



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Agenda

City Council Regular Meeting

City Council Chambers | 50 Natoma Street, Folsom CA 95630

June 27, 2023
6:30 PM

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city’s legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

Participation

If you would like to provide comments to the City Council, please:




- Fill out a blue speaker request form, located at the back table.
- Submit the form to the City Clerk before the item begins.
- When it’s your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.

Reasonable Accommodations

In compliance with the Americans with Disabilities Act, if you are a person with a disability and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk’s Office at (916) 461-6035, (916) 355-7328 (fax) or CityClerkDept@folsom.ca.us. Requests must be made as early as possible and at least two full business days before the start of the meeting.

How to Watch

The City of Folsom provides three ways to watch a City Council meeting:

In Person	Online	On TV
		
City Council meetings take place at City Hall, 50 Natoma Street	Watch the livestream and replay past meetings on the city website, www.folsom.ca.us	Watch live and replays of meetings on Sac Metro Cable TV, Channel 14

More information about City Council meetings is available at the end of this agenda



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City Council Regular Meeting
City Council Chambers | 50 Natoma Street, Folsom CA 95630
www.folsom.ca.us

Tuesday, June 27, 2023 6:30 PM

Rosario Rodriguez, Mayor

YK Chalamcherla, Vice Mayor
Mike Kozlowski, Councilmember

Sarah Aquino, Councilmember
Anna Rohrbough, Councilmember

AGENDA

CALL TO ORDER

ROLL CALL:

Councilmembers: Aquino, Chalamcherla, Kozlowski, Rohrbough, Rodriguez

The City Council has adopted a policy that no new item will begin after 10:30 p.m. Therefore, if you are here for an item that has not been heard by 10:30 p.m., you may leave, as the item will be continued to a future Council Meeting.

PLEDGE OF ALLEGIANCE

AGENDA UPDATE

BUSINESS FROM THE FLOOR:

Members of the public are entitled to address the City Council concerning any item within the Folsom City Council's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.

SCHEDULED PRESENTATIONS:

1. Proclamation of the Mayor of the City of Folsom Proclaiming July as "Parks Make Life Better" Month
2. Presentation from Hope Cooperative Regarding Homeless Services in Folsom
3. Folsom Tourism and Economic Development Corporation (TEDCorp) Quarterly Report

CONSENT CALENDAR:

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. City Councilmembers may pull an item for discussion.

- [4.](#) Approval of May 23, 2023 Special and Regular Meeting Minutes
- [5.](#) Resolution No. 11054 – A Resolution Authorizing Public Fireworks Displays During the Annual Folsom Pro Rodeo Activities
- [6.](#) Resolution No. 11055 – A Resolution Authorizing the City Manager to Execute a Loan Purchase Agreement Amendment with USA Properties Fund Inc.
- [7.](#) Resolution No. 11057 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Central Valley Engineering and Asphalt, Inc. for the Blue Ravine Road Pavement Rehabilitation Fiscal Year 2022-23 Project PW8017 and Appropriation of Funds
- [8.](#) Resolution No. 11058 - A Resolution Authorizing the City Manager to Execute an Agreement with Loggers Unlimited Inc. for Shaded Fuel Break Creation and Ladder Fuel Removal
- [9.](#) Resolution No. 11059 - A Resolution Approving the Preliminary Engineer’s Report for the Following Landscaping and Lighting Districts for Fiscal Year 2023-2024 and Setting Public Hearing for American River Canyon North, American River Canyon North No. 2, American River Canyon North No. 3, Blue Ravine Oaks, Blue Ravine Oaks No. 2, Briggs Ranch, Broadstone, Broadstone No. 4, Broadstone Unit No. 3, Cobble Ridge, Cobble Hills Ridge II/Reflections II, Folsom Heights, Folsom Heights No. 2, Hannaford Cross, Lake Natoma Shores, Los Cerros, Natoma Station, Natoma Valley, Prairie Oaks Ranch, Prairie Oaks Ranch No. 2, Prospect Ridge, Sierra Estates, Silverbrook, Steeplechase, The Residences at American River Canyon, The Residences at American River Canyon II, Willow Creek Estates East, Willow Creek Estates East No. 2, Willow Creek Estates South, and Willow Springs
- [10.](#) Resolution No. 11060 – A Resolution Authorizing the City Manager to Execute a Certification Form for the Folsom Fire Department to Participate in a Medi-Cal Intergovernmental Transfer (IGT) Program with the California Department of Health Services (DHCS) for Reimbursement of PP-GEMT IGT Services for the Service Period of January 1, 2023, Through December 31, 2023 and Make Transfers Not to Exceed \$300,738
- [11.](#) Resolution No. 11061 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Midstate Barrier, Inc. for the Folsom Lake Crossing and East Natoma Street Safety Improvements Project
- [12.](#) Receive Annual Report Regarding Police Use of Military Type Equipment and Approve Resolution No. 11063 - A Resolution Renewing Ordinance No. 1326 and Determining that Specified “Military Equipment” Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law

NEW BUSINESS:

- [13.](#) Consideration of Economic Development Consultant (Scope of Work and Goals) and Direction to Staff

COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS:

CITY MANAGER REPORTS:

COUNCIL COMMENTS:

ADJOURNMENT

NOTICE: *Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the*

item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. If you wish to address the City Council on any other item of interest to the public, when the Mayor asks if there is any "Business from the Floor," follow the same procedure described above. Please limit your comments to three minutes or less.

NOTICE REGARDING CHALLENGES TO DECISIONS: Pursuant to all applicable laws and regulations, including without limitation, California Government Code Section 65009 and or California Public Resources Code Section 21177, if you wish to challenge in court any of the above decisions (regarding planning, zoning and/or environmental decisions), you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice/agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council, and to enforce the rules of the Council.

PERSONS INTERESTED IN PROPOSING AN ITEM FOR THE CITY COUNCIL AGENDA SHOULD CONTACT A MEMBER OF THE CITY COUNCIL.

The meeting of the Folsom City Council is being telecast on Metro Cable TV, Channel 14, the Government Affairs Channel, and will be shown in its entirety on the Friday and Saturday following the meeting, both at 9 a.m. The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14. The City of Folsom provides live and archived webcasts of regular City Council meetings. The webcasts can be found on the online services page of the City's website www.folsom.ca.us.

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Any documents produced by the City and distributed to the City Council regarding any item on this agenda will be made available at the City Clerk's Counter at City Hall located at 50 Natoma Street, Folsom, California and at the Folsom Public Library located at 411 Stafford Street, Folsom, California during normal business hours.

PROCLAMATION

OF THE MAYOR OF THE CITY OF FOLSOM PROCLAIMING JULY 2023

AS

“PARKS MAKE LIFE BETTER” MONTH

WHEREAS, Parks and Recreation are vitally important in providing physical and mental health and wellness through organized and self-directed activities, play, and fitness; and

WHEREAS, Parks and Recreation encourages physical activities by providing space for sports, walking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS, Parks and Recreation increases a community’s economic prosperity through increased property values, expansion of the local tax base, increased tourism, and the attraction and retention of businesses; and

WHEREAS, Parks and Recreation fosters social cohesiveness in communities by providing spaces for individuals to come together peacefully and ensuring all have access to park and recreational benefits; and

WHEREAS, Parks and Recreation supports human development and endless learning opportunities that foster social, intellectual, physical, and emotional growth in people of all ages and abilities; and

WHEREAS, Parks and Recreation sustains and preserves our natural resources by protecting habitats and open space, connecting people to nature, and promoting ecological awareness:

NOW THEREFORE BE IT RESOLVED that, I, Rosario Rodriguez, Mayor of the City of Folsom, do hereby proclaim July 2023 as “***Parks Make Life Better***” month.

PROCLAIMED this 27th day of June 2023.

Rosario Rodriguez, MAYOR

Attest:

Christa Freemantle, CITY CLERK

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to facilitate double-sided printing.*



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Folsom City Council Staff Report



MEETING DATE:	6/27/2023
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	Presentation from Hope Cooperative Regarding Homeless Services in Folsom
FROM:	City Clerk's Department

CITY COUNCIL ACTION

Hope Cooperative will provide an update of homeless services in Folsom. No action is requested of the City Council.

Respectfully submitted,

Christa Freemantle, CMC
City Clerk

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to facilitate double-sided printing.*



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Folsom City Council Staff Report



MEETING DATE:	6/27/2023
AGENDA SECTION:	Scheduled Presentations
SUBJECT:	Folsom Tourism and Economic Development Corporation (TEDCorp) Quarterly Report
FROM:	City Clerk's Department

CITY COUNCIL ACTION

Representatives from Folsom Tourism and Economic Development Corporation (TEDCorp) will provide a quarterly report. No action is requested of the City Council.

Respectfully submitted,

Christa Freemantle, CMC
City Clerk

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CITY OF
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City Council Special Meeting

MINUTES

Tuesday, May 23, 2023 5:15 PM

CALL TO ORDER

The special City Council meeting was called to order at 5:15 p.m. with Mayor Rosario Rodriguez presiding.

ROLL CALL:

Councilmembers Present: Mike Kozlowski, Councilmember
Anna Rohrbough, Councilmember
Sarah Aquino, Councilmember
YK Chalamcherla, Vice Mayor
Rosario Rodriguez, Mayor

Councilmembers Absent: None

Participating Staff: City Manager Elaine Andersen
Assistant City Attorney Sari Dierking
City Clerk Christa Freemantle
Human Resources Director Allison Garcia
Human Resources Advisor John Spittler

ADJOURNMENT TO CLOSED SESSION FOR THE FOLLOWING PURPOSES:

1. Conference with Legal Counsel - Existing Litigation - Pursuant to Government Code Section 54956.9(d)(1): James Dorris v. City of Folsom, Sacramento County Superior Court Case No. 34-2023-00337834
2. Conference with Labor Negotiator - Pursuant to Government Code Section 54957.6. Agency Negotiator: Human Resources Advisor John Spittler. Employee Organization: City of Folsom Police Department Middle Management Employees

Motion by Councilmember Sarah Aquino, second by Vice Mayor YK Chalamcherla, to adjourn to closed session for the above referenced items. Motion carried with the following roll call vote:

AYES: Councilmember(s): Kozlowski, Rohrbough, Aquino, Chalamcherla, Rodriguez
NOES: Councilmember(s): None
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

RECONVENE

Assistant City Attorney Sari Dierking announced that no final action was taken during closed session.

ADJOURNMENT

The special meeting was adjourned to the regular City Council meeting at 6:36 p.m.

SUBMITTED BY:

Christa Freemantle, City Clerk

ATTEST:

Rosario Rodriguez, Mayor

City Council Regular Meeting

MINUTES

Tuesday, May 23, 2023 6:30 PM

CALL TO ORDER

The regular City Council meeting was called to order at 6:36 pm with Mayor Rosario Rodriguez presiding.

ROLL CALL:

Councilmembers Present: Mike Kozlowski, Councilmember
Anna Rohrbough, Councilmember
Sarah Aquino, Councilmember
YK Chalamcherla, Vice Mayor
Rosario Rodriguez, Mayor

Councilmembers Absent: None

Participating Staff: City Manager Elaine Andersen
Assistant City Attorney Sari Dierking
CFO/Finance Director Stacey Tamagni
City Clerk Christa Freemantle
Public Works Director Mark Rackovan
Community Development Director Pam Johns
Fire Chief Ken Cusano

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

AGENDA UPDATE

Assistant City Attorney Sari Dierking announced that there were no agenda updates.

BUSINESS FROM THE FLOOR:

The following speakers addressed the City Council:

1. Alexis Goddard regarding proposed cardroom
2. Kevin Goddard regarding proposed cardroom
3. Judy Ho regarding Leadership Folsom program

4. Julane Slossberg regarding proposed cardroom
5. Michael Harris regarding Juneteenth
6. John Ashworth regarding proposed cardroom

SCHEDULED PRESENTATIONS:

1. Army Corps of Engineers / California Department of Water Resources: Presentation on the Folsom Dam Raise Project

Public Works Director Mark Rackovan introduced Gerard Slattery from the Army Corps of Engineers who made a presentation and responded to questions from the City Council.

CONSENT CALENDAR (taken out of order):

Items appearing on the Consent Calendar are considered routine and may be approved by one motion. City Councilmembers may pull an item for discussion.

3. Approval of May 9, 2023 Special and Regular Meeting Minutes
4. Resolution No. 11036 - A Resolution Authorizing the City Manager to Execute an Agreement with McGuire and Hester for the Construction of the Ashland Water Rehabilitation Project 1 and Appropriation of Funds
5. Resolution No. 11037 - A Resolution Authorizing the City Manager to Execute an Agreement with West Yost & Associates, Inc. for Construction Management and Inspection Services for the Ashland Water Rehabilitation Project 1
6. Resolution No. 11038 - A Resolution Authorizing the City Manager to Execute Non-Exclusive Agreements with Approved Licensed Contractors to Implement the Sacramento Housing and Redevelopment Agency Inter-Agency Contract for the Seniors Helping Seniors Home Repair Program

Motion by Councilmember Mike Kozlowski, second by Vice Mayor YK Chalamcherla, to approve the Consent Calendar.

Motion carried with the following roll call vote:

AYES: Councilmember(s): Kozlowski Rohrbough, Aquino, Chalamcherla, Rodriguez
NOES: Councilmember(s): None
ABSENT: Councilmember(s): None
ABSTAIN: Councilmember(s): None

Councilmember Sarah Aquino requested that New Business Item No. 8 be heard before Scheduled Presentation Item No. 2.

NEW BUSINESS (item taken out of order):

8. Appointment of Parks and Recreation Commission At-Large Member

City Clerk Christa Freemantle explained the open ballot process for appointing a commission member and distributed ballots to the Councilmembers.

Councilmember Sarah Aquino voted for Alayna Wagner.
Councilmember Mike Kozlowski voted for Eric Spencer.
Councilmember Anna Rohrbough voted for Jun Zhang.
Vice Mayor YK Chalamcherla voted for Solomon Chris.
Mayor Rosario Rodriguez voted for Paul Romero.

Ms. Freemantle declared that there was no majority vote and asked the Council to vote again. The City Council discussed their reasons for voting as they did and revoted.

Vice Mayor YK Chalamcherla voted for Solomon Chis.
Mayor Rosario Rodriguez voted for Paul Romero.
Councilmember Anna Rohrbough voted for Solomon Chis.
Councilmember Sarah Aquino voted for Alayna Wagner.
Councilmember Mike Kozlowski voted for Alayna Wagner.

Mayor Rosario Rodriguez announced she was willing to change her vote to Alayna Wagner.

Alayna Wagner was appointed as the At-Large Member to the Parks and Recreation Commission to fill the remainder of the term ending in December 2024.

SCHEDULED PRESENTATIONS (item taken out of order):

2. City Manager's Fiscal Year 2022-23 Third Quarter Financial Report

CFO/Finance Director Stacey Tamagni made a presentation and responded to questions from the City Council.

PUBLIC HEARING:

7. Resolution No. 11040 – A Resolution Adopting the City Manager’s Fiscal Year 2023-24 Operating and Capital Budgets for the City of Folsom, the Successor Agency, the Folsom Public Financing Authority, and the Folsom Ranch Public Financing Authority

City Manager Elaine Andersen introduced the item and provided a background overview. CFO/Finance Director Stacey Tamagni made a presentation and responded to questions from the City Council. There was Council discussion with additional clarification provided by staff.

Mayor Rosario Rodriguez opened the public hearing.

The following speakers addressed the City Council:

1. Phil Scott
2. Evangeline Scott

Motion by Councilmember Mike Kozlowski, second by Councilmember Sarah Aquino to approve Resolution No. 11040.

The City Council discussed the proposed budget. Staff provided additional clarification.

Substitute Motion by Councilmember Mike Kozlowski, second by Councilmember Anna Rohrbough to approve Resolution No. 11040 adding \$100,000 towards an economic development person (as a contractor) taking \$50,000 from the [originally proposed] risk management transfer and \$50,000 from the [originally proposed] IT capital fund transfer with the condition that the City Council would discuss the parameters and expectations for this [economic development contractor] position.

Joe Gagliardi provided clarification regarding funds for the tourism business district and economic development.

The City Council further discussed the budget and received additional clarification from staff.

Substitute Motion carried with the following roll call vote:

- AYES: Councilmember(s): Kozlowski, Rohrbough, Aquino, Chalamcherla, Rodriguez**
- NOES: Councilmember(s): None**
- ABSENT: Councilmember(s): None**
- ABSTAIN: Councilmember(s): None**

AGENDA

Joint City Council / Folsom Redevelopment Successor Agency / Folsom Public Financing Authority /
Folsom Ranch Financing Authority / South of 50 Parking Authority Meeting

CONVENE JOINT MEETING

ROLL CALL:

- | | |
|---------------------------------------|--|
| Councilmembers/Board Members Present: | Mike Kozlowski, Councilmember
Anna Rohrbough, Councilmember
Sarah Aquino, Councilmember
YK Chalamcherla, Vice Mayor
Rosario Rodriguez, Mayor |
| Councilmembers/Board Members Absent: | None |
| Participating Staff: | City Manager Elaine Andersen
City Attorney Steven Wang
City Clerk Christa Freemantle
CFO/Finance Director Stacey Tamagni |

CONSENT CALENDAR:

- 9. Approval of the March 14, 2023 Joint City Council / Redevelopment Successor Agency / Public Financing Authority / Folsom South of 50 Parking Authority / Folsom Ranch Financing Authority Meeting Minutes
- 10. Receive and File the City of Folsom, the Folsom Redevelopment Successor Agency, the Folsom Public Financing Authority, the Folsom Ranch Financing Authority, and the South of 50 Parking Authority Monthly Investment Reports for the Month of March 2023

Motion by Councilmember Sarah Aquino, second by Vice Mayor YK Chalamcherla, to approve the Consent Calendar.

Motion carried with the following roll call vote:

AYES: Council/Boardmember(s): Kozlowski, Rohrbough, Aquino, Chalamcherla, Rodriguez
NOES: Council/Boardmember(s): None
ABSENT: Council/Boardmember(s): None
ABSTAIN: Council/Boardmember(s): None

COUNCIL REQUEST FOR FUTURE AGENDA ITEMS

Councilmember Anna Rohrbough requested the Council discuss their vision for the City’s Community Development Department. There was no Council consensus to add this matter to a future agenda.

CITY MANAGER REPORTS

City Manager Elaine Andersen announced the following: National Police Week, Library Carpet Replacement completion, 10th Annual Community Service Day, Summer Music Concerts and the Tree Care Volunteer Event. She congratulated Public Works employees Brian Reed and Marie McKeeth who were each named Manager of the Year by APWA.

COUNCIL COMMENTS:

Councilmember Anna Rohrbough congratulated Christine Brainerd for being honored by her colleagues at the California Association of Public Information Officers conference and commended the success of City Works Day. She thanked all who have served in honor of Memorial Day.

Vice Mayor YK Chalamcherla commented regarding the work involved in passing the budget and thanked staff.

Councilmember Sarah Aquino thanked staff for their work on the budget.

Councilmember Mike Kozlowski congratulated the Folsom graduates and spoke of Gabriella Gibson who received an Eagle Scout Court of Honor. He spoke of attending the Regional Transit meeting.

Mayor Rosario Rodriguez commented regarding supporting summer concerts in Folsom, Greater Sacramento Economic Council Annual Celebration, Leadership Folsom, May is Bike Month, Folsom

Dam releasing water and safety while on the American River. She commended the Fire Department on their service to a friend of hers, congratulated staff receiving awards and congratulated the graduating classes of 2023.

ADJOURNMENT

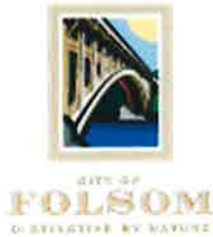
There being no further business to come before the Folsom City Council, Mayor Rosario Rodriguez adjourned the meeting in honor of Dennis Batchelder at 9:49 pm.

SUBMITTED BY:

Christa Freemantle, City Clerk

ATTEST:

Rosario Rodriguez, Mayor



Folsom City Council Staff Report



MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11054 – A Resolution Authorizing Public Fireworks Displays During the Annual Folsom Pro Rodeo Activities
FROM:	Fire Department

RECOMMENDATION / CITY COUNCIL ACTION

The Fire Department recommends that the City Council pass and approve Resolution No. 11054 – A Resolution Authorizing Public Fireworks Displays During the Annual Folsom Pro Rodeo Activities on July 1, July 2, and July 3, 2023.

BACKGROUND / ISSUE

The annual Folsom Pro Rodeo is scheduled for July 1, July 2, and July 3, 2023, at Rodeo Park, with a proximate firework display each night.

The Fire Department is coordinating the safety requirements for these fireworks displays with the Folsom Chamber of Commerce and the California State Fire Marshal’s Office. The licensed firm of Fireworks & Stage FX America has been secured by the Folsom Chamber of Commerce to operate these fireworks displays.

POLICY / RULE

Section 9.36.020 of the Folsom Municipal Code states that public displays of fireworks may only be held when authorized by resolution of the City Council, after recommendation of the Fire Chief, and when under the supervision of a licensed pyrotechnic operator.

ANALYSIS

A public display of fireworks is proposed by the sponsor of the event to be fired each night at the conclusion of the rodeo. Staff has reviewed all safety issues relative to public fireworks display and is working with the Folsom Chamber of Commerce and Fireworks & Stage FX America to mitigate any potential issues. Staff believes that these mitigation measures will reasonably satisfy the safety concerns.

FINANCIAL IMPACT

There is no fiscal impact as the overtime staff costs for the required fire safety officer standby each night will be paid by the Folsom Chamber of Commerce.

ENVIRONMENTAL REVIEW

There are no foreseeable environmental impacts.

ATTACHMENTS

1. Resolution No. 11054 – A Resolution Authorizing Public Fireworks Displays During the Annual Folsom Pro Rodeo Activities
2. Fire Department Permit Application from Fireworks & Stage FX America

Submitted,



Ken Cusano, Fire Chief

Attachment 1

Resolution No. 11054 – A Resolution Authorizing Public Fireworks Displays During the Annual
Folsom Pro Rodeo Activities

RESOLUTION NO. 11054

**A RESOLUTION AUTHORIZING PUBLIC FIREWORKS DISPLAYS
DURING THE ANNUAL FOLSOM PRO RODEO ACTIVITIES**

WHEREAS, on the evenings of July 1, July 2, and July 3, 2023, the Folsom Chamber of Commerce will be sponsoring the annual Folsom Pro Rodeo at the Dan Russell Arena; and

WHEREAS, Folsom Municipal Code Section 9.36.020 authorizes the public display of fireworks; and

WHEREAS, the City of Folsom wishes to support the festivities of our nation’s independence, as well as family-oriented activities within the community,

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes this public display of fireworks to celebrate this special occasion, with the recommendation of the Fire Chief, and under the supervision of licensed pyrotechnic operators.

PASSED AND ADOPTED this 27th day of June 2023, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

Fire Department Permit Application from Fireworks & Stage FX America



FOLSOM FIRE DEPARTMENT

535 Glenn Drive Folsom, CA 95630
Office (916) 461-6300 Fax (916) 984-7081
www.folsom.ca.us



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FIRE SAFETY OFFICER SERVICE AGREEMENT

APPLICANT: Fireworks & Stage FX America

TAX ID/SS#: 45-5334907

ADDRESS: PO Box 488 Lakeside, CA 92040

TELEPHONE: 619-938-8277

It has determined by the Fire Chief, in accordance with City of Folsom Municipal Code Chapter 8.36 (Folsom Fire Code § 107.8) that provision must be made for Fire Safety Officer Services at the following event/activity:

Date(s)	Start Time	Finish Time	Total Hours
7/1 thru 7/3	6:00pm	10:00pm	4.0

LOCATION OF EVENT: Folsom Rodeo

TYPE OF EVENT: Pyrotechnics for Folsom Rodeo

The Fire Chief hereby agrees to furnish, and Applicant hereby agrees to accept and pay for, the requisite Fire Safety Officer Services subject to the following terms and conditions:

1. The event/activity will require approximately 12 hours of service by 1 Fire Safety Officer(s), to be provided at an hourly rate of \$94.10 per hour;
2. In the event additional hours of Fire Safety Officer services are required by the length and/or nature of the event/activity, such additional services shall be provided by the Fire Department at the same hourly rate(s) as aforesaid;
3. The Folsom Fire Department shall bill by invoice for the aforesaid services by invoice;
4. The Applicant shall remit the full sum due and owing within thirty (30) days of the date of the invoice.

Julie Andrews, Office Manager

6/2/2023

Signature of Applicant (If authorized representative, give title)

Date

Signature of Fire Department Representative (include title)

Date

Working Together to Provide Superior Services in a Safe, Thorough, and Efficient Manner



FOLSOM FIRE DEPARTMENT

535 Glenn Drive Folsom, CA 95630
Office (916) 461-6300 Fax (916) 984-7081
www.folsom.ca.us



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FIRE DEPARTMENT PERMIT APPLICATION OPERATIONAL PERMIT

BUSINESS NAME (Print)	Fireworks & Stage FX America
ADDRESS	PO Box 488 Lakeside, Ca 92040
APPLICANT NAME	Julie Andrews
BILLING ADDRESS (IF DIFFERENT)	
TELEPHONE NUMBER	619-938-8277
E-MAIL	office@fireworksamerica.com
ACTIVITY DESCRIPTION	Pyrotechnics for Folsom Rodeo

A property owner or owner's authorized agent who intends to conduct an operation or business, or install or modify systems and equipment that are regulated by the California Fire Code, or to cause any such work to be performed, shall first make application to the fire code official and obtain the required permit. (CFC 105)

Conditions of Permit

The conditions, surroundings, and arrangements for the operation(s) or activities subject to this permit shall be in accordance with all applicable regulations. The premises shall be subject to periodic inspection by the City of Folsom to ensure compliance with the applicable regulations and any condition(s) imposed. The permit is subject to revocation for failure to comply with those regulations and any specific conditions that are in effect at the time of inspection.

In obtaining a fire department permit the applicant understands and acknowledges that Folsom Fire Department has the right to enter and inspect that for which the permit is issued for compliance within the rules and regulations enforced by the City of Folsom. The applicant acknowledges that right and agrees to pay all costs incurred by the City of Folsom in securing any judicial writ or inspection warrant to fulfill that right wherein the applicant fails to give consent for inspection.

Application is made to Folsom Fire Department for inspection and approval of the described operation or activity, which will conform to all applicable standards. No operation or activity requiring a permit will be performed until a Fire Department permit is received. It is understood that working without approved plans and a permit will result in delays and additional fees.

FIRE CODE PERMIT FEES (To operate, conduct, perform, store, or use the following):

Operational Permits* (\$185 each) (Check One or More)			
<input type="checkbox"/>	Activities in Hazardous Fire Areas	<input type="checkbox"/>	Liquid or Gas-fueled Vehicles or Equip in Assembly Bldgs.
<input type="checkbox"/>	Aerosol Products Storage/Handling	<input type="checkbox"/>	Liquefied Petroleum (LP) Gas Storage and Use**
<input type="checkbox"/>	Amusement Buildings	<input type="checkbox"/>	Magnesium Storage/Handling
<input type="checkbox"/>	Aviation Facilities	<input type="checkbox"/>	Miscellaneous Combustible Storage (2500+ sq. ft.)
<input type="checkbox"/>	Carbon Dioxide Systems (100+ pounds)	<input type="checkbox"/>	Mobile Fueling of Hydrogen-Fueled Vehicles
<input type="checkbox"/>	Carnivals and Fairs	<input type="checkbox"/>	Mobile Food Preparation Vehicles
<input type="checkbox"/>	Cellulose Nitrate Film	<input type="checkbox"/>	Motion Picture and Other Filming
<input type="checkbox"/>	Christmas Tree Lots	<input type="checkbox"/>	Motor Vehicle Fuel Dispensing Facilities
<input type="checkbox"/>	Combustible Dust-Producing Operations	<input type="checkbox"/>	Open Burning
<input type="checkbox"/>	Combustible Fiber Storage/Handling	<input type="checkbox"/>	Open Flames and Torches
<input type="checkbox"/>	Compressed Gases Storage/Handling**	<input type="checkbox"/>	Open Flames and Candles
<input type="checkbox"/>	Covered and Open Mall Buildings	<input type="checkbox"/>	Organic Coatings
<input type="checkbox"/>	Cryogenic Fluids Storage/Handling**	<input type="checkbox"/>	Places of Assembly (50 or more people)
<input type="checkbox"/>	Cutting & Welding	<input type="checkbox"/>	Production Facilities (Live Audiences)
<input type="checkbox"/>	Dry Cleaning	<input checked="" type="checkbox"/>	Pyrotechnics / Special Effects Material
<input type="checkbox"/>	Exhibits and Trade Shows	<input type="checkbox"/>	Pyroxylin Plastics Storage/Handling
<input type="checkbox"/>	Explosives Storage/Handling	<input type="checkbox"/>	Refrigeration Equipment Storage/Handling
<input type="checkbox"/>	Fire Hydrants and Valves (Including private)	<input type="checkbox"/>	Repair Garages
<input type="checkbox"/>	Flam. /Comb. Liquids Storage and Pipelines**	<input type="checkbox"/>	Rooftop Heliports
<input type="checkbox"/>	Floor Finishing (350+ sq. ft.)	<input type="checkbox"/>	Spraying or Dipping**
<input type="checkbox"/>	Fruit & Crop Ripening	<input type="checkbox"/>	Storage of Scrap Tires and Tire Byproducts
<input type="checkbox"/>	Fumigation/Insecticidal Fogging	<input type="checkbox"/>	Temporary Membrane Structures and Tents**
<input type="checkbox"/>	Hazardous Materials Storage/Handling**	<input type="checkbox"/>	Tire Rebuilding Plants
<input type="checkbox"/>	Hazardous Production Material (HPM) Facilities	<input type="checkbox"/>	Waste Handling
<input type="checkbox"/>	High Piled Combustible Storage (500+ sq. ft.)**	<input type="checkbox"/>	Wood Products Storage/Handling
<input type="checkbox"/>	Hot Work Operations	<input type="checkbox"/>	Expedited Service Fees (1.5 X Regular Fee)
<input type="checkbox"/>	Industrial Ovens**	<input type="checkbox"/>	Technical Assistance / Third Party (Actual Cost)
<input type="checkbox"/>	Lumber Yards and Woodworking Plants	<input type="checkbox"/>	Re-Inspection (2 nd and subsequent) \$228 each

* Includes initial fire and life safety inspection and one re-inspection.

** In addition to fire and life safety inspection(s), these processes may also require a construction plan review. Plan review fees are based on the project's valuation or on third-party plan review costs; whichever is higher.

TOTAL FEE(S) DUE \$ _____

MAKE CHECKS PAYABLE TO:

CITY OF FOLSOM
FOLSOM FIRE DEPARTMENT
ACCTS RECEIVABLE
535 GLENN DRIVE
FOLSOM, CA 95630

Click [here](#) to Submit by Email
(Attach this form and any plans to the email)

(OFFICE USE ONLY)		
PAYMENT RECEIVED: _____	CHECK NUMBER: _____	CASH: _____
PERMIT NUMBER: _____	INSPECTOR: _____	

Application for Permit for a Public Display of Pyrotechnics



P. 06/27/2023 Item No.5.

La (619) 938-8277
Fax (619) 938-8273

Authority having Jurisdiction: 23186

Lauren Ono
Folsom Fire Department
48 Natoma Street
Folsom, CA 95630

Client:
Folsom Chamber of Commerce
Attn: Libby Siino
200 Wool Street
Folsom, CA 95630

Fireworks & Stage FX America, Inc. on behalf of the Sponsor Listed Above requests a permit to conduct a public display of fireworks in accordance with Federal, State and Local Laws and Ordinances.

Date(s): 7/1/2023 7/2/2023, 7/3/2023

Time/Length: 9:45PM 7.5 min

Pyrotechnic Operator(s) and License Number: Brandon Waits 2936-02
(Operator Name) (License No.)

and assistants.

Number: _____

(where required)

Brandon Cell: 916-802-4482

Email: bfwaits@gmail.com

Site Information:

Folsom Rodeo Arena
See Plot Map
200 Wool Street
Folsom, CA 95630

Proof of current **General Liability Insurance and Workers Compensation Insurance** is attached.

A **detailed diagram** of the proposed firing site is attached. **Office contact: Julie Andrews (619) 938-8277, Fax (619) 938-8273**

Description of Display:

Folsom Chamber of Commerce on 7/1/2023 in Folsom, CA.
Fireworks fired Electrically, in Racks.

Ground Level Pyrotechnics (0 - 50 Foot typical Altitude):

Low Level Pyrotechnics (51 - 125 foot typical altitude):

Devices - 62;
Bombardments - 26;

Aerial Pyrotechnics (>125 foot typical altitude):

PERMISSION TO CONDUCT A PUBLIC DISPLAY OF PYROTECHNICS AS SPECIFIED HEREIN

IS HEREBY: PERMITTED DENIED

Circle Appropriate

Signature of Permitting Authority

Date

Title



"The Difference is Quality"

PO Box 488, Lakeside, CA 92040

Toll Free: 800-464-7976, Phone: 619-938-8277 Fax:
619-938-8273

May 25, 2023

Bureau of Alcohol, Tobacco Firearms and Explosives
1325 J Street Suite 1530
Sacramento, Ca. 95814

RE: Overnight Storage of 1.3g Display Fireworks

To whom it may concern.

This letter is to inform you of our intent to store 1.3g display fireworks at 403 Stafford St. Folsom Ca. 95623, from July 1 to July 3, 2023. This product will be under the direct supervision of a California licensed technician, transferred to the site and under 24 hour supervision.

This is in full compliance with 27CFR Part 555 and ATF Ruling 2007-2. In compliance with this ruling the temporary storage will be fire resistant, weather resistant and theft resistant. Each door will be equipped with a five tumbler padlock and the set - back distance will be a min. of 150 feet. The area will have 24 hour security.

A handwritten signature in blue ink, appearing to read 'J. Scott Danielson'.

J. Scott Danielson
President



POLICY NUMBER: SI8ML02461231

COMMERCIAL GENERAL LIABILITY
ECG 20 592 05 09

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
<p>ANY PERSON OR LEGAL ENTITY IN WHICH YOU HAVE A WRITTEN CONTRACT, AGREEMENT, OR PERMIT WHICH REQUIRES THAT YOU NAME THE CONTRACTING PARTY AS AN ADDITIONAL INSURED.</p>
<p>Information required to complete this Schedule, if not shown above, will be shown in the Declarations.</p>

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" but only to the extent caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

B. The insurance afforded to an additional insured shall only include the insurance required by the terms of the written agreement and shall not be broader than the coverage provided within the terms of the Coverage Part.

C. The Limits of Insurance afforded to an additional insured shall be the lesser of the following:

1. The Limits of Insurance required by the written agreement between the parties; or
2. The Limits of Insurance provided by this Coverage Part.

D. With respect to the insurance afforded to an additional insured, the following additional exclusion applies:

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of any act or omission of an additional insured or any of its employees.





FIREWORKS LICENSE

FOR

Public Display - General

LICENSE NUMBER: GPD-0528

Licensee : FIREWORKS & STAGE FX AMERICA, LLC

12485 CA 67
LAKESIDE, CA, 92040-0488
6199388277

Issue Date : 03/23/2023
Expiration Date : 06/30/2024

The Public Display - General Fireworks License is issued to the above Licensee by the California Office of the State Fire Marshal and maybe revoked or suspended for errors or for providing incorrect information provided by the applicant or company representatives. This license does not serve as or provide any warranties or guarantees of continued licensure and is subject to investigation.

Display Information:

Display Address	City	Zip	County
VARIOUS	VARIOUS	00000	USA

Issued By Cortney Walker
Fire Engineering License Manager
Fire Engineering and Investigations Division

Reviewed and Approved By Caleb Phillips
Program Coordinator
Fire Engineering and Investigations Division

OFFICE OF THE STATE FIRE MARSHAL

Please visit calfire.govmotus.org for more information on licensing and permitting with CAL FIRE



FIREWORKS LICENSE

FOR

Importer/Exporter

LICENSE NUMBER: I/E-1129

Licensee : FIREWORKS & STAGE FX AMERICA, LLC

12485 CA 67
LAKESIDE, CA, 92040-0488
619-938-8277

Issue Date : 03/23/2023
Expiration Date : 06/30/2024

The Importer/Exporter Fireworks License is issued to the above Licensee by the California Office of the State Fire Marshal and maybe revoked or suspended for errors or for providing incorrect information provided by the applicant or company representatives. This license does not serve as or provide any warranties or guarantees of continued licensure and is subject to investigation.

CWalker

Issued By Cortney Walker
Fire Engineering License Manager
Fire Engineering and Investigations Division

Reviewed and Approved By Caleb Phillips
Program Coordinator
Fire Engineering and Investigations Division

OFFICE OF THE STATE FIRE MARSHAL

Please visit calfire.govmotus.org for more information on licensing and permitting with CAL FIRE



FIREWORKS LICENSE

FOR

Wholesaler

LICENSE NUMBER: W-1132

Licensee : FIREWORKS & STAGE FX AMERICA

12485 CA 67

LAKESIDE, CA, 92040

na

Issue Date : 03/23/2023

Expiration Date : 06/30/2024

The Wholesaler Fireworks License is issued to the above Licensee by the California Office of the State Fire Marshal and maybe revoked or suspended for errors or for providing incorrect information provided by the applicant or company representatives. This license does not serve as or provide any warranties or guarantees of continued licensure and is subject to investigation.

Issued By Cortney Walker
Fire Engineering License Manager
Fire Engineering and Investigations Division

Reviewed and Approved By Caleb Phillips
Program Coordinator
Fire Engineering and Investigations Division

OFFICE OF THE STATE FIRE MARSHAL

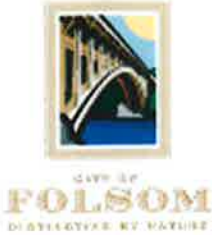
please visit calfire.govmotus.org for more information on licensing and permitting with CAL FIRE



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to facilitate double-sided printing.*



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report



MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11055 – A Resolution Authorizing the City Manager to Execute a Loan Purchase Agreement Amendment with USA Properties Fund, Inc.
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Move to Adopt Resolution No. 11055 – A Resolution Authorizing the City Manager to Execute a Loan Purchase Agreement Amendment with USA Properties Fund, Inc.

BACKGROUND / ISSUE

On February 8, 2011, the City Council approved a bridge loan in the amount of \$500,000 to Forestwood, L.P., a California limited partnership to assist in the development of the 55-unit Forestwood at Folsom affordable housing community (“Project”).

On April 1, 2011, the Project developer, USA Properties Fund, Inc. (“USA”) and the City of Folsom entered into a Loan Purchase Agreement in which USA agreed to purchase the outstanding balance of the \$500,00 bridge loan from the City ten years from when the Project achieved stabilized operations.

On May 8, 2023, USA sent a letter (Attachment 2) to the City requesting a five-year extension to the Loan Purchase Agreement between USA and the City of Folsom. This Resolution will authorize the City Manager to execute an Amendment to the Loan Purchase Agreement with USA to extend repayment of the City loan for an additional five years.

POLICY / RULE

Financial support of affordable housing projects is consistent with the City’s Housing Element goals.

ANALYSIS

As noted above, USA is requesting a five-year extension to the Loan Purchase Agreement between USA and the City of Folsom.

The loan's term on its face is for 45 years; however, USA entered into a separate loan purchase agreement with the City by which USA agreed to purchase the loan for the amount of any unpaid balance of the note after ten years, effectively making it a ten-year loan. As such 100 percent of the principal balance and all accrued and unpaid interest are due at the end of the ten-year term. To date, the current remaining loan balance is \$447,742.40.

In 2011, the developer proposed that the City loan carry three percent simple interest and be repaid with 75 percent of net income over ten years. At that time, the cash flow projected by the developer showed sufficient funds available to repay the loan within the aggressive ten-year timeframe; however, the unforeseen negative Area Median Income (AMI) growth that occurred during the past decade impacted the Project's allowable affordable rents and thus reduced the cash flow available to make City loan payments. Furthermore, USA made the decision to not increase rents for existing tenants due to the impacts of COVID-19 on its residents. These factors have resulted in much lower cash flows than originally projected and thus lower payments toward the City loan.

Based on the cumulative impacts of the factors identified above, staff supports USA's request for a five-year extension to the loan purchase agreement in order to allow property cash flows to catch up to what was originally projected.

FINANCIAL IMPACT

Funding for the loan was made from the Housing Trust Fund (Fund 221). The financial impact of making the noted changes to the loan purchase agreement will result in a five-year delay in repayment of the current loan balance of \$447,742.40 and accrued interest to Fund 221 and will not impact the City's General Fund. As of June 2023, the City's combined housing fund balance is \$11,261,436 in funds available to assist future affordable housing projects.

ENVIRONMENTAL REVIEW

The project is exempt from environmental review under Section 15061(b)(3) of the CEQA Guidelines (Review for Exemption) because this is an administrative action that has no potential impact on the environment.

ATTACHMENTS

1. Resolution No. 11055 – A Resolution Authorizing the City Manager to Execute a Loan Purchase Agreement Amendment with USA Properties Fund Inc.
2. USA Properties Fund Letter (dated May 8, 2023)

Submitted,



Pam Johns, Community Development Director

Attachment 1

Resolution No 11055 - A Resolution Authorizing The City Manager To Execute A Loan Purchase Agreement Amendment With USA Properties Fund Inc.

RESOLUTION NO. 11055

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LOAN PURCHASE AGREEMENT AMENDMENT WITH USA PROPERTIES FUND INC.

WHEREAS, on February 8, 2011, the City Council approved a bridge loan in the amount of \$500,000 to Forestwood, L.P., a California limited partnership to assist in the development of the 55-unit Forestwood at Folsom affordable housing community (“Project”); and

WHEREAS, on April 1, 2011, the Project developer, USA Properties Fund, Inc (“USA”) and the City of Folsom entered into a Loan Purchase Agreement in which USA agreed to purchase the outstanding balance of the \$500,00 bridge loan from the City ten years from when the Project achieved stabilized operations; and

WHEREAS, on May 8, 2023, USA, sent a letter to the City requesting a five-year extension to the Loan Purchase Agreement between USA and the City of Folsom due to unforeseen factors that lowered the Project cash flows; and

WHEREAS, financial support of affordable housing projects is consistent with the City’s Housing Element goals; and

WHEREAS, based on the cumulative impacts of unforeseen factors that lowered the Project’s cash flows, staff supports USA’s request for a five-year extension to the loan purchase agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom that the City Manager is authorized to execute a Loan Purchase Agreement Amendment with USA Properties Fund Inc., in a form approved by the City Attorney.

PASSED AND ADOPTED on this 27th day of June 2023, by the following roll-call vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

ABSTAIN: Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

Loan Extension Request Letter



May 8, 2023

VIA E-MAIL

Stephanie Traylor Henry
Senior Planner
City of Folsom
50 Natoma Street
Folsom, CA 95630

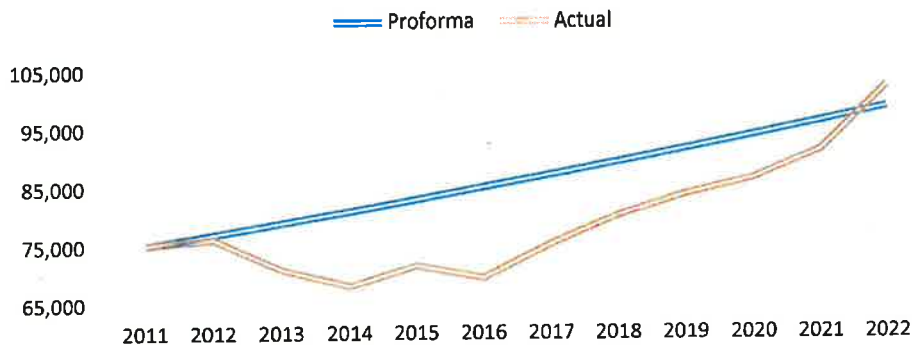
RE: Forestwood at Folsom - \$500K City loan purchase

Dear Ms. Henry:

The purpose of this letter is to respectfully request a five (5) year extension to the Loan Purchase Agreement dated April 1, 2011, between USA Properties Fund, Inc. (“USA”) and the City of Folsom (“City”). In 2011, the City provided a \$500K loan to Forestwood, L.P., a California limited partnership to assist in the development of our 55-unit affordable housing community in the City, Forestwood at Folsom (“Project”). As a condition of the City making this loan USA agreed to purchase the outstanding balance of this loan from the City 10 years from when the Project achieved stabilized operations.

At the time of this original underwriting USA utilized industry and TCAC accepted standards for rent and expense growth (2.5%/3.5%). Unforeseen at the time was the negative Area Media Income (AMI) growth for the Sacramento MSA that occurred which impacted the allowable rents and therefore the cash flow available to make City loan payments. As demonstrated in the chart below, the actual AMIs since inception of the project have just now caught up with the proforma projections using the industry accepted 2.5% annual rent growth.

SACRAMENTO AMI GROWTH



Stephanie Henry
City of Folsom
May 8, 2023
Page 2

In addition, in 2020, USA made the decision to not increase rents for existing tenants due to the impacts of COVID-19 on our residents. We believe this was the right decision even though it impacted the cash flow available to make payments on the City loan and deferred developer fee note. Additionally, we continue to moderate yearly rent increases to 5-7% so that rent increases can be reasonably absorbed by our residents.

Attached is the proforma and actual income and expenses for the past 10 years which demonstrates the cumulative impact of these issues. Due to the demonstrated combination of these issues, we are requesting a five (5) year extension to the loan purchase agreement to allow property cash flow to catch up to what was originally projected.

Thank you for your consideration and I look forward to discussing this request with you at your earliest convenience.

Sincerely,



Darren Bobrowsky
Senior Vice President
dbobrowsky@usapropfund.com
916-871-9540

Attachment – Proforma to Actual NOI

Forestwood at Folsom

Proforma Cash Flow

Project Year:	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	TOTAL
	1	2	3	4	5	6	7	8	9	10	
Effective Gross Income:	\$ 615,545	\$ 630,934	\$ 646,707	\$ 662,875	\$ 679,446	\$ 696,433	\$ 713,843	\$ 731,689	\$ 749,982	\$ 768,731	
Total Operating Expenses:	262,872	271,558	280,535	289,813	299,403	309,315	319,560	330,149	341,094	352,408	
Net Operating Income:	352,673	359,376	366,172	373,061	380,043	387,118	394,283	401,540	408,887	416,323	
Senior Debt Service:	265,439	265,439	265,439	265,439	265,439	265,439	265,439	265,439	265,439	265,439	
Priority Distributions*:	43,107	48,945	54,860	60,852	66,921	73,066	79,287	85,581	91,949	98,388	
Avail. For DDF and City Loan	44,126	44,992	45,873	46,770	47,683	48,612	49,558	50,520	51,500	52,496	
75% of Cash Flow to City Loan	33,095	33,744	34,405	35,077	35,762	36,459	37,168	37,890	38,625	39,372	361,597

Actual Cash Flow

Project Year	Apr 2014	Apr 2015	Apr 2016	Apr 2017	Apr 2018	Apr 2019	Apr 2020	Apr 2021	Apr 2022	Partial year Apr 2023
	1	2	3	4	5	6	7	8	9	10
Total Income	548,501	588,281	614,241	615,521	594,354	645,935	669,560	717,905	729,526	718,646
Total Expenses	264,494	258,120	252,637	269,345	264,908	273,443	259,822	293,351	319,147	315,962
Net Operating Income	284,007	330,162	361,604	346,176	329,445	372,491	409,738	424,554	410,379	402,684
Senior Debt Service:	265,439	265,439	265,439	265,439	265,439	265,439	265,439	265,439	265,439	265,439
Priority Distributions*:	43,107	48,945	54,860	60,852	66,921	73,066	79,287	85,581	91,949	98,388
Avail. For DDF and City Loan	(24,539)	15,778	41,305	19,884	(2,915)	33,986	65,012	73,534	52,992	38,857
75% of Cash Flow to City Loan	-	11,833	30,978	14,913	-	25,489	48,759	55,150	39,744	226,868

Actual vs. Proforma

Project Year	1	2	3	4	5	6	7	8	9	10	
Proforma - Avail for City & DDF	44,126	44,992	45,873	46,770	47,683	48,612	49,558	50,520	51,500	52,496	482,129
Actual - Avail for City & DDF	(24,539)	15,778	41,305	19,884	(2,915)	33,986	65,012	73,534	52,992	38,857	313,893
Difference	(68,665)	(29,214)	(4,568)	(26,885)	(50,598)	(14,626)	15,454	23,014	1,492	(13,639)	(168,236)

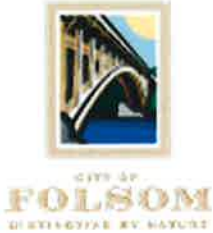
Priority Distributions *

	Annual Esc.
SHRA Loan Admin Fee (.15% of Loan):	\$938
Social Services Fee (Subordinate):	\$ 20,400 2.0%
Managing General Partner Fee:	\$ 1,500 2.0%
Asset Management Fee (TC Investor):	\$ 7,500 3.0%

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to facilitate double-sided printing.*



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report



MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11057 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Central Valley Engineering and Asphalt, Inc. for the Blue Ravine Road Pavement Rehabilitation Fiscal Year 2022-23 Project PW8017 and Appropriation of Funds
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11057 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Central Valley Engineering and Asphalt, Inc. for the Blue Ravine Road Pavement Rehabilitation Fiscal Year 2022-23 Project PW8017 and Appropriation of Funds.

BACKGROUND / ISSUE

The Public Works Department manages the City of Folsom’s Pavement Management Program, which includes funding for the repair, resurfacing, and maintenance of roadways in the city.

This project will rehabilitate the pavement on Blue Ravine Road between Prairie City Road and East Bidwell Street.

In addition to pavement rehabilitation, other important aspects of the project include a rubberized asphalt overlay, upgrades to pedestrian facilities with the installation of Americans with Disabilities Act (ADA) compliant ramps, vehicle video detection at signalized intersections, and enhanced wet-night visibility traffic striping. The majority of the work will be performed between 8:00 PM and 6:00 AM to avoid causing traffic congestion during daytime hours. Appropriate notification will be given to the surrounding properties that may be affected.

In February 2022, the City of Folsom (City) contracted with Kimley-Horn and Associates, Inc., to conduct a pavement evaluation of Blue Ravine Road, which consisted of visual observations, asphalt core testing, pavement deflection testing, testing results analysis, and preparation of the project plans, specifications, and estimate. The report recommended that the distressed pavement could be repaired by either the traditional method of “mill & fill” or by utilizing a Cold In-Place Recycling (CIR) process. Based on a cost analysis performed by Kimley-Horn, the CIR option was chosen due to the ability to rehabilitate a much larger area for less cost than traditional methods. This will be the second time that the City has utilized the CIR process. The first CIR project was completed in 2019 on Greenback Lane and has been performing as expected.

This project is expected to begin in August 2023 and be completed by October 2023.

POLICY / RULE

Section 2.36.120 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$70,952 or greater shall be awarded by the City Council.

ANALYSIS

Public Works staff prepared the bid package, and the project was publicly advertised on May 1, 2023. On May 31, 2023, the Public Works Department received the following bids:

- Central Valley Engineering & Asphalt \$ 1,988,969
- B & M Builders \$ 2,012,899
- Martin Brothers Construction \$ 2,273,355.70
- Dutch Contracting \$ 2,382,417.45
- Mountain Cascade \$ 2,520,473.40

The Engineer’s Estimate for this project was \$2,120,000. The Public Works Department has evaluated the bids received and recommends that the contract be awarded to the low-bidder, Central Valley Engineering & Asphalt, Inc.

The city received a letter from the Foundation for Fair Contracting (FFC), a nonprofit organization whose objective is to monitor compliance with prevailing wage laws pertaining to the construction industry. Their letter respectfully requests that Central Valley Engineering & Asphalt (CVE) and B&M Builders (B&M) bids be rejected due to previous labor compliance issues and lawsuits on projects with other agencies. Staff has reviewed the request and the specific incidents that the FFC is referencing, and based on those claims and the response letter from CVE, staff maintains our recommendation that the contract be awarded to CVE. Attached is a response letter from CVE for your review.

Staff will use the City’s standard Construction Agreement in a form acceptable to the City Attorney.

FINANCIAL IMPACT

The contract with Central Valley Engineering & Asphalt, Inc. would be authorized for \$1,988,969 with the project budgeted for a total of \$2,187,866 which will include a ten percent contingency amount of \$198,897 for potential change orders.

Funds in the amount of \$1,498,850 are budgeted and available in the Street Overlay/Pavement Management Project PW8017, utilizing SB1 Road Maintenance and Rehabilitation Fund (Fund 235) and Measure A (Fund 276). The additional funds of \$690,016 are available in the Measure A Fund and will require an appropriation to the project.

ENVIRONMENTAL REVIEW

All items of work are categorically exempt from environmental review.

ATTACHMENTS

1. Resolution No. 11057 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Central Valley Engineering and Asphalt, Inc. for the Blue Ravine Road Pavement Rehabilitation Fiscal Year 2022-23 Project PW8017 and appropriation of funds
2. Bid Advisory letter from the Foundation for Fair Contracting
3. Response letter from Central Valley Engineering & Asphalt

Submitted,

Mark Rackovan, PUBLIC WORKS DIRECTOR

Attachment 1
Resolution No. 11057

RESOLUTION NO. 11057

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH CENTRAL VALLEY ENGINEERING AND ASPHALT, INC. FOR THE BLUE RAVINE ROAD PAVEMENT REHABILITATION FISCAL YEAR 2022-23 PROJECT PW 8017 AND APPROPRIATION OF FUNDS

WHEREAS, the City of Folsom desires to rehabilitate the existing pavement and overlay the asphalt on Blue Ravine Road between Prairie City Road and East Bidwell Street; and

WHEREAS, the project was publicly advertised, and the bids were received on May 31, 2023, with Central Valley Engineering & Asphalt being the lowest responsible bidder; and

WHEREAS, funds in the amount of \$1,498,850 are budgeted and available in the Street Overlay/Pavement Management Project PW8017; and

WHEREAS, an additional appropriation in the amount of \$690,016 will be needed; and

WHEREAS, additional funds in the amount of \$690,016 are available in the Measure A Fund (Fund 276); and

WHEREAS, the contract will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute a Construction Agreement with Central Valley Engineering and Asphalt, Inc. for the Blue Ravine Road Pavement Rehabilitation Fiscal Year 2022-23 Project PW 8017 in the amount of \$1,988,969, with the budgeted amount to include a ten percent contingency for a total not-to-exceed amount of \$2,187,866.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to appropriate \$690,016 for this project from the Measure A Fund (Fund 276).

PASSED AND ADOPTED on this 27th day of June 2023, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

Bid Advisory letter from the Foundation for Fair Contracting



VIA EMAIL – rchance@folsom.ca.us

June 12, 2023

Ryan Chance
City of Folsom
50 Natoma Street
Folsom, CA 95630

RE: BID ADVISORY
Bidders: Central Valley Engineering & Asphalt Inc.
 B&M Builders, Inc.
Awarding Agency: City of Folsom
Project: Blue Ravine Rd. - Prairie City Rd./E. Bidwell St.
 Pavement Rehabilitation FY 22-23
FFC Case No.: 1577SAC

Dear Mr. Medina:

The Foundation for Fair Contracting (FFC) is a nonprofit organization which has been serving the public interest since 1985. The objective of the FFC is to monitor compliance with prevailing wage laws pertaining to the construction industry, including informing and educating industry stakeholders. Unbalanced bids raise questions in regard to performance and compliance with the rules and regulations for the payment of prevailing wages, and the safety and well-being of the workforce. It further opens the question of excessive future change orders, the fairness to and rights of other bidders in the bidding process, and the intent of the bidding process in general.

In deference to all bidders and in order for the public interest to best be served, please enter this formal bid advisory against the above-noted contractors as a matter of public record. We respectfully request that Central Valley Engineering & Asphalt Inc. (Central Valley) and B&M Builders, Inc. (B&M) bids be rejected for the following reasons:

• **ONGOING VIOLATIONS OF PREVAILING WAGE LAWS RESULTING IN WAGE THEFT**

Central Valley and B&M have numerous infractions/violations which have resulted in willful circumvention of the Laws and Regulations Governing the Payment of Prevailing Wages, including, but not limited to, violations resulting in wage theft and non-compliance with apprenticeship laws. Central Valley and B&M have engaged in this pattern of unlawful activity on various public works prevailing wage projects. Civil Wage and Penalty Assessments have been issued to Central Valley and B&M by the State of California, Division of Labor Standards Enforcement (DLSE), Labor Commissioner’s office. We have provided supporting documentation for your review.

Furthermore, Central Valley and B&M are currently under investigation by our offices in connection with issues provided below.

- Misclassifications resulting in underpayments.

Ryan Chance
City of Folsom
June 12, 2023
Page 2

- Failure to comply with overtime requirements.
- Failure to comply with apprenticeship requirements.
- Failing to report all workers on certified payrolls.

- **FAILURE TO COMPLY WITH BID SPECIFICATIONS/UNFAIR COMPETITIVE ADVANTAGE**

Central Valley and B&M have submitted bids below the Engineer’s Estimate and in excess of 18% lower than all other bidders on this project. This commonly indicates a failure to account for the proper prevailing wage rate – including travel and subsistence. If awarded the project, change orders would be unavoidable in order to complete the project in accordance with the specifications without compromising prevailing wage laws/standards. This gives Central Valley and B&M an unfair advantage in their bidding practices against competitors and puts the City of Folsom into a precarious legal position.

- **FAILURE TO COMPLY WITH WORKFORCE DEVELOPMENT AND FORMAL APPRENTICESHIP PROGRAMS**

Central Valley and B&M have not made a good faith effort to participate and invest in Local Workforce Development, nor have they participated in local hiring of workers in the community through formal and recognized pre-apprenticeship programs and formal apprenticeship programs for specific apprenticeable crafts. They have failed to request, employ, train, and pay the proper prevailing wages to apprentices.

- **UNSAFE WORK ENVIRONMENT / OSHA VIOLATIONS RESULTING IN FINES ISSUED AND UPHELD**

Central Valley and B&M have multiple safety infractions that have resulted in worker injuries leading to investigations and fines issued by OSHA. We have attached the detailed supporting documentation for your review.

- **LITIGATION AND PRIVATE ATTORNEY GENERAL ACT (PAGA) LAWSUITS**

Central Valley has history of PAGA related lawsuits filed with the State of California, brought forth from workers who have been victims of wage theft. Further, Central Valley has a history of private litigation resulting from unsafe work ethics. Private litigation and PAGA supporting documentation is attached for your review.

Please contact our office with questions, comments, or clarifications.

Sincerely,



Jesse Jimenez
Executive Director

Case: 1577SAC

cc: City of Folsom – Mayor and Councilmembers
Rosario Rodriguez – Email: rrodriguez@folsom.ca.us
YK Chalamcherla – Email: ykc@folsom.ca.us
Sarah Aquino – Email: saquino@folsom.ca.us
Mike Kozlowski – Email: mkozlowski@folsom.ca.us
Anna Rohrbough – Email: annar@folsom.ca.us

City of Folsom – Public Works Director
Mark Rackovan – Email: mrackovan@folsom.ca.us

6195J

<p>Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works</p> <p>TEL: (916) 263-8676 FAX: (916) 263-2906</p>	<p>Gavin Newsom, Governor</p> 
<p>DATE: February 26, 2019</p>	<p>In Reply Refer to Case No: 40-53520</p>

RECEIVED

MAR 1 2019

Foundation for Fair Contracting

CIVIL WAGE AND PENALTY ASSESSMENT

<p>Awarding Body City of Santa Cruz-Public Works Dept.</p>	<p>Work Performed in County of Santa Cruz</p>
<p>Project Name 2016 Surface Seal Program</p>	<p>Project No. 0</p>
<p>Prime Contractor Telfer Pavement Technologies, LLC.</p>	
<p>Subcontractor Central Valley Engineering & Asphalt Inc., a California corporation</p>	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Labor Code (LC) Section 1774 for failure to pay the correct prevailing wage rate pursuant to the Laborer classification based on determinations NC-23-102-1-2015-2, Cement Masons classification based on determination NC-23-203-1-2015-3 and for the Operating Engineer classification based on determination NC-23-63-1-2015-2 in Santa Cruz County. Pursuant to LC Section 1775, the penalty is assessed at \$80 per violation.

Apprenticeship Violations: LC Section 1777.5 for failure to submit Public Works Contract Award Information (DAS 140) prior to the start of the project and Request for Dispatch of an Apprentice (DAS 142) to all required committees in the region and for failure to employ required apprentices to meet the journeyman ratio for Laborers, Operating Engineers and Cement Masons classifications. Pursuant LC Section 1777.7, the penalty is assessed at \$40 per violation.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$1,368.70

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$2,080.00

The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is: \$3,960.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against Central Valley Engineering & Asphalt Inc., a California corporation is: \$0.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER

By Maria Mercado
 Maria Mercado
 Deputy Labor Commissioner I

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Maria Mercado at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$1,368.70

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$1,368.70</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$2,080.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$3,960.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$7,408.70

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$1,368.70</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$2,080.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$3,960.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$7,408.70

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Maria Mercado, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On February 26, 2019, I served the within: Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

City of Santa Cruz-Public Works Dept.
809 Center Street
Santa Cruz, CA 95060

Telfer Pavement Technologies, L.L.C
P.O. Box 709
Martinez, CA 94553

Central Valley Engineering & Asphalt Inc., a
California corporation
216 Kenroy Lane
Roseville, CA 95678

Telfer Pavement Technologies, L.L.C.
211 Foster Street
Martinez, CA 94553

Central Valley Engineering & Asphalt Inc., a
California corporation
Agent for Service: Warren Holt
216 Kenroy Lane
Roseville, CA 95678

Telfer Pavement Technologies, L.L.C.
2829 Lakeland Dr., Suite 1502
Jackson, MS 39202

Western Surety Company
Agent for Service: CT Corp. Systems
Chicago, IL 60606

CT Corporation System
Agent for Service: National Registered
111 Eighth Ave. 13th Floor
New York, NY 10011

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed on February 26, 2019, at Sacramento, County of Sacramento, California

Maria Mercado

SIGNATURE

STATE CASE NO.
40-53520

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works	Edmund G. Brown Jr., Governor 
DATE: August 1, 2018	In Reply Refer to Case No: 40-53178

RECEIVED
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 Foundation for
 Fair Contracting

11895AC

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body Sacramento Suburban Water District	Work Performed in County of Sacramento
Project Name 2016 Water Service Agreement	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., a California corporation	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: _____

Apprenticeship Violations: Violation of I.C Section 1777.5 for failure to submit Public Works Contract Award Information form (DAS 140) and Request for Dispatch of an apprentice form (DAS 142) to all required Apprenticeship Committee(s) for the classifications of Laborers in Sacramento County and for failure to employ apprentices in compliance with required apprentice to journeyman ratio in the classification of Laborers in Sacramento County. Pursuant I.C Section 1777.7, the penalty is assessed at \$40 per violation.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$0.00

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$1,765.00

The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is: \$9,080.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against is: \$0.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER

By Maria Mercado
 Maria Mercado
 Deputy Labor Commissioner I

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Maria Mercado at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Ave #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$0.00

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$1,765.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$9,080.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$10,845.00

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$1,765.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$9,080.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$10,845.00

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Maria Mercado, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On August 1, 2018, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

Sacramento Suburban Water District
3701 Marconi Avenue, Suite 100
Sacramento, CA 95821

Central Valley Engineering & Asphalt, Inc.,
a California corporation
AGENT FOR SERVICE
ATTN: Warren Holt
216 Kenroy Lane
Roseville, CA 95678

Central Valley Engineering &
Asphalt, Inc., a California corporation
216 Kenroy Lane
Roseville, CA 95678

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento, by:

- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed on August 1, 2018, at Sacramento, County of Sacramento, California

Maria Mercado
SIGNATURE

STATE CASE NO.
40-53178

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

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Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

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Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Ave #100
Sacramento, CA 95825

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State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$23.37

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$23.37</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$100.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$2,280.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	<u>\$2,403.37</u>

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$23.37</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$450.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$2,280.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	<u>\$2,753.37</u>

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Maria Mercado, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On January 25, 2018, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

City of Elk Grove
8401 Laguna Palms Way
Elk Grove, CA 95758

The Guarantee Company of North America
USA
ATTN: Vivien Imperial
818 W. 7th Street, Suite 930
Los Angeles, CA 90017

Central Valley Engineering &
Asphalt, Inc., a California corporation
216 Kenroy Lane
Roseville, CA 95678

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed on January 25, 2018, at Sacramento; County of Sacramento, California

Maria Mercado
SIGNATURE

STATE CASE NO.
40-53218

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-6675 RECEIVED MAR 21 2017 Foundation for Fair Contracting FAX: (916) 263-6675	Edmund G. Brown Jr., Governor 
DATE: March 20, 2017 587BA	In Reply Refer to Case No: 40-53560

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body City of Brentwood	Work Performed in County of Contra Costa
Project Name 2015 PMP Balfour Road Overlay	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt Inc., a California corporation	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Central Valley Engineering & Asphalt Inc. violated Labor Code 1774 pursuant to the general prevailing wage determinations: NC-23-102-1-2015-1, NC-23-631-2015-1, NC 23-203-1-2015-1 for the classifications of Laborer, Operator and Cement Mason. Affected contractor did not pay for compensable travel time.

Apprenticeship Violations: Contractor did not meet the required Apprenticeship ratio for the classification of Laborer and Cement Mason.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$7,291.32

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$4,650.00

The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is: \$980.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against is: \$0.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER

By Maria Mercado
 Maria Mercado
 Deputy Labor Commissioner I

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Maria Mercado at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$7,291.32

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$7,291.32</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$4,650.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$980.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$12,921.32

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$7,291.32</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$4,650.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$980.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$12,921.32

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Jerry McClain at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$2,414.66

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$2,414.66</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$2,475.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$4,889.66

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$2,414.66</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$2,475.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$4,889.66

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On January 27, 2017, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

Sacramento Metropolitan Fire District
10545 Armstrong Avenue, Suite 200
Mather, CA 95655
Matthew Davies

Central Valley Engineering & Asphalt, Inc.,
A California Corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

Foundation for Fair Contracting
3807 Pasadena Avenue, Suite 150
Sacramento, CA 95821
Cayetano Reynoso

The Guarantee Company of North America
USA
818 W 7th Street, Suite 930
Los Angeles, CA 90017
Vivian Imperial

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed on January 27, 2017, at Sacramento, County of Sacramento, California

Jerry McClain
SIGNATURE

STATE CASE NO.
40-53363

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Jerry McClain at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$20,930.95

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$20,930.95</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$12,205.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$33,135.95

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$20,930.95</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$12,205.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$33,135.95

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On January 27, 2017, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

City of Colfax
P.O. Box 702
Colfax, CA 95713
Nelia Sperka

Central Valley Engineering & Asphalt, Inc.,
A California Corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

Foundation for Fair Contracting
3807 Pasadena Avenue, Suite 150
Sacramento, CA 95821
Mario Rodriguez

The Guarantee Company of North America
USA
818 W 7th Street, Suite 930
Los Angeles, CA 90017
Vivian Imperial

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed on January 27, 2017, at Sacramento, County of Sacramento, California



SIGNATURE

STATE CASE NO.
40-53365

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Jerry McClain at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$2,599.06

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$2,599.06</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$2,265.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$4,864.06

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$2,599.06</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$2,265.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$4,864.06

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On January 27, 2017, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

Sacramento Metropolitan Fire District
10545 Armstrong Avenue, Suite 200
Mather, CA 95655
Matthew Davies

The Guarantee Company of North America
USA
818 W 7th Street, Suite 930
Los Angeles, CA 90017
Vivian Imperial

Asphalt, Inc., A California
Corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

Foundation for Fair Contracting
3807 Pasadena Avenue, Suite 150
Sacramento, CA 95821
Cayetano Reynoso

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:


- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed on January 27, 2017, at Sacramento, County of Sacramento, California


SIGNATURE

STATE CASE NO.
40-53362

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-2901 FAX: (916) 263-2906	RECEIVED Edmund G. Brown Jr., Governor  JAN 20 2017 Foundation for Fair Contracting
DATE: January 27, 2017	In Reply Refer to Case No: 40-53364 RECEIVED

1194 SAC

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body City of Citrus Heights	Work Performed in County of Sacramento
Project Name 2016 Residential St. Resurfacing	Project No. 33277
Prime Contractor Central Valley Engineering & Asphalt, Inc., A California Corporation	
Subcontractor	

After an investigation concerning either the payment of wages to workers employed in the execution of the contract for the above-named public works project or compliance with the apprenticeship standards found in Labor Code section 1777.5, or both, the Division of Labor Standards Enforcement (the "Division") has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor identified above. In accordance with Labor Code section 1741, the Division hereby issues this Civil Wage and Penalty Assessment.

The nature of the violations of the Labor Code and the basis for the assessment are as follows:

Wage Violations: Violated Labor Code Section 1774 for failure to pay the correct prevailing wages pursuant to the Director's General Prevailing Wage Determination 2016-1 for the classification of Cement Mason, Laborer and Operating Engineer. Failed to pay fringe benefits.

Apprenticeship Violations: _____

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813.

The Division has determined that the total amount of wages due is: \$61,892.16

The Division has determined that the total amount of penalties assessed under Labor Code sections 1775 and 1813 is: \$37,815.00

The Division has determined that the amount of penalties assessed under Labor Code section 1777.7 is: \$0.00

The Division has determined that the amount of penalties assessed under Labor Code section 1776 against Central Valley Engineering & Asphalt, Inc., A California Corporat is: \$0.00

Please refer to page 5 for specific withholding obligations pertaining to these amounts.

STATE LABOR COMMISSIONER

By Jerry McClain
 Deputy Labor Commissioner I

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Jerry McClain at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$61,892.16

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$61,892.16</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$37,815.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$99,707.16

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$61,892.16</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$37,815.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$99,707.16

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On January 27, 2017, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

City of Citrus Heights
6360 Fountain Square Drive
Citrus Heights, CA 95621
Regina Cave

Central Valley Engineering & Asphalt, Inc.,
A California Corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

Foundation for Fair Contracting
3807 Pasadena Avenue, Suite 150
Sacramento, CA 95821
Cayetano Reynoso

The Guarntee Company of North America
USA
818 W 7th Street, Suite 930
Los Angeles, CA 90017
Vivian Imperial
Bond #12135114

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed on January 27, 2017, at Sacramento, County of Sacramento, California



SIGNATURE

STATE CASE NO.
40-53364

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code Section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

State of California - Labor Commissioner
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth above under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Jerry McClain at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid. If the contractor or subcontractor demonstrates to the satisfaction of the Director of the Department of Industrial Relations that he or she had substantial grounds for believing the assessment or notice to be an error, the Director shall waive payment of the liquidated damages.

Notwithstanding the above, in accordance with Labor Code 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

Deposits must be made by check or money order payable to the Department of Industrial Relations with a letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

The Amount of Liquidated Damages Available Under this Assessment is: \$6,671.21

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	<u>\$6,671.21</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$5,055.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$11,726.21

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	<u>\$6,671.21</u>
Penalties Due Under Labor Code sections 1775 and 1813:	<u>\$5,055.00</u>
Penalties Due Under Labor Code section 1777.7:	<u>\$0.00</u>
Penalties Due Under Labor Code sections 1776:	<u>\$0.00</u>
Total Withholding Amount:	\$11,726.21

Distribution:

- Awarding Body
- Surety(s) on Bond
- Prime Contractor
- Subcontractor

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of
Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at
and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On January 27, 2017, I served the within: (1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

City of Citrus Heights
7927 Auburn Blvd.
Citrus Heights, CA 95610
Regina Cave

Central Valley Engineering & Asphalt, Inc.,
a California corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

Foundation for Fair Contracting
3807 Pasadena Avenue, Suite 150
Sacramento, CA 95821
Cayetano Reynoso

The Guarantee Company of North America
USA
818 W 7th Street, Suite 930
Los Angeles, CA 90017
Vivian Imperial
Bond #12135089

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid,
and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail


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

Executed on January 27, 2017, at Sacramento, County of Sacramento, California

Jerry McClain
SIGNATURE

STATE CASE NO.
40-53366

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Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement Bureau of Field Enforcement- Public Works TEL: (916) 263-2901	Gavin Newsom, Governor 
DATE: November 4, 2020	In Reply Refer to Case No: 40-70716-137

CIVIL WAGE AND PENALTY ASSESSMENT

Awarding Body Fairfield-Suisun Unified School District	Work Performed in County of SOLANO	
Project Name TOLENAS MODERNIZATION PHASE II	Project No DIR: 324904	DIR Project ID No
Prime Contractor REM CONSTRUCTION, INCORPORATED, A California Corporation	CSLB License No 268689	Contractor Registration (PWCR) No. 1000014954
Subcontractor(s) B&M Builders Inc., A California Corporation	CSLB License No 861848	Contractor Registration (PWCR) No. 1000003277
Second or Third-tier Subcontractor, if applicable	CSLB License No	Contractor Registration (PWCR) No.

After an investigation concerning the payment of wages to workers employed in the execution of the contract for the above-named public works project, compliance with the apprenticeship standards found in Labor Code section 1777.5, or compliance with the registration requirements set forth in Labor Code section 1725.5, the Labor Commissioner has determined that violations of the California Labor Code have been committed by the contractor and/or subcontractor(s) identified above. In accordance with Labor Code section 1741, the Labor Commissioner hereby issues this Civil Wage and Penalty Assessment.

TOTAL ASSESSMENT:	<u>\$12,578.24</u>
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The nature of the violations of the Labor Code and the basis for the assessment are as follows:
 Wage Violations: Violated Labor Code Section 1774 for failure to pay the correct wage pursuant to the Director's General Prevailing Wage Determination NC-23-203-1-2019-1 for the craft of Cement Mason and NC-23-102-1-2019-2 for the craft of Laborer Area 2, Group 2.

The attached Audit Summary further details the basis for this Assessment and itemizes the calculation of wages and penalties due under Labor Code sections 1775 and 1813, if applicable.

The Labor Commissioner has determined the total amount of wages due is:	<u>\$2,563.24</u>
The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1775 is:	<u>\$4,390.00</u>
The Labor Commissioner has determined the amount of penalties assessed under Labor Code section 1813 is:	<u>\$1,625.00</u>

(continued on next page)

STATE LABOR COMMISSIONER

By Jerry McClain
 Deputy Labor Commissioner

Apprenticeship Violations: Violated Labor Code Section 1777.1 for failure to employ apprentices at the minimum ratio for the craft of Laborer, Area 2, Group 2. Violated Labor Code Section 1777.5 for failure to pay training funds in full.

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section **1777.7** is: \$4,000.00

Labor Code Section 1776 Violations: _____

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section **1776(h)** against B&M Builders Inc., A California Corporation is: \$0.00

Public Works Contractor Registration Violations: _____

The Labor Commissioner has determined the amount of penalties assessed under Labor Code section **1771.1** against
General contractor is: \$0.00
Subcontractor is: \$0.00
Second-tier subcontractor is: \$0.00
Third-tier subcontractor, if applicable is: \$0.00

Please refer to page 6 for specific withholding obligations pertaining to these amounts.

(continued on next page)

Notice of Right to Obtain Review - Formal Hearing

In accordance with Labor Code section 1742, an affected contractor or subcontractor may obtain review of this Civil Wage and Penalty Assessment by transmitting a written request to the office of the Labor Commissioner that appears below within 60 days after service of the assessment.

To obtain a hearing, a written Request for Review must be transmitted to the following address:

Labor Commissioner - State of California
Civil Wage and Penalty Assessment Review Office
PO Box 255809
2801 Arden Way
Sacramento, CA 95825

A Request for Review either shall clearly identify the Civil Wage and Penalty Assessment from which review is sought, including the date of the assessment, or it shall include a copy of the assessment as an attachment, and shall also set forth the basis upon which the assessment is being contested. In accordance with Labor Code section 1742, the contractor or subcontractor shall be provided an opportunity to review evidence to be utilized by the Labor Commissioner at the hearing within 20 days of the Labor Commissioner's receipt of the written Request for Review.

Failure by a contractor or subcontractor to submit a timely Request for Review will result in a final order which shall be binding on the contractor and subcontractor, and which shall also be binding, with respect to the amount due, on a bonding company issuing a bond that secures the payment of wages and a surety on a bond. Labor Code section 1743.

In accordance with Labor Code section 1742(d), a certified copy of a final order may be filed by the Labor Commissioner in the office of the clerk of the superior court in any county in which the affected contractor or subcontractor has property or has or had a place of business. The clerk, immediately upon the filing, shall enter judgment for the State against the person assessed in the amount shown on the certified order.

(continued on next page)

Payment of Civil Wage and Penalty Assessment

Payment of the assessed wages and/or penalties, including interest on all due and unpaid wages pursuant to Labor Code section 1741(b), must be made by check or money order payable to the Division of Labor Standards Enforcement and mailed to the following address along with a copy of this Civil Wage and Penalty Assessment:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Cashiering Unit
2031 Howe Avenue, Suite 100
Sacramento, CA 95825-0196

Opportunity for Settlement Meeting

In accordance with Labor Code section 1742.1(c), the Labor Commissioner shall, upon receipt of a request from the affected contractor or subcontractor within 30 days following the service of this Civil Wage and Penalty Assessment, afford the contractor or subcontractor the opportunity to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding the assessment. The settlement meeting may be held in person or by telephone and shall take place before the expiration of the 60-day period for seeking a hearing as set forth under the heading Notice of Right to Obtain Review. No evidence of anything said or any admission made for the purpose of, in the course of, or pursuant to, the settlement meeting is admissible or subject to discovery in any administrative or civil proceeding. This opportunity to timely request an informal settlement meeting is in addition to the right to obtain a formal hearing, and a settlement meeting may be requested even if a written Request for Review has already been made.

Requesting a settlement meeting, however, does not extend the 60-day period during which a formal hearing may be requested.

A written request to meet with the Labor Commissioner or his or her designee to attempt to settle a dispute regarding this assessment must be transmitted to Jerry McClain at the following address:

State of California - Department of Industrial Relations
Division of Labor Standards Enforcement - Public Works Unit
2031 Howe Avenue, Suite #100
Sacramento, CA 95825

(continued on next page)

Liquidated Damages

In accordance with Labor Code section 1742.1(a), after 60 days following the service of this Civil Wage and Penalty Assessment, the affected contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages in an amount equal to the wages, or portion that still remain unpaid. If the assessment subsequently is overturned or modified after administrative or judicial review, liquidated damages shall be payable only on the wages found to be due and unpaid.

Notwithstanding the above, in accordance with Labor Code section 1742.1(b), there shall be no liability for liquidated damages if the full amount of the assessment or notice, including penalties, has been deposited with the Department of Industrial Relations, within 60 days following service of the Assessment or Notice, for the Department to hold in escrow pending administrative and judicial review. The Department shall release such funds, plus any interest earned, at the conclusion of all administrative and judicial review to the persons and entities who are found to be entitled to such funds.

The full amount of the assessment that should be deposited is: \$12,578.24

Deposits must be made by check or money order payable to the Department of Industrial Relations with a cover letter and a copy of the Civil Wage and Penalty Assessment and mailed to:

Department of Industrial Relations
Attention Cashiering Unit
P.O. Box 420603
San Francisco, CA 94142

(continued on next page)

Statutory Withholding Obligations

1. Awarding Body Withholding Obligations

In accordance with Labor Code section 1727(a), before making payments to the contractor of money due under a contract for public work, the awarding body shall withhold and retain therefrom all amounts required to satisfy this Civil Wage and Penalty Assessment. The amount required to satisfy this Civil Wage and Penalty Assessment shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

The amount which must be withheld and retained by the awarding body pursuant to this Civil Wage and Penalty Assessment is:

Wages Due:	\$2,325.81
Training Funds Due:	\$237.42
Penalties Due Under Labor Code section 1775:	\$4,390.00
Penalties Due Under Labor Code section 1813:	\$1,625.00
Penalties Due Under Labor Code section 1777.7:	\$4,000.00
Penalties Due Under Labor Code section 1776(h):	\$0.00
Penalties Due Under Labor Code section 1771.1:	\$0.00
Total Withholding Amount:	\$12,578.24

2. Prime Contractor Withholding Obligations:

In accordance with Labor Code section 1727(b), if the awarding body has not retained sufficient money under the contract to satisfy this Civil Wage and Penalty Assessment based on a subcontractor's violations, the contractor shall, upon the request of the Labor Commissioner, withhold sufficient money due the subcontractor under the contract to satisfy the assessment and transfer the money to the awarding body. This amount shall not be disbursed by the awarding body until receipt of a final order that is no longer subject to judicial review.

If this box is checked, the Labor Commissioner hereby requests that the prime contractor withhold the following amount from money due the subcontractor and transfer the money to the awarding body to satisfy this assessment:

Wages Due:	\$2,325.81
Training Funds Due:	\$237.42
Penalties Due Under Labor Code section 1775:	\$4,390.00
Penalties Due Under Labor Code section 1813:	\$1,625.00
Penalties Due Under Labor Code section 1777.7:	\$4,000.00
Penalties Due Under Labor Code section 1776(h):	\$0.00
Penalties Due Under Labor Code section 1771.1:	\$0.00
Total Withholding Amount:	\$12,578.24

Distribution:
Awarding Body
Surety(s) on Bond
Prime Contractor
Subcontractor(s)

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS - DIVISION OF LABOR STANDARDS ENFORCEMENT

**CERTIFICATION OF SERVICE BY MAIL
(C.C.P. 1013a) OR CERTIFIED MAIL**

I, Jerry McClain, do hereby certify that I am a resident of or employed in the County of Sacramento, over 18 years of age, and not a party to the within action, and that I am employed at and my business address is:

Division of Labor Standards Enforcement
Bureau of Field Enforcement
2031 Howe Ave. Suite 100
Sacramento, CA. 95825

On November 4, 2020, I ser (1) Civil Wage and l(1) Civil Wage and Penalty Assessment

by placing a true copy thereof in an envelope addressed as follows:

Fairfield-Suisun Unified School District
2490 Hilborn Road
Fairfield, CA 94534
Amanda Rish

B&M Builders Inc., A California Corporation
11330 SUNRISE PARK DR STE C
RANCHO CORDOVA, CA 95742
Patrick T Mullen

REM CONSTRUCTION, INCORPORATED, A California Corporation
2599 Widgeon Lane
Durham, CA 95938
Richard Eugene Schell

The Ohio Casualty Insurance Company
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833
Kaitlyn Mannix
BOND # 070211740

and then sealing the envelope and with postage and certified mail fees (if applicable) thereon fully prepaid, and then depositing it in the United States mail in Sacramento by:

- Ordinary first class mail
- Certified mail
- Registered mail

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

Executed at, at November 4, 2020, at Sacramento, County of Sacramento, California

Jerry McClain
SIGNATURE

STATE CASE NO.
40-70716-137
PW 34

(Revised - 4/2002)

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Occupational Safety and Health Administration OSHA

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Inspection Detail

Inspection: 317245355 - Central Valley Engineering & Asphalt, Inc

Inspection Information - Office: Ca Sacramento

Inspection Nr: 317245355

Report ID: 0950621

Open Date: 07/30/2013

Site Address:

Central Valley Engineering & Asphalt, Inc
4367 Gresham Dr
El Dorado Hills, CA 95762

Union Status: NonUnion

SIC:1611

NAICS: 237310/ Highway, Street, and Bridge
Construction

Mailing Address:

216 Kenroy Ln, Roseville, CA 95678

Inspection Type: Accident

Safety/Health: Safety

Scope: Partial

Close Conference: 01/06/2014

Advanced Notice: N

Emphasis:

Ownership: Private

Close Case:03/18/2014

Related Activity

Type	Activity Nr	Safety	Health
Accident	102685559		

Violation Summary

Violations/Penalties	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	2			3		5
Current Violations	2			3		5
Initial Penalty	\$7,420	\$0	\$0	\$1,510	\$0	\$8,930

Current Penalty	\$7,420	\$0	\$0	\$1,510	\$0	\$8,930
FTA Penalty	\$0	\$0	\$0	\$0	\$0	\$0

Violation Items

#	Citation ID	Citation Type	Standard	Issuance Date	Abatement Due Date	Current Penalty	Initial Penalty	FTA Penalty	Contest	Latest Event	Note
1.	01001	Other	1509 B	01/08/2014	02/10/2014	\$550	\$550	\$0		-	
2.	01002	Other	1541 B03	01/08/2014	01/13/2014	\$825	\$825	\$0		-	
3.	01003	Other	3395 E	01/08/2014	02/10/2014	\$135	\$135	\$0		-	
4.	02001	Serious	1541 B01 A	01/08/2014	01/13/2014	\$3,710	\$3,710	\$0		-	
5.	03001	Serious	1541 B01 D	01/08/2014	02/10/2014	\$3,710	\$3,710	\$0		-	

**UNITED STATES
DEPARTMENT OF LABOR**

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200 Constitution Ave NW
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

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**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

Docket 08-R2D1-5001

CENTRAL VALLEY ENGINEERING
& ASPHALT, INC.
216 Kenroy Lane
Roseville, CA 95678

**DECISION AFTER
RECONSIDERATION
and REMAND**

Employer

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code and having taken this matter under reconsideration, renders the following decision after reconsideration.

JURISDICTION

Employer was cited for failing to timely report a serious workplace injury (Cal. Code Regs., tit. 8, §342(a).)¹ Employer was aware on Tuesday, June 17, 2008, at approximately 10:00 a.m. that a serious injury was sustained by its employee. Employer reported the injury to the Division Friday, June 20, 2008, at approximately 4:00 p.m. The violation is established. Employer has 100 employees. No information is contained in the record regarding Employer's compliance or safety history, or whether Employer had an IIPP.

The Division proposed a penalty of \$5000, without modification for size, history or good faith, or on any other basis. (See § 336(d).) In lieu of a hearing, the parties submitted stipulated facts on which the Administrative Law Judge (ALJ) relied in determining the penalty for the section 342(a) violation in this case should be \$1000.² We consider the appropriate penalty for a section 342(a) violation.

¹ All references are to title 8, California Code of Regulations unless otherwise indicated.

² Three additional violations alleged by the Division were before the ALJ in this appeal and were resolved in the ALJs Order. The Board did not order reconsideration of any of those items, nor did either party preserve any other issue for our review by petition for reconsideration. Those items are not before us now, and are final orders of the Board.

DECISION

Labor Code section 6602 assigns to the Appeals Board the task of approving, modifying, or vacating penalties, *inter alia*, assessed by the Division, and the section also empowers the Appeals Board to direct "other appropriate relief." On this authority, we have previously considered a variety of situations which may merit reduction or increase from the penalty the Division has assessed for violations of section 342(a). (See, *Trader Dan's dba Rooms N Covers*, Cal/OSHA App. 08-4978, Decision After Reconsideration (Oct. 9, 2009) [penalty reduction]; *Bill Callaway and Greg Lay dba Williams Redi-Mix.*, Cal/OSHA App. 03-2400, Decision After Reconsideration (Mar. 27, 2007) [same]; *Central Valley Contracting*, Cal/OSHA App. 05-2351, Decision After Reconsideration (Jun. 1, 2009) [penalty increase].)

First, we recognize that the Division's proposed \$5000 penalty, without modification for other penalty considerations, represents a significant change from its pre-2002 practice regarding the penalty assessed in section 342(a) cases. Prior to the 2002 amendment of Labor Code section 6409.1(b), the penalty for section 342(a) violations was assessed as were all other penalties. (See *Tomlinson Construction, Inc.*, Cal/OSHA App. 95-2268, Decision After Reconsideration (Feb. 18, 1998) [upholding \$175 penalty reached by modifying \$500 gravity-based penalty in 336(a)(1) for size, history and good faith as directed in 336(d)]; *Huffman Logging Co., Inc.*, Cal/OSHA App. 93-382, Decision After Reconsideration (Nov. 21, 1996) [proposed penalty of \$100, reached by giving maximum adjustments for size, good faith and history; Board amended citation to a Notice in Lieu of citation, Labor Code section 6317, on other grounds].) Failures to report and late reports were penalized equivalently.

In view of the history briefly recapitulated above, we limit our analysis here to the effect of the 2002 amendment of Labor Code section 6409.1(b) on the penalty for a violation of section 342(a) due to a late report. Labor Code section 6409.1(b) is ambiguous because in its context, both textual and historical, it could be interpreted in several different ways. The Board has interpreted it as a starting point for penalty assessment under Labor Code section 6602; the Division interpreted it as requiring a \$5000 penalty in every case.³ The principles of statutory construction reveal it is not a mandatory minimum penalty and may be adjusted, and the prohibition against repeal by implication clarifies it is a penalty assessment that remains subject to modifications for size, good faith and history under Labor Code section 6319(c).

³ The Division did this in an amendment to Director's regulation section 336(a), which added new subdivision (6) to that provision. The "Director" is the Director of Industrial Relations, to whom the Division reports. (See Labor Code § 6302.) The Division's regulations, including those pertaining to calculating penalties for alleged violations, are among those promulgated by the Director. Moreover, the rulemaking package indicates the Division intended only to change the starting point for penalty assessment from \$500 to \$5000 for both late and non-reports. In practice, the Division declines to adjust the penalty as it had prior to the 2002 amendment.

It is clear, at least, that the Legislature intended to raise the initial penalty for violations of section 342(a) to \$5000 from \$500, but that it was not required to be \$5,000 in every case. We conclude from this that the Legislature intended that if an initial penalty were to be assessed, it must be \$5,000; if not, then no penalty, \$0, was to be assessed.

The Board believes a strictly all or nothing penalty is uncalled for by the statute and an unnecessarily extreme means to use to determine a penalty. And, as it is inconsistent with the rest of the penalty setting scheme in the OSH Act, an all or nothing scheme was not the legislative intent for all violations of the reporting requirement, even minor ones. For example, construing section 6409.1(b) to mean that only one of two penalties is appropriate in all cases ignores other provisions of the Act, such as the obligation of the Division to account for the size, good faith, history of the employer, or the gravity of the violation when calculating a penalty. (See Labor Code section 6319(d).) In addition, section 6409.1(b) is not written in the statutory form used to establish a mandatory minimum penalty. (See Labor Code section 6712.)

A mandatory minimum penalty is created by using statutory language that is different than the language of the amendment to 6409.1(b) we evaluate here. For example, violations of field sanitation safety orders enacted pursuant to Labor Code section 6712(d) carry the minimum penalty of \$750 for all employers, regardless of size, good faith, history of the employer, or gravity or severity of the violation. The consideration for factors of size, gravity, good faith and history are still applied to such violations when proposing a penalty, but no adjustment that results in a penalty below the statutory minimum is allowed. To achieve this minimum penalty effect, the Legislature used the following language: "Notwithstanding Sections 6317 and 6434, any employer who fails to provide the facilities required by the field sanitation standard shall be assessed a civil penalty under the appropriate provisions of Sections 6427 to 6430, inclusive, except that in no case shall the penalty be less than seven hundred fifty dollars (\$750) for each violation." Section 6409.1(b) states, "An employer who violates this subdivision may be assessed a civil penalty of not less than \$5000."

By selecting different language in section 6409.1(b) the Legislature communicated its intent was something other than a minimum penalty in all cases for a reporting violation. "It is a settled rule of statutory construction that where a statute, with reference to one subject contains a given provision, the omission of such provision from a similar statute concerning a related subject is significant to show that a different legislative intent existed with reference to the different statutes." (*Los Angeles County Metropolitan Transp. Authority v. Alameda Produce Market, LLC* (2011) 52 Cal.4th 1100, 1108 quoting *In re Jennings* (2004) 34 Cal.4th 254, 273.)

Faced with the ambiguity of section 6409.1(b), the Appeals Board reasoned in *Callaway* and *Trader Dan's* that the facts surrounding the violation could be looked to in an effort to impose equitable penalties that would, over time, result in like-situated employers paying like penalties. And, given the broad authority granted the Board by Labor Code section 6602, and silence in Labor Code section 6409.1(b) regarding any intended curtailment of that authority, the Board exercised its authority to reach a fair penalty in each case. The Board implemented the Legislature's intent to generally raise the penalty for failing to timely report contained in section 6409.1(b) by beginning each penalty assessment at the \$5000 level established there.

However, the penalty-setting factors considered in those decisions have not resulted in an increase in compliance by employers, or a decrease in the number of 342(a) violations⁴. The subjectivity inherent in the penalty determinations based on the many factors considered by the Board's several ALJs in the exercise of their discretion has resulted in some similarly situated employers paying dissimilar penalties. Thus, though the Board's stated goal in its section 342(a) penalty decisions was to encourage employers to report late rather than not at all, that methodology appears to have had no effect on reporting. (We expected to see an increase in late reporting violations, as more employers would report serious injuries, albeit late. Instead, there has been no such discernable statistical impact on section 342(a) violations either before or after the *Callaway* decision, or before or after the *Trader Dan's* decision.)

The OSH Act intended similarly situated employers to receive similar penalties. One way the Act does so is by requiring the Division to take into account the size, good faith, and history of an employer in determining the proposed penalty. (Labor Code § 6319; CCR, title 8, section 336(d).) However, the Division, in Director's Regulation section 336(a)(6), has interpreted Labor Code section 6409.1(b) to mean the Division may only assess a \$5000 penalty, in spite of the failure of section 6409.1(b) to instruct the Division not to, in this unique circumstance, give due consideration for the size, good faith, and history of employers when determining a proposed penalty. The Division's interpretation in this regard also requires assuming implied repeal of portions of Labor Code section 6319. Repeal by implication is consistently disfavored by California courts. (*Schatz v. Allen Matkins Leck Gamble & Mallory LLP* (2009) 45 Cal.4th 557, 571 [courts give full effect to all interrelated portions of a statutory scheme, and recognize repeal by implication only when two provisions are irreconcilable].)

The Division's regulatory interpretation also ignores the other option apparent in the text of section 6409.1(b), to wit, a zero penalty. "[A]dministrative construction of a statute, while entitled to weight, cannot prevail when a contrary legislative purpose is apparent. (*Sanchez v.*

⁴ Citations for 342(a) violations since 2008: 526 (2008), 454 (2009), 504 (2010), 399 (2011). *Trader Dan's*, *supra*, was issued in October 2009. This data does not support an inference of a trend temporally related to the decision.

Unemployment Ins. Appeals Bd., *supra*, 20 Cal.3d 55, 67; *Wilkinson v. Workers' Comp. Appeals Bd.* (1977) 19 Cal.3d 491, 501 [138 Cal.Rptr. 696, 564 P.2d 848]; *Rivera v. City of Fresno*, *supra*, 6 Cal.3d 132, 140.)” (*Pacific Legal Foundation v. Unemployment Ins. Appeals Bd.* (1981) 29 Cal.3d 101, 117.) The Director’s administrative construction of the enactment cannot prevail because a different intent is apparent. An administrative agency may not adopt a regulation unless it is consistent with the statutes being implemented or interpreted. (Gov. Code § 11342.2; *Woods v. Superior Court* (1981) 28 Cal.3d 668, 679; *Nortel Networks, Inc. v. Board of Equalization* (2011) 191 Cal.App.4th 1259, 1276-1277.)

Regulations that fulfill the agency’s delegated authority are considered quasi-legislative and are upheld unless the “classification is ‘arbitrary, capricious or [without] reasonable or rational basis.’” (*Yamaha Corp. of America v. State Bd. of Equalization* (1998) 19 Cal. 4th 1, 11, quoting *Culligan Water Conditioning v. State Bd. of Equalization* (1976) 17 Cal.3d 86, 93.) The pre-2002 penalty scheme appears to have been a reasonable implementation of the OSH Act. (*Moore v. California State Bd. of Accountancy* (1992) 2 Cal. 4th 999, at 1013-1014.) Courts presume the Legislature, when enacting a statute, was aware of existing and related laws and intended to maintain a consistent body of rules. (*Stone Street Capital, LLC v. California State Lottery Com’n* (2008) 165 Cal.App. 4th 109, 118.) Other portions of the Act determine adjustable penalties without specifically referencing the penalty adjustment statute, and section 6409.1(b) can likewise be read as proposing an adjustable penalty. (*Yoffie v. Marin Hospital Dist.* (1987) 193 Cal.App.3d 743, 747-748 [principles of statutory construction include reading parts of a statute in context with the remainder of the Act].)

Last, the word “assess” in the amendment is ambiguous. The amendment describes a penalty that may be “assessed.” This term is used in the regulations to refer to the gravity-based penalty prior to adjustment. (§ 336(a)) The Division so referred to the word “assess” as meaning the gravity-based penalty, not the final penalty amount, in the rulemaking justification accompanying the adoption of section 336(a)(6). “Consistent with [existing] exceptions (to the gravity base of a regulatory penalty being \$500), the Division proposes to add a further exception to assess a minimum \$5000 penalty for a violation of Section 342. This proposed amendment to section 336 has no regulatory effect, because it merely makes Section 336 consistent with Labor Code section 6409.1 as recently amended. In the words of section 100 of Title 1 of the California Code of Regulations, Section 336 is currently inconsistent with, and superseded by, Labor Code section 6409.1 because it [current rule 336] creates a minimum \$500 penalty for regulatory violations. In addition, the Division has no authority to adopt a regulation setting the minimum penalty for a violation of Section 342 lower than \$5,000.” The then-existing rule did provide that the gravity base of regulatory penalty was \$500, and that initial penalty amount was further adjusted for the size, good faith, and history of the employer. These modifications are not mentioned in the justification for

the rulemaking, and removing such modifications without mentioning that effect would not be appropriate under the APA. (Govt. Code § 11346 et seq.)

The Board assumes the Legislature selected the word “assess” with regard to its use in the penalty setting regulations. (*California Assn of Medical Products Suppliers v. Maxwell-Jolly* (2011) 199 Cal. App. 4th 286, 315.) It appears that the Legislature meant only to replace the \$500 initial assessed penalty amount representing the gravity of the violation in section 336(a)(1) with a new minimum \$5000 initial assessed penalty. (*Moore v. California State Bd. of Accountancy* (1992) 2 Cal.4th 999, 1017, 9 Cal.Rptr.2d 358, 831 P.2d 798 [the Legislature is presumed to be aware of an administrative construction of a statute when the construction has been made known to it].) The choice of the word “assess” makes section 6409.1(b) ambiguous because it could mean either a pre-adjusted assessment, as in section 336(a), or a final penalty amount, as the penalty maximums in Labor Code sections 6428-6430 use the word “assess” to describe a penalty that could not be adjusted upward (though a downward adjustment is allowed). For all of these reasons, the provision is ambiguous.

The Appeals Board need not determine the validity or invalidity of the Director’s implementation of Labor Code section 6409.1(b) in section 336(a)(6) of its regulations because the Board has an independent duty to impose the appropriate penalty. (Labor Code § 6602; see *Nortel Networks Inc. v. State Bd. of Equalization* (2011) 191 Cal.App.4th 1259, 1277 [no deference accorded regulatory interpretation that is in conflict with the intent of the statute].) We implement that duty in a manner consistent with the discernable intent of the statute.

The legislative history of the 2002 amendment to Labor Code section 6409.1(b) also indicates that other penalty outcomes were permissible when a report was late. We are mindful of the comments in the Legislative Counsel’s Digest indicating the purpose and effect of the legislation was that a penalty of \$5000 is to be imposed when an employer fails to report. However, no mention is made of the Legislative intent when an Employer reports untimely, but indeed reports. In *Trader Dan’s* we recognized a great distinction between a late report and a failure to report. To fulfill the Legislative intent contained in the language of the enactment, and the legislative history, we conclude that a failure to report violation must carry a penalty of \$5000. The Legislature did not state in any portion of the Legislative history that an employer who reports three days late must be given a \$5000 penalty. While we assume the new enactment intended to change existing law (*Union League Club v. Johnson* (1941) 18 Cal. 2d 275, 278), we do not derive an intent to impose a \$5000 penalty for a late report from silence in the legislative history.


“The final step (in statutory construction, after reviewing the language of the enactment and the legislative history) - and one which we believe should

only be taken when the first two steps have failed to reveal clear meaning – is to apply reason, practicality, and common sense to the language at hand. If possible, the words should be interpreted to make them workable and reasonable [citations], in accord with common sense and justice, and to avoid an absurd result [citations].” (*Jensen v. BMW of North America, Inc.* (1995) 35 Cal. App. 4th 112, 123, quoting *Halbert’s Lumber Inc. v. Lucky Stores Inc.* (1992) 6 Cal.App.4th 1233, 1239-1240.) Since the language, in context, is ambiguous, and the legislative history is silent, we construe section 6409.1(b) to allow for modification to the proposed \$5000 gravity based penalty, for factors of size, history and good faith, in the case of a late report. This is consistent with the Division’s view of the effect of the enactment when it processed a regulatory change to be consistent with the Act. The result is that employers who report, though somewhat untimely, will receive penalty modifications as were applied prior to the amendment of Labor Code section 6409.1(b). This category of violator was not included in the legislative history as deserving of a \$5000 penalty regardless of other widely applied penalty setting factors. Treating this employer who reported a few days late, the same as those who fail to report at all leads to an unjust and absurd results. (*National Steel and Shipbuilding Company (NAASCO)*, Cal/OSHA App. 10-3794, Denial of Petition for Reconsideration (Sep. 20, 2012), citing *Barnes v. Chamberlain* (1983) 147 Cal. App. 3d 792).

Here, a large employer (over 100 employees) was three days late. If the employer had an effective IIPP and no previous violations, it would receive reductions therefore. (Labor Code section 6319; 336(d).) The matter is remanded to the Administrative Law Judge to determine these penalty-related facts, and to impose the proper penalty after giving due consideration for such factors.


ART R. CARTER, Chairman


ED LOWRY, Member


JUDITH S. FREYMAN, Member

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

FILED ON: DEC 04 2012




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Case Status: CLOSED

Inspection: 1426584.015 - B&M Builders Inc.

Inspection Information - Office: Ca Sacramento

Nr: 1426584.015 Report ID: 0950621 Open Date: 08/28/2019

B&M Builders Inc.
3955 Missouri Flat Road
Placerville, CA 95667 Union Status: NonUnion

SIC:
NAICS: 541330/Engineering Services
Mailing: 11330 Sunrise Park Dr. Suite C, Rancho Cordova, CA 95742

Inspection Type: Accident
Scope: Partial Advanced Notice: N
Ownership: Private
Safety/Health: Health Close Conference: 01/22/2020
Close Case: 09/30/2020

Related Activity: Type ID Safety Health
Accident 1492512

Case Status: CLOSED

Violation Summary

	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	1					1
Current Violations	1					1
Initial Penalty	\$4,725	\$0	\$0	\$0	\$0	\$4,725
Current Penalty	\$470	\$0	\$0	\$0	\$0	\$470
FTA Amount	\$0	\$0	\$0	\$0	\$0	\$0

Violation Items

ID Type Standard Issuance Abate Curr\$ Init\$ Ftas Contact LastEvent

Case Status: CLOSED

Inspection: 1407673.015 - B&M Builders Inc.

Inspection Information - Office: Ca Sacramento				
Nr: 1407673.015	Report ID: 0950621	Open Date: 06/13/2019		
B&M Builders Inc.				
2960 Howe Ave.				
Sacramento, CA 95821		Union Status: NonUnion		
SIC:				
NAICS: 541330/Engineering Services				
Mailing: 11330 Sunrise Park Dr. Suite C, Rancho Cordova, CA 95742				
Inspection Type:	Accident			
Scope:	Partial	Advanced Notice:	N	
Ownership:	Private			
Safety/Health:	Health	Close Conference:	11/28/2019	
		Close Case:	01/27/2021	
Related Activity:	Type	ID	Safety	Health
	Accident	1464667		

Case Status: CLOSED

Violation Summary

	Serious	Willful	Repeat	Other	Unclass	Total
Initial Violations	3			2		5
Current Violations	3			2		5
Initial Penalty	\$14,850	\$0	\$0	\$820	\$0	\$15,670
Current Penalty	\$12,350	\$0	\$0	\$820	\$0	\$13,170
FTA Amount	\$0	\$0	\$0	\$0	\$0	\$0

Violation Items

#	ID	Type	Standard	Issuance	Abate	Curr\$	Init\$	Fta\$	Contest	LastEvent
1.	01001	Other	3395(E)(5)	12/10/2019	12/30/2019	\$410	\$410	\$0	01/27/2020	O - Administrative Law Judge Order
2.	01002	Other	3395(I)	12/10/2019	01/07/2020	\$410	\$410	\$0	01/27/2020	O - Administrative Law Judge Order
3.	02001	Serious	1712(C)(1)	12/10/2019		\$4,950	\$4,950	\$0	01/27/2020	O - Administrative Law Judge Order
4.	03001	Serious	3395(D)(3)	12/10/2019	01/12/2021	\$3,700	\$4,950	\$0	01/27/2020	O - Administrative Law Judge Order
5.	04001	Serious	3395(F)(2)(A)	12/10/2019	01/12/2021	\$3,700	\$4,950	\$0	01/27/2020	O - Administrative Law Judge Order

Accident Investigation Summary

Summary Nr: 122391.015 Event: 06/12/2019 Employee Becomes Ill From Heat Related Illness

At approximately 1:00 p.m. on June 12, 2019, an employee was doing concrete work . The employee started cramping and sweating and developed a low heart rate and blood pressure. The employee was hospitalized to treat this heat illness.

Keywords: heart, heat, heat index, heat-related illness

Inspection	Degree	Nature	Occupation
1 1407673.015	Non Hospitalized injury		Construction laborers

Occupational Safety and Health Administration
200 Constitution Ave NW
Washington, DC 20210
☎ 800-321-6742 (OSHA)
TTY
www.OSHA.gov

FEDERAL GOVERNMENT

White House
Severe Storm and Flood Recovery Assistance
Disaster Recovery Assistance
DisasterAssistance.gov
USA.gov
No Fear Act Data
U.S. Office of Special Counsel

OCCUPATIONAL SAFETY AND HEALTH

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Accessibility Statement

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PAGA NOTICE PUBLIC SEARCH - CASE DETAIL

Case Information

Case Number: LWDA-CM-289842-17
Plaintiff for PAGA Case: A former
Filer/Attorney for PAGA Case: Gaines & Gaines, APLC
Law Firm for PAGA Plaintiff: Gaines & Gaines, APLC
Employer: CENTRAL VALLEY ENGINEERING & ASPHALT, INC.
Date Case Received:
Filer for Employer:
Employer Filer Firm:
Court Type:
Court Name:
PAGA Court Case Number:
Violation Type:
Related BOFE Case:

Attachments

Attachment Name	Description	Date Submitted	Type
-----------------	-------------	----------------	------

1 **HANK G. GREENBLATT, ESQ. 143415**
2 **DREYER BABICH BUCCOLA CALLAHAM & WOOD, LLP**
3 20 Bicentennial Circle
4 Sacramento, CA 95826
5 Telephone: (916) 379-3500
6 Facsimile: (916) 379-3599
7 hgreenblatt@dbbc.com
8 Attorneys for Plaintiff

FILED
Superior Court Of California,
Sacramento
09/08/2009
emuniz
By *EM*, Deputy
Case Number:
34-2009-00057018

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

Department
Assignments
Case Management 45
Law and Motion 53
Minors Compromise 42

11 DAVE LUCCI,
12 Plaintiff,
13 v.

Case No.:

**COMPLAINT FOR PERSONAL
INJURIES**

14 CITY OF FOLSOM, CENTRAL VALLEY
15 ENGINEERING & ASPHALT, INC., and
16 DOES 1 through 20, inclusive,
17 Defendants.



18 Plaintiff DAVE LUCCI complain against Defendants CITY OF FOLSOM, CENTRAL
19 VALLEY ENGINEERING & ASPHALT, INC., and DOES 1 through 20, inclusive, and allege
20 as follows:

FIRST CAUSE OF ACTION

(Personal Injuries)

23 1. The true names and capacities -- whether individual, corporate, associate or
24 otherwise -- of Defendants DOES 1 through 20, are unknown to Plaintiff, who therefore sues
25 such DOES by such fictitious names. Plaintiff will amend this Complaint to show their true
26 names and capacities when the same have been ascertained. Each of the Defendants, and DOES
27 1 through 20, are legally responsible in some manner -- negligently, in warranty, strictly, or
28 otherwise -- for the incident that is the subject of this Complaint.

1 2. Plaintiff is now, and at all times herein mentioned was, a citizen of and resident
2 within the County of Sacramento, State of California. Plaintiff further alleges that each
3 Defendant is a citizen and resident of, or doing business within, the County of Sacramento,
4 State of California, and/or is a public entity within the State of California. The amount in
5 controversy is in excess of the minimal jurisdictional limits of this Court.

6 3. Plaintiff has caused a written Claim for Personal Injuries to be served on City of
7 Folsom, which claim has been denied by the appropriate authorities. Plaintiffs have complied
8 with all applicable Government Code claims procedures.

9 4. Defendants CENTRAL VALLEY ENGINEERING & ASPHALT, INC., and
10 DOES 11 through 20 made the repairs to the roadway with the knowledge, consent and
11 permission of Defendants CITY OF FOLSOM and DOES 1 through 10, and within the course
12 and scope of their agency and/or employment with Defendants CITY OF FOLSOM and DOES
13 1 through 10.

14 5. Defendants CENTRAL VALLEY ENGINEERING & ASPHALT, INC., and
15 DOES 11 through 20 were the agents, employees or contractors of Defendants CITY OF
16 FOLSOM and DOES 1 through 10, and were at all times acting within the course and scope of
17 said agency, employment or contract, and with the permission, knowledge and consent of each
18 remaining Defendants.

19 6. Defendant CITY OF FOLSOM and DOES 1 through 10 also negligently hired,
20 trained, and/or supervised Defendant CENTRAL VALLEY ENGINEERING & ASPHALT,
21 INC., and 11 through 20 in such a fashion as to cause and/or contribute to the occurrence of the
22 incident described herein.

23 7. Defendants CITY OF FOLSOM and DOES 1 through 10 are liable to Plaintiffs
24 for the negligence of Defendants CENTRAL VALLEY ENGINEERING & ASPHALT, INC.,
25 and DOES 11 through 20 within the course and scope of the latter's employment and/or agency,
26 by virtue of Government Code Section 815.2. All Defendants are liable to Plaintiffs for their
27 negligence, pursuant to Government Code Section 820.

28 8. On or about June 2, 2009, Defendants CENTRAL VALLEY ENGINEERING &

1 ASPHALT, INC., and DOES 11 through 20, made repairs to Seaton Drive in the County of
2 Sacramento, State of California. At the same general time and location, Plaintiff DAVE LUCCI
3 was driving northbound on Seaton Drive, when Plaintiff slid on the repaired area that was
4 covered with sand, thereby causing injury and damages to Plaintiff.

5 9. Defendants, CITY OF FOLSOM, CENTRAL VALLEY ENGINEERING &
6 ASPHALT, INC., and DOES 1 through 20, and each of them, negligently entrusted, managed,
7 maintained, drove, operated, repaired, manufactured and designed the roadway so as to cause
8 the resulting injuries and damages to Plaintiffs.

9 10. As a result of the negligence of Defendants, Plaintiff DAVE LUCCI suffered
10 personal/bodily injuries, resulting in economic and non-economic damages. Economic damages
11 include, but are not limited to, (1) past and future medical and/or ancillary related expenses, (2)
12 past and future income and/or earning capacity loss, (3) loss of ability to provide household
13 services, and (4) incidental and consequential damages and/or property damage and loss of use.
14 Non-economic damages include, but are not limited to (1) past and future physical and mental
15 suffering, (2) loss of enjoyment of life, (3) physical impairment, (4) inconvenience, (5) anxiety,
16 and (6) emotional distress.

17 Plaintiff DAVE LUCCI prays for judgment against Defendants for:

- 18 a. Non-economic damages in excess of the jurisdictional limit of this Court;
- 19 b. All medical and incidental expenses according to proof;
- 20 c. All loss of earnings according to proof;
- 21 d. Prejudgment interest to the extent permitted by law;
- 22 e. All costs of suit; and
- 23 f. Such other and further relief as this Court may deem just and proper.

24 DATED: 9/4/09 **DREYER BABICH BUCCOLA CALLAHAM & WOOD, LLP**

25
26 By:  _____
27 HANK G. GREENBLATT
28

PLD-PI-002

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address) Stephen E. Horan, Esq. (SBN 125241) PORTER SCOTT 350 University Avenue, Suite 200 Sacramento, CA 95825 TELEPHONE NO (916) 929-1481 FAX NO (Optional) (916) 927-3706 E-MAIL ADDRESS (Optional) shoran@porterscott.com ATTORNEY FOR (Name) Defendant/Cross-Complainant, CITY OF FOLSOM	FOR COURT USE ONLY <div style="border: 2px solid black; padding: 5px; width: fit-content; margin: auto;"> FILED/ENDORSED OCT 16 2009 </div> By: <u>A. WOODWARD</u> <small>Deputy Clerk</small>
NAME OF COURT STREET ADDRESS 720 Ninth Street MAILING ADDRESS CITY AND ZIP CODE Sacramento 95814 BRANCH NAME	
SHORT TITLE: LUCCI V. CITY OF FOLSOM, ET AL.	
CROSS-COMPLAINANT. City of Folsom CROSS-DEFENDANT Central Valley Engineering & Asphalt, Inc. ("CVEA"); Financial Pacific Insurance Company ("FPIC"); and	
<input checked="" type="checkbox"/> DOES 1 TO <u>50</u> , <u>Inclusive</u> . CROSS-COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Causes of Action (check all that apply): <input checked="" type="checkbox"/> Apportionment of Fault <input checked="" type="checkbox"/> Declaratory Relief <input checked="" type="checkbox"/> Indemnification <input checked="" type="checkbox"/> Other (specify): Breach of Contract	
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE (\$25,000 or less) <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) It <input type="checkbox"/> is <input checked="" type="checkbox"/> is not reclassified as unlimited by this cross-complaint	CASE NUMBER 34-2009-00057018

1. CROSS-COMPLAINANT (name): City of Folsom

alleges causes of action against CROSS-DEFENDANT (name): CVEA; FPIC; and DOES 1-50, Inclusive

2. This pleading, including exhibits and attachments, consists of the following number of pages: 3

3. Each cross-complainant named above is a competent adult

a. except cross-complainant (name): City of Folsom

(1) a corporation qualified to do business in California

(2) an unincorporated entity (describe):

(3) a public entity (describe):

(4) a minor an adult

(a) for whom a guardian or conservator of the estate or a guardian ad litem has been appointed

(b) other (specify):

(5) other (specify):

Information about additional cross-complainants who are not competent adults is contained in Cross-Complaint—Attachment 3.

PLD-PI-002

SHORT TITLE:

Lucci v. City of Folsom, et al.

CASE NUMBER

34-2009-00057018

4. Each cross-defendant named above is a natural person

a. except cross-defendant (name) CVEA(1) a business organization, form unknown(2) a corporation(3) an unincorporated entity (describe):(4) a public entity (describe).(5) other (specify):b. except cross-defendant (name): FPIC(1) a business organization, form unknown(2) a corporation(3) an unincorporated entity (describe):(4) a public entity (describe):(5) other (specify):

Information about additional cross-defendants who are not natural persons is contained in Cross-Complaint—Attachment 4.

5. The true names and capacities of cross-defendants sued as Does are unknown to cross-complainant.

6. Cross-complainant is required to comply with a claims statute, anda. has complied with applicable claims statutes, orb. is excused from complying because (specify):7. FIRST Cause of Action—Indemnification
(NUMBER)

a. Cross-defendants were the agents, employees, co-venturers, partners, or in some manner agents or principals, or both, for each other and were acting within the course and scope of their agency or employment.

b. The principal action alleges, among other things, conduct entitling plaintiff to compensatory damages against me. I contend that I am not liable for events and occurrences described in plaintiff's complaint.

c. If I am found in some manner responsible to plaintiff or to anyone else as a result of the incidents and occurrences described in plaintiff's complaint, my liability would be based solely upon a derivative form of liability not resulting from my conduct, but only from an obligation imposed upon me by law; therefore, I would be entitled to complete indemnity from each cross-defendant.

8. SECOND Cause of Action—Apportionment of Fault
(NUMBER)

a. Each cross-defendant was responsible, in whole or in part, for the injuries, if any, suffered by plaintiff.

b. If I am judged liable to plaintiff, each cross-defendant should be required: (1) to pay a share of plaintiff's judgment which is in proportion to the comparative negligence of that cross-defendant in causing plaintiff's damages; and (2) to reimburse me for any payments I make to plaintiff in excess of my proportional share of all cross-defendants' negligence.

PLD-PI-002

SHORT TITLE: Lucci v. City of Folsom, et al.	CASE NUMBER 34-2009-00057018
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9. THIRD Cause of Action—Declaratory Relief
(NUMBER)

An actual controversy exists between the parties concerning their respective rights and duties because cross-complainant contends and cross-defendant disputes as specified in Cross-Complaint—Attachment 9

as follows:

Plaintiff alleges injury arising, in part, from the work of CVEA under its contract with Folsom. Folsom is an additional insured with Financial Pacific Insurance Company, Policy #176160B for said work. Cross-Defendant's duty to defend is measured by whether there is a potential for coverage in Plaintiff's allegations on their face establish such duty. Cross-Defendants have denied Folsom's tender and are in breach. Cross-Defendants breach has and continues to cause Folsom damage.

10. FOURTH Cause of Action—(specify): Breach of Contract
(NUMBER)

Plaintiff alleges injury arising, in part, from the work of CVEA under its contract with Folsom. Folsom is an additional insured with Financial Pacific Insurance Company, Policy #176160B for said work. Cross-Defendant's duty to defend is measured by whether there is a potential for coverage in Plaintiff's allegations on their face establish such duty.

Cross-Defendants have denied Folsom's tender and are in breach. Cross-Defendants breach has and continues to cause Folsom damage.

11. The following additional causes of action are attached and the statements below apply to each (in each of the attachments, "plaintiff" means "cross-complainant" and "defendant" means "cross-defendant"):

- a. Motor Vehicle
b. General Negligence
c. Intentional Tort
d. Products Liability
e. Premises Liability
f. Other (specify):

12. **CROSS-COMPLAINANT PRAYS** for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. total and complete indemnity for any judgments rendered against me.
b. judgment in a proportionate share from each cross-defendant.
c. a judicial determination that cross-defendants were the legal cause of any injuries and damages sustained by plaintiff and that cross-defendants indemnify me, either completely or partially, for any sums of money which may be recovered against me by plaintiff.
d. compensatory damages
(1) (unlimited civil cases) according to proof.
(2) (limited civil cases) in the amount of: \$
e. other (specify):
fees and costs

13. The paragraphs of this cross-complaint alleged on information and belief are as follows (specify paragraph numbers):

Date: October 16, 2009

Stephen E. Horan, Esq.

(TYPE OR PRINT NAME)



(SIGNATURE OF CROSS-COMPLAINANT OR ATTORNEY)

Lucci v. City of Folsom, et al.
Sacramento County Superior Court, Case No. 34-2009-00057018

PROOF OF SERVICE (CCP 1013(a), 2915)

I am a citizen of the United States and a resident of the County of Sacramento. I am over the age of eighteen years and not a party to the above-entitled action; my business address is 350 University Avenue, Suite 200, Sacramento, CA 95825.

On the date below I served the enclosed **CITY OF FOLSOM'S CROSS-COMPLAINT and SUMMONS ON CROSS-COMPLAINT** addressed as follows:

Attorneys for Plaintiff

DAVE LUCCI:
Hank G. Greenblatt (SBN.143415)
DREYER, BABICH, BUCCOLA,
CALLAHAM & WOOD, LLP
20 Bicentennial Circle
Sacramento, CA 95826
Tel: 916-379-3500
Fax: 916-379-3599
Email: hgreenblatt@dbbc.com

Attorneys for Defendant/Cross-Defendant,
CENTRAL VALLEY ENGINEERING &
ASPHALT, INC:

Bradley R. Larson
GREVE, CLIFFORD,
WENGEL & PARAS, LLP
2870 Gateway Oaks Drive, Suite 210
Sacramento, CA 95833-4324
Tel: 916-443-2011
Fax: 916-441-7457
Email: bradleylarson@greveclifford.com

BY MAIL. I am familiar with this Company's practice whereby the mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. mailbox in the City of Sacramento, California, after the close of the day's business.

BY PERSONAL SERVICE. I caused such document to be delivered by hand to the office of the person(s) listed above.

BY FACSIMILE TRANSMISSION AND MAIL. I caused such document to be transmitted via facsimile to the numbers above, with copies following by United States mail at Sacramento, California.

BY OVERNIGHT DELIVERY. I caused such document to be delivered by overnight delivery to the office of the person(s) listed above.

I declare under penalty of perjury that the foregoing is true and correct and was executed on **October 16, 2009**.


Nicole Sherman

1 LEEGOFF LAW FIRM
2 Ava L. Goff, SBN 282713
3 1860 Howe Ave. Ste. 270D
4 Sacramento, CA 95825
5 Tel: 916-649-1364
6 Fax: 916-649-1377

7 *Attorney for Plaintiff*
8 *Bee Lor*

FILED
Superior Court Of California,
Sacramento
10/27/2017
jimora
By _____, Deputy
Case Number:
34-2017-00221363

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SACRAMENTO

11 Bee Lor

12 Plaintiff,

13 vs.

14 Antonio Garcia, Central Valley Engineering &
15 Asphalt, Inc. and DOES 1-10

16 Defendant

Case No.:

COMPLAINT FOR NEGLIGENCE

17
18
19 Plaintiff Bee Lor complains against Defendants Antonio Garcia, Central Valley Engineering &
20 Asphalt, Inc. and DOES 1-10 (collectively "Defendants") and allege as follows:

21 **GENERAL ALLEGATIONS**

- 22
23 1. The true names and capacities – whether individual, corporate, associate or otherwise –
24 of Defendants DOES 1 through 10, are unknown to Plaintiff, who therefore sues such
25 DOES by such fictitious names. Plaintiff will amend this Complaint to show their true
26 names and capacities when the same have been ascertained. Each of the Defendants and
27
28

COMPLAINT FOR NEGLIGENCE

1 DOES 1 through 10, are legally responsible in some manner – negligently, in warranty,
2 strictly, or otherwise – for the incident that is the subject of this Complaint.

3 2. Plaintiff is now, and at all times herein mentioned, a resident of the County of Butte,
4 State of California. Plaintiff further alleges that each Defendant is a citizen and resident
5 of, or doing business within, the County of Sacramento, State of California.

6 3. Defendant Central Valley Engineering & Asphalt Inc. is a California Corporation doing
7 business in the County of Sacramento, State of California. Plaintiff further alleges that
8 Defendant ANTONIO GARCIA is a citizen and resident of, or doing business, within the
9 County of Sacramento, State of California. The accident which is the subject of this
10 action occurred in the County of Sacramento, California. The amount in controversy is in
11 excess of the minimal jurisdictional limits of this Court.

12 4. Plaintiff is informed and believes and thereon alleges that at all times herein mentioned
13 each of the Defendants were the agent, employee, or contractor of each of the remaining
14 Defendants and, in doing the things hereinafter alleged, was acting within the course and
15 scope of such agency, employment, or contract.

16 5. Plaintiff further alleges that Defendants negligently hired, trained, and/or supervised the
17 other Defendants in such a fashion as to cause and/or contribute to the occurrence of the
18 incident described herein.

19 6. Defendants were the owners and/or operators of the subject vehicle(s). All defendants
20 operated the vehicle(s) with the knowledge and consent of all other Defendants.
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22 **FIRST CAUSE OF ACTION**

23 **(Negligence)**

24 **COMPLAINT FOR NEGLIGENCE**

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7. Paragraphs 1 through 4 of this Complaint are incorporated into this cause of action as though fully set forth herein.

8. On November 4, 2015, Plaintiff Bee Lor was the seat belted driver of a 2010 Toyota Camry. Plaintiff was traveling westbound in the number 5 lane on Interstate 80 in Sacramento County, California. Plaintiff slowed his vehicle and came to a complete stop in response to slowed and stopped traffic ahead of him. At the same time and location Defendants failed to pay attention to traffic ahead of him and rear-ended Plaintiff's vehicle, thereby causing injuries and damages to Plaintiff.

9. Defendants negligently entrusted, managed, maintained, drove, operated, repaired, manufactured and designed the vehicle so as to cause the collision and the resulting injuries and damages to Plaintiff.

10. As a result of the negligence of Defendants, Plaintiff suffered personal / bodily injuries, resulting in economic and non-economic damages. Economic damages include, but are not limited to, (1) past and future medical and/or ancillary related expenses, (2) past and future income and/or earning capacity loss, (3) loss of ability to provide household services, and (4) incidental and consequential damages and/or property damage and loss of use. Non-economic damages include, but are not limited to (1) past and future physical and mental suffering, (2) loss of enjoyment of life, (3) physical impairment, (4) inconvenience, (5) anxiety, and (6) emotional distress.

Plaintiff Prays for judgment against Defendants for:

- a. Non-economic damages;
- b. All medical and incidental expenses according to proof;
- c. All loss of earning according to proof;

COMPLAINT FOR NEGLIGENCE

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- d. Prejudgment interest to the extent permitted by law;
- e. All costs of suit; and
- f. Such other and further relief as this Court may deem just and proper.

Dated: October 26, 2017

LEEGOFF LAW FIRM



AVA L. GOFF
Attorney for Plaintiff

Attachment 3

Response letter from Central Valley Engineering & Asphalt



General Engineering Contractor

CA Lic. No. 773404 • NV Lic. No. 0068786

June 13, 2023

Ryan Chance, P.E.
 Capital Improvements Project Engineer
 City of Folsom - Public Works Department
 50 Natoma Street
 Folsom, CA 95630

Re: Blue Ravine Rd. - Prairie City Rd./E. Bidwell St. Pavement Rehabilitation FY 22-23

Dear Mr. Chance,

This letter is in response to the bid “advisory” that was levied by the Foundation for Fair Contracting (FFC). I would like to thank you for the opportunity to respond to this protest attempt. There are several reasons why this protest should not be considered. The first of which is that per the Resolution of Disputes Regarding the Bidding Process found in the City’s Project Manual and Bid Documents, the FFC has no legal standing in which to file a protest against our bid. Per the Resolution of Disputes, Section 2, “All bidders will be provided with an opportunity to bring to the City Council’s attention disputes and/or protests regarding the bidding process.” and clearly, the FFC was not a bidder. The FFC’s interest in these bid results is a product of the first and second place bidder being non-union contractors and the third place bidder being an FFC donor and supporter.

However, the above procedural reason why the protest should not be considered is not the full story. The most important reason why Central Valley Engineering & Asphalt, Inc. should be considered a responsible bidder is that the FFC’s claims are either misleading or false. These claims are dishonest and predatory and were made in an attempt to discredit our company and cause slanderous and defamatory damage to our reputation. We believe the reason the FFC (funded by the Operating Engineers Local #3) has harassed us and other local area non-union contractors competing in the public works market is for the sole reason that we maintain our non-union status.

In an attempt to lend some context to the accusations levied against us, I will address the issues raised by the FFC. Over the course of our 23 years as a general engineering contractor in the Sacramento region we have had one occurrence of investigation from the Department of Industrial Relations (DIR). This one occurrence began in December of 2016. From seemingly nowhere, 26 investigations were launched by the DIR. Perhaps most illuminating

is that these investigations were initiated by complaints from the FFC, not our employees. The FFC alleged to the DIR a number of ridiculous claims, chief among them was that we were stealing the employees fringe pay. Noteworthy is that 3 separate Deputy Labor Commissioners admitted to us that in all their time at the DIR, they could only remember 1 time that a DIR investigation had been conducted against a union contractor. The DIR did a cursory review and issued wage and penalty assessments with very little investigation. Immediately after receiving the assessments, we met with the Deputy Labor Commissioner and were able to quickly demonstrate with documented proof that the claims made by the FFC were utterly baseless. After that meeting, the Deputy Labor Commissioner closed 21 of the 26 investigations with a finding of no wrong doing.

The DIR did find small mistakes made on 5 of the projects for which they issued a penalty. In summary, the issues revolved around minor procedural imperfections in how we were requesting apprentices from the apprenticeship committees. Several of the laborer apprenticeship committees share the same street address. Rather than send multiple parcels to the same address, we were sending our apprentice request (DAS 140/142) paperwork to the committees that share the same address in the same envelope. We have since amended our process to send separate envelopes to each committee, even if they share the same physical address. Since we have made these minor improvements, we have had no new investigations from the DIR.

We find it ridiculous that the FFC has concluded that since our bid was below the engineer's estimate, that we must be stealing from our employees and that we will be forced to make up for any shortfall with unwarranted change orders. During the course of a long and mutually beneficial relationship with the City of Folsom, we have been the prime contractor on 31 projects with a construction value of approximately \$18,500,000. Additionally, we have worked as a subcontractor for others contracted with the City or worked on private projects within the City over the course of our 23 years in business. These projects number approximately 270 with a construction value of \$7,000,000. We currently have several employees residing in the City, and the remainder of our workforce represents 24 other cities throughout the Sacramento region.

Contrary to the FFC's accusations, we request and employ all dispatched apprentices. Just in the past 5 years, we have hired 67 apprentices on various projects throughout the Sacramento region totaling pay of approximately \$200,000.

The FFC alleges safety infractions that resulted in worker injuries. **15 years ago**, in 2008, we did have an injury that resulted in lacerations to the forearm of our shop mechanic. We quickly and properly cared for the employee, but reported this injury later than required and were fined accordingly. It is preposterous to allege that this one injury indicates that we maintain an unsafe work environment. To the contrary, we consistently have maintained an experience modification rate below 1.0. We maintain an "A" rating with ISNetworkworld (ISN) and are Railroad and Gold Shovel Standard certified.

Finally, regarding the two lawsuits referenced by the FFC, I can confirm that we were sued by a motorcyclist that slipped on a newly paved road and we had an employee that was involved in a vehicle accident during the course of his employment.

We respectfully request that the City stand behind its fair bid results and reject the aggressive, predatory attacks against us and the second place bidder motivated for the sole reason that we dare to operate a legal, non-union business in the State of California. We request that the City accept our responsible low bid. We look forward to working with the City on this project.

Sincerely,




Warren Holt, P.E.
President

Attachment: Department of Industrial Relations Rescinding Letters

CC: City of Folsom
Mayor Rosario Rodriguez – rrodriguez@folsom.ca.us
Vice Mayor YK Chalamcheria – ykc@folsom.ca.us
Councilmember Sarah Aquino – saquino@folsom.ca.us
Councilmember Mike Kozlowski – mkozlowski@folsom.ca.us
Councilmember Anna Rohrbough – annar@folsom.ca.us
Director of Public Works Mark Rackovan, P.E. – mrackovan@folsom.ca.us

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Ave, Suite 100
Sacramento, CA 95825
TEL: 916-263-3305
FAX: 916-263-2906

Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc., a California corporation
216 Kenroy Lane
Roseville, CA 95678
Warren G. Holt

DATE: February 6, 2018

In Reply Refer to Case No:
40-53206

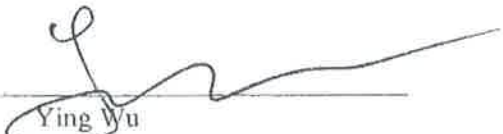
NOTICE OF COMPLAINT CLOSED

Project Name 2016 ADA Project	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., a California corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By 
Ying Wu
Deputy Labor Commissioner II

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825
TEL: (916) 263-2901
FAX: (916) 263-2906

Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc., A California Corporation

DATE:
June 29, 2017

In Reply Refer to Case No:
40-53362

NOTICE OF COMPLAINT CLOSED

Project Name ST55,ST58,ST66-Asphalt Repair	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., A California Corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., A California Corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By Jerry McClain
Jerry McClain
Deputy Labor Commissioner I

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825
TEL: (916) 263-2901
FAX: (916) 263-2906

Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc., A California Corporation
216 Kenroy Lane
Roseville, CA 95678

DATE:
June 29, 2017

In Reply Refer to Case No:
40-53363

NOTICE OF COMPLAINT CLOSED

Project Name ST50-ST51-ST53-ST54-ST61-ST63-Asphalt Repair	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., A California Corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., A California Corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):


- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By Jerry McClain
Jerry McClain
Deputy Labor Commissioner I

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825
TEL: (916) 263-2901
FAX: (916) 263-2906

Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc., A California Corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

DATE:
June 29, 2017

In Reply Refer to Case No:
40-53364

NOTICE OF COMPLAINT CLOSED

Project Name 2016 Residential St. Resurfacing	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., A California Corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., A California Corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):


- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By 
Jerry McClain
Deputy Labor Commissioner I

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825
TEL: (916) 263-2901
FAX: (916) 263-2906

Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc., A California Corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

DATE:
June 29, 2017

In Reply Refer to Case No:
40-53365

NOTICE OF COMPLAINT CLOSED

Project Name UPRR Pedestrian Crossing & Bicycle Path Improvements	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., A California Corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., A California Corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):


- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of *Tippett v Terich* (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the *Tippett v Terich* decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By 
Jerry McClain
Deputy Labor Commissioner I

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825
TEL: (916) 263-2901
FAX: (916) 263-2906

Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc., A California Corporation
216 Kenroy Lane
Roseville, CA 95678

DATE
June 29, 2017

In Reply Refer to Case No:
40-53366


NOTICE OF COMPLAINT CLOSED


Project Name Mariposa Avenue Slope Repair Project	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., A California Corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By 
Jerry McClain
Deputy Labor Commissioner I

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-3923 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt, Inc. 216 Kenroy Lane Roseville, CA 95678	
DATE: March 1, 2017	In Reply Refer to Case No: 40-53378


NOTICE OF COMPLAINT CLOSED


Project Name Pedestrian and ADA Improvements East Oak	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc.	
Subcontractor Central Valley Engineering & Asphalt, Inc.	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: No violations found.

STATE LABOR COMMISSIONER

By 
 Thuy Pham
 Deputy Labor Commissioner I

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-3923 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt, Inc. 216 Kenroy Lane Roseville, CA 95678	
DATE: October 27, 2018	In Reply Refer to Case No: 40-53379


NOTICE OF COMPLAINT CLOSED


Project Name Maidu Park Accessible Parking Lot	Project No 0
Prime Contractor Central Valley Engineering & Asphalt, Inc.	
Subcontractor Central Valley Engineering & Asphalt, Inc.	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: No violation found.

STATE LABOR COMMISSIONER

By 
 Thuy Pham
 Deputy Labor Commissioner I

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-3923 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt, Inc. 216 Kenroy Lane Roseville, CA 95678	
DATE: October 27, 2017	In Reply Refer to Case No: 40-53380


NOTICE OF COMPLAINT CLOSED

Project Name 2016 Accessibility and Drainage Improvements ADA	Project No 0
Prime Contractor Central Valley Engineering & Asphalt, Inc.	
Subcontractor Central Valley Engineering & Asphalt, Inc.	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: No violations found.

STATE LABOR COMMISSIONER


By 
 Thuy Pham
 Deputy Labor Commissioner I

Labor Commissioner, State of California
 Department of Industrial Relations
 Division of Labor Standards Enforcement
 2031 Howe Avenue, Suite #100
 Sacramento, CA 95825
 TEL: (916) 263-3923
 FAX: (916) 263-2906

Central Valley Engineering & Asphalt, Inc.
 216 Kenroy Lane
 Roseville, CA 95678

DATE:
September 18, 2017

Edmund G. Brown Jr., Governor



In Reply Refer to Case No
40-53383

NOTICE OF COMPLAINT CLOSED


Project Name Sidewalk Curb 2016	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc.	
Subcontractor Central Valley Engineering & Asphalt, Inc.	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: No violations found.

STATE LABOR COMMISSIONER

By _____
 Thuy Pham
 Deputy Labor Commissioner I

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-3923 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt, Inc. 216 Kenroy Lane Roseville, CA 95678	
DATE September 18, 2017	In Reply Refer to Case No: 40-53384


NOTICE OF COMPLAINT CLOSED


Project Name Street Improvements East Broad Street & Main Street	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc.	
Subcontractor Central Valley Engineering & Asphalt, Inc.	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: No violation found.

STATE LABOR COMMISSIONER


By 
 Thuy Pham
 Deputy Labor Commissioner I


Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-3305 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt Inc., a California corporation 216 Kenroy Lane Roseville, CA 95678 Warren G. Holt	In Reply Refer to Case No: 40-53418
DATE: February 6, 2018	
NOTICE OF COMPLAINT CLOSED	
Project Name 2015 RSTP Arterial Microsurfacing	Project No 0
Prime Contractor Central Valley Engineering & Asphalt Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt Inc., a California corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By 
 Ying Wu
 Deputy Labor Commissioner II

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-6675 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt, Inc., a California corporation 216 Kenroy Lane Roseville, CA 95678 Warren Gilbert Holt	
DATE: April 27, 2017	In Reply Refer to Case No 40-53458

NOTICE OF COMPLAINT CLOSED


Project Name Brunswick Road Pavement Rehabilitation Project	Project No 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., a California corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: There were no Prevailing Wage violations found.

STATE LABOR COMMISSIONER

By Maria Mercado
 Maria Mercado
 Deputy Labor Commissioner I

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-6675 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt Inc., a California corporation 216 Kenroy Lane Roseville, CA 95678 Warren Gilbert Holt	
DATE April 27, 2017	In Reply Refer to Case No 40-53460

NOTICE OF COMPLAINT CLOSED


Project Name Measure S Paving 2015	Project No 0
Prime Contractor Central Valley Engineering & Asphalt Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt Inc., a California corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of *Tippett v Terich* (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the *Tippett v Terich* decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: There were no Prevailing Wage violations found.

STATE LABOR COMMISSIONER

By Maria Mercado
 Maria Mercado
 Deputy Labor Commissioner I

Labor Commissioner, State of California Department of Industrial Relations Division of Labor Standards Enforcement 2031 Howe Avenue, Suite #100 Sacramento, CA 95825 TEL: (916) 263-6675 FAX: (916) 263-2906	Edmund G. Brown Jr., Governor 
Central Valley Engineering & Asphalt Inc., a California corporation 216 Kenroy Lane Roseville, CA 95678 Warren Gilbert Holt	
DATE: April 27, 2017	In Reply Refer to Case No 40-53519

NOTICE OF COMPLAINT CLOSED

Project Name Safe Routes to School Improvements East Avenue	Project No 0
Prime Contractor Central Valley Engineering & Asphalt Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt Inc., a California corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: There were no Prevailing Wage violations found.

STATE LABOR COMMISSIONER

By Maria Mercado
 Maria Mercado
 Deputy Labor Commissioner I

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825
TEL: (916) 263-2901
FAX: (916) 263-2906



Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc., a California corporation
216 Kenroy Lane
Roseville, CA 95678
Warren Holt

DATE:
August 30, 2017

In Reply Refer to Case No:
40-54579

NOTICE OF COMPLAINT CLOSED

Project Name Stations 28, 24, 101, 25, & 26 Asphalt Repairs	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc., a California corporation	
Subcontractor Central Valley Engineering & Asphalt, Inc., a California corporation	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of Tippet v Terich (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the Tippet v Terich decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By 
Jerry McClain
Deputy Labor Commissioner I

Labor Commissioner, State of California
Department of Industrial Relations
Division of Labor Standards Enforcement
2031 Howe Avenue, Suite #100
Sacramento, CA 95825
TEL: (916) 263-2901
EMAIL: jmclain@dir.ca.gov

Edmund G. Brown Jr., Governor



Central Valley Engineering & Asphalt, Inc.
216 Kenroy Lane
Roseville, CA 95678
Warren Gilbert Holt

DATE:
August 30, 2017

In Reply Refer to Case No:
40-54589

NOTICE OF COMPLAINT CLOSED

Project Name Concrete Repair and Pavement Resurfacing	Project No. 0
Prime Contractor Central Valley Engineering & Asphalt, Inc.	
Subcontractor Central Valley Engineering & Asphalt, Inc.	

The complaint against the above-named contractor(s) is being closed for the following reason(s):

- Subject firm has satisfactorily paid all prevailing wages and/or penalties found due.
- The statute of limitations for the Labor Commissioner to prosecute California Public Work Law (Labor Code sections 1720 through 1861) has expired. Information for claimant please note: There are other legal claims which you may still pursue even though the statute of limitations has expired for the Labor Commissioner to enforce the public work provisions of the Labor Code. You may want to review the California Court of Appeals decision in the case of *Tippett v Terich* (1995), 37 Cal.App.4th 1517, 44Cal.Rptr.2d 862 and/or consult with an attorney to determine if you may pursue any of the legal actions discussed in the *Tippett v Terich* decision.
- There is insufficient evidence to confirm California Public Work Law was violated.
- Subject firm was not within the jurisdiction of California Public Work Law on this project.
- Other: _____

STATE LABOR COMMISSIONER

By 
Jerry McClain
Deputy Labor Commissioner I

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to facilitate double-sided printing.*



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report



MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11058 – A Resolution Authorizing the City Manager to Execute an Agreement with Loggers Unlimited Inc. for Shaded Fuel Break Creation and Ladder Fuel Removal
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council approve Resolution No. 11058 - A Resolution Authorizing the City Manager to Execute an Agreement with Loggers Unlimited for Shaded Fuel Break Creation and Ladder Fuel Removal.

BACKGROUND / ISSUE

The City of Folsom is responsible for the maintenance and servicing of approximately 1,100 acres of City owned open space across 70 different sites. Of that 1,100 acres, 335 acres have been identified to contain ladder fuel (low growth in trees) which should be removed to establish the necessary fire breaks. Traditionally, the City has completed annual weed abatement to address seasonal grasses but has yet to implement a program to address other combustible vegetation that exist from low growth in trees to establish defensible space to adjacent structures. This project is a continuation of the first phase of a proposed 3-year program to systematically address the City owned open spaces and establish tolerances so in subsequent years less work will be required to address ladder fuel and thus the annual, more routine work, will be more focused on the abatement of annual grasses and the maintenance of established fuel breaks. Once completed there will be a defined separation between our developed and wildland areas.

POLICY / RULE

In accordance with Chapter 2.36.090 (A)(1) and 2.36.120 of the Folsom Municipal Code, professional services are not subject to competitive sealed bidding requirements, and those costing \$70,952 or greater shall be awarded by the City Council.

ANALYSIS

On May 1, 2023, the Parks and Recreation Department advertised a Request for Proposal (RFP) for the creation of shaded fuel breaks and ladder fuel removal. The RFP was posted on CIPList.com as well as the City of Folsom website with responses due back to the City by 4:00 pm May 19, 2023. An internal review team was assembled of Parks and Recreation Staff. The criteria for ranking the proposals were based on the following areas: relevant experience and staffing, project understanding, price, and the ability to complete the work in the allocated time frame. In total four responses were received (Loggers Unlimited Inc., Terra West, Bella Wildfire & Forestry, and Tailored Tree) and after reviewing their responses, and compiling scores, staff concluded that Loggers Unlimited Inc. demonstrated they were the most qualified based on the advertised scoring criteria. The total 3-year cost of the proposed services for Loggers Unlimited was \$610,134.43, the average cost of the four proposals was \$2,377,567.07.

Cost Breakdown	
Contractor	Cost
Loggers Unlimited	\$ 610,134.43
Bella Wildfire and Forestry	\$ 1,173,781.73
Tailored Tree	\$ 579,264.00
Terra West	\$ 7,147,088.11

FINANCIAL IMPACT

Funds for this project are currently budgeted in the Fiscal Year 2023-24 across several Funds including Lighting and Landscaping Districts, Community Facilities Districts, and the General Fund (see Fiscal Year (FY) 2023-24 cost breakdown below). The term of the contract will be for three years and funding for subsequent years beyond Fiscal Year 2023-24 will be addressed during the annual budget process. The Fiscal Year 2023-24 contract amount is approximately \$250,000 with 75% of that being paid through a grant we were recently awarded through the Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES). The breakdown for all three years (phases) is included below as well, lastly all future phases will have the same 75% grant match. The scope of services for this RFP read: “This agreement will commence on the start date July 1, 2023 and will be worked continuously until all sites have been completed or all funding for that portion of work has been expended.” Additional funding is being sought through grants and there is some ongoing funding in the general fund for this project. Future year costs may be less than listed below if additional grant funding is not secured.

Total Project Cost Breakdown		
Fiscal Year	Cost	Cost to City
FY 23-24	\$249,836.53	\$62,459.13
FY 24-25	\$199,888.97	\$49,972.24
FY 25-26	\$160,408.93	\$40,102.23
Total:	\$610,134.43	\$152,533.60

FY 23-24 Cost Breakdown				
site number	location	funding source	cost	match obligation
1	Folsom Heights	Landscaping and Lighitng Disitrcit	\$ 44,488.01	\$ 11,122.00
4	Broadstone 3	Community Facilities District	\$ 12,357.78	\$ 3,089.45
8	Parkway	General Fund	\$ 41,058.73	\$ 10,264.68
9	Parkway	General Fund	\$ 86,916.39	\$ 21,729.10
12	Hinkle Creek	General Fund	\$ 43,870.12	\$ 10,967.53
13	Robbers Ravine	General Fund	\$ 14,417.41	\$ 3,604.35
14	Prairie Oaks Ranch	Landscaping and Lighitng Disitrcit	\$ 6,728.09	\$ 1,682.02
		Total:	\$249,836.53	\$ 62,459.13

ATTACHMENT

Resolution No. 11058 - A Resolution Authorizing the City Manager to Execute an Agreement with Loggers Unlimited Inc. for Shaded Fuel Break Creation and Ladder Fuel Removal

Submitted,

Kelly Gonzalez,
Parks & Recreation Director

RESOLUTION NO. 11058

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH LOGGERS UNLIMITED INC. FOR SHADED FUEL BREAK CREATION AND LADDER FUEL REMOVAL

WHEREAS, the City of Folsom desires to enter into a professional services agreement for an initial period beginning August 1, 2023 through July 31, 2026, for shaded fuel break creation and ladder fuel removal; and

WHEREAS, proposals were solicited in accordance with Folsom Municipal Code Section 2.36.100 and advertised on May 1, 2023; and

WHEREAS, Loggers Unlimited Inc. was the most qualified contractor; and

WHEREAS, the total value of the agreement will be \$610,134.43 over the next three years; and

WHEREAS, the estimate for the first year of the agreement will be \$249,836.53 with 75% being reimbursed through a Federal Emergency Management Agency (FEMA) Grant; and

WHEREAS, funds are budgeted in the amount of \$249,836.53 in the Fiscal Year 2023-24 budget across several funds including Lighting and Landscaping Districts, Community Facilities Districts, and the General Fund ; and

WHEREAS, funds for the future years of the agreement will be addressed during the budget process and the total projects funded will not exceed the amount of funds appropriated; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an Agreement with Loggers Unlimited Inc. for Shaded Fuel Break Creation and Ladder Fuel Removal.

PASSED AND ADOPTED this 27th day of June, 2023, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Rosario Rodriguez, MAYOR

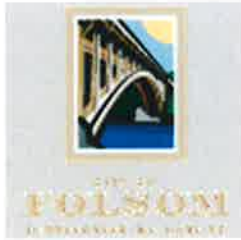
ATTEST:

Christa Freemantle, CITY CLERK

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CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report

MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11059 - A Resolution Approving the Preliminary Engineer’s Report for the Following Landscaping and Lighting Districts for Fiscal Year 2023-2024 and Setting Public Hearing for American River Canyon North, American River Canyon North No. 2, American River Canyon North No. 3, Blue Ravine Oaks, Blue Ravine Oaks No. 2, Briggs Ranch, Broadstone, Broadstone No. 4, Broadstone Unit No. 3, Cobble Ridge, Cobble Hills Ridge II/Reflections II, Folsom Heights, Folsom Heights No. 2, Hannaford Cross, Lake Natoma Shores, Los Cerros, Natoma Station, Natoma Valley, Prairie Oaks Ranch, Prairie Oaks Ranch No. 2, Prospect Ridge, Sierra Estates, Silverbrook, Steeplechase, The Residences at American River Canyon, The Residences at American River Canyon II, Willow Creek Estates East, Willow Creek Estates East No. 2, Willow Creek Estates South, and Willow Springs
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends the City Council adopt Resolution No. 11059 – A Resolution Approving the Preliminary Engineer’s Report for the Following Landscaping and Lighting Districts for Fiscal Year 2023-2024 and Setting Public Hearing for American River Canyon North, American River Canyon North No. 2, American River Canyon North No. 3, Blue Ravine Oaks, Blue Ravine Oaks No. 2, Briggs Ranch, Broadstone, Broadstone No. 4, Broadstone Unit No. 3, Cobble Ridge, Cobble Hills Ridge II/Reflections II, Folsom Heights, Folsom Heights No. 2, Hannaford Cross, Lake Natoma Shores, Los Cerros, Natoma Station, Natoma Valley, Prairie Oaks Ranch, Prairie Oaks Ranch No. 2, Prospect Ridge, Sierra Estates, Silverbrook, Steeplechase, The Residences at American River Canyon, The Residences at American River Canyon II, Willow Creek Estates East, Willow Creek Estates East No. 2, Willow Creek Estates South, and Willow Springs.

BACKGROUND / ISSUE

The City of Folsom has thirty existing Landscaping and Lighting Districts. Each year, as part of the annual assessment process, an Engineer's Report must be prepared in accordance with the requirement of Article 4 of Chapter 1 of Part 2 of Division 15 of the *Streets and Highways Code* and the *Landscaping and Lighting Act of 1972*.

The Engineer's Report for Fiscal Year 2023-2024 will address all thirty districts in one report and will be submitted for final approval to the City Council.

On March 28, 2023, the City Council approved Resolution No. 11014 - A Resolution Directing the Preparation of Engineer's Report for the Following Landscaping and Lighting Districts for Fiscal Year 2023-2024 American River Canyon North, American River Canyon North No. 2, American River Canyon North No. 3, Blue Ravine Oaks, Blue Ravine Oaks No. 2, Briggs Ranch, Broadstone, Broadstone No. 4, Broadstone Unit No. 3, Cobble Ridge, Cobble Hills Ridge II/Reflections II, Folsom Heights, Folsom Heights No. 2, Hannaford Cross, Lake Natoma Shores, Los Cerros, Natoma Station, Natoma Valley, Prairie Oaks Ranch, Prairie Oaks Ranch No. 2, Prospect Ridge, Sierra Estates, Silverbrook, Steeplechase, The Residences at American River Canyon, The Residences at American River Canyon II, Willow Creek Estates East, Willow Creek Estates East No. 2, Willow Creek Estates South, and Willow Springs Landscaping and Lighting Assessment Districts within the City of Folsom for FY 2023-24. The attached resolution approves the Preliminary Engineer's Report for the thirty districts, declares the continued assessment for each district and sets the date of the public hearing for final approval of the Engineer's Report. The attached Preliminary Engineer's Report for FY 2023-24 addresses all thirty districts in one report and is submitted for City Council review and approval. Included within the report are the following for each district:

- A. Plans and specifications for the maintenance of the improvements (on file in the Parks and Recreation Department).
- B. Cost estimates of maintaining the improvements.
- C. Diagram of the assessment districts.
- D. Estimated costs for maintaining the improvements.

Under the provision of Section 54954.6 of the Government Code, each year a public meeting and public hearing are to be held on the levy of assessments. The attached resolution sets the public hearing for the July 25, 2023 City Council meeting.

POLICY / RULE

The City Council is required to adopt a resolution approving the Preliminary Engineer's Report as part of the annual assessment process pursuant to Article 4 of Chapter 1 of Part 2 of Division 15 of the Streets and Highways Code (Landscaping and Lighting Act of 1972). The City Council is also required to adopt a resolution declaring intention to levy and collect

assessments pursuant to Section 54954.6 of the Government Code and Section 22624 of the Streets and Highways Code.

ANALYSIS

The attached Preliminary Engineer's Report (Attachment 2) prepared by the Engineer of Record, NBS Government Financing Group, is for all thirty Landscaping and Lighting Districts for FY 2023-24. This report (one for each district and combined into one document) is submitted for City Council review and has been prepared in accordance with the Streets and Highways Code and includes the following: plans and specifications, estimated costs and budgets, method of apportionment, the proposed assessment for FY 2023-24, and the assessment diagram.

Assessment to Properties

The rate of assessment to properties within each district is shown in the table provided under the financial impact section of this staff report. The provided table also shows the maximum authorized rate of assessment, and the CPI or inflator if applicable on a district-by-district basis. We also provided the not to exceed CPI percentage for this fiscal year for reference.

Installment Summary

The installment summaries describe short-term installments collected pursuant to Section 22660 of the Streets and Highways Code to meet the districts' future repair and replacement needs anticipated to occur within an approximate five-year time frame, as well as long-term installments collected to meet those future needs anticipated to occur within 5 to 30-year time frames.

Comparison to Last Year

District budgets for this upcoming year will continue focusing on improvements and restorations that enhance each district's commitment to water conservation, prolonging assets life, drought tolerant landscaping improvements, fire safety, and tree stewardship. As such, some districts will be retrofitting and centralizing irrigation controllers, inventorying street trees, changing out plant materials to water wise varieties, and converting over to LED Streetlights. Many of the City's districts are over 20 years old and do not have escalators built into their rates to track with cost-of-living increases and economic changes. As such, districts being monitored for future outreach regarding a new assessment overlay district are Briggs Ranch (32 years old), and Hannaford Cross (32 years old), and Cobble Ridge II / Reflections II (29 years old). Lastly the City will be continuing outreach for an increase in Natoma Station in the 2023-2024 Fiscal Years.

FINANCIAL IMPACT

Each Landscaping and Lighting District levies and collects funds to cover operating and maintenance costs. There is no fiscal impact to the City of Folsom General Fund. Below is a summary of the proposed assessments for FY 2023-24. One (1) district is being removed from the tax roll (Union Square because it has an HOA that manages the landscape areas).

District	FY 2023/24 Maximum Authorized Rate	FY 2023/24 Proposed Rate	Maximum Assessment Inflator
American River Canyon North	\$102.94	\$102.94	No Inflator
American River Canyon North No. 2	77.70	55.48	No Inflator
American River Canyon North No. 3	303.85	271.22	CPI NTE 3%
Blue Ravine Oaks	218.60	74.86	No Inflator
Blue Ravine Oaks No. 2	107.71	0.00	CPI NTE 3%
Briggs Ranch	122.28	122.28	No Inflator
Broadstone	164.99	164.98	No Inflator
Broadstone No. 3	40.84	40.84	CPI
Broadstone No. 4-Zone A	41.17	41.16	CPI NTE 3%
Broadstone No. 4-Zone B	39.21	39.20	CPI NTE 3%
Broadstone No. 4-Zone C	38.65	38.64	CPI NTE 3%
Broadstone No. 4-Zone D	37.91	37.90	CPI NTE 3%
Cobble Hills II/Reflections II	113.14	113.14	No Inflator
Cobble Ridge	251.23	139.48	CPI
Folsom Heights	70.88	70.88	No Inflator
Folsom Heights No. 2	234.56	208.58	CPI NTE 3%
Hannaford Cross	195.78	195.78	No Inflator
Lake Natoma Shores	183.58	183.58	No Inflator
Los Cerros	121.18	121.18	No Inflator
Natoma Station	91.71	91.70	No Inflator
Natoma Valley	1,012.07	877.36	CPI NTE 4%
Prairie Oaks Ranch	213.61	213.60	No Inflator
Prairie Oaks Ranch No. 2	333.03	333.02	CPI NTE 3%
Prospect Ridge	1,269.84	1,269.82	CPI NTE 4%
Sierra Estates	429.80	429.78	CPI NTE 4%
Silverbrook	132.32	132.27	No Inflator
Steeplechase	157.68	157.68	No Inflator

District	FY 2023/24 Maximum Authorized Rate	FY 2023/24 Proposed Rate	Maximum Assessment Inflator
The Residences at American River Canyon	728.25	728.24	CPI NTE 4%
The Residences at American River Canyon II	1,512.51	1,512.50	CPI NTE 4%
Willow Creek Estates East	80.40	80.40	No Inflator
Willow Creek Estates No. 2-Zone A&B	107.65	107.64	CPI NTE 4%
Willow Creek Estates No. 2-Zone C	98.96	98.96	CPI NTE 4%
Willow Creek Estates South	109.88	109.87	No Inflator
Willow Springs	28.14	28.14	No Inflator

ENVIRONMENTAL REVIEW

N/A (This does not apply as there is no environmental review aspect to the engineer’s report.)

ATTACHMENTS

1. Resolution No. 11059 - A Resolution Approving the Preliminary Engineer’s Report for the Following Landscaping and Lighting Districts for Fiscal Year 2023-2024 and Setting Public Hearing for American River Canyon North, American River Canyon North No. 2, American River Canyon North No. 3, Blue Ravine Oaks, Blue Ravine Oaks No. 2, Briggs Ranch, Broadstone, Broadstone No. 4, Broadstone Unit No. 3, Cobble Ridge, Cobble Hills Ridge II/Reflections II, Folsom Heights, Folsom Heights No. 2, Hannaford Cross, Lake Natoma Shores, Los Cerros, Natoma Station, Natoma Valley, Prairie Oaks Ranch, Prairie Oaks Ranch No. 2, Prospect Ridge, Sierra Estates, Silverbrook, Steeplechase, The Residences at American River Canyon, The Residences at American River Canyon II, Willow Creek Estates East, Willow Creek Estates East No. 2, Willow Creek Estates South, and Willow Springs
2. Preliminary Engineer’s Report – The City of Folsom Landscaping and Lighting Districts, June 2023

Submitted,

 Kelly Gonzalez, Parks and Recreation Director

ATTACHMENT 1

RESOLUTION NO. 11059

A RESOLUTION APPROVING THE PRELIMINARY ENGINEER’S REPORT FOR THE FOLLOWING LANDSCAPING AND LIGHTING DISTRICTS FOR FISCAL YEAR 2023-2024 AND SETTING PUBLIC HEARING FOR AMERICAN RIVER CANYON NORTH, AMERICAN RIVER CANYON NORTH NO. 2, AMERICAN RIVER CANYON NORTH NO. 3, BLUE RAVINE OAKS, BLUE RAVINE OAKS NO. 2, BRIGGS RANCH, BROADSTONE, BROADSTONE NO. 4, BROADSTONE UNIT NO. 3, COBBLE RIDGE, COBBLE HILLS RIDGE II/REFLECTIONS II, FOLSOM HEIGHTS, FOLSOM HEIGHTS NO. 2, HANNAFORD CROSS, LAKE NATOMA SHORES, LOS CERROS, NATOMA STATION, NATOMA VALLEY, PRAIRIE OAKS RANCH, PRAIRIE OAKS RANCH NO. 2, PROSPECT RIDGE, SIERRA ESTATES, SILVERBROOK, STEEPLECHASE, THE RESIDENCES AT AMERICAN RIVER CANYON, THE RESIDENCES AT AMERICAN RIVER CANYON II, WILLOW CREEK ESTATES EAST, WILLOW CREEK ESTATES EAST NO. 2, WILLOW CREEK ESTATES SOUTH, AND WILLOW SPRINGS

WHEREAS, the City Council of the City of Folsom, County of Sacramento, California, is the governing body for the following Assessment Districts (collectively the “Assessment Districts”). The proposed assessment rates for FY 2023-24 are as follows:

District	FY 2023/24 Maximum Authorized Rate	FY 2023/24 Proposed Rate	Maximum Assessment Inflator
American River Canyon North	\$102.94	\$102.94	No Inflator
American River Canyon North No. 2	77.70	55.48	No Inflator
American River Canyon North No. 3	303.85	271.22	CPI NTE 3%
Blue Ravine Oaks	218.60	74.86	No Inflator
Blue Ravine Oaks No. 2	107.71	0.00	CPI NTE 3%
Briggs Ranch	122.28	122.28	No Inflator
Broadstone	164.99	164.98	No Inflator
Broadstone No. 3	40.84	40.84	CPI
Broadstone No. 4-Zone A	41.17	41.16	CPI NTE 3%
Broadstone No. 4-Zone B	39.21	39.20	CPI NTE 3%
Broadstone No. 4-Zone C	38.65	38.64	CPI NTE 3%
Broadstone No. 4-Zone D	37.91	37.90	CPI NTE 3%
Cobble Hills II/Reflections II	113.14	113.14	No Inflator
Cobble Ridge	251.23	139.48	CPI
Folsom Heights	70.88	70.88	No Inflator
Folsom Heights No. 2	234.56	208.58	CPI NTE 3%

District	FY 2023/24 Maximum Authorized Rate	FY 2023/24 Proposed Rate	Maximum Assessment Inflator
Hannaford Cross	195.78	195.78	No Inflator
Lake Natoma Shores	183.58	183.58	No Inflator
Los Cerros	121.18	121.18	No Inflator
Natoma Station	91.71	91.70	No Inflator
Natoma Valley	1,012.07	877.36	CPI NTE 4%
Prairie Oaks Ranch	213.61	213.60	No Inflator
Prairie Oaks Ranch No. 2	333.03	333.02	CPI NTE 3%
Prospect Ridge	1,269.84	1,269.82	CPI NTE 4%
Sierra Estates	429.80	429.78	CPI NTE 4%
Silverbrook	132.32	132.27	No Inflator
Steeplechase	157.68	157.68	No Inflator
The Residences at American River Canyon	728.25	728.24	CPI NTE 4%
The Residences at American River Canyon II	1,512.51	1,512.50	CPI NTE 4%
Willow Creek Estates East	80.40	80.40	No Inflator
Willow Creek Estates No. 2-Zone A&B	107.65	107.64	CPI NTE 4%
Willow Creek Estates No. 2-Zone C	98.96	98.96	CPI NTE 4%
Willow Creek Estates South	109.88	109.87	No Inflator
Willow Springs	28.14	28.14	No Inflator

WHEREAS, the Engineer’s Report for the Assessment Districts has been made, filed with the City Clerk, and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Engineer’s Report shall stand as the Engineer’s Report for all subsequent proceedings under and pursuant to this Resolution, Section 22565, et. seq., of the California Streets and Highways Code and Article XIID of the California Constitution; and

WHEREAS, it is the intention of the City Council to levy and collect assessments within the Assessment Districts for FY 2023-24. Within the Assessment Districts, the existing and proposed improvements are generally described as follows:

The improvements to be undertaken by the Assessment Districts are described as installation, maintenance and servicing of public facilities, including but not limited to, turf, ground cover, shrubs and trees, irrigation systems, drainage systems, street lighting, fencing, sound walls, sidewalks, monuments, statuary, fountains, water quality ponds, park facilities, open space, bike trails, walkways, drainage swales and other

ornamental structures and facilities, entry signage, street pavers, art work, and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, as applicable, for property owned or maintained by the City of Folsom. Services provided include all necessary service, operations and maintenance of the above-mentioned improvements, as applicable, for any property owned or maintained by the City of Folsom.

WHEREAS, the Assessment Districts consist of the lots and parcels shown on the boundary maps of the Assessment Districts on file with the City Clerk of the City of Folsom, and reference is hereby made to such maps for further particulars; and

WHEREAS, reference is hereby made to the Engineer's Report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment districts and any zones therein, and the estimated cost of the improvements and the proposed assessments upon assessable lots and parcels of land within the Assessment Districts; and

WHEREAS, prior to the conclusion of the hearing, any interested person may file a written protest with the City Clerk, or, having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state all grounds of objection. A protest by a property owner shall contain a description sufficient to identify the property owned by such owner; and

WHEREAS, the City Clerk shall cause a notice of the hearing to be given by publishing a notice once, at least ten (10) days prior to the date of the hearing above specified, in a newspaper circulated in the City of Folsom.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes:

1. **APPROVAL OF PRELIMINARY ENGINEER'S REPORT:** The City Council of the City of Folsom hereby approves, as submitted, the preliminary Engineer's Report for the City of Folsom Landscaping and Lighting Districts for FY 2023-24.

PROPOSED ASSESSMENT: The City Council of the City of Folsom intends to continue to levy and collect assessments during FY 2023-24 within the City of Folsom Landscaping and Lighting Districts.

2. **REVIEW OF PRELIMINARY ENGINEER'S REPORT:** Affected property owners and interested persons may review the Engineer's Report, which contains a full and detailed description of each of the Assessment District boundaries, within the City of Folsom Landscaping and Lighting Districts, the improvements, and the proposed maintenance budget and assessments upon each parcel within each Assessment District, at the City of Folsom located at 50 Natoma Street, Folsom,

California 95630 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

- 3. **PUBLIC HEARING:** The City Council has scheduled a public hearing on the proposed assessments within each Assessment District on July 25, 2023, at 6:30 p.m., at the City of Folsom, City Council Chambers, 50 Natoma Street, Folsom, California 95630, for the purpose of allowing public testimony regarding the proposed assessments and for the Council’s final action upon the Engineer’s Report and proposed assessments.

PASSED AND ADOPTED this 27th day of June 2023 by the following vote:

- AYES:** Councilmembers:
- NOES:** Councilmembers:
- ABSENT:** Councilmembers:
- ABSTAIN:** Councilmembers:

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

ATTACHMENT 2

CITY OF FOLSOM

Engineer's Report For: Fiscal Year 2023/24

Landscape and Lighting Assessment Districts

June 2023

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

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1. ENGINEER’S LETTER

WHEREAS, the City Council of the City of Folsom (the “City”), State of California, under the Landscaping and Lighting Act of 1972 (the “Act”), directed NBS to prepare and file an Engineer’s Report for the City of Folsom Landscaping and Lighting Districts (the “Districts”) for Fiscal Year 2023/24, in accordance with Article 4 of Chapter 1 of the Act and Article XIII D of the California Constitution. The report presents the plans and specifications describing the general nature, location and extent of the improvements to be maintained, an estimate of the costs of the administration, maintenance, operations and servicing of the improvements for Fiscal Year 2023/24, the diagram for the Districts, showing the area and properties to be assessed, and assessing the net amount upon the assessable lots and/or parcels within the Districts in proportion to the special benefit received.

NOW THEREFORE, the assessments as detailed in this Engineer’s Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of said improvements to be paid by the assessable real property within the Districts in proportion to the special benefit received.

Summary Cost Estimates

Description	Total Costs ⁽¹⁾
Improvement Costs	\$2,788,834.95
Incidental Costs	351,404.81
Total Improvement Costs	\$3,140,239.76
Reserve Fund Collection / (Contribution)	(\$776,515.18)
Total Balance to Assess	\$2,363,724.58

(1) Total amount levied may differ slightly due to installment rounding.

(2) A list of Districts, the total proposed Fiscal Year 2023/24 assessments, the number of parcels assessed, and assessment rates are detailed in Section 8 of this Engineer’s Report.

I, the undersigned, respectfully submit this Engineer’s Report and, to the best of my knowledge, information and belief, the Engineer’s Report, Assessments, and the Assessment Diagram herein have been prepared, computed, and levied in accordance with the assessment methodology adopted, approved, and ordered by the City Council of the City of Folsom at the time of each District formation.

John G. Egan, P. E.
Assessment Engineer



2. INTRODUCTION

2.1 Background

The City has previously formed 30 Landscaping and Lighting Districts to provide funding for the installation, maintenance and servicing of landscaping, sidewalks, fences, walls, parks, open space, signage, soundwalls, street lighting, and other public improvements in the City. The 30 Landscape and Lighting Districts are as follows:

- American River Canyon North
- American River Canyon North No. 2
- American River Canyon North No. 3
- Blue Ravine Oaks
- Blue Ravine Oaks No. 2
- Briggs Ranch
- Broadstone
- Broadstone No.3
- Broadstone No. 4
- Cobble Hills Ridge II/Reflections II
- Cobble Ridge
- Folsom Heights
- Folsom Heights No. 2
- Hannaford Cross
- Lake Natoma Shores
- Los Cerros
- Natoma Station
- Natoma Valley
- Prairie Oaks Ranch
- Prairie Oaks Ranch No. 2
- Prospect Ridge
- Sierra Estates
- Silverbrook
- Steeplechase
- The Residences at American River Canyon
- The Residences at American River Canyon II
- Willow Creek Estates East
- Willow Creek Estates East No. 2
- Willow Creek Estates South
- Willow Springs

2.2 Process for Annual Assessment

The Districts were formed and assessments were established in previous fiscal years. As required by the procedures specified in the Act, an Engineer’s Report must be prepared on an annual basis which contains a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the assessment district. The Engineer’s Report may also identify future planned projects.

The City Council must also annually adopt a resolution of intention which:

- Declares the intention of the City Council to levy and collect assessments within the assessment district for the fiscal year stated therein.
- Generally describes the existing and proposed improvements and any substantial changes proposed to be made in existing improvements.



- Refers to the assessment district by its distinctive designation and indicates the general location of the assessment district.
- Refers to the report of the engineer, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the assessment district.
- Gives notice of the time and place for public hearing by the City Council on the levy of the proposed assessment.
- States whether the assessment is proposed to increase from the previous year.

If the assessments are to be levied in the same or lesser amounts than the maximum assessment allowed, the City Clerk shall give notice of the public hearing by causing the resolution of intention to be published at least 10 days prior to the date of the public hearing. Any interested person may, prior to the conclusion of the public hearing, file a written protest which shall state all grounds of objection. The protest shall contain a description sufficient to identify the property owned by the property owner filing the protest. During the course or upon conclusion of the hearing, the City Council may order changes in any of the matters provided in the report, including changes in the improvements, any zones within the assessment district, and the proposed diagram or the proposed assessment. If the assessment to be levied exceeds the maximum assessment allowed, the City must comply with the procedures specified in Article XIII D and Proposition 218.

The City Council, upon conclusion of the public hearing, must then adopt a resolution confirming the diagram and assessment, either as originally proposed or as changed by it. The adoption of the resolution shall constitute the levy of an assessment for the fiscal year referred to in the assessment. If confirmed, the assessments would be submitted to the County Auditor Controller for inclusion on the property tax roll.

2.3 Legislative Context

In 1996, California voters adopted Proposition 218, known as the "Right to Vote on Taxes Act," which added Articles XIII C and XIII D to the California Constitution. Article XIII D established new substantive and procedural requirements on agencies for levying assessments, being levies on real property by an agency for a special benefit conferred upon the real property. "Special benefit" is defined in Article XIII D as "a particular and distinct benefit over and above general benefits conferred on a real property located in the district or to the public at large."

Article XIII D imposes five basic substantive requirements on assessments:

- All parcels that will have a special benefit conferred upon them and upon which an assessment will be imposed must be identified;
- The general benefits must be distinguished from the special benefits conferred on the parcels;
- The proportionate special benefit derived by each identified parcel must be determined in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the property related service being provided;



- The amount assessed to a parcel must not exceed the reasonable cost of the proportional special benefit conferred on that parcel and must not include any costs attributable to the general benefit; and
- Parcels within a district that are owned or used by any agency, the State of California or the United States shall not be exempt from assessment unless the agency can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit.

Since the initial passage of Proposition 218, several court rulings have helped provide context and direction with respect to the procedures and requirements of Article XIII D for levying assessments. Several of the key concepts from these rulings are summarized below.

GENERAL BENEFIT

Article XIII D requires an agency to separate the general benefits from the special benefits conferred on the identified parcels because only special benefits are assessable.

The Court of Appeal in *Golden Hills Neighborhood Assn., Inc. v. City of San Diego* (2011) (“*Golden Hills*”) clarified this concept by stating, *“Separation and quantification of general and special benefits must be accomplished by apportioning the cost of a service or improvement between the two and assessing property owners only for the portion of the cost representing special benefits.”*

The Court of Appeal in *Beutz v. County of Riverside* (2010) (“*Beutz*”) noted that the trial court took judicial notice of the Legislative Analyst’s Office pamphlet titled “Understanding Proposition 218” which states an agency must, *“estimate the amount of special benefit landowners would receive from the project or service, as well as the amount of ‘general benefit.’ This step is needed because Proposition 218 allows local government to recoup from assessments only the proportionate share of cost to provide the special benefit.”*

The Court in *Beutz* furthered this idea stating, *“Separating the general from the special benefits of a public improvement project and estimating the quantity of each in relation to the other is essential if an assessment is to be limited to the special benefits.”*

The Court of Appeal in *Silicon Valley Taxpayers’ Association Incorporated v. Santa Clara County Open Space Authority* (2008) (“*SVTA*”) clarified that general benefits are not restricted to benefits conferred only on persons and property outside the assessment district but can include benefits both conferred on real property located in the district or to the public at large. The “public at large” includes all members of the public, including those who live, work, and shop within the district, and not simply transient visitors.

The Court of Appeal again reiterated the need to separate, quantify and apportion costs to general benefits from the improvements in *Broad Beach Geologic Hazard Abatement District v 31506 Victoria Point LLC* (2022), stating, *“The District cites no authority, and we are aware of none, suggesting that an agency’s subjective intent determines the need to account for general benefits.”*

BENEFIT-BASED NOT COST-BASED

In *Town of Tiburon v. Bonander* (2009) (“*Tiburon*”), the Court of Appeal clarified the idea that assessments must be apportioned based upon benefit rather than cost. The Court stated, *“Proportionate special benefit is the basis upon which a project’s total assessable costs are apportioned among parcels within an assessment district.”*



The assessment of a particular property cannot be based on the relative cost of the improvements to the property, but rather on the special benefit conferred on such property. The Court in *Tiburon* also stated, *“an assessment represents the entirety of the cost of the improvement or property-related service, less any amount attributable to general benefits (which may not be assessed), allocated to individual properties in proportion to the relative special benefit conferred on the property.”*

MEASURING AND APPORTIONING SPECIAL BENEFIT

The Court in *Tiburon* acknowledged the difficulty of trying to precisely assign and measure special benefit, stating, *“Any attempt to classify special benefits conferred on particular properties and to assign relative weights to those benefits will necessarily involve some degree of imprecision.”*

The Court in *Tiburon* went on to say that a formula assigning equal weight to different special benefits *“may be a legally justifiable approach to measuring and apportioning special benefits, [but] it is not necessarily the only valid approach. Whichever approach is taken to measuring and apportioning special benefits; however, it must be both defensible and consistently applied.”*

3. PLANS AND SPECIFICATIONS

The work and improvements proposed to be undertaken by the City and the cost thereof paid from the continuation of the annual assessment provide special benefit to parcels within the Districts as defined in the Method of Assessment herein. Consistent with the Act, the Districts' work and improvements are generally described as follows:

The installation, maintenance and servicing of turf, ground cover, shrubs and trees, irrigation systems, drainage systems, street lighting, fencing, soundwalls, sidewalks, monuments, statuary, fountains, water quality ponds, park facilities, open space, bike trails, walkways, drainage swales, other ornamental structures and facilities, entry signage, street pavers, art work, and monuments, as well as all necessary appurtenances, labor, materials, supplies, utilities, and equipment, as applicable, for property owned or maintained by the City. Any plans and specifications for these improvements have been filed with the City and are incorporated herein by reference.

"Maintain" or "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- a) Repair, removal, or replacement of all or any part of any improvement.
- b) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
- c) The removal of trimmings, rubbish, debris, and other solid waste.
- d) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

"Service" or "servicing" means the furnishing of:

- a) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements.
- b) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

Plans and Specifications for the improvements are incorporated by reference and made a part of this Engineer's Report. The Plans and Specifications for each District are on file with the City and are available for public inspection.

Included is a separate but integral tool: the City of Folsom Landscaping and Lighting District Improvement Plan ("Improvement Plan"). It is a separate planning document that identifies the type of upcoming improvements (e.g., re-landscaping a corridor or painting a wall); the estimated cost; any installments required for short-term (less than five years) and/or long term (not greater than 30 years) improvements, and the approximate schedule for completion of the improvements. The City intends to continually update and revise the Improvement Plan throughout each year to reflect the current status of improvement projects, budget updates and/or changes in priorities.



The concept of the Improvement Plan arose from the City's commitment to comply with the requirements of the Act as well as produce a valuable instrument that enables the City to schedule, prioritize, and plan for needed maintenance and servicing improvements in the districts. It also serves as a user-friendly means for members of the public to review and understand the use of the assessment revenues generated from each District.

The assessment proceeds from each District will be exclusively used for improvements within that District plus incidental expenses. Reference is made to Section 4 - Estimate of Costs and Budgets, Section 7 – Budgets, and the additional plans and specifications, including District specific expenditure and improvement plans, which are on file with the City.

3.1 Description of Improvements

The following are descriptions of the improvements for each of the Districts.

AMERICAN RIVER CANYON NORTH

- Maintenance of lawns and trees within landscape medians, corridors, and open spaces.
- Purchase of irrigation water from San Juan Suburban Water District.
- Maintenance of irrigation system, entry fountain, plantings, sidewalks, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Sign rehabilitation and ladder fuel removal.

Future Improvement Projects:

- Waterfall pumps, autofill, filters, and chlorination system.
- Waterfall pond liner (concrete and other).

AMERICAN RIVER CANYON NORTH NO. 2

- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Paint and replace streetlight poles.

AMERICAN RIVER CANYON NORTH NO. 3

- Purchase of electric power.
- Purchase of irrigation water from San Juan Suburban Water District.
- Maintenance of landscaping, open space, lighting, signs, sidewalk and walls, waterfalls, including turf, ground cover, shrubs and trees, irrigation systems, drainage systems, street lighting, walls, and signs.



Planned Improvement Projects for Fiscal Year 2023/24:

- Landscape Improvements.

Future Improvement Projects:

- Centralized irrigation controller upgrade.
- Signage replacement.
- Mystic Hills replacement of missing landscape.
- Waterfall rock repair.
- Baldwin Dam path repair.
- Tree and landscape improvements (or replacements).
- American River Canyon Drive/Canyon Falls (Cascade perimeter) landscaping, remove/replace trees, mow band replacement.
- Main Walking Trail landscaping, irrigation, stairs and clean up.

BLUE RAVINE OAKS AND BLUE RAVINE OAKS NO. 2

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from City.
- Maintenance of irrigation system, plantings, sidewalks, fences, walls, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Tree removal/replacement.
- Blue Ravine Road wall repair
- Riley Street fence replacement.
- Signage replacement.

BRIGGS RANCH

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from City.
- Maintenance of irrigation system, plantings, sidewalks, trails, walls, fences, open space area, signage, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:



- Shrub and tree upgrades (Blue Ravine Road/East Natoma Street).
- Fence/wall repair/replacement.
- Fence repair/replacement (East Natoma Street partial).
- Pet stations repair/replacement.
- Bollard repair/replacement.
- Fence repair/replacement (Blue Ravine Road partial).
- Entry sign replacement (brass lettering).
- Irrigation upgrades/replacement (three controllers).
- Landscape lighting upgrades or replacement.
- Tree and landscape improvements (partial collection).

BROADSTONE AND BROADSTONE NO. 4

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, plantings, sidewalks, trails, sound walls, water quality ponds, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Finish Year 1 tree pruning / removal.

Future Improvement Projects:

- Landscape light repair/replacement (60 lights).
- Tree and landscape improvements (partial fund collection).
- Bollard repair/replacement.
- Light pole/fixture replacement of KW.
- Repair irrigation, replace shrubs (Iron Point Road median, Rathbone Circle, Knopfler Circle, and other interior areas).
- Tree and landscape improvements or replacements.
- Shrub replacement throughout (some irrigation repair) 28 acres.
- Pet station replacement (7).
- Signage repair/replacement.
- Turf removal/irrigation retrofit.
- Irrigation upgrades and flow (15 controllers).

BROADSTONE NO. 3

- Purchase of electric power.
- Maintenance of street light fixtures.



Planned Improvement Projects for Fiscal Year 2023/24:

- LED conversion.

Future Improvement Projects:

- Paint streetlight poles (350 poles).

COBBLE HILLS RIDGE II/ REFLECTIONS II

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, plantings, sidewalks, soundwalls, signage, parks, park facilities, open space, and streetlights.
- Purchase of electric power from Sacramento Municipal Utility District.
- Maintenance of public lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Tree and landscape improvements or replacement
- Turf and shrub repair/replacement (Mini park and path to Lembi Drive).
- Fence repair/replacement (225 feet)
- Wall repairs and painting (628 feet)
- Shrub replacement (Glenn Drive/Oxborough Drive and Sibly Street and Corner).
- Signage repair/replacement

COBBLE RIDGE

- Purchase of irrigation water from the City.
- Maintenance of the irrigation system and plantings in a useful and workable condition, together with maintaining walls, and open space areas.
- Maintenance of lawns and trees within landscape corridors.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Tree pruning.
- Fence repair/replacement and painting (340 feet).
- Shrub replacement.
- Tubular fence repair/replacement.
- Tree and landscape improvements or replacements.

FOSOM HEIGHTS AND FOLSOM HEIGHTS NO. 2



- Maintenance of lawns and trees within landscape medians and corridors, corridors, bike trails, walkways, and open space areas.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, plantings, fences, walls, sidewalks, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Open space, tree work, ladder fuel removal.
- Tree pruning.

Future Improvement Projects:

- Ladder fuel work.
- Tree pruning and tree care in open space.
- Fence work.
- Glenn Drive wall repair.
- Tree and landscape improvements (Vierra Circle).
- New landscape (Glenn Drive).

HANNAFORD CROSS

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water and electric power for the two mini parks in a 70%/30% (City/District) contribution (based on maintenance assignments).
- Maintenance of irrigation system, bike trails, walkways, fences, walls, guard shack, drainage swale, plantings, sidewalks, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Lakeside fence repair.
- Repairs at guard shack.
- Tree pruning.

LAKE NATOMA SHORES

- Maintenance of lawns and trees within landscape medians and corridors.
- Maintenance of irrigation system, soundwalls, signage, street pavers, plantings, sidewalks, and streetlights.
- Purchase of irrigation water from the City.
- Purchase of electric power.



- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- LED conversion.

Future Improvement Projects:

- Tree pruning.
- Signage repair/replacement.
- Turf repair, irrigation upgrades.
- Tree and landscape improvements or replacement.

LOS CERROS

- Maintenance of landscape medians and corridors.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, walls, plantings, sidewalks, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Tree pruning.
- Paint street light poles.

Future Improvement Projects:

- Ladder fuel work.
- Tree replacement.
- Upgrade irrigation controllers.
- Install flow package and master valve.

NATOMA STATION

- Maintenance of irrigation system, walls, signage, artwork, open space areas, parks, plantings, and streetlights.
- Purchase of irrigation water from the City.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Ladder fuel work.
- Light pole replacement.
- Shrub and tree replacement / concrete work on turnpike.
- Iron Point Road shrub and tree replacement.



- Bigfoot mini park tree replacement.
- Tree replacement / wall damage on Black Diamond Drive.
- Shrub and tree replacement on Blue Ravine Road.
- Tree pruning.
- Tree and landscape improvements or replacements.
- Wetland area improvements.
- Wall repair and painting (7,800 linear feet).
- Mini park replanting / bark (two parks @ 0.5 acre).
- Road paver replacement.
- Signage repair / replacement.
- Sidewalk repair.
- Irrigation upgrades.
- Art repair.

Union Square: A Benefit Zone within Natoma Station will be providing its own landscaping and lighting maintenance via an existing homeowner's association for Fiscal Year 2023/24.

NATOMA VALLEY

- Installation, maintenance and servicing of turf, ground cover, shrubs and trees, irrigation systems, drainage systems, street lighting, soundwalls, retaining walls, fencing and all necessary appurtenances, labor, materials, supplies, utilities, and equipment.

Planned Improvement Projects for Fiscal Year 2023/24:

- Interior landscape improvements.

Future Improvement Projects:

- Tree pruning.
- Wall repair/replacement.

PRAIRIE OAKS RANCH AND PRAIRIE OAKS RANCH NO. 2

- Maintenance and servicing of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, walls, signage, fences, open space areas, trellises, and streetlights along Grover Road, Russi Road, Willard Drive, Stewart Street, and the interior public roadways within the subdivisions.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Year 3 tree pruning
- Blue Ravine Road entry relandscape.

Future Improvement Projects:



- Tree pruning.
- Tree and landscape replacement.
- Fence replacement.
- LEDI landscape lights.
- Ladder fuel removal.
- Repair damaged walls (stucco half walls).
- Landscape replacement on Blue Ravine Road.
- Landscape Replacement on Riley Street.
- Landscape Replacement on Prairie City Road.
- Landscape replacement on Iron Point Road.
- Post and cable replacement.

PROSPECT RIDGE

- Maintenance of irrigation system, walls, signage, open space areas, parks, plantings, and streetlights.
- Purchase of irrigation water from the City.
- Purchase of electric power.
- Maintenance of street lighting fixtures.
- Maintenance of landscape corridors.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Tree pruning.

SIERRA ESTATES

- Maintenance of landscaping, lighting and soundwalls along Rowland Court, Dolan Court and Riley Street including turf, ground cover, shrubs and trees, irrigation systems, drainage systems, street lighting, fencing, soundwalls, monuments, statuary, fountains, and other ornamental structures and facilities, entry monuments, and all necessary appurtenances.
- Purchase of water from the City.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Tree replacement.

Future Improvement Projects:

- No planned improvement projects.

SILVERBROOK



- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, plantings, sidewalks, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Tree replacement.
- Median relandscaping.

STEEPLECHASE

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, plantings, sidewalks, and streetlights.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Year 4 tree pruning.

Future Improvement Projects:

- Tree pruning.
- Fence replacements near park.

THE RESIDENCES AT AMERICAN RIVER CANYON

- Maintenance landscaping, lighting and soundwalls along American River Canyon Drive and Oak Avenue including turf, ground cover, shrubs and trees, irrigation systems, drainage systems, street lighting, sound-walls, and all necessary appurtenances.
- Purchase of water from San Juan Water District.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Landscape replacement.

THE RESIDENCES AT AMERICAN CANYON II

- Installation, maintenance and servicing of turf, ground cover, shrubs, and trees, irrigation systems, drainage systems, street lighting, walls, signage and all necessary appurtenances, and labor, materials, supplies, utilities, and equipment



Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- Landscape replacement.

WILLOW CREEK ESTATES EAST AND WILLOW CREEK ESTATES EAST NO. 2

- Maintenance of lawns and trees within landscape medians and corridors.
- Purchase of irrigation water from the City.
- Maintenance of irrigation system, walls, plantings, sidewalks, and streetlights, as well as weed abatement.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Year 4 tree pruning.
- Oleander planting.
- Flow sensor.

Future Improvement Projects:

- Two flow packages and master valve installation.
- Light pole replacement (three).
- Tree pruning.
- Oleander replacement on Blue Ravine Road frontage.
- Landscape replacement on Oak Avenue.
- Landscape replacement on Blue Ravine Road.
- Irrigation controller upgrade (four controllers).
- Tree and landscape improvement or replacement.

WILLOW CREEK ESTATES SOUTH

- Purchase of irrigation water from the City.
- Maintenance of Irrigation system, walls, entry signage, drainage way, parks, sidewalks, and streetlights, as well as weed abatement.
- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- Year 4 tree pruning.
- New planting around replaced signs.

Future Improvement Projects:

- Interior sign replacement.



WILLOW SPRINGS

- Purchase of electric power.
- Maintenance of street lighting fixtures.

Planned Improvement Projects for Fiscal Year 2023/24:

- No planned improvement projects.

Future Improvement Projects:

- LED retrofits.



4. ESTIMATE OF COSTS AND BUDGETS

The Fiscal Year 2023/24 estimated costs of maintenance and servicing the improvements as described in the Plans and Specifications of this Engineer's Report are summarized below. Refer to Section 7 - Budgets, for detailed budgets for each District.

District	Improvement Costs	Current Year Projects	Incidental Costs	Total Improvement Costs
American River Canyon North	\$67,500.00	\$65,000.00	\$5,255.78	\$137,755.78
American River Canyon North No. 2	7,350.00	0.00	1,529.40	8,879.40
American River Canyon North No. 3	112,165.00	250,000.00	20,956.78	383,121.78
Blue Ravine Oaks	10,300.00	0.00	2,054.85	12,354.85
Blue Ravine Oaks No. 2	38,380.00	0.00	6,390.85	44,770.85
Briggs Ranch	98,292.95	0.00	17,096.52	115,389.47
Broadstone	163,000.00	0.00	62,345.73	225,345.73
Broadstone No. 3	29,800.00	10,000.00	2,129.67	41,929.67
Broadstone No. 4	383,904.00	90,000.00	15,632.69	489,536.69
Cobble Hills II/Reflections II	48,068.00	0.00	11,553.61	59,621.61
Cobble Ridge	13,262.00	0.00	2,407.02	15,669.02
Folsom Heights	14,150.00	28,000.00	1,614.92	43,764.92
Folsom Heights No. 2	50,351.00	37,000.00	7,031.92	94,382.92
Hannaford Cross	24,812.00	0.00	5,905.47	30,717.47
Lake Natoma Shores	27,888.00	7,500.00	4,445.37	39,833.37
Los Cerros	54,742.00	15,000.00	7,064.13	76,806.13
Natoma Station	218,943.00	0.00	40,013.28	258,956.28
Natoma Valley	52,231.00	7,500.00	9,580.71	69,311.71
Prairie Oaks Ranch	78,600.00	0.00	62,075.42	140,675.42
Prairie Oaks Ranch No. 2	141,443.00	100,000.00	6,447.42	247,890.42
Prospect Ridge	26,020.00	0.00	6,678.15	32,698.15
The Residences at American River Canyon	23,355.00	0.00	5,076.12	28,431.12
The Residences at American River Canyon II	23,355.00	0.00	5,076.12	28,431.12
Sierra Estates	12,069.00	2,500.00	2,349.25	16,918.25
Silverbrook	10,730.00	0.00	2,532.00	13,262.00
Steeplechase	29,150.00	7,500.00	5,833.00	42,483.00
Willow Creek Estates East	24,000.00	0.00	3,124.03	27,124.03
Willow Creek Estates East No. 2	84,331.00	50,000.00	16,294.52	150,625.52
Willow Creek Estates South	199,643.00	40,000.00	11,154.76	250,797.76
Willow Springs	11,000.00	0.00	1,755.33	12,755.33
Total Improvement Costs	\$2,078,834.95	\$710,000.00	\$351,404.82	\$3,140,239.77



5. METHOD OF APPORTIONMENT

The following section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance, and servicing of the improvements throughout the Districts, as well as a description of the assessment methodology used to apportion the total assessment to properties within each District.

The previous annual Engineer's Reports were prepared by a different engineer of record and specific language from the prior year's Engineer's Report has been referenced to describe the Method of Apportionment within the following section of this report.

The Districts consist of all assessor parcels within the boundaries as defined by the Assessment Diagram included with this report. Further, all assessor parcels, including all privately and publicly owned parcels, are identified by Assessor Parcel Numbers listed within the included assessment levy roll. The method used for apportioning the assessment is based on the proportional special benefits to be derived by the properties in the Districts over and above general benefits conferred on real property or to the public at large.

The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

5.1 Discussion of Benefit

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. With reference to the requirements for assessments, Section 22573 of the Act states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Proposition 218, as codified in Article XIII D of the California Constitution, has confirmed that assessments must be based on the special benefit to property and the assessment must not exceed the reasonable cost of the proportional benefit upon the assessed parcel:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial, and other lots and parcels resulting from the improvements to be provided with the assessment proceeds. These categories of special benefits are supported by various California legislation and supporting studies which describe the types of special benefit received by property from improvements such as those proposed by the Districts. These types of special benefit are summarized as follows:

- Proximity to improved landscaped areas within each District.
- Access to improved landscaped areas within each District.



- Improved views within each District.
- Extension of property’s outdoor areas and green spaces for properties within close proximity to the improvements.
- Creation of individual lots for residential and commercial use that, in absence of the District and the services provided by the District, would not have been created.

The SVTA decision provides enhanced clarity to the definitions of special benefits to properties in three distinct areas: proximity, expanded or improved access, and views. The SVTA decision also clarifies that a special benefit is a service or improvement that provides a direct advantage to a parcel, and that indirect or derivative advantages resulting from the overall public benefits from a service or improvement are general benefits. The SVTA decision also provides specific guidance that park improvements are a direct advantage and special benefit to property that is proximate to a park improved by an assessment:

The characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to a park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district’s property values).

Proximity, improved access and views, in addition to the other special benefits listed above, further strengthen the basis of these assessments.

The special benefits from the improvements are further detailed below.

PROXIMITY TO IMPROVED LANDSCAPED AREAS WITHIN THE DISTRICT

Only the specific properties within close proximity to the improvements are included in each District. Therefore, property in each District enjoys unique and valuable proximity and access to the improvements that the public at large and property outside of each District do not share.

In absence of the assessments, the improvements would not be provided and the landscaping areas within each District would be degraded due to insufficient funding for maintenance, upkeep and repair. Therefore, the assessments provide improvements that are over and above what otherwise would be provided. Improvements that are over and above what otherwise would be provided do not by themselves translate into special benefits but when combined with the unique proximity and access enjoyed by parcels in the Districts, they provide a direct advantage and special benefit to property within each District.

ACCESS TO IMPROVED LANDSCAPED AREAS WITHIN THE DISTRICT

Since the parcels in each District are the only parcels that enjoy close access to the improvements, they directly benefit from the unique close access to improved landscaping areas that are provided by the assessments. This is a direct advantage and special benefit to property in that District.

IMPROVED VIEWS WITHIN THE DISTRICT

The District, by maintaining these landscaped areas, provides improved views to properties in each District. The properties in a District enjoy close and unique proximity, access and views of the improvements. Therefore, the improved and protected views provided by the assessments are another direct and tangible advantage that is uniquely conferred upon the property within each District.



EXTENSION OF A PROPERTY’S OUTDOOR AREAS AND GREEN SPACES FOR PROPERTIES WITHIN CLOSE PROXIMITY TO THE IMPROVEMENTS

In large part, because it is generally cost prohibitive to provide large open land areas in development projects, the residential, commercial, and other benefiting properties in each District do not have large outdoor areas and green spaces. The landscaped areas within each District provide additional outdoor areas that serve as an effective extension of the land area for properties that are in close proximity to the improvements. The improvements, therefore, provide an important, valuable, and desirable extension of usable land area, which confers a direct advantage and special benefit to properties in close proximity to the improvements.

CREATION OF INDIVIDUAL LOTS FOR RESIDENTIAL AND COMMERCIAL USE THAT, IN ABSENCE OF THE ASSESSMENTS, WOULD NOT HAVE BEEN CREATED

Typically, the original owner/developer of the property within the Districts can petition the City to establish the assessment districts. As parcels were sold, new owners were informed of the assessments through the title reports, and in some cases, through the Department of Real Estate “White Paper” reports that the parcels were subject to assessment. The purchase of property was also an “agreement” to pay the assessment. In absence of the assessments, the lots within the Districts would probably not have been subdivided and created. These lots, and the improvements they support, are a special benefit to the property owners.

5.2 General versus Special Benefit

The assessments from the Districts are used to fund improvements and increased levels of maintenance to the grounds adjoining the properties in the Districts. In absence of those Districts, such improvements would not be provided, and the properties would not have been subdivided and improved to the same extent. The Districts were specifically proposed for formation to provide additional and improved improvements, and services in the Districts. In absence of the assessments, these public resources could not be created, and revenues would not be available for their continued maintenance and improvement. Therefore, the assessments solely provide special benefit to property in the Districts over and above the general benefits conferred by the general facilities of the City.

Although these improvements may be available to the general public at large because the Districts are accessible by members of the public, the improvements within each District were specifically designed, located, and created to provide additional and improved public resources for property inside the Districts, and not the public at large. Other properties that are either outside the Districts or within the Districts and not assessed, do not enjoy the unique proximity, access, views, and other special benefit factors described previously. These improvements are of special benefit to properties located within the Districts because they provide a direct advantage to properties in the Districts that would not be provided in absence of the assessments.



5.3 Quantification of General Benefit

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by District assessments and the funding must come from other sources.

The maintenance and servicing of the improvements is also partially funded, directly and indirectly from other sources including the City, the County of Sacramento, and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g., curbs, gutters, streets, drainage systems, and other infrastructure maintenance items such as pond clean outs and street sweeping, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Districts.

STEP 1: CALCULATION OF THE GENERAL BENEFIT

The general benefits from the assessment may be quantified as illustrated in the following table.

Calculation of General Benefit ⁽¹⁾

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Creation of parcels	90	0%	0.0
Multi-Family Residential	5	10%	0.5
Commercial	5	20%	1.0
	100		1.5
	Total Calculated General Benefit		1.5%

(1) Per the prior Engineer’s Report.

As a result, the City will contribute at least 1.5% of the total budget from sources other than the assessment. The contribution offsets any general benefits from the assessment services.

STEP 2: CALCULATION OF CURRENT GENERAL BENEFIT CONTRIBUTION FROM CITY

Pursuant to the prior Engineer’s Report, the overall general benefit contribution is the sum of the following components:

The City owns, maintains, rehabilitates, and replaces curb and gutter along the border of the Districts improvements. This curb and gutter maintenance serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the improvements. The contribution from the City toward general benefit from the maintenance, rehabilitation and replacement of the curb gutter is conservatively estimated to be 1%.

The City owns and maintains storm drainage systems along the border of the Districts improvements. This system serves to prevent flooding and associated damage to the improvements, and manage urban runoff, including local pollutants loading from the improvements. The contribution from the City towards general benefit from the maintenance and operation of the local storm drainage systems is conservatively estimated to be 1%.



The City owns and maintains local public streets along the border of the Districts improvements. These public streets provide access to the improvements for its enjoyment as well as efficient maintenance. The contribution from the City towards general benefit from the maintenance of local public streets is conservatively estimated to contribute 1%.

The improvements were constructed by the original owner/developer(s) as a condition of development. The value of the construction of the improvements can be quantified and monetized as an annuity. Since this construction was performed and paid by non-assessment funds, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 25%.

Therefore, the total general benefit that is conservatively quantified at 1.5% is more than offset by the total non-assessment contribution towards general benefit of 28%.

5.4 Method of Apportionment

The second step in apportioning assessments is to determine the relative special benefit for each property. This process involves determining the relative benefit received by each property in relation to a single-family home, or, in other words, on the basis of Single-Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are assigned a SFE value, which is each property's relative benefit in relation to a single-family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is assigned one SFE.

5.5 Assessment Apportionment

The improved properties within the Districts consist primarily of single family, multi-family, commercial and non-assessed parcels, with the vast majority being single family parcels. Since all single-family parcels in the Districts are deemed to have good proximity to the improvements, such single-family properties receive similar benefit from the proposed improvements and are assigned 1.0 SFE unit. The special benefit assignment for other types of properties is further defined as follows.

Many of the Districts contain only single-family residences and non-assessed properties such as parks and green spaces. These districts are:

District	Residential Lots
American River Canyon North	1,022
American River Canyon North No. 2	160
American River Canyon North No. 3 ⁽¹⁾	1,022
Blue Ravine Oaks	165
Blue Ravine Oaks II	165
Cobble Hills Ridge II/ Reflections II	389
Cobble Ridge	98
Folsom Heights	308
Folsom Heights No. 2	308
Hannaford Cross	103



District	Residential Lots
Lake Natoma Shores	113
Los Cerros	337
Natoma Valley	79
Prospect Ridge	35
Sierra Estates	25
Steeplechase	154
The Residences at American River Canyon	17
The Residences at American River Canyon II	10
Willow Creek East	747
Willow Creek East No. 2 ⁽²⁾	747
Willow Springs	517
Total Residential Lots:	3,150

- (1) See the American River Canyon No. 3 section below for further information on zones of benefit.
- (2) See the Willow Creek East No. 2 section below for further information on zones of benefit.

The aforementioned Districts are assessed per the table below.

Description	SFEs
Single Family Parcel (per parcel)	1.0000
Condominium ⁽¹⁾ (per unit)	0.6700
Non-Assessed (e.g., open space, park land, etc.)	0.0000

- (1) In 2006-07, a general case SFE rate was established for condominiums in Districts in which the original Engineer's Report did not anticipate condominium development. The rate is 0.67 SFEs per unit.

AMERICAN RIVER CANYON NORTH NO. 3

There are 1,022 residential lots in American River Canyon North No. 3. Each assessable parcel receives a special and direct benefit from the improvements in the District. Since the District is comprised of residential single family improved properties and all properties have good proximity to the improvements, all assessable parcels are estimated to benefit equally from the improvements associated with the District, and the costs associated with the improvements are apportioned equally to all parcels on the basis of current or proposed dwelling units. Each parcel is assigned SFE units relative to the number of current or proposed dwelling units on the parcel.

There are three Zones of Benefit within American River Canyon North District No. 3. In Zone A each single family parcel is assigned 1.00 SFE, in Zone B, each single-family parcel is assigned 0.83 SFE, and in Zone C each single-family parcel is assigned 0.50 SFE. Properties in Zone B and Zone C receive lower benefit units because they currently pay for common open space areas within their zone. In 2007, when the American River Canyon North District No. 3 was formed, an analysis of the associated landscaping improvements was performed to determine the relative benefit to each zone from this new assessment. It was estimated that Zone B receives 17% of the special benefit, and Zone C receives 50% of the special benefit. Therefore, the



SFE units for Zone B and Zone C have been adjusted accordingly. American River Canyon North District No. 3 properties are assessed per the table below:

American River Canyon No. 3

Description	SFEs
Zone A – Original American River Canyon North Area (per parcel)	1.0000
Zone B – Canyon Falls Village Area (per parcel)	0.8300
Zone C – American River Canyon North No. 2 Area (per parcel)	0.5000

BRIGGS RANCH

There are 642 residential lots, and each residential lot is assigned 1.0 SFE. Non-residential parcels within Briggs Ranch (APNs: 071-1190-007, -008, -010, -012, -013, and -014) are assigned 2.2 SFEs per acre, per the original formation documents. Briggs Ranch properties are assessed per the below:

Briggs Ranch

Description	SFEs
Single Family Parcel (per parcel)	1.0000
Non-Residential Parcel (per acre)	2.2000
Non-Assessed (e.g., open space, park land etc.)	0.0000

BROADSTONE

According to the Method of Spread in Broadstone’s original formation documents, there are 895.301 acres in Broadstone. Of this original acreage, 416.145 acres are subdivided into 1,682 single family residential lots (average of 4.2 lots per acre) and 479.156 acres are divided into multi-family and commercial lots. The multi-family parcels are designated into two development areas: Bentley Square West and Bentley Square East. Bentley Square West (APNs 072-1070-002-0000 through APN 072-1070-100-0000) includes 99 units and Bentley Square East (APNs 072-1610-001-0000 through APN 072-1610-053-0000) includes 53 units. The 152 Bentley Square units are each assigned 0.0962 SFEs per unit. Due to the small lot density being consistent with the multi-family land use designation, the Vessona and Halidon developments are considered condominiums. These projects are consistent with both the Multi-Family Low Density General Plan Land Use Designation and the Multi-Family zoning of the project site. Parcels within the Vessona and Halidon developments are assigned 0.67 SFEs per unit.

There are 1,530 single family residential lots and each residential lot is assigned 1.0 SFE. Developed non-single-family parcels within Broadstone are assigned 2.1 SFEs per acre, unrecorded single family residential lots are assigned 0.65 SFEs per parcel, and undeveloped non-single family residential parcels are assigned 0.704 SFEs per acre. Broadstone properties are assessed per the original formation documents, per the table below:



Broadstone

Description	SFEs
Single Family Parcel (per parcel)	1.0000
Unrecorded Single-Family Parcel (per parcel)	0.6500
Bentley Square Multi-Family Parcel (per unit)	0.0962
Vessona and Halidon Condominium (per unit)	0.0670
Developed Non-Single-Family Parcel (per acre)	2.1000
Undeveloped Non-Single-Family Parcel (per acre)	0.7040
Non-Assessed (e.g., open space, park land etc.)	0.0000

BROADSTONE NO. 3

According to the Method of Spread in Broadstone No. 3’s original formation documents there are 559.36 acres in Broadstone No. 3. Of this acreage, 325.00 acres are single family residential lots (average of 2.034 lots per acre), 11.48 acres are multi-family residential, 195.95 acres are industrial and commercial uses, and 26.93 acres are non-assessed for use as parks, open space, etc.

There are 523 single family residential lots, and each residential lot is assigned 1.0 SFE. Developed non-single-family parcels within Broadstone No. 3 are assigned 2.034 SFEs per acre, unrecorded single family residential lots are assigned 0.326 SFEs per parcel, and undeveloped non-single family residential parcels are assigned 0.663 SFEs per acre. Broadstone No. 3 properties are assessed per the original formation documents, per the table below:

Broadstone No. 3

Description	SFEs
Single Family Parcel (per parcel)	1.0000
Unrecorded Single-Family Parcel (per parcel)	0.3260
Developed Non-Single-Family Parcel (per acre)	2.0340
Undeveloped Non-Single-Family Parcel (per acre)	0.6630
Non-Assessed (e.g., open space, park land etc.)	0.0000

BROADSTONE NO. 4

Residential

Certain residential properties in Broadstone No. 4 that contain a single residential dwelling unit are assigned one 1.00 SFE. Detached or attached houses, zero-lot line houses and town homes are included in this category of single-family residential property. If there is more than one single family detached dwelling on a parcel, it will be charged 1.00 SFE per single family detached dwelling.

Properties with more than one residential unit (other than parcels with more than one detached single-family dwelling as described above) are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property, the average number of people who reside in multi-family residential units versus the average number of people who reside in a single-family home and the relative size of each type of residential dwelling unit.



The population density factors for the area in Sacramento County encompassing Broadstone No. 4, as depicted in the following table, provide the basis for determining the SFE factors for residential properties. Using the total population in a certain property type in the area from the 2010 Census and dividing it by the total number of such households, finds that approximately 2.91 persons occupy each single-family residence, whereas an average of 2.12 persons occupy each condominium. The ratio of 2.91 people on average for a single-family residence and 2.12 people per dwelling unit in a condominium unit results in a population density equivalent of 0.73 for condominiums. Next, the relative building areas are factored into the analysis because special benefits are related to the average size of a property, in addition to average population densities. For a condominium, this calculation results in an SFE factor of 0.40 per dwelling unit. A similar calculation is used for the SFE assignments for other residential property types. Broadstone No. 4 residential properties are assessed per the original formation documents, per the table below:

Broadstone No. 4 Residential Density and Assessment Factors

Type of Residential Property	Pop. Density Equivalent	SqFt Factor	SFE Factor
Single Family Residential	1.00	1.00	1.00
Condominium	0.73	0.55	0.40
Duplex, Triplex, Fourplex	0.64	0.42	0.27
Multi-Family Residential (5+ Units) ⁽¹⁾	0.64	0.34	0.22
Mobile Home on Separate Lot	0.45	0.45	0.20

(1) Properties in excess of 20 units are assessed 0.22 SFEs per unit for the first 20 units and 0.10 SFEs per each additional unit in excess of 20 units.

Commercial/Industrial

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single family residential property and the average commercial/industrial property. The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously can be measured by the average number of people who work at commercial/industrial properties.

In order to determine employee density factors, the findings from the San Diego Association of Governments Traffic Generators Study (SANDAG Study) are used because these findings were approved by the State Legislature as being a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24. In comparison, the average number of people residing in a single-family home in the area is 2.91. Since the average lot size for a single-family home in Broadstone No. 4 is approximately 0.20 acres, the average number of residents per acre of residential property is 14.55.

The employee density per acre is generally 1.65 times the population density of single-family residential property per acre (24 employees per acre / 14.55 residents per acre). Therefore, the average employee density can be used as the basis for allocating benefit to commercial/ industrial property since a commercial/industrial property with 4.8 employees receives generally similar special benefit to a residential property with 1 resident. This factor of equivalence of benefit between 1 resident to 4.8



employees is the basis for allocating commercial/industrial benefit. The table below shows the average employees per acre of land area or portion thereof for commercial and industrial properties and lists the relative SFE factors per quarter acre for properties in each land use category.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per quarter acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres. Institutional properties that are used for residential, commercial, or industrial purposes are also assessed at the appropriate residential, commercial, or industrial rate. Broadstone No. 4 non-residential properties are assessed per the original formation documents, per the table below:

Broadstone No. 4 Commercial/Industrial Density and Assessment Factors

Type of Commercial/Industrial Property	Average Employees Per Acre	SFE Units Per Quarter Acre ⁽¹⁾	SFE Units Per Acre After 5
Commercial	24	0.500	0.500
Office	68	1.420	1.420
Shopping Center	24	0.500	0.500
Office	24	0.500	0.500
Self Storage or Parking Lot	1	0.021	N/A
Golf Course	0.80	0.033	N/A
Cemeteries	0.10	0.004	N/A
Agriculture	0.05	.0002	N/A

(1) The SFE factors are applied by the quarter acre of land area or portion thereof. Therefore, the minimum assessment for any assessable parcel in these categories is the SFE units listed above.

Undeveloped/Vacant

The benefit to vacant properties is determined to be proportional to the corresponding benefits for similar type developed properties; however, at a lower rate due to the lack of improvements on the property. A measure of the benefits accruing to the underlying land is the average value of land in relation to improvements for developed property. The SFE factor for vacant/undeveloped parcels is 0.25 per parcel.

The benefit to undeveloped properties is determined to be proportional to the corresponding benefits for similar type developed properties, but at a lower rate due to the lack of improvements on the property. A measure of the benefits accruing to the underlying land is the average value of land in relation to improvements for developed property. An analysis of the assessed valuation data from the County of Sacramento found that approximately 25% of the assessed value of improved properties is classified as the land value. It is reasonable to assume, therefore, that approximately 25% of the benefits are related to the underlying land and 75% are related to the improvements and the day-to-day use of the property. Using this ratio, the SFE factor for vacant/undeveloped parcels is 0.25 per parcel.



Other

Article XIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, public right-of-way parcels, well, reservoir or other water rights parcels, limited access open space parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers, or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

Other property land uses in Broadstone No. 4 are assessed per the original formation documents, per the table below:

Broadstone No. 4 Other Property Assessment Factors

Description	SFEs
Undeveloped/Vacant Parcel (per parcel)	0.2500
Non-Assessed (e.g., open space, park land etc.)	0.0000

Zones of Benefit

In 2015, when Broadstone No. 4 was formed, an analysis was performed of the associated lighting and landscaping improvements to determine the relative benefit to each zone from this new assessment. As a result, four Zones of Benefit were created within Broadstone No. 4. Parcels in Zone B are determined to receive 95.25% of the level of special benefit of those within Zone A, parcels in Zone C are determined to receive 93.87% of the level of special benefit of those within Zone A, and parcels in Zone D are determined to receive 92.23% of the level of special benefit of those within Zone A.

NATOMA STATION

There are 1,271 single family residential lots and each one is assigned 1 SFEs. There are 94.99 acres of Commercial and each one is assigned 4.2487 SFEs per acre, with the exception of those properties originally located within Lot X. There are 21.03 acres of Multi Family and each one is assigned 3.2337 SFEs per acre.

There are 1,271 single family residential lots within Natoma Station, and each residential lot is assigned 1.0 SFE. Condominium parcels are assigned 0.067 SFEs per unit, multi-family parcels are assigned 3.2337 SFEs per acre, commercial properties located outside of Lot X are assigned 4.2487 SFEs per acre, commercial properties within Lot X are assigned 0.6299 SFEs per parcel. Natoma Station properties are assessed per the original formation documents, per the table below:



Natoma Station

Description	SFEs
Single Family Parcel (per parcel)	1.0000
Condominium Parcel (per unit)	0.0670
Multi-Family Parcel (per acre)	3.2337
Commercial Parcel Excluding Lot X (per acre)	4.2487
Lot X Commercial Parcel ⁽¹⁾	0.6299
Non-Assessed (e.g., open space, park land etc.)	0.0000

(1) Includes APNs: 072-0840-045, -047 and -057.

PRAIRIE OAKS RANCH

There are 856 single family residential lots within Prairie Oaks Ranch and each residential lot is assigned 1.0 SFE. The one multi-family property is assigned 57.0 SFEs and the school site is assigned 5.63 SFEs to pay for the cost of maintaining the school sites’ frontage. Prairie Oaks Ranch properties are assessed per the original formation documents, per the table below:

Prairie Oaks Ranch

Description	SFEs
Single Family Parcel (per parcel)	1.0000
Multi-Family Parcel (per parcel)	57.0000
School Site Parcel (per parcel)	5.6300
Non-Assessed (e.g., open space, park land etc.)	0.0000

PRAIRIE OAKS RANCH NO. 2

Residential

Certain residential properties in Prairie Oaks Ranch No. 2 that contain a single residential dwelling unit are assigned 1.0 SFE. Detached or attached houses, zero-lot line houses and town homes are included in this category of single-family residential property. If there is more than one single-family detached dwelling on a parcel, it will be charged 1.0 SFE per single-family detached dwelling.

Properties with more than one residential unit (other than parcels with more than one detached single-family dwelling as described above) are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property, the average number of people who reside in multi-family residential units versus the average number of people who reside in a single-family home and the relative size of each type of residential dwelling unit. The population density factors for the area in Sacramento County encompassing Prairie Oaks Ranch No. 2, as depicted in the following table, provide the basis for determining the SFE factors for residential properties. Using the total population in a certain property type in the area from the 2019 ACS 5Year estimate and dividing it by the total number of such households, finds that approximately 2.66 persons occupy each single-family residence, whereas an average of 1.94 persons occupy each condominium. The ratio of 2.66 people on average for a single-family residence and 1.94 people per dwelling unit in a condominium unit results in a population density equivalent of 0.73 for condominiums. Next, the relative



building areas are factored into the analysis because special benefits are related to the average size of a property, in addition to average population densities. For a condominium, this calculation results in an SFE factor of 0.42 per dwelling unit. Should ADUs be developed within Prairie Oaks Ranch No. 2, the assessment would be 1 SFE for the primary SFR and .42 for the ADU. A similar calculation is used for the SFE Rates for other residential property types. Prairie Oaks Ranch No. 2 residential properties are assessed per the original formation documents, per the table below:

Prairie Oaks Ranch No. 2 Residential Density and Assessment Factors

Type of Residential Property	Pop. Density Equivalent	SqFt Factor	SFE Factor
Single Family Residential	1.00	1.00	1.00
Condominium	0.73	0.58	0.42
Duplex, Triplex, Fourplex	0.77	0.42	0.32
Multi-Family Residential (5+ Units) ⁽¹⁾	0.72	0.30	0.22
Mobile Home on Separate Lot	0.58	0.43	0.25

(1) Properties in excess of 20 units are assessed 0.22 SFEs per unit for the first 20 units and 0.10 SFEs per each additional unit in excess of 20 units.

Commercial/Industrial

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and the average commercial/industrial property. The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously can be measured by the average number of people who work at commercial/industrial properties.

In order to determine employee density factors, the findings from the San Diego Association of Governments Traffic Generators Study (SANDAG Study) are used because these findings were approved by the State Legislature as being a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24. In comparison, Census data shows that the average number of people residing in a single-family home in the area is 2.66. Since the average lot size for a single-family home in Prairie Oaks Ranch No. 2 is approximately 0.20 acres, the average number of residents per acre of residential property is 13.30.

The employee density per acre is generally 1.80 times the population density of single-family residential property per acre (24 employees per acre / 13.30 residents per acre). Therefore, the average employee density can be used as the basis for allocating benefit to commercial or industrial property since a commercial/industrial property with 4.8 employees receives generally similar special benefit to a residential property with 1 resident. This factor of equivalence of benefit between 1 resident to 4.8 employees is the basis for allocating commercial/industrial benefit. The table below shows the average employees per acre of land area or portion thereof for commercial and industrial properties and lists the relative SFE factors per quarter acre for properties in each land use category.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the



benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per quarter acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres. Institutional properties that are used for residential, commercial, or industrial purposes are also assessed at the appropriate residential, commercial, or industrial rate. Prairie Oaks Ranch No. 2 non-residential properties are assessed per the original formation documents, per the table below:

Prairie Oaks Ranch No. 2 Commercial/Industrial Density and Assessment Factors

Type of Commercial/Industrial Property	Average Employees Per Acre	SFE Units Per Quarter Acre ⁽¹⁾	SFE Units Per Acre After 5
Commercial	24	0.500	0.500
Office	68	1.420	1.420
Shopping Center	24	0.500	0.500
Office	24	0.500	0.500
Self Storage or Parking Lot	1	0.021	N/A
Golf Course	0.80	0.033	N/A
Cemeteries	0.10	0.004	N/A
Agriculture	0.05	0.002	N/A

(1) The SFE factors are applied by the quarter acre of land area or portion thereof. Therefore, the minimum assessment for any assessable parcel in these categories is the SFE units listed above.

Undeveloped/Vacant

The benefit to undeveloped properties is determined to be proportional to the corresponding benefits for similar type developed properties, but at a lower rate due to the lack of improvements on the property. A measure of the benefits accruing to the underlying land is the average value of land in relation to improvements for developed property. An analysis of the assessed valuation data from the County of Sacramento found that approximately 25% of the assessed value of improved properties is classified as the land value. It is reasonable to assume, therefore, that approximately 25% of the benefits are related to the underlying land and 75% are related to the improvements and the day-to-day use of the property. Using this ratio, the SFE factor for vacant/undeveloped parcels is 0.25 per parcel.

Other

Article XIIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, public right-of-way parcels, well, reservoir or other water rights parcels, limited access open space parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers, or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.



Other property land uses in Prairie Oaks No. 2 are assessed per the original formation documents, per the table below:

Prairie Oaks Ranch No. 2 Other Property Assessment Factors

Description	SFEs
Undeveloped/Vacant Parcel (per parcel)	0.2500
Non-Assessed (e.g., open space, park land etc.)	0.0000

SILVERBROOK

The non-residential properties in Silverbrook are assigned 1.0 SFE per acre and the remaining 273 single family residential lots within Silverbrook are assigned 0.1259 SFEs per residential lot. Silverbrook properties are assessed per the original formation documents, per the table below:

Silverbrook

Description	SFEs
Non-Residential Parcel (per acre)	1.0000
Single Family Parcel (per parcel) ⁽¹⁾	0.1259
Non-Assessed (e.g., open space, park land etc.)	0.0000

(1) Based on 34.39 acres that developed into 273 single family parcels.

WILLOW CREEK ESTATES EAST NO. 2

Residential

Certain residential properties in Willow Creek Estates East No. 2 that contain a single residential dwelling unit are assigned 1.0 SFE. Detached or attached houses, zero-lot line houses and town homes are included in this category of single-family residential property. If there is more than one single-family detached dwelling on a parcel, it will be charged 1.0 SFE per single-family detached dwelling.

Properties with more than one residential unit (other than parcels with more than one detached single-family dwelling as described above) are designated as multi-family residential properties. These properties benefit from the improvements in proportion to the number of dwelling units that occupy each property, the average number of people who reside in multi-family residential units versus the average number of people who reside in a single-family home and the relative size of each type of residential dwelling unit. The population density factors for the area in Sacramento County encompassing Willow Creek Estates East No. 2, as depicted in the following table, provide the basis for determining the SFE factors for residential properties. Using the total population in a certain property type in the area from the 2010 Census and dividing it by the total number of such households, finds that approximately 2.91 persons occupy each single-family residence, whereas an average of 2.12 persons occupy each condominium. The ratio of 2.91 people on average for a single-family residence and 2.12 people per dwelling unit in a condominium unit results in a population density equivalent of 0.73 for condominiums. Next, the relative building areas are factored into the analysis because special benefits are related to the average size of a property, in addition to average population densities. For a condominium, this calculation results in an SFE factor of 0.40 per dwelling unit. A similar calculation is used for the SFE Rates for other residential property types. Willow Creek Estates East No. 2 residential properties are assessed per the original formation documents, per the table below:



Willow Creek Estates East No. 2 Residential Density and Assessment Factors

Type of Residential Property	Pop. Density Equivalent	SqFt Factor	SFE Factor
Single Family Residential	1.00	1.00	1.00
Condominium	0.73	0.55	0.40
Duplex, Triplex, Fourplex	0.64	0.42	0.27
Multi-Family Residential (5+ Units) ⁽¹⁾	0.64	0.34	0.22
Mobile Home on Separate Lot	0.45	0.45	0.20

(2) Properties in excess of 20 units are assessed 0.22 SFEs per unit for the first 20 units and 0.10 SFEs per each additional unit in excess of 20 units.

Commercial/Industrial

SFE values for commercial and industrial land uses are based on the equivalence of special benefit on a land area basis between single-family residential property and the average commercial/industrial property. The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously can be measured by the average number of people who work at commercial/industrial properties.

In order to determine employee density factors, the findings from the San Diego Association of Governments Traffic Generators Study (SANDAG Study) are used because these findings were approved by the State Legislature as being a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24. In comparison, Census data shows that the average number of people residing in a single-family home in the area is 2.91. Since the average lot size for a single-family home in Prospect Ridge is approximately 0.20 acres, the average number of residents per acre of residential property is 14.55.

The employee density per acre is generally 1.65 times the population density of single-family residential property per acre (24 employees per acre / 14.55 residents per acre). Therefore, the average employee density can be used as the basis for allocating benefit to commercial or industrial property since a commercial/industrial property with 4.8 employees receives generally similar special benefit to a residential property with 1 resident. This factor of equivalence of benefit between 1 resident to 4.8 employees is the basis for allocating commercial/industrial benefit. The table below shows the average employees per acre of land area or portion thereof for commercial and industrial properties and lists the relative SFE factors per quarter acre for properties in each land use category.

Commercial and industrial properties in excess of 5 acres generally involve uses that are more land intensive relative to building areas and number of employees (lower coverage ratios). As a result, the benefit factors for commercial and industrial property land area in excess of 5 acres is determined to be the SFE rate per quarter acre for the first 5 acres and the relevant SFE rate per each additional acre over 5 acres. Institutional properties that are used for residential, commercial, or industrial purposes are also assessed at the appropriate residential, commercial, or industrial rate. Willow Creek Estates East No. 2 non-residential properties are assessed per the original formation documents, per the table below:



Willow Creek Estates East No. 2 Commercial/Industrial Density and Assessment Factors

Type of Commercial/Industrial Property	Average Employees Per Acre	SFE Units Per Quarter Acre ⁽¹⁾	SFE Units Per Acre After 5
Commercial	24	0.500	0.500
Office	68	1.420	1.420
Shopping Center	24	0.500	0.500
Office	24	0.500	0.500
Self Storage or Parking Lot	1	0.021	N/A
Golf Course	0.80	0.033	N/A
Cemeteries	0.10	0.004	N/A
Agriculture	0.05	0.002	N/A

(1) The SFE factors are applied by the quarter acre of land area or portion thereof. Therefore, the minimum assessment for any assessable parcel in these categories is the SFE units listed above.

Undeveloped/Vacant

The benefit to undeveloped properties is determined to be proportional to the corresponding benefits for similar type developed properties, but at a lower rate due to the lack of improvements on the property. A measure of the benefits accruing to the underlying land is the average value of land in relation to improvements for developed property. An analysis of the assessed valuation data from the County of Sacramento found that approximately 25% of the assessed value of improved properties is classified as the land value. It is reasonable to assume, therefore, that approximately 25% of the benefits are related to the underlying land and 75% are related to the improvements and the day-to-day use of the property. Using this ratio, the SFE factor for vacant/undeveloped parcels is 0.25 per parcel.

Other

Article XIIID stipulates that publicly owned properties must be assessed unless there is clear and convincing evidence that those properties receive no special benefit from the assessment. All properties that are specially benefited are assessed. Other publicly owned property that is used for purposes similar to private residential, commercial, industrial, or institutional uses is benefited and assessed at the same rate as such privately owned property.

Miscellaneous, public right-of-way parcels, well, reservoir or other water rights parcels, limited access open space parcels, watershed parcels and common area parcels typically do not generate employees, residents, customers, or guests. Moreover, many of these parcels have limited economic value and, therefore, do not benefit from specific enhancement of property value. Such parcels are, therefore, not specially benefited and are not assessed.

Other property land uses in Willow Creek Estates East No. 2 are assessed per the original formation documents, per the table below:



Willow Creek Estates East No. 2 Other Property Assessment Factors

Description	SFEs
Undeveloped/Vacant Parcel (per parcel)	0.2500
Non-Assessed (e.g., open space, park land etc.)	0.0000

Zones of Benefit

As part of the engineering work for this assessment, an analysis was conducted on the relationship (including proximity, level of service, etc.), between properties and the primary improvements located throughout Willow Creek Estates East No. 2. Parcels in Zone A (on Garrett Drive, Ferrera Drive and Whitmer Drive) receive direct special benefit from the proximate landscaping and trees adjacent to the properties as well as less proximate streetlighting. Parcels in Zone B receive direct special benefit from the proximate streetlighting as well as landscaping particularly along the street entrances into the neighborhood. Parcels in Zone C receive direct special benefit from the proximate streetlighting but less benefit from the landscaping because they are less proximate to the landscaped areas.

Thus, three zones (A, B, and C) were created. Parcels in Zone A are determined to receive the same level of the level of special benefit of those within Zone B and parcels in Zone C are determined to receive 92.08% of the level of special benefit of those within Zone A and Zone B.

WILLOW CREEK ESTATES SOUTH

There are 1,101 single family residential lots within Willow Creek Estates South’s Villages 1, 2, 3 (lots 1-40 and 94-154), 4 through 7, and 9A and each residential lot is assigned 1.0 SFE. There are 243 single family residential lots in Villages 8 and 9b and each residential lot is assigned 1.086 SFEs. There are 64 single family residential lots in Village 3 (lots 41-93 and 155-165) and each one is assigned 1.256 SFEs. Additionally, there are 10 Lexington Business Park parcels assigned 0.618 SFEs per parcel and three Lexington Square parcels assigned 2.4710 SFEs per parcel. Willow Creek Estates South properties are assessed per the original formation documents, per the table below:

Willow Creek Estates South

Description	SFEs
Single Family Parcel Villages 1, 2, 3 (Lots 1-40 and 94-154), 4 through 7, and 9A (per parcel)	1.0000
Single Family Parcel Villages 8 and 9b (per parcel)	1.0860
Single Family Parcel Village 3 (lots 41-93 and 155-165) (per parcel)	1.2560
Lexington Business Park Parcel (per parcel)	0.6180
Lexington Square Parcel (per parcel)	2.4710
Non-Assessed (e.g., open space, park land, etc.)	0.0000



FIELDSTONE MEADOWS

On April 9, 2013, by Resolution No. 9137, the Fieldstone Meadows Landscaping and Lighting District was dissolved. The City will no longer be responsible for maintaining the improvements nor providing services within the Fieldstone Meadows Landscaping and Lighting District.

5.6 Maximum Assessment Increase

Annually, the maximum assessment rates for Broadstone No. 3 and Cobble Ridge are subject to an annual adjustment tied to the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year, with no maximum annual adjustment.

The maximum assessment rates for Natoma Valley, Prospect Ridge, Sierra Estates, The Residences at American River Canyon, The Residences at American River Canyon II, and Willow Creek Estates East No. 2 are subject to an annual adjustment tied to the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year, with a maximum annual adjustment not to exceed 4%.

The maximum assessment rates for American River Canyon North No. 3, Blue Ravine Oaks No. 2, Broadstone No. 4, Folsom Heights No. 2, and Prairie Oaks Ranch No. 2 are subject to an annual adjustment tied to the Consumer Price Index for the San Francisco Bay Area as of December of each succeeding year, with a maximum annual adjustment not to exceed 3%.

Any change in the Consumer Price Index in excess of the maximum annual assessment increase shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 4% for Natoma Valley, Prospect Ridge, Sierra Estates, The Residences at American River Canyon, The Residences at American River Canyon II, and Willow Creek Estates East No. 2. The "Unused CPI" shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3% for American River Canyon North No. 3, Blue Ravine Oaks No. 2, Broadstone No. 4, Folsom Heights No. 2, and Prairie Oaks Ranch No. 2.

5.7 Fiscal Year 2023/24 Maximum Assessment

The Fiscal Year 2023/24 maximum authorized and proposed assessment rates are shown below.

District	FY 2023/24 Maximum Authorized Rate	FY 2023/24 Proposed Rate	Maximum Assessment Inflator
American River Canyon North	\$102.94	\$102.94	No Inflator
American River Canyon North No. 2	77.70	55.48	No Inflator
American River Canyon North No. 3	303.85	271.22	CPI NTE 3%
Blue Ravine Oaks	218.60	74.86	No Inflator
Blue Ravine Oaks No. 2	107.71	0.00	CPI NTE 3%
Briggs Ranch	122.28	122.28	No Inflator
Broadstone	164.99	164.98	No Inflator
Broadstone No. 3	40.84	40.84	CPI
Broadstone No. 4-Zone A	41.17	41.16	CPI NTE 3%
Broadstone No. 4-Zone B	39.21	39.20	CPI NTE 3%



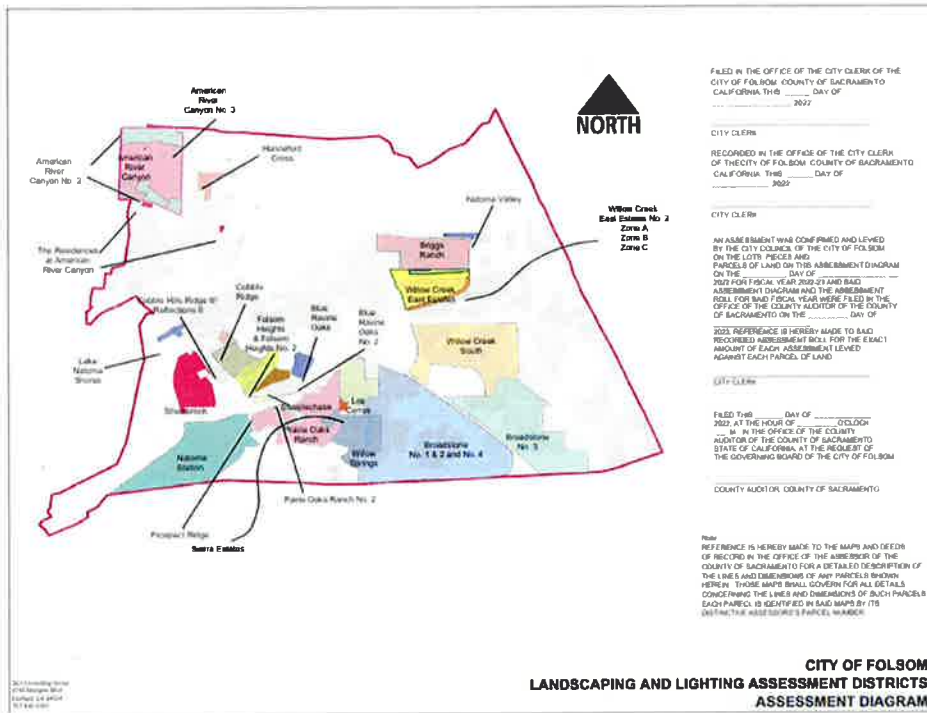
District	FY 2023/24 Maximum Authorized Rate	FY 2023/24 Proposed Rate	Maximum Assessment Inflator
Broadstone No. 4-Zone C	38.65	38.64	CPI NTE 3%
Broadstone No. 4-Zone D	37.91	37.90	CPI NTE 3%
Cobble Hills II/Reflections II	113.14	113.14	No Inflator
Cobble Ridge	251.23	139.48	CPI
Folsom Heights	70.88	70.88	No Inflator
Folsom Heights No. 2	234.56	208.58	CPI NTE 3%
Hannaford Cross	195.78	195.78	No Inflator
Lake Natoma Shores	183.58	183.58	No Inflator
Los Cerros	121.18	121.18	No Inflator
Natoma Station	91.71	91.70	No Inflator
Natoma Valley	1,012.07	877.36	CPI NTE 4%
Prairie Oaks Ranch	213.61	213.60	No Inflator
Prairie Oaks Ranch No. 2	333.03	333.02	CPI NTE 3%
Prospect Ridge	1,269.84	1,269.82	CPI NTE 4%
Sierra Estates	429.80	429.78	CPI NTE 4%
Silverbrook	132.32	132.27	No Inflator
Steeplechase	157.68	157.68	No Inflator
The Residences at American River Canyon	728.25	728.24	CPI NTE 4%
The Residences at American River Canyon II	1,512.51	1,512.50	CPI NTE 4%
Willow Creek Estates East	80.40	80.40	No Inflator
Willow Creek Estates No. 2-Zone A&B	107.65	107.64	CPI NTE 4%
Willow Creek Estates No. 2-Zone C	98.96	98.96	CPI NTE 4%
Willow Creek Estates South	109.88	109.87	No Inflator
Willow Springs	28.14	28.14	No Inflator

Each year, prior to the assessments being placed on the tax roll, the City will review the cost estimate and determine the amount needed to maintain the improvements for the upcoming fiscal year. The actual assessment per benefit point will be based on the estimated costs, available fund balance and maximum allowable assessment with the goal of maintaining the improvements in a satisfactory and operational condition. The actual assessment amount may be equal to or lower than the maximum allowable assessment; however, it may not exceed the maximum unless the increase is approved by the property owners in accordance with Proposition 218.



6. ASSESSMENT DIAGRAM

The boundaries of the Districts are displayed on the following Assessment Diagram. The lines and dimensions of each lot or parcel within the Districts are those lines and dimensions shown on the maps of the County Assessor of the County of Sacramento, at the time this Engineer's Report was prepared, and are incorporated by reference herein and made part of this report.



7. BUDGETS

The Fiscal Year 2023/24 budgets for the maintenance and servicing of the improvements as described in Section 3 - Plans and Specifications of this report are shown below.

GENERAL MAINTENANCE COSTS

- Scheduled: monthly landscape maintenance and service.
- Unscheduled: unscheduled but potential costs for repairs (i.e., broken sprinklers and irrigation systems), replacements (i.e., remove and replace dead tree or irrigation controller), and other services (i.e. repair fence post or treat for a specific pest) not included in monthly maintenance and service costs.
- Streetlights: repair and replace bulbs and ballasts in streetlights.

SERVICE COSTS

- Electrical: electric costs for streetlight maintenance and power to irrigation controllers.
- Water: water costs to irrigate landscaping.

CURRENT YEAR IMPROVEMENT PROJECTS

Funded capital improvements planned to occur in the upcoming fiscal year.

INCIDENTAL COSTS

- Professional Services: consultant cost for Engineer's Report and Improvement Plan.
- Contract Services: other contracts or professional services such as backflow testing (yearly tests), vector control, graffiti removal, and streetlight pole replacement.
- Publications/Mailings/Communications: yearly notices in public hearings, mailings to Advisory Committee Members, and telephone expenses.
- Staff: Landscaping and Lighting District Manager and/or inspector, clerical support, and/or other city staff.
- Overhead: General overhead (Districts share of general overhead categories such as City Clerk, City Attorney, City Manager, etc.) and Department overhead (Districts share of department overhead categories such as City Attorney, City Clerk and Finance Dept. Costs).
- County Auditor Fee: Per Parcel Fee charged by County to put levy on tax bills.

TOTAL IMPROVEMENT COSTS

This is the total of all improvement costs budgeted for the upcoming year. This cost includes current improvements that are funded by fund balance monies. Fund balance monies are monies that have been collected in prior years in anticipation of being used for specific improvements and/or intended for replacement or improvement of capital items within a district.

RESERVE FUND COLLECTION / (CONTRIBUTION)

This item includes the amount to be collected from or credited to the annual assessment. When the total Improvement Costs exceed the total maximum assessment revenue to be collected, and there are sufficient



reserves, a credit may be applied to the total annual costs. When the total Improvement Costs are less than the total maximum assessment revenue, an amount may be collected to maintain reserves to enable the City to pay for the maintenance and servicing of the improvements prior to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessment collections from the County, whichever is later.

CONTRIBUTIONS FROM OTHER SOURCES

This item includes any amount contributed to the District from any source of funds other than the annual assessments.

ROUNDING ADJUSTMENT

This item includes any amount necessary to round the actual assessment amount for each parcel to an even cent as the County requires that the total levy amount submitted be even so that the amount can be divided into two equal installments on the tax roll.

BALANCE TO ASSESS DISTRICT PROPERTIES

This calculation takes the number of single-family equivalent benefit units and multiplies it by the amount that each property within a district will be assessed for the upcoming year. This is the total assessment amount that will be generated by the properties within each district.

RESERVE FUND BALANCE ANALYSIS

This calculation determines funds available in a district. This calculation includes the included funds remaining after being allocated to the estimated reserves, short-term installments and long-term installments.

ESTIMATED RESERVES

Estimated reserve needed for the City to pay for the maintenance and servicing of the improvements prior to December 10 of the fiscal year, or whenever the City expects to receive its apportionment of special assessment collections from the County, whichever is later.

SHORT-TERM INSTALLMENTS

Funds listed here are monies collected in prior years and set aside for future proposed improvements projected to be completed within the next five years.

LONG-TERM INSTALLMENTS

Funds listed here are monies collected in prior years and set aside for future proposed improvements projected to be completed within five to thirty years.



8. ASSESSMENT ROLL

Assessor’s parcel identification, for each lot or parcel subject to the assessment, shall be based on the County Assessor’s secured roll data for the applicable year in which this report is prepared. A listing of assessor’s parcels subject to the assessments for Fiscal Year 2023/24, along with the assessment amounts, is on file in the office of the City Clerk and incorporated herein by reference.

Based on County Assessor’s secured roll data, current assessor’s parcels, including corrected and/or new assessor’s parcels, will be submitted and/or resubmitted to the County Auditor/Controller. The annual assessment amount to be levied and collected for the resubmitted parcel(s) shall be determined in accordance with the method of apportionment and assessment rate approved in this Engineer’s Report. Therefore, if a single assessor’s parcel has a status change in development, other land use change, or subdivides into multiple assessor’s parcels, the assessment amounts applied to each of the new assessor’s parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

The following table summarizes the Fiscal Year 2023/24 assessments for the Districts.

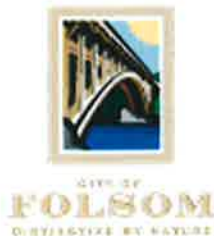
District	FY 2023/24 Total Assessment	FY 2023/24 SFEs	FY 2023/24 Proposed Rate per SFE
American River Canyon North	\$105,204.68	1,022.00	\$102.94
American River Canyon North No. 2	8,876.80	160.00	55.48
American River Canyon North No. 3	249,399.80	919.56	271.22
Blue Ravine Oaks	12,351.90	165.00	74.86
Blue Ravine Oaks No. 2	0.00	165.00	0.00
Briggs Ranch	80,575.10	658.94	122.28
Broadstone	390,345.26	2,366.00	164.98
Broadstone No. 3	34,488.26	844.49	40.84
Broadstone No. 4	102,588.28	2,615.61	39.22
Cobble Hills II/Reflections II	44,011.46	389.00	113.14
Cobble Ridge	13,669.04	98.00	139.48
Folsom Heights	21,831.04	308.00	70.88
Folsom Heights No. 2	64,242.64	308.00	208.58
Hannaford Cross	20,165.34	103.00	195.78
Lake Natoma Shores	20,744.54	113.00	183.58
Los Cerros	40,837.66	337.00	121.18
Natoma Station	152,381.94	1,661.71	91.70
Natoma Valley	69,311.44	79.00	877.36
Prairie Oaks Ranch	196,219.98	918.63	213.60
Prairie Oaks Ranch No. 2	299,518.48	899.40	333.02
Prospect Ridge	44,443.70	35.00	1,269.82



Sierra Estates	10,744.50	25.00	429.78
Silverbrook	15,098.86	114.15	132.27
Steeplechase	24,282.72	154.00	157.68
The Residences at American River Canyon	12,380.08	17.00	728.24
The Residences at American River Canyon II	15,125.00	10.00	1,512.50
Willow Creek Estates East	60,058.80	747.00	80.40
Willow Creek Estates East No. 2	79,704.00	747.00	106.70
Willow Creek Estates South	160,496.72	1,460.73	109.87
Willow Springs	14,548.38	517.00	28.14
Totals:	\$2,363,646.40	17,958.22	

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Folsom City Council Staff Report

MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11060 – A Resolution Authorizing the City Manager to Execute a Certification Form for the Folsom Fire Department to Participate in a Medi-Cal Intergovernmental Transfer (IGT) Program with the California Department of Health Services (DHCS) for Reimbursement of PP-GEMT IGT services for the Service Period of January 1, 2023, Through December 31, 2023 and Make Transfers not to Exceed \$300,738
FROM:	Fire Department

RECOMMENDATION / CITY COUNCIL ACTION

The Fire Department recommends that the City Council pass and approve Resolution No. 11060 – A Resolution authorizing the City Manager to execute a certification form for the Folsom Fire Department to participate in a Medi-Cal Intergovernmental Transfer (IGT) program with the California Department of Health Services (DHCS) for reimbursement of PP-GEMT IGT services for the service period of January 1, 2023, through December 31, 2023 and make transfers not to exceed \$300,738

BACKGROUND / ISSUE

In accordance with California Assembly Bill 1705 (Chapter 544, Statutes of 2019), the Department of Health Care Services developed the Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program (PP-GEMT IGT) to provide reimbursements, by application of an add-on increase, to emergency medical transports provided by eligible public PP-GEMT IGT providers. This program started on January 1, 2023, and replaces the Ground Emergency Medical Transportation Program (GEMT), which ended on December 31, 2022. The City of Folsom previously participated in the GEMT annually since 2009.

Both the former GEMT and the newer PP-GEMT IGT are programs to assist the City of Folsom in recovering costs associated with the provision of Emergency Medical Services (EMS) to individuals who are covered by Medi-Cal. While PP-GEMT IGT and the former GEMT share a

name, the funding sources that support each program are not the same. GEMT relied on State revenue, while PP-GEMT relies on Federal revenues. This change in funding structure allows PP-GEMT to increase revenues, potentially resulting in additional annual funding for the City of Folsom.

POLICY / RULE

Section 2.36.080, Award of Contracts of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$70,952 or greater shall be awarded by City Council.

Provider Participation Agreement with the California Department of Health Care Services (DHCS) requires approval by the City Council.

ANALYSIS

Participation in the PP-GEMT IGT program is mandatory for public provider agencies and provides an important opportunity for the City of Folsom to collect additional ambulance transport fees that would otherwise be unavailable. Mandatory participation requires the City of Folsom to collect and receive these additional ambulance transport fees for each Medi-Cal transport the Folsom Fire Department provides.

While the PP-GEMT IGT program is mandatory, cities, counties, and other public providers in the State may optionally transfer funds to the State to support the program. This optional transfer, also referred to as an Intergovernmental Transfer (IGT), allows the PP-GEMT IGT program to secure Federal matching funds that are the basis for providing additional add-on revenues for each Medi-Cal patient transported. Without these matching funds from public providers, the State would not have adequate funds to receive the Federal match. While the IGT is optional, staff recommends the City of Folsom provide the IGT to ensure ongoing revenues associated with PP-GEMT IGT continue.

FINANCIAL IMPACT

Yearly costs and benefits from the program to the City of Folsom are dependent on Medi-Cal transports the Fire Department provides in a calendar year. Using previous year Medi-Cal transport data, it is estimated that the City of Folsom's 2023 IGT to the State will be \$273,397.95. Participating in the PP-GEMT IGT program preserves an estimated \$900,000 annually that would not be available should the City decide not to provide the IGT to DHCS. Revenue from the program is directly related to the number of Medi-Cal transports that the Fire Department provides each year.

The PP-GEMT IGT Certification Form lists an initial transfer of \$91,132.65, which is the first of three transfers this calendar year totaling an estimated \$273,398. Staff recommends the Council authorize total transfers not to exceed \$300,738 which would account for a 10% contingency in

the event that fewer agencies participate or the Fire Department transports additional Medi-Cal patients, both of which could lead to higher transfers than expected.

Funding for the prior GEMT program is included in the Fiscal Year 2023-24 Operating Budget. There are sufficient funds for this contract in the Fire Department in the General Fund (Fund 010).

ENVIRONMENTAL REVIEW

This report concerns administrative activities that do not constitute a “project” as defined by section 15378 of the California Environmental Quality Act (CEQA) Guidelines and is otherwise exempt pursuant to sections 15061(b)(3) and 15378(b)(2).

ATTACHMENTS

1. Resolution Number 11060 – A Resolution authorizing the City Manager to execute a certification form for the Folsom Fire Department to participate in a Medi-Cal Intergovernmental Transfer (IGT) program with the California Department of Health Services (DHCS) for reimbursement of PP-GEMT IGT services for the service period of January 1, 2023, through December 31, 2023 and make transfers not to exceed \$300,738
2. Department of Health Care Services Public Provider Intergovernmental Transfer Program for Ground Emergency Medical Transportation Services Certification Form for State Calendar Year 2023

Submitted,

Ken Cusano, Fire Chief

Attachment 1

Resolution No. 11060 – A Resolution authorizing the City Manager to execute a certification form for the Folsom Fire Department to participate in a Medi-Cal Intergovernmental Transfer (IGT) program with the California Department of Health Services (DHCS) for reimbursement of PP-GEMT IGT services for the service period of January 1, 2023, through December 31, 2023 and make transfers not to exceed \$300,738

RESOLUTION NO. 11060

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CERTIFICATION FORM FOR THE FOLSOM FIRE DEPARTMENT TO PARTICIPATE IN A MEDI-CAL INTERGOVERNMENTAL TRANSFER (IGT) PROGRAM WITH THE CALIFORNIA DEPARTMENT OF HEALTH SERVICES (DHCS) FOR REIMBURSEMENT OF PP-GEMT IGT SERVICES FOR THE SERVICE PERIOD OF JANUARY 1, 2023, THROUGH DECEMBER 31, 2023 AND MAKE TRANSFERS NOT TO EXCEED \$300,738

WHEREAS, the City of Folsom, through its Fire Department, regularly provides emergency ambulance transport to persons who are Medi-Cal patients enrolled in managed care and fee-for-service plan; and

WHEREAS, the City of Folsom participates in various governmental programs that provide reimbursement of costs incurred in providing such emergency services to Medi-Cal patients; and

WHEREAS, pursuant to California Assembly Bill 1705 (Chapter 544, Statutes of 2019), the Department of Health Care Services developed the Public Provider Ground Emergency Medical Transportation Intergovernmental Transfer Program (PP-GEMT IGT) to provide reimbursements, by application of an add-on increase, to emergency medical transports provided by eligible public PP-GEMT IGT providers; and

WHEREAS, by participating in the Intergovernmental Transfer Program, the City of Folsom will continue to receive reimbursements for a larger proportion of its actual costs for providing emergency ambulance transport to Medi-Cal patients enrolled in managed care and fee-for-service plans; and

WHEREAS, there are sufficient funds in the FY 2023-24 Fire Department budget in the General Fund (Fund 010); and

WHEREAS, under the Intergovernmental Transfer Program certification form, the funds shall be transferred in accordance with a mutually agreed-upon schedule between the City of Folsom and DHCS, and in a form acceptable to the City Attorney;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with the Department of Health Care Services Regarding Participation in the Medi-Cal Ground Emergency Medical Transportation Services Public Provider Intergovernmental Transfer Program for the total not-to-exceed amount of \$273,398 with the budgeted amount to include a 10% contingency of \$27,340 for a total of \$300,738.

PASSED AND ADOPTED this 27th day of June 2023, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2

Department of Health Care Services Public Provider Intergovernmental Transfer Program for
Ground Emergency Medical Transportation Services Certification Form for State Calendar Year
2023

DEPARTMENT OF HEALTH CARE SERVICES
PUBLIC PROVIDER INTERGOVERNMENTAL TRANSFER PROGRAM FOR
GROUND EMERGENCY MEDICAL TRANSPORTATION SERVICES
CERTIFICATION FORM FOR STATE CALENDAR YEAR 2023

I, the undersigned, hereby declare and certify on behalf of City of Folsom (the "Public Entity") as follows:

1. As a public administrator, a public officer, or other public individual, I am duly authorized to make this certification.
2. The Public Entity elects to make this intergovernmental transfer (IGT) to the Department of Health Care Service (DHCS) as a voluntary contribution to the non-federal share of Medi-Cal expenditures for purposes of Assembly Bill 1705 (2019) pursuant to Sections 14105.94, 14105.945, 14129, 14129.3, and 14164 of the Welfare and Institutions (W&I) Code. All funds transferred pursuant to this certification qualify for federal financial participation (FFP) pursuant to Section 1903(w) of the Social Security Act and Title 42 of the Code of Federal Regulations, Section 433 Subpart B, and are not derived from impermissible sources such as recycled Medicaid payments, federal money excluded from use as the non-federal share, impermissible health care-related taxes, or non-bona fide provider-related donations.
3. Voluntary contributions attributable to the period of January 1, 2023, through December 31, 2023, will be made via recurring transfers as indicated on the invoices provided to the Public Entity by DHCS. The Public Entity acknowledges that any transfers made pursuant to this certification during this time period are considered an elective IGT made pursuant to W&I Code sections 14105.945 and 14164, to be used by DHCS, subject to paragraph four herein, exclusively as the source for the non-federal share of ground emergency medical transport public provider supplemental payments in both Medi-Cal fee-for-service payments and the portion of the risk-based capitation rate to Medi-Cal managed care health plans associated with reimbursement made in accordance with Section 14105.945, subdivision (h)(1) (hereafter, the AB 1705 Public Provider (PP) Ground Emergency Medical Transportation (GEMT) Intergovernmental Transfer (IGT) Program, or the PP-GEMT IGT Program), and DHCS costs associated with administering the PP-GEMT IGT Program.
4. DHCS may accept this voluntary contribution to the extent it is able to obtain FFP for the PP-GEMT IGT Program as permitted by federal law. In the event DHCS is unable to obtain FFP for the PP-GEMT IGT Program, or the full payments cannot otherwise be made to and retained by eligible public providers, and, therefore, all or a portion of the transferred amount cannot be used as the non-federal share of payments, DHCS will notify the Public Entity via e-mail and return the applicable portion of the unused IGT amount, no later than 90 days after such notification.
5. The Public Entity acknowledges that, in accordance with W&I Code section 14105.945, subdivision (h)(2), upon CMS approval, DHCS shall assess a ten percent (10%) fee on each transfer of public funds to the state to pay for health care

DEPARTMENT OF HEALTH CARE SERVICES
PUBLIC PROVIDER INTERGOVERNMENTAL TRANSFER PROGRAM FOR
GROUND EMERGENCY MEDICAL TRANSPORTATION SERVICES
CERTIFICATION FORM FOR STATE CALENDAR YEAR 2023

coverage and to reimburse DHCS its costs associated with administering the PP-GEMT IGT Program.

- 6. The Public Entity acknowledges that the IGT is to be used by DHCS for the filing of a claim with the federal government for federal funds and understands that any misrepresentation regarding the IGT may violate federal and state law.
- 7. The Public Entity acknowledges that all records of funds transferred are subject to review and audit upon DHCS' request. The Public Entity will maintain documentation supporting the allowable funding source of the IGTs.
- 8. Upon notice from the federal government of a disallowance or deferral related to this IGT, the Public Entity responsible for this IGT shall be the entity responsible for the federal portion of that expenditure.

I hereby declare under penalty of perjury under the law of the United States that the foregoing is true and correct to the best of my knowledge. I further understand that the known filing of a false or fraudulent claim, or making false statements in support of a claim, may violate the Federal False Claims Act or other applicable statute and federal law and may be punishable thereunder.

Executed on this 1st day of June , 2023 at Folsom , California.

Signature of Authorized Person: _____

Name of Authorized Person: Elaine Andersen

Title of Authorized Person: City Manager

Name of Public Entity: City of Folsom

NPI of Public Entity: 1619974144

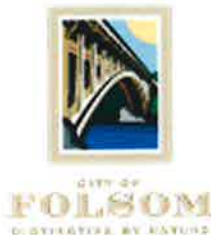
Amount of IGT: \$91,132.65

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to facilitate double-sided printing.*



CITY OF
FOLSOM
DISTINCTIVE BY NATURE



Folsom City Council Staff Report

MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11061 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Midstate Barrier, Inc. for the Folsom Lake Crossing and East Natoma Street Safety Improvements Project
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11061 – A Resolution Authorizing the City Manager to Execute a Construction Agreement with Midstate Barrier, Inc. for the Folsom Lake Crossing and East Natoma Street Safety Improvements Project.

BACKGROUND / ISSUE

The Public Works Department is responsible for the operation, safety, and maintenance of roadways throughout Folsom. In June 2021, a Local Road Safety Plan (LRSP) was developed, which is a data-driven report that systematically identifies and analyzes roadway safety issues and recommends improvements. The LRSP utilized accident data between 2015 and 2019 to determine locations and causes of traffic accidents, allowing engineers to implement specific countermeasures to address the causes of accidents, leading to a safer roadway network for vehicles, bicycles, and pedestrians.

The LRSP identified three specific locations, one on Folsom Lake Crossing between Folsom Dam Road and the Johnny Cash Trail entrance, one on East Natoma Street between Folsom Lake Crossing and Gionata Way, and one on Folsom Auburn Road between Pinebrook Drive and Folsom Dam Road, that would benefit from the installation of median barriers and dynamic radar speed feedback signs. Utilizing the data and recommendations from the LRSP, the city was successful in receiving Highway Safety Improvement Program (HSIP) funds for those

improvements.

In December 2021, the City contracted with TJKM to perform the project design and produce the plans, specifications, and estimate. The project components consist of the installation of metal three-beam median barriers at all three project locations, the installation of dynamic radar speed feedback signs prior to roadway curves, and updated roadway signage and striping.

The project is expected to begin in July 2023 and be completed by September 2023.

POLICY / RULE

Section 2.36.080, Award of Contracts of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of \$70,952 or greater shall be awarded by City Council.

ANALYSIS

Public Works staff prepared the bid package and publicly advertised the project on May 23, 2023. Bids were received on June 15, 2023.

The two bids received are as follows:

- | | |
|--------------------------------------|-----------|
| • Midstate Barrier, Inc. | \$690,421 |
| • Dirt & Aggregate Interchange, Inc. | \$745,745 |

The Engineer's Estimate for this project was \$863,811. The Public Works Department has found the bids to be in order and recommends that the contract be awarded to the low-bidder, Midstate Barrier, Inc. Staff will use the City's standard agreement in a form acceptable to the City Attorney.

FINANCIAL IMPACT

The contract with Midstate Barrier, Inc. would be authorized for \$690,421 with a total project budget of \$759,463, which includes a ten percent contingency amount of \$69,042 for potential change orders.

Funds in the amount of \$759,463 are budgeted and available in the Highway Safety Improvement Program Median Barrier Project, utilizing Highway Safety Improvement Program Grant Funds for Fiscal Year 2022-23.

ENVIRONMENTAL REVIEW

This project has been deemed Categorical Exempt from California Environmental Quality Act (CEQA) environmental review based on Class 1: Existing Facilities.

ATTACHMENT

1. Resolution No. 11061 – A Resolution Authorizing the City Manager to Execute a Construction Agreement with Midstate Barrier, Inc. for the Folsom Lake Crossing and East Natoma Street Safety Improvements Project

Submitted,

Mark Rackovan, PUBLIC WORKS DIRECTOR

RESOLUTION NO. 11061

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH MIDSTATE BARRIER INC., FOR THE FOLSOM LAKE CROSSING AND EAST NATOMA STREET SAFETY IMPROVEMENTS PROJECT

WHEREAS, the Public Works Department desires to install metal thrie-beam barriers on Folsom Lake Crossing between Folsom Dam Road and the Johnny Cash Trail entrance, East Natoma Street between Folsom Lake Crossing and Gionata Way and on Folsom Auburn Road between Pinebrook Drive and Folsom Dam Road; and

WHEREAS, this project consists of engineering countermeasures identified by the Local Road Safety Plan; and

WHEREAS, the City was successful in receiving Highway Safety Improvement Program funds for these improvements; and

WHEREAS, Public Works staff prepared the bid package, publicly advertised the project, and received bids on June 15, 2023, with Midstate Barrier, Inc., being the lowest responsive and responsible bidder; and

WHEREAS, funds in the amount of \$759,463, which includes a contingency of \$69,012, are budgeted and available in the Highway Safety Improvement Program Median Barrier Project, utilizing Highway Safety Improvement Program Grant Funds for Fiscal Year 2022-23; and

WHEREAS, the agreement will be in a form acceptable to the City Attorney:

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute a Construction Agreement with Midstate Barrier, Inc., for the Folsom Lake Crossing and East Natoma Street Safety Improvements Project in the amount of \$690,421, with a total not-to-exceed project budget of \$759,463, which includes a ten percent contingency amount of \$69,042.

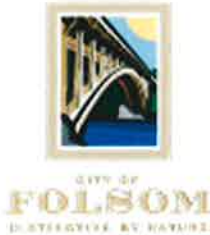
PASSED AND ADOPTED this 27th day of June 2023, by the following roll-call vote:

- AYES:** Councilmember(s):
- NOES:** Councilmember(s):
- ABSENT:** Councilmember(s):
- ABSTAIN:** Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK



Folsom City Council Staff Report



MEETING DATE:	6/27/2023
AGENDA SECTION:	Consent Calendar
SUBJECT:	Receive Annual Report regarding Police Use of Military Type Equipment and approve Resolution No. 11063 - A Resolution Renewing Ordinance No. 1326 and Determining that Specified “Military Equipment” Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law
FROM:	Police Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council receive the annual report for use of ‘military’ type equipment and approve Resolution No. 11063 - A Resolution Renewing Ordinance No. 1326 and Determining that Specified “Military Equipment” Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law

BACKGROUND / ISSUE

On May 24th, 2022 City Council approved the use of certain ‘military’ type equipment to be in compliance with Assembly Bill 481 which required a law enforcement agency (LEA) to obtain approval from the applicable governing body, via adoption of an ordinance approving a “military equipment” use policy, prior to the LEA, acquiring, using, or seeking funds for military equipment. AB 481 defines “military equipment” broadly and creates explicit parameters for the military equipment use policy it requires.

As a result of City Council approval, City of Folsom Ordinance 1326 was enacted along with Folsom Police Policy 707.

AB 481 requires an annual report for each type of approved equipment. The law also requires City Council to review and vote on whether to renew the military equipment use ordinance at least annually.

POLICY / RULE

Annual Report

In accordance with Folsom Police Policy 707 and Assembly Bill 481 an annual report must be submitted to City Council. The requirements for the annual report are (in summary):

- Annual report submitted to City Council, summarizing how the equipment was used.
- The annual report must be made public.
- The results of any internal audits or complaints and actions taken.
- The total annual cost of applicable items.
- An inventory of how many applicable items are possessed.
- If the department intends to acquire additional applicable equipment in the next year, the type and quantity of equipment sought.

Ordinance Renewal

AB 481 also requires the Council to review Ordinance 1326 at least annually and to vote on whether to renew the ordinance. As a part of this review, the Council must determine, based on the annual military equipment report described above, whether each type of military equipment identified in that report has complied with the following standards for approval:

- A. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- B. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. If purchasing equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. Prior military equipment use complied with the military equipment use policy that was in effect at the time.

If the Council determines that each type of military equipment identified in the report has complied with the standards for approval, it may vote to renew the ordinance. If the Council determines that a type of military equipment identified in the annual report has not complied with the standards for approval, the Council must either disapprove a renewal of the authorization for that type of military equipment or require modifications to the military equipment use policy in a manner that will resolve the lack of compliance.

ANALYSIS

Annual Report

The Police Department utilized several of the items listed in City of Folsom Ordinance 1326 as well as Folsom Police Policy 707. These items were used in a variety of incidents including

but not limited to: barricaded subjects, high risk incidents, critical incidents, high risk building entries, felony vehicle stops, suspect searches, missing person searches, outside agency assistance, training, etc.

Number of operational uses per applicable items:

1. Armored Vehicle (Bearcat)- 8
2. Drone (all)- 20
3. Tactical Robot (Robotex Avatar)- 1
4. Long Range Acoustical Device (LRAD)- 2
5. SWAT Rifle- 15
6. Patrol/Officer Rifle- 26
7. Less Lethal Shotgun- 17
8. Less Lethal Munition Launcher- 3
9. Mobile Command and Communications Unit (MCCU)- 2
10. Anti Vehicle Barriers- 5
11. Diversionary Devices- 2
12. Less Lethal Baton- 1
13. Less Lethal Bean Bag- 1
14. Chemical Munitions- 2
15. Sniper Ammunition- 0

Number of training uses per applicable items:

1. Armored Vehicle (Bearcat)- 12
2. Drone (all)- 40
3. Tactical Robot (Robotex Avatar)- 6
4. Long Range Acoustical Device (LRAD)- 0
5. SWAT Rifle- 24
6. Patrol/Officer Rifle- 280
7. Less Lethal Shotgun- 70
8. Less Lethal Munition Launcher- 1
9. Mobile Command and Communications Unit (MCCU)- 4
10. Anti Vehicle Barriers- 0
11. Diversionary Devices- 12
12. Less Lethal Baton- 1
13. Less Lethal Bean Bag- 70
14. Chemical Munitions- 2
15. Sniper Ammunition- 3,500

The Police Department did not receive any complaints from the community regarding the deployment of any of the items in this policy.

Once submitted, a copy of this report will be placed on the Police Department's website.

The Police Department does intend on acquiring a new tactical robot within the next reporting period. The current robot is outdated and in need of replacement. A future staff report will be submitted for approval.

Ordinance Renewal

As shown in the annual report, each type of equipment used has complied with the standards for approval referenced in the Policy/Rule section of this report.

Over the past year, there have been no changes to the necessity for any of the listed equipment. It remains the case that no reasonable alternatives exist to achieve the same objectives of officer and civilian safety gained by use of the listed equipment. As stated to the Council in our initial presentation on this issue, items deemed to be “military equipment” by AB 481 are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by law enforcement to enhance citizen safety and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the City of Folsom. For example, the rifles deemed to be “military equipment” allow peace officers to address lethal threats from a greater distance, with greater precision. These statements remain true today.

Police Policy 707 has and will continue to safeguard the public’s welfare, safety, civil rights, and civil liberties. As explained in association with adoption of Ordinance 1326 last year, all sworn officers with the Folsom Police Department are bound by a stringent set of laws, policies, and procedures which are in line with the public’s welfare, safety, civil rights, and civil liberties. Similarly, all officers are trained in a variety of strategies and tactics which are in line with the laws, policies, and procedures by which we are bound, prior to the use or application of any military type equipment. These policies, procedures, and training requirements are all reflected in Police Policy 707 and no substantive changes to that Policy are proposed.

The Police Department’s use of military type equipment over the past year complied with Police Policy 707. As explained above, the equipment was used in a variety of incidents including but not limited to: barricaded subjects, high risk incidents, critical incidents, high risk building entries, felony vehicle stops, suspect searches, missing person searches, outside agency assistance, training, etc. The equipment used in each incident was authorized for such uses, as documented in Police Policy 707. In addition, the officers using the equipment were properly trained before each deployment, as required.

While the Department is considering the purchase of a new tactical robot, that equipment is not being requested or approved as a part of this report. A future staff report will analyze the standard for approval of new equipment in association with that proposed purchase.

Replacement of Existing Military Equipment

The Department is authorized to replace previously approved quantities of any approved military equipment without amending Police Policy 707 or Ordinance 1326 if the military

equipment is destroyed or rendered inoperable as a result of authorized use. An updated inventory list reflecting such replacements over the last fiscal year is attached to this report.

ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment or to activities that are not otherwise considered a "project" as defined by Public Resources Code § 21065. (CEQA Guidelines § 15061(c)(3) and § 15378.) The Council's decision regarding renewal of Ordinance 1326 meets the above criteria and is not subject to CEQA. No environmental review is required.

FINANCIAL IMPACT

The estimated yearly financial impact of listed items (training and operational), including maintenance costs during this reporting period was approximately \$10,137.32.

ATTACHMENTS

1. Resolution No. 11063 - A Resolution Renewing Ordinance No. 1326 and Determining that Specified "Military Equipment" Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law
2. Updated inventory list of equipment

Submitted,

Richard Hillman, Chief of Police

Attachment 1.
Resolution No. 11063 - A Resolution Renewing Ordinance No. 1326
and Determining that Specified "Military Equipment" Used by the
Folsom Police Department has Complied with Standards for Approval
Set Forth in State Law

RESOLUTION NO. 11063

A RESOLUTION RENEWING ORDINANCE NO. 1326 AND DETERMINING THAT SPECIFIED “MILITARY EQUIPMENT” USED BY THE FOLSOM POLICE DEPARTMENT HAS COMPLIED WITH STANDARDS FOR APPROVAL SET FORTH IN STATE LAW

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481, relating to the use of “military equipment” by law enforcement agencies; and

WHEREAS, Assembly Bill 481, codified at Government Code section 7070 through 7075, requires law enforcement agencies to obtain approval from the applicable governing body, by an ordinance adopting a “military equipment” use policy, at a regular meeting held pursuant to open meeting law, before taking certain actions related to the funding, acquisition, or use of “military equipment”; and

WHEREAS, the term “military equipment” is defined in Government Code section 7070; and

WHEREAS, on May 24, 2022, the City Council adopted Ordinance No. 1326 approving the Folsom Police Department’s Military Equipment Use Policy in compliance with Assembly Bill 481; and

WHEREAS, Assembly Bill 481 requires law enforcement agencies to submit an annual military equipment report containing specified information to the applicable governing body; and

WHEREAS, Assembly Bill 481 requires the governing body of a law enforcement agency to review its “military equipment” ordinance at least annually and vote on whether to renew the ordinance at a regular meeting held pursuant to open meeting law; and

WHEREAS, Assembly Bill 481 requires the governing body to determine whether each type of military equipment identified in the annual military equipment report has complied with specified standards for approval in association with the annual renewal of the ordinance; and

WHEREAS, the annual military equipment report was submitted to the City Council at the June 27, 2023 meeting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom makes the following determinations after reviewing the annual military equipment report submitted by the Folsom Police Department:

1. Each type of military equipment identified in the report is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
2. Police Policy 707 will safeguard the public’s welfare, safety, civil rights, and civil

liberties.

3. No new military equipment is proposed for purchase at this time.

4. Prior military equipment use complied with Police Policy 707.

BE IT FURTHER RESOLVED that the City Council of the City of Folsom has reviewed and hereby renews Ordinance No. 1326 in accordance with Government Code section 7071.

PASSED AND ADOPTED this 27th day of June, 2023, by the following roll-call vote:

AYES: Councilmember(s):

NOES: Councilmember(s):

ABSENT: Councilmember(s):

ABSTAIN: Councilmember(s):

Rosario Rodriguez, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

Attachment 2.
Updated inventory list of equipment

DJI Matrice 210	
Description	Commercial UAS
Quantity	1
Capability	Fly, Hover, broadcast video, record video, Photography, FLIR, carry payload up to approx. 7.5lbs.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAV equipped with a thermal imaging camera and a 30x zoom camera. 38 mins. maximum flight time. Has live stream capabilities.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$30,000 approx. \$2,000 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Phantom 4 Pro	
Description	Commercial UAS
Quantity	1
Capability	Fly, Hover, broadcast video, record video, Photography
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAS equipped with UHD capable camera. Has live stream capability and 28 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$2,500 approx. \$300 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Mavic 2 Enterprise	
Description	Commercial UAS
Quantity	3
Capability	Fly, Hover, broadcast video, record video, Photography, broadcast instant and/or prerecorded notifications.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAS equipped with Single 4k colored camera with Zoom capabilities. Has live stream capability and 30 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$3,600 approx. \$400 anticipated yearly maintenance & battery cost

Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Mavic 2 Zoom	
Description	Commercial UAS
Quantity	1
Capability	Fly, Hover, broadcast video, record video, Photography.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAS equipped with Single 4k colored camera with Zoom capabilities. Has live stream capability and 30 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$1,500 approx. \$400 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Mavic Mini 2	
Description	Commercial UAS
Quantity	2
Capability	Fly, Hover, broadcast video, record video, Photography.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commercial grade UAS equipped with Single 4k colored camera. Has live stream capability and 30 min. flight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$500 approx. \$80 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

DJI Mavic Mini	
Description	Commercial UAS
Quantity	1
Capability	Fly, Hover, broadcast video, record video, Photography.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.

Manufacturer's Description	Commerical grade UAS equipped with Single 4k colored camera. Has live stream capability and 30 min. fight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol, Search and Rescue to locate persons.
Costs	\$400 approx. \$80 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391

LOKI-Mk2

Description	Commercial UAS
Quantity	4
Capability	Fly, Hover, broadcast video.
Life Span	UAS devices need to be upgraded as software becomes obsolete by vendors.
Manufacturer's Description	Commerical grade UAS equipped with Single 4k colored camera. 30 min. fight time.
Purpose	Provide Aerial Support for L.E. operations
Authorized Usage	Investigative Used by SWAT, Patrol for interior tactical scouting missions.
Costs	\$20,000 approx. \$200 anticipated yearly maintenance & battery cost
Required Training	32-hr Basic Pilots Course (or equivalent), FAA Remote Pilot Certificate (Part 107)
Authority for Authorized Use	Certificate of Authority issued by FAA - #2020-WSA-7949-COA, FAA Part 107 holder and completion of Department Training, Folsom Police Department Policy – Section 391
Authority for Authorized Use	Completion of Department Training, Folsom Police Department Policy – Section 391

Blu-Link Streaming Box

Description	Commerical streaming box
Quantity	1
Capability	Streams video in real-time HD video over a secure internet connection.
Life Span	3-5 years
Manufacturer's Description	Portable video streaming device to stream live HD video in real time over a secure Internet connection.
Purpose	Provide real-time video over a secure internet connection for situational awareness and scene assessment.
Authorized Usage	Completion of Department Training, Folsom Police Department Policy – Section 391
Costs	\$5,400 approx. \$50 anticipated yearly maintenance & battery cost
Required Training	In house departmental training. No POST requirement.

Authority for Authorized Use	Completion of Department Training, Folsom Police Department Policy – Section 391
Avatar III	
Description	Robotex INC Avatar III Robot
Quantity	1
Capability	The Avatar III Robot is a radio controlled robot on a track system of propulsion and is outfitted with Cameras, Speakers, and Microphones. The robot increases officers ability to conduct searches in high risk scenarios by providing video and audio into areas that may not be safe for officers to enter. In addition the cameras, speakers, and micorphones allow for 2 way communication between officers and subjects during critical incidents such as barricaded subjects, hostage situations, or suicidal subjects. The camera system provides additional safety for officers when placed in strategic positions to monitor doorways, hallways or access points. The Avatar III Robot is regulary used by the SWAT team during his risk search warrants, emergency calls, and during outside agency requests for assistance. The Crisis Negotiations Team (CNT) is also able to use the robot for direct communication during critical incidents when other forms of direct contact are unsuccessful.
Life Span	15 years
Manufacturer's Description	The AVATAR® enhances the capabilities of SWAT and tactical response teams by allowing them to inspect dangerous situations quickly and safely, there is no longer a need to send personnel in before you've had a chance to assess the situation. The AVATAR® saves lives by keeping first responders out of harm's way, and it does so at a fraction of the price of other robots. The AVATAR® Robots are regarded by tactical teams as a standard operational tool, like a firearm, vehicle, or piece of body armor. Departments across the United States and internationally are using the AVATAR® Robots
Purpose	To enhance safety for officers and subjects during high risk or critical Incidents.
Authorized Usage	Assisting in lawful searches and surveillance. Communications during critical incidents
Costs	\$26000 \$0 anticipated yearly maintenance & battery cost
Required Training	In house departmental training. No POST requirement.
Authority for Authorized Use	It is the policy of the FPD to utilize a robot only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

Lenco Bearcat G2	
Description	Armored personnel carrier
Quantity	1
Capability	The BearCat is a large mobile armored vehicle used to conduct rescues mission for both officers and the public, transport personnel and equipment, and provide security to the public.
Life Span	25 years
Manufacturer's Description	<p>The Lenco Bearcat is an armored vehicle built on a Ford F550 frame and is manufactured for law enforcement purposes. The purpose of the Bearcat armored vehicle is to provide ballistic protection to officers and citizens from gunfire. The armored vehicle stops rifle rated rounds including .50 caliber which is commercially available and beyond the protection level of shield and personal body armor possessed by the department.</p> <p>The Bearcat is often deployed several times a month by SWAT personnel while serving high risk search warrants or assisting other agency. It can be utilized by trained patrol personnel to rescue downed officers and citizens. The Bearcat has been struck by gunfire several times and protected the officers inside, behind it, and the community.</p> <p>Protecting officers allows them to contain the suspect and reduce the immediacy of the threat while communicating and de-escalating. Crisis Negotiations Team (CNT) members have operated from inside the armored vehicles during search warrant and SWAT callouts where they communicate with the suspect and attempt to de-escalate.</p>
Purpose	Regional asset and provides armored vehicle response to critical incidents.
Authorized Usage	To protect and safely transport Police personnel to active scenes. Provide security for officers and the public. It is used by the SWAT and officers.
Costs	\$275,000 approx. \$1,000 anticipated yearly maintenance cost
Required Training	All drivers/ operators shall attend formalized instruction and be trained in vehicle operations and practical driving instruction.
Authority for Authorized Use	Use is established under FPD Policy 705. It is the policy of the Department to utilize armored vehicles only for official law enforcement purposes, and pursuant to State and Federal law.

Mobile Command & Communications Unit (MCCU)	
Description	LDV Custom Specialty Vehicles Command Vehicle
Quantity	1
Capability	The MCCU can be utilized for SWAT/CINT and other critical incidents, preplanned large events, searching for missing persons, natural disasters, and community events
Life Span	20 years

Manufacturer's Description	The LDV Custom Specialty Vehicle is a mobile command center built on a 2006 Freightliner chassis and customized for law/fire command/communication purposes. The purpose of the LDV Mobile Command and Communication Unit (MCCU) is to provide an interior space for command staff to plan and organize responses to critical incidents and special events. The MCCU is specially equipped with an onboard dispatch center, a command area, and a radio interoperability system (RIOS) which allows radio communication between local, state, and federal law enforcement entities which currently operate under different radio systems/frequencies. The vehicle contains radios with varying frequencies including 800 megahertz, very high frequency (VHF), ultrahigh frequency (UHF), low band, and short-wave radio systems. The vehicle has internet capability and computer resources along with access to television channels allowing access to real time news/information. The vehicle is also equipped with a video downlink system allowing command staff to view live feeds from fire/law enforcement aircraft and UAS devices.
Purpose	To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
Authorized Usage	Situations which the MCCU is authorized for use would include but not be limited to critical incidents, emergencies, and natural disasters.
Costs	\$750,000 approx. \$15,000 anticipated yearly maintenance cost
Required Training	The MCCU operators will receive training in the overall operation of the vehicle to include set up and break down procedures, and skills training in the computer, dispatch, and radio systems. The drivers will receive training in the safe handling of the vehicle with the assistance of an experienced driver. Drivers will undergo California Department of Motor Vehicles commercial vehicle testing. This training will occur on a bi-monthly basis
Authority for Authorized Use	It is the policy of the Department to use the MCCU for official fire and law enforcement purposes, and in accordance with California State law regarding operation of motor vehicles

Colt M4 Carbine (11.5")	
Description	Enhanced Patrol Rifle
Quantity	14
Capability	These rifles fire an intermediate-power cartridge (.223) which is more powerful than a standard pistol but less powerful than a standard rifle. It's a short barreled rifle which allows SWAT Officers better control while inside of structures while still providing great accuracy.
Life Span	10-15 years
Manufacturer's Description	Built for the demanding use of those who protect our communities every day, the Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle. Featuring an extended handguard that accepts modular rail segments for mounting a wide variety of pro-grade optics, lighting, and ergonomics-enhancing accessories, as well as the highly durable Magpul® MBUS® Pro Series front and rear back up sights and B5 Bravo buttstock. The Colt EPR reestablishes the Colt AR-15® as the finest tool for local, regional, and national law enforcement agencies.
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$1,100 anticipated yearly maintenance cost
Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Accuracy International AT-.308	
Description	Sniper Rifle
Quantity	4
Capability	This weapon shoots a heavier round. It is utilized when there is a potential need to engage a target further away than the capabilities of our issued rifles or to engage a target behind an intermediate barrier such as glass or metal. The weapon is often deployed in an overwatch capacity to protect the public during events such as the International Marathon.
Life Span	10-15 years
Manufacturer's Description	The AT (Accuracy Tactical) continues the legacy of the combat proven AW308 and takes the AW to new levels. The AIAT has a 20-inch quick change barrel and a folding stock. The AT is ideal for Law Enforcement and civilian users.
Purpose	The AIAT is an accurate rifle for precision shooting. These rifles are equipped with magnified optics and can be utilized to take precision shots at intermediate to long ranges. The .308 caliber bullet it shoots is also bigger and heavier than a typical .223 caliber bullet from an AR-15 which means it will penetrate barriers like glass with much less deflection.

Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$5,000 anticipated yearly maintenance cost
Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Benelli M3 Tactical Shotgun	
Description	SWAT Shotgun
Quantity	3
Capability	This is a 12-gauge semi-automatic pump shotgun used by SWAT officers. The semi-automatic capability reduces time between rounds versus a standard pump action shotgun. Not having to manipulate a fore-end gives SWAT officer the ability to get back on target faster increasing officer safety. The round is good for defeating barriers.
Life Span	10-15 years
Manufacturer's Description	Benelli's M3 Tactical Shotgun delivers fast cycling semi-auto fire with conventional loads or pump action for low energy loads. It is available in a 12 gauge, pistol grip model that satisfies a shooters need for both a semi-automatic and a pump action shotgun in one convertible weapon.
Purpose	SWAT
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$800 anticipated yearly maintenance cost
Required Training	Prior to using a shotgun, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any shotgun are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize shotguns only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Colt (11.5-inch barrel) M4 Carbine – Enhanced Patrol Rifle	
Description	Enhanced Patrol Rifle
Quantity	24
Capability	Equipped with optical sight systems and mounted flashlights, the short-barreled rifle (SBR) fires an intermediate-power cartridge (.223/5.56) which is more powerful than a standard pistol but less powerful than a standard rifle. The SBR gives police officers better maneuverability in and out of patrol vehicles and motorcycles. The SBR is ideal for close quarter deployments inside of structures and provides improved accuracy for long distance engagements.
Life Span	10-15 years

Manufacturer's Description	Built for the demanding use of those who protect our communities every day, the Colt Enhanced Patrol Rifle (EPR) is the next evolution in the world's most dependable, thoroughly field-tested patrol rifle. Featuring an extended handguard that accepts modular rail segments for mounting a wide variety of pro-grade optics, lighting, and ergonomics-enhancing accessories, as well as the highly durable Magpul® MBUS® Pro Series front and rear back up sights and B5 Bravo buttstock. The Colt EPR reestablishes the Colt AR-15® as the finest tool for local, regional, and national law enforcement agencies
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by the Officers
Costs	\$1,190 \$50 anticipated yearly maintenance cost
Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Colt (16-inch barrel) M4 Carbine AR-15	
Description	Patrol Rifle
Quantity	22
Capability	Equipped with optical sight systems and mounted flashlights, these rifles fire an intermediate-power cartridge (.223/5.56) cartridge which is more powerful than a standard pistol but less powerful than a standard rifle. Provides improved accuracy for long distance engagements.
Life Span	10-15 years
Manufacturer's Description	The civilian model 6920 is the civilian version of the current Colt M4 Carbine used by our modern military war fighters. Throughout the world today Colt's reliability, performance and accuracy provide our armed Forces with the confidence required to accomplish any mission, and this rifle can do the same for you. Colt's 6920 series shares many of the same features as it's combat-proven brother the Colt M4. From the forged aluminum upper and lower receivers, to the chrome lined barrel, even through the gas operated semi automatic firing system. Don't settle for imitations, buy the real thing, buy a Colt
Purpose	The AR-15 can stop threats of great bodily injury or death at close and intermediate ranges. The AR-15 platform is capable of firing more accurately and quicker than a pistol while holding more rounds in the magazine and having better ballistic qualities.
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by the Officers
Costs	\$940 \$50 anticipated yearly maintenance cost

Required Training	Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification once a year.
Authority for Authorized Use	Use is established under FPD Policy 300 and Policy 311. It is the policy of the FPD to utilize rifles only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Black Hills Gold .308 Winchester 180 Nosler AccuBond	
Description	Specialized ammunition
Quantity	600 rounds
Capability	Penetrate Intermediate Barriers, Residential windows/Automotive Glass
Life Span	Indefinite
Manufacturer's Description	This round is loaded with a high quality Nosler AccuBond bullet for excellent down range performance. Through a proprietary bonding process that eliminates voids in the bullet core, AccuBond marries Nosler's traditional copper-alloy jacket with its special lead-alloy core. The result is a bullet that flies true, penetrates deep, won't cause extensive barrel fouling, and will retain 60-70% of its weight. The white polymer tip helps protect against deformation while initiating expansion upon impact. This round is used to penetrate intermediate barriers, residential windows, and automotive glass at 2,500 feet per second.
Purpose	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT
Costs	\$45 approx. \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing specialized ammunitions are trained by POST certified firearms instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, and Policy 311. It is the policy of the FPD to utilize specialized ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Hornaday .308 Winchester Tap 168 grain ELD Match Tap Precision	
Description	Specialized ammunition
Quantity	2620 rounds
Capability	Precision Round, Limited Penetration
Life Span	Indefinite
Manufacturer's Description	Hornady .308 Winchester Tap 168 grain ELD Match Tap Precision bullet with Heat Shield tip delivers the excellent terminal performance TAP Precision is known for, but features a resilient, heat resistant polymer tip that improves the ballistic coefficient, resulting in higher impact velocities, less drop, less wind drift, and more energy on target. The round has a muzzle velocity of 2,672 feet per second.
Purpose	Precision round with limited Penetration
Authorized Usage	To defend against an imminent threat of serious bodily injury or death. Used by SWAT

Costs	\$45 approx. \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing specialized ammunitions are trained by POST certified firearms instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, and Policy 311. It is the policy of the FPD to utilize specialized ammunition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 37mm CS 1192	
Description	Tear Gas
Quantity	5
Capability	Can be launched via the 37mm single launcher
Life Span	5 years
Manufacturer's Description	The Ferret® 37 mm CS Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. The munitions is 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.
Purpose	To safely resolve critical situations such as violent civil unrest and highrisk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$40 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Ferret 37mm OC 1160	
Description	Tear Gas
Quantity	8
Capability	Can be launched via the 37mm single launcher
Life Span	5 years
Manufacturer's Description	The Ferret® 37 mm OC Round is a frangible projectile filled with chemical agent. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers the .16 oz. agent payload inside a structure. These munitions are 4.8 in. by 1.5 in. and travels at 650fps within an effective range of 50 yards.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$40 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Combined Tactical Systems 37mm Riot CS Powder Muzzle Blast	
Description	Tear Gas
Quantity	1
Capability	Can be launched via the 37mm single launcher
Life Span	5 years

Manufacturer's Description	A cartridge designed to blast irritant powder directly from the muzzle toward a hostile crowd or individual. These muzzle munitions are designed with a "dual-rim" enabling the operator to chamber the round in both 37MM and 40MM Launchers. However, only 37MM will deliver optimum performance as stated in this specification sheet.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$40 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Combined Tactical Systems 2430 CS/ 12-gauge barricade

Description	Tear Gas	
Quantity	9	
Capability	Can be launched via a 12 gauge shotgun	
Life Span	5 years	
Manufacturer's Description	Liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core doors. The projectiles break upon impact and deliver agent payloads of powder or liquid throughout the adjacent target area.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$8 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Combined Tactical Systems 2440- 12-gauge OC powder

Description	Tear Gas
Quantity	5
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	OC Liquid filled, non-burning, fin-stabilized rounds designed to penetrate light to intermediate barriers such as windows and hollow core doors. The projectiles break upon impact and deliver agent payloads of OC powder throughout the adjacent target area.

Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$8 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 40mm liquid barricade penetrator round, OC 2260

Description	Tear Gas	
Quantity	6	
Capability	Can be launched via a 40mm launcher.	
Life Span	5 years	
Manufacturer's Description	The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 40 mm powder barricade round, CS 2292

Description	Tear Gas
Quantity	15
Capability	Can be launched via a 40mm launcher.
Life Span	5 years

Manufacturer's Description	The Ferret® 40 mm Barricade Penetrating Round is filled with a CS powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 40 mm liquid barricade penetrator round, CS 2262

Description	Tear Gas	
Quantity	5	
Capability	Can be launched via a 40mm launcher.	
Life Span	5 years	
Manufacturer's Description	The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 40 mm powder barricade round, OC 2290

Description	Tear Gas
Quantity	11

Capability	Can be launched via a 40mm launcher.	
Life Span	5 years	
Manufacturer's Description	The Ferret® 40 mm Barricade Penetrating Round is filled with an OC powder chemical agent. It is a frangible projectile that is spin stabilized utilizing barrel rifling. It is non-burning and designed to penetrate barriers. Primarily used to dislodge barricaded subjects, it can also be used for area denial. Primarily used by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impact the nose ruptures and instantaneously delivers the agent payload inside a structure or vehicle.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Triple-chaser separating canister, CS 1026

Description	Tear Gas	
Quantity	10	
Capability	Can be hand thrown, launched, or placed into a munitions Pole	
Life Span	5 years	
Manufacturer's Description	The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$32 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 12-gauge liquid barricade round, CS 3012

Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun

Life Span	5 years	
Manufacturer's Description	The Ferret® 12-Gauge Liquid CS non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .025 oz. of active agent.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 12-gauge powder barricade round, CS 3092

Description	Tear Gas	
Quantity	10	
Capability	Can be launched via a 12 gauge shotgun	
Life Span	5 years	
Manufacturer's Description	The Ferret® 12-Gauge Powder CS non pyrotechnic properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for the agent. The powder carrier improves barricade penetration potential.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 12-gauge powder barricade round, OC 3090

Description	Tear Gas
Quantity	10
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	The Ferret® 12-Gauge Powder OC non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret® round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .002 oz. of active agent.

Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$8 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Ferret 12-gauge liquid barricade round, OC 3010

Description	Tear Gas	
Quantity	10	
Capability	Can be launched via a 12 gauge shotgun	
Life Span	5 years	
Manufacturer's Description	The Ferret® 12-Gauge Liquid OC non pyrotechnical properties also eliminate the fire hazard common with other products. The Ferret round is available with either liquid or powder carriers for the agent. These munitions are a 2.5 in. 12-Gauge round deploying .015 oz. of active agent.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology 12-gauge barricade projectile, CS 23

Description	Tear Gas	
Quantity	10	
Capability	Can be launched via a 12 gauge shotgun	
Life Span	5 years	
Manufacturer's Description		
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$10 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	

Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Smith & Wesson 12-gauge barricade projectile, CS	
Description	Tear Gas
Quantity	4
Capability	Can be launched via a 12 gauge shotgun
Life Span	5 years
Manufacturer's Description	Non-pyrotechnical 12-Gauge barricade round with a small CS charge.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$10 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Aerosol OC/CS grenade 1050	
Description	Tear Gas
Quantity	7
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	Designed for indoor use, this grenade contains no CFCs, is not a fire hazard and requires minimal decontamination by comparison to smoke, powders, or liquids. The Aerosol Grenade is most commonly used in tactical situations by Law Enforcement and Corrections and was designed with indoor operations in mind when a non fire-producing delivery system is desired. It is most effective when used in confined areas and close to the target area. Used to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. The Aerosol Grenade is ideal for cell extractions or barricade situations where the use of pyrotechnic, powder, or liquid devices is not practical or desired. The OC and CS combination provide sufficient effects in confined areas of up to 1,500 square feet. The Aerosol Grenade is not recommended for outdoor use.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.

Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Defense Technology Spede-Heat continuous discharge chemical grenade, OC 1070	
Description	Tear Gas
Quantity	8
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Spede-Heat™ OC Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 1.09 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$ \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Riot control continuous discharge grenade, OC 1080	
Description	Tear Gas
Quantity	4
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Riot Control OC Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 0.88 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Instantaneous blast CS grenade 1042	
Description	Tear Gas
Quantity	4
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Instantaneous Blast CS Grenade is designed for indoor or outdoor use; this grenade's powder is expelled upon initiation of a small internal detonator that has sufficient force to split the canister at six machined grooves on the outside surface. this device is well suited for affecting numerous subjects grouped within a contained portion of a prison yard or area, using wind to the advantage. This 6.12 in. by 2.62 in. grenade will deliver approximately 1.5 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Spede-Heat continuous discharge chemical grenade, CS 1072	
Description	Tear Gas
Quantity	13
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Spede-Heat™ CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Flameless tri-chamber CS grenade 1032

Description	Tear Gas
Quantity	14
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Flameless tri-chamber OC grenade 1030

Description	Tear Gas
Quantity	6
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years

Manufacturer's Description	Designed for law enforcement and corrections, the OC Flameless Tri-Chamber Pyrotechnic Grenade combines the effectiveness of Oleoresin Capsicum (OC) as an incapacitating agent with the flexible delivery methods, range and area coverage of pyrotechnic munitions. The OC Flameless Tri-Chamber Grenade can be used in crowd control, or barricade situations, as a less lethal solution to incapacitate subjects through temporary respiratory discomfort, while reducing or negating the chance of fire to structures. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$35 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Riot control continuous discharge grenade, CS 1082

Description	Tear Gas	
Quantity	13	
Capability	Can be hand thrown, launched, or placed into a munitions Pole	
Life Span	5 years	
Manufacturer's Description	The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$35 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	

Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Defense Technology Pocket tactical grenade, CS 1016	
Description	Tear Gas
Quantity	12
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Pocket Tactical CS Grenade is small, and lightweight. The 0.9 oz. of active agent will burn approximately 20-40 seconds. At 4.75 in. by 1.4 inches in size, it easily fits in most tactical pouches. This is a launchable grenade; however it is normally used as a signaling or covering device. Though this device is slightly over four inches in length, it produces a smoke cloud so fast it appears to be an enveloping screen produced by a full size tactical grenade.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Pocket tactical grenade, OC 1019	
Description	Tear Gas
Quantity	15
Capability	Can be hand thrown, launched, or placed into a munitions Pole
Life Span	5 years
Manufacturer's Description	The Pocket Tactical OC Grenade is a quick burning, reduced volume, continuous discharge grenade. Pelletized chemical agent is discharged through one (1) gas port located on the bottom of the canister. The Pocket Tactical Grenade is a small, lightweight, easily carried device that provides a medium volume of chemical agent or smoke for certain situations. It was designed with the tactical team in mind for distraction, concealment, rescue, or signaling. The pocket grenade is not specifically intended as a crowd management device; however, it can be used in chemical configurations in conjunction with larger smoke canisters to "piggy back" chemical agent into a predominately smoke environment. This device should be deployed utilizing wind advantage.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost

Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Muzzle blast 40 mm round, OC 6040	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 40mm launcher
Life Span	5 years
Manufacturer's Description	The 40 mm Muzzle Blast OC Round is widely used as a crowd management tool for the immediate and close deployment of chemical agent. It can also be employed in tactical operations such as barricaded subjects for area denial, area contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden OC powder at close ranges for indoor or outdoor operations. It has a maximum effective range of 30 feet /9.1 meters.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$35 anticipated yearly maintenance cost
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Muzzle blast 40 mm round, CS 6042	
Description	Tear Gas
Quantity	10
Capability	Can be launched via a 40mm launcher
Life Span	5 years
Manufacturer's Description	The 40 mm Muzzle Blast CS Round is widely used as a crowd management tool for the immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersals lines or engaging crowds at close distances.
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT

Costs	\$35 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Smoke Maximum HC Smoke 1083		
Description	Smoke	
Quantity	10	
Capability	Can be hand thrown, launched, or placed into a munitions Pole	
Life Span	5 years	
Manufacturer's Description	The Military-Style Maximum Smoke Grenade comes from the Defense Technology® #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage		
Costs	\$38 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology Triple-Chaser separating canister, SAF-Smoke 1027		
Description	Smoke	
Quantity	10	
Capability	Can be hand thrown, launched, or placed into a munitions Pole	
Life Span	5 years	
Manufacturer's Description	The Triple-Chaser® Saf-Smoke™ consists three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system and is an effective way to quickly deploy a wide blanket of agent. The grenade is 6.5 in. by 2.7 in. and delivers Saf-Smoke™. It has an approximate burn time of 20 seconds.	
Purpose	To safely resolve critical situations such as violent civil unrest and high-risk tactical operations	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$38 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing chemical agents are trained by POST certified chemical agent instructors.	

Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize chemical agents only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Defense Technology 8933 Low Roll Distraction Device		
Description	Diversory Device (Flash Bang)	
Quantity	41	
Capability	This intermediate less lethal specialty munition allows for light sound diversion during tactical operations which allows for tactical advantage during high-risk situations.	
Life Span	Reusable 25 times	
Manufacturer's Description	The Non-Reloadable Distraction Device® unit incorporates an M201A1 type fuze with hex design gun steel body. This is compact version of the 8933 Low Roll® body Distraction Device is the newest version of the first reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device fits safely in your hand and packs all the power of the full-size Distraction Device. This is a smaller, lighter device with the same output.	
Purpose	To safely resolve critical situations during high-risk tactical operations.	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$30 anticipated yearly maintenance cost	\$0
Required Training	Prior to use, officers must attend inhouse training conducted by POST certified instructors or attend POST certified training.	
Authority for Authorized Use	Use is established under FPD Policy 300. It is the policy of the FPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Defense Technology 8908CI Command Initiated Distraction Device		
Description	Diversory Device (Flash Bang)	
Quantity	8	
Capability	This intermediate less lethal specialty munition allows for light sound diversion during tactical operations which allows for tactical advantage during high-risk situations.	
Life Span	One time use	
Manufacturer's Description	The Command Initiated Reload can be initiated on command from a remote point alleviating initiation delay when instantaneous results are desired. It is ideal for operations utilizing bang poles, deterring retreat and achieving space denial from predetermined areas. 12" of thermo tubing is included with the reload. Some assembly and accessories are required.	
Purpose	To safely resolve critical situations during high-risk tactical operations.	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$35 anticipated yearly maintenance cost	\$0
Required Training	Prior to use, officers must attend inhouse training conducted by POST certified instructors or attend POST certified training.	

Authority for Authorized Use	Use is established under FPD Policy 300. It is the policy of the FPD to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Remington 870 Pump Action Shotgun – Less Lethal	
Description	Less Lethal Shotgun
Quantity	10
Capability	Deploying 12 gauge less lethal flexible baton munitions (Super sock)
Life Span	15-20 years
Manufacturer's Description	The Remington 870 barrel has a fixed cylinder choke for optimum performance with buckshot and slugs at close range. A myriad of aftermarket Remington 870 accessories enables owners to customize the 870 Express for specific purposes. 870 Remington is a receiver milled from a solid billet of steel for maximum strength, and twin action bars
Purpose	Deploys 12 gauge less lethal flexible baton (Super sock) as impact munitions.
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT and Patrol.
Costs	\$500 \$50 anticipated yearly maintenance cost
Required Training	Sworn members utilizing less lethal shotguns are trained by POST certified instructors for 2 hours.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology 37MM Tactical Single Launcher	
Description	37 MM Projectile Launcher
Quantity	2
Capability	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds
Life Span	25 years
Manufacturer's Description	The 37LMTS is a tactical 37mm single shot launcher. The Ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 37LMTS will fire standard 37/38mm Less Lethal ammunition, up to 8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems.
Purpose	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT
Costs	\$300 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agent instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4, and Policy 311. It is the policy of the FPD to utilize projectile launchers only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology 1440 40MM Tactical 4-Shot Launcher	
Description	40 MM Projectile Launcher
Quantity	2
Capability	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds

Life Span	15 years	
Manufacturer's Description	Designed for riot and tactical situations, the Defense Technology® 1440 40mm Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher. It features the Rogers Super Stoc™ expandable gun stock, an adjustable Picatinny mounted front grip, and a unique direct-drive system to advance the magazine cylinder.	
Purpose	Deploying 40mm less lethal impact projectiles and 40mm chemical agent rounds	
Authorized Usage	De-escalation tool not likely to inflict serious injury Used by SWAT	
Costs	\$300 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4, and Policy 311. It is the policy of the FPD to utilize projectile launchers only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Penn Arms L637-1 37MM Projectile Launcher

Description	37 MM Projectile Launcher	
Quantity	1	
Capability	Deploying 37mm less lethal impact projectiles	
Life Span	25 years	
Manufacturer's Description	A spring-advance magazine drum launcher with a six-shot capacity and a smooth barrel.	
Purpose	Deploying 37mm less lethal impact projectiles	
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol	
Costs	\$300 anticipated yearly maintenance cost	\$0
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.	
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4, and Policy 311. It is the policy of the FPD to utilize projectile launchers only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.	

Sage KO1/S Impact Baton 37MM Projectile

Description	37 MM Projectile
Quantity	17
Capability	37mm launcher
Life Span	25 years
Manufacturer's Description	The KO1 is a direct fire modular impact baton round that is designed to be used in situations where kinetic energy is preferred for the incapacitation of hostile and/or non-compliant individuals.
Purpose	To safely resolve critical situations such as high-risk tactical operations. These are necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety/will safeguard the public's welfare, safety, civil rights, and civil liberties.

Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol.
Costs	\$30 anticipated yearly maintenance cost
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Sage K03OC/S OC Impact Baton 37MM Projectile	
Description	37 MM Projectile
Quantity	6
Capability	37mm launcher
Life Span	25 years
Manufacturer's Description	The KO3 is a direct fire crush nose chemical impact baton round that is designed to be used in situations where a combination of kinetic energy and chemical agents is preferred for the incapacitation of hostile and/or non-compliant individuals.
Purpose	To safely resolve critical situations such as high-risk tactical operations. These are necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety/will safeguard the public's welfare, safety, civil rights, and civil liberties.
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol.
Costs	\$30 anticipated yearly maintenance cost
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Winchester Lake Erie Chemical Launcher Attachment	
Description	12 Gauge Projectile Launcher
Quantity	1
Capability	These launching cups attach to 12 gauge less lethal shotguns and allow us to launch canisters of chemical agents or smoke.
Life Span	25 years
Manufacturer's Description	
Purpose	These launching cups attach to 12 gauge less lethal shotguns and allow us to launch canisters of chemical agents or smoke.
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT.
Costs	\$500 anticipated yearly maintenance cost
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.

Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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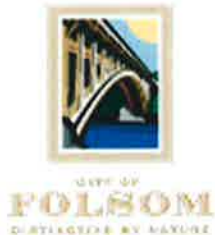
Defense Technology 1370 12-Gauge TkO/ Launching Cup	
Description	12 Gauge Projectile Launcher
Quantity	1
Capability	These launching cups attach to 12 gauge less lethal shotguns and allow us to launch canisters of chemical agents or smoke.
Life Span	25 years
Manufacturer's Description	The launching cup will project the Pocket Tactical Grenade beyond the normal throwing distance. This will extended the ability and safety of the officers involved. Removable shotgun forend to ensure proper stand-off when using breaching rounds.
Purpose	To limit the escalation of conflict where employment of lethal force is prohibited or undesirable.
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT.
Costs	\$40 anticipated yearly maintenance cost
Required Training	Sworn members utilizing munitions launchers are trained by POST certified chemical agents instructors and POST certified less lethal instructors.
Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.4. It is the policy of the FPD to utilize impact munitions only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

Defense Technology Drag Stabilized 12 gauge Bean Bag Round- 3027	
Description	Less lethal munitions
Quantity	120 rounds
Capability	This intermediate less lethal specialty munition allows for direct impact from a minimum range and a maximum effective range of 75ft
Life Span	Indefinite
Manufacturer's Description	The Drag Stabilized™ 12-Gauge Round is a translucent 12-Gauge shell loaded with a 40-Gram tear shaped bag made from a cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. The 12-Gauge Drag Stabilized Round has secured its place as the Law Enforcement Communities' number one choice for specialty impact munitions. This round has a velocity of 270 fps with a maximum effective range of 75 feet.
Purpose	To safely resolve critical situations such as crowd control during riotous situations and high-risk tactical operations. These are necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety/will safeguard the public's welfare, safety, civil rights, and civil liberties.
Authorized Usage	De-escalation tool not likely to inflict serious injury. Used by SWAT and patrol.
Costs	\$5 \$0 anticipated yearly maintenance cost
Required Training	Sworn members utilizing munitions launchers are trained by POST certified less lethal instructors.

Authority for Authorized Use	Use is established under the FPD Policy 300, subsection 308.7, and Policy 311. It is the policy of the FPD to utilize less lethal munition only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.
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Long Range Acoustic Device (LRAD)	
Description	American Tech Cord 500
Quantity	1
Capability	Used to send messages over long range
Life Span	25 years
Manufacturer's Description	LRAD systems deliver live or recorded voice messages with exceptional clarity for any operational scenario. Optimized to the primary range of hearing, LRAD's Advanced Driver and Waveguide Technology ensure every broadcast is clearly heard and understood, even above crowd, engine, and background noise.
Purpose	Device used for public announcements.
Authorized Usage	Any critical situation to make public announcements: Critical incidents, civil unrest, search and rescue, public safety.
Costs	\$1,000 anticipated yearly maintenance cost
Required Training	All operators receive training prior to operating the LRAD in the field.
Authority for Authorized Use	Use is established under FPD Policy 312. It is the policy of the FPD to utilize the LRAD only for official law enforcement purposes, and pursuant to State and Federal law.

Meridian Rapid Defense Group Archer 1200	
Description	Anti-vehicle Barrier
Quantity	16 barriers, 1 trailer, 2 haulers
Capability	<p>The Archer 1200 Anti-Vehicle Barrier is a portable barrier which can protect closed areas from vehicle-ramming attacks. These barriers replace wooden, and water filled barricades during special events and are easily deployed when there is an increase in the level of threat to a specific location or crowded area. They allow for pedestrians to move between them but can stop vehicles from entering closed areas. These barriers will be used during special events and critical incidents where pedestrian safety is a concern.</p> <p>The Folsom Police Department has applied for a grant to obtain 16 barriers but have not taken possession yet.</p>
Life Span	10 years
Manufacturer's Description	An unanchored, "drop-and-stop" barrier for a VSM (Vehicle Safety Mitigation) solution deployment on any surface. Archer 1200 barriers has the shortest stopping distance in its class, modular design, no heavy equipment required for deployment
Purpose	To be used based on the specific circumstances of a given critical incident, large event, natural disaster or community event that is taking place.
Authorized Usage	Authorized for use would include but not be limited to critical incidents, emergencies, and community events.
Costs	\$150,000 approx. \$0 anticipated yearly maintenance cost
Required Training	All officers deploying the vehicle barriers will receive training on how to properly load, unload, move, and deploy the barriers in the field.
Authority for Authorized Use	It will be the policy of the Department to use the vehicle barriers for official law enforcement purposes including road closures, and special events



Folsom City Council Staff Report

MEETING DATE:	6/27/2023
AGENDA SECTION:	New Business
SUBJECT:	Consideration of Economic Development Consultant (Scope of Work and Goals) and Direction to Staff
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

The City Manager recommends that the City Council provide direction to the City Manager as to the scope of work and goals sought for the economic development consultant contract included as part of the approved FY2023-24 Budget.

BACKGROUND / ISSUE

The City Council unanimously approved the City Manager's Proposed FY2023-24 Budget at its regular meeting on May 23, 2023.

The only change made by the City Council to the City Manager's Budget proposal upon adoption was to not transfer \$50,000 from the General Fund to help replenish the Risk Management Internal Service Fund (diminished during the COVID-19 pandemic) nor transfer \$50,000 from the General Fund to create an Information Technology Capital Fund (information technology needs are widespread throughout the City organization).

A consensus of the City Council instead requested that up to \$100,000 be dedicated to an economic development consultant contract. The City Council further requested that the City Manager place an item on a future City Council agenda to allow the City Council to provide specificity as to the scope and work and goals for this consultant.

POLICY / RULE

All powers of the City shall be vested in the City Council except as otherwise provided by the City Charter. Section 2.02 of the City Charter.

ANALYSIS

Successful economic development calls for continuing to cultivate a high quality of life within Folsom that supports and strengthens existing businesses, attracts new businesses, and creates employment opportunities in the community while also, ideally, enhancing City revenues.

Since it is unknown at this time whether dollars set aside for this purpose will be ongoing in future budget years, staff recommends that the scope of work for the economic development consultant include specific, measurable, achievable, relevant, and time-bound deliverables that are meaningful and helpful to City leadership. The scope of work could include any combination of the following possibilities, and staff also welcomes input from the City Council as to other possibilities:

1. Dovetailing with and building on the three-year strategic plan the City Council recently adopted, prepare a three-year economic development action plan. The economic development action plan would provide recommendations for business retention and attraction programs specific to Folsom, including special focus on means and methods to help spark and support Folsom's start-up business community; ideas for "place-making" special events; a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis; an assessment of key City properties (following through on the work of the Council ad hoc committee); an assessment of major shopping centers and strategic retail areas within Folsom to understand future opportunities for retail development and redevelopment possibilities; and suggestions as to how the City could best move forward at the conclusion of the contract in terms of ensuring there is sufficient in-house and/or third-party staffing capabilities to help carry the plan forward.
2. Assess development projects presented to the City through an economic development lens, providing analysis for inclusion in correlating City Council reports as to projected sales tax revenue and other benefits helpful to the City's financial position, as well as demographic, employment, consumer habits, consumer demand, and market supply profiles and assessments as needed and appropriate. This would include participating in the master planning processes already or soon to be underway for the River District and the Central Business District.
3. Conduct a regional comparison of the City's fees, taxes, rates, incentives, and processes that most impact the business community to assess the City's competitiveness in terms of attracting and retaining quality businesses.
4. Conduct a void analysis to highlight possible businesses to target to attract to Folsom. These businesses would ideally complement and grow Folsom's existing and emerging industry sectors (including health care and technology). A void analysis would include possible businesses and their retail class along with the nearest location, approximate size needed, and estimated sales tax revenue.

5. Develop an e-gift card program to encourage residents to shop locally during the upcoming holiday season, including identifying interested businesses for participation, setting up an online account, creating associated branding and community outreach materials, monitoring sales and usage, and serving as the point of contact for business owners. (Staff understands through recent conversations that Choose Folsom may already be planning a program like this; if Choose Folsom does decide to move forward, the City would help support that program rather than lead it.)
6. Provide third-party economic development staffing services to support the City of Folsom in this critical area, including serving as a primary point of contact for the City on these issues; providing “concierge” services for new businesses, business expansion, reuse possibilities, and/or development opportunities; creating customized marketing materials; and facilitating the completion of key tasks identified in the economic development action plan.

Any final scope of work would, of course, be implemented in communication, coordination, and partnership with Choose Folsom.

FINANCIAL IMPACT

There are sufficient funds available in the General Fund (Fund 010) for the approved FY2023-24 Budget for an economic development consultant contract not to exceed \$100,000.

ENVIRONMENTAL REVIEW

The recommended action of the City Council is not a project as defined by the California Environmental Quality Act (CEQA) and therefore does not require environmental review.

Submitted,

Elaine Andersen, City Manager

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to facilitate double-sided printing.*



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FOLSOM
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