



ROCKLIN CITY COUNCIL REGULAR MEETING

City Council Regular Meeting

City Hall - Council Chambers

3970 Rocklin Rd.

Rocklin, CA 95677

Website: www.rocklin.ca.us

Tuesday, January 24, 2023

General Session at 6:00 p.m.

AMENDED AGENDA

***Please note the additions of Item 5.B under Discussion Items, and Items 8.B and 8.C under Closed Session.**

REGULAR MEETING OF THE ROCKLIN CITY COUNCIL, ROCKLIN PUBLIC FINANCING AUTHORITY AND SUCCESSOR AGENCY

**Notice of Teleconference Meeting Location:
Courtyard Atlanta Perimeter Center
6250 Peachtree-Dunwoody Rd
Atlanta Georgia 30328**

KEN BROADWAY, *Mayor*
GREG JANDA, *Vice Mayor*
DAVID BASS, *Council Member*
JILL GAYALDO, *Council Member*
BILL HALLDIN, *Council Member*

ALY ZIMMERMANN, *City Manager*
SHERI CHAPMAN, *City Attorney*
HOPE ITHURBURN, *City Clerk*
DANIEL CHOE, *City Treasurer*

MEETING PROCEDURES AND STANDARDS OF DECORUM

For items listed on the agenda, any person may address the City Council at the time the item is considered. Speakers are requested to restrict their comments to the item as it appears on the agenda and stay within the required five minute time limit, unless the time is adjusted by the Mayor.

For items not listed on the agenda, any person may do so under Citizens Addressing the City Council. Speakers are limited to five minutes and the item must be under the jurisdiction of the Rocklin City Council. As a reminder, the Brown Act does not permit the City Council to take action on items brought up under Citizens Addressing the City Council.

Whenever any group of persons wishes to address the City Council on the same subject matter, it shall be proper for the Mayor to request that a spokesperson be chosen.

Although not required, speakers are requested to identify themselves by stating their name and city of residence for the official record. Time will be monitored on the lectern. When the time reaches zero, please be seated.

Any person who disrupts the meeting of the City Council, may be barred by the Mayor from further audience before the City Council during that meeting.

All remarks shall be addressed to the City Council as a body and not to any member thereof, or to staff, or to the public. No person, other than a member of the City Council, the City Manager or the City Attorney and the person having the floor, shall be permitted to enter into any discussion without the permission of the presiding officer.

WRITINGS RECEIVED AFTER AGENDA POSTING

Any writing related to an agenda item for the open session of this meeting distributed to the City Council, Public Financing Authority or Successor Agency less than 72 hours before this meeting is available for inspection at City Hall, 3970 Rocklin Road, Rocklin, during normal business hours. These writings will also be available for review at the council meeting in the public access binder located on the table at the back of the Council Chambers. If you have questions related to this agenda, please call (916) 625-5560.

AMERICANS WITH DISABILITIES ACT

In compliance with the Americans with Disabilities Act, the City of Rocklin encourages those with disabilities to participate fully in the public hearing process. If you have a special need in order to allow you to attend or participate in our public meeting and public hearing processes, including receiving notices, agendas, and other writings in appropriate alternative formats, please contact our office at (916) 625-5560 well in advance of the public meeting or public hearing you wish to attend so that we may make every reasonable effort to accommodate you.

ELECTRONIC PRESENTATIONS

All persons with electronic presentations for public meetings will be required to bring their own laptop or other form of standalone device that is HDMI or VGA compatible. It is further recommended that presenters arrive early to test their presentations. The City is not responsible for the compatibility or operation of non-city devices or the functionality of non-city presentations.

POSTING OF AGENDA

In accordance with Government Code Section 54954.2(a) this agenda was posted on the City's bulletin board at City Hall, 3970 Rocklin Road, Rocklin, and City of Rocklin website at www.rocklin.ca.us.

AGENDA

SPECIAL MEETING INSTRUCTIONS

The public may listen to audio or view the meeting via live stream at <https://www.rocklin.ca.us/agendas-minutes>.

The public is welcome to attend in person or participate virtually.

For those that do not plan on attending in person, but wish to make a public comment during the meeting, public comments will be accepted in email form up until 3:00 p.m. on the meeting day.

Those wishing to make a public comment in person, although not required, speakers are requested to complete a speaker card and present to the City Clerk.

Public comments should be submitted to the City Clerk at PublicComments@rocklin.ca.us.

Emailed public comments will be distributed to Council and treated as a public record.

This meeting will also be offered via Zoom Webinar and the public is welcome to make a public comment through Zoom following the steps below:

How To Make A Public Comment By Zoom

When you join the meeting, you will be muted by default. To inform the City Clerk that you would like to make a public comment, you will use the “Raise Hand” feature. Information on how to use the raise hand feature can be found on the Zoom website here:

<https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar>.

Zoom Participation Via Computer Or Smartphone

You can join the meeting from your computer using a web browser or the Zoom software (if it is installed). You can also join the meeting using the Zoom app on your Apple IOS or Android device. Click the link below to join the Zoom meeting:

<https://us02web.zoom.us/j/89859225758?pwd=QkF2dG96YjdUZEJREhXc1BsVTVGQT09>

Zoom Participation By Telephone (Audio Only Option)

1. Dial (669) 900-6833.
2. When asked for the meeting ID, enter 898 5922 5758#.
3. When asked for your participant ID, press # to continue.
4. When asked for the meeting password, enter 831741#.
5. You will be muted by default. To inform the City Clerk that you would like to make a public comment, dial *9 to “Raise your hand”. The Clerk will unmute you when it is your turn to speak.

For those requiring a modification or accommodation under the Americans with Disabilities Act, please contact Hope Ithurnburn, City Clerk at (916) 625-5564 or via email at Hope.Ithurnburn@rocklin.ca.us.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA REVIEW

CITIZENS ADDRESSING THE CITY COUNCIL

1. REPORTS FROM CITY COUNCIL AND CITY MANGER

2. CONSENT CALENDAR

2.A Agency Report of Public Official Appointments (FPPC Form 806)

Recommendation: Adopt a Resolution of the City Council of the City of Rocklin Authorizing the City Manager to Execute the Agency Report of Public Official Appointments (FPPC Form 806).

Staff Presentation by Hope Ithurnburn, City Clerk

2.B Health for Humanity Yogathon Proclamation

Recommendation: Approve a Proclamation Recognizing Health for Humanity Yogathon

Staff Presentation by Vice Mayor Greg Janda

2.C [American Rescue Plan Act Funding for Placer County Law Enforcement Chaplaincy](#)

Recommendation: Approve the expenditure of up to \$30,000 of American Rescue Plan Act State and Local Fiscal Recovery Funds to offset a loss in revenue caused by COVID-19 for the Placer County Law Enforcement Chaplaincy.

Staff Presentation by Elizabeth Sorg, Management Analyst

2.D [Special Tax and Assessment District Administration Services Contract](#)

Recommendation: Adopt a Resolution of the City Council of the City of Rocklin Approving the Agreement with Willdan Financial Services for Special Tax and Assessment District Administration Services and Authorizing the City Manager to Execute the Agreement.

Staff Presentation by Daniel Choe, Deputy Director of Administrative Services

2.E [Park Services Aide Class Specification & Salary Placement](#)

Recommendation: Adopt a Resolution of the City Council of the City of Rocklin Approving an Additional Allocation, Assigning a Salary Range for Park Services Aide, and Approving the Updated Public Service Employees Salary Schedule.

Staff Presentation by Elise Hardy, Management Analyst

2.F [Tobacco Law Enforcement Grant](#)

Recommendation: Adopt a Resolution of the City Council of the City of Rocklin Authorizing the City Manager to Execute a Memorandum of Understanding with the California Department of Justice Accepting a Tobacco Law Enforcement Grant.

Staff Presentation by Lieutenant Neil Costa

2.G [Quarterly Building Report](#)

Recommendation: Receive the Quarterly Building report for the Quarter Ended December 31, 2022.

Staff Presentation by David Mohlenbrok, Director of Community Development

2.H [Approval of the Revised Final Map Croftwood Phase 4 \(SD-88-05\)](#)

Recommendation: Adopt a Resolution of the City Council of the City of Rocklin Rescinding the Previous Approval (City Council Resolution No. 2022-260) and Approving the Revised Final Map of Croftwood Phase 4 (Crowne Point Phase I Unit 4) Subdivision (SD-88-05, SPU-91-04), and Approving and Authorizing Execution of a Subdivision Improvement Agreement.

Staff Presentation by Lynn Toth, Associate Civil Engineer

3. SPECIAL PRESENTATIONS

3.A Health for Humanity Yogathon Proclamation

Recommendation: Proclamation Recognizing Health for Humanity Yogathon

Staff Presentation by Vice Mayor Greg Janda

3.B [Presentation of the Rocklin Police Department's Community Oriented Policing and Problem Solving \(C.O.P.P.S.\) Unit](#)

Recommendation: Receive a presentation from the Rocklin Police Department.
Staff Presentation by Lieutenant Neil Costa

4. PUBLIC HEARINGS

4.A [Appeal of the Planning Commission's Approval of a Specific Plan Use Permit Amendment for the Pottery World Highway Wall](#)

[Specific Plan Use Permit Amendment, SPU-98-01A](#)

Recommendation: Adopt a Resolution of the City Council of the City of Rocklin Granting or Denying the Appeal, and Either Affirming, Modifying, or Reversing the Planning Commission's Approval of Specific Plan Use Permit Amendment for the Pottery World Highway Wall.

Staff Presentation by Nathan Anderson, Senior Planner

5. DISCUSSION ITEMS

5.A [Creation of an Arts Commission](#)

Recommendation:

1. Introduce, waive full reading, and read by title only, an Ordinance of the City Council of the City of Rocklin Enacting Chapter 2.43 of the Rocklin Municipal Code, Establishing an Arts Commission.
2. Introduce, waive full reading, and read by title only, an Ordinance of the City Council Amending Chapter 2.44 of the Rocklin Municipal Code to Revise the Parks, Recreation and Arts Commission to the Parks and Recreation Commission.
3. Adopt a Resolution of the City Council of the City of Rocklin Dissolving the Arts Task Force Working Group of the Parks, Recreation and Arts Commission.

Staff Presentation by Sherri Conway, Assistant City Manager

5.B [Midas Avenue Closure and Emergency Repairs](#)

Recommendation: Adopt a Resolution of the City Council of the City of Rocklin Determining an Emergency Exists that Requires the Immediate Expenditure of Public Money to Safeguard Life, Health, Property, or Essential Public Services and Authorizing the City Manager to Take Action Necessary to Repair or Replace Failed Portions of Midas Avenue.

Staff Presentation by Justin Nartker, Public Services Director

6. CITY COUNCIL ACTING AS SUCCESSOR AGENCY

6.A [Successor Agency to the Former Rocklin Redevelopment Agency Recognized Obligation Payment Schedule \(ROPS\) for Fiscal Year 2023/24](#)

Recommendation: Acting as the Successor Agency for the former Rocklin Redevelopment Agency:

Adopt a Resolution of the Successor Agency for the Former Rocklin Redevelopment Agency, Approving the Successor Agency's Recognized Obligation Payment Schedule for Fiscal Year 2023/24, and Authorizing Successor Agency Staff to Submit the ROPS to the Placer County Consolidated Oversight

Board.

Staff Presentation by Angela Doyle, Senior Accountant

7. FUTURE AGENDA ITEMS

8. CLOSED SESSION

- 8.A Pursuant to Government Code section 54957.6, Conference with Labor Negotiators, Agency representatives: City Manager Aly Zimmermann, Director of Administrative Services Tameka Usher, and Deputy Director of Administrative Services Daniel Choe; Employee organization: City of Rocklin Public Service Employees, represented by AFSCME Council 57, Local 146 AFL-CIO.
- 8.B Pursuant to Government Code section 54957, Threat to Public Services or Facilities, Consultation with City Manager and City Attorney.
- 8.C Pursuant to Government Code section 54956.9(d)(1), Conference with Legal Counsel, Existing Litigation, Citizens Voice Organization v. City of Rocklin, et al. Placer Superior Court Case No. S-CV-0049731.

ADJOURNMENT



City Council Regular Meeting Staff Report

Subject: Agency Report of Public Official Appointments (FPPC Form 806)

Date: January 24, 2023

Submitted By: Hope Ithurburn, City Clerk

Department: City Clerk's Office

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Authorizing the City Manager to Execute the Agency Report of Public Official Appointments (FPPC Form 806).

Background:

This form is required pursuant to Fair Political Practices Commission (FPPC) Regulation 18702.5. Agencies are required to post on their website the Form 806, which lists all the paid appointed positions to which an official will vote to appoint themselves. When there is a change in compensation or a new appointment, the Form 806 is updated to reflect the change. The form must be updated promptly as changes occur.

ATTACHMENTS:

1. [Resolution](#)
2. [Resolution Exhibit A - Form 806](#)

RESOLUTION NO. 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
ADOPTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE
THE AGENCY REPORT OF PUBLIC OFFICIALS
APPOINTMENTS (FPPC FORM 806)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council hereby adopts and approves the City Manager to execute the Agency Report of Public Official Appointments (FPPC Form 806) in the form attached hereto as Exhibit A and by this reference incorporated herein.

PASSED AND ADOPTED this 24th day of January, 2023 by the following vote:

AYES: Councilmembers:
NOES: Councilmembers:
ABSENT: Councilmembers:
ABSTAIN: Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

Agency Report of: Public Official Appointments

A Public Document

1. Agency Name City of Rocklin			California Form 806 For Official Use Only
Division, Department, or Region (If Applicable)			
Designated Agency Contact (Name, Title) Hope Ithurnburn, City Clerk			
Area Code/Phone Number (916) 625.5564	E-mail hope.ithurnburn@rocklin.ca.us	Page <u>1</u> of <u>2</u>	Date Posted: (Month, Day, Year)

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
Placer County Air Pollution Control District Board	▶ Name <u>Janda, Greg</u> (Last, First) Alternate, if any <u>Bass, David</u> (Last, First)	▶ <u>1</u> / <u>10</u> / <u>23</u> Appt Date ▶ <u>1 Year</u> Length of Term	▶ Per Meeting: \$ <u>100 + mileage</u> ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☒ \$1,001-\$2,000 ☐ Other
Placer County Flood Control and Drainage District Board	▶ Name <u>Bass, David</u> (Last, First) Alternate, if any <u>Broadway, Ken</u> (Last, First)	▶ <u>1</u> / <u>10</u> / <u>23</u> Appt Date ▶ <u>1 Year</u> Length of Term	▶ Per Meeting: \$ <u>100</u> ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☒ \$1,001-\$2,000 ☐ Other
Placer County Transportation Planning Agency Board	▶ Name <u>Broadway, Ken</u> (Last, First) Alternate, if any <u>Janda, Greg</u> (Last, First)	▶ <u>1</u> / <u>10</u> / <u>23</u> Appt Date ▶ <u>1 Year</u> Length of Term	▶ Per Meeting: \$ <u>100 + mileage</u> ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☒ \$1,001-\$2,000 ☐ Other
Sacramento Area Council of Governments Board	▶ Name <u>Gayaldo, Jill</u> (Last, First) Alternate, if any <u>Halldin, Bill</u> (Last, First)	▶ <u>1</u> / <u>10</u> / <u>23</u> Appt Date ▶ <u>1 Year</u> Length of Term	▶ Per Meeting: \$ <u>200.00</u> ▶ Estimated Annual: ☐ \$0-\$1,000 ☒ \$2,001-\$3,000 ☐ \$1,001-\$2,000 ☐ Other

3. Verification

I have read and understand FPPC Regulation 18702.5. I have verified that the appointment and information identified above is true to the best of my information and belief.

_____ Signature of Agency Head or Designee	Alexandra Zimmermann Print Name	City Manager Title	_____ (Month, Day, Year)
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Comment: _____

Print

Clear

FPPC Form 806 (1/18)
FPPC Toll-Free Helpline: 866/ASK-FPPC (866/275-3772)

Background

This form is used to report additional compensation that officials receive when appointing themselves to positions on committees, boards, or commissions of another public agency or to a committee or position of the agency of which the public official is a member.

This form is required pursuant to FPPC Regulation 18702.5. Each agency must post on its website a single Form 806 which lists all the paid appointed positions to which an official will vote to appoint themselves. When there is a change in compensation or a new appointment, the Form 806 is updated to reflect the change. The form must be updated promptly as changes occur.

Instructions

This form must be posted prior to a vote (or consent item) to appoint a governing board member if the appointee will participate in the decision and the appointment results in additional compensation to the appointee.

FPPC Regulation 18702.5 provides that as long as the public is informed prior to a vote, an official may vote to hold another position even when the vote results in additional compensation.

Part 1. Agency Identification

Identify the agency name and information on who should be contacted for information.

Part 2. Appointments

Identify the name of the other agency, board or commission. List the name of the official, and an alternate, if any.

List the appointment date and the length of term the agency official will serve. Disclose the stipend provided per meeting and the estimated annual payment. The annual salary is an estimate as it will likely vary depending upon the number of meetings. It is not necessary to revise the estimate at the end of the calendar year.

Part 3. Verification

The agency head or his/her designee must sign the verification.

Frequently Asked Questions (FAQs)

1. When does an agency need to complete the Form 806?

A Form 806 is required when an agency's board members vote to appoint a board member to serve on another governmental agency or position of the agency of which the official is a member and will receive additional compensation.

2. The city council votes to serve as the city's housing authority, a separate entity. Will the Form 806 be required?

If the council members receive additional compensation for serving on the housing authority, the Form 806 is required.

3. Are appointments made by a governing board to appoint one of its members to serve as an officer of that board for additional pay (e.g., mayor) required to be disclosed on Form 806?

No. FPPC Regulation 18702.5(b)(6) exempts from this requirement decisions to fill a position on the body of which the official is a member (such as a councilmember being appointed as mayor) despite an increase in compensation.

4. In determining the income, must the agency include mileage reimbursements, travel payments, health benefits, and other compensation?

No. FPPC Regulation 18702.5 requires only the amount of the stipend or salary to be reported.

5. Which agency must post the Form 806?

The agency that is voting to appoint a public official must post the Form 806 on its website. The agency that the official will serve as a member is not required to post the Form 806. The form is not sent to the FPPC.

6. When must the Form 806 be updated?

The Form 806 should be amended promptly upon any of the following circumstances: (1) the number of scheduled meetings is changed, (2) there is a change in the compensation paid to the members, (3) there is a change in membership on the board or commission, or (4) there is a new appointment to a new agency.

7. If officials choose to recuse themselves from the decision and leave the room when a vote is taken to make an appointment, must the Form 806 be completed?

No. The Form 806 is only required to identify those officials that will vote on an appointment in which the official will also receive additional compensation.

Privacy Information Notice

Information requested by the FPPC is used to administer and enforce the Political Reform Act. Failure to provide information may be a violation subject to penalties. All reports are public records available for inspection and reproduction. Direct questions to FPPC's General Counsel, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811.

**Agency Report of:
Public Official Appointments
Continuation Sheet**

California Form 806

A Public Document

Page 2 of 2

1. Agency Name

City of Rocklin

Date Posted: _____
(Month, Day, Year)

2. Appointments

Agency Boards and Commissions	Name of Appointed Person	Appt Date and Length of Term	Per Meeting/Annual Salary/Stipend
Western Placer Waste Management Authority Board	▶ Name <u>Halldin, Bill</u> (Last, First) Alternate, if any <u>Broadway, Ken</u> (Last, First)	▶ <u>1</u> / <u>10</u> / <u>23</u> Appt Date ▶ <u>1 Year</u> Length of Term	▶ Per Meeting: \$ <u>100.00</u> ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☒ \$1,001-\$2,000 ☐ Other
Placer County Local Agency Formation Commission	▶ Name <u>Bass, David</u> (Last, First) Alternate, if any <u>N/A</u> (Last, First)	▶ <u>1</u> / <u>10</u> / <u>23</u> Appt Date ▶ <u>1 Year</u> Length of Term	▶ Per Meeting: \$ <u>100 + mileage</u> ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☒ \$1,001-\$2,000 ☐ Other
	▶ Name _____ (Last, First) Alternate, if any _____ (Last, First)	▶ ____ / ____ / ____ Appt Date ▶ _____ Length of Term	▶ Per Meeting: \$ _____ ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☐ \$1,001-\$2,000 ☐ Other
	▶ Name _____ (Last, First) Alternate, if any _____ (Last, First)	▶ ____ / ____ / ____ Appt Date ▶ _____ Length of Term	▶ Per Meeting: \$ _____ ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☐ \$1,001-\$2,000 ☐ Other
	▶ Name _____ (Last, First) Alternate, if any _____ (Last, First)	▶ ____ / ____ / ____ Appt Date ▶ _____ Length of Term	▶ Per Meeting: \$ _____ ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☐ \$1,001-\$2,000 ☐ Other
	▶ Name _____ (Last, First) Alternate, if any _____ (Last, First)	▶ ____ / ____ / ____ Appt Date ▶ _____ Length of Term	▶ Per Meeting: \$ _____ ▶ Estimated Annual: ☐ \$0-\$1,000 ☐ \$2,001-\$3,000 ☐ \$1,001-\$2,000 ☐ Other

Print

Clear



City Council Regular Meeting Staff Report

Subject: Health for Humanity Yogathon Proclamation

Date: January 24, 2023

Submitted By: Vice Mayor Greg Janda

Department: City Council

Recommendation:
Approve a Proclamation Recognizing Health for Humanity Yogathon

ATTACHMENTS:
[1. Proclamation](#)

Proclamation



Issued by Council

WHEREAS, Yoga is an ancient Hindu practice developed thousands of years ago in the Indian subcontinent for maintaining spiritual, mental, and physical well-being;

WHEREAS, Surya Namaskara, or Sun Salutation, is a traditional yogic practice combining a sequence of postures with breathing exercises;

WHEREAS, Hindu Swayamsevak Sangh, or HSS, is a nonprofit charitable organization with over 235 branches in 164 cities and in 34 states including Connecticut, through which it conducts a Hindu values education program for the Hindu families, and community service activities such as food drives, providing hot meals to shelters and other Sewa ("Service") activities in several cities across 4 Chapter of North Carolina;

WHEREAS, HSS is organizing its annual Health for Humanity Yogathon with the goal of having over 10000 individual participants practice Surya Namaskar to promote the spiritual, mental, and physical well-being of all members of the community; and

WHEREAS, Yoga enthusiasts, yoga studios, local schools, and other community organizations are participating in the HSS Health for Humanity Yogathon.

NOW, THEREFORE, BE IT RESOLVED, that the Rocklin City Council does hereby recognize HSS for organizing its annual Health for Humanity Yogathon to promote the spiritual, mental, and physical well-being of all members of the community, and encourage the citizens to participate in this health awareness activity.

Mayor

Vice Mayor

Councilmember

Councilmember

Councilmember

Dated: January 24, 2023

ATTEST:

Hope Ithurnburn, City Clerk



City Council Regular Meeting Staff Report

Subject: American Rescue Plan Act Funding for Placer County Law Enforcement Chaplaincy

Date: January 24, 2023

Submitted By: Elizabeth Sorg, Management Analyst

Department: City Manager's Office

Recommendation:

Approve the expenditure of up to \$30,000 of American Rescue Plan Act State and Local Fiscal Recovery Funds to offset a loss in revenue caused by COVID-19 for the Placer County Law Enforcement Chaplaincy.

Background:

The Placer County Law Enforcement Chaplaincy (PCLEC) is a 501 (c)(3) nonprofit organization based in Placer County. They offer compassionate assistance during and following critical incidents in Rocklin. They offer support to both residents and Rocklin's first responders.

Due to the COVID-19 pandemic, the PCLEC was unable to hold four of their largest fundraisers in 2020 and 2021. As a result, they lost revenue that supports their critical operations, while at the same time losing volunteers that carry out their services. Despite this, PCLEC continued to serve Rocklin during this time, assisting in critical incidents and offering support to residents and first responders.

At the August 23, 2022 City Council meeting, the City Council approved funding the PCLEC at \$30,000 to provide mental health services to Rocklin residents (attachment 1). However, the PCLEC will not be performing mental health services on behalf of the City of Rocklin. The ARPA Final Rule states that nonprofits are eligible for ARPA-funded grants if they can demonstrate decreased revenue due to COVID-19 (attachment 2). PCLEC can demonstrate a loss in revenue and is thus eligible for ARPA-funded grants to offset a loss in revenue.

Staff recommends the City Council approve ARPA revenue loss funding for PCLEC.

Fiscal Impact:

There is no direct fiscal impact to the City's General Fund. ARPA funds received to date have been set aside in Fund 266 for disbursement as authorized by the City Council.

ATTACHMENTS:

1. [Staff Report 8/23/2022 City Council Meeting](#)
2. [ARPA Final Rule Overview](#)



City Council Staff Report

Subject: Approval of Expenditure of Coronavirus State and Local Fiscal Recovery Funds for Mental and Behavioral Health Services

Date: August 23, 2022

Submitted By: Elizabeth Sorg, Associate Management Analyst

Department: City Manager's Office

Staff Recommendation:

Approve the expenditure of ARPA funds in the amount of \$406,590 to support mental and behavioral health programs for Rocklin residents, and:

A. Adopt a Resolution of the City Council of the City of Rocklin Approving Expenditure of Coronavirus State and Local Fiscal Recovery Funds for the Lighthouse Counseling and Family Resource Center's Provision of Mental and Behavioral Health Support Services, and Authorizing the City Manager to Execute an Agreement with the Lighthouse Counseling and Family Resource Center; and

B. Adopt a Resolution of the City Council of the City of Rocklin Approving Expenditure of Coronavirus State and Local Fiscal Recovery Funds for the Rocklin Unified School District's Provision of Mental and Behavioral Health Support Services, and Authorizing the City Manager to Execute an Agreement with the Rocklin Unified School District.

BACKGROUND:

As of August 23, 2022, the City of Rocklin has received \$7,039,025 in ARPA funding. At the September 21, 2021 Council Meeting, staff proposed an ARPA project list that included spending for community support, internal support, and revenue loss. At the February 22, 2022 City Council meeting, the City Council received an update on the feasibility of ARPA programs and provided further direction to staff to move forward with phase one and phase two of ARPA spending. At the May 10, 2022 City Council meeting, the City Council voted to reallocate \$400,000 worth of funding that was originally planned for façade improvements to mental health support for Rocklin residents.

On June 1, 2022 staff released a Notice of Grant Availability for Mental Health Services for Rocklin residents. The application period closed July 1, 2022 and the City received six applications for a total of \$1,161,590 in requests (Exhibit 1).

Table 1

Organization	Requested Funding	Program Summary
Child Advocates of Placer County (CASA)	\$45,692	Offset two programs in Rocklin: CASA and Family mentors.
Lighthouse Counseling	\$400,000	Open a new Rocklin location for Lighthouse staffed with 3 FTE for 3 years; will offer counseling services, therapeutic groups, educational classes, etc.
Placer Law Enforcement Chaplaincy	\$50,000	Offset a loss in revenue due to COVID and to increase recruitment of volunteers

Rocklin Unified School District	\$115,898	.3 FTE MH Specialist contract through Placer County Office of Education @ Victory High School 5 days of Wellness Together services (currently 4 days) Care Solace Contract (case management and care coordination)
Unity Care Group	\$150,000	Expansion of current program in Rocklin; outpatient mental health services for foster youth living in transitional housing.
Wellness Together	\$400,000	350,000 for counseling sessions for Rocklin residents 50,000 for Latino Leadership Council for outreach
Total	\$1,161,590	

Staff have compiled a list of proposed funding amounts that stay as close to the original budget of \$400,000 as possible. The recommended funding amounts and revised programs are listed below.

Table 2

Organization	Recommended Amount	Suggested program summary
Child Advocates of Placer County (CASA)	\$45,692	Fully fund original program
Lighthouse Counseling	\$215,000	Funding of a two-year program with \$125,000 for the first year and \$90,000 for the second year.
Placer Law Enforcement Chaplaincy	\$30,000	Funding for recruiting volunteers and training existing volunteers
Rocklin Unified School District	\$115,898	Fully fund original program
Unity Care Group	\$	No funding recommended.
Wellness Together	\$0	No funding recommended.
Total	\$406,590	

Proposals

All of the recommended programs below are eligible for ARPA funding under the Responding to the Public Health Emergency category of use, which includes the subcategories Behavioral Health Care and Preventing and Responding to Violence.

Child Advocates of Placer County - \$45,692

Staff recommends fully funding The Child Advocates of Placer County proposal in the amount of \$45,692 to fund two programs for foster youth and families in Rocklin: Court Appointed Special Advocates (CASA) and Family Mentors program. The CASA program will provide funding for court-appointed volunteers to provide support and advocacy for approximately 42 Rocklin youth in the next year. The Family Mentors program will offer life skills and parenting support to approximately 8 Rocklin families who have experienced reunification or are attempting reunification in the next year.

Lighthouse Counseling - \$215,000

Staff recommends funding Lighthouse Counseling at \$215,000. Lighthouse originally requested \$400,000 to open and operate a Rocklin-based counseling center for three years. Staff recommends partially funding a two-year program with \$125,000 of funding for the first year of operation and \$90,000 of funding for the second year. The Rocklin branch of Lighthouse Counseling will offer individual and group counseling sessions, therapeutic groups, educational classes, and case management services for clients. Services would be open to the public, not limited to Rocklin residents. Currently, 3-5 % of Lighthouse's clients are Rocklin residents. They anticipate this number increasing with the inclusion of a Rocklin branch. Lighthouse is interested in exploring other sources of funding and does not plan to close the Rocklin location after the one-time ARPA funds are expended.

Placer Law Enforcement Chaplaincy - \$30,000

Staff recommends funding the Placer Law Enforcement Chaplaincy (PLEC) at \$30,000. PLEC originally requested \$50,000 in funding to offset revenue loss and recruit new volunteers. PLEC offers support to victims of crime and law enforcement officers. They also provide on-site assistance at emergency scenes. Within the first 6 months of this year, they have assisted 32 Rocklin

residents and 27 Rocklin law enforcement personnel at emergency scenes. Staff recommends partially funding this program at \$30,000, which would assist with the recruitment and training of new volunteers to increase services to Rocklin.

Rocklin Unified School District - \$115,898

Staff recommends fully funding the Rocklin Unified School District (RUSD) proposal in the amount of \$115,898 to fund three programs for RUSD students: a 0.3 FTE Mental Health Specialist Contract, an additional day of on-site mental health counseling, and a contract with Care Solace for case management services. All proposed programs will run for one school year, however if the programs are successful RUSD would look for alternate sources of funding for the programs after the expiration of one-time ARPA funds. The 0.3 FTE Mental Health Specialist contract would supplement an existing 0.7 Mental Health Specialist and would make the position a full-time employee contracted through the Placer County Office of Education. This position would offer mental health support to students at Victory High School and offer support to homeless and foster youth students navigating their mental health needs. On-site counseling sessions are currently offered in RUSD four days (42 hours) per week with a contract through Wellness Together. ARPA funding would provide for an additional day of on-site services (32 hours) per week. On-site counselors offer individual and group counseling sessions, family support, and crisis intervention for no cost to the student or their families. Care Solace is company that provides mental health care coordination for students and families. They can assist students, families, and employees in removing barriers to mental health assistance by navigating the insurance process, scheduling counseling sessions, and connecting people to available resources.

Unity Care Group - \$0

Given limitations on amount of available funding, staff does not recommend funding the Unity Care Group proposal. Unity Care Group's original proposal requested \$152,000 in funding for staffing and operating costs to expand mental health services for the 20-30 foster youth living in Rocklin transitional housing. This program would offer treatment for mental health disorders and behavioral conditions. Currently, only mental health crisis response is offered to these clients. Staff does not recommend funding this request.

Wellness Together - \$0

Given limitations on amount of available funding, staff does not recommend funding the Wellness Together proposal. Wellness Together proposed a program that would offer approximately 3,700 counseling sessions free of cost to Rocklin residents. \$350,000 in funding was proposed to offset the cost of the counseling sessions and \$50,000 was proposed for marketing through the Latino Leadership Council. Wellness Together has an established Rocklin location that offers low cost counseling sessions to residents. Wellness Together is also receiving indirect funding through the Rocklin Unified School District's proposal to increase in-school services. For those reasons, staff does not recommend funding this request .

Next Steps

Staff recommends the City Council approve the proposed programs and funding amounts in Table 2 and approve the attached resolutions which authorize the City Manager to enter into agreements with Lighthouse Counseling and Rocklin Unified School District. If approved, staff will execute contracts with Child Advocates of Placer County, Lighthouse Counseling, Placer Law Enforcement Chaplaincy, and Rocklin Unified School District.

Alternatively, the City Council can:

1. Fully fund some or all proposals and reallocate ARPA funding to cover the additional expenses over the initial \$400,000 allocated; or
2. Take no action and direct staff to return with additional information.

Fiscal Impact:

There is no direct fiscal impact to the City's General Fund. ARPA funds are received in and will be administered from the American Rescue Plan Act (ARPA) Fund (Fund 266). Sufficient funds are available in Fund 266 for the grant awards.

ATTACHMENTS:

Description

- ▢ [Resolution A - Lighthouse Counseling](#)
- ▢ [Resolution B - RUSD](#)
- ▢ [Exhibit 1 - Proposals](#)

This Staff Report has been reviewed by the City Attorney for legal sufficiency and by the City Manager for content.

The Finance Department has reviewed this staff report and certifies that budgeted funds are available, unless a budget amendment is being requested as part of this action item.



Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule

U.S. DEPARTMENT OF THE TREASURY

January 2022



The Overview of the Final Rule provides a summary of major provisions of the final rule for informational purposes and is intended as a brief, simplified user guide to the final rule provisions.

The descriptions provided in this document summarize key provisions of the final rule but are non-exhaustive, do not describe all terms and conditions associated with the use of SLFRF, and do not describe all requirements that may apply to this funding. Any SLFRF funds received are also subject to the terms and conditions of the agreement entered into by Treasury and the respective jurisdiction, which incorporate the provisions of the final rule and the guidance that implements this program.



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Introduction

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan, delivers \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

EARLY PROGRAM IMPLEMENTATION

In May 2021, Treasury published the Interim final rule (IFR) describing eligible and ineligible uses of funds (as well as other program provisions), sought feedback from the public on these program rules, and began to distribute funds. The IFR went immediately into effect in May, and since then, governments have used SLFRF funds to meet their immediate pandemic response needs and begin building a strong and equitable recovery, such as through providing vaccine incentives, development of affordable housing, and construction of infrastructure to deliver safe and reliable water.

As governments began to deploy this funding in their communities, Treasury carefully considered the feedback provided through its public comment process and other forums. Treasury received over 1,500 comments, participated in hundreds of meetings, and received correspondence from a wide range of governments and other stakeholders.

KEY CHANGES AND CLARIFICATIONS IN THE FINAL RULE

The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process. Among other clarifications and changes, the final rule provides the features below.

Replacing Lost Public Sector Revenue

The final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting requirements.

Public Health and Economic Impacts

In addition to programs and services, the final rule clarifies that recipients can use funds for capital expenditures that support an eligible COVID-19 public health or economic response. For example, recipients may build certain affordable housing, childcare facilities, schools, hospitals, and other projects consistent with final rule requirements.



In addition, the final rule provides an expanded set of households and communities that are presumed to be “impacted” and “disproportionately impacted” by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of uses available for these communities as part of COVID-19 public health and economic response, including making affordable housing, childcare, early learning, and services to address learning loss during the pandemic eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

Further, the final rule allows for a broader set of uses to restore and support government employment, including hiring above a recipient’s pre-pandemic baseline, providing funds to employees that experienced pay cuts or furloughs, avoiding layoffs, and providing retention incentives.

Premium Pay

The final rule delivers more streamlined options to provide premium pay, by broadening the share of eligible workers who can receive premium pay without a written justification while maintaining a focus on lower-income and frontline workers performing essential work.

Water, Sewer & Broadband Infrastructure

The final rule significantly broadens eligible broadband infrastructure investments to address challenges with broadband access, affordability, and reliability, and adds additional eligible water and sewer infrastructure investments, including a broader range of lead remediation and stormwater management projects.

FINAL RULE EFFECTIVE DATE

The final rule takes effect on April 1, 2022. Until that time, the interim final rule remains in effect; funds used consistently with the IFR while it is in effect are in compliance with the SLFRF program.

However, recipients can choose to take advantage of the final rule’s flexibilities and simplifications now, even ahead of the effective date. Treasury will not take action to enforce the interim final rule to the extent that a use of funds is consistent with the terms of the final rule, regardless of when the SLFRF funds were used. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*, which can be found on Treasury’s website, for more information on compliance with the interim final rule and the final rule.



Overview of the Program

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program provides substantial flexibility for each jurisdiction to meet local needs within the four separate eligible use categories. This Overview of the Final Rule addresses the four eligible use categories ordered from the broadest and most flexible to the most specific.

Recipients may use SLFRF funds to:

- **Replace lost public sector revenue**, using this funding to provide government services up to the amount of revenue loss due to the pandemic.
 - Recipients may determine their revenue loss by choosing between two options:
 - A standard allowance of up to \$10 million in aggregate, not to exceed their award amount, during the program;
 - Calculating their jurisdiction's specific revenue loss each year using Treasury's formula, which compares actual revenue to a counterfactual trend.
 - Recipients may use funds up to the amount of revenue loss for government services; generally, services traditionally provided by recipient governments are government services, unless Treasury has stated otherwise.
- **Support the COVID-19 public health and economic response** by addressing COVID-19 and its impact on public health as well as addressing economic harms to households, small businesses, nonprofits, impacted industries, and the public sector.
 - Recipients can use funds for programs, services, or capital expenditures that respond to the public health and negative economic impacts of the pandemic.
 - To provide simple and clear eligible uses of funds, Treasury provides a list of enumerated uses that recipients can provide to households, populations, or classes (i.e., groups) that experienced pandemic impacts.
 - Public health eligible uses include COVID-19 mitigation and prevention, medical expenses, behavioral healthcare, and preventing and responding to violence.
 - Eligible uses to respond to negative economic impacts are organized by the type of beneficiary: assistance to households, small businesses, and nonprofits.
 - Each category includes assistance for "impacted" and "disproportionately impacted" classes: impacted classes experienced the general, broad-based impacts of the pandemic, while disproportionately impacted classes faced meaningfully more severe impacts, often due to preexisting disparities.
 - To simplify administration, the final rule presumes that some populations and groups were impacted or disproportionately impacted and are eligible for responsive services.

Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule



- Eligible uses for assistance to impacted households include aid for re-employment, job training, food, rent, mortgages, utilities, affordable housing development, childcare, early education, addressing learning loss, and many more uses.
- Eligible uses for assistance to impacted small businesses or nonprofits include loans or grants to mitigate financial hardship, technical assistance for small businesses, and many more uses.
- Recipients can also provide assistance to impacted industries like travel, tourism, and hospitality that faced substantial pandemic impacts, or address impacts to the public sector, for example by re-hiring public sector workers cut during the crisis.
- Recipients providing funds for enumerated uses to populations and groups that Treasury has presumed eligible are clearly operating consistently with the final rule. Recipients can also identify (1) other populations or groups, beyond those presumed eligible, that experienced pandemic impacts or disproportionate impacts and (2) other programs, services, or capital expenditures, beyond those enumerated, to respond to those impacts.
- **Provide premium pay for eligible workers performing essential work**, offering additional support to those who have and will bear the greatest health risks because of their service in critical sectors.
 - Recipients may provide premium pay to eligible workers – generally those working in-person in key economic sectors – who are below a wage threshold or non-exempt from the Fair Labor Standards Act overtime provisions, or if the recipient submits justification that the premium pay is responsive to workers performing essential work.
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet.
 - Recipients may fund a broad range of water and sewer projects, including those eligible under the EPA’s Clean Water State Revolving Fund, EPA’s Drinking Water State Revolving Fund, and certain additional projects, including a wide set of lead remediation, stormwater infrastructure, and aid for private wells and septic units.
 - Recipients may fund high-speed broadband infrastructure in areas of need that the recipient identifies, such as areas without access to adequate speeds, affordable options, or where connections are inconsistent or unreliable; completed projects must participate in a low-income subsidy program.

While recipients have considerable flexibility to use funds to address the diverse needs of their communities, some restrictions on use apply across all eligible use categories. These include:

- **For states and territories:** No offsets of a reduction in net tax revenue resulting from a change in state or territory law.

Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule



- **For all recipients except for Tribal governments:** No extraordinary contributions to a pension fund for the purpose of reducing an accrued, unfunded liability.
- **For all recipients:** No payments for debt service and replenishments of rainy day funds; no satisfaction of settlements and judgments; no uses that contravene or violate the American Rescue Plan Act, Uniform Guidance conflicts of interest requirements, and other federal, state, and local laws and regulations.

Under the SLFRF program, funds must be used for costs incurred on or after March 3, 2021. Further, funds must be obligated by December 31, 2024, and expended by December 31, 2026. This time period, during which recipients can expend SLFRF funds, is the “period of performance.”

In addition to SLFRF, the American Rescue Plan includes other sources of funding for state and local governments, including the [Coronavirus Capital Projects Fund](#) to fund critical capital investments including broadband infrastructure; the [Homeowner Assistance Fund](#) to provide relief for our country’s most vulnerable homeowners; the [Emergency Rental Assistance Program](#) to assist households that are unable to pay rent or utilities; and the [State Small Business Credit Initiative](#) to fund small business credit expansion initiatives. Eligible recipients are encouraged to visit the Treasury website for more information.



Replacing Lost Public Sector Revenue

The Coronavirus State and Local Fiscal Recovery Funds provide needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency. Specifically, SLFRF funding may be used to pay for “government services” in an amount equal to the revenue loss experienced by the recipient due to the COVID-19 public health emergency.

Government services generally include any service traditionally provided by a government, including construction of roads and other infrastructure, provision of public safety and other services, and health and educational services. Funds spent under government services are subject to streamlined reporting and compliance requirements.

In order to use funds under government services, recipients should first determine revenue loss. They may, then, spend up to that amount on general government services.

DETERMINING REVENUE LOSS

Recipients have two options for how to determine their amount of revenue loss. Recipients must choose one of the two options and cannot switch between these approaches after an election is made.

- 1. Recipients may elect a “standard allowance” of \$10 million to spend on government services through the period of performance.**

Under this option, which is newly offered in the final rule Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss, particularly for SLFRF’s smallest recipients.

All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula below, including those with total allocations of \$10 million or less. Electing the standard allowance does not increase or decrease a recipient’s total allocation.

- 2. Recipients may calculate their actual revenue loss according to the formula articulated in the final rule.**

Under this option, recipients calculate revenue loss at four distinct points in time, either at the end of each calendar year (e.g., December 31 for years 2020, 2021, 2022, and 2023) or the end of each fiscal year of the recipient. Under the flexibility provided in the final rule, recipients can choose whether to use calendar or fiscal year dates but must be consistent throughout the period of performance. Treasury has also provided several adjustments to the definition of general revenue in the final rule.

To calculate revenue loss at each of these dates, recipients must follow a four-step process:



- a. Calculate revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the *base year revenue*.
- b. Estimate *counterfactual revenue*, which is equal to the following formula, where n is the number of months elapsed since the end of the base year to the calculation date:

$$\text{base year revenue} \times (1 + \text{growth adjustment})^{\frac{n}{12}}$$

The *growth adjustment* is the greater of either a standard growth rate—5.2 percent—or the recipient’s average annual revenue growth in the last full three fiscal years prior to the COVID-19 public health emergency.

- c. Identify *actual revenue*, which equals revenues collected over the twelve months immediately preceding the calculation date.

Under the final rule, recipients must adjust actual revenue totals for the effect of tax cuts and tax increases that are adopted after the date of adoption of the final rule (January 6, 2022). Specifically, the estimated fiscal impact of tax cuts and tax increases adopted after January 6, 2022, must be added or subtracted to the calculation of actual revenue for purposes of calculation dates that occur on or after April 1, 2022.

Recipients may subtract from their calculation of actual revenue the effect of tax increases enacted prior to the adoption of the final rule. Note that recipients that elect to remove the effect of tax increases enacted before the adoption of the final rule must also remove the effect of tax decreases enacted before the adoption of the final rule, such that they are accurately removing the effect of tax policy changes on revenue.

- d. Revenue loss for the calculation date is equal to *counterfactual revenue* minus *actual revenue* (adjusted for tax changes) for the twelve-month period. If actual revenue exceeds counterfactual revenue, the loss is set to zero for that twelve-month period. Revenue loss for the period of performance is the sum of the revenue loss on for each calculation date.

The supplementary information in the final rule provides an example of this calculation, which recipients may find helpful, in the Revenue Loss section.



SPENDING ON GOVERNMENT SERVICES

Recipients can use SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the above approach. **Government services generally include *any service traditionally provided by a government***, unless Treasury has stated otherwise. Here are some common examples, although this list is not exhaustive:

- ✓ Construction of schools and hospitals
- ✓ Road building and maintenance, and other infrastructure
- ✓ Health services
- ✓ General government administration, staff, and administrative facilities
- ✓ Environmental remediation
- ✓ Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)

Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements. Recipients should be mindful that certain restrictions, which are detailed further in the Restrictions on Use section and apply to all uses of funds, apply to government services as well.



Responding to Public Health and Economic Impacts of COVID-19

The Coronavirus State and Local Fiscal Recovery Funds provide resources for governments to meet the public health and economic needs of those impacted by the pandemic in their communities, as well as address longstanding health and economic disparities, which amplified the impact of the pandemic in disproportionately impacted communities, resulting in more severe pandemic impacts.

The eligible use category to respond to public health and negative economic impacts is organized around the types of assistance a recipient may provide and includes several sub-categories:

- public health,
- assistance to households,
- assistance to small businesses,
- assistance to nonprofits,
- aid to impacted industries, and
- public sector capacity.

In general, to identify eligible uses of funds in this category, recipients should (1) identify a COVID-19 public health or economic impact on an individual or class (i.e., a group) and (2) design a program that responds to that impact. Responses should be related and reasonably proportional to the harm identified and reasonably designed to benefit those impacted.

To provide simple, clear eligible uses of funds that meet this standard, Treasury provides a non-exhaustive list of enumerated uses that respond to pandemic impacts. Treasury also presumes that some populations experienced pandemic impacts and are eligible for responsive services. In other words, recipients providing enumerated uses of funds to populations presumed eligible are clearly operating consistently with the final rule.¹

Recipients also have broad flexibility to (1) identify and respond to other pandemic impacts and (2) serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients can also identify groups or “classes” of beneficiaries that experienced pandemic impacts and provide services to those classes.

¹ However, please note that use of funds for enumerated uses may not be grossly disproportionate to the harm. Further, recipients should consult the Capital Expenditures section for more information about pursuing a capital expenditure; please note that enumerated capital expenditures are not presumed to be reasonably proportional responses to an identified harm except as provided in the Capital Expenditures section.



Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	• Can identify impact to a specific household, business or nonprofit or to a class of households, businesses, or nonprofits (i.e., group) • Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class	• Types of responses can include a program, service, or capital expenditure • Response should be related and reasonably proportional to the harm • Response should also be reasonably designed to benefit impacted individual or class
Simplifying Presumptions	• Final Rule presumes certain populations and classes are impacted and disproportionately impacted	• Final Rule provides non-exhaustive list of enumerated eligible uses that respond to pandemic impacts and disproportionate impacts

To assess eligibility of uses of funds, recipients should first determine the sub-category where their use of funds may fit (e.g., public health, assistance to households, assistance to small businesses), based on the entity that experienced the health or economic impact.² Then, recipients should refer to the relevant section for more details on each sub-category.

While the same overall eligibility standard applies to all uses of funds to respond to the public health and negative economic impacts of the pandemic, each sub-category has specific nuances on its application. In addition:

- Recipients interested in using funds for capital expenditures (i.e., investments in property, facilities, or equipment) should review the Capital Expenditures section in addition to the eligible use sub-category.
- Recipients interested in other uses of funds, beyond the enumerated uses, should refer to the section on “Framework for Eligible Uses Beyond Those Enumerated.”

² For example, a recipient interested in providing aid to unemployed individuals is addressing a negative economic impact experienced by a household and should refer to the section on assistance to households. Recipients should also be aware of the difference between “beneficiaries” and “sub-recipients.” Beneficiaries are households, small businesses, or nonprofits that can receive assistance based on impacts of the pandemic that they experienced. On the other hand, sub-recipients are organizations that carry out eligible uses on behalf of a government, often through grants or contracts. Sub-recipients do not need to have experienced a negative economic impact of the pandemic; rather, they are providing services to beneficiaries that experienced an impact.



RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans' health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:
 - ✓ Vaccination programs, including vaccine incentives and vaccine sites
 - ✓ Testing programs, equipment and sites
 - ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
 - ✓ Public communication efforts
 - ✓ Public health data systems
 - ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances
 - ✓ Medical and PPE/protective supplies
 - ✓ Support for isolation or quarantine
 - ✓ Ventilation system installation and improvement
 - ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety
 - ✓ Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
 - ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
 - ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
 - ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity
 - ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
 - ✓ Public telemedicine capabilities for COVID-19 related treatment



- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
 - ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
 - ✓ Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
 - ✓ Emergency medical response expenses
 - ✓ Treatment of long-term symptoms or effects of COVID-19
- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:
 - ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
 - ✓ Enhanced behavioral health services in schools
 - ✓ Services for pregnant women or infants born with neonatal abstinence syndrome
 - ✓ Support for equitable access to reduce disparities in access to high-quality treatment
 - ✓ Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
 - ✓ Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
 - ✓ Behavioral health facilities & equipment
- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:
 - ✓ Referrals to trauma recovery services for victims of crime
 - ✓ Community violence intervention programs, including:
 - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
 - ✓ In communities experiencing increased gun violence due to the pandemic:
 - Law enforcement officers focused on advancing community policing
 - Enforcement efforts to reduce gun violence, including prosecution
 - Technology & equipment to support law enforcement response



RESPONDING TO NEGATIVE ECONOMIC IMPACTS

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as “impacted” households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as “disproportionately impacted” households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were “impacted” and “disproportionately impacted” by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.

However, note that the final rule maintains that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible under this eligible use category, unless the project responded to a specific pandemic public health need or a specific negative economic impact. Similarly, general economic development or workforce development – activities that do not respond to negative economic impacts of the pandemic but rather seek to more generally enhance the jurisdiction’s business climate – would generally not be eligible under this eligible use category.



Assistance to Households

Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- ✓ Low- or moderate income households or communities
- ✓ Households that experienced unemployment
- ✓ Households that experienced increased food or housing insecurity
- ✓ Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ *When providing affordable housing programs:* households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ✓ *When providing services to address lost instructional time in K-12 schools:* any student that lost access to in-person instruction for a significant period of time

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 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. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area's median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$65,880 per year.³ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury's standards.

³ For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$75,780 per year.



Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- ✓ Food assistance (e.g., child nutrition programs, including school meals) & food banks
- ✓ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ✓ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly-employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ✓ Financial services for the unbanked and underbanked
- ✓ Burials, home repair & home weatherization
- ✓ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- ✓ Assistance in accessing and applying for public benefits or services
- ✓ Childcare and early learning services, home visiting programs, services for child welfare-involved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ✓ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund⁴

⁴ Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).



Disproportionately Impacted Households and Communities

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low -income households and communities
- ✓ Households residing in Qualified Census Tracts
- ✓ Households that qualify for certain federal benefits⁵
- ✓ Households receiving services provided by Tribal governments
- ✓ Households residing in the U.S. territories or receiving services from these governments

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines 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. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$40,626 per year.⁶ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

⁵ 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 and/or Early 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. For services 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 as eligible.

⁶ For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$46,731 per year



Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- ✓ Remediation of lead paint or other lead hazards
- ✓ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ✓ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes
- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing⁷
- ✓ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ✓ Schools and other educational equipment & facilities
- ✓ Responses available to respond to impacts of the pandemic on households and communities (including those listed on page 18)

⁷ Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury's presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.



Assistance to Small Businesses

Small businesses have faced widespread challenges due to the pandemic, including periods of shutdown, declines in revenue, or increased costs. The final rule provides many tools for recipients to respond to the impacts of the pandemic on small businesses, or disproportionate impacts on businesses where pre-existing disparities like lack of access to capital compounded the pandemic's effects.

Small businesses eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "small business," specifically:

1. Have no more than 500 employees, or if applicable, the size standard in number of employees [established](#) by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and
2. Are a small business concern as defined in section 3 of the Small Business Act⁸ (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation).

Impacted Small Businesses

Recipients can identify small businesses impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- | | |
|---------------------------------------|--|
| ✓ Decreased revenue or gross receipts | ✓ Capacity to weather financial hardship |
| ✓ Financial insecurity | ✓ Challenges covering payroll, rent or mortgage, and other operating costs |
| ✓ Increased costs | |

Assistance to small businesses that experienced negative economic impacts includes the following enumerated uses:

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| ✓ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs | ✓ Technical assistance, counseling, or other services to support business planning |
|---|--|

Disproportionately Impacted Small Businesses

Treasury presumes that the following small businesses are disproportionately impacted by the pandemic:

⁸ 15 U.S.C. 632.



- ✓ 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

Assistance to disproportionately impacted small businesses includes the following enumerated uses, which have been expanded under the final rule:

- ✓ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ✓ Support for microbusinesses, including financial, childcare, and transportation costs
- ✓ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses



Assistance to Nonprofits

Nonprofits have faced significant challenges due to the pandemic's increased demand for services and changing operational needs, as well as declines in revenue sources such as donations and fees.

Nonprofits eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "nonprofit"—specifically those that are 501(c)(3) or 501(c)(19) tax-exempt organizations.

Impacted Nonprofits

Recipients can identify nonprofits impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- ✓ Decreased revenue (e.g., from donations and fees)
- ✓ Financial insecurity
- ✓ Increased costs (e.g., uncompensated increases in service need)
- ✓ Capacity to weather financial hardship
- ✓ Challenges covering payroll, rent or mortgage, and other operating costs

Assistance to nonprofits that experienced negative economic impacts includes the following enumerated uses:

- ✓ Loans or grants to mitigate financial hardship
- ✓ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Disproportionately Impacted Nonprofits

Treasury presumes that the following nonprofits are disproportionately impacted by the pandemic:

- ✓ Nonprofits operating in Qualified Census Tracts
- ✓ Nonprofits operated by Tribal governments or on Tribal lands
- ✓ Nonprofits operating in the U.S. territories

Recipients may identify appropriate responses that are related and reasonably proportional to addressing these disproportionate impacts.



Aid to Impacted Industries

Recipients may use SLFRF funding to provide aid to industries impacted by the COVID-19 pandemic. Recipients should first designate an impacted industry and then provide aid to address the impacted industry's negative economic impact.

This sub-category of eligible uses does not separately identify disproportionate impacts and corresponding responsive services.

1. Designating an impacted industry. There are two main ways an industry can be designated as "impacted."

1. If the industry is in the travel, tourism, or hospitality sectors (including Tribal development districts), the industry is impacted.
2. If the industry is outside the travel, tourism, or hospitality sectors, the industry is impacted if:
 - a. The industry experienced at least 8 percent employment loss from pre-pandemic levels,⁹ or
 - b. 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, based on the totality of economic indicators or qualitative data (if quantitative data is unavailable), and if the impacts were generally due to the COVID-19 public health emergency.

Recipients have flexibility to define industries broadly or narrowly, but Treasury encourages recipients to define narrow and discrete industries eligible for aid. State and territory recipients also have flexibility to define the industries with greater geographic precision; for example, a state may identify a particular industry in a certain region of a state as impacted.

2. Providing eligible aid to the impacted industry. Aid may only be provided to support businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, aid should be generally broadly available to all businesses within the impacted industry to avoid potential conflicts of interest, and Treasury encourages aid to be first used for operational expenses, such as payroll, before being used on other types of costs.

⁹ Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021). For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit of government for this calculation (e.g., a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.



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Treasury recognizes the enumerated projects below as eligible responses to impacted industries.

- ✓ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ✓ Technical assistance, counseling, or other services to support business planning
- ✓ COVID-19 mitigation and infection prevention measures (see section Public Health)

As with all eligible uses, recipients may pursue a project not listed above by undergoing the steps outlined in the section Framework for Eligible Uses Beyond Those Enumerated.



PUBLIC SECTOR CAPACITY

Recipients may use SLFRF funding to restore and bolster public sector capacity, which supports government's ability to deliver critical COVID-19 services. There are three main categories of eligible uses to bolster public sector capacity and workforce: Public Safety, Public Health, and Human Services Staff; Government Employment and Rehiring Public Sector Staff; and Effective Service Delivery.

Public Safety, Public Health, and Human Services Staff

SLFRF funding may be used for payroll and covered benefits for public safety, public health, health care, human services and similar employees of a recipient government, for the portion of the employee's time spent responding to COVID-19. Recipients should follow the steps below.

1. **Identify eligible public safety, public health, and human services staff.** Public safety staff include:

- ✓ Police officers (including state police officers)
- ✓ Sheriffs and deputy sheriffs
- ✓ Firefighters
- ✓ Emergency medical responders
- ✓ Correctional and detention officers
- ✓ Dispatchers and supervisor personnel that directly support public safety staff

Public health staff include:

- ✓ Employees involved in providing medical and other physical or mental health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions
- ✓ Laboratory technicians, medical examiners, morgue staff, and other support services essential for patient care
- ✓ Employees of public health departments directly engaged in public health matters and related supervisory personnel

Human services staff include:

- ✓ Employees providing or administering social services and public benefits
- ✓ Child welfare services employees
- ✓ Child, elder, or family care employees

2. **Assess portion of time spent on COVID-19 response for eligible staff.**

Recipients can use a variety of methods to assess the share of an employees' time spent responding to COVID-19, including using reasonable estimates—such as estimating the share of time based on discussions with staff and applying that share to all employees in that position.

For administrative convenience, recipients can consider public health and safety employees entirely devoted to responding to COVID-19 (and their payroll and benefits fully covered by SLFRF) if the



employee, or his or her operating unit or division, is “primarily dedicated” to responding to COVID-19. Primarily dedicated means that more than half of the employee, unit, or division’s time is dedicated to responding to COVID-19.

Recipients must periodically reassess their determination and maintain records to support their assessment, although recipients do not need to track staff hours.

3. **Use SLFRF funding for payroll and covered benefits for the portion of eligible staff time spent on COVID-19 response.** SLFRF funding may be used for payroll and covered benefits for the portion of the employees’ time spent on COVID-19 response, as calculated above, through the period of performance.

Government Employment and Rehiring Public Sector Staff

Under the increased flexibility of the final rule, SLFRF funding may be used to support a broader set of uses to restore and support public sector employment. Eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring, support, and retention.

- **Restoring pre-pandemic employment.** Recipients have two options to restore pre-pandemic employment, depending on the recipient’s needs.
 - *If the recipient simply wants to hire back employees for pre-pandemic positions:* Recipients may use SLFRF funds to hire employees for the same positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021. Recipients may use SLFRF funds to cover payroll and covered benefits for such positions through the period of performance.
 - *If the recipient wants to hire above the pre-pandemic baseline and/or would like to have flexibility in positions:* Recipients may use SLFRF funds to pay for payroll and covered benefits associated with the recipient increasing its number of budgeted FTEs up to 7.5 percent above its pre-pandemic baseline. Specifically, recipients should undergo the following steps:
 - a. Identify the recipient’s budgeted FTE level on January 27, 2020. This includes all budgeted positions, filled and unfilled. This is called the *pre-pandemic baseline*.
 - b. Multiply the pre-pandemic baseline by 1.075. This is called the *adjusted pre-pandemic baseline*.
 - c. Identify the recipient’s budgeted FTE level on March 3, 2021, which is the beginning of the period of performance for SLFRF funds. Recipients may, but are not required to, exclude the number of FTEs dedicated to responding to the COVID-19 public health emergency. This is called the *actual number of FTEs*.
 - d. Subtract the *actual number of FTEs* from the *adjusted pre-pandemic baseline* to calculate the number of FTEs that can be covered by SLFRF funds. Recipients do not have to hire for the same roles that existed pre-pandemic.

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Recipients may use SLFRF funds to cover payroll and covered benefits through the period of performance; these employees must have begun their employment on or after March 3, 2021. Recipients may only use SLFRF funds for additional FTEs hired over the March 3, 2021 level (i.e., the *actual number of FTEs*).

- **Supporting and retaining public sector workers.** Recipients can also use funds in other ways that support the public sector workforce.¹⁰ These include:
 - **Providing additional funding for employees who experienced pay reductions or were furloughed** since the onset of the pandemic, up to the difference in the employee's pay, taking into account unemployment benefits received.
 - **Maintaining current compensation levels to prevent layoffs.** SLFRF funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary.
 - **Providing worker retention incentives, including reasonable increases in compensation** to persuade employees to remain with the employer as compared to other employment options. Retention incentives must be entirely additive to an employee's regular compensation, narrowly tailored to need, and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Treasury presumes that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as other requirements are met.
- **Covering administrative costs associated with administering the hiring, support, and retention programs above.**

Effective Service Delivery

SLFRF funding may be used to improve the efficacy of public health and economic programs through tools like program evaluation, data, and outreach, as well as to address administrative needs caused or exacerbated by the pandemic. Eligible uses include:

- **Supporting program evaluation, data, and outreach through:**

¹⁰ Recipients should be able to substantiate that these uses of funds are substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and respond to its impacts. See the final rule for details on these uses.



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- ✓ Program evaluation and evidence resources
 - ✓ Data analysis resources to gather, assess, share, and use data
 - ✓ Technology infrastructure to improve access to and the user experience of government IT systems, as well as technology improvements to increase public access and delivery of government programs and services
 - ✓ Community outreach and engagement activities
 - ✓ Capacity building resources to support using data and evidence, including hiring staff, consultants, or technical assistance support
- **Addressing administrative needs, including:**
 - ✓ Administrative costs for programs responding to the public health emergency and its economic impacts, including non-SLFRF and non-federally funded programs
 - ✓ Address administrative needs caused or exacerbated by the pandemic, including addressing backlogs caused by shutdowns, increased repair or maintenance needs, and technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, data and case management systems)

**CAPITAL EXPENDITURES**

As described above, the final rule clarifies that recipients may use funds for programs, services, and capital expenditures that respond to the public health and negative economic impacts of the pandemic. Any use of funds in this category for a capital expenditure must comply with the capital expenditure requirements, in addition to other standards for uses of funds.

Capital expenditures are subject to the same eligibility standard as other eligible uses to respond to the pandemic's public health and economic impacts; specifically, they must be related and reasonably proportional to the pandemic impact identified and reasonably designed to benefit the impacted population or class.

For ease of administration, the final rule identifies enumerated types of capital expenditures that Treasury has identified as responding to the pandemic's impacts; these are listed in the applicable sub-category of eligible uses (e.g., public health, assistance to households, etc.). Recipients may also identify other responsive capital expenditures. Similar to other eligible uses in the SLFRF program, no pre-approval is required for capital expenditures.

To guide recipients' analysis of whether a capital expenditure meets the eligibility standard, recipients (with the exception of Tribal governments) must complete and meet the requirements of a written justification for capital expenditures equal to or greater than \$1 million. For large-scale capital expenditures, which have high costs and may require an extended length of time to complete, as well as most capital expenditures for non-enumerated uses of funds, Treasury requires recipients to submit their written justification as part of regular reporting. Specifically:

If a project has total capital expenditures of	and the use is enumerated by Treasury as eligible, then	and the use is beyond those enumerated by Treasury as eligible, then
Less than \$1 million	No Written Justification required	No Written Justification required
Greater than or equal to \$1 million, but less than \$10 million	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury	Written Justification required and recipients must submit as part of regular reporting to Treasury
\$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury	

A Written Justification includes:

- *Description of the harm or need to be addressed.* Recipients should provide a description of the specific harm or need to be addressed and why the harm was exacerbated or caused by the public health emergency. Recipients may provide quantitative information on the extent and the type of harm, such as the number of individuals or entities affected.



- *Explanation of why a capital expenditure is appropriate.* For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.
- *Comparison of proposed capital project against at least two alternative capital expenditures and demonstration of why the proposed capital expenditure is superior.* Recipients should consider the effectiveness of the capital expenditure in addressing the harm identified and the expected total cost (including pre-development costs) against at least two alternative capital expenditures.

Where relevant, recipients should consider the alternatives of improving existing capital assets already owned or leasing other capital assets.

Treasury presumes that the following capital projects are generally ineligible:

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| ✖ Construction of new correctional facilities as a response to an increase in rate of crime | ✖ Construction of convention centers, stadiums, or other large capital projects intended for general economic development or to aid impacted industries |
| ✖ Construction of new congregate facilities to decrease spread of COVID-19 in the facility | |

In undertaking capital expenditures, Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.

**FRAMEWORK FOR ELIGIBLE USES BEYOND THOSE ENUMERATED**

As described above, recipients have broad flexibility to identify and respond to other pandemic impacts and serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients should undergo the following steps to decide whether their project is eligible:

Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	- Can identify impact to a specific household, business or nonprofit or to a class of households, businesses or nonprofits (i.e., group) - Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class	- Types of responses can include a program, service, or capital expenditure - Response should be related and reasonably proportional to the harm - Response should also be reasonably designed to benefit impacted individual or class

1. Identify a COVID-19 public health or negative economic impact on an individual or a class.

Recipients should identify an individual or class that is “impacted” or “disproportionately impacted” by the COVID-19 public health emergency or its negative economic impacts as well as the specific impact itself.

- “Impacted” entities are those impacted by the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency. For example, an individual who lost their job or a small business that saw lower revenue during a period of closure would both have experienced impacts of the pandemic.
- “Disproportionately impacted” entities are those that experienced disproportionate public health or economic outcomes from the pandemic; Treasury recognizes that pre-existing disparities, in many cases, amplified the impacts of the pandemic, causing more severe impacts in underserved communities. For example, a household living in a neighborhood with limited access to medical care and healthy foods may have faced health disparities before the pandemic, like a higher rate of chronic health conditions, that contributed to more severe health outcomes during the COVID-19 pandemic.

The recipient may choose to identify these impacts at either the individual level or at a class level. If the recipient is identifying impacts at the individual level, they should retain documentation supporting the impact the individual experienced (e.g., documentation of lost revenues from a small business). Such documentation can be streamlined in many cases (e.g., self-attestation that a household requires food assistance).

Recipients also have broad flexibility to identify a “class” – or a group of households, small businesses, or nonprofits – that experienced an impact. In these cases, the recipients should



first identify the class and the impact that it faced. Then, recipients only need to document that the individuals served fall within that class; recipients do not need to document a specific impact to each individual served. For example, a recipient could identify that restaurants in the downtown area faced substantial declines in revenue due to decreased foot traffic from workers; the recipient could develop a program to respond to the impact on that class and only needs to document that the businesses being served are restaurants in the downtown area.

Recipients should keep the following considerations in mind when designating a class:

- **There should be a relationship between the definition of the class and the proposed response.** Larger and less-specific classes are less likely to have experienced similar harms, which may make it more difficult to design a response that appropriately responds to those harms.
 - **Classes may be determined on a population basis or on a geographic basis,** and the response should be appropriately matched. For example, a response might be designed to provide childcare to single parents, regardless of which neighborhood they live in, or a response might provide a park to improve the health of a disproportionately impacted neighborhood.
 - **Recipients may designate classes that experienced disproportionate impact,** by assessing the impacts of the pandemic and finding that some populations experienced meaningfully more severe impacts than the general public. To determine these disproportionate impacts, recipients:
 - May designate classes based on academic research or government research publications (such as the citations provided in the supplementary information in the final rule), through analysis of their own data, or through analysis of other existing data sources.
 - May also consider qualitative research and sources to augment their analysis, or when quantitative data is not readily available. Such sources might include resident interviews or feedback from relevant state and local agencies, such as public health departments or social services departments.
 - Should consider the quality of the research, data, and applicability of analysis to their determination in all cases.
 - **Some of the enumerated uses may also be appropriate responses to the impacts experienced by other classes of beneficiaries.** It is permissible for recipients to provide these services to other classes, so long as the recipient determines that the response is also appropriate for those groups.
 - **Recipients may designate a class based on income level, including at levels higher than the final rule definition of "low- and moderate-income."** For example, a recipient may identify that households in their community with incomes above the final rule threshold for low-income nevertheless experienced disproportionate impacts from the pandemic and provide responsive services.
2. **Design a response that addresses or responds to the impact.** Programs, services, and other interventions must be reasonably designed to benefit the individual or class that experienced



the impact. They must also be related and reasonably proportional to the extent and type of impact experienced. For example, uses that bear no relation or are grossly disproportionate to the type or extent of the impact would not be eligible.

“Reasonably proportional” refers to the scale of the response compared to the scale of the harm, as well as the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide a very small amount of aid to a group that experienced severe harm and a much larger amount to a group that experienced relatively little harm. Recipients should consider relevant factors about the harm identified and the response to evaluate whether the response is reasonably proportional. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

For disproportionately impacted communities, recipients may design interventions that address broader pre-existing disparities that contributed to more severe health and economic outcomes during the pandemic, such as disproportionate gaps in access to health care or pre-existing disparities in educational outcomes that have been exacerbated by the pandemic.



Premium Pay

The Coronavirus State and Local Fiscal Recovery Funds may be used to provide premium pay to eligible workers performing essential work during the pandemic. Premium pay may be awarded to eligible workers up to \$13 per hour. Premium pay must be in addition to wages or remuneration (i.e., compensation) the eligible worker otherwise receives. Premium pay may not exceed \$25,000 for any single worker during the program.

Recipients should undergo the following steps to provide premium pay to eligible workers.

- 1. Identify an “eligible” worker.** Eligible workers include workers “needed to maintain continuity of operations of essential critical infrastructure sectors.” These sectors and occupations are eligible:

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| ✓ Health care | ✓ State, local, or Tribal government workforce |
| ✓ Emergency response | ✓ Workers providing vital services to Tribes |
| ✓ Sanitation, disinfection & cleaning | ✓ Educational, school nutrition, and other work required to operate a school facility |
| ✓ Maintenance | ✓ Laundry |
| ✓ Grocery stores, restaurants, food production, and food delivery | ✓ Elections |
| ✓ Pharmacy | ✓ Solid waste or hazardous materials management, response, and cleanup |
| ✓ Biomedical research | ✓ Work requiring physical interaction with patients |
| ✓ Behavioral health | ✓ Dental care |
| ✓ Medical testing and diagnostics | ✓ Transportation and warehousing |
| ✓ Home and community-based health care or assistance with activities of daily living | ✓ Hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment |
| ✓ Family or child care | |
| ✓ Social services | |
| ✓ Public health | |
| ✓ Mortuary | |
| ✓ Critical clinical research, development, and testing necessary for COVID-19 response | |

Beyond this list, the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical so long as doing so is necessary to protecting the health and wellbeing of the residents of such jurisdictions.

- 2. Verify that the eligible worker performs “essential work,”** meaning work that:

- Is not performed while teleworking from a residence; and
- Involves either:
 - a. regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or
 - b. regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work.



3. Confirm that the premium pay “responds to” workers performing essential work during the COVID-19 public health emergency. Under the final rule, which broadened the share of eligible workers who can receive premium pay without a written justification, recipients may meet this requirement in one of three ways:

- Eligible worker receiving premium pay is earning (with the premium included) at or 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 higher, on an annual basis; or
- Eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions; or
- If a worker does not meet either of the above requirements, the recipient must submit written justification to Treasury detailing how the premium pay is otherwise responsive to workers performing essential work during the public health emergency. This may include a description of the essential worker’s duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

Premium pay may be awarded in installments or lump sums (e.g., monthly, quarterly, etc.) and may be awarded to hourly, part-time, or salaried or non-hourly workers. Premium pay must be paid in addition to wages already received and may be paid retrospectively. A recipient may not use SLFRF to merely reimburse itself for premium pay or hazard pay already received by the worker, and premium pay may not be paid to volunteers.



Water & Sewer Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in water and sewer infrastructure. State, local, and Tribal governments have a tremendous need to address the consequences of deferred maintenance in drinking water systems and removal, management, and treatment of sewage and stormwater, along with additional resiliency measures needed to adapt to climate change.

Recipients may undertake the eligible projects below:

PROJECTS ELIGIBLE UNDER EPA'S CLEAN WATER STATE REVOLVING FUND (CWSRF)

Eligible projects under the CWSRF, and the final rule, include:

- ✓ Construction of publicly owned treatment works
- ✓ Projects pursuant to implementation of a nonpoint source pollution management program established under the Clean Water Act (CWA)
- ✓ Decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage
- ✓ Management and treatment of stormwater or subsurface drainage water
- ✓ Water conservation, efficiency, or reuse measures
- ✓ Development and implementation of a conservation and management plan under the CWA
- ✓ Watershed projects meeting the criteria set forth in the CWA
- ✓ Energy consumption reduction for publicly owned treatment works
- ✓ Reuse or recycling of wastewater, stormwater, or subsurface drainage water
- ✓ Security of publicly owned treatment works

Treasury encourages recipients to review the EPA handbook for the [CWSRF](#) for a full list of eligibilities.

PROJECTS ELIGIBLE UNDER EPA'S DRINKING WATER STATE REVOLVING FUND (DWSRF)

Eligible drinking water projects under the DWSRF, and the final rule, include:

- ✓ Facilities to improve drinking water quality
- ✓ Transmission and distribution, including improvements of water pressure or prevention of contamination in infrastructure and lead service line replacements
- ✓ New sources to replace contaminated drinking water or increase drought resilience, including aquifer storage and recovery system for water storage
- ✓ Green infrastructure, including green roofs, rainwater harvesting collection, permeable pavement
- ✓ Storage of drinking water, such as to prevent contaminants or equalize water demands
- ✓ Purchase of water systems and interconnection of systems
- ✓ New community water systems

Treasury encourages recipients to review the EPA handbook for the [DWSRF](#) for a full list of eligibilities.

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ADDITIONAL ELIGIBLE PROJECTS

With broadened eligibility under the final rule, SLFRF funds may be used to fund additional types of projects— such as additional stormwater infrastructure, residential wells, lead remediation, and certain rehabilitations of dams and reservoirs — beyond the CWSRF and DWSRF, if they are found to be “necessary” according to the definition provided in the final rule and outlined below.

- ✓ Culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure
- ✓ Infrastructure to improve access to safe drinking water for individual served by residential wells, including testing initiatives, and treatment/remediation strategies that address contamination
- ✓ Dam and reservoir rehabilitation if primary purpose of dam or reservoir is for drinking water supply and project is necessary for provision of drinking water
- ✓ Broad set of lead remediation projects eligible under EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act, such as lead testing, installation of corrosion control treatment, lead service line replacement, as well as water quality testing, compliance monitoring, and remediation activities, including replacement of internal plumbing and faucets and fixtures in schools and childcare facilities

A “necessary” investment in infrastructure must be:

- (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,
- (2) a cost-effective means for meeting that need, taking into account available alternatives, and
- (3) for investments in infrastructure that supply drinking water in order to meet projected population growth, projected to be sustainable over its estimated useful life.

Please note that DWSRF and CWSRF-eligible projects are generally presumed to be necessary investments. Additional eligible projects generally must be responsive to an identified need to achieve or maintain an adequate minimum level of service. Recipients are only required to assess cost-effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs. Recipients should review the supplementary information to the final rule for more details on requirements applicable to each type of investment.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.

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Broadband Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in broadband infrastructure, which has been shown to be critical for work, education, healthcare, and civic participation during the public health emergency. The final rule broadens the set of eligible broadband infrastructure investments that recipients may undertake.

Recipients may pursue investments in broadband infrastructure meeting technical standards detailed below, as well as an expanded set of cybersecurity investments.

BROADBAND INFRASTRUCTURE INVESTMENTS

Recipients should adhere to the following requirements when designing a broadband infrastructure project:

1. **Identify an eligible area for investment.** Recipients are encouraged to prioritize projects that are designed to serve locations without access to reliable wireline 100/20 Mbps broadband service (meaning service that reliably provides 100 Mbps download speed and 20 Mbps upload speed through a wireline connection), but are broadly able to invest in projects designed to provide service to locations with an identified need for additional broadband investment. Recipients have broad flexibility to define need in their community. Examples of need could include:

- ✓ Lack of access to a reliable high-speed broadband connection
- ✓ Lack of affordable broadband
- ✓ Lack of reliable service

If recipients are considering deploying broadband to locations where there are existing and enforceable federal or state funding commitments for reliable service of at least 100/20 Mbps, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

2. **Design project to meet high-speed technical standards.** Recipients are required to design projects to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of symmetrical 100 Mbps download and upload speeds.

Treasury encourages recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to focus on projects that will achieve last-mile connections. Further, Treasury encourages recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and co-operatives.



3. **Require enrollment in a low-income subsidy program.** Recipients must require the service provider for a broadband project that provides service to households to either:

- ✓ Participate in the FCC's Affordable Connectivity Program (ACP)
- ✓ Provide access to a broad-based affordability program to low-income consumers that provides benefits commensurate to ACP

Treasury encourages broadband services to also include at least one low-cost option offered without data usage caps at speeds sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Recipients are also encouraged to consult with the community on affordability needs.

CYBERSECURITY INVESTMENTS

SLFRF may be used for modernization of cybersecurity for existing and new broadband infrastructure, regardless of their speed delivery standards. This includes modernization of hardware and software.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



Restrictions on Use

While recipients have considerable flexibility to use Coronavirus State and Local Fiscal Recovery Funds to address the diverse needs of their communities, some restrictions on use of funds apply.

OFFSET A REDUCTION IN NET TAX REVENUE

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation beginning on March 3, 2021, through the last day of the fiscal year in which the funds provided have been spent.** If a state or territory cuts taxes during this period, it must demonstrate how it paid for the tax cuts from sources other than SLFRF, such as by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be repaid to the Treasury.

DEPOSITS INTO PENSION FUNDS

- **No recipients except Tribal governments may use this funding to make a deposit to a pension fund.** Treasury defines a “deposit” as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions connected to an eligible use of funds (e.g., for public health and safety staff). Examples of extraordinary payments include ones that:

✖ Reduce a liability incurred prior to the start of the COVID-19 public health emergency and occur outside the recipient's regular timing for making the payment	✖ Occur at the regular time for pension contributions but is larger than a regular payment would have been
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ADDITIONAL RESTRICTIONS AND REQUIREMENTS

Additional restrictions and requirements that apply across all eligible use categories include:

- **No debt service or replenishing financial reserves.** Since SLFRF funds are intended to be used prospectively, recipients may not use SLFRF funds for debt service or replenishing financial reserves (e.g., rainy day funds).
- **No satisfaction of settlements and judgments.** Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is itself not an eligible use. However, if a settlement requires the recipient to provide services or incur other costs that are an eligible use of SLFRF funds, SLFRF may be used for those costs.
- **Additional general restrictions.** SLFRF funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that

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U.S. DEPARTMENT OF THE TREASURY

undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).



Program Administration

The Coronavirus State and Local Fiscal Recovery Funds final rule details a number of administrative processes and requirements, including on distribution of funds, timeline for use of funds, transfer of funds, treatment of loans, use of funds to meet non-federal match or cost-share requirements, administrative expenses, reporting on use of funds, and remediation and recoupment of funds used for ineligible purposes. This section provides a summary for the most frequently asked questions.

TIMELINE FOR USE OF FUNDS

Under the SLFRF, funds must be used for costs incurred on or after March 3, 2021. Further, costs must be obligated by December 31, 2024, and expended by December 31, 2026.

TRANSFERS

Recipients may undertake projects on their own or through subrecipients, which carry out eligible uses on behalf of a recipient, including pooling funds with other recipients or blending and braiding SLFRF funds with other sources of funds. Localities may also transfer their funds to the state through section 603(c)(4), which will decrease the locality's award and increase the state award amounts.

LOANS

Recipients may generally use SLFRF funds to provide loans for uses that are otherwise eligible, although there are special rules about how recipients should track program income depending on the length of the loan. Recipients should consult the final rule if they seek to utilize these provisions.

NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

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, 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 Office of Management and Budget 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.

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.

ADMINISTRATIVE EXPENSES

SLFRF funds may be used for direct and indirect administrative expenses involved in administering the program. For details on permissible direct and indirect administrative costs, recipients should refer to Treasury's [Compliance and Reporting Guidance](#). Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs.

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REPORTING, COMPLIANCE & RECOUPMENT

Recipients are required to comply with Treasury's [Compliance and Reporting Guidance](#), which includes submitting mandatory periodic reports to Treasury.

Funds used in violation of the final rule are subject to remediation and recoupment. As outlined in the final rule, Treasury may identify funds used in violation through reporting or other sources. Recipients will be provided with an initial written notice of recoupment with an opportunity to submit a request for reconsideration before Treasury provides a final notice of recoupment. If the recipient receives an initial notice of recoupment and does not submit a request for reconsideration, the initial notice will be deemed the final notice. Treasury may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.

REVISIONS TO THE OVERVIEW OF THE FINAL RULE:

- January 18, 2022 (p. 4, p. 16): Clarification that the revenue loss standard allowance is “up to” \$10 million under the Replacing Lost Public Sector Revenue eligible use category; addition of further information on the eligibility of general infrastructure, general economic development, and worker development projects under the Public Health and Negative Economic Impacts eligible use category.
- March 17, 2022 (p. 18): Specified that provision of child nutrition programs is available to respond to impacts of the pandemic on households and communities.



City Council Regular Meeting Staff Report

Subject: Special Tax and Assessment District Administration Services Contract

Date: January 24, 2023

Submitted By: Megan Bressem, Management Analyst
Daniel Choe, Deputy Director of Administrative Services

Department: Administrative Services - Finance

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Approving the Agreement with Willdan Financial Services for Special Tax and Assessment District Administration Services and Authorizing the City Manager to Execute the Agreement.

Background:

Community Facilities Districts (CFDs) and Lighting & Landscaping Maintenance Districts (LLMDs) provide a funding mechanism for local governments to levy special taxes to finance construction and acquisition of public facilities to support new development, provide public services, and maintain existing facilities pursuant to the Mello-Roos Community Facilities Act of 1982 and the Landscaping and Lighting Act of 1972.

The City of Rocklin (City) currently has seven CFDs, two LLMDs, a Park Maintenance and Development Tax, Successor Agency to the City of Rocklin Redevelopment Agency (RDA) Bonds, and Lease Revenue Bonds.

The CFDs and bonds require assessments, detailed administration, and delinquency management to support the collection of special taxes and fees through the property tax roll. Extensive annual reports are required to maintain federal/state compliance. These are specialized services that should be performed by a qualified firm.

On October 28, 2022, the City released a Request for Proposals for Special Tax and Assessment District Administration Services. On November 18, 2022, the City received two proposals, from Willdan Financial Services and NBS Consultants. The proposals were reviewed by an evaluation team comprised of staff from the Administrative Services Department and the Community Development Department. The proposals were evaluated in the following areas:

- Firm's understanding of the City's special districts, bond administration needs, and reporting requirements;

- Demonstrated experience, resources, and qualifications of the firm and individuals in providing the requested administration and reporting services for Special Tax and Assessment Districts for state/local governments;
- Understanding of the project – Proposed Project Plan;
- Quality and completeness of the sample reports submitted;
- Professional references; and
- Fees.

Willdan Financial Services (Willdan) was the top-ranking firm based on the evaluation criteria . In addition, Willdan has been providing these services for the City and is familiar with the City's special districts and its administration requirements. Willdan will provide the following services:

- Mello-Roos Administration, including assessments and special tax installments for each parcel for placement on the property tax roll;
- Arbitrage rebate services;
- Annual Continuing Disclosure and CDIAC reporting obligations;
- Delinquency management;
- Bond administration; and
- Preparation of the Annual Engineer's Report and Budget

Staff recommends awarding the contract for Special Tax and Assessment District Administration Services to Willdan Financial Services and authorizing the City Manager to execute the contract for a five-year term, in an amount not-to-exceed \$597,000.

Fiscal Impact:

There is no direct fiscal impact to the General Fund from this staff recommendation. The total contract not-to-exceed amount is \$597,000 for the term of the contract. The first year's fees are estimated at \$97,800, including administration, reporting, delinquency management, and a 15% contingency. The contract cost for the current year is included in the Fiscal Year (FY) 2022/23 Budget. The out-year costs are subject to increase and will be capped at the most recent annual Consumer Price Index, as calculated by the United States Department of Labor. Costs borne by the administration of the special districts are paid for by special taxes levied from each of the applicable districts.

ATTACHMENTS:

1. [Resolution](#)
2. [Resolution Exhibit A - Contract](#)

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
APPROVING THE AGREEMENT WITH WILLDAN FINANCIAL SERVICES FOR SPECIAL TAX
AND ASSESSMENT DISTRICT ADMINISTRATION SERVICES, AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, Community Facilities Districts (CFDs) and Lighting & Landscaping Maintenance Districts (LLMDs) provide a funding mechanism for local governments to levy special taxes to finance construction and acquisition of public facilities to support new development, provide public services, and maintain existing facilities pursuant to the Mello-Roos Community Facilities Act of 1982 and the Landscaping and Lighting Act of 1972; and

WHEREAS, the City of Rocklin (City) currently has seven CFDs, two LLMDs, a Park Maintenance and Development Tax, Successor Agency to the City of Rocklin Redevelopment Agency (RDA) Bonds, and Lease Revenue Bonds; and

WHEREAS, the CFDs and bonds require assessments, detailed administration, and delinquency management to support the collection of special taxes and fees through the property tax roll. Extensive annual reports are required to maintain federal/state compliance. These are specialized services that should be performed by a qualified firm; and

WHEREAS, on October 28, 2022, the City issued a Request For Proposals for Special Tax and Assessment District Administration Services and the City received two proposals. Willdan Financial Services was determined to be the top-ranking firm based on the evaluation criteria; and

WHEREAS, City staff recommend entering into an agreement with Willdan Financial Services for special tax and assessment district administration services for a five-year term, in a total contract not-to-exceed amount of \$597,000.

NOW, THEREFORE, The City Council of the City of Rocklin does resolve as follows:

Section 1. The agreement with Willdan Financial Services for special tax and assessment district administration services approved, and the City Manager is authorized to execute the agreement in substantially in the form attached hereto as Exhibit "A."

PASSED AND ADOPTED this 24th day of January, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

CONTRACT FOR SERVICES

THIS CONTRACT is made on January 1, 2023, by and between the CITY OF ROCKLIN a municipal corporation ("City"), and Willdan Financial Services ("Contractor"), who mutually agree as follows:

1. SCOPE OF SERVICES

Subject to the terms and conditions set forth in this agreement, Contractor shall provide to the City the services described in the Scope of Work, Exhibit A. Contractor shall provide the services at the time, place and in the manner specified in Exhibits A and/or B. Contractor shall not be compensated for services outside the scope of Exhibit A unless prior to the commencement of the services: (a) Contractor notifies the City and City agrees the services are outside the scope of Exhibit A; (b) Contractor estimates the additional compensation required for these additional services; and (c) City after notice, approves in writing a supplemental agreement specifying the additional services and the amount of compensation therefore. City shall have no obligation whatsoever under this agreement or any supplemental agreement, unless and until the agreement or supplemental agreement is approved by the City Manager, the City Manager's authorized designee, or by the Rocklin City Council, as required by the Rocklin Municipal Code or other local law or policy.

2. COMPENSATION

A. The City shall pay Contractor for the services rendered pursuant to this agreement at the times and in the manner set forth in the Scope of Services, Exhibit A, the Schedule for Performance, Exhibit B, and in accordance with the Schedule of Fees in Exhibit C, but in no event shall the total compensation exceed the **total sum of five hundred and ninety-seven thousand dollars (\$597,000)**. The payments specified in Exhibits A and/or B shall be the only payments to be made to Contractor for the services rendered pursuant to this Agreement unless pursuant to Section 1, above, City approves additional compensation for additional services.

B. Contractor shall furnish City with invoices for all expenses as well as for all materials authorized by this Contract. The invoices shall be submitted with the monthly billings. Reimbursable expenses shall be limited to actual expenditures of Contractor for expenses that are necessary for the proper completion of the services and shall only be payable if specifically authorized in advance by City.

C. Contractor shall submit all billings/invoices for services to City in the manner specified in Exhibit B. Contractor's fees shall be as specified in the Scope of Work, Exhibit A or the Schedule of Fees as set forth in Exhibit C. All invoices submitted by Contractor shall contain the following information:

- (1) Job/project name or description;
- (2) City's current purchase order and/or work order number (if applicable);
- (3) Contractor's invoice number;
- (4) Date of invoice issuance;
- (5) Description of services billed under invoice, including the description of tasks performed and the corresponding rate charged for the completion of that task;
- (6) Amount of invoice, itemizing all authorized reimbursable expenses; and

(7) Total billed to date under agreement.

D. City shall make payment to Contractor net 30 days from receipt of an acceptable invoice. If Contractor's performance is not in conformity with the Scope of Work, Exhibit A, or the Schedule of Performance, Exhibit B, or the provisions set forth above, payments may be delayed or denied, unless the Contractor's failure to perform is a documented result of the City's failure to conform with the Schedule of Performance, or if the Schedule of Performance is extended pursuant to Section 4. City shall not be responsible for delays in payment to Contractor resulting from Contractor's failure to comply with the invoice format described above, or as set forth in the Schedule of Performance.

E. During performance of the agreement and for a period of three (3) years after completing all services, Contractor shall maintain all accounting and financial records related to this Agreement, including but not limited to records of Contractor's costs for all services performed under this agreement and records of Contractor's reimbursable expenses, in accordance with generally accepted accounting practices, and shall keep and make the records available for inspection and audit by representatives of the City upon reasonable written notice.

F. Contractor shall pay when and as due, any and all taxes incurred as a result of Contractor's compensation hereunder, including estimated taxes, and shall provide City with proof of payment upon request. Contractor hereby agrees to indemnify City for any claims, losses, costs, fees, liabilities, damages or injuries suffered by City arising out of Contractor's breach of this section.

3. FACILITIES AND EQUIPMENT

Contractor shall at its sole cost and expense, furnish all facilities and equipment that may be required for Contractor to perform services pursuant to this agreement. City shall furnish to Contractor, only the facilities and equipment listed in Exhibit A (if any) according to any terms and conditions set forth in Exhibit A.

4. TERM OF CONTRACT

A. This agreement shall become effective on the date that it is approved by both parties, set forth on the first page of the agreement and shall continue in effect until December 31, 2027, unless sooner terminated as provided herein.

B. The services of Contractor are to commence upon execution of this Contract and shall be undertaken and completed in accordance with the Schedule of Performance attached hereto and incorporated herein by this reference as **Exhibit B**.

5. SUSPENSION/TERMINATION:

A. City shall have the right at any time to temporarily suspend Contractor's performance hereunder, in whole or in part, by giving written notice of suspension to Contractor. If City gives such notice, Contractor shall immediately suspend its activities under this agreement.

B. This Contract may be terminated by either party, provided that the other party is given not less than **thirty (30)** calendar days' written notice (delivered by certified mail, return receipt requested) of intent to terminate. If the agreement is terminated by the City:

- i. Contractor shall immediately cease rendering services pursuant to this agreement;
- ii. Contractor shall, not later than five days after such notice of termination, deliver to City copies of all information prepared pursuant to this agreement;
- iii. City shall pay Contractor the reasonable value of services rendered by Contractor prior to termination; provided however, City shall not in any manner be liable for lost profits that might have been made by Contractor had the agreement not been terminated or had Contractor completed the services required by this agreement. Contractor shall furnish to City such financial information as in the judgment of the City is necessary for City to determine the reasonable value of the services rendered by Contractor. The foregoing is cumulative and does not affect any right or remedy that city may have in law or equity.

C. Notwithstanding any provisions of this Contract, Contractor shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of this Contract by Contractor, and the City may withhold any payments due to Contractor until such time as the exact amount of damages, if any, due the City from Contractor is determined.

6. INDEPENDENT CONTRACTOR

Contractor enters into this Contract as an independent contractor and not as an employee or agent of the City. Contractor shall have no power or authority by this Contract to act on behalf of City in any capacity whatsoever as an agent, or to bind the City in any respect or to any obligations whatsoever. Nothing in this Contract shall be construed to be inconsistent with this relationship or status. All employees, agents, contractors or subcontractors hired or retained by the Contractor are employees, agents, contractors or subcontractors of the Contractor and not of the City. The City shall not be obligated in any way to pay any wage claims or other claims made against Contractor by any such employees, agents, contractors or subcontractors, or any other person resulting from performance of this agreement.

7. AMENDMENTS, CHANGES OR MODIFICATIONS

Amendments, changes or modifications in the terms of this Contract may be made at any time by mutual written agreement between the parties hereto and shall be signed by the persons authorized to bind the parties hereto.

8. EXTENSIONS OF TIME

Contractor may, for good cause, request extensions of time to perform the services required hereunder. Such extensions shall be authorized in advance by the City in writing and shall be incorporated in written amendments to this Contract or the attached Work Program in the manner provided in Section 7.

9. PROPERTY OF CITY

It is mutually agreed that all materials prepared by the Contractor under this Contract shall become the property of the City, and the Contractor shall have no property right therein whatsoever. Immediately upon termination, the City shall be entitled to, and the Contractor shall

deliver to the City, all data, drawings, specifications, reports, estimates, summaries and other such materials as may have been prepared or accumulated to date by the Contractor in performing this Contract which is not Contractor's privileged information, as defined by law, or Contractor's personnel information, along with all other property belonging exclusively to the City which is in the Contractor's possession.

10. COMPLIANCE WITH ALL LAWS:

Contractor shall keep itself fully informed of, shall observe and comply with, and shall cause any and all persons, firms or corporations employed by it or under its control to observe and comply with, all applicable laws, ordinances, and codes of federal, State and local governments, which in any manner affect those engaged or employed on the work described by this Contract or the materials used or which in any way affect the conduct of the work, and shall commit no trespass on any public or private property in performing any of the work authorized by this Contract.

For all leases and purchases of materials, equipment, supplies or other tangible personal property used to perform the agreement and shipped from outside California, the Contractor and any subcontractors leasing or purchasing such materials, equipment, supplies or other tangible personal property shall obtain a Use Tax Direct Payment Permit or Seller's Permit from the California State Board of Equalization, in accordance with the applicable SBE criteria and requirements. This provision applies in all instances unless prohibited by the funding source for the agreement.

11. WARRANTIES AND RESPONSIBILITIES - CONTRACTOR

A. Contractor agrees and represents that it is qualified to properly provide the services set forth in **Exhibit "A"** in a manner which is consistent with the generally accepted standards of Contractor's profession.

B. Contractor is duly licensed, qualified and experienced to perform the services set forth in the Scope of Services, Exhibit A. Contractor represents and warrants that Contractor has all licenses, permits, qualifications and approvals of whatsoever nature that are legally required for Contractor to practice its profession or provide any services under this agreement. Contractor represents and warrants that Contractor shall, at its sole cost and expense, keep in effect or obtain at all times during the term of this agreement, any licenses, permits and approvals that are legally required for Contractor to practice its profession or provide such services. If Contractor is an out of state corporation, Contractor further warrants and represents that it possesses a valid certification of qualification to transact business in the State of California issued by the California Secretary of State.

C. Contractor shall perform all services required pursuant to this agreement in the manner and according to the standards currently observed by a competent practitioner of Contractor's profession in California. Contractor shall devote such time and effort to the performance of services pursuant to this agreement as is necessary for the satisfactory and timely performance of Contractor's obligations under this agreement. Neither party shall be considered in default of this agreement to the extent that party's performance is prevented or delayed by any cause that is beyond the reasonable control of that party.

D. All products of whatsoever nature that Contractor delivers to City pursuant to this Agreement shall be prepared in a professional manner and conform to the standards of quality normally observed by a person currently practicing in Contractor's profession, and shall be provided in accordance with any scope of services or schedule of performance specified in Exhibits A or B.

E. Contractor shall assign only competent personnel to perform services pursuant to this agreement. Contractor shall designate a project manager who at all times shall represent the Contractor before the City on all matters relating to this Contract. The project manager shall continue in such capacity unless and until he or she is removed at the request of the City, is no longer employed by Contractor, or is replaced with the written approval of the City, which approval shall not be unreasonably withheld. Contractor shall notify City in writing, of any other changes in Contractor's staff assigned to perform the services required under this agreement, prior to any such performance. In the event the City desires the removal of any person assigned by Contractor to perform services pursuant to this agreement, because the City in its sole discretion, determines that such person is not performing in accordance with the standards required herein, Contractor shall remove such person immediately upon receiving notice from the City of the desire for the removal of such person.

F. Contractor agrees and represents that the work performed under this Contract shall be in accordance with applicable federal, State and local law.

G. Contractor shall provide corrective services without charge to the City for services which fail to meet the above professional and legal standards and which are reported to Contractor in writing within sixty (60) days of discovery. Should Contractor fail or refuse to perform promptly its obligations, the City may render or undertake performance thereof and the Contractor agrees it has satisfied itself by its own investigation and research regarding the conditions affecting the work to be done and labor and materials needed, and that its decision to execute this agreement is based on such independent investigation and research. Contractor shall be liable for any expenses thereby incurred.

12. SUBCONTRACTING

None of the services covered by this Contract shall be subcontracted without the prior written consent of the City, which will not be unreasonably withheld. Contractor shall be as fully responsible to the City for the negligent acts and omissions of its contractors and subcontractors, and of persons either directly or indirectly employed by them, as it is for the negligent acts and omissions of persons directly employed by Contractor.

13. ASSIGNABILITY

Contractor shall not assign or transfer any interest in this Contract whether by assignment or novation, without the prior written consent of the City. The City has a strong interest in the qualifications and capability of the persons and entities that will fulfill the obligations imposed on Contractor under this agreement. However, claims for money due or to become due Contractor from the City under this Contract may be assigned to a financial institution, or to a trustee in bankruptcy, without such approval. Notice of any assignment or transfer whether voluntary or involuntary shall be furnished promptly to the City.

14. INTEREST IN CONTRACT

Contractor covenants that neither it, nor any of its employees, agents, contractors, or subcontractors has any interest, nor shall they acquire any interest, direct or indirect, in the subject of the Contract, nor any other interest which would conflict in any manner or degree with the performance of its services hereunder. Contractor shall make all disclosures required by the City's conflict of interest code in accordance with the category designated by the City, unless the City Manager determines in writing that Contractor's duties are more limited in scope than is warranted by the category designated by the City code and that a narrower disclosure category should apply. Contractor also agrees to make disclosure in compliance with the City conflict of interest code if, at any time after the execution of this Contract, City determines and notifies Contractor in writing that Contractor's duties under this Contract warrant greater disclosure by Contractor than was originally contemplated. Contractor shall make disclosures in the time, place and manner set forth in the conflict of interest code and as directed by the City.

15. MATERIALS CONFIDENTIAL

To the extent permitted by law, all of the materials prepared or assembled by Contractor pursuant to performance of this Contract are confidential and Contractor agrees that they shall not be made available to any individual or organization without the prior written approval of the City, except by court order.

16. LIABILITY OF CONTRACTOR-NEGLIGENCE

Contractor shall be responsible for performing the work under this Contract in a manner which is consistent with the generally-accepted standards of the Contractor's profession and shall be liable for its own negligence and the negligent acts of its employees, agents, contractors and subcontractors. The City shall have no right of control over the manner in which the work is to be done but only as to its outcome, and shall not be charged with the responsibility of preventing risk to Contractor or its employees, agents, contractors or subcontractors.

17. INDEMNITY AND LITIGATION, COSTS

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify the City, its officers, officials, agents, employees and volunteers against any and all claims, damages, demands, liability, costs, losses and expenses, including without limitation court costs and reasonable attorneys' fees, arising from all acts or omissions of Contractor, or its officers, agents or employees in rendering services under this Agreement; excluding however, such liability, claims, losses, damages or expenses arising from the City's sole negligence, or willful acts. The provisions of this paragraph shall survive termination or suspension of this Contract. These Indemnification provisions are independent of and shall not in any way be limited by the Insurance requirements of this agreement. City approval of the Insurance required by this Agreement does not in any way relieve the Contractor from liability under this section.

18. CONTRACTOR TO PROVIDE INSURANCE

Contractor agrees to have and maintain the policies set forth below, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, or employees. All policies, endorsements, certificates, and/or binders shall be subject to approval by the City as to form and

content. A lapse in any required insurance coverage during this Agreement shall be a breach of this Agreement.

A. MINIMUM SCOPE AND LIMIT OF INSURANCE

1. **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$2,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
2. **Automobile Liability:** Insurance Services Office Form Number CA 00 01 covering any auto (Code 1), or if Contractor has no owned autos, covering hired (Code 8) and non-owned autos (Code 9), with limit no less than **\$1,000,000** per accident for bodily injury and property damage.
3. **Workers' Compensation** as required by the State of California, with Statutory Limits and Employer's Liability Insurance with limit of no less than **\$1,000,000** per accident for bodily injury or disease. If Contractor has no employees, Contractor must notify City if an employee is hired, verify proof of coverage for any subcontractors, and agrees to hold City harmless and defend City from claims arising from failure to provide workers' compensation benefits.
4. **Professional Liability (Errors and Omissions):** Insurance appropriate to the Contractor's profession, with limit no less than **\$2,000,000** per occurrence or claim, **\$2,000,000** aggregate. Professional liability coverage shall extend for at least five years after completion of the Contractor's services under this Agreement.

If the Contractor maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or the higher limits maintained by the contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

B. OTHER INSURANCE PROVISIONS

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. **Additional Insured Status.** The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).
2. **Primary Coverage.** For any claims related to this contract, the Contractor's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the City, its officers, officials, employees, or volunteers. Any

insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

3. **Notice of Cancellation.** Each insurance policy required above shall provide that coverage shall not be canceled, except with 30 days' notice to the City, with ten days' for notice of cancellation due to non-payment.

4. **Waiver of Subrogation.** Contractor hereby grants to City a waiver of any right to subrogation which any insurer of said Contractor may acquire against the City by virtue of the payment of any loss under such insurance. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

5. **Self-Insured Retentions.** Self-insured retentions must be declared to and approved by the City. The City may require the Contractor to purchase coverage with a lower retention or provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

6. **Acceptability of Insurers.** Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

7. **Claims Made Policies.** If any of the required policies for professional liability insurance provide claims-made coverage:

- i. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
- ii. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
- iii. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Contractor must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

8. **Verification of Coverage.** Contractor shall furnish the City with original Certificate of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to the City before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

9. **Subcontractors.** Contractor shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that City is an additional insured on insurance required from subcontractors.

10. **Special Risks or Circumstances.** City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

19. GENERAL/MISCELLANEOUS PROVISIONS:

A. **Contract Documents.** This agreement and its exhibits shall be known as the "Contract Documents." Terms set forth in any Contract Document shall be deemed to be incorporated in all Contract Documents as if set forth in full therein. In the event of conflict between terms contained in these Contract Documents, the more specific term shall control. If any portion of the Contract Documents shall be in conflict with any other portion, provisions contained in the Contract shall govern over conflicting provisions contained in the exhibits to the Contract. In the event of any conflict between the terms or conditions of this written agreement and any terms or conditions of any document prepared or provided by Contractor and made a part of this agreement, including without limitation any document relating to the scope of services or payment therefor, the written terms of this document shall control over those terms or conditions.

B. **Non-Discrimination in Employment and Equal Employment Opportunity.** Contractor shall not engage in unlawful employment discrimination. Such unlawful employment discrimination includes, but is not limited to, employment discrimination based upon a person's race, color, ancestry, national origin, religious creed, sex (including pregnancy, childbirth breastfeeding or related medical condition), sexual orientation, gender, gender identity, gender expression and age (over 40), disability (mental and physical), medical condition, marital status, citizenship, and military and veteran status.

C. **Inspection of Records.** Contractor shall maintain and make available for inspection by the City and its auditors accurate records of all of its costs, disbursements and receipts with respect to any work under this Contract. Such inspections may be made during regular office hours at any time until six (6) months after the final payments under this Contract are made to the Contractor.

D. **Entire Agreement.** This Contract constitutes the entire agreement between the parties relative to the services specified herein and supersedes whatever oral or written understanding they may have had prior to the execution of this agreement. No alteration or modification of this agreement shall be valid or effective unless and until such modification is evidenced by a writing signed by both parties to this Contract, by persons authorized to act on behalf of the parties. There are no understandings, agreements, conditions, representations, warranties or promises, with respect to this Contract, except those contained in or referred to in the writing.

E. **Severability.** If any portion of this agreement or the application thereof to any person or circumstance shall be held invalid or unenforceable, the remainder of this agreement shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

F. **Waiver.** Neither City's acceptance of, or payment for, any service performed by Contractor, nor any waiver by either party of any default, breach, or condition precedent, shall be construed as a waiver of any provision of this agreement, nor as a waiver of any other default, breach or condition precedent or any other right hereunder.

G. **Notice.** All notices that are required to be given by one party to the other under this Contract shall be in writing and shall be deemed to have been given if delivered personally or enclosed in a properly addressed envelope and deposited in a United States Post Office for delivery by registered or certified mail addressed to the parties at the following addresses:

City:	Daniel Choe Deputy Director of Administrative Services City of Rocklin 3970 Rocklin Road Rocklin, CA 95677 Email: daniel.choe@rocklin.ca.us
Copy to:	City Attorney City of Rocklin 3970 Rocklin Road Rocklin, CA 95677 Email: LegalNotices@rocklin.ca.us
Contractor:	Ms. Josephine Moses Willdan Financial Services 27368 Via Industria, Suite 200 Temecula, CA 92590 Email: jmoses@willdan.com

H. **Enforcement of Agreement.** This Contract shall be interpreted, governed and enforced in accordance with the laws of the State of California. Venue of any action arising out of this Contract shall be brought and maintained in Placer County California, regardless of where else venue may lie. The parties consent to jurisdiction over their persons and over the subject matter of any such litigation in such court, and consent to service of process issued by such courts.

I. **Attorney's Fees.** In any action brought by either party to enforce the terms of this Contract, each party shall bear responsibility for its attorney's fees and all costs regardless of whether one party is determined to be the prevailing party.

J. **Power and Authority to Enter into Agreement.** All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles, and capacities herein stated and on behalf of any entities, persons, or firms represented or purported to be represented by such entity(ies), person(s), or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Furthermore, by entering into this Agreement, Contractor hereby warrants that it shall not have breached the terms or conditions of any other contract or Agreement to which Contractor is obligated, which breach would have a material effect hereon.

K. **Counterparts; Electronic Signatures.** This Agreement may be executed in two or more counterparts, each of which when so executed shall be deemed to be an original and all of which when taken together shall constitute one and the same instrument. The words "execution," "signed," "signature," and words of like import in this Agreement or in any other certificate, agreement or document related to this Agreement, shall include digital electronic signatures (DocuSign). The use of digital electronic signatures and electronic records (including, without limitation, any contract or other record created, generated, sent, communicated, received, or stored by electronic means) shall be of the same legal effect, validity and enforceability as a manually executed signature or use of a paper-based record-keeping system to the fullest extent permitted by applicable law.

L. **Exhibits.** All exhibits referred to herein and attached hereto, are by this reference incorporated as if set forth fully herein.

CONTRACTOR

By: _____
Mark Risco, President

By: _____
Kate Nguyen, Secretary

CITY OF ROCKLIN

By: _____
Aly Zimmermann, City Manager

ATTEST:

By: _____
Hope Ithurburn, City Clerk

APPROVED AS TO FORM:

By: _____
Sheri Chapman, City Attorney

EXHIBIT A

Contractor Proposal/Scope of Work

The following describes the consultant services required for administering the City's Special Tax and Assessment Districts:

1. General Administration

- a. Review existing administrative policies and procedures to ensure efficiency and compliance with state law and the Rocklin Municipal Code.
- b. Answer questions from staff and provide general guidance in related areas.
- c. Meet formally annually to set the calendar for the annual assessment process.
- d. Prepare resolutions as necessary.
- e. Attend City Council meetings in person or via teleconference when necessary or upon request.
- f. Provide a phone number and staffing of same during normal working hours to field inquiries from City staff, property owners, title companies, and other interested parties regarding district proceedings and annual installments.
- g. Provide output options to the City for all reports provided (i.e. reports provided electronically via e-mail or CD/DVD, paper reports, web pages, etc.).

2. Mello-Roos Administration

- a. Prepare an Annual Special Tax Levy Report to include: a) Annual District budget for each District; b) debt service requirements; c) delinquency summaries; d) related recommendations or issues.
- b. Prepare an Annual Levy Report for each special district summarizing the information used to calculate the annual installment amount for each parcel.
- c. Maintain and periodically update an electronic database containing parcel basis data and annual special tax levy amounts by Assessor's Parcel Number.
- d. The Consultant shall calculate the maximum Special Tax rates by adjusting the previous years' rates as specified in the Rate and Method of Apportionment ("RMA") of Special Tax for each District. Based on information provided by the City regarding budget requirements for the following fiscal year, fund balances and reserve requirements, the actual Special Tax rates for each billing category shall be determined and the costs distributed in accordance with the RMA.
- e. Provide City with the district budgets to be approved prior to County submittals.
- f. Provide assessment and special tax installment information for each parcel, formatted in the required configuration and media, to the Placer County Auditor-Controller's office for placement on the property tax roll within the timeframes established by the Placer County Auditor-Controller's office.
- g. Provide pre-payment quotes of special tax liens for all interested parties upon request. When applicable, fees for this service are paid by the requesting party. If the pre-payment quote is related to a Community Facilities District, there will be no charge to the City.
- h. Obtain recordation document numbers for prepaid assessments and taxes and

coordinate the Release of Lien.

- i. Correct and resubmit, or hand bill as needed, installment amounts for parcels that the County Auditor Controller's Office does not apply to the tax roll.
- j. Provide a toll-free number to field inquiries from the City staff, property owners and other interested parties regarding Special Tax/assessment installments and related information.

3. Arbitrage Rebate

- a. Collect third-party data and other statistical, financial, and cash flow information required for the reports.
- b. Review all regulatory provisions, and calculate the arbitrage rebate liability and produce comprehensive arbitrage rebate reports.
- c. Keep abreast of enforcement actions and changes to the code/regulations that affect arbitrage compliance requirements and provide necessary services to maintain compliance with applicable arbitrage rebate provisions.

4. Annual Continuing Disclosure and CDIAC Reporting Obligations

- a. Collect pertinent data relating to the debt issue in order to comply with the Continuing Disclosure Agreement of each Special Tax District requiring an annual report.
- b. Prepare the Annual Continuing Disclosure Reports for all required disclosures for City approval and then disseminate the final reports on the EMMA portal website: emma.msrb.org.
- c. Notify City staff of ratings changes, or other events enumerate in Rule 15c2-12(b). which would require a Notice of Certain Significant Event to be posted to EMMA.
- d. Provide annual reports as required to the California Debt and Investment Advisory Commission (CDIAC) by October 30th if required by the California Government Code, Section 53359.5(b), as amended.
- e. In order to comply with SB 10129, Consultant will submit an annual report for any issue of debt for which it has submitted a report of final sale on or after January 21, 2017.

5. Delinquency Management

- a. Consultant will monitor delinquencies at least twice a year, submit periodic reports to the City and coordinate collection and foreclosure activity when needed.
- b. Send a delinquency reminder letter after the first installment of the tax bill becomes delinquent.
- c. Send a 30-day delinquency demand letter after the second installment of the tax bill becomes delinquent.
- d. Cause the removal of the delinquent installments for the current and/or prior tax year(s) from the County tax roll, in compliance with SB 1471.
- e. Send a 21-day delinquency foreclosure letter. Foreclosure letters shall contain a brochure providing answers to frequently asked questions.
- f. Send those parcels that are delinquent to the City-retained foreclosure attorney to collect the delinquent installments and other authorized costs through foreclosure.

- g. Assist foreclosure counsel to initiate and prosecute judicial foreclosure proceedings.
- h. Provide a toll-free telephone number to field inquiries from staff, parcel owners, lenders, and other interested parties concerning delinquencies.
- i. Provide payoff quotes for stripped delinquent installments for interested parties upon request. Fees for this service are paid by the requesting party; there is no charge to the City.

6. Bond Administration

- a. Support the City's (and/or consultants hired by the City) issuance of new bond debt on existing districts or refinancing of existing bond debt (this is usually done at additional cost).
- b. Perform all required bond call spreads in accordance with applicable state laws and coordinate the early redemption of outstanding bonds as needed.

7. Landscaping and Lighting District Administration

- a. Consultant to prepare a levy timeline including key dates and time frames for pertinent tasks throughout the year.
- b. Prepare proposed budgets using the Rate and Method of Apportionment to determine compliance with applicable laws, including Proposition 218. Provide the City with draft budgets of each district for approval to be included in the preliminary Engineer's Report.
- c. Prepare a preliminary and a final Annual Engineer's Report to be approved by City Council for each of the two (2) districts and new additional districts that may be created during the contract term.
- d. Provide assessment installment information for each parcel, formatted in the required configuration to the County Auditor-Controller's Office for placement on the property tax roll.

EXHIBIT B

Schedule of Performance

1. Consultant will invoice City monthly on a percentage-of-completion basis, or at a billing time specified by the City in writing (i.e. quarterly or biannually).
2. Consultant charges for its services on a direct-cost (hourly billing rates plus expenses), not-to-exceed basis; therefore City will be billed only for work completed up to the authorized amount specified in this Agreement. The hourly rates for services charged pursuant to this Agreement are specified in Exhibit C.

EXHIBIT C

Schedule of Fees

1. The City of Rocklin shall pay Consultant a fee not-to-exceed five hundred and ninety-seven thousand dollars (\$597,000) for services identified in Exhibit A.

2. Consultant shall submit detailed invoices to the City each quarter. Each invoice shall include reference to this Agreement and a detailed description of the work performed.

3. Annual Administration Services

The fees associated with the annual administration of the Community Facilities, Landscape and Lighting, and Park Maintenance Districts are subject to increase beginning Fiscal Year 2024/2025, which will not exceed the most recent annual change in the Consumer Price Index (CPI) within the applicable areas, as calculated by the United States Department of Labor.

Annual Administration – 2023/2024				
Special District	Active Parcel Count	Annual Fee	Land Based Disclosure	Total Annual Fee Per District
CFD No. 1	16,573	\$8,300	\$0	\$8,300
CFD No. 5	10,955	8,300	0	8,300
CFD No. 6	2,340	4,200	1,000	5,200
CFD No. 6 (Services Only)	2,340	\$0	0	0
CFD No. 8	1,131	4,200	w/CFD No. 6	4,200
CFD No. 9	1,000	4,200	w/CFD No. 6	4,200
CFD No. 10	3,030	5,900	3,000	8,900
CFD No. 11	404	4,200	1,000	5,200
L&L No. 1	5,733	5,200	0	5,200
L&L No. 2	16,475	12,300	0	12,300
Park Tax	23,993	5,200	0	5,200
TOTAL	83,974	\$62,000	\$5,000	\$67,000

CFD Payoff Quotes \$500 (Paid by the Requestor)

4. Delinquency Management & Subsequent Foreclosure Services

As the service is rendered, the following fees are invoiced. They are ultimately paid by, or on behalf of, the delinquent property owners.

Services	Fees
Fees Ultimately Reimbursed to the City Recoverable Through Special Tax Levy	
Delinquency Reminder Letter ⁽¹⁾	\$ 15
Delinquency Demand Letter ⁽¹⁾	45
Fees Ultimately Reimbursed to the City by Delinquent Property Owner	
Foreclosure Letter (per parcel/per CFD) ⁽¹⁾	\$ 65
Effect Removal from Tax Roll and Record Subsequent Notice of Satisfaction ⁽²⁾	125
Prepare and Monitor Payment Plan (per parcel/per CFD)	200
Subsequent Foreclosure Services	150
Fees Paid Directly to Willdan by Requestor	
Delinquency Demand Payoff ⁽³⁾	\$ 50
Zero Demand ⁽²⁾	50

⁽¹⁾ Postage will be charged as a direct expense.

⁽²⁾ This fee complies with Section 8833 of the California Streets and Highways Code and/or Section 53356.2 of the California Government Code, which requires recording of a Notice of Intent to Remove Delinquent Special Assessments and/or Special Taxes from the County tax roll. It DOES NOT include the County tax roll removal charge, or similar fee, if any.

⁽³⁾ This fee is waived for the property owner (except for escrow purposes) or for the Client.

5. Arbitrage Rebate Services

Arbitrage Rebate Service	Fee
Engagement Fee. One-time fee charged for newly contracted issues.	\$250
Base Fee Range. Annual report.	\$1,000
Commingled Funds Analysis. Clients providing data with commingled funds will incur an additional charge to uncommingle transactional data.	\$250 per fund
Data Analysis in Excess of 12 months. Arbitrage analysis for periods greater than one year will be charged an extra fee for each additional bond year analyzed.	\$250 per year
Parity Reserve Allocation. Bonds that have been issued on parity that require an allocation of the reserve fund.	\$250 per fund
Transferred Proceeds Analysis. The regulations require an additional level of analysis for proceeds of Refunding and Refunded bonds.	\$250 per fund
Non-Bona Fide Debt Service Fund. Our base fee assumes that the Bond Fund, as defined in the bond documents, meets the bona fide debt service fund exemption to rebate. If this fund fails to qualify for this exemption, an additional fee will be charged to analyze the investment activity.	\$500 per fund

Request for Refund of Overpayment	No Charge
Preparation of IRS Form 8038T (Payment)	No Charge
IRS Audit Assistance	Hourly Rates

6. Non-Land Based Continuing Disclosure Services

Disclosure Services	Fee
Engagement Fee for New Issues	\$250 per Issue
Base Annual Report Fee	\$1,000 per report
Annual Dissemination Per Report	\$100
Incremental Fee per Parity Issue	\$450
Supplemental/Amended Reports (if necessary)	\$250 - \$450 per Report
Notice of Occurrence of Listed Events	\$250 per Notice
Annual Third-Party Expenses	At Cost plus 10%
CDIAC Report Preparation and Filing	
CDIAC Yearly Transparency Report (due annually in January) <i>While Proceeds are Outstanding</i>	\$950 per Report
CDIAC Yearly Transparency Report (due annually in January) <i>Once Proceeds are Fully Expended</i>	\$250 per Report

7. Reimbursable Expenses

Willdan will be reimbursed for out of pocket expenses, not to exceed \$5,200 per annum. Examples of reimbursable expenses include, but are not limited to:

- Postage;
- Travel expenses;
- Mileage (current federal prevailing rate);
- Maps;
- Electronic data furnished by the County and/or other applicable resources;
- Construction cost periodicals; and
- Copying (currently 6¢ per copy).

Any additional expense for reports or from outside services will be billed to the City, plus a fifteen-percent mark-up. Charges for meeting and consulting with counsel, the City, or other

parties regarding services not listed in the scope of work will be at our then current hourly rates (refer to rate schedule on the following page).

In the event that a third party requests any documents, Willdan may, in accordance with the applicable rate schedule, charge such third party for providing said documents.

8. Hourly Rates

Additional authorized services will be billed at Willdan's then-current hourly consulting rates. Current hourly rates are presented below.

Willdan Financial Services Hourly Rate Schedule	
Position	Hourly Rate
Group Director	\$210
Principal Engineer	\$211
Assistant Director / Principal Consultant	\$200
Senior Project Manager	\$165
Project Manager / Program Director	\$145
Senior Project Analyst	\$130
Senior Analyst	\$120
Analyst	\$100
Assistant Analyst	\$75

EXHIBIT D

CERTIFICATE OF COMPLIANCE WITH LABOR CODE § 3700
[Labor Code § 1861]

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

CONTRACTORS

By: _____
Mark Risco, President

By: _____
Kate Nguyen, Secretary



City Council Regular Meeting Staff Report

Subject: Park Services Aide Class Specification & Salary Placement

Date: January 24, 2023

Submitted By: Elise Hardy, Administrative Services
Tameka Usher, Administrative Services

Department: Administrative Services - Human Resources

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Approving an Additional Allocation, Assigning a Salary Range for Park Services Aide, and Approving the Updated Public Service Employees Salary Schedule.

Background:

In preparation for the expiration of the contract for park trash removal services, the City issued an invitation for bids for the period of January 1, 2023 through December 31, 2025. The only bid received would result in an increase of over 100% of the current contract cost. To provide a higher level of service and create savings for the City, Human Resources (HR) staff recommends transitioning these duties to an in-house position. HR worked with Parks and Recreation staff to develop the Park Services Aide classification which encompasses the essential duties required.

Based on these organizational needs, staff recommends that the City Council approve the addition of 1.0 FTE Park Services Aide allocation to the Parks and Recreation Department. Staff further recommends that the salary for the classification be set to salary range 5 of the Public Service Employees Salary Schedule (\$35,583- \$49,051 annually).

Title 2 of the California Code of Regulations, section 570.5 requires the City's salary schedules to be adopted at a public meeting.

HR met and conferred with the Public Services Employees Bargaining Unit represented by AFSCME regarding the proposed position in accordance with the City of Rocklin Employee-Employer Resolution.

Fiscal Impact:

The cost of the recommended change is approximately \$68,400 annually. Currently, park trash services are being performed on a month-to-month agreement. The contract expired December 31, 2022; the remaining budget for trash services in the current fiscal year is

\$61,000 and those funds will offset the cost of the position.

ATTACHMENTS:

1. Resolution - Park Services Aide
2. Resolution Exhibit A - Public Services Employees Salary Schedules Effective 1-24-2023
3. Park Services Aide Class Spec

RESOLUTION NO. 2023-XX

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ROCKLIN APPROVING AN ADDITIONAL ALLOCATION,
ASSIGNING A SALARY RANGE FOR PARK SERVICES AIDE,
AND APPROVING THE UPDATED PUBLIC SERVICE
EMPLOYEES SALARY SCHEDULE

WHEREAS, the City of Rocklin currently utilizes the services of a contractor to pick-up and remove debris, litter, and trash from the City parks, and the City does not have a job classification that includes these duties; and

WHEREAS, following an unsuccessful invitation for bids for a vendor to provide these services, staff recommend transitioning to an in-house, full-time Park Services Aide to perform general park maintenance such as picking up and removing debris, litter, and trash; and

WHEREAS, Human Resources recommends assignment of the Park Services Aide classification to Public Service Employees Salary Range 5 (\$35,583 - \$49,051 annually); and

WHEREAS, City staff have met and conferred with AFSCME, the employee organization representing the Public Service Employees bargaining unit, about the creation of the Park Services Aide classification and placement of the classification in the Public Service Employees bargaining unit; and

WHEREAS, the adoption of a new Park Services Aide classification requires an update to the Public Service Employees Salary Schedule.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Rocklin as follows:

Section 1. The City Council approves the allocation of 1.0 FTE Park Services Aide to the Parks and Recreation Department.

Section 2. The updated Public Service Employees Salary Schedule attached hereto as Exhibit "A" is approved and adopted.

PASSED AND ADOPTED this 24th day of January 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

CITY OF ROCKLIN
PUBLIC SERVICE EMPLOYEES SALARY SCHEDULE A
(Annual Salary)
Effective January 24, 2023

Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Office Assistant I Park Services Aide	5	35,583	37,362	39,230	41,191	43,251	45,414
Office Assistant II	11	41,265	43,328	45,495	47,769	50,158	52,666
Code Enforcement Technican	14	44,438	46,660	48,993	51,442	54,015	56,715
Senior Office Assistant Street Maintenance Worker I	15	45,549	47,826	50,218	52,729	55,365	58,133
Landscape Services Worker Street Maintenance Worker II	17	47,855	50,248	52,760	55,398	58,168	61,076
Equipment Mechanic I Planning/Building Technician I Traffic Maintenance Assistant	19	50,277	52,791	55,431	58,202	61,113	64,168
Building Maintenance Worker Irrigation Maintenance Technician	20	51,534	54,111	56,817	59,657	62,640	65,772
Accounting Technician I Senior Street Maintenance Worker	21	52,823	55,464	58,237	61,149	64,206	67,417
Landscape Services Trades Worker Public Services Technician Senior Building Maintenance Worker	22	54,143	56,850	59,693	62,678	65,812	69,102
Administrative Assistant Engineering Technician I Planning/Building Technician Recreation Coordinator	23	55,497	58,272	61,185	64,245	67,457	70,830
Equipment Mechanic II	24	56,884	59,729	62,715	65,851	69,143	72,600

CITY OF ROCKLIN
PUBLIC SERVICE EMPLOYEES SALARY SCHEDULE A
(Annual Salary)
Effective January 24, 2023

Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Accounting Technician II Community Development Technician Environmental Services Technician	25	58,306	61,222	64,283	67,497	70,872	74,415
Building Inspector I Construction Inspector I Fire Inspector I Landscape Inspector Public Works Inspector I Senior Irrigation Maintenance Technician	26	59,764	62,752	65,890	69,184	72,644	76,276
Engineering Technician II GIS/Engineering Technician Permit Center Coordinator Public Services Business Technician	27	61,258	64,321	67,537	70,914	74,460	78,183
Accountant I Building Trades Worker Code Enforcement Officer Senior Equipment Mechanic	28	62,790	65,929	69,226	72,687	76,321	80,137
Building Maintenance Supervisor Traffic Control and Lighting Technician	29	64,359	67,577	70,956	74,504	78,229	82,141
Community Development Inspector Construction Inspector II Environmental Services Specialist Housing Specialist Public Works Inspector II Senior Building Trades Worker	30	65,968	69,267	72,730	76,367	80,185	84,194

CITY OF ROCKLIN
PUBLIC SERVICE EMPLOYEES SALARY SCHEDULE A
(Annual Salary)
Effective January 24, 2023

Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Building Plans Examiner GIS Analyst I Information Technology Specialist Recreation Supervisor	31	67,618	70,998	74,548	78,276	82,190	86,299
Building Inspector II Fire Inspector II Senior Construction Inspector Senior Traffic Control and Lighting Technician	32	69,308	72,773	76,412	80,233	84,244	88,457
Accountant II Assistant Planner Fleet Services Supervisor Landscape Services Supervisor Permit Services Supervisor Street Maintenance Supervisor	33	71,041	74,593	78,322	82,238	86,350	90,668
Assistant Civil Engineer Facilities Maintenance Supervisor Public Services Operations Supervisor Senior Information Technology Specialist	35	74,637	78,369	82,287	86,402	90,722	95,258
Assistant Land Surveyor Parks Division Supervisor Traffic Maintenance Supervisor	37	78,416	82,336	86,453	90,776	95,315	100,080

CITY OF ROCKLIN
PUBLIC SERVICE EMPLOYEES SALARY SCHEDULE A
(Annual Salary)
Effective January 24, 2023

Classification	Range	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6
Administrative Analyst Associate Planner Building Division Supervisor Facilities Operations Superintendent Fire Prevention Plans Examiner GIS Analyst II Information Technology Analyst Land Development Engineer Senior Accountant	39	82,385	86,505	90,830	95,371	100,140	105,147
Senior Information Technology Analyst	42	88,720	93,156	97,814	102,705	107,840	113,232
Associate Civil Engineer Deputy Fire Marshal	43	90,938	95,485	100,259	105,272	110,536	116,063
Plan Check Engineer Senior Planner	44	93,212	97,872	102,766	107,904	113,299	118,964

CITY OF ROCKLIN
PUBLIC SERVICE EMPLOYEES SALARY SCHEDULE B
(Annual Salary)
Effective January 24, 2023

Classification	Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N
Office Assistant I Park Services Aide	5	35,583	36,472	37,384	38,319	39,277	40,259	41,265	42,297	43,354	44,438	45,549	46,688	47,855	49,051
Office Assistant II	11	41,265	42,297	43,354	44,438	45,549	46,688	47,855	49,051	50,277	51,534	52,823	54,143	55,497	56,884
Code Enforcement Technician	14	44,438	45,549	46,688	47,855	49,051	50,277	51,534	52,823	54,143	55,497	56,884	58,306	59,764	61,258
Senior Office Assistant Street Maintenance Worker I	15	45,549	46,688	47,855	49,051	50,277	51,534	52,823	54,143	55,497	56,884	58,306	59,764	61,258	62,790
Landscape Services Worker Street Maintenance Worker II	17	47,855	49,051	50,277	51,534	52,823	54,143	55,497	56,884	58,306	59,764	61,258	62,790	64,359	65,968
Equipment Mechanic I Planning/Building Technician I Traffic Maintenance Assistant	19	50,277	51,534	52,823	54,143	55,497	56,884	58,306	59,764	61,258	62,790	64,359	65,968	67,618	69,308
Building Maintenance Worker Irrigation Maintenance Technician	20	51,534	52,823	54,143	55,497	56,884	58,306	59,764	61,258	62,790	64,359	65,968	67,618	69,308	71,041
Accounting Technician I Senior Street Maintenance Worker	21	52,823	54,143	55,497	56,884	58,306	59,764	61,258	62,790	64,359	65,968	67,618	69,308	71,041	72,817
Landscape Services Trades Worker Public Services Technician Senior Building Maintenance Worker	22	54,143	55,497	56,884	58,306	59,764	61,258	62,790	64,359	65,968	67,618	69,308	71,041	72,817	74,637
Administrative Assistant Engineering Technician I Planning/Building Technician II Recreation Coordinator	23	55,497	56,884	58,306	59,764	61,258	62,790	64,359	65,968	67,618	69,308	71,041	72,817	74,637	76,503
Equipment Mechanic II	24	56,884	58,306	59,764	61,258	62,790	64,359	65,968	67,618	69,308	71,041	72,817	74,637	76,503	78,416
Accounting Technician II Community Development Technician Environmental Services Technician	25	58,306	59,764	61,258	62,790	64,359	65,968	67,618	69,308	71,041	72,817	74,637	76,503	78,416	80,376
Building Inspector I Construction Inspector I Fire Inspector I Landscape Inspector Public Works Inspector I Senior Irrigation Maintenance Technician	26	59,764	61,258	62,790	64,359	65,968	67,618	69,308	71,041	72,817	74,637	76,503	78,416	80,376	82,385
Engineering Technician II GIS/Engineering Technician Permit Center Coordinator Public Services Business Technician	27	61,258	62,790	64,359	65,968	67,618	69,308	71,041	72,817	74,637	76,503	78,416	80,376	82,385	84,445
Accountant I Building Trades Worker Code Enforcement Officer Senior Equipment Mechanic	28	62,790	64,359	65,968	67,618	69,308	71,041	72,817	74,637	76,503	78,416	80,376	82,385	84,445	86,556

CITY OF ROCKLIN
PUBLIC SERVICE EMPLOYEES SALARY SCHEDULE B
(Annual Salary)
Effective January 24, 2023

Classification	Range	Step A	Step B	Step C	Step D	Step E	Step F	Step G	Step H	Step I	Step J	Step K	Step L	Step M	Step N
Building Maintenance Supervisor Traffic Control and Lighting Technician	29	64,359	65,968	67,618	69,308	71,041	72,817	74,637	76,503	78,416	80,376	82,385	84,445	86,556	88,720
Community Development Inspector Construction Inspector II Environmental Services Specialist Housing Specialist Public Works Inspector II Senior Building Trades Worker	30	65,968	67,618	69,308	71,041	72,817	74,637	76,503	78,416	80,376	82,385	84,445	86,556	88,720	90,938
Building Plans Examiner GIS Analyst I Information Technology Specialist Recreation Supervisor	31	67,618	69,308	71,041	72,817	74,637	76,503	78,416	80,376	82,385	84,445	86,556	88,720	90,938	93,212
Building Inspector II Fire Inspector II Senior Construction Inspector Senior Traffic Control and Lighting Technician	32	69,308	71,041	72,817	74,637	76,503	78,416	80,376	82,385	84,445	86,556	88,720	90,938	93,212	95,542
Accountant II Assistant Planner Fleet Services Supervisor Landscape Services Supervisor Permit Services Supervisor Street Maintenance Supervisor	33	71,041	72,817	74,637	76,503	78,416	80,376	82,385	84,445	86,556	88,720	90,938	93,212	95,542	97,930
Assistant Civil Engineer Facilities Maintenance Supervisor Public Services Operations Supervisor Senior Information Technology Specialist	35	74,637	76,503	78,416	80,376	82,385	84,445	86,556	88,720	90,938	93,212	95,542	97,930	100,379	102,888
Assistant Land Surveyor Parks Division Supervisor Traffic Maintenance Supervisor	37	78,416	80,376	82,385	84,445	86,556	88,720	90,938	93,212	95,542	97,930	100,379	102,888	105,460	108,097
Administrative Analyst Associate Planner Building Division Supervisor Facilities Operations Superintendent Fire Prevention Plans Examiner GIS Analyst II Information Technology Analyst Land Development Engineer Senior Accountant	39	82,385	84,445	86,556	88,720	90,938	93,212	95,542	97,930	100,379	102,888	105,460	108,097	110,799	113,569
Senior Information Technology Analyst	42	88,720	90,938	93,212	95,542	97,930	100,379	102,888	105,460	108,097	110,799	113,569	116,408	119,319	122,302
Associate Civil Engineer Deputy Fire Marshal	43	90,938	93,212	95,542	97,930	100,379	102,888	105,460	108,097	110,799	113,569	116,408	119,319	122,302	125,359
Plan Check Engineer Senior Planner	44	93,212	95,542	97,930	100,379	102,888	105,460	108,097	110,799	113,569	116,408	119,319	122,302	125,359	128,493



Parks Services Aide

DEFINITION

Under general supervision, performs general park maintenance to maintain the appearance and safety of City parks by picking up and removing debris, litter, and trash; and performs related duties as assigned.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision or direction from assigned supervisor. Exercises no direct supervision over staff.

CLASS CHARACTERISTICS

This is a journey-level classification. Incumbents independently perform daily trash and debris collection and litter control.

This class is distinguished from the Park Services Assistant in that the latter is responsible for maintaining park lawns using a mower, weed eater, trimmer, and various maintenance tools.

ESSENTIAL DUTIES

Duties may include, but are not limited to the following:

- Empties trash cans, picks up and removes debris, litter, and trash from parks, athletic fields, trails and landscape facility areas throughout the City.
- Maintains accurate logs, reports, and records of work performed and materials and equipment used.
- Provides exceptional customer service to those contacted in the course of work.
- May assist with general cleaning and maintaining facilities in parks and recreation areas.
- Performs related duties as assigned.

QUALIFICATIONS

Knowledge of:

- The use and purpose of common hand tools used in grounds maintenance.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors, and City staff.
- Safe driving rules and practices.
- Principles and techniques for working with groups and fostering effective team interaction to ensure teamwork is conducted smoothly.
- The structure and content of the English language, including the meaning and spelling of words, rules of composition, and grammar.

Ability to:

- Understand and carry out oral and written instructions.
- Identify potential safety hazards in parks and recreation areas.
- Operate various park maintenance vehicles and equipment.
- Work cooperatively and courteously around the public.
- Work independently in the absence of supervision.
- Communicate clearly and concisely, both orally and in writing, using appropriate English grammar and syntax.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and effective working relationships with those contacted in the course of work.

Education and Experience

Equivalent to graduation from high school; some experience in landscape or facility maintenance work is highly desirable.

Licenses and Certifications

- Possession of, or ability to obtain and maintain, a valid California Class C Driver License and a satisfactory driving record is required. Individuals who do not meet this requirement due to a disability will be reviewed on a case-by-case basis.

PHYSICAL DEMANDS

Must possess mobility to work in the field; strength, stamina, and mobility to perform medium to heavy physical work, and to operate varied hand and power tools and construction equipment; the ability to operate a motor vehicle to visit various City sites and attend off-site meetings; hearing and speech to communicate in person and over the telephone; finger dexterity to operate standard office equipment, operate above-mentioned tools and equipment, and access, enter, and retrieve data using a computer keyboard and calculator; possess the ability to bend, stoop, kneel, reach, and climb to perform work and inspect work sites; and possess the ability to lift, carry, push, and pull materials and objects weighing up to 75 pounds (anything in excess would require the use of proper equipment and assistance from other staff). Reasonable accommodations will be made for individuals on a case by case basis.

ENVIRONMENTAL CONDITIONS

Employees work in the field and may be occasionally exposed to loud noise levels, cold and hot temperatures, inclement weather conditions, road hazards, vibrations, mechanical and/or electrical hazards, and hazardous chemical substances and fumes. Employees may interact with upset individuals in interpreting and enforcing departmental policies and procedures.

WORKING CONDITIONS

Must be willing to work out of doors in all weather conditions and with exposure to traffic and potentially hazardous conditions. This position requires the operation and use of a City vehicle.

All City of Rocklin employees are designated as Emergency Service Workers during a proclaimed emergency and may be required to perform certain emergency services at the direction of the department and/or City.

This class specification should not be construed to imply that these requirements are the exclusive standards of each position as not all duties are necessarily performed by each incumbent.

Adopted	January 2023
FLSA	Non-Exempt
Salary Schedule	Public Services Salary Schedule/Range 5



City Council Regular Meeting Staff Report

Subject: Tobacco Law Enforcement Grant

Date: January 24, 2023

Submitted By: Neil Costa, Lieutenant

Department: Police

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Authorizing the City Manager to Execute a Memorandum of Understanding with the California Department of Justice Accepting a Tobacco Law Enforcement Grant.

Background:

For the last four fiscal years, the Rocklin Police Department has been working under an existing California Department of Justice (DOJ) grant that funded a Youth Services Officer working with the Rocklin Unified School District (RUSD) in Tobacco Prevention Programs. The success of this program, and the partnership with RUSD, has successfully allowed the City to apply for and receive a third Tobacco Law Enforcement Grant Award in the amount of \$379,102. This grant will fund a portion of a Police Officer position assigned to enforcement and education of Tobacco Prevention Programs for an additional three fiscal years. The funding begins July 1, 2023 and concludes June 30, 2026. For the new grant cycle, the California DOJ no longer allows the funds to be used for on campus/school enforcement.

The Rocklin Police Department will continue to conduct periodic enforcement operations across the community as it relates to the underage sale and purchase of tobacco products from retailers. Officers will be performing enforcement and education programs on tobacco prevention and enforcing state and local laws related to the illegal sales and marketing of tobacco products to minors.

Fiscal Impact:

The total grant award is \$379,102 and is all inclusive. Each fiscal year award:

2023/24 = \$127,263

2024/25 = \$124,621

2025/26 = \$127,218

ATTACHMENTS:

[1. Resolution](#)

[2. 2022-23 Tobacco Grant MOU](#)

3. Tobacco Grant Program Proposal
4. Tobacco Grant Program Grantee Handbook
5. Tobacco Grant List of 2022-2023 Grantees

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING
WITH THE CALIFORNIA DEPARTMENT OF JUSTICE
ACCEPTING A TOBACCO LAW ENFORCEMENT GRANT

WHEREAS, the Rocklin Police Department applied for and was awarded a three-year grant in the amount of three hundred seventy-nine thousand one hundred and two (\$379,102) dollars, starting July 1, 2023 and concluding June 30, 2026; and

WHEREAS, the grant funds one part-time Officer from the Rocklin Police Department to be assigned for enforcement and education of Tobacco Prevention Programs for a term of three full fiscal years; and

WHEREAS, the Rocklin Police Department will be conducting periodic tobacco operations across the city, as it relates to the underage sale and purchase of tobacco products from city retailers; and

WHEREAS, the California Department of Justice Tobacco Grant Program requires that the Rocklin City Council act by resolution, to accept the grant funding.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rocklin as follows:

Section 1. The City Manager is authorized to execute the Memorandum of Understanding with the California Department of Justice for the acceptance of the the Tobacco Law Enforcement Grant, in substantially the form attached hereto as Exhibit "A." Authorization to enter into the MOU includes the authority to incur grant-related expenses and receive reimbursement for those expenses.

Section 2. The City Manager is authorized to execute future amendments to the Memorandum of Understanding with the California Department of Justice for the Tobacco Law Enforcement Grant, for the purpose of increasing funding from the DOJ provided in the original MOU.

PASSED AND ADOPTED this 24th day of January, 2023, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

MEMORANDUM OF UNDERSTANDING

PURPOSE

This Memorandum of Understanding (“MOU”) is entered into by the Department of Justice (“Department”) and the Rocklin Police Department (“Grantee”), for the purpose of disbursing grant funds to Grantee for reimbursement of expenditures in compliance with the California Code of Regulations and the Fiscal Year 2022-23 Grantee Handbook.

Commencing January 1, 2023, the California Code of Regulations, Title 11, Division 1, Chapter 5: Department of Justice Tobacco Grant Program (“TGP Regulations”) shall govern the policies and procedures of the Tobacco Grant Program.

The TGP Regulations, Request for Proposals, Grantee Handbook (dated April 2022), and Summary of Award document are hereby incorporated by reference into this MOU. Grantee will expend funds for the purposes identified in the approved Summary of Award document. Reimbursements are to be funded under the California Healthcare, Research and Prevention Tobacco Tax Act of 2016, approved by the voters as Proposition 56.

COST REIMBURSEMENT

The Department agrees to reimburse Grantee in arrears, for Grantee’s actual expenditures in performing the project or scope of work included in the approved Summary of Award document. Reimbursements will be made upon receipt of invoices from Grantee and approval of the invoices by the Department, in accordance with the reimbursement procedures set forth in the TGP Regulations and Grantee Handbook.

BUDGET CONTINGENCY CLAUSE

It is mutually agreed, if the Budget Act of the current fiscal year and/or any subsequent years covered under the MOU does not appropriate sufficient funds, the MOU shall be of no further force and effect. In the event this situation occurs, the Department shall have no liability to reimburse/pay any funds to Grantee, or to furnish any other considerations under this MOU. As well, Grantee shall not be obligated to continue performing the provisions of this MOU, for which the Grantee would have been reimbursed.

If funding for any fiscal year is reduced or deleted in the Budget Act for purposes of this MOU, the Department shall have the option to either cancel this MOU with no liability occurring to the Department, or offer an addendum to the Grantee to reflect the reduced amount.

PROJECT BREACH-TERMINATION

Failure of a Grantee to comply with this MOU or the TGP Regulations shall be treated by the Department as a breach of contract. If an act of noncompliance occurs, the Department may take actions described within the TGP Regulations, including termination. The Department may terminate this MOU and be relieved of any obligation to disburse grant funds to Grantee should Grantee fail to perform the scope of work at the time and in the manner provided in this MOU.

MISCELLANEOUS PROVISIONS

Addendum – No addendum or variation of the terms of this MOU is valid unless made in writing, and signed by the duly authorized representatives of the parties.

Assignment – This MOU is not assignable by Grantee in whole or in part.

Indemnification – Grantee agrees to indemnify and hold harmless the Department, its officers, agents and employees from all claims, liabilities, or losses in connection with the performance of this MOU.

TERMS

Grant Duration: 1/1/2023 – 6/30/2026

Award Amount				
Category of Expenditure	Budget FY 2022- 2023	Budget FY 2023- 2024	Budget FY 2024- 2025	Budget FY 2025- 2026
Personal Services	\$0	\$125,163	\$124,021	\$126,618
Operating Expenses and Equipment	\$0	\$1,500	\$0	\$0
Administrative Costs (Not to Exceed 5%)	\$0	\$600	\$600	\$600
TOTAL AWARD AMOUNT	\$379,102			

The time limit for reimbursements against this award ends 6/30/2026. Requests for reimbursement received after 7/15/2026 cannot be considered by the Department.

GRANTEE CONTACT INFORMATION

Jay Newton, Officer
Rocklin Police Department
4080 Rocklin Road
Rocklin, CA 95677
(916) 625-5400
jay.newton@rocklin.ca.us

AUTHORIZATION

The Department and Grantee, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU and any future addendums shall be e-mailed to TobaccoGrants@doj.ca.gov, care of the Division of Operations, Local Assistance Unit, Tobacco Grant Program, and will become fully executed upon completion of signatures from all parties.

NAME:

Title:

Agency:

Date

NAME:

Title:

Agency:

Date

NAME:

Title:

Agency:

Date

SHAYNA RIVERA, Grant Manager
Division of Operations
California Department of Justice

Date

STACY HEINSEN, Administrative Manager
Division of Operations
California Department of Justice

Date

CHRIS RYAN, Chief
Division of Operations
California Department of Justice

Date

**TOBACCO GRANT PROGRAM
FY 2022-23
REQUEST FOR PROPOSAL
DOJ-PROP56-2022-23-1**



ROB BONTA
Attorney General

OFFICE OF THE ATTORNEY GENERAL

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I. GENERAL INFORMATION

A. Introduction

This Request for Proposal (RFP) relates to the Tobacco Grant Program and furnishes grant applicants with the following:

- Information about procedures for preparing and submitting grant proposals
- Information about the selection process
- The Grantee Handbook, which contains more detailed information on certain topics
- A budget template
- A proposal template

Information must be provided as directed. This includes following all instructions, using specific formats and providing all requested information. Failure to provide the required information or to provide the information in the manner directed will disqualify the proposal.

Once an RFP is issued, staff in the California Department of Justice (Department) may promote the Tobacco Grant Program in general terms and may answer technical questions about the RFP and Grantee Handbook, but may not assist applicants with the preparation or review of their proposals. Individuals who will serve on the Department's Merits Review Committee shall be insulated so that they do not comment on the grant program to any applicant or potential applicant, or respond to questions about the RFP or Grantee Handbook asked by any applicant or potential applicant.

Questions regarding this grant can be directed to:

Program Manager
California Department of Justice
Tobacco Grant Program
TobaccoGrantRFP@doj.ca.gov

B. Submission of Proposals

APPLICATIONS MUST BE SUBMITTED VIA E-MAIL BY:

DATE: 11:59 p.m. on August 17, 2022
E-MAIL Address: TobaccoGrantRFP@doj.ca.gov.

The subject line for email submissions must include the following information in this format:

“PROP56_RFP_PROPOSAL_22-23_[Agency Name]”

Hard copy proposals sent via mail will not be accepted. All proposals are time stamped upon receipt by the Department. Proposals received after the deadline shall not be eligible for consideration. It is the responsibility of the applicant to ensure that the proposal is **received** by the specified deadline. The Department will not be responsible for late delivery of a proposal due to mistakes or delays of the applicant or server used by the applicant.

The Department will not notify applicants regarding omissions nor accept any late additions to the proposals. All proposals will be rated solely on the timely-submitted content.

All grant applicants must strictly adhere to the following:

- Each proposal must be completed by the applicant in its entirety. Templates for each section are included and must be utilized.
- Proposals must be typed or computer-generated using the application template provided. Font size shall not be modified.

If the applicant does not adhere to the items listed above, the Department will disqualify the proposal.

C. Funding Priorities and Duration

The DOJ Tobacco Grant application process is highly competitive. To best fulfill its purposes, the Department will prioritize funding of tobacco-related enforcement operations, specifically retailer education and enforcement, over funding of other expenses, such as vape detectors, expensive signage, and training. Funding for school resource officers will not be considered in this funding cycle. Where appropriate, the Department will also award partial grants.

Agencies selected for funding will be funded for either 24 or 36 months. The grant period is expected to begin on/about October 1, 2022 and will terminate on the grant expiration date specified in the Memorandum of Understanding (MOU).

D. Resolution from Governing Body

Applicants selected for funding must provide a resolution of the applicant's governing body authorizing the applicant to enter into a contract with the State and authorizing the applicant to incur grant-related expenses and receive reimbursement for those expenses. The resolution should expressly authorize future amendments, if any, for the purpose of increasing funding provided in the original contract, without an additional resolution from the governing body.

Once notified of selection, the successful applicant should promptly request the resolution to avoid funding delays (if accepting the award).

E. Proposal Components

The proposal submission must contain the following **required** components in the order listed below. Templates for the proposal are provided and must be utilized.

- ☐ Proposal Template
- ☐ Budget Detail Template (Excel format)

Failure to include all information will result in the rejection of the proposal. The Department will not advise applicants that their proposal is incomplete prior to its rejection.

Applicants will receive an acknowledgement email that their submission was received; however, that is not confirmation that the package is complete. An Application Checklist is provided and should be utilized, since certain aspects of the proposal can result in additional required documents.

F. Eligibility Criteria

In accordance with the State Budget Act and Proposition 56 (i.e. the California Healthcare Research and Prevention Tobacco Tax Act), any local government or local government agency within the State of California that has authority to enforce tobacco-related state laws or local ordinances is eligible to receive funds. This includes agencies that support programs that enforce state and local laws related to the illegal sale and marketing of tobacco products (including e-cigarettes) to minors, investigate those activities, conduct compliance checks to reduce illegal sales of tobacco products to minors and youth, or prosecute cases arising from the illegal sales of tobacco products to minors and youth. More information about the eligibility criteria is contained in the Grantee Handbook.

Eligible agencies with an existing Tobacco Grant award may submit a proposal to supplement the objectives of their existing award; a proposal for a new award to fund new objectives; or if their grant is expiring, a new grant award.

G. Evaluation Criteria

In accordance with Proposition 56, funds will be awarded to applicants that demonstrate the capacity to support and/or hire law enforcement officers for programs which include, but are not limited to, enforcing state laws and local ordinances relating to illegal sales and/or marketing of tobacco products to minors and youth, and increasing investigative activities and compliance checks of tobacco retailers and online services that deliver tobacco products to reduce illegal sales of tobacco products to minors and youth. More information about the evaluation criteria is contained in the Grantee Handbook.

II. PREPARING PROPOSALS

A. General

When completed, the following documents become the proposal to be submitted to the Department for consideration: Proposal Template and Budget Detail Template. The templates provided with this RFP must be used.

B. Cover Sheet and Signature Page

The Proposal Cover Sheet is the cover page for the Proposal Template and must contain contact information for those authorized to submit a grant on behalf of the requesting agency. The Cover Sheet should contain contact information for two separate individuals who are aware of the grant submission. The Proposal Signature Page must contain signatures of those authorized to submit a grant application on behalf of the requesting agency. The Proposal Cover Sheet and Signature Page must be filled out in their entirety.

C. Project

The Project is the main body of information, which describes the applicant's proposed use of funding and the plan to address a community's problems/issues through appropriate and achievable objectives and activities.

When preparing the proposal, utilize the template provided and address each of the following five areas.

i. Summary – Description of Request

Information in this section must explicitly address the following components.

Description	Describe agency mission, agency size, structure and staffing.
Funding Requested	Dollar amount requested. The amount should exactly match the total from the Budget Detail Template.
Funding Duration	Agency may choose a funding duration of 24 months or 36 months.
Goals and Objectives Summary	Goals and objectives in order of highest priority to lowest priority. They must be measurable and include an anticipated timeline of completion.

ii. Problem Statement – Describe the issues or problems to be addressed with grant funds.

Geographic Area to be Served	Population data, relevant demographic and socio-economic characteristics of the community.
Tobacco Use Rates and Patterns	Rates and patterns of use of tobacco products in the community including youth; the number of tobacco retailers within the jurisdiction; data about sales of tobacco products to minors at stores; data about specific problem locations.
Other Factors	Any other factors contributing to the tobacco problems in your agency's jurisdiction.

iii. Project Description – Describe the goals and objectives of the proposed project

Goals	List goals in priority order, starting with highest priority and ending in lowest priority.
Measurable Outcomes	Each goal must include a measurable outcome, and must include either the number of accomplishments (if a quantifiable goal) or desired outcome.
Timelines	Each goal must include a timeline in which the agency anticipates it will accomplish the stated goal. Goals should be measurable in three-month increments in order to adequately submit mandatory Quarterly Progress Reports to the Department.

Narrative Description	Summarize the key characteristics and description of each goal, and include any relevant information that the Department's Merits Review Committee should take into consideration.
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iv. Project Personnel – Describe the staffing required to carry out the grant objectives as supported by the proposed budget.

Personnel Needed to Complete Goals & Objectives	All positions funded under this grant program <u>must</u> be clearly dedicated to tobacco-related work as described under the California Healthcare, Research and Prevention Act of 2016 (Proposition 56). These positions must also provide <u>direct service</u> to grant activities. This section must include personnel titles, a description of duties, and percentage allocation of time attributed to said duties. If an agency intends to redirect existing staff to new tobacco-related duties, the application must clearly describe the current duties and proposed duties of each staff member. If an applicant agency plans to partner with another agency to achieve the stated goals and objectives, then a letter of intent from the partner agency is required to be submitted with the proposal.
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v. Budget – Describe and include all costs associated with this application on the Budget Detail Sheet and in the narrative in this section.

Budget Detail Template	This excel worksheet must clearly describe ALL expenditures the applicant wishes to fund under this grant. All project costs must be reasonable and directly related to the objectives and activities of the project.
Budget Narrative	All costs that are included in your Budget Detail Sheet must be adequately justified in your narrative. All Personnel-related costs must be described in Section II(C)(iv). Any costs outside of personnel expenditures MUST be described in this section of your narrative. Any costs identified in the Budget Detail Template that do not have a sufficient justification may be subject to removal or reduced funding.
Travel	All travel-related expenditures are subject to State rates, rules, and regulations. These can be found at: http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx . Rates are subject to change without notice.

Restricted Items	Unallowable expenses include, but are not limited to, the following: • Ammunition • Awards • Award Certificates • Balloons • Briefcases • Calendars (Decorative) • Cleaning supplies • Coffee pots and supplies • Facilities lease/rent • Facilities renovations • Firearms and related accessories (scopes, holsters, racks, etc.) • Food, beverages, and any other consumables • Gift cards • Hand sanitizers • K9 • Kleenex/tissue paper • Luggage • Luggage carriers • Pepper spray • Personalized products used to advertise an agency and/or programs (e.g., pens, magnets, drawstring bags, etc.) not specific to anti-smoking/anti-tobacco campaigns. Any products in this category require prior approval from the Tobacco Grant Program. • Picture frames • Plastic eating utensils • Portable fans • Portable heaters • Refreshments • Refrigerators • Ribbons • Uniforms and standard complement items (BDU, vests, boots, etc.) • Vehicles and/or vehicle trailer purchases (vehicle usage, leases, fees, and mileage reimbursement are allowable).
Other Funding Sources	If your agency currently receives funding for similar work, describe the other funding and explain how the proposed funds will not supplant the existing funding.
Previous Award(s) Narrative	If your agency received a previous Tobacco Grant award(s) from the Department, a narrative MUST be provided in this section. Describe your agency's previous award(s) and the successes and challenges. Include the impact of your agency's previous actions (relevant to the previous grant

	award(s)) on tobacco use by minors and youth and the impact of enforcement actions. Describe any interaction between this proposal and your previous award(s).
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III. SELECTION OF PROPOSALS FOR FUNDING

A. Administrative Review

All grant applications will be reviewed by an independent reviewer upon submission to the Department to ensure that all requirements are met under Sections I and II. This administrative review will render a pass/fail score.

B. Merits Review

All grant applications that pass the administrative review will move forward to the merits review. The Merits Review Committee will be comprised of four individuals selected by the Attorney General or his designee, to read, evaluate, and rate all proposals that pass administrative review.

The committee will consist of a senior member of Department's policy staff, a member (peace officer) of the Division of Law Enforcement, a member of Department's Budget Office staff, and a member of Department's Healthcare, Rights and Access Section, Tobacco Unit. The committee will receive instruction, as set forth below, regarding scoring, and each member will make a written declaration, prior to reviewing any proposal, regarding the confidentiality of the procedure and attesting to the absence of a conflict of interest.

The committee members will score each application that passes administrative review. The initial assessment will be whether or not the proposed project is within the scope of the Tobacco Grant Program. If the project is within the scope, it will be scored according to the following criteria: (1) the problem to be addressed; (2) the proposed project, its goals and objectives, and the extent to which the proposed project addresses the problem in a manner that that does not focus on punitive measures against minors/youth and promotes restorative practices; (3) the relevant experience of the personnel required to implement the project; (4) the completeness, accuracy, and reasonableness of the estimated budget; and (5) the capacity of the applicant to achieve its stated goals and objectives. In assessing the capacity, committee members may consider indicators of community support for the proposed project, including letters of stakeholder support and information about the applicant's community outreach efforts, as well as prior compliance under other mandates. In assessing capacity of an applicant that is a party to an existing or prior grant agreement, committee members shall consider the applicant's historical performance under the existing or prior grant agreement. The committee members may score based on individual review of the proposals, discussion with other members of the

committee, or a combination thereof. A committee member may ask Department staff for additional information relevant to scoring an application and staff may provide this information; such information shall be provided to all committee members.

More information about the evaluation criteria is contained in the Grantee Handbook.

C. Selection

The Merits Review Committee's recommendations for funding will be submitted to the Attorney General or designee for final selection.

IV. PROCESSING AND FINALIZING GRANT AWARDS

A. Processing of Grant Award

- i. The following are the steps the Department will take in processing grant proposals and awards:
 - a. Department receives proposals.
 - b. Department performs administrative review.
 - c. Merits Review Committee reads and evaluates proposals.
 - d. Merits Review Committee submits scoring and recommendations to Department staff. Staff submit the results of the administrative review, and the scoring and recommendations of the Merits Review Committee to the Attorney General for approval.
 - e. Attorney General approves or modifies final recommendations.
 - f. Department sends selection notification letters to all applicants, successful and unsuccessful.
 - g. Upon receipt of the Letter of Intent from the awarded agency, the Department sends the MOU to successful grant applicants for signature and applicants execute and return the MOU to Department, with the required award summary document, resolution of the governing body and Government TIN form.
 - h. Department reviews completed MOUs from awarded agencies and signs completed forms.
 - i. Department sends fully-executed copy of MOU to applicant with further instructions on the reimbursement process.

B. Project Funded

Applicants selected for funding must retain a copy of this RFP and the Grantee Handbook because these materials set forth the requirements for the entire grant award period. The grant award is based on this RFP, Grantee Handbook, the proposal and all documents referenced therein, the completed MOU, and any other documents duly incorporated.

V. SAMPLE GOALS AND OBJECTIVES

The patterns of use of tobacco products in California are increasingly uneven. For example, smoking rates vary widely depending on age, race, national origin, education, income, sexual identification, and region. There are also variations in the use by minors and youth of different types of tobacco products, depending on the community, e.g., in some areas minors and youth tend to use chew, in others they tend to use e-cigarettes, and in others they tend to use cigarillos. The Department encourages applicants to consider strategies that reduce illegal sales and marketing of all tobacco products to minors and youth, and that take into account these variations as they exist locally.

The Department provides the following sample goals and objectives to help guide applicants and give ideas upon which to build. Applicants may incorporate those that will help solve local problems. The Department encourages applicants to develop their own strategies to address these problems. Other resources that applicants might find helpful include the CDTFA list of licensed corporate retailers <https://www.cdtfa.ca.gov/taxes-and-fees/cigarette-licensees.htm>, the FDA retailer compliance database https://www.accessdata.fda.gov/scripts/oc/inspections/oc_insp_searching.cfm, and the reports of the California Department of Public Health Tobacco Control Branch <https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/Pages/Data.aspx>.

- Identify and target problematic retailers of tobacco products.
- Conduct _____ tobacco-related enforcement operations targeting licensed retailers.
- Conduct _____ post-enforcement operations targeting non-compliant retailers.
- Conduct _____ tobacco-related enforcement operations targeting locations where smoking is prohibited.
- Survey and conduct _____ enforcement operations targeting hookah bars and lounges, particularly relating to sale or service to minors or in areas near college campuses.
- Conduct _____ "shoulder tap" or other operations involving the furnishing of tobacco products to minors from non-commercial sources.
- Conduct _____ local tobacco retail license inspection operations.
- Conduct _____ operations involving the sale of single cigarettes ("loosies").
- Conduct _____ operations involving the sale of tobacco products in violation of local ordinances, e.g., flavored products, minimum pack size, coupons, samples, etc.
- Conduct _____ retailer education meetings focusing on furnishing of tobacco products to minors.
-
- Install _____ vape detectors in school locations and track alerts and outcomes
- Create a tobacco cessation or diversion program for students
- Establish procedures for safe storage and/or disposal of e-cigarettes
- Increase communication and involvement with youth regarding underage tobacco use.
- Install _____ signs to inform public of state and local no smoking laws

- Provide roll call training on tobacco-related issues for all sworn personnel on a regular basis.
- Conduct _____ tobacco enforcement operations targeted at Internet retailers.
- Develop and implement a retailer diversion program for tobacco-related violations.
- Develop and implement a multi-agency task force, a multi-jurisdiction task force, a community task force, or a multi-issue task force, to identify and address local tobacco-related issues.

VI. FAQs ABOUT DEPARTMENT’S TOBACCO GRANT PROGRAM

Is it worthwhile for a small agency in a small city to apply for these funds?

Yes. Previous grantees are from all over the state and include many small cities and rural counties. You can find lists of previous grantees here:

<https://oag.ca.gov/sites/all/files/agweb/pdfs/tobacco/tobacco-grants-17-18.pdf>

<https://oag.ca.gov/sites/all/files/agweb/pdfs/tobacco/18-19-example-grantees.pdf>

<https://oag.ca.gov/sites/all/files/agweb/pdfs/tobacco/tobacco-grant-2019-2020-grantees.pdf>

<https://oag.ca.gov/sites/all/files/agweb/pdfs/tobacco/tobacco-grant-2020-2021-grantees.pdf>

<https://oag.ca.gov/system/files/media/tobacco-grant-2021-2022-grantees.pdf>

This program looks like it is only for police or sheriffs. Can a local government agency apply?

Police and sheriff’s departments are not the only eligible local law enforcement agencies. If an agency enforces a local ordinance or state law relating to tobacco, e.g., inspects tobacco retail licenses or enforces rules against smoking in public areas, it is eligible to apply. If a city, county or public educational institution has a law enforcement branch or function, it is eligible to apply. However, funding for law enforcement personnel on school campuses is not a priority and such requests will not be considered in this funding cycle.

Can this grant funding be used for cannabis, alcohol, opioids, or any number of other issues that are big problems? Hardly any kids smoke cigarettes any more.

No. Tobacco remains one of our most serious public health issues. Further, tobacco use often tracks other issues that are of great concern. Addressing tobacco problems has additional benefits that go beyond cigarette smoking. California law defines “tobacco products” more broadly than just cigarettes – it includes e-cigs, flavored cigarillos, blunts, etc. In many communities, the number of kids using vape products has increased faster than the number of kids using cigarettes has decreased.

It is difficult for a small jurisdiction to conduct effective minor decoy operations. Does this program fund other types of enforcement?

Yes. Funds are available for many different types of tobacco-related enforcement activities, not only for undercover buy operations. The Department encourages joint partnerships amongst neighboring jurisdictions through sub-contracts, e.g., several adjoining rural counties could collaborate on joint operations using shared enforcement personnel and a local community group. A law enforcement agency could subcontract with another organization to perform work in support of enforcement efforts. There are many options.

Kids get tobacco from friends, or older siblings, or the internet. How does doing more undercover buys at retailers address that reality?

Minors get tobacco products from many sources and the Department seeks to fund a wide range of enforcement activities – not only undercover buys at brick and mortar retailers. Other funded activities might include undercover internet buys, retailer education, and community outreach by law enforcement.

If a community already has a robust tobacco retailer inspection and education program, will the Department fund other activities?

Yes. Prop. 56 provides funding to support local law enforcement officers in programs that include, but are not limited to, enforcing state and local laws relating to tobacco. Thus, if other activities will support tobacco enforcement in the community, those activities may be eligible – ranging from paying for anti-tobacco posters on bus benches on routes taken by young people, erecting no smoking signs at parks and playgrounds, developing a retailer diversion program, and enforcement in hookah lounges. The Department's grant program gives fiscal support to local agencies to pursue activities that will produce results in their communities and to encourage approaches that do not increase punitive consequences to minors/youth and instead focus on restorative and supportive practices.

Officers and inspectors cite retailers, but the district or city attorney never prosecutes for tobacco-related violations. Can the tobacco grant program help?

Yes. Funds are available for prosecution of tobacco-related violations, in a judicial or administrative venue. These funds should not be used, however, to increase punitive consequences for minors/youth.

My agency currently has a Tobacco Grant award through the Department of Justice. Can we apply again?

Yes. However, the Merits Review Committee will take into consideration the current award activities from the existing grant. If you are applying for another grant that will overlap with your current grant, the proposal must include a different project with

different goals for the overlap period. An overlap of funds to perform the same functions will not be approved.

Can our proposal include a media campaign?

Yes, media campaigns coordinated with the local school district or community youth programs will be considered. Consideration will be granted dependent on scope of campaign and depth of audience.

**TOBACCO GRANT PROGRAM
FY 2022-23
GRANTEE HANDBOOK
DOJ-PROP56-2022-23-1**



ROB BONTA
Attorney General

OFFICE OF THE ATTORNEY GENERAL

April 2022

**HANDBOOK FOR GRANTS MADE BY THE DEPARTMENT OF JUSTICE TO
LOCAL AGENCIES UNDER PROPOSITION 56, THE HEALTHCARE, RESEARCH
AND PREVENTION TOBACCO TAX ACT OF 2016 (ACT)**

All items contained in this Handbook are subject to change.

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PART I: GRANT APPLICATION GUIDE

GENERAL INFORMATION

In accordance with the State Budget Act and the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 (Act), as added by Proposition 56, the California Department of Justice (“Department”) intends to distribute \$22 million¹ in FY 2022-23 to eligible local law enforcement agencies for qualifying tobacco enforcement purposes. Grant funds will be awarded on a competitive basis in accordance with the Department’s funding priorities.

APPLICATION PROCESS

Applications

An eligible agency may submit one individual application.

Eligible agencies with an existing Tobacco Grant award may submit a proposal to supplement the objectives of their existing award; a proposal for a new award to fund new objectives; or if their grant is expiring, a new grant award.

REVIEW, AWARD AND TERMS

Administrative Review

Applications will undergo an administrative review by the Department to determine whether the application is timely, legible and complete, and whether the applicant agency is eligible. An applicant may request to amend its application up until the date/time the Request for Proposals (RFP) closes.

Incomplete, illegible and untimely applications and applications received from ineligible entities will be disqualified.

All applications that are not disqualified in the administrative review will undergo a merits review.

Merits Review

Applications that satisfy the administrative review shall be reviewed by a Merits Review Committee.

The Merits Review Committee shall initially assess whether each proposed project is within the scope of the Tobacco Grant Program. This will render a pass/fail score. The committee will then evaluate and score applications that are within the scope based on the extent to which the applications satisfy the scoring criteria set forth in the RFP, show capacity to comply with the Act’s requirement to refrain from using grant funds to supplant any existing state or local funding of activities that have the same purposes as those of the Act, and comply with the administrative requirements of the grant.

¹Available amount is subject to change based on approval of the State’s FY 2022-23 budget.

The Merits Review Committee shall make a funding recommendation for each application, other than those that were disqualified or denied, based on the following factors:

- Amount of available funding.
- Number of applicants.
- Amount of funding requested for eligible and meritorious activities.
- The merits of the application based on the scoring criteria set forth in the RFP.
- The Department's funding priorities as articulated in the RFP.

The Merits Review Committee shall provide its scoring and recommendations as to approval or denial of applications, and as to the amount of funding for successful applications, to the Attorney General and/or their designee for final selection.

Notification of Award, Denial or Disqualification

The Department shall notify all applicants of disqualification, denial, or award.

The Department's selections are final and not subject to appeal.

Notification of award does not authorize commencement of grant activities. Agencies selected to receive an award (Grantee) will receive a revised budget detail identifying what was specifically funded and will be required to also provide a revised narrative to match the revised budget. Grant activities may begin once the grantee receives a revised budget detail from the Department, but reimbursement cannot be provided until a Memorandum of Understanding (MOU) between the grantee and the Department is fully executed. Other accompanying documents (e.g., award summary document, resolution and Government TIN form) must also be received before reimbursement can be made.

Grant Agreement

A written and signed MOU is required for all grants. The grant agreement includes the RFP and associated documents, this Handbook, the Application and any associated documents submitted in response to the RFP, and the signed MOU.

Access

Upon reasonable notice, grantees shall allow the Department access to the records of the project, the project sites (if applicable), and any employees or contractors who may reasonably have information related to the project. Also, upon reasonable notice, grantees shall allow the Department to accompany the grantee on project-related activities.

Performance Compliance, Audit, and Responsibility

Grants and funding are subject to performance compliance reviews in the form of site visits, interviews with grantees, contractors and other stakeholders, and review of relevant documents. This review may be performed by the Department and/or its designee.

- The grantee is the responsible agency and may not transfer or assign the grant to another entity.

- Grantees are subject to audit by the California State Auditor, as required by Revenue and Taxation Code, section 30130.56, subdivision (a).
- Grantees are subject to a financial compliance review in the form of an audit, an agreed-upon-procedure, and/or both. A review will be conducted in accordance with the Generally Accepted Government Auditing Standards and Revenue and Tax Code, sections 30130.56 and 30130.57, subdivisions (e)(1), (f) & (g), designed to accomplish any one or more of the following: to monitor compliance with the requirements of the grant program and the terms and conditions of the grant agreement; to assess the quantity, quality, timeliness and cost of services the grantee produces and delivers under the terms and conditions of the grant agreement; and to assess the performance of any contract entered into by a grantee relating to a grant.
- One or more of the following shall be grounds for an audit exception, which may require the refund of amounts paid with Grant funds: (1) failure to fully complete the work or services described in the award summary document; (2) failure to assess the performance of any contract entered into by a Grantee; and (3) failure to maintain documents, records, receipts, and financial accounts supporting the expenditures reimbursed with Grant funds.

Reports

Quarterly progress reports and other information requested by the Department shall be submitted by the grantee to the Department in accordance with the reporting requirements and deadlines set forth in the grant agreement. Quarterly progress reports shall describe grant activities undertaken pursuant to the grant agreement during the reporting period.

Withholding of Ten Percent Pending Closeout

The Department may withhold the final reimbursement claim(s) or ten percent of the grant amount pending approval by the Department of the final quarterly progress report.

Procurement of Goods or Services

The grantee shall follow its own written procurement policies and procedures when procuring goods or services for activities relating to performance of the grant. All documents related to the procurement of goods or services shall be maintained by the grantee for the records retention period (see Project Requirements, Records Retention) and copies shall be provided to the Department when requesting reimbursement.

Use of Contractors

Grantees may contract for services for performance of a project as set forth in the grant agreement.

- Contractor services must be for the purpose of achieving the grant objectives.
- Grantees are responsible for ensuring that each contractor complies with the grant agreement, including, if applicable, collecting and reporting of inspection data and disallowance of supplanting and restricted items.

- Contracting shall not affect the grantee's overall responsibility for the management of a Project, and the grantee shall reserve sufficient rights and control to enable it to fulfill its responsibilities for the grant.
- Grantees shall have a written agreement with each contractor and shall submit a copy of the agreement to the Department.

PROJECT REQUIREMENTS

Administrative Costs

Administrative costs are the portion of staff time, office space, equipment and supplies needed to operate the program. A Grantee shall not use more than five percent (5%) of the funds expended for administrative costs. See Revenue and Taxation Code, Section 30130.57 (f), (g).

Project Costs

Project costs may include the reasonable and necessary cost of tobacco-enforcement related items required to conduct grant-related operations.

Project Income

Income generated from a project, if any, may be reinvested by the grantee into the project for which the grant was awarded; returned to the Department; or the Department may approve other uses by the grantee in accordance with the general purposes of the grant. Project income does not include fines, penalties, legal costs, attorney's fees, or other property collected as a result of enforcement actions by the grantee.

Overpayment of Funds

If an agency is inadvertently reimbursed for more than the amount expended, the overpayment of funds must be returned to the Department. If the grant for which the funds are being returned is still active (within the term of the MOU), then the returned funds can be shown as a credit on the next claim submitted for reimbursement. If the grant term has ended, the agency must return the funds within 90 days of notice of overpayment. Checks should be made payable to the California Department of Justice and mailed to:

California Department of Justice
Division of Operations
Tobacco Grant Program
P.O. Box 160187
Sacramento, CA 95816

Records of Tobacco Products

Grantees shall retain and preserve the tobacco products purchased or otherwise obtained during the course of performing a project, and the purchase records for such tobacco products, in accordance with the grantee's written policies regarding retention, destruction or forfeiture of such items.

Travel

Travel costs of grantees are permitted for travel to/from tobacco-related trainings, meetings, seminars, and/or workshops. All travel must be approved and included in the grant budget.

Travel by grantees shall be in accordance with the State of California's written travel policies, and subject to any further requirement in the grant agreement. Travel costs shall be substantiated by receipts made available to the Department upon request for reimbursement.

Out-of-state travel must be clearly specified in the grant budget and/or modification because it requires prior approval and may be subject to additional restrictions.

Travel costs may only consist of the reasonable and necessary charges for commercial fares, public transportation, private vehicle, overnight and day parking of private or rental vehicles, bridge and road tolls, meals, lodging, and incidentals, incurred for travel necessary for the performance of the grant. The State of California's written travel policies can be found online at www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx.

Equipment Property Records

Grantees shall maintain property records for the records retention period for each item of tangible property having a useful life of more than one year *and a per-unit* acquisition cost of \$5,000 or more.

Records Retention

Grantees shall maintain records relating to the application, grant agreement, budget, and performance of projects, for the records retention period established by the agency for those types of records, or for five years from the date the grant was closed out by the Department, whichever is longer. These records include, but are not limited to, reports of enforcement activities, educational programs, policy programs, personnel activity records, payroll records, travel claims, receipts, documents showing the calculation or methodology for determining funds were not supplanted, and documents showing the calculation or methodology for determining administrative costs.

Noncompliance

In the event a grantee fails to comply with the terms and conditions of the Act or grant agreement, the Department will notify the grantee in writing.

In the event the Department and a grantee are unable to resolve a grantee's non-compliance with the terms and conditions of the Act or grant agreement within 30 calendar days of the written notice, the Department may take one or more of the following actions:

- Withhold payments.
- Recover funds paid to the grantee.
- Impose additional conditions on the grantee.
- Terminate the grant agreement.
- Disqualify the grantee from consideration for future grants.

Non-Use of Funds

Grantees are expected to start operations within six months of the beginning date of the MOU and are responsible for advising the Department if they are unable to do so. Grantees who have not started their project and expended any funds within the first year of the beginning of the grant term shall forfeit their award. Any forfeited awards may be awarded to another agency.

Closeout

The Department shall conduct closeout review activities prior to closing out each grant to ensure that all necessary administrative actions and projects have been completed by the grantee. Closeout review activities include, but are not limited to, review of the final progress report, verification that any performance issues are resolved, and verification that any audit or agreed-upon-procedure findings are resolved.

Allowable Costs; Reasonable Costs; Allocable Costs

Costs must meet all of the following general criteria to be allowable. An allowable cost must:

- Be reasonable for the performance of the grant and allocable to the grant.
- Be accorded consistent treatment. In the event a cost is assigned in one way and another cost incurred for the same purpose in like circumstances was previously allocated in another way, the grantee shall provide a description of both the current and the prior assignments. The description shall be sufficient for the Department to ascertain whether or not funds have been supplanted.
- Be adequately documented.
- Comply with the Act and terms and conditions of the grant agreement.
- Comply with applicable laws and regulations.
- Not be disallowed under the terms of the grant agreement.

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In determining the reasonableness of a given cost, consideration will be given to:

- Whether the cost is generally recognized as ordinary and necessary for the proper and efficient performance of the grant.
- The requirements of the grant program and the terms and conditions of the grant agreement.
- Market prices for comparable goods or services for the geographic area.
- Whether the grantee deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase a cost.

A cost is allocable to the grant if the cost is incurred for grant-related activities.

Unless otherwise provided for in the grant agreement, if a cost is incurred for the performance of grant-related activities and also for other non-grant-related activities, and benefits both grant and non-grant activities, the proportion that is incurred for the performance of grant-related activities

may be approximated using reasonable and properly documented methods and assigned to the grant.

Examples of allowable costs (if approved in the budget) include, but are not limited to:

- Cell phone, including monthly service costs.
- Community outreach items (e.g., pop-up tent, table, tablecloth, prize wheel).
- Education materials (pamphlets, brochures, flyers).
- Media campaigns (Prior approval of logos, language/statements to be used, pictures/graphics, etc., must be obtained from the Department prior to expenditure of funds).
- Office equipment (laptop/PC/printer).
- Promotional items with an anti-tobacco message (hats, t-shirts, pencils/pens, water bottles, draw string/reusable bags, lanyards). The anti-tobacco messaging should be predominant and can be an image and/or text. Approval of logo/messaging is required from the Department prior to purchase of the items.
- Video/Audio recording devices (minor decoy/shoulder tap operations).

Supplanting

Supplanting is prohibited. Grant funds may not be used to pay for costs that are already funded within your agency's budget, or for which other funding has already been received, in order to reallocate existing funding to other purposes. If funds awarded under this grant are used to supplant existing agency resources previously allocated for the same purpose, the Department may pursue remedies for non-compliance.

DEFINITIONS

The following definitions apply to this Handbook and the associated RFP:

- **Administrative Costs.** Administrative costs are the portion of staff time, office space, equipment and supplies needed to operate the program. They include necessary and reasonable indirect expenses as allowed under the terms and conditions of the grant agreement, limited to five percent (5%) of the total expenditures.
- **Application.** A request by an eligible agency to receive a grant from the Department pursuant to Revenue and Taxation Code, Section 30130.57(e)(1).
- **Award Summary document.** A document which states reductions and/or revisions to the budget detail and includes a revised narrative provided by the grantee to match the revised budget.
- **Contractor.** An entity or person, including a consultant, that enters into a contract with a grantee to perform an approved grant-related activity.
- **Department.** The California Department of Justice.
- **Grant.** An award of financial assistance made to a Grantee, the principal purpose of which is the transfer of funds to carry out a project of public benefit authorized and

intended by Revenue and Taxation Code, section 30130.57, subdivision (e)(1), a Request for Proposal, and the grant agreement between the grantee and the Department.

- **Grant Agreement.** The final agreement entered into between the Department and a grantee, which sets forth the terms and conditions of the Grant. The grant agreement includes the executed MOU, Request for Proposal and associated documents, Summary of Award document, and this Handbook.
- **Grant Duration.** The period of time provided for in the Grant Agreement.
- **Grantee.** A local agency to which a grant is awarded.
- **Inspection Data.** Information regarding retailer inspection or enforcement activity by a grantee under the terms of the grant agreement, including, but not limited to, information about retailer location, retailer violations, retailer inspections, and retail-related citations, licensing actions, administrative proceedings, diversion proceedings, and prosecutions. Inspection data includes information regarding such activities whether or not a violation was found or a citation was issued. A grant agreement may contain further information about what constitutes inspection data, how it is to be gathered and retained by a grantee, and how and when it is to be reported to the Department.
- **Local Law Enforcement Agency.** A local government entity, such as a county, city, district, public authority, public agency, and any other political subdivision or public corporation that can support and hire law enforcement peace officers (as defined in Penal Code section 830) and is authorized to: (1) investigate or conduct an official inquiry into enforcement of state and local laws, ordinances, regulation, and policies related to the illegal sales and marketing of tobacco products to minors and youth, or (2) prosecute or otherwise conduct a criminal or civil proceeding arising from the illegal sales of tobacco products to minors and youth.
- **Project.** An undertaking that is planned to conduct activities and achieve stated goals and objectives for which funds were awarded by the Department to a grantee from the California Healthcare, Research and Prevention Tobacco Tax Act of 2016 Fund.
- **Records Retention Period.** The period of time after the grant is closed out that a grantee must maintain records related to the grant, which is at least five years from the date the grant is closed by the Department.
- **Supplant.** Replace or reduce the amount of state or local funds currently being appropriated or previously appropriated for a purpose because grant funds are available or expected to be available to fund that same purpose. The effect of supplanting would be to reduce the total amount that would have been available for the purpose stated in the application or grant agreement.
- **Tobacco Products.** The same meaning as in Revenue and Taxation Code, Section 30130.50(b).

PART II: GRANT OWNER'S MANUAL

GRANT ACCEPTANCE AND TERMS

Award

Your award is not final upon initial notification. A letter of intent to accept the award will be attached to the award notification. Your agency must affirm that either (1) it will seek a resolution to accept the award, if your agency has a governing body, or (2) no governing body exists and no resolution is required. In order to officially accept the award, your agency must return the completed, signed letter of intent within 15 calendar days of the date of the award letter via email to TobaccoGrants@doj.ca.gov or hard copy to:

California Department of Justice
Division of Operations
Tobacco Grant Program
P.O. Box 160187
Sacramento, CA 95816-0187

Your agency may begin engaging in funded activities once a revised budget detail is received from the Department, but will not be eligible to receive reimbursement for expenditures until a MOU is fully executed with all applicable signatures and accompanying documents (e.g., Award Summary, Resolution, Government TIN form) are in place. The MOU must be approved by the head of your agency, or your agency's governing body if one exists. The MOU and other accompanying documents must be returned within 90 days of receipt. **Failure to return the letter of intent within 15 days or execute the MOU and other accompanying documents within 90 days will be deemed a declination of the award.** In the event of an unclaimed or declined award, funding may be awarded to another applicant.

Terms and Conditions

By accepting these funds, your agency agrees to comply with, and be bound by, the conditions set forth in the MOU and this Handbook.

Department Grant Management

Each agency will be assigned a Grant Administrator from the Department for assistance with implementation and oversight of the agency's specific grant program throughout the life cycle of the grant. The Grant Administrator will maintain regular communications with their agencies and will provide administrative direction and guidance.

Allowable Costs

In general, costs must meet all of the following general criteria to be allowable. An allowable cost must:

- Be reasonable for the performance of the grant, and allocable to the grant.
- Be accorded consistent treatment. In the event a cost is assigned in one way and another cost incurred for the same purpose in like circumstances was previously allocated in the agency's budget in another way, the grantee shall provide a description of both the

current and the prior assignments. The description shall be sufficient for the Department to ascertain whether or not funds have been supplanted.

- Be adequately documented.
- Comply with the Act and terms and conditions of the grant agreement.
- Comply with applicable laws and regulations.
- Not be disallowed under the terms of the grant agreement.

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In determining the reasonableness of a given cost, consideration will be given to:

- Whether the cost is generally recognized as ordinary and necessary for the proper and efficient performance of the grant.
- The requirements of the grant program and the terms and conditions of the grant agreement.
- Market prices for comparable goods or services for the geographic area.
- Whether the grantee deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase a cost.

A cost is allocable to the grant if the cost is incurred for grant-related activities. Unless otherwise provided for in the grant agreement, if a cost is incurred for the performance of grant-related activities and also for other non-grant-related activities, and benefits both grant and non-grant activities, the proportion that is incurred for the performance of grant-related activities may be approximated using reasonable and properly documented methods and assigned to the grant.

Specific costs that may be supported by funds awarded under the Tobacco Grant Program are as follows:

Personnel

Salaries, benefits and overtime are allowable expenses. Amounts claimed must be based on actual wages and supported by payroll and attendance records kept by the agency and must be made available to the Department upon request.

Travel

Travel that directly supports the applicant's project may be reimbursed using grant funds, with limitations on expenditures for meals, incidentals, lodging and mileage. Travel may be billed and reimbursed only as allowed by the State of California's established travel reimbursement rates in effect as of the date(s) of travel and must be included in the approved budget. Please refer to the California Department of Human Resources' website at <http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx> for the most current approved travel reimbursement rates.

Travel expenditures that exceed the State's allowable rates will be reimbursed only up to the amount allowed and the Grantee will be responsible for the balance.

Acceptable documentation for reimbursement of travel expenses includes copies of receipts for meals, lodging, etc., and if applicable, completed agency mileage forms. All receipts must show 'paid' by cash/check or credit card.

Training

Each grant recipient is encouraged to send at least one representative to a workshop offered by the Tobacco Grant Program during the first year of each grant award.

All trainings must be Tobacco Grant-related. If the training is not offered by DOJ and specifically related to the Tobacco Grant, then prior approval must be sought. To obtain prior approval for training, the Grantee must submit specific training information (e.g., flyer, agenda, registration notification, etc.) to confirm it covers tobacco-related content. Acceptable documentation for reimbursement of training expenses includes copies of receipts and proof of payment (copies of checks or credit card statements).

Equipment

Equipment that directly supports the applicant's project proposal may be purchased using grant funds. Equipment is defined as an item that has a *per-unit* acquisition cost of \$5,000 or more and a useful life of at least one year.

Acceptable documentation for equipment purchases include copies of receipts and proof of payment (copies of checks or credit card statements).

Supplies and Materials

Supplies and materials that directly support the applicant's project proposal and are not restricted items may be purchased using grant funds. Items in this category have a per-unit cost of less than \$5,000 and may be consumable.

Acceptable documentation for purchases of supplies and materials includes copies of receipts and proof of payment (copies of checks or credit card statements).

All items which include artwork and/or anti-tobacco messaging require pre-approval from DOJ. As a guideline, the anti-tobacco logo/message must be the prominent feature and should be at least 25 percent larger than any other logo/message in the design. If there is a front and back to an item, the anti-tobacco logo/message must be placed on the front.

Supplanting

Pursuant to Revenue and Taxation Code section 30130.57, subdivision (e), grant funds are not to be used to supplant existing state or local funds that were already allocated for the same purpose. If the Department or California State Auditor identifies that your agency has used grant funds to pay for costs that are already funded within your agency's budget, or for which other funding has already been received, in order to reallocate existing funding to other purposes, the Department may pursue remedies for non-compliance.

Restricted Items

Grant funds shall not be used to purchase items that are considered restricted and for personal use. Examples include, but are not limited to, the items on the following list. An item may not appear on this list but if it is determined to be for personal use, the Department will not provide reimbursement or if reimbursement has already occurred, the Department may pursue remedies for non-compliance. If an item appears on this list, or if there is a question about whether an item will be approved for reimbursement, then prior approval from the Tobacco Grant Program should be sought.

- Ammunition
- Awards
- Award Certificates
- Balloons
- Briefcases
- Calendars (Decorative)
- Cleaning supplies
- Coffee pots and supplies
- Facilities lease/rent
- Facilities renovations
- Firearms and related accessories (scopes, holsters, racks, etc.)
- Food, beverages, and any other consumables
- Gift Cards
- Hand sanitizers
- K9
- Kleenex/tissue papers
- Luggage
- Luggage carriers
- Pepper spray
- Personalized products used to advertise an agency and/or programs (e.g., pens, magnets) not specific to anti-smoking/anti-tobacco campaigns. Any products in this category require prior approval from the Tobacco Grant Program
- Picture frames
- Plastic eating utensils
- Portable fans

- Portable heaters
- Refreshments for meeting/conferences
- Refrigerators
- Ribbons
- Uniforms and standard complement items (BDUs, vests, boots, etc.)
- Vehicles and/or vehicle trailer purchases (vehicle usage, leases, fees, and mileage reimbursement are allowable).

ACCESSING AND MANAGING GRANT FUNDS

Invoicing

Invoices must be submitted by mail on a quarterly basis, in arrears. Invoices are due October 15, January 15, April 15, and July 15. Submit original invoices on DOJ-provided forms with all required attachments, plus two complete copies, to:

Department of Justice
Division of Operations
Tobacco Grant Program
P.O. Box 160187
Sacramento, CA 95816-0187

A complete invoice package will include:

- The invoice cover page signed by the agency representative;
- The invoice detail pages; and
- Documentation of costs incurred and their subsequent payment for all Operating Expenses and Equipment (Section B) claimed. Goods and services received must be shown to have been paid in full. Everything claimed for reimbursement requires documentation and the Grantee must be in possession of that documentation before requesting reimbursement.

Grant Modifications

A grantee may request a change in the use of grant funds, the project description, or the duration of the grant award, or other changes related to the project or budget by submitting the Grant Modification form, revised Budget Detail, and written justification that includes the reason the change is needed and that demonstrates the change is consistent with the approved grant objectives. Only one Grant Modification is allowed during the duration of the grant.

Grantees may request up to three Budget Modifications per fiscal year. A Budget Modification is limited to moving funds from one fiscal year to another or realigning funds to increase a line item by no more than 10 percent (10%) of the original amount awarded for the line item.

Requests to extend the duration of the grant will not be considered unless received by DOJ at least six months prior to the end date on the MOU.

Record Maintenance

Your agency must maintain records relating to the application, grant agreement, budget, and performance of projects, for the records retention period established by your agency for those types of records or for five years after a grant is closed out by DOJ, whichever is longer. These records include, but are not limited to, reports of enforcement activities, educational programs, policy programs; personnel activity records; payroll records; travel claims; receipts; documents showing the calculation or methodology for determining whether funds were supplanted; and documents showing the calculation or methodology for determining administrative costs.

Audits

Grant fund recipients and sub-recipients are subject to audit by both the California State Auditor and the Department. In addition to formal audits, the California Department of Justice may conduct site visits with reasonable notice. All documentation related to the receipt and use of grant funds shall be made open to inspection upon request by the California State Auditor and/or the Department.

Reports

Quarterly progress reports must be submitted electronically on a quarterly basis. Grantees will be provided with a link and instructions via email prior to each report due date. Grantees are expected to describe grant activities undertaken pursuant to the grant during the reporting period. Activities reported in quarterly progress reports will be compared to expenses claimed for reimbursement during the same period. Information reported via invoices and quarterly progress reports may be compiled for Department use.

Quarterly progress activity reports are due on the following dates:

- October 15
- January 15
- April 15
- July 15

The final quarterly progress report shall describe grant activities completed up to the end of the term of the grant award. DOJ may withhold the final reimbursement claim(s) or 10% of the grant amount, whichever is more, pending approval by DOJ of the final quarterly progress report.

Closing Out

Once your agency's award expires, whether or not funds were fully expended, it must be closed out.

Funding

Expenses claimed for reimbursement must already be paid for by the Grantee, and the Grantee cannot claim expenses for reimbursement that were paid for by another party. A Grantee may not request reimbursement in an amount greater than the actual cost to the Grantee.

Grant funds for reimbursement must be spent by the Grantee *prior* to the grant expiration date. Any funds spent after the expiration date of the grant cannot be reimbursed, regardless of when they were obligated or problems with vendor fulfillment. Goods and services must be received, invoiced, and paid for by the Grantee *during* the grant term in order to be eligible for reimbursement.

ORANGE COUNTY		
APPLICANT	SUMMARY OF AWARD	AWARD
City of Buena Park	Will fund personnel to conduct enforcement operations targeting non-compliant retailers, local tobacco retail license and flavored tobacco inspections, and a public education outreach campaign aimed at reducing tobacco sales to minors.	\$296,387
Fullerton Police Department	Will fund directed enforcement efforts to include shoulder tap operations, minor decoy operations, and retailer compliance inspections.	\$702,271
Los Alamitos Police Department	Will fund tobacco related outreach and education, creation of a tobacco retailer education and compliance program, and enforcement operations.	\$436,361
PLACER COUNTY		
APPLICANT	SUMMARY OF AWARD	AWARD
Rocklin Police Department	Will fund community education, retail compliance checks, retail inspection and license checks, enforcement operations including minor decoy and shoulder tap, and officer training.	\$379,102
SAN BERNARDINO COUNTY		
APPLICANT	SUMMARY OF AWARD	AWARD
San Bernardino Police Department	Will fund personnel to increase tobacco enforcement efforts, provide reoccurring training to all patrol officers related to tobacco enforcement and education, and increase retail site visits to ensure compliance and to provide education.	\$1,097,375
SAN DIEGO COUNTY		
APPLICANT	SUMMARY OF AWARD	AWARD
San Diego County Health and Human Services Agency	Will fund efforts to increase enforcement activities to resolve retail violations and increase the percentage of retailers in compliance, develop a new data management system to track retailer activities, creation of policies and procedures for retail application processing, license issuance, compliance inspections, and enforcement, and the formation of a new multi-agency Tobacco Retail Licensing task force to identify and address local enforcement issues.	\$1,624,706
SAN LUIS OBISPO COUNTY		
APPLICANT	SUMMARY OF AWARD	AWARD
Paso Robles Police Department	Will fund decoy operations and walkthrough inspections to ensure local tobacco retailers are not selling to minors and are in compliance with city ordinances as it pertains to signage.	\$30,492
SANTA BARBARA COUNTY		
APPLICANT	SUMMARY OF AWARD	AWARD
City of Santa Maria	Will fund personnel to enforce the city's Tobacco Retail Licensing Ordinance and Flavors ban, in which minor decoy and shoulder-tap operations on tobacco retailers and online/delivery services will be conducted, retailer training and compliance, and to educate and enforce tobacco laws in the community.	\$441,460



City Council Regular Meeting Staff Report

Subject: Quarterly Building Report

Date: January 24, 2023

Submitted By: David Mohlenbrok, Director of Community Development

Department: Community Development

Recommendation:

Receive the Quarterly Building report for the Quarter Ended December 31, 2022.

ATTACHMENTS:

1. [Community Development Department Quarterly Building Report](#)

CITY OF ROCKLIN

Community Development Department

Building Division

MONTHLY BUILDING REPORTS



ROCKLIN
CALIFORNIA

October – December 2022



Permits Issued - Summary by Type

City of Rocklin

Date Range Between 10/1/2022 and 10/31/2022

PERMIT TYPE	NUMBER OF PERMITS ISSUED	VALUATION	FEES CHARGED
COMMERCIAL ALTER	10	\$1,246,080.00	\$35,405.28
ALTERATIONS	1	\$55,000.00	\$2,887.28
ROOFING	2	\$132,800.00	\$2,013.82
TENANT IMPROVEMENT	7	\$1,058,280.00	\$30,504.18
COMMERCIAL NEW	2	\$180,000.00	\$3,223.03
OTHER	1	\$105,000.00	\$1,312.65
PATIO COVER	1	\$75,000.00	\$1,910.38
ELECTRICAL	104	\$2,741,300.03	\$49,748.37
ELECTRICAL PANEL-RES	5	\$15,169.00	\$1,276.00
ESS-RES	1	\$26,395.00	\$568.00
EVCS - RES	4	\$6,326.00	\$928.00
OTHER	5	\$212,321.26	\$2,840.35
PHOTOVOLTAIC-COM	1	\$169,819.00	\$1,157.55
PHOTOVOLTAIC-RES	81	\$2,022,465.77	\$37,081.45
PV/ESS-RES	7	\$288,804.00	\$5,897.02
MECHANICAL	16	\$225,150.83	\$4,104.93
HVAC-COM	3	\$34,105.00	\$1,004.93
HVAC-RES	13	\$191,045.83	\$3,100.00
MISCELLANEOUS	1	\$20,473.00	\$654.42
ELEC/MECH/PLUM-COM	1	\$20,473.00	\$654.42
PERMIT REISSUE	1	\$6,800.00	\$267.00
PLUMBING	18	\$53,696.17	\$4,300.00
OTHER	2	\$22,500.00	\$464.00
WATER HEATER-RES	16	\$31,196.17	\$3,836.00
POOL	11	\$911,800.00	\$11,643.13
POOL	8	\$631,100.00	\$8,031.64
POOL/SPA	2	\$210,700.00	\$2,416.39
SPA	1	\$70,000.00	\$1,195.10
RES 1 2 FAMILY ALTER	34	\$894,807.34	\$22,602.87
ADDITION	2	\$140,000.00	\$4,157.06
ALTERATIONS	3	\$122,412.00	\$3,040.35
OTHER	13	\$259,770.34	\$8,782.44
ROOFING	11	\$249,895.00	\$3,826.00
SIDING	5	\$122,730.00	\$2,797.02
RES 1 2 FAMILY NEW	15	\$3,068,753.00	\$128,540.22
DWELLING	5	\$2,899,080.80	\$119,640.75
PATIO COVER	10	\$169,672.20	\$8,899.47
SIGN	2	\$59,400.00	\$2,107.06
BLDG PLANNING PERMIT	2	\$59,400.00	\$2,107.06
WEB RES HVAC	40	\$567,676.96	\$9,282.00
WEB RES WATER HEATER	16	\$33,184.55	\$3,712.00
Totals:	270	\$10,009,121.88	\$275,590.31



Permits Issued - Summary by Type

City of Rocklin

Date Range Between 11/1/2022 and 11/30/2022

PERMIT TYPE	NUMBER OF PERMITS ISSUED	VALUATION	FEES CHARGED
COMMERCIAL ALTER	10	\$1,974,007.00	\$47,288.55
ADDITION	1	\$35,000.00	\$3,231.74
ALTERATIONS	1	\$635,000.00	\$11,385.98
OTHER	1	\$25,000.00	\$1,085.19
ROOFING	2	\$171,837.00	\$3,201.30
TENANT IMPROVEMENT	5	\$1,107,170.00	\$28,384.34
COMMERCIAL NEW	1	\$50.00	\$206.50
OTHER	1	\$50.00	\$206.50
DEMOLITION	1	\$3,500.00	\$554.60
RES 1 2 FAMILY	1	\$3,500.00	\$554.60
ELECTRICAL	123	\$2,562,841.61	\$55,226.36
ELECTRICAL PANEL-RES	13	\$34,100.36	\$3,016.00
ESS-RES	3	\$72,400.00	\$1,202.60
EVCS - RES	6	\$7,090.00	\$1,392.00
OTHER	5	\$5,075.00	\$1,836.44
PHOTOVOLTAIC-COM	1	\$110,000.00	\$1,182.32
PHOTOVOLTAIC-RES	90	\$2,176,336.34	\$41,902.00
PV/ESS-RES	5	\$157,839.91	\$4,695.00
MECHANICAL	9	\$128,575.77	\$2,088.00
HVAC-RES	9	\$128,575.77	\$2,088.00
MISCELLANEOUS	3	\$21,861.00	\$1,254.24
ELEC/MECH/PLUM-COM	2	\$3,861.00	\$595.00
ELEC/MECH/PLUM-RES	1	\$18,000.00	\$659.24
MULTI FAMILY NEW	7	\$6,781,759.99	\$477,624.12
DWELLING	6	\$6,713,820.29	\$476,592.13
PATIO COVER	1	\$67,939.70	\$1,031.99
PERMIT REISSUE	1	\$121,313.00	\$390.50
PLUMBING	12	\$118,556.73	\$2,937.60
OTHER	8	\$99,929.73	\$1,904.60
WATER HEATER-RES	4	\$18,627.00	\$1,033.00
POOL	8	\$799,388.00	\$10,333.43
POOL	5	\$481,588.00	\$7,105.12
POOL/SPA	3	\$317,800.00	\$3,228.31
RES 1 2 FAMILY ALTER	18	\$429,456.71	\$13,016.82
ALTERATIONS	5	\$214,732.46	\$6,555.89
OTHER	8	\$126,014.25	\$4,581.09
ROOFING	4	\$73,710.00	\$1,436.00
SIDING	1	\$15,000.00	\$443.84
RES 1 2 FAMILY NEW	10	\$844,281.03	\$33,771.29
DWELLING	2	\$783,110.13	\$29,503.05
PATIO COVER	8	\$61,170.90	\$4,268.24



Permits Issued - Summary by Type

City of Rocklin

Date Range Between 11/1/2022 and 11/30/2022

SIGN	3	\$17,285.00	\$1,770.00
BLDG PLANNING PERMIT	2	\$14,400.00	\$1,419.00
PLANNING PERMIT	1	\$2,885.00	\$351.00
WEB RES HVAC	46	\$704,502.34	\$10,677.00
WEB RES WATER HEATER	14	\$50,662.13	\$3,248.00
Totals:	266	\$14,558,040.31	\$660,387.01



Permits Issued - Summary by Type

City of Rocklin

Date Range Between 12/1/2022 and 12/31/2022

PERMIT TYPE	NUMBER OF PERMITS ISSUED	VALUATION	FEES CHARGED
CODE CHECK	4	\$2,079,079.12	\$13,604.40
RESIDENTIAL	4	\$2,079,079.12	\$13,604.40
COMMERCIAL ALTER	6	\$1,065,554.12	\$26,644.43
ADDITION	1	\$350,563.00	\$7,732.54
ALTERATIONS	1	\$70,000.00	\$0.00
OTHER	2	\$35,000.00	\$2,283.24
ROOFING	1	\$77,991.12	\$1,137.42
TENANT IMPROVEMENT	1	\$532,000.00	\$15,491.23
COMMERCIAL NEW	3	\$1,214,240.15	\$138,017.52
BUILDING	1	\$605,802.15	\$121,483.25
OTHER	2	\$608,438.00	\$16,534.27
ELECTRICAL	79	\$1,945,132.50	\$37,982.31
ELECTRICAL PANEL-RES	6	\$16,950.00	\$1,392.00
EVCS - RES	4	\$5,722.00	\$979.60
OTHER	5	\$25,564.63	\$1,271.20
PHOTOVOLTAIC-COM	1	\$220,000.00	\$2,015.11
PHOTOVOLTAIC-RES	57	\$1,380,837.27	\$26,119.40
PV/ESS-RES	6	\$296,058.60	\$6,205.00
MECHANICAL	11	\$203,195.00	\$3,974.82
HVAC-COM	2	\$62,878.00	\$1,697.82
HVAC-RES	9	\$140,317.00	\$2,277.00
MISCELLANEOUS	4	\$46,560.00	\$1,615.63
ELEC/MECH/PLUM-COM	1	\$26,997.00	\$764.83
ELEC/MECH/PLUM-RES	3	\$19,563.00	\$850.80
PLUMBING	6	\$29,389.36	\$1,495.20
OTHER	3	\$17,936.00	\$747.60
SOLAR PANELS-RES	2	\$9,953.36	\$515.60
WATER HEATER-RES	1	\$1,500.00	\$232.00
POOL	16	\$1,624,565.00	\$17,070.08
POOL	7	\$537,093.00	\$7,220.81
POOL/SPA	9	\$1,087,472.00	\$9,849.27
RES 1 2 FAMILY ALTER	21	\$644,381.61	\$19,137.87
ADDITION	1	\$65,000.00	\$2,433.22
ALTERATIONS	5	\$204,836.00	\$4,844.21
DWELLING	1	\$83,000.00	\$5,039.92
OTHER	7	\$166,156.72	\$4,348.04
ROOFING	6	\$118,588.89	\$2,113.00
SIDING	1	\$6,800.00	\$359.48



Permits Issued - Summary by Type

City of Rocklin

Date Range Between 12/1/2022 and 12/31/2022

RES 1 2 FAMILY NEW	10	\$2,123,964.91	\$100,602.53
DWELLING	4	\$2,050,609.71	\$96,722.28
OTHER	1	\$15,000.00	\$612.62
PATIO COVER	4	\$42,355.20	\$2,429.18
RETAINING WALL	1	\$16,000.00	\$838.45
SIGN	6	\$27,250.00	\$3,631.70
BLDG PLANNING PERMIT	5	\$27,150.00	\$3,280.70
PLANNING PERMIT	1	\$100.00	\$351.00
WEB RES HVAC	29	\$454,493.50	\$6,730.00
WEB RES WATER HEATER	11	\$37,382.05	\$2,552.00
Totals:	206	\$11,495,187.32	\$373,058.49



City Council Regular Meeting Staff Report

Subject: Approval of the Revised Final Map Croftwood Phase 4 (SD-88-05)

Date: January 24, 2023

Submitted By: David Mohlenbrok, Director of Community Development
Lynn Toth, Associate Civil Engineer

Department: Community Development

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Rescinding the Previous Approval (City Council Resolution No. 2022-260) and Approving the Revised Final Map of Croftwood Phase 4 (Crowne Point Phase I Unit 4) Subdivision (SD-88-05, SPU-91-04), and Approving and Authorizing Execution of a Subdivision Improvement Agreement.

Background:

See Attachment number 1, Staff Report, which is separately attached to maintain the integrity of document formatting.

ATTACHMENTS:

1. [Staff Report](#)
2. [Resolution - Croftwood4_FINAL](#)
3. [Resolution - Exhibit A - Final Map](#)



City Council Staff Report

Subject: Reapproval of Final Map Croftwood Phase 4 (SD-88-05)

Date: January 24, 2023

Submitted by: David Mohlenbrok, Community Development Director
Lynn Toth, Associate Civil Engineer

Department: Community Development Department

Staff Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Rescinding the Previous Approval (City Council Resolution No. 2022-260) and Approving the Revised Final Map of Croftwood Phase 4 (Crowne Point Phase I Unit 4) Subdivision (SD-88-05, SPU-91-04) and Approving and Authorizing Execution of a Subdivision Improvement Agreement.

Summary:

On December 13, 2022, the City Council approved the final map for the Croftwood Phase 4 subdivision and accepted on behalf of the public the dedication of the easements shown and the offered on the final map for the subdivision, subject to the completion of the improvements of said easements and acceptance thereof by the City. As part of the same City Council action, the Subdivision Improvement Agreement was approved and the City Manager was authorized and directed to execute the agreement on behalf of the City.

After approval of said map, and prior to it being recorded, the City was informed by the applicant that a Deed of Trust had been recorded over the property on October 26, 2022 as Instrument No. 2022-0079854 of Official Records to Farmers/Merchants Corp., a California Corporation, and that they had failed to include the Trustee's Statement with executed Notary Acknowledgement on the face of the final map. Additionally, it was discovered by the Applicant that a narrower Public Utility Easement (P.U.E.) was adequate along the side yard of Lot 152, to accommodate the home layout. The joint trench facilities within the P.U.E. have been constructed and do not require the full 12.5' wide P.U.E. along the side yard of Lot 152 and therefore the Applicant has requested a 10' wide P.U.E. in that specific location. The applicant has resubmitted a corrected map, with the missing Trustee's Statement, noting that the Trustee hereby consents to the preparation and filing of the map, and the P.U.E. update described above to sheets 1 and 3 of the map. No other changes were made to the map. Therefore, the City Council is requested to rescind the December 13, 2022 approval and approve the corrected final map.

BACKGROUND:

The tentative subdivision map for Croftwood Subdivision Map (SD-88-05), along with a Specific Plan Use Permit (SPU-91-04) was approved by the City Council on July 23, 1991 per Resolution 91-233, allowing the subdivision of 17 residential lots and 3 lettered lot per this final map. The subdivision was developed in phases, with the first final map phase approved by the City Council on April 11, 2006 per resolution 2006-127, and this Phase 4 final map being the final phase.

This project is generally located north of the Loomis Town Limits, south of Schriber Way, east of Sierra College Boulevard, and west of Barton Road, at the westerly terminus of Secret Preserve Drive.

Owner/Applicant (Subdivider): CROWNE PROPERTIES, INC. a California Corporation

Approvals of final maps are procedural in nature and per Section 66474.1. of the Subdivision Map Act, a legislative body shall not deny approval of a final map or parcel map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final or parcel map is in substantial compliance with the previously approved tentative map.

The map is technically correct. All fees have been paid and conditions of approval have been met. The construction of the improvements associated with this map are partially complete and the developer has guaranteed the outstanding items of work with the attached Subdivision Improvement Agreement. The map is ready for approval.

Fiscal Impact:

There is no fiscal impact. The subdivision is private and the streets, landscape lot and open space lots will be maintained by the Home Owner's Association (HOA).

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
RESCINDING THE PREVIOUS APPROVAL (CITY COUNCIL RESOLUTION NO. 2022-260) AND
APPROVING THE REVISED FINAL MAP OF CROFTWOOD PHASE 4
(CROWNE POINT PHASE I UNIT 4) SUBDIVISION (SD-88-05, SPU-91-04)
AND APPROVING AND AUTHORIZING EXECUTION
OF A SUBDIVISION IMPROVEMENT AGREEMENT

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin hereby finds as follows:

A. That a tentative subdivision map for a subdivision known as Croftwood (SD-88-05) (the "Subdivision") and submitted by Crown Properties Inc. (the "Subdivider") was approved subject to certain conditions;

B. That following approval of the final map by the City Council of the City of Rocklin on December 13, 2022 by City Council Resolution No. 2022-260, but prior to recording of the final map, it was discovered that the Subdivider failed to include the Trustee's Statement on the face of the final map as required by California Government Code Section 66436, thus the Subdivider has resubmitted a corrected final map for the Subdivision for approval;

C. That the Subdivider has fully satisfied all said conditions, except for certain Subdivision Improvements (the "Improvements"), if any, that have not been completed and accepted, and as to those Improvements, Subdivider has executed and provided security for a Subdivision Improvement Agreement obligating Subdivider to complete the Improvements within a specified period of time. Subdivider now desires to record a final map for the Subdivision;

D. That the City Engineer has reviewed the final map for the Subdivision and has determined that it substantially conforms to the approved tentative subdivision map and all conditions and requirements of that approval, and now recommends approval of the final map.

Section 2. The City Council of the City of Rocklin hereby rescinds City Council Resolution No. 2022-260 and approves the final map for the Subdivision, attached hereto as Exhibit "A" and incorporated herein, and accepts on behalf of the public the dedication of the easements shown and offered on the final map for the Subdivision, subject to improvement of said easements and acceptance of the easements by the City.

Section 3. The Subdivision Improvement Agreement attached hereto as Exhibit “B” and by this reference incorporated herein is hereby approved and the City Manager is authorized and directed to execute the agreement on behalf of the City.

Section 4. The City Clerk is hereby authorized and directed to record the final map for the Subdivision, and all related documents referred to in this Resolution, in the Office of the Placer County Recorder when fully executed and notarized.

PASSED AND ADOPTED this 24th day of January, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

EXHIBIT A
FINAL MAP

EXHIBIT B
SUBDIVISION IMPROVEMENT AGREEMENT

Recording Requested by
and Return to:

City Clerk
City of Rocklin
3970 Rocklin Road
Rocklin, CA 95677

No Fee Per Gov't Code §27383

Subdivision Name: Croftwood Phase 4

Subdivision No.: SD-88-05 / SPU-91-04

Recorded at: Book _____ of Maps, at Page
_____, Placer County Recorder

Principal: Crowne Properties Inc, a California Corporation

Effective Date: January 24th, 2023

SUBDIVISION IMPROVEMENT AGREEMENT

This Subdivision Improvement Agreement ("Agreement") is entered into by and between the City of Rocklin, hereinafter called "City," and Crowne Properties Inc, a California Corporation hereinafter called "Principal," on the 24th day of January, 2023.

RECITALS

1. Principal has received approval from City of a tentative Subdivision Map commonly known as Croftwood Phase 4 (also known as, Crowne Point Phase 1 Unit 4) ("the Subdivision").
2. Principal wishes to have filed for record a final Subdivision Map, ("the Map"), in substantial conformity with the approved tentative Subdivision Map. A copy of the plat of the Map is attached hereto as Exhibit "1" and is incorporated herein by this reference.
3. City has approved the Map, subject to the execution of this Agreement.
4. Principal is willing to execute this Agreement as a condition precedent to the recording of the Map.

5. The authority for this Agreement is set forth in the Subdivision Map Act ("the Map Act") (Government Code section 66410 et seq.) and Title 16 of the Rocklin Municipal Code ("Title 16").

AGREEMENT

6. Improvements. Principal agrees to complete all the works of improvement ("Improvements") required for the Subdivision as shown on the final improvement plans for the Subdivision submitted to and approved by the City Engineer and on file in the office of the City Engineer, in accordance with the requirements of the Map Act, Title 16, and the Standard Specifications of City in effect at the time of the installation of the Improvements. Such work will be completed within 18 months of the date of this Agreement.

7. Acceptance of Improvements upon Completion. Upon satisfactory completion of the Improvements in accordance with the approved improvement plans, the Standard Specifications and the conditions of approval of the tentative Subdivision Map, City agrees to issue a Notice of Completion of the work and accept any on-site or off-site easements, subject to the provisions of Paragraph 9 hereof.

8. Notice Regarding Construction. Principal shall notify the City Engineer 48 hours prior to commencement of construction of the Improvements.

9. Warranty. Principal agrees to remedy any defects in the Improvements arising from faulty or defective design or construction of said Improvements occurring within twelve (12) months after acceptance thereof has been given in writing by the City Council.

10. Indemnity and Hold Harmless. Principal agrees to and shall defend, indemnify and hold harmless City, its officers, employees, agents and volunteers from and against all claims, damages, losses and expenses, including attorney's fees and litigation costs and expenses, arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of Principal, any subcontractor of Principal, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence or willful misconduct of City. Lack of insurance coverage does not negate Principal's obligation under this paragraph or this Agreement.

11. Delay. If the construction of the Improvements shall be delayed without fault of Principal, the time for completion thereof may be extended by City for such period of time as City may deem reasonable.

12. Security. Principal shall furnish to City security to ensure the faithful performance of all duties and obligations of Principal herein contained. Such improvement security shall be in a form acceptable to the City Attorney. Such security shall be either a corporate surety bond, a letter of credit or other instrument of credit issued by a banking

institution subject to regulation by the State or Federal government and pledging that the funds necessary to carry out this Agreement are on deposit and guaranteed for payment, or a cash deposit made either directly with the City or deposited with a recognized escrow agent for the benefit of the City. Such security shall be in the following amounts for the following purposes:

(a) Performance: One hundred percent (100%) of the estimated cost of the outstanding Improvements securing performance of this Agreement, which estimated cost is in the amount of: NINE HUNDRED SIXTY-FIVE THOUSAND FIVE HUNDRED AND NINE dollars (\$965,509.00).

(b) Payment of Labor and Materials: One hundred percent (100%) of the estimated cost of the outstanding Improvements, as set forth in Paragraph (a) immediately preceding, securing payment to the contractor of Improvements, to his subcontractors, and to persons furnishing labor, materials, or equipment to them.

(c) Warranty: The amount of ONE HUNDRED NINETY-THREE THOUSAND ONE HUNDRED AND TWO dollars (\$193,102.00) to guarantee and warrant the Improvements for a period of one (1) year following the completion and acceptance of the Improvements against any defects in the improvement design, the work, or the labor done, or defects in materials furnished. This security need not be furnished prior to completion of the Improvements, but must be provided prior to their acceptance.

(d) Survey Monumentation: One hundred percent (100%) of the estimated cost of the installation of survey monuments, which estimated cost is in the amount of FOUR THOUSAND dollars (\$4,000.00).

13. Irrevocability of Security. The improvement security furnished pursuant to Paragraph 12 shall be irrevocable, shall not be limited as to time (except as to the 1-year period specified in Paragraph 9), and shall provide that it shall be released, in whole or in part, only upon the written approval of the City Engineer or delegate.

14. Actions. At City's option, any action by any party to this Agreement, or any action concerning the security furnished pursuant to Paragraph 12, shall be brought in the appropriate court of competent jurisdiction within the County of Placer, notwithstanding any other provision of law which may provide that such action may be brought in some other location.

15. Inspection; Release of Security For Faithful Performance. Principal may, from time to time, request the City Engineer to inspect the Improvements as they progress. The City Engineer may, if the work is found by City Engineer to be in accordance with the Standard Specifications, choose to accept so much of that work as is completed, and authorize a release pro tanto of the security provided pursuant to Paragraph 12(a); provided, however, that in no

event shall the release of more than eighty (80%) of the improvement security be authorized until all the work has been completed and accepted.

16. Release of Remaining Security For Faithful Performance: Warranty. At the conclusion of the construction of the Improvements, and upon written acceptance of them by the City Council and approval of a Notice of Completion, the City Engineer shall authorize the release of the security provided pursuant to Paragraph 12(a) upon the furnishing of the warranty security as required by Paragraph 12(c).

17. Release of Security Where Other Agency Approval Required. Notwithstanding paragraphs 15 and 16, where any portion of the Improvements is subject to approval by another agency, no release of security equal to the value of those Improvements shall be made until the work is completed to the satisfaction of such other agency. Such other agency shall have two (2) months after completion of the performance of the obligation in which to register satisfaction or dissatisfaction. If at the end of that period it has not registered satisfaction or dissatisfaction, it shall be conclusively deemed that the performance of the obligation was done to its satisfaction.

18. Release of Labor and Materials Security. Ninety (90) days after a notice of completion is filed with respect to the Improvements, the City Engineer may authorize the release of the security given to secure payment for labor and materials as provided in Paragraph 12(b) of this Agreement, in the event that no claims have been filed against said security. In the event that claims or actions are filed against the security, the City Engineer may release so much of such security as is in excess of the total of the claims made against it.

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

A. Minimum Scope and limit of Insurance

1. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$2,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

2. Automobile Liability: Insurance Services Office Form Number CA 00 01 covering any auto (Code 1), or if Principal has no owned autos, covering hired (Code 8) and non-owned autos (Code 9), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. If Principal has no employees, Principal must notify City if an employee is hired, verify proof of coverage for any subcontractors, and agrees to hold City harmless and defend City from claims arising from failure to provide workers' compensation benefits.

If the Principal maintains broader coverage and/or higher limits than the minimums shown above, the City requires and shall be entitled to the broader coverage and/or the higher limits maintained by Principal. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the City.

B. Other Insurance Provisions

The insurance policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insured Status. The City, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Principal including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Principal's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

2. Primary Coverage. For any claims related to this contract, the Principal's insurance coverage shall be primary insurance coverage at least as broad as ISO CG 20 01 04 13 as respects the City, its officers, officials, employees, or volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Principal's insurance and shall not contribute with it.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage and shall not be canceled, except with 30 days' notice to the City, with ten days' for notice of cancellation due to non-payment.

4. Waiver of Subrogation. Principal hereby grants to City a waiver of any right to subrogation which any insurer of said Principal may acquire against the City by virtue of the payment of any loss under such insurance. Principal agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the City has received a waiver of subrogation endorsement from the insurer.

5. Self-Insured Retentions. Self-insured retentions must be declared to and approved by the City. The City may require the Principal to purchase coverage with a lower retention or to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide,

or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or City.

6. Acceptability of Insurers. Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

7. Claims Made Policies. If any of the required policies provide coverage on a claims made basis:

- i. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
- ii. Insurance must be maintained and evidence of insurance must be provided for at least five (5) years after completion of the contract of work.
- iii. If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Principal must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.

8. Verification of Coverage. Principal shall furnish the City with original Certificate of Insurance including all required amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to the City before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Principal's obligation to provide them. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

9. Subcontractors. Principal shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Principal shall ensure that City is an additional insured on insurance required from subcontractors.

10. Special Risks or Circumstances. City reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

20. Monuments. Principal agrees to install, on or before Notice of Completion, such survey monuments as may be required by the City Engineer. Upon the installation of such monuments, and their acceptance by the City Engineer, the security provided therefor shall be released.

21. Failure of Performance. In the event Principal fails to perform one or more of the conditions herein, City shall have recourse to the security given to guarantee the performance of such acts. City shall have recourse against so much of the security as is necessary to discharge the responsibility of Principal hereunder. City shall have recourse against Principal for any and all amounts necessary to complete the obligations of Principal in the event the security therefore is insufficient to pay such amounts. All administrative costs incurred by the City, in addition to the costs of the Improvements, shall be a proper charge against the security and/or Principal.

22. Attorney's Fees. If the services of any attorney are required by any party to secure the performance of this Agreement or otherwise upon the breach or default of another party, or if any judicial remedy or arbitration is necessary to enforce or interpret any provisions of this Agreement or the rights and duties of any person in relation to this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, costs and other expenses, in addition to any other relief to which such party may be entitled. Prevailing party includes (a) a party who dismisses an action in exchange for sums allegedly due; (b) the party that receives performance from the other party of an alleged breach of covenant or a desired remedy, if it is substantially equal to the relief sought in an action; or (c) the party determined to be prevailing by a court of law.

Whenever provision is made in this Agreement for the payment of attorney's fees, such fees shall be payable whether the legal services are rendered by a salaried employee for the party or by independent counsel and shall include such fees as are incurred in connection with any pretrial proceeding, trial or appeal of the action.

Any award of damages following judicial remedy or arbitration as a result of the breach of this Agreement or any of its provisions shall include an award of prejudgment interest from the date of the breach at the maximum amount of interest allowed by law.

23. Agreement Binding on Successors, Etc. This Agreement shall be binding upon all the heirs, successors, and assigns of either party, and the same shall be recorded in the office of the Recorder of Placer County upon its execution, and shall be a covenant running with the land and equitable servitude upon the parcel or parcels of real property subdivided by the Map.

24. Subdivision Map Act Controlling. To the extent any provision of this Agreement conflicts with any provision of the Map Act, the applicable provision of such Act shall control, and no action taken pursuant to this Agreement which conflicts with any provision of the Map Act shall relieve the person taking such action from compliance with the provisions of the Map Act.

25. Waiver. Failure by a party to insist upon the strict performance of any of the provisions of this Agreement by the other party, or the failure by a party to exercise its rights

upon the default of the other party shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Agreement thereafter.

26. Other Provisions: N/A

WHEREFORE, the parties hereto have executed this Agreement on the day and in the year first above written.

CITY OF ROCKLIN

By: _____
Aly Zimmermann, City Manager

PRINCIPAL

CROWNE PROPERTIES INC, A CALIFORNIA CORPORATION

By: _____
Jay Timothy Lewis
President

APPROVED AS TO FORM:

Sheri Chapman, City Attorney

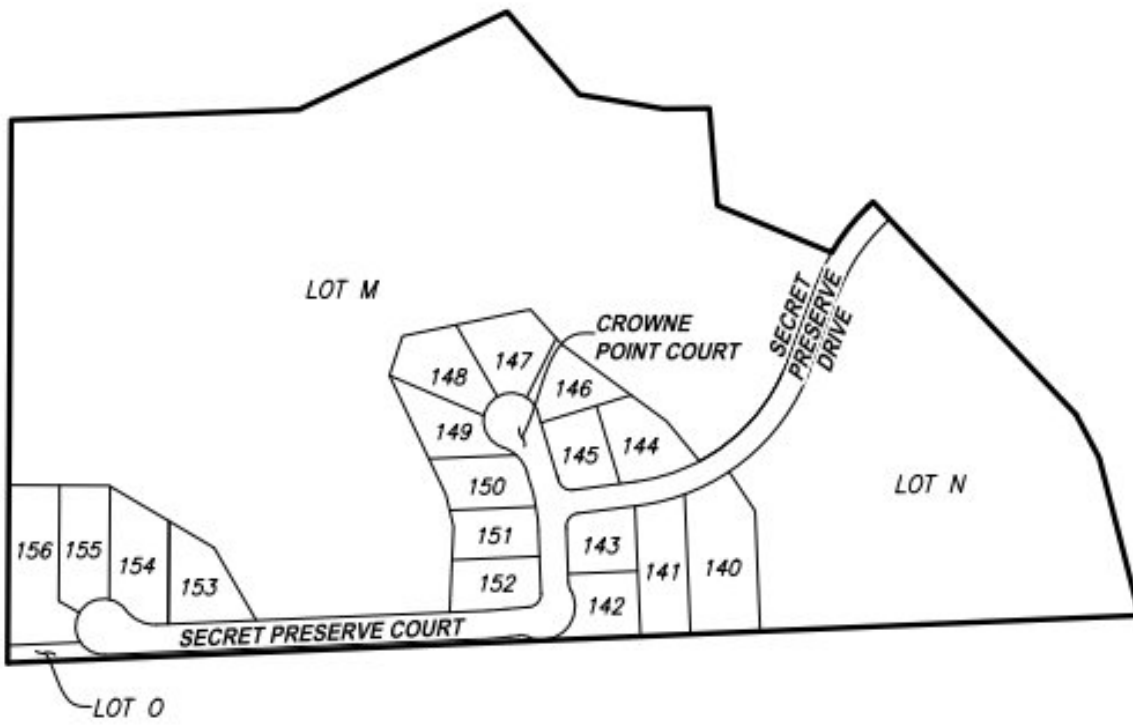
ATTEST:

Hope Ithurburn, City Clerk

**ATTACH CURRENT NOTARY
ACKNOWLEDGEMENT FORM
FOR CITY OF ROCKLIN**

**ATTACH CURRENT NOTARY
ACKNOWLEDGEMENT FORM
FOR PRINCIPAL**

EXHIBIT "1"
PLAT OF FINAL MAP
CROFTWOOD PHASE 4



CROFTWOOD PHASE 4
(CROWNE POINT PHASE 1 UNIT 4)

SD-88-05/SPU-91-04

BEING A SUBDIVISION OF LOT 'A'

OF "CROWNE POINT PHASE I UNIT 3B"

FILED FOR RECORD IN BOOK DD OF MAPS, AT PAGE 80

BEING A PORTION OF SECTION 16, T.11N., R.7E. M.D.M.

CITY OF ROCKLIN, PLACER COUNTY, CALIFORNIA

DECEMBER 2022

CENTERPOINT ENGINEERING, INC.

4230 ROCKLIN ROAD SUITE 200

ROCKLIN, CALIFORNIA 95677

OWNER'S STATEMENT:

THE UNDERSIGNED HEREBY STATE THAT THEY ARE THE ONLY PERSONS HAVING ANY RECORD TITLE INTERESTS IN THE REAL PROPERTY INCLUDED WITHIN THIS SUBDIVISION, AND DO HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP; AND DO HEREBY IRREVOCABLY OFFER TO DEDICATE TO THE PUBLIC FOR THE HEREINAFTER DESCRIBED PURPOSES THE FOLLOWING:

- A. A PUBLIC UTILITY EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF WATER, GAS, AND SANITARY SEWER, TOGETHER WITH ANY AND ALL APPURTENANCES THERETO; FOR UNDERGROUND WIRES AND CONDUITS FOR ELECTRIC, TELEVISION, TELEPHONE, TELECOMMUNICATION, AND OTHER COMMUNICATIONS SERVICES, TOGETHER WITH ANY AND ALL APPURTENANCES THERETO; FOR SURFACE DRAINAGE, TOGETHER WITH ANY AND ALL APPURTENANCES THERETO; ON, OVER, UNDER, AND ACROSS THOSE STRIPS OF LAND DESIGNATED AS CROWNE POINT COURT, SECRET PRESERVE COURT, SECRET PRESERVE DRIVE, AND LOT "O", SHOWN AS P.U.E.
- B. A PUBLIC UTILITY EASEMENT FOR THE USES DEFINED IN PARAGRAPH "A" ABOVE TOGETHER WITH CONSTRUCTING AND MAINTAINING CENTRALIZED MAIL DELIVERY BOXES, PEDESTALS AND SLABS TOGETHER WITH ANY AND ALL APPURTENANCES THERETO INCLUDING PEDESTRIAN ACCESS FOR DELIVERY AND RECEIPT OF MAIL; ON, OVER, UNDER, AND ACROSS THOSE 10' AND 12.5' STRIPS OF LAND ADJACENT TO THE DRIVE, AND COURTS SHOWN HEREON AND DESIGNATED "PUBLIC UTILITY EASEMENT" (P.U.E.).
- C. AN EASEMENT PROHIBITING THE CONSTRUCTION OF STRUCTURES, ETCETERA, SHOWN HEREON AS "NO BUILDING EASEMENT".
- D. AN EMERGENCY ACCESS EASEMENT THROUGH AND OVER THE AREAS SHOWN HEREON AS CROWNE POINT COURT, SECRET PRESERVE COURT, SECRET PRESERVE DRIVE AND "20' E.V.A." FOR USE BY PUBLIC, COUNTY, OR STATE AGENCIES IN RESPONSE TO LAW ENFORCEMENT, FIRE, MEDICAL, OR NATURAL DISASTER CAUSED EMERGENCIES.
- E. AN EASEMENT FOR THE INGRESS AND EGRESS OF EMERGENCY PERSONNEL IN RESPONSE TO FIRE EMERGENCIES AS SHOWN HEREON AND DESIGNATED "FIRE ACCESS EASEMENT". THIS EASEMENT IS NOT FOR VEHICLE ACCESS.

END OF PUBLIC DEDICATIONS

THE UNDERSIGNED HEREBY DECLARE THAT THE AREAS DESIGNATED BELOW ARE TO BE CONVEYED TO "CROWNE POINT OWNERS ASSOCIATION" BY SEPARATE INSTRUMENT SUBSEQUENT TO THE FILING OF THIS MAP AND ARE NOT HEREBY OFFERED FOR DEDICATION TO THE PUBLIC. MAINTENANCE OF SAID AREAS IS THE RESPONSIBILITY OF "CROWNE POINT OWNERS ASSOCIATION".

- 1) CROWNE POINT COURT, SECRET PRESERVE COURT AND SECRET PRESERVE DRIVE.
- 2) LOT "O" FOR LANDSCAPING PURPOSES.
- 3) LOT "M" AND LOT "N" AS OPEN SPACE.
- 4) A 6' LANDSCAPE EASEMENT (L.S.E) WITHIN WHICH IMPROVEMENTS SHALL BE RESTRICTED TO LANDSCAPING, ASPHALT OR CONCRETE ROADWAYS, STREET LIGHTING, UNDERGROUND WET OR DRY UTILITIES, HARDSCAPE SIDEWALKS, RETAINING WALLS, DRAINAGE IMPROVEMENTS, CURBS AND GUTTERS AND PERIMETER FENCING.

CROWNE PROPERTIES, INC., A CALIFORNIA CORPORATION

JAY TIMOTHY LEWIS, SOLE DIRECTOR

NOTARY ACKNOWLEDGMENT:

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

STATE OF CALIFORNIA
COUNTY OF _____

ON _____, 2023, BEFORE ME, _____, NOTARY PUBLIC

PERSONALLY APPEARED, _____,
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC, STATE OF CALIFORNIA

PRINTED NAME

MY PRINCIPAL COUNTY OF BUSINESS IS: _____

MY COMMISSION EXPIRES: _____

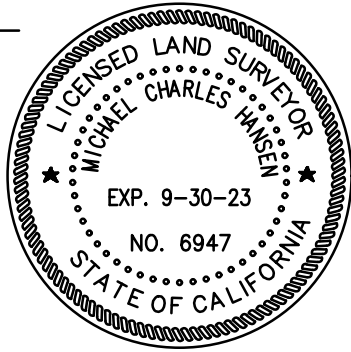
MY COMMISSION NUMBER IS: _____

SURVEYOR'S STATEMENT:

THIS FINAL MAP OF "CROWNE POINT PHASE I UNIT 4" WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CROWNE PROPERTIES, INC., A CALIFORNIA CORPORATION, IN JANUARY 2019. I HEREBY STATE THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP; THAT ALL MONUMENTS ARE OF THE CHARACTER SHOWN, AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE DECEMBER 31, 2023; AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

MICHAEL C. HANSEN, L.S. 6947
EXPIRES 9-30-23

DATE



TRUSTEE'S STATEMENT:

FARMERS/MERCHANTS CORP., A CALIFORNIA CORPORATION, AS THE TRUSTEE UNDER THE DEED OF TRUST RECORDED OCTOBER 26, 2022 IN DOCUMENT NO. 2022-0079854 OF OFFICIAL RECORDS OF PLACER COUNTY, STATE OF CALIFORNIA, HEREBY CONSENTS TO THE PREPARATION AND FILING OF THIS SUBDIVISION MAP.

BY: _____

PRINT: _____

TITLE: _____

NOTARY ACKNOWLEDGMENT:

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

STATE OF CALIFORNIA
COUNTY OF _____

ON _____, 2023, BEFORE ME, _____, NOTARY PUBLIC

PERSONALLY APPEARED, _____,
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC, STATE OF CALIFORNIA

PRINTED NAME

MY PRINCIPAL COUNTY OF BUSINESS IS: _____

MY COMMISSION EXPIRES: _____

MY COMMISSION NUMBER IS: _____

CITY SURVEYOR'S STATEMENT:

I, LARRY M. WING, CITY SURVEYOR, CITY OF ROCKLIN, HEREBY STATE THAT I HAVE EXAMINED THIS FINAL MAP; THAT THE SUBDIVISION IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAPS OR ANY APPROVED ALTERATIONS THEREOF; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; AND THAT I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

LARRY M. WING, RCE 29836
CITY SURVEYOR, CITY OF ROCKLIN
LICENSE EXPIRES DATE: 3/31/23

DATE

CITY CLERK'S STATEMENT:

THE CITY COUNCIL OF THE CITY OF ROCKLIN ON THE _____ DAY OF _____, 2023, BY RESOLUTION NO. _____, DID APPROVE THIS FINAL MAP OF "CROWNE POINT PHASE I UNIT 4", (SD-88-05), AND ACCEPTED, ON BEHALF OF THE CITY OF ROCKLIN, THE PUBLIC, AND UTILITY AGENCIES, THE EASEMENTS FOR PUBLIC PURPOSES AND PUBLIC UTILITY PURPOSES AS SHOWN; AND OVER, ABOVE, ON UNDER AND ACROSS THE PRIVATE STREETS IN CONFORMANCE WITH THE TERMS OF THE OFFER OF DEDICATION.

HOPE ITHURBURN, CITY CLERK, CITY OF ROCKLIN

DATE

RECORDER'S STATEMENT:

ACCEPTED FOR RECORDATION AND FILED IN THE OFFICE OF THE RECORDER OF PLACER COUNTY, STATE OF CALIFORNIA, AT THE REQUEST OF CENTERPOINT ENGINEERING AT _____ MINUTES AFTER _____ O'CLOCK _____ M ON THE _____ DAY OF _____ 2023, AND RECORDED IN BOOK _____ OF MAPS, AT PAGE _____.

FILE NO. _____ RYAN RONCO
COUNTY RECORDER OF PLACER COUNTY

FEE: _____ BY: _____
DEPUTY

NOTES:

- ALL DISTANCES SHOWN ARE MEASURED, UNLESS OTHERWISE NOTED.
- THE TOTAL AREA FOR THIS SUBDIVISION IS 27.331± ACRES CONSISTING OF 17 NUMBERED LOTS AND 3 LETTERED LOTS.
- DUE TO ROUNDING, THE OVERALL LENGTH OF A LINE WILL NOT ALWAYS EQUAL THE SUM OF THE PARTIAL LINE SEGMENTS.
- THE COURSE DATA SHOWN ALONG THE BOUNDARY OF THIS SUBDIVISION MATCHES THE DATA SHOWN ALONG THE BOUNDARY OF LOT A PER DD B.M. 80.
- THIS SUBDIVISION SHALL BE MADE SUBJECT TO THE "AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CROWNE POINT" PER DOCUMENT NO. 2014-0049450 BY A DECLARATION OF ANNEXATION TO BE RECORDED CONCURRENTLY WITH THIS FINAL MAP OF "CROFTWOOD PHASE 4" PER DOCUMENT NO. _____
- THE "NO BUILDING EASEMENT" AS SHOWN ON SHEET 3 OF THIS MAP IS SUBJECT TO THE "PLANTING AND MAINTENANCE PLAN" RECORDED IN DOCUMENT NO. _____
- OPEN SPACE EASEMENT PER DOCUMENT NO 2006-0048283 BLANKETS LOTS 'M' AND 'N', ABANDONED PER PREVIOUSLY RECORDED DOCUMENT NO. _____, NEW OPEN SPACE EASEMENT RECORDED OVER LOTS M & N PER DOCUMENT NO. _____
- LOTS M AND N ARE AFFECTED BY AN EXISTING CONSERVATION AND OPEN SPACE EASEMENT GRANTED TO GOLDEN STATE LAND CONSERVANCY, AN ACCREDITED LAND TRUST, RECORDED MARCH 4, 2022 IN DOCUMENT NO. 2022-0019494.
- THIS SUBDIVISION IS SUBJECT TO ROCKLIN MUNICIPAL CODE SECTION 15.04.120F REQUIRING A FIRE SPRINKLER SYSTEM BECAUSE THIS SUBDIVISION IS LOCATED FURTHER THAN TWO (2) ROAD MILES FROM THE NEAREST EXISTING ROCKLIN FIRE STATION. A RESTRICTIVE COVENANT TO THIS EFFECT HAS BEEN FILED AS DOCUMENT NO. 2006-0048293.
- CROFTWOOD SUBDIVISION PHASE I PER BOOK BB OF MAPS, PAGE 5 SHOWS AN UNDEDICATED 6.00' LANDSCAPE EASEMENT (L.S.E.) ALONG THE SOUTHERLY BOUNDARY. SINCE THE EASEMENT WAS NOT DEDICATED, THE 6' L.S.E. IS DEDICATED HEREON.

CROFTWOOD PHASE 4
(CROWNE POINT PHASE 1 UNIT 4)

SD-88-05/SPU-91-04
BEING A SUBDIVISION OF LOT 'A'
OF "CROWNE POINT PHASE I UNIT 3B"
FILED FOR RECORD IN BOOK DD OF MAPS, AT PAGE 80
BEING A PORTION OF SECTION 16, T.11N., R.7E. M.D.M.
CITY OF ROCKLIN, PLACER COUNTY, CALIFORNIA
DECEMBER 2022

CENTERPOINT ENGINEERING, INC.

4230 ROCKLIN ROAD SUITE 200
ROCKLIN, CALIFORNIA 95677

LEGEND: (ALL PIPE SIZES ARE INSIDE DIAMETER)

- DIMENSION POINT
- FOUND MONUMENT AS NOTED
- FOUND 3/4" IRON PIPE WITH PLASTIC CAP "LS 6947" (1,2)
- FOUND 2" BRASS DISC "LS 6947" IN MONUMENT WELL (1,2)
- SET RAILROAD SPIKE STAMPED "LS 6947"
- SET 3/4"x24" IRON PIPE WITH PLASTIC CAP "LS 6947"
- EACH FRONT LOT CORNER IS MONUMENTED WITH A 1" COPPER DISC STAMPED "LS 6947" SET IN CONCRETE ON THE PROJECTION OF THE SIDE LOT LINE 1.00' FROM THE FRONT LOT CORNER.
- WHERE NO MONUMENT IS SHOWN AT THE BACK OF A LOT A 3/4"x24" IRON PIPE WITH PLASTIC CAP "LS 6947" IS SET 3.00' ALONG THE SIDELINE.
- SET 2" BRASS DISC "LS 6947" IN MONUMENT WELL
- CIP CAPPED IRON PIPE
- CL CENTERLINE
- IP IRON PIPE
- PL PROPERTY LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- E.V.A. EMERGENCY VEHICLE ACCESS EASEMENT
- SFN SEARCHED FOR, FOUND NOTHING
- SF SQUARE FEET
- (OA) OVER-ALL COURSE
- (R) RADIAL BEARING
- L.S.E. LANDSCAPE EASEMENT

REFERENCES:

- RECORD PER BOOK DD OF MAPS, PAGE 80
- RECORD PER BOOK DD OF MAPS, PAGE 44
- RECORD PER BOOK BB OF MAPS, PAGE 5
- RECORD PER BOOK 25 OF PARCEL MAPS, PAGE 21
- RECORD PER BOOK 7 OF SURVEYS, PAGE 32
- RECORD PER BOOK 7 OF PARCEL MAPS, PAGE 128
- RECORD PER BOOK 6 OF SURVEYS, PAGE 1

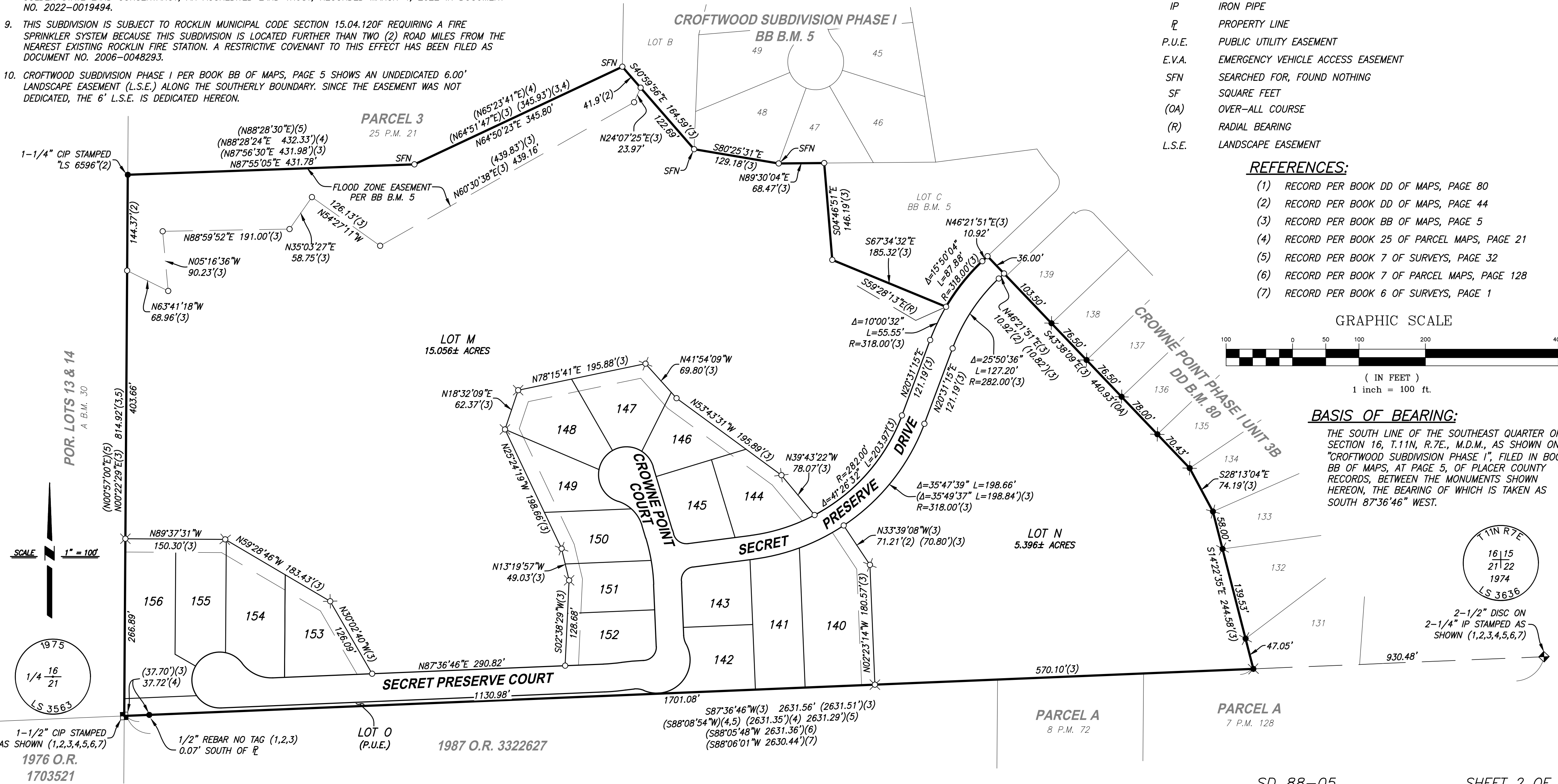
GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

BASIS OF BEARING:

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 16, T.11N, R.7E., M.D.M., AS SHOWN ON "CROFTWOOD SUBDIVISION PHASE I", FILED IN BOOK BB OF MAPS, AT PAGE 5, OF PLACER COUNTY RECORDS, BETWEEN THE MONUMENTS SHOWN HEREON, THE BEARING OF WHICH IS TAKEN AS SOUTH 87°36'46" WEST.



CROFTWOOD PHASE 4

(CROWNE POINT PHASE 1 UNIT 4)

SD-88-05/SPU-91-04

BEING A SUBDIVISION OF LOT 'A'

OF "CROWNE POINT PHASE 1 UNIT 3B"

FILED FOR RECORD IN BOOK DD OF MAPS, AT PAGE 80

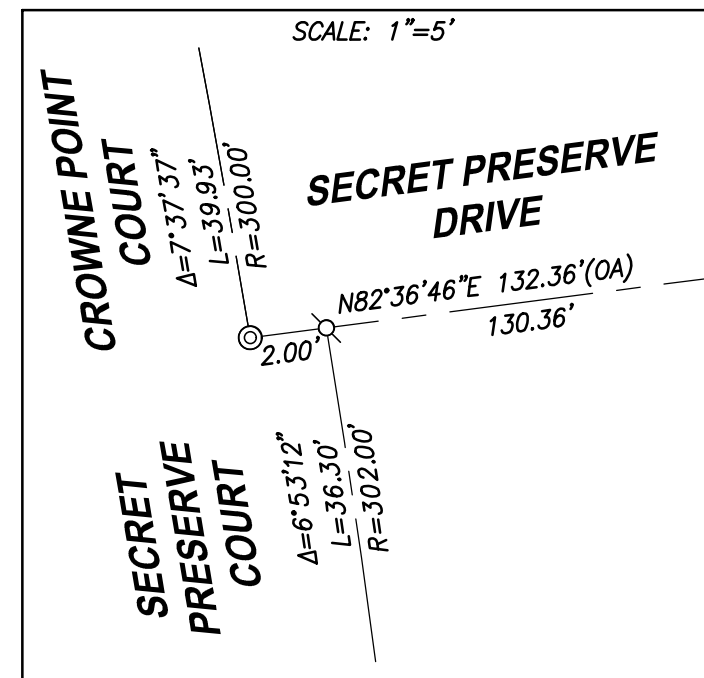
BEING A PORTION OF SECTION 16, T.11N., R.7E. M.D.M.

CITY OF ROCKLIN, PLACER COUNTY, CALIFORNIA

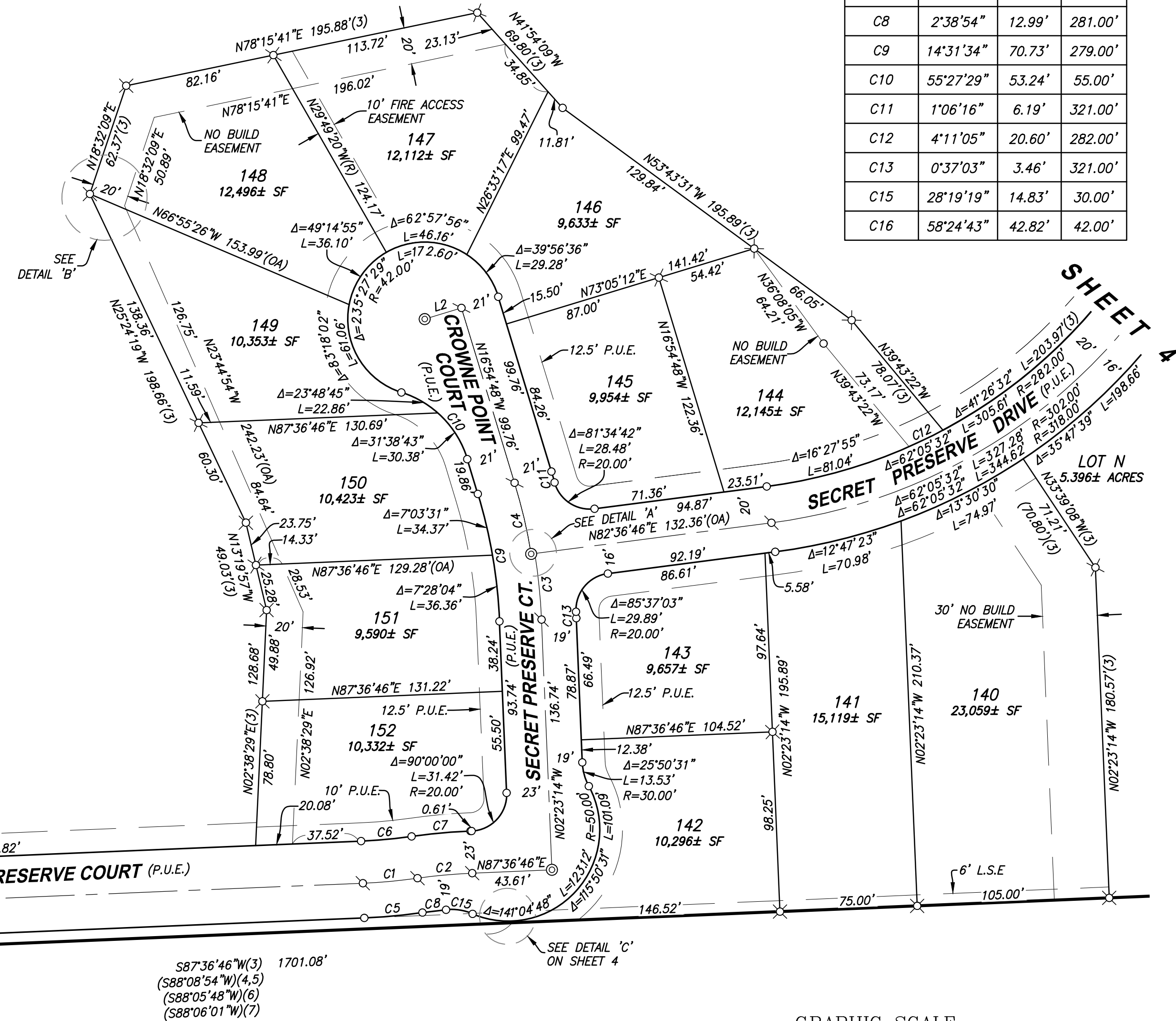
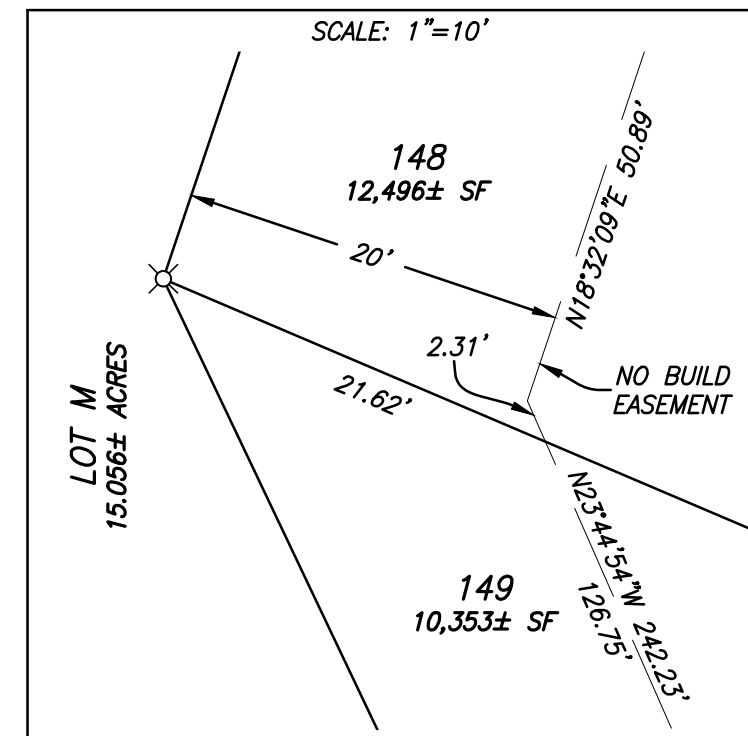
DECEMBER 2022

CENTERPOINT ENGINEERING, INC.4230 ROCKLIN ROAD SUITE 200
ROCKLIN, CALIFORNIA 95677**DETAIL 'A'**

SCALE: 1"=5'

**DETAIL 'B'**

SCALE: 1"=10'



GRAPHIC SCALE

(IN FEET)
1 inch = 50 ft.

SD 88-05

SHEET 3 OF 5

CURVE TABLE			
CURVE #	DELTA	LENGTH	RADIUS
C1	5°43'55"	30.01'	300.00'
C2	5°43'55"	30.01'	300.00'
C3	6°53'12"	36.30'	302.00'
C4	7°37'37"	39.93'	300.00'
C5	5°43'55"	31.91'	319.00'
C6	5°43'55"	27.71'	277.00'
C7	5°43'55"	32.31'	323.00'
C8	2°38'54"	12.99'	281.00'
C9	14°31'34"	70.73'	279.00'
C10	55°27'29"	53.24'	55.00'
C11	1°06'16"	6.19'	321.00'
C12	4°11'05"	20.60'	282.00'
C13	0°37'03"	3.46'	321.00'
C15	28°19'19"	14.83'	30.00'
C16	58°24'43"	42.82'	42.00'

LINE TABLE		
LINE #	BEARING	LENGTH
L1	N02°23'14"W	23.00
L2	N73°05'12"E	21.00
L3	N87°36'46"E	109.00

CROFTWOOD PHASE 4
(CROWNE POINT PHASE 1 UNIT 4)

SD-88-05/SPU-91-04
BEING A SUBDIVISION OF LOT 'A'
OF "CROWNE POINT PHASE 1 UNIT 3B"
FILED FOR RECORD IN BOOK DD OF MAPS, AT PAGE 80
BEING A PORTION OF SECTION 16, T.11N., R.7E. M.D.M.
CITY OF ROCKLIN, PLACER COUNTY, CALIFORNIA
DECEMBER 2022

CENTERPOINT ENGINEERING, INC.

4230 ROCKLIN ROAD SUITE 200
ROCKLIN, CALIFORNIA 95677

CURVE TABLE			
CURVE #	DELTA	LENGTH	RADIUS
C14	1°53'33"	10.50'	318.00'

LOT M
15.056± ACRES

LOT N
5.396 ACRES

SHEET 3

SCALE 1" = 40'

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

LOT C
BB B.M. 5

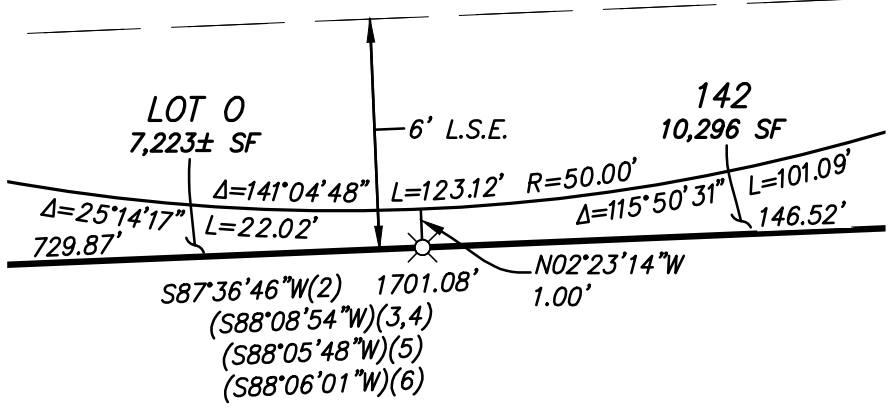
39
DD B.M. 80

TREE SWALLOW CIRCLE

DETAIL 'C'

SCALE: 1"=1'

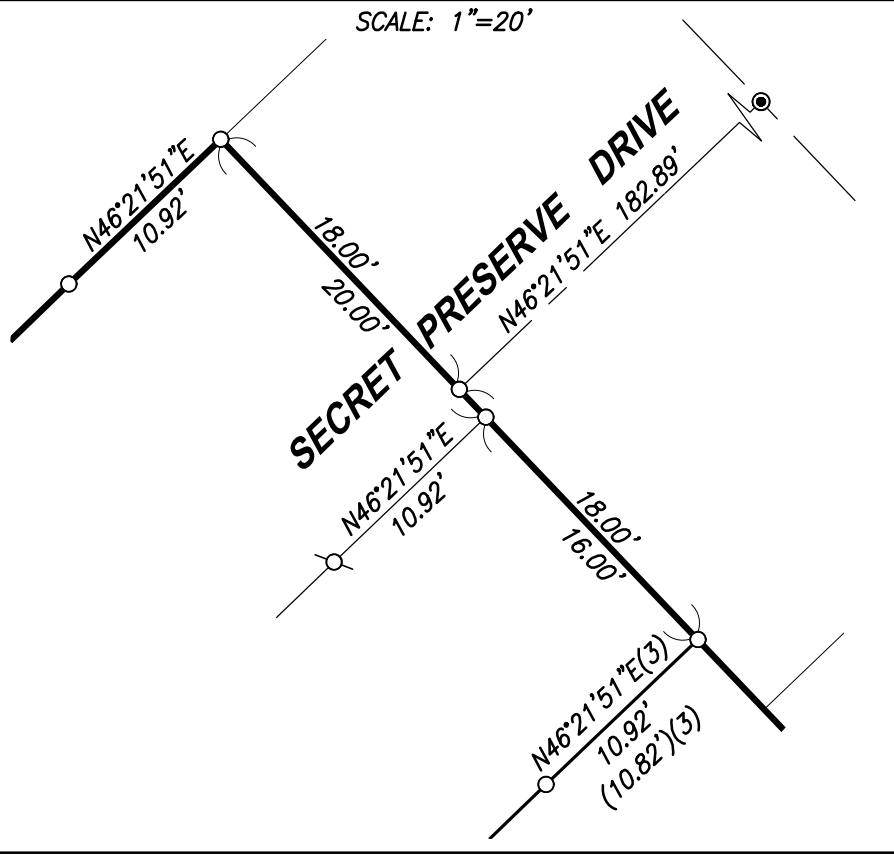
SECRET PRESERVE COURT



DETAIL 'D'

SCALE: 1"=20'

SECRET PRESERVE DRIVE



CROFTWOOD PHASE 4
(CROWNE POINT PHASE 1 UNIT 4)

SD-88-05/SPU-91-04
BEING A SUBDIVISION OF LOT 'A'
OF "CROWNE POINT PHASE 1 UNIT 3B"
FILED FOR RECORD IN BOOK DD OF MAPS, AT PAGE 80
BEING A PORTION OF SECTION 16, T.11N., R.7E. M.D.M.
CITY OF ROCKLIN, PLACER COUNTY, CALIFORNIA
DECEMBER 2022

CENTERPOINT ENGINEERING, INC.
4230 ROCKLIN ROAD SUITE 200
ROCKLIN, CALIFORNIA 95677

CITY OF ROCKLIN – LOCAL AGENCY
INFORMATION SHEET

THE ADDITIONAL INFORMATION SHOWN ON THIS SHEET IS FOR INFORMATIONAL PURPOSES AS REQUIRED BY SECTION 66434.2 OF THE SUBDIVISION MAP ACT, AS AMENDED, AND LOCAL ORDINANCE.

THE INFORMATION SHOWN DESCRIBES CONDITIONS AS OF THE DATE OF FILING. IT IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THE INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THIS ADDITIONAL INFORMATION SHEET.

NOTES:

- 1) ALL NUMBERED LOTS ARE IN A HAZARDOUS FIRE AREA AND SUBJECT TO ROCKLIN MUNICIPAL CODE SECTION 15.94.120 (UNIFORM FIRE CODE SECTION 11.210) REQUIRING FIRE RETARDANT ROOF COVERINGS.
- 2) ANY BUILDING CONSTRUCTED ON ANY LOT WITHIN THE FLOOD PLAIN MAY REQUIRE FLOOD ZONE APPROVAL FROM THE CITY ENGINEER.
- 3) THE FINISHED FLOOR ELEVATION OF EACH LOT HAS A FINISHED FLOOR ELEVATION AT LEAST TWO (2) FEET ABOVE THE NEAREST 100-YEAR FLOODPLAIN ELEVATION.
- 4) THE HOMEOWNERS' ASSOCIATION SHALL BE PROHIBITED FROM CONVERTING ANY EMERGENCY ACCESS ROAD TO A PERMANENT ROAD FOR DAILY THROUGH TRAFFIC. A RESTRICTIVE COVENANT TO THIS EFFECT HAS BEEN FILED AS DOCUMENT NO. 2006-0048293.
- 5) ONLY ACCESSORY STRUCTURES SUCH AS PORCHES, SWIMMING POOLS, AND SHEDS SHALL BE ALLOWED WITHIN THE 20' PRIMARY STRUCTURE SETBACK AREA LOCATED PARALLEL TO THE BOUNDARY OF THE OPEN SPACES OF LOTS "M" AND "N". ENCROACHMENT INTO THE PRIMARY STRUCTURE SETBACK AREA MUST BE APPROVED BY THE PLANNING DEPARTMENT AND BUILDING DEPARTMENT.

LOT M

LOT N





City Council Regular Meeting Staff Report

Subject: Presentation of the Rocklin Police Department's Community Oriented Policing and Problem Solving (C.O.P.P.S.) Unit

Date: January 24, 2023

Submitted By: Lieutenant Neil Costa

Department: Police

Recommendation:
Receive a presentation from the Rocklin Police Department.



City Council Regular Meeting Staff Report

Subject: Appeal of the Planning Commission's Approval of a Specific Plan Use Permit Amendment for the Pottery World Highway Wall

Specific Plan Use Permit Amendment, SPU-98-01A

Date: January 24, 2023

Submitted By: David Mohlenbrok, Director of Community Development
Bret Finning, Planning Services Manager
Nathan Anderson, Senior Planner

Department: Community Development

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Granting or Denying the Appeal, and Either Affirming, Modifying, or Reversing the Planning Commission's Approval of Specific Plan Use Permit Amendment for the Pottery World Highway Wall.

Background:

See Attachment number 1, Staff Report, which is separately attached to maintain the integrity of document formatting.

Pursuant to the Rocklin Municipal Code section 17.86.050, the the City Council shall hear the matter de novo, and make any order it deems just and equitable.

ATTACHMENTS:

1. Staff Report - Pottery World Appeal
- 1.1 Attachment 1 to the Staff Report - Planning Commission Staff Report - 10/18/22
- 1.2 Attachment 2 to the Staff Report - Planning Commission Resolution PC-2022-41
- 1.3 Attachment 3 to the Staff Report - Request for Appeal
- 1.4 Attachment 4 to the Staff Report - Draft Resolution for Approval of the Appeal
- 1.5. Attachment 5 to the Staff Report - Draft Resolution for Denial of the Appeal



City Council Staff Report

Subject: Pottery World Highway Wall Appeal
Specific Plan Use Permit Amendment, SPU-98-01A

Date: January 24, 2023

Submitted by: David Mohlenbrok, Community Development Director
Bret Finning, Planning Services Manager
Nathan Anderson, Senior Planner

Department: Community Development Department

Action

Under an appeal, the City Council considers the original project request in its entirety “De Novo” (“anew” or “from the beginning”) and then takes whatever action it deems appropriate.

Proposal/Appeal

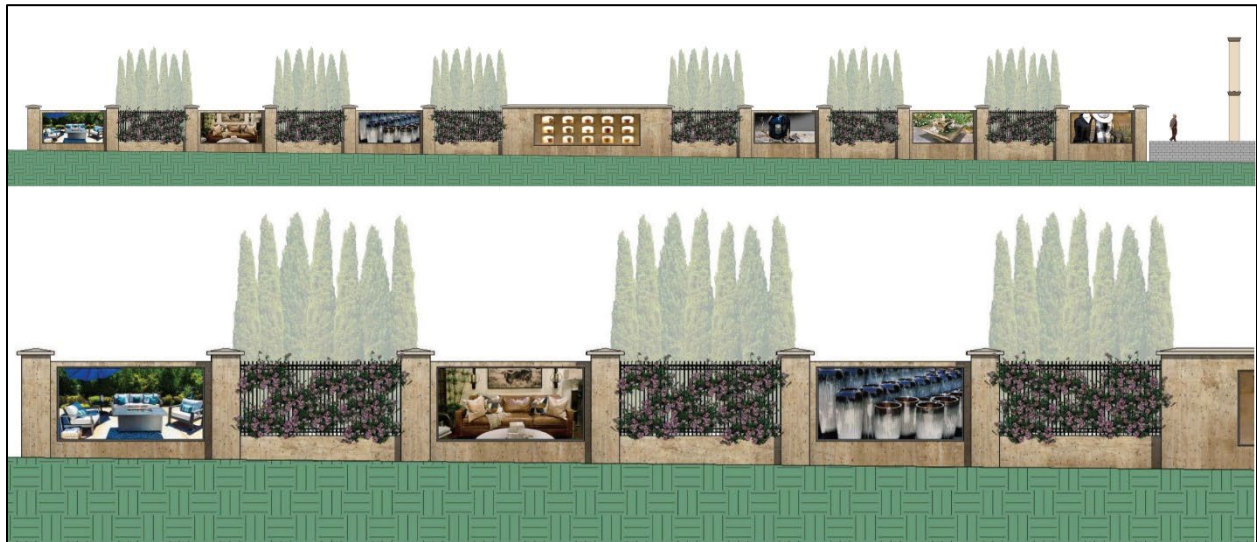
This is a request for an appeal of an action taken on October 18, 2022 by the Planning Commission. The full project is discussed in detail within the Planning Commission Staff Report, which is included as **Attachment 1**.

The project site is located at 4419 Granite Drive; Assessor’s Parcel Number (APN) 045-021-039. The application considered by the Planning Commission was a request for approval of an amendment to the Specific Plan Use Permit for the Pottery World project, originally approved in 1998 (Resolution No. PC-98-19). The proposed amendment (Resolution PC-2022-41; **Attachment 2**) provided for removal of an existing open view tubular steel fence and, subject to Caltrans approval, removal of the existing Caltrans chain link fence, both located along the project site frontage with Highway 80, and replacement of these fences with an approximately 8-foot tall concrete masonry unit (CMU) wall interspersed with decorative tubular steel fencing sections and landscaping.

Along the solid sections of the wall, the applicant proposed to install six 14.5’ x 7.5’ product placards and one 25’ x 7.5’ product placard, all framed by aluminum and attached to the masonry wall. These seven total placards were intended to illustrate various “Pottery World” items, such

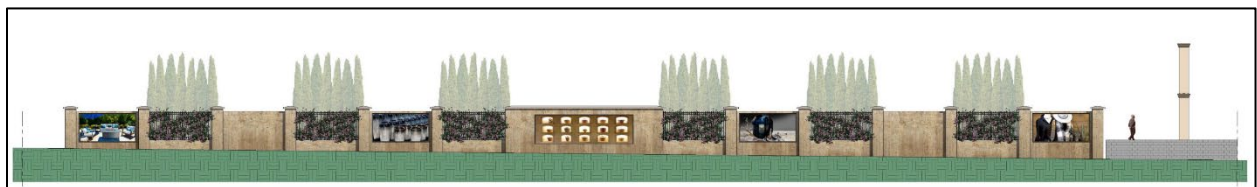
as patio furniture, café, pottery, fountains, boutique, home décor, etc., but would not be allowed to include any corporate or commercial branding, logos, or text. See **Figure 1**.

Figure 1 – Proposed CMU Wall (7 Placards)



During its deliberation, the Planning Commission stated that the modification is a major improvement to the fencing which currently exists on the site and that the wall is consistent with the building and other businesses’ marketing strategies. However, two of the Commissioners stated that the seven proposed placards made the wall look “too busy” and that their preference would be to reduce the number of total placards to five (**Figure 2**).

Figure 2 – Approved CMU Wall (5 Placards)



After deliberations, the Planning Commission voted 5-0 to approve the project with a condition to limit the maximum allowed number of placards to five (5) instead of seven (7).

Request for Appeal

Subsequent to the Planning Commission meeting, the applicant filed a timely request for appeal along with the required fee. The appeal letter is provided at **Attachment 3**.

The applicant is appealing the limitation on the maximum number of placards permitted to be mounted on the wall and is requesting that the City Council allow the use of up to seven (7) placards, as originally proposed. The applicant has stated that the seven (7) placards are necessary to convey the full range of goods available at Pottery World beyond just pottery, as implied by the business' name.

Approval of the appeal would modify Condition of Approval 5.a of Resolution PC-2022-41 to allow for up to seven (7) total placards to be placed on the wall, as follows:

5. Placards

- a. Up to ~~five (5)~~ seven (7) total placards may be installed on the project wall, consistent with the configuration specified in Exhibit A. (Planning)*

City Council Options

The City Council could take one of several possible actions as noted below. Staff has provided draft resolutions, **Attachments 4 and 5** (titles noted below), for both approval and denial, respectively, of the appeal request for the City Council's use. If the City Council determines that the appropriate course of action is other than options 1 or 2, it will be necessary to modify one of the attached draft resolutions or, possibly, continue this item to a subsequent meeting to allow drafting of an appropriate new resolution.

1. Grant the appeal, thereby modifying the approved Specific Plan Use Permit Amendment to allow up to a maximum of seven (7) placards to be displayed on the project's freeway facing wall instead of being limited to five (5). In this case, Condition of Approval 5.a of Planning Commission Resolution PC-2022-41 would be modified and all other associated conditions of approval would remain in effect.

Resolution of the City Council of the City of Rocklin Granting an Appeal and Hereby Modifying the Planning Commission Approval of a Specific Plan Use Permit Amendment (Pottery World Highway Wall Appeal / SPU-98-01A)

2. Deny the appeal, thereby upholding the Planning Commission's action approving the Specific Plan Use Permit Amendment with a maximum of five (5) placards allowed to be displayed on the project's freeway facing wall. In this case, the original Planning Commission Resolution PC-2022-41 and all associated conditions of approval would remain in effect.

Resolution of the City Council of the City of Rocklin Denying an Appeal to Modify the Planning Commission Approval of a Specific Plan Use Permit Amendment (Pottery World Highway Wall / SPU-98-01A)

3. The City Council also has the ability to take other alternative actions, such as, but not limited to, denying the proposed Specific Plan Use Permit Amendment altogether, limiting the total number of placards allowed to none or some other number different than five.

Attachments

1. Planning Commission Staff Report (10/18/22)
2. Planning Commission Resolution PC-2022-41 (10/18/22)
3. Appeal Request (10/20/22)
4. Draft resolution for approval of the appeal
5. Draft resolution for denial of the appeal



Planning Commission Regular Meeting Staff Report

Subject: Pottery World Highway Wall
Specific Plan Use Permit Amendment, SPU-98-01A
Oak Tree Preservation Plan Permit, TRE2022-0002

Date: October 18, 2022

Submitted By: David Mohlenbrok, Community Development Director
Bret Finning, Planning Services Manager
Nathan Anderson, Senior Planner

Department: Community Development Department

Recommendation

Subject to the recommended conditions of approval, staff recommends the Planning Commission approve the following:

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN APPROVING A NOTICE OF EXEMPTION (Pottery World Highway Wall / SPU-98-01A; TRE2022-0002)

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ROCKLIN APPROVING A SPECIFIC PLAN USE PERMIT AMENDMENT AND AN OAK TREE PRESERVATION PLAN PERMIT (Pottery World Highway Wall / SPU-98-01A; TRE2022-0002)

Proposal/Application Request

This application is a request for approval of a Specific Plan Use (SPU) Permit Amendment of a project originally approved in 1998. The amended SPU Permit would allow for removal of an open view tubular steel fence currently located along the project site frontage with Highway 80 and replace the tubular steel fence with an approximately 8-foot tall concrete masonry unit (CMU) wall. Construction of the new wall would require the removal of five (5) oak trees.

General Site Information

The subject property is an approximately 3.3-acre developed retail commercial site located at 4419 Granite Drive. The Assessor Parcel Number (APN) is 045-021-039. The existing commercial building is approximately 30,000 square feet. The project was originally approved in 1998 (Pottery World / SPU-98-01). See **Attachment 1** for original approval resolution. The site is currently

utilized to sell pottery, fountains, garden ceramics, furniture, and other related items, and also includes a restaurant.

Figure 1 – Aerial Vicinity Map



Owner/Applicant

The applicant is Raymond Burriss. The property owner is Pottery World Enterprises, LLC.

Project Details

The project is proposing to modify the southern portion of the property along the frontage with Highway 80, in order to provide additional screening to the rear area of the project site and a more attractive and inviting appearance from the freeway. The project would remove an existing open view tubular steel fence currently located along the frontage with Highway 80 (**Figure 2**) and replace it with an approximately 8-foot tall CMU wall along the approximately 300 linear feet southern property line.

Chain Link Fence

An existing chain link fence, which is owned by and located within the Caltrans right-of-way, is also proposed to be removed and replaced “like-for-like” with the proposed wall, subject to the approval of Caltrans. The project has been conditioned to provide proof of Caltrans approval for the fence replacement prior to issuance of a building permit for the proposed wall.

Figure 2 – Existing Condition



Oak Tree Removal

The City of Rocklin regulates the removal of and construction within the dripline of native oak trees with a trunk diameter of 6 inches or more at 4.5 feet above ground level under the Oak Tree Preservation Ordinance and the Oak Tree Preservation Guidelines. Per the City's Oak Tree Ordinance, the diameter at breast height (DBH) of a multiple trunk tree is the measurement of the largest trunk only, and heritage trees are defined as native oak trees with a trunk diameter of 24 inches or more.

The project is proposing to remove five (5) oak trees, which are located on the Caltrans property adjacent to the property. According to an arborist report prepared for the project, these trees vary between 20 – 36 inches DBH, and total 133 inches DBH. Photos of the state of the existing trees are included as **Figure 3**. The location of the existing trees is shown as **Figure 4**.

Figure 3 – Condition of Oak Trees



Figure 4 – Location of Oak Trees



The project submitted an Arborist Report prepared by Stephen Davis, ISA Certified Arborist, dated October 29, 2021. The report states that these five oak trees range in condition from fair to poor. The report states that the health and vitality of the trees have been in steady decline due to the location of the trees and the site characteristics. All five of the trees have grown into the Caltrans chain link fence as well as the Pottery World fence, causing damage to both barriers, as well as to the trees themselves. The report states that without attention, the subject trees have a high probability to cause additional structural damage to existing or future fences and walls and/or materials stored below the subject trees. The arborist recommended removal of the trees.

Because the trees are not dead or dying, the project is required to mitigate for the removal of the oak trees, consistent with the requirements of the City's Oak Tree Preservation Ordinance (Rocklin Municipal Code Section 17.77.080.B) and established practice for commercial / industrial parcels.

The applicant has indicated that they are working with Caltrans on the process to remove these oak trees from the site prior to removal of the existing fence/wall. The project has been conditioned to pay the applicable mitigation fees (approximately \$48 per inch) and to obtain an oak tree removal permit, signed by Caltrans as the property owner, prior to the removal of any oak trees and/or issuance of a building permit for the proposed wall.

Proposed Wall Design

The project proposes to construct an 8-foot tall CMU wall along the southern property line. The new wall would include a stucco finish to match the colors and materials of the existing building. The project is proposing to alternate between weathered decorative tubular metal open fencing and solid sections of wall between the wall's 14 columns. These sections are described in more detail below.

Weathered Open Fencing

The project proposes to install landscaping consisting of flowering vines and Italian Cyprus trees behind the open weathered tubular metal fencing. The purpose for this landscaping is to add to the aesthetics of the wall, and also to screen outdoor items and materials from the highway. The applicant has not proposed any groundcover in these areas. As the new landscape areas will not be easily accessible, staff has included a condition of approval to require the planting of a tough, drought tolerant ground cover to help with weed control. Temporary solid fencing with a rust or bronze corrugated metal finish would be installed behind the landscaping to provide additional screening. The corrugated metal would be rust or bronze colored to match the open view fencing. Once the new landscaping is mature enough to provide a sufficient visual screen, the temporary fencing would be removed. See **Figures 5 and 6**.

Figure 5 – Weathered Open Fencing Design (Side View)

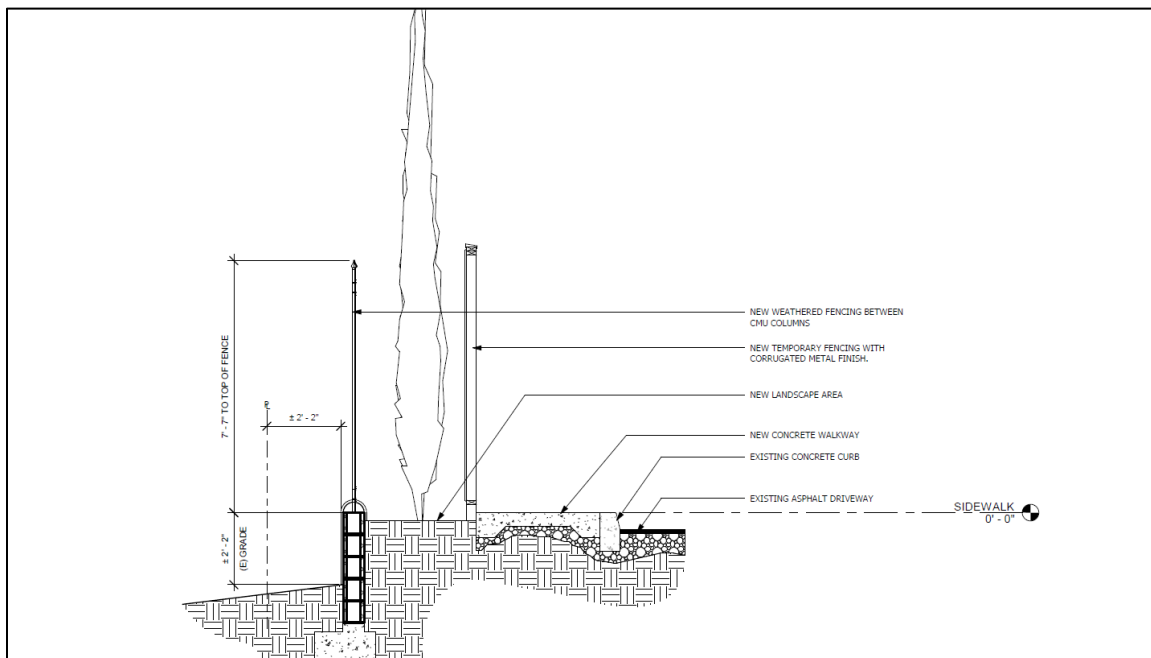
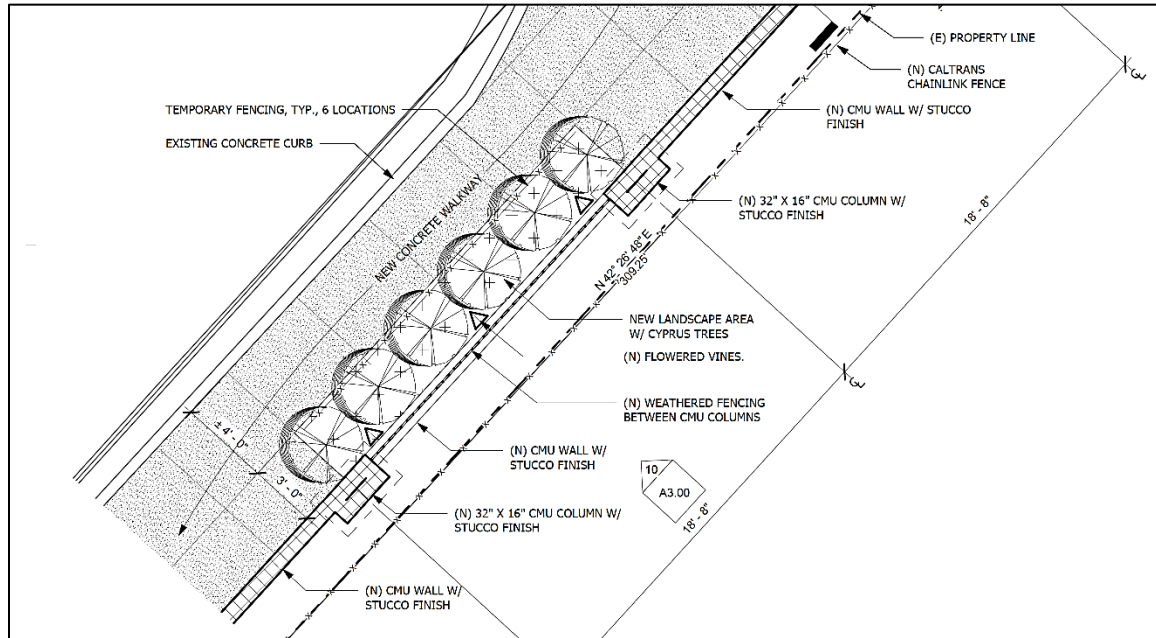


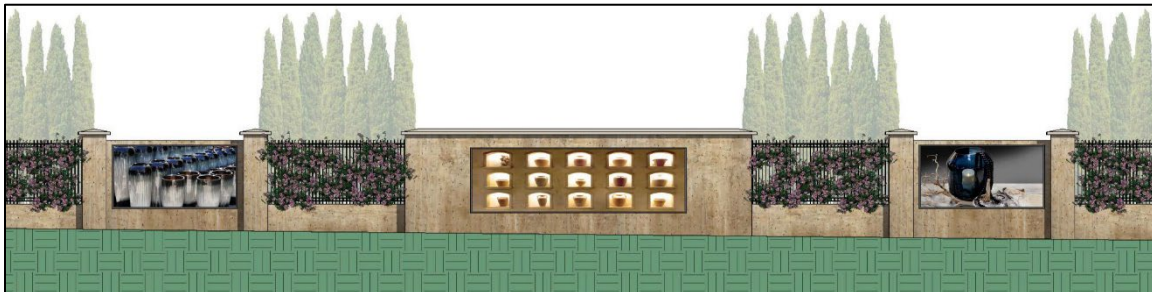
Figure 6 – Weathered Open Fencing Design



Solid Wall

Along the solid sections of the wall, the applicant is proposing to install six 14.5' x 7.5' product placards and one 25' x 7.5' product placard, all attached by aluminum frames. These placards would illustrate various "Pottery World" items, such as patio furniture, café, pottery, fountains, boutique, home décor, etc., but would not be allowed to include any corporate or commercial branding or text. See **Figure 7**.

Figure 7 – Solid Wall with Vinyl Placards (portion)



The applicant has submitted seven images which are proposed to be installed on the wall. These images are included as **Attachment 2**. According to the applicant, the intent is for the placards to be changed throughout the year to reflect the seasons. The project has been conditioned that, a

minimum of 14 days prior to the installation of any new placards, the applicant shall submit the proposed placard designs for review and approval by the Community Development Director.

The project has also been conditioned that the placards shall be well maintained and kept clean, to the satisfaction of the Community Development Department. Failure to do so may be cause for revocation of the ability to install placards on the wall.

Lighting

The placards would be illuminated by concealed lighting fixtures installed within the wall. The lighting would be downward-facing and has been conditioned to eliminate glare onto Highway 80 or neighboring properties. Complaints about glare resulting from the wall lighting could result in modification or removal of the lighting, at the discretion of the Community Development Director.

Storage

Staff has also included a condition of approval to make clear the standards and expectations for storage and display of materials on the project site.

Architectural Review Committee

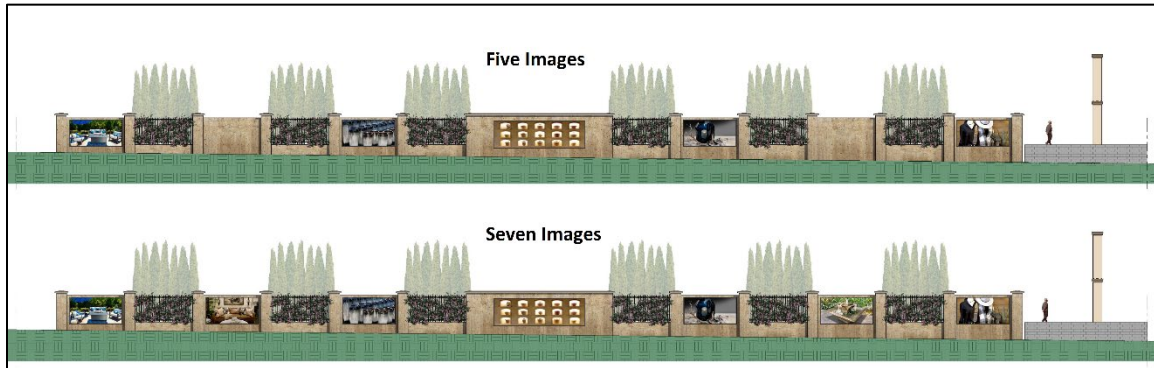
On September 1, 2022, the Architectural Review Committee ("ARC") considered the proposed wall. The ARC was generally supportive of the design and architecture and stated that it appreciated that the new wall would provide enhanced screening from the highway. Some concerns were brought up that the placard images on along the wall might be too "busy", as the project elevations at that meeting did not reflect the full elevation of the wall, but only included a preliminary rendering and photos of the proposed images to be used. The ARC recommended that the project provide a full elevation with all images included.

With this modification, the ARC voted 3-0 (2 members absent) to recommend approval to the Planning Commission.

Project Modifications

Subsequent to the ARC recommendation, the applicant provided two elevations which provided different options for the wall placards. The first option includes the seven-placard version which was presented to ARC. The second option only contains five placards, to provide a comparison to the Planning Commission. A small comparison version is included as **Figure 8**, with a larger version included as **Attachment 3**.

Figure 8 – Wall Placard Comparison



The applicant team has requested that it be clearly stated that the seven-placard version is their preference. Staff has included the seven-placard version of the exhibit as part of the Resolution Exhibit A. However, if the Planning Commission feels that this version of the design is too busy, staff is prepared to insert the five-placard version in its place.

General Plan and Zoning Compatibility

The project site is designated as Retail Commercial (RC) in the Rocklin General Plan and is zoned Planned Development Commercial (PD-C). The demolition of an existing fence and construction of a new wall as described above is compatible with the existing General Plan designation and Zoning.

Environmental Determination

The City of Rocklin's Environmental Coordinator has reviewed the proposed project and determined that it is categorically exempt from review under the California Environmental Quality Act pursuant to Sections 15301 – Existing Facilities, 15302 – Replacement or Reconstruction and 15303 – New Construction or Conversion of Small Structures of California Code of Regulations, Title 14, Division 6, Chapter 3. For a more in-depth discussion of the environmental evaluation and conclusion, please refer to the Notice of Exemption attached to the Resolution prepared for the proposed project.

Prepared by Nathan Anderson, Senior Planner

RESOLUTION PC-2022-41

RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ROCKLIN APPROVING A SPECIFIC PLAN USE PERMIT AMENDMENT AND AN OAK
TREE PRESERVATION PLAN PERMIT

(Pottery World Highway Wall / SPU-98-01A; TRE2022-0002)

The Planning Commission of the City of Rocklin does resolve as follows:

Section 1. The Planning Commission of the City of Rocklin finds and determines that:

A. The Pottery World Specific Plan Use Permit (SPU-98-01) was approved on April 7, 1998 via Resolution No. PC-98-19 for construction of an approximately 30,000 square foot commercial building, and associated parking, landscaping, and signage, on a 3.3-acre site.

B. This Specific Plan Use Permit Amendment (SPU-98-01A) approves the demolition of an existing open view tubular steel fence currently located along the frontage of Highway 80, which was approved as part of SPU-98-01. The Amendment also approves construction of an 8-foot tall concrete masonry unit (CMU) wall in the same approximate location and approves the removal of five (5) oak trees.

C. A Notice of Exemption has been approved for this project via Planning Commission Resolution No. PC-2022-40.

D. The design is compatible with the existing retail commercial building, and with the surrounding development, natural features and constraints. The new wall has been designed to match the colors and materials of the existing building. Further, the solid wall would effectively screen storage materials from the view of Highway 80, pursuant to City regulations. While the project would require the removal of five (5) oak trees, the trees would be mitigated consistent with the requirements of the City's Oak Tree Preservation Plan. Therefore, these modifications are considered to be consistent with the building, natural features, constraints, and with the surrounding office complex.

E. The height, bulk, area, color scheme and materials of the modifications are compatible with the existing retail complex and with the surrounding development. The removal of an existing fence and replacement with a wall in approximately the same location would not impact the height, bulk, area, or color scheme/materials of the building or surrounding complex.

F. The design of the modifications is consistent with the goals, policies, and land use designations in the General Plan and with all zoning standards, regulations, and restrictions applicable to the property. The wall will help to screen existing materials on the site from Highway 80. The design is consistent with requirements of the Rocklin Municipal Code, as well as

the approved Specific Plan Use Permit for the original project (SPU-98-01). The proposed wall is consistent with the goals, policies, and land use designations in the General Plan, and with all zoning standards, regulations, and restrictions applicable to the property.

G. The removal of an existing fence and replacement with a wall on approximately the same footprint would not change the orientation of the existing buildings and structures (with emphasis on energy consumption for heating, cooling, lighting) in any way.

H. The project is consistent with the dimensions and placement of signs and graphics. The project would install multiple placards along the wall. The concept and some of the possible images of the placards have been reviewed by the Planning Commission, and it has been determined that the dimensions, placement, and design of the placards are compatible with the proposed buildings and structures and the surrounding development and environment.

I. The project would be consistent with the style, type and orientation of lighting on the site. The wall would include concealed lighting fixtures, which would provide illumination to the placards. The lighting fixture has been designed to be downward facing and to not impact the highway or neighboring properties.

J. The proposed modifications would not significantly modify the existing project landscaping (with emphasis on aesthetics, use of water and maintenance needs). While the project would remove five (5) oak trees, additional landscaping and screening would be provided within open view portions of the wall. This landscaping is compatible with surrounding development and has been designed with provisions for minimizing water usage and maintenance needs.

Section 2. The Specific Plan Use Permit Amendment for Pottery World Highway Wall / (SPU-98-01A; TRE2022-0002) as depicted in Exhibit A, attached hereto and by this reference incorporated herein, is hereby approved subject to the conditions listed below. The approved Exhibit A shall govern the design and construction of the project. Any condition directly addressing an element incorporated into the approved Exhibit A shall be controlling and shall modify the approved Exhibit A. All other plans, specifications, details, and information contained within Exhibit A shall be specifically applicable to the project and shall be construed as if directly stated within the conditions for approval. Unless otherwise expressly stated, the applicant / developer shall be solely responsible for satisfying each condition prior to a final Building Permit Inspection or Issuance of a Certificate of Occupancy as applicable. The agency and / or City department(s) responsible for ensuring implementation of each condition is indicated in parenthesis with each condition.

A. Notice to Applicant of Fees & Exaction Appeal Period

The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code §66020(d), these conditions constitute written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions.

The applicant is hereby notified that the 90-day protest period, commencing from the date of approval of the project, has begun. If the applicant fails to file a protest regarding any of the fees, dedication requirements, reservation requirements or other exaction contained in this notice, complying with all the requirements of Government Code §66020, the applicant will be legally barred from later challenging such exactions.

B. Conditions

1. Prior Conditions of Approval

All conditions of project for the Pottery World as contained in Specific Plan Use Permit (SPU-98-01) approved on April 7, 1998, via Resolution No. PC-98-19 and related exhibits, shall remain in full force and effect except as modified herein and by Exhibit A of this resolution.

2. Grading and Drainage

A. Prior to any grading, site improvements, or other construction activities associated with this project, a building permit, consistent with the exhibits and conditions incorporated as a part of this entitlement, and in compliance with all applicable city standards, shall be prepared for the review and approval of the Chief Building Official and the Community Development Director. Said building permit shall specifically include, but is not limited to, a detailed grading and drainage plan prepared by a registered civil engineer. (BUILDING, PLANNING)

B. Prior to any grading, site improvements, or other construction activities, the project shall provide a letter from Caltrans authorizing removal and replacement of the chain link fence within its right-of-way, consistent with Exhibit A. (BUILDING, PLANNING)

3. Geotechnical Study

Prior to any grading or construction activities including issuance of improvement plans or issuance of a building permit, the applicant shall submit a design-level soil investigation for the review and approval of the City Engineer and/or Chief Building Official that evaluates soil and rock conditions, particularly the potential for expansive soils. The professional engineer that prepared the soil investigation

shall recommend appropriate construction and foundation techniques and other best practices that are to be implemented by the project during construction. These techniques and practices shall address expansive soils or other geological concerns requiring remediation, including but not limited to: (BUILDING, ENGINEERING)

- a. Recommendations for building pad, footing, and retaining wall construction;
- b. Use of soil stabilizers or other additives; and
- c. Recommendations for surface drainage.

4. Landscaping

- a. Final landscape plans shall be provided by the developer and approved by the Director of Community Development. The landscape plans shall comply with the following requirements: (PLANNING)

- i) The landscaping plan shall be prepared by a landscape architect and shall include:

- 1) Plant material information shall adhere to the following:

- a) A legend of the common and botanical names of specific plant materials to be used, including in the planters at the front of the store. The legend should indicate the nursery container size of plant materials, the size at maturity, and include a graphic symbol for each plant type:

Flowering vines shall be a minimum of five (5) gallon and trees a minimum of 24-inch box and meet the minimum height specified by the American Standards for Nursery Stock. Groundcover spacing shall be sufficient to achieve adequate cover upon establishment of the plants.

- b) Final plant selections shall be based on the approved Planting Legend and shall incorporate a variety of plants from each plant type.
 - c) The landscape architect shall provide a note on the landscape plans which confirms that plant materials consist of a tough, drought tolerant ground cover to help with weed control.

- 2) A section diagram of proposed tree staking.

- 3) An irrigation plan including an automatic irrigation system. The plan shall include drip irrigation wherever possible.
- ii) The plan shall be certified by the landscape architect that the landscape plan meets the requirements of the Water Conservation in Landscaping Act(Government Code §65591, et seq.).
- b. All landscaping shall be installed and the landscape architect shall certify, in writing, that the landscaping and irrigation system have been installed in full compliance with the approved plans prior to final approval. (PLANNING)

5. Placards

- a. Up to five (5) total placards may be installed on the project wall, consistent with the configuration specified in Exhibit A. (PLANNING)
- b. Placards may show photographs of products associated with Pottery World, including not limited to items such as patio furniture, pottery, fountains, home décor, etc., but shall not include any corporate or commercial names, logos, branding or text. (PLANNING)
- c. A minimum of 14 days prior to the installation of any new placards, the applicant shall submit the proposed placard designs to the Planning Department for review and approval. (PLANNING)
- d. All placards shall be well-maintained and kept clean, to the satisfaction of the Community Development Director. (PLANNING)
- e. Failure to comply with any of the above conditions may be cause for revocation of placard installation on the wall, at the discretion of the Community Development Director. (PLANNING)

6. Oak Trees

- a. Prior to the issuance of a building permit, improvement plans, grading permits, or to any grading, site improvements, or other construction activities associated with the project, the removal of the five (5) oak trees on or near the project site indicated as “to be removed” on Exhibit A, shall be mitigated as follows: (BUILDING, PLANNING, ENGINEERING)

Prior to the issuance of improvement plans or grading permits, the applicant shall pay a mitigation fee for the removal of oak trees calculated at a rate of \$48 per inch of Total Diameter at Breast Height (TDBH) of replacement trees required, and

to that end the project arborist shall provide the following as part of an Oak Tree Removal Permit:

- The total number of surveyed oak trees;
 - The total number of oak trees to be removed;
 - The total number of oak trees to be removed that are to be removed because they are sick or dying, and
 - The total, in inches, of the trunk diameters at breast height (TDBH) of all surveyed oak trees on the site in each of these categories.
- b. The developer shall retain a certified arborist to prepare an oak tree removal plan which shall be included in the building permit and / or improvement plans prepared for the project that provides the above mitigation information. (ENGINEERING, PLANNING)
- c. The Oak Tree Removal Permit shall be signed by a representative of Caltrans as the property owner. (PLANNING)

7. Temporary Fencing

- a. The project shall install temporary solid fencing with a rust or bronze colored corrugated metal finish behind the landscaping to provide additional screening while the landscaping comes to maturity. (PLANNING)
- b. Prior to removal of the temporary solid fencing, the project shall provide photographs to the Community Development Department which show that the landscaping has matured to a level which properly screens the interior of the site from Highway 80 along the open view portions of the wall. Staff shall review the photographs and/or visit the site, and make a determination that the project complies with this screening requirement prior to authorizing removal of the temporary solid fencing. (PLANNING)
- c. In the event that the landscaping fails subsequent to removal of the temporary solid fencing, the Community Development Director may require it to be reinstalled until such time as the landscaping is restored.

8. Storage

All materials stored or displayed on the on the Pottery World site shall comply with the following (PLANNING):

- a. Shall be located no less than 90 feet from the Granite Drive property line.
- b. Shall not block parking spaces, drive aisles, or pedestrian walk ways.

- c. Shall not block designated Fire access lanes.
- d. Shall not be stacked or shelved higher than the perimeter walls of the site.
- e. Shall not be visible from Highway 80.

9. Lighting

Lighting installed within the wall shall be downward-facing and shall not provide any glare onto Highway 80 or neighboring properties. Complaints about glare resulting from wall lighting could result in modification or removal of the lighting, at the discretion of the Community Development Director. (PLANNING)

10. Indemnification and Duty to Defend

Within 30 days of approval of this entitlement by the City, the applicant/property owner shall execute an Indemnity Agreement, approved by the City Attorney's Office, to indemnify, defend, reimburse, and hold harmless the City of Rocklin and its agents, officers and employees from any claim, action, or proceeding against the City of Rocklin to set aside, void or annul an approval of the entitlement by the City's Planning Commission or City Council, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the applicant of any such claim, action or proceeding, and the City will cooperate in the defense of the claim, action or proceeding. Unless waived by the City, no further processing, permitting, implementation, plan checking or inspections related to the entitlement shall be performed by the City if the Indemnity Agreement has not been fully executed within 30 days. (CITY ATTORNEY)

11. Validity

This entitlement shall expire three years from the date of approval unless prior to that date a building permit has been issued or a time extension has been granted. (PLANNING)

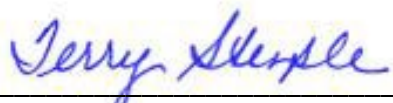
PASSED AND ADOPTED this 18th day of October, 2022, by the following vote:

AYES:	Commissioners:	Armstrong, Barron, Cortez, Hess, McKenzie
NOES:	Commissioners:	None
ABSENT:	Commissioners:	None
ABSTAIN:	Commissioners:	None



Gregg McKenzie, Chairperson

ATTEST:



Terry Stemple, Secretary

EXHIBIT A

Specific Plan Use Permit Amendment, SPU-98-01A

Pottery World Highway Wall

POTTERY WORLD

October 20th, 2022

Re: Pottery World Wall Project

To Whom It May Concern:

Pottery World would like to respectfully request an appeal of the Planning Commission decision of 10/18 indicating 5 approved images and to request reconsideration for 7 images on our wall.

We greatly appreciate the thoughtful discussion undertaken by the Planning Commission in consideration of our wall project on October 18th.

Our reasoning for seeking 7 images on our wall is as follows:

One of the greatest challenges we face is that people assume that Pottery World just sells pots because of our name. This does have an effect on our business because if you don't need pots, you don't need to come to Pottery World.

The 7 images we designed into the wall serve the purpose of displaying the 7 categories products we sell, thereby counteracting the perception that we just sell pots.

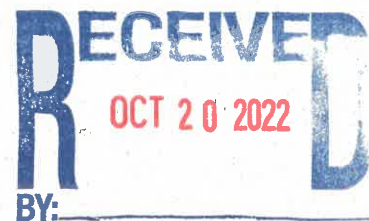
During the evening of the commission, we had come prepared to explain this point but unfortunately public comments were closed and we did not have the opportunity to do so.

We would like to request that the City allow us to proceed with 7 images through to completion so they can see the actual wall in its final form. Then, if the city feels that 5 images is more appropriate, we'll remove two of the images.

We continue to appreciate the City of Rocklin Planning Department for their support of our wall project throughout the planning process.

Thank you!


Justin Garrett
General Manager



RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
GRANTING AN APPEAL AND HEREBY MODIFYING THE PLANNING COMMISSION APPROVAL
OF A SPECIFIC PLAN USE PERMIT AMENDMENT

(Pottery World Highway Wall Appeal / SPU-98-01A)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. The Pottery World Specific Plan Use Permit (SPU-98-01) was approved on April 7, 1998 via Resolution No. PC-98-19 for construction of an approximately 30,000 square foot commercial building, and associated parking, landscaping, and signage, on a 3.3-acre site.

B. The Planning Commission approved a Specific Plan Use Permit Amendment (SPU-98-01A) on October 18, 2022 via Resolution No. PC-2022-41. The amendment approved the demolition of an existing open view tubular steel fence currently located along the frontage of Highway 80, and the construction of an 8-foot tall concrete masonry unit (CMU) wall in the same approximate location, the removal of five (5) oak trees, and placement of a maximum of five (5) product placards on the masonry wall consistent with the approved project exhibit.

C. A Notice of Exemption was approved for this project via Planning Commission Resolution No. PC-2022-40.

D. The applicant filed a timely request for appeal with the required fee on October 20, 2022. The appeal requested to modify the project conditions of approval to allow for the placement of seven (7) product placards instead of five (5), as approved by Planning Commission.

Section 2. The Appeal to modify an approved Specific Plan Use Permit Amendment (SPU-98-01A) as depicted in Exhibit A, attached hereto and by this reference incorporated herein, is hereby granted. The approved Exhibit A shall govern the design and construction of the project, in conjunction with the approvals granted as part of Resolution No. PC-2022-41.

PASSED AND ADOPTED this 24th day of January, 2023, by the following vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

ABSTAIN: Councilmember(s):

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

EXHIBIT A

- 1) Condition of Approval 5.a of Resolution PC-2022-41 is hereby modified as follows:

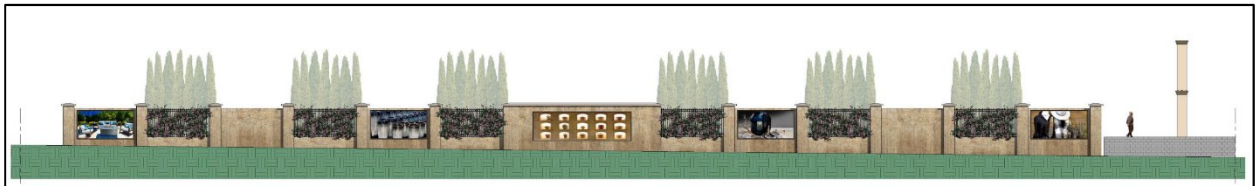
5. Placards

- a. Up to ~~five (5)~~ seven (7) total placards may be installed on the project wall, consistent with the configuration specified in Exhibit A. (Planning)

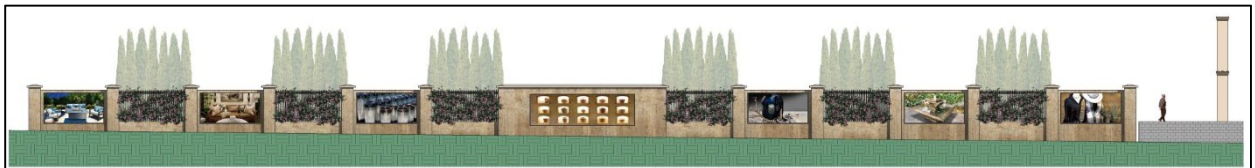
All other conditions of approval previously approved as part of Resolution PC-2022-41 shall remain valid.

- 2) Exhibit A of Resolution PC-2022-41 is hereby modified to remove the following figure and replace it with the figure below:

Remove – Approved CMU Wall (5 Placards)



Replace – Modified CMU Wall (7 Placards)



RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
DENYING AN APPEAL TO MODIFY THE PLANNING COMMISSION APPROVAL
OF A SPECIFIC PLAN USE PERMIT AMENDMENT

(Pottery World Highway Wall / SPU-98-01A)

The City Council of the City of Rocklin does resolve as follows:

Section 1. The City Council of the City of Rocklin finds and determines that:

A. The Pottery World Specific Plan Use Permit (SPU-98-01) was approved on April 7, 1998 via Resolution No. PC-98-19 for construction of an approximately 30,000 square foot commercial building, and associated parking, landscaping, and signage, on a 3.3-acre site.

B. The Planning Commission approved a Specific Plan Use Permit Amendment (SPU-98-01A) on October 18, 2022 via Resolution No. PC-2022-41. The amendment approved the demolition of an existing open view tubular steel fence currently located along the frontage of Highway 80 and the construction of an 8-foot tall concrete masonry unit (CMU) wall in the same approximate location, the removal of five (5) oak trees, and placement of a maximum of five (5) product placards on the masonry wall consistent with the approved project exhibit.

C. A Notice of Exemption was approved for this project via Planning Commission Resolution No. PC-2022-40.

D. The applicant filed a timely request for appeal with the required fee on October 20, 2022. The appeal requested to modify the project conditions of approval to allow for the placement of seven (7) product placards instead of five (5), as approved by Planning Commission.

Section 2. The Appeal to modify an approved Specific Plan Use Permit Amendment (SPU-98-01A) to allow for the placement of seven (7) placards on the approved wall instead of five (5) placards is inconsistent with the dimensions and placement of signs and graphics within the area.

Section 3. Based upon the findings in Section 2 above, the City Council hereby upholds the Planning Commission action and denies the Appeal request to modify the Planning Commission approval of Specific Plan Use Permit Amendment (Resolution No. PC-2022-40 and associated exhibits).

PASSED AND ADOPTED this 24th day of January, 2023, by the following vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

ABSTAIN: Councilmember(s):

Ken Broadway, Mayor

ATTEST:

Hope Ithurburn, City Clerk



City Council Regular Meeting Staff Report

Subject: Creation of an Arts Commission

Date: January 24, 2023

Submitted By: Sherri Conway, Assistant City Manager

Department: City Manager's Office

Recommendation:

1. Introduce, waive full reading, and read by title only, an Ordinance of the City Council of the City of Rocklin Enacting Chapter 2.43 of the Rocklin Municipal Code, Establishing an Arts Commission.
2. Introduce, waive full reading, and read by title only, an Ordinance of the City Council Amending Chapter 2.44 of the Rocklin Municipal Code to Revise the Parks, Recreation and Arts Commission to the Parks and Recreation Commission.
3. Adopt a Resolution of the City Council of the City of Rocklin Dissolving the Arts Task Force Working Group of the Parks, Recreation and Arts Commission.

Background:

Pursuant to the City of Rocklin's Public Art Master Plan, adopted by the City Council on January 26, 2016, the Art Task Force was created to serve as the selection panel for both public and private development projects and make recommendations to the Parks, Recreation and Arts Commission. The Art Task Force has been responsible for voluntary public art in a development project as well as the placement of public art elements. The Art Task Force has functioned as a working group for the Parks, Recreation and Arts Commission, holding regularly scheduled and publicly noticed meetings.

At the October 25, 2022, City Council meeting, the City Council directed staff to develop an ordinance to create an Arts Commission and to lead the efforts of retiring the existing Arts Task Force. A proposed ordinance (Attachment 1) is presented for the consideration of the City Council. The proposed ordinance is summarized as follows:

1. Establishes the Commission.
2. The Commission will act in an advisory capacity to the City Council on matters pertaining to public art and culture.
3. Provides that members must be residents and registered voters of the City and serve four-year terms. Two founding members will have two- year terms in order to create a staggered rotation of the membership.
4. The Commission will consist of five members, preferably with a broad array of

- backgrounds and areas of expertise. Members serve at the pleasure of the City Council.
5. The Commission will hold regular meetings and have special meetings if needed.
 6. Compensation for members of the Commission will be set by resolution to be presented at an upcoming meeting.

The duties of the Arts Commission will include:

- Review, update, and implement elements of the 2016 Rocklin Public Art Master Plan
- Advise the City Council on all matters affecting arts and culture of the city
- Encourage programs in the arts and to promote the cultural enrichment of the community
- Establish an effective liaison between the city, county, and local cultural and artistic groups

With the introduction of the ordinance establishing the Arts Commission, staff is also presenting an ordinance (Attachment 2) to change the name of the Parks, Recreation and Arts Commission to the Parks and Recreation Commission and remove the oversight of artistic projects from the Parks and Recreation Commission. Additionally, staff recommends the City Council adopt a resolution (Attachment 3) dissolving the Arts Task Force. Duties formerly performed by the Parks, Recreation and Arts Commission and Arts Task Force will be performed by the newly formed Arts Commission.

Fiscal Impact:

There is no fiscal impact from the adoption of this ordinance. However, the ordinance provides that the compensation of the Commission members will be set by resolution.

ATTACHMENTS:

1. [Ordinance - Establishing the Arts Commission](#)
2. [Ordinance - Revising the Parks, Recreation and Arts Commission](#)
3. [Resolution Dissolving Art Task Force.docx](#)

ORDINANCE NO. XXXXX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN ENACTING CHAPTER 2.43 OF THE
ROCKLIN MUNICIPAL CODE ESTABLISHING AN ARTS COMMISSION

WHEREAS, arts, culture, and creativity enhance the quality of life for all Rocklin residents, the economic vitality of the city, and are central to the visitor experience of our region; and

WHEREAS, there is demonstrated evidence that an investment in the arts provides significant economic benefits; and

WHEREAS, the Public Art Master Plan was adopted by the City Council in January 2016 (Resolution No. 2016-23) recommended the creation of an Art Task Force; and

WHEREAS In May of 2017, a description of the Duties and Responsibilities of the Art Task Force was adopted by Resolution of the City Council; and

WHEREAS the creation and establishment of a new Arts Commission would build upon the successes of the Art Task Force, and allow for a more permanent entity to be charged with a broader mandate; and

WHEREAS, on October 25, 2022, the City Council provided direction to create a new, stand-alone Arts Commission and to modify the Parks, Recreation and Arts Commission to move art-related responsibilities to the newly established Arts Commission.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROCKLIN DOES ORDAIN AS FOLLOWS:

Section 1. Purpose. The purpose of this ordinance is to establish the Arts Commission and rules and regulations relating to the functioning of the Commission.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

Section 3. Enact. Chapter 2.43 of the Rocklin Municipal Code, entitled “Arts Commission,” is adopted as follows

2.43.010 – Established.

The Arts Commission is established as set out in this chapter and shall be governed by the rules and regulations set out in this chapter.

2.43.020 – Composition.

The Arts Commission shall consist of five members who shall be appointed by the city council and serve at the council's pleasure, none of whom shall hold any paid office or employment in the city government. Members shall be qualified electors of the city and shall serve for a term of four years.

Commissioners shall be those persons who have demonstrated a strong commitment to the arts through individual patronage, education, or professional experience or knowledge of a particular arts and culture field, and the general public. Efforts should be made to include commissioners who represent a diversity of backgrounds.

2.43.030- Residency required.

In order to be eligible to hold office on the commission, a person must be a resident and registered voter of the city. If, during his or her term of office, a member of the commission moves his or her residence outside the city limits, or ceases to be a registered voter of the city, such member's office shall immediately become vacant.

2.43.040 – Term of service.

Members of the Arts Commission shall serve four-year terms and until their successor is appointed, unless the term is modified by the Mayor with the consent of the city council. Two of the founding members of the commission shall be appointed to a two year term, so as to stagger the terms of the members.

The members of the commission serve at the pleasure of the City Council and may be removed from office by the vote of a majority of the members of the City Council.

2.43.050 - Compensation.

Compensation for a member of the Arts Commission shall be in an amount established by resolution of the City Council

2.43.060 - Failure to attend meetings.

In the event a member has three consecutive unexcused absences from regular meetings of the commission, the city council may declare the office of such member vacant. The secretary to the commission shall advise the Mayor through the City Clerk of any member with three (3) consecutive unexcused absences. The chair of the commission has the discretion to determine whether absences are excused or unexcused. Absences should be excused if due to situations such as illness, religious observances, family emergencies, work conflicts, and vacations. If any member of the commission fails to attend three consecutive meetings, without due cause,

such failure shall be deemed to constitute the retirement of such member. The chair or the vice chair of the commission shall forthwith notify the council of the fact, and the position held by the member shall be declared vacant.

2.43.070 - Meetings.

The Arts Commission shall hold at least one regular meeting in each month on the fourth Monday of the month or such other time as approved by the city council, unless that date falls on a legal holiday, in which case the following Monday shall be the meeting date.

A quorum shall be a majority of the commission. No action of the commission shall be valid without the affirmative vote of at least three members.

All meetings of the commission shall be conducted in accordance with the latest edition of Robert's Rules of Order as published by Webster's New World, unless the particular rule or matter is otherwise provided for by city ordinance or the commission's rules and regulations.

A permanent change in the date and time of the regularly scheduled meetings of the commission shall be submitted to the City Council for approval. Such change may be approved by motion, without the need to amend this chapter.

The commission shall keep a record, which shall be available for public inspection, of all of its resolutions, proceedings, and other actions.

The commission may adopt and amend, by the affirmative vote of a majority of its members, rules and regulations for the conduct of the commission's business consistent with this chapter. Such rules and regulations shall be submitted to the City Council and shall not become effective until approved by the City Council

2.43.080- Organizational meeting—Officers.

The first regular meeting in January of every year shall be an organizational meeting, at which time the commission shall elect its own chair and vice chair, who shall serve in such positions for a period of one year or until their successors are chosen.

2.43.090 - Special meeting.

Special meetings of the commission may be called by the chair or upon the request of the city council acting through either the mayor or the city manager. Notice of a special meeting shall be given at least twenty-four hours in advance of such special meeting.

2.43.100 - Brown Act compliance.

All meetings of the commission shall be held in compliance with the Ralph M. Brown Act.

2.43.110 – Purpose and duties.

The Arts Commission shall act in an advisory capacity to the City Council in matters pertaining to the implementation of the Public Art Master Plan. The commission is charged with performing the following specific functions:

- A. Review, recommend updates, and implement elements of the Public Art Master Plan adopted by the city council;
- B. Advise the city council on all matters affecting arts and culture of the city;
- C. Encourage programs in the arts to promote the cultural enrichment of the community;
- D. Establish an effective liaison between the city, county, and local cultural and artistic groups.

Section 4. Effective Date. This ordinance shall take effect 30 days after the date of its adoption.

Section 5. Severability.

If any section, subsection, sentence, clause or phrase of this Ordinance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unlawful.

Section 6. Publication.

Within 15 days of passage of this Ordinance, the City Clerk shall cause the full text of the ordinance, a summary of the ordinance, or an advertisement of the ordinance to be published in a newspaper of general circulation, with the names of those City Councilmembers voting for and against the Ordinance, in accordance with Government Code section 36933.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on January 24, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers

ABSTAIN: Councilmembers

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on February 14, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Kenneth Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk

First Reading:

Second Reading:

Effective Date:

ORDINANCE NO. XXXX
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
AMENDING CHAPTER 2.44 OF THE ROCKLIN MUNICIPAL CODE TO REVISE
THE PARKS, RECREATION AND ARTS COMMISSION TO THE
PARKS AND RECREATION COMMISSION

The City Council of the City of Rocklin does ordain as follows:

Section 1. Purpose. The purpose of this Ordinance is to change the Parks, Recreation, and Arts Commission to the Parks and Recreation Commission, to reflect the role of the Parks and Recreation Commission in its service to the City following the creation of a city Arts Commission.

Section 2. Authority. The City Council enacts this ordinance under the authority granted to cities by Article XI, Section 7 of the California constitution.

Section 3. Amend. Chapter 2.44 entitled “Parks, Recreation Art Commission” is amended and retitled as “Parks and Recreation Commission.”

Section 4. Amend. Chapter 2.44, Section 2.44.010 entitled “Established-Governing Rules and regulations,” is amended to read as follows:

Section 2.44.010 – Established- Governing rules and regulations.

A parks and recreation commission is established as set out in this chapter and shall be government by the rules and regulations set out in this chapter.

Section 5. Amend. Chapter 2.44, Section 2.44.050 entitled “Term,” is amended to read as follows:

Section 2.44.050 – Term.

Members of the parks and recreation commission shall serve terms of four years and until their successors are appointed, unless the term is modified by the mayor with the consent of the city council.

Section 6. Amend. Chapter 2.44, Section 2.44.055 entitled “Compensation,” is amended to read as follows:

Section 2.44.055– Compensation.

The compensation for a member of the parks and recreation commission shall be in an amount established by resolution of the city council.

Section 7. Amend. Chapter 2.44, Section 2.44.090 entitled “Special Meeting,” is amended to read as follows:

Section 2.44.090 – Special meeting.

Special meetings of the parks and recreation commission may be called by the chair, upon the written request of at least three members or upon the request of the council acting through either the mayor or the city manager. Notice of a special meeting shall be given at least twenty-four hours in advance of such special meeting, either in writing or by telephone.

Section 8. Amend. Chapter 2.44, Section 2.44.100 entitled “Brown Act compliance,” is amended to read as follows:

Section 2.44.100 – Brown Act compliance.

All meetings of the parks and recreation commission shall be held in compliance with the Ralph M. Brown Act.

Section 9. Repeal and Reenact. Chapter 2.44, Section 2.44.110 entitled “Duties,” is repealed and reenacted in its entirety to read as follows:

Section 2.44.110 - Duties.

The parks and recreation commission shall act in an advisory capacity to the city council in matters pertaining to parks and recreation. The city council shall set forth the specific duties of the parks and recreation commission by resolution, as may be amended from time to time.

Section 10. Amend. Chapter 2.44, Section 2.44.120 entitled “Youth commissioner,” is amended to read as follows:

Section 2.44.120 – Youth commissioner.

There shall be appointed to the parks and recreation commission a youth commissioner. The youth commissioner shall be at least age sixteen, a resident of Rocklin, and enrolled as a junior or senior in high school. The youth commissioner will serve a one-year term from July 1 to June 30 the following year. The youth commissioner is a non-voting member of the parks and recreation commission, and is not included for the purpose of determining a quorum.

Section 11. Effective Date. This ordinance shall take effect 30 days after the date of its adoption.

Section 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance 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 remaining portions of

this ordinance. City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions to be declared invalid or unconstitutional.

Section 13. Publication. Within 15 days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, a summary of the ordinance, or an advertisement of the ordinance to be published in a newspaper of general circulation, with the names of those City Councilmembers voting for and against the ordinance, in accordance with Government Code section 36933.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on January 24, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on February 14, 2023, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurburn, City Clerk

First Reading:

Second Reading:

Effective Date:

RESOLUTION NO. 2022-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
DISSOLVING THE ART TASK FORCE WORKING GROUP OF THE PARKS,
RECREATION AND ARTS COMMISSION

WHEREAS, on March 16, 2016 the City Council of the City of Rocklin approved the Public Art Master Plan which included the recommendation to create an Art Task Force working group for the Parks, Recreation and Arts commission; and

WHEREAS, the role of the Art Task Force is to serve as the selection panel for both public and private development projects and to make recommendations to the Parks, Recreation, and Arts Commission; and

WHEREAS, the Art Task Force held regularly scheduled and publicly noticed meetings for four years; and

WHEREAS, the Art Task Force served Rocklin with great diligence and provided a valuable service to the community; and

WHEREAS, the City Council desires to create an independent Arts Commission to carry out the tasks previously undertaken by the Art Task Force.

NOW, THEREFORE, the City Council of the City of Rocklin does resolve as follows:

Section 1. The recitals set forth above are true and correct.

Section 2. The City Council dissolves the Art Task Force working group of the Parks, Recreation, and Arts Commission.

PASSED AND ADOPTED this 24th day of January, 2023, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk



City Council Regular Meeting Staff Report

Subject: Midas Avenue Closure and Emergency Repairs

Date: January 24, 2023

Submitted By: Justin Nartker, Public Services Director

Department: Public Services

Recommendation:

Adopt a Resolution of the City Council of the City of Rocklin Determining an Emergency Exists that Requires the Immediate Expenditure of Public Money to Safeguard Life, Health, Property, or Essential Public Services and Authorizing the City Manager to Take Action Necessary to Repair or Replace Failed Portions of Midas Avenue.

Background:

With recent storm events, the roadway on Midas Avenue at Antelope Creek between 5th Street and Argonaut Avenue deteriorated and failed, requiring the closure of the roadway and emergency repair. This emergency situation will not permit a delay resulting from competitive solicitation for bids, and immediate action is necessary to respond to the emergency.

The roadway failure constitutes an emergency within the meaning of California Public Contract Code section 1102, because it was a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of property or essential public services. Under such circumstances, Public Contract Code section 20168 allows the City Council to pass a resolution by four-fifths vote, declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property. In addition, Public Contract Code section 22050 allows the City Council by a four-fifths vote, to authorize the repair or replacement of a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. Upon adoption of the resolution, the City may expend the sum required in the emergency without requiring competitive bidding.

In compliance with the Public Contract Code and the Rocklin Municipal Code, subsequent reports of the emergency repairs will be provided to the City Council. For expenditures over \$50,000, the City Council will be requested to ratify the contract(s) (RMC 3.04.090(A)).

Fiscal Impact:

The fiscal impact is unknown at the time of the writing of this report.

ATTACHMENTS:

1. [Resolution - Midas Avenue Emergency Repair](#)

RESOLUTION NO. 2023-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN
DETERMINING AN EMERGENCY EXISTS THAT REQUIRES THE IMMEDIATE EXPENDITURE OF
PUBLIC MONEY TO SAFEGUARD LIFE, HEALTH, PROPERTY OR ESSENTIAL PUBLIC SERVICES, AND
AUTHORIZING THE CITY MANAGER TO TAKE ACTION NECESSARY TO REPAIR OR
REPLACE FAILED PORTIONS OF MIDAS AVENUE

WHEREAS, the City is required by the state and local law to competitively bid public works projects which include construction contracts and repairs unless there exists an emergency situation which requires immediate action; and,

WHEREAS, due to storm events in January 2023, a portion of Midas Avenue in the City of Rocklin deteriorated and failed, requiring the closure of the roadway and emergency repairs; and

WHEREAS, the condition of the roadway is such that it must be repaired immediately, to prevent or mitigate the loss or impairment of life, health, property or essential public services; and

NOW THEREFORE, the City Council of the City of Rocklin does resolve as follows:

1. The above referenced recitals are true and correct and incorporated herein by reference.
2. The public interest and necessity demand the immediate expenditure of public funds to repair Midas Avenue to safeguard life, health, property and essential public services. The emergency situation will not permit a delay resulting from competitive solicitation for bids and immediate action is necessary to respond to the emergency.
3. The City Manager or her designee is authorized to procure all necessary equipment, services, and supplies for the purpose of remedying the emergency, without giving notice for bids to let contracts, and to expend such funds as she may determine are necessary to accomplish these purposes, subject to and in accordance with Section 22050(b) of the Public Contract Code, and Rocklin Municipal Code section 3.04.090.

PASSED AND ADOPTED this 24th day of January 2023, by the following roll call vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Ken Broadway, Mayor

ATTEST:

Hope Ithurnburn, City Clerk



City Council Regular Meeting Staff Report

Subject: Successor Agency to the Former Rocklin Redevelopment Agency
Recognized Obligation Payment Schedule (ROPS) for Fiscal Year
2023/24

Date: January 24, 2023

Submitted By: Angela Doyle, Senior Accountant
Daniel Choe, Deputy Director of Administrative Services

Department: Administrative Services - Finance

Recommendation:

Acting as the Successor Agency for the former Rocklin Redevelopment Agency:

Adopt a Resolution of the Successor Agency for the Former Rocklin Redevelopment Agency, Approving the Successor Agency's Recognized Obligation Payment Schedule for Fiscal Year 2023/24, and Authorizing Successor Agency Staff to Submit the ROPS to the Placer County Consolidated Oversight Board.

Background:

Pursuant to Assembly Bills 1X26 and 1484 (Bills), all redevelopment agencies in the State of California were dissolved on February 1, 2012. The Bills authorized certain local agencies, such as a city or county, to become the Successor Agency. On January 1, 2012, the City Council elected to become the Successor Agency for the former Rocklin Redevelopment Agency. The Successor Agency is responsible for winding down the affairs of the former redevelopment agency, which includes making payments due for enforceable obligations, disposition of the assets of the former redevelopment agency. The three-acre parcel of the former Big Gun Quarry is the last remaining property owned by the former Rocklin Redevelopment Agency. Staff is currently working on the disposition of the property.

Health and Safety Code (HSC) Section 34177(l)(1) requires Successor Agencies to prepare a Recognized Obligation Payment Schedule (ROPS) before the applicable fiscal period, that includes the nature, amount, and source(s) of payment of all enforceable obligations of the dissolved Rocklin Redevelopment Agency.

On September 22, 2015, Senate Bill 107 was passed which amended HSC section 34177(o) (1) to require agencies to submit an Oversight Board-approved annual ROPS to the California Department of Finance and the County Auditor Controller by February 1, 2016 and each February 1 thereafter.

Upon direction from the City Council acting as the Successor Agency, staff will submit the ROPS 2023/24 to the Placer County Consolidated Oversight Board for approval on January 26, 2023. Approval of the ROPS by the Oversight Board is required before submission to the Department of Finance by February 1, 2023.

The ROPS for July 1, 2023 through June 30, 2024 requests a total of \$1,611,575 to pay current obligations of: Tax Allocation Bond Debt Service, audit fees, bank fees, property maintenance and administrative costs. The Successor Agency has other funds on hand of \$152,443 from a land sale and interest earned, that must be used towards these obligations. The remaining \$1,459,132 is requested from Redevelopment Property Tax Trust Fund (RPTTF) moneys.

The Current Period Enforceable Obligations for ROPS 2022/23 was \$1,596,775. The increase to \$1,611,575 for ROPS 2023/24 is due to a \$10,000 increase in administration costs and payments required by the Bond debt service payment schedule.

Administrative obligations have increased from \$60,000 on prior ROPS 2022/23 to \$70,000 on current ROPS 2023/24 due to the need for outside consultants related to the disposition of the Big Gun property. Consultants will be needed to (i) conduct special studies to support the difficulty of development of the site due to underlaying bedrock conditions, (ii) update the appraisal reflecting the extraordinary soil conditions, (iii) retain a qualified commercial real estate broker with national reach to market the property to qualified buyers, and (iv) develop a purchase and sale agreement that will govern the sales transaction. City staff will work with the broker to evaluate all offers and certify only those that have the capability to close escrow.

Administration also consists of staff costs for salary and benefits for employees that perform services directly for the Successor Agency. These services include accounting and audit functions, management of the long range property management plan, debt management, report preparation including the ROPS, budget, disclosures, correspondence, public information, contract preparation, review, legislative analysis, legal services, Oversight Board meeting preparation, meeting attendance, and document management. Once the last property owned by the former Rocklin Redevelopment Agency is sold, Successor Agency staff costs will be reduced.

Fiscal Impact:

The ROPS for July 1, 2023 through June 30, 2024 is requesting a total of \$1,611,575, which include Administrative Costs of \$70,000. Funding is requested as follows: \$1,459,132 from RPTTF and \$152,443 from Other Funds on hand at the City.

As authorized pursuant to Health and Safety Code Section 34183(a)(3), the proposed source of payment for the administrative cost allowance is the RPTTF established and maintained by the County Auditor-Controller pursuant to Health and Safety Code Section 34170.5(b).

ATTACHMENTS:

1. [Successor Agency Resolution](#)
2. [ROPS 2023-24.pdf](#)

RESOLUTION NO. 2023-XX SA

RESOLUTION OF THE SUCCESSOR AGENCY FOR THE FORMER ROCKLIN REDEVELOPMENT AGENCY
APPROVING THE SUCCESSOR AGENCY'S RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)
FOR FISCAL YEAR 2023-2024, AND AUTHORIZING SUCCESSOR AGENCY STAFF
TO SUBMIT THE ROPS TO THE PLACER COUNTY OVERSIGHT BOARD.

WHEREAS, the Successor Agency for the former Rocklin Redevelopment Agency ("Successor Agency") is responsible for the winding up of the affairs of the former Redevelopment Agency and the disposition of real property pursuant to the Rocklin Long Range Management Plan approved by the California Department of Finance on March 13, 2014; and

WHEREAS, California Health and Safety Code section 34177 requires successor agencies to annually prepare a Recognized Obligation Payment Schedule ("ROPS"); and

WHEREAS, Successor Agency staff have drafted the Successor Agency's ROPS for fiscal year 2023-24, inclusive of the time period of July 1, 2023 through June 30, 2024; and

WHEREAS, the ROPS must be submitted to the Placer County Oversight Board for their approval, pursuant to California Health and Safety Code section 34177.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency for the former Rocklin Redevelopment Agency as follows:

Section 1. The Successor Agency's Recognized Payment Obligation Schedule for fiscal year 2023-2024, as set forth in Exhibit "A," attached hereto and incorporated herewith by reference, is approved. Successor Agency staff are authorized to submit the Recognized Payment Obligation Schedule attached hereto as Exhibit "A," to the Placer County Oversight Board for their review and approval.

PASSED AND ADOPTED this 24th day of January, 2023, by the following vote:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Ken Broadway Mayor/Chair

ATTEST:

Hope Ithurnburn, City Clerk

Recognized Obligation Payment Schedule (ROPS 23-24) - Summary
Filed for the July 1, 2023 through June 30, 2024 Period

Successor Agency: Rocklin

County: Placer

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	23-24A Total (July - December)	23-24B Total (January - June)	ROPS 23-24 Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ 152,443	\$ -	\$ 152,443
B Bond Proceeds	-	-	-
C Reserve Balance	-	-	-
D Other Funds	152,443	-	152,443
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 1,058,469	\$ 400,663	\$ 1,459,132
F RPTTF	1,023,469	365,663	1,389,132
G Administrative RPTTF	35,000	35,000	70,000
H Current Period Enforceable Obligations (A+E)	\$ 1,210,912	\$ 400,663	\$ 1,611,575

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

/s/ _____
Signature Date

Rocklin
Recognized Obligation Payment Schedule (ROPS 23-24) - ROPS Detail
July 1, 2023 through June 30, 2024

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 23-24 Total	ROPS 23-24A (Jul - Dec)					23-24A Total	ROPS 23-24B (Jan - Jun)					23-24B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$22,600,988		\$1,611,575	\$-	\$-	\$152,443	\$1,023,469	\$35,000	\$1,210,912	\$-	\$-	\$-	\$365,663	\$35,000	\$400,663
13	Audit fee (continued operations)	Fees	02/08/2011	12/31/2037	Chavan & Associates, LLP	Audit and financial statements - Bonds		55,600	N	\$2,500	-	-	-	2,500	-	\$2,500	-	-	-	-	-	\$-
14	Arbitrage (continued operations)	Fees	03/28/2006	09/30/2037	Willdan	Arbitrage calculations - Bonds		21,750	N	\$3,000	-	-	-	3,000	-	\$3,000	-	-	-	-	-	\$-
15	Bank fees (continued operations)	Fees	01/01/2014	12/31/2037	US Bank	Cash with Fiscal Agent - Bonds (1/08/02 - 6/28/05 - 2/13/07)		75,000	N	\$5,000	-	-	-	-	-	\$-	-	-	-	5,000	-	\$5,000
16	Property Maint (continued operations)	Property Maintenance	01/01/2014	06/30/2024	City of Rocklin	Property Maintenance Costs	Original	1,600	N	\$1,600	-	-	-	800	-	\$800	-	-	-	800	-	\$800
19	Successor Agency Costs (continued operations)	Admin Costs	01/01/2014	12/31/2037	City of Rocklin	Support/ Admin for Successor Agency		479,600	N	\$70,000	-	-	-	-	35,000	\$35,000	-	-	-	-	35,000	\$35,000
50	2018 Refunded Tax Allocation Bonds	Bonds Issued After 12/31/10	12/04/2018	09/01/2037	US Bank	2018 Refunding of 2002, 2005, 2007 Bonds issued to fund non-housing projects		21,967,438	N	\$1,529,475	-	-	152,443	1,017,169	-	\$1,169,612	-	-	-	359,863	-	\$359,863

Rocklin
Recognized Obligation Payment Schedule (ROPS 23-24) - Report of Cash Balances
July 1, 2020 through June 30, 2021
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.							
A	B	C	D	E	F	G	H
	ROPS 20-21 Cash Balances (07/01/20 - 06/30/21)	Fund Sources					Comments
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	
1	Beginning Available Cash Balance (Actual 07/01/20) RPTTF amount should exclude "A" period distribution amount.		230		597,565	328,876	
2	Revenue/Income (Actual 06/30/21) RPTTF amount should tie to the ROPS 20-21 total distribution from the County Auditor-Controller		35		150,510	1,655,521	Other Funds consists of: SA land sale proceeds, deposit for cancelled sale forfeited to SA, interest earnings.
3	Expenditures for ROPS 20-21 Enforceable Obligations (Actual 06/30/21)		260		6,407	1,665,894	Other Funds: amount authorized \$8,340. Only \$6,407 spent, \$1933 remains.
4	Retention of Available Cash Balance (Actual 06/30/21) RPTTF amount retained should only include the amounts distributed as reserve for future period(s)				589,225	313,711	Other Funds: \$15,330 for 21-22 item 50 & \$573,895 for 22-23 item 50. RPTTF: \$290,355 of 18-19 PPA use for 21-22 ROPS & \$23,356 of 19-20 PPA use for 23-24 ROPS
5	ROPS 20-21 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 20-21 PPA form submitted to the CAC		No entry required			4,792	
6	Ending Actual Available Cash Balance (06/30/21) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$-	\$5	\$-	\$152,443	\$-	Other Funds: Revenue above + Remaining unexpended above \$1,933

Rocklin
Recognized Obligation Payment Schedule (ROPS 23-24) - Notes
July 1, 2023 through June 30, 2024

Item #	Notes/Comments
13	Contract termination date is an estimate of SA dissolving following final Bond payments
14	
15	
16	Contract termination date dependent on sale of the last property by SA
19	
50	