



City of Lemon Grove
City Council Regular Meeting Agenda
Tuesday, December 6, 2022, 6:00 p.m.
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945

For everyone's protection, all attendees must maintain a safe social distance. Face coverings are optional but strongly recommended during the meeting.

City Council

Racquel Vasquez, Mayor
Jerry Jones, Mayor Pro Tem
Jennifer Mendoza, Councilmember
Liana LeBaron, Councilmember
George Gastil, Councilmember

A complete agenda packet is available for review on the [City's website](#)

The City Council also sits as the Lemon Grove Housing Authority, Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board, and Lemon Grove Successor Agency

Call to Order

Pledge of Allegiance

Changes to the Agenda

Presentation(s)

Public Comment

Digitally submitted public comments received by the City Clerk at amalone@lemongrove.ca.gov will not be read out-loud during the meeting. However, they will be provided to the City Council and remain part of the meeting's records. Per the Lemon Grove Municipal Code Section 2.14.150, live comments are allotted a maximum of three (3) minutes.

Consent Calendar

(Note: The items listed on the Consent Calendar will be enacted in one motion unless removed from the Consent Calendar by Council, staff, or the public.)

1.A Waive Full Text Reading of All Ordinances on the Agenda

Reference: Kristen Steinke, City Attorney

Recommendation: Waive the full text reading of all ordinances included in this agenda; Ordinances shall be introduced and adopted by title only.

1.B City of Lemon Grove Payment Demands

Reference: Joseph Ware, Finance Manager

Recommendation: Ratify Demands

1.C Approval of City Council Minutes

Reference: Deborah Harrington, Interim City Clerk
Recommendation: Approve City Council Minutes of City Council meetings held as follows: Special Meeting of June 21, 2022, Regular Meeting of June 21, 2022, Regular Meeting of July 19, 2022 and Regular Meeting of November 15, 2022.

Report(s) to Council

2. Second Reading and Adoption of Ordinance No. 462, Reference the 2022 California Building Standards Code (Title 24)

Reference: Kristen Steinke, City Attorney
Recommendation: Second reading of Ordinance No. 462 and adopt by reference the 2022 California Building Standards Code (Title 24).

3. Traffic Calming Measures for the Monterey Heights STEAM Academy Neighborhood

Reference: Issy Murguia, Public Works Director
Recommendation: Adopt a resolution directing staff to 1) conduct a warrant analysis for an all way stop at the intersection of Canton Drive and Bakersfield Street and install traffic calming signs on Canton Drive; and 2) authorize an allocation from the General Fund remaining fund balance not to exceed \$15,000 to implement the recommended traffic calming measures.

4. American Rescue Program Act (ARPA)

Reference: Lydia Romero, City Manager
Recommendation: Discuss and Advise.

City Council Reports on Meetings Attended at the Expense of the City

(GC 53232.3 (d)) (53232.3. (d) states that members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.)

City Manager Report

Closed Session(s):

Conference with Legal Council – Anticipated Litigation (Government Code Section 54956.9(d)(2)-(4))

Adjournment

AFFIDAVIT OF NOTIFICATION AND POSTING
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) SS
CITY OF LEMON GROVE)

I, Deborah Harrington, Interim City Clerk of the City of Lemon Grove, hereby declare under penalty of perjury that a copy of the above Agenda of the Regular Meeting of the City Council of the City of Lemon Grove, California, was delivered and/or notice by email not less than 72 hours, on or before the hour of 6:00 p.m. on December 1, 2022 to the members of the governing agency, and caused the agenda to be posted on the City's website at www.lemongrove.ca.gov and at Lemon Grove City Hall, 3232 Main Street Lemon Grove, CA 91945.

/s/: Deborah Harrington
Deborah Harrington, Interim City Clerk

In compliance with the Americans with Disabilities Act (ADA), the City of Lemon Grove will provide special accommodations for persons who require assistance to access, attend and/or participate in meetings of the City Council. If you require such assistance, please contact the City Clerk at (619) 825-3800 or email dharrington@lemongrove.ca.gov. A full agenda is available for public review at City Hall.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.A
Meeting Date: December 6, 2022
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Kristen Steinke, City Attorney
Item Title: **Waive the Full Text Reading of all Ordinances**

Summary: Waive the full text reading of all ordinances included in this agenda. Ordinances shall be introduced and adopted by title only.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 1.B
Meeting Date: December 6, 2022
Submitted to: Honorable Mayor and Members of the City Council
Department: City Manager's Office
Staff Contact: Joseph Ware, Finance Manager
jware@lemongrove.ca.gov
Item Title: **City of Lemon Grove Payment Demands**

Recommended Action: Ratify Demands.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact: None.

Public Notification: None.

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
City of Lemon Grove Demands Summary Approved as Submitted:						
Joseph Ware, Finance Manager For Council Meeting: 12/06/22						
				ACH/AP Checks 11/03/22-11/22/22	1,298,338.24	
				Payroll - 11/15/22	124,233.08	
				Total Demands	1,422,571.32	

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	9/22/2022	Wells Fargo	11/03/2022	AT&T - Backup City Hall Internet- 8/23/22-9/22/22	85.60	6,615.51
	10/22/2022			AT&T - Backup City Hall Internet- 9/23/22-10/22/22	85.60	
	6001630450			Canon Solutions-Canon Maintenance-Copier Usage 5/27/22-8/26/22	1,233.95	
	6001704475			Canon Solutions-Canon Maintenance-Copier Usage 5/26/22-8/25/22	732.23	
	82142940			Corelogic - Realquest Graphics Package - Jul'22	300.00	
	82146687			Corelogic - Realquest Graphics Package - Aug'22	300.00	
	9/10/2022			Cox - Calsense Modem Line: 2259 Washington 9/11/22-10/10/22	27.54	
	9/1/2022			Cox - Calsense Modem Line:7071 Mt Vernon/Berry St Pk 9/1-30/22	27.54	
	9/9/2022			Cox - Calsense Modem Line:8235 Mt Vernon/Berry St Pk 9/9-10/8/22	80.39	
	8/19/2022			Cox - Phone/PW Yard/2873 Sky line- 8/19/22-9/18/22	215.73	
	9/19/2022			Cox - Phone/PW Yard/2873 Sky line- 9/19/22-10/18/22	215.73	
	9/1/2022			Cox - Phone/City Hall 9/1/22-9/30/22	764.88	
	8/30/2022			Cox - Internet/Comm Ctr- 8/30/22-9/29/22	110.39	
	8/19/2022			Cox - Copy Room Fax Line- 8/18/22-9/17/22	4.33	
	9/18/2022			Cox - Copy Room Fax Line- 9/18/22-10/17/22	4.20	
	9/1/2022			Cox - MainPhone/Fire 9/1/22-9/30/22	487.01	
	8/27/2022			Cox - City Hall Fire Alarm 8/27/22-9/26/22	93.86	
	9/7/2022			Cox - PEG Circuit Svc- 9/7/22-10/6/22	160.70	
	9/4/2022			Cox - Phone/Internet/Rec Ctr/3131 School Ln- 9/4/22-10/3/22	342.45	
	3105653431			Pitney Bowes - Postage Meter Rental 6/30/22-9/29/22	178.65	
	9914940740			Verizon - Modems - Cardiac Monitors - 8/4/22-9/3/22	42.16	
	9915692304			Verizon - City Phone Charges- 8/13/22-9/12/22	184.83	
	9915692305			Verizon - PW Tablets- 8/13/22-9/12/22	141.36	
	9913910594			Verizon - MDC Engine Tablets- 7/21/22-8/20/22	399.43	
	9916263226			Verizon - MDC Engine Tablets- 8/21/22-9/20/22	396.95	
ACH	Stmt 10/28/22	Home Depot Credit Services	11/03/2022	Home Depot Purchases - Oct'22	2,744.78	2,744.78
ACH	Nov01 22	Employment Development Department	11/03/2022	State Taxes 11/01/22	7,701.11	7,701.11
ACH	Oct19-Nov01 22	Calpers Supplemental Income 457 Plan	11/04/2022	457 Plan 10/19/22-11/01/22	6,571.09	6,571.09
ACH	Nov01 22	US Treasury	11/08/2022	Federal Taxes 11/01/22	25,321.83	25,321.83
ACH	Sep22	San Diego County Sheriff's Department	11/09/2022	Law Enforcement Services - Sep'22	545,906.38	545,906.38
ACH	Oct22-CC	Wells Fargo	11/10/2022	Credit Card Processing-Mo.Svc - Oct'22	9.95	616.19
	Oct22-CC			Credit Card Transaction Fees- Oct'22	606.24	
ACH	Refill 11/8/22	Pitney Bowes Global Financial Services LLC	11/10/2022	Postage Usage 11/8/22	250.00	250.00
ACH	555387	Aflac	11/16/2022	AFLAC Insurance 11/16/22	1,561.06	1,561.06

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
ACH	84893323	WEX Bank	11/17/2022	Fuel - Fire Dept - Oct'22	3,316.92	3,316.92
ACH	Oct5-Nov1 22	California Public Empl Retirement System	11/17/2022	Pers Retirement 10/5/22-11/1/22	65,792.03	65,792.03
ACH	Nov15 22	Employment Development Department	11/17/2022	State Taxes 11/15/22	7,484.90	7,484.90
ACH	4662	Yiftee, Inc	11/18/2022	Buy One Get One Gift Cards	75,000.00	75,000.00
ACH	Nov2-Nov15 22	Calpers Supplemental Income 457 Plan	11/18/2022	457 Plan 11/2/22-11/15/ 22	6,571.09	6,571.09
ACH	Nov15 22	US Treasury	11/22/2022	Federal Taxes 11/15/22	24,903.21	24,903.21
16451	Fire- 18959213	AT&T	11/09/2022	Fire Backup Phone Line- 9/22/22-10/21/22	46.68	46.68
16452	1300	Badawi & Associates	11/09/2022	FY2022 Audit - Progress Billing #2	14,550.75	14,550.75
16453	Nov2022	Benefit Coordinators Corporation (BCC)	11/09/2022	Life Insurance - Nov'22	575.10	1,259.66
				LTD Insurance - Nov'22	684.56	
16454	R#45647-55	Bright Planet Solar	11/09/2022	Refund/Bright Planet Solar/ Credit Card Fees	57.93	57.93
16455	Burke	Burke JoAnne	11/09/2022	Refund/Burke,JoAnne/Deposit-Lee House 10/8/22 Event Cancelled	200.00	200.00
16456	2022.4600	Chen Ryan Associates Inc.	11/09/2022	Prof Svc: Sidewalk Master Plan (Contract 2022.27) thru 9/30/22	5,905.00	5,905.00
16457	380	City of El Cajon	11/09/2022	HCFA Assessments - QTR 2 FY22/23	65,482.73	65,482.73
16458	1000341850	City of San Diego	11/09/2022	Municipal Sewer Transportation- FY23 Q1 7/1/22-9/30/22	9,497.76	9,497.76
16459	23CTOFLGN04	County of San Diego- RCS	11/09/2022	800 MHZ Network- Oct'22	1,767.00	1,767.00
16460	11012220560	DAR Contractors	11/09/2022	Animal Disposal- Oct'22	162.00	162.00
16461	11/1-3/22	EsGil, LLC	11/09/2022	75% Building Fees- 11/1/22-11/3/22	7,035.46	7,035.46
16462	Nov-22	Fidelity Security Life Insurance Company	11/09/2022	Vision Insurance -Nov22	282.43	282.43
16463	IN321490	Geotab USA, Inc.	11/09/2022	Monthly ProPlus Plan	197.50	197.50
16464	Reimb-11/6/22	Hidalgo, Roberto	11/09/2022	Reimb-CalPERS Conference/Anaheim/10/31/22-11/2/22	209.04	209.04
16465	1776	Janazz, LLC SD	11/09/2022	IT Services- City Hall- Oct'22	2,500.00	2,500.00
16466	Lizarraga	Lizarraga,Rocio	11/09/2022	Refund/Lizarrago, Rocio/Deposit - Lee House- 9/4/22	300.00	300.00
16467	Reimb 10/29/22	Medina, Travis	11/09/2022	Reimb: SD Fire Dept/Rope Rescue Tech Training 9/26	204.11	204.11
16468	IN1784868	Municipal Emergency Services Inc	11/09/2022	SCBA Repair	365.53	365.53
16469	110922	Nathan Bradley and Erika Cueva	11/09/2022	Refund/Bradley, Nathan and Cueva, Erika/Sewer Fees Overcharged	520.57	520.57
16470	INV00061038	RapidScale Inc.	11/09/2022	Virtual Hosting/Back Up Svc/Cloud Storage/Svr 10/31/22-11/29/22	4,344.78	4,344.78
16471	32710936	RCP Block & Brick, Inc.	11/09/2022	Hi-Strength Concrete Mix/Fast Setting Concrete Mix	58.55	236.56
	32713724			Bulk Sand - Fire Stn	178.01	
16472	11/1/2022	SDG&E	11/09/2022	3410 Washington St- 9/23/22	6.21	4,917.79
	3568860625/1122			Electric Usage:St Light 10/1/22-10/31/22	1,995.53	
	4154920380/1122			Electric Usage:St Light 10/1/22-10/31/22	2,916.05	
16473	Reimb-11/3/22	Ware, Joseph	11/09/2022	Reimb-CalPERS Conference/Anaheim/10/31/22-11/2/22	242.97	242.97
16474	L1072895WK	American Messaging	11/16/2022	Pager Replacement Program 11/1/22-11/30/22	51.24	51.24
16475	5656182418	AutoZone, Inc.	11/16/2022	Cleaner/Degreaser	14.48	73.59
	5656182418			Fuel Treatment/Wiper Blades	59.11	
16476	L2078	Aztec Landscaping Inc	11/16/2022	Irrigation Repairs - Various Locations	1,559.63	1,559.63
16477	5457804	Bearcom Group Inc.	11/16/2022	Portable Radios Monthly Contract 10/22/22-11/21/22	150.00	150.00
16478	24947	City of La Mesa	11/16/2022	Overtime Reimbursement - Doig 9/21/22	1,711.38	1,711.38
16479	3058	Clark Telecom & Electric Inc.	11/16/2022	Street Light Dig-Alert Markouts - Apr'22	748.17	2,295.98
	3059			Street Light Repairs - Sep'22	1,322.04	
	3159			Street Light Dig-Alert Markouts - Sep'22	225.77	
16480	82153748	Corelogic Solutions, LLC.	11/16/2022	RealQuest Graphics Package - Oct'22	300.00	300.00
16481	1101229905	Domestic Uniform Rental	11/16/2022	Shop Towels & Safety Mats 11/1/22	53.35	53.35

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
16482	18186	Eagle Paving Company, Inc	11/16/2022	CUPCCA #2202-03 FY21-22 Street Rehab Project. Various Locations	292,864.73	292,864.73
16483	INV1024306	George Hills Company	11/16/2022	TPA Claims- Adjusting/Other Services - Oct22	385.40	385.40
16484	AR012832	Grossmont Union High School District	11/16/2022	Business Cards	51.00	51.00
16485	9/29/22-10/26/2	Helix Water District	11/16/2022	Water Svc -FH#313300 3232 Main 8/29/22-10/26/22	130.56	130.56
16486	Reimb 11/14/22	Landeros, Sam	11/16/2022	Computer Loan Program	1,574.60	1,574.60
16487	INV42459	Logicopy	11/16/2022	Ricoh C3502 Copier Contract Charge- PW Yard-10/7/22-11/6/22	215.39	215.39
16488	11/15/22	MissionSquare	11/16/2022	Deferred Compensation PPE 11/15/22	780.77	780.77
16489	8056	North County EVS, Inc.	11/16/2022	E210 Reseal Husky Foam Pump/Repair Wet Air Tank Leaks	3,437.45	6,567.56
	8078			E10 Replace Starter/Fuel Filter Housing/Coolant Flex Line	3,130.11	
16490	199322	Penske Ford	11/16/2022	LG Fire '04 Ford Exped/Fire Prev- Diagnose Starting Issue	179.00	179.00
16491	155934PS	SCA of CA, LLC	11/16/2022	Street Sweeping/Parking Lot - Sep'22	5,449.82	11,800.72
	155962PS			Street Sweeping/3200 Main 9/30/22	901.08	
	156081PS			Street Sweeping/Parking Lot - Oct'22	5,449.82	
16492	Oct22	SDG&E	11/16/2022	Gas & Electric 9/22/22-10/20/22	42,145.51	42,145.51
16493	124789699-001	SiteOne Landscape Supply, LLC	11/16/2022	Lawn Rakes	82.04	958.24
	124789699-001			Straw Wattle/Filled Sand Bags	736.15	
	124790536-001			Filled Sand Bags	38.49	
	124939487-001			Nylon Rain Suits	101.56	
16494	Nov 17 Nov 3	Southern CA Firefighters Benefit Trust	11/16/2022	LG Firefighters Benefit Trust 11/17/22 LG Firefighters Benefit Trust 11/3/22	784.55 784.55	1,569.10
16495	8348110110122	Sparkletts	11/16/2022	PW Yard - Water	76.87	76.87
16496	8068085625	Staples Advantage	11/16/2022	Office Supplies - City Hall	179.99	179.99
16497	616262	State of California- Department of Justice	11/16/2022	Fingerprint Apps - Oct'22	64.00	64.00
16498	121938888-0010	Sunbelt Rentals Inc.	11/16/2022	Equip Rental - Post Shore - Senior Ctr 9/29/22-10/26/22	127.97	634.89
	131394882-0001			Equip Rental - Jumping Jack Trumper - Palm St 10/4-10/5/22	157.51	
	131410321-0001			Equip Rental - Concrete Vibrator - Palm St 10/4/22	51.89	
	131667970-0001			Propane	33.27	
	131956656-0001			Equip Rental -Post Hole Auger - LG Park 10/18-10/19/22	264.25	
16499	13805	T-Man Traffic Supply	11/16/2022	Code Signs/Parks - Streets	614.64	614.64
16500	00124021	The East County Californian	11/16/2022	Notice of Public Hearing - CDBG Program FY23-24 10/21/22	171.50	171.50
16501	22-2301457	Underground Service Alert of SC	11/16/2022	State Fee/Regulatory Monthly Costs/Dig Alert 2021	35.10	35.10
16502	1020220393	Underground Service Alert/SC	11/16/2022	74 New Ticket Charges - Oct'22	139.50	139.50
16503	73437455	Vulcan Materials Company	11/16/2022	Asphalt/SS1 5 Gallon Bucket	75.43	1,221.82
	73437456			Asphalt/SS1 5 Gallon Bucket	369.54	
	73443388			Asphalt	122.88	
	73454121			Asphalt/SS1 5 Gallon Bucket	197.20	
	73456772			Asphalt/SS1 5 Gallon Bucket	184.79	
	73460177			Asphalt	114.30	
	73460178			Asphalt	157.68	
16504	189675	West Coast Arborists, Inc.	11/16/2022	Tree Maintenance - 8/1/22-8/15/22	4,713.45	4,713.45
16505	Dec 2022	California Dental Network Inc	11/22/2022	California Dental Insurance -Dec'22	240.09	240.09
16506	22-2721	California Diesel Compliance, Inc.	11/22/2022	Smoke Opacity Test - E10/E210/E310	380.00	665.00
	22-2721			Smoke Opacity Test - LGPW#29 '06 Dump Truck	95.00	
	22-2721			Smoke Opacity Test - LGPW#24/LGPW#32 CapVax	190.00	
16507	202200652	County of San Diego/Assessor/Recorder	11/22/2022	Recording Services- 8/3/22 & 8/8/22 & 8/23/22	240.00	335.00

CHECK NO	INVOICE NO	VENDOR NAME	CHECK DATE	Description	INVOICE AMOUNT	CHECK AMOUNT
	202200804			Recording Services- 10/31/22	95.00	
16508	7530	D- Max Engineering Inc	11/22/2022	1896 Noble St Inspections 10/1/22-10/31/22	695.44	2,244.89
	7531			1993 Dain Dr Inspections 10/1/22-10/31/22	232.75	
	7532			7508-7512 Church St Inspections 10/1/22-10/31/22	349.38	
	7533			7946 Broadway Kelvin Inspections 10/1/22-10/31/22	735.19	
	7534			8016 Broadway Inspections 10/1/22-10/31/22	232.13	
16509	AR012735	Grossmont Union High School District	11/22/2022	Business Cards	51.00	51.00
16510	HS-5607-0023	Home Start, Inc.	11/22/2022	LG Homeless Outreach - Oct22	2,021.76	2,021.76
16511	73437	Horrocks Engineers Inc	11/22/2022	Prof Eng Svcs: FY19/20 Sewer Rehab Proj thru 10/31/22	1,179.50	1,179.50
16512	202210	Lemon Grove Car Wash, Inc.	11/22/2022	Oil Change - LGPW#23 '02 GMC 2500 - 10/5/22	65.79	385.29
	202210			Smog - LGPW#23 '02 GMC 2500 - 10/5/22	69.75	
	202210			Car Wash/Detail - LGPW#28 '08 Chevy Colorado - 10/5/22	180.00	
	202210			Smog - LGPW#16 '14 Ford F150 - 10/5/22	69.75	
16513	101722	Municipal Mgmt Assn of Southern Ca.	11/22/2022	MMASC Annual Conf/Registration - Murguia 11/2/22-11/4/22	475.00	475.00
16514	202334	Penske Ford	11/22/2022	LG Fire '04 Ford Exped/Fire Prev- Windshield Wipers	189.00	189.00
16515	1518065	Stanley Steemer	11/22/2022	Carpet Cleaning - Fire Stn 11/9/22	787.20	787.20
16516	STMT 10/24/2022	US Bank Corporate Payment Systems	11/22/2022	Equip Rental - Forklift/Fire Stn BA Compressor	2,170.69	11,562.75
				Cisco Router & 2 Yr Protection Plan - Fire Stn	752.59	
				Flooring & Supplies - Fire Stn	410.06	
				Transmission Fluid	12.92	
				Dryer Latch Repair Kit/Dishwasher Repair Parts/Shower Repair-Fire	225.85	
				Ear Protection/Bottled Water - Fire Stn	583.90	
				Voltage Testers/Toilet Repair Parts/Ear Protection/Painting Supplies	340.76	
				PPE Jacket Printing	270.00	
				Locker Nameplate/Dishwashing Liquid - Fire Stn	80.52	
				CESF CARES COVID-19 Homeless Response & Assistance	649.16	
				Airfare/LCC Conf/Monterey/Vasquez 11/30/22-12/2/22	369.87	
				Comm Specialist/Buffer Plan	36.00	
				Water Filter	51.72	
				Training/Notary - Macias	585.80	
				Membership/Notary - Macias	170.00	
				Orbital Jig Saw/Blades/Floor Installation Kit	49.91	
				Supplies/Workplace Violence Awareness Tmg 9/27/22-9/28/22	58.35	
				Repair Starter/Fuel Pump/Shifter Rod - LGPW#19 '99 Ford F350	2,662.93	
				Supplies/Trunk or Treat	629.36	
				Supplies/Bonfire 12/2/22	93.99	
				Murguia/Wilson 25.86 Virtual Time App - City Mtgs	19.99	
				Keys	49.37	
				Lodgepoles/LG Park Fence	508.39	
				Replace Brakes/Oil Change - LGPW#04 '08 Chevy Colorado	595.97	
				Lumber/Screws/Glue	96.06	
16517	25412	Utility Cost Management LLC	11/22/2022	Telecom Audit Fee/Cost Savings - Jul-Sep'22	4,056.43	4,056.43
16518	73443386	Vulcan Materials Company	11/22/2022	Asphalt/SS1 5 Gallon Bucket 75.43	233.47	
	73443387			Asphalt	158.04	
					1,298,338.24	1,298,338.24

**MINUTES OF THE REGULAR MEETING
OF THE LEMON GROVE CITY COUNCIL
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945
TUESDAY, JUNE 21, 2022 at 6 PM**

*The City Council also sits as the Lemon Grove Housing Authority,
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,
and Lemon Grove Successor Agency.*

Call To Order:

Mayor Vasquez called the Regular City Council Meeting to order at 6:00 pm.

Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember Liana LeBaron, and Councilmember George Gastil.

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Steve Swaney, Fire Chief, Patrick McEvoy, San Diego Sheriff's Lieutenant, and Audrey Malone, City Clerk, Bill Chopyk, Interim Community Development Manager, Spencer Richard, Assistant Planner, and Joseph Ware, Finance Manager.

Continuation from Special Meeting on June 21, 2022 at 4:30 pm

Planning Commission Interviews and appointment continued starting with John Burns.

At 6:15 p.m. Candidate Brian Robertson was not present, Mayor Vasquez moved on to the next candidate interview.

Mayor Vasquez recessed the meeting at 6:38 pm., running ahead of schedule

Mayor Vasquez reconvened meeting at 6:41 pm.

After completion of interviews, Council deliberated.

Each Councilmember selected their top two candidates, followed by further deliberation. A second vote of each Councilmembers top two candidates concluded that Jacquelyn Clark and John Burns were the top two candidates with the majority vote.

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Gastil, to appoint Jacquelyn Clark and John Burns to the Planning Commission, each serving a full term of four years.

The motion passed by the following vote:

Ayes: Jones, Gastil, Vasquez, Mendoza, LeBaron

Noes: None

Changes to the Agenda:

None.

Public Comment:

Email Submitted:

- Barbara Gordon

In-Person:

- Richard Gold
- John L. Wood
- Teresa Rosiak-Proffit
- Cynthia Jurado
- Jeanne Peterson
- John Michno

Consent Calendar:

- 1.A Waive Full Text Reading of All Ordinances on the Agenda
- 1.B City of Lemon Grove Payment Demands
- 1.C Fiscal Year 2022-23 City Calendar
- 1.D Joint Emergency Response for Fire and Rescue
- 1.D 2023 Minimum Wage Increase
- 1.E One Year Extension of Landscape Management Service Agreement #2017-02 with Aztec Landscaping, Inc.
- 1.F Biannual Campaign Contribution Limitations Adjustment
- 1.G Levy and Collection of Assessments within the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2022-2023

Action: Moved by Mayor Pro Tem Jones, seconded by Councilmember Gastil, to approve the Consent Calendar.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil
Noes: LeBaron.

Public Hearing:

2. Public Hearing to Consider Planned Development Permit No. PDP-210-0002 and Tentative Map TM0-000-0066; A Request to Authorize the Construction of 14 Single Family Dwelling Units and 1 private street (Bonita Place) in the Residential Low Medium (RLM) Zone.

Councilmember Gastil recused himself from the public hearing due to residing near the development at 7:36 pm.

Report presented by Bill Chopyk, Interim Community Development Manager.

Public Hearing was opened at 7:48 pm.

Public Comment:

Email Submitted:

- Joseph Hermann

In-Person:

- Abhay Schweitzer
- Andy Lambert

Council provided questions and comments for staff and Applicant.

Abhay Schweitzer and Andy Lambert (developers) addressed the City Council.

Council had final questions and comments.

Action: Moved by Mayor Pro Tem Jones, seconded by Councilmember Mendoza, to close the Public Hearing at 8:08 pm

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, LeBaron
Noes: None
Absent: Gastil

Action: Moved by Mayor Pro Tem Jones, seconded by Councilmember Mendoza to Adopt a Resolution approving Tentative Map (single family) TM0-000-0066, Authorizing the Subdivision of a 2.22-Acre site into 14 single family dwelling units and 1 private street on an Existing Undeveloped Site located west of Bonita Street and north of Alicia Lane, Lemon Grove, California; and Adopt a resolution approving Planned Development Permit No. PDP-180-0002; a request to authorize the construction of 14 single family dwelling units and 1 private street on an existing undeveloped site located west of Bonita Street and north of Alicia Lane, Lemon Grove, California

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, LeBaron
Noes: None
Absent: Gastil

Mayor Vasquez recessed the meeting at 8:20 pm to wait for the return of Councilmember Gastil.

Mayor Vasquez reconvened the meeting at 8:20 pm.

City Attorney Steinke asked to address Councilmember LeBaron’s request to reconsider item 1.B Payment Demands.

Action: Moved by Councilmember LeBaron and seconded by Mayor Pro Tem Jones to bring back Item 1.B Payment Demands.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil, LeBaron
Noes: None

No further action taken.

At 8:35 pm City Manager Lydia Romero asked Council’s pleasure to continue the meeting due to the late hour or to move the remaining items to a future meeting. Council agreed to continue the meeting and to move City Council Reports on Meetings Attended at the Expense of the City and the City Manager’s Report to the July 19, 2022 City Council Meeting.

Report to Council:

3. Fiscal Year 2022/23 Consolidated Operating and Capital Budget

Finance Manager, Joseph Ware presented the staff report.

Public Comment:

Email Submitted: None
In-Person:

- Jessyka Heredia

- Edwin Gray

Council provided questions/comments of staff.

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Gastil, to adopt a Resolution approving the Fiscal Year 2022/23 City of Lemon Grove Operating and Capital Budget.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil

Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Mendoza, to adopt a Resolution approving the Salary Plan & Classification Summary.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil

Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Mendoza, to adopt a Resolution approving the Fiscal Year 2022/23 Appropriations Limit;

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil

Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Mendoza, to adopt a Resolution approving the Fiscal Year 2022/23 Lemon Grove Roadway Lighting District Budget.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil

Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Gastil, to adopt a Resolution approving the Fiscal Year 2022/23 Lemon Grove Sanitation District Budget.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil

Noes: LeBaron

Action: Moved by Mayor Vasquez and seconded by Councilmember Mendoza, to adopt a Resolution approving the list of projects for Fiscal Year 2022/23 funded by SB 1: The Road Repair and Accountability Act of 2017.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil, LeBaron

Noes: None

Closed Session:

- a. Conference with Legal Counsel – anticipated litigation (Govt C §54956.9(d)(2)-(4))

City Attorney Steinke recessed the City Council meeting to Closed Session at 9:46 pm.

Mayor Vasquez and Councilmember LeBaron recused themselves from Closed Session.

City Attorney Steinke reconvene the meeting at 9:59 pm with no reportable action.

Adjournment

Mayor Pro Tem Jones adjourned the meeting at 10:00 pm.

Audrey Malone, City Clerk

**MINUTES OF THE REGULAR MEETING
OF THE LEMON GROVE CITY COUNCIL
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945
TUESDAY, JUNE 21, 2022 at 6 PM**

*The City Council also sits as the Lemon Grove Housing Authority,
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,
and Lemon Grove Successor Agency.*

Call To Order:

Mayor Vasquez called the Regular City Council Meeting to order at 6:00 pm.

Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember Liana LeBaron, and Councilmember George Gastil.

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Steve Swaney, Fire Chief, Patrick McEvoy, San Diego Sheriff's Lieutenant, and Audrey Malone, City Clerk, Bill Chopyk, Interim Community Development Manager, Spencer Richard, Assistant Planner, and Joseph Ware, Finance Manager.

Continuation from Special Meeting on June 21, 2022 at 4:30 pm

Planning Commission Interviews and appointment continued starting with John Burns.

At 6:15 p.m. Candidate Brian Robertson was not present, Mayor Vasquez moved on to the next candidate interview.

Mayor Vasquez recessed the meeting at 6:38 pm., running ahead of schedule

Mayor Vasquez reconvened meeting at 6:41 pm.

After completion of interviews, Council deliberated.

Each Councilmember selected their top two candidates, followed by further deliberation. A second vote of each Councilmembers top two candidates concluded that Jacquelyn Clark and John Burns were the top two candidates with the majority vote.

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Gastil, to appoint Jacquelyn Clark and John Burns to the Planning Commission, each serving a full term of four years.

The motion passed by the following vote:

Ayes: Jones, Gastil, Vasquez, Mendoza, LeBaron

Noes: None

Changes to the Agenda:

None.

Public Comment:

Email Submitted:

- Barbara Gordon

In-Person:

- Richard Gold
- John L. Wood
- Teresa Rosiak-Proffit
- Cynthia Jurado
- Jeanne Peterson
- John Michno

Consent Calendar:

- 1.A Waive Full Text Reading of All Ordinances on the Agenda
- 1.B City of Lemon Grove Payment Demands
- 1.C Fiscal Year 2022-23 City Calendar
- 1.D Joint Emergency Response for Fire and Rescue
- 1.D 2023 Minimum Wage Increase
- 1.E One Year Extension of Landscape Management Service Agreement #2017-02 with Aztec Landscaping, Inc.
- 1.F Biannual Campaign Contribution Limitations Adjustment
- 1.G Levy and Collection of Assessments within the Lemon Grove Wildflower Landscape Maintenance Assessment District 97-1 for Fiscal Year 2022-2023

Action: Moved by Mayor Pro Tem Jones, seconded by Councilmember Gastil, to approve the Consent Calendar.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil
Noes: LeBaron.

Public Hearing:

2. Public Hearing to Consider Planned Development Permit No. PDP-210-0002 and Tentative Map TM0-000-0066; A Request to Authorize the Construction of 14 Single Family Dwelling Units and 1 private street (Bonita Place) in the Residential Low Medium (RLM) Zone.

Councilmember Gastil recused himself from the public hearing due to residing near the development at 7:36 pm.

Report presented by Bill Chopyk, Interim Community Development Manager.

Public Hearing was opened at 7:48 pm.

Public Comment:

Email Submitted:

- Joseph Hermann

In-Person:

- Abhay Schweitzer
- Andy Lambert

Council provided questions and comments for staff and Applicant.

Abhay Schweitzer and Andy Lambert (developers) addressed the City Council.

Council had final questions and comments.

Action: Moved by Mayor Pro Tem Jones, seconded by Councilmember Mendoza, to close the Public Hearing at 8:08 pm

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, LeBaron

Noes: None

Absent: Gastil

Action: Moved by Mayor Pro Tem Jones, seconded by Councilmember Mendoza to Adopt a Resolution approving Tentative Map (single family) TM0-000-0066, Authorizing the Subdivision of a 2.22-Acre site into 14 single family dwelling units and 1 private street on an Existing Undeveloped Site located west of Bonita Street and north of Alicia Lane, Lemon Grove, California; and Adopt a resolution approving Planned Development Permit No. PDP-180-0002; a request to authorize the construction of 14 single family dwelling units and 1 private street on an existing undeveloped site located west of Bonita Street and north of Alicia Lane, Lemon Grove, California

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, LeBaron

Noes: None

Absent: Gastil

Mayor Vasquez recessed the meeting at 8:20 pm to wait for the return of Councilmember Gastil.

Mayor Vasquez reconvened the meeting at 8:20 pm.

City Attorney Steinke asked to address Councilmember LeBaron's request to reconsider item 1.B Payment Demands.

Action: Moved by Councilmember LeBaron and seconded by Mayor Pro Tem Jones to bring back Item 1.B Payment Demands.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil, LeBaron

Noes: None

No further action taken.

At 8:35 pm City Manager Lydia Romero asked Council's pleasure to continue the meeting due to the late hour or to move the remaining items to a future meeting. Council agreed to continue the meeting and to move City Council Reports on Meetings Attended at the Expense of the City and the City Manager's Report to the July 19, 2022 City Council Meeting.

Report to Council:

3. Fiscal Year 2022/23 Consolidated Operating and Capital Budget

Finance Manager, Joseph Ware presented the staff report.

Public Comment:

Email Submitted: None

In-Person:

- Jessyka Heredia

- Edwin Gray

Council provided questions/comments of staff.

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Gastil, to adopt a Resolution approving the Fiscal Year 2022/23 City of Lemon Grove Operating and Capital Budget.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil
Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Mendoza, to adopt a Resolution approving the Salary Plan & Classification Summary.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil
Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Mendoza, to adopt a Resolution approving the Fiscal Year 2022/23 Appropriations Limit;

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil
Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Mendoza, to adopt a Resolution approving the Fiscal Year 2022/23 Lemon Grove Roadway Lighting District Budget.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil
Noes: LeBaron

Action: Moved by Mayor Pro Tem Jones and seconded by Councilmember Gastil, to adopt a Resolution approving the Fiscal Year 2022/23 Lemon Grove Sanitation District Budget.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil
Noes: LeBaron

Action: Moved by Mayor Vasquez and seconded by Councilmember Mendoza, to adopt a Resolution approving the list of projects for Fiscal Year 2022/23 funded by SB 1: The Road Repair and Accountability Act of 2017.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil, LeBaron
Noes: None

Closed Session:

- a. Conference with Legal Counsel – anticipated litigation (Govt C §54956.9(d)(2)-(4))

City Attorney Steinke recessed the City Council meeting to Closed Session at 9:46 pm.

Mayor Vasquez and Councilmember LeBaron recused themselves from Closed Session.

City Attorney Steinke reconvene the meeting at 9:59 pm with no reportable action.

Adjournment

Mayor Pro Tem Jones adjourned the meeting at 10:00 pm.

Audrey Malone, City Clerk

**MINUTES OF THE REGULAR MEETING
OF THE LEMON GROVE CITY COUNCIL
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945
TUESDAY, JULY 19, 2022 at 6 PM**

*The City Council also sits as the Lemon Grove Housing Authority,
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,
and Lemon Grove Successor Agency.*

Call To Order:

Mayor Vasquez called the Regular City Council Meeting to order at 6:02 pm.

Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember Liana LeBaron, and Councilmember George Gastil.

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Steve Swaney, Fire Chief, Patrick McEvoy, San Diego Sheriff's Lieutenant, and Audrey Malone, City Clerk.

Pledge of Allegiance:

Led by Mayor Pro Tem Jones.

Changes to the Agenda:

None.

Presentation:

City Council recognized Robert "Bob" Bailey and Stephen Browne (not present) for serving on the Lemon Grove Planning Commission.

Mayor Vasquez recessed the meeting for a mid presentation break at 6:07 pm.

Mayor Vasquez reconvened the meeting at 6:12 pm and continued presentations.

San Diego Metropolitan Transit System (MTS) Update was provided by Sharon Cooney, Chief Executive Officer.

Building Electrification in Lemon Grove was provided by Karl Aldinger, Sierra Club San Diego.

Public Comment:

Email Submitted:

- None

In-Person:

- John L. Wood
- Teresa Rosiak-Proffit
- Penny Martinez
- Sheri Hughes
- Shawn Farson
- Rachel Peters
- Gerry Ramsey

Consent Calendar:

- 1.A Waive Full Text Reading of All Ordinances on the Agenda
- 1.B City of Lemon Grove Payment Demands from June 21, 2022
- 1.C City of Lemon Grove Payment Demands from July 19, 2022
- 1.D League of California Cities Voting Delegate and Alternate
- 1.E Contract Extension with Southwest Traffic Signal Service, Inc.
- 1.F Professional Services Agreement with D-Max for Stormwater Program, Construction and Development
- 1.G Acceptance of FY 21 State Homeland Security Grant Program Urban Areas Security Initiative Funds (UASI)
- 1.H Gubernatorial Election Tuesday, November 8, 2022
- 1.I Local Agency Investment Fund Authorization
- 1.J Acceptance of Gary Sinise Foundation First Responders Outreach Grant Award

Public Comment:

In-Person:

- John L. Wood (item 1.E)

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Gastil to approve the Consent Calendar.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil.

Noes: LeBaron.

Public Hearing:

2. Public Hearing to Consider an Appeal of the Planning Commission's Decision to Deny Planned Development Permit No. PDP-210-0001; A Request to Construct a 2,688 Square Foot Construction Warehouse at an Existing Vacant Lot Located at 3450 West Street in the General Commercial – Heavy Commercial (GC-HC) Zone

City Attorney Steinke recused herself from the public hearing and Deputy City Attorney Gena Burns took her place.

Takuma Easland, Assistant Planner presented the staff report.

Public Hearing open at 7:41 pm.

City Council provided questions/comments for staff and designer of project Dan Duty.

Project Designer, Dan Duty addresses City Council.

Mayor Vasquez recessed the City Council meeting at 7:44 pm.

Mayor Vasquez reconvened the meeting at 7:53pm.

Public Comment:

In-Person:

- John L. Wood

City Council provided questions/comments for staff and designer.

Action: Motion by Mayor Pro Tem Jones and seconded by Councilmember LeBaron to close the **Public Hearing at 8:33 pm.**

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil, LeBaron

Noes: None

Action: Motion by Mayor Pro Tem Jones and seconded by Councilmember LeBaron to Adopt a Resolution granting an appeal of the Planning Commission decision to deny Planning Development Permit PDP-220 to authorize the construction a 2,688 Square Foot Construction Warehouse at an Existing Vacant Lot Located at 3450 West Street in the General Commercial – Heavy Commercial (GC-HC) Zone and conditionally approving PDP-2010-0001.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil, LeBaron

Noes: None

Mayor Vasquez recessed the City Council meeting for a break at 8:35 pm.

Mayor Vasquez reconvened the City Council meeting at 8:40 pm.

City Attorney Steinke returned to the meeting.

At 8:40 pm, City Manager Lydia Romero conferred with the City Council to confirm continuing with the remainder of the agenda. City Council agree continue the meeting.

Report(s) to Council:

3. Recreation Center on Open Saturdays - Pilot Program

Report presented by Lydia Romero, City Manager.

Public Comment:

Email Submitted: None.

In-Person:

- Gerry Ramsey
- Jessyka Heredia
- Jason Sundberg
- Chris Williams

Council provided questions for staff, followed by feedback and direction.

City Council Reports on Meetings Attended at the Expense of the City

Councilmember LeBaron

- Meeting with residents on lack of response to service requests
- Meeting with residents on how to get support from City Council to work with Improving Lemon Grove to service bathrooms at Promenade Park.
- Attend meeting with residents how to get response from upper level city staff

Councilmember Gastil

- Attended Lemon Grove Citrus Festival
- 20th Anniversary of Lee House relocation
- MTS Communication with Community

Councilmember Mendoza

- Lemon Grove Concerts in the Park
- Metro Waste Water JPA Meeting
- SANDAG Board Meeting
- Heartland Fire Authority Training Meeting
- Joint Meeting, SANDAG Planning and Transportation Committee Meeting
- Lemon Grove Food Distribution

Mayor Pro Tem Jones

- Metro Waste Water JPA Meeting
- 20th Anniversary of Lee House relocation
- San Diego Oversight Committee Meeting

Mayor Vasquez

- SANDAG Board of Directors Meeting
- SANDAG Equity Plan Meeting
- Lemon Grove Concerts in the Park
- San Diego County Fair
- Lemon Grove Food Distribution
- African American Caucus Board Meeting

City Manager Report

- National Night Out, August 2, 2022
- Planning Commission 1st meeting/workshop on the Brown Act, Public Records Act and other refreshers with new commissioners, July 25, 2022 at 6pm, City Council is also invited to join
- August 16, 2022 – Joint City Council -School Board Meeting

Adjournment

Mayor Vasquez adjourned the Regular City Council at 10:31 pm. The next regularly scheduled City Council meeting will be held on August 2, 2022.

Audrey Malone, City Clerk

**MINUTES OF THE REGULAR MEETING
OF THE LEMON GROVE CITY COUNCIL
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945
TUESDAY, NOVEMBER 15, 2022 at 6 PM**

*The City Council also sits as the Lemon Grove Housing Authority,
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,
and Lemon Grove Successor Agency.*

Call To Order:

Mayor Vasquez called the Regular City Council Meeting to order at 6:00 pm.

Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember Liana LeBaron, and Councilmember George Gastil.

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Steve Swaney, Fire Chief, Patrick McEvoy, San Diego Sheriff's Lieutenant, and Audrey Malone, City Clerk, Michael Fellows, Community Development Manager and Shaun Richardson, Fire Marshal.

Pledge of Allegiance:

Led by Councilmember Mendoza.

Changes to the Agenda:

Councilmember LeBaron makes a motion to pull item 1.B City of Lemon Grove Payment Demands, no second to the motion, motion failed.

Presentation:

Mayor Vasquez presented a proclamation to Shastity Urias in support of United Against Hate Week.

Representatives from the Department of Justice provided information on the United Against Hate Campaign.

Public Comment:

Email Submitted:

- None.

In-Person:

- Margarita Laguna
- Elizabeth Green
- Arthur Green
- Dean Spooner
- John L. Wood

Mayor Vasquez has a moment of silence to honor the passing of Pastor Jeff Lettow.

Consent Calendar:

1.A Waive Full Text Reading of All Ordinances on the Agenda

1.B City of Lemon Grove Payment Demands

1.C Approval of City Council Meeting Minutes, November 1, 2022

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Gastil to approve the Consent Calendar.

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil

Noes: LeBaron

Public Hearing:

2. Consider Ordinance 462 to Adopt by Reference the 2022 California Building Standards Code (Title 24)

Report presented by Michael Fellows, Community Development Manager.

Council has questions/comments for staff.

Public Comment:

Email Submitted: None.

In-Person: None.

Action: Motion by Mayor Pro Tem Jones, second by Councilmember Gastil to Introduce Ordinance 462 to adopt by reference the 2022 California Building Standards Code (Title 24).

The motion passed by the following vote:

Ayes: Vasquez, Jones, Mendoza, Gastil

Noes: LeBaron

City Council Reports on Meetings Attended at the Expense of the City

Councilmember Mendoza

- Attended retirement ceremony for Tim Shaw
- Lemon Grove Clergy Meeting
- League of California Cities Meeting

Councilmember Gastil

- CA Association for Coordinated Transportation Conference (FACT)
- Attended retirement ceremony for Tim Shaw
- FACT Dinner event December 2, 2022, City Council Invited
- Chuck Muse, served on Helix Water District passed away

Councilmember LeBaron

- Meeting with concerned parents over school safety threats and
- Meeting with concerned parents non-functioning intersection at Palm and Lemon Grove Avenue

Mayor Pro Tem Jones

- San Diego City Council approved agreement between East County Project and City of San Diego and is moving forward and will provide additional water source

Mayor Vasquez

- Lemon Grove Multi-cultural Diversity Program
- Attended retirement ceremony for Tim Shaw and presented a certificate of recognition
- National Associates Real-estate Brokers Veterans Day Event
- Black Panther preview event at Ultra Star
- Welcome Home Honor Flight

City Manager Report

- Sponsoring Turkey Camp
- 25th Annual Bonfire Dec 2, 2022
- Lemon Grove receives the GFOA Budget Award

Closed Session:

- a. City Manager Performance Evaluation – Govt. Code section 54957

Mayor Vasquez introduces City Attorney Kristen Steinke to adjourn meeting into closed session.

City Attorney Steinke adjourns meeting into closed session at 7:10 pm.

City Attorney Steinke reconvenes meeting from closed session at 7:53 pm with no reportable action.

Adjournment:

Mayor Vasquez adjourned the meeting at 7:53 pm.

Audrey Malone, City Clerk

**MINUTES OF THE SPECIAL MEETING
OF THE LEMON GROVE CITY COUNCIL
Lemon Grove Community Center
3146 School Lane, Lemon Grove, CA 91945
TUESDAY, JUNE 21, 2022 at 4:30 – 6:00 PM**

*The City Council also sits as the Lemon Grove Housing Authority,
Lemon Grove Sanitation District Board, Lemon Grove Roadway Lighting District Board,
and Lemon Grove Successor Agency.*

Call To Order:

Mayor Vasquez called the Special City Council Meeting to order at 4:32 pm.

Present:

Mayor Racquel Vasquez, Mayor Pro Tem Jerry Jones, Councilmember Jennifer Mendoza, Councilmember Liana LeBaron, and Councilmember George Gastil.

Absent: None.

Staff Members Present:

Lydia Romero, City Manager, Kristen Steinke, City Attorney, Steve Swaney, Fire Chief, Patrick McEvoy, San Diego Sheriff's Lieutenant, Audrey Malone, City Clerk, and Bill Chopyk, Interim Community Development Manager.

Special Agenda Item:

Planning Commission Interviews and Appointment

City Manager Lydia Romero presented the staff report and process for Planning Commission interviews and appointment.

Public Comment:

Email Submitted:

- None

In-Person:

- Seth Smith

Each Candidate had three minutes at the beginning of the interview to provide a statement.

City Council each chose one question and asked each candidate that same question. The candidate had two minutes to respond to each question.

Interviews were conducted in the following order: Steven Browne, Deborah Fitch, Evan O'Leary, Travis Brady, Jacquelyn Clark, Victor Vega, John Burns, Brian Robertson, Michael Beck, Jason Sundberg, Jeffrey Galford, and Jessyka Heredia.

Mayor Vasquez recessed the meeting at 5:40 pm after completing Victor Vega's interview because the interviews were ahead of schedule.

Mayor Vasquez reconvened the meeting at 5:45 pm. The remaining interviews were held at the beginning of the Regular City Council meeting on the same day at 6 pm starting with John Burns.

Adjournment

Mayor Vasquez recessed the Special City Council meeting at 5:45 pm with the remaining interviews to be held during the Regular City Council meeting.

Audrey Malone, City Clerk



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2

Meeting Date: December 6, 2022

Submitted to: Honorable Mayor and Members of the City Council

Department: Community Development Department

Staff Contact: Michael Fellows, AICP Community Development Manager
Mfellows@lemongrove.ca.gov

Kristen Steinke, City Attorney, ksteinke@bwslaw.com

Item Title: Second Reading of Ordinance 462 to Adopt by Reference the 2022 California Building Standards Code (Title 24)

Recommended Action: Introduce for its second reading Ordinance 462 to Adopt by Reference the 2022 California Building Standards Code (Title 24).

Summary/Discussion:

This item was originally considered and adopted without revision by a majority vote of the City Council on November 15, 2022. This is the second reading of the proposed ordinance (**Attachment A**). If adopted, the ordinance will become effective in 30 days.

Adoption of the California Building Standards occurs every three years and is required to stay current with California Building Standards. The new California Building Standards include the California Building Code the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Residential Code, the California Fire Code, the California Green Building Standards Code, the California Historical Building Code, and the California Existing Building Code.

The staff report for this item from the November 15 meeting along with the related documents is attached as **Attachment B**.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

The proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because they entail the adoption of uniform abatement of dangerous building codes and State mandated building and fire codes and with or without amendments intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment.

Fiscal Impact: None

Staff Recommendation: Introduce for its second reading Ordinance 462 to Adopt by Reference the 2022 California Building Standards Code (Title 24).

Attachments:

Attachment A – Draft Ordinance

Attachment B – Staff Report for Introduction of Ordinance 462 from November 15, 2022 City Council Meeting

ORDINANCE NO. 462

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA RESCINDING CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32, OF TITLE 15 OF THE LEMON GROVE MUNICIPAL CODE, ENTITLED "BUILDINGS AND CONSTRUCTION", IN THEIR ENTIRETY, AND ADOPTING NEW CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32, ADOPTING THE 2022 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE, THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 CALIFORNIA ELECTRICAL CODE, THE 2022 CALIFORNIA MECHANICAL CODE, THE 2022 CALIFORNIA PLUMBING CODE, THE 2022 CALIFORNIA ENERGY CODE, THE 2022 CALIFORNIA HISTORICAL BUILDING CODE, THE 2022 CALIFORNIA EXISTING BUILDING CODE, THE 2022 CALIFORNIA GREEN BUILDING CODE AND THE 2022 CALIFORNIA REFERENCE STANDARDS CODE, AND LOCAL AMENDMENTS AND RELATED FINDINGS AND ADOPTING THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS AND LOCAL AMENDMENTS

WHEREAS, the City of Lemon Grove last revised its construction codes in 2019 per Ordinance 454 adopted December 17, 2019; and

WHEREAS, Health & Safety Code Section 17958 mandates that the City of Lemon Grove shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code, Section 17922; and

WHEREAS, the State of California Health & Safety Code Section 17922 imposes the same requirements as are contained in the 2022 California Building Standards Code including the 2022 California Administrative Code (Part 1), the 2022

California Building Code (Part 2), the 2022 California Residential Code (Part 2.5), the 2022 California Electrical Code (Part 3), the 2022 California Mechanical Code (Part 4), the 2022 California Plumbing Code (Part 5), the 2022 California Energy Code (Part 6), the 2022 California Fire Code (Part 9), the 2022 California Existing Building Code (Part 10), the 2022 California Green Building Code (Part 11), and the 2022 California Reference Standards Code (Part 12); and

WHEREAS, *California Health and Safety Code section 17958.5 provides, in pertinent part, that a City may make such changes or modifications to the provisions published in the California Building Standards Code and other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, topographical, or geological conditions; and*

WHEREAS, *the City Council finds in its independent judgment that the proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act Guidelines because they entail the adoption of uniform abatement of dangerous building codes and State mandated building and fire codes and with or without amendments intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment; and*

WHEREAS, *the City Council finds that the modifications and changes to the provisions of the California Building Standards Code (Title 24) are reasonably necessary because of the following climatic, geologic, and topographic conditions which are each individual justifications to each local amendment to the California Buildings Standards Title 24 Part 2 California Building Code, Part 2.5 California Residential Code, and Part 9 California Fire Code:*

- 1. The City is situated in hilly, inland terrain. Large areas are covered by native vegetation on steep and frequently inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are insignificant.*

2. *The climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fire as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75 and 100 degrees fahrenheit are common throughout the year.*
3. *The potential for fire damage is great in the wildland area, as such, a fire can spread rapidly and difficult terrain and explosive vegetation can slow response time.*
4. *The high water table, expansive clay-like soils, and history of unregulated grading including un-compacted fills existing within the City of Lemon Grove constitute local conditions that require that the California Building Standards Code be modified as expressed herein; and*

WHEREAS, *the City Council finds that the following findings required to approve an amendment of the Municipal Code can be made in accordance with Section 17.28.080(B) of the Municipal Code:*

1. *The proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended. The Lemon Grove General Plan Safety Element acknowledges the applicability of the codes contained within Title 24 as they are reflected in Title 15 of the Lemon Grove Municipal Code.*
2. *The public health, safety, and general welfare benefit from the adoption of the proposed amendments. The primary purpose of Title 24 is to promote public health and safety through the application of minimum construction standards; and*

WHEREAS, *on November 15, 2022, the City Council introduced and conducted the first reading of the Ordinance; and*

WHEREAS, *on December 6, 2022, the City Council conducted the second reading of the Ordinance; and*

NOW, THEREFORE, the City Council of the City of Lemon Grove, California, does ordain as follows:

SECTION ONE. *The foregoing recitals are true and correct; and*

SECTION TWO: *Rescinds Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18., 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", in their entirety; and*

SECTION THREE: *Introduces new Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18., 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", to read as shown in the attached Exhibit A., and*

SECTION FOUR: *Finds that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Lemon Grove hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, respective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid. Such invalidity shall not affect other provisions or applications and, to this end, the provisions of the Ordinance are declared to be severable, and*

SECTION FIVE: *Finds that nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby rescinded as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance, and*

SECTION 6: *This Ordinance shall be effective thirty (30) days following its adoption. Within fifteen (15) days following its adoption, the City Clerk shall publish the title thereof, as a summary as required by state law.*

INTRODUCED by the City Council on November 15, 2022. **PASSED AND ADOPTED** by the City Council of the City of Lemon Grove, State of California, on December 6, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Deborah Harrington, Interim City Clerk

Approved as to Form:

Kristen Steinke, City Attorney



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 2.
Meeting Date: November 15, 2022
Submitted to: Honorable Mayor and Members of the City Council
Department: Community Development Department and Fire Department
Staff Contact: Michael Fellows, AICP Community Development Manager;
Mfellows@lemongrove.ca.gov
Item Title: **Introduce Ordinance 462 to Adopt by Reference the 2022 California Building Standards Code (Title 24)**

Recommended Action: Introduce Ordinance 462 to adopt by reference the 2022 California Building Standards Code (Title 24).

Summary: Adoption of the California Building Standards occurs every three years and is required to stay current with California Building Standards.

Discussion: In June of 2022, the California Building Standards Commission published the new California Building Standards which include the California Building Code the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Residential Code, the California Fire Code, the California Green Building Standards Code, the California Historical Building Code, and the California Existing Building Code.

The City of Lemon Grove Municipal Code (LGMC) Title 15 Buildings and Construction was last updated in December, 2019. The proposed Ordinance would rescind the 2019 California Building Standards from Title 15 and replace them with the 2022 California Building Standards. Implementation of the 2022 California Building Standards is required at the local level beginning in January, 2023.

Both the City Building Official and Fire Marshall assisted with preparation of this item and recommend introduction and approval of the Ordinance. The existing and proposed Municipal Code Title 15 text is provided in Attachment B. Text proposed to be deleted is shown in strikethrough type, and text proposed to be added is displayed as underlined type.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section | | Mitigated Negative Declaration

The proposed amendments to the Municipal Code are exempt from environmental review under section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines because they entail the adoption of uniform abatement of dangerous building codes and State mandated building and fire codes and with or without amendments intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment.

Fiscal Impact: None

Public Notification: None.

Staff Recommendation: Introduce Ordinance 462 to adopt by reference the 2022 California Building Standards Code (Title 24).

Attachments:

Attachment A – Draft Ordinance

Attachment B – Title 15 Building and Construction Chapter Changes

Attachment A

ORDINANCE NO. 462

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE, CALIFORNIA RESCINDING CHAPTERS 15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32, OF TITLE 15 OF THE

LEMON GROVE MUNICIPAL CODE, ENTITLED "BUILDINGS AND CONSTRUCTION", IN THEIR ENTIRETY, AND ADOPTING NEW CHAPTERS

15.04, 15.06, 15.08, 15.10, 15.14, 15.18, 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32, ADOPTING THE 2022 CALIFORNIA BUILDING STANDARDS CODE, INCLUDING THE 2022 CALIFORNIA ADMINISTRATIVE CODE, THE 2022 CALIFORNIA BUILDING CODE, THE 2022 CALIFORNIA RESIDENTIAL CODE, THE 2022 CALIFORNIA ELECTRICAL CODE, THE 2022 CALIFORNIA MECHANICAL CODE, THE 2022 CALIFORNIA

PLUMBING CODE, THE 2022 CALIFORNIA ENERGY CODE, THE 2022 CALIFORNIA HISTORICAL BUILDING CODE, THE 2022 CALIFORNIA EXISTING BUILDING CODE, THE 2022 CALIFORNIA GREEN BUILDING CODE AND THE 2022 CALIFORNIA REFERENCE STANDARDS CODE, AND LOCAL AMENDMENTS AND RELATED FINDINGS

***WHEREAS**, the City of Lemon Grove last revised its construction codes in 2019 per Ordinance 454 adopted December 17, 2019; and*

***WHEREAS**, Health & Safety Code Section 17958 mandates that the City of Lemon Grove shall adopt ordinances or regulations imposing the same requirements as are contained in the regulations adopted by the State pursuant to Health & Safety Code, Section 17922; and*

***WHEREAS**, the State of California Health & Safety Code Section 17922 imposes the same requirements as are contained in the 2022 California Building Standards Code including the 2022 California Administrative Code (Part 1), the 2022 California Building Code (Part 2), the 2022 California Residential Code (Part 2.5), the 2022 California Electrical Code (Part 3), the 2022 California Mechanical Code (Part 4), the 2022 California Plumbing Code (Part 5), the 2022 California Energy Code (Part 6), the 2022 California Fire Code (Part 9), the 2022 California Existing Building Code (Part 10), the 2022 California Green Building Code (Part 11), and the 2022 California Reference Standards Code (Part 12); and*

***WHEREAS**, California Health and Safety Code section 17958.5 provides, in pertinent part, that a City may make such changes or modifications to the provisions published in the California Building Standards Code and other regulations adopted pursuant to Section 17922 as it determines, pursuant to the provisions of Section 17958.7, are reasonably necessary because of local climatic, topographical, or geological conditions; and*

***WHEREAS**, the City Council finds in its independent judgment that the proposed amendments to the Municipal Code are exempt from environmental*

review under section 15061(b)(3) of the California Environmental Quality Act Guidelines because they entail the adoption of uniform abatement of dangerous building codes and State mandated building and fire codes and with or without amendments intended to maintain and improve the public health, safety, and welfare, and will not have a significant effect on the environment; and

WHEREAS, *the City Council finds that the modifications and changes to the provisions of the California Building Standards Code (Title 24) are reasonably necessary because of the following climatic, geologic, and topographic conditions which are each individual justifications to each local amendment to the California Buildings Standards Title 24 Part 2 California Building Code, Part 2.5 California Residential Code, and Part 9 California Fire Code:*

- 1. The City is situated in hilly, inland terrain. Large areas are covered by native vegetation on steep and frequently inaccessible hillsides. The native ground cover is highly combustible grasses, dense brush and chaparral. Natural firebreaks in these areas are insignificant.*
- 2. The climate is warm and dry. The winds prevail from the west with seasonal strong dry east winds that vary in duration and intensity. These winds can significantly enlarge wildland fire as well as cause abrupt and unpredictable changes in fire direction. Temperatures ranging between 75 and 100 degrees fahrenheit are common throughout the year.*
- 3. The potential for fire damage is great in the wildland area, as such, a fire can spread rapidly and difficult terrain and explosive vegetation can slow response time.*
- 4. The high water table, expansive clay-like soils, and history of unregulated grading including un-compacted fills existing within the City of Lemon Grove constitute local conditions that require that the California Building Standards Code be modified as expressed herein; and*

WHEREAS, the City Council finds that the following findings required to approve an amendment of the Municipal Code can be made in accordance with Section 17.28.080(B) of the Municipal Code:

1. The proposed amendments are consistent with the General Plan, in accordance with Government Code Section 65860, as amended. The Lemon Grove General Plan Safety Element acknowledges the applicability of the codes contained within Title 24 as they are reflected in Title 15 of the Lemon Grove Municipal Code.
2. The public health, safety, and general welfare benefit from the adoption of the proposed amendments. The primary purpose of Title 24 is to promote public health and safety through the application of minimum construction standards; and

WHEREAS, on November 15, 2022, the City Council introduced and conducted the first reading of the Ordinance.

NOW, THEREFORE, the City Council of the City of Lemon Grove, California, does ordain as follows:

SECTION ONE. The foregoing recitals are true and correct; and

SECTION TWO: Rescinds Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18.,

15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", in their entirety; and

SECTION THREE: Introduces new Chapters 15.04, 15.06, 15.08, 15.10, 15.14, 15.18., 15.20, 15.22, 15.24, 15.26, 15.28, 15.30, AND 15.32 of Title 15 of the Lemon Grove Municipal Code, entitled "BUILDINGS AND CONSTRUCTION", to read as shown in the attached Exhibit A., and

SECTION FOUR: Finds that if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The Council of the City of Lemon Grove hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, respective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional. If any provision of this Ordinance or application thereof to any person or circumstances is held invalid. Such invalidity shall not affect other provisions or applications and, to this end, the provisions of the Ordinance are declared to be severable, and

SECTION FIVE: *Finds that nothing in this ordinance or in the Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby rescinded as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance, and*

SECTION 6: *The City Clerk shall publish the title thereof, as a summary after introduction of the porpsoed ordinance.*

INTRODUCED *by the City Council of the City of Lemon Grove. State of California on November 15, 2022. by the following vote:*

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Audrey Malone, City Clerk

Approved as to Form:

EXHIBIT A

TEXT OF PROPOSED REGULATIONS

NOTE: The existing and proposed text of the City of Lemon Grove Municipal Code, Title 15 Buildings and Construction is shown below.

Text proposed to be removed is shown in strikethrough type. Text proposed to be added is displayed in underlined type.

There are no changes proposed to Chapters 15.33, 15.38, 15.44, 15.48, 15.50, and 15.52.

Chapter 15.04 GENERAL PROVISIONS

15.04.010 Variances from regulations.

The community development manager shall have and exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code.

15.04.020 Adoption of state regulations.

Any rules and regulations adopted by the Department of Industrial Relations of the state of California pursuant to the State Housing Law which impose restrictions greater than those imposed by this title are adopted and shall be applicable to the city and shall be enforced by the departments, officers, employees and agents of the city in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings, provided, however, no fees prescribed by such rules or regulations shall be applicable excepting so far as they are greater than the fees prescribed by this title. One copy of Title 24, the 2022 California Code of Regulations, is filed in the office of the city clerk.

15.04.030 Severability and validity.

If any section of this title is declared invalid by a court of law, the remaining sections shall remain valid. The city council hereby declares that it would have passed this title, and each chapter, section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this title should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Chapter 15.06 ADMINISTRATIVE CODE

15.06.010 Adoption of the California Administrative Code, Part 1, Title 24 of the California Code of Regulations.

There is hereby adopted by reference that certain document known as the California Administrative Code, Part 1, Title 24 of the 2022 California Code of Regulations. Said document is adopted without change for the purpose of establishing the administration, organization, and enforcement of rules and regulations for the technical codes adopted by the city. All provisions of the California Administrative Code, 2022 Edition, are referred to, adopted and made a part of this code, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

Chapter 15.08 BUILDING CODE

15.08.010 Adoption of the 2022 California Building Code

There is adopted and incorporated by reference herein as the city building code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2022 California Building Code. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the city of Lemon Grove shall be in conformance with the 2022 California Building Code.

15.08.020 Findings.

The city of Lemon Grove has large brush-covered hillsides. The city is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The city council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the State Building Code. Therefore, this chapter alters the 2022 California Building Code to require more fire retardant roof coverings.

15.08.030 Deletions, revisions and additions to the 2022 California Building Code.

Deletions, revisions and additions to the 2022 California Building Code shall be as set forth in Sections 15.08.040 through 15.08.060.

15.08.040 Chapter 1, Scope and Administration, Division II—Deletions, revisions, and additions.

Section 101.1 is replaced to read: Title. These regulations shall be known as the Building Code of the City of Lemon Grove, hereinafter referred to as “this code.”

Add Section 103.1.1 General. Whenever the terms or the title “administrative authority,” “responsible official,” “Building Official,” “chief inspector,” “code enforcement officer” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section 105.3.1.1. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued. Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section 105.3.3 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where exists a significant violation of this code.

Add Section 105.5.1 Expiration of Plan Review. Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data

submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Add Section 109.1.1 Fee Exceptions. The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Add Section 109.2.1 Plan Review Fees. When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be as shown in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate shown in a resolution duly adopted by the City Council.

Add Section 109.2.2 Demolition Permit Fee. The fee for a permit to demolish a building or portion of a building shall be as set forth in a resolution duly adopted by the City Council.

Section 109.3 is replaced to read: Building Permit Valuations. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. The permit fees for those projects subject to State energy code compliance shall be as set forth in a resolution adopted by the City Council.

Section 109.6 is replaced to read:

Fee Refunds. The building official may authorize refunding of a fee paid or portion of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 114.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during

which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section 114.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.08.060 Appendix Chapters C, H, and I.

Appendix Chapters C, H and I of the 2022 California Building Code are adopted.

Chapter 15.10 RESIDENTIAL CODE

15.10.010 Adoption of the 2022 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade, the 2022 California Residential Code. Except as otherwise provided by this title of the city of Lemon Grove Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade within the city of Lemon Grove, shall be in conformance with the 2022 California Residential Code, published by the California Building Standards Commission.

15.10.020 Chapter 1, Division II, Administration of the 2019 California Residential Code shall be amended as follows:

Section R101.1 is replaced to read: Title. These regulations shall be known as the Residential Building Code of the City of Lemon Grove, hereinafter referred to as "this code."

Add Section R103.1.1 General. Whenever the terms or the title "administrative authority," "responsible official," "Building Official," "chief inspector," "code enforcement officer" or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section R105.1.1 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where a significant violation of this code exists.

Standards

Page |

Section R105.3.1 shall be amended to add: Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section R108.1.1: The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Section R108.5 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R113.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section R113.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or injunction of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in

2022 California Building Code

November 15, 2022

connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.10.040 Appendix Chapter H.

Appendix Chapter H of the 2022 California Residential Building Code is hereby adopted.

Chapter 15.14 ELECTRICAL CODE

15.14.010 Adoption of the California Electrical Code, Part 3, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city electrical code for the purpose of prescribing regulations in the city of Lemon Grove for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2022 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code based on the National Electrical Code. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all installation, alteration or repair of electrical systems within the city of Lemon Grove shall be in conformance with 2022 California Electrical Code, published by the California Building Standards Commission.

Chapter 15.18 MECHANICAL CODE

15.18.010 Adoption of the California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city mechanical code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the 2022 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances shall be in conformance with 2022 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

Chapter 15.20 PLUMBING CODE

15.20.010 Adoption of the California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city plumbing code for the purpose of prescribing regulations in the city of Lemon Grove for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2022 California Plumbing Code, Part 5, Title 24 of the 2022 California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the city of Lemon Grove shall be in

conformance with 2022 California Plumbing Code which is based on the Uniform Plumbing Code published by the California Building Standards Commission.

Chapter 15.22 ENERGY CODE

15.22.010 Adoption of the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city energy code for the purpose of prescribing regulations in the city of Lemon Grove for the conservation of energy the 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with California State Code and any rules and regulations promulgated pursuant thereto, including the 2022 California Energy Code, published by the California Energy Commission.

Chapter 15.24 HISTORIC BUILDING CODE

15.24.010 Adoption of the 2022 California Historic Building Code, Part 8, Title 24 of the California Code of Regulations.

The 2022 California Historic Building Code is hereby adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.26 FIRE CODE

15.26.010 California Fire Code, 2022 Edition—Adopted by reference.

The California Fire Code, 2022 Edition, and including Appendix Chapters 4, B, BB, C, CC, H, and O but excluding section 111 and 112.4 as published by the International Code Council, is adopted by reference as the fire code of the city (the “fire code”), for protecting the interests of health, life and safety as they relate to the use or occupancy of building or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code 2022 Edition, are referred to adopt and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the “CFC” and one copy is on file in the office of Lemon Grove City Clerk.

Repealing of Previous Ordinance

The City of Lemon Grove adopting by reference the California Fire Code, 2022 Edition, known as the California Code of Regulations, Title 24, Part 9 incorporating the International Fire Code, 2018 Edition, published by the International Code Council, and all other ordinances or parts of ordinance in conflict herewith are hereby repealed.

15.26.020 Section 101.1 Amended—Title.

Section 101.1 of the CFC is amended to read as follows:

101.1 Title. These regulations will be known as the Fire Code of the City of Lemon Grove, hereinafter referred to as “this code.”

15.26.030 Section 105.3.1 Amended—Expiration.

Section 105.3.1 of the CFC is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. The max life of any construction permit is three years. If a final inspection is not obtained within the three-year time period, a permit will become invalid and a new permit will be required. Before such work commences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any changes in occupancy, operation, and tenancy or ownership shall require that a new permit be issued.

15.26.040 Section 111 Amended and 111.1 added—Board of appeals.

Section 111 of the CFC is amended to read as follows:

Appeals Board. Appeals to the decisions or determinations made by the Fire Marshal, or fire code official relative to the application and interpretation of the fire code adopted by the City, the applicant may appeal the decision to the Lemon Grove City Council within thirty (30) days from the date of the decision appealed

Section 111.1: Limitations on authority. An Application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provision of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

15.26.050 11.04.060 Section 112.4 Amended- Violation Penalties.

Section 112.4 is amended to read as follows:

Violation Penalties. Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall to erect, install, alter, repair or do work in violation of the approved construction documents or lawful directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine of not more than \$1,000 dollars in the manner established in Lemon Grove Municipal Code Section 1.12.010(c). Each day that causes any incident and thereby requires the agency to provide emergency response shall reimburse the agency for the cost incurred. A violation continues after due notice has been served shall be deemed a separate offense The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official.

15.26.060 Section 113.4 Amended—Failure to comply.

Section 113.4 of the CFC is amended to read as follows:

Section 113.4 Failure to Comply. Any person, who shall continue any work having been served with a stop work notice, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$1,000 dollars as provided by the Lemon Grove Municipal Code Section 1.12.010(c).

15.26.070 Section 107 amended and added—Schedule of fees.

Section 107.2 of the CFC is amended to read as follows:

107.2 Schedule of fees. The permit fees for all permits authorized by this code shall be as listed in the City of Lemon Grove Schedule of Fees.

Section 107.7 of the CFC is added to read as follows:

107.7 Cost Recovery. This section is to establish authority to obtain reimbursements from responsible individuals for the expenses of any emergency response and/or code enforcement action by the City of Lemon Grove Fire Department to protect the public from fire or hazardous substances and situations as allowed by the general laws of the State of California and the Lemon Grove Municipal Code.

Section 113.8 of the CFC is added to read as follows:

113.8 Reimbursements.

- (a) in accordance with the Health as Safety Code Section 13000 et seq., any individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substances shall be liable for reimbursement to the agency for the cost incurred.
- (b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires that agency to provide an emergency response shall reimburse the agency for the cost incurred.

Section 113.9 of the CFC is added to read as follows:

113.9 Expense Recovery. This section establishes authority to obtain from responsible individuals for the expanse of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire, hazardous substances and dangerous situations as allowed under the Lemon Grove Municipal Code and by laws if the State of California.

Section 113.10 of the CFC is added to read as follows:

113.10 Cumulative Remedies. The remedies contained in this code are cumulative and inclusive of other remedies contained in the Lemon Grove Municipal Code. Nothing herein prevents the City Attorney or appropriate enforcement officer from pursuing remedies set out in Chapters 1.12, 1.14, 1.24 or any other remedy at law or equity to address violations of this code. Nothing herein shall prevent the application of civil remedies authorized by Lemon Grove Municipal Code Section

1.12.010(e)

15.26.080 Section 202 Amended—Definitions.

Section 202 of the CFC is amended by adding the following definitions:

Accessory Structure is a building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure).

Combustible Vegetation is material that in its natural state will readily ignite, burn and transmit fire from the vegetation growth to any structure: this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

Fire Authority Having Jurisdiction (FAHJ) is the designated entity providing enforcement of the fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

Fire Department is any regularly organized fire department, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or a fire company regularly charged with the responsibility of providing fire protection to the jurisdiction.

Fire Hazard is anything that increases or could create an increase of hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of the occupants in the event of fire.

Fuel Modification Zone is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought tolerant, fire resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

Hazardous Fire Area is any geographic area mapped by State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

Heavy Timber Construction as described in the California Building Code.

Off-site Roadway is a road, street, public highway, or private road, used for fire apparatus access from a publicly maintained road to the boundary of the subject property.

On-site Roadway is a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division.

Planning Authority Having Jurisdiction (PAHJ) is the identified authority regulating and enforcing planning and/or construction standards.

Response Time is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives on the scene.

Travel Time is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

Vegetation Conflagration is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

15.26.090 Section 503.2.1 Amended—Dimensions.

Section 503.2.1 of the CFC is amended to read as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty (20) feet, except for single family residential driveways not to exceed 150 feet in length from the public-right-of-way and serving no more than two single family dwellings, shall have a minimum of sixteen (16) feet unobstructed improved width. Any of the following, which have separated lanes of one way traffic: gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than fourteen (14) feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical clearance or road width shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

15.26.100 Section 503.3.1 Added—Fire lane designation.

Section 503.3.1 of the CFC is added to read as follows:

503.3.1 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code Section 22500.1(public) or 22658(a) (private).

15.26.110 Section 505.1 amended—Premises identification.

Section 505.1 of the CFC is amended to read as follows:

Section 505.1 Address Identification. Address Numbers. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum three inches (3") high with a one-half inch (½") stroke for individual suites and apartments, minimum four inches (4") high with a one-half inch (1/2") stroke for residential buildings, minimum eight inches (8") high and one-half (1/2") stroke for commercial, multi-residential building, and industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may require larger address numbers based on visibility and the needs of emergency response personnel.

15.26.120 Section 505.3 added—Response Map Updates.

Section 505.3 of the CFC is added to read as follows:

505.3 Response map Updates. Any new development, which necessitates updating of the emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

15.26.190 Section 5704.2.9.6.1 Amended—Location where above-ground tanks are prohibited.

Section 5704.2.9.6.1 of the CFC is amended to read as follows:

Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.200 Section 5706.2.4.4 Amended—Location where above-ground tanks are prohibited.

Section 5706.2.4.4 of the CFC is amended to read as follows:

5706.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.210 Section 5806.2 Amended—Limitations.

Section 5806.2 of the CFC is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.220 Section 6104.2 Amended—Maximum capacity within established limits.

Section 6104.2 of the CFC is amended to read as follows:

6104.2 Maximum capacity within established limits. The geographic limit in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of Lemon Grove except for areas zoned for industrial use.

Chapter 15.28 EXISTING BUILDING CODE

15.28.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

The California Existing Building Code, 2022 Edition, Chapter 15.28 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.30 GREEN BUILDING CODE

15.30.010 Adoption of the 2022 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city green building code for the purpose of prescribing regulations in the city of Lemon Grove for improved public health safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901.

Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction of buildings shall comply with the design, operation construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code shall be in conformance with the California Green Building Code published by the California Building Standards Commission.

Chapter 15.32 REFERENCE STANDARDS CODE

15.32.010 Adoption of the 2022 California Referenced Standards Code, Part 12, Title 24 of the California Code of Regulations.

The California Referenced Standards Code, 2022 Edition, Chapter 15.32 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Attachment B

Chapter 15.04 GENERAL PROVISIONS

15.04.010 Variances from regulations.

The community development manager shall have and exercise the power and authority granted the building department by Section 17951 of the Health and Safety Code.

15.04.020 Adoption of state regulations.

Any rules and regulations adopted by the Department of Industrial Relations of the state of California pursuant to the State Housing Law which impose restrictions greater than those imposed by this title are adopted and shall be applicable to the city and shall be enforced by the departments, officers, employees and agents of the city in the same manner as city ordinances regulating the erection, construction, alteration, maintenance, sanitation, occupancy or ventilation of buildings, provided, however, no fees prescribed by such rules or regulations shall be applicable excepting so far as they are greater than the fees prescribed by this title. One copy of Title 24, the 2022 California Code of Regulations, is filed in the office of the city clerk.

15.04.030 Severability and validity.

If any section of this title is declared invalid by a court of law, the remaining sections shall remain valid. The city council hereby declares that it would have passed this title, and each chapter, section,

subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this title should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Chapter 15.06 ADMINISTRATIVE CODE

15.06.010 Adoption of the California Administrative Code, Part 1, Title 24 of the California Code of Regulations.

There is hereby adopted by reference that certain document known as the California Administrative Code, Part 1, Title 24 of the 2022 California Code of Regulations. Said document is adopted without change for the purpose of establishing the administration, organization, and enforcement of rules and regulations for the technical codes adopted by the city. All provisions of the California Administrative Code, 2022 Edition, are referred to, adopted and made a part of this code, as though fully set forth herein, excepting such portions as are hereinafter deleted, modified or amended.

Chapter 15.08 BUILDING CODE

15.08.010 Adoption of the 2022 California Building Code

There is adopted and incorporated by reference herein as the city building code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures, the 2022 California Building Code. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures within the city of Lemon Grove shall be in conformance with the 2022 California Building Code.

15.08.020 Findings.

The city of Lemon Grove has large brush-covered hillsides. The city is subject to frequent Santa Ana conditions consisting of dry gusting winds, which create extreme fire dangers. The city council specifically finds that these geographic and topographic conditions necessitate greater fire protection than that provided by the State Building Code. Therefore, this chapter alters the 2022 California Building Code to require more fire retardant roof coverings.

15.08.030 Deletions, revisions and additions to the 2022 California Building Code.

Deletions, revisions and additions to the 2022 California Building Code shall be as set forth in Sections 15.08.040 through 15.08.060.

15.08.040 Chapter 1, Scope and Administration, Division II—Deletions, revisions, and additions.

Section 101.1 is replaced to read: Title. These regulations shall be known as the Building Code of the City of Lemon Grove, hereinafter referred to as “this code.”

Add Section 103.1.1 General. Whenever the terms or the title “administrative authority,” “responsible official,” “Building Official,” “chief inspector,” “code enforcement officer” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section 105.3.1.1. Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued. Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section 105.3.3 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where exists a significant violation of this code.

Add Section 105.5.1 Expiration of Plan Review. Applications for which no permit is issued within one year following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

Add Section 109.1.1 Fee Exceptions. The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Add Section 109.2.1 Plan Review Fees. When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be as shown in a resolution adopted by the City Council. The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate shown in a resolution duly adopted by the City Council.

Add Section 109.2.2 Demolition Permit Fee. The fee for a permit to demolish a building or portion of a building shall be as set forth in a resolution duly adopted by the City Council.

Section 109.3 is replaced to read: Building Permit Valuations. The determination of value or valuation under any of the provisions of these codes shall be made by the building official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. The permit fees for those projects subject to State energy code compliance shall be as set forth in a resolution adopted by the City Council.

Section 109.6 is replaced to read:

Fee Refunds. The building official may authorize refunding of a fee paid or portion of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 114.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section 114.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.08.060 Appendix Chapters C, H, and I.

Appendix Chapters C, H and I of the 2022 California Building Code are adopted.

Chapter 15.10 RESIDENTIAL CODE

15.10.010 Adoption of the 2022 California Residential Code, Part 2.5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city residential code for the purpose of establishing provisions for the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade, the 2022 California Residential Code. Except as otherwise provided by this title of the city of Lemon Grove Municipal Code, all construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal or demolition of detached one- and two-family dwellings and townhouses not more

than three stories above grade within the city of Lemon Grove, shall be in conformance with the 2022 California Residential Code, published by the California Building Standards Commission.

15.10.020 Chapter 1, Division II, Administration of the 2019 California Residential Code shall be amended as follows:

Section R101.1 is replaced to read: Title. These regulations shall be known as the Residential Building Code of the City of Lemon Grove, hereinafter referred to as “this code.”

Add Section R103.1.1 General. Whenever the terms or the title “administrative authority,” “responsible official,” “Building Official,” “chief inspector,” “code enforcement officer” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the person appointed as Building Official by the Lemon Grove City Council or his or her duly authorized representative.

Add Section R105.1.1 Permit denial. The chief building official may deny the issuance of a building permit on any property where there exists an unsafe or substandard building as provided in this title, or where unlawful construction exists, or where a significant violation of this code exists.

Section R105.3.1 shall be amended to add: Permits shall not be issued for construction on a site where the City Engineer determines that a grading permit or public improvements are required until the City Engineer notifies the Building Official in writing that the grading or public improvements work has been satisfactorily completed to allow building permits to be issued.

Permits shall not be issued if the City Engineer determines that a flooding or geologic condition at the site may endanger the public safety or welfare.

Add Section R108.1.1: The Government of the United States of America, the State of California, and local school districts proposing work exempt from building permits, the County of San Diego, and the City of Lemon Grove shall not be required to pay any fees for filing an application for a building permit pursuant to this code unless City plan review and inspection services are requested. If so requested, the fee schedules adopted in a resolution by the City Council shall apply.

Section R108.5 is replaced to read: Fee Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section R113.4 is replaced to read: Violation penalties. Any person, firm, or corporation violating any of the provisions of this Code or the Technical Codes shall be guilty of a misdemeanor, and each such person shall be deemed guilty of separate offenses for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continues or permitted, and upon

conviction of any such violation, such person shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Add Section R113.5 Declaration of Public Nuisance. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished, equipped, used, occupied or maintained contrary to the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The City Attorney shall, upon order of the City Council, commence necessary proceedings for the abatement, removal and/or enjoinder of any such public nuisance in the manner provided by law. Any failure, refusal or neglect to obtain permit as required by this chapter shall be prima facie evidence of the facts that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, repair, improvement, movement, removal, conversion or demolition, equipment, use occupancy, or maintenance of a building or structure erected, constructed, enlarged, repaired, moved, improved, removed, converted, or demolished, used, occupied, or maintained contrary to the provisions of this chapter.

15.10.040 Appendix Chapter H.

Appendix Chapter H of the 2022 California Residential Building Code is hereby adopted.

Chapter 15.14 ELECTRICAL CODE

15.14.010 Adoption of the California Electrical Code, Part 3, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city electrical code for the purpose of prescribing regulations in the city of Lemon Grove for the installation, alteration or repair of electrical systems and permit requirements and inspection thereof, the 2022 California Electrical Code, Part 3, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code based on the National Electrical Code. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all installation, alteration or repair of electrical systems within the city of Lemon Grove shall be in conformance with 2022 California Electrical Code, published by the California Building Standards Commission.

Chapter 15.18 MECHANICAL CODE

15.18.010 Adoption of the California Mechanical Code, Part 4, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city mechanical code for the purpose of prescribing regulations in the city of Lemon Grove for the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances, the 2022 California Mechanical Code, Part 4, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing

appliances shall be in conformance with 2022 California Mechanical Code and any rules and regulations promulgated pursuant thereto, published by the California Building Standards Commission.

Chapter 15.20 PLUMBING CODE

15.20.010 Adoption of the California Plumbing Code, Part 5, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city plumbing code for the purpose of prescribing regulations in the city of Lemon Grove for the construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment in or on any building or structure or outdoors on any premises or property, the 2022 California Plumbing Code, Part 5, Title 24 of the 2022 California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901 et seq. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction, alteration, moving, demolition, repair and use of all plumbing, gas or drainage piping and systems or water heating or treating equipment within the city of Lemon Grove shall be in conformance with 2022 California Plumbing Code which is based on the Uniform Plumbing Code published by the California Building Standards Commission.

Chapter 15.22 ENERGY CODE

15.22.010 Adoption of the 2016 California Energy Code, Part 6, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city energy code for the purpose of prescribing regulations in the city of Lemon Grove for the conservation of energy the 2022 California Energy Code, Part 6, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction of buildings where energy will be utilized shall be in conformance with California State Code and any rules and regulations promulgated pursuant thereto, including the 2022 California Energy Code, published by the California Energy Commission.

Chapter 15.24 HISTORIC BUILDING CODE

15.24.010 Adoption of the 2022 California Historic Building Code, Part 8, Title 24 of the California Code of Regulations.

The 2022 California Historic Building Code is hereby adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.26 FIRE CODE

15.26.010 California Fire Code, 2022 Edition—Adopted by reference.

The California Fire Code, 2022 Edition, and including Appendix Chapters 4, B, BB, C, CC, H, and O but excluding section 111 and 112.4 as published by the International Code Council, is adopted by reference as the fire code of the city (the “fire code”), for protecting the interests of health, life and safety as they relate to the use or occupancy of building or premises. All of the regulations, provisions, penalties, conditions and terms of the California Fire Code 2022 Edition, are referred to adopt and made a part of this chapter as though fully set out in this chapter, excepting such portions as are added, deleted, modified or amended by this chapter. The California Fire Code is referred to in this chapter as the “CFC” and one copy is on file in the office of Lemon Grove City Clerk.

Repealing of Previous Ordinance

The City of Lemon Grove adopting by reference the California Fire Code, 2022 Edition, known as the California Code of Regulations, Title 24, Part 9 incorporating the International Fire Code, 2018 Edition, published by the International Code Council, and all other ordinances or parts of ordinance in conflict herewith are hereby repealed.

15.26.020 Section 101.1 Amended—Title.

Section 101.1 of the CFC is amended to read as follows:

101.1 Title. These regulations will be known as the Fire Code of the City of Lemon Grove, hereinafter referred to as “this code.”

15.26.030 Section 105.3.1 Amended—Expiration.

Section 105.3.1 of the CFC is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or such a period of time as specified in the permit. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within one hundred eighty days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one hundred eighty days after the time the work is commenced. The max life of any construction permit is three years. If a final inspection is not obtained within the three-year time period, a permit will become invalid and a new permit will be required. Before such work commences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any changes in occupancy, operation, and tenancy or ownership shall require that a new permit be issued.

15.26.040 Section 111 Amended and 111.1 added—Board of appeals.

Section 111 of the CFC is amended to read as follows:

Appeals Board. Appeals to the decisions or determinations made by the Fire Marshal, or fire code official relative to the application and interpretation of the fire code adopted by the City, the applicant may appeal the decision to the Lemon Grove City Council within thirty (30) days from the date of the decision appealed

Section 111.1: Limitations on authority. An Application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provision of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall not have authority to waive requirements of this code.

15.26.050 11.04.060 Section 112.4 Amended- Violation Penalties.

Section 112.4 is amended to read as follows:

Violation Penalties. Any person who violates a provision of this code or shall fail to comply with any of the requirements thereof or who shall to erect, install, alter, repair or do work in violation of the approved construction documents or lawful directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine of not more than \$1,000 dollars in the manner established in Lemon Grove Municipal Code Section 1.12.010(c). Each day that causes any incident and thereby requires the agency to provide emergency response shall reimburse the agency for the cost incurred. A violation continues after due notice has been served shall be deemed a separate offense The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined by the fire code official.

15.26.060 Section 113.4 Amended—Failure to comply.

Section 113.4 of the CFC is amended to read as follows:

Section 113.4 Failure to Comply. Any person, who shall continue any work having been served with a stop work notice, except such work as that the person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$250.00 dollars or more than \$1,000 dollars as provided by the Lemon Grove Municipal Code Section 1.12.010(c).

15.26.070 Section 107 amended and added—Schedule of fees.

Section 107.2 of the CFC is amended to read as follows:

107.2 Schedule of fees. The permit fees for all permits authorized by this code shall be as listed in the City of Lemon Grove Schedule of Fees.

Section 107.7 of the CFC is added to read as follows:

107.7 Cost Recovery. This section is to establish authority to obtain reimbursements from responsible individuals for the expenses of any emergency response and/or code enforcement action by the City of Lemon Grove Fire Department to protect the public from fire or hazardous substances and situations as allowed by the general laws of the State of California and the Lemon Grove Municipal Code.

Section 113.8 of the CFC is added to read as follows:

113.8 Reimbursements.

(a) in accordance with the Health as Safety Code Section 13000 et seq., any individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substances shall be liable for reimbursement to the agency for the cost incurred.

(b) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel, or civil aircraft caused by that influence, proximately causes any incident and thereby requires that agency to provide an emergency response shall reimburse the agency for the cost incurred.

Section 113.9 of the CFC is added to read as follows:

113.9 Expense Recovery. This section establishes authority to obtain from responsible individuals for the expense of any emergency response and/or enforcement action by the City of Lemon Grove Fire Department to protect the public from fire, hazardous substances and dangerous situations as allowed under the Lemon Grove Municipal Code and by laws of the State of California.

Section 113.10 of the CFC is added to read as follows:

113.10 Cumulative Remedies. The remedies contained in this code are cumulative and inclusive of other remedies contained in the Lemon Grove Municipal Code. Nothing herein prevents the City Attorney or appropriate enforcement officer from pursuing remedies set out in Chapters 1.12, 1.14, 1.24 or any other remedy at law or equity to address violations of this code. Nothing herein shall prevent the application of civil remedies authorized by Lemon Grove Municipal Code Section

1.12.010(e)

15.26.080 Section 202 Amended—Definitions.

Section 202 of the CFC is amended by adding the following definitions:

Accessory Structure is a building or structure used to shelter or support any material, equipment, chattel, or occupancy other than a habitable building. (A) (See Structure).

Combustible Vegetation is material that in its natural state will readily ignite, burn and transmit fire from the vegetation growth to any structure: this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

Fire Authority Having Jurisdiction (FAHJ) is the designated entity providing enforcement of the fire regulations as they relate to planning, construction, and development. This entity may also provide fire suppression and other emergency services.

Fire Department is any regularly organized fire department, fire protection district, a legally formed volunteer fire department recorded with the County of San Diego, or a fire company regularly charged with the responsibility of providing fire protection to the jurisdiction.

Fire Hazard is anything that increases or could create an increase of hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of the occupants in the event of fire.

Fuel Modification Zone is a strip of land where combustible vegetation has been thinned, modified or both and partially or totally replaced with approved drought tolerant, fire resistant, and/or irrigated plants to provide an acceptable level of risk from vegetation fires. Fuel modification reduces radiant and convective heat, thereby reducing the amount of heat exposure on the roadway or structure and providing fire suppression forces a safer area in which to take action.

Hazardous Fire Area is any geographic area mapped by State or local jurisdiction as a high or very high fire hazard area, or as set forth by the FAHJ that contains the type and condition of vegetation, topography, weather, and structure density to potentially increase the possibility of vegetation conflagration fires shall be considered a hazardous fire area.

Heavy Timber Construction as described in the California Building Code.

Off-site Roadway is a road, street, public highway, or private road, used for fire apparatus access from a publicly maintained road to the boundary of the subject property.

On-site Roadway is a road, street, public highway, private road, or driveway used for fire apparatus access within the boundaries of the subject property or land division.

Planning Authority Having Jurisdiction (PAHJ) is the identified authority regulating and enforcing planning and/or construction standards.

Response Time is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives on the scene.

Travel Time is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

Vegetation Conflagration is an uncontrolled fire spreading through vegetative fuels, and exposing and consuming structures in the advancing path of fire.

15.26.090 Section 503.2.1 Amended—Dimensions.

Section 503.2.1 of the CFC is amended to read as follows:

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed improved width of not less than twenty (20) feet, except for single family residential driveways not to exceed 150 feet in length from the public-right-a-way and serving no more than two single family dwellings, shall have a minimum of sixteen (16) feet unobstructed improved width. Any of the following, which have separated lanes of one way traffic: gated entrances with card readers; guard stations or center medians, are allowed, provided that each lane is not less than fourteen (14) feet wide. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical clearance or road width shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

15.26.100 Section 503.3.1 Added—Fire lane designation.

Section 503.3.1 of the CFC is added to read as follows:

503.3.1 Fire lane designation. Where the fire code official determines that it is necessary to ensure adequate fire access, the fire code official may designate existing roadways as fire access roadways as provided by Vehicle Code Section 22500.1(public) or 22658(a) (private).

15.26.110 Section 505.1 amended—Premises identification.

Section 505.1 of the CFC is amended to read as follows:

Section 505.1 Address Identification. Address Numbers. Approved numbers and/or addresses shall be placed on all new and existing buildings and at appropriate additional locations as to be plainly visible and legible from the street or roadway fronting the property from either direction of approach. Said numbers shall contrast with their background, and shall meet the following minimum standards as to size: minimum three inches (3”) high with a one-half inch (½”_ stroke for individual suites and apartments, minimum four inches (4”) high with a one-half inch (1/2”) stroke for residential buildings, minimum eight inches (8”) high and one-half (1/2”) stroke for commercial, multi-residential building, and industrial buildings. Additional numbers shall be required where deemed necessary by the fire code official, such as rear access doors, building corners, and entrances to commercial centers. The fire code official may require larger address numbers based on visibility and the needs of emergency response personnel.

15.26.120 Section 505.3 added—Response Map Updates.

Section 505.3 of the CFC is added to read as follows:

505.3 Response map Updates. Any new development, which necessitates updating of the emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a format compatible with current department mapping services, and shall be charged a reasonable fee for updating all response maps.

15.26.190 Section 5704.2.9.6.1 Amended—Location where above-ground tanks are prohibited.

Section 5704.2.9.6.1 of the CFC is amended to read as follows:

Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.200 Section 5706.2.4.4 Amended—Location where above-ground tanks are prohibited.

Section 5706.2.4.4 of the CFC is amended to read as follows:

5706.2.4.4 Location where above-ground tanks are prohibited. Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.210 Section 5806.2 Amended—Limitations.

Section 5806.2 of the CFC is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited except for zones classified as commercial or industrial.

15.26.220 Section 6104.2 Amended—Maximum capacity within established limits.

Section 6104.2 of the CFC is amended to read as follows:

6104.2 Maximum capacity within established limits. The geographic limit in which the bulk storage of liquefied petroleum gas is prohibited for the protection of heavily populated and congested areas is hereby established as jurisdiction limits of the City of Lemon Grove except for areas zoned for industrial use.

Chapter 15.28 EXISTING BUILDING CODE

15.28.010 Adoption of the 2016 California Existing Building Code, Part 10, Title 24 of the California Code of Regulations.

The California Existing Building Code, 2022 Edition, Chapter 15.28 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.

Chapter 15.30 GREEN BUILDING CODE

15.30.010 Adoption of the 2022 California Green Building Code, Part 11, Title 24 of the California Code of Regulations.

There is adopted and incorporated by reference herein as the city green building code for the purpose of prescribing regulations in the city of Lemon Grove for improved public health safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encourage sustainable construction practices, the 2022 California Green Building Standards Code, Part 11, Title 24 of the California Code of Regulations, a portion of the 2022 California Building Standards Code, as defined in the California Health and Safety Code, Section 18901. Except as otherwise provided by this chapter of the city of Lemon Grove Municipal Code, all construction of buildings shall comply with the design, operation construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code shall be in conformance with the California Green Building Code published by the California Building Standards Commission.

Chapter 15.32 REFERENCE STANDARDS CODE

15.32.010 Adoption of the 2022 California Referenced Standards Code, Part 12, Title 24 of the California Code of Regulations.

The California Referenced Standards Code, 2022 Edition, Chapter 15.32 is adopted by reference without change to Buildings and Construction Title 15 of the Lemon Grove Municipal Code.



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 3
Meeting Date: December 6, 2022
Submitted to: Honorable Mayor and Members of the City Council
Department: Public Works
Staff Contact: Izzy Murguia, Public Works Director
imurguia@lemongrove.ca.gov
Item Title: **Traffic Calming Measures for the Monterey Heights STEAM Academy Neighborhood**

Recommended Action: That the City Council adopt a resolution (**Attachment A**) directing staff to: 1) conduct a warrant analysis for an all way stop at the intersection of Canton Drive and Bakersfield Street and install traffic calming signs on Canton Drive; and 2) authorize an allocation from the General Fund remaining fund balance not to exceed \$15,000 to implement the recommended traffic calming measures.

Summary: At a previous City Council meeting, community stakeholders from Monterey Heights STEAM Academy (“Monterey Heights”) expressed concerns over traffic safety on Canton Drive during school bell periods. Staff reviewed traffic safety and flow for the Monterey Heights neighborhood and recommends the installation of traffic calming signs and the installation of an all way stop at the intersection of Canton Drive and Bakersfield Street, subject the intersection meeting guidelines set forth in the California Manual on Uniform Traffic Control Devices (MUTCD).

Discussion: At the October 4, 2022 City Council meeting, community stakeholders of Monterey Heights expressed concerns over traffic safety on Canton Drive during school bell periods. The concerns related to speeding, near collisions, and safety of school children utilizing the crosswalk at Canton Drive and Bakersfield Street. On October 26, 2022, staff from the Public Works Department, Sheriff’s Department, and Lemon Grove School District conducted a site visit during the morning bell period to observe traffic conditions and assess traffic calming measures.

Monterey Heights is located on Canton Drive, between Glencoe Drive and Watwood Road. Canton Drive is a two lane Class III Collector running east and west. The posted speed limit

is 30 mph and 25-mph with children present. There is currently a crosswalk for pedestrians at Canton Drive and Bakersfield Street. During the site visit, the following was observed: 1) traffic speeds were not excessive; 2) drivers generally followed the rules of the road; 3) the drop-off and pick-up zone in front of the school is occupied for long periods as drivers either waited and watched their students get into school or escorted them into the school. Based on the field observations, the following improvements are recommended for implementation to increase safety and active commutes to school.

All Way Stop Intersection at Canton Drive and Bakersfield: Based on preliminary assessments, the installation of an all way stop at Canton Drive and Bakersfield Street (eastbound and westbound) is recommended. The all way stop will provide a controlled pedestrian crossing at the existing school crosswalk. Prior to installing an all way stop, a warrant analysis is required to determine whether the intersection meets established criteria. The installation of all way stops is based on national and state guidelines set forth in the MUTCD. A warrant analysis consists of reviewing accident history, sight distance, vehicle volumes, pedestrian crossing, unusual conditions such as being adjacent to a school, fire station, senior center, etc. The warrant assigns possible point values against specific criteria, with a maximum of 100 points being possible. A minimum score of 45 is needed to justify an all way stop. If the intersection meets warrants, staff will proceed with the all way stop installation. The all way stop would require new signs, including advance warning signs, new pavement markings, and removing and replacing existing conflicting pavement/street markings and signs. This measure would take approximately 8-12 weeks to implement.

Enhanced Signage: Staff also recommends upgrading two passive pedestrian crossing signs for two flashing pedestrian signs. The flashing pedestrian signs would replace the existing pedestrian crossing signs near the crosswalk at Canton Drive and Bakersfield Street. The flashing pedestrian signs are designed to capture driver's attention and increase crosswalk safety while utilizing highly visible amber light-emitting diodes (LEDs). In addition, staff recommends replacing two passive 25 mph school speed limit signs for two 25 mph school speed limit flashing beacons. School zone flashing beacons have proven to be effective in slowing vehicles by 5-7 mph. The two speed limit flashing beacons would replace the current signs located on Canton Drive between Taft Street and Woodrow Ave (eastbound) and on Canton Drive between Fairfax Drive and Glencoe Drive (westbound). The flashing pedestrian crossing signs and the school speed limit flashing beacon signs are solar panel operated to provide continuous operation and are MUTCD compliant. This measure would take approximately 4-8 weeks to implement.

Staff also evaluated the use of speed bumps/humps as requested by stakeholders during the October 4, 2022 City Council meeting. In addition to traffic noise and the costs for maintenance and replacement, the use of speed bumps/humps is not recommended for collector streets and streets designated as primary response routes for emergency vehicles.

Canton Drive is a collector street and serves as an emergency egress/ingress for the nearby residences and Monterey Heights and are thus not recommended.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact: The cost to complete the all way stop warrant analysis and install the recommended street signs and the associated pavement markings is estimated to be under \$15,000 which is available in the General Fund remaining fund balance.

Public Notification: None.

Staff Recommendation: That the City Council adopt a resolution (**Attachment A**) directing staff to: 1) conduct a warrant analysis for an all way stop at the intersection of Canton Drive and Bakersfield Street and install traffic calming signs on Canton Drive; and 2) authorize an allocation from the General Fund remaining fund balance not to exceed \$15,000 to implement the recommended traffic calming measures.

Attachments:

Attachment A – Resolution

RESOLUTION NO. 2022 -

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMON GROVE,
CALIFORNIA, APPROVING THE TRAFFIC CALMING MEASURES FOR THE
MONTEREY HEIGHTS STEAM ACADEMY NEIGHBORHOOD**

WHEREAS, At the October 4, 2022, City Council meeting, stakeholders of the Monterey Heights STEAM Academy expressed concerns over traffic and pedestrian safety; and

WHEREAS, on October 26, 2022, staff from the City, Sheriff's Department, and Lemon Grove School District held a site visit to observe traffic conditions and assess traffic calming measures; and

WHEREAS, staff recommends the installation of traffic calming signs on Canton Drive and the installation of an all way stop at Canton Drive and Bakersfield Street; and

WHEREAS, a warrant analysis is required to determine whether the Canton Drive and Bakersfield intersection meets guidelines for an all way stop as set forth in the California Manual on Uniform Traffic Control Devices (MUTCD); and

WHEREAS, traffic calming signs and an all way stop at Canton Drive and Bakersfield Street will reduce speeds on Canton Drive and provide a controlled crossing for pedestrians on Canton Drive and Bakersfield Street, thus reducing the potential for traffic collisions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lemon Grove, California, hereby:

1. Directs the City Manager, or her designee, to conduct a warrant analysis for an all way stop at Canton Drive and Bakersfield Street and if warranted, direct staff to proceed with the installation of an all way stop and install traffic calming signs on Canton Drive; and
2. Authorized an allocation from the General Fund remaining fund balance not to exceed \$15,000 to implement the recommended traffic calming measures.

PASSED AND ADOPTED on December 6, 2022, the City Council of the City of Lemon Grove, California, adopted Resolution No. _____, passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Racquel Vasquez, Mayor

Attest:

Deborah Harrington, Interim City Clerk

Approved as to Form:

Kristen Steinke, City Attorney



CITY OF LEMON GROVE

CITY COUNCIL STAFF REPORT

Item No. 4

Meeting Date: December 6, 2022

Submitted to: Honorable Mayor and Members of the City Council

Department: City Manager's Office

Staff Contact: Lydia Romero, City Manager

Item Title: Discussion of ARPA Funds

Recommended Action: Discussion on ARPA funds

Background and Discussion: Congress passed and President Biden signed the American Rescue Plan Act (ARPA) which was designed to address the impacts of the COVID -19 Pandemic. Lemon Grove's allocation is \$6.3 million and can be used in the following categories: Economic Recovery, Public Sector Revenue Loss, Essential Workers and Infrastructure. US Department of Treasury's expenditure rules for ARPA is more flexible than the CARES Act revenue, which had expenditure constraints. The one consistent guidance between both programs is to use these one-time funds for one-time expenses, not for ongoing expenses.

Environmental Review:

- Not subject to review Negative Declaration
 Categorical Exemption, Section [] Mitigated Negative Declaration

Fiscal Impact: None

Public Notification: None

Staff Recommendation: City Council discussion on ARPA Funds.

Attachment: US Treasury Final Rule November 7, 2019 Page | 1



U.S. DEPARTMENT OF THE TREASURY



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

U.S. DEPARTMENT OF THE TREASURY

January 2022



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

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



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Introduction

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



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

EARLY PROGRAM IMPLEMENTATION

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

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

KEY CHANGES AND CLARIFICATIONS IN THE FINAL RULE

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

Replacing Lost Public Sector Revenue

The final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation.

Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting requirements.

Public Health and Economic Impacts

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

In addition, the final rule provides an expanded set of households and communities that are presumed to be “impacted” and “disproportionately impacted” by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of uses

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



available for these communities as part of COVID19 public health and economic response, including making affordable housing, childcare, early learning, and services to address learning loss during the pandemic eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

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

Premium Pay

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

Water, Sewer & Broadband Infrastructure

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

FINAL RULE EFFECTIVE DATE

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

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

Overview of the Program

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program provides substantial flexibility for each jurisdiction to meet local needs within the four separate



eligible use categories. This Overview of the Final Rule addresses the four eligible use categories ordered from the broadest and most flexible to the most specific.

Recipients may use SLFRF funds to:

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

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impacts of the pandemic, while disproportionately impacted classes faced meaningfully more severe impacts, often due to preexisting disparities.

- To simplify administration, the final rule presumes that some populations and groups were impacted or disproportionately impacted and are eligible for responsive services.
- Eligible uses for assistance to impacted households include aid for reemployment, job training, food, rent, mortgages, utilities, affordable housing development, childcare, early education, addressing learning loss, and many more uses.
- Eligible uses for assistance to impacted small businesses or nonprofits include loans or grants to mitigate financial hardship, technical assistance for small businesses, and many more uses.
- Recipients can also provide assistance to impacted industries like travel, tourism, and hospitality that faced substantial pandemic impacts, or address impacts to the public sector, for example by re-hiring public sector workers cut during the crisis.
- Recipients providing funds for enumerated uses to populations and groups that Treasury has presumed eligible are clearly operating consistently with the final rule. Recipients can also identify (1) other populations or groups, beyond those presumed eligible, that experienced pandemic impacts or disproportionate impacts and (2) other programs, services, or capital expenditures, beyond those enumerated, to respond to those impacts.
- **Provide premium pay for eligible workers performing essential work**, offering additional support to those who have and will bear the greatest health risks because of their service in critical sectors.
- Recipients may provide premium pay to eligible workers – generally those working in person in key economic sectors – who are below a wage threshold or non-exempt from the Fair Labor Standards Act overtime provisions, or if the recipient submits justification that the premium pay is responsive to workers performing essential work.
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet.
- Recipients may fund a broad range of water and sewer projects, including those eligible under the EPA’s Clean Water State Revolving Fund, EPA’s

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Drinking Water State Revolving Fund, and certain additional projects, including a wide set of lead remediation, stormwater infrastructure, and aid for private wells and septic units.

- Recipients may fund high-speed broadband infrastructure in areas of need that the recipient identifies, such as areas without access to adequate speeds, affordable options, or where connections are inconsistent or unreliable; completed projects must participate in a low-income subsidy program.

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

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

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

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



Replacing Lost Public Sector Revenue

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

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

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

DETERMINING REVENUE LOSS

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

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

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

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

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

Under this option, recipients calculate revenue loss at four distinct points in time, either at the end of each calendar year (e.g., December 31 for years 2020, 2021, 2022, and 2023) or the end of each fiscal year of the recipient. Under the flexibility provided in the final

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rule, recipients can choose whether to use calendar or fiscal year dates but must be consistent throughout the period of performance. Treasury has also provided several adjustments to the definition of general revenue in the final rule.

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

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

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

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

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

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

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



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

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

SPENDING ON GOVERNMENT SERVICES

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

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

Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements. Recipients should be mindful that

certain restrictions, which are detailed further in the Restrictions on Use section and apply to all uses of funds, apply to government services as well.



Responding to Public Health and Economic Impacts of COVID-19

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

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

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

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

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

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

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



Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	<ul style="list-style-type: none"> • Can identify impact to a specific household, business or nonprofit or to a class of households, businesses, or nonprofits (i.e., group) • Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class 	<ul style="list-style-type: none"> • Types of responses can include a program, service, or capital expenditure • Response should be related and reasonably proportional to the harm • Response should also be reasonably designed to benefit impacted individual or class
Simplifying Presumptions	<ul style="list-style-type: none"> • Final Rule presumes certain populations and classes are impacted and disproportionately impacted 	<ul style="list-style-type: none"> • Final Rule provides non-exhaustive list of enumerated eligible uses that respond to pandemic impacts and disproportionate impacts

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

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



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

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

RESPONDING TO THE PUBLIC HEALTH EMERGENCY

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

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:
 - Vaccination programs, including vaccine incentives and vaccine sites
 - Testing programs, equipment and sites
 - Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
 - Public communication efforts
 - Public health data systems
 - COVID-19 prevention and treatment equipment, such as ventilators and ambulances
 - Medical and PPE/protective supplies
 - Support for isolation or quarantine

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- Ventilation system installation and improvement
 - Technical assistance on mitigation of COVID-19 threats to public health and safety
 - Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations
-
- Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
 - Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
 - Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
- Temporary medical facilities and other measures to increase COVID-19 treatment capacity
 - Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
 - Public telemedicine capabilities for COVID-19 related treatment



- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
 - Unreimbursed expenses for medical care □ Emergency medical response expenses for COVID-19 testing or treatment, such as □ Treatment of long-term symptoms or effects as uncompensated care costs for □ of COVID-19 medical providers or out-of-pocket costs for individuals
 - Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions

- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans’ behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:
 - Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in □ Support for equitable access to reduce disparities in access to high-quality treatment □ Peer support groups, costs for residence in treatment, harm reduction & long-term supportive housing or recovery housing, and recovery support □ the 988 National Suicide Prevention Lifeline
 - Enhanced behavioral health services in □ or other hotline services schools □ Expansion of access to evidence-based
 - Services for pregnant women or infants □ services for opioid use disorder prevention, born with neonatal abstinence □ treatment, harm reduction, and recovery syndrome □ Behavioral health facilities & equipment

- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:
 - Referrals to trauma recovery services for victims of crime
 - Community violence intervention programs, including:
 - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation



- services, and financial assistance
- In communities experiencing increased gun violence due to the pandemic:
 - Law enforcement officers focused on advancing community policing
 - Enforcement efforts to reduce gun violence, including prosecution
 - Technology & equipment to support law enforcement response

RESPONDING TO NEGATIVE ECONOMIC IMPACTS

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

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

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

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

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



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

Assistance to Households

Impacted Households and Communities

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

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

Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area’s median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific



households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

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

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

- Food assistance (e.g., child nutrition programs, including school meals) & food banks
- Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- Health insurance coverage expansion
- Benefits for surviving family members of individuals who have died from COVID-19
- Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newlyemployed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- Financial services for the unbanked and underbanked

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



- Burials, home repair & home weatherization
- Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- Cash assistance
- Paid sick, medical, and family leave programs
- Assistance in accessing and applying for public benefits or services

- Childcare and early learning services, home visiting programs, services for child welfare involved families and foster youth & childcare facilities
- Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- Certain contributions to an Unemployment Insurance Trust Fund⁴

Disproportionately Impacted Households and Communities

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

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

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast

⁴ Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient’s unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment

insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).



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

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

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

⁵ These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

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

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

- Pay for community health workers to help □ Improvements to vacant and abandoned households access health & social services properties, including rehabilitation or
- Remediation of lead paint or other lead maintenance, renovation, removal and



- hazards remediation of environmental contaminants,
- Primary care clinics, hospitals, integration of demolition or deconstruction, greening/vacant lot health services into other settings, and other cleanup & conversion to affordable housing⁵ investments in medical equipment & facilities □ Services to address educational disparities, designed to address health disparities including assistance to high-poverty school
- Housing vouchers & assistance relocating to districts & educational and evidence-based neighborhoods with higher economic services to address student academic, social, opportunity emotional, and mental health needs
- Investments in neighborhoods to promote □ Schools and other educational equipment & improved health outcomes facilities
- Responses available to respond to impacts of the pandemic on households and communities (including those listed on page 18)

⁵ Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury’s presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.



Assistance to Small Businesses

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

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

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

Impacted Small Businesses



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

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

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

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

Disproportionately Impacted Small Businesses

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

⁸ 15 U.S.C. 632.

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

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

- ✓ Rehabilitation of commercial properties, microbusinesses, including storefront improvements & façade financial, childcare, and transportation costs improvements
- ✓ Support for storefront improvements & façade financial, childcare, and transportation costs improvements



- ✓ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses



Assistance to Nonprofits

Nonprofits have faced significant challenges due to the pandemic’s increased demand for services and changing operational needs, as well as declines in revenue sources such as donations and fees. Nonprofits eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of “nonprofit”—specifically those that are 501(c)(3) or 501(c)(19) tax-exempt organizations.

Impacted Nonprofits

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

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

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

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

Disproportionately Impacted Nonprofits

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

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

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



Aid to Impacted Industries

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

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

1. **Designating an impacted industry.** There are two main ways an industry can be designated as "impacted."
 1. If the industry is in the travel, tourism, or hospitality sectors (including Tribal development districts), the industry is impacted.
 2. If the industry is outside the travel, tourism, or hospitality sectors, the industry is impacted if:
 - a. The industry experienced at least 8 percent employment loss from pre-pandemic levels,⁶ or
 - b. The industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, based on the totality of economic indicators or qualitative data (if quantitative data is unavailable), and if the impacts were generally due to the COVID-19 public health emergency.

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

2. **Providing eligible aid to the impacted industry.** Aid may only be provided to support businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, aid should be generally broadly available to all businesses

⁶ Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021). For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit of government for this calculation (e.g., a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.

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within the impacted industry to avoid potential conflicts of interest, and Treasury encourages aid to be first used for operational expenses, such as payroll, before being used on other types of costs.

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

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

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



PUBLIC SECTOR CAPACITY

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

Public Safety, Public Health, and Human Services Staff

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

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

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

Public health staff include:

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

Human services staff include:



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

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

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

For administrative convenience, recipients can consider public health and safety employees entirely devoted to responding to COVID-19 (and their payroll and benefits fully covered by SLFRF) if the employee, or his or her operating unit or division, is “primarily dedicated” to responding to COVID-19. Primarily dedicated means that more than half of the employee, unit, or division’s time is dedicated to responding to COVID-19.

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

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

Government Employment and Rehiring Public Sector Staff

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

- **Restoring pre-pandemic employment.** Recipients have two options to restore pre-pandemic employment, depending on the recipient’s needs.
- *If the recipient simply wants to hire back employees for pre-pandemic positions:* Recipients may use SLFRF funds to hire employees for the same positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021. Recipients may use SLFRF funds to cover payroll and covered benefits for such positions through the period of performance.



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

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

- **Supporting and retaining public sector workers.** Recipients can also use funds in other ways that support the public sector workforce.⁷ These include:
 - **Providing additional funding for employees who experienced pay reductions or were furloughed** since the onset of the pandemic, up to the difference in the employee's pay, taking into account unemployment benefits received.
 - **Maintaining current compensation levels to prevent layoffs.** SLFRF funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary.

⁷ Recipients should be able to substantiate that these uses of funds are substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and respond to its impacts. See the final rule for details on these uses.



- **Providing worker retention incentives, including reasonable increases in compensation** to persuade employees to remain with the employer as compared to other employment options. Retention incentives must be entirely additive to an employee’s regular compensation, narrowly tailored to need, and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Treasury presumes that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as other requirements are met.
- **Covering administrative costs associated with administering the hiring, support, and retention programs above.**

Effective Service Delivery

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

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

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- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> □ Program evaluation and evidence resources □ Data analysis resources to gather, assess, share, and use data □ Technology infrastructure to improve access to and the user experience of government IT systems, as well as technology improvements to increase public access and delivery of government programs and services | <ul style="list-style-type: none"> □ Capacity building resources to support using data and evidence, including hiring staff, consultants, or technical assistance support |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

activities



• **Addressing administrative needs, including:**

- Administrative costs for programs responding to the public health emergency and its economic impacts, including non-SLFRF and non-federally funded programs
- Address administrative needs caused or exacerbated by the pandemic, including addressing backlogs caused by shutdowns, increased repair or maintenance needs, and technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, data and case management systems)

CAPITAL EXPENDITURES

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

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

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

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



enumerated uses of funds, Treasury requires recipients to submit their written justification as part of regular reporting. Specifically:

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

A Written Justification includes:

- *Description of the harm or need to be addressed.* Recipients should provide a description of the specific harm or need to be addressed and why the harm was exacerbated or caused by the public health emergency. Recipients may provide quantitative information on the extent and the type of harm, such as the number of individuals or entities affected.
- *Explanation of why a capital expenditure is appropriate.* For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.
- *Comparison of proposed capital project against at least two alternative capital expenditures and demonstration of why the proposed capital expenditure is superior.* Recipients should consider the effectiveness of the capital expenditure in addressing the harm identified and the expected total cost (including pre-development costs) against at least two alternative capital expenditures.

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

Treasury presumes that the following capital projects are generally ineligible:



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

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

FRAMEWORK FOR ELIGIBLE USES BEYOND THOSE ENUMERATED

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

Step	1. Identify COVID-19 public health or economic impact	2. Design a response that addresses or responds to the impact
Analysis	<ul style="list-style-type: none"> • Can identify impact to a specific household, business or nonprofit or to a class of households, businesses or nonprofits (i.e., group) • Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class 	<ul style="list-style-type: none"> • Types of responses can include a program, service, or capital expenditure • Response should be related and reasonably proportional to the harm • Response should also be reasonably designed to benefit impacted individual or class

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



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

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

Recipients also have broad flexibility to identify a “class” – or a group of households, small businesses, or nonprofits – that experienced an impact. In these cases, the recipients should first identify the class and the impact that it faced. Then, recipients only need to document that the individuals served fall within that class; recipients do not need to document a specific impact to each individual served. For example, a recipient could identify that restaurants in the downtown area faced substantial declines in revenue due to decreased foot traffic from workers; the recipient could develop a program to respond to the impact on that class and only needs to document that the businesses being served are restaurants in the downtown area.

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

- **There should be a relationship between the definition of the class and the proposed response.** Larger and less-specific classes are less likely to have experienced similar harms, which may make it more difficult to design a response that appropriately responds to those harms.
- **Classes may be determined on a population basis or on a geographic basis,** and the response should be appropriately matched. For example, a response might be designed to provide childcare to single parents, regardless of which neighborhood they live in, or a response might provide a park to improve the health of a disproportionately impacted neighborhood.



- **Recipients may designate classes that experienced disproportionate impact**, by assessing the impacts of the pandemic and finding that some populations experienced meaningfully more severe impacts than the general public. To determine these disproportionate impacts, recipients:
 - May designate classes based on academic research or government research publications (such as the citations provided in the supplementary information in the final rule), through analysis of their own data, or through analysis of other existing data sources.
 - May also consider qualitative research and sources to augment their analysis, or when quantitative data is not readily available. Such sources might include resident interviews or feedback from relevant state and local agencies, such as public health departments or social services departments.
 - Should consider the quality of the research, data, and applicability of analysis to their determination in all cases.
- **Some of the enumerated uses may also be appropriate responses to the impacts experienced by other classes of beneficiaries.** It is permissible for recipients to provide these services to other classes, so long as the recipient determines that the response is also appropriate for those groups.
- **Recipients may designate a class based on income level, including at levels higher than the final rule definition of "low- and moderate-income."** For example, a recipient may identify that households in their community with incomes above the final rule threshold for low-income nevertheless experienced disproportionate impacts from the pandemic and provide responsive services.

2. Design a response that addresses or responds to the impact. Programs, services, and other interventions must be reasonably designed to benefit the individual or class that experienced the impact. They must also be related and reasonably proportional to the extent and type of impact experienced. For example, uses that bear no relation or are grossly disproportionate to the type or extent of the impact would not be eligible.

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



Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

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



Premium Pay

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

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

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

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

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

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



- Is not performed while teleworking from a residence; and
 - Involves either:
 - a. regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or
 - b. regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work.
- 3. Confirm that the premium pay “responds to” workers performing essential work during the COVID-19 public health emergency.** Under the final rule, which broadened the share of eligible workers who can receive premium pay without a written justification, recipients may meet this requirement in one of three ways:
- Eligible worker receiving premium pay is earning (with the premium included) at or below 150 percent of their residing state or county’s average annual wage for all occupations, as defined by the Bureau of Labor Statistics’ [Occupational Employment and Wage Statistics](#), whichever is higher, on an annual basis; or
 - Eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions; or
 - If a worker does not meet either of the above requirements, the recipient must submit written justification to Treasury detailing how the premium pay is otherwise responsive to workers performing essential work during the public health emergency. This may include a description of the essential worker’s duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

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

Water & Sewer Infrastructure

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

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Recipients may undertake the eligible projects below:

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

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

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

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

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

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

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

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



ADDITIONAL ELIGIBLE PROJECTS

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

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

A “necessary” investment in infrastructure must be:

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

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



APPLICABLE STANDARDS & REQUIREMENTS

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

Broadband Infrastructure

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

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

BROADBAND INFRASTRUCTURE INVESTMENTS

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

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

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



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

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

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

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

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

CYBERSECURITY INVESTMENTS

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

APPLICABLE STANDARDS & REQUIREMENTS

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



Restrictions on Use

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

OFFSET A REDUCTION IN NET TAX REVENUE

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

DEPOSITS INTO PENSION FUNDS

- **No recipients except Tribal governments may use this funding to make a deposit to a pension fund.** Treasury defines a “deposit” as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions connected to an eligible use of funds

(e.g., for public health and safety staff). Examples of extraordinary payments include ones that:

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

ADDITIONAL RESTRICTIONS AND REQUIREMENTS

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



- **No debt service or replenishing financial reserves.** Since SLFRF funds are intended to be used prospectively, recipients may not use SLFRF funds for debt service or replenishing financial reserves (e.g., rainy day funds).
- **No satisfaction of settlements and judgments.** Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is itself not an eligible use. However, if a settlement requires the recipient to provide services or incur other costs that are an eligible use of SLFRF funds, SLFRF may be used for those costs.
- **Additional general restrictions.** SLFRF funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).



Program Administration

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

TIMELINE FOR USE OF FUNDS

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

TRANSFERS

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

LOANS

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

NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

Funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, note that SLFRF funds may not be used as the nonfederal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet



the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

ADMINISTRATIVE EXPENSES

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

REPORTING, COMPLIANCE & RECOUPMENT

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

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

REVISIONS TO THE OVERVIEW OF THE FINAL RULE:

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

From: Barbara Gordon <barbaragordon1@gmail.com>

Sent: Tuesday, December 6, 2022 11:51 AM

To: Jennifer Mendoza <jmendoza@lemongrove.ca.gov>; Raquel Vasquez <rvasquez@lemongrove.ca.gov>; George Gastil <ggastil@lemongrove.ca.gov>; Jerry Jones <jjones@lemongrove.ca.gov>; lianalebaron@gmail.com

Subject: Non-agenda Public Comment

Dear City Council Members,

We know tobacco is not only a health issue it is also an environmental issue. The tobacco industry negligence is responsible for producing much more than tobacco products — they are guilty of creating hundreds of thousands of pounds of cigarette and e-cigarette waste each year.

Cigarette and e-cigarette waste present serious threats to the ecosystem and require a long-term solution.

Cigarette and e-cigarette waste can pollute soil, beaches and waterways. Studies have also shown that cigarette and e-cigarette waste is harmful to wildlife.

We need policies that will protect our environment. Tobacco manufacturers need to be held responsible for the extreme amounts of waste that their products create— both combustible and electronic.

Strong local regulations coupled with financial penalties to reduce the amount of cigarette and e-cigarette waste that are needed to reduce the negative environmental consequences from their products.

Increasing consumer awareness of the environmental toxicity and dangers posed by discarding cigarette and e-cigarette related waste into waterways and landfills can also encourage smokers and vapers to quit using these products altogether.

I encourage you to protect the health and environment from tobacco product waste through sound policy changes.

Thank you,

Barbara Gordon