



AGENDA
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS

TUESDAY, AUGUST 23, 2016

CLOSED SESSION 5:30 p.m.

CLOSED SESSION LOCATION: CITY HALL CONFERENCE ROOM, 124 N. CLOVERDALE BLVD. CLOVERDALE, CA 95425

PUBLIC BUSINESS SESSION: 6:30 p.m.

**PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

The Cloverdale City Council welcomes you to its meetings that are typically scheduled for the 2nd and 4th Tuesday of the month. Your interest and participation are encouraged and appreciated. ***Please silence all pagers, cellular telephones and other communications devices upon entering the meeting.***

ADDRESSING THE CITY COUNCIL:

When asked to do so by the Mayor, those wishing to address the City Council are asked to step up to the podium. Speak directly into the microphone so everyone in the audience can hear your comments and so they'll be recorded into the official record. State your name and City of Residence for the record. Per City Council Policy, three (3) minutes are typically allotted to each speaker. However, Council may at its discretion revise the amount of time allotted. Public comments will normally be received after staff presentations on an agenda item and before the City Council starts deliberations. A Talking Tips sheet is available for your use.

We may disagree, but we will be respectful of one another.
All comments will be directed to the issue at hand, and addressed to the City Council.
Personal attacks are unacceptable.

DISABLED OR SPECIAL NEEDS ACCOMMODATION: In compliance with the Americans with Disabilities Act, if you need assistance to attend or participate in a City Council meeting, please contact the City Clerk's office at 894-2521. Notification at least 48-hours prior to the meeting will assist the City Clerk in assuring that reasonable accommodations are made to provide accessibility to the meeting.

WAIVER WARNING: If you challenge decisions/directions of the City Council in court, you may be limited to raising only those issues you or someone else raised at public hearings(s) described in this Agenda, or in written correspondence delivered to the City of Cloverdale at, or prior to, the public hearing(s).

CLOSED SESSION

CLOSED SESSION: 5:30 pm

OPENING:

- Call to Order
- Roll Call
- Agenda Review - Closed Session (Changes and/or Deletions)

PUBLIC COMMENTS ON CLOSED SESSION AGENDA:

Prior to adjournment into Closed Session, the public may speak on items to be addressed in Closed Session.

RECESS TO CLOSED SESSION:

PUBLIC EMPLOYEE PERFORMANCE EVALUATION: Pursuant to California Government Code section 54957(b)(1)
Title: City Manager

CONVENE PUBLIC BUSINESS SESSION – 6:30 p.m.

OPENING:

- Call to Order
- Pledge of Allegiance
- Roll Call
- Report out of Closed Session –Actions Taken
- Conflict of Interest Declaration
- Agenda Review – Regular Session (Changes and/or Deletions)

PUBLIC COMMENTS:

Any person wishing to speak to the City Council on any item not listed on the agenda may do so at this time. Members of the public have the right to speak on any items on the Council Agenda during that item. Pursuant to the Brown Act, the City Council is not allowed to consider issues or take action on any item not listed on the agenda. Each person wishing to speak must go to the podium when advised by the Mayor and speak directly into the microphone.

PROCLAMATIONS / PRESENTATIONS:

1. **Presentation of the Cloverdale Senior Multipurpose Center Annual Report for 2015** *(Pages 1- 18)*

CONSENT CALENDAR:

All items under Consent Calendar will be considered together by one action of the Council unless any Council Member or member of the public requests that an item be removed and considered separately.

2. **Minutes of previous meeting- August 9, 2016- Moore** *(Pages 19- 28)*
3. **Action on Resolution 064-2016, authorizing the City Manager to execute a professional services agreement with First Carbon Solutions for the preparation of an initial study for the proposed Vista Oaks Subdivision Project- Kelley** *(Pages 29- 46)*

COMMUNICATIONS: None.

Council may discuss at this time written communications sent to Council members since the last council meeting. Written communication to be discussed will be listed below, if any.

PUBLIC HEARINGS:

- 4. Public Hearing to seek approval from City Council for Cost Report relating to abatement of property located at 650-680 S. Cloverdale Boulevard and authorization to impose a special assessment on the property where the nuisance condition was abated by the City pursuant to Municipal Code Section 1.14.140 (D) - Sanchez, Cavallari (Pages 47- 66)**

Recommendation: Staff recommends Council adopt Resolution No. 065-2016, confirming the Cost Report and authorize the imposition of a special assessment on the property located at 650-680 South Cloverdale Boulevard, Cloverdale, California.

NEW BUSINESS:

- 5. Action on Resolution No. 067-2016, authorizing City Manager to execute the First Amendment to Lease Agreement between the City of Cloverdale and NorCal Skydiving, LLC, to require tenant improvements, including American with Disabilities Act (ADA) compliant parking space and accessible pathway– Cayler (Pages 67- 74)**

Recommendation: The City Manager recommends that the City Council adopt the resolution, authorizing the City Manager to execute the First Amendment to the Lease Agreement with NorCal Skydiving at the Cloverdale Municipal Airport.

- 6. Action on Resolution No. 068- 2016, authorizing the submittal of the Fiscal Year 2016, Federal Aviation Administration (FAA) Grant Application, acceptance of an allocation of funds and execution of a Grant Agreement with the California Department of Transportation, Aeronautics Division for an Airport Improvement Program Matching Grant for further work to conduct environmental assessment of obstruction removal- Cayler (Pages 75- 137)**

Recommendation: Staff recommends Council adopt Resolution No. 068-2016, authorizing the submittal of the FY 2016 FAA Grant Application, acceptance of an allocation of funds and execution of a grant agreement for an Airport Improvement Program matching grant.

- 7. Action on Ordinance No. 709-2016, amending Cloverdale Municipal Code Section 2.04.010, to increase Council Member compensation- Cayler, Sanchez (Pages 139- 144)**

Recommendation: Staff recommends Council adopt the ordinance amending Cloverdale Municipal Code Section 2.04.010, to Increase Council Member compensation.

- 8. Action on Resolution No. 066-2016, accepting the Five Year and Annual AB 1600 Report of development impact fee activity for fiscal years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16- Kelley (Pages 145- 292)**

Recommendation: Staff recommends Council adopt Resolution No. 066-2016, accepting the Five Year and Annual AB 1600 Report of development impact fee activity.

- 9. Action on Resolution No. 069-2016, setting the Ad Valorem Tax Rate for Public Employee Retirement System Retirement Benefits For Fiscal Year 2016/2017- Cavallari (Pages 293- 298)**

Recommendation: Staff recommends Council adopt Resolution No. 069-2016, Option One or Option Two, setting the Ad Valorem Tax Rate for Public Employee Retirement System Retirement Benefits for Fiscal Year/2017

10. Action on Minute Order to appointment two Council Members to an Ad Hoc Committee for the purpose of reviewing and recommending potential changes to the Second Street City Park- Rincon (Page 299)

Recommendation: Staff recommends Council, by Minute Order, form an Ad Hoc Committee of no more than two City Council Members for the purpose of reviewing and making recommendations relating to the City's vision, use and plans for Second Street Park.

SUBCOMMITTEE ITEMS:

SUBCOMMITTEE REPORTS: (VERBAL REPORTS: 15 minutes)

- Airport (Chair, Councilmember Cox and Vice Mayor Wolter) - Next Meeting: October 4, 2016, 9:00 a.m.
- Finance, Administration & Police (Chair, Mayor Brigham and Vice Mayor Wolter) - Next Meeting: August 25, 2016, 2:00 p.m.
- Planning & Community Development (Chair, Vice Mayor Wolter and Mayor Brigham) - Next Meeting: August 24, 2016, 4:00 p.m.
- Public Works (Chair, Councilmember Russell and Councilmember Cox) - Next Meeting: September 27, 2016, 10:30 a.m.
- Joint City/Fire District (Chair, Councilmember Palla and Mayor Brigham) - Next Meeting: TBA.
- Joint City/School District (Chair, Councilmember Palla and Councilmember Cox) – Next Meeting: September 19, 2016, 5:00 p.m.

COUNCIL REPORTS (INCLUDING STUDENT LIAISON): (VERBAL REPORTS: 15 minutes)

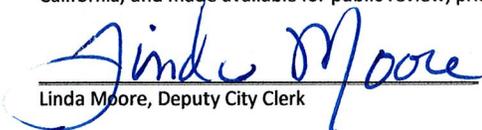
LEGISLATIVE REPORT: None.

CITY MANAGER/CITY ATTORNEY REPORT: None.

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS:

ADJOURNMENT: Adjourn to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, September 13, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).

The City does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation. Questions about this agenda should be directed to City Hall at 707/894-2521. State of California, County of Sonoma, City of Cloverdale. CERTIFICATION I, Linda Moore, do hereby declare under penalty of perjury that the foregoing agenda was posted on the outdoor bulletin board at the City Hall, 124 N. Cloverdale Blvd., Cloverdale, California, and made available for public review, prior to or on this 18th day of August, 2016, at or before 5:00 p.m.


Linda Moore, Deputy City Clerk



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 1
Meeting Date: August 23, 2016

Agenda Section

Presentations

Staff Contact

Paul Cayler, City Manager

Agenda Item Title

Presentation of the Cloverdale Senior Multipurpose Center Annual Report for 2015

Summary

The Cloverdale Senior Multipurpose Center (Senior Center) requests to present to the City Council its Annual Report for the Year 2015. The Senior Center is a critical service provider to Cloverdale's senior citizen community. The Senior Center provides a welcoming atmosphere to keep senior citizens active and engaged. The Senior Center's membership is over 600 paid members, and sixty to eighty people come to the Senior Center every day for activities and meals. Please find attached Senior Center's Annual Report for 2015.

Options

This is an informational presentation. No action required.

Budget/Financial Impact

None.

Subcommittee Recommendation

None.

Recommended Council Action

None.

Attachments:

1. Cloverdale Senior Multipurpose Center Annual Report for 2015

cc:

2501975.1



Cloverdale Senior Multipurpose Center

Social Interaction • Creative Expression • Intellectual Stimulation • Health & Fitness Education

Cloverdale City Manager
Paul Cayler
P.O. Box 217
Cloverdale, CA 95425

August 12, 2016

RE: Annual Report 2015

Dear Paul Cayler,

Enclosed you will find the Annual Report of the Senior Center's activities in 2015. I look forward to presenting this information at the August 23 City Council Meeting. Please contact me if you have any questions, or would like additional information.

Sincerely,

Colleen P. Hale
Executive Director



Cloverdale Senior Multipurpose Center

Social Interaction • Creative Expression • Intellectual Stimulation • Health & Fitness Education

Annual Report for 2015

Entering our 13th year on North Main Street, the Cloverdale Senior Community Center is still the heart of our aging community. Our goal is to continue moving forward in an active, supportive, warm and welcoming atmosphere. Because we cater to a mature community, our membership remains just over 600 members and we see on average 60-80 people daily. We recently increased the annual membership fee to \$15 per person per year. This modest increase is the first in many years. To soften the burden, we allowed our Members to renew their membership for up to two years before the rate increased. While an increase of just \$3 might not seem like a large amount, many Members took advantage of this program. This year, we will also allow our Members to gift memberships if they'd like. For some Members, this gift really will make a large difference to their budget.

The mission of the Cloverdale Senior Center is dedicated to providing Cloverdale residents with activities and services that encourage participation in community life, promote well-being and independence, and enhance dignity. We accomplish these goals by ensuring that at least one of the following key elements are also a part of every planned program activity: Creative Expression, Health and Fitness Education, Intellectual Stimulation and Social Interaction.

Physical activity and remaining fitness minded is very important. We continue to offer weekly exercise classes including four yoga classes, two strength training classes, and a line dancing class every week.

For intellectual stimulation of our members, we offer the following classes: Beginning and Advanced Spanish, Enneagram, TED Talks, Collage Circle, American Sign Language and Meditation. We also recently updated the memory in our computers to update our computer lab which hosts American English Online, Facebook and Cloverdale Tablet Users Group which are all taught by volunteers. This fall we will be adding computer classes.

Enriching Creative Expression, we offer Watercolors classes, a Nimblefingers group, Figure Drawing, Art Zone, and will be co-hosting a Wine and Canvas Night at Papa's Pizza. SRJC Older Adults Program Watercolor Pencil class also begins later this month. Classes offered by SRJC are free classes for seniors.

Social Interaction is vital to one's well-being. The Senior Center is a place for seniors to gather and make new friends. We celebrate monthly birthdays and the Council on Aging serves daily nutritious lunches. For many, this is their only social interaction each day. We also offer weekly bingo games, bridge, pinochle, puzzles and other various games. As an active Senior Center, we continue to look for ways to take our seniors on affordable trips. We host monthly events that bring the members together while raising funds for the Senior Center. In the past year we have had Cabaret Nights, Card Parties, Craft Fairs, a Christmas Tea, a Literary Luncheon, Pancake Breakfasts and a Rummage Sale.



Cloverdale Senior Multipurpose Center

Social Interaction • Creative Expression • Intellectual Stimulation • Health & Fitness Education

We are able to offer these programs and activities because of our large team of wonderful volunteers. They commit their time and energy on a weekly basis at the reception desk, teach a classes, cook for events, work at the store, serve on the board, and take blood pressure. Some seniors provide rides for those without transportation; they help us recycle, and take care of all that they can. Every June, we honor our volunteers at a lovely dinner provided by the Cloverdale Lions Club. We recognized over 5500 hours in total and we're sure that's underestimated. Our volunteers are too humble to write the actual totals.

Our dedicated volunteer Board of Directors work very hard on a monthly basis managing the business aspects of the Center. I have recently finished my second year as the Senior Center's Executive Director and was appointed by James Gore to the Area Agency on Aging Advisory Council. We recently welcomed Jaclyn Smith as the Assistant Director, who joins Leah Stanley, our long-term Office Assistant. We are fortunate to have such a well-rounded, professional, and supportive staff and Board to work with our members, board members, volunteers and community.

To keep our members informed of our activities, we produce a monthly newsletter. To save on paper and postage, we encourage members to receive their newsletters by e-mail. On average, 350 newsletters are mailed and 100 are sent by email each month. Some of our newsletters are sent to couples or family memberships. We also deliver 50 newsletters to local businesses to keep entice local patrons and business owners to join the Senior Center.

Partnering presentations with other local senior organizations is a vital part of our community. We were honored to participate in the World Elder Abuser Awareness Week and thank mayor Brigham for the City Proclamation. We've been happy to be part of the Clover Springs Health Fair, Stroke Awareness, Eat Smart/Live Strong, My Care/My Plan Advanced Care Planning, Benefits of Magnesium, Plant Based Nutrition, and Medicare 101. This year we also put on our first annual Veterans Appreciation Lunch recognizing local service men and women. Many local veterans brought in their service photos and awards to display for this touching event. We had such an unexpected response that we had to have a waiting list. The support of our generous community, we were also able to stuff and deliver over 100 stockings to local residents in our first Santa's for Seniors program. Many of whom would have a quiet Christmas at home without any loved ones nearby. We are currently working on a grief counseling workshop for holiday planning and a long-term bereavement support group with other senior support services. Making sure that our seniors are remembered and made to feel special is a very important part of what we do at the Senior Center. Having the support of the community is what make these events possible.

Our local business partners and service organizations have enables us to provide free services including Health Insurance counseling, Cal-Fresh eligibility, AARP Tax Assistance, legal advice, hearing screening, and weekly blood pressure checks. We are also able to provide services with modest or sliding-scale fees including: Flu Shot Clinic, Smart Driver Courses, a Caregiver Support Group, SHARE Housing, and Haircuts. We are proud to be able to provide a free durable medical equipment loan program offering important items needed for mobility for those recovering from illness or injury or to support the aging members of our community.

707-894-4826 • 311 North Main Street, Cloverdale, CA 95425

Mailing: P.O. Box 663, Cloverdale, CA 95425 • www.CloverdaleSeniorCenter.com



Cloverdale Senior Multipurpose Center

Social Interaction • Creative Expression • Intellectual Stimulation • Health & Fitness Education

We are an emergency shelter for the American Red Cross and a polling place for every election. We once again partnered in Cloverdale High School's Community Unity Day. The students improved the front landscape of the center by trimming the landscape, planting vegetables in the raised beds in the fenced area and removing many bags of leaves. In the future, we hope to transform the front landscape into a wonderful Mediation Garden.

As one of only a few independent Senior Centers in Sonoma County, our fundraising efforts are crucial to the ongoing success of our Center. Currently, our sources of income include Creative Notions, monthly fundraising events, program donations, and investments. This past year, our sponsorship donations accounted for nearly 25% of our entire budget. However the donations were half of what we projected. Annually, we face a large budget deficit which is met by withdrawing funds from an investment account. We are taking several steps to remedy the situation, and we welcome your suggestions in this area. This year, we will focus on a monthly donation plan that will enable our donors to spread out their contributions throughout the year, rather than one large donation, if they would prefer. We will be visiting businesses and asking owners to support their local Senior Center. We are also asking our Members to consider making a bequest to the Senior Center. The closely managed budget reflects the priority of the programs and activities that we provide to our members. We are focused on keeping the Senior Center financially stable while offering exciting and inviting events for our members to enjoy.

Creative Notions is our ongoing fundraising source and in July recently celebrated its three-year anniversary. This little store filled with donations of fabric, yarn, needles, etc. is located at 119 West First Street. Open Tuesday-Saturday from 10am-4pm, the store is entirely staffed with volunteers, and is managed by the Senior Center staff. It's a great opportunity to recycle goods and offer them to the community at very low prices, while keeping them out of landfills.

There is very exciting news on the horizon. Cloverdale Senior Center was awarded the FTA Caltrans Section 5310 Enhanced Mobility of Senior and Individuals with Disabilities in the amount of \$24,515. This volunteer Driver Program will allow senior's access to a donation based transportation program which isn't currently available in our geographical area. Seniors will be able to schedule a ride to medical and social appointments in advance with trusted Senior Center Volunteer Drivers. We will be actively seeking volunteer drivers for this program in the coming months. We have also agreed to participate in the FTA New Freedom Cycle 5 Travel Voucher Program for 144 travel vouchers for seniors to provide transportation to medical and social appointments to people age 60 and older who have no other viable transportation option. Both of these programs we plan to have operational in the next few months.

We appreciate the ongoing relationships being strengthened with our community partners including: AARP, Cloverdale Performing Arts Center, and Council on Aging, SRJC Older Adults Program, Adult Protective Services, and Area Agency on Aging. We are especially thankful for our partnerships with the City of Cloverdale, our local businesses, service organizations and of course our community members.

707-894-4826 • 311 North Main Street, Cloverdale, CA 95425

Mailing: P.O. Box 663, Cloverdale, CA 95425 • www.CloverdaleSeniorCenter.com



Cloverdale Senior Multipurpose Center

Social Interaction • Creative Expression • Intellectual Stimulation • Health & Fitness Education

The most rewarding in the past year has been renewing our License Agreement with the City for 15 years and negotiating the Conditional Use Permit for 12 special events per year and 12 Educational Events per year. These events will be mutually beneficial to our community members and financially beneficial to our Senior Center. Currently we have had a few people interested, but have yet to schedule any events.

Working together, our staff, board, community and business partners, volunteers and donors successfully met our mission of enhancing dignity, promoting well-being and independence, and encouraging participation in community life for Cloverdale's aging population. We are thankful to our Mayor and City Council Members for the continued support. We look forward to continuing to meet the needs of our seniors in an active, supportive, warm and welcoming atmosphere for our community. Thank you so much for our continued support of our Cloverdale Senior Center. We look forward to the ongoing partnership with the City of Cloverdale and our dedicated leaders.



Cloverdale Senior Multipurpose Center

Social Interaction • Creative Expression
Intellectual Stimulation • Health & Fitness Education

Dedicated to providing Cloverdale residents with activities and services that:

- *Encourage participation in community life*
- *Promote well-being and independence*
 - *Enhance dignity*



Membership

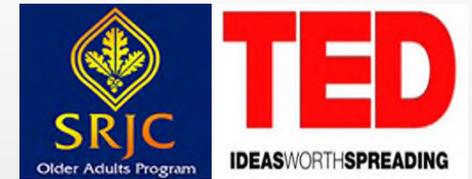
- Membership of over 600.
- 60-80 people visit daily.
- Membership increased to \$15 per person.
- Gift Memberships available.



Health & Fitness



Intellectual Stimulation



Creative Expression



Social Interaction



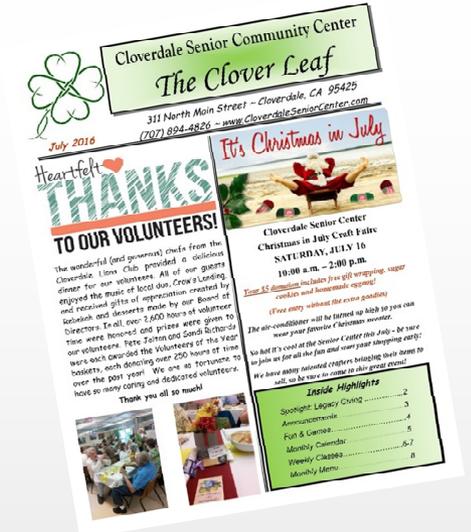
Volunteers

- Led by 8 volunteer Board of Directors.
- Our volunteers dedicate over 5,500 hours annually. They are the HEART of the Senior Center.



Newsletter

- 350 mailed newsletters and 100 emailed newsletters each month.
- We also deliver 50 newsletters to local businesses.
- Assembled by a crew of volunteers!



Presentations & Services



JUNE 15
WORLD ELDER ABUSE
AWARENESS DAY



Eat Smart, Live Strong



Funding

- Fundraising is vital to the ongoing success of our Center and the programs that we are able to offer.
- Annually, we face a large deficit which is met by withdrawing funds from an investment.



Creative Notions

- Every item for sale has been donated.
- Every purchase is a donation to the Cloverdale Senior Center.



On the horizon ~

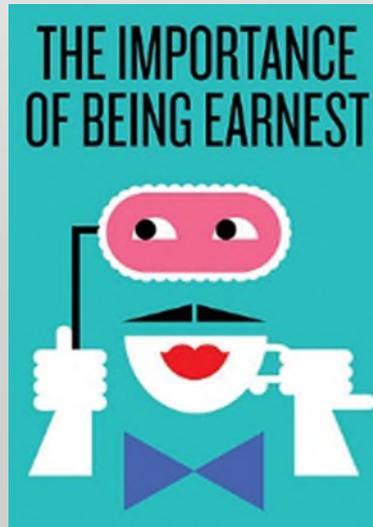
- \$24,515 Volunteer Driver Transportation Grant awarded for 2015-16.
- Participation in additional Travel Voucher program that will give access to 144 travel vouchers for seniors.
- (Official name TBD)



Community Involvement



Community Partnerships



Most notable accomplishments:

- Approval of the Conditional Use Permit.
- Renewal of the License Agreement for 15 years.
- Having the continued support of our City Leaders.
- We look forward to the ongoing partnership with the City of Cloverdale and our dedicated leaders.
- Thank you so much!





**DRAFT MINUTES
REGULAR MEETING OF THE CITY COUNCIL AND
JOINT MEETING OF THE CLOVERDALE COMMUNITY DEVELOPMENT SUCCESSOR AGENCY BOARD OF DIRECTORS**

TUESDAY, AUGUST 9, 2016

PUBLIC BUSINESS SESSION: 6:30 p.m.

**PUBLIC BUSINESS SESSION LOCATION: CLOVERDALE PERFORMING ARTS CENTER, 209 N. CLOVERDALE BLVD.,
CLOVERDALE, CA 95425**

CONVENE PUBLIC BUSINESS SESSION – 6:30 p.m.

OPENING:

- Call to Order: Mayor Brigham called the meeting to order at 6:30 p.m.
- Pledge of Allegiance
- Roll Call: Councilmember Palla, Vice Mayor Wolter, Councilmember Cox, Councilmember Russell, and Mayor Brigham
- Conflict of Interest Declaration: None
- Agenda Review – Regular Session (Changes and/or Deletions: None)

PUBLIC COMMENTS: None

PROCLAMATIONS / PRESENTATIONS: None

CONSENT CALENDAR:

1. **Minutes of Previous Meeting July 26, 2016**
2. **Action to Support Council Member Joe Palla’s Application to be League of California Cities Redwood Empire Division Director**
3. **Action on Resolution No. 060-2016, Appointing Ms. Carol Giovanatto as the City’s Representative on the Marin/Sonoma Mosquito and Vector Control District Board of Trustees**
4. **Action on Resolution No. 061-2016, Accepting the Downtown ADA Parking Project**

Action: Motion was made by Councilmember Palla to approve the consent calendar; seconded by Councilmember Cox. The motion passed by roll call vote (5-ayes –Councilmember Palla, Vice Mayor Wolter, Councilmember Russell, Councilmember Cox, and Mayor Brigham; 0-noes).

COMMUNICATIONS: None.

PUBLIC HEARINGS:

5. **Public Hearing and City Council Consideration of Placing a Commercial Cannabis Business Tax on the November 8, 2016 ballot**

City Manager Cayler introduced Kate Cook from the City Attorney’s office at Meyers Nave Law. Mr. Cayler stated that Ms. Cook is the firm’s cannabis expert and is responsible for drafting most of the Commercial Cannabis Business Tax Measure. Ms. Cook gave a basic summary of the measure and highlighted a few substantive changes and edits that were made based on previous feedback received, such as the desire for flexibility in setting the tax rate depending on the type of business and lowering the estimated expected City tax revenue amount to \$90,000 per business. She discussed the challenges in obtaining data from which to make such an estimate, adding that

the law requires this estimate be provided to the voters. She commented that much of the data used for the estimate came from Shasta Lake and Santa Cruz (with adjustments for population). She recommended that the Council discuss the proposed ballot measure related to a cannabis business tax and, if the desire is to place the measure on the ballot, the Council should: 1) Approve Ordinance (subject to voter approval); and 2) Approve Resolution placing the Cannabis Business Tax Measure on the November 8, 2016 ballot.

Councilmember Russell requested language change to better indicate that “funds staying local” means funds will go to the City of Cloverdale General Fund for use within Cloverdale. Discussion ensued with Council directing edits to clarify funds will stay in the City of Cloverdale.

Public Comment:

Larry Lossing, Cloverdale, expressed concerns about the accuracy of the estimated revenue from cannabis businesses and the fact that the ordinance calls for the Mayor to write the statement in favor of the tax measure.

Patrick King, Cloverdale, stated that he believes the \$90,000 estimated revenue from each cannabis businesses is on the low side. He commented that there is a lot of money at stake and supported the City of Cloverdale taxing cannabis businesses.

Matt Van Benschoten, Cloverdale, voiced approval for the proposed tax and provided a handout titled Medical Cannabis Tax (attached). He stated this document should be available on a website, which is currently being created and is expected to be available by the end of the week. He commented that the website will publish both the pros and cons of the cannabis tax.

Shawn Bovee, Cloverdale, stated that it is difficult to speculate on the amount of revenue but the bottom line is even if the tax amount received is not \$90,000 per business, any tax revenue received is more than what is currently received.

Staff and Council discussed the website and handout provided, expressing concerns about the way the document is presented, especially listing the name “City of Cloverdale” on the cover. Council agreed that the City of Cloverdale is not promoting this document or website, noting that the City’s role is objective and impartial.

Action: Motion was made by Councilmember Palla to introduce and approve Ordinance 708-2016, amending the Cloverdale Municipal Code by adding Chapter 3.46, “Cannabis Business Tax” (subject to voter approval); seconded by Vice Mayor Wolter. The motion passed by roll call vote (5-ayes –Councilmember Palla, Vice Mayor Wolter, Councilmember Russell, Councilmember Cox, and Mayor Brigham; 0-noes).

Action: Motion was made by Councilmember Russell to approve Resolution No. 059-2016, to place the Cannabis Business Tax Measure on the November 8, 2016 ballot with ballot measure language as amended; seconded by Vice Mayor Wolter. The motion passed by roll call vote (5-ayes –Councilmember Palla, Vice Mayor Wolter, Councilmember Russell, Councilmember Cox, and Mayor Brigham; 0-noes).

NEW BUSINESS:

6. Discussion and Possible Action to Remove Historic Oak Tree in Lighting and Landscape District Zone No. Two (Vintage Meadows) on Healdsburg Avenue near South Franklin Street

Public Works Director, Mark Rincon, presented this item discussing the instability of the deteriorating tree and the safety hazard it represents. He stated that staff recommendation is for the tree be removed and no replacement tree or landscaping be installed at this time and all future tree removals in Vintage Meadows Lighting and Landscape District continue to be considered on a “case-by-case” manner as set forth in the master plan.

The Council discussed the tree’s integrity, the need to remove the tree quickly, the costs to remove, and possible landscaping. Council recommended landscaping to replace the removed tree.

Public Comment: None

Action: Motion was made by Councilmember Cox, by Minute Order, to approve the removal of the oak tree located in the Vintage Meadows Lighting and Landscape District as soon as possible, with Councilmember Palla suggesting an amendment to add landscaping in the median area where the tree is to be removed; seconded by Vice Mayor Wolter. The motion passed by voice vote (5-ayes –Councilmember Palla, Vice Mayor Wolter, Councilmember Russell, Councilmember Cox, and Mayor Brigham; 0-noes).

7. PG&E Proposal to remove street trees along PG&E’s gas transmission main pipeline

Public Works Director, Mark Rincon, discussed the PG&E tree removal proposal, identifying the specific trees requested for removal. He commented that PG&E conducted public outreach, which including contacting neighbors impacted by the trees identified for removal. Mr. Rincon reported that City Staff reviewed the tree maps provided by PG&E and acknowledged some trees for which removal would also benefit the City; however, Staff also identified some trees that they believe should remain. Staff and Council discussed the proposed trees to be removed and conditions of permits, noting that many are on private property. The Council directed staff to coordinate tours with PG&E to view the trees and provide opportunity for questions and feedback.

Public Comment: None

8. Action on Resolution No. 062-2016, Awarding a Construction Contract for the W. Second Street City Park Parking Lot Rehabilitation Project

Public Works Director, Mark Rincon, explained the project and discussed the bids received. He recommended that Council adopt Resolution No. 062-2016, awarding a construction contract to CATS4U, Inc. for the full contract and allocate funds totaling \$80,000.00.

Public Comment: None

Action: Motion was made by Councilmember Cox to approve Resolution No. 062-2016, authorizing the City Manager to sign a construction contract with CATS4U, Inc. for the W. Second Street City Park Parking Lot Rehabilitation Project; seconded by Councilmember Russell. The motion passed by roll call vote (5-ayes – Councilmember Palla, Vice Mayor Wolter, Councilmember Russell, Councilmember Cox, and Mayor Brigham; 0-noes).

SUBCOMMITTEE ITEMS:

SUBCOMMITTEE REPORTS:

- Airport (Chair, Councilmember Cox and Vice Mayor Wolter) - Next Meeting: October 4, 2016, 9:00 a.m.
- Finance, Administration & Police (Chair, Mayor Brigham and Vice Mayor Wolter) - Next Meeting: August 25, 2016, 2:00 p.m.
- Planning & Community Development (Chair, Vice Mayor Wolter and Mayor Brigham) - Next Meeting: August 24, 2016, 4:00 p.m.
- Public Works (Chair, Councilmember Russell and Councilmember Cox) - Next Meeting: September 27, 2016, 10:30 a.m.
- Joint City/Fire District (Chair, Councilmember Palla and Mayor Brigham) - Next Meeting: August 22, 2016, 5:00 p.m.
- Joint City/School District (Chair, Councilmember Palla and Councilmember Cox) – Next Meeting: September 19, 2016, 5:00 p.m.

COUNCIL REPORTS (INCLUDING STUDENT LIAISON): None

LEGISLATIVE REPORT: None

CITY MANAGER/CITY ATTORNEY REPORT: None

COUNCIL DIRECTION ON FUTURE AGENDA ITEMS: None

ADJOURNMENT: Mayor Brigham adjourn the meeting at 7:56 p.m. to a regular meeting of the City Council and Cloverdale Community Development Successor Agency, Tuesday, August 23, 2016, for Closed Session at 5:30 p.m. (at the City Hall Conference Room 124 N. Cloverdale Blvd., Cloverdale, CA 95425) and Public Business Session at 6:30 p.m. (at the Cloverdale Performing Arts Center 209 N. Cloverdale Blvd., Cloverdale, CA 95425).

Medical Cannabis Tax

City of Cloverdale

EXTRACT OUTFITTERS, LLC
“CONSULTANTS FOR A SAFER CANNABIS INDUSTRY”

August 9, 2016
Authored by: Matt VanBenschoten

Medical Cannabis Tax

City of Cloverdale

What is the current state of Medical Cannabis in the State of California?

General Overview:

The new Medical Cannabis Regulation and Safety Act consists of three separate bills which were enacted together on Sept 11, 2015. The bill creates a comprehensive state licensing system for the commercial cultivation, manufacture, retail sale, transport, distribution, delivery, and testing of medical cannabis. All licenses must also be approved by local governments.

The law went into effect on January 1, 2016; however, the state has said it will need until January 2018 to set up the necessary agencies, information systems, and regulations to actually begin issuing licenses. In the interim, local governments may choose to adopt new ordinances to permit or license local businesses in preparation for state licensing. Facilities currently operating in accordance with state and local laws may continue to do so until such time as their license applications are approved or denied. In the meantime, prospective applicants are strongly advised to apply to the state Board of Equalization for a Resale Permit, and to prepare for seeking approval from their local governments.

SUMMARY:

AGENCIES AB 266 establishes a new Bureau of Medical Cannabis Regulation under the Department of Consumer Affairs. The Bureau is to establish a comprehensive internet system for keeping track of licensees and reporting the movement of commercial cannabis and cannabis products.

SB 643 & AB 243 give the Dept. of Food and Agriculture responsibility for regulating cultivation; the Dept. of Public Health for developing standards for manufacture, testing, and production and labeling of edibles; the Dept of Pesticide Regulation for developing pesticide standards; and the Depts. of Fish and Wildlife and State Water Board for protecting water quality. (Sec. 19332)

LICENSE TYPES The following license types are established under AB 266 (19300.7)) and SB 643 (19331(g)):

- (a) Type 1 = Cultivation; Specialty outdoor. Up to 5,000 square ft of canopy, or up to 50 noncontiguous plants
- (b) Type 1A = Cultivation; Specialty indoor. Up to 5000 sq ft
- (c) Type 1B = Cultivation; Specialty mixed-light. Using exclusively artificial lighting.
- (d) Type 2 = Cultivation; Outdoor. Up to 5000 sq ft, using a combination of artificial and natural lighting
- (e) Type 2A = Cultivation; Indoor. 5001 -10,000 sq ft.
- (f) Type 2B = Cultivation; Mixed-light. 5001 -10,000 sq ft
- (g) Type 3 = Cultivation; Outdoor. 10,001 sq ft - 1 Acre
- (h) Type 3A = Cultivation; Indoor. 10,001 - 22,000 sq ft
- (i) Type 3B = Cultivation; Mixed-light. 10,001 - 22,000 sq ft
- (j) Type 4 = Cultivation; Nursery.
- (k) Type 6 = Manufacturer 1 for products not using volatile solvents.
- (l) Type 7 = Manufacturer 2 for products using volatile solvents.
- (m) Type 8 = Testing
- (n) Type 10 = Dispensary; General
- (o) Type 10A = Dispensary; No more than three retail sites
- (p) Type 11 = Distribution
- (q) Type 12 = Transporter

CULTIVATION SIZE LIMITATIONS The maximum allowable size is 1 acre (43,560 sq ft) outdoors (Type 3) or 22,000 sq ft indoors (Type 3A and 3B licenses). The DFA is directed to limit the number of Type 3, 3A and 3B licenses. (AB 243, 19332(g)).

VERTICAL INTEGRATION There are complicated restrictions to prevent vertical integration (AB 266, 19328). In general, licensees can only hold licenses in up to two separate categories. Small cultivation licensee Types 1 -2 may hold manufacturing or Type 10A retail licenses (limited to three dispensaries). It appears that Types 3-4 licensees can't apply for manufacturing licenses at all. However, Type 10A licensees can apply for both manufacturing and cultivation licenses, provided their total cultivation area doesn't exceed 4 acres. Also, facilities in jurisdictions that require or permit cultivation, manufacture and distribution to be integrated as of July 1, 2015 may continue to operate that way until Jan 1, 2026.

DISTRIBUTORS REQUIRED Type 11 distributors are a new kind of entity that has been created to regulate the flow of products. ALL cultivation and manufacturing licensees are required to send their products to a Type 11 licensee for quality insurance and inspection before passing them to the next stage of manufacturing or retailing. The Type 11 licensee in turn submits the product to a Type 8 laboratory for batch testing and certification. Afterwards, the sample returns to the Type 11 distributor for final inspection and execution of the contract between the cultivator and manufacturer or manufacturer and retailer. The Type 11 distributor charges a fee that covers the testing plus any applicable taxes (the act doesn't impose any new taxes, but anticipates that could happen in the near future) (AB 266, 19326)

Type 11 distributors and Type 8 testing facilities can't hold any other kind of licenses (however, licensees may have their own labs for in-house testing)

LOCAL PERMITS REQUIRED No person shall engage in commercial activity without BOTH a state license and a license, permit, or other authorization from their local government. (AB 266, 19320(a); AB 243, 11362.777 (b)).

LAWFUL ACTS Actions by licensees that are permitted by both a state license and local government are lawful and protected from arrest, prosecution, or other legal sanctions (AB 266, 19317).

GRANDFATHERING Facilities already operating in compliance with local ordinances and other laws on or before Jan 1, 2018 may continue to operate until such time as their license is approved or denied. (AB 266, 19321(c)). Facilities in operation before Jan 1, 2016 shall receive priority. Los Angeles may in any case continue to prosecute violations of Measure D.

APPLICANT QUALIFICATIONS (SB 643, 19322): Applicants must provide proof of local approval and evidence of legal right to occupy proposed location. Applicants shall submit fingerprints for DOJ background check. Cultivation licensees must declare selves "agricultural employers" as defined by Alatore-Zenovich-Dunlap-Berman Agricultural Labor Relations Act.

Licensing authority MAY deny application if applicant has been convicted of an offense substantially related to qualifications, including ANY felony controlled substance offense, violent or serious felonies, or felonies involving fraud, deceit or embezzlement, or any sanctions by a local licensing authority in the past 3 years (SB 643, 19323(a)5).

FOR-PROFIT ENTITIES are implicitly allowed under the qualifications established above. These were previously "not authorized" under SB 420, but the new licensing provisions extend to individuals, partnerships, corporations, business trusts, etc. (under the definition of "person" in AB266, 19300.5 (aj)). Likewise, applicants no longer need be patients.

CULTIVATION LICENSING The DFA shall establish a medical cannabis cultivation program. All cultivation subject to local land use regulations and permits.

TRACK & TRACE PROGAM The DFA shall implement a unique identification program for all marijuana plants at a cultivation site, to be attached at the base of each plant. The information shall be incorporated into a "track and trace" program for each product and transaction. (SB 643, 19335 and AB 243, 11362.777 (e)). Cultivation in violation of these provisions subject to civil penalties up to twice the amount of the license fee, plus applicable criminal penalties. Fines enacted daily for each violation (SB 243, 19360).

PATIENT EXEMPTION Qualified patients are exempt from the state permit program if cultivating less than 100 square feet for personal medical use. Primary caregivers with five or fewer patients are allowed up to 500 square feet (AB 243, 11362.777(g) and SB 643, 19319). Exemption under this section does not prevent a local government from further restricting or banning the cultivation,

provision, etc. of medical cannabis by individual patients or caregivers in accordance with its constitutional police powers under Section 7, Article XI of the CA Constitution (11362.777(g)).

DELIVERIES Cannabis may be delivered to qualified patients only by dispensaries and only in cities or counties where not prohibited by local ordinance. All deliveries to be documented. No locality can bar transport of delivered products through its territory. Deliveries may be taxed by local county. (AB 266, 19340). [In a separate section (19334 (a) 4) it is confusingly stated that dispensers who have no more than three dispensaries (Type 10A) shall be allowed to deliver "where expressly authorized by local ordinance." It's unclear what conditions if any apply to other, Type 10 licensed dispensers.]

MANUFACTURERS are to be licensed by DPH. The DPH shall limit the number of Type 7 licenses that produce products using volatile solvents.

TESTING (AB 266, 19341-6) The DPH shall ensure that all cannabis is tested prior to delivery to dispensaries or other businesses, and specify how often such testing shall be conducted. *** Confusingly, 19346(c) says the costs of testing are to be paid by cultivators, whereas 19326(c) (3) states that distributors shall charge for the costs of testing; since distributors serve manufacturers as well as cultivators, it doesn't make sense that testing costs for the former should be charged to the latter. *** Licensees shall use standard methods established by International Organization for Standardization approved by an accrediting body that is signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement (AB 266, 19342). Licensees shall test for cannabinoids, contaminants, microbiological impurities, and other compounds spelled out in Section 19344. Licensees may conduct tests for individual qualified patients, but not certify them for resale or transfer to other licensees.

SCHOOL ZONES Cultivation and dispensary facilities must be at least 600 ft from schools (with grandfathered exceptions specified in HSC 11362.768). (SB 643, 19322 (a) 4).

TRANSPORTATION Only licensed transporters can transport cannabis or cannabis products between licensees (AB 266, 19326(a)). The bill doesn't specify whether cultivators, manufacturers, or retailers can also have transport licenses, but 19328 (a) states they can generally have at most two separate kinds of licenses. Licensed transporters shall transmit an electronic shipping manifest to the state and carry a physical copy with each shipment (SB643, 19337).

LABOR PEACE AGREEMENTS Required of all applicants with 20 employees or more (SB 643, 19322 a (6))

PACKAGING Products shall be labeled in tamper-evident packages with warning statements & information specified in Section 19347.

PRIVACY Identifying names of patients, caregivers, and medical conditions shall be kept confidential. (AB 266, 19355)

SB 420 COLLECTIVE DEFENSE SUNSET The provision in SB 420 affording legal protection to patient collectives and cooperatives, HSC 11362.775, shall sunset one year after the Bureau posts a notice on its website that licenses have commenced being issued. After that date, all cannabis collectives will have to be licensed, except for individual patient and caregiver gardens serving no more than five patients.

PHYSICIAN RECOMMENDATIONS (SB 643): There are several new provisions clarifying the duties of medical cannabis physicians; however, they don't substantially affect or impair patients' current access to medical recommendations.

- The Med Board's enforcement priorities are amended to include "Repeated acts of clearly excessive recommending of cannabis for medical purposes, or repeated acts of recommending without a good faith prior exam." (SB 643, 2220.05). This is identical to existing language regarding controlled substances, which has generally been assumed to apply to MMJ heretofore.
- It is unlawful for physicians who recommend to accept, solicit, or offer remuneration to or from a licensed facility in which they or a family member have a financial interest.
- The Med Board shall consult with the California Center for Medicinal Cannabis Research in developing medical guidelines for MJ recs.
- The recommending person shall be the patient's "attending physician" as defined in HSC 11362.7(a). Contrary to popular misconception, this is nothing new and in no way limits patients to

their primary care physician. It merely restates current language in SB 420.

- Physician ads must include a warning notice that MMJ is still a federal Schedule One substance.

PESTICIDE STANDARDS shall be promulgated by DFA and Dept of Pesticide Regulation (SB643, 19332).

ORGANIC CERTIFICATION will be made available by DFA by Jan 1, 2020, federal law permitting. (SB643, 19332.5(a))

APPELLATIONS OF ORIGIN The bureau MAY establish appellations of origin for cannabis grown in California. No product may be marketed as coming from a county where it was not grown. (SB643, 19332.5(b-d)).

FEES and FUNDING Each licensing authority shall establish a scale of application, licensing and renewal fees, based upon the cost of enforcement. Fees shall be scaled dependent on the size of the business. (AB 243, 19350 (c)). A Medical Cannabis Regulation and Safety Act Fund is established in the state treasury to receive fees and penalties assessed under the act. \$10 million is allocated to DCA to begin operations, with the possibility of an additional operating loan of \$10 million from the General Fund (AB 243, 19352). The Bureau shall use the fund for a grant program to assist in state and local agencies in enforcement and remediation of environmental impacts from cultivation. (AB 243, 19351)

COUNTY TAXATION Counties may levy a tax on the cultivating, dispensing, producing, processing, distributing, etc, of medical cannabis subject to standard voter approval requirements. (Many cities already exercise this authority, but the authority of counties to do so has been unclear heretofore). (SB 643, 19348)

-Source: CA NORML http://www.canorml.org/news/A_SUMMARY_OF_THE_MEDICAL_MARIJUANA_REGULATION_AND_SAFETY_ACT

What is the current state of Medical Cannabis in Cloverdale?

Over the past few months the Cloverdale City Council has remained proactive in its discussion of medical cannabis and approved a Personal Medical Cultivation Ordinance and identified the need for Medical Cannabis Dispensaries within the City of Cloverdale. Now the Council has established an Ad-Hoc Committee to discuss and develop the framework of how this new regulated industry can be integrated into the community at large.

This November, the Council is asking the approval from the citizens of Cloverdale to impose a tax on the different tiers of production and sales of medical cannabis as outlined from the State of California model.

What does this tax look like?

The Council would like to impose a sliding scale tax from 0 – 10% on gross sales for all retail locations and 0 – 5% tax on gross profits for all other points of manufacturing within the city limits. This tax levied will be added to the “General Fund” and will be able to be used as seen fit by Council including but not limited to: schools, parks, senior services, drug and addiction services and community events.

Why should the City embrace this new industry?

Cannabis cultivation, manufacturing and sales have existed in the shadows of Sonoma County for several decades becoming part of the culture and community. Unfortunately, the commercial production and sales of cannabis were not permitted within the City of Cloverdale forcing many operators to either operate clandestine operations or move to a community that provides legal protection. Now that the State of California has adopted sensible cannabis regulation, it is time for the City of Cloverdale to provide regulatory framework and licenses for cannabis business operators and to capitalize on the unique opportunities presented by a burgeoning industry.

Why a sliding scale?

The sliding scale gives Council discretion on how to best impose this tax on new businesses in order to best benefit the community without stifling business growth.

What kind of revenues could Cloverdale expect to see?

Depending on the total number of licenses issued by Cloverdale, the tax revenues could vary greatly. The best way to gauge the potential benefit to the City is to look at municipalities similar in size to Cloverdale in which medical cannabis regulation already exists.

For example; in Trinidad, CO (population 8,400) cannabis tax revenues surpassed \$800,000 amounting to about 10% of their total General Fund budget. Those revenues were used by the community to purchase new fire trucks and replace old pipes in their strained water supply system.

Another Example; Shasta Lake City, CA imposed a 6% tax on medical cannabis sales and collected approximately \$360,000 in 2014 (5% of their total General Fund budget) from just two dispensaries located within their city limits. The City has since allowed a third dispensary to open and plans to see revenues increase approximately \$100,000 annually.

What benefits will the community of Cloverdale see from regulated cannabis?

- Provide new, skilled-labor jobs for residents
- New business will occupy vacant warehouse and store front real estate within the City
- Clear lines between legal and illegal cannabis will allow for law enforcement to operate effectively in keeping our community safe
- Rapid growth within the cannabis sector will boost business local licensed contractors and building developers
- Tax revenues will bolster local coffers



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 3
Meeting Date: August 23, 2016

Agenda Section	Staff Contact
Consent	David J. Kelley, Assistant City Manager/ Comm. Dev. Director

Agenda Item Title

Resolution of the City Council of the City of Cloverdale Authorizing the City Manager to Execute a Professional Services Agreement with First Carbon Solutions for the Preparation of an Initial Study for the Proposed Vista Oaks Subdivision Project

Summary

On August 3, 2005 the Planning Commission reviewed and recommended that the City Council approve a Tentative Subdivision Map (TSM), Rezone to Planned Development (P-D), and Precise Development Plan for a 19 lot single-family residential subdivision known then as Vista View Subdivision. The Commission also recommended adoption of a Mitigated Negative Declaration prepared for the project for compliance with the California Environmental Quality Act (CEQA). Subsequently, on September 14, 2005, the City Council approved the Tentative Subdivision Map, Precise Development Plan and adopted an Ordinance to Rezone the project site to Planned Development (P-D).

In 2009, the City of Cloverdale performed a citywide comprehensive General Plan Update wherein the land use designation for the Vista Oaks property was changed from Low Density Residential (LDR) to Rural Residential (RR). As a result of the update of the General Plan, the previously approved TSM is no longer consistent with the General Plan. In addition, various other previously approved entitlements expired including Major Design Review and Precise Development Plan. Thompson Development Group submitted a new application to the City of Cloverdale Community Development Department requesting various entitlements including a General Plan Amendment, TSM, Major Design Review and Precise Development Plan for a proposed 33 lot subdivision. In order to process the proposed entitlements, preparation of an updated CEQA Initial Study that evaluates the environmental impacts of the project is necessary. According to CEQA Guidelines Section 15063(c), the purpose of an Initial Study is to provide a preliminary analysis of a proposed action to determine whether a Negative Declaration or an Environmental Impact Report should be prepared. An Initial Study enables the applicant or Lead Agency to modify a project, mitigating adverse impacts in lieu of preparing an EIR, thereby potentially enabling the project to qualify for a Negative Declaration. The Initial Study provides a factual basis for the Negative Declaration, or serves to focus an EIR on the significant effects of a project.

In 2015, First Carbon Solutions (FCS) was selected as the City’s consultant for preparation of the environmental documentation for the Clover Springs Open Space Preserve Project and is familiar with the City’s General Plan. City staff negotiated the attached scope of services, schedule and fee (Attachment 2) with First Carbon Solutions to prepare a CEQA Initial Study on the City’s behalf to address the environmental impacts of the proposed project in accordance with the requirements of CEQA. The proposed scope of work includes preparation of various technical studies to support the Initial Study including a Phase I Cultural Resources Assessment, Biological Resources Assessment, Traffic Impact Analysis (W-Trans), Air Quality and Greenhouse Gases Assessment and Health Risk Assessment, Noise Assessment, Visual Simulations, and Peer Review of the Applicant’s Geotechnical Report. The cost estimate provided by FCS for preparation of the Initial Study is \$58,870. Thompson Development will be required to provide a developer deposit to the City of Cloverdale to cover the full cost of preparation of the Initial Study.

P.O. Box 217 • 124 North Cloverdale Blvd. • Cloverdale, CA 95425-0217 • Telephone (707) 894-2521 • FAX (707) 894-3451

Options

The primary options are: 1) Adopt the proposed resolution that authorizes the City Manager to execute a professional services agreement with First Carbon Solutions for the preparation of an Initial Study for the proposed Vista Oaks Subdivision Project; 2) Reject the proposed resolution; or 3) Request modifications in the scope of work and continue the matter to a future Regular Council Meeting.

Budget/Financial Impact

The cost of the CEQA Initial Study is \$58,870. The developer will be required to submit a deposit to the City of to cover the full cost of preparation of the Initial Study.

Subcommittee Recommendation

None.

Recommended Council Action

The Assistant City Manager recommends that the City Council Adopt the proposed resolution that authorizes the City Manager to execute a professional services agreement with First Carbon Solutions for the Preparation of an Initial Study for the proposed Vista Oaks Subdivision Project.

Attachments:

- 1) Resolution No. 064-2016
 - 2) First Carbon's Vista Oaks Subdivision Project—Initial Study Proposal
-

cc:

**City of Cloverdale
City Council
Resolution No. 064-2016**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE
AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH FIRST CARBON
SOLUTIONS INC. FOR THE PREPARATION OF AN INITIAL STUDY FOR THE VISTA OAKS SUBDIVISION PROJECT**

WHEREAS, on August 3, 2005 the Planning Commission reviewed and recommended that the City Council approve a Tentative Subdivision Map (TSM), Rezone to Planned Development (P-D), and Preliminary Development Plan for a 19 lot single-family residential subdivision known as Vista View Subdivision;

WHEREAS, the City of Cloverdale adopted a Mitigated Negative Declaration on September 14, 2005 for the Vista View Subdivision in accordance with the California Environmental Quality Act (CEQA);

WHEREAS, in 2009, the City of Cloverdale performed a citywide comprehensive General Plan Update wherein the subject property's land use designation was changed from Low Density Residential (LDR) to Rural Residential (RR);

WHEREAS, the previously approved TSM is no longer consistent with the City of Cloverdale General Plan;

WHEREAS, Thompson Development Inc. submitted a new application to the City of Cloverdale Community Development Department requesting various entitlements including a General Plan Amendment, Tentative Subdivision Map, Major Design Review and Precise Development Plan;

WHEREAS, the proposed entitlements require preparation of an updated CEQA Initial Study;

WHEREAS, according to CEQA Guidelines Section 15063(c), the purpose of an Initial Study is to provide a preliminary analysis of a proposed action to determine whether a Negative Declaration or an Environmental Impact Report should be prepared;

WHEREAS, the City negotiated the attached scope of services and fee with First Carbon Solutions to prepare a CEQA Initial Study on the City's behalf to address the environmental impacts of the proposed project in accordance with the requirements of CEQA; and

WHEREAS, First Carbon Solutions (FCS) prepared and submitted a scope of work, schedule, and fee for the preparation of an Initial Study (IS) for the Vista Oaks Subdivision Project in Cloverdale for an amount of \$58,870.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cloverdale does hereby authorize the City Manager to execute a professional services agreement with First Carbon Solutions Inc. for the preparation of Initial Study for the Vista Oaks Subdivision for an amount not to exceed \$58,870.

It is hereby certified that the foregoing Resolution No. 064-2016 was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting held on August 23, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

July 20, 2016

David Kelley
City of Cloverdale
124 North Cloverdale Blvd.
Cloverdale, CA 95425

Subject: Vista Oaks Subdivision Project—Initial Study Proposal (REVISED July 20, 2016)

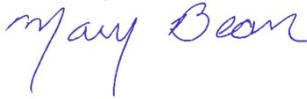
Dear David:

FirstCarbon Solutions (FCS) is pleased to submit this scope of work, schedule, and fee for the preparation of an Initial Study (IS) for the Vista Oaks Subdivision Project in Cloverdale.

Following our recent completion of environmental documentation for the Clover Springs Open Space Preserve Project, we are pleased to have an opportunity to continue working with the City. FCS has been providing environmental services for more than 33 years to public and private sector clients in the western United States. FCS has recent experience providing environmental services to public agencies in the North Bay, including the cities of Healdsburg, American Canyon, Calistoga, Fairfield, Napa, Rohnert Park, Santa Rosa, and Windsor.

FCS is committed to responding to project needs in a timely and cost-effective manner. Should you have any questions regarding this proposal, please contact me at 415.713.5223 or via email at mbean@fcs-intl.com. We look forward to working with you and City staff on this important project.

Sincerely,



Mary Bean, Vice President
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

UNITED STATES

Irvine
250 Commerce, Suite 250
Irvine, CA 92602

Los Angeles
11755 Wilshire Blvd, Suite 1660
Los Angeles, CA 90025

Bay Area
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Central Valley
7265 N First Street, Suite 101
Fresno, CA 93720

Inland Empire
650 E. Hospitality Lane, Suite 125
San Bernardino, CA 92408

Sacramento
180 Promenade Circle, Suite 200
Sacramento, CA 95834

Connecticut
1175 Post Road E
Westport, CT 06880

EUROPE

United Kingdom
Tel: +44 (0) 845.165.6245
Fax: +44 (0) 20.3070.0890
Future Business Centre
Kings Hedges Rd.
Cambridge CB4 2HY
United Kingdom

AUSTRALIA

New South Wales
Tel: +61 (02) 9418.7822
Fax: +61 (02) 9418.7833
13-15 Smith Street
Chatswood, NSW 2067
Australia

AFRICA

Kenya
Tel: +254-737-433-621
ADEC Kenya Services EPZ Ltd.
Nairobi, Kenya

ASIA

Philippines
Tel: +63 (2) 775.0632
Fax: +63 (2) 775.0632 local 8050
26th Floor, Philippine AXA Life Centre,
Sen. Gil Puyat Avenue,
Makati City, Metro Manila

Malaysia

Tel: +603 74902112
Fax: +603 79606977
15-7, Block A, Jaya ONE
72A Jalan Universiti
46200 Petaling Jaya
Selangor, Malaysia

VISTA OAKS SUBDIVISION PROJECT INITIAL STUDY

Scope of Work, Schedule, and Fee

Project Understanding

The applicant, Thompson Development Group, proposes to subdivide approximately 42 acres of land into 33 single family residential lots. Approximately 27 acres would remain in open space. The project would require a General Plan Amendment, revised Tentative Subdivision Map, Precise Development plan and Major Design Review. The land was previously entitled in 2005 for subdivision into 19 lots, and that entitlement will expire in September 2017. FCS will build upon the analyses conducted in 2005 and will supplement where needed to meet current requirements. In addition, the applicant is currently preparing a geotechnical study to address slope stability issues, and will also likely provide information related to storm water drainage that will support the evaluation of site hydrology, as well as information related to aesthetics/visual analysis.

The City of Cloverdale has requested preparation of an initial study. The city expects that either a negative declaration or focused EIR will ultimately be required. If an EIR is found to be required, FCS will submit a separate scope and fee for that work following the completion of the initial study.

Scope of Work

Task 1: Project Initiation

FCS's Project Manager and other key team members will meet with the applicant team and City staff to clarify and confirm the project description, identify key contacts, discuss scheduling targets, and obtain copies of the project plans and other relevant information. A site visit will be conducted as part of the project initiation process and is assumed to occur on the same day as the kick-off meeting.

Task 2: Preparation of Technical Studies

FCS will prepare the following technical studies to support the preparation of the IS:

Task 2.A: Cultural Resources Phase I Cultural Resources Assessment (FCS)

FCS will assess the potential for existing and undiscovered cultural resources at the project site, the results of which will be incorporated directly into the IS. The Cultural Resources section of the IS will detail the results of the field investigation, record searches, and any additional resources discovered as a result of the assessment. This section will include recommendations for further study and/or mitigation within the project area, as needed. Copies of all correspondence and site survey photographs will be included in the appendices of the IS. This task assumes the preparation of a separate, stand-alone cultural resources report will not be necessary. However, should significant cultural resources be discovered during the records search or pedestrian survey, an optional Site Recordation and Stand-Alone Report task line will be utilized as described below.

Record Searches

A records search for the project area was performed by Archaeological Resource Service (ARS) in 2005. FCS will need to conduct an updated records search at the Northwest Information Center affiliated with Sonoma State University and located in Rohnert Park. The record search will include a search of previous studies and identified cultural resources within the project area and a 1/2-mile radius. The National Register of Historic Places, the California Register of Historical Resources, the California Inventory of Historic Resources, the California Historical Landmarks, the California Points of Historical Interest listings, the Historic Property Data File, historic maps and photographs will be consulted along with other pertinent historic data.

As part of the records search, FCS will prepare and submit a request to the Native American Heritage Commission (NAHC) to check their Sacred Lands File for Native American resources that may be affected by the project. The request will include a list of Native American representatives that may wish to consult on the project pursuant to Public Resources Code Sections 21080.3.1 and 21080.3.2 (a.k.a. AB 52). As of July 1, 2015, AB 52 established a new category of resources under CEQA called “tribal cultural resources” (TCRs) that considers tribal cultural values in addition to scientific and archaeological values when determining impacts and mitigation. Because the CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue must be included in environmental assessments for projects that may have a significant impact on those resources.

AB-52 details the roles, responsibilities, and timeframes required of lead agencies and tribal representatives who may wish to initiate consultation on a proposed project. Compliance with tribal notification and consultation under AB-52 are the responsibilities of lead agencies under CEQA, and FCS is available to assist in the process if so desired. FCS will draft a notification letter for use by the client that will include a written summary of the project, a map illustrating the location and general features of the project, and will advise tribes of the required response time for AB 52. Additional consultation services beyond the current scope of work are available upon request.

FCS will attempt to locate and contact local historical societies that may have additional information about the project area, or interest in the project. A review of the geology and paleontology of the area as reported in scientific literature and a records search of the Regional Paleontological Locality Inventory at the University of California, Berkeley will also be requested. The results of the paleontological records search will be summarized in the report and will include recommendations for any mitigation measures deemed appropriate.

Cultural Resource Field Survey

A pedestrian field survey was conducted by ARS in 2005. An updated pedestrian survey incorporating sections of the approximately 43 acre project area not previously surveyed will be conducted by an FCS Project Archaeologist utilizing standard 15 meter transect intervals.

Initial review of historic aerials dating back to the 1940s indicate that the project area does not contain any buildings or structures over 45 years in age. Properties over 45 years in age are considered potential

historic resources under CEQA, and may require determination as to (1) whether the property is a historic resource, and (2) whether the proposed project may cause a substantial adverse change in the significance of a historic resource.

Optional Site Recordation and Stand-Alone Cultural Resources Report

In the unlikely event additional historic properties or cultural resources are found within the project area, and if completion of DPR site forms is required, the Optional Site Recordation task will be utilized. Should initial evaluation reveal that a more detailed evaluation or historic context statement is required to properly record the resources, a stand-alone cultural resources report will be written to accompany the initial study.

It is currently assumed that no additional resources will require evaluation and subsequent recordation on DPR forms, and that a stand-alone report will not be required. Recordation costs are highly dependent on what is found, but \$500 is the minimum charge for recording previously unrecorded sites and historic structures. The minimum charge increases to \$1000 should a stand-alone report be required.

Task 2.B: Biological Resources Assessment

Since an extensive set of biological documentation has been prepared for this project, our analysis will focus on updating this work and include a current review of publicly available existing information regarding the project and vicinity to identify protected biological resources that may be present including species listed as endangered or threatened under the state and federal Endangered Species Acts, wetlands or other sensitive natural communities, rare plants, etc. Existing information such as maps, aerial photographs, documents, and correspondence relative to the project site will be reviewed and analyzed. Data to be reviewed includes but is not limited to:

- Existing documentation and studies of the biological resources within vicinity of the project site;
- The Federal Register listing package for each federally listed endangered or threatened species potentially occurring in the site action area;
- The California Department of Fish and Wildlife (CDFW) Annual Report on the status of California's listed threatened and endangered plants and animals;
- Literature pertaining to habitat requirements of special-status species potentially occurring in or adjacent to the project site including the CDFW's California Wildlife Habitat Relationships (CWHR) system;
- California Natural Diversity Data Base (CNDDB) information regarding sensitive habitat areas, and special-status plant and wildlife species potentially occurring in and adjacent to the project area;
- California Native Plant Society Electronic Inventory (CNPSEI) information regarding special-status plant species potentially occurring on the project site and;

- United States Geological Service (USGS) topographic maps and current aerial photos will be reviewed for evidence of United States Army Corps of Engineers (USACE), state and/or CDFW jurisdictional special aquatic areas pursuant to Section 404 and 401 of the Clean Water Act, the Porter Cologne Water Quality Act and Section 1602 of the California Fish and Game Code.

Resource agencies, including but not limited to the U.S. Fish and Wildlife Service (USFWS) and CDFW, who have jurisdiction over the natural resources potentially located on the property, will be contacted for updated information pertinent to the property. Any proposed project plans will be confidential and consultation will only include a request of known occurrences of sensitive biological resources in the general area.

A Biological Resources section of the CEQA document will be prepared that evaluates the existing biological resources on-site. This task will provide sufficient documentation to be considered a habitat assessment for special-status plant and wildlife species to support the findings and mitigation requirements of the IS.

Following the review of existing information, a reconnaissance-level survey of the project site will be conducted. FCS will identify the project site's general biological resources, and document the plant communities and other project features. The general distribution of plant communities and existing site conditions will be mapped. The field survey will focus on determining suitable habitat for sensitive plant and wildlife species as well as any sign of wildlife movement through the project. Photos will be taken to document the biological resources of the site.

General locations of sensitive biological resources identified during the survey will be mapped with the aid of topographic maps, GPS units (Trimble R1), and current aerial photographs. Sensitive biological resources include any plants, animals, or habitats considered rare, endangered, threatened, sensitive, or otherwise unique by government agencies, such as CDFW and USFWS, or recognized conservation organizations, such as the CNPS. Suitable habitat for special-status plants, animals, or sensitive habitats on the project site will be determined and mapped and considered in the biology section for potential project related impacts and mitigation measures.

Using recent aerial photographs, FCS will identify the features that are potentially subject to the jurisdiction of the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), and CDFW within the project site. Subsequently, FCS will conduct a field jurisdictional delineation of the project site. The field survey will include an assessment of the presence of potential waters of the U.S. or State on the Project site, which may be potentially subject to the jurisdiction of CDFW, USACE, and/or the RWQCB. This task includes conducting a full jurisdictional delineation (i.e., mapping of ordinary high water mark, defined bed and bank) of the existing potential jurisdictional waters/wetlands (USACE, RWQCB, and CDFW).

Task 2.C: Traffic Impact Analysis (W-Trans)

The traffic study prepared for the previously approved 19-lot subdivision as well as the City’s Traffic Impact Fee report were reviewed to gauge the potential for the currently proposed 33-lot subdivision to have any potentially significant impacts. It is noted that the traffic study for the previous project indicates that the 19-unit project was expected to result in limited traffic impacts. It is noted that the City’s Traffic Impact Study report does not include either of the two study intersections from the project’s traffic study, which may indicate that these locations may be of lesser importance to the City.

Tasks

1. The change in trip generating potential will be estimated based on application of standard trip generation rates.
2. The potential for the project to result in significant traffic impacts as defined in the CEQA checklist will be evaluated on a generally high level using available information together with new site plans. Specific operational analysis is not proposed, though the minor increase in traffic volumes will be addressed. The potential impacts associated with facilities for alternative modes will be evaluated based on the current site plan.
3. A draft checklist that provides details of the review and subsequent findings relative to all six of the transportation items on the CEQA checklist will be prepared.
4. Comments from City staff will be addressed and a final checklist submitted. Comments that require analysis not included in the original scope of work will be considered beyond the scope of our contract.

Exclusions—The scope of services includes only those items that are specifically identified above. Any additional services, such as meetings or hearings, requests for further analysis, or multiple rounds of comments, if needed would be provided on a time and materials basis after receiving written authorization for the extra work.

Task 2.D: Air Quality and Greenhouse Gases Assessment and Health Risk Assessment

The analysis will answer the California Environmental Quality Act (CEQA) guidelines Appendix G checklist questions for air quality and greenhouse gases. To answer the questions, the following tasks are required.

The project is located in the North Coast Air Basin; Northern Sonoma County Air Pollution Control District (NSCAPCD) is the local air quality agency. The following air quality scope of work was developed after discussion with NSCAPCD staff and review of the NSCAPCD’s adopted thresholds of significance. NSCAPCD does not have published guidance for CEQA impact assessment. The thresholds of significance for stationary sources adopted by NSCAPCD (Rule 103) are far less stringent than the Bay Area Air Quality Management District’s (BAAQMD) thresholds. If a project is less than significant compared to the BAAQMD’s thresholds, it follows that the project would be less than significant for the NSCAPCD’s

thresholds. In addition, BAAQMD's Air Quality Guidelines contain detailed screening criteria and methodology recommendations. Therefore, FCS will follow guidance presented by the BAAQMD in its CEQA Air Quality Guidelines, adopted in December 2010, and revised in May 2011. FCS will use the BAAQMD's CEQA Air Quality Guidelines as the basis for assessing air quality and greenhouse gas emissions impacts, including the document's recommendations for analytical approaches, thresholds, and—if necessary—mitigation measures.

Emissions associated with project construction and operation will be evaluated using the current version of CalEEMod at the time of analysis. Pollutants to be assessed include the following: reactive organic gases, oxides of nitrogen, particulate matter (PM₁₀ and PM_{2.5}), carbon dioxide, methane, and nitrous oxide. The project's construction and operational emissions will be compared against the BAAQMD's thresholds of significance for each analyzed pollutant. FCS will document the project's components relative to the BAAQMD's thresholds to support the impact determination.

Based on the distance to the nearest location of sensitive receptors and the project size, potential health risks and hazards to nearby off-site receptors during project construction (from diesel construction equipment) will be addressed. FCS will perform a site-specific Health Risk Assessment (HRA) for project construction emissions. Based on the latest case law, FCS assumes that project-operational emissions dispersion modeling will not be warranted to identify and quantify the potential health risk of surrounding roadway emission impacts to the proposed project. If during project analysis it is determined that a Health Risk Assessment is warranted, FCS will provide a separate scope of work and fee.

Furthermore, FCS will evaluate the project's greenhouse gas emissions, including consistency with the Sonoma County Community Climate Action Plan and any other identified applicable strategies intended to reduce such emissions.

This technical analysis for potential AQ/GHG and HRA impacts will be directly incorporated into the IS, with modeling data being placed in the Appendices. This task does not include the preparation of a separate, standalone study.

To perform this analysis the following Data Needs would be required:

- The timing of construction for development is needed to accurately estimate construction emissions. Default schedules can be used, but tend to overstate project emissions.
- FCS will use a CalEEMod default construction equipment list unless a project specific construction list is available.
- An estimate of the amount of soil import or export needed to prepare the site for construction.
- Trip generation from the traffic study. FCS does not need the completed report for the air and greenhouse gas analysis, only the average daily trip generation rates and level of service and traffic volumes for affected intersections that will be used in the traffic study so that both studies

are consistent. If a traffic study is not prepared FCS will use default trip rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition

- Sustainability project design features that would reduce greenhouse gas emissions (i.e., energy efficiency features beyond what is required by law, use of drought tolerant plants, water reduction features, waste reduction features, etc.) should be provided if known.

If deemed necessary, mitigation measures will be identified to reduce significant impacts related to air constituents and greenhouse gas emissions. Emissions reductions from these measures will be quantified. Sources of measures include, but are not limited to, the Office of the California Attorney General and the California Air Pollution Control Officers Association's Quantifying Greenhouse Gas Mitigation Measures report. Significance findings will be provided for both pre- and post-mitigation conditions.

Task 2.E: Noise Assessment

FCS will prepare a noise analysis for the proposed project that will include the assessment of potential short-term construction and long-term operational noise impacts on nearby noise-sensitive receptors.

To evaluate the proposed project's potential noise impacts, the analysis will identify applicable noise regulations and thresholds of significance. The existing noise conditions at the project site will be documented through traffic noise modeling and one long-term ambient noise measurement, taken on the project site, to determine compatibility for the proposed type of development with the City's land use compatibility standards. The potential noise and vibration impacts associated with project construction will also be quantified, and mitigation measures consistent with best management practices will be included as needed. A qualitative assessment of noise impacts related to project-related vehicular trips will be performed, and mitigation measures to reduce any potential impacts will be identified as needed. Potential noise impacts from existing or project-related stationary noise sources, such as new mechanical system operations, will also be evaluated.

This technical analysis for potential noise impacts will be directly incorporated into the IS, with noise monitoring readouts and modeling data being placed in the appendices. This task does not include the preparation of a separate, standalone noise study.

Task 2.F: Visual Simulations

The prior project included several visual simulations that may be applicable for use in the current analysis. FCS will prepare a visual simulation from a prominent view point to assess project impacts on scenic vistas and visual character. Using computer modeling software, visual simulations will be prepared to provide a "before" and "after" comparison of development impacts. To improve the accuracy of the image, FCS will need the applicant to provide CAD and PDF files of existing project site topography and proposed project grading and house designs. Information on existing tree locations and proposed vegetation removal is also requested. This scope of work assumes up to one (1) photo-simulation from one (1) vantage point to be determined by City staff, in consultations with the project applicant.

Simulations from additional vantage points can be provided at a rate of \$3,000 per simulation.

Task 2.G: Peer Review of Geotechnical Report

FCS will contract with Ninyo & Moore to perform a peer review of the Miller Pacific Geotechnical Report, specifically to review/confirm soils recommendations for landslide repair and foundation design. As part of the peer review, Ninyo & Moore will perform the following tasks:

- Review the Miller Pacific revised geotechnical report and other background geotechnical reports (the Miller Pacific report references and relies on three other reports for some of their findings) and compile and summarize the available data to analyze their conclusions and recommendations in regard to the geologic and geotechnical hazards at the site.
- Review available geologic maps of the site vicinity.
- Review and analyze stereo pair aerial photographs to assess the geomorphic and landslide conditions at the site.
- Summarize our review in a letter and provide conclusions regarding the suitability of the geotechnical report in identifying geologic and geotechnical hazards at the site for CEQA purposes.

Task 3: Administrative Draft Initial Study

FCS will prepare an Administrative Draft IS for City staff review to explain why various project impacts will not be significant. The Administrative Draft IS format will include separate sections for discussion of each Environmental Checklist impact category, and it will be adequately supported by exhibits (including color GIS mapping, as appropriate).

The IS format will include a discussion of each Environmental Checklist impact category and will be adequately supported by documentation. The following issues will be evaluated in the IS:

- | | |
|--------------------------------------|-------------------------------|
| • Aesthetics, Light, and Glare | • Hydrology and Water Quality |
| • Agriculture and Forestry Resources | • Land Use |
| • Air Quality | • Noise |
| • Biological Resources | • Population and Housing |
| • Cultural Resources | • Public Services |
| • Geology, Soils, and Seismicity | • Recreation |
| • Greenhouse Gas Emissions | • Transportation |
| • Hazards and Hazardous Materials | • Utility Systems |

Deliverables

- One (1) electronic version (via email) of the Administrative Draft IS to the City of Cloverdale

Task 4: Draft Initial Study (Mitigated Negative Declaration)

Following receipt of the comments on the Administrative Draft IS, FCS will complete revisions and prepare the Draft IS. *(If a focused EIR is found to be required, FCS will prepare a separate scope and fee to cover the tasks associated with reparation of a focused EIR.)*

Assuming that a mitigated negative declaration is the appropriate level of review, FCS will prepare, and City staff will distribute, copies of the Draft IS/MND to responsible agencies and the public for a 30-day public review period. Technical studies provided to FCS will be included as appendices with the Draft IS/MND for distribution. To reduce document production and distribution costs, technical appendices will be provided on CD. FCS will provide 15 copies of the Draft IS/MND and the Notice of Completion form to the State Clearinghouse to formally commence the 30-day review period. This scope of work assumes that City staff will be responsible for local distribution and noticing, including but not limited to newspaper noticing or radius mailing.

Deliverables

- Ten (10) hard copies (appendices on CD), and one (1) CD of the Draft IS/MND to the City of Cloverdale
- Fifteen (15) CDs of the Draft IS/MND to the State Clearinghouse (including appendices)

Task 5: Final Initial Study/Mitigated Negative Declaration

Although the CEQA Guidelines do not require lead agencies to prepare written responses to comments received on Draft IS/MNDs, lead agencies commonly request them in the interest of addressing relevant concerns. As such, this scope of work includes preparing a Final IS/MND, which will include responses to comments.

FCS will prepare formal responses to comments received by the City of Cloverdale on the Draft IS/MND. This scope of work assumes 12 hours of staff time to prepare the Response to Comments document. This task includes submittal of a draft set of responses for review and comment by the applicant team and City staff, as well as one set of revisions in response to staff comments. Given the high level of uncertainty with respect to the volume and complexity of such comments, this task will be billed on a time-and-materials basis. An initial budget allocation has been established for this task, assuming 15 hours of combined FCS professional staff time; however, this may need to be adjusted based on the volume and complexity of comments received.

Deliverables

- One (1) electronic version (via email) of the Administrative Draft Responses to Comments to the applicant team and City of Cloverdale

FCS will compile the Final IS/MND, which will include Responses to Comments and Errata. FCS will reproduce the Final IS/MND in hard copy format and on CDs for City use and distribution. This scope of

work assumes that City staff will be responsible for distribution of copies of the Final IS/MND to agencies, organizations, and individuals who submitted comments.

Deliverables

- Ten (10) hard copies, and one (1) CD of the Final IS/MND to City of Cloverdale

Task 6: Mitigation Monitoring and Reporting Program

FCS will prepare a comprehensive Mitigation Monitoring and Reporting Program (MMRP), pursuant to CEQA Guidelines Section 15097. The MMRP will contain all mitigation measures identified in the Draft IS/MND. This comprehensive MMRP will provide the applicant team and City staff with a single source of reference to the full range of mitigation measures to be implemented, to ensure achievement of the impact avoidance envisioned in the IS/MND. For each measure or group of similar measures, the agency responsible for ensuring proper implementation will be identified, along with the timing and method of verification. Copies of the MMRP will be included in the Final IS/MND submittal.

Deliverables

- Electronic submittal of the MMRP to City of Cloverdale (an electronic version will be provided on the same CD as the Final IS/MND)

Task 7: Meetings

FCS will meet by phone with the applicant team and City staff during the IS/MND preparation process to discuss and resolve problems, develop strategies, and participate in communications. FCS is also available to attend a meeting at the City of Cloverdale administrative offices or the project site. This proposal and its associated budget cover attendance by FCS's Project Manager at one (1) kick-off meeting/site visit with the applicant and City staff, and attendance at two (2) public meetings (Planning Commission and City Council). A not-to-exceed budget has been established to cover attendance at the kick-off meeting and hearings. If the applicant or City staff requests additional meeting attendance by FCS staff, or if the amount of time involved in these meetings exceeds the initial budget allocation, FCS will notify applicant or City staff of the additional costs and obtain authorization for the extra meeting time.

Task 8: Project Management

In addition to the research, analysis, communications, and report writing tasks described above, FCS will perform a variety of project management duties to ensure that the IS/MND meets the applicant and the City's standards of quality, and that it is delivered on time and within budget. These duties will include team supervision and coordination, oral and written communications with the applicant and City staff, project accounting, and quality assurance review by FCS's Project Director and Technical Editor of all deliverable products. These services also will include ongoing support to applicant and City staff, such as providing input to staff reports, regular schedule updates, and discussions of technical issues. This task assumes 15 hours of staff time.

Tasks Outside of Scope of Work

Below are tasks FCS has identified as being outside of its scope of work for the proposed project.

Newspaper Noticing/Local Noticing

FCS assumes that City staff will prepare the Notice of Availability for the Draft IS/MND and the Notice of Public Hearing for the public meeting(s) at which the IS/MND will be considered for certification. These notices are typically published as a legal advertisement in a local newspaper or mailed directly to surrounding property owners and interested parties.

Findings of Fact

FCS assumes that the applicant's or the City's legal counsel will prepare the Findings of Fact necessary to allow certification of the IS/MND.

Notice of Determination Filing/Payment of Fees

FCS assumes that the applicant team or City staff will file the Notice of Determination with the Sonoma County Clerk's Office within 5 business days of IS/MND certification. The purpose of the Notice of Determination filing is to limit the legal challenge period to 30 days. If a Notice of Determination is not filed within 5 business days of certification, the legal challenge period defaults to 180 days.

The Notice of Determination filing requires payment of the California Department of Fish and Wildlife CEQA filing fee (currently \$2,101.50) and a County handling fee (currently \$50). This scope of work assumes that the applicant will be responsible for paying these fees.

Schedule

FCS has prepared the following schedule outlining the anticipated timing of each task.

Task	Week
Project Initiation	1
Submit Administrative Draft IS	8
City staff provide comments on Administrative Draft IS	10
Submit Draft IS/MND; begin 30-Day Review Period	12
End of 30-Day Review Period	16
Submit Administrative Responses to Comments and MMRP	18
City staff provide comments to FCS on Responses to Comments and MMRP	19
FCS submits Final IS/MND and MMRP	20
Public Meeting(s)	To Be Determined
File Notice of Determination	Within 5 Business Days of Project Approval

Budget

FCS has prepared the following budget identifying the costs of each task.

Task	Fee
Project Initiation	\$1,000
Technical Study: Biological Resources Assessment	\$4,500
Technical Study: Cultural Resources	\$4,700
Technical Study: Air Quality/Greenhouse Gas/Health Risk Assessment	\$8,700
Technical Study: Noise	\$6,500
Technical Study: Transportation	\$3,000
Technical Study : Visual Simulation	\$4,000
Peer Review of Geotechnical Report	\$4,070
Administrative Draft IS	\$8,000
Draft IS/MND	\$3,000
Final IS/MND	\$3,500
Mitigation Monitoring and Reporting Program	\$900
Meetings	\$2,000
Project Management	\$3,500

Task	Fee
Direct Costs	\$1,500
Total	\$58,870

Assumptions

The assumptions used in calculating the above fees are:

- The fee is valid for up to 30 days from the date of this scope, after which it may be subject to revision.
- This scope assumes that an EIR will not be necessary. If it is determined that an EIR will be necessary, FCS will prepare a separate scope and fee.
- A total of 12 hours of staff time is assumed for responding to comments on the Draft IS/MND. Additional time will be billed on a time-and-materials basis with authorization from applicant team or City staff.
- The applicant team or City staff will be responsible for distribution of public review documents.
- This price is based upon completion of the work within the proposed schedule. If delays occur, an amendment of the price would be warranted to accommodate additional project management and other costs, and to reflect adjustments for updated billing rates.
- Costs have been allocated to tasks, based upon FCS's proposed approach. During the work, FCS may, on its sole authority, re-allocate costs among tasks and/or direct costs, as circumstances warrant, so long as the adjustments maintain the total price within its authorized amount.
- The FCS Project Manager will be the primary representative at the project meeting and public hearing.
- Printing costs are based on the method of printing and binding proposed, numbers of copies proposed as work products, and estimated page lengths. Document printing costs are estimated and will be finalized at the time of printing. On further clarification of the documents (paper and/or digital CD) that the applicant team or City staff will need during the preparation effort, FCS will specifically identify a detailed reproduction work plan with more specific costs.

Scope of Work Modifications

FCS assumes a stable and complete project description and project plan set at project initiation. In the event the project description and/or scope of work change to a degree that alters the fee estimate, FCS will contact the applicant team or City staff in writing to submit a revised fee for mutual agreement, and a contract amendment will be processed. Requests for additional work will be documented, and a completion timetable and estimated fee will be submitted for applicant team or County approval.

Invoice Billing

Invoice billing will be on a monthly basis as determined by percentage of work completed. Invoices are due and payable within 30 days of receipt.



**City Council
Agenda Item Summary**

Agenda Item: 4
Meeting Date: August 23, 2016

Agenda Section

Public Hearings

Staff Contact

Jose M. Sanchez, City Attorney
Joanne Cavallari, Finance Manager

Agenda Item Title

Public Hearing to seek approval from City Council for Cost Report relating to abatement of property located at 650-680 S. Cloverdale Boulevard and authorization to impose a special assessment on the property where the nuisance condition was abated by the City pursuant to Municipal Code section 1.14.140 (D).

Summary

In November of 2015, Code Enforcement staff became aware of property located at 650-680 S. Cloverdale Boulevard, that was in violation of numerous sections of the Cloverdale Municipal Code and California Building Code. The Property had a small shed erected upon it that was unpermitted and had severe fire damage. The Police Department had received complaints relating to the Property. In an effort to achieve compliance, Code Enforcement staff sent letters to the Property owner in November, December and again in February requesting that the structure be removed. The structure was not removed and on March 8, 2016 a Notice of Violation was sent to the Property owner requesting removal of the structure. Unfortunately, the Property owner did not remove the structure as requested. A full description of the Municipal Code violations can be found in the attached Cost Report.

On May 12, 2016, the City Attorney’s Office sought and was granted an Inspection and Abatement Warrant from the Sonoma County Superior Court pursuant to California Code of Civil Procedure section 1822.54. The Warrant authorized the City to inspect the Property and to remove the unpermitted structure from the Property.

The City expended funds to obtain the Inspection and Abatement Warrant which may be recovered pursuant to Government Code section 38771 et seq., and Municipal Code Chapters 1.11 and 1.14 through a special assessment on the Property. A special assessment can be imposed as an alternative to the lien procedure, to recover costs of enforcement or administration or expenses associated with the abatement of any nuisance levied in accordance with Chapters 1.10 through 1.15. Any special assessment imposed on real property may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary municipal taxes.

Attached to this Agenda Item Summary is a Cost Report that was prepared pursuant to Municipal Code section 1.14.130. As indicated in that Report, the City expended the following costs to abate the nuisance condition that was on the Property:

City Staff Time	\$1,784.75
Contractor	\$2,170.00
Attorneys’ Fees	<u>\$4,783.19</u>
TOTAL	<u>\$8,737.94</u>

Due to the costs involved with abatements, the City views these types of abatements as a type of “last resort.” In this case, City staff made numerous attempts to gain voluntary compliance with the Municipal Code prior to seeking judicial intervention. The Property owner was not responsive to the City’s requests for compliance and thus, the City was forced to seek an Inspection and Abatement Warrant.

The owner of the Property was provided with notice of the Council hearing on this matter and was also provided with a copy of the Cost Report.

Budget/Financial Impact

The City would recover \$8,737.94 through a special assessment on the Property.

Recommended Council Action

Adopt Resolution No. 065-2016, confirming the Cost Report and authorize the imposition of a special assessment on the property located at 650-680 South Cloverdale Boulevard, Cloverdale, California.

Attachments

Cost Report and Exhibits
Resolution 065-2016



Cost Report

I. Abatement

In November of 2015, Code Enforcement staff became aware of property located at 650-680 S. Cloverdale Boulevard (“Property”) that was in violation of the Cloverdale Municipal Code and California Building Code. An 8 x 14 foot shed had been erected on the Property. The unpermitted structure had fire damage and was empty but provided shelter to transients and kids. The Police Department had received complaints relating to the Property. In an effort to achieve compliance, Code Enforcement staff sent letters to the Property owner requesting that the structure be removed in November, December and again in February. The structure was not removed and on March 8, 2016 a Notice of Violation was sent to the Property owner for the following violations:

- 8.02.030 (A)-Buildings that are abandoned, boarded up, partially destroyed, substantially deteriorated, or left unreasonably in a state of partial construction without a valid unexpired building permit;
- 8.02.030 (B)-Unpainted, unmaintained and otherwise unprotected buildings, causing deterioration in the form of dry rot, warping, buckling, twisting, bowing, and infestations of various kinds;
- 8.02.030 (C)-Broken windows constituting hazardous conditions and inviting trespassers, illegal and unauthorized uses, or malicious mischief;
- 8.02.030 (F)(4)- Attractive nuisances dangerous or potentially dangerous to people in the form of unsecured and unoccupied abandoned buildings and structures;
- 8.02.030(I)(2)-Any building, structure, or portion thereof or areas of access that have any of the following conditions or defects to a significant degree or as otherwise noted: [a]ny portion of any building or structure that has been damaged by earthquake, wind, flood, rain, or any other cause, such that the structural strength, stability or integrity of such building or structure is appreciably less than is suitable for occupancy and is less than the minimum requirements of building code regulations enforced by the city;
- 8.02.030(I)(3)-[a]ny portion of a building or any member, appurtenance or ornamentation on the exterior thereof that is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property;
- 8.02.030(I)(4)-[a]ny building, portion of a building or any member, appurtenance or ornamentation on the exterior thereof not of sufficient strength or stability or not so anchored, attached, or fastened in place so as to be capable of resisting wind pressure, earthquake forces, live-loads or dead-loads as specified in the

building code regulations enforced by the city without exceeding the working stresses permitted therein;

- 8.02.030(I)(6)-[b] buildings or structures, or any portion thereof, that are likely to partially or completely collapse or otherwise fall or give way, or in which some portion of the foundation or underpinning is likely to fail, because of dilapidation, deterioration, decay, faulty construction, infestations, the removal, loss, or movement of a portion of the soil necessary to adequately support such buildings or structures or portion thereof, or some other cause;
- 8.02.030(I)(7)-[a] building or structure, or any portion thereof, that, for any reason whatsoever, is manifestly unsafe for the purpose for which it is used or intended to be used;
- 8.02.030(I)(8)-[a] building or structure that has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated that it becomes an attractive nuisance to children who might play therein to their danger, or affords a harbor for vagrants, criminals or immoral persons, or enables persons to resort thereto for the purpose of committing nuisances or unlawful or immoral acts;
- 8.02.030(I)(9)-[a] building or structure that has been constructed, now exists or is maintained in violation of any requirements or prohibitions applicable to such building or structure, or in violation of the building and housing code regulations enforced by the city;
- 8.02.030(I)(11)-[a] building or structure that, by reason of obsolescence, dilapidation, deterioration, damage, substandard electric wiring, gas connections, or heating apparatus, or similar conditions, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity, or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause;
- Dangerous Building as defined by California Building Code § 15.20.010 (Chapter 3, Section 302).

Ultimately, the violations were not corrected and the structure remained on the Property.

On May 12, 2016, the City Attorney's Office sought and was granted an Inspection and Abatement Warrant from the Sonoma County Superior Court pursuant to California Code of Civil Procedure section 1822.54. The Warrant authorized the City to inspect the Property and to remove the unpermitted structure from the Property.

The Warrant was executed on May 24, 2016 and the structure was removed. On June 3, 2016 a Judgment was signed by the Court, confirming the City as the prevailing party.

II. City's Costs Relating to Abatement

The City has spent a great deal of time and effort in abating the nuisance conditions at 650-680 S. Cloverdale Boulevard. The following is a list of the costs associated with the abatement and recovery of costs.

City Staff Time (See Exhibit A)	\$1,784.75
❖ Rafael Miranda, Associate Planner was the inspecting officer involved in this case. He spent approximately 14.75 hours in inspections, communications, and research relating to the Property. Also, the City Finance Manager assisted with preparation of the Cost Report for this item and the Police Chief provided a Declaration for the Inspection and Abatement Warrant.	
Contractor (See Exhibit B)	\$2,170.00
❖ The contractor, Andersen Backhoe and Excavating, removed the structure and hauled the debris from the site.	
Attorneys' Fees (See Exhibit C)	\$4,783.19
❖ The City Attorney prepared correspondence to the Property owner, prepared the legal documents and filed with court, traveled to and appeared in court for the hearing on the Ex Parte Application for an Inspection and Abatement Warrant, prepared a Judgment and communicated with staff.	
TOTAL	<u>\$8,737.94</u>

Attached as Exhibit D are pictures of the structure before it was removed on May 24, 2016. The structure was fairly dilapidated before abatement and thus it took approximately two to three hours to remove. Attached as Exhibit E is a picture of the Property after removal of the structure.

The City, pursuant to California Health and Safety Code section 38773.5 and Cloverdale Municipal Code sections 1.14.140 (D), seeks to recover its costs through a special assessment on the Property. The City does not seek to recover any penalties through the special assessment.
2691629.1

<u>Date</u>	<u>Time</u>	<u>Notes/Details</u>
Associate Planner		
11/10/2015	1	Site visit, took pictures and sent code enforcement letter to property owner
12/2/2015	1	follow up site visit, took pictures, sent second letter to property owner
12/22/2015	0.25	Received phone call from property owner, spoke to Chief Cramer about the property owners request, called property owner back to deliver message
1/6/2016	0.5	follow up site visit, took pictures
1/27/2016	0.5	follow up site visit, took pictures, called property owner but no answer, left message
2/3/2016	0.5	follow up site visit, took pictures, called property owner but no answer, left message
2/10/2016	1	follow up site visit, took pictures sent letter
2/17/2016	0.5	follow up site visit, took picture
3/2/2016	0.5	follow up site visit, took picture
3/8/2016	0.5	sent NOV
3/15/2016	0.5	follow up site visit, took picture
3/23/2016	0.5	follow up site visit, took picture
3/30/2016	0.5	follow up site visit, took picture, called property owner and left message saying if he did not contact me soon the City would be forced to remove it and bill him
4/6/2016	0.25	Getting in touch with City attorney and asking questions about the abatement process
4/13/2016	0.5	follow up site visit, took pictures
4/26/2016	0.5	Reviewed declaration prepared by City Attorney
4/27/2016	0.25	Reviewed revised declaration prepared by City Attorney
4/28/2016	0.5	Communication with contractor to schedule the removal of the shed and get a price quote
5/3/2016	1	Went to County Assessor office to get a copy of the Assessors Roll
5/4/2016	1	follow up site visit, took pictures, discussed case with City Attorney, received quote from contractor
5/9/2016	0.5	posted declaration at site and took pictures
5/12/2016	0.75	Discussed date of removal with contractor and communicated this to Police, posted warrant and took pictures
5/18/2016	0.5	follow up site visit, took pictures
5/23/2016	0.5	follow up site visit, took pictures
5/24/2016	0.5	follow up site visit, shed was removed by contractor, took pictures
6/8/2016	0.25	Received bill from contractor, scanned it and emailed it to City Attorney, discussed next steps
Total Hours	14.75	
Billing Rate	\$ 97.00	per hour
Total Associate Planner	\$ 1,430.75	
Finance Manager		
7/26/2016	1	Review documents, prepare cost report, discuss matter with City Attorney
8/9/2016	1	Assist with preparation of agenda item for City Council
Total Hours	2	
Billing Rate	\$ 101.00	per hour
Total Finance Manager	\$ 202.00	
Police Chief		
4/27/2016-5/2/16	1	Research and review declaration in support of Inspection and Abatement Warrant, including review of police response to calls relating to property
Total hours	\$ 152.00	
Total Staff Time	\$ 1,784.75	

EXHIBIT A

^{Bob}
AExcavating & Backhoe

Andersen

P.O. Box 221 Cloverdale, CA 95425 Phone (707) 894-2755

CITY OF CLOVERDALE
RECEIVED

JUN 08 2016

Invoice 17890

6/5/16

City of Cloverdale
P.O. Box 217
Cloverdale, CA 95425

Billing for removal of shed at 650 S. Cloverdale, Blvd. on May 24, 2016
Removal of all debris and haul away.

As per estimate. \$2,170.00

Thank you for your business.
Bob Andersen Excavating
P.O. Box 221
Cloverdale, CA 95425

Exhibit B

meyers | nave

REDACTED

555 12TH STREET, SUITE 1500
OAKLAND, CALIFORNIA 94607
510 808-2000

Tax ID 94-3050358

KAREN MASSEY, ASSISTANT CITY MANAGER
CITY OF CLOVERDALE
124 N. CLOVERDALE BLVD
CLOVERDALE, CA 95425

May 20, 2016

CLIENT: CLOVERDALE, CITY OF
MATTER: 650 CLOVERDALE BOULEVARD/ABATEMENT WARRANT
OUR FILE NO: 315.126
INVOICE NO: 2016040483

FOR PROFESSIONAL SERVICES RENDERED THROUGH APRIL 30, 2016

<u>DATE</u>	<u>INIT</u>	<u>DESCRIPTION</u>	<u>RATE</u>	<u>HOURS</u>
04/06/16	JMS		260.00	0.30
04/06/16	DSB		230.00	1.20
04/07/16	DSB		230.00	0.20
04/08/16	DSB		230.00	1.50

Exhibit C

CLOVERDALE, CITY OF
650 CLOVERDALE BOULEVARD/ABATEMENT WARRANT
OUR FILE NO: 315.126

May 20, 2016
Page 2

REDACTED

INVOICE NO: 2016040483

<u>DATE</u>	<u>INIT</u>	<u>DESCRIPTION</u>	<u>RATE</u>	<u>HOURS</u>
04/13/16	DSB		230.00	0.20
04/24/16	DSB		230.00	1.10
04/25/16	DSB		230.00	3.00
04/25/16	TZG		115.00	0.90
04/26/16	DSB		230.00	0.30
04/27/16	DSB		230.00	0.50
04/27/16	TZG		15.00	0.50

CLOVERDALE, CITY OF
650 CLOVERDALE BOULEVARD/ABATEMENT WARRANT
OUR FILE NO: 315.126

May 20, 2016
Page 3

INVOICE NO: 2016040483

REDACTED

<u>DATE</u>	<u>INIT</u>	<u>DESCRIPTION</u>	<u>RATE</u>	<u>HOURS</u>
04/28/16	DSB		230.00	0.60
04/29/16	DSB		230.00	0.20
TOTAL FEES			10.50	\$2,263.00
TOTAL FEES AND COSTS ADVANCED				<u>\$2,263.00</u>

meyers nave REDACTED

555 12TH STREET, SUITE 1500
OAKLAND, CALIFORNIA 94607
510 808-2000

Tax ID 94-3050358

KAREN MASSEY, ASSISTANT CITY MANAGER
CITY OF CLOVERDALE
124 N. CLOVERDALE BLVD
CLOVERDALE, CA 95425

June 13, 2016

CLIENT: CLOVERDALE, CITY OF
MATTER: 650 CLOVERDALE BOULEVARD/ABATEMENT WARRANT
OUR FILE NO: 315.126
INVOICE NO: 2016050291

FOR PROFESSIONAL SERVICES RENDERED THROUGH MAY 31, 2016

<u>DATE</u>	<u>INIT</u>	<u>DESCRIPTION</u>	<u>RATE</u>	<u>HOURS</u>
05/03/16	DSB		230.00	0.30
05/04/16	TZG		115.00	1.10
05/05/16	TZG		115.00	0.60
05/06/16	DSB		230.00	0.80
05/06/16	DSB		230.00	0.20

CLOVERDALE, CITY OF
650 CLOVERDALE BOULEVARD/ABATEMENT WARRANT
OUR FILE NO: 315.126

June 13, 2016
Page 2

REDACTED

INVOICE NO: 2016050291

<u>DATE</u>	<u>INIT</u>	<u>DESCRIPTION</u>	<u>RATE</u>	<u>HOURS</u>
05/06/16	DSB		230.00	0.50
05/09/16	JMS		260.00	0.30
05/09/16	TZG		115.00	0.10
05/09/16	DSB		230.00	0.20
05/12/16	DSB		230.00	2.50
05/12/16	DSB		230.00	3.70
05/12/16	DSB		230.00	0.30
05/25/16	DSB		230.00	0.50

REDACTED

INVOICE NO: 2016050291

<u>DATE</u>	<u>INIT</u>	<u>DESCRIPTION</u>	<u>RATE</u>	<u>HOURS</u>
05/26/16	DSB		230.00	0.30
05/26/16	DSB		230.00	0.20
05/26/16	TZG		115.00	0.40
TOTAL FEES			12.00	\$2,516.00

<u>COSTS ADVANCED</u>		
<u>DATE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
05/31/16	MONTHLY POSTAGE	4.19
TOTAL COSTS ADVANCED		\$4.19
TOTAL FEES AND COSTS ADVANCED		\$2,520.19



Exhibit D

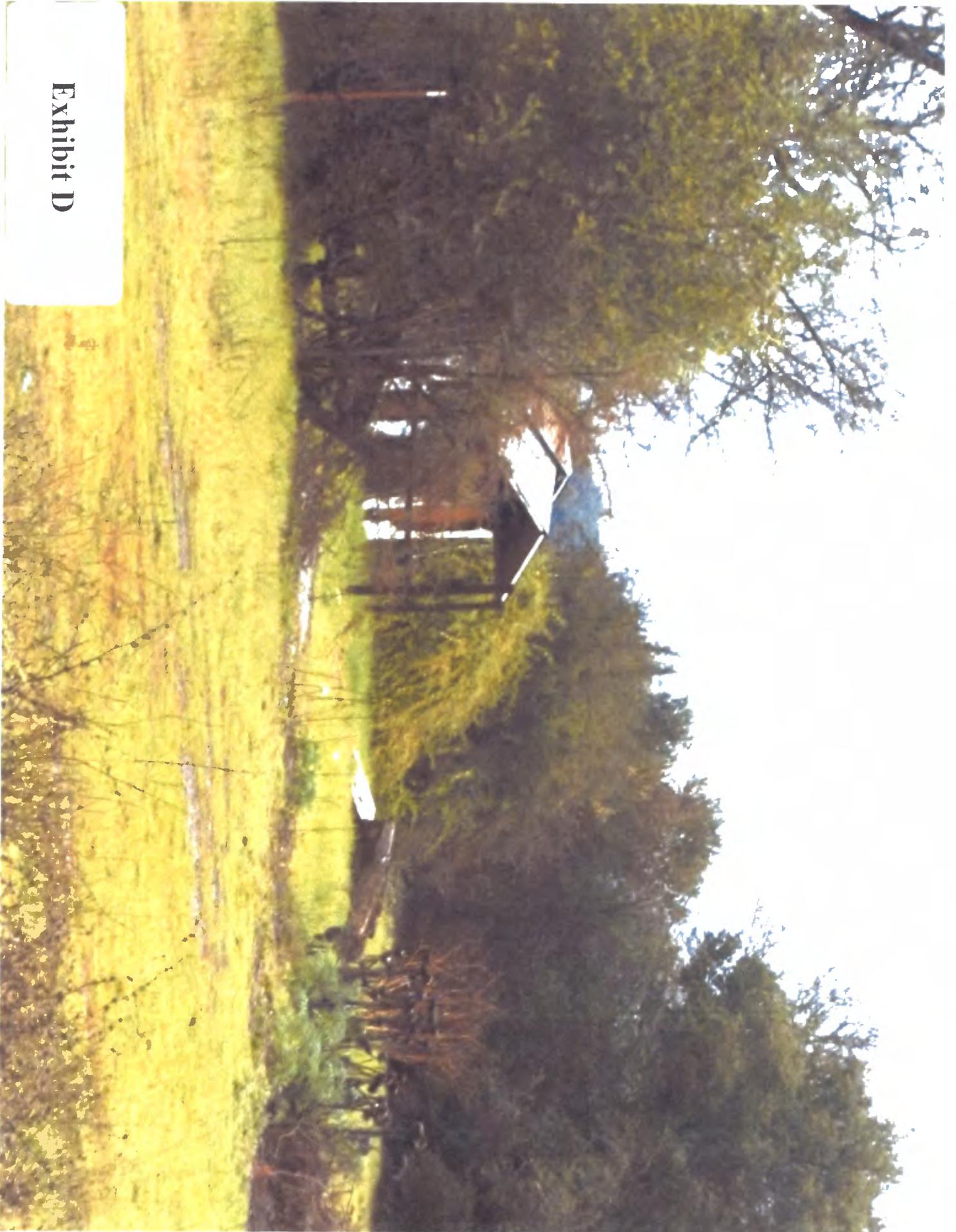


Exhibit D

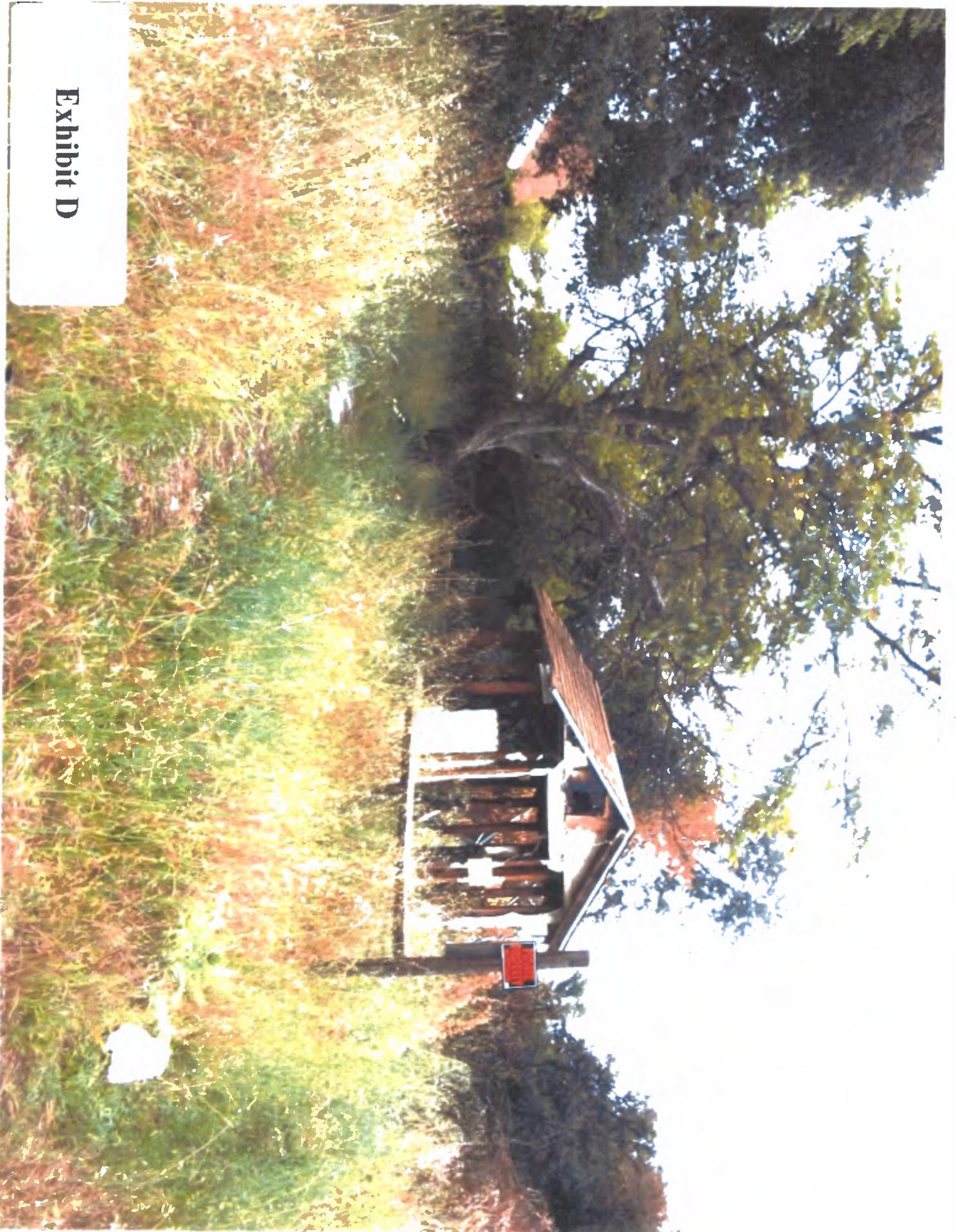


Exhibit D



Exhibit E

CITY OF CLOVERDALE

CITY COUNCIL

RESOLUTION NO. 065 -2016

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE
CONFIRMING THE COST REPORT RELATING TO ABATEMENT OF
NUISANCE CONDITIONS AT 650-680 S. CLOVERDALE BOULEVARD AND
AUTHORIZING IMPOSITION OF SPECIAL ASSESSMENT ON PROPERTY**

WHEREAS, in November, 2015, City Staff contacted the owner of property located at 650-680 South Cloverdale Boulevard, City of Cloverdale, regarding violations of the Cloverdale Municipal Code and California Building Code that existed on the Property; and

WHEREAS, the City specifically requested the demolition and removal of the unpermitted structure on the property; and

WHEREAS, in an effort to achieve compliance, City Staff sent letters to the Property owner requesting that the structure be removed in November, December and again in February. City Staff made numerous efforts to achieve voluntary compliance and removal of the nuisance conditions on the property but was unsuccessful; and

WHEREAS, on March 8, 2016 the City of Cloverdale issued a Notice of Violation to the Property owner for numerous violations of Municipal Code section 8.02.030 and California Building Code; and

WHEREAS, the property owner did not demolish and remove the unpermitted structure on the property; and

WHEREAS, the City Attorney's Office sought and was granted an Inspection and Abatement Warrant from the Sonoma County Superior Court and on May 24, 2016 and the structure was removed; and

WHEREAS, pursuant to Municipal Code section 1.14.130, City Staff has submitted a Cost Report that reflects the appropriate and reasonable costs expended by the City to abate the nuisance conditions on the property and has provided appropriate notice to the property owner of the hearing related to this matter; and

WHEREAS, the City expended funds to obtain the Inspection and Abatement Warrant which may be recovered pursuant to Government Code section 38771 et seq., and Municipal Code Chapters 1.11 and 1.14 through a special assessment on the property; and

WHEREAS, a special assessment can be imposed as an alternative to the lien procedure, to recover costs of enforcement or administration or expenses associated with the abatement of

any nuisance levied in accordance with Chapters 1.10 through 1.15. Any special assessment imposed on real property may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and are subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary municipal taxes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cloverdale does hereby find, determine, and declare as follows:

1. The Cost Report attached hereto as Exhibit A is confirmed.
2. The Finance Manager, or her designee, is hereby authorized to impose a special assessment on the property located at 650-680 S. Cloverdale Boulevard.

It is hereby certified that the foregoing Resolution No. 065-2016, was duly introduced and duly adopted by the City Council of the City of Cloverdale at its regular meeting held on the 23rd day of August, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

MaryAnn Brigham, Mayor

Linda Moore, Deputy City Clerk

2691601.1



CITY OF
CLOVERDALE

Date: August 18, 2016
To: Honorable Mayor and City Council Members
From: Joanne Cavallari, Finance Manager 
RE: Payment Received from Cort Amelung

On Thursday, August 18, 2016 at 11:30 am, Mr. Cort Amelung made a payment to the City of Cloverdale in the amount of \$2,170.00. This is the amount that the contractor, Anderson Excavating, billed the City for removal of the shed at 650 S. Cloverdale Blvd.

The revised balance due is as follows:

Total Due as per Cost Recovery Report	\$8,737.94
Check #1011 Received 08/16/16	<u>(2,170.00)</u>
Balance due	\$6,567.94

Mr. Amelung has agreed to a payment plan of \$500 per month until the balance is paid in full. The balance would be paid in 14 months if he adheres to the payment plan as agreed.



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 5
Meeting Date: August 23, 2016

Agenda Section

New Business

Staff Contact

Paul Cayler, City Manager

Agenda Item Title

Discussion and Possible Action on Resolution No. 067-2016, Authorizing City Manager to Execute the First Amendment to Lease Agreement between the City of Cloverdale and NorCal Skydiving, LLC, to Require Tenant Improvements Including American with Disabilities Act (ADA) Compliant Parking Space and Accessible Pathway

Summary

In June 2015, the City Council approved a renewed lease agreement with NorCal Skydiving at the Cloverdale Municipal Airport for a skydiving business. As a provision of that lease agreement, NorCal Skydiving agreed to reconfigure their office trailer building deck to be compliant with the requirements under the Americans with Disabilities Act of 1990 (ADA). NorCal Skydiving retained a contractor and prepared plans to make their deck ADA compliant. The cost for construction due to project complexity was determined to be beyond financial means of NorCal Skydiving. As an alternative, NorCal Skydiving is proposing to remove their office trailer and deck, and install a paved ADA complaint parking space with an accessible pathway to their nearby rented hanger space (Hanger No. Four). The improvements will also include an ADA toilet for all airport users. The purpose of this item is review and potentially approve an amendment to the lease agreement which will allow for NorCal Skydiving to construct alternative ADA compliant facilities. Also, NorCal Skydiving will no longer be using the office trailer, and thus will be abandoning their existing Conditional Use Permit (CUP), which permits the office trailer. NorCal Skydiving will have the trailer and existing deck removed from the airport by the proposed deadline. The deadline to complete the proposed work is November 30, 2016. The proposed agreement amendment does not modify any other terms of conditions of the lease agreement, such as term or compensation.

Options

- 1) Adopt the attached resolution that authorizes the City Manager to execute the First Amendment to the Lease Agreement between the City of Cloverdale and NorCal Skydiving ; or
- 2) Reject the proposed lease amendment.

Budget/Financial Impact

None.

Subcommittee Recommendation

The Airport Subcommittee reviewed the proposed amendment to the lease agreement, and recommended that the lease amendment be brought to the City Council for approval.

Recommended Council Action

The City Manager recommends that the City Council adopt the attached resolution that authorizes the City Manager to execute the First Amendment to the Lease Agreement with NorCal Skydiving at the Cloverdale Municipal Airport.

Attachments:

1. Resolution No. 067-2016.
2. Proposed Lease Agreement Amendment.

cc:

P.O. Box 217 • 124 North Cloverdale Blvd. • Cloverdale, CA 95425-0217 • Telephone (707) 894-2521 • FAX (707) 894-3451

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 067-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF CLOVERDALE AND NORCAL SKYDIVING, LLC FOR LEASED PREMISES LOCATED AT THE CLOVERDALE MUNICIPAL AIRPORT

WHEREAS, City and NorCal Skydiving entered into a lease agreement on June 30, 2015, for approximately 2.28 acres and improvements of the Cloverdale Municipal Airport, Cloverdale, California, to be used for limited service commercial operations; and

WHEREAS, NorCal Skydiving's use of Leased Premises included operating an office in a trailer located at the Airport for which they obtained a Conditional Use Permit; and

WHEREAS, NorCal Skydiving will no longer be using the office trailer and will thus be abandoning the CUP; and

WHEREAS, the 2015 Lease Agreement makes reference to and requires compliance with the CUP as condition of the Lease; and

WHEREAS, the NorCal Skydiving will install an American with Disabilities Act (ADA) paved parking space and accessible pathway to their hanger, as well as install and maintain a ADA complaint toilet for all airport users; and

WHEREAS, the City and NorCal Skydiving agree that the 2015 Lease Agreement should be amended to accurately reflect NorCal Skydiving's operations including removing references to the CUP, reducing property being leased, and incorporating language regarding the improvements Lessee will be required to complete in order to operate in their new location at the Airport; and

WHEREAS, all other terms and conditions of the lease agreement are unchanged, and remain in full force and effect.

BE IT RESOLVED that the City Manager is hereby authorized to execute the First Amendment to the Lease Agreement between the Norcal Skydiving, LLC and the City of Cloverdale.

It is hereby certified that the foregoing Resolution No. 067-2016, was duly introduced and adopted as amended by the City Council of the City of Cloverdale at its regular meeting held on the 23rd day of August, 2016, by the following voice vote: (-ayes, -noes)

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Attested:

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

2697651.1

REV 1/2013

FIRST AMENDMENT TO LEASE AGREEMENT BETWEEN THE CITY OF CLOVERDALE AND NORCAL SKYDIVING LLC FOR LEASED PREMISES LOCATED AT THE CLOVERDALE MUNICIPAL AIRPORT

This First Amendment to Lease Agreement ("**Amendment**") is made and entered into as of the ____ day of August, 2016, by and between the City of Cloverdale, a California municipal corporation, hereinafter referred to as ("**City**") and NorCal Skydiving, LLC, a California limited liability company (No. 200814010063), hereinafter referred to as ("**Lessee**").

RECITALS

WHEREAS, City and Lessee entered into a lease agreement ("**2015 Lease Agreement**") on June 30, 2015 for approximately 2.28 acres and improvements of the Cloverdale Municipal Airport, Cloverdale, California ("**Airport**"), to be used for limited service commercial operations; and

WHEREAS, Lessee's use of Leased Premises included operating an office in a trailer located at the Airport for which they obtained a Conditional Use Permit ("**CUP**") (Resolution No. 008-2009); and

WHEREAS, Lessee will no longer be using the office trailer and will thus be abandoning the CUP and will now only be leasing the premises described in Exhibit A-1 ("**Leased Premises**"); and

WHEREAS, the 2015 Lease Agreement makes reference to and requires compliance with the CUP as condition of the Lease; and

WHEREAS, Parties agree that the 2015 Lease Agreement should be amended to accurately reflect Lessee's operations including removing references to the CUP, reducing property being leased, and incorporating language regarding the improvements Lessee will be required to complete in order to operate in their new location at the Airport.

NOW, THEREFORE, IT IS AGREED TO AS FOLLOWS:

AGREEMENT

1. The Parties agree to modify Section 1 "LEASED PREMISES" of the 2015 Lease Agreement to remove references to Conditional Use Permit. Section 1 is hereby amended to read as follows:

"City, for and in consideration of all the covenants, conditions, and agreements set forth in this Lease to be kept and performed by Lessee and by City, does hereby lease unto Lessee, on all the conditions, covenants, terms and agreements hereinafter set forth, approximately 2.2 acres and improvements ("**Leased**

Premises”), as described in **Exhibit A-1**, attached hereto to this First Amendment and incorporated herein. This Lease is contingent upon and is dependent on any revocable operating License (“**License**”) that may be applied for and granted to Lessee by City as set forth in **Exhibit D**, attached hereto and incorporated in this Lease. Lessee’s failure to hold a valid License shall be immediate grounds for City to terminate this Lease. Termination of this Lease due to Lessee’s failure to hold a valid revocable operating License shall be at the sole discretion of City.”

2. Section 5 of the Lease Agreement, “ON-SITE IMPROVEMENT” shall be amended to read as follows:

“Any tenant improvements shall be constructed in conformity with all applicable laws, ordinances, rules and regulations, including, if applicable, as a result of City or other public funding and/or City ownership and control of construction of the tenant improvements, California prevailing wage requirements contained in section 1720 and following of the California Labor Code. Lessee shall be responsible for obtaining any permits or other entitlements required by City, or any other agency, before commencing construction of any improvements to the Leased Premises. Lessee must submit the design of any proposed tenant improvements to City for approval before commencing construction of the improvements. Upon completion, any and all tenant improvements will be deemed part of the Leased Premises and property of City. The improvements are detailed below and as further described in **Exhibit A-1**, attached hereto to this First Amendment and incorporated herein.

Lessee shall be responsible for installing the following improvements by November 30, 2016:

- A. Remove office trailer and deck, and return Leased Premises to original condition.
- B. Install a paved handicapped parking space with proper signage that is compliant with Americans with Disabilities Act (“ADA”) regulations.
- C. Install a paved and marked pathway from the new paved handicapped parking space to Hanger Space #4
- D. Install an operational handicapped accessible portable bathroom that is consistent with ADA regulations. Lessee shall be responsible for maintaining said bathroom, including servicing and cleaning. Lessee agrees that said portable bathroom is NOT exclusive for Lessee customers only, and may be used by all Airport visitors.”

3. Exhibit A in the 2015 Lease Agreement is hereby replaced in its entirety by **Exhibit A-1, attached to this First Amendment.**

4. All other terms and conditions in the 2015 Lease Agreement shall remain in full force and effect to the extent they are not in conflict with this Amendment.

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

CITY OF CLOVERDALE

LESSEE

Paul Cayler, City Manager

By _____
Jimmy Halliday, President
NorCal Skydiving, LLC

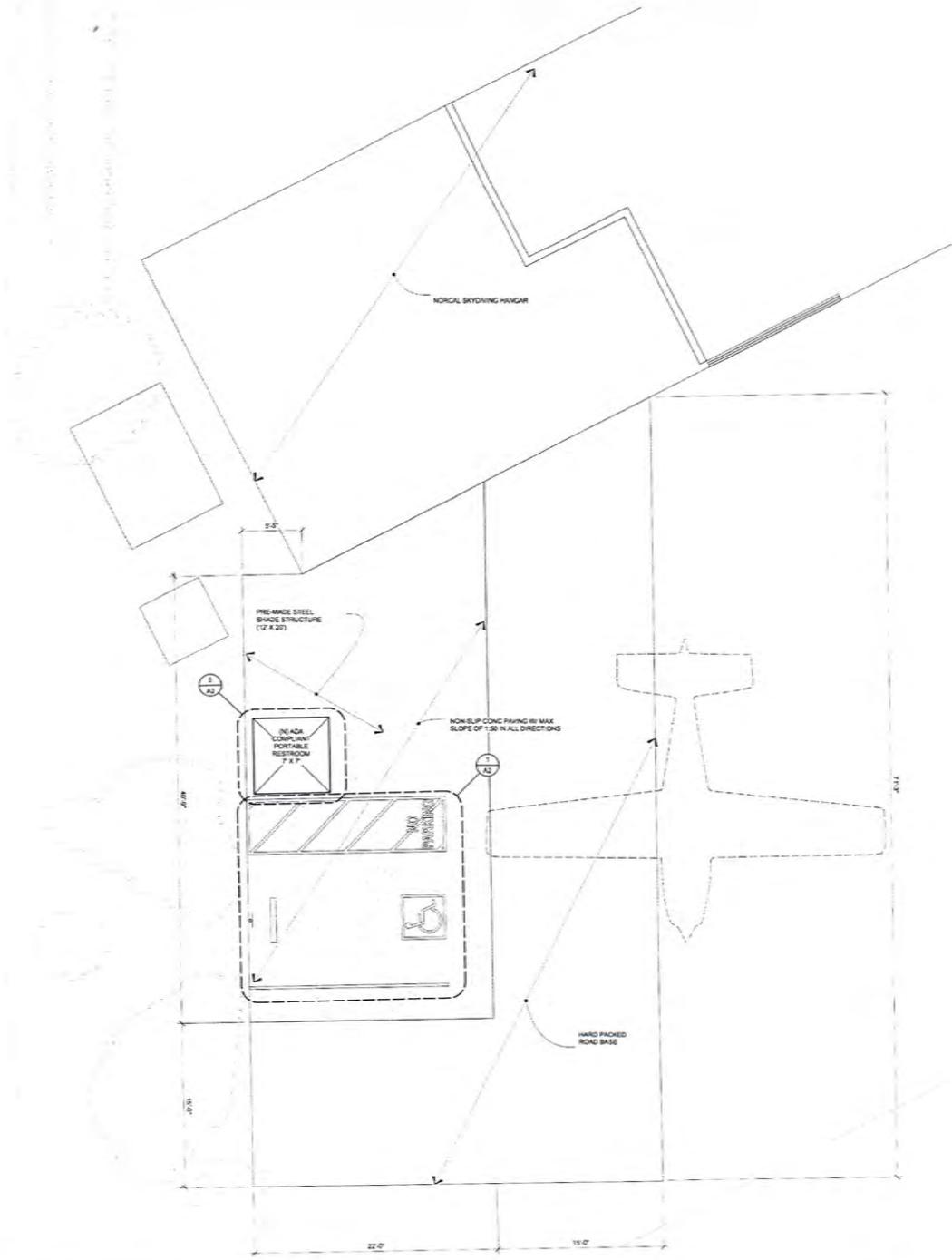
ATTEST:

Linda Moore, Deputy City Clerk

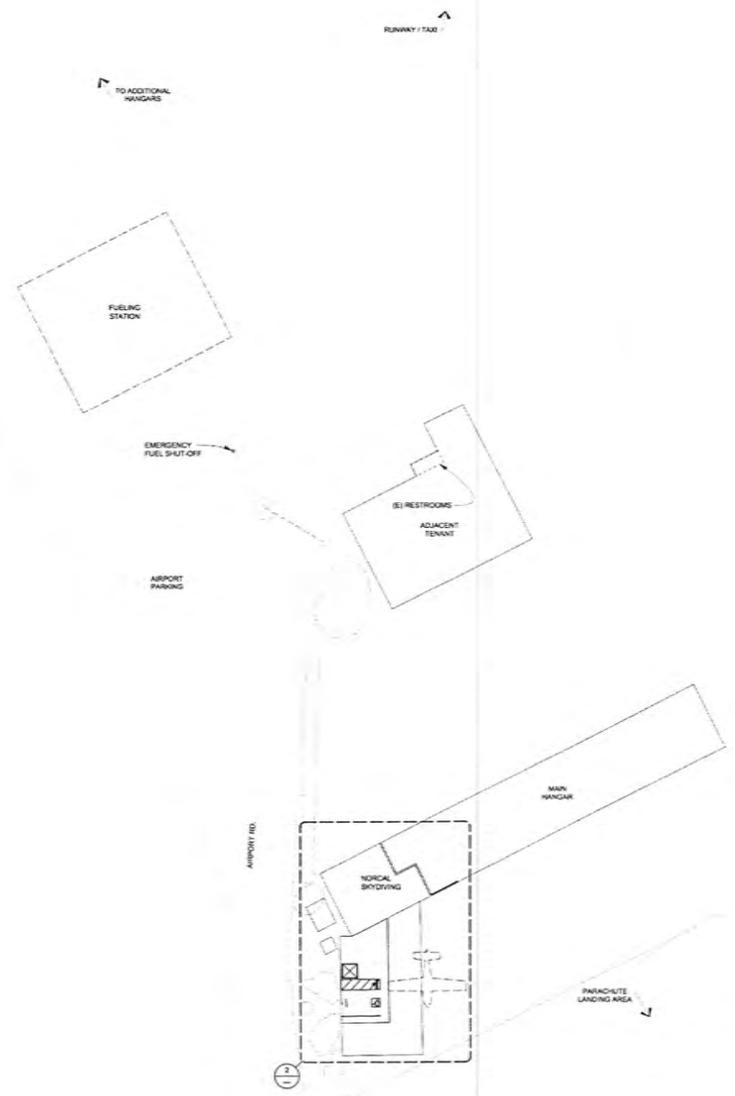
APPROVED AS TO FORM:

Jose M. Sanchez, City Attorney

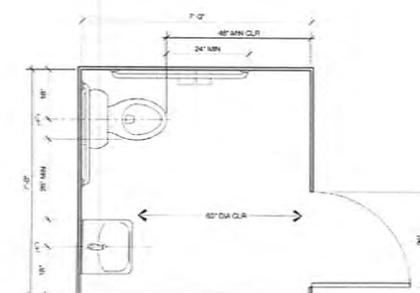
2672155.4



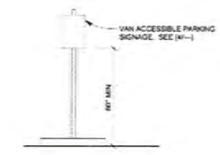
2 HANGAR IMPROVEMENT PLAN
SCALE: 3/8" = 1'-0"



1 OVERALL SITE PLAN
SCALE: 1" = 30'

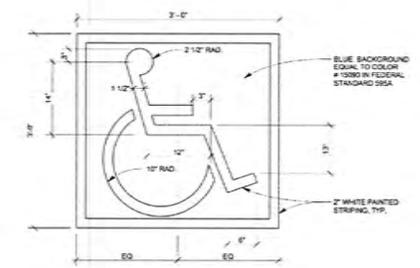


5 ADA PORTABLE RESTROOM DETAIL
SCALE: 1/2" = 1'-0"

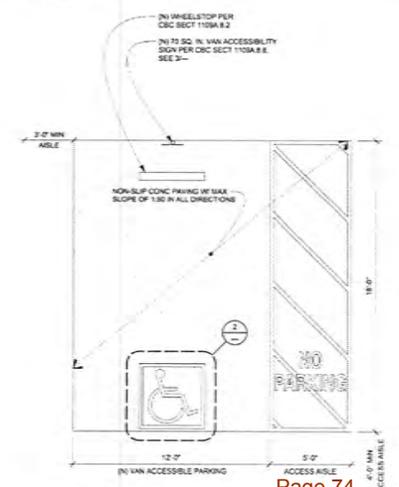


4 VAN ACCESSIBLE PARKING SIGNAGE
SCALE: 3/4" = 1'-0"

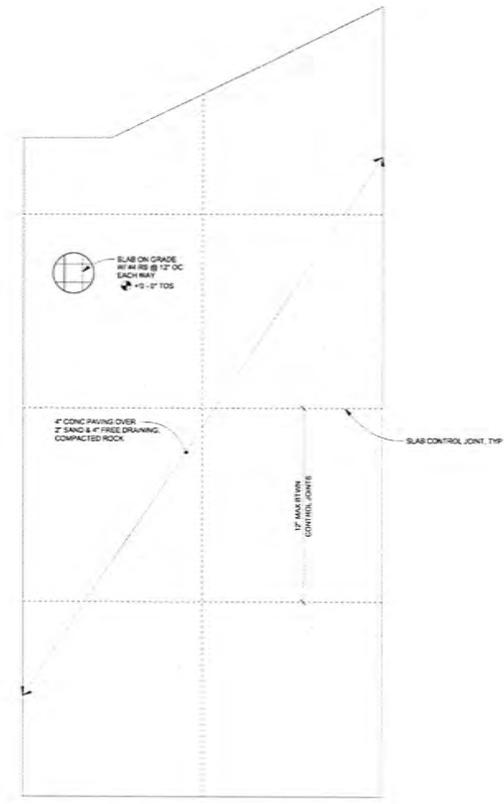
3 ADA SIGNAGE ELEVATION
SCALE: 1/4" = 1'-0"



2 ACCESSIBLE PARKING STALL SURFACE MARKING
SCALE: 1" = 1'-0"



1 ADA PARKING DETAIL
SCALE: 1/4" = 1'-0"



6 STRUCTURAL PLAN
SCALE: 1/4" = 1'-0"



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 6
Meeting Date: August 23, 2016

Agenda Section New Business	Staff Contact Paul Cayler, City Manager
---------------------------------------	---

Agenda Item Title

Consideration of a Resolution No. 068- 2016, Authorizing the Submittal of the Fiscal Year 2016, Federal Aviation Administration (FAA) Grant Application, Acceptance of an Allocation of Funds and Execution of a Grant Agreement with the California Department of Transportation, Aeronautics Division for an Airport Improvement Program Matching Grant for Further Work to Conduct Environmental Assessment of Obstruction Removal.

Summary

The City owns and operates a public airport and is eligible to apply for approximately \$150,000 each year from the Federal Aviation and Administration for primarily improving safety, security and capacity, and is allowed to roll over annual grants up to three years. The City, in coordination with the FAA, has prepared the Fiscal Year 2016 grant application. The proposed project requests \$137,169 from the FAA with \$8,383 matching funds from the City and \$6,858 from the State. Final grant amounts may vary slightly depending on submission of final paperwork to FAA. The City recently completed an Obstruction Evaluation and Mitigation Report using a FAA grant. Twenty-one obstructions were identified in the Threshold Siting Surface that require mitigation. The proposed grant project consists of further work to remove obstructions that are located on and off the airport property with some obstructions in close proximity to the Russian River. Several of the obstructions are located in the river bank itself. The location of these obstructions necessitate increased scrutiny pertaining to removal methods, and mitigation options that may include replanting and other restoration in the riverbank areas. The project is recommended in the Airport Layout Plan (ALP) currently under FAA review. The preparation of an Environmental Assessment (EA) for obstruction removal is required to assess potential impacts on cultural resources, wetlands, and Federally listed threatened and endangered species. The EA must be in compliance with the National Environmental Protection Act (NEPA)

The City coordinates the grant program with the FAA by maintaining and revising annually a five year Capital Improvement Program and by preparing and submitting annual grant applications. The preliminary draft grant applications are submitted to the FAA earlier in the year with the final grant application to be submitted typically by August 1 of each year. The proposed project is to start with execution of the grant agreement and extends to September 30, 2017. The grant application period expires on August 31, 2016 with the last remaining component being the City Council authorizing resolution.

Options

- 1) Adopt the attached resolution authorizing the submittal of the Fiscal Year 2016 FAA grant application, acceptance of an allocation of funds and execution of a grant agreement with the California Department of Transportation, Aeronautics Division for an Airport Improvement Program (AIP) Matching grant; or
- 2) Reject the attached resolution and do not pursue a Fiscal Year 2016 FAA grant application for further work on obstruction removal at the airport.

Budget/Financial Impact

By signing the grant agreement, the City obligates General Fund monies in the amount of \$8,383. Staff costs in administering the project can be charged to the project (accounted for within the total project cost) up to \$3,045. Final grant amounts may vary slightly depending on submission of final paperwork to FAA.

Subcommittee Recommendation

None.

Recommended Council Actions

Adopt Resolution No. 068-2016, authorizing the submittal of the FY 2016 FAA grant application, acceptance of an allocation of funds and execution of a grant agreement with the California Department of Transportation, Aeronautics Division for an Airport Improvement Program matching grant.

Attachments:

1. Resolution No. 068-2016
 2. FAA AIP Application
-

cc:

**City Of Cloverdale
City Council
Resolution No. 068-2016**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE AUTHORIZING THE SUBMITTAL OF AN
FAA AIRPORT IMPROVEMENT PROGRAM GRANT APPLICATION FOR FURTHER WORK ON ENVIRONMENTAL
ASSESSMENT TO REMOVE OBSTRUCTIONS AT THE CLOVERDALE MUNICIPAL AIRPORT**

WHEREAS, the City of Cloverdale and the Federal Aviation Administration (FAA) are parties to Federal Airport Improvement Program (AIP) Grant No. 3-06-0045-008-2014 for Obstruction Survey and Obstruction Mitigation Plan, which was completed and submitted to the FAA; and

WHEREAS, the City of Cloverdale is eligible for a further Airport Improvement Program Grants to continue work to study and prepare an environmental assessment for obstruction removal that complies with the National Environmental Policy Act (NEPA); and

WHEREAS, for the City of Cloverdale to remain eligible for the Federal grant, the FAA requires the City Council to adopt a resolution authorizing the submission of an application for an AIP grant.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Cloverdale, State of California:

1. Authorizes filing the application for a FAA AIP grant for the work of Obstruction Removal Environmental Assessment in compliance with NEPA; and
2. Authorizes execution of an FAA AIP Grant Agreement for Obstruction Removal Environmental Assessment.
3. Authorizes application and acceptance of California Department of Transportation (Caltrans) matching grants for the Obstruction Removal Environmental Assessment.

BE IT FURTHER RESOLVED, that the City Council of the City of Cloverdale does hereby authorize Paul Cayler, Cloverdale City Manager, to sign any documents required to apply for and accept these subject funds on behalf of the City of Cloverdale.

It is hereby certified that the foregoing Resolution No. 068-2016, was duly introduced and adopted as amended by the City Council of the City of Cloverdale at its regular meeting held on the 23rd day of August, 2016, by the following voice vote: (-ayes, -noes)

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

Attested:

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

AIP Grant Application Checklist

AIRPORT NAME: (O60) Cloverdale Municipal Airport **DATE:** July 7, 2016

SYSTEM FOR AWARD MANAGEMENT (SAM) CAGE CODE #: 5EME8

SYSTEM FOR AWARD MANAGEMENT (SAM) EXPIRATION DATE: _____

This checklist (and attached instructions) is a tool to assist a grantee (airport sponsor) in identifying the requirements and considerations associated with preparing an Airport Improvement Program (AIP) grant application package for submittal to the FAA. Airport sponsors should read and consider each of the items carefully. **Some of the items can be answered by simply checking the “Yes” and “No” boxes while others require providing additional information as part of the airport’s request for AIP funds.**

Ref.		Yes	No	N/A	Comments Attached
ITEMS REQUIRED TO COMPLETE APPLICATION REVIEW:					
1.	Standard Form 424 <i>(signed)</i>	✓			
2.	Project Cost Breakdown <i>(attached)</i>	✓			
3.	Project Sketch <i>(at the request of the ADO)</i>	✓			
4.	Project Narrative <i>(attached or within Form 5100-11/101 Part IV)</i>	✓			
5.	Form 5100-100 (parts II - IV) <i>(airport development grants)</i> Form 5100-101 (parts II - IV) <i>(planning grants)</i>	✓			
6.	Bid Tabulations/Negotiated Amounts <i>(attached or previously submitted to the ADO)</i>			✓	
7.	Exhibit A <i>(attached or previously submitted to the ADO)</i>	✓			
8.	Title Certificate or Long Term Lease Agreement <i>(at the request of the ADO)</i>	✓			

FEDERAL AVIATION ADMINISTRATION

AIRPORT IMPROVEMENT PROGRAM

APPLICATION

FOR

THE WORK

OF

**ENVIRONMENTAL ASSESSMENT
FOR OBSTRUCTION REMOVAL AND MITIGATION**

AT

**(O60) CLOVERDALE MUNICIPAL AIRPORT
CITY OF CLOVERDALE, CALIFORNIA**

REVISED JULY 2016

Application for Federal Assistance SF-424

* 1. Type of Submission <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): - Select One - * Other (Specify)
---	---	---

* 3. Date Received:	4. Application Identifier:
---------------------	----------------------------

5a. Federal Entity Identifier: 3-06-0045	* 5b. Federal Award Identifier:
---	---------------------------------

State Use Only:

6. Date Received by State:	7. State Application Identifier:
----------------------------	----------------------------------

8. APPLICANT INFORMATION:

* a. Legal Name: City of Cloverdale

* b. Employer/Taxpayer Identification Number (EIN/TIN): 94-6000310	*c. Organizational DUNS: 004-952-867
---	---

d. Address:

* Street1: 124 North Cloverdale Blvd.
 Street 2:
 * City: Cloverdale
 County: Sonoma
 * State: CA
 Province:
 Country: United States *Zip/ Postal Code: 95425

e. Organizational Unit:

Department Name: Airports	Division Name:
------------------------------	----------------

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. First Name: Paul
 Middle Name:
 * Last Name: Cayler
 Suffix:

Title: City Manager

Organizational Affiliation:
 City of Cloverdale

* Telephone Number: (707) 894-1710 Fax Number: (707) 894-3451

* Email: pcayler@ci.cloverdale.ca.us

Application for Federal Assistance SF-424

*9. Type of Applicant 1: Select Applicant Type:

C. City or Township Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

* Other (specify):

* 10. Name of Federal Agency:

Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:

20.106

CFDA Title:

Airport Improvement Program

*12. Funding Opportunity Number: N/A

Title:

13. Competition Identification Number: N/A

Title:

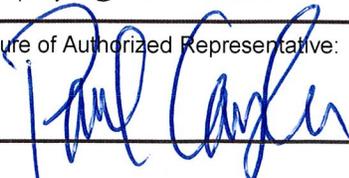
14. Areas Affected by Project (Cities, Counties, States, etc.):

City of Cloverdale, Sonoma County, California

* 15. Descriptive Title of Applicant's Project:

Environmental Assessment for Obstruction Removal and Mitigation

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
*a. Applicant: 1st	*b. Program/Project: 1st
Attach an additional list of Program/Project Congressional Districts if needed.	
17. Proposed Project:	
*a. Start Date: 10/01/2016	*b. End Date: 03/30/2018
18. Estimated Funding (\$):	
*a. Federal	137,169.00
*b. Applicant	8,383.00
*c. State	6,858.00
*d. Local	
*e. Other	
*f. Program Income	
*g. TOTAL	152,410.00
*19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input checked="" type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on <u>7-11-16</u> <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input type="checkbox"/> c. Program is not covered by E.O. 12372	
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation on next page.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001) <input checked="" type="checkbox"/> ** I AGREE ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix: Mr.	*First Name: Paul
Middle Name:	
*Last Name: Cayler	
Suffix:	
*Title: City Manager	
*Telephone Number: (707) 894-1710	Fax Number: (707) 894-3451
* Email: pcayler@ci.cloverdale.ca.us	
*Signature of Authorized Representative: 	*Date Signed: 7/12/2016

Application for Federal Assistance SF-424

*Applicant Federal Debt Delinquency Explanation

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.

Application for Federal Assistance (Planning Projects)

PART II – PROJECT APPROVAL INFORMATION

<p>Item 1. Does this assistance request require State, local, regional, or other priority rating?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Governing Body:</p> <p>Priority:</p>
<p>Item 2. Does this assistance request require State, or local advisory, educational or health clearances?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Agency or Board:</p> <p>(Attach Documentation)</p>
<p>Item 3. Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>(Attach Comments)</p>
<p>Item 4. Does this assistance request require State, local, regional or other planning approval?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Approving Agency:</p> <p>Date:</p>
<p>Item 5. Is the proposed project covered by an approved comprehensive plan?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Check one: State <input type="checkbox"/> Local <input checked="" type="checkbox"/> Regional <input type="checkbox"/></p> <p>Location of Plan: Cloverdale Municipal Airport (Master Plan)</p>
<p>Item 6. Will the assistance requested serve a Federal installation?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Federal Installation:</p> <p>Federal Population benefitting from Project:</p>
<p>Item 7. Will the assistance requested be on Federal land or installation?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Name of Federal Installation:</p> <p>Location of Federal Land:</p> <p>Percent of Project: %</p>
<p>Item 8. Will the assistance requested have an impact or effect on the environment?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>(See instruction for additional information to be provided)</p>
<p>Item 9. Will the assistance requested cause the displacement of individuals, families, businesses, or farms?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>Number of:</p> <p>Individuals: _____ Families: _____ Businesses: _____ Farms: _____</p>
<p>Item 10. Is there other related Federal assistance on this project previous, pending, or anticipated?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>(See instructions for additional information to be provided.)</p>

PART III – BUDGET INFORMATION

SECTION A – BUDGET SUMMARY

Grant Program, Function or Activity (a)	Federal Catalog No. (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. AIP	20.106	\$	\$	\$ 137,169.00	\$15,241.00	\$ 152,410.00
2.						
3.						
4.						
5. TOTALS		\$	\$	\$137,169.00	\$15,241.00	\$152,410.00

SECTION B – BUDGET CATEGORIES

6. Object Class Categories	Grant Program, Function or Activity				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	\$ 3,000.00	\$	\$	\$	\$ 3,000.00
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual	149,410.00				149,410.00
g. Construction					
h. Other					
i. Total Direct Charges	152,410.00				149,410.00
j. Indirect Charges					
k. TOTALS	\$152,410.00	\$	\$	\$	\$152,410.00
7. Program Income	\$	\$	\$	\$	\$

SECTION C – NON-FEDERAL RESOURCES

(a) GRANT PROGRAM	(b) APPLICANT	(c) STATE	(d) OTHER SOURCES	(e) TOTALS
8. AIP	\$ 8,383.00	\$ 6,858.00	\$	\$ 15,241.00
9.				
10.				
11.				
12. TOTALS	\$ 8,383.00	\$6,858.00	\$	\$15,241.00

SECTION D – FORECASTED CASH NEEDS

	Total for 1 st Year	1 st Quarter	2 nd Quarter	3 rd Quarter	4th Quarter
13. Federal	\$ 135,411.00	\$ 43,470.00	\$ 43,470.00	\$ 43,471.00	\$ 5,000.00
14. Non-Federal	15,046.00	4,848.00	4,848.00	4,850.00	500.00
15. TOTAL	\$ 150,457.00	\$ 48,318.00	\$ 48,318.00	\$ 48,321.00	\$ 5,500.00

SECTION E – BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) GRANT PROGRAM	FUTURE FUNDING PERIODS (YEARS)			
	(b) FIRST	(c) SECOND	(d) THIRD	(e) FOURTH
16. AIP	\$ 1,953.00	\$	\$	\$
17.				
18.				
19.				
20. TOTALS	\$	\$	\$	\$

SECTION F – OTHER BUDGET INFORMATION

(Attach additional sheets if necessary)

<p>21. Direct Charges:</p> <p>Costs associated with creating the report based on the results of a recent obstruction survey performed to verify obstacles located within the airspace surrounding the airport.</p> <p>22. Indirect Charges:</p> <p>None.</p> <p>23. Remarks:</p>
--

PART IV PROGRAM NARRATIVE (Attach per instructions)

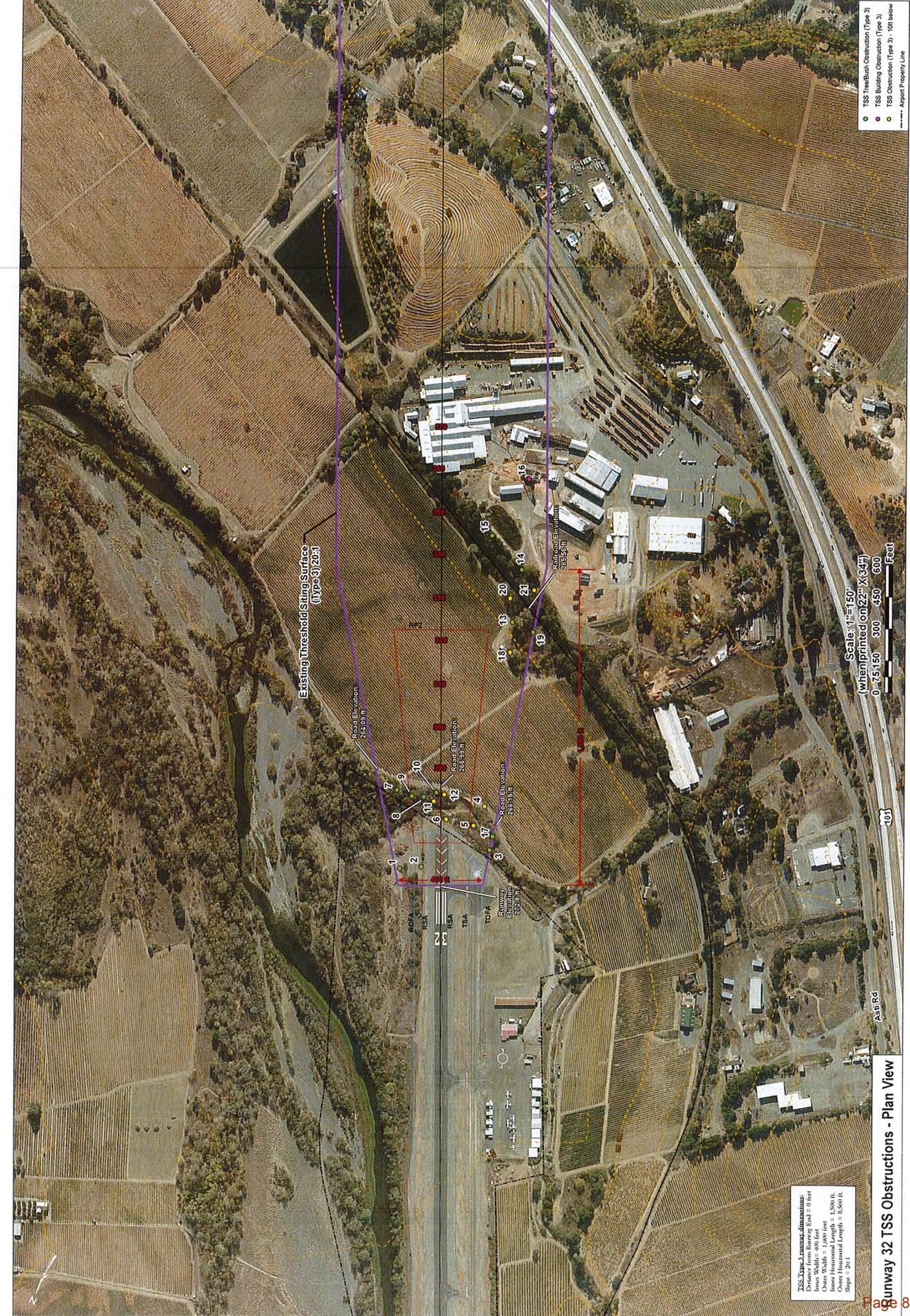
PART IV - PROGRAM NARRATIVE
(Suggested Format)

PROJECT: Environmental Assessment for Obstruction Removal and Mitigation
AIRPORT: (O60) Cloverdale Municipal Airport
1. Objective: Perform an Environmental Assessment based on the results of a recent obstruction survey performed to verify obstacles located within the airspace surrounding the airport.
2. Benefits Anticipated: Mitigating these obstructions will provide for a safe and efficient use of the navigable airspace surrounding the Cloverdale Municipal Airport.
3. Approach: <i>(See approved Scope of Work in Final Application)</i> The Environmental Assessment will be completed through a traditional planning contract as part of a service contract consultant selection. C&S Engineers, Inc. of Sacramento, CA will serve as the airport's consultant to lead this effort. The EA is anticipated to be completed by March, 2018.
4. Geographic Location: Cloverdale Municipal Airport is located within the City of Cloverdale at Lat 38°46'34"N and Long 122°59'33"W.
5. If Applicable, Provide Additional Information: N/A
6. Sponsor's Representative: <i>(include address & telephone number)</i> Mr. Paul Cayler, City Manager City of Cloverdale 112 Broad Street, Cloverdale, California 95425 P: 707-894-1710 E: pcayler@ci.cloverdale.ca.us

MARK	DESCRIPTION	DATE

PROJECT NO.	
DATE	
SCALE	AS SHOWN
DESIGNED BY	
DRAWN BY	
CHECKED BY	
PROJECT MGR	

NO ALTERATION PERMITTED HEREON EXCEPT AS PROVIDED UNDER SECTION 208 SUBSECTION 2 OF THE NEW YORK STATE EDUCATION LAW



TSS Type 3 Runway Obstructions:
 Distance from Runway End = 0 feet
 Obstruction Height = 1,500 ft.
 Obstruction Width = 1,000 feet
 Inner Horizontal Length = 8,000 ft.
 Outer Horizontal Length = 8,000 ft.
 Slope = 20:1

- TSS Tree/Bush Obstruction (Type 3)
- TSS Building Obstruction (Type 3)
- TSS Obstruction (Type 3) - 10ft below
- Airport Property Line

Scale: 1" = 150'
 (when printed on 22" x 34")
 0 75 150 300 450 600 Feet

Runway 32 TSS Obstructions - Plan View



ASSURANCES

Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements.

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1 2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.

- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

Executive Orders

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management
- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

Federal Regulations

- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].^{4,5,6}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.¹
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.¹
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).¹
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).¹
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.³
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.

- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.^{1 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

Specific Assurances

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

Footnotes to Assurance C.1.

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- ⁴ On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.

⁵ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.

⁶ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

4. Good Title.

a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.

- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and

has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title 49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans,

specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal,

state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
 - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or

to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-

- 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
 - d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
 - f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
 - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
 - h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
 - i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or

operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.

- 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
 - c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and

- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing
 - 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and

roads), including all proposed extensions and reductions of existing airport facilities;

- 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
 - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
- b. If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
 - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 - 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.

- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

“The ^{City of Cloverdale,} ~~(Name of Sponsor)~~, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a

covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:

- a) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another

eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.

- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including but not limited to the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated _____ (the latest approved version as of this grant offer) and included in this grant, and in accordance

with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises.

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated;
and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



**FAA
Airports**

Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 2/11/2015

View the most current versions of these ACs and any associated changes at:
http://www.faa.gov/airports/resources/advisory_circulars

NUMBER	TITLE
70/7460-1K	Obstruction Marking and Lighting
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Change 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28D	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30C Change 1	Airport Winter Safety And Operations
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel

NUMBER	TITLE
150/5210-19A	Driver's Enhanced Vision System (DEVS) Ground Vehicle Operations on Airports
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16D	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Change 1	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-7B	FAA Policy on Facility Relocations Occasioned by Airport Improvements of Changes
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5320-5D	Airport Drainage Design
150/5320-6E	Airport Pavement Design and Evaluation
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces

NUMBER	TITLE
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30H	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42G	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43G	Specification for Obstruction Lighting Equipment
150/5345-44J	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46D	Specification for Runway and Taxiway Light Fixtures

NUMBER	TITLE
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49C	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13 Change 1	Planning and Design Guidelines for Airport Terminal Facilities
150/5360-14	Access to Airports By Individuals With Disabilities
150/5370-2F	Operational Safety on Airports During Construction
150/5370-10G	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness
150/5390-2C	Heliport Design
150/5395-1A	Seaplane Bases

THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY

Updated: 3/7/2014

NUMBER	TITLE
150/5100-14E	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 6	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-9B	Predesign, Prebid, and Preconstruction Conferences for Airport Grant Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airports Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating (PASER) Manuals
150/5370-6D	Construction Progress and Inspection Report – Airport Improvement Program (AIP)
150/5370-12A	Quality Control of Construction for Airport Grant Projects

STANDARD DOT TITLE VI ASSURANCES

City of Cloverdale, California (hereinafter referred to as the Sponsor) hereby agrees that as a condition to receiving Federal financial assistance from the Department of Transportation (DOT), it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and all requirements imposed by 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation -- Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. Without limiting the above general assurance, the Sponsor agrees concerning this grant that:

1. Each "program" and "facility" (as defined in Section 21.23(a) and 21.23(b)) will be conducted or operated in compliance with all requirements of the Regulations.
2. It will insert the clauses of Attachment 1 of this assurance in every contract subject to the Act and the Regulations.
3. Where Federal financial assistance is received to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
4. Where Federal financial assistance is in the form or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over, or under such property.
5. It will include the appropriate clauses set forth in Attachment 2 of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Sponsor with other parties:
 - (a) for the subsequent transfer of real property acquired or improved with Federal financial assistance under this project; and
 - (b) for the construction or use of or access to space on, over, or under real property acquired or improved with Federal financial assistance under this Project.
6. This assurance obligates the Sponsor for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Sponsor or any transferee for the longer of the following periods:
 - (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - (b) the period during which the Sponsor retains ownership or possession of the property.
7. It will provide for such methods of administration for the program as are found by the Secretary of transportation of the official to whom he delegates specific authority to give reasonable guarantees that it, other sponsors, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the act, the Regulations, and this assurance.

STANDARD DOT TITLE VI ASSURANCES (Continued)

8. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining Federal financial assistance for this Project and is binding on its contractors, the Sponsor, subcontractors, transferees, successors in interest and other participants in the Project. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Sponsor.

DATED _____

City of Cloverdale, California
(Sponsor)

(Signature of Authorized Official)

CONTRACTOR CONTRACTUAL REQUIREMENTS

ATTACHMENT 1

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations. The contractor shall comply with the regulations relative to nondiscrimination in federally assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

2. Nondiscrimination. The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or lease of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports. The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Sponsor or the Federal Aviation Administration (FAA) to be pertinent to ascertain compliance with such Regulations, orders, and instructions. Where any information required of a contract is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the sponsor or the FAA, as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance. In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the sponsor shall impose such contract sanctions as it or the FAA may determine to be appropriate, including, but not limited to:

- a. Withholding of payments to the contractor under the contract until the contractor complies, and/or
- b. Cancellation, termination, or suspension of the contract, in whole or in part.

6. Incorporation of Provisions. The contractor shall include the provisions of paragraphs 1 through 5 in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the sponsor or the FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Sponsor to enter into such litigation to protect the interests of the sponsor and, in addition, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

CLAUSES FOR DEEDS, LICENSES, LEASES, PERMITS OR SIMILAR INSTRUMENTS

ATTACHMENT 2

The following clauses shall be included in deeds, licenses, leases, permits, or similar instruments entered into by the Sponsor pursuant to the provisions of Assurances 5(a) and 5(b).

1. The (grantee, licensee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.
2. The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to 49 CFR Part 21, Nondiscrimination in Federally Assisted Programs of the Department of Transportation, and as said Regulations may be amended.

**REQUIRED STATEMENTS
AIRPORT IMPROVEMENT PROGRAM PROJECTS**

AIRPORT: (O60) Cloverdale Municipal Airport

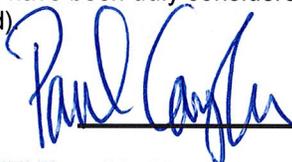
LOCATION: Cloverdale, California

AIP PROJECT NO.: 3-06-0045

STATEMENTS APPLICABLE TO THIS PROJECT Environmental Assessment for Obstruction Removal and Mitigation

- a. **INTEREST OF NEIGHBORING COMMUNITIES:** In formulating this project, consideration has been given to the interest of communities that are near (Exact name of airport) Cloverdale Municipal Airport.
- b. **THE DEVELOPMENT PROPOSED IN THIS PROJECT** will not require the use of publicly owned land from a public park, recreation area, wildlife and fowl refuge, or a historical site under Federal, State, or Local jurisdiction.
- c. **FBO COORDINATION:** The airport development proposed in this project has been coordinated with the Fixed Base Operator(s) utilizing (Exact name of airport) Cloverdale Municipal Airport, and they have been informed regarding the scope and nature of this project.
- d. **THE PROPOSED PROJECT IS CONSISTENT** with existing approved plans for the area surrounding the airport.

The above statements have been duly considered and are applicable to this project. (Provide comment for any statement not checked)

 DATE: 7/12/2016
TITLE: City Manager

SPONSORING AGENCY: City of Cloverdale, California

NOTE: Where opposition is stated to an airport development project, whether expressly or by proposed revision, the following specific information concerning the opposition to the project must be furnished.

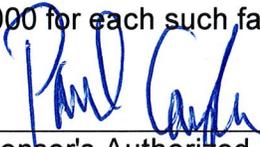
- a. Identification of the Federal, state, or local governmental agency, or the person or persons opposing the project;
- b. The nature and basis of opposition;
- c. Sponsor's plan to accommodate or otherwise satisfy the opposition;
- d. Whether an opportunity for a hearing was afforded, and if a hearing was held, an analysis of the facts developed at the hearing as they relate to the social, economic, and environmental aspects of the proposed project and its consistency with the goals and objectives of such urban planning as has been carried out by the community.
- e. If the opponents proposed any alternatives, what these alternatives were and the reason for nonacceptance;
- f. Sponsor's plans, if any, to minimize any adverse effects of the project;
- g. Benefits to be gained by the proposed development; and
- h. Any other pertinent information which would be of assistance in determining whether to proceed with the project.

**CERTIFICATION FOR CONTRACTS, GRANTS, LOANS,
AND COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal Grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure of Lobby Activities", in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signed  Date 7/12/2016
Sponsor's Authorized Representative

Title City Manager

Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

Sponsor: City of Cloverdale

Airport: (O60) Cloverdale Municipal Airport

Project Number: 3-06-0045

Description of Work: Environmental Assessment for Obstruction Removal and Mitigation

A sponsor must disclose in writing any potential conflict of interest to the Federal Aviation Administration (FAA) or pass-through entity. No employee, officer or agent of the sponsor or subgrant recipient shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

1. The employee, officer or agent,
2. Any member of his immediate family,
3. His or her partner, or
4. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The sponsor's or subgrant recipient's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements.

Sponsors or subgrant recipients may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by state or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrant recipient's officers, employees, or agents, or by contractors or their agents.

The sponsor or subgrant recipient must maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts.

1. By checking "Yes," the sponsor or subgrant recipient certifies that it does not have any potential conflict of interest or Significant Financial Interests. By checking "No," the sponsor or subgrant recipient discloses that it does have a potential conflict of interest, which is further explained below.

Yes No

2. The sponsor or subgrant recipient maintains a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. By checking "No", the sponsor or subgrant recipient discloses that it does not have a written policy, which is further explained below.

Yes No

3. Explanation of items marked "no":

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this 12th day of July, 2016.

Name of Sponsor: City of Cloverdale

Name of Sponsor's Designated Official Representative: Paul Cayler

Title of Sponsor's Designated Official Representative: City Manager

Signature of Sponsor's Designated Official Representative: _____



Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor: City of Cloverdale

Airport: (O60) Cloverdale Municipal Airport

Project Number: 3-06-0045

Description of Work: Environmental Assessment for Obstruction Removal and Mitigation

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Certification Statements

Except for the certification statement below marked as not applicable (N/A), this list includes major requirements for this aspect of project implementation. This list is not comprehensive nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

1. A statement has been or will be published notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition.

Yes No N/A

2. An ongoing drug-free awareness program has been or will be established to inform employees about:

- a. The dangers of drug abuse in the workplace
- b. The sponsor's policy of maintaining a drug-free workplace
- c. Any available drug counseling, rehabilitation, and employee assistance programs
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace

Yes No N/A

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above.

Yes No N/A

4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant, the employee will:
- a. Abide by the terms of the statement
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction
- Yes No N/A
5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of the employee, to the FAA. Notices shall include the project number of each affected grant.
- Yes No N/A
6. One of the following actions will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:
- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended
 - b. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency
- Yes No N/A
7. A good faith effort will be made to continue to maintain a drug-free workplace through implementation of items 1 through 6 above.
- Yes No N/A

Site(s) of performance of work:

Location 1

Name of Location: Cloverdale Municipal Airport
 Address: 220 Airport Road, Cloverdale, CA 95425

Location 2 (if applicable)

Name of Location:
 Address:

Location 3 (if applicable)

Name of Location:
 Address:

Additional documentation for any above item marked "no":

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this 12th day of July, 2016.

Name of Sponsor: City of Cloverdale

Name of Sponsor's Designated Official Representative: Paul Cayler

Title of Sponsor's Designated Official Representative: City Manager

Signature of Sponsor's Designated Official Representative: _____



Selection of Consultants

Airport Improvement Program Sponsor Certification

Sponsor: City of Cloverdale

Airport: (O60) Cloverdale Municipal Airport

Project Number: 3-06-0045

Description of Work: Environmental Assessment for Obstruction Removal and Mitigation

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326.2 CFR 200. Sponsors may use other qualifications-based procedures provided they are equivalent to specific standards in 2 CFR §§ 200.317-200.326 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Certification Statements

Except for the certification statement below marked as not applicable (N/A), this list includes major requirements for this aspect of project implementation. This list is not comprehensive nor does it relieve the sponsor from fully complying with all applicable statutory and administrative standards.

1. Solicitations were or will be made to ensure fair and open competition from a wide area of interest.
 Yes No N/A

2. Consultants were or will be selected using competitive procedures based on qualifications, experience, and disadvantaged enterprise requirements with the fees determined through negotiations after initial selection.
 Yes No N/A

3. A record of negotiations has been or will be prepared reflecting considerations involved in the establishment of fees, which are not significantly above the sponsor's independent cost estimate.
 Yes No N/A

4. If engineering or other services are to be performed by sponsor force account personnel, prior approval was or will be obtained from the Federal Aviation Administration (FAA).
 Yes No N/A

5. The consultant services contracts clearly or will clearly establish the scope of work and delineate the division of responsibilities between all parties engaged in carrying out elements of the project.
 Yes No N/A

6. Costs associated with work ineligible for AIP funding are or will be clearly identified and separated from eligible items in solicitations, contracts, and related project documents.
 Yes No N/A

7. Mandatory contact provisions for grant-assisted contracts have been or will be included in consultant services contracts.
 Yes No N/A

8. The cost-plus-percentage-of-cost methods of contracting prohibited under federal standards were not or will not be used.
 Yes No N/A

9. If the services being procured cover more than the single grant project referenced in this certification, the scope of work was or will be specifically described in the advertisement, and future work will not be initiated beyond five years.
 Yes No N/A

Additional documentation for any above item marked "no":

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

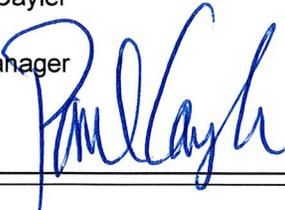
I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this 12th day of July, 2016.

Name of Sponsor: City of Cloverdale

Name of Sponsor's Designated Official Representative: Paul Cayler

Title of Sponsor's Designated Official Representative: City Manager

Signature of Sponsor's Designated Official Representative: 

TITLE VI PRE-AWARD SPONSOR CHECKLIST

Airport/Sponsor: _____ (O60) Cloverdale Municipal Airport / City of Cloverdale, California

AIP #: _____ 3-06-0045

Project Description(s): _____ Environmental Assessment for Obstruction Removal and Mitigation

- 1) Please describe any of the following IF they apply to your project: Title VI issues raised at public hearing(s) and the conclusions made; EIS data concerning the race, color, or national origin of the affected community; steps taken or proposed to guard against unnecessary impact on persons on the basis of race, color or national origin.
 None

- 2) Please list any airport related Title VI lawsuits or complaints filed in the preceding year against the sponsor. Include a summary of the findings.
 None (If "None", continue with questions 3 and 4).

- 3) Please list any current applications for federal funding (other than FAA) of airport related projects which exceed the amount for this grant.
 None

- 4) Please list any airport related Title VI compliance review(s) received by the sponsor in the preceding two years. Include who conducted the review and any findings of noncompliance.
 None

To be completed by the Civil Rights Staff

Review completed and approved: _____
Signature

Date: _____

This checklist is only required for projects that involve one of the following: Environmental Assessment or Impact Statement (EIS); airport or runway relocation; major runway extension; relocation of any structure of person; or impact to access or preservation of any burial ceremonial or other sacred or historical structures or lands of any indigenous or ethnic population.

Return to: FAA, Civil Rights, Northwest Mountain Region; 1601 Lind Ave. SW; Renton, WA 98057-3356. FAX: (425) 227-1009 Phone (425) 227-2009

DRAFT SCOPE OF SERVICES

Project Name: Environmental Assessment (EA) for Obstruction Mitigation
Airport Name: Cloverdale Municipal Airport
Services Provided: Environmental Planning Services - National Environmental Policy Act (NEPA)

Overview of Services

C&S Engineers, Inc. (CONSULTANT) will provide the required professional services to prepare an Environmental Assessment (EA) for the proposed *Mitigating Objects Affecting Navigable Airspace* project at Cloverdale Municipal Airport (SPONSOR). This project will also include the following:

- Preliminary engineering
- Agency coordination
- Delineation of wetlands
- Preparation of biological assessment
- Preparation of environmental documentation

Proposed Action

The SPONSOR recently completed an Obstruction Evaluation and Obstruction Mitigation Report. Twenty-one obstructions have been identified within the Threshold Siting Surface (TSS) and require mitigation. The obstructions are located both on and off the airport property with some within close proximity to the Russian River. Several of the obstructions are located on the river bank itself.

Due to the fact that these obstructions are located within close proximity to the river, additional consideration will be given to potential environmental impacts associated with their potential removal. The location of these obstructions will necessitate increased scrutiny pertaining to removal methods, and potential mitigation options that may include replanting and other forms of restoration within riverbank areas.

The project has been recommended in the Airport Layout Plan (ALP) currently under Federal Aviation Administration (FAA) review. The preparation of an EA for the removal of obstructions is required to assess impacts to the environment; including cultural resources, wetlands, and federally listed threatened and endangered species.

Guidelines for EA Preparation

The EA, as defined by Council on Environmental Quality (CEQ) regulations, will be a concise public document for which a federal agency is responsible that serves to briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact (FONSI).

The EA will be prepared in a manner that is consistent with the following guidance documents:

- FAA Order 5050.4B, *National Environmental; Policy Act (NEPA) Implementing Instructions for Airport Actions*
- FAA Order 1050.1F, *Environmental Impacts, Policies and Procedures*; and local rules and regulations
- *Environmental Desk Reference for Airport Actions*

Administration Phase

The Project will be performed by the SPONSOR with grant assistance from the FAA Airport Improvement Program. The specific services to be provided by CONSULTANT as part of this phase are as follows:

- Preparation of reimbursement request packages, coordination of their execution by the SPONSOR, and submission to the funding agencies.
- Assist SPONSOR in coordination with FAA and other regulatory agencies.
- Consistent with CEQ and FAA requirements, CONSULTANT will assist the SPONSOR in announcing the availability of the FONSI through appropriate media in the area. The announcement will indicate the availability of the document for examination and note the appropriate location of general public access where the document may be found (e.g., your office, local libraries, public buildings, etc.). A copy of the announcement will be sent to the FAA when it is issued.

Environmental Assessment Preparation

The EA process generally comprises the following five steps:

1. Statement of purpose and need;
2. Description of existing conditions;
3. Description of proposed actions;
4. Consideration of alternatives;
5. Measurement of significant changes; and
6. Minimization of unavoidable impacts.

The major components of the EA are:

Purpose and Need

Identify the Project to be assessed, the requested Federal action, and the timeframe for such action. The following items will be discussed:

- Description of Project.
- Relevant information regarding the purpose and need for the Project.

Alternatives

A full range of conceptual alternatives (up to three, including the no-action alternative) will be developed by CONSULTANT with support from SPONSOR. The results of the alternative analysis will be the basis for preparation of the alternative development section of the EA. The alternatives phase will include development, and a description, of a “No-Action” alternative in accordance with CEQ regulations.

Preliminary Design - to assist in the preparation of the alternatives analysis CONSULTANT will complete a preliminary design on proposed project elements. This will include a review of obstruction mitigation options that are best suited to accomplish the Project. Although recommended mitigation measures were identified in the Obstruction Survey and Obstruction Mitigation Plan further evaluation is necessary to determine if they are feasible based on their potential environmental impacts and accessibility. Alternative mitigation measures may be proposed to reduce impacts.

In support of the alternatives development, CONSULTANT will conduct an arborist survey of tree obstructions in areas that will be impacted by the proposed project and prepare a site plan that depicts the location of all protected trees greater than nine inches (9") diameter-at-breast-height and their protected perimeters. The survey is necessary to determine the appropriate mitigation options for their removal.

Affected Environment

A review of existing conditions at the Project site will be conducted. This task involves collecting all relevant data necessary to determine the environmental conditions of the potentially affected geographic area. Due to the Projects location and potential impacts this task will include the following environmental resource studies:

1. **Jurisdictional Delineation of Waters of the U.S. and State** – due to the close proximity of the Russian River tributaries relative to the Project study area the CONSULTANT will conduct a wetland delineation using the U.S. Army Corps of Engineers' (USACE) Wetlands Delineation Manual (USACE 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0; USACE 2008); in addition, CONSULTANT will consider the California Department of Fish and Wildlife (CDFW) and draft State Water Resources Control Board (SWRCB) guidelines as they relate to the project site/conditions. CONSULTANT will prepare a preliminary jurisdictional delineation report presenting the results of the delineation. The jurisdictional boundaries identified during the delineation will be subject to verification by the applicable resource agencies.
2. **Biological Resources Evaluation** – CONSULTANT will visit the project area to document and describe vegetation types and other habitat features potentially important to species listed under the Endangered Species Act of 1973, as amended (ESA), and other special-status species. In addition, an inventory of dominant plant and animal species will be recorded. Based on this site reconnaissance and available sources of information on habitat requirements and distribution, the project area will be assessed for the potential presence of such species. CONSULTANT will then prepare Biological Assessments (BA) for aquatic and terrestrial species to comply with the ESA, which is a requirement for Clean Water Act (CWA) Section 404 permitting, as well as for use in the EA. This evaluation, at a minimum, will include an introduction, a description of field reconnaissance methods, a summary of vegetation communities and other habitat features, narrative descriptions of federally and state listed species that have the potential to occur in or near the project area, and a rationale for why other listed species were eliminated from more detailed consideration.
3. **Cultural Resources Investigations Report** - CONSULTANT will prepare a cultural resources technical report for project area. The technical report will document the results of the literature review, Native American Heritage Commission (NAHC) search, and field survey as well as provide management recommendations for resources within or near the project

area. The reports will meet the Secretary of Interior's Standards and Guidelines and will follow Archaeological Resource Management Reports: Recommended Contents and Format guidelines. The report will include maps depicting the area surveyed for cultural resources. If the locations of sensitive archaeological sites or Native American cultural resources will be depicted or described in the report, it will be considered confidential; the report may not be distributed to the public. In order to protect these sensitive resources, the confidential technical report shall be made available only to qualified cultural resources personnel, the landowner, and project management personnel on a "need-to-know" basis. The report shall be prepared compliant with Section 106 of the National Historic Properties Act.

Environmental Consequences – Specific Impact Categories

This part of the EA involves examining the Project's potential environmental impact areas and determining if they may be significant. During this process, specific consultation with environmental agencies will be accomplished. The following impact categories, as specified in FAA Order 1050.1F, will be addressed:

Air Quality

The City of Cloverdale is located in the Northern Sonoma County Air Pollution Control District. According to the EPA GreenBook published June 17, 2016, Sonoma County is listed as a nonattainment area for 8-hour ozone (2008), PM_{2.5}, and maintenance for carbon monoxide. Due to these designations, an emissions inventory will be prepared to determine if the proposed project will meet state air quality standards and not create an exceedance of EPA mandated de-minimis threshold levels. Potential emissions sources anticipated to be impacted by the proposed project include construction equipment. The emissions inventory will be prepared using the guidance set forth under Aviation Emissions and Air Quality Handbook, Version 3.

Biological Resources

Using information provided in the Biological Assessments, the EA will review the potential of the proposed project to have an effect on federally or state listed threatened or endangered species. If listed species are observed or site conditions suggest that the proposed project may affect habitat critical to or occupied by listed species, the BA may contain recommendations for species-specific surveys or general mitigation measures. Additionally, other federal, state, and local regulations concerning the biological environment of the project area will be addressed.

Climate

Although the FAA has not established a significance threshold to address potential impacts a project may have on the climate the increase in greenhouse gas emissions created from the project should be evaluated and reported. Due to the Projects low potential to increase greenhouse gas emissions, no impact from this category is expected.

Coastal Resources

As applicable, any coastal zone management programs or coastal barriers affected by the proposed actions will be identified. Given the location of the proposed actions (*i.e.*, not in proximity to Coastal Resources), no impact from this category is expected.

Department of Transportation Section 4(f)

The EA will identify and consider publicly-owned land (including public parks, recreation areas, wildlife and waterfowl refuges, or historic sites) that could be affected by the proposed actions. Any areas affected will be identified and measures to minimize impacts will be recommended.

Farmlands

This part of the EA will identify the effects of converting farmland to non-agricultural uses and involves determining if the farmland is protected by the Farmland Protection Policy Act (FPPA). Farmland protected by the FPPA is either prime farmland which is not already committed to urban development or water storage, unique farmland, or farmland which is of state or local importance. The U.S. Soil Conservation Service and other applicable agencies will be contacted to determine whether the FPPA is applicable to the Projects. No impact from this category is expected.

Hazardous Materials, Solid Waste, and Pollution Prevention

A general review to determine the likelihood of encountering land that may contain hazardous substances or may be contaminated will be undertaken. Airport development actions do not normally have any direct relationship to solid waste collection, control, or disposal other than that associated with construction itself. A preliminary review will indicate if the projected quantity or type of solid waste generated by or method of collection or disposal of waste related to, the Project will be appreciably different than would be the case today.

Historic, Architectural, Archeological, and Cultural Resources

An investigation will be conducted to determine if the proposed project will have an effect upon any properties in, or eligible for inclusion in, the National Register of Historic Places, and whether there is any reason to believe that significant scientific, prehistoric, historic, archaeological, or paleontological resources would be lost or destroyed as a result of the proposed project.

In compliance with Section 106 of the National Historic Preservation Act, the CONSULTANT will prepare documentation for the FAA to use to determine if any effects will occur and to consult with the California State Historic Preservation Officer (SHPO). This will include the preparation of a technical report (see Affected Environment) for the Area of Potential Effect (APE). If artifacts are found, possible adverse effects will be identified and recommendations will be provided for possible mitigation measures. If the SHPO concurs that the artifacts are not eligible, then mitigation will not be required.

Land Use

Any impacts exceeding thresholds of significance that have land use ramifications, such as disruption of communities, relocation of residences or businesses, or impacts to natural resource areas, will be identified. The compatibility of land uses in the vicinity of the airport will also be reviewed to ensure those uses do not adversely affect safe aircraft operations.

Natural Resources and Energy Supply

Energy requirements associated with the Project include assessing the following impacts:

- Those which relate to changed demands for stationary facilities (*e.g.*, airfield lighting). Any major changes in stationary facilities' demands, which would have a measurable effect on local supplies, will be identified; and
- Those which involve the movement of air and ground vehicles.

Noise and Compatible Land Use

It is assumed by the CONSULTANT that a noise analysis is not needed. The Project will not result in any of the following:

- No induced increase in aircraft operations (outside of forecasted growth);
- No change in the physical location of the runway thresholds;
- No induced change in flight procedure either through changes to flight tracks or the introduction of new technology;
- No change in the fleet mix of aircraft operating at the airport; and
- No introduction of new aircraft types or categories operating at the airport.

If a noise analysis is needed, it will require an amendment to this scope of services. No impact from this category is expected.

Socioeconomic Impacts, Environmental Justice, and Children’s Environmental Health and Safety Risks

This section of the EA will consider the magnitude of potential economic and social impacts associated with the proposed actions. The effect of the proposed action upon the social and community aspects of the area will be described in terms of the numbers of people and businesses affected and available forms of relocation assistance. Road closures and surface transportation disruptions will be identified and described, as appropriate. Environmental justice is concerned with a variety of public policy efforts to ensure that adverse human health or environmental effects of governmental activities do not fall disproportionately upon minority populations and low-income populations. In the realm of aviation, environmental justice means that transportation system changes, such as runway extensions, are studied carefully to determine the nature, extent, and incidence of probable impacts, both favorable and adverse. The EA will also identify and assess environmental health risks and safety risks of the proposed actions that may disproportionately affect children.

Visual Effects

Consideration will be given as to the extent to which any lighting or visual impacts associated with the Project will create an annoyance among people in the vicinity of the Project.

Water Resources

The potential effects of the Project on water resources will be discussed in detail. This section of the EA will include the following topics:

- Wetlands – using information provided by the wetlands delineation prepared in support of the EA, impacts of the Project upon wetlands will be assessed to ensure consistency with appropriate regulations and standards. If necessary, a conceptual mitigation plan will be prepared to reduce impacts to wetlands. However, this scope of services does not include preparation of a final mitigation plan or design of that mitigation.
- Floodplains - the Flood Insurance Rate Map or the Flood Insurance Study Report will be reviewed to determine if the Project is located within a flood plain. The presence or absence of flood plains and the potential for impacts will be documented.
- Surface Waters - the potential effects of the Project on water quality will be discussed. The U.S. Department of the Interior will be contacted to determine the presence or absence of Wild and Scenic Rivers that could be impacted by the Project.

If necessary, potential impacts will be identified and mitigation measures will be recommended. The following factors will be considered:

- Erosion controls to prevent siltation;
- Designs to preserve existing drainage or to minimize dredge and fill; and
- Location with regard to an aquifer or sensitive ecological areas, such as wetlands.

Measures to minimize water pollution and run-off effects will be identified to demonstrate that State water quality standards, as well as federal and local requirements, can be met.

Cumulative Impacts

CEQ Regulation 1500.7 states that “cumulative impact” is the impact on the environment which results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency or person undertakes such other actions. Cumulative impacts are defined as existing or baseline (no build) impacts on the environment, plus the incremental direct effect of the proposed actions, plus the actions’ indirect/secondary impacts. These will be assessed to determine the environment’s ability to sustain such impacts.

Anticipated Permits or Approvals

Required environmental permits (if any) will be identified but this scope of services does not include their preparation which will be the responsibility of the SPONSOR. Mitigation measures that will need to be taken to avoid or minimize significant impact on a particular resource will be identified. Any impacts that cannot be mitigated, or that cannot be mitigated below the threshold of significance identified in FAA Order 1050.1F, will be discussed.

Public Involvement

Due to the scope and nature of the proposed project, public outreach outside of the required 30 day public review period is not anticipated. A public workshop/hearing is not included as part of this Scope of Services. C&S will plan and attend meetings with representatives of the adjacent property owners to discuss the alternatives, impacts, and mitigation related to obstruction removals on their properties.

EA Report Preparation

An EA will be prepared that summarizes the results of the foregoing tasks. Five copies of the Draft Environmental Assessment (DEA) and of the Final Environmental Assessment (FEA) documents will be prepared for distribution. The distribution list will include the SPONSOR, the FAA, and other environmental agencies. Additionally, copies of the FEA will be made available in print form at various public locations and, if needed, will also be posted on a web site in PDF format for access by the public and agencies.

Schedule

CONSULTANT agrees to complete the services identified herein in a manner satisfactory to the SPONSOR within 16 months after receiving a written Notice to Proceed from the SPONSOR, or within such extended periods as are agreed to by the SPONSOR.

Assumptions made by CONSULTANT and agreed to by the SPONSOR:

- The Project will be funded under the Federally-sponsored Airport Improvement Program (AIP) authorized under the Investment and Reform Act for the 21st Century (AIR-21). AIP funding for environmental efforts are provided by “planning” grants. As such, amendments to increase the budget above the original amount are not allowable.

- CONSULTANT will endeavor to complete the EA Scope of Services identified herein within 16 months after receiving the written Notice to Proceed. However, if circumstances beyond the control of the CONSULTANT (including but not limited to, review by involved governmental agencies) prevent the CONSULTANT from completing the work within the agreed upon time frame, then the CONSULTANT may request an extension of time to complete the work based on remaining effort anticipated and agreed to in advance by the SPONSOR and FAA.
- The CONSULTANT's fee associated with this Scope of Services was developed based upon an assumption that preparation of an Environmental Impact Statement (EIS) will not be necessary for the Project.
- Up to two on-site meetings are included in the EA Scope of Services to conduct a site walk over and to address any potential issues directly with the SPONSOR or FAA. If additional meetings require attendance by the CONSULTANT, it is agreed that this is additional work and that, if necessary, a supplemental agreement will be executed and funded by the SPONSOR.
- All necessary data, resources, and materials will be provided on a timely basis to allow the CONSULTANT sufficient opportunity to complete the EA (and associated technical studies) in the proposed schedule. Should required information or resources be delayed, then the CONSULTANT assumes the right to adjust the schedule accordingly to meet the requirements necessary for preparing the items identified under the scope of work.
- Public outreach is limited to what is described in this EA Scope of Services.
- Due to the potential impacts associated with the proposed project. It is assumed that a noise analysis is not required.
- At SPONSOR request, CONSULTANT will prepare an individual Section 404 permit application for submittal to the USACE. If a Section 404 permit or additional analysis is required, it is agreed that this is additional work and that a supplemental agreement will be executed and funded by the SPONSOR.

CONSULTANT recognizes that these assumptions may be subject to change by the SPONSOR during the course of the project. While such changes would not necessarily result in modification of the scope, schedule, or cost, CONSULTANT must reserve the right to propose such modifications in the event of such changes.

Fee Estimate - Workplan

PHASE NO.	TASK	ADMN ASST	GRANT ADM	STAFF PLAN	PLAN	MAN PLAN	DEPT MGR	MAN ENG	DIRECT COSTS	SERVICES BY OTHERS	TOTALS	TOTAL HOURS PER TASK
100	PROJECT ADMINISTRATION (PLN)		16			50	12				\$12,329	78
101	MEETINGS	8			12	28	8				\$8,222	56
102	PURPOSE & NEED DEVELOPMENT			8	12	16	6	8			\$7,709	50
103	ALTERNATIVES DEVELOPMENT			12	38	24	10	8			\$13,222	92
104	AFFECTED ENVIRONMENT DEVELOPMENT			40	24	12					\$8,216	76
105	ENVIRONMENTAL CONSEQUENCES DEVELOPMENT			80	64	28		8			\$20,613	180
106	REPORT PREPARATION			24	24	12	8	8			\$11,115	88
107	QUALITY ASSURANCE/QUALITY CONTROL	12				16	4				\$3,475	20
700	SBO - WETLAND DELINEATION/BIOLOGICAL ASSESSMENT/CRIR									\$60,000.00	\$60,000.00	
900	DIRECT EXPENSES (ALL)	20	16	164	174	186	48	32	\$4,508.00	\$60,000.00	\$149,410	640



**Planning
COST SUMMARY
SCHEDULE "B"
PLANNING PHASE**

PROJECT NAME: EA FOR OBSTRUCTION REMOVAL
 PROJ DESCRIPTION: ENVIRONMENTAL PLANNING

DATE: 05-Jul-16
 A/E: C & S ENGINEERS, INC.
 PROJECT NO: K24
 C&S CONTACT: Ralph Redman

CLIENT: CITY OF CLOVERDALE
 CLIENT MANAGER: PAUL CAYLER

I. DIRECT SALARY COSTS:

	TITLE	BILLING RATE (\$/HR)	@	HOURS	=	COST
A.	MANAGING ENGINEER	\$213.20	X	32	=	\$6,822.00
B.	ADMINISTRATIVE ASSISTANT	\$68.00	X	20	=	\$1,360.00
C.	DEPARTMENT MANAGER	\$224.00	X	48	=	\$10,752.00
D.	MANAGING PLANNER	\$161.20	X	186	=	\$29,983.00
E.	PLANNER	\$114.40	X	174	=	\$19,906.00
TOTAL ESTIMATED DESIGN COST:						\$84,902.00

II. ESTIMATE OF DIRECT EXPENSES:

A.	TRAVEL, RENTAL CAR:	2 DAYS @	1 RENTAL RATE @	\$100.000	=	\$200.00
B.	TRAVEL, BY AIR:	2 TRIPS @	2 PERSONS @	\$500.00	=	\$2,000.00
C.	TRAVEL, PER DIEM:	2 DAYS @	3 PERSONS @	\$40.00	=	\$240.00
D.	TRAVEL, MILEAGE:	2 ROUND TRIPS @	400 MILES/RATE @	\$0.550	=	\$440.00
D.	TRAVEL, HOTEL:	4 DAYS @	1 ROOM RATE @	\$135.000	=	\$540.00
E.	MISCELLANEOUS: (printing)				=	\$500.00
TOTAL ESTIMATE OF DIRECT EXPENSES 15%:						\$4,508.00

III. SUBCONSULTANTS

	NAME	TASK	
A.	HELIX ENVIRONMENTAL	SBO - WETLAND DELINEATION/BIOLOGICAL ASSESSMENT/CULTURAL RESOURCES	\$60,000.00

IV. TOTALS:

A.	ESTIMATE OF TOTAL COST FOR DESIGN SERVICES, AGREEMENT TOTAL & FAA ELIGIBLE:	\$149,410
----	---	------------------

This page left blank for two-sided printing



**City Council
Agenda Item Summary**

Agenda Item: 7
Meeting Date: August 23, 2016

Agenda Section New Business	Staff Contact Paul Cayler, City Manager Jose M. Sanchez, City Attorney
---------------------------------------	---

Agenda Item Title
Ordinance No. 709-2016, Amending Cloverdale Municipal Code Section 2.04.010 to Increase Council Member Compensation

Summary

At a City Council meeting earlier this year, Council Member Wolter requested that Staff provide a summary of options related to City Council compensation. Staff presented the information under this Staff Report to the Finance Committee. After deliberation, the Finance Committee directed staff to prepare the attached Ordinance and bring the Ordinance before the entire Council for consideration and possible action.

California Government Code Section 36516(a) provides that council members in cities with a population up to 35,000 may receive \$300 per month in salary. On March 25, 1998, the City Council of Cloverdale adopted an ordinance setting the salary for the Council Members at \$300 per month. This was an increase from the Council’s previous compensation of \$150 per month. Council Member salaries have stayed at \$300 per month since 1998.

Under Government Code Section 36516(a)(4), the City Council can adopt an ordinance increasing council members’ salaries by a maximum of five percent (5%) of the salary amount per calendar year from the operative date of the last adjustment of salary in effect when the ordinance or amendment is enacted. It has been 17 years since the operative date of the last adjustment of salary (presumably December 1998). The proposed ordinance would increase Council Members’ salaries by five percent (5%) of \$300 for each year since 1998. Accordingly, the proposed ordinance will increase Council Members’ salaries \$255 per month, for a new salary of up to \$555 per month.

The City Council has the option of adopting the attached ordinance implementing the \$255 per month increase to Council Compensation, or decide to implement an amount less than the two hundred fifty five. The \$255 serves as a maximum allowed.

Any salary increase adopted by the City Council cannot take effect until after one or more members of the City Council begins a new term. (Gov’t Code § 36516.5.) For this reason, a salary increase adopted now would not take effect until Council Members are sworn in after the 2016 election – expected to be at the regular Council Meeting of December 13, 2016.

Budget/Financial Impact
Adoption of this Ordinance will increase City Council Compensation from \$300 per month to \$555 per month.

Subcommittee Recommendation: None
Council discussed compensation during the budget process with consensus to proceed with the proposed ordinance.

Recommended Council Action

Consider adopting Ordinance No. 709-2016, Amending Cloverdale Municipal Code Section 2.04.010 to Increase Council Member Compensation

Attachments:

1. Ordinance No. 709-2016, of the City of Cloverdale, Amending Cloverdale Municipal Code Section 2.04.010, "Compensation for Council Members," to Increase Council Member Compensation
 2. Ordinance No. 525-98
-

2690366.3

**CITY OF CLOVERDALE
CITY COUNCIL
ORDINANCE NO. 709-2016**

**AN ORDINANCE OF THE CITY OF CLOVERDALE AMENDING CLOVERDALE
MUNICIPAL CODE SECTION 2.04.010 “COMPENSATION FOR COUNCIL
MEMBERS” TO INCREASE COUNCIL MEMBER COMPENSATION**

WHEREAS, California Government Code Section 36516(a) provides that council members in cities with a population up to 35,000 may receive three hundred dollars (\$300) per month in salary; and

WHEREAS, on March 25, 1998, the City Council of the City of Cloverdale adopted Ordinance No. 525-98 setting the compensation for Council Members in the amount of three hundred dollars (\$300) per month in accordance with the Government Code. The new compensation was effective as of December 1998; and

WHEREAS, under Government Code Section 36516(a)(4), the City Council can adopt an ordinance increasing council members’ salaries by a maximum of five percent (5%) of the salary amount per calendar year from the operative date of the last adjustment of salary in effect when the ordinance or amendment is enacted; and

WHEREAS, members of the City of Cloverdale’s Council have not received an increase in compensation since Ordinance No. 525-98 was adopted in 1998; and

WHEREAS, under Government Code Section 36516(a)(4), Council’s salary can be increased by five percent (5%) of three hundred dollars (\$300) for the past seventeen years resulting in an increase of two hundred and fifty-five dollars (\$255) per month; and

WHEREAS, Government Code Section 36516.5 states that a salary increase cannot become effective until at least one council member begins a new term of office; and

WHEREAS, two Council members are up for election in November of 2016; and

WHEREAS, the City Council desires to increase council members’ salaries as provided for in Government Code Sections 36516(a)(4), 36516(c) and 36516.5.

**THE CITY COUNCIL OF THE CITY OF CLOVERDALE DOES ORDAIN AS
FOLLOWS:**

SECTION 1. Amendment to Section 2.04.010.

The Cloverdale Municipal Code, Chapter 2.04, “City Council,” Section 2.04.010 is amended as follows:

“2.04.010 Compensation for Council Members.

From and after the effective date of the ordinance adopting this section (Ordinance No. 709-2016), each member of the City Council shall receive the sum of five hundred and fifty-five dollars (\$555) per month compensation pursuant Government Code Section 36516.”

SECTION 2. Effective Date of Salary Increase.

Pursuant to Government Code Sections 36516(c) and 36516.5, members of the City Council of the City of Cloverdale shall receive a total salary of five hundred and fifty-five dollars (\$555) per month beginning on the date council members are sworn into office on December 13, 2016 following certification of the November 2016 election.

SECTION 3. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date of Ordinance.

This Ordinance shall become effective upon one or more members of the City Council of the City of Cloverdale beginning a new term of office pursuant to Government Code Section 36516.5. This Ordinance shall be published once before the expiration of fifteen (15) days after said passage, with the names of the Council Members voting for or against the same, in a newspaper of general circulation published in the County of Sonoma, State of California.

I hereby certify that the foregoing is a true and complete copy of an ordinance duly and regularly adopted by the City at a regular meeting thereof held on August 23, 2016, by the following vote:

PASSED, APPROVED AND ADOPTED this 23rd day of August, 2016 by the following roll call vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

APPROVED:

ATTEST:

MaryAnn Brigham, Mayor

Linda Moore, Deputy City Clerk

CITY OF CLOVERDALE
CITY COUNCIL
ORDINANCE NO. 525-98

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE REPEALING
CLOVERDALE MUNICIPAL CODE SECTION 2.04. 01 0 AND ADDING A NEW SECTION
2.04. 01 0 ADOPTING THE COMPENSATION SCHEDULE FOR COUNCIL MEMBERS
UNDER GOVERNMENT CODE SECTION 36516(a)

WHEREAS, after conducting a survey of compensation for elected officials in Sonoma County, it was determined that Cloverdale City Council member compensation of \$150.00 a month is substantially lower than the average;

WHEREAS, Government Code Section 36516 provides that a city council may, by ordinance, adopt a salary for council member service;

WHEREAS, Government Code Section 36516(a) sets forth a schedule of compensation based on population which is presently \$300.00 for cities with a population of 35,000 or less;

WHEREAS, the City Council now desires to adopt said schedule;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVERDALE DOES ORDAIN AS FOLLOWS:

Cloverdale Municipal Code Section 2.04.010 and the underlying ordinance is hereby repealed.

A new Section 2.04.010 of the Cloverdale Municipal Code is added as follows:

"2.04.010 Compensation for Council Members:

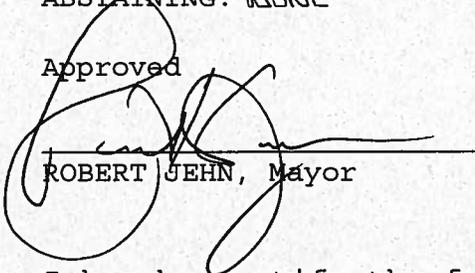
From and after the effective date of the ordinance adopting this section, each member of the city council shall receive the sum of Three Hundred Dollars (\$300.00) per month compensation as provided by Government Code Section 36516(a)."

EFFECTIVE DATE. This ordinance of the City of Cloverdale shall become effective upon one or more members of the City Council of the City of Cloverdale beginning a new term of office pursuant to Government Code Section 36516.5. Before the expiration of fifteen (15) days after its passage, this ordinance shall be published in a newspaper of general circulation published and circulated within the City of Cloverdale, along with the names of the members of the City Council voting for and against its passage.

INTRODUCED by the City Council of the City of Cloverdale, on this 25th day of February, 1998, and PASSED and ADOPTED on the this 25th day of March, 1998, by the following roll call vote. (5-0)

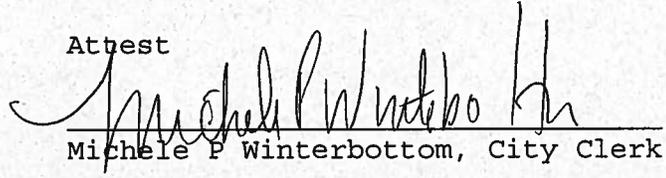
AYES: COUNCILMEMBERS TEAGUE, KINSEY, CHASE, SINK AND MAYOR JEHN
NOES: NONE
ABSENT: NONE
ABSTAINING: NONE

Approved



ROBERT JEHN, Mayor

Attest

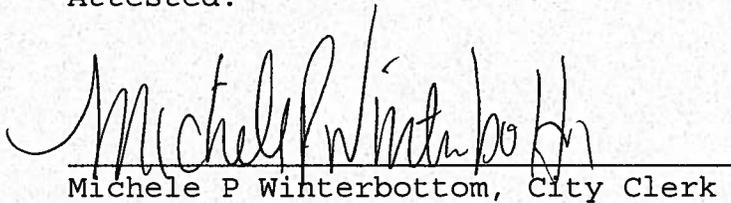


Michele P Winterbottom, City Clerk

I hereby certify the foregoing Ordinance 525-98 was introduced on this 25th day of February 1998, and passed and adopted by the City Council of the City of Cloverdale on this 25th day of March 1998, by the following roll call vote: (4-0)

AYES IN FAVOR: Councilmembers Teague, Kinsey, Chase and Mayor Jehn
NOES: None
ABSENT: Councilmember Sink
ABSTAIN: None

Attested:



Michele P Winterbottom, City Clerk



City Council
Agenda Item Summary

Agenda Item: 8
Meeting Date: August 23, 2016

Agenda Section	Staff Contact
New Business	David J. Kelley, Assistant City Manager/Comm. Dev. Director

Agenda Item Title

Adopt a Resolution No. 066-2016, accepting the Five Year and Annual AB 1600 Report of development impact fee activity for fiscal years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16.

Summary

In accordance with to the Mitigation Fee Act, Government Code 66000 et seq., the City of Cloverdale levies development impact fees to finance the planning, design, construction and acquisition of public improvements including facilities and equipment necessary to accommodate future growth and development within the City. The imposition of development impact fees is intended to address the impacts of new residential, commercial and industrial development and enable the city to fund infrastructure improvements necessary to serve the increase in population associated with growth. The nexus studies that provided the basis for the establishment and original amount of the City of Cloverdale’s development impact fees are attached (Attachment 2 and 3). The City of Cloverdale’s development impact fees were updated from time to time by Resolution of the City Council and adjusted annually as provided for in the resolutions. A copy of the 2016 Development Impact Fee Schedule is attached (Attachment 4).

One of the mandated accounting guidelines, as stated in Government Code 66006(a), provides that the City shall establish separate capital accounts for each type of public improvement funded by development impact fees. When collected, the development impact fees are deposited into their respective special capital facility accounts. The City maintains separate capital accounts for Public Facilities including public safety (Police), Civic Center and the Corporation Yard, parks and recreation facilities, Quimby Act parkland acquisition, Non-Quimby Act parkland acquisition, administration, water capacity, wastewater capacity, street and thoroughfares, storm drainage, fire facilities, and health care facilities. The latter two development impact fees for fire and health care facilities are levied by the City on behalf of other special districts (e.g. Cloverdale Fire Protection District and the Alexander Valley Health Care District) that require facilities (e.g. Fire Station and Health care/medical facilities/offices) necessary to continue to meet service requirements.

Annual Reporting Requirements

For each account or fund established under the Mitigation Fee Act, the City of Cloverdale is required within 180 days after the last day of the fiscal year to make available to the public the following information:

1. A brief description of the type of fee in the account or fund.
2. The amount of the fee.
3. The beginning and ending balance of the account or fund.
4. The amount of the fees collected and the interest earned.
5. An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
6. An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.

7. A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest that the account or fund will receive on the loan.
8. Any required refunds made.

Five-year Reporting Requirements

In addition to the above reporting requirements, every five years following the first deposit into the account or fund and every five years thereafter, Section 66001(d)(1) of the Government Code requires that for each separate account or fund established pursuant to AB 1600, the local agency shall make the following additional findings:

1. Identify the purpose to which the development impact fees are to be put.
2. Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
3. Identify all sources and amounts of funding anticipated to complete financing incomplete improvements.
4. Designate the approximate dates on which the funding in "3" is expected to be deposited into the appropriate account or fund.

Attach to this agenda report is a resolution (Attachment 1) that describes the purpose to which the City of Cloverdale's adopted development impact fees are to be put and demonstrates the reasonable relationship between the fees and the purpose for which they are charged. Finance Manager Joanne Cavallari prepared a five-year accounting of the City of Cloverdale's special capital facility accounts for each of the development impact fees for the five-year period including fiscal years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16. The five-year accounting record is identified as Exhibit "A" to the attached resolution accepting the Five Year and Annual AB 1600 Report of development impact fee activity. The attached resolution in conjunction with Exhibit "A" to the resolution is intended to serve as the Five Year and Annual AB 1600 Report of development impact fee activity for fiscal years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16.

Exhibit "A" to the resolution includes tables showing the change in fund balance for each of the separate capital facility impact fee accounts for the five-year period from July 1, 2011 to June 30, 2016, a description of each of the development fee types, beginning and ending balance of the account or fund, the amount of the fees collected and the interest earned and identifies each public improvement on which fees were expended. In addition, the AB 1600 report indicates that no interfund transfers or loans were made from any of the impact fee accounts identified except for a fund transfer from the Water Impact Fee Account to the Water Enterprise Account to reimburse the Water Enterprise fund for the cost of construction of new water wells constructed to serve new development in the City of Cloverdale. There were no refunds of development impact fees collected, pursuant to Government Code Section 66001(e), nor were there any allocations of unexpended revenues collected, pursuant to Government Code Section 66001(f).

Government Code Section 66000 et seq. mandates that any fees imposed by a local agency as a condition of approving a development project must be reviewed annually and every five years by the local agency at a noticed public meeting. The City of Cloverdale received a request from the Building Industry Association (BIA) to receive a copy of this report. A copy of the report was provided to the BIA and a copy of the report was posted on the City website at least 15 days prior to the Council meeting.

Options

1. Adopt the resolution accepting Five Year and Annual AB 1600 Report of development impact fee activity for fiscal years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16.

2. Direct staff to revise the AB 1600 report and bring back to City Council for further review and consideration.
3. Provide Staff with other direction as determined appropriate by the Cloverdale City Council in order to comply with Government Code Section 66000 et seq.

Budget/Financial Impact

There is no budget/fiscal impact related to the proposed action.

Recommended Council Action

Adopt Resolution No. 066-2016, accepting the Five Year and Annual AB 1600 Report of development impact fee activity for fiscal years 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16.

Attachments:

1. Resolution No. 066-2016, with Exhibit "A" – AB 1600 Report of development impact fee activity for Fiscal year 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16
2. City of Cloverdale Mitigation Fee Act and Quimby Act In-Lieu Fee Report, January 14, 2011
3. City of Cloverdale Interim Development Impact Fee for Public Facilities, October 28, 1992
4. City of Cloverdale 2016 Development Impact Fee Schedule

cc:

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 066-2016**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE ACCEPTING THE FIVE YEAR AND ANNUAL AB 1600 REPORT OF DEVELOPMENT IMPACT FEE ACTIVITY FOR FISCAL YEAR 2011-12, 2012-13, 2013-14, 2014-15 AND 2015-16

WHEREAS, the City of Cloverdale levies development impact fees to finance the design, construction and acquisition of public infrastructure improvements including facilities and equipment necessary to accommodate future growth and development within the City pursuant to Government Code section 66000 et seq.;

WHEREAS, said fees collected are deposited into a special and separate capital account for each type of improvement funded by development fees;

WHEREAS, the City maintains separate funds for public facilities including public safety, Civic Center and Corporation Yard, parks and recreation facilities, Quimby Act parkland acquisition, Non-Quimby Act parkland acquisition, administration, water capacity, wastewater capacity, street and thoroughfares, storm drainage, fire facilities, and health care facilities;

WHEREAS, the City is required within 180 days after the last day of each fiscal year to make available to the public information for the fiscal year regarding these fees under Government Code section 66006;

WHEREAS, in addition to the above annual reporting requirements, every five years following the first deposit into the account or fund and every five years thereafter, Government Code Section 66001(d)(1) requires that for each separate account or fund established pursuant to AB 1600, the local agency shall make additional findings;

WHEREAS, City staff has prepared this resolution and a report ("AB 1600 Report") that contains the information including findings required by Government Code Section 66001(d)(1) and Government Code Section 66006;

WHEREAS, no interfund transfers or loans were made from any of the accounts identified in the AB 1600 Report except for a transfer from the Water Impact Fee Account to the Water Enterprise Account to pay for wells constructed to serve new development in the City of Cloverdale; and

WHEREAS, there were no refunds of development impact fees collected pursuant to Government Code §66001(e), nor were there any allocations of unexpended revenues collected pursuant to Government Code §66001(f); and

WHEREAS, the AB 1600 Report was made available for review on August 9, 2016, fifteen (15) days prior to the date that the Council considered the AB 1600 Report; and

WHEREAS, no interested persons have requested notice of the time and place of the meeting for review of the AB 1600 Report pursuant to Government Code Section 66006 (b)(2); consequently, no notices of the availability of the AB 1600 Report were mailed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLOVERDALE FINDS AND RESOLVES AS FOLLOWS:

Section 1.

- A. In accordance with Government Code section 66006, the City has conducted an annual review of its development impact fees and capital infrastructure programs and the City Council has reviewed the AB 1600 Report attached hereto as Exhibit A and incorporated herein by this reference.
- B. The City Council hereby approves, accepts and adopts the AB 1600 Report.

Section 2. That the following findings are made as required under the Government Code Section 66001(d)(1) and 66006:

- A. The development impact fees identified in Exhibit "A" have been accumulated beyond five years for the construction of public infrastructure and public facilities such as a new Police Station, additional parkland including new park and recreation improvements, new water and wastewater plant and system improvements including new water wells, new traffic and street improvements including traffic signals, new storm drain improvements, new fire facilities including a new fire station and new health care facilities.
- B. As described in the City of Cloverdale Mitigation Fee Act and Quimby Act In-Lieu Fee Report, January 14, 2011, and City of Cloverdale Interim Development Impact Fee for Public Facilities, October 28, 1992, and any subsequent updates to those reports and Development Impact Fee schedules, a reasonable relationship exists between future commercial and residential development and the need for additional public infrastructure improvements and facilities including public facilities and equipment such as a new Police Station, additional parkland including park and recreation equipment and facilities including a new skate park and dog park, water and wastewater system improvements including new water wells, street and thoroughfare (traffic) improvements including traffic signals, roadway and intersection improvement and drainage improvements due to the following:
 - 1) increased risk of loss of life and property damage that can occur without sufficient public infrastructure and facilities such as a new Police Station, City Hall and Corporation yard;
 - 2) Increased demand for Parks and Recreation facilities to service the recreation and health needs of a growing population that can impact existing parks without additional parkland and recreation facilities;
 - 3) Increased demand for water and wastewater capacity in accordance with adopted Water and Wastewater Master Plans to serve the need of new residential, commercial and industrial development necessary for the economic health of the City of Cloverdale and the quality of life of tis residents;
 - 4) Increased traffic from new residential and commercial development resulting in a reduction in the Level of Service below service levels required in the City of Cloverdale General Plan;
 - 5) Increased runoff and potential flooding resulting from the increases in impervious surfaces from new residential, commercial and industrial development;
 - 6) Increased the need for administrative services from new development with the City of Cloverdale;
 - 7) Increased demand for fire and life safety facilities necessary to house firefighters and equipment needed to adequately serve population growth in accordance with adopted standards; and
 - 8) Increase demand for health care facilities to respond to the health and wellness needs of a growing population resulting from new residential, commercial and industrial development in the City of Cloverdale.

- C. New public infrastructure and public facilities such as a Police Station, Fire Station, City Hall, Corporation yard, parkland including park and recreation equipment and facilities, water and wastewater system improvements, traffic (street and thoroughfare) improvements, and drainage improvements will enable the City to meet the needs of a growing community in accordance with the standards of the General Plan and adopted Master Plans necessary to serve future residential and commercial development within the City of Cloverdale.

Section 3. Effective Date. The resolution shall take effect immediately upon adoption.

Section 4. Severability. If any section, subsection, sentence, clause, phase or portion of this Resolution is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution.

The City Council of the City of Cloverdale hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause or phase thereof irrespective of the fact that any one of or more sections, subsections, clauses or phases be declared unconstitutional on their face or as applied.

IT IS HEREBY CERTIFIED that the foregoing Resolution No. 066-2016 was duly introduced and legally adopted by the City Council of the City of Cloverdale at its regular Meeting held on this 23rd day of August, 2016, by the following roll call vote: (Ayes– 0; Noes-0)

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved

Attested

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

Exhibit A – AB1600 Five year and Annual Report of development impact fee activity for Fiscal year 2011-12, 2012-13, 2013-14, 2014-15 and 2015-16

Exhibit A

CITY OF CLOVERDALE
 REPORT OF IMPACT FEES
 JULY 1, 2011 TO JUNE 30, 2012

	500	502	504	506	508	510	512	514	515	620	650	100	100
	ADMIN	THOROUGHFARE	STORM DRAIN	QUIMBY ACT	PARKS NON-QUIMBY	PUBLIC SAFETY	CIVIC CENTER	CORP YARD	PUBLIC FACILITIES	WATER	SEWER	FIRE DISTRICT	HEALTH CARE DISTRICT
Beginning Balance 07/01/2011	\$ (12,626)	\$ 301,042	\$ 49,470	\$ 248,828	\$ 12,876	\$ 455,102	\$ 107,002	\$ 465,913	\$ -	\$ 14,487	\$ 234,026	\$ -	\$ 877
Revenues													
Fees	-	-	-	-	-	-	-	-	-	409	1,268	-	-
Interest	335	1,774	135	9	4	1	213	129	-	5	111	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
	335	1,774	135	9	4	1	213	129	-	414	1,379	-	-
Expenditures													
Project Planning, Design, Engineering, Support	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Projects	-	-	-	-	-	-	-	-	-	-	-	-	-
Kleiser Park Project				10,000									
Plaza Improvements				13,530									
Clark Street Park Camera				14,425									
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
1996 WWTP Expansion - Principal Payment											71,463		
1996 WWTP Expansion - Interest Payment											12,882		
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	37,955	-	-	-	-	-	-	84,345	-	-
Net Revenue (Expenditures)	\$ 335	\$ 1,774	\$ 135	\$ (37,946)	\$ 4	\$ 1	\$ 213	\$ 129	\$ -	\$ 414	\$ (82,966)	\$ -	\$ -
Ending Balance 06/30/2012	\$ (12,291)	\$ 302,816	\$ 49,605	\$ 210,882	\$ 12,880	\$ 455,103	\$ 107,215	\$ 466,042	\$ -	\$ 14,901	\$ 151,060	\$ -	\$ 877

CITY OF CLOVERDALE
 REPORT OF IMPACT FEES
 JULY 1, 2012 TO JUNE 30, 2013

	500	502	504	506	508	510	512	514	515	620	650	100	100
	ADMIN	THOROUGHFARE	STORM DRAIN	QUIMBY ACT	PARKS NON-QUIMBY	PUBLIC SAFETY	CIVIC CENTER	CORP YARD	PUBLIC FACILITIES	WATER	SEWER	FIRE DISTRICT	HEALTH CARE DISTRICT
Beginning Balance 07/01/2012	\$ (12,291)	\$ 302,816	\$ 49,605	\$ 210,882	\$ 12,880	\$ 455,103	\$ 107,215	\$ 466,042	\$ -	\$ 14,901	\$ 151,060	\$ -	\$ 877
Revenues													
Fees	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	1,311	92	390	24	842	198	862	-	28	279	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	1,311	92	390	24	842	198	862	-	28	279	-	-
Expenditures													
Project Planning, Design, Engineering, Support	-	-	-	-	-	-	-	-	-	-	-	-	-
City Park Tree Evaluation	-	-	-	4,950	-	-	-	-	-	-	-	-	-
Capital Projects	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
1996 WWTP Expansion - Principal Payment	-	-	-	-	-	-	-	-	-	-	73,464	-	-
1996 WWTP Expansion - Interest Payment	-	-	-	-	-	-	-	-	-	-	10,875	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	4,950	-	-	-	-	-	-	84,339	-	-
Net Revenue (Expenditures)	\$ -	\$ 1,311	\$ 92	\$ (4,560)	\$ 24	\$ 842	\$ 198	\$ 862	\$ -	\$ 28	\$ (84,060)	\$ -	\$ -
Ending Balance 06/30/2013	\$ (12,291)	\$ 304,127	\$ 49,697	\$ 206,322	\$ 12,904	\$ 455,945	\$ 107,413	\$ 466,904	\$ -	\$ 14,929	\$ 67,000	\$ -	\$ 877

CITY OF CLOVERDALE
 REPORT OF IMPACT FEES
 JULY 1, 2013 TO JUNE 30, 2014

	500	502	504	506	508	510	512	514	515	620	650	100	100
	ADMIN	THOROUGHFARE	STORM DRAIN	QUIMBY ACT	PARKS NON-QUIMBY	PUBLIC SAFETY	CIVIC CENTER	CORP YARD	PUBLIC FACILITIES	WATER	SEWER	FIRE DISTRICT	HEALTH CARE DISTRICT
Beginning Balance 07/01/2013	\$ (12,291)	\$ 304,127	\$ 49,697	\$ 206,322	\$ 12,904	\$ 455,945	\$ 107,413	\$ 466,904	\$ -	\$ 14,929	\$ 67,000	\$ -	\$ 877
Revenues													
Fees	-	-	2	-	-	-	-	-	-	466,144	9,038	-	-
Interest	-	1,770	75	312	20	690	163	707	-	416	240	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	1	-
	-	1,770	77	312	20	690	163	707	-	466,560	9,278	1	-
Expenditures													
Project Planning, Design, Engineering, Support	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Projects	-	-	-	-	-	-	-	-	-	-	-	-	-
Water Well #11	-	-	-	-	-	-	-	-	-	224,962	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
1996 WWTP Expansion - Principal Payment	-	-	-	-	-	-	-	-	-	-	75,521	-	-
1996 WWTP Expansion - Interest Payment	-	-	-	-	-	-	-	-	-	-	757	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfer from General Fund	(12,291)	-	-	-	-	-	-	-	-	-	-	-	-
	(12,291)	-	-	-	-	-	-	-	-	224,962	76,278	-	-
Net Revenue (Expenditures)	\$ 12,291	\$ 1,770	\$ 77	\$ 312	\$ 20	\$ 690	\$ 163	\$ 707	\$ -	\$ 241,598	\$ (67,000)	\$ 1	\$ -
Ending Balance 06/30/2014	\$ -	\$ 305,897	\$ 49,774	\$ 206,634	\$ 12,924	\$ 456,635	\$ 107,576	\$ 467,611	\$ -	\$ 256,527	\$ -	\$ 1	\$ 877

CITY OF CLOVERDALE
 REPORT OF IMPACT FEES
 JULY 1, 2014 TO JUNE 30, 2015

	500	502	504	506	508	510	512	514	515	620	650	100	100
	ADMIN	THOROUGHFARE	STORM DRAIN	QUIMBY ACT	PARKS NON-QUIMBY	PUBLIC SAFETY	CIVIC CENTER	CORP YARD	PUBLIC FACILITIES	WATER	SEWER	FIRE DISTRICT	HEALTH CARE DISTRICT
Beginning Balance 07/01/2014	\$ -	\$ 305,897	\$ 49,774	\$ 206,634	\$ 12,924	\$ 456,635	\$ 107,576	\$ 467,611	\$ -	\$ 256,527	\$ -	\$ 1	\$ 877
Revenues													
Fees	-	-	-	-	-	-	-	-	-	-	-	-	-
Interest	-	1,572	77	318	20	702	165	719	-	741	247	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	1,572	77	318	20	702	165	719	-	741	247	-	-
Expenditures													
Project Planning, Design, Engineering, Support	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Projects	-	-	-	-	-	-	-	-	-	-	-	-	-
New Playground Equipment	-	-	-	-	11,138	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
	-	-	-	-	11,138	-	-	-	-	-	-	-	-
Net Revenue (Expenditures)	\$ -	\$ 1,572	\$ 77	\$ 318	\$ (11,118)	\$ 702	\$ 165	\$ 719	\$ -	\$ 741	\$ 247	\$ -	\$ -
Ending Balance 06/30/2015	\$ -	\$ 307,469	\$ 49,851	\$ 206,952	\$ 1,806	\$ 457,337	\$ 107,741	\$ 468,330	\$ -	\$ 257,268	\$ 247	\$ 1	\$ 877

CITY OF CLOVERDALE
 REPORT OF IMPACT FEES
 JULY 1, 2015 TO JUNE 30, 2016

	500	502	504	506	508	510	512	514	515	620	650	100	100
	ADMIN	THOROUGHFARE	STORM DRAIN	QUIMBY ACT	PARKS NON-QUIMBY	PUBLIC SAFETY	CIVIC CENTER	CORP YARD	PUBLIC FACILITIES	WATER	SEWER	FIRE DISTRICT	HEALTH CARE DISTRICT
Beginning Balance 07/01/2015	\$ -	\$ 307,469	\$ 49,851	\$ 206,952	\$ 1,806	\$ 457,337	\$ 107,741	\$ 468,330	\$ -	\$ 257,268	\$ 247	\$ 1	\$ 877
Revenues													
Fees	15,934	83,459	3,404	-	252,268	-	-	-	132,738	162,180	565,128	51,391	3,895
Interest	14	1,927	82	325	246	795	188	788	-	913	830	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Revenues	15,948	85,386	3,486	325	252,514	795	188	788	132,738	163,093	565,958	51,391	3,895
Expenditures													
Project Planning, Design, Engineering, Support	-	-	-	-	-	-	-	-	-	-	-	-	-
Thyme Square Appraisal Fee	-	-	-	-	-	3,500	-	-	-	-	-	-	-
Capital Projects	-	-	-	-	-	-	-	-	-	-	-	-	-
Scoreboard at Ball Fields	-	-	-	8,151	-	-	-	-	-	-	-	-	-
Debt Service	-	-	-	-	-	-	-	-	-	-	-	-	-
Note Payable for Fire House Building	-	-	-	-	-	-	-	-	-	-	-	42,655	-
1996 WWTP Expansion - Principal Payment	-	-	-	-	-	-	-	-	-	-	81,445	-	-
1996 WWTP Expansion - Interest Payment	-	-	-	-	-	-	-	-	-	-	2,894	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-
Paid to Fire & Health Care Districts	-	-	-	-	-	-	-	-	-	-	-	8,519	4,000
Total Expenditures	-	-	-	8,151	-	3,500	-	-	-	-	84,339	51,174	4,000
Net Revenue (Expenditures)	\$ 15,948	\$ 85,386	\$ 3,486	\$ (7,826)	\$ 252,514	\$ (2,705)	\$ 188	\$ 788	\$ 132,738	\$ 163,093	\$ 481,619	\$ 217	\$ (105)
Ending Balance 06/30/2016	\$ 15,948	\$ 392,855	\$ 53,337	\$ 199,126	\$ 254,320	\$ 454,632	\$ 107,929	\$ 469,118	\$ 132,738	\$ 420,361	\$ 481,866	\$ 218	\$ 772

**CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 035-2011**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE UPDATING THE PUBLIC FACILITIES DEVELOPMENT IMPACT FEE FOR NEW DEVELOPMENT IN THE CITY OF CLOVERDALE AND SUPERSEDING SUCH FEE UPDATED BY RESOLUTION NO. 030-2009 ADOPTED JUNE 10, 2009 AND THE POLICE FACILITIES DEVELOPMENT IMPACT FEE UPDATED BY RESOLUTION NO. 095-2006 ADOPTED NOVEMBER 15, 2006

WHEREAS, the Cloverdale City Council adopted a new General Plan on May 13, 2009, by Resolution No. 022-2009, which outlines future land uses within the City of Cloverdale ("City"); and

WHEREAS, an Environmental Impact Report ("EIR") was prepared for the General Plan (State Clearinghouse Number 2007082143) pursuant to the California Environmental Quality Act ("CEQA") and certified by the Cloverdale City Council on May 13, 2009, by Resolution No. 020-2009; and

WHEREAS, the General Plan area is shown on the General Plan Land Use Map; and

WHEREAS, the General Plan incorporates policies and programs regarding public facilities required to serve future development, including policies that require new development to pay for its proportional fair share of the cost of public facilities for residential and nonresidential developments; and

WHEREAS, Policy PS 5-6 of the General Plan provides that the City should "Ensure that fire/police facilities and equipment are adequate for proposed development before granting approval;" and

WHEREAS, Implementation PS 1-5 of the General Plan provides that the City "will require that project sponsors participate in any assigned proportional cost for the expansion of the City Public Safety facilities, equipment, or services, including police, fire, and any other public safety services, provided within the City;" and

WHEREAS, Policy LU 6-2 of the General Plan provides that the City should "Provide adequate public facilities and services to meet the needs of the community;" and

WHEREAS, Policy LU 6-4 of the General Plan provides that the City should "Require new development to fund processing costs and necessary infrastructure and services required by such new development;" and

WHEREAS, the City Council may adopt and impose a public facilities development impact fee to pay for the cost of public facilities needed to support new development under the authority of Section 66000, *et seq.*, of the California Government Code ("Mitigation Fee Act"); and

WHEREAS, such development impact fees are not a "tax" as defined in Section 1, paragraph (e) of Article XIII C of the California Constitution ("Proposition 26") because such fees and charges are imposed for a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable cost to the local government of providing the service or product; and/or such fees and charges are imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable cost to the local government of providing the service or product; and/or such

fees and charges are imposed for the reasonable regulatory costs to a local government for issuing licenses and permits, performing investigations, inspections and audits, enforcing agricultural marketing orders and the administrative enforcement and adjudication thereof; and/or such fees and charges are imposed as a condition of property development; and

WHEREAS, the fees and charges adopted by this Resolution are not subject to the requirements of Article XIII D of the California Constitution ("Proposition 218") concerning property related assessments and fees pursuant to *Apartment Association of Los Angeles County v. City of Los Angeles* (2001) 24 Cal.4th 830, in that such fees are not applicable to incidents of property ownership, but rather to actual use of and need for City services and/or facilities; and

WHEREAS, in accordance with Government Code Section 50076, fees and charges that do not exceed the reasonable cost of providing the service or regulatory activity for which the fees are charged and which are not levied for general revenue purposes are not special taxes as defined in Article 3.5 of the Government Code; and

WHEREAS, the City Council of the City of Cloverdale adopted Ordinance No. 465-92 on October 28, 1992 adding Sections 17.20.180 through 17.20.250 to the Cloverdale Municipal Code and establishing authority for imposing on development in the City of Cloverdale a public facilities development impact fee to pay for such development's equitable share of the cost of public improvements needed to mitigate the impacts of new development in the City of Cloverdale, including the impacts on police, civic center and corporation yard facilities, (collectively, "public facilities development impact fees"); and

WHEREAS, the Cloverdale City Council adopted Ordinance No. 645-2006 on December 13, 2006, amending Chapter 17.20 of the Cloverdale Municipal Code to delete reference to public safety fees in such chapter and establishing a new Chapter 17A.12, entitled "Cloverdale Police Department Impact Fee"; and

WHEREAS, the Cloverdale City Council adopted Ordinance No. 680-2011 on May 25, 2011, repealing Cloverdale Municipal Code sections 17.20.180 through 17.20.250, repealing Chapter 17A.12 entitled "Cloverdale Police Department Impact Fee," and adding a new Chapter 17A.12 establishing a public facilities development impact fee and authorizing imposition of a public facilities development impact fee necessary to fund improvements to public facilities, including police, civic center, and corporation yard facilities required by the City of Cloverdale to provide general public services to new development in the City; and

WHEREAS, pursuant to Sections 66001 of the Mitigation Fee Act and Section 17A.12.020, subdivision (B) of the Cloverdale Municipal Code, the City Council shall, in a City Council resolution adopted after a duly noticed public hearing, identify the purpose of the fee; identify the use to which the fee will be put; determine that there is a reasonable relationship between the use and the type of development project on which the fee will be imposed; determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and establish the relationship between the amount of the fee and the cost of the community facility or portion of the community facility attributable to the development project upon which the fee is imposed; and

WHEREAS, public facilities development impact fees were adopted by City of Cloverdale Resolution No. 83-92 on October 28, 1992, specifying the initial amount of the public facilities development impact fees, and Resolution No. 83-92 was amended February 22, 2006 by Resolution No. 22-2006; and

WHEREAS, the public facilities development impact fees were most recently updated by Resolution 30-2009, adopted June 10, 2009, to reflect changes in planned land uses and changes in the estimated costs of needed improvements to public facilities required to serve new development; and

WHEREAS, the police development impact fee was most recently updated by Resolution 095-2006 adopted November 15, 2006, based upon a Public Safety Master Plan prepared by CityGate Associates on May 26, 2006, to reflect changes in planned land uses and changes in the estimated costs of needed improvements to public facilities required to serve new development; and

WHEREAS, the City of Cloverdale has caused to be prepared a facilities and cost study entitled "Mitigation Fee Act Report/Quimby Act In-Lieu Fee Report," which report was prepared by Municipal Resources Group, LLC, dated January 14, 2011 ("MRG Report"), a copy of which is attached as **Exhibit A** hereto and made a part hereof; and

WHEREAS, the MRG Report analyzes the proposed public facilities development impact fees and describes the amounts necessary to fund City of Cloverdale public facilities, including police, civic center and corporation yard facilities, the public improvements to be financed, the estimated cost of the facilities to be funded, and a description of the reasonable relationship between the fees and the new development requiring such facilities; and

WHEREAS, the MRG Report outlines the costs of providing police facilities and equipment necessary to maintain the current level of police service and to provide services to future development projects, including: (1) constructing a new police headquarters building; (2) providing equipment for new police officers required to serve new development at existing police service levels; and (3) providing vehicles for new police officers required to serve new development at existing services levels; and

WHEREAS, the MRG Report outlines the costs of providing civic center facilities, including a new City Hall for community meeting space and office facilities for City staff required to serve new development at existing service levels; and

WHEREAS, the MRG Report outlines the costs of funding improvements to the City's corporation yard and public works maintenance facility required to serve new development at existing service levels; and

WHEREAS, the City Council adopted Resolution No. 025-2011 on April 27, 2011, providing notice of the City's intent to amend the City's public facilities development impact fee to reflect the cost of public services necessary to accommodate future development; and

WHEREAS, City staff advise that in future years, changes in the costs of providing the public facilities and improvements paid for by the development-related fees referenced herein are expected to be correlated to changes in the costs of providing police, civic center and corporation yard facilities and public services and should be adjusted accordingly; and

WHEREAS, the Mitigation Fee Act and other applicable law permits, but does not require, establishing fees, such as the public facilities development impact fees, for the purpose of defraying the cost of public facilities and/or services related to development; and

WHEREAS, other means than development fees exist by which cities may provide for the cost of public facilities and/or services related to development, which other means include, but are not limited to,

economic development activity such as attraction and retention of businesses that are a source of jobs, tax revenue and other economic and social benefits to the City and the Cloverdale community; and

WHEREAS, the City Council finds and determines that certain components of the public facilities development impact fees established pursuant to this Resolution may be determined not to apply to certain development projects that create economic benefits for the Cloverdale community sufficient to fund costs of facilities needed to serve such development projects, and that such finding and determination is within the City Council's legislative power to impose development fees on development projects or not, according to the City Council's sole and exclusive discretion, and that such finding and determination does not constitute a waiver or other economic benefit conferred on particular development projects pursuant to the California prevailing wage law or any other law, rule or legislation; and

WHEREAS, the Engineering News Record annually publishes an index of changes in the cost of construction – 20 City Average (the "Construction Cost Index" or "CCI"); and

WHEREAS, the MRG Report recommends that the public facilities development impact fees be adjusted annually using the ENR CCI; and

WHEREAS, in accordance with Section 66019 of the Mitigation Fee Act, at least fourteen (14) days prior to the public hearing at which this Resolution was adopted, notice of the time and place of the hearing was mailed to eligible interested parties who filed written requests with the City for mailed notice of meetings on new or increased fees or service charges; and

WHEREAS, in accordance with Government Code Section 66019, the MRG Report was available for public inspection, review, and comment for ten (10) days prior to the public hearing at which the Council considered the adoption of the public facilities development impact fees; and

WHEREAS, ten (10) days advance notice of the public hearing at which this Resolution was considered and adopted was given by publication in accordance with Government Code Section 6062a; and

WHEREAS, the action taken by this Resolution has no potential for physical effects on the environment because it involves an update of certain fees and/or charges imposed by the City, does not commit the City to any specific project, and said fees and/or charges are applicable to future development projects and/or activities, each of which future projects and/or activities will be fully evaluated in full compliance with the California Environmental Quality Act ("CEQA") when sufficient physical details regarding said projects and/or activities are available to permit meaningful CEQA review (See CEQA Guidelines, Section 15004(b)(1)). Therefore, approval of the updated fees and/or charges is not a "project" for purposes of CEQA, pursuant to CEQA Guidelines, Section 15378(b)(4); and, even if considered a "project" under CEQA, is exempt from CEQA review pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that approval of the updated fees and/or charges may have a significant effect on the environment; and

WHEREAS, it is consistent with applicable General Plan goals, policies, and programs that the public facilities development impact fees be adjusted to ensure that revenues from the public facilities development impact fees are sufficient to pay the City's costs of necessary infrastructure to accommodate growth under the General Plan and changing State and federal regulations; and

FINDINGS

WHEREAS, the City Council finds as follows:

A. The purpose of the public facilities development impact fees set forth in this Resolution is to finance general public facilities to provide funding: to maintain law enforcement service levels; to provide adequate emergency service facilities and equipment as established in the Cloverdale General Plan; to maintain general municipal service levels and community meeting space; and for improvements to a facility required to maintain the level of public works services, all of which are required to meet the broad range of needs of Cloverdale residents and employees.

B. The public facilities development impact fee proceeds collected pursuant to this Resolution shall be used to: construct a new Police Headquarters Building as specified in the MRG Report (Appendix B) and in other documents referenced therein; purchase equipment and vehicles for new police officers in order to maintain existing levels of service; construct a Civic Center/City Hall as specified in the MRG Report (Appendix C and Appendix D) and in other documents referenced therein; and fund improvements to the Corporation Yard as specified in the MRG Report and other documents referenced therein.

C. After considering the MRG Report, the testimony received at this noticed public hearing, accompanying staff reports, the General Plan, the E.I.R., and all correspondence received (together, "Record"), the City Council approves and adopts the MRG Report and incorporates such MRG Report herein and further finds that future development in the City will generate the need for the public facilities, including police, civic center and corporation yard facilities, described in the MRG Report and that such public facilities are consistent with the General Plan.

D. In adopting the public facilities development impact fees set forth in this Resolution, the City Council is exercising its powers under Article XI, Section 5 of the California Constitution, the Mitigation Fee Act, Title 17A (entitled "Development Fees") of the Cloverdale Municipal Code, and other applicable law.

E. The Record establishes:

1. That there is a reasonable relationship between the use of the public facilities development impact fees set forth in this Resolution (payment for certain listed public facilities) and the type of development projects upon which such fees are imposed in that the fees will be applied to residential, commercial and industrial development projects. Residential, commercial and industrial development projects will generate new demands for police, emergency and other City services, which the police facility improvements, the Civic Center/City Hall facility, and the improvements to the Corporation yard facility constructed with the proceeds of the fees will address and mitigate; and

2. That there is a reasonable relationship between the need for the facilities listed in the MRG Report and the type of development projects on which the public facilities development impact fees set forth in this Resolution are imposed in that the fees will be applied to single family residential, multi-family residential, mobile home, commercial and industrial development projects. These types of development projects generate new residents and new employees in the community. The new Police Headquarters Building will provide a facility for law enforcement personnel who provide direct City services to residents and employees. The vehicles and equipment are necessary for the transportation and services provided by emergency responders. The proceeds from the fees will be

used to address the police and emergency service demands of the new residents and employees. In addition, the Civic Center/City Hall and the improvements to the Corporation Yard will provide facilities for City personnel who provide direct City services to residents and employees. The proceeds from the fees will be used to address the general governmental service demands of the new residents and employees; and

3. That there is a reasonable relationship between the amount of the public facilities development impact fees set forth in this Resolution and the cost of the community facilities or portion thereof attributable to the development on which such fees are imposed in that such fees have been calculated by apportioning the cost of a new Police Headquarters Building, police vehicles and equipment, the Civic Center/City Hall and improvements to the Corporation Yard to the number of residents generated by each type of new residential unit, and to the "residential equivalent" of each employee generated by commercial and industrial development projects. The estimated cost of the Police Headquarters Building, Civic Center/City Hall, and Corporation Yard, which will serve existing and future development projects, has been allocated proportionately; and

4. That in accordance with Section 66005 of the Mitigation Fee Act, the cost estimates set forth in the MRG Report concerning the land and construction costs of the public facilities and improvements listed in the MRG Report are reasonable estimates, and the fees expected to be generated by future development will not exceed the estimated reasonable cost of such public facilities and improvements; and

5. That the method of allocation of the fees set forth in this Resolution to a particular development bears a fair relationship, and is roughly proportional, to each development's burden on, and benefits from, the public facilities to be funded by such fees, in that such fees are calculated based on the public facilities and services demands new development will generate.

F. The MRG Report is a detailed analysis of how public services will be affected by development in the City and the public facilities, including police, civic center and corporation yard facilities, required to accommodate that development.

ADOPTION OF FEES

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

1. **Definitions**

a. "Commercial" shall mean any Development constructed or to be constructed on land having a General Plan land use designation of Commercial, including Mixed Commercial, Downtown Commercial, General Commercial, Service Commercial, Highway Frontage Commercial, Destination Commercial or Transit Oriented Development (as described in Exhibit 2.2 of the General Plan) or in a zoning designation for facilities for the purchase or sale of commodities or services and/or the sales, servicing, installation or repair of such commodities or services, and other space uses incidental to these activities.

b. "Development" shall mean the construction, alteration or addition, other than by the City, of any building or structure within the City.

c. "Facilities" shall mean those facilities that are described in Chapters III, IV and V of the City of Cloverdale Mitigation Fee Act Report/Quimby Act In-Lieu Fee Report prepared by Municipal Resource Group, LLC dated January 14, 2011 ("MRG Report"), Exhibit A, and in the Findings above. "Facilities" shall also include comparable alternative facilities should later changes in projections of development in the region necessitate construction of such alternative facilities; provided that the City Council later determines in accordance with applicable law: (1) that there is a reasonable relationship between development within the City and the need for alternative facilities; (2) that the alternative facilities are comparable to the facilities listed in Chapters III, IV, and V of the MRG Report contained in the Report; and (3) that revenue from fees charged pursuant to this Resolution will be used only to pay new Development's fair and proportionate share of the alternative facilities.

d. "Fees" shall mean the charge or charges imposed on Development to fund the Facilities to ensure that such Development pays its fair share of facilities needs generated by such Development pursuant to this Resolution and applicable law.

e. "Industrial" shall mean any development constructed or to be constructed on land having a General Plan land use designation of Industrial, including General Industry or Business Park (as described in Exhibit 2.2 of the General Plan) or on land having a General Plan land use or zoning designation for the manufacture, production, assembly, or processing of consumer goods and/or other space uses incidental to these activities.

f. "Mixed Development" shall mean a Development that includes more than one type of Development defined in this Section 1. Mixed Developments may combine Residential types of Development (Single Family, Multiple Family, or Mobile Home), non-Residential types of Development (commercial, or Industrial), or a combination of Residential and non-Residential types of Development.

g. "Mobile Home" shall mean any Development involving one or more Mobilehomes, as defined in Title 18 (entitled "Zoning") of the Cloverdale Municipal Code constructed or to be constructed on land having a General Plan land use designation permitting such Residential Development.

h. "Multi-family" shall mean any "Dwelling, Multi-Family Attached," "Dwelling, Single-Family Attached," and "Apartment" as defined in Chapter 18.11 of title 18 entitled "Zoning" of the Cloverdale Municipal Code.

i. "Residential" shall mean any Development constructed or to be constructed on land having a General Plan land use designation of Residential, including Rural Residential, Low Density Residential, Medium Density Residential or High Density Residential (as described in Exhibit 2.2 of the General Plan).

j. "Single Family" shall mean any "Dwelling, Single-Family Detached" as defined in Chapter 18.11 of title 18 entitled "Zoning" of the Cloverdale Municipal Code.

2. Public Facilities Development Impact Fees Imposed.

In accordance with Section 66001 of the Mitigation Fee Act, Public Facilities Development Impact Fees shall be imposed and paid at the times, and in the amounts and otherwise apply and be administered as prescribed in this Resolution on Development in accordance with the following:

a. Residential Fees. Fees shall be levied for each Residential unit, as follows:

POLICE

<u>Unit</u>	<u>Residents Per Unit</u>	<u>Cost per Resident Equivalent</u>	<u>Fee Per Unit</u>
Single Family	2.94	\$758	\$2,229
Multi-family	2.17	\$758	\$1,645
Mobile Home	2.37	\$758	\$1,796

CIVIC CENTER

<u>Unit</u>	<u>Residents Per Unit</u>	<u>Cost per Resident Equivalent</u>	<u>Fee Per Unit</u>
Single Family	2.94	\$583	\$1,714
Multi-family	2.17	\$583	\$1,265
Mobile Home	2.37	\$583	\$1,382

CORPORATION YARD

<u>Unit</u>	<u>Residents Per Unit</u>	<u>Cost per Resident Equivalent</u>	<u>Fee Per Unit</u>
Single Family	2.94	\$159	\$467
Multi-family	2.17	\$159	\$345
Mobile Home	2.37	\$159	\$377

TOTAL RESIDENTIAL FEES:

Single Family	\$1,500	\$4,410
Multi-family	\$1,500	\$3,255
Mobile Home	\$1,500	\$3,555

b. Commercial and Industrial Fees – Fees shall be levied for each Commercial and Industrial project as follows:

POLICE

	<u>Resident Equivalents/ 1,000 Square Feet</u>	<u>Cost Per Resident Equivalent</u>	<u>Fee per 1,000 Square Feet</u>
Commercial	.48	\$758	\$364
Industrial	.336	\$758	\$255

CIVIC CENTER

	<u>Resident Equivalents/ 1,000 Square Feet</u>	<u>Cost Per Resident Equivalent</u>	<u>Fee per 1,000 Square Feet</u>
Commercial	.48	\$583	\$280
Industrial	.336	\$583	\$196

CORPORATION YARD

	<u>Resident Equivalents/ 1,000 Square Feet</u>	<u>Cost Per Resident Equivalent</u>	<u>Fee per 1,000 Square Feet</u>
Commercial	.48	\$159	\$76
Industrial	.336	\$159	\$53

TOTAL COMMERCIAL AND INDUSTRIAL FEES:

Commercial	\$1,500	\$720
Industrial	\$1,500	\$504

3. Inapplicability of Specified Components of the Public Facilities Development Impact Fees to Certain Specified Non-Residential Development.

Notwithstanding Section 2 above, specified components of the Public Facilities Development Impact Fees established pursuant to this Resolution, as listed in the table under Section 2 and as updated in accordance with Sections 9 and 10 of this Resolution, shall not apply to original construction of Commercial, Industrial or other non-Residential improvements, or the addition of floor space to existing Commercial, Industrial or other non-Residential improvements, where the project applicant demonstrates to the City's satisfaction that such non-Residential Development offers economic development benefits to the City of Cloverdale that equal or exceed the portion of the cost of public facilities and/or services related to such Development that would otherwise be funded by such fee components, and executes an agreement between the developer and the City detailing the economic benefits of the project, the Fee components that shall not apply, the amount of such otherwise applicable Fees, and how the cost of the public facilities and/or services related to such Development shall be secured in the event the anticipated economic benefits do not result; indemnifying the City for liability connected with the Development or the agreement; and addressing such other matters as may be deemed necessary or advisable by the City Attorney. Such public facilities and/or service costs may be secured by deposit of the otherwise applicable amounts with the City subject to return of such deposit upon realization of the economic development benefits, by posting of bonds or other security, or by other means acceptable to the City. The cost of public facilities and/or services related to projects subject to this provision shall not be borne by other payers of Public Facilities Development Impact Fees, but shall instead be funded from other revenue sources of the City that may lawfully fund such costs.

4. Time for Imposing Fees for Residential Subdivisions.

In accordance with Government Code Section 65961, the Fees for Single Family and Multi-family Residential subdivision Development for which tentative or parcel maps are required pursuant to the Subdivision Map Act (Government Code Sections 66410, *et seq.*) shall be imposed at the time of approval or conditional approval of a tentative or parcel map for such residential subdivision Development, as applicable. Payment of the Fees shall be deemed to be a condition of all such tentative or parcel maps. Notwithstanding this Section 4, the time for payment of the Fees for all Development, including Single Family and Multi-family subdivisions, shall be as specified in Section 5 below.

5. Time for Fees Payment.

a. In accordance with Section 66007, subdivision (b) of the Mitigation Fee Act, Fees shall be charged and paid for each Residential Development upon the date of final inspection or issuance of a temporary or final certificate of occupancy for such Residential Development, whichever is earlier.

b. In accordance with Section 66007, subdivision (b) of the Mitigation Fee Act, for Residential Development that contains more than one dwelling, the Fees shall be paid on a pro-rata basis for each dwelling when it receives its final inspection or temporary or final certificate of occupancy, whichever occurs first; except that, the Fees for all Residential units in the Development must be paid within twelve (12) months of issuance of the first final inspection or temporary or final certificate of occupancy for that Development.

c. In accordance with Section 66007, subdivision (b), paragraph (2), if the Fees are to reimburse the City for expenditures previously made, or if the City determines that the Fees will be collected for Facilities for which an account has been established and funds appropriated and for which the City has adopted a proposed construction schedule prior to issuance of the building permit for such Residential Development, then the Fees shall be charged and paid upon issuance of the building permit for such residential Development. However, with respect to a Residential Development proposed by a nonprofit housing developer in which at least forty-nine percent (49%) of the total units are reserved for occupancy by lower income households, as defined in Health and Safety Code Section 50079.5, at an affordable rent, as defined in Health and Safety Code Section 50053, the payment procedures described in Section 66007(b)(2)(A)-(B) of the Mitigation Fee Act shall apply.

d. Except as may be otherwise provided by duly adopted City Council resolution, fees shall be charged and paid for each non-residential Development upon the date of final inspection or issuance of a temporary or final certificate of occupancy for such non-Residential Development, whichever is earlier.

6. Use of Fee Revenue.

In accordance with Section 66006, subdivision (a) of the Mitigation Fee Act, the revenues raised by payment of the Fees shall be placed in a separate, interest bearing account to permit accounting for such revenues and the interest which they generate. Such revenues and interest shall be used only for the Facilities and the purposes for which the Fees were collected, which are the following:

- a. To pay for acquisition of Facilities;
- b. To pay for programs, measures, design, engineering, construction of and property acquisition for, and reasonable costs of outside consultant studies related to, the Facilities;
- c. To reimburse the City for Facilities constructed by the City with funds from other sources including funds from other public entities, unless such funds were obtained from grants or gifts intended by the grantor to be used for the Facilities.
- d. To reimburse developers that have designed and constructed any of the Facilities with prior City approval and have entered into an agreement, as provided in Section 11 below; and

7. Standards.

The standards upon which the need for the Facilities are based are the standards of the City, including the standards contained in the General Plan, and those City standards reflected in the MRG Report.

8. Periodic Review and Reporting.

In accordance with Section 66006 of the Mitigation Fee Act, the City shall make available to the public, within 180 days after the last day of each fiscal year, the following information for that fiscal year:

- a. During each fiscal year, the City Manager shall prepare a report for the City Council, pursuant to Section 66006, subdivision (b) of the Mitigation Fee Act, identifying the balance of Fees revenues in the Fees account.
- b. In accordance with Section 66001, subdivision (d) of the Mitigation Fee Act, and in connection with the public information required to be provided annually by section 66006, subdivision (b) of the Mitigation Fee Act, for the fifth fiscal year following the first deposit of Fees proceeds into a separate account, and every five years thereafter, the City shall, with respect to the unexpended funds in the account:
 - i. identify the purpose to which the Fees are put;
 - ii. demonstrate a reasonable relationship between the Fees and the purposes for which they are charged;
 - iii. identify all sources and accounts of funding anticipated to complete financing for incomplete Facilities; and
 - iv. designate the approximate dates on which such funding is expected to be deposited.
- c. Pursuant to Section 66002, subdivision (a), of the Mitigation Fee Act, the City Council shall also review, as a part of any adopted City Capital Improvement Plan each year, the approximate location, size, time of availability and estimates of cost for all Facilities to be financed with the Fees. The estimated costs shall be adjusted in accordance with appropriate indices of inflation. The City Council shall make findings identifying the purpose to which the existing Fees revenue balances are to be put and demonstrating a reasonable relationship between the Fees and the purpose for which they are charged.

9. Subsequent Analysis and Revision of the Fees.

The Fees set herein are adopted and implemented by the City Council in reliance on the record identified above. The City may continue to conduct further study and analysis to determine whether the Fees should be revised. When additional information is available, the City Council may review the Fees to determine that the Fees amounts are reasonably related to the impact of Development within the City. In addition to the inflation adjustments pursuant to this Resolution, the City Council may revise the Fees to incorporate the findings and conclusions of further studies and any standards in the General Plan and other City standards, as from time to time amended by the City.

10. Fees Adjustments.

The Fees are based on Facilities costs estimated in 2010. The City Manager is authorized and shall adjust the applicable Fees annually, beginning on January 1, 2012, by the percentage change in the Engineering

News Record Construction Cost Index – 20 City Average, based on the change in that Index from December 2010 (which is 8952), to December in the year immediately preceding the adjustment. The City Manager shall periodically review actual Facilities construction costs, and if such costs vary significantly from the Engineering News Record – Construction Cost Index adjusted Fees, the City Manager shall propose that the City Council adjust the Fees to reflect the actual Facilities construction costs.

11. Credits and Reimbursement for Developer Constructed Facilities.

The City and a developer may enter into an improvement agreement to allow the developer to construct certain of the Facilities. Entering such an agreement is within the City's sole discretion. Such agreement shall provide for security for the developer's commitment to construct Facilities and shall refer to this Resolution for credit and reimbursement. If the City enters into such an agreement with a developer prior to construction of one or more of the facilities, the City shall provide the developer a credit in accordance with the following:

a. **Credit Amount.** The credit shall be in an amount not to exceed the cost of such Facilities as estimated by the City, or the developer's actual cost of constructing the Facilities, whichever is less. For the purposes of this section, the Facilities cost as estimated by the City shall be the amount listed in the MRG Report for those particular Facilities, as subsequently adjusted pursuant to this Resolution prior to issuance of the building permit for the Facilities. Once issued, credit pursuant to this section shall not be adjusted for inflation or any other factor. Credit provided pursuant to this section is not transferable.

b. **Application of Credit.** Credit pursuant to this section may be applied by developers against the Fees applicable to a particular project until the credit is exhausted or an excess credit results. The total credit shall be divided by the number of units (for a Residential project) to determine the amount of credit which can be applied against the Fees for each unit and, if the credit per unit is less than the Fees per unit, the developer shall pay the difference for each unit. If a credit pursuant to this section is less than the Fees applicable to a particular non-Residential Development project, the developer shall pay the City the balance in cash.

c. **Reimbursement for Excess Credit.** Reimbursement for excess credit shall only be from remaining unspent Fee revenues. Once all the Facilities have been constructed or acquired and to the extent Fee revenues are sufficient to cover all claims for reimbursement of Fees revenues, including reimbursement for excess credit, developers with excess credit shall be entitled to reimbursement, subject to such developers certifying in writing to the City that the cost of constructing the Facilities which resulted in an excess credit was not passed on to homeowners, and indemnifying the City from land owner claims for reimbursement under the Mitigation Fee Act and Section 66001 of the Mitigation Fee Act in particular. If remaining Fee revenues after all of the Facilities have been constructed or acquired are insufficient to cover all claims for reimbursement of Fee revenues, such claims, including claims for reimbursement of excess credit, shall be reimbursed on a pro rata basis in accordance with applicable law.

12. Effective Date.

In accordance with Section 66017 of the Mitigation Fee Act, this Resolution shall become effective and supersede the predecessor public facilities fees established and adopted by Resolution Number 465-92 on October 28, 1992 and revised by Resolution No. 22-2006 adopted February 22, 2006, Resolution No.

30-2009, adopted June 10, 2009 and the police facilities fee adopted by Resolution No. 095-2006 on November 15, 2006 sixty (60) days from its adoption.

13. Severability.

Each component of the Fees and all portions of this Resolution are severable. Should any individual component of the Fees or any portion of this Resolution be adjudged to be invalid and unenforceable by a body of competent jurisdiction, then the remaining Fee components and/or Resolution portions shall be and continue in full force and effect, except as to those Fee components and/or Resolution portions that have been adjudged invalid. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, clause, sentence, phrase, and other portion thereof, irrespective of the fact that one or more section, subsection, clause, sentence, phrase or other portion may be held invalid or unconstitutional.

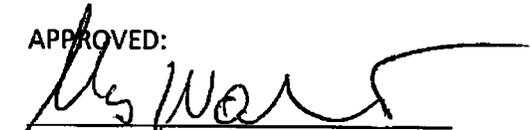
14. Supersession/Repeal/Savings.

Resolution No. 22-2006 adopted February 22, 2006, is hereby repealed in its entirety. All other resolutions and parts thereof in conflict with the provisions of this Resolution are superseded and repealed, effective on the effective date of the Fees imposed pursuant to Section 2. However, violations, rights accrued, liabilities accrued, or appeals taken, prior to the effective date of this Resolution, under any chapter, ordinance, or part of an ordinance, or resolution or part of a resolution, shall be deemed to remain in full force for the purpose of sustaining any proper suit, action, or other proceedings, with respect to any such violation, right, liability or appeal.

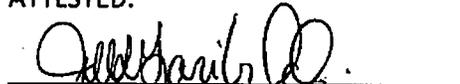
It is hereby certified that the foregoing Resolution No. 035-2011 was duly introduced and legally adopted by the City Council of the City of Cloverdale at its regular meeting held on the 8th day of June, 2011 by the following vote: (4-ayes, 1-noes)

AYES: Councilmember Palla, Vice Mayor Cox, Councilmember Russell, and Mayor Wolter
NOES: Councilmember Maacks
ABSENT: None
ABSTAIN: None

APPROVED:


Gus Wolter, Mayor

ATTESTED:


Jill Garibaldi, Deputy City Clerk

1645541.1

CITY OF CLOVERDALE
MITIGATION FEE ACT REPORT
QUIMBY ACT IN-LIEU FEE REPORT

MUNICIPAL RESOURCE GROUP, LLC
675 HARTZ AVENUE, SUITE 300
DANVILLE, CA 94526
(530) 878-9100

JANUARY 14, 2011



CITY OF CLOVERDALE
MITIGATION FEE ACT REPORT
QUIMBY ACT IN-LIEU FEE REPORT

TABLE OF CONTENTS

	<u>PAGE</u>
I. INTRODUCTION	1
II. POPULATION AND EMPLOYMENT ANALYSIS	5
III. PUBLIC SAFETY – POLICE FACILITIES FEE	9
IV. GENERAL CITY – CIVIC CENTER FEE	14
V. GENERAL CITY – CORPORATION YARD FEE	18
VI. QUIMBY ACT PARK LAND ACQUISITION IN-LIEU FEE	22
VII. PARK LAND ACQUISITION FEE (NON-QUIMBY ACT)	26
VIII. PARKS AND RECREATION FACILITIES CONSTRUCTION FEE	29
IX. ADMINISTRATION FEE	32
X. ANNUAL FEE ADJUSTMENT	39
Appendix A Proportionality Analysis	41
Appendix B Public Safety – Police Facilities Fee Analysis	42
Appendix C City Hall Space Budget and Cost Model	43
Appendix D General City – Civic Center Fee Analysis	45
Appendix E General City – Corporation Yard Fee Analysis	46
Appendix F Park and Recreation Facilities Fee Analysis	47
Appendix G Administration Fee - Mitigation Fee Act Requirements	48
Appendix H Administration Fee – Quimby Act Requirements	49

CITY OF CLOVERDALE
MITIGATION FEE ACT REPORT
QUIMBY ACT IN-LIEU FEE REPORT

I. INTRODUCTION

The City of Cloverdale established a Development Impact Fee program in 1992. The development impact fees were modified in subsequent years to reflect changes in the estimated costs of public facilities, changes in the intensity of future development permitted in the City’s General Plan, and changes in the facilities required to serve future development.

The City Council adopted a new General Plan on May 13, 2009. This Mitigation Fee Act Report and Quimby Act In-Lieu Fee Report has been prepared to assure that development impact fees are commensurate with the public facilities required to serve the future development envisioned in the General Plan, and to maintain existing City standards for public facilities.

The City of Cloverdale General Plan includes policies regarding public facilities required to serve future development:

- Policy LU 6-2: “Provide adequate public facilities and services to meet the needs of the community.”
- Policy LU 6-4: “Require new development to fund processing costs and necessary infrastructure and services required by such new development.”
- Policy PR 1-2: “Provide five acres of City-owned park and recreation land per 1,000 residents.”
- Policy PS 5-6: “Ensure that fire/police facilities and equipment are adequate for proposed development before granting approval.”

Together, these General Plan policies form the basis for the City’s continuation and updating of development impact fees to fund the proportionate cost of public facilities required to serve new development. This Report proposes revisions to the existing development impact fees to reflect the potential future residential and commercial population envisioned in the 2009 General Plan, and to reflect current public facility construction costs and land costs.

The Report recommends modifications to the following fees:

- Public Safety - Police Facilities Fee
- General City Fee - Civic Center
- General City Fee - Corporation Yard
- Park and Recreation Facilities Construction Fee
- Quimby Act Parkland Acquisition In-lieu Fee
- Park Land Acquisition Fee for development projects not subject to the Quimby Act
- Administration Fee

The City has also adopted separate development impact fees for other public facilities which are not the subject of this Report. These separate fees include the following:

- Street and Thoroughfare System Fee
- Storm Drainage Fee
- Water Capacity Fee
- Sewer Capacity Fee
- Public Safety – Fire Fee
- Public Safety – Health Care Fee

The Report identifies the cost of future public facilities required to maintain existing service levels, and as necessary to serve future development projects. The Report identifies the methodology used to assign an appropriate proportional percentage of the cost of future public facilities to future development projects. The Report also calculates the mitigation fees that will be required to finance the portion of future public facilities attributable to future development projects.

THE MITIGATION FEE ACT

This Report has been prepared pursuant to the State of California's enabling legislation for development impact mitigation fees. The authority for establishing development impact mitigation fees for residential and non-residential development projects is found in the Mitigation Fee Act, also known as AB 1600, as codified in the California Government Code beginning with Section 66000.

The Mitigation Fee Act permits local agencies to establish and collect a fee as a condition of approval of a new development project for the purpose of defraying the cost of public

facilities. Public facilities are defined in the statute as public improvements, public services and community amenities. The fee may include costs attributable to the increased demand for public facilities generated by future development. The fee may also include the cost of refurbishing existing facilities to maintain an existing level of service, or to achieve an adopted level of service that is consistent with the General Plan. The fee may not be used to pay for existing deficiencies in public facilities.

The public facilities must be identified in a capital improvement plan, the General Plan, an applicable specific plan or other public documents.

Under the Mitigation Fee Act, a local agency considering an action establishing, increasing or imposing a fee as a condition of approval of a development project must do all of the following:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put.
3. Determine that there is a reasonable relationship between the fee's use and the type of development project upon which the fee is imposed.
4. Determine that there is a reasonable relationship between the need for the public facility and the type of development project upon which the fee is imposed.
5. Determine that there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development project upon which the fee is imposed.

The Report provides the analysis required by the Mitigation Fee Act to satisfy these findings. Each chapter in the Report includes a section addressing the requirements of the Mitigation Fee Act and provides the basis for the five findings required to adopt and implement the fee referenced in that chapter.

THE QUIMBY ACT

Park land dedication requirements for residential subdivisions are authorized by the Quimby Act, as codified in the California Government Code beginning with Section 66477. The Quimby Act authorizes a City to require the dedication of a minimum of three acres of land per one thousand residents in proposed residential subdivisions, or the payment of an in-lieu fee. If the amount of existing park land in the jurisdiction exceeds a ratio of three acres per one thousand

residents, the agency may require the dedication of the ratio of existing park land per one thousand residents, up to a maximum of five acres per one thousand future residents.

The City of Cloverdale has an existing inventory of parkland that exceeds five acres per one thousand residents. The Report recommends a dedication requirement and an in-lieu fee to maintain a standard of five acres per one thousand residents at General Plan build-out.

The Quimby Act requirements apply only to the Park Dedication and In-Lieu Fee discussed in Chapter VI.

Quimby Act requirements do not apply to existing vacant residential lots, minor subdivisions that do not seek building permits within four years of receiving parcel map approval, or multi-family projects that are not part of a major subdivision. Residents who will occupy future residential units that are not subject to the Quimby Act will nonetheless create demand for park facilities. To address this demand, public agencies typically adopt a park land acquisition fee under the authority of the Mitigation Fee Act, to collect a similar fee from development projects that are not subject to the Quimby Act. Accordingly, Chapter VII proposes a separate fee for park land acquisition for future residential development projects that are not subject to the Quimby Act.

II. POPULATION AND EMPLOYMENT ANALYSIS

Development impact fees may be imposed on future residential and non-residential development projects to pay a proportionate amount of the cost of public facilities, based on the increased demand for public facilities resulting from future development projects.

To determine the proportionate amount of the future public facility costs that are attributable to the increased demand by future development projects, mitigation fee studies compare the demand for services and facilities by the existing residential and non-residential development to the demand for services by future residential and non-residential development.

Demand for services by residential development is typically measured by population statistics. Demand for services by non-residential development is typically measured by the number of employees per 1,000 square feet of non-residential development. These demand factors are discussed in the following sections.

Population

The existing City of Cloverdale population is 8,636 (Source: California Department of Finance, Demographic Research Unit, January 1, 2010). The Cloverdale General Plan estimates a population of 12,000 at build-out, which is an increase of 3,364 in population. The existing and future population is one factor that is used in this Report to estimate the proportional impact of existing versus future development on public facilities.

Non-Residential Development; Employees

The Cloverdale General Plan and the General Plan Draft EIR indicate an “expected” future development of up to 1.6 million square feet of non-residential space by year 2025, which is based on the assumption that a one-to-one jobs-to-housing ratio will be achieved by 2025. City staff has indicated that a more likely scenario is the development of approximately 578,995 square feet from 2010 to 2025, as described in Table 5 of the General Plan Draft EIR, Appendix 5 (at the current jobs-to-housing ratio).

There are approximately 2,050 employees currently working in Cloverdale (Source: City of Cloverdale General Plan Draft EIR; ABAG Projections 2007). The General Plan Draft EIR Appendix 5 indicates that 578,995 square feet of non-residential development will generate an increase of 950 employees during this period.

The existing and future number of employees is the second factor that is used in this Report to estimate the proportional impact of existing versus future development on public facilities.

Resident Equivalents

Employees are generally considered to have less of an impact on public services and public facilities than residents. The General Plan Draft EIR (Chapter 7, Table III-2) utilizes the number of hours a fulltime employee is present in the City of Cloverdale (40 hours) divided by the number of hours in a week (168 hours) as the ratio of the impact one employee may have on public facilities, as compared to one resident. Thus, in the General Plan Draft EIR, and in this development impact fee analysis and Report, one employee is considered to have the impact of .24 residents (40/168). This is known as an "employee resident equivalent". That is, one employee is equal to .24 resident equivalents.

Proportionalities

Combining populations with "employee resident equivalents" allows the analysis to identify the proportion of facility costs attributable to existing and future developments.

Table II-1 presents the combined existing and future population and employee resident equivalents. It indicates that the existing population and employees (employee resident equivalents) generate 72% of the demand for public facilities, while future development will generate 28% of the demand for public facilities. For public facilities that will serve both existing and future development, these are the percentages that are used to allocate the cost of those facilities between existing and future development. Stated differently, 28% of the facility costs that serve both existing and future developments are included in the calculation of the development impact fees.

Table II-1: Population, employees and resident equivalents

	Existing development	Future development	Build-out (2025)
Residents	8,636	3,364	12,000
"Employee resident equivalents" (employees multiplied by .24)	(2,050 x .24) 492	(950 x .24) 228	(3,000 x .24) 720
Total "resident equivalents"	9,128	3,592	12,720
Percent "resident equivalents"	72%	28%	100%

Source: City of Cloverdale General Plan Draft EIR; ABAG Projections 2007; Municipal Resource Group

Appendix A to this Report provides a detailed analysis supporting the proportionality and allocation of costs attributable to new development.

Some public facilities included in this Report have been determined to be wholly attributable to future residential and non-residential developments. For these public facilities, 100% of the cost is assigned to future development. These facilities are identified in subsequent chapters and in the appendices to this Report.

LAND USE AND FEE CATEGORIES

The Mitigation Fee Act requires the City to determine that there is a reasonable relationship between the need for the public facility and the types of development projects upon which the fee is imposed. The need for public facilities is generated by the number of residents and the number of employees (employee resident equivalents) in each land use category.

The types of development projects that create the need for facilities are single family residential, multi-family residential, mobile home, commercial and industrial projects. Fees are proposed for each of these land use categories.

For residential developments, the proposed fees are based on the number of residents per household. United States Census Bureau data indicates that there are an average of 2.94 residents per single family unit, 2.17 residents per multi-family unit, and 2.37 residents per mobile home in Cloverdale. (Source: United States Census Bureau, Tables H32-H33)

For non-residential developments, the proposed fees are based on the number of employees per 1,000 square feet. The number of employees per 1,000 square feet is based on the analysis in the General Plan Draft EIR, Appendix 5, which indicates that commercial development projects have 2 employees per 1,000 square feet and industrial development projects have 1.4 employees per 1,000 square feet.

Table II-2 presents the number of residents, employees and employee resident equivalents for these land use categories. This information is used in calculating fees in subsequent chapters in this Report.

Table II-2: Persons per household and resident equivalents per 1,000 square feet

	Persons per household ¹	Employees / 1,000 square feet ²	Resident equivalents/ 1,000 sq. ft. (employees x .24) ²
Single family residential	2.94		
Multi-family residential	2.17		
Mobile home	2.37		
Commercial		2.0	.48
Industrial		1.4	.336

Source: (1) United States Census Bureau, Tables H32-H-33; (2) Cloverdale General Plan Draft Environmental Impact Report, Appendix 5

The estimated project costs, amounts attributable to the development impact fee program and the fees for all land use categories are presented in the following sections of this Report. Proposed findings pursuant to the Mitigation Fee Act are also provided.

III. PUBLIC SAFETY - POLICE FACILITIES FEE

The existing Public Safety – Police Facilities Fee is based on allocating to future development a proportionate share of the cost of building a new Police station and acquiring vehicles and equipment that will be required to maintain existing service levels. The proposed Public Safety – Police Facilities Fee includes three facility and equipment costs that are necessary to maintain the current level of service and to provide services to future development projects. These include:

- Construct a new Police Headquarters Building.
- Provide equipment for new Police Officers required to serve new development and to maintain existing service levels.
- Provide vehicles for new Police Officers required to serve new development and to maintain existing service levels.

Police Headquarters Building

The City retained Ross Drulis Cusenbery Architecture, Inc. (RDC) to prepare a building program for a new Cloverdale Police Headquarters Building. The Program Verification Study and Conceptual Cost Plan prepared by RDC, dated October 4, 2010, indicate a need for a 13,056 square foot building with a total cost of \$8,052,750. The RDC study also indicates that the Police Headquarters will require 1.02 acres of land. Based on several recent land appraisals, the land cost for the Police Headquarters is estimated at \$414,750. Appendix B provides a summary of the construction cost, soft costs and land cost for the Police Headquarters. The total cost is \$8,467,500. Because the Police Headquarters Building will serve existing and new development, 28% (\$2,370,900) of the cost of this facility is attributable to future development and is included in the calculation of the Public Safety – Police Facilities Fee.

Police Officer Equipment

Police Officer equipment, such as firearms, uniforms, body armor, radios and as otherwise required by the Police Association Memorandum of Understanding will be purchased to provide law enforcement services to future development and to maintain the existing law enforcement standard in the community.

Cloverdale currently has approximately 1.75 sworn staff/1,000 population. Six additional sworn staff would be required to maintain this ratio in the future. The current equipment cost is estimated at \$4,600 per Police Officer. Appendix B provides a summary of the costs for

equipment for six Police Officers. The total cost is \$27,600. One-hundred percent of this cost is attributable to future development, as the costs will be incurred solely to provide services to future development.

Police Vehicles

Police vehicles will be purchased to provide law enforcement services to future development and to maintain the existing law enforcement standard in the community.

Cloverdale assigns a vehicle to each Police Officer, which will require six vehicles for the six additional Police Officers. The current estimated cost is \$54,000 per vehicle. Appendix B provides a summary of the vehicle costs. The total cost is \$324,000. One-hundred percent of this cost is attributable to future development, as the costs will be incurred solely to provide services to future development.

In total, \$2,722,500 is attributable to future development and the Public Safety – Police Facilities Fee.

CALCULATION OF THE FEE PER RESIDENT EQUIVALENT

The total cost of police facilities apportioned to future development projects is \$2,722,500. The total number of future "resident equivalents" (residents plus employee resident equivalents) was determined to be 3,592 (Table II-1). Dividing the total cost by the total resident equivalents results in a cost per resident equivalent of \$758, as presented in Table III-1.

Table III-1: Police facilities cost per resident equivalent

	Future development
Amount apportioned to future development (A)	\$2,722,500
Resident equivalents from future development (B)	3,592
Cost per resident equivalent (A divided by B)	\$758

Source: City of Cloverdale; Ross Drulis Cusenbery Architecture, Inc.; Municipal Resource Group

CALCULATION OF THE FEE PER RESIDENTIAL UNIT

The mitigation fee will be imposed on each type of residential unit. To calculate the fee per unit, the cost per resident equivalent (\$758) is multiplied by the average number of residents per unit. Table III-2 calculates the fee per residential unit by multiplying the residents per unit (from Table II-2) by the cost per resident equivalent (\$758).

Table III-2: Public Safety – Police Facilities Fee per residential unit

	Residents per unit	Cost per resident equivalent	Fee per unit
Single family unit	2.94	\$758	\$2,229
Multi-family unit	2.17	\$758	\$1,645
Mobile home unit	2.37	\$758	\$1,796

Source: City of Cloverdale; Municipal Resource Group

CALCULATION OF THE FEE PER 1,000 SQUARE FEET OF BUILDING SPACE

Table III-3 calculates the fee per 1,000 square feet for future commercial and industrial developments by multiplying the number of resident equivalents per 1,000 square feet of building space (from Table II-2) by the cost per resident equivalent (\$758).

Table III-3: Public Safety – Police Facilities Fee per 1,000 square feet

	Resident equivalents/1,000 square feet	Cost per resident equivalent	Fee per 1,000 square feet
Commercial	.48	\$758	\$364
Industrial	.336	\$758	\$255

Source: City of Cloverdale, Municipal Resource Group

MITIGATION FEE ACT - FINDINGS

The Mitigation Fee Act requires a local agency considering an action establishing, increasing or imposing a fee to address the following procedural requirements.

1. *Identify the purpose of the fee.*

The purpose of the Public Safety – Police Facilities Fee is to provide funding to maintain law enforcement service levels and to provide adequate emergency service facilities and equipment to meet the broad range of needs of Cloverdale residents and employees, as established in the City of Cloverdale General Plan.

2. *Identify the use to which the fee is to be put.*

The proceeds from the fees will be used to construct a new Police Headquarters Building as specified in this Report (Appendix B) and in other documents referenced by this Report, including the City of Cloverdale General Plan, the City of Cloverdale Capital Improvement Plan and the Ross Drulis Cusenbery, Architecture, Inc. Program Verification Study and Conceptual Cost Plan for a new Police Headquarters Building. In addition, the proceeds will be used to purchase equipment and vehicles for new Police Officers, to maintain the existing level of service.

3. *The relationship between the fee's use and the type of development project upon which the fee is imposed.*

The fee will be applied to residential, commercial and industrial development projects. Residential, commercial and industrial development projects will generate new demands for police and emergency services. The police facility improvements constructed and the vehicles and equipment purchased with the proceeds of the fee will address and mitigate the additional impacts and demands created by these residential and non-residential development projects.

4. *The relationship between the need for the community facility and the type of development project upon which the fee is imposed.*

The fee will be applied to single family residential, multifamily residential, mobile home, commercial and industrial development projects. These types of development projects generate new residents and new employees in the community. The new Police Headquarters Building will provide a facility for law enforcement personnel who provide direct City services to residents and employees. The vehicles and equipment are necessary for the transportation and services provided by emergency responders. The proceeds from the fee will be used to address the police and emergency service demands of the new residents and employees.

5. *The relationship between the amount of the fee and the cost of the community facility or portion of the community facility attributable to the development project upon which the fee is imposed.*

The fee has been calculated by apportioning the cost of a new Police Headquarters Building and Police vehicles and equipment to the number of residents generated by each type of new residential unit, and to the "resident equivalent" of each employee generated by commercial and industrial development projects. The estimated cost of the Police Headquarters Building, which will serve existing and future development projects, has been allocated proportionately.

COMPARISON OF EXISTING AND PROPOSED FEES

The proposed fees are based on the currently identified Police facilities required to serve future development projects, updated cost estimates, updated General Plan build-out statistics and the methodology described in this Report. These factors will differ from the previous study that was prepared in 2006. The cost estimate for the Police Headquarters Facility has increased, which has an upward impact on the fees. The proposed commercial and industrial fees in this Report are lower than the existing fees because the 2006 study weighted the impact of employees equally with residents; as discussed in Chapter II above, this Report assumes that one employee has the same impact as .24 residents. This has the effect of lowering the commercial and industrial fees per 1,000 square feet.

Table III-4 presents the existing fees and the proposed fees.

Table III-4: Existing and proposed Public Safety – Police Facilities Fee

	Existing fee	Proposed fee	Unit of measurement
Single family residential	\$1,276.42	\$2,229	Unit
Multi-family residential	\$1,239.46	\$1,645	Unit
Mobile home	\$1,104.33	\$1,796	Unit
Commercial (per 1,000 square feet)	\$ 931.93	\$ 364	1,000 square feet
Industrial (per 1,000 square feet)	\$ 652.34	\$ 255	1,000 square feet

Source: City of Cloverdale; Municipal Resource Group

IV. GENERAL CITY – CIVIC CENTER FEE

The existing General City – Civic Center Fee is based on allocating to future development a proportionate share of the cost of building a new Cloverdale City Hall. The existing fee is based on a 9,900 square foot future City Hall, which was estimated in 1998 to cost approximately \$100 per square foot.

MRG retained the services of Group 4 Architecture, Research + Planning to prepare a Building Space Budget and a Cost Model for a Civic Center/City Hall designed to provide services to a community of 12,000 (Cloverdale build-out population). The Building Space Budget estimates the need for 11,000 square feet to accommodate a community/Council meeting room for one hundred persons, and office facilities to accommodate twenty staff. Using the same construction cost per square foot that is used for the Police Headquarters (\$348 per square foot), soft costs for design, engineering and construction management, and site and parking development costs, the estimated cost for the Civic Center/City Hall is \$7,264,000. The Space Budget and Cost Model are attached as Appendix C. It is also estimated that the City Hall will require .54 acres of land. Based on several recent land appraisals, the land cost for the City Hall is estimated at \$218,431.

Appendix D provides a summary of these costs. Because the Civic Center/City Hall will serve existing and new development, 28% (\$2,095,081) of the cost of this facility is attributable to future development and is included in the calculation of the General City Fee – Civic Center Fee.

CALCULATION OF THE FEE PER RESIDENT EQUIVALENT

The total cost of the Civic Center/City Hall facility apportioned to future development projects is \$2,095,081. The total number of future "resident equivalents" (residents plus employee resident equivalents) was determined to be 3,592 (Table II-1). Dividing the total cost by the total resident equivalents results in a cost per resident equivalent of \$681, as presented in Table IV-1.

Table IV-1: General City – Civic Center facility cost per resident equivalent

	Future development
Amount apportioned to future development (A)	\$2,095,081
Resident equivalents from future development (B)	3,592
Cost per resident equivalent (A divided by B)	\$583

Source: City of Cloverdale; Municipal Resource Group; Group 4 Architecture, Research + Planning, Inc.

CALCULATION OF THE FEE PER RESIDENTIAL UNIT

The mitigation fee will be imposed on each type of residential unit. To calculate the fee per unit, the cost per resident equivalent (\$583) is multiplied by the average number of residents per unit. Table IV-2 calculates the fee per residential unit by multiplying the residents per unit (from Table II-2) by the cost per resident equivalent (\$583).

Table IV-2: General City – Civic Center Fee per residential unit

	Residents per unit	Cost per resident equivalent	Fee per unit
Single family unit	2.94	\$583	\$1,714
Multi-family unit	2.17	\$583	\$1,265
Mobile home unit	2.37	\$583	\$1,382

Source: City of Cloverdale; Municipal Resource Group

CALCULATION OF THE FEE PER 1,000 SQUARE FEET OF BUILDING SPACE

Table IV-3 calculates the fee per 1,000 square feet for future commercial and industrial development projects by multiplying the number of resident equivalents per 1,000 square feet of building space (from Table II-2) by the cost per resident equivalent (\$583).

Table IV-3: General City – Civic Center Fee per 1,000 square feet

	Resident equivalents/1,000 square feet	Cost per resident equivalent	Fee per 1,000 square feet
Commercial	.48	\$583	\$280
Industrial	.336	\$583	\$196

Source: City of Cloverdale; Municipal Resource Group

MITIGATION FEE ACT - FINDINGS

The Mitigation Fee Act requires a local agency considering an action establishing, increasing or imposing a fee to address the following procedural requirements.

1. *Identify the purpose of the fee.*

The purpose of the General City – Civic Center Fee is to provide funding to maintain general municipal service levels and community meeting space to meet the broad range of needs of Cloverdale residents and employees.

2. *Identify the use to which the fee is to be put.*

The proceeds from the fees will be used to construct a Civic Center/City Hall as specified in this Report (Appendix C and Appendix D) and in other documents referenced by this Report, including the City of Cloverdale General Plan and the City of Cloverdale Capital Improvement Plan.

3. *The relationship between the fee's use and the type of development project upon which the fee is imposed.*

The fee will be applied to residential, commercial and industrial development projects. Residential, commercial and industrial developments will generate new demands for City services. The Civic Center/City Hall facility constructed with the proceeds of the fee will address and mitigate the additional impacts and demands created by these residential and non-residential development projects.

4. *The relationship between the need for the community facility and the type of development project upon which the fee is imposed.*

The fee will be applied to single family residential, multifamily residential, mobile home, commercial and industrial development projects. These types of development projects generate new residents and new employees in the community. The Civic Center/City Hall will provide a facility for City personnel who provide direct City services to residents and employees. The proceeds from the fee will be used to address the general governmental service demands of the new residents and employees.

5. *The relationship between the amount of the fee and the cost of the community facility or portion of the community facility attributable to the development project upon which the fee is imposed.*

The fee has been calculated by apportioning the cost of Civic Center/City Hall to the number of residents generated by each type of new residential unit, and to the "resident equivalent" of each employee generated by commercial and industrial development projects. The estimated cost of the Civic Center/City Hall, which will serve existing and future development projects, has been allocated proportionately.

COMPARISON OF EXISTING AND PROPOSED FEES

The proposed fees are based on the currently identified Civic Center/City Hall facility required to serve future development projects, updated cost estimates, updated General Plan build-out statistics and the methodology described in this Report. These factors will differ from the previous study that was prepared in 1998. The cost estimate for the Civic Center/City Hall facility has increased since 1998, which has an upward impact on the fees. Significantly, the 1998 study assumed that the cost would be spread over 2,000 new residential units, while this Report assumes 1,350 new residential units, as determined in the City’s 2009 General Plan. This has the effect of increasing the cost per residential unit. Table IV-4 presents the existing fees and the proposed fees.

Table IV-4: Existing and proposed General City – Civic Center Fee

	Existing fee	Proposed fee	Unit of measurement
Single family residential	\$357	\$1,714	Unit
Multi-family residential	\$357	\$1,265	Unit
Mobile home	\$357	\$1,382	Unit
Commercial (per 1,000 square feet)	\$223	\$ 280	1,000 square feet
Industrial (per 1,000 square feet)	\$223	\$ 196	1,000 square feet

Source: City of Cloverdale, Municipal Resource Group

V. GENERAL CITY – CORPORATION YARD FEE

The existing General City – Corporation Yard Fee is based on allocating to future development a proportionate share of the cost of improvements to the corporation yard and public works maintenance facility. The existing fee is designed to fund a portion of a 25,000 square foot corporation yard, based on the 1995 Corporation Yard Master Plan prepared by Winzler and Kelly, Consulting Engineers, and a 2002 Fee Update Study for Water and Corporation Yard Facilities prepared by Coastland Civil Engineering:

Some of the improvements contemplated in the Corporation Yard Master Plan have been constructed; Coastland Civil Engineering currently estimates that \$2,036,800 will be required to fund the remaining improvements. Appendix E provides a summary of these costs. Because the Corporation Yard serves existing and new development, 28% (\$570,304) of the cost of improvements to this facility is attributable to future development and is included in the calculation of the General City Fee – Corporation Yard Fee.

CALCULATION OF THE FEE PER RESIDENT EQUIVALENT

The total cost of the improvements to the Corporation Yard facility apportioned to future development projects is \$570,304. The total number of future "resident equivalents" (residents plus employee resident equivalents) was determined to be 3,592 (Table II-1). Dividing the total cost by the total resident equivalents results in a cost per resident equivalent of \$159, as presented in Table V-1.

Table V-1: General City – Corporation Yard facility cost per resident equivalent

	Future development
Amount apportioned to future development (A)	\$570,304
Resident equivalents from future development (B)	3,592
Cost per resident equivalent (A divided by B)	\$ 159

Source: City of Cloverdale; Coastland Civil Engineering; Municipal Resource Group

CALCULATION OF THE FEE PER RESIDENTIAL UNIT

The mitigation fee will be imposed on each type of residential unit. To calculate the fee per unit, the cost per resident equivalent (\$159) is multiplied by the average number of residents per unit. Table V-2 calculates the fee per residential unit by multiplying the residents per unit (from Table II-2) by the cost per resident equivalent (\$159).

Table V-2: General City – Corporation Yard Fee per residential unit

	Residents per unit	Cost per resident equivalent	Fee per unit
Single family unit	2.94	\$159	\$467
Multi-family unit	2.17	\$159	\$345
Mobile home unit	2.37	\$159	\$377

Source: City of Cloverdale; Municipal Resource Group

CALCULATION OF THE FEE PER 1,000 SQUARE FEET OF BUILDING SPACE

Table V-3 calculates the fee per 1,000 square feet for future commercial and industrial developments by multiplying the number of resident equivalents per 1,000 square feet of building space (from Table II-2) by the cost per resident equivalent (\$159).

Table V-3: General City – Corporation Yard Fee per 1,000 square feet

	Resident equivalents/1,000 square feet	Cost per resident equivalent	Fee per 1,000 square feet
Commercial	.48	\$159	\$76
Industrial	.336	\$159	\$53

Source: City of Cloverdale, Municipal Resource Group

MITIGATION FEE ACT - FINDINGS

The Mitigation Fee Act requires a local agency considering an action establishing, increasing or imposing a fee to address the following procedural requirements.

1. *Identify the purpose of the fee.*

The purpose of the General City – Corporation Yard Fee is to provide funding for improvements to a facility required to maintain the level of public works services required to meet the broad range of needs of Cloverdale residents and employees.

2. *Identify the use to which the fee is to be put.*

The proceeds from the fees will be used to fund improvements to the Corporation Yard as specified in this Report and in other documents referenced by this Report, including the City of Cloverdale General Plan, the City of Cloverdale Capital Improvement Plan, the Corporation Yard Master Plan (Winzler and Kelly, Consulting Engineers, 1995) and the 2002 Development Impact Fee Update for Water and Corporation Yard Facilities, (Coastland Civil Engineering).

3. *The relationship between the fee's use and the type of development project upon which the fee is imposed.*

The fee will be applied to residential, commercial and industrial development projects. Residential, commercial and industrial developments will generate new demands for City services. The improvements to the Corporation Yard facility constructed with the proceeds of the fee will address and mitigate the additional impacts and demands created by these residential and non-residential development projects.

4. *The relationship between the need for the community facility and the type of development project upon which the fee is imposed.*

The fee will be applied to single family residential, multi-family residential, mobile home, commercial and industrial development projects. These types of development projects generate new residents and new employees in the community. The improvements to the Corporation Yard will provide a facility for City personnel who provide direct City services to residents and employees. The proceeds from the fee will be used to address the public works service demands of the new residents and employees.

5. *The relationship between the amount of the fee and the cost of the community facility or portion of the community facility attributable to the development project upon which the fee is imposed.*

The fee has been calculated by apportioning the cost of improvements to the Corporation Yard to the number of residents generated by each type of new residential unit, and to the "resident equivalent" of each employee generated by commercial and industrial development projects. The estimated cost of the improvements to the Corporation Yard, which will serve existing and future development projects, has been allocated proportionately.

COMPARISON OF EXISTING AND PROPOSED FEES

The proposed fees are based on the currently identified Corporation Yard facility required to serve future development projects, updated cost estimates, updated General Plan build-out statistics and the methodology described in this Report. These factors will differ from the previous study that initially established the fee. The primary difference is that the 2002 Development Impact Fee Update for Water and Corporation Yard Facilities apportioned 100% of the Corporation Yard cost to future development, while this Report allocates 28% to future

development. This has the effect of lowering the fees. Table V-4 presents the existing fees and the proposed fees.

Table V-4: Existing and proposed General City – Corporation Yard Fee

	Existing fee	Proposed fee	Unit of measurement
Single family residential	\$910	\$467	Unit
Multi-family residential	\$910	\$345	Unit
Mobile home	\$910	\$377	Unit
Commercial (per 1,000 square feet)	\$569	\$ 76	1,000 square feet
Industrial (per 1,000 square feet)	\$569	\$ 53	1,000 square feet

Source: City of Cloverdale; Municipal Resource Group

VI. QUIMBY ACT PARK LAND ACQUISITION IN-LIEU FEE

The Quimby Act

Park land dedication requirements for residential subdivisions are authorized by the Quimby Act, as codified in the California Government Code beginning with Section 66477. The Quimby Act authorizes a City to require the dedication of a minimum of three acres of land per one thousand residents in proposed residential subdivisions, or the payment of an in-lieu fee. If the amount of existing park land exceeds a ratio of three acres per one thousand residents, the City may require the dedication of the existing ratio of park land per one thousand residents, up to a maximum of five acres per one thousand future residents.

In the event that a proposed residential subdivision is less than fifty parcels, the City may only require the payment of an in-lieu fee (and not the dedication of land).

The proceeds of the fees may only be used for acquiring land and developing new park and recreation facilities, or rehabilitating existing neighborhood parks, community parks and recreational facilities.

The City must develop a schedule specifying how, when and where it will use the land or in-lieu fees to develop park and recreational facilities.

Quimby Act land dedication and in-lieu fee requirements apply to parcels created by a major residential subdivision (five or more parcels) and parcels created by a minor residential subdivision (four or fewer parcels), but only if a building permit is requested within four years of the approval of the minor subdivision parcel map. The Quimby Act requirements do not apply to existing residential lots, minor subdivisions that do not seek building permits within four years of receiving parcel map approval, or multi-family units that are not part of a major residential subdivision. While this Chapter calculates and recommends a Quimby Act in-lieu fee, Chapter VII in this Report recommends a separate fee for residential units that are not subject to the Quimby Act in-lieu fee.

General Plan Policies

The Cloverdale General Plan establishes a policy to provide five acres of City-owned park and recreation land for each one thousand residents (Policy PR 1-2).

The City of Cloverdale has an existing inventory of 44.3 acres of parkland (Cloverdale General Plan, Table 5.3). The existing park land acreage represents 5.13 acres per thousand residents, which permits the City to require park land dedication or an in-lieu fee for five acres

per one thousand residents for future development. This Chapter of this Report provides the analysis for the calculation of the in-lieu fee based on five acres per one thousand new residents.

CURRENT DEDICATION REQUIREMENTS AND IN-LIEU FEES

The City of Cloverdale Municipal Code Chapter 17.20 establishes procedures for the dedication of land or the payment of an in-lieu fee for park land acquisition. The Municipal Code requires the dedication of five acres per one thousand residents for qualifying subdivisions. The Municipal Code does not include the dollar amount of the in-lieu fee. Rather, the fair market value of land is required to be determined at the time of filing of a subdivision tentative map, and the in-lieu fee is calculated based on that fair market value and the amount of park acreage required of the subdivision. This Report recommends that the current value of land suitable for park purposes be used to calculate the current in-lieu fee. Further, Chapter X of this Report recommends that the in-lieu fee be adjusted by an appropriate index in subsequent years.

The Quimby Act requires that the persons per household be based on the most recent federal census or data published by the California Department of Finance Demographic Research Unit. The persons per household in Cloverdale Municipal Code Section 17.20.070 are not currently consistent with this data. This Report recommends that the Municipal Code be updated to reflect census data regarding persons per household.

CALCULATION OF THE ACREAGE REQUIRED PER RESIDENTIAL UNIT

The City's standard of five acres per one thousand residents is equal to .005 acres per resident (five acres divided by 1,000 residents).

The acreage required per residential unit is calculated by multiplying the .005 acres per resident by the number of residents in each single family and multi-family unit. United States Census Bureau data indicates that there are an average of 2.94 residents per single family unit and 2.17 residents per multifamily unit. (Source: United States Census Bureau, Tables H32-H33). Table VI-1 calculates the amount of acreage required per residential unit under the five acre per one thousand residents' standard by multiplying the acres per resident by the residents per unit.

Table VI-1: Acres required for each type of residential unit

	Acres per resident	Residents per unit	Acres required per residential unit
Single family unit	0.005	2.94	0.01470
Multi-family unit	0.005	2.17	0.01085

Source: United States Bureau of Census, Year 2000 Census Tables H32-H33

CALCULATION OF THE FEE PER RESIDENTIAL UNIT

The in-lieu fee is based on the amount of land required to meet the applicable park land standard and the cost of acquiring suitable park land. The City of Cloverdale has conducted several recent land appraisals, including land suitable for park purposes. The 2010 value for parkland is estimated at \$380,028 per acre.

Table VI-2 calculates the fee per residential unit by multiplying the required acres per unit (from Table VI-1) by \$380,028 per acre.

Table VI-2: Quimby Act In-Lieu Fee per residential unit

	Acres per unit	Cost per acre	Fee per unit
Single family unit	0.01470	\$380,028	\$5,586
Multi-family unit	0.01085	\$380,028	\$4,123

Source: City of Cloverdale; Municipal Resource Group

QUIMBY ACT REQUIREMENTS

The Quimby Act requires a local agency to address the following procedural requirements. The Quimby Act contains other requirements as well, which may be found in the California Government Code beginning with Section 66477, and are also discussed in Chapter IX of this Report.

1. *Adopt a general plan or specific plan containing policies and standards for parks and recreation facilities.*

The City of Cloverdale General Plan establishes a standard of five acres of park land for each one thousand residents.

2. *Adopt an ordinance requiring the dedication of land or the imposition of a requirement for the payment of a fee in-lieu of the dedication of land, or a combination of both. The ordinance must include definite standards for determining the proportion of a subdivision to be dedicated and the amount of the in-lieu fee. The amount of land to be dedicated and the fee must be based upon the density of each residential type.*

It will be necessary for the City to revise its enabling ordinance to update the density for residential units, and to codify that in-lieu fees will be adopted by a City Council resolution, updated annually by an appropriate index.

3. *The amount and location of land to be dedicated or the fees to be paid must bear a reasonable relationship to the use of the park and recreational facilities by the future inhabitants of the subdivision.*

The City of Cloverdale has established a standard level of service of five acres of park land for each one thousand residents. This standard is based on the existing park land available to and accessed by Cloverdale residents. The land dedication requirement and the in-lieu fee are calculated to maintain this standard for future residents.

4. *A schedule must be developed specifying how, when, and where the City will use the land or fees to develop park and recreational facilities.*

The General Plan identifies several potential sites for acquisition as park land (General Plan Policy PR 1-3). The City should adopt a schedule as part of its Capital Improvement Plan or other City capital plans to establish *how* the City will use the land or fees (site acquisition), *when* the City will use the fees (in five year intervals) and *where* the City will use the fees (the specific sites and locations identified in General Plan Policy PR 1-3, or other sites).

VII. PARK LAND ACQUISITION FEE (NON-QUIMBY ACT DEVELOPMENT PROJECTS)

Quimby Act land dedication and in-lieu fee requirements apply to parcels created by a major residential subdivision (five or more parcels) and to parcels created by a minor residential subdivision (four parcels or less), but only if a building permit is requested within four years of the approval of the minor subdivision parcel map. The Quimby Act requirements do not apply to existing residential lots, minor subdivisions that do not seek building permits within four years of receiving parcel map approval, or multi-family projects that are not part of a major subdivision.

Residents who will occupy future residential units that are not subject to the Quimby Act will nonetheless create demand for park facilities. To address this demand, public agencies typically adopt a park land acquisition fee under the authority of the Mitigation Fee Act, to collect a similar fee from development projects that are not subject to the Quimby Act.

The Park Land Acquisition Fee for residential development projects that are not subject to the Quimby Act is proposed to be based on the same in-lieu fee standard for Quimby Act residential units; that is, five acres per one thousand residents.

CALCULATION OF THE ACREAGE REQUIRED PER RESIDENTIAL UNIT

The City's standard of five acres per one thousand residents is equal to .005 acres per resident (five acres divided by 1,000 residents).

The acreage required per residential unit is calculated by multiplying the .005 acres per resident by the number of residents in each single family unit, multi-family unit and mobile home unit. Table VII-1 calculates the amount of acreage required per residential unit under the five acre per one thousand residents' standard by multiplying the acres per resident by the residents per unit.

Table VII-1: Acres required for each type of residential unit

	Acres per resident	Residents per unit	Acres required per unit
Single family unit	0.005	2.94	0.01470
Multi-family unit	0.005	2.17	0.01085
Mobile home unit	0.005	2.37	0.01185

Source: City of Cloverdale; Municipal Resource Group

CALCULATION OF THE FEE PER RESIDENTIAL UNIT

The fee is based on the amount of land required to meet the applicable park land standard, and the cost of acquiring suitable park land. The City of Cloverdale has conducted several recent land appraisals, including land suitable for park purposes. The 2010 value for parkland is estimated at \$380,028 per acre.

Table VII-2 calculates the fee per residential unit by multiplying the required acres per unit (from Table VII-1) by \$380,028 per acre.

Table VII-2: Park Land Acquisition Fee per residential unit

	Acres required per unit	Cost per acre	Fee per unit
Single family unit	0.01470	\$380,028	\$5,586
Multi-family unit	0.01085	\$380,028	\$4,123
Mobile home unit	0.01185	\$380,028	\$4,503

Source: City of Cloverdale; Municipal Resource Group

MITIGATION FEE ACT - FINDINGS

The Mitigation Fee Act requires a local agency considering an action establishing, increasing or imposing a fee to address the following procedural requirements.

1. *Identify the purpose of the fee.*

The purpose of the Park Land Acquisition Fee is to provide funding to achieve the City’s goal of maintaining service levels and to provide adequate recreational services for Cloverdale residents, as established in the City of Cloverdale General Plan.

2. *Identify the use to which the fee is to be put.*

The proceeds from the fees will be used to meet the General Plan standard of five acres of park land per one thousand residents, by purchasing park land to maintain this standard.

3. *The relationship between the fee's use and the type of development project upon which the fee is imposed.*

The fee will be applied to residential development projects that are not subject to the Quimby Act land dedication or in-lieu fee requirements. New residents in all residential developments will place an additional demand on park and recreational facilities, including those residential units that are not subject to the Quimby Act dedication and in-

lieu fee requirements. The park land acquired with the proceeds of the fee will address and mitigate the additional impacts and demands created by these residential development projects.

4. *The relationship between the need for the community facility and the type of development project upon which the fee is imposed.*

The fee will be applied to single family residential, multi-family residential and mobile home development projects that are not subject to the Quimby Act dedication and in-lieu fee requirements. These types of development projects generate new residents in the community. The park land will serve the needs of these new residents.

5. *The relationship between the amount of the fee and the cost of the community facility or portion of the community facility attributable to the development project upon which the fee is imposed.*

The fee has been calculated by apportioning the cost of park land acquisition to the number of residents generated in new residential units.

VIII. PARKS AND RECREATION FACILITIES CONSTRUCTION FEE

City of Cloverdale park land development goals include the development of five acres of neighborhood, community and specialty parks for each one thousand residents. While the Quimby Act Park Land Acquisition/In-Lieu Fee (Chapter VI) and the Park Land Acquisition Fee (Non-Quimby Act development projects – Chapter VII) provide for the acquisition of park land, the Parks and Recreation Facilities Construction Fee provides for constructing the park improvements on vacant land to create neighborhood, community and specialty parks.

At five acres per one thousand residents, and an expected 3,364 future residents, future development will be responsible for park improvements on 16.82 acres of neighborhood and community park land (5 acres/1,000 residents multiplied by 3,364 residents). Coastland Civil Engineering has prepared a cost estimate of \$214,000 per acre for park improvements, based on recent similar park construction costs. The total cost for park improvements on 16.82 acres is \$3,599,480. These costs are wholly attributable to future residents and are apportioned to future residential development.

In addition to the neighborhood and community parks, the City of Cloverdale Capital Improvement Program includes the construction of a skate park (\$643,200) and a dog park (\$28,700). These costs are apportioned to existing residents (72%) and future residential development (28%, for a total of \$188,132) based on the analysis in Chapter II of this Report.

The total park construction cost allocated to future development and used in the calculation of the Parks and Recreation Facilities Construction Fee is \$3,787,612, as identified in Appendix F.

CALCULATION OF THE FEE PER RESIDENT EQUIVALENT

The total park development cost attributable to future development projects is \$3,787,612. The total number of future residents was determined to be 3,364 (Table II-1). Dividing the total cost by the total future residents results in a cost per resident of \$1,126, as presented in Table VIII-1.

Table VIII-1: Parks and Recreation Facilities Construction Fee cost per resident

	Future development
Amount apportioned to future development (A)	\$3,787,612
Residents from future development (B)	3,364
Amount per resident (A divided by B)	\$ 1,126

Source: City of Cloverdale; Coastland Civil Engineering; Municipal Resource Group

CALCULATION OF THE FEE PER RESIDENTIAL UNIT

The mitigation fee will be imposed on each residential unit. To calculate the fee per unit, the cost per resident equivalent (\$1,126) is multiplied by the average number of residents per unit. Table VIII-2 calculates the fee per residential unit by multiplying the residents per unit (from Table II-2) by the cost per resident equivalent (\$1,126).

Table VIII-2: Parks and Recreation Facilities Construction Fee per residential unit

	Residents per unit	Cost per resident	Fee per unit
Single family unit	2.94	\$1,126	\$3,310
Multi-family unit	2.17	\$1,126	\$2,443
Mobile home unit	2.37	\$1,126	\$2,669

Source: City of Cloverdale, Municipal Resource Group

MITIGATION FEE ACT - FINDINGS

The Mitigation Fee Act requires a local agency considering an action establishing, increasing or imposing a fee to address the following procedural requirements.

1. *Identify the purpose of the fee.*

The purpose of the Parks and Recreation Facilities Construction Fee is to provide funding to achieve the City’s goal of maintaining service levels and to provide adequate recreational services for Cloverdale residents, as established in the City of Cloverdale General Plan.

2. *Identify the use to which the fee is to be put.*

The proceeds from the fees will be used to construct improvements on five acres of neighborhood and community park land, and to construct a skate park and dog park, as specified in this Report (Appendix F) and in other documents referenced by this Report, including the City of Cloverdale General Plan and the City of Cloverdale Capital Improvement Program.

3. *The relationship between the fee's use and the type of development project upon which the fee is imposed.*

The fee will be applied to residential development projects. New residents in residential developments will place an additional demand on park and recreational facilities. The

parks developed with the proceeds of the fee will address and mitigate the additional impacts and demands created by these residential development projects.

4. *The relationship between the need for the community facility and the type of development project upon which the fee is imposed.*

The fee will be applied to single family residential, multi-family residential and mobile home development projects. These types of development projects generate new residents in the community. The parks will serve the needs of new residents in new residential development projects.

5. *The relationship between the amount of the fee and the cost of the community facility or portion of the community facility attributable to the development project upon which the fee is imposed.*

The fee has been calculated by apportioning the cost of constructing park facilities to the number of residents generated by each type of new residential unit.

COMPARISON OF EXISTING AND PROPOSED FEES

The proposed fees are based on the currently identified park land standards, updated park development costs, updated General Plan build-out statistics and the methodology described in this Report. These factors will differ from the 1998 fee study, resulting in differences in the fees. For example, the 1998 fee study assumed a total construction cost of \$124,554 per acre; Coastland Civil Engineering estimates a 2010 cost of \$214,000 per acre. Table VIII-3 presents the existing fees and the proposed fees.

Table VIII-3: Existing and proposed Parks and Recreation Facilities Construction Fee

	Existing fee	Proposed fee	Unit of measurement
Single family residential	\$2,116	\$3,310	Unit
Multi-family residential	\$2,116	\$2,443	Unit
Mobile home	\$2,116	\$2,669	Unit

Source: City of Cloverdale; Municipal Resource Group

IX. ADMINISTRATION FEE

The Mitigation Fee Act and the Quimby Act require the City to comply with certain administrative requirements. The City currently imposes an Administration Fee equal to one percent of the nine fees that were addressed in the 1998 fee study, to recover the cost of compliance with applicable law. This Chapter describes the administrative requirements and proposes an updated Administration Fee.

MITIGATION FEE ACT REQUIREMENTS

The Mitigation Fee Act imposes certain administrative requirements on local agencies. Pursuant to Government Code Section 66005(a) of the Act, a City is authorized to recover the full cost of providing services that are funded by the mitigation fees. This includes recovery of administrative fees incurred in compliance with the Act. The procedural and administrative requirements include the following:

1. Analysis required to enact or modify a fee (Mitigation Fee Act Nexus Study)

In any action establishing, increasing, or imposing a fee as a condition of approval of a development project, the City shall cause a report to be prepared and make findings as follows:

- Identify the purpose of the fee.
- Identify the use to which the fee is to be put.
- Determine how there is a reasonable relationship between the fee's use and the type of development project upon which the fee is imposed.
- Determine how there is a reasonable relationship between the need for the public facility and the type of development project upon which the fee is imposed.
- Determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development project upon which the fee is imposed.

2. Notice and conduct a public hearing

Prior to adopting an ordinance, resolution, or other legislative enactment adopting a new fee or approving an increase in an existing fee, the City shall hold a public hearing, at which time oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published.

3. Accounting requirements

The City shall deposit the fees in a separate capital facilities account or fund in a manner to avoid any commingling of the fees with other revenues and funds of the City, and shall expend the fees solely for the purpose for which the fees are collected. Any interest income earned by money in the capital facilities account or fund shall also be deposited in that account or fund and shall be expended only for the purpose for which the fees were originally collected.

4. Annual reporting requirements; public hearing

For each separate account or fund established, the City shall, within 180 days after the last day of each fiscal year, make available to the public the following information for the fiscal year:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The beginning and ending balance of the account or fund, the amount of the fees collected and the interest earned.
- An identification of each public improvement upon which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if it is determined that sufficient funds have been collected to complete financing of an incomplete public improvement.
- A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made.
- The City shall review this information at the next regularly scheduled public meeting not less than 15 days after this information is made available to the public. Notice of the time and place of the meeting, including the address where this information may be reviewed, shall be mailed at least 15 days prior to the meeting to any interested party who files a written request with the local agency for mailed notice of the meeting.

5. Five year reporting requirements; public hearing

For the fifth fiscal year following the first receipt of fees, and every five years thereafter, the City shall make all of the following findings with respect to that portion of the account or fund remaining unexpended, whether committed or uncommitted:

- Identify the purpose to which the fee is to be put.
- Demonstrate a reasonable relationship between the fee and the purpose for which it is charged.
- Identify all sources and amounts of funding anticipated to complete financing for incomplete improvements.
- Designate the approximate dates on which the funding referred to above is expected to be deposited into the appropriate account or fund.

For purposes of these findings, the City shall hold a public hearing, at which oral or written presentations can be made, as part of a regularly scheduled meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published.

THE QUIMBY ACT

In addition to the analysis, notice, hearing, accounting and reporting requirements of the Mitigation Fee Act, the Quimby Act (as codified in the California Government Code, beginning with Section 66477) adds additional requirements that must be addressed by the City.

The City must adopt an ordinance meeting the following requirements:

- The ordinance must be in effect for 30 days prior to the filing of a tentative map for a subdivision subject to the dedication or in-lieu fee requirement.
- The ordinance must include definite standards for determining the proportion of a subdivision to be dedicated and the amount of the in-lieu fee. The amount of land to be dedicated and the fee must be based upon the density of each residential type.
- The park area per one thousand population must be derived from the ratio that the existing amount of park area bears to the existing population.

The City must also assure that the following conditions are met:

- The dedicated land, and the fees, may only be used for developing new parks or rehabilitating existing parks.

- The City must have an adopted general plan or specific plan containing policies and standards, and the park and recreational facilities must be in accordance with definite principles and standards.
- The amount and location of land to be dedicated and the fees to be paid must bear a reasonable relationship to the use of the park and recreational facilities for the future inhabitants of the subdivision.
- A schedule must be developed specifying how, when, and where the City will use the land or fees to develop park and recreational facilities.
- Fees collected must be committed within five years of payment, or the issuance of one-half of the lots created by the subdivision, whichever occurs later.

CAPITAL IMPROVEMENT PLANNING

Under the Mitigation Fee Act, the City may adopt a capital improvement plan, which shall indicate the approximate location, size, time of availability, and estimates of cost for all facilities or improvements to be financed with the fees. The capital improvement plan shall be adopted after a noticed public hearing, and shall be annually updated by a resolution of the City Council. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, shall be published. In addition, mailed notice shall be given to any city or county which may be significantly affected by the capital improvement plan.

PERIODIC REVIEW OF THE ADMINISTRATIVE FEE

The City shall conduct a periodic review of the costs associated with the Mitigation Fee Act program and the Quimby Act. The City may revise the fees periodically to reflect the full cost of the fee program.

ADMINISTRATION COSTS

City staff has estimated the one-time, annual and five-year costs of administering the fee programs and complying with the requirements of the Mitigation Fee Act and the Quimby Act, as described in this Chapter. The costs of administering the fee programs are summarized in Appendix G and Appendix H. The average annual cost of administering the fee programs is \$43,174. The total cost over the next fifteen years (build-out of the General Plan) is estimated at \$647,600.

CALCULATION OF THE FEE PER RESIDENT EQUIVALENT

The total cost to comply with the administrative requirements is \$647,600. The total number of future "resident equivalents" (residents plus employee resident equivalents) was determined to be 3,592 (Table II-1). Dividing the total cost by the total resident equivalents results in a cost per resident equivalent of \$180, as presented in Table IX-1.

Table IX-1: Administration Fee cost per resident equivalent

	Future development
Amount apportioned to future development (A)	\$647,600
Resident equivalents from future development (B)	3,592
Amount per resident equivalent (A divided by B)	\$ 180

Source: City of Cloverdale; Municipal Resource Group

CALCULATION OF THE FEE PER RESIDENTIAL UNIT

The mitigation fee will be imposed on each residential unit. To calculate the fee per unit, the cost per resident equivalent (\$180) is multiplied by the average number of residents per unit. Table IX-2 calculates the fee per residential unit by multiplying the residents per unit (from Table II-2) by the cost per resident equivalent (\$180).

Table IX-2: Administration Fee per residential unit

	Residents per unit	Cost per resident equivalent	Fee per unit
Single family unit	2.94	\$180	\$529
Multi-family unit	2.17	\$180	\$391
Mobile home unit	2.37	\$180	\$427

Source: City of Cloverdale, Municipal Resource Group

CALCULATION OF THE FEE PER 1,000 SQUARE FEET OF BUILDING SPACE

Table IX-3 calculates the fee per 1,000 square feet for future commercial and industrial developments by multiplying the number of resident equivalents per 1,000 square feet of building space (from Table II-2) by the cost per resident equivalent (\$180).

Table IX-3: Administration Fee per 1,000 square feet

	Resident equivalents/1,000 square feet	Cost per resident equivalent	Fee per 1,000 square feet
Commercial	.48	\$180	\$86
Industrial	.336	\$180	\$60

Source: City of Cloverdale, Municipal Resource Group

MITIGATION FEE ACT - FINDINGS

The Mitigation Fee Act requires a local agency considering an action establishing, increasing or imposing a fee to address the following procedural requirements.

1. *Identify the purpose of the fee.*

The purpose of the Administration Fee is to comply with the provisions and requirements of the Mitigation Fee Act and the Quimby Act, as stated in the California Government Code and as described in this Report. The Administration Fee supports the other fees described in this Report.

2. *Identify the use to which the fee is to be put.*

The proceeds from the fees will be used to prepare Mitigation Fee Act Studies, comply with the Mitigation Fee Act accounting requirements, prepare ordinances and resolutions implementing the fees, prepare annual and five-year reports, publish notices of meetings, and prepare Capital Improvement Plans. The proceeds will also be used to prepare a Quimby Act Study, adopt park and recreation standards in a General Plan, prepare ordinances and resolutions adopting the fee, account for the fees in a separate fund, and prepare schedules specifying how, when and where the fees will be used.

3. *The relationship between the fee's use and the type of development project upon which the fee is imposed.*

The fee will be applied to residential, commercial and industrial development projects. Residential, commercial and industrial developments will generate new demands for City services. The Administration Fee supports the implementation of other City of Cloverdale Mitigation Fee Act programs and the Quimby Act in-lieu fee program that are necessary to address and mitigate the additional impacts and demands created by these residential and non-residential development projects.

4. *The relationship between the need for the community facility and the type of development project upon which the fee is imposed.*

The fee will be applied to single family residential, multi-family residential, mobile home, commercial and industrial development projects. These types of development projects generate new residents and new employees in the community. The Administration Fee supports the implementation of other Mitigation Fee Act program and

Quimby Act in-lieu fees that are necessary to address and mitigate the additional impacts and demands created by these residential and non-residential development projects. The proceeds from the fee will be used to address the service and facility demands of the new residents and employees.

5. *The relationship between the amount of the fee and the cost of the community facility or portion of the community facility attributable to the development project upon which the fee is imposed.*

The fee has been calculated by apportioning the cost of administering the fee programs to the number of residents generated by each type of new residential unit, and to the "resident equivalent" of each employee generated by commercial and industrial development projects. The estimated cost of administering the fee programs, which will serve existing and future development projects, has been allocated proportionately.

COMPARISON OF EXISTING AND PROPOSED FEES

The proposed fees are based on the currently identified costs of administering the requirements of the Mitigation Fee Act and the Quimby Act, using updated General Plan build-out statistics and the methodology described in this Report. These factors may differ from the 1998 study that initially established the fee. Table IX-4 presents the existing fees and the proposed fees.

Table IX-4: Existing and proposed Administration Fee

	Existing fee	Proposed fee	Unit of measurement
Single family residential	\$177	\$529	Unit
Multi-family residential	\$177	\$391	Unit
Mobile home	\$177	\$427	Unit
Commercial	\$111	\$ 86	1,000 square feet
Industrial	\$111	\$ 60	1,000 square feet

Source: City of Cloverdale; Municipal Resource Group

X. ANNUAL FEE ADJUSTMENT

One of the challenges in administering a mitigation fee program is that the cost of land and the cost of construction will either increase or decrease over time, while the fees remain static, unless reviewed annually by the public agency. Many public agencies address this issue by including an annual adjustment in the resolution adopting the fees. The annual adjustment typically occurs during each of the four years immediately following the adoption of the fee. In the fifth year, a comprehensive analysis is typically conducted to adjust the fee for construction costs, land costs or other factors.

LAND VALUE ADJUSTMENT

Several different methods can be used to adjust land values. Some agencies conduct an annual land appraisal. Others conduct an Assessor's Office records research for recent land sales. Still others use publicized indices, such as a consumer price index. The City may choose any one of these measures, or an alternate measure, as long as the index reasonably reflects land values.

This Report recommends applying an annual consumer price index adjustment to the Quimby Act in-lieu fee and the Park Land Acquisition Fee for non-Quimby Act development projects, and reviewing actual land valuations on a periodic basis. It is proposed that the fee resolution include the following fee adjustment clause:

"The Quimby Act in-lieu fee and the Park Land Acquisition Fee adopted in 2011 are based on an estimate of the value of land suitable for park purposes in 2010. The City Manager is authorized and shall adjust these fees annually, beginning January 1, 2012, by the percentage change in the Consumer Price Index – All Urban Consumers – San Francisco–Oakland–San Jose, CA, based on the change in that Index from December, 2010 to December in the year immediately preceding the adjustment. The City Manager shall periodically review the actual land value for land suitable for park purposes, and if such land value varies significantly from the Consumer Price Index adjusted fees, the City Manager shall propose that the City Council adjust the fees to reflect the actual land value."

CONSTRUCTION COST ADJUSTMENT

Several different methods can be used to adjust construction costs; however, most agencies use the Engineering News Record - Construction Cost Index (ENR-CCI) to adjust fees on an annual basis. The ENR-CCI is a twenty-city average of labor and materials costs. It is similar to a consumer price index, but one that is designed to reflect changing construction costs

only. It is recommended that the resolution adopting each fee program that is based on construction costs include the following fee adjustment clause: "All City of Cloverdale Development Impact Fees, except the Quimby Act In-Lieu fee and the Park Land Acquisition Fee ("applicable fees"), are based on facility costs estimated in 2010. The City Manager is authorized and shall adjust the applicable fees annually, beginning on January 1, 2012, by the percentage change in the Engineering News Record Construction Cost Index - 20 City Average, based on the change in that Index from December, 2010 to December in the year immediately preceding the adjustment. The City Manager shall periodically review actual facility construction costs, and if such costs vary significantly from the Engineering News Record - Construction Cost Index adjusted fees, the City Manager shall propose that the City Council adjust the fees to reflect the actual facility construction costs."

	Existing Development - 2010	Future Development: 2010-2025	Projected Development - 2025
Commercial square feet ¹	501,375	232,345	733,720
Industrial square feet ¹	748,036	346,650	1,094,686
Total non-residential square feet	1,249,411	578,995	1,828,406
Employees ²	2,050	950	3,000
Employee resident equivalents @ .24 employees per resident equivalent ³	492	228	720
Population ⁴	8,636	3,364	12,000
Resident equivalents	9,128	3,592	12,720
Attributable to existing and future development	72%	28%	100%

Notes:

- (1) Source: Cloverdale General Plan Update DEIR, Appendix 5, Table 5.
- (2) Source: ABAG Projections 2007; Cloverdale General Plan DEIR, Appendix 5, Table 5; 499 square feet/employee for office projects; 715 square feet/employee for industrial projects.
- (3) Source: Cloverdale General Plan Draft Environmental Impact Report, Chapter 7, Table III-2.
- (4) Source: California Department of Finance - January 1, 2010; Cloverdale General Plan - 2025.

	Square Feet	Construction Cost	Soft Cost	Land Cost	Total Project Cost	Proportionality	Allocated to Future Development
Police Headquarters Building ¹	13,056	\$ 5,965,000	\$ 2,087,750	\$ 414,750	\$ 8,467,500	28%	\$ 2,370,900
Police Officer Equipment ²					\$ 27,600	100%	\$ 27,600
Police Vehicles ³					\$ 324,000	100%	\$ 324,000
Total Cost Attributable to Future Development							\$ 2,722,500

Notes:

- (1) Source: Facility cost - Ross Drulis Cusenbery; Land cost - City of Cloverdale, Municipal Resource Group.
- (2) Source: MRG; 1.75 officers/1,000 population; 3,364 additional population; \$4,600 equipment/officer.
- (3) Source: MRG; 1.75 officers/1,000 population; 3,364 additional population; 1 vehicle/officer; \$54,000/vehicle.

APPENDIX C1

Group 4 Architecture, Research + Planning, Inc.

CITY OF CLOVERDALE
City Hall Space Budget

Net to Department 10%
Department to Gross 20%

Space	Staff	Unit SF	Qty	Area SF	Notes
OFFICES					
Exec office	8	175	8	1,400	
Professional	8	110	8	880	
Admin/reception (open)	4	90	4	360	
Council work/meeting		200	1	200	2 small workstations + work table
Counter (clerk)		40	1	40	
Waiting area		30	8	240	
Secure counting/vault		100	0	-	
Print/fax station		50	2	100	
Files		10	20	200	
Storage - supplies		60	2	120	
Copy/work area		50	2	100	
Conference room (large)		400	1	400	
Conference room (med)		300	1	300	
Conference room (sm)		180	1	180	
	20			4,520	Net
				5,000	Department
SUPPORT					
Public restrooms		400	1	400	
Staff shower		100	1	100	
Custodial		50	2	100	
Satellite storage		200	1	200	
Lounge/break room		150	1	150	
Mailroom		200	1	200	
	-			1,150	Net
				1,300	Dept.
COUNCIL					
Lobby/gallery		300	1	300	25% of seating
Display/announcements		100	1	100	
Dais		500	1	500	
Public seating		12	100	1,200	
Storage		200	1	200	
	-			2,300	Net
				2,500	Dept.
TOTAL CITY HALL/COUNCIL CHAMBERS BUILDING	20 staff			8,800	DEPT
				11,000	GROSS
SITE ELEMENTS					
Parking @ 400 SF per space	40	spaces		16,000	
Landscaping				1,800	
Hardscape				600	
Plaza				2,000	
Building footprint				11,000	
Total Site Area				31,400	SF

COST MODEL

1/14/2011

PROJECT DATA

Gross SF	11,000 GSF
Footprint	11,000 GSF
On-Site Parking Total	20 spaces
Surface Spaces**	20 spaces
Site Area	23,400 sf
Building Footprint	11,000 SF
Plaza(s)	2,000 SF
Hardscape	600 SF
Ornamental	1,800 SF
Parking	8,000 SF

* Cost/SF amount provided by the City of Cloverdale

** 20 additional spaces to be shared parking.

BUILDINGS AND SITE

Construction Hard Costs	Units/SF Area	Unit Cost	Project Cost
Demolition	-	#REF!	
Site Clearing and Grading	15,400	\$1 / GSF	\$15,400
Site Utilities Allowance	1	\$200,000 LS	\$200,000
New Construction			
Building - City Hall + Council Chambers*	11,000	\$348 / GSF	\$3,828,000
Site - Landscape/Hardscape	4,400	\$10 / GSF	\$44,000
FF&E and Technology			
Furnishings, Fixtures & Equipment	11,000	\$30 / GSF	\$330,000
Technology	11,000	\$25 / GSF	\$275,000
Design Contingency		10%	\$469,300
Hard Cost Contingency		10%	\$469,300
Total Hard Cost Budget			\$5,631,000

Design, Engineering & Const. Mgmt. (% of construction cost)	25%	\$1,408,000
City Permits & Fees (% of construction cost)	1%	\$49,000
Moving Costs/Miscellaneous (% of construction cost)	1%	\$49,000
Total Soft Cost Budget		\$1,506,000

Unescalated Building Budget \$7,137,000

PARKING

Construction Hard Costs	Units/SF Area	Unit Cost	Project Cost
Site Clearing and Grading	8,000	\$1 / GSF	\$8,000
Surface Parking	8,000	\$10 / GSF	\$80,000
Contingencies			
Design Contingency		5%	\$6,500
Hard Cost Contingency		10%	\$6,500
Subtotal - Construction Hard Cost			\$101,000

Soft Costs

Design, Engineering & Const. Mgmt. (% of construction cost)	25%	\$25,000
City Permits & Fees (% of construction cost)	1%	\$1,000
Moving Costs/Miscellaneous (% of construction cost)	0%	\$0
Total Soft Cost Budget		\$26,000

Unescalated Parking Budget \$127,000

Unescalated Total Budget \$7,264,000

	Square Feet	Construction Cost	Soft Cost	Land Cost	Total Project Cost	Proportionality	Allocated to Future Development
City Hall ¹	11,000	\$ 5,732,000	\$ 1,532,000	\$ 218,431	\$ 7,482,431	28%	\$ 2,095,081

Notes:

(1) Source: Facility cost - Group 4 Architecture, Research + Planning, Inc., and City of Cloverdale; Land cost - City of Cloverdale, MRG.

	Square Feet	Construction Cost	Soft Cost	Land Cost	Total Project Cost	Proportionality	Allocated to Future Development
Corporation Yard ¹	25,000	\$ 2,036,800	included	n/a	\$ 2,036,800	28%	\$ 570,304

Notes:

(1) Source: Facility cost; Winsler and Kelly (1995); Coastland Civil Engineering (2002, 2010).

	Acres	Construction Cost per Acre ²	Soft Cost per Acre ²	Total Project Cost ²	Proportionality	Allocated to Future Development
Neighborhood and community parks ¹	16.82	\$ 160,000	\$ 54,000	\$ 3,599,480	100%	\$ 3,599,480
Skate park	0.25		\$	\$ 643,200	28%	\$ 180,096
Dog park	0.25		\$	\$ 28,700	28%	\$ 8,036
						\$ 3,787,612

Notes:

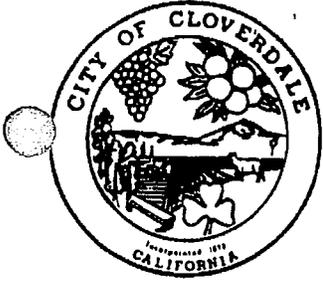
- (1) Based of 5 acres per thousand residents; 3,364 future residents
- (2) Source: Coastland Civil Engineering.

MITIGATION FEE ACT REQUIREMENTS	One-time Cost	Annual Cost	5-Year Cost	Average Annual Cost	Total Cost 2010 - 2025
<u>Mitigation Fee Studies (two studies)</u>					
Prepare nexus studies	\$ 45,130			\$ 3,009	\$ 45,130
Publish notice of hearing to consider nexus Studies	\$ 200			\$ 13	\$ 200
Prepare ordinances/resolutions to adopt fees	\$ 2,000			\$ 133	\$ 2,000
Conduct public hearing (staff time)	\$ 800			\$ 53	\$ 800
Annual fee adjustment		\$ 500		\$ 500	\$ 7,500
<u>Accounting Requirements (% of Finance Department Budget)</u>		\$ 25,000		\$ 25,000	\$ 375,000
Maintain separate accounts or funds					
Deposit fees into separate accounts or funds					
Allocate interest to separate accounts or funds					
Expend monies out of separate accounts or funds					
<u>Annual Reporting Requirements</u>		\$ 1,600		\$ 1,600	\$ 24,000
Prepare an annual report for each separate account or fund:					
- Brief description of the fee					
- Amount of the fee					
- Beginning & ending balance					
- Identify expenditures on each improvement					
- Identify % of expenditure funded with fees					
- Identify date of construction for each improvement					
- Describe interfund transfers/loans					
- Describe refunds					
Mail notice of meeting to interested parties		\$ 200		\$ 200	\$ 3,000
Present annual report at public meeting (staff time)		\$ 800		\$ 800	\$ 12,000
<u>Five-year Reporting Requirements</u>			\$ 1,600	\$ 533	\$ 8,000
Prepare report and make findings:					
- Identify purpose for the fee					
- Demonstrate relationship between the fee and the purpose					
- Identify sources and amounts needed to complete the improvements					
- Designate date funding will be available					
Publish notice of hearing		\$ 200		\$ 67	\$ 1,000
Conduct public hearing (staff time)		\$ 800		\$ 267	\$ 4,000
<u>Annual Capital Improvement Planning</u>		\$ 2,000		\$ 2,000	\$ 30,000
Prepare CIP (10% of CIP preparation cost allocated to Administration Fee)	\$	\$ 1,000		\$ 1,000	\$ 15,000
Prepare resolution adopting the CIP			\$ 200	\$ 67	\$ 1,000
Publish notice of hearing			\$ 800	\$ 267	\$ 4,000
Conduct public hearing (staff time)					
				\$ 35,509	\$ 532,630

Notes:
Source: City of Cloverdale

QUIMBY ACT REQUIREMENTS	One-time Cost	Annual Cost	Average Annual Cost	Total Cost 2010 - 2015
<u>General Plan</u>				
Adopt General Plan standards for parks and recreation	\$ 25,000		1,667	\$ 25,000
<u>Quimby Act Study</u>				
Prepare Quimby Act Study	\$ 3,470		231	\$ 3,470
Publish notice of hearing to consider Quimby Act Study	\$ 200		13	\$ 200
Prepare ordinances/resolutions	\$ 1,000		67	\$ 1,000
Conduct public hearing (staff time)	\$ 800		53	\$ 800
Annual fee adjustment		\$ 500	500	\$ 7,500
<u>Prepare schedule specifying uses of the fees</u>				
How the land will be used	\$ 2,000		133	\$ 2,000
When the fees will be used				
Where the fees will be used				
<u>Accounting Requirements (% of Finance Department Budget)</u>				
Maintain separate accounts or funds		\$ 5,000	5,000	\$ 75,000
Commit fees within five years (annual analysis)				
			<u>7,665</u>	<u>\$ 114,970</u>

Notes:
 Source: City of Cloverdale



CITY OF CLOVERDALE

P. O. Box 217 • 124 North Cloverdale Blvd., Cloverdale, California 95425

October 16, 1992

APPROVED FOR

CITY COUNCIL AGENDA

File: CCSR 35:92 10-21-92

Date: _____
[Signature]
City Manager

TO: MEMBERS, CITY COUNCIL

FROM: PLANNING DIRECTOR *[Signature]*

MEETING DATE: OCTOBER 28, 1992

SUBJECT: SECOND READING OF DEVELOPMENT FEE ORDINANCE AND ADOPTION OF RESOLUTION CREATING FEE PROGRAM

BACKGROUND

At the City Council meeting of October 14, a public hearing and first reading of an ordinance adopting a "Development Fee Program" was conducted. The Staff Report submitted to the City Council on this item is attached for review. The ordinance (No. 465-92) amends the City Municipal Code in establishing a development impact fee to fund public facilities. Such a fee would be applied to all new developments and at the time of issuing the Building Permit.

The second and final step to adopt this "Development Fee Program" is the approval of a resolution incorporating these fees into our City master fee program. The development fee program addresses such public facilities as:

- Street and Thoroughfare System
- Water Distribution, Treatment and Storage
- Police Facilities and Equipment
- General City Facilities (Civic/Corp Yard)
- Storm Drainage
- Sewer Treatment
- Fire Facilities and Equipment
- Parks and Recreation

In developing this program, it was the intent of the City that the cost of expanding these facilities would be shared among the beneficiaries of these facilities. In the case where the existing population creates a need for a facility or where an existing facility is substandard, the cost associated with this "City Share" was to be borne by the City on behalf of current residents.

RECOMMENDATION

Staff recommends that the Council conduct the second reading of this ordinance and adopt the attached resolution in support of the fee program.

**CITY OF CLOVERDALE
CITY COUNCIL
ORDINANCE NO. 465-92**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE
AMENDING TITLE 17, CHAPTER 17.20 OF THE MUNICIPAL CODE
ESTABLISHING A DEVELOPMENT IMPACT FEE FOR PUBLIC FACILITIES FOR
ALL NEW DEVELOPMENTS WITHIN THE CITY OF CLOVERDALE**

The City Council of the City of Cloverdale does hereby ordain as follows:

Part 1

Sections 17.20.180 to 17.20.250 are added to the Cloverdale Municipal code to read as follows:

Section 17.20.180. Findings:

The City Council of the City of Cloverdale finds that continued development in the City has or will result in an increased use of certain public facilities with the result that certain facilities are now overburdened and extended beyond their capacity, or will become so if development continues. As a result of development there is a need to expand the capacities of certain public facilities. The fees required by this section are found and declared to be necessary for the substantial preservation of the public health, safety, and general welfare by causing new development to pay the cost of the construction of the public facilities required to mitigate their development impact demands.

Section 17.20.190. Purpose:

In order to implement the goals and objectives of the City of Cloverdale's public facility standards contained in various infrastructure master plans and to mitigate the impacts caused by new development in the City of Cloverdale on such facilities as street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities (civic center and corporation yard), and parks and recreation.

The City Council has determined that a public facilities development impact fee is needed in order to finance these public facility improvements and to pay for the development's equitable share of the construction costs of these improvements. In establishing the fee described in the following Sections, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the Housing Element of the General Plan.

Section 17.20.200. Benefit Area:

A public facilities development impact fee for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities (civic center and corporation yard), and parks and recreation is hereby established on issuance of all ("building permits," "subdivision maps," etc.) for development in the City of Cloverdale to pay for necessary public facility improvements. The City Council shall, in a Council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between this fee and the various types of new developments as set forth in the fee resolution, and describe in the fee resolution, this

public facilities development fee shall be paid by each developer either prior to issuance of a building permit or at such time as deemed appropriate by the City.

On an at least annual basis, the City Council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public facilities are still needed. In addition, the public facilities development impact fee will be updated annually to reflect changes in the Engineering News Record (ENR) Construction Index, changes in land use information or as more refined public facility master plans are prepared and approved.

Section 17.20.210. Limited Use of Fees:

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

(a) pay for the City's future construction of facilities described in the resolution enacted pursuant to Section 17.20.190 above, or to reimburse the City for those described or listed facilities constructed by the City with funds advanced by the City from other sources, or

(b) reimburse developers who have been required or permitted by Section Section 17.20.210., to install such listed facilities which are oversized with supplemental size, length, or capacity.

Section 17.20.220. Developer Construction of Facilities:

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to Section 2 which facility is determined by the City to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and/or a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, shall be considered. The reimbursement amount shall not include the portion of the improvement needed to provided services or mitigate the need for the facility or the burdens created by the development.

Section 17.20.230. Fee Adjustments:

A developer of any project subject to the fee described in Section 17.20.190. may apply to the City Manager, or his designee, for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type of facilities to be financed. The application shall be made in writing and filed with the City Manager no later than; (1) ten days prior to the public hearing on the development permit application for the project, or (2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment. The City Manager, or his designee, shall consider the application within 30 days after the filing of the fee adjustment application and make a written determination. The decision of the City Manager, or his designee, can be appealed to the City Council and must be completed in the standard City appeal process as specified by City Municipal Code. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.

Section 17.20.240 Severance Clause:

The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance (singularly and collectively referred as "provision" and "provisions," respectively) is severable and independent of every other provision of this Ordinance. If any provision of this Ordinance is held to be invalid, the City Council declares that it would have adopted the remaining provisions of this Ordinance irrespective of the provision or provisions held invalid, and further declares its express intent that the remaining provisions of this Ordinance should remain in effect after the invalid provision has been eliminated.

Section 17.20.250. Effective Date:

This ordinance was adopted at a noticed public hearing, at which time the Council also considered the initial "Public Facilities Development Impact Fee Resolution", which resolution and associated studies were available to the general public for a period of at least 14 days prior to the public hearing. This fee shall apply to the issuance of any building permit, for any development issued 60 days following this ordinance's passage and for all other types of development 30 days following its passage. The ordinance shall be published once with 15 days of its adoption in a newspaper of general circulation within the City of Cloverdale.

Upon the date of effective adoption of this ordinance, the effect of City resolution #14-91, which requires all development projects to be subject to the payment of future interim development fees through the execution of an agreement, shall become null and void.

INTRODUCED by the City Council of the City of Cloverdale, on the 14th day of October 1992 and passed and adopted by the City Council of the City of Cloverdale at an adjourned regular meeting thereof held on the 28th day of October, 1992 by the following roll call vote:

AYES in favor of:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTESTED:

Thomas Reed Sink, Mayor

Michele Winterbottom, City Clerk

23
RESOLUTION NO. -92

12
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE ESTABLISHING A PUBLIC FACILITIES DEVELOPMENT IMPACT FEE FOR ALL DEVELOPMENTS WITHIN THE CITY OF CLOVERDALE AND FUTURE ANNEXATIONS CONTAINED WITH THE GENERAL PLAN STUDY AREA

WHEREAS, the City Council of the City of Cloverdale has adopted Ordinance No. -92 creating and establishing authority for imposing and charging a Public Facilities Impact Fee; and

WHEREAS, study of the impacts of contemplated future development on existing public facilities in the City of Cloverdale, along with an analysis of the need for new public facilities and improvements required by new development was conducted, and said study set forth the relationship between new development, the needed facilities, and the estimated costs of those improvements. The study, entitled "Interim Development Impact Fee for Public Facilities" further referenced and attached as Exhibit "A", was prepared by Willdan Associates and Coastland Civil Engineering, and is dated September, 1992; and which references and incorporates information and data from master plans and studies, including, but not limited to the following:

- Water and Sewer Master Plans, February 1992
- Traffic Impact Fee Study, September 1992
- Police and Fire Master Needs Assessment, January 1992
- 1992 Cloverdale General Plan, August 1992

WHEREAS, the "Interim Development Impact Fee for Public Facilities Study" and other aforementioned studies were available for public inspection and review fourteen (14) days prior to this public hearing; and

WHEREAS, the City Council finds as follows:

- A. The purpose of this fee is to finance street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities (civic center and corporation yard), and parks and recreation facilities to reduce the impacts caused by new development, within the City of Cloverdale.
- B. The Public Facilities Development Impact Fees collected pursuant to this resolution shall be used to finance only the public facilities described or identified in Exhibit "A",
- C. After considering the study and analysis prepared by Willdan Associates and Coastland Civil Engineering entitled "Interim Development Impact Fee for Public Facilities", and the testimony received at this public hearing, the Council approves said study and reference material, and incorporates such herein, and further finds that the new development in the City of Cloverdale will generate additional demands for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities within the City of Cloverdale and will contribute to the degradation of these facilities;
- D. There is a need in this described impact area for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general city facilities (civic center and corporation yard), and parks and recreation which have not been constructed or have been constructed, but new development has not contributed its fair share towards these facility costs and said facilities have been called for in or are consistent with the City's adopted infrastructure master plans;

E. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described in paragraph 3 below, for which the corresponding fee is charged, and, also there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexus are in more detail described in the study referred to above;

F. The cost estimates set forth in Exhibit "A" are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by new development will not exceed the total of the costs.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Cloverdale that:

1. Definitions.

(a) "New development" shall mean construction of "residential improvements, original construction of commercial, industrial or other non-residential improvements, or the addition of floor space to existing improvements".

2. A Public Facilities Development Impact fee shall be charged upon issuance of any "building permit" unless other City provisions allow for the collection of all or a portion of the fee at an earlier time. The City (person to be responsible for collection or determination of the fee) shall determine if the development lies within this benefit area, the type of development and the corresponding fee to be charged in accordance with this resolution.

3. The Public Facilities Development Impact fee for development, residential and non-residential, shall be paid in accordance to the table shown on the following table:

SUMMARY FEES PER FACILITY			
	Land Use	Fee Per Unit/Acre	
1.	Street and Thoroughfare system	Single Family 4 BR	1,763
		Single Family 3 BR	1,434
		Single Family 2 BR	1,141
		Multi-family 4 BR	1,417
		Multi-Family 3 BR	1,106
		Multi-Family 2 BR	795
		Senior Housing	691
		Downtown Commercial (Per 1,000 sf)	2,125
		Service commercial (Per 1,000 sf)	2,264
		Destination Commercial (Per 1,000 sf)	2,125
		General Industrial (Per 1,000 sf)	1,693
		Public (Per acre)	3,888
		Business Park (Per 1,000 sf)	2,678
		Mixed Use Commercial (Per 1,000 sf)	2,125
Airport (Per acre)	1,123		

SUMMARY FEES PER FACILITY				
		Land Use	Fee Per Unit/Acre	
2.	Storm Drainage	Single Family	694	
		Multi Family	424	
		Commercial/Industrial (Per Ac.)	7,762	
3.	Water	Single Family	1,224	
		Multi Family	1,224	
		Commercial/Industrial (Per ac.)	3,832	
4.	Sewer	Single Family	1,671	
		Multi-Family	1,667	
		Commercial/Industrial (Per Ac.)	5,671	
5.	Public Safety			
		• Police	Residential	636
			Commercial/Industrial (per sf)	400
		• Fire	Residential	721
		Commercial/Industrial (per sf)	451	
6.	General City			
		• Civic Center	Per EDU	210
		• Corporation Yard		815
7.	Parks and Recreation	Residential	1,190	
8.	Administration	Per EDU	118	

4. Use of Fee. The fee shall be solely used to pay; (1) for the described public facilities to be constructed by the City; (2) for reimbursing the City for the development's fair share of those capital improvements already constructed by the City; or (3) to reimburse other developers who have constructed public facilities described in Exhibit "A" attached hereto, where those facilities were beyond that needed to mitigate the impacts of the other developers' project or projects.

5. Fee Review. At least annually as part of the City's budget process, the City shall review the estimated cost of the described public facility improvements, the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The City shall report its findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed.

INTRODUCED by the City Council of the City of Cloverdale, on the * day of *, 1992 and passed and adopted by the City Council of the City of Cloverdale at an adjourned regular meeting thereof held on the * day of *, 1992 by the following roll call vote:

AYES in favor of:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTESTED:

Thomas Reed Sink, Mayor

Michele Winterbottom, City Clerk

RESOLUTION NO.83-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE ESTABLISHING A PUBLIC FACILITIES DEVELOPMENT IMPACT FEE FOR ALL DEVELOPMENTS WITHIN THE CITY OF CLOVERDALE AND FUTURE ANNEXATIONS CONTAINED WITH THE GENERAL PLAN STUDY AREA

WHEREAS, the City Council of the City of Cloverdale has adopted Ordinance No.465-92 creating and establishing authority for imposing and charging a Public Facilities Impact Fee; and

WHEREAS, study of the impacts of contemplated future development on existing public facilities in the City of Cloverdale, along with an analysis of the need for new public facilities and improvements required by new development was conducted, and said study set forth the relationship between new development, the needed facilities, and the estimated costs of those improvements. The study, entitled "Interim Development Impact Fee for Public Facilities" further referenced and attached as Exhibit "A", was prepared by Willdan Associates and Coastland Civil Engineering, and is dated September, 1992; and which references and incorporates information and data from master plans and studies, including, but not limited to the following:

- Water and Sewer Master Plans, February 1992
- Traffic Impact Fee Study, September 1992
- Police and Fire Master Needs Assessment, January 1992
- 1992 Cloverdale General Plan, August 1992

WHEREAS, the "Interim Development Impact Fee for Public Facilities Study" and other aforementioned studies were available for public inspection and review fourteen (14) days prior to this public hearing; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to finance street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities (civic center and corporation yard), and parks and recreation facilities to reduce the impacts caused by new development, within the City of Cloverdale.

B. The Public Facilities Development Impact Fees collected pursuant to this resolution shall be used to finance only the public facilities described or identified in Exhibit "A",

C. After considering the study and analysis prepared by Willdan Associates and Coastland Civil Engineering entitled "Interim Development Impact Fee for Public Facilities", and the testimony received at this public hearing, the Council approves said study and reference material, and incorporates such herein, and further finds that the new development in the City of Cloverdale will generate additional demands for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities within the City of Cloverdale and will contribute to the degradation of these facilities;

D. There is a need in this described impact area for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general city facilities (civic center and corporation yard), and parks and recreation which have not been constructed or have been constructed, but new development has not contributed its fair share towards these facility costs and said facilities have been called for in or are consistent with the City's adopted infrastructure master plans;

E. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described in paragraph 3 below, for which the corresponding fee is charged, and, also there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexus are in more detail described in the study referred to above;

F. The cost estimates set forth in Exhibit "A" are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by new development will not exceed the total of the costs.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Cloverdale that:

1. Definitions.

(a) "New development" shall mean construction of "residential improvements, original construction of commercial, industrial or other non-residential improvements, or the addition of floor space to existing improvements".

2. A Public Facilities Development Impact fee shall be charged upon issuance of any "building permit" unless other City provisions allow for the collection of all or a portion of the fee at an earlier time. The City (person to be responsible for collection or determination of the fee) shall determine if the development lies within this benefit area, the type of development and the corresponding fee to be charged in accordance with this resolution.

3. The Public Facilities Development Impact fee for development, residential and non-residential, shall be paid in accordance to the table shown on the following table:

SUMMARY FEES PER FACILITY		
	Land Use	Fee Per Unit/Acre
1.	Street and Thoroughfare system	
	Single Family 4 BR	1,763
	Single Family 3 BR	1,434
	Single Family 2 BR	1,141
	Multi-family 4 BR	1,417
	Multi-Family 3 BR	1,106
	Multi-Family 2 BR	795
	Senior Housing	691
	Downtown Commercial (Per 1,000 sf)	2,125
	Service commercial (Per 1,000 sf)	2,264
	Destination Commercial (Per 1,000 sf)	2,125
	General Industrial (Per 1,000 sf)	1,693
	Public (Per acre)	3,888
	Business Park (Per 1,000 sf)	2,678
Mixed Use Commercial (Per 1,000 sf)	2,125	
Airport (Per acre)	1,123	

**SUMMARY
FEES PER FACILITY**

		Land Use	Fee Per Unit/Acre	
2.	Storm Drainage	Single Family	694	
		Multi Family	424	
		Commercial/Industrial (Per Ac.)	7,762	
3.	Water	Single Family	1,224	
		Multi Family	1,224	
		Commercial/Industrial (Per ac.)	3,832	
4.	Sewer	Single Family	1,671	
		Multi-Family	1,667	
		Commercial/Industrial (Per Ac.)	5,671	
5.	Public Safety			
		• Police	Residential	636
			Commercial/Industrial (per sf)	400
		• Fire	Residential	721
		Commercial/Industrial (per sf)	451	
6.	General City			
		• Civic Center	Per EDU	210
	• Corporation Yard		815	
7.	Parks and Recreation	Residential	1,190	
8.	Administration	Per EDU	118	

4. Use of Fee. The fee shall be solely used to pay; (1) for the described public facilities to be constructed by the City; (2) for reimbursing the City for the development's fair share of those capital improvements already constructed by the City; or (3) to reimburse other developers who have constructed public facilities described in Exhibit "A" attached hereto, where those facilities were beyond that needed to mitigate the impacts of the other developers' project or projects.

5. Fee Review. At least annually as part of the City's budget process, the City shall review the estimated cost of the described public facility improvements, the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The City shall report its findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed.

Resolution No. 83-92 was duly authorized on this 28th day of October, 1992 by the following roll call vote: (5-0)

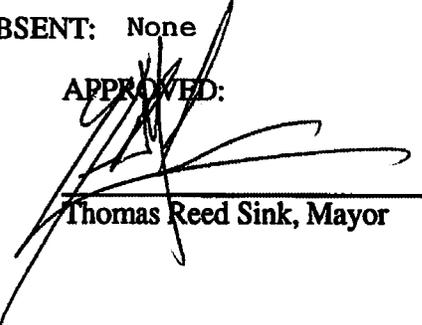
AYES in favor of: Councilmembers Teague, Pell, Doble, Chase and Mayor Sink

NOES: None

ABSTAIN: None

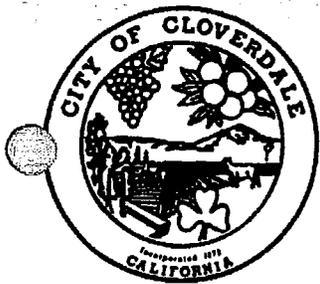
ABSENT: None

APPROVED:


Thomas Reed Sink, Mayor

ATTESTED:


Michele P. Winterbottom, City Clerk



11/12/92 Pactor
Tie to Boy Bros Index

Telephone (707) 894-2521

CITY OF CLOVERDALE

P. O. Box 217 • 124 North Cloverdale Blvd., Cloverdale, California 95425

October 7, 1992

APPROVED FOR

CITY COUNCIL AGENDA

File: CCSR 33:92

Date: 10-9-92

[Signature]
City Manager

TO: MEMBERS, CITY COUNCIL

FROM: PLANNING DIRECTOR *[Signature]*

MEETING DATE: OCTOBER 14, 1992

SUBJECT: ADOPTION OF ORDINANCE TO CREATE CITY-WIDE DEVELOPMENT FEE PROGRAM FOR PUBLIC FACILITIES

SUMMARY

The creation of a fee program which equitably assigns the cost of constructing public facilities to new development has been considered a high priority by the City. Policy statements within the 1992 General Plan formulate a position that the City's public facilities are severely constrained and any new development should be paced with the expansion of such facilities. To this end, the City embarked on a series of studies to identify the future facility needs of the community when measured against the level of growth projected in the 1992 General Plan. The City further retained the firm of Willdan Associates to compile the data from these studies, examine our growth projections, and develop a fee program which meets all legal requirements under State law. The fee program has been completed and is ready for Council consideration.

BACKGROUND

In December 1991, the City entered into an agreement with Willdan Associates to prepare a City-wide fee program. Willdan Associates was required to determine the facility needs based upon the impact of new development, identify the cost of these facilities and to calculate an appropriate and equitable set of development fees. The development fee program was to examine and address such public facilities as:

- Street and Thoroughfare System
- Water Distribution, Treatment and Storage
- Police Facilities and Equipment
- General City Facilities (Civic/Corp Yard)
- Storm Drainage
- Sewer Treatment
- Fire Facilities and Equipment
- Parks and Recreation

In developing this program, it was the intent of the City that the cost of expanding these facilities would be shared among the beneficiaries of these facilities. In the case where the existing population creates a need for a facility or where an existing facility is substandard, the cost associated with this "City Share" was to be borne by the City on behalf of current residents.

The work program charged to the consultant was:

- Analyze and project the need for the city facilities listed above.
- Identify/Recommend facility standards.
- Develop a specific methodology for assessing fees.
- Calculate a schedule of development fees.

The development impact fee program was to be based on the estimated cost of the City-identified public facilities distributed between existing and future development. The basis for determining the difference between existing and future development was tied to the data collected in the 1992 General Plan update.

To determine the future facility needs for the community, the consultant relied on a number of facility master plans that the City had prepared. In anticipation of the need for a solid Capital Improvement Program (CIP), the City directed the revision or completion of a number of master facility plans. The facility needs identified within these master plans were tied to the growth projections and impacts described within the "Preferred Alternative" of the 1992 General Plan.

The consultant used information from such master plans including:

- Traffic Impact Fee Study for Police and Fire Master Plans, TJKM Transportation Consultants, September 1992
- Police and Fire Master Needs Assessment, Hughes, Heiss and Associates, January 1992
- Water Master Plan Update, Brelje and Race, 1991
- Trunk Sewer and Sewer Treatment Plant Master Plans, Brelje and Race, 1992
- Drainage Master Plan, Brelje and Race, 1970

The consultant proceeded with the preparation of this program, working closely with City Staff to obtain further information, or to clarify an issue when necessary. If growth is to occur, the public facilities needed to accommodate such development were fully outlined in the consultant's report. Once again, the point of population reference was the General Plan

update from which all of the master utility plans were based upon. The estimated cost of expanding these public facilities amounted to \$42,840,000 of which approximately \$5,680,000 can be attributed to existing developments share, and \$37,460,000 is the cost of facilities to support new development.

The consultant conducted a study session with the City Council on April 22, 1992 to highlight the purpose of the study and the methodology being applied. Numerous drafts of the program were submitted to City Staff and subsequently revised. In September, the consultant submitted a draft version of the development fee program entitled, "Interim Development Impact Fee for Public Facilities" which was approved by City Staff. A meeting was subsequently held on September 20 with members of the development community to discuss the results of this report. The report has been made available to the public and notice of such availability was mailed in early September.

This report is attached for your review. All of the other or master utility or specialized reports, such as the recently prepared "Traffic Mitigation Study", are available upon request from the Planning Department.

COMPARISON OF CLOVERDALE FEE PROGRAM TO OTHER COMMUNITIES

The report establishes nine separate fee categories, of which each are tied to a specific public facility such as sewer, water, public safety or parks. The current Cloverdale fee program has four fee categories consisting of sewer, water, thoroughfare and parks. All fees are payable at the time of submitting the Building Permit.

As it currently exists, the fee structure for Cloverdale is as follows:

Current Cloverdale Fee Program (for a Single Family Residence)

•Sewer	\$2,000
•Water	\$2,000
•Thoroughfare	\$150
•Parks`	<u>\$900</u>
Total	\$5,050

It is apparent from our studies that the fee program currently in place will not provide adequate funding to construct the level of public facilities which are needed to service future growth. The \$5,050 fee amount represents the lowest development fee package of any City in Sonoma County with the average for a single family residence estimated at around \$12,000.

The development fee package proposed by Willdan Associates sets the new total at approximately \$9,613 for a 3-bedroom, single family residence. The report lists the fees on Pages 8-9. This amount will still be the second lowest in Sonoma County, excepting for Rohnert Park; however, it should be noted that Rohnert Park charges an additional annexation fee (approximately \$34,000 an acre) not normally required by other Cities.

The fee program proposed by the consultant is viewed as an estimate based on the best available information. With further work anticipated on the General Plan (i.e. the Growth Management Plan) and a Capital Improvement Program (CIP), the impact fees may need to be revised. In addition, the City development impact fee program should be revised annually and updated as appropriate to ensure that the fees being collected are consistent with the cost of providing public facilities. The fee program is viewed as a dynamic tool for the City, which will need to be checked against future growth levels, community values and inflation rates.

PROCESS OF ADOPTING AN INTERIM DEVELOPMENT FEE PROGRAM

Government Code Section 6600 authorizes a City to impose fees on new development to fund public facilities that are impacted by or necessitated by such new development. The code requires that a City establish a reasonable relationship, or "nexus", between a development project and the public improvement for which a fee is charged.

The City has followed the steps outlined by AB 1600 to establish such a "nexus" and create the fee package proposed herein. To formally adopt such a program, the City is required to first enact an ordinance, which provides the legislative ability to create such a fee program. Secondly, the City needs to approve the fee program by resolution. Both the ordinance and resolution is attached for review; however, any action on the resolution should be deferred to the second reading of the ordinance.

RECOMMENDATION

Staff recommends that the Council take the following actions:

1. Allow for presentation by Staff and consultant.
2. Open and close public hearing on impact fee ordinance.
3. Hold first reading on impact fee ordinance.
4. Direct Staff to return with resolution establishing the development fee program at the next Council meeting.

DRAFT

**CITY OF CLOVERDALE
CITY COUNCIL ^{af65}
ORDINANCE NO. -92**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE AMENDING TITLE 17, CHAPTER 17.20 OF THE MUNICIPAL CODE ESTABLISHING A DEVELOPMENT IMPACT FEE FOR PUBLIC FACILITIES FOR ALL NEW DEVELOPMENTS WITHIN THE CITY OF CLOVERDALE

The City Council of the City of Cloverdale does hereby ordain as follows:

Part 1

Sections 17.20.180 to 17.20.250 are added to the Cloverdale Municipal code to read as follows:

Section 17.20.180. Findings:

The City Council of the City of Cloverdale finds that continued development in the City has or will result in an increased use of certain public facilities with the result that certain facilities are now overburdened and extended beyond their capacity, or will become so if development continues. As a result of development there is a need to expand the capacities of certain public facilities. The fees required by this section are found and declared to be necessary for the substantial preservation of the public health, safety, and general welfare by causing new development to pay the cost of the construction of the public facilities required to mitigate their development impact demands.

Section 17.20.190. Purpose:

In order to implement the goals and objectives of the City of Cloverdale's public facility standards contained in various infrastructure master plans and to mitigate the impacts caused by new development in the City of Cloverdale on such facilities as street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities (civic center and corporation yard), and parks and recreation.

The City Council has determined that a public facilities development impact fee is needed in order to finance these public facility improvements and to pay for the development's equitable share of the construction costs of these improvements. In establishing the fee described in the following Sections, the City Council has found the fee to be consistent with its General Plan and, pursuant to Government Code Section 65913.2, has considered the effects of the fee with respect to the City's housing needs as established in the Housing Element of the General Plan.

DRAFT

Section 17.20.200. Benefit Area:

A public facilities development impact fee for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities (civic center and corporation yard), and parks and recreation is hereby established on issuance of all ("building permits," "subdivision maps," etc.) for development in the City of Cloverdale to pay for necessary public facility improvements. The City Council shall, in a Council resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of these facilities, describe the reasonable relationship between this fee and the various types of new developments as set forth for payment. As describe in the fee resolution, this public facilities development fee shall be paid by each developer either prior to issuance of a building permit or at such time as deemed appropriate by the City.

On an at least annual basis, the City Council shall review this fee to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public facilities are still needed. In addition, the public facilities development impact fee will be updated annually to reflect changes in the Engineering News Record (ENR) Construction Index, changes in land use information or as more refined public facility master plans are prepared and approved.



Section 17.20.210. Limited Use of Fees:

The revenues raised by payment of this fee shall be placed in a separate and special account and such revenues, along with any interest earnings on that account, shall be used solely to:

(a) pay for the City's future construction of facilities described in the resolution enacted pursuant to Section 17.20.190 above, or to reimburse the City for those described or listed facilities constructed by the City with funds advanced by the City from other sources, or

(b) reimburse developers who have been required or permitted by Section 17.20.210., to install such listed facilities which are oversized with supplemental size, length, or capacity.

Section 17.20.220. Developer Construction of Facilities:

Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to Section 2 which facility is determined by the City to have supplemental size, length or capacity over that needed for the impacts of that development, and when such construction is necessary to ensure efficient and timely construction of

the facilities network, a reimbursement agreement with the developer and/or a credit against the fee, which would otherwise be charged pursuant to this ordinance on the development project, shall be considered. The reimbursement amount shall not include the portion of the improvement needed to provided services or mitigate the need for the facility or the burdens created by the development.

Section 17.20.230. Fee Adjustments:

A developer of any project subject to the fee described in Section 17.20.190. may apply to the City Manager, or his designee, for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the impacts of that development and either the amount of the fee charged or the type of facilities to be financed. The application shall be made in writing and filed with the City Manager no later than; (1) ten days prior to the public hearing on the development permit application for the project, or (2) if no development permit is required, at the time of the filing of the request for a building permit. The application shall state in detail the factual basis for the claim of waiver, reduction, or adjustment. The City Manager, or his designee, shall consider the application within 30 days after the filing of the fee adjustment application and make a written determination. The decision of the City Manager, or his designee, can be appealed to the City Council and must be completed in the standard City appeal process as specified by City Municipal Code. If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.

Section 17.20.240 Severance Clause:

The City Council declares that each section, subsection, paragraph, subparagraph, sentence, clause, and phrase of this Ordinance (singularly and collectively referred as "provision" and "provisions," respectively) is severable and independent of every other provision of this Ordinance. If any provision of this Ordinance is held to be invalid, the City Council declares that it would have adopted the remaining provisions of this Ordinance irrespective of the provision or provisions held invalid, and further declares its express intent that the remaining provisions of this Ordinance should remain in effect after the invalid provision has been eliminated.

Section 17.20.250. Effective Date:

This ordinance was adopted at a noticed public hearing, at which time the Council also considered the initial "Public Facilities Development Impact Fee Resolution", which resolution and associated studies were available to the general public for a period of at least 14 days prior to the public hearing. This fee shall apply to the issuance of any building permit, for any development issued 60 days following this ordinance's passage and for all other types of development 30 days following its passage. The ordinance shall be published once with 15 days of its adoption in a newspaper of general circulation within the City of Cloverdale.

Upon the date of effective adoption of this ordinance, the effect of City resolution #14-91, which requires all development projects to be subject to the payment of future interim development fees through the execution of an agreement, shall become null and void.

INTRODUCED by the City Council of the City of Cloverdale, on the * day of *, 199* and passed and adopted by the City Council of the City of Cloverdale at an adjourned regular meeting thereof held on the * day of *, 1992 by the following roll call vote:

AYES in favor of:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTESTED:

Thomas Reed Sink, Mayor

Michele Winterbottom, City Clerk

DRAFT

INTERIM DEVELOPMENT
IMPACT FEE FOR
PUBLIC FACILITIES

CITY OF CLOVERDALE

PREPARED BY:

WILLDAN ASSOCIATES
2495 NATOMAS PARK DRIVE, SUITE 550
SACRAMENTO, CA 95833
(916) 924-7000

AND

COASTLAND CIVIL ENGINEERING
2292 NORTH POINT PARKWAY
SANTA ROSA, CA 95407
(707) 571-8005

9

DRAFT

CITY OF CLOVERDALE

**INTERIM DEVELOPMENT
IMPACT FEE FOR
PUBLIC FACILITIES**

CITY COUNCIL

Thomas Sink
Carol Chase
John Doble
Erlene Pell
James Teague

Mayor
Council Member
Council Member
Council Member
Council Member

CITY STAFF

Bob Perrault
Carol Giovannatto
Joe Heckel
Frederick Browne

City Manager
Finance Director
Planning Director
Public Works Director

CONSULTANT

Willdan Associates
Coastland

Engineers & Planners
Civil Engineers

September 1992

CITY OF CLOVERDALE

**INTERIM DEVELOPMENT
IMPACT FEE FOR
PUBLIC FACILITIES**

Table of Contents

<u>Section</u>	<u>Description</u>	<u>Page</u>
EXECUTIVE SUMMARY	.....	ii
	Public Facility Standard	iii
	Facility Costs	iv
	Facility Impact Fees	v
INTRODUCTION	.....	1
1.1	Background	1
1.2	Purpose	3
1.3	Key Assumptions	5
1.4	Summary of Facility Costs and Fees	7
METHODOLOGY	.....	10
2.1	Development Projections	10
2.2	Spread Methodology	12
2.3	Facility Standards	13
IMPLEMENTATION	.....	15
3.1	Overview	15
3.2	Advance Construction of Fee Projects	15
PUBLIC FACILITY REQUIREMENTS, COSTS AND DOCUMENTATION	.....	17
4.1	Overview	17
4.2	Street and Thoroughfare	17
4.3	Storm Drainage	21
4.4	Water Distribution, Treatment and Storage	24
4.5	Sewer Collection System and Treatment	27
4.6	Public Safety Facilities and Equipment	30
4.7	General City Facilities (Civic Center and Corporation Yard)	32
4.8	Parks and Recreation Facilities	34

EXECUTIVE SUMMARY

The Interim Development Impact Fee for Public Facilities report is a significant component of the City of Cloverdale's effort to evaluate future development's impact on various public facilities and provide a means for equitably financing those facilities.

The facilities addressed in the report include the street and thoroughfare facilities, storm drainage, water distribution, treatment and storage, sewer collection system and treatment facilities, public safety facilities and equipment (Police and Fire), general city facilities (civic center and corporation yard) and parks and recreation facilities. The estimated cost of these facilities is \$42,840,000 of which approximately \$5,680,000 is existing developments share, and \$37,460,000 is the cost of facilities to support new development.

Government Code Section 66000 authorizes a city to impose fees on new development to fund those public facilities that are impacted by or necessitated by such new development. The code requires that a city establish a reasonable relationship, or "nexus", between a development project and the public improvement for which a fee is charged. The City must:

- ◆ Identify the purpose of the fee;
- ◆ Identify the use to which the fee will be put;
- ◆ Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed (a "type" nexus); and
- ◆ Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed (a "burden" nexus).

In addition, when a city imposes a fee as a condition of development approval, it must determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of that facility attributable to the development on which the fee is imposed.

One important component of determining the impact fee requires that facility standards be used to calculate facility sizing and costs. A portion of each section of this report will indicate standards being used based upon other City studies or will recommend interim facilities standards to be used until such time as the General Plan Update is completed. The interim development report fees are based on information obtained from these other City studies and the cost of providing the specific levels of public facilities to serve future development of the City of Cloverdale.

Public Facility Standard

The following is a summary of the public facility standards obtained from various City studies as well as interim standards recommended for consideration as a part of this report.

Street and Thoroughfare System - Level of Service C for street segments and Level of Service D for intersections as identified in the Traffic Impact Study for Police and Fire Master Plans, TJKM Transportation Consultants, August, 1992.

Storm Drainage - Sonoma County Water Agency Standards for conveyance of 100 year events in major waterways, 25 year events in secondary waterways and 10 year events in minor waterways.

Water Distribution, Treatment and Storage - Water supply and pumping facilities are based on the maximum daily usage, distribution facilities are based on peak hourly demands or peak daily demands plus fire flows, whichever is higher. A more detailed description of service standards may be found in Chapter 3 of the Water System Master Plan, Brelje & Race, 1992.

Sewer Collection and Treatment - Sewer trunk mains are based on peak flows, inflow and infiltration and self-cleaning velocities at half-full conditions. A more detailed description of service standards may be found in Chapter 3 of the Trunk Sewer and Sewer Treatment Plant Master Plans, Brelje & Race, 1992.

Public Safety Facilities and Equipment - Based upon the Hughes, Heiss & Associates Police and Fire Master Needs Assessment, 1991.

- ◆ Police - 75% of priority response within five minutes.
- ◆ Fire - A central fire station facility with appropriate equipment and staff increases will be sufficient to meet projected demands.

General City Facilities - Recommended interim standards.

- ◆ Civic Center - 275 square feet per employee.
- ◆ Corporation Yard - 5 to 7 acres depending upon the specific site configuration.

Parks and Recreation Facilities - Five acres per 1,000 population based upon the City's General Plan.

Facility Impact Fees

The fee for each type of land use is based upon the proportionate share of the benefits received. Various factors are used depending on the specific facility being analyzed. As part of this report, the following factors are used to equitably distribute the proportionate share among all future land uses.

Facility	Spread Factor
1. Street and Thoroughfare System	Average Daily Trips
2. Storm Drainage	Run Off Per Acre
3. Water Distribution, Treatment & Storage	Gallons Per Acre Per Day
4. Sewer Collection & Treatment	Gallons Per Acre Per Day
5. Public Safety Facilities & Equipment	Population ¹
◆ Police	
◆ Fire	
6. General City Facilities	Population ¹
◆ Civic Center	
◆ Corporation Yard	
7. Parks & Recreation Facilities	Population ¹

¹ Population calculations are projected based upon a factor of 2.38 persons per dwelling unit.

Facility Costs

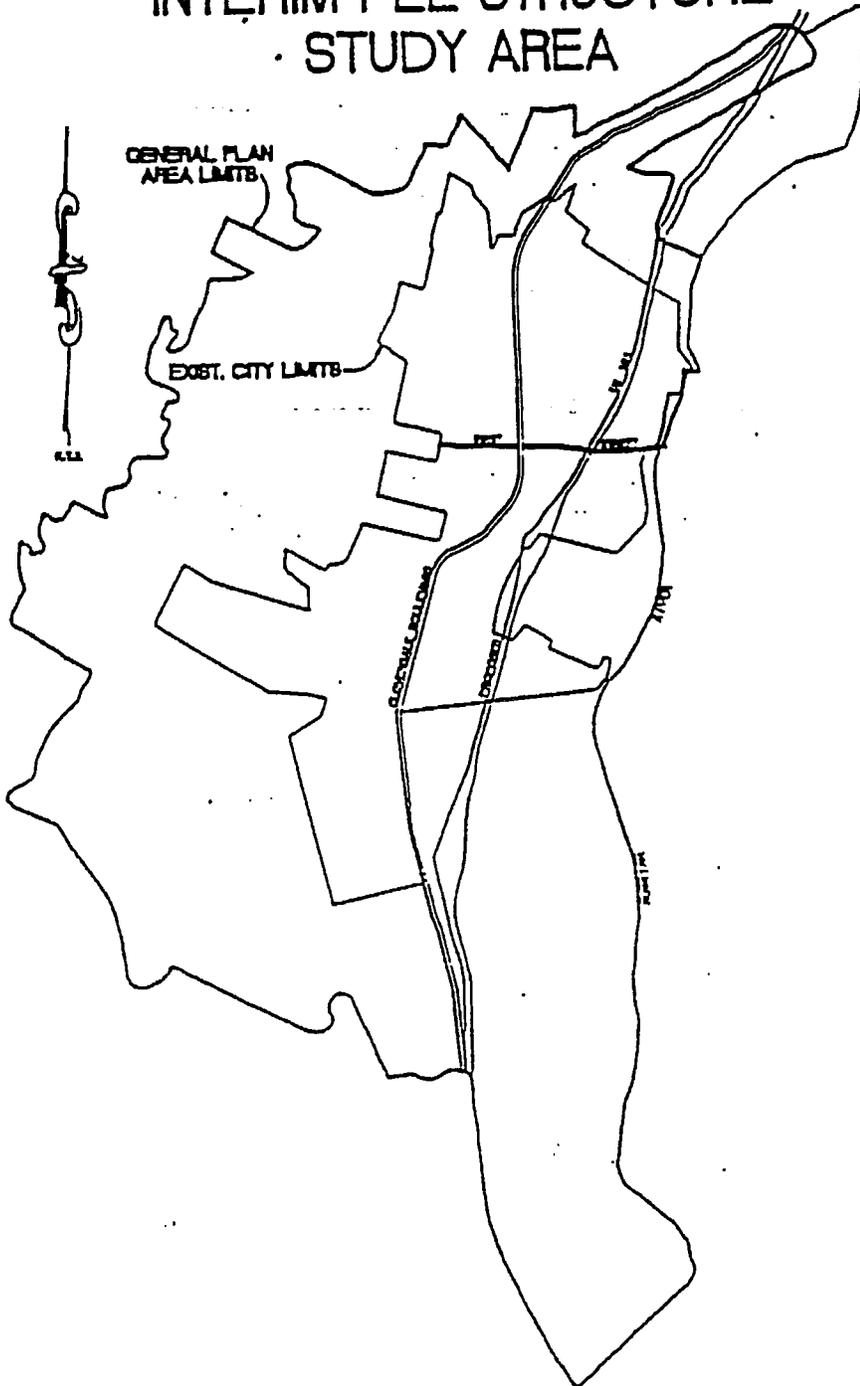
Public facility costs are determined after the required facilities to maintain compliance with the facility performance standards have been identified to meet the demands of new development. This report describes the required facilities to offset the demands of new development in the individual facility sections of this report.

The total facility cost estimates are summarized below:

SUMMARY PUBLIC FACILITY COSTS	
Facility	Total Cost
1. Street and Thoroughfare System	6,319,000
2. Storm Drainage ¹	1,808,000
3. Water Distribution, Treatment and Storage	9,983,000
4. Sewer Collection and Treatment	11,716,400
5. Public Safety Facilities and Equipment	
◆ Police	2,007,620
◆ Fire	2,271,241
6. General City Facilities	
◆ Civic Center	990,000
◆ Corporation Yard	2,565,000
7. Parks and Recreation Facilities	5,180,000
TOTAL	42,840,261

¹ Drainage costs shown are for central and 4th Street Diversion area only.

CITY OF CLOVERDALE INTERIM FEE STRUCTURE STUDY AREA



Section 1

INTRODUCTION

1.1 BACKGROUND

The City of Cloverdale was incorporated in 1872. The majority of existing public facilities include streets, storm drains, water distribution system, sewer collection and treatment system, city hall, corporation yard (at sewer treatment plan), and parks.

The firm of Willdan Associates was retained by the City to determine the facility needs based upon the impact of new development, identify the cost of these facilities and to calculate an interim development impact fee. The basic charge to the consultant was:

- ◆ Analyze and project the need for seven city-identified public facilities
- ◆ Identify/Recommend facility standards
- ◆ Develop a specific methodology for assessing fees
- ◆ Calculate a schedule of interim development fees

This interim development impact fee is based on the estimated cost of the city-identified public facilities distributed between existing and future development. The basis for determining existing and future development is the report by STA, Inc. titled *General Plan Update*, April 8, 1991.

Facility cost estimates are normally obtained from the information contained in facility master plans. For the purposes of establishing the interim development impact fee, the following documents have been used with the concurrence of City staff:

- ◆ Traffic Impact Fee Study for Police and Fire Master Plans, TJKM Transportation Consultants, August, 1992.
- ◆ Police and Fire Master Needs Assessment, Hughes, Heiss & Associates, 1991.
- ◆ Water Master Plan Update, Breije & Race, 1991.
- ◆ Trunk Sewer and Sewer Treatment Plant Master Plans, Breije & Race, 1992.
- ◆ Drainage Master Plan, Breije & Race, 1970.

Cost estimates for future park, drainage and general civic facilities have been prepared by Willdan Associates. Cost estimates for street, police and fire, water and sewer improvements are from the above listed reports.

Upon completion of Cloverdale's General Plan update and/or development and adoption of specific facility master plans, the interim impact fees may need to be revised. In addition, the City development impact fee program should be reviewed annually and updated as appropriate to ensure that the fees being collected are consistent with the cost of providing public facilities.

1.2 PURPOSE

This report is intended to identify the public facilities required to support future development within the City of Cloverdale. The public facilities included are:

- 1. Street and Thoroughfare System
- 2. Storm Drainage
- 3. Water Distribution, Treatment and Storage
- 4. Sewer Collection and Treatment
- 5. Public Safety Facilities and Equipment
 - ◆ Police
 - ◆ Fire
- 6. General City Facilities
 - ◆ Civic Center
 - ◆ Corporation Yard
- 7. Parks and Recreation Facilities

It is the City's intent that the cost of these facilities be shared among the various beneficiaries of the facilities. In the case where the existing population creates a need for a facility or where an existing facility is substandard, the cost associated with this "City Share" will be borne by the City of Cloverdale on behalf of current residents. On the other hand, where future development creates an additional facility need, the cost associated with this new need is apportioned to future development in the form of a fee.

State law has increased the legal scrutiny under which development fees are examined. Assembly Bill 1600, enacted in 1987 and effective January 1, 1989, 25 Government Code Section 66000, requires that a city establish a reasonable relationship, or "nexus", between a development project or class of development projects and the public improvement for which a development fee is charged. The City must:

- ◆ Identify the purpose of the fee;
- ◆ Identify the use to which the fee will be put;
- ◆ Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed (a "type" nexus); and
- ◆ Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed (a "burden" nexus).

In addition, when a city imposes a fee as a condition of development approval, it must determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of that facility attributable to the development on which the fee is imposed.

Government Code Section 66000 also requires the public agency to segregate and account for the fees received separate from general funds. In addition, if a city has had possession of a development fee for five years or more and has not committed or expended that money for a project, then the City must make findings describing the continuing need for the fees each fiscal year after the five years has expired.

Fees excluded from the requirements of Section 66000 include:

- ✦ Fees charged in lieu of park land dedication under the Quimby Act;
- ✦ Regulatory and processing fees;
- ✦ Fees collected pursuant to a development or reimbursement agreement;
- ✦ Assessment district proceedings or taxes; and
- ✦ Service charges for utility services such as sewer, water, and electricity.

1.3 KEY ASSUMPTIONS

The following are assumptions used in the preparation of this report:

1. To the extent possible, the base population and other land use factors have been calculated to reflect the totals existing as of 1/1/92.

The existing number of dwelling units as well as the existing population were obtained from a report titled *Alternative Plan Concepts, General Plan Update*, dated April 8, 1991, by STA, Inc. By using a population per household figure of 2.38, the existing 2,358 dwelling units represent a calculated existing population of 5,612. A 20-year development or growth forecast was used consistent with the Hughes, Heiss & Associates Master Needs Assessment Study for Police and Fire. This growth projection assumes an additional 2,000 residential units and approximately 1.8 million square feet or 1,149 equivalent dwelling units of non-residential development.

2. The "Area of Benefit" is approximately 4,674 acres consisting of the current incorporated boundaries of Cloverdale as well as the areas of benefit which coincides with the General Plan Update study area or as identified in the specific study which is being used for the evaluation of the specific facility needs and costs.

3. Since it is assumed that Cloverdale will adopt an updated General Plan, this Interim Development Impact Fee report will need to be reviewed and may be adjusted in the future to maintain consistency with the newly adopted General Plan.

4. Facility master plans are the means by which a public facility or service is planned for future adequacy. Generally, such plans contain information regarding existing land uses and assumptions regarding projected land uses, development projections, and they identify specific facilities to serve future development together with phasing and cost estimates.

This report uses information from the following:

- ◆ Traffic Impact Fee Study for Police and Fire Master Plans, TJKM Transportation Consultants, August 1992.
- ◆ Police and Fire Master Needs Assessment, Hughes, Heiss & Associates, 1991.
- ◆ Water Master Plan Update, Brelje & Race, 1991.
- ◆ Trunk Sewer and Sewer Treatment Plant Master Plans, Brelje & Race, 1992.
- ◆ Drainage Master Plan, Brelje & Race, 1970.

DRAFT

5. The facility needs and costs in this report are estimates based in part upon information regarding size and costs of facilities as identified in the referenced facility reports in Item 4.
6. The Interim Development Impact Fees recommended in this report should be adjusted annually by the Engineering News Record (ENR) Construction Index and also as changes occur to the City's land use information or more refined facility cost estimates are developed.
7. Projects approved following the adoption of Resolution No. 14-91, "Establishing a Requirement For All Development to Sign an Agreement to Pay Future Public Facilities Impact Fees", shall be required to pay the Interim Development Impact Fees.
8. The Interim Development Impact Fees will normally be collected concurrent with building permit issuance unless other City provisions allow for the collection of all or a portion of the fee at an earlier time. All permits issued after the adoption of the fee ordinance shall pay the appropriate development impact fees to the City of Cloverdale.
9. In addition to the capital cost of facilities as summarized in Figure 2, on the next page, one percent of the cost has been added for administration of the Interim Development Impact Fee program by the City. It is anticipated that the one percent may be reduced in future years as projects are completed and the administrative effort is reduced.

1.4 SUMMARY OF FACILITY COSTS AND FEES

Facility sizing and the method for estimating the cost of each facility is detailed in Section 4. Facility cost estimates were taken from specific cost estimates in the referenced City facility studies and from estimates developed in the preparation of this report. Figure 2 is the total estimated cost per facility divided between the City's share and new development's share. Figure 3 is the summary of fees per unit for each facility.

FIGURE 2

SUMMARY PUBLIC FACILITY COST SHARES			
Facility	Existing Development's Share	New Development's Share	Total Cost
1. Street and Thoroughfare System	0	6,319,000	6,319,000
2. Storm Drainage ¹	0	1,808,000	1,808,000
3. Water Distribution, Treatment and Storage	2,053,000	7,930,000	9,983,000
4. Sewer Collection and Treatment	500,000	11,216,400	11,716,400
5. Public Safety Facilities and Equip- ment			
+ Police	0	2,007,620	2,007,620
+ Fire	0	2,271,241	2,271,241
6. General City Facilities			
+ Civic Center	330,000	660,000	990,000
+ Corporation Yard	0	2,565,000	2,565,000
7. Parks and Recreation Facilities	2,800,000	2,380,000	5,180,000
8. Administration (1%)		371,573	371,573
TOTALS	5,683,000	37,528,834	43,211,834

¹ Drainage Costs are for Central and 4th Street Diversion area only.

² The Hughes, Heiss & Associates Study indicates a 100,000 - 150,000 annual under-funding of fire operations and that the police facility is at capacity.

FIGURE 3

SUMMARY FEES PER FACILITY		
Facility	Land Use Type	Fee Per Unit/Acre
1. Street and Thoroughfare System	Single Family 4 BR	1,763
	Single Family 3 BR	1,434
	Single Family 2 BR	1,141
	Multi Family 4 BR	1,417
	Multi Family 3 BR	1,106
	Multi Family 2 BR	795
	Senior Housing	691
	Downtown Commercial (Per 1,000 sf)	2,125
	Service Commercial (Per 1,000 sf)	2,264
	Destination Commercial (Per 1,000 sf)	2,125
	General Industrial (Per 1,000 sf)	1,693
	Public (Per acre)	3,888
	Business Park (Per 1,000 sf)	2,678
Mixed Use Commercial (Per 1,000 sf)	2,125	
Airport (Per acre)	1,123	
2. Storm Drainage	Single Family	694
	Multi Family	424
	Commercial/Industrial (Per Ac.)	7,762
3. Water	Single Family	1,224
	Multi Family	1,224
	Commercial/Industrial (Per Ac.)	3,832
4. Sewer	Single Family	1,671
	Multi Family	1,667
	Commercial/Industrial (Per Ac.)	5,671

FIGURE 3 (CONTINUED)

SUMMARY FEES PER FACILITY		
Facility	Land Use Type	Fee Per Unit/Acre
5. Public Safety	Residential	636
	Commercial/Industrial (per sf)	.400
	Residential	721
	Commercial/Industrial (per sf)	.451
6. General City	Per EDU	210
	Per EDU	815
	Per EDU	1,190
7. Parks and Recreation	Residential	118
8. Administration	Per EDU	

Section 2

METHODOLOGY

2.1 DEVELOPMENT PROJECTIONS

One of the primary assumptions in the formulation of an interim development impact fee is that the need for public facilities is generated by development and the resulting cost of the facilities is paid by the development that benefits. Figure 4 lists the land uses from the *General Plan Update* dated April 8, 1991 as amended by the STA, Inc. memorandum dated January 14, 1992.

Projects currently in process of receiving or being considered for approval are considered future development for spread methodology purposes of this report.

Projected Growth Assumptions

For the purposes of projecting future growth, a 20-year planning period is being utilized. Growth projections for both residential and non-residential developments are based upon information prepared by STA planning and as contained in the Police and Fire Master Needs Assessment prepared by Hughes, Heiss & Associates.

Growth projections for both residential and commercial/industrial development are based on the following:

- (1) Residential unit projections based on an average 100 new units per year over the 20-year planning period, totaling 2,000 new units. This projection is less than the number of units projected in the October 7, 1991 *Preliminary Analysis of Fire and Emergency Medical Service Needs* and reflects more conservative assumptions about market absorption potential for new residential development in the Cloverdale area.
- (2) Commercial/industrial building space as projected by STA under the "Hybrid/Preferred Alternative Buildout" Scenario, adjusted based on:
 - Comments/analysis by the Planning Director
 - Deducing existing development of commercial/industrial space, as estimated, since STA's projections are based on totals at buildout and, thus, include existing development.

- Resulting projections are as follows:

Type	STA Protection	Adjusted Protection
Commercial	—(Sq. Ft.)	
Downtown	277,000	207,750
Service	1,003,000	752,250
Destination	309,000	231,750
Mixed	80,000	60,000
Industrial		
General	3,015,000	1,005,000
Business Park	907,000	302,300
TOTAL	5,591,000	2,559,050
Less Existing		720,000
NET NEW		1,839,050

- (3) Commercial/industrial space was then converted into dwelling unit equivalents by dividing by 1,600 square feet, employing the same relationships included in the STA/Levander analyses. This yields the 1,149 equivalent dwelling units for commercial/industrial development.

2.2 SPREAD METHODOLOGY

The statutes require that facility costs be apportioned based on a benefit nexus. Therefore, the total cost of facilities is distributed to property which will benefit from the improvements. The fee for each type of land use is based upon the proportionate share of the benefit received. For example, a clear relationship exists between the generation of traffic trips based on land use and density and the need for and benefit derived from transportation facilities. For this reason, the Average Daily Trips are most often chosen as the appropriate apportionment factor for streets, and have been used in this report for the street and thoroughfare facilities.

For circulation facilities, the City contracted with TJJM Transportation Consultants to prepare a traffic report fee. This fee is based upon relative trip generation characteristics for several types of development.

Demands for water, sewer generation and drainage impacts are all determined based upon "demand per acre per land use type".

The need for facilities such as fire, police, civic center and parks and recreation are people related, the cost of the facilities has been apportioned to development based on the population generated by the specific use. There is a correlation between the number of people living in a residential unit, the number of people assembled in an area for employment, and the level of facilities needed to protect and serve these populations. For example, fire station locations, and the types of equipment at each location, is determined by evaluating the various densities of residential uses as well as industrial and commercial uses. Police protection is also affected by high concentrations of people and both the police headquarters and the civic center are used by and designed to serve people.

Since these facilities are population-based, an effort was made to determine the number of people "generated" by a given land use. Based upon information obtained from the General Plan Update, the average residential population generation figure is 2.38 persons per dwelling unit.

The City's daily population is affected by industrial and commercial land. The single family dwelling unit is generally accepted as the basis for the assignment of equivalent dwelling units (EDUs). An EDU is a unit associated with new development that generates the need for improvement in public facilities. A single family EDU estimated to be 1,600 square feet has a value of one. This is one population unit (2.38 persons per dwelling unit) in the case of facilities related to population demands. Therefore, converting non-residential square footage into EDU's is accomplished by dividing the non-residential square footage by 1,600 which equates to one EDU's. This methodology will be used to equate non-residential demands for civic facilities, (City Hall and Corporation Yard) and safety facilities (Police and Fire).

2.3 FACILITY STANDARDS

Facility sizing and performance standards generally result from research undertaken to prepare a master plan. A master plan results from an analysis of quality of life issues, goals and objectives of the community, types, levels and locations of services offered to the community, and aesthetics and budgetary concerns as they relate to a specific public facility.

Although a comprehensive facility master plan greatly enhances the accuracy of an impact fee system, facilities may be identified in a general manner when master plans do not exist. In the absence of facility standards and master plans, general comparisons can be used for the purposes of calculating an interim development impact fee. This report should be reviewed and updated as deemed appropriate when the General Plan update is completed and when master plan standards are developed or revised in the future.

For the purposes of this report, a number of studies were used to identify facility standards currently being used. For those facilities where standards have not been quantified recommended standards are included based on discussion with City staff. The table on the following page summarizes the identified or recommended facility standard.

IDENTIFIED/RECOMMENDED FACILITY STANDARDS		
Facility	Standard	Source
1. Street and Thoroughfare System	Level of Service C for street segments and Level of Service D intersections	Traffic Impact Study for Interim Conditions, TJKM Transportation Consultants, 1991
2. Storm Drainage	Conveyance of 100 year events in major waterways, 25 year events in secondary waterways and 10 year events in minor waterways	Sonoma County Water Agency Standards, 1983
3. Water Distribution, Treatment and Storage	Water Supply and pumping facilities are based on the maximum daily usage, distribution facilities are based on peak hourly demands or peak daily demands plus fire flows, whichever is higher	Chapter 3 of the Water System Master Plan, Breije & Race, 1991
4. Sewer Collection and Treatment	Sewer trunk mains are based on peak flows, inflow and infiltration and self-cleaning velocities at half-full conditions	Chapter 3 of the Trunk Sewer and Sewer Treatment Plant Master Plans, Breije & Race, 1992
5. Public Safety Facilities and Equipment	Police - 75% of priority response within five minutes; Fire - A central fire station facility with appropriate equipment and staff increases will be sufficient to meet projected demands	Hughes, Heiss & Associates Police and Fire Master Needs Assessment, 1991
6. General City Facilities	Civic Center - 275 square feet per employee; Corporation Yard - 5 to 7 acres depending upon the specific site configuration	Recommended interim standards
7. Parks and Recreation Facilities	Five acres per 1,000 population	City's General Plan

Section 3

IMPLEMENTATION

3.1 OVERVIEW

This report creates an interim development impact fee that may be revised following the adoption of the City's updated General Plan and, then annually, as required by the statutes, because of changes in the Engineering-News Record Construction index; the type, size, location or cost of the various public facilities to be financed by the fee; changes in the land use designations in the City's General Plan; and based upon other sound engineering, financing and planning information.

The fees are in addition to the requirements imposed by other City laws, policies, special districts or regulations relating to the construction or financing within subdivisions or developments. The fee for each development is estimated at the time of building permit application and the final fee amount will be determined at the time of building permit issuance. The fee will be collected at building permit issuance unless earlier collection is authorized by other City provisions.

Section 3.2 addresses the advance construction of public facilities by a property owner/developer and the subsequent process of crediting that construction for fees payable.

3.2 ADVANCE CONSTRUCTION OF FEE PROJECTS

An owner/developer may request authorization from the City to construct one or more of the Development Impact fee projects. Upon application by an owner/developer to construct a fee project, an agreement shall be prepared for City Council action which contains at least the following information and requirements.

- A. Detailed description of the project with a preliminary cost estimate.
- B. Requirements of owner/developer:
 - ◆ prepare plans and specifications for approval by the City;
 - ◆ secure and dedicate any right-of-way required for the project;
 - ◆ secure all required permits, environmental clearances necessary for construction of the project;
 - ◆ provide bonds;
 - ◆ pay all city fees and costs.

DRAFT

- C. The owner/developer shall advance all necessary funds to construct the project. The City will not be responsible for any construction costs beyond those agreed to in advance by the City.
- D. The owner/developer shall secure at least three (3) qualified bids for the construction. Any extra work charges during construction shall be justified and documented.
- E. When all work has been completed to the satisfaction of the City, the owner/developer shall submit verification to the City of payments made for the construction. The City Manager shall make the final determination on expenditures eligible for credit or cash reimbursement.
- F. The City shall inspect all construction and verify quantities, in accordance with the City and state codes to ensure that the final improvement complies with all applicable standards and is constructed to the satisfaction of the City Engineer.
- G. The owner/developer will enter into a reimbursement agreement or will receive a credit against the required development impact fees during the issuance of building permits for the proposed development. If the total construction cost amounts to more than the total required development impact fees, the owner/developer will be paid the excess cash when funds are available as determined by the City Manager.

Section 4

PUBLIC FACILITY REQUIREMENTS, COSTS AND DOCUMENTATION

4.1 OVERVIEW

This section of the report presents the requirements, costs and supporting documentation for the seven facilities under consideration. For each facility, the following items are identified and discussed:

- ◆ Existing condition
- ◆ Facility standard
- ◆ Method of apportioning costs
- ◆ Facility cost estimate
- ◆ Facility Fee
- ◆ Documentation

4.2 STREET AND THOROUGHFARE

For the purposes of this facility section, the traffic impact fee study for Police and Fire Master Plans prepared by TJKM Transportation Consultants Transportation Consultants dated August 1992, was utilized.

Existing Condition

Existing daily traffic volumes on Cloverdale Boulevard were obtained from *Master Environmental Assessment, Transportation/Circulation Section*, January 1991. These counts were collected in November 1990. In addition, supplemental traffic counts were obtained on a number of side streets which intersect with Cloverdale Boulevard/U.S. 101. These traffic counts which were obtained in April 1991 are shown on Figures 2 and 3 of the TJKM Transportation Consultants study. These existing traffic conditions represent average seasonal conditions which are lower than peak summer traffic conditions.

Facility Standard

Level of Service C (LOS C) for street segments and Level of Service D (LOS D) for intersections as identified in the Traffic Impact Study for Police and Fire Master Plans, TJKM Transportation Consultants, August, 1992.

Method of Apportioning Costs

The cost of Street and Thoroughfare facilities is spread based upon the amount of trips generated by the various land uses. The p.m. peak hour trip generation rates employed

are the trip rates contained in *Trip Generation*, Institute of Transportation Engineers, 1991. Future update of the traffic impact fee using the travel forecasting model that was developed as part of the General Plan Update should be based on the trip rates contained in the model.

The traffic study for Police and Fire Master Plans (August 1992) recommended that eleven different land use types be used to determine the impacts upon the street and thoroughfare facilities.

1. Single Family Residential (based on the number of bedrooms)
2. Multi family Residential (based on the number of bedrooms)
3. Senior Housing
4. Downtown Commercial
5. Service Commercial
6. Destination Commercial
7. General Industrial
8. Public
9. Business Park
10. Mix Use Commercial
11. Airport

Facility Cost Estimates

The traffic study identified the following improvements and cost estimates for the recommended mitigation. The recommended improvements and costs estimates are shown on the following page.

DRAFT

TRAFFIC IMPROVEMENT AND COST ESTIMATES

1	Cloverdale Blvd. Widening	\$2,550,000
2	Pavement Reconstruction	\$2,344,000
3	Signal @ Cloverdale Blvd./Lake Street	\$150,000
4	Signal @ Cloverdale Blvd./Midtown Interchange	Funded (Caltrans)
5	Signal @ Cloverdale Blvd./Cherry Creek Road	\$150,000
6	Signal @ Cloverdale Blvd./Brookside Drive	\$150,000
7	Signal @ Cloverdale Blvd./Elbridge Ave.	\$150,000
8	Signal @ Cloverdale Blvd./Treadway Drive	Funded (Rancho Di Amigos)
9	Signal @ Cloverdale Blvd./South Interchange	\$200,000
10	Signal @ South Interchange Northbound Ramps	\$150,000
11	Signal @ South Interchange Southbound Ramps	\$150,000
12	Signal Interconnection	\$250,000
13	Realignment @ Cloverdale Blvd./Franklin Street	\$50,000
14	Southern Interchange Overpass and Ramp Restriping	\$25,000
TOTAL		6,319,000.00

Traffic Fee Calculation

Using the ITE trip generation rates, the total number of future p.m. peak hour trips generated by projects analyzed in the TJKM Transportation Consultants study which have not been approved is 984. Dividing the total cost of needed circulation improvements by this peak hour trip total results in a cost of \$1,728 per p.m. trip.

Multiplying this cost per peak hour trip by the number of trips per land use yields the total cost applicable to each particular land use as shown below.

- Single Family Residential (4 bedrooms): \$1,763 per unit
- Single Family Residential (3 bedrooms): \$1,434 per unit
- Single Family Residential (2 bedrooms): \$1,141 per unit
- Multi Family Residential (4 bedrooms): \$1,417 per unit
- Multi Family Residential (3 bedrooms): \$1,106 per unit
- Multi Family Residential (2 bedrooms): \$ 795 per unit
- Senior Housing: \$ 691 per unit
- Downtown Commercial: \$2,125 per 1,000 s.f.
- Service Commercial: \$2,264 per 1,000 s.f.
- Destination Commercial: \$2,125 per 1,000 s.f.
- General Industrial: \$1,693 per 1,000 s.f.
- Public \$3,888 per acre
- Business Park: \$2,678 per 1,000 s.f.
- Mixed Use Commercial: \$2,125 per 1,000 s.f.
- Airport: \$1,123 per acre

Documentation

1. Traffic Impact Fee Study for Police and Fire Master Plans prepared by TJKM Transportation Consultants dated August 1992.

4.3 STORM DRAINAGE

Existing Conditions

The City has an existing storm drain system that serves the core of the existing City known as the Central and 4th Street Diversion Drainage Basins. The current City Master Drainage Plan is from 1970 and does not address many of the areas of the General Plan Area now under consideration.

Facility Standard

The Sonoma County Water Agency Standards for conveyance of 100 year events in major waterways, 25 year events in secondary waterways and 10 year events in minor waterways serve as the storm drainage facilities standard.

Method of Apportioning Costs

The method of apportioning costs for drainage facilities is based upon a run-off per acre per land use type. Impacts of residential land uses were then converted to a "per unit" basis. For this study, two drainage basins, Central (No. 4) and 4th Street Diversion (No. 5), have been evaluated. Land use acreages for each drainage basin was supplied per the breakdown of Basins No. 4 and 5 by STA Inc. The following table shows a breakdown of flows generated for land uses within the two basins.

Because of the extremely low densities of the rural residential and low residential land use designations, the acreages for these designations were not included in the total acreages for the single family residential fee category as these designations are not representative of single family development. However, the proposed units within these land use designations are included in the total units to which fees are applied.

Facility Cost Estimates

The drainage facilities that fees are based on are those identified in the drainage study master plan (Brelje & Race, 1970), the Drainage Master Plan base maps (Brelje & Race, 1983), and conversations with City staff.

Cost estimates for facilities identified were developed by Willdan as part of this report.

Because much of the General Plan Study Area is outside the area of the 1970 Master Plan, no drainage facilities have been identified for these drainage basin areas.

For this report, drainage fees have been based on the facilities identified in the 1970 Master Plan for the "Central" and "Fourth Street Diversion" basins and is assumed to be representative of all basins within the City.

The cost of the facilities for these drainage basins is estimated to be \$1,808,000.

**DRAINAGE FEE
ACREAGE AND UNIT CALCULATIONS**

Land Use	Preferred Alt. (Acreage)		Existing (Acreage)		Remaining Combined	Density Units Per Acre ¹	Total Units		
	No. 4	No. 5	Combined	No. 4				No. 5	Combined
Rural Residential	49.9	56.6	106.5	8.6	1.5	10.1	96.4	.03	3
Low Residential	111.4	48.5	59.9	12.1	0	12.1	47.8	1	48
Low-Medium Residential	0	49.6	49.5	0	46.6	46.6	3	3	9
Medium Residential	221.6	18.7	239.7	83.6	10.7	94.3	145.4	6	872
Single Family Residential Subtotal							148.4 ²		923 Units
Medium-High Residential	15.4	0	15.4	4.9	0	4.9	10.5	11	115
High Residential	31.7	0	31.7	11.1	0	11.1	20.6	22	453
Multi-Family Residential Subtotal							31.1		568 Units
Commercial & Industrial Subtotal	176.6	22.8	149.4	26.6	3.3	29.9	119.5	N/A	N/A

¹ From Briefe & Race Sewer and Water Master Plans

Facility Fee

Drainage fees have been broken down to a per acre fee for commercial and industrial uses and a per unit fee for residential uses.

DRAINAGE FEE CALCULATIONS							
	Run-off Coefficient (C)	Total Acres	Factored Run-off	% of Run-off	Total Fee Per Land Use Designation	Units/Acres	Fee Per Unit-Acre
Single Family Residential	0.5	148.4 ¹	74.2	35.4	640,032	923 Units	\$694 Per Unit
High and Medium High Residential	0.9	31.1	28.0	13.3	240,464	568 Units	\$424 Per Unit
Commercial & Industrial	0.9	119.5	107.5	51.3	927,504	119.5 Acres	\$7,762 Per Acre
Totals			209.7	100%	1,808,000		

¹ Total acres for Single Family Residential is for Low-Medium and Medium Residential land use designations only.

Documentation

1. Drainage Study (Master Plan) City of Cloverdale, Breije & Race, 1970.
2. Drainage Master Plan Base Sheets, Breije & Race, 1983.

4.4 WATER DISTRIBUTION, TREATMENT AND STORAGE

Existing Conditions

The City currently operates and maintains a water system that includes generating, storing and distributing water. The system serves the existing City limits plus some unincorporated areas to the south and north. Future expansion and improvement is discussed in the Water System Master Plan Updated (Brelje & Race, 1991).

Facility Standard

Water supply and pumping facilities are based on the maximum daily usage, distribution facilities are based on peak hourly demands or peak daily demands plus fire flows, whichever is higher. A more detailed description of service standards may be found in Chapter 3 of the Water System Master Plan, Brelje & Race, 1992.

Method of Apportioning Costs

The method of apportioning costs for new facilities is based upon demand per acre per land use type. Demands are per the Water System Master Plan (1991) and acres per land use is based upon the preferred alternative of the General Plan Update. The following table provides a demand breakdown per land use type.

DRAFT

CITY OF CLOVERDALE WATER DISTRIBUTION DEMAND CALCULATIONS						
Land Use	Average Daily Demand ¹	Acres to be Developed	Demand for Land Use Designation	Percent of Demand	Density Units / Acres	Fee Units
Rural Residential	8 GPAPD	450	3,600		.03	14
Low Residential	309 GPAPD	744	229,896		1	744
Low-Medium Residential	928 GPAPD	93	86,304		3	279
Medium Residential	1,256 GPAPD	324	601,344		6	1,944
SINGLE FAMILY RESIDENTIAL SUBTOTAL		1,611	921,144	46.0		2,981
Medium-High Residential	3,403 GPAPD	37	125,911		11	407
High Residential	6,807 GPAPD	13	88,491		22	286
MULTI-FAMILY RESIDENTIAL SUBTOTAL		50	214,402	10.7		693
Service Commercial	800 GPAPD	55	44,000			
Destination Commercial	975 GPAPD	677	660,075			
General Industry	1,200 GPAPD	100	120,000			
Business Park	600 GPAPD	59	35,400			
Mixed Development	1,200 GPAPD	5	6,000			
COMMERCIAL / INDUSTRIAL SUBTOTAL		896	865,475	43.3		
TOTAL			2,001,021	100.0		

¹ Gallons Per Acre Per Day

Facility Cost Estimates

Cost estimates used to determine the water fees are from the Water System Master Plan Update (1991). The estimated cost for water system expansion improvements is \$7,930,000.

Facility Fee

Water system facility costs have been broken down to a per acre fee for commercial and industrial uses and a per unit fee for residential use.

WATER SYSTEM FEE CALCULATIONS				
	Percentage of Demand	Cost of Facilities	Fee Units	Fee
Single Family Residential	46.0	3,647,800	2,980 Units	\$1,224 Per Unit
Multi-Family Residential	10.7	848,510	693 Units	\$1,224 Per Unit
Commercial and Industrial	43.3	3,433,690	896 Acres	\$3,832 Per Acre
TOTAL	100.0	7,930,000 ¹		

Documentation

1. Water System Master Plan Update, Breije & Race, 1991.

¹ New development share. City share is \$2,053,000

DRAFT

4.5 SEWER COLLECTION SYSTEM AND TREATMENT

Existing Conditions

The City currently operates and maintains a sewer collection system and a sewer treatment plant. The existing system serves the entire City except for a portion of the south industrial area.

Facility Standard

Sewer trunk mains are based on peak flows, inflow and infiltration and self-cleaning velocities at half-full conditions. A more detailed description of service standards may be found in Chapter 3 of the Trunk Sewer and Sewer Treatment Plant Master Plans, Brelje & Race, 1992.

Sewer treatment is based on Alternative "FD-2a" of the Trunk Sewer and Sewer Treatment Plant Master Plans, Brelje & Race, 1992.

Method of Apportioning Costs

The method of apportioning costs for new facilities is based upon discharge per acre per land use type. In the preparation of this report, the north and south collection systems were analyzed separately. Because the fees per unit were within 5% of each other, a City-wide fee spread was used. The following table on the next page provides a demand breakdown per land use type.

DRAFT

CITY OF CLOVERDALE
SEWER DISCHARGE CALCULATIONS

Land Use	Dry Weather Flow		Acreage to be Developed	Wastewater Flow Generated	Percent of Flow Generated
Rural Residential	4	GPAPD	450	1,800	
Low Residential	214	GPAPD	744	159,216	
Low-Medium Residential	643	GPAPD	93	59,799	
Medium Residential	1,225	GPAPD	324	416,340	
SINGLE FAMILY RESIDENTIAL SUBTOTAL					44.4
Medium-High Residential	2,356	GPAPD	37	87,172	
High Residential	4,712	GPAPD	13	61,256	
MULTI-FAMILY RESIDENTIAL SUBTOTAL					10.3
Service Commercial	750	GPAPD	55	41,250	
Destination Commercial	675	GPAPD	677	456,975	
General Industry	1,150	GPAPD	100	115,000	
Business Park	525	GPAPD	59	30,975	
Mixed Development	1,000	GPAPD	5	5,000	
COMMERCIAL/INDUSTRIAL SUBTOTAL					45.3
TOTAL				1,434,783	100.0

Facility Cost Estimates

Cost estimates used to determine the sewer fees are from the Trunk Sewer and Sewer Treatment Plant Master Plan Updates. The estimated costs for sewer trunk mains and treatment plant improvements, which can be attributed to future growth, are \$2,116,400 and \$9,100,000 respectively.

Facility Fee

Sewer system facility costs have been broken down to a per acre fee for commercial and industrial uses and a per unit fee for residential use.

SEWER SYSTEM FEE CALCULATIONS				
	Percentage of Flow	Cost of Facilities	Fee Units	Fee/Unit
Single Family Residential	44.4	4,980,082	2,980 Units	\$1,671 Per Unit
Multi-Family Residential	10.3	1,155,289	693 Units	\$1,667 Per Unit
Commercial and Industrial	45.3	5,081,029	896 Acres	\$5,671 Per Acre
Cost of Facilities		11,216,400 ¹		

Documentation

1. Trunk Sewer Master Plan Update, Breije & Race, 1992.
2. Sewer Treatment Plant Master Plan Update, Breije & Race, 1992.

¹ New development share. City share is \$500,000

4.6 PUBLIC SAFETY FACILITIES AND EQUIPMENT

Existing Conditions

The City of Cloverdale contracted with the firm of Hughes, Heiss & Associates to prepare a Police and Fire Master Needs Assessment Study. This study analyzed the future needs of both the Police and Fire operations and the need for facilities to meet the increased demands of new development.

Facility Standard

- ◆ Police - 75% of priority response within five minutes.
- ◆ Fire - A central fire station facility with appropriate equipment and staff increases will be sufficient to meet projected demands.

Method of Apportioning Costs

The full allocation of costs to future developers is based on the need to expand to accommodate community growth and the requirement to expand City Hall on the existing site forcing the relocation of police and fire facilities. Costs for both police and fire facilities were based upon the demand generated by residential and non-residential growth over the next 20 years.

Facility Cost Estimates

The following estimates were taken from the Hughes, Heiss & Associates Police and Fire Master Needs Assessment Study.

Police Facilities and Equipment

Based on projections, total expansion requirements associated with the Police Department are as follows:

New Facility	\$1,632,078
Academy Training - Ten Sworn Personnel*	119,759
• 10 marked/equipped patrol units	195,900
• 2 unmarked cars	33,062
Personal Equipment - 10 sworn	<u>20,780</u>
 TOTAL	 <u>\$2,001,579</u>

* Salary and Benefit Costs for 14 weeks - includes Worker's Compensation

Fire Facilities and Equipment

Based on projections, total expansion requirements associated with the Fire Department are as follows:

New Facility	\$2,206,536
Training - 5 New Personnel	62,000
Personal Equipment - New Personnel	2,000
TOTAL	<u>\$2,270,536</u>

Facility Fee

The following two tables provide the police and fire fees.

POLICE			
Development	Cost Per Unit	Future Development	Total
Residential (units)	\$636	2,000	1,272,000
Commercial/ Industrial (Square Footage)	.40	1,839,050	735,620
			2,007,620

FIRE			
Development	Cost Per Unit	Future Development	Total
Residential (units)	\$721	2,000	1,442,000
Commercial/ Industrial (Square Footage)	.451	1,839,050	829,412
			2,271,412

Documentation

Police and Fire Master Needs Assessment prepared by Hughes, Heiss & Associates, 1991.

4.7 GENERAL CITY FACILITIES (CIVIC CENTER AND CORPORATION YARD)

Existing Conditions

Currently, space is for all city administrative functions. The City has executed a new lease which will allow some City functions to relocate. If the City of Cloverdale does not undertake development of new civic facilities, it will be necessary to rely increasingly on leased space from the private sector.

Facility Standard

The City currently does not have specific master plans for the civic center or corporation yard.

The size of a civic center is based on many variables; the revenue structure of the city, the planned future activities, the staff size and utilization history as well as the functionality of the design and aesthetics. As an example of the utilization history, some cities have their engineering department off-site, operating as a somewhat independent function. Other cities might combine engineering and planning departments.

In general, minimum architectural and building code standards require 250 square feet per employee. Additionally, civic center facilities require approximately 8 to 11 percent additional floor space for shared areas, meeting rooms, and council chambers. Many cities currently use these guidelines as a standard to plan for civic center facilities.

A standard of 275 square feet per employee, is recommended. With a projected population increase of approximately 5,000 people, it is estimated for the purposes of this analysis that Cloverdale will require approximately 36 full time employees or an additional 24 employees. The resulting Civic Center would need to be 9,900 square feet of which 3,300 square feet would accommodate the existing 12 employees. The overall size of the civic facility is consistent with the size comparisons of other cities as well as the information found in the Downtown Specific Master Plan.

36 employees x 275 square feet = 9,900 square feet
12 employees x 275 square feet = 3,300 square feet (existing demand)

The space needs for a corporation yard can be effected by a number of factors. These include the number and types of vehicles and equipment maintained by the City (police, fire, general trucks, etc.) as well as the number of employees housed at this facility. It has been estimated that there will be a need for approximately 5-7 acres of land plus a 25,000 square foot building at the corporation yard. The City currently has sufficient land to accommodate this corporation yard expansion.

Method of Apportioning Cost

The need for a civic center and corporation yard is shared equally by residential and non-residential land uses. Equivalent dwelling units are used to apportion the cost of these facilities. The determination of an equivalent dwelling unit was described previously as one residential dwelling unit equalling 1 EDU and 1,600 square feet of non-residential development equalling 1 EDU. The demand for the civic center facility expansion will be driven by new growth, although this new facility will also accomodate the existing City work force. Therefore, the cost of expanding the civic center facilities is being shared by both new development (67%) and the City (33%). The need to expand the corporation yard is a result of the demands of new development.

Facility Cost Estimates

Cost estimates for the civic center facility are based upon an average construction cost of \$100 per square foot. For the purpose of this report, it is assumed that the corporation yard needs the construction of a 25,000 square foot building at \$100 per square foot. Because the City has the land necessary for the expansion of the corporation yard, additional costs for site and building grading, paving, utility services site drainage, fencing and lighting have been estimated at \$65,000. As additional design plans are prepared for both the civic center facility and corporation yard these cost estimates may be revised.

Facility Fee

Based upon a 20-year demand of an additional 2,000 residential units and an additional 1.8 square feet of non-residential or 1,149 equivalent dwelling units (EDU), a total buildout EDU figure of 3,149 EDU's can be projected. The following table shows the fee calculation of Civic Center and Corporation Yard facilities.

Facility	Estimated Cost	EDU's	Fee per EDU
Civic Center Facility	\$660,000 ¹	3,149	\$210
Corporation Yrd	\$2,565,000	3,149	\$815

¹ New developments share. City share is \$330,000.

4.8 PARKS AND RECREATION FACILITIES

Existing Conditions

The Parklands and Recreation Element consists of the general location of existing and proposed parkland uses. The element identifies existing recreational facilities, determines recreational needs, and provides the framework for future park and recreational decisions within the City of Cloverdale.

The following park need priorities were established by the City:

1. Community Park
2. Open Space Recreation
3. Neighborhood Park
4. Community Center
5. Regional Park

The General Plan also provides definitions and classifications for these development priorities. In addition, a number of implementation programs are contained in the Parks and Recreation Element.

Based upon an existing population of 5,612 people, there is a demand for 28 acres of parkland.

The City's Parkland Dedication Ordinance requires developers to dedicate land for park purposes or to pay fees which will be used by the City to pay for park land. The purpose of this public facilities fee for parks is to provide the necessary funds to pay for the improvement of this park land. This includes the site preparation and park facilities such as ball fields, play equipment, etc. The creation of this fee is in addition to the Parkland Dedication Ordinance. In the future the City will collect fees for park land acquisition or receive the payment of fees and fees for the cost to improve these parks.

Facility Standard

The City's standard for park facilities is 5 acres per 1,000 population.

DRAFT

PARKLAND STANDARDS	
Parkland Uses	Acres
Children's Play Equipment	0.5
Children/Adult Field Sports and Field Play	2.0
Open Space Recreation	1.25
Court Games	0.3
Parking Facilities	0.75
Community Center and Administrative	0.2
TOTAL	5.00

Source: Parkland Advisory Committee, 1990.

Method of Apportioning Costs

The apportioning of costs for park facilities (improvement costs) is based upon the demand generated from a give land use. For the purpose of this study, only residential land uses are assumed to create a demand for parks and recreation facilities. Demand is determined based upon the estimated population generated from each dwelling unit at 2.38 persons per dwelling unit.

Facility Cost Estimates

Based upon rough cost estimates provided by the City for Furber Park (\$70,000 per acre) combined with Willdan's experience in other communities, it is estimated that the future cost to improve an acre of parkland will be approximately \$100,000. The increase from \$70,000 from the Furber Park figure to the \$100,000 estimate is a result of assuming added cost for building or purchasing recreational facilities.

DRAFT

Facility Fee

Based upon a 20-year growth projection and an population estimate of 10,362 people there will be a demand for 51.8 acres of parkland. The current demand for parkland is 28 acres. The City and existing residents are responsible for the funding and provision of these 28 acres. The added demand for 23.8 acres will be the responsibility of future development.

Facility	Estimated Cost	EDU's	Fee per EDU
Park and Recreation Facilities (Improvements only)	\$2,380,000	2,000	\$1,190

RESOLUTION NO. -92**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE ESTABLISHING A PUBLIC FACILITIES DEVELOPMENT IMPACT FEE FOR ALL DEVELOPMENTS WITHIN THE CITY OF CLOVERDALE AND FUTURE ANNEXATIONS CONTAINED WITH THE GENERAL PLAN STUDY AREA**

WHEREAS, the City Council of the City of Cloverdale has adopted Ordinance No. -92 creating and establishing authority for imposing and charging a Public Facilities Impact Fee; and

WHEREAS, study of the impacts of contemplated future development on existing public facilities in the City of Cloverdale, along with an analysis of the need for new public facilities and improvements required by new development was conducted, and said study set forth the relationship between new development, the needed facilities, and the estimated costs of those improvements. The study, entitled "Interim Development Impact Fee for Public Facilities" further referenced and attached as Exhibit "A", was prepared by Willdan Associates and Coastland Civil Engineering, and is dated September, 1992; and which references and incorporates information and data from master plans and studies, including, but not limited to the following:

- Water and Sewer Master Plans, February 1992
- Traffic Impact Fee Study, September 1992
- Police and Fire Master Needs Assessment, January 1992
- 1992 Cloverdale General Plan, August 1992

WHEREAS, the "Interim Development Impact Fee for Public Facilities Study" and other aforementioned studies were available for public inspection and review fourteen (14) days prior to this public hearing; and

WHEREAS, the City Council finds as follows:

A. The purpose of this fee is to finance street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities (civic center and corporation yard), and parks and recreation facilities to reduce the impacts caused by new development, within the City of Cloverdale.

B. The Public Facilities Development Impact Fees collected pursuant to this resolution shall be used to finance only the public facilities described or identified in Exhibit "A",

C. After considering the study and analysis prepared by Willdan Associates and Coastland Civil Engineering entitled "Interim Development Impact Fee for Public Facilities", and the testimony received at this public hearing, the Council approves said study and reference material, and incorporates such herein, and further finds that the new development in the City of Cloverdale will generate additional demands for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general City facilities within the City of Cloverdale and will contribute to the degradation of these facilities;

D. There is a need in this described impact area for street and thoroughfare, water distribution, treatment and storage, sewer collection and treatment, storm drainage, public safety (Police and Fire), general city facilities (civic center and corporation yard), and parks and recreation which have not been constructed or have been constructed, but new development has not contributed its fair share towards these facility costs and said facilities have been called for in or are consistent with the City's adopted infrastructure master plans;

E. The facts and evidence presented establish that there is a reasonable relationship between the need for the described public facilities and the impacts of the types of development described in paragraph 3 below, for which the corresponding fee is charged, and, also there is a reasonable relationship between the fee's use and the type of development for which the fee is charged, as these reasonable relationships or nexus are in more detail described in the study referred to above;

F. The cost estimates set forth in Exhibit "A" are reasonable cost estimates for constructing these facilities, and the fees expected to be generated by new development will not exceed the total of the costs.

NOW, THEREFORE, it is hereby resolved by the City Council of the City of Cloverdale that:

1. Definitions.

(a) "New development" shall mean construction of "residential improvements, original construction of commercial, industrial or other non-residential improvements, or the addition of floor space to existing improvements".

2. A Public Facilities Development Impact fee shall be charged upon issuance of any "building permit" unless other City provisions allow for the collection of all or a portion of the fee at an earlier time. The City (person to be responsible for collection or determination of the fee) shall determine if the development lies within this benefit area, the type of development and the corresponding fee to be charged in accordance with this resolution.

3. The Public Facilities Development Impact fee for development, residential and non-residential, shall be paid in accordance to the table shown on the following table:

SUMMARY FEES PER FACILITY			
	Land Use	Fee Per Unit/Acre	
1.	Street and Thoroughfare system	Single Family 4 BR	1,763
		Single Family 3 BR	1,434
		Single Family 2 BR	1,141
		Multi-family 4 BR	1,417
		Multi-Family 3 BR	1,106
		Multi-Family 2 BR	795
		Senior Housing	691
		Downtown Commercial (Per 1,000 sf)	2,125
		Service commercial (Per 1,000 sf)	2,264
		Destination Commercial (Per 1,000 sf)	2,125
		General Industrial (Per 1,000 sf)	1,693
		Public (Per acre)	3,888
		Business Park (Per 1,000 sf)	2,678
		Mixed Use Commercial (Per 1,000 sf)	2,125
Airport (Per acre)	1,123		

SUMMARY FEES PER FACILITY				
		Land Use	Fee Per Unit/Acre	
2.	Storm Drainage	Single Family	694	
		Multi Family	424	
		Commercial/Industrial (Per Ac.)	7,762	
3.	Water	Single Family	1,224	
		Multi Family	1,224	
		Commercial/Industrial (Per ac.)	3,832	
4.	Sewer	Single Family	1,671	
		Multi-Family	1,667	
		Commercial/Industrial (Per Ac.)	5,671	
5.	Public Safety			
		• Police	Residential	636
			Commercial/Industrial (per sf)	400
		• Fire	Residential	721
		Commercial/Industrial (per sf)	451	
6.	General City			
		• Civic Center	Per EDU	210
	• Corporation Yard		815	
7.	Parks and Recreation	Residential	1,190	
8.	Administration	Per EDU	118	

4. Use of Fee. The fee shall be solely used to pay; (1) for the described public facilities to be constructed by the City; (2) for reimbursing the City for the development's fair share of those capital improvements already constructed by the City; or (3) to reimburse other developers who have constructed public facilities described in Exhibit "A" attached hereto, where those facilities were beyond that needed to mitigate the impacts of the other developers' project or projects.

5. Fee Review. At least annually as part of the City's budget process, the City shall review the estimated cost of the described public facility improvements, the continued need for those improvements and the reasonable relationship between such need and the impacts of the various types of development pending or anticipated and for which this fee is charged. The City shall report its findings to the City Council at a noticed public hearing and recommend any adjustment to this fee or other action as may be needed.

DRAFT

INTRODUCED by the City Council of the City of Cloverdale, on the * day of *, 1992 and passed and adopted by the City Council of the City of Cloverdale at an adjourned regular meeting thereof held on the * day of *, 1992 by the following roll call vote:

AYES in favor of:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

ATTESTED:

Thomas Reed Sink, Mayor

Michele Winterbottom, City Clerk

CLOVERDALE FEE PROGRAM
September 1992

Typical Costs of Constructing a Single Family 3-Bedroom Home

<u>Fee Program</u>	<u>Cost \$</u>
1. Street and Thoroughfare	1434
2. Storm Drainage	694
3. Water Distribution, Treatment and Storage	1224
4. Sewer Collection and Treatment	1671
5. Public Safety Facilities and Equipment	
•Police Protection Services	636
•Fire Protection Services	721
7. General City Facilities	
•Civic Center	210
•Corporation Yard	815
8. Parks and Recreation Facilities	
•Quimby Act/Land Acquisition	900
•Improvements	1190
9. Administrative Service Charge (1%)	<u>118</u>
TOTAL	\$9,613

FILE NAME: SURVEY

REVISED 25 MARCH 1992

SINGLE FAMILY RESIDENCE IN SUBDIVISION
 2,000 SQ. FT. FLOOR AREA
 3 BR, 2 BATH
 6000 SQ. FT. LOT (60' X 100')
 1" WATER MAIN
 1" SERVICE

COMPARITIVE DEVELOPMENT FEES COSTS BY SONOMA COUNTY CITIES

CITY	WATER	SEWER	DRAINAGE	STREETS	PARKS	ELEC	TRAFFIC	B/ROOM TX	OTHER	TOTAL
** HEALDSBURG	\$1,857	\$1,198	\$568	\$3,820	\$903	\$508				\$8,854
***HLDG PROPOSE	\$3,742	\$2,035	\$2,053	\$3,651	\$2,740	\$665				\$14,886
** WINDSOR	\$1,820	\$6,800	\$1,639 (S/C Fee)	\$2,100 4600 (S/C Fee)	\$754 (S/C Fee)	N/A			\$387 (S/C Fee & Fire Dis)	\$14,800
** SANTA ROSA	\$4,380	\$7,680	\$0	\$1,200	\$961	N/A			\$1,270	\$15,491
** PETALUMA	\$3,435	\$2,550	\$172	\$0	\$3,313	N/A	\$2,886		\$3,400	\$15,756
** SEBASTOPOL	\$3,970	\$6,360	\$0	\$0	\$0	N/A	\$1,000		\$0	\$11,330
** SONOMA	\$2,380	\$4,670 (S/C Fee)	\$0	\$3,400 (S/C Fee)	\$0	N/A			\$3,171	\$13,521
***CLOVERDALE	\$2,000	\$2,000	\$0	\$0	\$900	N/A			\$150	\$5,050
** ROHNERT PARK	\$1,560	\$5,000	\$0	\$250	\$0	\$23	\$500		\$1,464	\$8,797
** COTATI	\$2,662	\$7,614	\$0	\$0	\$0	N/A	\$250	\$400	\$940	\$11,866

COTATI PARKS: FORMULA BASED ON PRICE INDEX

*** CHANGE PENDING

** INDICATES CONFIRMED CHANGES THROUGH MARCH 25, 1992

Figure 20
Comparison of Traffic Impact Fees
In Selected Northern California Jurisdictions

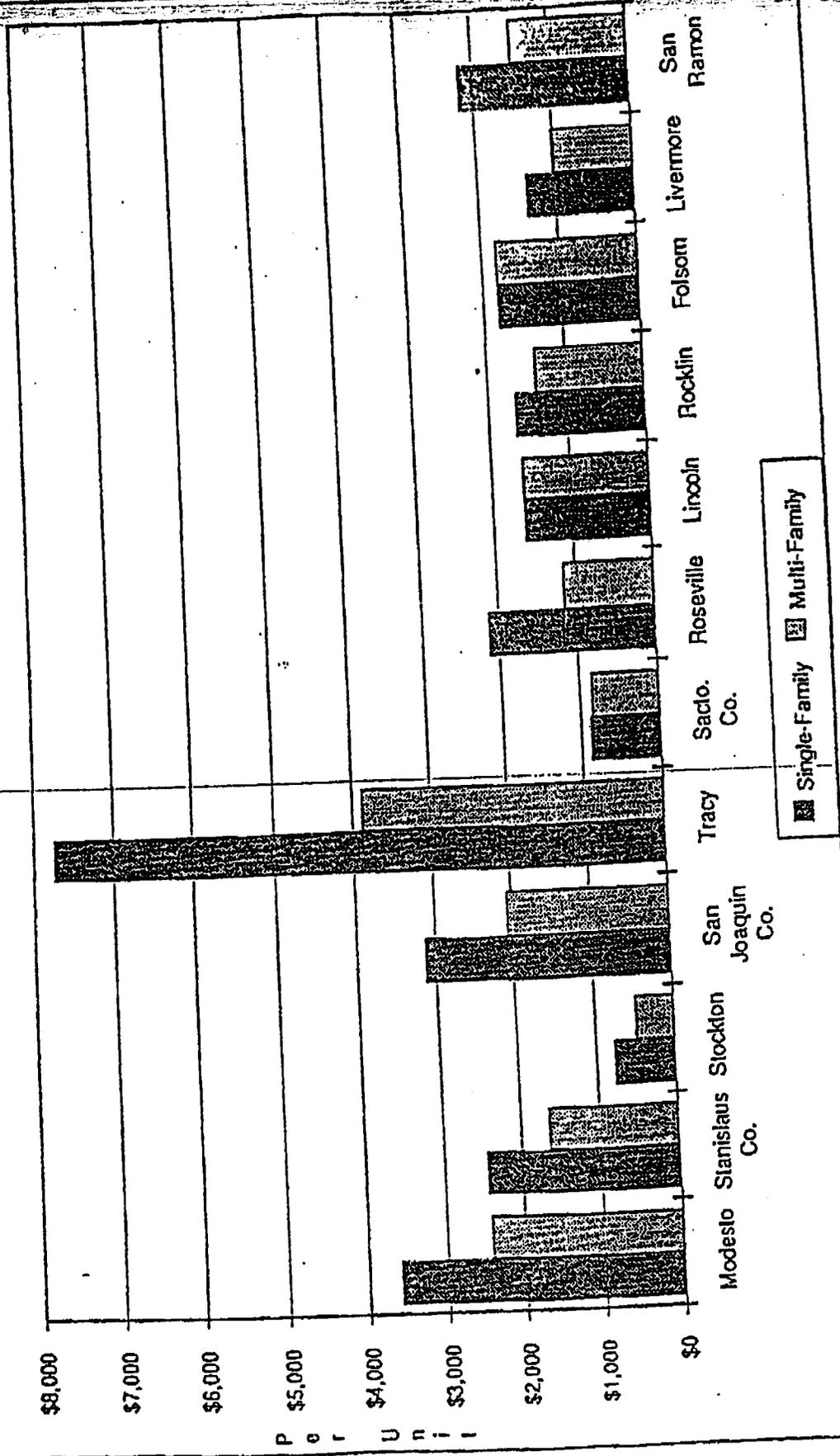
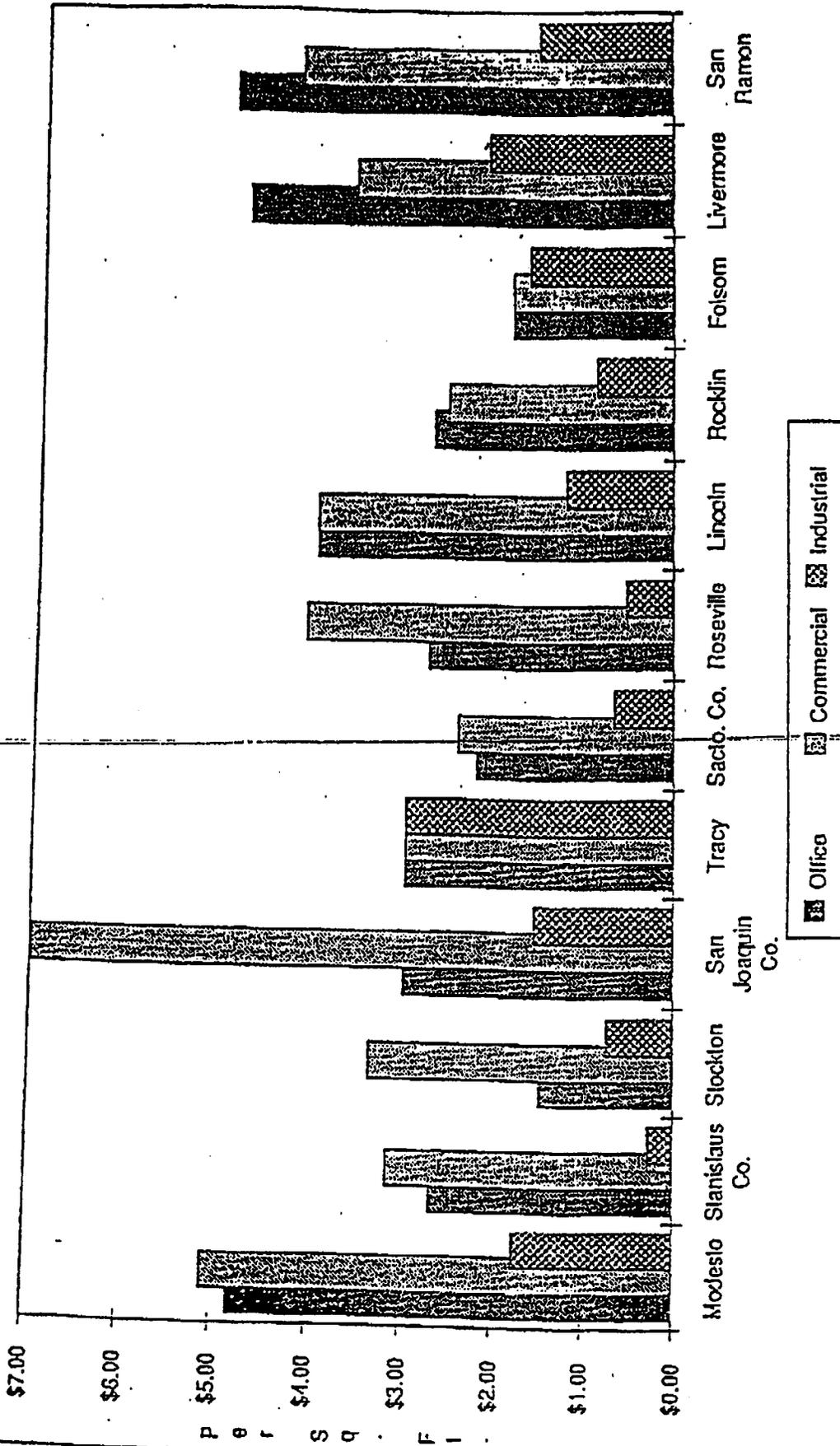


Figure 21
Comparative Non-Residential Traffic Fees
In Selected Northern California Jurisdictions



NRFEEES.XLC 12/17/90

Agenda

City of Cloverdale

Interim Development Impact Fee For Public Facilities

September 10, 1992

3:00 p.m

I. Introductions

II. Report Overview

A. Background

B. Government Code 66000

C. Public Facility Standards/Technical Reports

D. Facility Review

Street and Thoroughfare System
Storm Drainage
Water Distribution, Treatment and Storage
Sewer Collection and Treatment
Public Safety Facilities and Equipment
Police
Fire
General City Facilities
Civic Center
Corporation Yard
Parks and Recreation Facilities

III. What's Next?

IV. Questions and Answers

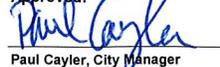
2016 DEVELOPMENT IMPACT FEES
Effective July 1, 2016

Public Facilities Development Impact Fee Resolution No. 035-2011		2016 Fee
Single Family Residential		\$4,993
Multi-family Residential		\$3,685
Mobile Home		\$4,025
Commercial (per 1,000 square feet)		\$815
Industrial (per 1,000 square feet)		\$571
Parks and Recreation Facilities Resolution No. 036-2011		2016 Fee
Single Family Residential		\$3,747
Multi-family Residential		\$2,766
Mobile Home		\$3,022
Quimby Act Parkland Acquisition Resolution No. 680-2011		2016 Fee
Single Family Residential		\$6,386
Multi-family Residential		\$4,714
Non-Quimby Act Parkland Acquisition Resolution No.037-2011		2016 Fee
Single Family Residential		\$6,386
Multi-family Residential		\$4,714
Mobile Home		\$5,148
Administration Resolution No. 038-2011		2016 Fee
Single Family Residential		\$599
Multi-family Residential		\$443
Mobile Home		\$483
Commercial (per 1,000 square feet)		\$97
Industrial (per 1,000 square feet)		\$68
Water Capacity Resolution No. 033-2011		2016 Fee
Single Family Residential		\$6,270
Multi-family Residential		\$4,627
Mobile Home		\$5,054
Commercial (per gallon per day) ^{1,2}		\$19
Industrial (per gallon per day) ^{1,2}		\$19
Wastewater Capacity Resolution No. 034-2011		2016 Fee
Single Family Residential		\$9,728
Multi-family Residential		\$7,180
Mobile Home		\$7,843
Commercial (per gallon per day) ¹		\$60
Industrial (per gallon per day) ¹		\$60
Street and Thoroughfare Resolution No. 046-2011		2016 Fee
Single Family Residential 4 Bedroom		\$2,743
Single Family Residential 3 Bedroom		\$2,231
Single Family Residential 2 Bedroom		\$1,777
Multi-family Residential 4 Bedroom		\$2,220
Multi-family Residential 3 Bedroom		\$1,720
Multi-family Residential 2 Bedroom		\$1,237
Downtown Commercial (Per 1,000 sf)		\$3,310
Service Commercial (per 1,000 sf)		\$3,523
Destination Commercial (per 1,000 sf)		\$3,310
General Industrial (per 1,000 sf)		\$2,638
Public (per acre)		\$6,053
Business Park (per 1,000 sf)		\$4,171
Mixed Use Commercial (per 1,000 sf)		\$3,310
Airport (per 1,000 sf)		\$1,748
Storm Drainage Resolution No. 045-2011		2016 Fee
Single Family Residential		\$222
Multi-family Residential		\$59
Commercial (per Acre)		\$1,072
Industrial (per Acre)		\$1,072
Fire Facilities		2016 Fee
Single Family Residential		\$1,309
Multi-family Residential		\$1,280
Mobile Home		\$1,141
Commercial (per 1,000 square feet)		\$963
Industrial (per 1,000 square feet)		\$674
Health Care		2016 Fee
Single Family Residential		\$99
Multi-family Residential		\$97
Mobile Home		\$86
Commercial (per 1,000 square feet)		\$73
Industrial (per 1,000 square feet)		\$51

¹ Annual total use / 365 = gallons used per day

² The actual amounts for the Water and Wastewater Capacity Fees for non-residential projects shall be calculated on a case-by-case basis from the average daily water use and wastewater productions for the project based on a water and wastewater use study prepared by a Registered Civil Engineer and subject to approval by the City Engineer.

Approved:


Paul Cayler, City Manager



City Council
Agenda Item Summary

Agenda Item: 9
Meeting Date: August 23, 2016

Agenda Section

New Business

Staff Contact

Joanne Cavallari, Finance Manager

Agenda Item Title

Annual Adoption of a Resolution to Approve the Ad Valorem 2016/2017 Tax Rate for Inclusion on Property Tax Bills to Fund PERS Retirement Expense

Summary

In 1974, Cloverdale voters approved a tax to pay for Public Employees’ Retirement System expenses. A tax rate must be computed and approved by the City Council each year and transmitted to the County Auditor-Controller’s Office for inclusion on the property tax bills. Staff has computed the tax rate of \$0.122 per one hundred dollars of assessed value using fiscal year 2016/2017 Certified Values provided by the County, the projected PERS retirement expenses, the PERS rates for safety and miscellaneous members, and the reserve requirement of \$500,000.

The value of benefits added after the voters approved the tax has been subtracted from the PERS rates before calculating the City’s tax requirements. These “after added” benefits are paid by other available revenues in the enterprise funds, and by contributions from the employees. Also, the City has twelve “New Members” that are required under state law to pay 50% of the cost of their benefits, which reduces the amount of tax required from the voters.

In Fiscal Year 2015/2016 the formula used by the City to calculate the tax rate was based on requirements of \$874,745 in tax revenues. However, the actual revenues received from property taxes were \$741,800, a deficit of about \$132,000. This revenue deficit was partially offset by Redevelopment Property Tax Trust Fund residual distributions of about \$65,000. As a result, the fund balance reserve dropped to \$458,000.

Staff conducted a review of the past ten years of data and found that the actual property tax revenue received by the City has consistently been below the calculation every year. We believe this was disregarded because the calculation is based on the budgeted retirement expenses which were higher than the actual expenses each year, so the reserve balance remained within the desired level.

The revenue deficit is due to an adjustment to the Assessed Valuation made by the County of Sonoma, which shifts a portion of the property tax to the RDA Successor Agency. Staff has been working with the County to revise our formula to take this adjustment into consideration so that revenues more closely match the requirements of the City.

The new rate of \$0.122 is a 32% increase from last year’s rate of \$0.093. This is a substantial increase for our taxpayers. If the Council were to consider lowering the reserve level to \$400,000 the tax rate would drop to 10.7%. This is still an increase of 15%, but much lower than what would be necessary if we retain the \$500,000 reserve.

Staff has prepared two alternatives for the Council’s consideration.

Option 1 sets the tax rate at 12.2% of assessed value and provides reserves of \$500,000.

Option 2 sets the tax rate at 10.7% of assessed value and provides reserves of \$400,000.

Options

- 1) Set the tax rate at 12.2% per \$100 of assessed value to maintain reserves of \$500,000.
- 2) Set the tax rate at 10.7% per \$100 of assessed value and lower the reserves to \$400,000.

Budget/Financial Impact

Option 1 will generate about \$797,582 for the PERS retirement program expenses.

Option 2 will generate about \$697,582 for the PERS retirement program expenses.

An additional \$189,600 is estimated to be received from other funding sources, and about \$196,000 will be paid by employees and City contributions.

Subcommittee Recommendation

N/A

Recommended Council Action

Discuss the options presented, and Adopt Resolution No. 069-2016 Setting the Ad Valorem Tax Rate for Public Employee Retirement System Retirement Benefits For Fiscal Year 2016/2017

Attachments:

1. Option 1: Resolution and Attachment A-PERS Rate Calculation setting the rate at 12.2%
2. Option 2: Resolution and Attachment A-PERS Rate Calculation setting the rate at 10.7%

cc:

OPTION ONE
CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 069-2016

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE SETTING
THE AD VALOREM TAX RATE FOR PUBLIC EMPLOYEE RETIREMENT SYSTEM
RETIREMENT BENEFITS FOR FISCAL YEAR 2016-2017**

WHEREAS, the City of Cloverdale has entered into a contract with the Public Employees' Retirement System of the State of California for the provision of retirement and related benefits to the employees of the City of Cloverdale, and pursuant to previously established voter authorization, the City of Cloverdale is authorized to establish the levy for the current fiscal year in order to fund its responsibilities under the contract; and

NOW, THEREFORE BE IT RESOLVED by the City Council that an Ad Valorem tax rate for fiscal year 2016-2017 be levied upon property in the City of Cloverdale for the above purpose in an amount **of \$0.122 per one hundred dollars of full assessed valuation**; and

BE IT FURTHER RESOLVED that the County Assessor, Auditor, Tax Collector and other appropriate officials of the County of Sonoma are hereby authorized and directed to spread the specified assessment upon the tax rolls of all taxable property within the City of Cloverdale in the County of Sonoma, and to receive, collect, and disburse the same in accordance with law and the agreement between the City of Cloverdale and the County of Sonoma.

IT IS HEREBY CERTIFIED that the foregoing Resolution No. 069-2016 was duly introduced and legally adopted by the City Council of the City of Cloverdale at its regular Meeting held on this 23rd day of August 2016, by the following roll call vote: (ayes - noes)

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved

Attested

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

City of Cloverdale PERS Retirement Tax Rate Calculation
Fiscal Year 2016-2017

<u>Classic Members</u>	<u>Miscellaneous</u>	<u>Safety</u>	<u>Total</u>
Earnings subject to PERS - Classic Members	\$ 1,609,569	\$ 986,889	\$ 2,596,458
16/17 PERS Rate - Employer Paid	15.880%	28.536%	
Less After Added Benefits	2.510%	8.207%	
Net PERS Rate to be Funded by Tax	13.370%	20.329%	
Normal Contribution - Classic Members	215,199	200,625	
Employer Payment of Unfunded Liability	225,911	229,035	
Amount to be funded by Tax	\$ 441,110	\$ 429,660	\$ 870,770

<u>New Members</u>	<u>Miscellaneous</u>	<u>Safety</u>	<u>Total</u>
Earnings subject to PERS - New Members	\$ 563,283	\$ 311,128	\$ 874,411
16/17 PERS Rate - Employer Paid	6.555%	12.082%	
Net PERS Rate to be Funded by Tax	6.555%	12.082%	
Normal Contribution - New Members	\$ 36,923	\$ 37,590	
Employer Payment of Unfunded Liability	\$ 10	\$ 51	
Amount to be Funded by Tax - New Members	\$ 36,933	\$ 37,641	\$ 74,575

Amount to be Funded by Tax - Total	\$ 478,044	\$ 467,301	\$ 945,345
Reserves for Rate Stabilization			500,000
Total Requirements			\$ 1,445,345
Less Available Balance at July 1, 2016			(458,163)
Less Other Revenue Sources (Estimates based on prior year)			
Unitary			(149,600)
RPTTF Residual			(30,000)
Supplemental Property Tax			(9,000)
Unsecured Property Tax			(1,000)
Total Tax Requirement for FY 2016-17			\$ 797,582

	Secured	Unsecured	Total
Property Values - Fiscal Year 2016-17 Tax Roll	974,156,285	35,913,387	\$ 1,010,069,672
Less RDA Increment			\$ (356,243,949)
Cloverdale DS Net Value			\$ 653,825,723
Total Requirements			\$ 797,582
Tax Rate (Requirements divided by DS Net Value times 100)			
Property Tax Rate per \$100 of Assessed Value			0.122

OPTION TWO
CITY OF CLOVERDALE
CITY COUNCIL
RESOLUTION NO. 069-2016

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVERDALE SETTING
THE AD VALOREM TAX RATE FOR PUBLIC EMPLOYEE RETIREMENT SYSTEM
RETIREMENT BENEFITS FOR FISCAL YEAR 2016-2017**

WHEREAS, the City of Cloverdale has entered into a contract with the Public Employees' Retirement System of the State of California for the provision of retirement and related benefits to the employees of the City of Cloverdale, and pursuant to previously established voter authorization, the City of Cloverdale is authorized to establish the levy for the current fiscal year in order to fund its responsibilities under the contract; and

NOW, THEREFORE BE IT RESOLVED by the City Council that an Ad Valorem tax rate for fiscal year 2016-2017 be levied upon property in the City of Cloverdale for the above purpose in an amount of **\$0.107 per one hundred dollars of full assessed valuation**; and

BE IT FURTHER RESOLVED that the County Assessor, Auditor, Tax Collector and other appropriate officials of the County of Sonoma are hereby authorized and directed to spread the specified assessment upon the tax rolls of all taxable property within the City of Cloverdale in the County of Sonoma, and to receive, collect, and disburse the same in accordance with law and the agreement between the City of Cloverdale and the County of Sonoma.

IT IS HEREBY CERTIFIED that the foregoing Resolution No. 069-2016 was duly introduced and legally adopted by the City Council of the City of Cloverdale at its regular Meeting held on this 23rd day of August 2016, by the following roll call vote: (ayes - noes)

AYES:
NOES:
ABSENT:
ABSTAIN:

Approved

Attested

Mary Ann Brigham, Mayor

Linda Moore, Deputy City Clerk

City of Cloverdale PERS Retirement Tax Rate Calculation
Fiscal Year 2016-2017

<u>Classic Members</u>	<u>Miscellaneous</u>	<u>Safety</u>	<u>Total</u>
Earnings subject to PERS - Classic Members	\$ 1,609,569	\$ 986,889	\$ 2,596,458
16/17 PERS Rate - Employer Paid	15.880%	28.536%	
Less After Added Benefits	2.510%	8.207%	
Net PERS Rate to be Funded by Tax	13.370%	20.329%	
Normal Contribution - Classic Members	215,199	200,625	
Employer Payment of Unfunded Liability	225,911	229,035	
Amount to be funded by Tax	\$ 441,110	\$ 429,660	\$ 870,770

<u>New Members</u>	<u>Miscellaneous</u>	<u>Safety</u>	<u>Total</u>
Earnings subject to PERS - New Members	\$ 563,283	\$ 311,128	\$ 874,411
16/17 PERS Rate - Employer Paid	6.555%	12.082%	
Net PERS Rate to be Funded by Tax	6.555%	12.082%	
Normal Contribution - New Members	\$ 36,923	\$ 37,590	
Employer Payment of Unfunded Liability	\$ 10	\$ 51	
Amount to be Funded by Tax - New Members	\$ 36,933	\$ 37,641	\$ 74,575

Amount to be Funded by Tax - Total	\$ 478,044	\$ 467,301	\$ 945,345
Reserves for Rate Stabilization			400,000
Total Requirements			\$ 1,345,345
Less Available Balance at July 1, 2016			(458,163)
Less Other Revenue Sources (Estimates based on prior year)			
Unitary			(149,600)
RPTTF Residual			(30,000)
Supplemental Property Tax			(9,000)
Unsecured Property Tax			(1,000)
Total Tax Requirement for FY 2016-17			\$ 697,582

	Secured	Unsecured	Total
Property Values - Fiscal Year 2016-17 Tax Roll	974,156,285	35,913,387	\$ 1,010,069,672
Less RDA Increment			\$ (356,243,949)
Cloverdale DS Net Value			\$ 653,825,723
Total Requirements			\$ 697,582
Tax Rate (Requirements divided by DS Net Value times 100)			
Property Tax Rate per \$100 of Assessed Value			0.107



**City Council/Successor Agency
Agenda Item Summary**

Agenda Item: 10
Meeting Date: August 23, 2016

Agenda Section

Regular

Staff Contact

Mark Rincon, Public Works Director

Agenda Item Title

Discussion and Possible Action on the Appointment of Two Council Members to an Ad Hoc Committee for the Purpose of Reviewing and Recommending Potential Changes to the Second Street City Park

Summary

Cloverdale City Councilmembers Palla and Wolter requested that the matter of establishment of an Ad Hoc Committee for the purpose of exploring improvements to the Second Street Park be discussed by the City Council. The Second Street Park, a.k.a. City Park, has multiple facilities and extensive use. The facilities include a group barbeque area, children’s playground, restrooms, ball field, parking lot, scout building, walking trails and open grassy area. There is a considerable amount of deferred maintenance at the park. Recently, the Council budgeted funds for the City Park, which will go toward repaving the parking lot. The purpose of the Ad Hoc Committee is to develop a vision for the park, and further potential maintenance and improvements. An Ad Hoc Committee may be formed by the City Council in order to address matters of a specific limited scope and time duration. Unlike a Standing Committee of the City Council, Ad Hoc Committee does not have to comply with requirements for meeting agendas and minutes.

Options

1) Establish an Ad Hoc Committee for reviewing the City’s use and plan for Second Street Park; or 2) Reject the establishment of an Ad Hoc Committee.

Budget/Financial Impact

None.

Subcommittee Recommendation

None.

Recommended Council Action

The City Manager recommends that by minute order the City Council form an Ad Hoc Committee of no more than two City Council Members for the purpose of reviewing and making recommendations relating to the City’s vision, use and plans for Second Street Park.

Attachments:

cc: