA~~)~~, ~~in accordance with~~pursuant to the time periods specified in Public Resources Code Section 21151.5.

16.40.070 Public hearing notice.
Notice of public hearing will be given pursuant to Government Code Section 65091 and Section 20.02 of the ~~z~~Zoning ~~o~~Ordinance.

16.40.080 Affidavit of acceptance of conditions of approval.
No less than 14 days prior to the Planning Commission taking action on a proposed subdivision, the applicant shall file a statement with the Planning ~~Department~~ Division which expresses the applicant's concurrence with, or objection to, any draft conditions of approval expected to be applied to the subdivision by the Planning Commission. An applicant's objection to a condition or conditions of approval shall not be cause to delay the Planning Commission's action on the application and will not limit the Planning Commission's ability to apply any conditions deemed necessary to ensure that the proposed subdivision conforms to the criteria contained in PMC Section 16.40.100 (Findings for approval of tentative maps) and does not represent a risk to public health, safety and welfare. Failure to file such a statement may be cause to delay Planning Commission's action on the applicant's tentative map.

16.40.090 Time frames for action on tentative maps.
(A) The Planning Commission shall hold a public hearing on the map, and upon making all findings required in PMC Section 16.40.100 (Findings for approval of tentative maps), shall approve or conditionally approve the tentative map, or if such findings are not made, shall deny the tentative map, within the time frames established by Public Resources Code Section 21151.5, and Government Code Section 66452.2.

(B) The time frames noted above may be extended by up to 90 days by mutual consent of the subdivider and the Director ~~of Planning~~. Additional extensions may be permitted as provided by prevailing statutory law or court decisions.

16.40.110 Modifications of approved or conditionally approved tentative maps.
Tentative maps and/or their conditions of approval may be amended upon application by the subdivider or, with consent of the subdivider, by action initiated by the Director ~~of Planning~~ or City Engineer, pursuant to this ~~s~~Section.

(A) Minor modifications may be processed administratively without notice or public hearing; provided, that the proposed changes are consistent with the intent of the original map approval, and there are no resulting violations of this ~~t~~Title or the PMC~~City of Palmdale Municipal Code~~. The following modifications are considered minor:

(1) Modifications to less than 10 percent of the total number of lots in the subdivision; provided, that there is no increase or decrease in the total number of lots within the subdivision;

(2) Modifications to the horizontal alignment of less than two feet, or vertical alignment of less than one foot, of any cul-de-sac, local or collector roadway when such modification does not affect off-site property; or

(3) Any other changes, which in the opinion of the ~~Planning~~ Director and/or City Engineer do not involve substantial changes to the map or the conditions of approval.

(B) Any other amendment or modification of an approved or conditionally approved map shall be processed as a major modification, following procedures set forth in this ~~c~~Chapter for tentative map approval, except that such modification approval shall not alter the original expiration date of the tentative map.

16.40.120 Expiration of tentative maps and timely filing of final or parcel maps.
(A) *Effective through December 31, 2022.* The initial approval or conditional approval of a tentative map shall expire 36 months from its adoption by the Planning Commission or, if appealed, from the City Council's action. If, however, all of the following are true for a particular tentative map, then the initial or conditional approval of the tentative map shall instead expire 48 months from its adoption by the Planning Commission or, if appealed, from the City Council's action: (1) the term of the tentative map has already been extended for the maximum number of years authorized by PMC Section 16.40.140 (Discretionary extensions of tentative maps); (2) the applicant has not previously, and cannot in the future, use the extension authorized by ~~s~~Subsection (C) of this ~~s~~Section. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final or parcel map of all or any portion of the real property included within the tentative map shall be filed without processing a new tentative map ~~in accordance with~~pursuant to the provisions of this ~~t~~Title. Once a complete and timely filing of a final map, as described in PMC Section 16.70.050 (Complete and timely final map filing with the City Engineer), has been made by the subdivider to the City Engineer, the final processing, approving and recording may lawfully occur after the date of expiration of the tentative map; however, should the City Engineer determine that a complete and timely filing has not been received, the tentative map shall expire on its expiration date, unless a complete and timely filing is received prior to that date.[1]

(A) *Effective January 1, 2023.* The initial approval or conditional approval of a tentative map shall expire 36 months from its adoption by the Planning Commission or, if appealed, from the City Council's action. Expiration of an approved or conditionally approved tentative map shall terminate all proceedings and no final or parcel map of all or any portion of the real property included within the tentative map shall be filed without processing a new tentative map ~~in accordance with~~pursuant to the provisions of this ~~t~~Title. Once a complete and timely filing of a final map, as described in PMC Section 16.70.050 (Complete and timely final map filing with the City Engineer), has been made by the subdivider to the City Engineer, the final processing, approving and recording may lawfully occur after the date of expiration of the tentative map; however, should the City Engineer determine that a complete and timely filing has not been received, the tentative map shall expire on its expiration date, unless a complete and timely filing is received prior to that date.

(B) A final map shall be deemed in substantial conformance with the approved tentative map if the ~~Planning~~ Director finds, in consultation with the City Engineer, that all of the following criteria are satisfied:

(1) The final map is in compliance with all conditions of approval applied to the tentative map;

(2) Less than 10 percent of the total number of lots in the subdivision have been modified in their configuration, and no increase or decrease in the number of lots has occurred, and a minor modification, ~~in accordance with~~pursuant to PMC Section 16.40.110 (Modifications of approved or conditionally approved tentative maps) has been previously approved;

(3) No cul-de-sac, local or collector roadway has been modified by more than two feet in horizontal alignment or more than one foot in vertical alignment and a minor modification, ~~in accordance with~~pursuant to PMC Section 16.40.110 (Modifications of approved or conditionally approved tentative maps) has been previously approved;

(7) The final map is reflective of the requirements, standards, design and intent of the approved tentative map, as determined by the ~~Planning~~ Director and the City Engineer.

(C) If the filing of multiple final maps is authorized under the tentative map approval, pursuant to PMC Section 16.40.130 (Phasing), and the Director ~~of Planning~~and the City Engineer determine that a condition of approval of the tentative map is an expenditure in the amount specified under Government Code Section 66452.6(a), including specified adjustments for inflation, for public improvements of public rights-of-way which are outside and/or abut the boundary of the property to be subdivided and reasonably relate to the development of that property, then the tentative map will be extended for 48 months upon the timely filing of the first phase of the final map within the original approval period of the tentative map.

(1) Except as provided in ~~s~~Subsection (C)(2) of this ~~s~~Section, the timely filing of subsequent final maps authorized under the tentative map approval pursuant to this ~~s~~Subsection shall extend the life of the tentative map for a period of 48 months from the date of the previously filed final map; provided, that such extensions shall not extend the tentative map more than 10 years. However, a tentative map on property subject to a development agreement may be extended for the period of time provided for in the agreement.

(2) Notwithstanding anything else in this ~~s~~Subsection (C) to the contrary, the term of any tentative map extended under this ~~s~~Subsection (C) shall not be extended except to the extent required by ~~s~~State law. See Government Code Section 66452.6(a).

16.40.130 Phasing.

(A) If the subdivider plans to file multiple or phased final maps on the tentative map, the subdivider shall so indicate, at the time the tentative map application is submitted, by submittal of a proposed phasing plan, and a description of the phasing of infrastructure and improvements. The proposed phasing shall be reviewed by the Development Advisory Board and ~~r~~Review~~ing~~ ~~a~~Authority and shall be made a part of the approval of the tentative map. If, after approval of an unphased tentative map, the subdivider requests to submit multiple final maps or requests to modify previously approved phase boundaries or order of development, the following procedure shall apply.

(1) The subdivider shall submit a proposed phasing plan, and a description of the phasing of infrastructure and improvements.

(2) The request will constitute a major modification of the approved tentative map and will be considered by the Planning Commission through a public hearing process. The Planning Commission may add any new conditions relating to the proposed phasing or any improvements deemed necessary to implement orderly development of the phasing. The findings for approval or denial of a major modification to show phasing on a previously approved tentative map will be those contained in PMC Section 16.40.100 (Findings for approval of tentative maps) and described below:

16.40.140 Discretionary extensions of tentative maps.

(A) The subdivider may request an extension of the expiration date of the approved or conditionally approved tentative map by filing an application for discretionary time extension with the Planning ~~Department~~ Division prior to the expiration of the tentative map. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map, the time at which the map expires may be extended by the Planning Commission for a period or periods not exceeding a total of six years. Upon the filing of the extension request, the map shall automatically be extended for 60 days or until the application is acted upon, whichever occurs first. The application for an extension of time shall be the same as the application for a tentative map as specified in PMC Section 16.40.020 (Tentative map form and content), and the subdivider shall pay all applicable fees. Environmental review shall be conducted ~~in accordance with~~pursuant to the provisions of the Public Resources Code Section 21000, et seq., and California Code of Regulations Section 15000, et seq. Notice and an opportunity to be heard on tentative map extensions shall be provided in the manner specified in PMC Section 16.40.070 (Public hearing notice), and shall be reviewed and approved or disapproved ~~in accordance with~~pursuant to the provisions of PMC Section 16.40.100 (Findings for approval of tentative maps). The Commission may deny an extension if it makes a finding, supported by evidence in the record, with respect to non-vested~~ing~~ maps, that the extension will adversely affect the public health, safety or welfare, or if any of the findings contained in PMC Section 16.40.100 (Finings for approval of tentative maps) can no longer be made with respect to the proposed subdivision or, with respect to vesting maps, the Commission may deny an extension if it makes a finding, supported by evidence in the record, that any of the findings contained in PMC Section 16.100.060 (Expiration) are applicable.

(B) Extensions granted under this ~~s~~Section shall not include any period of time during which a development moratorium is in effect.

(C) The Planning Commission's action, made pursuant to this ~~s~~Section, to approve or disapprove an extension to the expiration date of a tentative map may be appealed to the City Council ~~in accordance with~~pursuant to the procedures set forth in Section 20.11 of the City's ~~z~~Zoning ~~o~~Ordinance. Notwithstanding any other time periods to the contrary that are set forth in ~~z~~Zoning ~~o~~Ordinance Section 20.11, the Planning Commission's decision may be appealed to the City Council by the subdivider by filing a written appeal within 15 days of the Planning Commission's decision or by another person adversely affected by the Planning Commission's decision by filing a written appeal within 10 days of the Planning Commission's decision. The expiration of a tentative map will not be extended by the filing of an appeal, and no final map will be accepted by the City Engineer

for any tentative map which has expired while under appeal, unless and until a time extension is granted by the ~~r~~Review~~ing a~~Authority.

16.40.150 Effect of consecutive subdivision maps.
(C) When a consecutive parcel map is filed on land which has been previously subdivided or on which a tentative map has been approved, the underlying parcels will not be merged, unless said consecutive parcel map is filed pursuant to PMC Chapter 16.120 (Reversion to acreage)~~PMC~~, and once recorded, the consecutive parcel map shall have the effect of creating parcels which may contain subdivided or tentatively subdivided parcels for the purpose of sale, lease or financing.

(D) Nothing in this ~~s~~Section shall limit the City from applying reasonable conditions of approval to consecutive maps.

16.40.160 Effect of annexation on tentative and final maps.
(B) When any area in a subdivision or proposed subdivision as to which a tentative parcel map, tentative map or vesting tentative map has been filed but a final map has not been finally approved, or as to which a parcel map is required by this ~~t~~Title but the final act required to make the parcel map effective has not been taken, is annexed to the City, the subdivider of the parcel map, tentative map or vesting tentative map shall process all necessary applications and revise any portion of the map which is not in conformance with the City standards which were in effect as of the effective date of the annexation within 24 months of the effective date of the annexation, prior to expiration of the tentative map, or prior to complete and timely filing of a final map or parcel map, whichever occurs first. The City may request that the subdivider attend a preapplication conference, pursuant to ~~Section 20.03 of the~~PMC Section 17.20.030 (Pre-Application) of the City's ~~z~~Zoning ~~o~~Ordinance, to determine the extent of any required modifications. Any tentative map which is not brought into conformance with the City's policies, rules and regulations which were in effect as of the effective date of the annexation ~~in accordance with~~pursuant to the time frame specified above, will be considered expired, and no final map shall be processed by the City.

16.50.010 General.
The procedures set forth in this ~~c~~Chapter shall be applicable to tentative maps, and tentative parcel maps creating five or more parcels ~~in accordance with~~pursuant to PMC Section 16.30.020 (Requirements for tentative maps) and PMC Chapter 16.40 (General Tentative Map Procedures)~~PMC~~.

16.50.020 Approval or disapproval of tentative maps which would create small lot subdivisions.
(A) The Planning Commission shall consider all tentative maps which would create small lot subdivisions and shall make a recommendation to the City Council with respect to the application's compliance with the ~~g~~General ~~p~~Plan, any applicable specific plan, and the ~~z~~Zoning ~~o~~Ordinance.

(B) The City Council may approve, or conditionally approve a tentative map which would create a small lot subdivision if it can make the findings listed in PMC Section 16.40.100 (Findings for approval of tentative maps). The City Council may prohibit or limit filing of

multiple final maps or place reasonable conditions on filing of multiple final maps. In making its findings in support of the approval or disapproval, the City Council shall apply all ordinances, policies and standards in effect at the time the application was deemed complete; provided, however, that such other ordinance, policies and standards which may be applicable under the provisions of Government Code Section 66474.2(b) and (c) shall also be applied.

(C) The tentative map may be denied by the City Council on any of the grounds provided by the Subdivision Map Act and this ~~t~~Title. The City Council shall deny approval of the tentative map if it cannot make all of the findings listed in PMC Section 16.40.100 (Findings for approval of tentative maps).

16.50.030 Approval or disapproval of all other tentative maps.

(A) The Planning Commission may approve or conditionally approve any tentative map, except those creating small lot subdivisions, if it can make the findings listed in PMC Section 16.40.100 (Findings for approval of tentative maps). The Planning Commission may prohibit or limit filing of multiple final or parcel maps or place reasonable conditions on filing of multiple final or parcel maps. In making its findings in support of the approval or disapproval, the Planning Commission shall apply all City standards in effect at the time the application was deemed complete; provided, however, that such other City standards which may be applicable under the provisions of Government Code Section 66474.2(b) and (c) shall also be applied.

(B) The tentative map may be denied by the Planning Commission on any of the grounds provided by the Subdivision Map Act and this ~~t~~Title. The Planning Commission shall deny approval of the tentative map if it cannot make all of the findings listed in PMC Section 16.40.100 (Findings for approval of tentative maps).

(C) Any action taken by the Planning Commission on an application for a tentative map may be appealed to the City Council, pursuant to PMC Section 17.20.110 (Appeal Procedures) of the~~City~~ ~~z~~Zoning ~~o~~Ordinance. ~~Section 20.11.~~

16.60.010 General.

The procedures set forth in this ~~c~~Chapter shall be applicable to tentative parcel maps for four or fewer parcels, except as modified in Government Code Section 66426. The procedures set forth in PMC Chapter 16.40 (General Tentative Map Procedures)~~PMC~~ shall also be applicable.

16.60.020 Approval or disapproval of tentative parcel maps.

Upon deeming an application complete pursuant to PMC Section 16.40.040 (Determination of application completeness), and upon completion of environmental review as provided in PMC Section 16.40.060 (Environmental review), the ~~Planning~~ Director shall set the matter for public hearing and give notice as provided in PMC Section 16.40.070 (Public hearing notice). The Planning Commission may approve, conditionally approve or deny the tentative parcel map, pursuant to the provisions and findings set forth in PMC Section 16.40.100 (Findings for approval of tentative maps). The Planning Commission may prohibit or limit filing of multiple parcel maps, or place reasonable conditions on the filing of multiple parcel maps.

16.60.030 Expiration and extensions of tentative parcel maps.
(A) The initial approval or conditional approval of a tentative parcel map shall expire 36 months from its approval, unless this time period is extended. The subdivider may request an extension of the expiration date ~~in accordance with~~pursuant to the provisions of PMC Section 16.40.140 (Discretionary extensions of tentative maps). Upon the timely filing of an extension request, the map shall automatically be extended for 60 days or until the application is acted on, whichever occurs first.

(B) The Planning Commission may approve, conditionally approve or deny the request for an extension ~~in accordance with~~pursuant to the provisions of PMC Section 16.40.140 (Discretionary extensions of tentative maps) after making findings mandated in PMC Section 16.40.100 (Findings for approval of tentative maps). The actions of the Planning Commission may be appealed to the City Council under the provisions of ~~zoning ordinance Section 20.11~~PMC Section 17.20.110 (Appeal Procedures); provided, that pursuant to Government Code Section 66463.5(c), the appeal period for the subdivider will be 15 days from the date of approval or disapproval of the time extension application by the Planning Commission.

16.60.040 Parcel map waivers.
(A) The requirements for a parcel map may be waived by the Planning Commission for the following divisions of land upon making the findings set forth in ~~s~~Subsection (C) of this ~~s~~Section:

(1) Division of real property or interests therein created by probate, eminent domain procedures, partition or other civil judgments or decrees;

(2) Division of property which has been merged pursuant to this ~~t~~Title, the Subdivision Map Act or any prior ordinance of the City; or

(B) In order for the requirement for a parcel map to be waived, a written request for such a waiver shall~~must~~ be submitted to the Director ~~of Planning~~ as part of the tentative parcel map application.

(C) No waiver to the requirement for processing a parcel map shall be approved unless the Planning Commission finds that all of the following criteria are satisfied:

(1) That all parcels created front on existing maintained public roads, improved ~~in accordance with~~pursuant to current City standards;

(2) That all parcels created are serviced by sanitary sewer facilities, ~~in accordance with~~pursuant to current City standards;

(6) That all lots created by the proposed subdivision, and any remainder parcels, comply with all requirements of the Subdivision Map Act, the ~~z~~Zoning ~~o~~Ordinance and this ~~t~~Title;

(E) The parcel map waiver request shall be approved, conditionally approved or denied within the time frames set forth in PMC Section 16.40.090 (Time frames for actions on tentative maps).

(F) Upon the Planning Commission's approval of a waiver of the parcel map pursuant to this ~~s~~Section, the City Engineer shall file with the office of the County Registrar/Recorder a certificate of compliance, or conditional certificate of compliance, for the land to be divided and a plat map showing the division. The certificate shall include a certificate by the County Tax Collector ~~in accordance with~~pursuant to Article 8 of Chapter 4 of the Subdivision Map Act.

(G) Actions by the Planning Commission approving or disapproving parcel map waivers may be appealed to the City Council under the provisions of PMC Section 17.20.110 (Appeal Procedures). ~~Section 20.11 of the zoning ordinance.~~

16.70.010 General.
The form, contents, accompanying data, and filing of the final or parcel map shall conform to the provisions of the Subdivision Map Act and this ~~t~~Title. The final or parcel map and any accompanying data or additional information shall be prepared by or under the direction of a duly authorized registered civil engineer or licensed land surveyor authorized to practice in the ~~s~~State of California.

16.70.020 Accompanying data and additional information.
The filing of accompanying data and additional information shall be required with the filing of the final or parcel map, ~~in accordance with~~pursuant to PMC Chapter 16.80 (Additional Final and Parcel Map Requirements)~~PMC~~.

16.70.030 Final and parcel map form and content.
The form and content of the final or parcel map shall conform to the Subdivision Map Act, City standards, this ~~t~~Title, and applicable standards imposed by the County of Los Angeles for maps filed with the office of the Registrar/Recorder. The final form and content of the final or parcel map shall be to the satisfaction of the City Engineer.

16.70.040 Submittal to and review by the City Engineer.
Final and parcel map submittal and review procedures shall be pursuant to this ~~c~~Chapter and applicable City standards. The City Engineer shall review all final and parcel map submittals for conformance with the provisions of this ~~t~~Title, and may deem them incomplete and return all or portions of a submittal for reasons which include, but are not limited to the following: incomplete submittal or filing; untimely submittal or filing; nonconformance with the tentative map; nonconformance with the conditions of approval applied to the tentative map; nonconformance with this ~~t~~Title; nonconformance with City standards; errors on the final or parcel map, on any accompanying data, or on any additional information; or omissions on the final or parcel map, on any accompanying data, or on any additional information.

16.70.050 Complete and timely final map filing with the City Engineer.
(A) The City Engineer shall determine that a complete and timely final map filing has been made if he or she determines that, at a minimum, the following items have been received, prior to the expiration of the tentative map:

(15) All additional requirements of PMC Chapter 16.80 (Additional Final and Parcel Map Requirements)~~PMC~~ have been satisfied.

(B) Upon finding all statements and submittals complete and satisfactory ~~in accordance with~~pursuant to this ~~t~~Title, the City Engineer shall sign the appropriate statements and transmit the original map, and any other items requiring City Council approval, to the City Clerk within 20 days of receipt of a complete filing, with a recommendation of map approval.

16.70.060 Final map approval by City Council.

The City Council shall not postpone or refuse approval of a final or parcel map because the subdivider has failed to meet a tentative map condition requiring construction or installation of off-site improvements on land which neither the subdivider nor the City has sufficient ~~t~~Title or interest to permit the improvements to be made. However in such case, prior to final map approval, the subdivider shall be required to enter into an agreement with the City to complete such improvements, pursuant to Government Code Section 66462, upon acquisition of said ~~t~~Title and interest by the City. Upon entering into such agreement, the City shall acquire the subject property interests ~~in accordance with~~pursuant to the provisions of Government Code Section 66462.5. Failure of the subdivider to execute such an agreement shall be cause for the City Council to postpone or refuse approval of the final or parcel map.

16.70.070 Limitation on final map denial by City Council.

The City Council shall not deny approval of a final or parcel map if the City has previously approved a tentative map for the proposed subdivision and if the City Council finds that the final or parcel map is in compliance with the requirements of the Subdivision Map Act, this ~~t~~Title, and the approved tentative map.

16.70.080 Filing with the office of the County Registrar/Recorder.

(A) Upon approval of the final or parcel map and subdivision improvement agreement by the City Council, the City Clerk shall execute the appropriate statement on the statement sheet and shall, subject to the provisions of Government Code Section 66464, transmit the map, or have the City Engineer transmit the map, to the County of Los Angeles Public Works Department ~~l~~Land ~~d~~Development ~~d~~Division for final review, and then to the County of Los Angeles ~~o~~Office of the Registrar/Recorder for filing. The final or parcel map (with composite development plan, if applicable) and any separate documents (if required) shall be filed concurrently.

(B) If for any cause of the subdivider, the final or parcel map is not recorded by the ~~o~~Office of the County Registrar/Recorder within 180 days from the date the City Council approved the final or parcel map, then the City Council's approval of the final map shall be automatically rescinded, and all bonds or sureties will be returned to the subdivider. If the tentative map has expired, the unit of land previously affected by the final or parcel map will automatically revert to its pre-map configuration. If the tentative map has not yet expired, then the tentative map will be considered in effect, except that such action shall not alter the expiration date of the tentative map.

16.70.090 Approval of parcel maps by City Engineer.

(B) The City Engineer may decline to approve the parcel map, and instead process it ~~in accordance with~~pursuant to PMC Section 16.70.060 (Final map approved by City Council).

(C) The limitations on denial of a final map by the City Council as set forth in PMC Section 16.70.070 (Limitation on final map denial by City Council), shall apply to the City Engineer when approving a parcel map ~~in accordance with~~pursuant to this ~~s~~Section.

(D) Any parcel map approved by the City Engineer ~~in accordance with~~pursuant to this ~~s~~Section shall be subject to the procedures and requirements set forth in PMC Section 16.70.080 (Filings with the office of the County Registrar/Recorder).

16.80.010 Survey and monuments required.

(A) An accurate and complete survey of the land to be subdivided shall be made by a duly authorized registered civil engineer or licensed land surveyor authorized to practice land surveying by the ~~s~~State of California, pursuant to the requirements of the City Engineer. All information required by City standards shall be incorporated into the survey.

(B) At the time of making the survey for the final or parcel map, or within two years from the complete and timely filing of the final or parcel map, whichever occurs first, the duly authorized registered civil engineer or licensed land surveyor, authorized to practice land surveying by the ~~s~~State of California, pursuant to the requirements of the City Engineer, shall set sufficient durable monuments to conform with the standards of the Subdivision Map Act and City standards.

(C) The City Engineer may waive the requirements in ~~s~~Subsections (A) and (B) of this ~~s~~Section for parcel maps at his or her discretion.

16.80.020 Geotechnical, geologic, and soils reports.

(4) The development of the subdivision requires excavation into bedrock.

(C) Geotechnical, geologic and soils reports, as required herein, shall be prepared by an engineer or geologist, as applicable, who is authorized to practice and prepare said reports by the ~~s~~State of California. Said reports shall be reviewed and approved by the City Engineer. If public improvement plans or grading plans are required as part of the map approval process, the review and approval of the geotechnical, geologic or soils reports shall be required prior to approval of public improvement plans or grading plans. The City Engineer may waive these requirements for parcel maps at his or her discretion, in the exercise of his or her professional judgment. The City Engineer shall make a copy of all approved reports available to the public.

16.80.040 Flood management.

Prior to approval of any tentative map or parcel map, the subdivider shall demonstrate, to the satisfaction of the City Engineer, that the design of the subdivision is such that it conforms with PMC Chapter 15.28 (Floodplain Management)~~PMC~~. The City Engineer may require studies, mapping, easements, design and construction as part of the final or parcel map processing to ensure that this requirement is met. Unless otherwise allowed~~permitted~~ by this ~~t~~Title, no final map shall be recorded if additional studies, engineering design, acquisition of easements or construction of flood control facilities are required for issuance of any building permit for the subdivision. The City Engineer shall make a copy of all approved studies available to the public. Such studies shall be prepared under the direction of a registered civil engineer.

16.80.050 Composite development plan.

(B) The content and form of composite development plans shall be governed by the provisions of this ~~s~~Section and composite development plan standards established by the City Engineer. The composite development plan shall be prepared under the direction of a registered civil engineer or land surveyor and shall be in the form of an additional sheet or sheets adequately representing the streets, boundaries and lots or parcels of the final or parcel map to which it is attached and shall include the following provisions.

(2) The plan shall contain a ~~s~~Section titled "Composite Development Plan Notes." This ~~s~~Section shall list any conditions or mitigation measures stipulated in the project approval for the development of the subject property. Any explanatory notes related to criteria delineated on the map shall also be listed within this ~~s~~Section. In addition, any related reports regarding development criteria shall be listed, including the following information: ~~t~~Title and date of report; name and credentials of person or firm preparing report; and the location where the reports are on file. The plan shall delineate and note, at a minimum, the following information: general zoning and land use information (e.g., building setback lines and restricted use areas); geological and seismic information (e.g., fault zones, setback lines, and special foundation and restriction areas); grading information (e.g., top and toe of slope, slope heights and steepness and restriction areas); flood hazard and flood control information (e.g., flood hazard areas and depths, any requirements to ensure conformance with PMC Chapter 15.28 (Floodplain Management) ~~PMC~~, and major flood control facilities); access limitations; and all easements and ground leases, with record data, not plotted elsewhere on the final or parcel map. In addition, the City Engineer, in consultation with the Director ~~of Planning~~, may require that additional information be shown on the CDP, including but not limited to: incorporation of any special map requirements; and environmental information (e.g., wetland areas, ecologically sensitive areas, and areas restricted from development). The following statement shall be prominently displayed on each map sheet:

16.90.010 Applicability.

This ~~c~~Chapter shall apply to all conversions of existing residential real property to condominium, community apartments or stock cooperative projects or any other form of ownership except conversion projects for which a final or parcel map has been approved by the City Council prior to the effective date of the ordinance codified in this ~~c~~Chapter, or where the conversion involves a limited equity housing cooperative, as defined in Section 33007.5 of the Health and Safety Code. All provisions, conditions and further definitions of condominium development as included in the California Civil Code, Government Code, Revenue and Taxation Code, and Business and Professions Code shall apply to the divisions of real property as permitted herein.

16.90.020 Development review required.

In addition to the limitations and restrictions contained within this ~~c~~Chapter, the California Subdivision Map Act and applicable building and fire regulations of PMC Title 15 (Buildings and Construction), no residential apartment unit shall be converted for sale, transfer, or conveyance as a community apartment project, stock cooperative project or condominium, without concurrently obtaining approval of a ~~c~~Conditional ~~u~~Use ~~p~~Permit or a mMajor ~~m~~Modification to a previously approved ~~c~~Conditional ~~u~~Use ~~p~~Permit.

16.90.030 Application requirements.

In addition to such other application requirements as are deemed necessary by the City, an application for conversion of a residential apartment unit shall not be accepted or considered complete unless the application includes all of the following information in a form acceptable to the Director ~~of Planning~~ except where such requirement is waived or modified by the Director ~~of Planning~~:

(A) Physical Elements Report. A report prepared by a registered engineer or architect or licensed qualified contractor describing the physical elements of all structures and facilities, sound transmission levels between units, mechanical equipment, parking facilities and appliances.

Regarding each such element, the report shall state, to the best knowledge or estimate of the applicant, when such element was built; the condition of each element; when said element was replaced; the approximate date upon which said element will require replacement; the cost of replacing said element; and any variation or noncompliance of said element from the ~~z~~Zoning ~~o~~Ordinance in effect at the time the application is filed with the City and building code in effect on the date that the last building permit was issued for the subject structure. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed;

(D) A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a level of appearance and safety consistent with applicable codes and ordinances, as specified in ~~s~~Subsection (A) of this ~~s~~Section;

(F) Specific information concerning the demographic characteristics of the project, including, but not limited to, the following:

(4) Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving ~~f~~Federal or ~~s~~State rent subsidies;

When the subdivider can demonstrate that such information is not it's not a, this requirement may be modified by the Director ~~of Planning~~;

(G) Signed copies from each tenant of notice of intent to convert, as specified in PMC Section 16.90.050 (Tenant provisions). The subdivider shall submit evidence that a letter of notification was sent to each tenant for whom a signed copy of said notice is not submitted. This requirement shall be deemed satisfied if such notices comply with the legal requirements for service by mail;

(H) Any other information which, in the opinion of the ~~Planning~~ Director, will assist in determining whether the proposed project will be consistent with the purposes of this ~~c~~Chapter;

(J) Copy to Buyers. The developer shall provide each purchaser with a copy of all submittals (in their final acceptable form) required by ~~s~~Subsections (A) through (E), (H) and (I) of this ~~s~~Section prior to said purchaser executing any purchase agreement or other contract to purchase a unit within the project, and the developer shall give the purchaser sufficient time to review said information. Copies of the submittals shall be made available

at all times at the sales office and a notice indicating that such reports are available shall be posted at various locations, as approved by the City, at the project site. Copies shall be provided to the homeowners' association upon its formation;

(K) Final Information Submitted. Prior to entering into escrow on the first unit, the subdivider shall submit the following information to the Planning ~~Department~~ Division:

The final form of the physical elements report and other documents shall be as approved by the City. The reports in their acceptable form shall remain on file with the Planning ~~Department~~ Division for review by any interested persons until the conclusion of the conversion process. The report shall be referenced in the subdivision report to the Planning Commission.

16.90.040 Physical standards for condominium conversions.

(A) Adequate Physical Condition. To achieve the purpose of this ~~c~~Chapter, the Planning Commission shall require that all condominium conversions conform to the PMC~~Palmdale Municipal Code~~, including the ~~z~~Zoning ~~o~~Ordinance, in effect at the time of tentative map approval except as otherwise provided in this ~~c~~Chapter. In making the determination that the project is in conformance with the ~~Municipal Code~~PMC, the following will be required:

(1) Prior to scheduling the tentative map for a public hearing, an inspection shall be conducted by the code enforcement division to determine project-wide conformance with the ~~z~~Zoning ~~o~~Ordinance and other applicable chapters of the ~~Municipal Code~~PMC. A report of any violations shall be included in the staff report to the Planning Commission. The subdivider shall be responsible for the payment of any fees related to the inspection of the project.

(2) Prior to the approval of the final map, a physical inspection of the project site, including each individual unit, shall be made by the ~~City of Palmdale~~ Division of Building and Safety and Planning ~~Department~~ Division. Such inspection shall be made to ensure compliance with all applicable conditions of approval as specified in the tentative map and ~~c~~Conditional ~~u~~Use ~~p~~Permit approval. All such corrections shall be made prior to the approval of the final or parcel map. The subdivider shall be responsible for the payment of any fees related to the inspection of the project.

(B) Specific Physical Standards. The Planning Commission shall require conformance with the standards of this ~~s~~Subsection in approving the map:

(4) Parking. Each unit shall be provided parking ~~in accordance with~~pursuant to the ~~z~~Zoning ~~o~~Ordinance, PMC ~~Section 86~~Chapter 17.87 (Off-Street Parking and Loading).

(7) Private Storage Space. Each unit shall have at least 150 cubic feet of enclosed weather-proofed and lockable private storage space in addition to guest linen, pantry and clothes closets customarily provided. Such space may be provided in any location approved by the Planning Commission but shall not be divided into two or more locations.

(9) Landscape Maintenance. All landscaping shall be restored as necessary and maintained ~~in accordance with~~pursuant to approved landscape plans. If a significant amount of new landscaping is required, revised/new landscape plans shall be submitted

and approved by the Planning ~~Department~~ Division as part of the entitlement ~~conditional use permit application~~. Such plans shall be subject to all applicable City ordinances including, but not limited to, PMC Chapter 14.05 ~~PMC~~ (Water ~~Conservation in~~Efficient Landscap~~eing~~).

(10) Condition of Equipment and Appliances. The developer shall provide a warranty to the buyer of each unit at the close of escrow that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks and air conditioners that are provided have a useful life of at least one year. At such time as the developer relinquishes control over management of the development, pursuant to the covenants, conditions and restrictions, the developer shall provide a warranty to the association that any pool and pool equipment (filter, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association have a useful life of one year. Prior to final map approval, the developer shall provide the City with a copy of warranty insurance covering equipment and appliances pursuant to this ~~s~~Subsection.

(11) Refurbishing and Restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, and additional elements as required by the Planning ~~Department~~ Division shall be refurbished and restored as necessary to achieve a degree of appearance, quality and safety consistent with applicable City standards. The developer shall provide to the homeowners' association and/or purchaser a one-year warranty on all physical improvements required under this ~~s~~Subsection. If substantial restoration is required, the design plans shall be subject to Commission approval.

16.90.050 Tenant provisions.

(A) Notice of Intent. As provided in Government Code Section 66427.1(a), a notice of intent to convert shall be delivered by the subdivider to each tenant at least 60 days prior to submitting an application for the tentative map and ~~c~~Conditional ~~u~~Use ~~p~~Permit. The written notices to tenants required by this ~~s~~Section shall be deemed satisfied if such notices comply with the legal requirements for service by mail. The form of the notice shall be in the form outlined in Government Code Section 66452.9 and approved by the Planning ~~Department~~ Division and shall inform the tenants of all rights provided under this ~~c~~Chapter and ~~s~~State law.

(B) Notice of Public Report. As provided in Government Code Section 66427.1(a), each tenant shall receive 10 days' written notice that an application for a public report will be or has been submitted to the Department of Real Estate, and that such report will be available on request from the Planning ~~Department~~ Division. The written notices to tenants required by this ~~s~~Section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(C) Notice of Final Map Approval. As provided in Government Code Section 66427.1(b), each tenant shall receive written notification within 10 days of approval of a final map for the proposed conversion. The written notices to tenants required by this ~~s~~Section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(D) Tenant's Right to Purchase. As provided in Government Code Section 66427.1(d), any present tenant shall be given notice of an exclusive right to contract for the purchase of his or her respective unit and upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than 90 days from the date of issuance of the subdivision public report unless the tenant gives prior written notice of his or her intention not to exercise the right. Evidence of receipt by each tenant shall be submitted prior to approval of the final map. The written notices to tenants required by this ~~s~~Section shall be deemed satisfied if such notices comply with the legal requirements for service by mail.

(E) Vacation of Units. Each tenant not in default under the obligations of the rental agreement or lease under which he occupies his unit, shall be given 180 days' written notice of the anticipated date required to vacate the unit and when the 180-day period will begin. Evidence of receipt by each tenant shall be submitted prior to approval of the final map. The written notices to tenants required by this ~~s~~Section shall be deemed satisfied if such notices comply with the legal requirements of service by mail.

(G) Relocation Assistance. The subdivider shall provide relocation assistance equal to the reasonable cost of relocation to any tenant household living in any unit at any time prior to the tentative map approval, provided such tenant is not otherwise in default of the rental agreement or lease or that notice of intent to move has been given prior to receipt of notification from the developer of his intent to convert. The reasonable cost of relocation shall be determined by the Planning Commission and shall be based on the cost of physically moving the tenant's property and belongings to a comparable apartment within the immediate vicinity, payment for first and last month's rent and any security deposit at the new location, and a lump sum payment based on consideration of any differential between rental rates from the present location to the comparable apartment unit. If the tenant elects to purchase the unit, such relocation assistance may be applied as a credit to the cost of the unit. A tenant moving in after tentative map approval will not be required to be provided with moving expenses; provided, that the potential tenant, prior to signing an agreement or lease, has signed the notice as described in PMC Section 16.90.060 (Notice to new tenants). The developer shall also provide each tenant with a current list of other comparable rental properties available in the Antelope Valley portion of North Los Angeles County and shall periodically update such list as required by the ~~Planning~~ Director.

(H) The developer shall provide suitable alternate housing to tenant households, at no additional cost to the tenant, whose unit undergoes substantial remodeling or rehabilitation during conversion, if the unit being remodeled or rehabilitated is not habitable. The final determination of habitability and suitability shall be made by the ~~City of Palmdale~~ Division of Building and Safety.

16.90.060 Notice to new tenants.

After submittal of the tentative map and ~~c~~Conditional ~~u~~Use ~~p~~Permit applications to the City, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit. The form of the notice shall be as follows:

16.90.070 Effect of conversion on the City's very low, low and moderate income housing supply.

(A) The developer will provide for a significant increase in housing for low and moderate income households or senior citizen households over and above the provisions of this ~~c~~Chapter;

(B) The developer will provide for the construction of new rental housing;

(C) The developer will donate an acceptable site or acceptable amount of funds to the City for construction of new rental or senior citizen housing;

(D) The need and demand for low cost home ownership to be provided for by this project will outweigh the detrimental effects caused by further reduction of the rental stock of low to moderate income housing.

16.90.080 Findings.

Prior to approval of the tentative map and ~~c~~Conditional ~~u~~Use ~~p~~Permit, the Planning Commission shall hold a public hearing. Notice of the hearing shall be given ~~in accordance with~~pursuant to Government Code Section 65090, ~~Section 20.02 of the City's~~ PMC Section 17.20.020 (Notice Procedures) of the ~~z~~Zoning ~~o~~Ordinance and any other applicable City ordinance and policy. A copy of any staff report shall be served by the developer on each tenant of the subject property at least three days prior to the hearing, either by personal service or by posting the report on the front door of the unit and mailing it to the tenant. The Planning Commission shall not approve a tentative map for conversion of apartment units unless the Planning Commission finds that:

(A) All provisions of this ~~c~~Chapter are met;

(B) The proposed conversion is consistent with the goals, objectives, policies, general land uses and programs specified in the Palmdale ~~g~~General ~~p~~Plan including the housing element, and with any applicable specific plan;

(C) The proposed conversion will conform to the ~~Palmdale Municipal Code~~PMC in effect at the time of tentative map and ~~c~~Conditional ~~u~~Use ~~p~~Permit approval, except as otherwise provided in this ~~c~~Chapter;

(D) The overall design, physical condition and amenities of the condominium conversion are consistent with those associated with condominium developments throughout the City and such elements achieve a high degree of appearance, quality and safety;

(E) The proposed project will not convert, during the current calendar year, more than five percent of the potentially convertible rental units in Palmdale for the current calendar year except as otherwise provided in this ~~c~~Chapter; and

16.100.010 Purpose and intent.

The purpose of this ~~c~~Chapter is to establish procedures for the implementation of Government Code provisions relating to vesting tentative maps. Except as otherwise specifically provided herein, the provisions of this ~~c~~Chapter shall apply to the filing, processing and review of vesting tentative maps as the term is defined in Sections

66424.5 and 66452 of the Government Code and the provisions of this ~~t~~Title. To accomplish this purpose, the regulations outlined in this ~~c~~Chapter are determined to be necessary for the preservation of the public health, safety and general welfare and the promotion of orderly growth and development.

16.100.020 Consistency requirements.
The approval of a vesting tentative map shall be consistent with the Palmdale ~~z~~Zoning ~~o~~Ordinance, the ~~City of~~ Palmdale ~~g~~General ~~p~~Plan, any applicable specific plan, and any other applicable City standards in effect at the time the vesting map application was deemed complete.

16.100.030 Application.
This ~~c~~Chapter shall be applicable to all vesting subdivisions. Whenever a provision of the Subdivision Map Act or this ~~t~~Title requires the filing of a tentative map for a subdivision, a vesting tentative map may instead be filed, ~~in accordance with~~pursuant to the provisions of this ~~c~~Chapter.

16.100.040 Filing and processing.
A vesting tentative map shall be filed on the same form, have the same contents, and provide the same information and shall be processed in the same manner as set forth in this ~~t~~Title for a tentative map, except as hereinafter provided:

(B) The application for a vesting tentative map shall contain all information, materials, and reports required under PMC Section 16.40.020 (Tentative map form and content) and the information stated below:

(5) Pursuant to PMC Section 16.110.020(A), proof that all off-site easements required for the project have been acquired.

(C) A vesting tentative map shall not be accepted for filing unless all other discretionary land use approvals required for the proposed development, ~~including site plan review applications, conditional use permits and variances,~~ have been obtained, or applications for any ~~such~~ required entitlements are filed concurrently with the vesting tentative map.

16.100.050 Applications inconsistent with City standards.
Notwithstanding any provisions of this ~~c~~Chapter, if a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with City standards in effect at the time the application is deemed complete, the City may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the ~~z~~Zoning ~~o~~Ordinance to eliminate the inconsistency. If the change in the ~~z~~Zoning ~~o~~Ordinance is obtained, the approved or conditionally approved vesting map shall, notwithstanding PMC Section 16.100.070 (Vested rights created by approval of vesting tentative map), confer the vested right to proceed with the development in substantial compliance with the change in the ~~z~~Zoning ~~o~~Ordinance and the map as approved.

16.100.060 Expiration.
The approval or conditional approval of a vesting tentative map shall be subject to the provisions of PMC Section 16.50.030 (Approval or disapproval of all other tentative maps)

and shall lapse ~~in accordance with~~pursuant to the provisions set forth in PMC Section 16.40.120 (Expiration of tentative maps and timely filing of final or parcel maps). A vesting tentative map may be extended under the provisions of PMC Section 16.40.140 (Discretionary extensions of tentative maps). The time extension for a vesting map will be reviewed for conformance with the City standards in effect at the time the vesting tentative map application was deemed complete. The Director ~~Planning Commission may~~ deny a time extension for a vesting map if it finds that:

(A) Failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety; or

(B) The denial is required in order to comply with ~~s~~State or ~~f~~Federal law.

16.100.070 Vested rights created by approval of vesting tentative map.
(A) Subject to the time limits established by ~~s~~Subsection (C) of this ~~s~~Section, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the City standards in effect at the time the vesting tentative map application is deemed to be complete.

(B) Notwithstanding ~~s~~Subsection (A) of this ~~s~~Section n, a permit, approval, or entitlement may be made conditional or denied, even though such action may be contrary to the City standards described in ~~s~~Subsection (A) of this ~~s~~Section, if any one of the following are determined by the ~~r~~Review~~ing~~ ~~a~~Authority:

(2) The condition or denial is required in order to comply with ~~s~~State or ~~f~~Federal law.

© The rights referred to in ~~s~~Subsection (A) of this ~~s~~Section shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in this ~~t~~Title. If the final map is timely approved, such rights shall exist for the following periods of time:

(2) The initial time period set forth in ~~s~~Subsection ©(1) of this ~~s~~Section shall be automatically extended by any time used for processing a complete application for grading permit approval, if such processing exceeds 30 days from the date an application is accepted as complete.

(3) The subdivider may apply to the ~~Planning Commission~~Director for a one-year extension at any time before the expiration of the initial time period set forth in ~~s~~Subsection ©(1) of this ~~s~~Section. If the extension is denied, the subdivider may appeal that denial to the City Council within 15 days thereafter.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in ~~s~~Subsections ©(1) through (3) of this ~~s~~Section, the rights referred to herein shall continue to exist until the expiration of such permit, or any extension thereof.

16.100.080 Modifications to vesting tentative maps.
At any time prior to the expiration of a vesting tentative map, the subdivider, his or her successor, or his or her assignee, may apply for a modification to such map. A public hearing shall be held by the Planning Commission on any amendment involving a modification to the vesting tentative map or development related thereto, following

procedures set forth for the modification of tentative maps in PMC Section 16.40.110(B). Approval of a modification to a vesting tentative map or development related thereto, shall not alter the expiration date of the vesting tentative map. Any modification to a vesting map, proposed by the subdivider, will be evaluated for compliance with those City regulations, standards and policies in effect at the time the request for modification is deemed complete.

16.100.090 Subsequent permits, licenses and other entitlements for use.
The provisions of this ~~c~~Chapter shall not be construed to prevent the City from conditionally approving or denying any permit, license or other entitlement for use which is applied for by the subdivider after the approval of a vesting tentative map, provided such conditional approval or denial is made ~~in accordance with~~pursuant to the City standards described in this ~~c~~Chapter.

16.110.010 General.
(A) The subdivider shall construct all required improvements, both on-site and off-site, ~~in accordance with~~pursuant to the standards approved by City Council ordinance and applicable City standards as provided by this ~~t~~Title. Except as provided herein, the subdivider shall be required to install all improvements that are required as conditions of approval to the tentative map, and to install all improvements that are required by City ordinance or resolution.

16.110.020 Off-site improvements required.
(B) If the subdivider is required to construct off-site improvements on land in which neither the subdivider nor the City has sufficient ~~t~~Title or interest to allow construction, the subdivider shall provide written evidence that a good faith effort has been made to acquire the ~~t~~Title or interest in the land to construct required off-site improvements, ~~in accordance with~~pursuant to City standards. If the subdivider, after a good faith effort, is unable to acquire the property, the City shall, within 120 days of filing the final map, acquire by negotiation or commence condemnation of the land, in substantial compliance with the procedures set forth in Government Code Section 7260, or the City shall waive the condition for the off-site construction. Prior to approval of the final map, the City shall require the subdivider to enter into an agreement to complete the off-site improvements at the time that ~~t~~Title or an interest in the land is acquired. The subdivider shall pay the cost of acquiring off-site land, or an interest in the land required to construct the off-site improvements, including reasonable attorney's fees and costs, prior to initiation of acquisition proceedings by the City.

16.110.040 Improvement plans and standards.
(A) Standards for design and construction of subdivision improvements shall be ~~in accordance with~~pursuant to the applicable City standards, the conditions of approval of the tentative map, and the requirements established by the City Engineer.

(C) Public improvement plans shall be prepared under the direction of a registered civil engineer and shall be reviewed and approved by the City Engineer, if he or she can make the following findings:

(4) All conditions of approval relative to public improvement requirements have been addressed to the satisfaction of the ~~r~~Review~~ing~~ ~~a~~Authority and the City Engineer;

(7) Approval of designs and plans has been obtained from all other applicable agencies, as required by the City Engineer, including but not limited to: Los Angeles County Department of Public Works, Los Angeles County Fire Department, County of Los Angeles sanitation districts, ~~c~~City of Lancaster ~~d~~Department of ~~p~~Public wWorks, Palmdale ~~w~~Water ~~d~~District, ~~s~~State of California Transportation Department, ~~s~~State of California Department of Water Resources, and United States Army Corps of Engineers.

(D) All improvement plans shall be prepared ~~in accordance with~~pursuant to the City standards in effect at the time the tentative map is deemed complete. However, the City Engineer may modify those City standards under the following conditions:

(2) When needed to comply with ~~s~~State or ~~f~~Federal laws; and,

16.110.050 Subdivision improvement agreements and improvement security.
Pursuant to the Subdivision Map Act, if any public improvement required as part of the approval of the subdivision will not be completed and accepted ~~in accordance with~~pursuant to PMC Section 16.110.060 (Completion of improvements) prior to approval of the final map, then prior to a determination of a complete and timely filing of the final map by the City Engineer, the subdivider, at his expense, shall be required to enter into a subdivision improvement agreement with the City to complete said public improvements ~~in accordance with~~pursuant to PMC Section 16.110.060 (Completion of improvements). Performance of said agreement shall be guaranteed by the security specified in this ~~s~~Section.

(A) Subdivision Improvement Agreements. The form and content shall be approved by the City Attorney. The agreement shall include, but not be limited to, the following minimum terms and conditions:

(6) Additional terms or provisions, as may be necessary, pertaining to the forfeiture, collection, and disposition of improvement security upon the failure of the contracting party to comply with the terms and provisions thereof or with the terms and provisions of this ~~t~~Title.

(C) Improvement Security. Improvement securities shall be required to be posted as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final map, parcel map waiver, lot line adjustment, or lot merger. Unless otherwise provided herein, all such improvement securities shall be provided in one of the following forms, subject to the approval of the City Engineer and City Attorney:

Any written contract or document creating security interest established pursuant to ~~s~~Subsection (C)(3) of this ~~s~~Section shall be recorded in the office of the County Registrar/Recorder. From the time of recordation, a lien shall attach to the real property described therein, which lien shall have the priority of a judgment lien in the amounts specified.

(F) Forfeiture. In addition to any other remedy provided by law, upon the failure of the subdivider to complete any improvement, act or obligations within the time specified in the improvement agreement, or upon failure of the subdivider to faithfully comply with the terms and provisions of this ~~s~~Section or any improvement security given thereby, the City Council may, upon notice in writing of not less than 10 days served upon the person responsible for the performance thereof or upon notice in writing of not less than 20 days, served by registered mail addressed to the last known address of such person, determine that the foregoing have not been complied with or said work has not been completed, and may cause to be forfeited to the City such portion of said improvement security given for the performance of the foregoing.

16.110.060 Completion of improvements.

(A) Public improvements required as a condition of approval shall be completed ~~in accordance with~~pursuant to this ~~t~~Title, unless they are deferred by the Planning Commission pursuant to PMC Section 16.110.030 (Deferred improvements). The City Engineer shall review and approve any improvement agreement, conduct an inspection, and approve any constructed public improvement necessary to satisfy this provision, with the City Council providing final approval of any agreement or acceptance of any completed public improvement.

16.110.070 Dedications.

(B) Dedication of Land or Payment of Fees in Lieu of Dedication for Parks. Dedication of parkland, or payment of fees in lieu of dedication of parkland, will be required pursuant to PMC Chapter 3.34 (Parkland Dedication)~~PMC~~.

(C) Right-of-Way Dedications and Grants of Easements. Right-of-way dedications and grants of easements required upon a final or parcel map shall either be accepted, accepted subject to improvement, or rejected by the City Engineer on behalf of the City, at the time the final or parcel map is approved. Acceptance of the dedication or easement shall serve to transfer the appropriate interest to the City, subject to the terms of the offer and the acceptance certificate. Rejection of the dedication or easement shall reserve the City's ability to accept all or part of the dedication or easement ~~in accordance with~~pursuant to ~~s~~State law. The City Engineer shall determine whether to accept, accept subject to improvement or reject the dedication or easement, pursuant to City standards and the following criteria:

(1) Dedications or easements may be accepted without condition when it is for an arterial street designated on the circulation element map of the ~~g~~General ~~p~~Plan, or for a drainage or flood control facility depicted in the master plan of drainage. Dedications or easements may be accepted subject to improvement when applicable public improvements are required as part of the dedications or easements. Dedications or easements which are accepted subject to improvement shall be considered public access and utility easements, without any responsibility or liability to the City, until such time as the improvements are accepted by the City Council as specified in this ~~t~~Title.

(D) Fee ~~t~~Title shall be granted by the subdivider when, in the opinion of the City Council in consultation with the City Engineer, it is necessary to carry out policies and requirements of the ~~g~~General ~~p~~Plan and any City ordinance, resolution or standard.

16.120.010 General.
Any subdivided property may be reverted to acreage pursuant to the provisions of the Subdivision Map Act and this ~~c~~Chapter. Subdivisions also may be merged and resubdivided without reverting to acreage, under the provisions of this ~~t~~Title.

16.120.040 Submittal of petition to the City Engineer.
The final or parcel map for the reversion, together with all other data as required by the City Engineer, shall be submitted to the City Engineer for review. Upon finding that the petition meets with all the requirements of the Subdivision Map Act and this ~~t~~Title, the City Engineer shall submit the final or parcel map, together with a report and recommendations of approval or conditional approval of the reversion to acreage, to the City Council for its consideration.

16.120.050 Conditions of reversion.
The City Council may require as conditions of the reversion:

(A) That owners dedicate or offer to dedicate streets, public rights-of-way or easements, including easements or fee interest for flood control facilities;

(B) That all or a portion of previously paid fees, deposits or improvement securities be retained if the same are necessary to accomplish any of the purposes or provisions of this ~~t~~Title, the City's ~~z~~Zoning ~~o~~Ordinance, and other provisions of the ~~Municipal Code~~PMC;

(C) Payment of any additional fees necessary to accomplish any of the provisions of this ~~c~~Chapter; or,

16.120.060 City Council approval.
A public hearing shall be held by the City Council on all proposed reversions to acreage. Notice of the public hearing shall be given as provided in the ~~City z~~Zoning ~~o~~Ordinance. The City Council may approve a reversion to acreage only if it finds that:

16.130.010 Voluntary mergers.
(A) Any contiguous parcels or units of land held under common ownership may be merged at the request of the property owner(s), pursuant to Government Code Section 66499.203/4 and this ~~c~~Chapter. Except as provided in PMC Section 16.40.140 (Discretionary extensions of tentative maps), approval and recordation of a final or parcel map over previously subdivided property shall be deemed to have merged those properties, and this ~~c~~Chapter shall have no force or effect.

(B) Record owner(s) of contiguous lots may file a request with the ~~Planning~~ Director to merge said contiguous parcels. The request for merger shall be made on a form prescribed by the ~~Planning~~ Director, and accompanied by a fee as established by City Council resolution.

(C) The ~~Planning~~ Director, in consultation with the City Engineer, may approve a voluntary lot merger only if the ~~Planning~~ Director finds that:

(D) The ~~Planning~~ Director may require as conditions of the lot merger:

(1) That all or a portion of previously paid subdivision fees, deposits or improvement securities be retained if they are necessary to accomplish any of the provisions of this ~~c~~Chapter;

(2) Payment of any additional fees necessary to accomplish any of the provisions of this ~~c~~Chapter; and,

(3) Such other conditions as are necessary to accomplish the purposes or provisions of this ~~t~~Title or necessary to protect the public health, safety or welfare.

(E) A voluntary parcel merger shall become effective when the ~~Planning~~ Director causes a notice of merger to be filed with the office of the County Registrar/Recorder.

16.130.020 Involuntary mergers.

(A) Criteria. Pursuant to Government Code Section 66451.10 et seq., the City may initiate the merger of a parcel of land with a contiguous parcel held by the same owner(s), if the Planning Commission determines that all of the following requirements are satisfied:

(4) With respect to each affected parcel, one or more of the following conditions is met:

(f) The parcel does not have sufficient dimensions to allow development that conforms to ~~z~~Zoning ~~o~~Ordinance development standards, or the proposed development is inconsistent with the ~~g~~General ~~p~~Plan and any applicable specific plan, other than minimum lot size or density standards; or,

(B) Notice of Intention to Determine Status. Pursuant to Government Code Section 66451.13, the Director ~~of Planning~~ shall mail, by certified mail, a notice of intention to determine the status of the affected parcels to the then current owner(s) of record. The notice shall advise the owner(s) that the affected parcels may be merged under the standards specified in this ~~c~~Chapter, and it shall advise the owner(s) of the opportunity to request a hearing of the determination of status and to present evidence at the hearing that the affected parcels do not meet the criteria for merger. The ~~Planning~~ Director shall cause the notice of intention to determine status to be filed for recordation with the office of the County Registrar/Recorder on the date that the notice is mailed to the property owner(s).

(C) Hearing. If the property owner files with the ~~Planning~~ Director, a request for a hearing on determination of status within 30 days after recordation of the notice of intention to determine status, the ~~Planning~~ Director shall establish a hearing date for the Planning Commission to consider the merger. The ~~Planning~~ Director shall notify the property owner(s) of the hearing by certified mail. The Planning Commission shall conduct a hearing not more than 60 days following receipt of the property owner's request for the hearing. The hearing date may be postponed or continued with the mutual consent of the Planning Commission and property owner(s).

(D) Determination of Status Following Hearing. At the hearing, the property owner(s) may present evidence that the affected parcels do not meet the standards for merger specified in this ~~c~~Chapter. At the conclusion of the hearing, the Planning Commission shall

determine whether the affected parcels are to be merged or are not to be merged, and shall notify the owner of its determination.

(E) Recordation of Notice of Merger. At the direction of the Planning Commission, the ~~Planning~~ Director shall cause a notice of merger, specifying the names of the record owners and particularly describing the real property, to be recorded within 30 days after conclusion of the hearing.

(F) Determination Not to Merge. If the Planning Commission determines that the affected parcels are not to be merged, the Director ~~of Planning~~ shall cause to be recorded a release of notice of intention to determine status and shall mail a clearance letter to the then current owner(s) of record.

(G) Determination of Merger Where No Hearing Is Requested. If, within 30 days after recordation of the notice of intention to determine status, the owner of the affected parcels does not file a request for a hearing, the Planning Commission may at any time thereafter make a determination that the affected parcels are to be merged or are not to be merged. At the direction of the Planning Commission, a notice of merger shall be recorded not later than 90 days after the date when the Director ~~of Planning~~ mailed the notice of intention to determine status.

(H) Appeal. The decision of the Planning Commission made under this ~~c~~Chapter may be appealed, pursuant to PMC Section 17.20.110 (Appeal Procedures). ~~zoning ordinance Section 20.11.~~

16.140.010 Requirements.
(F) To correct any other type of map error or omission as approved by the City Engineer, which does not affect any property right. Such errors and omissions may include, but are not limited to, lot numbers, acreage, street names and identification of adjacent record maps. For purposes of this ~~s~~Section, an “error” does not include changes in courses or distances from which an error is not ascertainable from the data shown on the final or parcel map.

16.140.030 Submittal and approval by City Engineer.
(A) The amending map or certificate of correction, completed as to final form, shall be submitted to the City Engineer for examination. If the only changes made are those set forth in PMC Section 16.140.010 (Requirements), then the City Engineer shall certify to this fact on the amending map or certificate of correction, within the time period specified in Government Code Section 66471.

(B) If the City Engineer determines that proposed changes are beyond the scope of the changes listed in PMC Section 16.140.010 (Requirements), the amending map or certificate of correction must be submitted to the City Council for review and approval, pursuant to Government Code Section 55472.1 and PMC Section 16.140.040 (City Council approval required).

16.140.040 City Council approval required.
A certificate of correction or an amending map may be used to make modifications to a final or parcel map filed with the office of the County Registrar/Recorder when there are

changes, which are beyond the scope of the changes listed in PMC Section 16.140.010 (Requirements), that make any or all of the conditions of the map no longer appropriate or necessary, when the modifications do not impose any additional burden on the present fee owner of the property, and when the modifications do not alter any right, ~~t~~Title or interest in the real property reflected on the recorded map. The modifications shall be set for public hearing by the City Council, who shall confine the hearing to consideration of, and action on, the proposed modification and issues related thereto.

16.150.010 General.
(A) A lot line adjustment may be approved between four or fewer existing adjoining parcels, where a greater number of parcels than originally existed is not thereby created, ~~in accordance with~~pursuant to the following provisions:

(1) Applications for lot line adjustment shall be filed with the City Engineer on the forms prescribed and shall be reviewed and approved by the City Engineer, in consultation with the Director ~~of Planning~~.

(2) Review by the City Engineer and the ~~Planning~~ Director shall be limited to whether or not the parcels resulting from the proposed lot line adjustment will comply with the ~~z~~Zoning ~~o~~Ordinance and building code.

(3) Conditions of approval and exactions shall be limited to those required to facilitate conformance with the Palmdale ~~g~~General ~~p~~Plan, ~~z~~Zoning ~~o~~Ordinance, building code or the relocation of existing utilities, infrastructure or easements.

(B) City Engineer and Director ~~of Planning~~ shall approve or disapprove the lot line adjustment within the time frames established by Public Resources Code Section 21151.5, and Government Code Section 66452.2. The City shall comply with the requirements of the California Environmental Quality Act, to the extent required, if any conditions of the lot line adjustment are likely to have a potential impact on the environment, and shall comply with applicable notice and hearing requirements, if the adjustment or the conditions of approval may affect the interests of surrounding property owners.

16.150.020 Filing with the office of the County Registrar/Recorder.
Upon approval of the lot line adjustment pursuant to this ~~s~~Section, the City Engineer shall file with the office of the County Registrar/Recorder a certificate of compliance or conditional certificate of compliance of the affected parcels and a plat map showing the revised lot lines. The certificate shall include a certificate by the County Tax Collector ~~in accordance with~~pursuant to Division 8 of the Subdivision Map Act.

16.160.010 General.
Any person owning real property may request the City Engineer, in consultation with the Director ~~of Planning~~, to determine whether the lot or parcel was lawfully created in compliance with the Subdivision Map Act or predecessor law and this ~~t~~Title, as of the date the lot or parcel was created. A written application for a certificate of compliance shall be accompanied by the applicable fee and a preliminary ~~t~~Title report not more than six months old that shows the legal owners of the property.

16.160.020 Review by City Engineer.
(A) If the City Engineer determines that the real property complies with the provisions of the Subdivision Map Act and this ~~t~~Title, the City Engineer shall file a certificate of compliance for record with the office of the County Registrar/Recorder. The certificate of compliance shall identify the real property and shall state that the division thereof complies with the provisions of the Subdivision Map Act and this ~~t~~Title.

(B) If the City Engineer determines that the lot or parcel does not comply with the provisions of the Subdivision Map Act or this ~~t~~Title at the time the owner acquired his or her interest in the property, the City Engineer may, as a condition of granting the certificate of compliance, impose conditions to bring the lot or parcel into compliance with the City's standards that were in effect at the time of the property owner's acquisition of the property.

(C) If the City Engineer determines that the lot or parcel was created in violation of the Subdivision Map Act or this ~~t~~Title, and the current owner was the owner at the time of the illegal subdivision, the City Engineer may, as a condition of granting a certificate of compliance, impose conditions that would be applicable to a current division of property.

16.165.020 Reimbursement agreements – Development projects other than subdivisions.
In connection with the approval of development projects other than subdivisions, the City Engineer may recommend that the City Council, by the adoption of a resolution or the approval of an agreement, authorize reimbursement to a developer, including a school district, special assessment district, or other person or entity, either by direct payment or deferred reimbursement, for a portion of the cost of constructing facilities which will directly benefit properties in an area outside the area to be served by the subject development project, and the facilities, when completed, will be dedicated or conveyed to the City or to another public entity designated by the City. Such authorization action shall conform to the requirements of the applicable ~~s~~State laws and may include the establishment of a reimbursement district, local benefit district, or an area of benefit and the rates, fees or charges to be applied, whether actual or estimated.

16.165.030 Bidding procedures and award of contract.
(A) The procedure for the receipt of bids and the award of contract for improvements or facilities subject to a reimbursement agreement and which are to be constructed by a special assessment district or any public agency directly controlled by ~~s~~State law shall be as required by the particular laws applicable.

(B) The procedure for the receipt of bids and the award of contract for improvements or facilities subject to a reimbursement agreement and which are to be constructed pursuant to private contract let by a subdivider or developer which is an independent contractor, and neither a public agency, nor an agent of the City, shall be subject to review by the City Engineer in order to ensure that actual total cost of construction is fair, reasonable and consistent with estimated costs which are to be allocated or apportioned to properties within the area of benefit. Such ~~r~~Review ~~a~~Authority shall not be construed as the exercise of direction, supervision or control by the City over the construction, pursuant to private contract, of the subject improvement or facilities. The procedure subject to review by the City Engineer may include or require the following:

(2) To the extent practicable, obtaining sealed bids from at least three bidders. Prospective bidders may be prequalified ~~in accordance with~~pursuant to guidelines submitted by the subdivider or developer and approved by the City Engineer. Prequalification guidelines shall be designed to ensure that bidders possess the requisite experience, skill, safety record, resources and financial capability, and the ready access to materials and labor, to assure timely and satisfactory completion of the improvements or facilities ~~in accordance with~~pursuant to the bid documents and to optimize economic benefits to the affected property owners;

(4) The opportunity for the City Engineer to review all bids submitted and to determine whether the successful bidder, as designated by the subdivider or developer, has submitted a bid which is fair, reasonable and consistent with the estimated costs which are to be allocated or apportioned to properties within the area of benefit ~~in accordance with~~pursuant to the terms and provisions of the reimbursement agreement. If such a determination cannot be made by the City Engineer, reimbursement of actual total costs incurred in constructing the improvements or facilities shall be subject to appropriate reduction.

16.165.040 Payment of costs required by reimbursement agreement.
In order to pay the costs as required by any reimbursement agreement authorized pursuant to this ~~c~~Chapter, the City may:

16.170.010 Prohibition.
(A) No person shall sell, lease or finance any parcel or parcels of real property or commence construction of any building for sale, lease or financing thereon, except for model homes, for which a final or parcel map is required by the Subdivision Map Act or this ~~t~~Title, until such map, in full compliance with the Subdivision Map Act and this ~~t~~Title, has been filed for record with the office of the County Registrar/Recorder.

(B) Conveyances of any part of a division of real property for which a final or parcel map is required by the Subdivision Map Act or this ~~t~~Title shall not be made by parcel or block number, letter or other designation, unless and until such map has been filed for record by the office of the County Registrar/Recorder.

(C) This ~~s~~Section does not apply to any parcel or parcels or a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law, including this ~~t~~Title, regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

(D) Nothing contained in ~~s~~Subsections (A) of this ~~s~~Section shall be deemed to prohibit an offer or contract to sell, lease or finance real property or to construct improvements thereon where such sale, lease or financing, or the commencement of such construction, is expressly conditioned upon the approval and filing of a final map or parcel map, as required under the Subdivision Map Act or this ~~t~~Title.

16.170.020 Remedies.
(A) Any deed of conveyance, sale or contract to sell real property which has been prepared in violation of the provisions of the Subdivision Map Act or this ~~t~~Title is voidable

at the sole option of the buyer, or any personal representative, within one year after the date of discovery of such violation. The deed of conveyance, sale or contract to sell is binding upon any successor in interest of the buyer and upon the grantor.

(B) The City shall not issue a permit or grant any approval necessary to develop any real property which has been divided in violation of the provisions of the Subdivision Map Act or this ~~t~~Title, if it finds that development of such real property is contrary to the public health or the public safety. The authority to deny or approve such a permit shall apply whether the applicant therefor was the owner of record at the time of such violation, with or without actual knowledge of the violation at the time of the acquisition of an interest in such real property.

If the City issues a permit or grants approval for the development of any real property illegally subdivided, the City may impose any additional conditions which would have been applicable to the division of property at the time the current owner of record acquired the property. If the property has the same owner of record as at the time of the initial violation, the City may impose conditions applicable to a current division of property. If a conditional certificate of compliance has been filed for record ~~in accordance with~~pursuant to the provisions of this ~~t~~Title, only those conditions or stipulations in that certificate shall be applicable. In such circumstances, a property owner may first apply for and obtain a certificate of compliance or conditional certificate of compliance.

16.170.030 Notice of violation.

If the City Engineer has knowledge that real property has been subdivided in violation of the provisions of the Subdivision Map Act or this ~~t~~Title, a notice of intention to record a notice of violation shall be mailed by the Engineering Department, by certified mail, to the current owner of record, pursuant to Government Code Section 66499.36, and the process and review of a notice of violation will be conducted as set forth in that ~~s~~Section.

harper & burns LLP
ATTORNEYS AT LAW

To: Honorable Mayor and City Councilmembers

From: William P. Curley III, Interim City Attorney

Date: August 16, 2023

Re: Recommendation to adopt an ordinance establishing the annual designation of the positions of Mayor and Mayor Pro Tem.

****

The City Council has been requesting the presentation for the adoption of an ordinance establishing a definite and certain process for the annual designation of the position of Mayor and Mayor Pro Tem.

The goal is to define a simple, clear, and predicable process for designating the Mayor while allowing flexibility in the designation of the councilmember who will assist them during times of absence or as may be requested.

Presented for consideration and adoption is an ordinance that simply follows, in numerical sequence, the five electoral districts established in the City of Palmdale. For the first cycle, District 3 will have served out of sequence by District of the 2022 mayoral designation. Accordingly, after the initial 2022 term, the mayoral designation will be 2023-2024: District 1; 2024-2025: District 2; 2025-2026: District 4; 2026-2027: District 5. For the 2027-2028 year the district 1 through 5 designated annual sequence shall commence and continue thereafter.

The Mayor Pro Tem shall annually, after the mayor is designated, be selected by a majority vote of the entire city council; this is three (3) affirmative votes.

This City Council may introduce and adopt this ordinance pursuant to the authority of the City of Palmdale charter and municipal code.

CITY OF PALMDALE, A CHARTER CITY,
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1611

AN ORDINANCE OF THE CITY OF PALMDALE, AMENDING SECTION 2.08.010 OF THE PALMDALE MUNICIPAL CODE TO ESTABLISH THE PROCESS OF ANNUALLY DESIGNATING THE MAYOR AND SELECTING THE MAYOR PRO TEM

A. INTENT OF THE CITY COUNCIL:

1. The City of Palmdale desires to establish a clear, definite, and certain process to annually designate a Mayor and Mayor Pro Tem. The City's prior change from a directly elected mayor position necessitates the adoption of a replacement protocol to establish a city governance structure.

2. The City Council further is intending to respect, as to the office of Mayor, the districts adopted by the City, to ensure that all residents will in an orderly fashion, have their respective council member serve in the role of Mayor. The role shall follow the numerical sequencing of the five districts in mathematical order, commencing with District 1.

3. The Office of Mayor Pro Tem will be, as has been initiated, appointed by a majority vote of the whole City Council (3 affirmative votes are required to appoint the Mayor Pro Tem).

4. All legal prerequisites to the adoption of this ordinance have occurred as required by the law.

B. ORDINANCE

THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. This Council hereby confirms its legislative intent as set forth in Section A of this Ordinance and hereby incorporates Section A by reference herein.

SECTION 2. The existing text of Palmdale Municipal Code Section 2.08.010 is hereby repealed in its entirety and replaced with the following new section 2.08.010, to read as follows:

(A) *"Designation of Mayor: On an annual basis at the first meeting in December for designation of the council member who serves as Mayor, the council member representing the numerically next in order electoral district shall be designated as Mayor for the calendar following year. The 2024 Mayor will be the incumbent in District 1, with, each following year, the incumbent in the next calendar year. Specifically, District 1, District 2, District 3, District 4, and District 5, with the successive cycle continuing thereafter. Notwithstanding the foregoing, no electoral District in the City shall have a representative serve twice within a five (5) year period. For certainty, District 3 shall not have a representative serve as*

mayor in this initial five (5) year rotation.

(B) Designation of Mayor Pro Tem: The City Council, after installing the Mayor, shall by a majority vote of the whole City Council, designate the council member who shall serve as the Mayor Pro Tem for the following year. The City Council may from time--to--time replace the Mayor Pro Tem, if deemed necessary for the best interest of the City of Palmdale."

SECTION 3. California Environmental Quality Act. The City Council finds the approval of this Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to: (a) CEQA Guidelines Sections 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment; (b) CEQA Guidelines Section 15061(b)(3) because it has no potential for causing a significant effect on the environment; and under (c) 15378(c)(2), because CEQA does not apply to procedure making. This Ordinance merely changes and establishes the period of time under which– it does not authorize any construction which would not already have been analyzed under CEQA and is within the scope of the City charter. A major is designated and limitations on District service as mayor, and the selection of a Mayor Pro Tem.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

SECTION 5. All legal prerequisites and pre-conditions to the introduction, enactment, and adoption of this Ordinance have occurred as required by law and policy.

SECTION 6. The City Clerk shall certify the adoption of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED, and **ADOPTED** this 16th day of August 2023.

Approved as to form:

Laura Bettencourt
Mayor

ATTEST:

William P. Curley, III
Interim City Attorney

Rochelle Scott
Acting City Clerk

I, Rochelle Scott, Acting City Clerk of Palmdale, California, do hereby certify that the foregoing Ordinance was duly introduced, passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 16th day of August 2023.

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

Date: _____ _____
Rochelle Scott, Acting City Clerk

harper & burns LLP
ATTORNEYS AT LAW

To: Honorable Mayor and City Councilmembers

From: William P. Curley III, Interim City Attorney

Date: August 16, 2023

Re: Consideration and adoption of City Council Rules and Regulations; Recommendation to adopt a Resolution

****

The City Council previously adopted, last year, a set of rules and regulations commonly referenced as "norms". These regulations have not proven to be effective or followed in any regular manner. A clear set of rules and regulations will allow for the efficient, fair, and appropriate framework by which the City Council, City staff, the community, and third parties interact with each other in the course of conducting City business. California Government Code Section 36813 applicable to the City of Palmdale via its charter, expressly allows for the adoption and enforcement of rules:

"*CHAPTER 1. Organization [36801-36815] (Chapter 1 added by Stats. 1949. Ch.79).*
36813. The council may establish rules for the conduct of its proceedings. It may punish a member or other person for disorderly behavior at a meeting.
(Added by Stats. 1949, Ch. 79.).

Many cities have adopted similar rules to ensure transparency as to how the local agency operates.

We recommend that the City Council adopt the attached Resolution, as presented or as amended.

CITY OF PALMDALE, CALIFORNIA
RESOLUTION NO. CC 2023-052

A RESOLUTION ESTABLISHING A CODE OF CONDUCT FOR CITY COUNCIL MEMBERS AND OFFICIALS AND ESTABLISHING RULES FOR CONDUCTING CITY COUNCIL MEETINGS.

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. *Code of Conduct; Core Principles.* The City Council finds and declares that its members, and all members of appointed boards, commissions, and committees (collectively, "Public Officials"), will abide by the following Core Principles:

A. Public Officials should comply with both the letter and spirit of the laws and policies affecting the operations of government;

B. Public Officials are expected by the public to be independent, impartial, and fair in their judgment and actions;

C. Serving in public office is a privilege and should be exercised in trust for the public good, not for personal or political gain; and

D. Public deliberations and processes should be conducted openly, unless legally confidential, in an atmosphere of respect and civility, that respects all points of view, desires of attendees and the best interest of all residents, businesses and visitors to the City.

SECTION 2. *General Policies*. Implementing the Core Principles is one of the guiding objectives in adopting this Resolution. Accordingly, in addition to all requirements of applicable law, Public Officials must adhere to the following policies:

A. Conduct of Public Official

The professional and personal conduct of Public Officials must be above reproach and avoid even the appearance of impropriety. Public Officials will refrain from abusive conduct, personal charges, or verbal attacks upon the character or motives of other Public Officials, City employees, or the public, and shall adhere to this Resolution at all times.

B. Respect for Process

Public Officials will perform their duties in accordance with the processes and rules of order established by the City Council governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions.

C. Conduct of Public Meetings

Public Officials will fully prepare themselves for public issues, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They will refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings.

D. Communication (Exparte/Private)

Members will publicly share substantive or new information that is relevant to a matter under consideration, or which may become by the City Council or boards, commissions, and committees, which they may have received from sources outside the public decision-making process.

E. Confidential Information

Members must respect the confidentiality of information concerning City property, personnel, or proceedings of the City. They will neither disclose confidential information without proper legal authorization nor use such information to advance their personal interest.

F. Advocacy

When presenting their individual opinions and positions, Public Officials will expressly state they do not represent their body or the City of Palmdale nor will they allow the inference that they do. All written correspondence expressing an individual opinion and position must be on personal stationery and not on City stationery.

G. Policy Role of Public Officials/ City Manager Authority

Public Officials must respect and adhere to the council-manager structure of the City of Palmdale city government with a respect to the City Manager’s relationship with the City Council. In this structure, the City Council determines the policies of the City with the advice, information and analysis provided by the public, boards, commissions, and committees and City staff. The City Manager implements that policy. No member of the City Council shall give individual direction or threaten in any way, interfere with the management of the City Manager, or threaten the employment of any City executive, employee, contractor, or consultant. The City Manager may decline individual orders, requests or demands from an individual council member without fear of repercussion.

SECTION 3. *Substance Abuse Policy.*

A. While acting in their official capacities, Public Officials will refrain from imbibing alcohol or any substance that may impair the Public Official to the point that it impairs their judgment, physical coordination, speech, or mental process.

B. At all times, Public Officials will refrain from the use of a controlled substance, narcotic, amphetamine, barbiturate, prescribed or over the counter medication in excess of the prescribed dosage, or other prescribed hallucinogenic substance.

C. Public Officials who have substance abuse problems are encouraged to make every effort to overcome such problems and to utilize the services of the Employee Assistance Program (EAP). Using the EAP is confidential.

SECTION 4. *Anti-Harassment Policy.*

A. Harassment of an applicant or employee by a Public Official on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex or age will not be tolerated, and the City will take all actions necessary or desirable to terminate such behavior.

B. Harassment for any reason, including but not limited to the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, employment by the City, veteran status, sex, or age includes but is not limited to, the following examples:

1. Verbal Harassment- Epithets, derogatory comments, or slurs on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran or military status, sex or age or job performance, failure to perform as directed by less than majority of the City Council.

2. Physical Harassment- Assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran status, sex, or age.

3. Visual Forms of Harassment- Derogatory posters, notices, bulletins, cartoons, or drawings on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, sexual orientation, gender identity, veteran status, sex, or age.

4. Sexual Favors- Unwelcome sexual advances, requests for sexual favor, and other verbal or physical conduct of a sexual nature that is conditioned upon employment benefit, unreasonably interferes with an individual's work performance, or creates an offensive work environment.

SECTION 5. *Anti- Nepotism Policy.* The City will not hire relatives of Public Officials. If a Public Official's relative presents a matter to the City, then that Public Official cannot participate in or attempt to influence decision–making regarding that matter. For purposes of this policy a "relative" is defined as blood, by-adoption, or stepparent, spouse or registered domestic partner, sibling, child or in-law, and their children and children-in-law.

SECTION 6. *Expected Conduct.*

A. Public Officials will request administrative services only through the City Manager or the City Manager's designee.

1. Public Officials cannot direct, order, or make demands on any City employee, other than inquiries that can be readily answered routinely and without research. The City Manager shall be the sole judge of the staff's duty to respond to the Public Official.

2. Public Officials cannot attempt to reorganize an employee's priorities or influence the manner by which City staff performs their assigned functions or duties.

3. Public Officials cannot retaliate or threaten to retaliate against employees, including threats or termination, as a result of disagreements over policy or individual recommendations.

4. Public Officials cannot threaten a City employee, or any affiliates of theirs, with disciplinary action, including termination.

5. Report to the full council any individual meetings with City staff, third parties, City consultants, the public or other officials to ensure transparency and full disclosure is the rule in the City, subject to legal limitations.

B. Public Officials must always act collectively in a properly noticed and constituted meeting. Public Officials do not have the authority to make decisions or take actions on behalf of the body unless expressly authorized to do so.

1. Public Officials cannot make representation or promises to any third party, including consultants and business entities, regarding the future actions of the

City or of the body of which they are a member, unless such representation or promise has been duly authorized by the appropriate body.

2. When making public utterances, Public Officials must make it clear whether they are authorized to speak on behalf of the body of which they are a member, or whether they are presenting their own views.

3. Public Officials cannot interfere in any manner, direct or indirect, with the manner by which the City Manager performs his or her duties.

C. Public Officials who are members of boards and commissions must limit their activities to matters within their subject matter jurisdiction.

1. Boards and commissions can address only those matters determined by the Palmdale Municipal Code or by the City Council to be within their subject matter jurisdiction; staff need not place on an agenda, provide resources for, or implement requests, directions for actions outside that jurisdiction. Unless directed otherwise by the City Council, Commissions, and Boards must refrain from consideration of policy issues that are under active consideration by the City Council.

2. The City Council as a whole will provide direction and guidance to its subsidiary bodies. All subsidiary bodies shall conform to their by-laws or guidelines to this provision upon the City Council adoption of this resolution. Only with proper authorization.

D. City resources must be used solely for proper governmental purposes, and only with proper authorization.

1. City letterhead may only be used by Public Officials for official City business.

2. City employees cannot be asked or directed to spend time on non-City business.

3. Public Officials cannot use or disclose information obtained through City service for improper purposes.

SECTION 7. *Enforcement.* To enforce the Core Principles, and the policies set forth in this Resolution to implement those Core Principles, the City Council adopts the following requirements for enforcement:

A. A complaint regarding a violation of the Code of Conduct may be filed with either the Mayor, the City Manager, or the City Attorney (collectively, the “Investigator”) by the reporting party.

B. Upon receiving a complaint, the person receiving the complaint may take one of the following actions depending on the circumstances of the alleged violations of law or policy:

1. Take no action;

2. Conduct a preliminary investigation of the allegations before recommending any action. Following such a preliminary investigation into the complaint, the Investigator may then either take no action or place the matter on a future City Council agenda with a recommendation for consideration; or

3. Place the matter on a future City Council agenda for consideration.

C. If a complaint is placed on the City Council agenda, the City Council may take the following action:

1. Take no action;

2. Initiate an investigation of the allegations before considering any discipline identified in this Resolution; or

3. Based upon substantive evidence, take one of the disciplinary actions identified in this Resolution.

4. Nothing in this policy precludes individual City Council Members from making public statements regarding alleged conduct.

D. In addition to any other remedy provided by applicable law, the City Council may undertake one or more of the following actions after finding a violation of this Resolution occurred:

1. **Admonition**. This is the least severe form of action. An admonition may typically be directed to all members of the City Council, reminding them that a particular type of behavior is in violation of law or City Policy. An admonition may be issued by the City Council before any findings of fact regarding allegations, and because it is a warning or reminder, would not necessarily require an investigation or separate hearings to determine whether the allegation is true.

2. **Sanction**. This is the next most severe form of action. Sanction may be directed to a particular member of the City Council based on a particular action (or set of actions) that is determined to be in violation of law or City policy. A sanction is distinguished from censure in that it is not a punishment. A sanction may be issued based upon City Council review and consideration of a written allegation of a policy violation. The member accused of a violation will have an opportunity to provide a written response to the allegation. A sanction may be issued by the City Council and because it is not punishment or discipline, would not necessarily require an investigation or separate hearings.

3. **Censure**. Censure is the most severe form of action. Censure is a formal statement of the City Council officially reprimanding one of its members. It is a punitive action, which serves as a penalty imposed for wrongdoing, but it carries no fine or suspension of the rights of the member as an elected official. Censure should be used for cases in which the City Council determines that the violation of law or policy is a serious offense. To protect the overriding right to freedom of speech, the City Council cannot impose censure on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the City Council and the City. However, nothing can be construed to prohibit the City Council from collectively condemning and expressing their strong disapprobation of such remarks. AS decision to censure requires the adoption of a Resolution making findings with regard to the specific charges, based on substantial evidence, and approved by a two-thirds vote of the City Council.

SECTION 8. *Rules of Procedure for Meetings; Authority.* Rules of Procedure for City Council meetings are adopted pursuant to Government Code §36813. In the absence of separate procedural rules for individual boards and commissions, the Rules of Procedure adopted by this Resolution will apply to all City subsidiary boards and commissions. These Rules are intended to comply with the Ralph M. Brown Act (Government Code §§ 54950-54962). The Brown Act will supersede any conflicting provision of the Rules.

SECTION 9. *General Rules.*

A. Rules of Order. The City Council finds as follows:

1. City Council proceedings should be governed by common sense and good taste. Pursuant to applicable laws, including, without limitation, this Resolution and Rosenberg's Rules of Order (this Resolution controls) any issue of procedure relating to the conduct of a meeting or hearing not otherwise provide for in these Rules may be determined by the Mayor, subject to a vote of the entire Council. In addition, the City Council may,

upon majority vote, alter or modify any provision of this Policy when appropriate or desirable.

2. These Rules are adopted to expedite the City Council's business transactions in an orderly fashion and are procedural only. Failure to strictly observe these rules will not affect the City Council's jurisdiction or invalidate any Council action conforming with applicable law.

B. Right of Floor.

Council Members wishing to speak must first be recognized by the Mayor and, with the exception of Council Reports, limit any remarks to the agenda matter being considered. Failure to limit one's remarks is a violation of this Resolution, shall be immediately stopped as being out of order and subject to all penalties available.

C. City Manager.

The City Manager will attend all meetings of the City Council unless excused. I his/her absence, the City Manager will designate an Acting City Manager to attend. The City Manager may make recommendations and has the right to take part in all City Council discussions of the Council but cannot vote.

D. City Attorney.

The City Attorney will attend all meetings of the Council unless excused, and in his/her absence, an Assistant City Attorney will attend. The City Attorney, upon request, may give legal opinions, either written or oral, on questions of law and act as the City Council's parliamentarian under this Resolution and Rosenberg's Rules of Order. The City Attorney shall provide general comments related to City matters or discussion as the incumbent deems necessary or desirable.

E. City Clerk.

The City Clerk will attend all meetings of the Council unless excused. In his/her absence, the Deputy City Clerk will attend. The City Clerk will record, prepare, and maintain the City Council's official record and perform other related duties as prescribed by the City Code, City Council and /or City Manager.

SECTION 10. *Mayor- Duties.*

A. Presiding Officer

The Mayor, if present, will preside at all meetings. In the Mayor's absence, the Mayor Pro Tem will preside. In the absence of both, the Council Members present will select a Temporary Presiding Officer by majority vote.

B. Call to Order

The Mayor or Mayor Pro Tem will bring the meeting to order at the time noticed in accordance with applicable law. In the absence of both, the meeting will be called to order by the City Clerk.

C. Point of Order

The Mayor will determine all points of order, subject to the right of any Council Member to appeal to a vote of a majority of the quorum.

D. Motion to Be Stated

The Mayor will state all motions submitted for a vote and announce the result. A roll call vote must be taken upon the request of any Council Member.

SECTION 11. *Preparation of Agenda.*

A. Order of the Agenda

The Agenda will be organized solely in accordance with the City Manager's direction for the efficient business of the City.

B. Minutes

Unless requested by a majority of the quorum, minutes may be approved without reading.

C. Future Agenda Items

Each Agenda may include an Agenda item entitled "Council Reports." During this section of the Agenda any Council Member may make a motion only to place an item on a future Agenda. The motion is non-debatable. Placement of an item on a future Agenda requires a majority vote. The City Manager has discretion as to when the item will be placed on the Agenda, unless otherwise directed by the City Council.

SECTION 12. *Citizens' Rights.*

A. Persons seeking to address the City Council must comply with the following:

1. Members of the public may address the City Council only on items within the subject-matter jurisdiction of the City Council. A determination of whether an item is appropriate for discussion will be made by the Mayor with the City Council's consent.

2. Each speaker may be limited to a time period determined by the Mayor for Public Comment and on all other items on the Agenda.

3. All remarks must be directed to the City Council as a body and not to any particular Council Member or City employee.

4. No person, other than Council Members and the person having the floor are permitted to participate in the discussion except as otherwise requested by the Mayor.

5. No question may be asked of Council Members or City employees except through the Mayor.

6. When any identifiable group of persons, as distinguished from the general public, seeks to address the City Council on the same agenda item, the Mayor has the discretion to ask that the group select a spokesperson to address the City Council. If additional issues are to be presented at the hearing by any other member of such group, the Mayor may limit the number of persons to address the City Council to avoid unnecessary repetition of information presented to the City Council.

B. Written Materials

Any person may submit written materials to the City Council for consideration. Should a person wish to have written materials considered by the City Council as part of an agenda item other than a public hearing, they must be submitted with not less than ten (10) copies, during working hours no later than twenty-four (24) hours before the scheduled meeting.

C. Disrupting legal meetings

Any members of the public making disruptive remarks or who becomes disruptive while addressing the Council or attending the City Council meeting so as to disrupt, disturb or otherwise impede the orderly conduct of the City Council meeting will be removed forthwith by the Presiding Officer and barred from further audience before the City Council at that meeting unless permission to continue is granted by a majority vote of the City Council.

SECTION 13. *Miscellaneous Rules.*

A. Silence

During a collective oral vote (Ayes and Nays), the silence of any Council Member denotes an affirmative vote.

B. Continuance of an Item

Upon a Council Member's request and by majority vote, an item (not subject to a deadline) may be continued to the next agreed-upon meeting. Anyone may request a continuance of an item and the City Council, by majority vote, may grant a continuance.

C. Failure to Vote

Every Council Member should vote unless disqualified by reason of a Conflict of Interest. If a member abstains because of a legal conflict of interest, he/she is not counted as part of the quorum and is not deemed to be voting.

If a member abstains for reasons other than a legal conflict of interest, he/she will be counted in establishing a quorum. Such an abstention will be counted with the majority vote of the quorum unless there is no majority in which case it will not be counted as a vote.

D. Lost Motions

1. A lost motion is one that fails to receive the necessary number of votes to carry. To revive a lost motion at the same meeting, the proper action is a motion to reconsider.

2. If a motion is lost on an Ordinance or action for the expenditure of money, or any motion when the legally required number of votes for passage is there; when two Members of the City Council are absent, the matter will be automatically continued to the next regular meeting. In the case of an Urgency Ordinance, the matter will be automatically continued when one Council Member is absent.

E. Motion to Reconsidered

A motion to reconsider any action taken by the City Council may be made in accordance with the following:

1. The motion must be made by a Council Member, the majority vote, or, in the case of a lost motion, by any Council Member and may be seconded by any Council Member.

2. Except as otherwise provided, the motion must be made before the adjournment of the meeting at which the original action was taken.

3. The motion is debatable and has precedence over a pending motion.

4. Except as otherwise provided, if the action to be reconsidered is a Public Hearing item, it must be re-noticed in the event the motion to reconsider passes. Where it is clearly established that all interested members of the public are still present, the item may be reconsidered without further notice.

F. Tie Votes

If a tie vote occurs when a Member of the City Council is absent, the item will be automatically continued once to the next regular meeting of the City Council. Except in the event of an appeal to the City Council, if a tie vote occurs as a result of the abstention of a Council Member, the motion is lost. If a tie vote on an appeal occurs as a result of the abstention of a Council Member, the appeal is deemed denied.

G. Changing the Vote

A council Member may change his/her vote only if the change is made immediately following the announcement of the vote by the Mayor and before the next agenda item is announced, provided the Mayor determines the matter should be voted upon again and not continued to a future meeting.

H. Abstention

A Council Member who publicly announces that he/she is abstaining from voting on a particular matter will not subsequently be allowed to withdraw the abstention.

I. Recusal- Non-Profit Organization Board of Director Member

City Council Members must recuse themselves from contract and/or funding allocation decisions if they sit on boards of directors of non-profit organizations which are being considered for funding from the City.

SECTION 14. *Rules of Debate.*

A. Mayor as Presiding Office

The Mayor may move, second, and debate from the Chair and retains all rights and privileges of a Council Member.

B. Appeals

Any ruling of the Mayor may be appealed at the request of any Council Member. The Mayor must call for a roll call vote to determine if the ruling is upheld.

C. Motions

A motion may be debated by the City Council after it is made. During debate any Member of the City Council may "Call for a second." If a second is not forthcoming, the motion dies for lack of a second. If the motion is seconded, the debate may continue.

D. Precedence of Motions

When a motion is before the Council, no other motion may be considered except:

1. Motion to Amend- Debatable only as it relates to the amendment. An amendment which modifies the motion is an order; however, a substitute motion is in order if the intent is changed. Amendments are voted on first, and the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There may only be one amending motion on the floor at any one time.

2. Motion to Postpone- A motion to postpone indefinitely is debatable.

3. Motion to Table- Undebatable and not subject to amendment.

The purpose of a motion to table is to temporarily bypass the item. If a motion to table is adopted, the item may be taken from the table at any time before the adjournment of the best regular meeting. If the item is not taken from the table in the time specified, the business of the item is lost.

4. Motion for Previous Question

A motion for the previous question closes debate on the main motion and is non-debatable. If the motion fails, debate is reopened; if motion passes, then a vote must be taken on the main motion.

5. Request for Personal Privilege.

Any request for a "personal privilege" must be approved by the Mayor before the request is granted. The Mayor may deny the request.

SECTION 15. *Adjournment.* At 10:30 p.m., if business has not concluded, no new business will be considered unless by a majority vote that the City Council agrees to begin new business. Items under consideration at 10:30 p.m. may be concluded. Any remaining items will be postponed to the next regularly scheduled City Council meeting.

SECTION 16. *Amendment/Suspension.* The City Council may amend or suspend these rules at any time upon majority a vote of the City Council.

SECTION 17. *Administrative Mandamus.* Persons who are dissatisfied with a decision of the City Council may have the right to seek a review of that decision by a court. In addition, the City has adopted §1094.6 of the Code of Civil Procedure which generally limits ninety (90) days the time within which the decision of City boards and agencies may be judicially challenged.

SECTION 18. Unless specifically referenced, this Resolution supersedes all previous resolutions purporting to establish rules and procedures for rules of conduct and procedures for City Council meetings including, without limitation, Resolution No. CC 2022-103 adopted October 5, 2022. Accordingly, those resolutions are rendered moot upon adoption of this Resolution and are accordingly repealed. Nothing in this Resolution shall is intended to, nor does it supersede the City's most recently adopted Conflict of Interest Code or State law, including Fair Political Practices Commission rulings and common law rulings.

SECTION 19. *Electronic Signatures.* This Resolution may be executed with electronic signatures in accordance with Government Code §16.5. Such electronic signatures will be treated in all respects as having the same effect as an original signature.

SECTION 20. The Mayor, or presiding officer, is hereby authorized to affix his/her signature to this Resolution signifying its adoption by the City Council of the City of Palmdale, and the City Clerk or his/her duly appointed deputy, is directed to attest thereto.

SECTION 21. This Resolution will become effective immediately upon adoption.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALMDALE THIS 16TH DAY OF AUGUST 2023.

_____

Approved as to form: Laura Bettencourt, Mayor

ATTEST:

_____ _____

William P. Curley, III Rochelle Scott, Acting City Clerk

Interim City Attorney

I, Rochelle Scott, Acting City Clerk of the City of Palmdale, California, do hereby certify that the foregoing resolution was duly passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 16th day of August, 2023 by the following roll call vote:

AYES: _____

NOES:_____

ABSTAIN:_____ABSENT:_____

Date: _____ _____

Rochelle Scott, Acting City Clerk

PALMDALE

a place to call home

August 16, 2023

LAURA BETTENCOURT
Mayor

ANDREA ALARCÓN
Mayor Pro Tem

RICHARD J. LOA
Councilmember

AUSTIN BISHOP
Councilmember

ERIC OHLSEN
Councilmember

38300 Sierra Highway

Palmdale, CA 93550-4798

Tel: 661/267-5100

TDD: 661/267-5167

Honorable Tammy Baldwin
United States Senate
709 Hart Senate Office Building
Washington, DC 20510

Honorable Alex Padilla
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Re: Support for Protecting U.S. Manufacturing Jobs, Community Investments and Promoting Innovative Workforce and Community Partnerships

Dear Senators Baldwin and Padilla,

On behalf of the City of Palmdale, I would like to express concern about a provision in the proposed Federal Aviation Administration reauthorization that could jeopardize long term investment in clean vehicles as well as hurt the State of California and our community in the Antelope Valley.

Build Your Dreams (BYD), and its spinoff Real Innovation Delivered with Excellence (RIDE), is the world's leading manufacturer of battery electric vehicles. Their plant in the Antelope Valley employs hundreds of men and women who are members of the Sheet Metal Air Rail and Transportation (SMART) Workers Union, Local 105. The products built here are deployed by transit agencies around the country and are on the ground in United States airports including Los Angeles International, Atlanta and Kansas City.

A partnership between the company, the Union and the Antelope Valley College has created the nation’s only United States Department of Labor registered, electric transit vehicle manufacturing apprenticeship program. This apprenticeship utilizes an industry recognized credential called the Industrial Manufacturing Technician certification to train existing BYD/RIDE employees and members of SMART Local 105 to be highly skilled, safe, and efficient assemblers, testers, welders, painters, technicians, joiners, fabricators, and quality control specialists.

In fact, in 2022 the United States Department of Labor recognized this partnership as an Apprenticeship Ambassador, particularly for its intentional commitments to recruiting women, workers of color, systems impacted individuals, veterans and disadvantaged workers into good jobs that pay family sustaining wages and benefits in a region that has experienced historical economic disinvestment.

For these reasons, we are especially troubled that any expansion of Title 49, Section 50101, 5323(u), via the pending "Securing Growth and Robust Leadership in American Aviation Act" (also known as the FAA Reauthorization Bill) could jeopardize long term investment in a highly skilled and trained workforce, whose more than 650 production workers receive family- supporting wages and benefits.

Specifically, we're concerned that subsection 2B of Section 423 *Limitations on Certain Rolling Stock Procurements* would not only undo the longstanding community- and worker-led partnership that the Antelope Valley relies on for economic prosperity but would also unintentionally rollback the widespread adoption of zero emissions clean air vehicles throughout the nation.

We greatly appreciate your attention on this matter, especially at this critical time when your support for the slew of federal investments in new technology are set to steer our economy toward a clean energy future. Now, more than ever, is it critical to support innovative and deep investments in working Americans as part of the transition away from fossil fuels.

Should you have any questions about our partnership or the coalition that has formed around supporting high quality jobs in the Antelope Valley, we would be happy to meet with you to discuss this further. Please do not hesitate to contact the City at 661/267-5100.

Sincerely,

Laura Bettencourt
Mayor