Agenda

City Council Regular Meeting

Folsom City Hall | City Council Chambers, First Floor

50 Natoma Street, Folsom, CA 95630

July 14, 2026, 6:30 PM

Welcome to Your City Council Meeting

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

Participation

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

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

Reasonable Accommodations

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

How to Watch

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

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

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

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

Tuesday, July 14, 2026 6:30 PM

Justin Raithel, Mayor

Sarah Aquino, Councilmember
Mike Kozlowski, Councilmember
Barbara Leary, Councilmember
Anna Rohrbough, Vice Mayor

AGENDA

CALL TO ORDER

ROLL CALL: Councilmembers: Aquino, Kozlowski, Leary, Rohrbough, Raithel

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

PLEDGE OF ALLEGIANCE

AGENDA UPDATE

BUSINESS FROM THE FLOOR:

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

SCHEDULED PRESENTATIONS:

1. Proclamation of the Mayor of the City of Folsom Proclaiming July 2026 as "Parks Make Life Better" Month
2. Proclamation of the Mayor of the City of Folsom Proclaiming July 19 - 25, 2026 as "National Zookeeper Week" in the City of Folsom

CONSENT CALENDAR:

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

3. Approval of the June 23, 2026 City Council Special and Regular Meeting Minutes

4. Resolution No. 11647 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Chevrolet for $166,368.93 from the Solid Waste Operating Fund (Fund 540) for the Purchase of Three Chevrolet Silverado Electric Trucks

5. Resolution No. 11663 – A Resolution Authorizing the City Manager to Execute an Agreement with ICF Incorporated, LLC for Consulting Services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan for $104,980.32 from the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Waste Operating Fund (Fund 540), and the General Fund (Fund 010)

6. Resolution No. 11664- A Resolution Authorizing the City Manager to Execute Construction Change Order No. 1 with LEED Mechanical Inc. in the amount of $69,300 for the Folsom Public Library HVAC Replacement Project from the Facility Rehabilitation Fund (Fund 602) and Appropriation of Funds

7. Resolution No. 11668- A Resolution Authorizing the City Manager to Enter Into an Employment Agreement for the Position of City Attorney

8. Resolution No. 11669- A Resolution Authorizing the City Manager to Execute an Agreement with UNICO Engineering, Inc. for Construction Management Services in the Amount of $200,422.55 from the Transportation Improvement Fund (Fund 446) for the Folsom Lake Crossing Safety Improvements Phase 2 Project, Project No. PW2601

9. Resolution No. 11670 - A Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Dewberry Engineers, Inc. for Construction Management and Inspection Services in the amount of $232,954.04 from the Measure A Fund (Fund 276) for the Pavement Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds

10. Resolution No. 11671 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $548,662, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $38,195, and Appropriation of Funds from Gas Tax 2105 Fund (Fund 247) in the amount of $586,857 for the Glenn Drive Emergency Storm Drain Replacement Project

11. Resolution No. 11672 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $253,197, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $16,146, and Appropriation of Funds from Gas Tax 2105 (Fund 247) in the amount of $269,343 for the Prewett Drive Emergency Storm Drain Replacement Project

12. Resolution No. 11673- A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25

ELECTION RELATED ITEMS:

13. Resolution No. 11675 - A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2026, Requesting the Board of Supervisors of the County of Sacramento Consolidate the General Municipal Election with the Statewide General Election, and Establishing Policies for Candidates' Statements

14. Authorizing the Submission of a Ballot Measure to the Qualified Voters of the City to Amend City Charter Section 4.03 Related to Appointment of the City Attorney and Associated Operational Changes

    i. Resolution No. 11665 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.03 to Have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes; Directing Outside Legal Counsel to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure

    ii. Ordinance No. 1371 - An Ordinance of the People of the City of Folsom Amending Section 4.03, "City Attorney," of the City Charter to Have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes (Second Reading and Approval of Submission to Voters)

15. Authorizing the Submission of a Ballot Measure to the Qualified Voters of the City to Amend City Charter Section 4.07 Related to Decision Making Authority of Boards and Commissions

    i. Resolution No. 11666 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.07 to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure, Authorizing the Filing of Primary and Rebuttal Arguments, and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure

    ii. Ordinance No. 1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, "Boards and Commissions," of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance (Second Reading and Approval of Submission to Voters)

16. Authorizing the Submission of a Ballot Measure to the Qualified Voters of the City to Amend Folsom Municipal Code Section 2.48.030 Related to Campaign Contribution Limits

    i. Resolution No. 11667 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending Folsom Municipal Code Section 2.48.030 to Increase the Campaign Contribution Limit from $150 to $500 per Donor per Election; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure

    ii. Ordinance No. 1373 - An Ordinance of the People of the City of Folsom Amending Section 2.48.030, "Campaign Contribution Limitation", of the Folsom Municipal Code to Increase the Campaign Contribution Limit (Second Reading and Approval of Submission to Voters)

PUBLIC HEARING:

17. Resolution No. 11662- A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect Such Charges on the Tax Roll

18. Ordinance No. 1375- An Ordinance of the City of Folsom Re-Adopting Ordinance 1353 To Amend Chapter 17.52 of the Folsom Municipal Code for the Historic District Relating to Design Review, Sign Permits, Demolitions, and Accessory Buildings (Introduction and First Reading) and Determination that the Action is Not Subject to CEQA

CITY MANAGER REPORTS

COUNCIL COMMENTS

ADJOURNMENT

****RECESS SCHEDULE****

The City Council will be in recess for the second half of July.
The next regular meeting will be held on August 11.

NOTICE: Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address Council on an issue, which is on this agenda, please complete a blue speaker request card, and deliver it to a staff member at the table on the left side of the Council Chambers prior to discussion of the item. When your name is called, stand to be recognized by the Mayor and then proceed to the podium. If you wish to address the City Council on any other item of interest to the public, when the Mayor asks if there is any "Business from the Floor," follow the same procedure described above. Please limit your comments to three minutes or less.

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

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

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

This meeting of the City Council is recorded with closed captioning. The recording will be cablecast on Metro Cable Channel 14, the local government affairs channel on the Comcast and DirecTV U-Verse cable system, and will be shown in its entirety on the Friday and Saturday following the meeting, both at 9 a.m. The recording will also be video streamed at metro14live.saccounty.gov.The City does not control scheduling of this telecast and persons interested in watching the televised meeting should confirm this schedule with Metro Cable TV, Channel 14. The City of Folsom provides live and archived webcasts of

regular City Council meetings. The webcasts can be found on the online services page of the City's website www.folsom.ca.us.

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

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

PROCLAMATION
OF THE MAYOR OF THE CITY OF FOLSOM
PROCLAIMING JULY 2026
AS
"PARKS MAKE LIFE BETTER" MONTH

WHEREAS, parks and recreation are essential to the health, vitality, and quality of life of our community by providing welcoming places where people of all ages, backgrounds, and abilities can gather, learn, grow, and thrive; and

WHEREAS, parks and recreation have the power to foster belonging, strengthen community, build meaningful connections, promote stewardship of nature, inspire play, and enhance the overall well-being of residents; and

WHEREAS, through the power of belonging, parks and recreation provides inclusive public spaces where residents feel welcomed, valued, and connected to their community; and

WHEREAS, through the power of community, parks and recreation bring neighbors together through events, recreation programs, volunteer opportunities, and shared public spaces that inspire civic pride; and

WHEREAS, through the power of connection, parks and recreation encourages friendships, mentoring youth, supporting families, and providing opportunities for people to engage with one another across generations and cultures; and

WHEREAS, through the power of nature, parks and recreation enriches lives by protecting open spaces, preserving wildlife habitats, improving environmental stewardship, and providing opportunities to experience the beauty and tranquility of natural spaces; and

WHEREAS, through the power of play, parks and recreation encourages creativity, learning, exploration, and physical activity while helping children develop, adults stay active, and families create lasting memories together; and

WHEREAS, through the power of well-being, parks and recreation supports physical health, mental wellness, stress reduction, social interaction, and resilience through trails, recreation programs, sports, and outdoor experiences; and

WHEREAS, the dedicated professionals, volunteers, community partners, and supporters of the City of Folsom Parks & Recreation Department work every day to enrich lives, protect natural resources, provide recreational opportunities, and make lives better for everyone:

NOW THEREFORE BE IT RESOLVED that, I Justin Raithel, Mayor of the City of Folsom, do hereby proclaim July 2026 as "***Parks Make Life Better***" month.

PROCLAIMED this 14th day of July 2026.

Justin Raithel, MAYOR

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

PROCLAMATION
OF THE MAYOR OF THE CITY OF FOLSOM
PROCLAIMING JULY 19-25, 2026
AS
"NATIONAL ZOOKEEPER WEEK" IN THE CITY OF FOLSOM

WHEREAS, the Folsom City Zoo Sanctuary plays a key role in the City of Folsom's goals to increase tourism, the quality of life of our residents, build community, and contribute to the City's Distinctive by Nature attributes; and

WHEREAS, zookeepers significantly contribute to the zoo sanctuary's mission statement of "Teaching Responsible Behavior Toward All Animals," and

WHEREAS, zookeepers meet and exceed the rigorous requirements of the California Department of Fish and Wildlife and the United States Department of Agriculture; and

WHEREAS, zookeepers diligently care for the zoo sanctuary's many rescued animals, comprised of over 40 different species, all of which are animals that could not survive in the wild; and

WHEREAS, zookeepers possess unique and exceptional skills, enabling them to create behavioral enrichment items for the animals and use positive reinforcement training so that the animals may participate in their own vet care; and

WHEREAS, zookeepers work tirelessly to provide outstanding veterinary care, staying late and coming in early when animals are ill and require additional treatment; and

WHEREAS, zookeepers continuously demonstrate their unwavering dedication, including working weekends, holidays, and during all types of weather, as the animals still need to be fed and cared for; and

WHEREAS, zookeepers educate and inspire youth about conservation and native wildlife and guide them into careers in the animal welfare field.

NOW THEREFORE BE IT RESOLVED that, I, Justin Raithel, Mayor of the City of Folsom, do hereby proclaim July 19-25, 2026, as "***National Zookeeper Week" in the City of Folsom.***

PROCLAIMED this 14th day of July 2026.

Justin Raithel, MAYOR

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

City Council Regular Meeting

MINUTES

Tuesday June 23, 2026 6:30 PM

CALL TO ORDER

The regular City Council meeting was called to order at 6:32 pm with Mayor Raithel presiding.

ROLL CALL:

Councilmembers Present:	Michael Kozlowski, Councilmember Barbara Leary, Councilmember Sarah Aquino, Councilmember Justin Raithel, Mayor
Councilmembers Absent:	Anna Rohrbough, Vice Mayor (*arrived at 8:27 p.m.*)

PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited.

AGENDA UPDATE

Interim City Attorney Sari Dierking advised that there was additional information for Item Nos. 15, 17, and 18 and a revised staff report transmittal for Item No. 17.

BUSINESS FROM THE FLOOR:

The following individuals addressed the council:

- James (Jim) Tedford
- Michael Harris

SCHEDULED PRESENTATION:

1. Proclamation of the Mayor of the City of Folsom Proclaiming July 2-4, 2026 as Western Rodeo Days in the City of Folsom

Mayor Justin Raithel presented the proclamation.

The following two agenda items were taken out of order:

3. Proclamation of the Mayor of the City of Folsom Joining the "America the Entrepreneurial" Effort and Celebrating Folsom's Entrepreneurs and Entrepreneurial Spirit

Mayor Justin Raithel presented the proclamation.

2. Presentation from California State Parks Regarding the 4th Annual Black Miners Bar Juneteenth Festival Celebration

Tracie Stafford presented this item.

At 6:58 p.m., City Manager Bryan Whitemyer requested a recess from Mayor Raithel after staff was advised of technical difficulties with the meeting's livestream broadcast.

At 7:25 p.m., the City Council meeting was called back to order. City Manager Whitemyer apologized for the delay and noted that while the livestream technical difficulties could not be resolved, the meeting was confirmed to be recording in its entirety. He advised that the recorded meeting would be posted online to the City's website and broadcast on Metro Cable Channel 14.

CONSENT CALENDAR:

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

4. Approval of the May 26, 2026 City Council Special and Regular Meeting Minutes

5. Approval of the June 09, 2026 City Council Special and Regular Meeting Minutes

6. Resolution No. 11648– A Resolution Authorizing the City Manager to Execute an Agreement with Western Truck Parts and Equipment Company, LLC in the Amount of $2,553,976.32 from Solid Waste Operating Fund (Fund 540) for the Purchase of Six Solid Waste Collection Vehicles

7. Receive Annual Report Regarding Police Use of Military Type Equipment and Resolution No. 11649- A Resolution Renewing Ordinance No. 1326 and Determining that Specified "Military Equipment" Used by the Folsom Police Department has Complied with Standards for Approval Set Forth in State Law

8. Resolution No. 11650 – A Resolution Authorizing the City Manager to Execute a Cooperation Agreement with Sacramento Housing and Redevelopment Agency for Continued Participation in the Community Development Block Grant Program and Related Activities from January 1, 2027 to December 31, 2030

9. Resolution No. 11651 - A Resolution Approving a New Staffing Model for the Water and Wastewater Divisions to Improve Operational Efficiencies in the Utilities Department and Appropriation of Funds

10. Resolution No. 11652 – A Resolution Authorizing the City Manager to Execute a Purchase Agreement with AllStar Fire Equipment Inc. for the Procurement of Structural Firefighting Protective Turnout Coats and Pants for a Total Not to Exceed Amount of $135,000

11. Consideration of Side Letters of Agreement Between the City of Folsom and the Folsom Police Officers Association (FPOA)

i. Resolution No. 11653– A Resolution Authorizing the City Manager to Execute a Side Letter of Agreement Between the City of Folsom and the FPOA Regarding Union Bank Time

ii. Resolution No. 11654– A Resolution Authorizing the City Manager to Execute a Side Letter of Agreement Between the City of Folsom and the FPOA Regarding Salary Schedule

12. Resolution No. 11655 – A Resolution Electing the Population and Inflation Factors and Establishing the Fiscal Year 2026-27 Appropriation Limit

13. Resolution No. 11660 – A Resolution Authorizing the City Manager to Execute an Agreement with USALCO, LLC for $407,750 from the Water Operating Fund (Fund 520) for the Purchase of Chemicals for the Water Treatment Plant and Approval of the Associated Waiver of Bid

Motion by Councilmember Aquino second by Councilmember Kozlowski to approve the Consent Calendar. Motion passed by the following roll-call vote:

AYES: Kozlowski, Leary, Aquino, Raithel
NOES: None
ABSENT: Rohrbough
ABSTAIN: None

NEW BUSINESS:

14. Resolution No. 11658 - A Resolution Authorizing the City Manager to Execute an Operational Agreement for Use of the Parcel 61 Electronic Readerboard Sign to be Located at the Northwest Corner of East Bidwell Street and Alder Creek Parkway

Senior Planner Josh Kinkade made a presentation and responded to questions from the City Council. Tim Kim, TK Consulting - representing Eagle Commercial, spoke briefly under this item.

Motion by Councilmember Aquino second by Councilmember Leary to approve Resolution No. 11658. Motion passed by the following roll-call vote:

AYES: Kozlowski, Leary, Aquino, Raithel
NOES: None
ABSENT: Rohrbough
ABSTAIN: None

15. Resolution No 11659 – A Resolution Authorizing the City Manager to Execute a Purchase and Sale Agreement with Brian Martell and Moe Hirani in the Amount of $1.55 Million for the Purchase of Assessor's Parcel Numbers 070-0046-026 and 070-0042-002 and Appropriation of Funds (Folsom Housing Fund 238)

Community Development Director Pam Johns made a presentation and responded to questions from the City Council.

The following individuals addressed the council:

- Deborah Grassl
- John Lane

Motion by Councilmember Kozlowski second by Councilmember Leary to approve Resolution No. 11659. Motion passed by the following roll-call vote:
AYES: Kozlowski, Leary, Aquino, Raithel
NOES: None
ABSENT: Rohrbough
ABSTAIN: None

16. Resolution No. 11661 – A Resolution Authorizing the City Manager to Execute an Agreement with Schneider Electric Buildings Americas, Inc. for the Development of an Energy Savings Conservation Project and Performance Contract in the Amount of $180,000 and Appropriation of Funds

Vice Mayor Rohrbough arrived during discussion of this item.

City Manager Bryan Whitemyer introduced the item. Schneider Electric representatives Amy Cahill and Madden Dillard provided a presentation and responded to questions from the City Council. City Manager Bryan Whitemyer made additional comments regarding the identification of projects and their funding source.

The following individual addressed the council:

- James (Jim) Tedford

City Manager Bryan Whitemyer made additional comments about the agreement. Assistant City Attorney Sari Dierking provided information about the code provisions related to this type of project.

Motion by Councilmember Aquino second by Mayor Raithel to approve Resolution No. 11661. Motion passed by the following roll-call vote:

AYES: Leary, Rohrbough Aquino, Raithel
NOES: None
ABSENT: None
ABSTAIN: Kozlowski

PUBLIC HEARING:

17. Consideration of Ordinances Amending the City Charter and/or the Folsom Municipal Code for Submission to the Voters at the 2026 General Municipal Election:

i. Ordinance No. 1371- An Ordinance of the People of the City of Folsom Amending Section 4.03, “City Attorney”, of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes (Introduction and First Reading)

ii. Ordinance No.1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, “Boards and Commissions”, of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards, Commissions, and Committees by Ordinance (Introduction and First Reading)

iii. Ordinance No. 1373- An Ordinance of the People of the City of Folsom Amending Section 2.48.030, “Campaign Contribution Limitation”, of the Folsom Municipal Code to Increase the Campaign Contribution Limit (Introduction and First Reading)

City Manager Bryan Whitemyer made a presentation and responded to questions from the City Council.

Hearing no requests to speak, the public hearing was opened and closed at 8:39 p.m.

Motion by Councilmember Kozlowski second by Vice Mayor Rohrbough to introduce Ordinance No. 1371.

Prior to the roll call vote, Councilmember Aquino stated that she would vote no due to the increased costs charged by the Sacramento County Clerk's Office for three ballot measures for the November 3, 2026 election.

Motion by Councilmember Kozlowski second by Vice Mayor Rohrbough to introduce Ordinance No. 1371. Motion passed by the following roll-call vote:

AYES: Kozlowski Leary, Rohrbough, Raithel
NOES: Aquino
ABSENT: None
ABSTAIN: None

Motion by Councilmember Kozlowski second by Vice Mayor Rohrbough to introduce Ordinance No. 1372 with the new language not including committees. Motion passed by the following roll-call vote:

AYES: Kozlowski Leary, Rohrbough, Raithel
NOES: Aquino
ABSENT: None
ABSTAIN: None

Motion by Councilmember Kozlowski second by Councilmember Leary to introduce Ordinance No. 1373. Motion passed by the following roll-call vote:

AYES: Kozlowski Leary, Rohrbough, Raithel
NOES: Aquino
ABSENT: None
ABSTAIN: None

18. Toll Brothers at Alder Creek - south of Alder Creek Parkway, east and west of Oak Avenue Parkway, north of Mangini Parkway, and east of Prairie City Road, in the Folsom Plan Area (MSTR25-00084)- Resolution No 11643 - A Resolution of the City Council Determining that the Toll Brothers at Alder Creek Project is Exempt from CEQA pursuant to CEQA Guidelines Section 15182 and Approving a Small-Lot Vesting Tentative Subdivision Map, Planned Development Permit, Inclusionary Housing Plan, and Minor Administrative Modification (Continued from June 09, 2026)

Planning Manager Desmond Parrington made a presentation and responded to questions from the City Council. City Urban Forrester Amy Nunez and Public Works Director Rebecca Neves provided additional information responding to questions from the City Council. Toll Brothers Land Entitlement Manager Martin Nivinski made a presentation and responded to questions from the City Council and ECORP Krissy Walker-Berry also provided additional information. Urban Forrester Amy Nunez provided further clarification in response to additional Council comments.

The public hearing was opened at 10:55 p.m.

The following individuals addressed the council:

- Cheryl Davis
- Michael Lozeau
- Miranda Pond

The public hearing was closed at 11:06 p.m.

Planning Manager Desmond Parrington responded to additional questions from the City Council.

Councilmember Leary made a motion to continue this item for further discussion regarding the changes of the conditions that were presented.

Motion failed without a second.

The City Council made additional comments.

Motion by Councilmember Aquino second by Councilmember Kozlowski to approve Resolution No. 11643. Motion passed by the following roll-call vote:

AYES: Kozlowski, Rohrbough Aquino, Raithel
NOES: Leary
ABSENT: None
ABSTAIN: None

CITY MANAGER REPORTS

City Manager Bryan Whitemyer had nothing to report.

COUNCIL COMMENTS

Councilmember Kozlowski had no comments.

Councilmember Aquino had no comments

Councilmember Leary had no comments.

Vice Mayor Rohrbough thanked Planning Manager Desmond Parrington for his presentation and his staff for their work on the Toll Brothers at Alder Creek agenda item.

Mayor Raithel had no comments.

ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 11:22 p.m.

SUBMITTED BY:

_____
Jennifer Jimenez, Deputy City Clerk

ATTEST:

_____
Justin Raithel, Mayor

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
ITEM TITLE:	Resolution No. 11647 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Chevrolet for $166,368.93 From the Solid Waste Operating Fund (Fund 540) for the Purchase of Three Chevrolet Silverado Electric Trucks
FROM:	Utilities Department

RECOMMENDATION / CITY COUNCIL ACTION

The Utilities Department recommends the City Council pass and adopt Resolution No. 11647 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Chevrolet for $166,368.93 From the Solid Waste Operating Fund (Fund 540) for the Purchase of Three Chevrolet Silverado Electric Trucks.

BACKGROUND / ISSUE

The Utilities Department recognizes the need to maintain a fleet of vehicles capable of providing reliable, efficient and responsive service to the community. In coordination with the City of Folsom Fleet Division, department vehicles are routinely reviewed and assessed to identify opportunities to strategically expand the fleet with zero emission vehicles where operationally feasible. These efforts support compliance with California's evolving Advanced Clean Fleets (ACF) regulations and the city's broader sustainability objectives.

The proposed purchase includes three electric pickup trucks that will assist the city in reducing fleet emissions while providing operational flexibility as the city continues evaluating long-term fleet electrification strategies. In addition to supporting sustainability goals, the electric pickup trucks meet the applicable vehicle weight classifications necessary to generate regulatory credits under the current ACF framework. These credits may be applied toward eligible diesel fleet purchases needed to support essential refuse collection operations and other specialized heavy-duty services that currently have limited zero emission alternatives available.

This approach allows the city to continue maintaining critical public services while incorporating lower emission vehicles into the fleet in a practical and fiscally responsible manner. The city will continue to monitor vehicle availability, operational performance, charging infrastructure requirements, and evolving regulatory standards as part of its long-term fleet replacement and sustainability planning efforts.

POLICY / RULE

In accordance with Chapter 2.36 of the Folsom Municipal Code, supplies, equipment, services, and construction with a value of $77,426 or greater shall be awarded by City Council.

Section 2.36.170 of the Folsom Municipal Code permits cooperative purchasing agreements for the procurement of any supplies, equipment, service, or construction with one or more public procurement units in accordance with an agreement entered into or between the participants.

ANALYSIS

In response to the State Advanced Clean Fleet Regulations, the Utilities Department evaluated opportunities to incorporate additional zero-emission vehicles into the department fleet. It was determined that Chevrolet Silverado electric trucks could effectively support the operational requirements associated with the three requested vehicle additions. The proposed vehicles are intended to support service expansion and increased operational demands resulting from continued growth within the community. One vehicle will be assigned to cart delivery operations to support residential growth and ongoing development within the city. The remaining two vehicles will be assigned to new Solid Waste Division staff positions that support refuse collection operations, customer service activities, field inspections, and other operational functions necessary to maintain service levels for a growing customer base. In coordination with the City of Folsom Fleet Division, quotes have been obtained for the purchase of three Chevrolet Silverado electric trucks.

The Utilities Department, in coordination with the City Fleet Division, solicited quotations from Sourcewell and Folsom Chevrolet for the purchase of three Chevrolet Silverado electric trucks. Although FMC Section 2.36.170 allows for the purchase of these vehicles directly through the Sourcewell contract number without having to solicit multiple quotes, City staff also solicited a quote from Folsom Chevrolet to compare pricing and to offer an opportunity for a local dealership to bid on the purchase. Folsom Chevrolet submitted the lowest responsive quotation that met the City's vehicle specifications and operational requirements.

FINANCIAL IMPACT

If approved the agreement with Folsom Chevrolet for the purchase of three Chevrolet Silverado electric trucks for a total of $166,368.93, or $55,456.31 per vehicle will be funded through the Solid Waste Operating Fund (Fund 540). Sufficient funds are budgeted and are available in the Solid Waste Operating Fund (Fund 540) in FY 2026-27 for this agreement.

ENVIRONMENTAL REVIEW

This action is exempt from environmental review under the California Environmental Quality Act. (CEQA).

ATTACHMENTS

1. Resolution No. 11647 – A Resolution Authorizing the City Manager to Execute an Agreement with Folsom Chevrolet for $166,368.93 From the Solid Waste Operating Fund (Fund 540) for the Purchase of Three Chevrolet Silverado Electric Trucks

2. Quote and specifications from Folsom Chevrolet for three Chevrolet Silverado Electric Trucks.

Submitted,

_____

Marcus Yasutake, Director
UTILITIES DEPARTMENT

Attachment 1

RESOLUTION NO. 11647

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FOLSOM CHEVROLET FOR $166,368.93 FROM THE SOLID WASTE OPERATING FUND (FUND 540) FOR THE PURCHASE OF THREE CHEVROLET SILVERADO ELECTRIC TRUCKS

WHEREAS, the City of Folsom Utilities Department is responsible for maintaining a reliable and responsive fleet necessary to support essential public services, including refuse collection and related operations; and

WHEREAS, the Advanced Clean Fleets regulations establish evolving requirements related to the transition of public agency fleets toward zero-emission vehicles; and

WHEREAS, the City seeks to incorporate zero-emission vehicles into its fleet where operationally feasible in support of regulatory compliance, emissions reduction goals, and broader sustainability objectives; and

WHEREAS, the proposed purchase of three electric pickup trucks will assist the City in reducing fleet emissions while providing operational flexibility as the City continues evaluating long-term fleet electrification strategies; and

WHEREAS, per Folsom Municipal Code Section 2.36.170 the City can use cooperative purchasing agreements for these vehicles and obtained a quote from Sourcewell without having to solicit for multiple bids; and

WHEREAS, City staff also solicited a quote from Folsom Chevrolet to compare pricing and to offer an opportunity for a local vendor to bid on the sale of the three electric vehicles; and

WHEREAS, Folsom Chevrolet submitted the lowest response quotation that met the City's vehicle specifications and operational requirements; and

WHEREAS, sufficient funds are budgeted and available in the Solid Waste Operating Fund (Fund 540) for purchase of three vehicles in the amount of $166,368.93; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an Agreement with Folsom Chevrolet for $166,368.93 From the Solid Waste Operating Fund (Fund 540) for the Purchase of Three Chevrolet Silverado Electric Trucks.

PASSED AND ADOPTED this 14th day of July 2026, by the following roll-call vote:

AYES: Councilmember(s):
NOES: Councilmember(s):

ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

FOLSOM CHEVROLET

Date June 24, 2026
Invoice# *City of Folsom*

To: City of Folsom
50 Natoma St
Folsom, CA. 95630

CC; Brian Whitemyer, Greg Bakken, Marcus Yasutake, Marie McKeeth

Stock No	VIN		Price
ORDER #1	**2026 Chevrolet Silverado EV**		
	Summit White		
	M.S.R.P $55,110.00		
	DISCOUNT $3,770.35 = 6.84% Total Savings		
	SALE PRICE		**$51,339.65**
	ORDER CUTOFF DATE 7/24/2026		

Subtotal		$51,339.65
Sales Tax	7.75%	$3,985.41
Ca Dealer fee		$85.00
DMV Fees	**EXEMPT**	$46.25
Rebates		$0.00
CASH DOWN		
Total		$55,456.31

FOLSOM CHEVROLET

Date June 24, 2026
Invoice# *City of Folsom*

To: City of Folsom
50 Natoma St
Folsom, CA. 95630

CC; Brian Whitemyer, Greg Bakken, Marcus Yasutake, Marie McKeeth

Stock No	VIN		Price
ORDER #2	**2026 Chevrolet Silverado EV**		
	Summit White		
	M.S.R.P $55,110.00		
	DISCOUNT $3,770.35 = 6.84% Total Savings		
	SALE PRICE		**$51,339.65**
	ORDER CUTOFF DATE 7/24/2026		

Subtotal		$51,339.65
Sales Tax	7.75%	$3,985.41
Ca Dealer fee		$85.00
DMV Fees	**EXEMPT**	$46.25
Rebates		$0.00
CASH DOWN		
Total		$55,456.31

FOLSOM CHEVROLET

Date June 24, 2026
Invoice# *City of Folsom*

To: City of Folsom
50 Natoma St
Folsom, CA. 95630

CC; Brian Whitemyer, Greg Bakken, Marcus Yasutake, Marie McKeeth

Stock No	VIN		Price
ORDER #3	**2026 Chevrolet Silverado EV**		
	Summit White		
	M.S.R.P $55,110.00		
	DISCOUNT $3,770.35 = 6.84% Total Savings		
	SALE PRICE		**$51,339.65**
	ORDER CUTOFF DATE 7/24/2026		

Subtotal		$51,339.65
Sales Tax	7.75%	$3,985.41
Ca Dealer fee		$85.00
DMV Fees	**EXEMPT**	$46.25
Rebates		$0.00
CASH DOWN		
Total		$55,456.31

2026 Fleet/Non-Retail Chevrolet Silverado EV e4WD Crew Cab Standard Range Work Truck

WINDOW STICKER

2026 Chevrolet Silverado EV e4WD Crew Cab Standard Range Work Truck

CODE	MODEL	MSRP
CT35843	2026 Chevrolet Silverado EV e4WD Crew Cab Standard Range Work Truck	$52,800.00
	OPTIONS	
YF5	Emissions, California state requirements	$500.00
EN0	Engine, none, (STD)	$0.00
MF1	Transmission, none, (STD)	$0.00
4WT	Work Truck Preferred Equipment Group, includes standard equipment	$0.00
RT3	Wheels, 18" X 8.0" (45.7 cm x 20.3 cm), steel, (STD)	$0.00
QWJ	Tires, LT265/70R18, all-season blackwall, (STD)	$0.00
GAZ	Summit White	$0.00
AR9	Seats, front bucket, (STD)	$0.00
H9F	Black, Evotex seat trim	$0.00
CGN	Chevytec spray-on bedliner, Black, (does not include spray-on liner on tailgate due to Black composite inner panel)	$545.00
R9L	Removes OnStar Basics (OnStar Fleet Basics for Fleet)	($1,330.00)
PSC	Dual Level Charge Cord, dual-mode, portable, 120-volt (1.4 kW) and 240-volt (7.7 kW) capability, swappable NEMA 5-15 and NEMA 14 - 50 plugs with SAE J1772 vehicle connection	$0.00
EWX	Battery Pack, Standard Range, (STD)	$0.00
C5F	GVWR, 9990 lbs. (4531 kg)	$0.00
XRJ	Dual Motor 4WD, (STD)	$0.00

Please note selected options override standard equipment

SUBTOTAL	**$52,515.00**
Advert/ Adjustments	$0.00
Manufacturer Destination Charge	$2,595.00
TOTAL PRICE	**$55,110.00**

Est City: N/A MPG
Est Highway: N/A MPG
Est Highway Cruising Range: N/A mi

Standard Equipment

MECHANICAL

Engine, none (STD)
Battery Pack, Standard Range (Up to 510 hp and 490 lb-ft of torque in Tow/Haul Mode.) (STD)
Transmission, none (STD)
Dual Motor 4WD Performance Torque Vectoring Dual Motor 4WD (Electronic), 2 motors (1 front & 1 rear electric drive unit) (STD)
Dual Level Charge Cord, dual-mode portable, 120-volt (1.4 kW) and 240-volt (7.7 kW) capability, swappable NEMA 5-15 and NEMA 14-50 plugs with SAE J1772 vehicle connection
GVWR, 9990 lbs. (4531 kg)

EXTERIOR

Wheels, 18" X 8.0" (45.7 cm x 20.3 cm), steel (STD)
Tires, LT265/70R18, all-season blackwall (STD)

INTERIOR

Seats, front bucket (STD)

ADDITIONAL EQUIPMENT

Assisted Driving Package includes (UGN) Enhanced Automatic Emergency Braking, (UVZ) Reverse Automatic Braking, (UFB) Rear Cross Traffic Braking, (CTB) Intersection Automatic Emergency Braking, (UKK) Rear Pedestrian Alert, (HS1) Safety Alert Seat, (UOW) Side Bicyclist Alert, (UVX) Traffic Sign Recognition, (UV2) HD Surround Vision and (KSG) Adaptive Cruise Control (Includes (UKI) Blind Zone Steering Assist and (UKM) Lane Keep Assist with Lane Departure Warning.)
Pickup bed, 5 ft 11 inches
Electronic Precision Shift electronic transmission range selector with Low selection for throttle off regenerative braking and one-pedal driving capability
Emission system zero emission vehicle (ZEV)
Chassis, Dual Motor 4WD
Front Drive Unit 1-motor, Integrated Inverter, Park System
Rear Drive Unit 1-motor, Integrated Inverter
DC fast charging (14MOD is 475V, up to 220kW)
Charging module, 11.5 kW high-voltage
Vehicle-to-home all V2H-capable GM EV's can provide power to your properly equipped home in a blackout to all equipment groups (The GM Energy PowerShift Charger and GM Energy V2H Enablement Kit requires an adequately charged and properly equipped GM EV having bidirectional charging capabilities, a properly equipped home, and proper grid interconnection. Some eligible 24MY EVs will require a dealership or over-the-air update to enable bidirectional charging. Weather conditions, life of the battery, vehicle variation and usage, and other external factors may impact the duration of power supply. Power supply may be interrupted. It is not recommended that the following devices be powered with the GM Energy PowerShift Charger and V2H Enablement Kit: Medical Devices.)
Suspension, 4-wheel independent suspension with premium ride and handling
Brakes, front and rear sliding caliper disc with DURALIFE rotors, with Variable Regen on Demand capability
Brake rotor, FNC
Trailer brake controller, integrated
Tow/Haul Mode
Jack, mechanical, with tools located in the eTrunk
Wheel, spare, 18" X 8.0" (45.7 cm x 20.3 cm), steel
Tire, spare LT225/65R18, all-season blackwall
Shutters, front upper and lower grille, active
IntelliBeam, automatic high beam on/off
Headlamps, LED with LED Daytime Running Lamps
Tail lamps, LED
LED Cargo Area Lighting located in cargo bed activated with switch on [illegible] panel

Mirrors, outside heated power-adjustable
Mirror caps, painted Black
Window, front side, solar absorbing
Window, rear side, solar absorbing, privacy tinting
Glass, deep-tinted, rear door and rear cab
Tailgate, standard
Tailgate, gate function manual with EZ Lift
Tailgate, locking
Door handles, body-color
SiriusXM Trial Subscription (IMPORTANT: the SiriusXM trial subscription is not provided on vehicles that are ordered for Fleet Daily Rental ("FDR") use. Trial subscription is subject to the SiriusXM Customer Agreement and privacy policy, visit www.siriusxm.com which includes full terms and how to cancel. All fees, content, features, and availability are subject to change.)
Audio System, 17.7" diagonal advanced color LCD display with Google built-in compatibility (select service plan required, terms and limitations apply), including navigation capability, connected apps, personalized profiles for each driver's settings, Natural Voice Recognition
Audio system feature, 6-speaker system
Wi-Fi Hotspot capable (Terms and limitations apply. See onstar.com or dealer for details.)
5G vehicle connectivity
Evotex seat trim
Seat adjuster, driver 6-way manual
Seat adjuster, front passenger 4-way manual
Seat, rear 60/40 folding bench
Center console, floor-mounted 4 cup holders, USB port, Auxiliary and 120V Power Outlets
Floor Covering, all-weather vinyl flooring
Steering Wheel, urethane
Steering column, manual tilt and telescoping
Steering wheel audio controls
Driver Information Center 11" diagonal display with fully digital color
Windows, remote Express-Down, front and rear door windows
Door locks, power
Remote vehicle starter system pre-conditioning
Keyless Open and Start includes remote keyless entry
Adaptive Cruise Control (Included with (AS2) Assisted Driving Package.)
Theft-deterrent system, unauthorized entry
Alarm, remote panic
USB Ports, 2, Type-C Charge/Data ports located on floor console
USB Ports, rear, dual, Type-C charge-only
Power outlet, front console, 12-volt
Power outlet, 120-volt, on back of floor console
Power outlet, 110-volt, located in the eTrunk
Power inverter, off power mode
Air conditioning, dual-zone automatic climate control
Air vents, rear, heating/cooling
Air filter, pollutant
Air conditioning, refrigerant, low GWP
Defogger, rear-window electric
Sensor, cabin humidity and windshield temperature
Map pocket, front passenger seatback
Mirror, inside rearview manual tilt, day/night
eTrunk, lockable weather-proof and lit compartment with 120 volt outlet, cargo tie-downs and drain holes
Enhanced Automatic Emergency Braking (Included with (AS2) Assisted Driving Package.)
Reverse Automatic Braking (Included with (AS2) Assisted Driving Pack

Rear Cross Traffic Braking (Included with (AS2) Assisted Driving Package.)
Front Pedestrian and Bicyclist Braking
Intersection Automatic Emergency Braking intersection alert, braking (Included with (AS2) Assisted Driving Package.)
StabiliTrak, Stability Control System with Proactive Roll Avoidance and traction control includes electronic trailer sway control and hill start assist
Airbags, Frontal airbags for driver and front passenger; Seat-mounted side-impact airbags for driver and front outboard passenger; Head-curtain airbags for front and rear outboard seating positions; Includes front outboard Passenger Sensing System for frontal passenger airbag (Always use seat belts and child restraints. Children are safer when properly secured in a rear seat in the appropriate child restraint. See the Owner's Manual for more information.)
OnStar Services capable (See onstar.com for details and limitations. Services vary by model. Service plan required.)
Side Bicyclist Alert (Included with (AS2) Assisted Driving Package.)
LED Reflective Windshield Collision Alert
Traffic Sign Recognition (Included with (AS2) Assisted Driving Package.)
HD Surround Vision with Trailer View Camera Provision (Included with (AS2) Assisted Driving Package.)
Blind Zone Steering Assist (Included with (AS2) Assisted Driving Package.)
Lane Keep Assist with Lane Departure Warning, enhanced (Included with (AS2) Assisted Driving Package.)
Front and Rear Parking Assist
Hitch Guidance
Following Distance Indicator
Forward Collision alert
Rear Pedestrian Alert (Included with (AS2) Assisted Driving Package.)
Rear Seat Reminder
Seat Belt adjustable Guide Loops, front row
Seat Belt, front passenger presence detector
Seat belt, rear passenger presence detector
Buckle to Drive prevents vehicle from being shifted out of Park until driver seat belt is fastened; times out after 20 seconds and encourages seat belt use, can be turned on and off in Settings or Teen Driver menu
LATCH system (Lower Anchors and Tethers for CHildren) for child restraints seats
Safety Alert Seat (Included with (AS2) Assisted Driving Package.)
Door locks, rear child security lock manual child lock system (rear door latch)
Teen Driver configurable feature that lets you activate customizable vehicle settings associated with a key fob, to help encourage safe driving behavior. It can limit certain available vehicle features, and it prevents certain safety systems from being turned off. An in-vehicle report card gives you information on driving habits and helps you to continue to coach your new driver
Tire Pressure Monitoring System auto learn, includes Tire Fill Alert
OnStar Basics (OnStar Fleet Basics for Fleet) Drive confidently with core OnStar services including remote commands, built-in voice assistance, real-time traffic and navigation, and Automatic Crash Response to help if you're in need (Requires (UE1) OnStar. OnStar Basics includes remote commands, Navigation, Voice Assistance, and Automatic Crash Response, for eligible vehicles with compatible software. OnStar Basics is standard for 8 years; OnStar plan, working electrical system, cell reception and GPS signal required. OnStar links to emergency services. Service coverage varies with conditions and location. Service availability, features and functionality vary by device and software version. See onstar.com for details and limitations.)
Trailering Information Label

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
ITEM TITLE:	Resolution No. 11663 – A Resolution Authorizing the City Manager to Execute an Agreement with ICF Incorporated, LLC for Consulting Services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan for $104,980.32 from the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Waste Operating Fund (Fund 540), and the General Fund (Fund 010)
FROM:	Utilities Department

RECOMMENDATION / CITY COUNCIL ACTION

The Utilities Department recommends the City Council pass and adopt Resolution No. 11663 - A Resolution Authorizing the City Manager to Execute an Agreement with ICF Incorporated, LLC for Consulting Services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan for $104,980.32 from the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Waste Operating Fund (Fund 540), and the General Fund (Fund 010).

BACKGROUND / ISSUE

The City of Folsom owns and maintains over 400 vehicles or equipment machines within its Fleet. Approximately 175 of these vehicles or equipment machines are recognized under the Advanced Clean Fleets (ACF) Regulation. The ACF Regulation (California Code of Regulations, Title 13, Sections 2013, 2013.1, 2013.2, 2013.3, 2013.4, and 2016) is the latest development in the California Air Resources Board (CARB) decades-long history of reducing emissions from mobile sources that are needed to protect the public health and welfare of Californians by simultaneously improving air quality and by mitigating the harms posed by greenhouse gases by helping advance the introduction of zero-emission technologies into California's truck and bus fleets. Achieving these and other milestones will contribute to meeting the goals in the Governor's Executive Order N-79-20 and result in cleaner, more healthful air for all Californians.

Achieving California's long-term air quality, climate, and public health goals will require medium- and heavy-duty vehicles to significantly reduce their emissions, by embracing commercially available zero-emission technologies where feasible, and by using near-zero-emission technologies powered by clean, low-carbon renewable fuels everywhere else. The ACF regulation is an important part of California's broader strategy to increase clean, affordable transportation options such as zero-emission technologies, innovative methods to improve freight activity, and transportation system efficiency in California.

The scope of work to be provided under this Request for Proposal will include the following:

- **Project Management:** Provide overall project management of the project, guide execution of the work, and ensure coordination between the City and the consultant.
- **Fleet Transition Assessment:** Review the City's existing fleet and infrastructure data and establish a baseline. This will include the collection of fleet logistics data and an analysis of available telematics data.
- **ACF Analysis:** Review and summarize current ACF regulations and flexibility options such as exemptions and extensions. Prepare a non-compliance impact analysis to identify the potential consequences if certain ACF requirements cannot be met.
- **Fleet Replacement Assessment:** Assess the City's fleet operations and develop recommendations for a tailored electric vehicle (EV) transition. This will include a total cost of ownership analysis and an environmental impact analysis.
- **Infrastructure Needs:** Assess the City's charging needs to support ZEV transition, develop a charging optimization plan, develop infrastructure recommendations for EV charging, and develop a phased rollout schedule and cost estimates for the charging infrastructure.
- **Grid Impact Analysis:** Assess the ability of each City facility to support the projected electrical load work with SMUD to identify any electrical grid impacts. This includes identifying the utility capacity both upstream and downstream of the SMUD meter.
- **Funding Support:** Identify any relevant funding opportunities across local, state, federal, or utility programs.
- **Report:** Deliver comprehensive draft and final reports, providing actionable insights for City staff, stakeholders, and the public. This will include a practical, phased roadmap for both conservative and accelerated ZEV transition scenarios.

This Resolution will authorize the City Manager to execute an agreement with ICF Incorporated, LLC for consulting services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan for $104,980.32 from the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Wate Operating Fund (Fund 540), and the General Fund (Fund 010).

POLICY / RULE

Section 2.36.120 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of $77,426 or greater shall be awarded by the City Council.

California Code of Regulations, Title 13, Chapter 1, Article 3.2, Section 2013. Except as provided in the exemptions specified in section 2013(c) and 2013(e), this article applies to any state or local government agency with jurisdiction in California that owns, leases, or operates one or more vehicles specified in section 2013(a)(2) in California as described in the vehicle scope specified in section 2013(a)(2) on or after January 1, 2024. Except as provided in the exemptions specified in section 2013(c), vehicles subject to this article are vehicles that have a gross vehicle weight rating (GVWR) greater than 8,500 lbs. that are operated in California.

ANALYSIS

On April 2, 2026, the City issued a Request for Proposal (RFP) to provide consulting services for the Advanced Clean Fleets Compliance and Transition Assessment Plan. The City publicly advertised on April 2, 2026 for the Request for Proposal through the Sacramento Bee. Additionally, the RFP was made available on www.virtual-bid.com, www.publicpurchase.com, and the City's website.

On May 14, 2026, Utilities department staff received proposals from ICF Incorporated, LLC, CST Fleet Services, and the Center for Transportation and the Environment. The proposals were reviewed and scored for project understanding, project team staffing, relevant qualifications, scope of work, project approach, and relevant experience. The technical evaluations were scored as shown in Table 1 based on a maximum technical score of 80.

Consultant	UT 1	UT 2	UT 3	Average
The Center for Transportation and the Environment	70	41	41.75	50.9
CST Fleet Services	66	30	28.5	41.5
ICF Incorporated, LLC	76	78	57.15	70.4

Table 1: Consultant Technical Scores without Costs

After reviewing each proposal for project understanding, project team staffing, relevant qualifications, scope of work, project approach, and relevant experience, the proposals were reviewed for project costs. The fee schedules for the scope of work outlined in the request for proposal from each consultant are shown in Table 2.

Consultant	Fee Amount
The Center for Transportation and the Environment	$217,085
CST Fleet Services	$91,479
ICF Incorporated, LLC	$104,980.32

Table 2: Consultant Project Costs

ICF Incorporated, LLC was determined to provide the best value to the city based on the fee amount, past municipal project experience involving work of similar scope and their familiarity with the Advanced Clean Fleets Regulation. Additionally, ICF has worked with over 370 fleets to develop electrification studies, infrastructure assessments, and fleet transition plans. In the last five (5) years, ICF conducted over 35 fleet electrification and EV infrastructure planning projects within California. To further support their experience and knowledge, three (3) of the ICF team members assigned to this project previously worked at the California Air Resources Board.

Table 3 shows the overall total scores including project costs based on a maximum score of 100.

Consultant	Technical Score (Avg.)	Cost Score	Total Score
The Center for Transportation and the Environment	50.9	8.4	59.3
CST Fleet Services	41.5	20.0	61.5
ICF Incorporated, LLC	70.4	17.4	87.8

Table 3: Consultant Overall Scoring Including Project Costs

This resolution will authorize the City Manager to execute an agreement with ICF Incorporated, LLC for consulting services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan for $104,980.32 from the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Wate Operating Fund (Fund 540), and the General Fund (Fund 010).

FINANCIAL IMPACT

If approved, the agreement with ICF Incorporated, Inc. would be in the amount of $104,980.32 with $12,597.64 funded from the Water Operating Fund (Fund 520), $11,997.75 funded from the Sewer Operating Fund (Fund 530), $45,591.45 funded from the Solid Waste Operating Fund (Fund 540), and $31,194.15 funded from the General Fund (Fund 010).. Sufficient funds are budgeted and available in the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 540), the Solid Waste Operating Fund (Fund 540), and in the General Fund (Fund 010) for this agreement.

ENVIRONMENTAL REVIEW

This project is a study and therefore is categorically exempt from environmental review under the California Environmental Quality Act as noted in Title 14 - California Code of Regulations, Chapter 3 - Guidelines for Implementation of the California Environmental Quality Act, Article 19 - Categorical Exemptions, Section 15301 – Existing Facilities.

ATTACHMENTS

1. Resolution No. 11663 - A Resolution Authorizing the City Manager to Execute an Agreement with ICF Incorporated, LLC for Consulting Services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan for $104,980.32 from the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Waste Operating Fund (Fund 540), and the General Fund (Fund 010)

2. ICF Proposal Scope

3. ICF Proposal Fee

Submitted,

_____

Marcus Yasutake, Director
UTILITIES DEPARTMENT

Attachment 1

RESOLUTION NO. 11663

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ICF INCORPORATED, LLC FOR CONSULTING SERVICES FOR THE ADVANCED CLEAN FLEETS REGULATION COMPLIANCE AND TRANSITION ASSESSMENT PLAN FOR $104,980.32 FROM THE WATER OPERATING FUND (FUND 520), THE SEWER OPERATING FUND (FUND 530), THE SOLID WASTE OPERATING FUND (FUND 540), AND THE GENERAL FUND (FUND 010)

WHEREAS, the City of Folsom owns and maintains over 400 vehicles or equipment machines within its Fleet; and

WHEREAS, approximately 175 of these vehicles or equipment machines are recognized under the Advanced Clean Fleets (ACF) Regulation; and

WHEREAS, on April 2, 2026, the City issued a Request for Proposal (RFP) to provide consulting services for the Advanced Clean Fleets Compliance and Transition Assessment Plan; and

WHEREAS, ICF Incorporated, LLC by reason of their past experience and abilities for performing these types of services are qualified to perform the required consulting services for the project; and

WHEREAS, sufficient funds are budgeted and available in the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Waste Operating Fund (Fund 540), and the General Fund (010)for this agreement; and

WHEREAS, the total contract not to exceed amount is $104,980.32; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute and agreement with ICF Incorporated, LLC for consulting services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan for $104,980.32 from the Water Operating Fund (Fund 520), the Sewer Operating Fund (Fund 530), the Solid Wate Operating Fund (Fund 540), and the General Fund (Fund 010) and Appropriation of Funds.

PASSED AND ADOPTED this 14th day of July 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

May 14, 2026

Technical Proposal 2026-182751

CONSULTING SERVICES FOR THE ADVANCED CLEAN FLEETS REGULATION COMPLIANCE AND TRANSITION ASSESSMENT PLAN

Submitted to:

City of Folsom - Utilities
50 Natoma Street
Folsom, CA 95630

Marcus Yasutake
Utilities Director
myasutake@folsom.ca.us
(916) 461-6161

Submitted by:

ICF Incorporated, L.L.C
980 9th St Suite 1200
Sacramento, CA 95814

Fang Yan
Director, Clean Transportation & Energy
fang.yan@icf.com
(916) 210-5906

ICF Headquarters:
1902 Reston Metro Plaza
Reston, VA 20190

This document includes confidential data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of—or in conjunction with—the submission of these data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in these data if it is obtained from another source without restriction. The data subject to this restriction are contained in this volume and its appendices and attachments.

May 14, 2026

A. Transmittal Letter

Dear Mr. Yasutake,

ICF Incorporated, LLC (ICF) is pleased to submit our Time and Material proposal in response to the City of Folsom (the City) RFP titled "*Consulting Services for the Advanced Clean Fleets Regulation Compliance and Transition Assessment Plan*". We confirm that we have reviewed and are aware of all addenda issued by the City related to this RFP. We believe our team is very well positioned to accomplish this project due to the following reasons:

We are a leader in fleet electrification assessment. ICF is a national leader in fleet electrification, with nearly a decade of experience supporting more than 370 fleets including 163 municipal fleets, and 151,000 vehicles. In California, our team is helping public agencies navigate Advanced Clean Fleets (ACF) requirements and move from planning to implementation. We deliver practical, location-specific strategies that align fleet replacement, charging infrastructure, utility coordination, cost analysis, funding, and compliance. Our California-based team has supported municipalities across the state, including Placer County, Auburn, Lincoln, Loomis, Rocklin, and MTC jurisdictions such as Oakland, Concord, Alameda, San Leandro, Dublin, El Cerrito, and Berkeley.

We have strong experience in designing tailored ZEV infrastructure plans. ICF brings deep expertise and advanced tools to support zero-emission infrastructure planning. Our proprietary tools, such as *PowerGuide CHARGE*, enable comprehensive infrastructure assessments from selecting charger types and power levels to analyzing utility and facility electrical upgrade needs and associated costs. We have successfully supported cities across California through every stage from planning to implementation.

We deliver site-ready roadmaps and end-to-end implementation, including managing Los Angeles County's initiative to install 5,000 EV chargers by 2025, from assessments and scoping through permitting, inspections, and commissioning. Most recently, ICF also supported the City of Rocklin's fleet transition by developing charging infrastructure recommendations and engineering designs for two priority sites, the Corporation Yard and Police Station, positioning the City to move from planning into implementation.

Our team combines deep local presence with unmatched policy expertise in California. With local project managers and technical experts, ICF provides direct, hands-on support through regular site visits and close collaboration with stakeholders. Our team includes former CARB staff who helped shape key regulations like ACF regulation, bringing invaluable insider expertise to help municipalities across California plan effectively for compliance.

ICF's proposal remains valid for a period of 90 days from the date of submittal. ICF retains the right to review its submission and to extend its offer or to revise its proposal at the end of the 90-day period. We look forward to hearing from you regarding the status of our proposal. We are available to discuss contractual questions to Janine Egler, Sr. Contracts Administrator, at (703) 934-3269 *janine.egler@icf.com*. Technical questions should be directed to Dr. Fang Yan, at (916) 210-5906 or via email at *fang.yan@icf.com*.

Sincerely,

Janine Egler

Janine Egler,
Senior Contracts Administrator

Table of Contents

A. Transmittal Letter i
B. Introduction 1
Firm Description 1
National Leadership in Fleet Electrification 1
Local Expertise in Policies and Funding 2
C. Scope of Work 3
Overview and Summary 3
Project Approach 5
Task 1: Project Management 6
Task 2: Fleet Transition Assessment 6
Task 3: Infrastructure Needs and Electrical Demand 8
Task 4: Funding Sources 10
Task 5: Master Plan 10
Optional Task: Preliminary Engineering Design (6 sites) 11
Project Schedule 12
Project Team 12
Project Hours 13
D. Consultant Staffing 14
Organization Chart 14
Key Staff Qualifications and Experiences 14
E. Consultant Qualifications and References 17
F. Team Resumes 19
G. Consultant Rate Schedule 28

B. Introduction

Firm Description

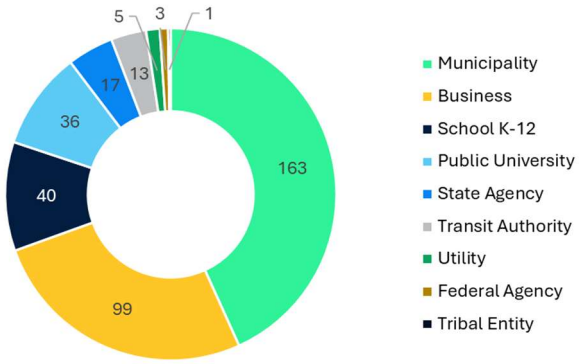
ICF Incorporated, L.L.C. doing business in the State of California as ICF Consulting, L.L.C. will be the legal entity for any contract awarded in response to this RFP with participation from its corporate affiliate ICF Resources, LLC, hereinafter collectively referred to as "ICF", are wholly-owned subsidiaries of parent ICF Consulting Group, Inc., with ICF Consulting Group, Inc., being under parent company ICF International (NASDAQ:ICFI).

Established in 1969, ICF has become a leading global consulting firm, renowned for taking on the world's most pressing social and environmental issues with a deep understanding of transportation, energy, and climate change. With a network of 55 offices, including five offices in California (San Diego, Irvine, and Los Angeles, Sacramento, and San Francisco), and around 8,500 employees, we provide unparalleled expertise and problem-solving capabilities, delivering innovative solutions to complex transportation policy, planning, and programming challenges.

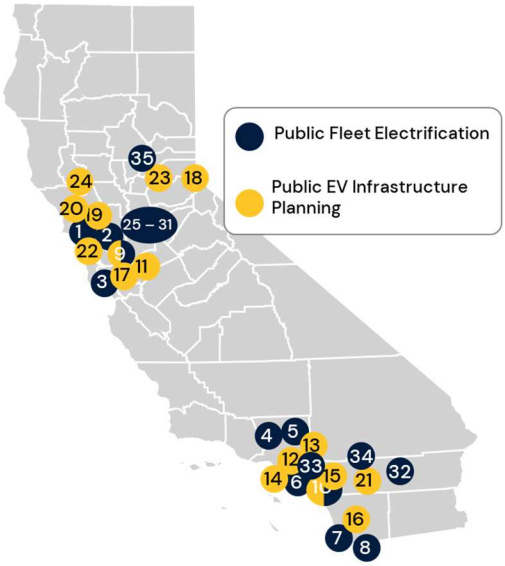
ICF brings end-to-end expertise in electric vehicle (EV) technology, regulatory compliance, municipal fleet analysis, lifecycle cost modeling, infrastructure planning, utility coordination, and funding strategy. Our integrated approach will help the City assess Advanced Clean Fleets (ACF) requirements, evaluate viable EV replacement options, address grid and infrastructure needs, and develop a practical phased compliance roadmap. With strong California presence and national leadership in transportation electrification, ICF is well positioned to support a realistic, cost-effective transition for the City's municipal fleet.

National Leadership in Fleet Electrification

We pride ourselves on being a national leader in fleet electrification. The chart below displays our diverse and extensive portfolio in this domain. ICF has completed fleet electrification studies for over *370* fleets with over *151,000 vehicles* nationwide.



In the past five years, our team has conducted over *35 projects* about fleet electrification (20+) and EV infrastructure planning (15+) *specific to California*.



1 Vallejo Flood and Wastewater District
2 City of Pittsburg
3 Midpeninsula Regional Open Space District
4 Los Angeles Unified School District
5 Los Angeles County
6 City of Santa Ana
7 City of San Diego
8 City of Chula Vista
9 City of Lodi
10 City of Laguna Beach
11 Stanislaus Council of Governments
12 Southern California Association of Governments
13 Los Angeles County Metro
14 The San Pedro Bay Ports
15 City of Moreno Valley
16 San Diego Association of Governments
17 Santa Clara County
18 Tahoe Regional Planning Agency
19 Solano Transportation Authority
20 Sonoma County Transportation Authority
21 Coachella Valley Association of Gov'ts
22 Bay Area AQMD
23 Placer County Transportation Planning Agency
24 Lake Area Planning Council
25 City of Oakland
26 City of Alameda
27 City of Concord
28 City of Dublin
29 City of Berkeley
30 City of El Cerrito
31 City of San Leandro
32 City of Banning
33 City of Pico Rivera
34 City of Redlands
35 City of Rocklin

We are currently supporting the Metropolitan Transportation Commission (MTC) with fleet electrification planning for *seven Bay Area municipalities*, including Oakland, Concord, Alameda, San Leandro, Dublin, El Cerrito, and Berkeley. In the Sacramento region, we also led fleet transition planning for *four Placer County jurisdictions*, Placer County and the cities of Lincoln, Auburn, and Loomis, as part of the countywide Zero Emission Vehicle Infrastructure Plan for the Placer County Transportation Planning Agency (PCTPA).

Local Expertise in Policies and Funding

Our team has a deep understanding and knowledge of the California ZEV market and policies. *Three of our team members joined ICF after years of working at the California Air Resources Board (CARB),* where they helped shape the state ZEV policies including the Advanced Clean Fleet (ACF) and Advanced Clean Cars II regulations. Our California-based team is actively supporting municipalities and public agencies across the state in meeting the requirements of the ACF regulation. This includes work with cities, counties, school districts, utilities, and special districts to ensure effective planning, compliance, and implementation.

We also bring proven funding application experiences. We use that insider policy knowledge, along with strong familiarity with California Energy Commission (CEC), CARB, utilities, and Air District funding programs to help the City identify high-priority, fundable charging locations. We have supported the cities of Laguna Beach and San Diego with their local utility programs, providing feasibility assessments, engineering designs, and direct utility coordination.

The Scope of Services in the City's solicitation is ambitious and will require strong capabilities in a variety of elements of fleet transition and EV infrastructure planning. ICF is unique in that we provide deep, proven expertise in innovative technology, ACF compliance, fleet operational analysis, the assessment of EV infrastructure needs and cost, and funding supports. The table below lists examples of the work performed or being performed by ICF in the past five years that best characterize the work quality and expertise that the City can expect ICF to apply to the tasks in the scope. More details on each of these projects can be available upon request.

Client, Project	Fleet Transition	Infrastructure Assessment	Utility Coordination	ACF Analysis	Funding Support
Placer County Transportation Planning Agency, Countywide ZEV Infrastructure Plan (Placer County, Lincoln, Auburn, Loomis)	✓	✓	✓	✓	✓
City of Rocklin, Master Phased Plan for Zero Emission Fleet Transition	✓	✓	✓	✓	✓
MTC, Fleet Electrification Plan (Oakland, Concord, Alameda, San Leandro, Dublin, El Cerrito, Berkeley)	✓	✓	✓	✓	✓
Vallejo Flood and Wastewater District, ACF Transition Assessment	✓	✓	✓	✓	✓
City of Pittsburg, Infrastructure Needs Assessment Related to Future Municipal Fleet Electrification	✓	✓	✓	✓	✓
Midpeninsula Regional Open Space District, Consultation to Improve Fleet Management	✓	✓	✓	✓	✓
City of Lodi, Fleet Electrification Plan	✓	✓	✓	✓	✓
City of Banning, ZEV Fleet & Infrastructure Transition Action Plan	✓	✓	✓	✓	✓
City of Redlands, Zero-Emissions Vehicle Fleet Review and Assessment	✓	✓	✓	✓	✓
City of Pico Rivera, ZEV Fleet and Infrastructure Assessment	✓	✓	✓	✓	✓
Los Angeles County, Zero Emission Vehicle Mobility Plan	✓	✓	✓	✓	✓
LAUSD, White Fleet Electrification Assessment	✓	✓	✓	✓	✓
City of Santa Ana, Fleet Electrification & EV Master Plan	✓	✓	✓	✓	✓
City of Laguna Beach, EV Fleet and Charging Station Assessment	✓	✓	✓	✓	✓
City of San Diego, Fleet Electrification Master Plan	✓	✓	✓	✓	✓
City of Chula Vista, Fleet Electrification Master Plan	✓	✓	✓	✓	✓

C. Scope of Work

This section presents our understanding of the project and shows the proposed work plan.

Overview and Summary

The City of Folsom has already taken important steps toward fleet electrification, including prior SMUD eFuel advisory work. This RFP builds on that progress with a more focused effort: *developing a practical Clean Energy Fleet Compliance and Transition Plan that supports compliance with CARB's ACF Regulation while maintaining reliable municipal services.* This effort is not simply a vehicle replacement exercise. It requires an integrated strategy that aligns fleet operations, facility readiness, electrical infrastructure capacity, and long-term capital planning.

Diverse Fleet Operations and Facility Conditions

The City's fleet is distributed across multiple departments and six key operating locations. Each location has different vehicle types, parking and garaging patterns, and electrical capacity. These site-specific differences will be important in developing a phased and realistic implementation plan.

ACF Compliance Applicability and Requirements

Another key challenge for this project will be distinguishing between vehicles that are subject to ACF compliance requirements and those that should be evaluated for broader electrification feasibility. Among a total of 484 vehicles and equipment in the City fleet, not all will need to meet ACF compliance requirements in the same way. Certain light-duty vehicles, off-road equipment, and specialized assets (e.g. emergency vehicles) may fall outside specific ACF provisions, but they remain important to evaluate as part of the City's long-term fleet modernization and infrastructure planning.

Real-World Duty-Cycle Challenges

While some light-duty and administrative vehicles may be strong near-term candidates for electrification, other vehicles will require more careful evaluation. Some specialized or heavy-duty

assets such as refuse trucks can be harder to electrify because of daily energy demand, limited dwell time and body configurations. For these vehicles, the plan should identify where electrification is feasible today, where additional market maturity is needed, and where exemptions, deferrals, or alternative compliance pathways may be appropriate.

Near-Term Vehicle Replacement Priorities

A meaningful portion of the City's fleet is older or approaching replacement age, which creates both urgency and opportunity. Over half of the fleet is 10 years or older, per Attachment B. The transition plan should help the City avoid replacing vehicles on a one-off basis without considering ACF applicability and infrastructure readiness. Instead, we will align replacement schedules with regulatory milestones and site readiness so that near-term purchases support both operational continuity and long-term compliance.

Utility Coordination and Infrastructure Readiness

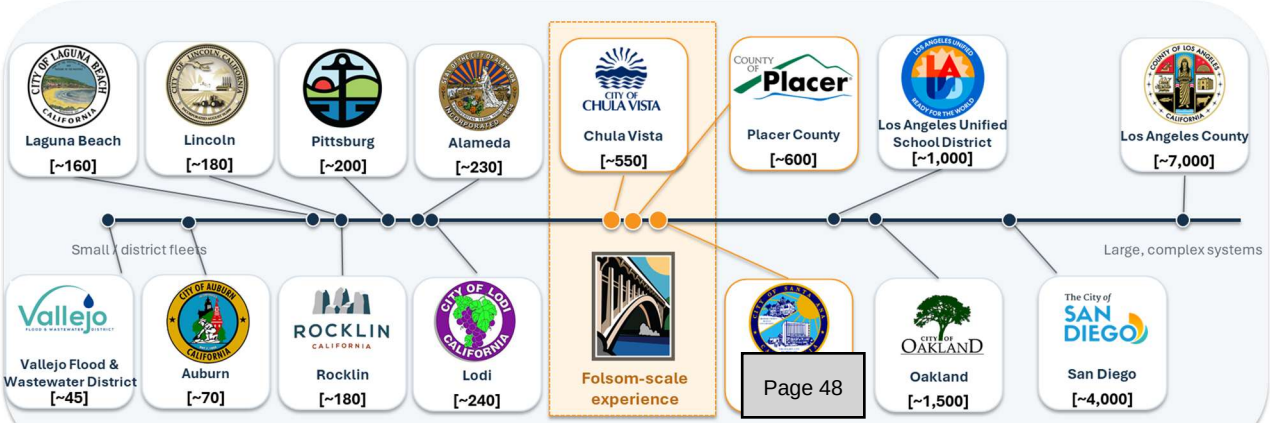
The City will need a phased charging and energy strategy that reflects current and future fleet needs at each of the six operating locations. Early and effective coordination with SMUD will be essential to identify infrastructure requirements, utility-side upgrades, implementation timelines, and strategies to manage cost, schedule, and operational risk.

Evolving Regulatory and Market Conditions

The City must also navigate an evolving regulatory and market landscape. While California's long-term zero-emission direction remains clear, it continues to evolve. Recent developments related to CARB's ACF waiver request have created uncertainty for certain fleet categories, while state and local government fleet provisions remain an important compliance driver for cities like Folsom. At the same time, technology availability, utility upgrade timelines, and funding programs continue to shift. For this reason, Folsom's transition plan must be both technically rigorous and flexible, with conservative and accelerated implementation pathways that allow the City to meet near-term compliance needs while adapting to future technology, market, and regulatory changes.

Addressing these needs requires a practical, implementation-focused approach. *The plan must bring together fleet analytics, regulatory review, infrastructure planning, utility coordination, and funding strategy*. Together, these elements will create a cohesive roadmap for compliance and implementation. The analysis must also be easy to use. It should present technical findings into clear and defensible recommendations that can support both internal decision-making and external regulatory processes.

ICF is well positioned to support the City of Folsom. We bring end-to-end fleet electrification expertise. Our team has supported public fleets across California and nationally. Leveraging proprietary tools and real-world implementation experience, we conduct vehicle-level assessments, optimize charging infrastructure, and evaluate electrical capacity. These insights are translated into phased, investment-ready plans that align infrastructure deployment with vehicle procurement.



ICF Municipal Fleet Electrification Experience by Fleet Size

Project Approach

For this project, the ICF team will leverage our extensive experience and expertise along with our proven analytical tools, including ICF's ***PowerGuide Analytics*** and ***CHARGE*** models, to craft a customized fleet transition strategy and robust EV infrastructure plan tailored for City fleets. With over a decade of experience collaborating with municipalities nationwide and in California, we have developed these tools to reflect our comprehensive understanding of the unique challenges and requirements associated with transitioning municipal fleets to EVs.

As part of this project, ICF will help the City develop a practical fleet electrification transition plan with a clear vehicle replacement schedule to support ACF compliance.

- We will begin by reviewing the City's fleet inventory and assessing how the ACF regulation applies to the City's vehicles and operations.
- At the vehicle level, we will evaluate each asset's specifications, replacement timing, operational needs, and evaluate whether it is required for ACF compliance, whether potential exemption is possible, what are viable ZEV replacement options, and how is potential impacts of non-compliance.
- This analysis will help identify the best near-term electrification candidates, as well as vehicles that may require a longer transition timeline due to operational, or market constraints.

The plan will then address the charging and energy infrastructure needed to support the transition. ICF will assess the optimal number, type, and location of charging stations; future energy needs for medium- and heavy-duty vehicles per ACF, as well light-duty vehicles, and feasible off-road equipment per EO N-79-20. We will also recommend the timing and cost of required electrical upgrades. We will coordinate with SMUD to understand available capacity, potential grid constraints, and utility-side upgrade requirements.

ICF's approach will focus on identifying cost-effective and implementable solutions, supported by funding and financing strategies for both vehicle procurement and charging infrastructure. The final plan will include a clear implementation timeline and comprehensive total cost of ownership estimates covering vehicle replacement, operations and maintenance, energy use, chargers, and infrastructure upgrades.

The following sections present our recommended approach, aligned with the RFP's Scope of Work. We have regrouped the eighteen (18) RFP tasks into five (5) key areas to provide a clearer and more integrated project structure. The detailed task mapping is provided in Exhibit 5.

Task 1: Project Management

This task will initiate the project with the formation of a Project Delivery Team (PDT) composed of ICF staff and key City stakeholders to guide execution and ensure coordination.

Project Kickoff: hold a structured kickoff meeting to review project goals, scope, budget, timeline, and key performance indicators.

Project Management Plan: develop a detailed project management plan (PMP) to outline tasks, schedules, staffing assignments and oversight strategies.

Progress Meetings: Maintain close coordination with the City through regular monthly or biweekly check-in calls. In-person meetings can also be conducted upon the City's request.

Stakeholder Engagement: Coordinate and facilitate workshops with City staff to present key findings at major project milestones, support cross departmental alignment, and build buy-in from fleet managers and other stakeholders.

Task 1 Deliverables

- Meeting agenda, notes, and slide decks
- PMP and Invoices

Task 2: Fleet Transition Assessment

Task 2.1. Existing Fleet

ICF will first review the City's existing fleet and infrastructure data and establish a baseline. We will collaborate with City staff to gather and assess data on the existing vehicle fleet from all City departments. To do so, our team will submit a data request form to the City staff to collect information including:

- **Vehicle specs**: type (e.g. box, utility), gross vehicle weight rating (GVWR), make/model, model year
- **Operation**: replacement schedule, daily mileage, dwelling locations and hours

For medium and heavy-duty fleets, ICF captures key operational requirements, including GVWR, payload and towing, body configuration (box, stake bed, tractor, bucket), auxiliary loads, and specialty applications, to tailor ZEV recommendations. Later, we will use these criteria to query our proprietary EV model library and identify models that meet the fleet's exact specifications.

Additionally, ICF will collect fleet logistics data, including facility locations where vehicles are parked, and analyze available telematics data (e.g. Geotab) if available to inform ZEV replacement and infrastructure planning. In parallel, ICF will conduct up to four (4) interviews with the fleet manager and department superintendents to gather operational insights, identify electrification barriers, and better understand future fleet needs. ICF will also collect and review data on existing charging infrastructure across City facilities if any.

Task 2.2. ACF Analysis

ACF Regulation Review: ICF will review and summarize the current ACF regulations and flexibility options such as exemptions and extensions. ICF will summarize ACF applicability, timeline, reporting requirements, and exemption options, such as ZEV purchase exemption, backup vehicle exemption, declared emergency response and emergency vehicle exemption, daily usage exemption, and mutual aid assistance exemption.

Exemption Analysis: We recognize that transitioning medium- and heavy-duty vehicles and specialized units, such as refuse trucks, utility trucks, and vactors, can be challenging due to vehicle availability, upfitting requirements, duty-cycle constraints, delivery timelines, and charging infrastructure needs. As part of the exemption analysis, ICF will evaluate the City's fleet on a vehicle-by-vehicle basis to identify assets that may be exempt under ACF and assess any other exemptions or compliance flexibility for which the City may qualify.

This analysis will consider each vehicle's current ICE operations, operational requirements, available ZEV and near-ZEV replacement options, infrastructure readiness, vehicle delivery timelines, and expected

technology development. Based on this evaluation, ICF will develop clear recommendations and prepare the necessary documentation for up to five (5) CARB exemption requests on behalf of the City.

Non-compliance Impact Analysis: We will also prepare a non-compliance impact analysis to help the City understand the potential consequences if certain ACF requirements cannot be met. This analysis will clearly summarize regulatory, financial, operational, and implementation risks, allowing the City to make informed decisions and proactively plan mitigation strategies.

Task 2.3. Fleet Replacement Assessment

Fleet Replacement Assessment: Leveraging information collected above, ICF will use its in-house *PowerGuide Analytics* innovative tool to assess the City's fleet operations and develop tailored EV transition recommendations. This proven model, refined through work with over 370 clients, including more than two dozens in California, incorporates a robust, regularly updated database of over 600 EV models across all vehicle classes.

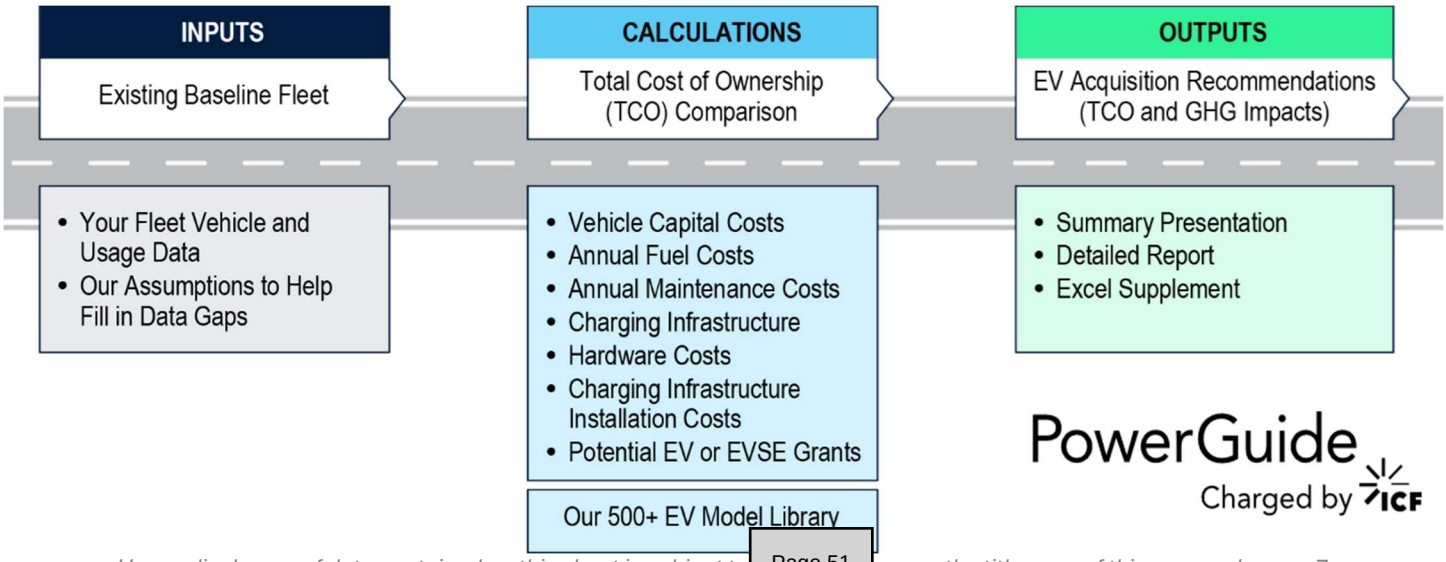
As illustrated in Exhibit 1, the *PowerGuide analytics* tool operates at the individual vehicle level, evaluating each vehicle's type, duty cycle, and daily mileage. It cross-references this data with a comprehensive EV library and for each vehicle, the tool identifies electric replacements that are operationally suitable and available at the time of replacement. For example, if the city operates a refuse truck, *PowerGuide* will identify electric refuse trucks capable of meeting the same daily range and operational needs. This process applies across all vehicle types, including passenger cars, and medium- and heavy-duty vehicles.

The tool then presents multiple EV options that meet the operational profile and calculates the total cost of ownership (TCO) for each factoring in both capital and operational costs. From these, it selects the option with the lowest TCO. *PowerGuide* can also incorporate city-specific preferences, such as prioritizing major OEMs like Ford or GM, ensuring that recommendations align with both operational requirements and procurement priorities.

Total Cost of Ownership (TCO) Analysis: ICF's *PowerGuide Analytics* tool also provides us with the capability to estimate the total cost of owning and operating each replacement vehicle, including upfront and lifecycle costs as well as the capital and installation cost of EV charging infrastructure., as shown in Exhibit 2. ICF will estimate TCO on a vehicle-by-vehicle basis and will consolidate these vehicle-level estimates into fleet-level transition cost estimates.

Environmental Impacts: In addition to the TCO, the ICF team will conduct a lifecycle assessment

Exhibit 1. ICF's PowerGuide Analytics Fleet Transition Modeling Process



accounting for emissions from electricity as well as liquid fuel production and distribution. ICF's *PowerGuide* can evaluate the GHG emissions reduction potential from the City's electric fleet. An example of GHG analysis for a fleet ICF has worked with in the past is shown in Exhibit 3 below.

Exhibit 2. Examples of TCO Analysis

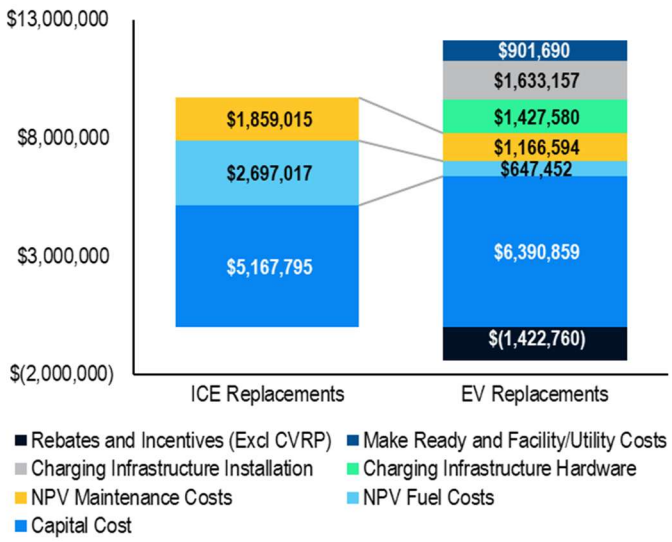
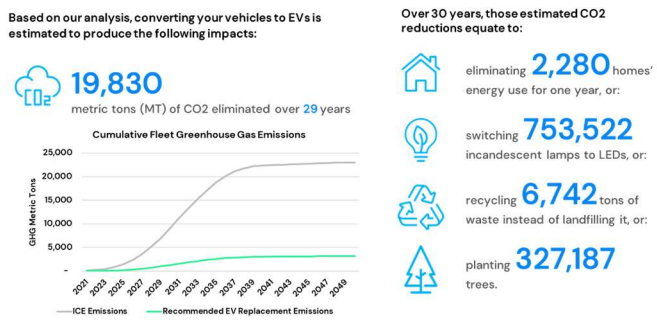


Exhibit 3. Example of Environmental Impact Analysis



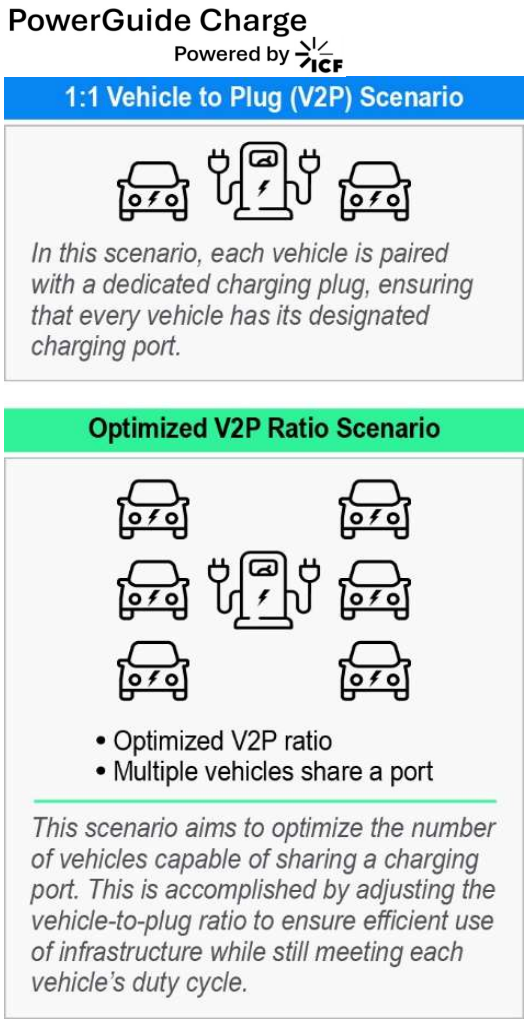
Task 2. Deliverables

- A memo summarizing existing fleet assessment and ACF analysis
- A fleet transition memo, along with an excel file including replacement and ACF regulation requirements
- Up to five (5) ACF exemption applications

Task 3: Infrastructure Needs and Electrical Demand

<u>Task 3.1. Charging Infrastructure Needs</u>

EV Charging Infrastructure Assessment: Using the results of Task 2, ICF will assess the City's charging infrastructure needs using its *PowerGuide CHARGE* tool, identifying the number, type, location, and power levels of electric vehicle supply equipment (EVSE) required to support the ZEV transition. The *PowerGuide CHARGE* model begins by evaluating each facility and the specific vehicles assigned to it, using the proposed EV makes and models identified in the prior task. It analyzes the operational patterns of each vehicle and estimates the daily energy demand in kilowatt-hours. It then assesses how much time each vehicle has available to charge overnight and, using this information, calculates the minimum power level required to fully charge the vehicle within that window. This helps determine the appropriate charger power level and port type for each vehicle in a one-to-one charging scenario.



However, many municipalities prefer to share chargers across multiple vehicles to reduce costs

and maximize infrastructure efficiency. Recognizing that many vehicles do not require nightly charging, the *PowerGuide CHARGE* model incorporates a proprietary optimization algorithm that identifies opportunities for staggered charging and charger sharing allowing agencies to right-size their infrastructure investments while still meeting operational needs.

Charging Infrastructure Optimization: ICF's *PowerGuide CHARGE* tool incorporates advanced optimization algorithms to refine charger deployment by identifying the highest feasible vehicle-to-plug (V2P) ratios for each vehicle group. This approach enables the City to minimize the number of chargers needed while maintaining reliable fleet operations, reducing both capital and ongoing operational costs. The tool also evaluates the potential for smart and scheduled charging, allowing for more efficient use of infrastructure and space, which is especially valuable at constrained sites.

Charging Infrastructure Recommendations: Using the *PowerGuide CHARGE*, ICF will develop a phased charging infrastructure implementation scenario, detailing:

- The projected number of chargers needed at each site to support the EV replacements over time
- The recommended locations of EV charging infrastructure
- The recommended type (e.g., Level 1, Level 2, DCFC) and power level (in kW) of chargers
- The overall energy demand and power need associated with charging infrastructure at each site to meet ACF and EO N-79-20 needs.

Charging Infrastructure Rollout Schedule & Cost: ICF will develop a phased rollout schedule and cost estimates for charging infrastructure deployment, ensuring sufficient charging capacity is available to meet the City's EV adoption timeline. The plan will define milestones, account for differences in lead times between vehicle procurement and infrastructure development, and incorporate futureproofing strategies by identifying upfront investments in utility upgrades and site preparation to accommodate long-term expansion. Cost estimates will include capital costs (EVSE hardware, installation, and make-ready upgrades) and operating costs. Location-specific cost estimates will be developed for each implementation phase to support financial planning and funding coordination.

Task 3.2. Grid Impact Analysis

Once charging needs are identified, ICF will assess the ability of each City facility to support the projected additional electrical load. This includes evaluating both site-level and utility distribution system capacity.

Utility Coordination: ICF will work closely with the City to develop a targeted Request for Information (RFI) for SMUD to obtain the utility data needed to assess grid impacts. For each City site, ICF will request available information on existing service capacity, transformer capacity, peak load, available capacity, feeder or circuit constraints, planned utility upgrades, and the location and capacity of nearby substations, where available. If certain utility data cannot be provided, ICF will apply industry best practices and engineering judgment to develop reliable planning-level estimates to support infrastructure planning and implementation phasing.

Broad Expertise Collaborating with Utilities

ICF brings extensive experience coordinating with utilities nationwide to evaluate grid capacity and charging infrastructure readiness. We collect and assess key utility data to identify infrastructure constraints, confirm feasible charging locations, and support practical deployment planning. On recent projects with Placer County and MTC, ICF coordinated with utilities such as PG&E, Roseville Electric, and Alameda Municipal Power to assess grid impacts and infrastructure needs for electrification.

Utility-level impact: ICF will coordinate with SMUD, to review existing utility data, such as service size, current peak demand, and available capacity on both sides of the meter. This analysis will identify where sufficient capacity exists to support new EV load and

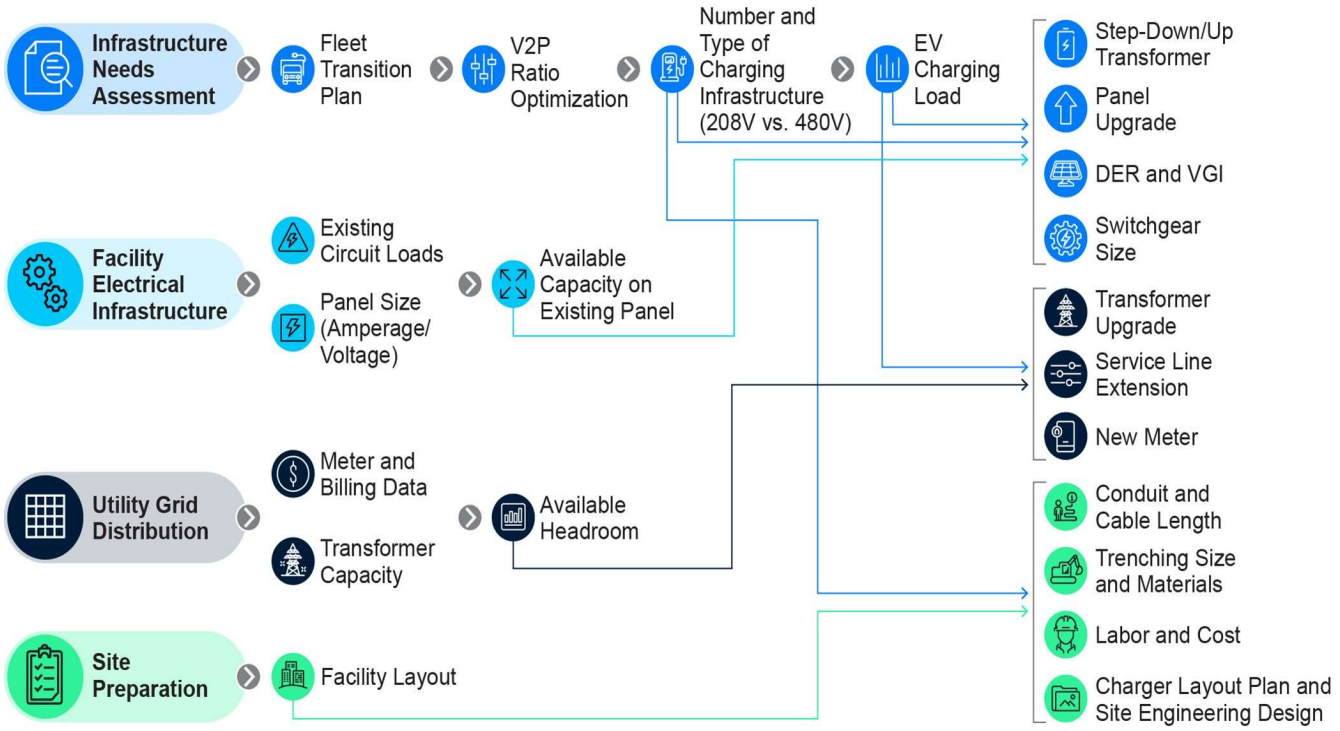
where potential service upgrades or distribution improvements may be needed.

Facility-level impact: ICF will also conduct site visits and assess the existing electrical infrastructure at each of the City facilities for its ability to support the proposed EV charging infrastructure. This evaluation will determine if the current infrastructure is adequate or if upgrades, such as panel, step-up/down transformers and repair shops, are necessary. Should an upgrade be deemed necessary, ICF will document this requirement and proceed to evaluate the associated costs, ensuring a comprehensive understanding of the investment required. A simplified illustration of our methodology is shown in Exhibit 4.

Task 3. Deliverables:

- An infrastructure needs and electrical demand memo
- Site visit notes and photos

Exhibit 4. ICF's Process for Utility-and Facility- Level Infrastructure Needs and Impact Analysis



Task 4: Funding Sources

To support the financial feasibility of both the fleet transition and infrastructure deployment, ICF will identify relevant funding opportunities across local, state, federal, and utility programs. Our team maintains and contributes to the *Alternative Fuels Data Center (AFDC) Laws & Incentives database*, which includes nearly 1,000 entries and provides a strong foundation for identifying ZEV-related funding opportunities in California. The ICF team will compile a summary file with upcoming funding opportunities and pertinent application details. This file will present the funding opportunities in an organized format, such as a table or spreadsheet, categorized by type (e.g., federal or state incentives) and target area (e.g., vehicle procurement or infrastructure deployment). It will detail associated application deadlines, specific requirements, and any other essential information to aid City in their application process.

Task 4 Deliverable

- A list of funding opportunities.

Task 5: Master Plan

ICF will bring together the results into a clear Master Plan for ACF Transition and Compliance. The Master Plan will provide a practical, phased roadmap for both conservative and accelerated ZEV transition

scenarios, helping the City compare options based on compliance requirements and operational feasibility. It will identify vehicle-by-vehicle replacement recommendations, potential exemption pathways, infrastructure deployment needs, key milestones, risks, and near-term actions.

ICF will submit the draft Master Plan for City review, incorporate City feedback, and prepare the final report. Draft and final versions will be provided in hard copy and in Microsoft Word and PDF formats, along with an Excel file summarizing vehicle-level replacement recommendations and transition timing.

In addition to the written report, ICF will prepare a visually engaging slide deck that summarizes the key elements of the plan, which the City may use to present to City Council and Utility Commission.

Task 5. Deliverables

- A draft and final Master Plan reports.
- Slide desks to be presented at meetings

Optional Task: Preliminary Engineering Design (6 sites)

To streamline the procurement of the ZEV infrastructure, the ICF team can develop preliminary designs for fleet sites. The engineering designs produced will support either public bid solicitations for contractor installation services or grant applications.

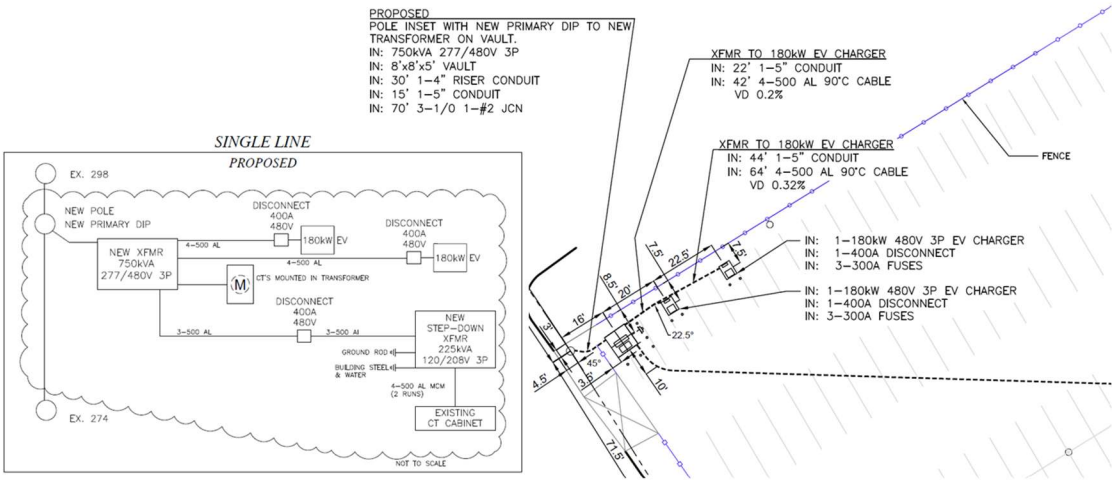
Data Collection: Before starting the design, the ICF team will review available site information from site visits and City-provided data (e.g., utility meter numbers, electricity usage), along with the final infrastructure plan and previously identified electrical system upgrades from Task 3.

As-Built Drawings: The ICF team will work with the City to get access to as-built drawings of the sites, detailing parking layouts and relevant facilities. Using these as-builts, we will illustrate the specific placement of charging stations, and the integration of associated infrastructure, such as electrical conduits, transformer locations, and electrical panels.

The objective of these drawings is to present a comprehensive and clear view of how the charging stations will seamlessly fit into the existing environment. This includes careful consideration of spatial arrangements, access routes, and addressing any potential physical obstructions or logistical challenges. These drawings are not only crucial for visualizing the final setup but also serve as critical tools for planning and implementation, ensuring the charging infrastructure is deployed effectively and efficiently while aligning with the overall aesthetic and functional requirements of the site.

Optional Task Deliverable

- Preliminary engineering drawings



An example of Preliminary Engineering Design

Project Schedule

We propose a 9-month period of performance, from July 1, 2026 to March 31, 2027 to finish the required technical scope including Tasks 1 to 5. The ICF team has successfully completed fleet transition and charging infrastructure plans within similar timelines. We are prepared to adjust the schedule as needed to meet the City's needs. If contract execution is delayed, we recommend extending the end date to allow sufficient time for project completion.

The table below shows the proposed project schedule monthly. It includes critical client review periods and major milestones (⊗, orange box). The ICF team will also work with the City to make the necessary schedule updates and submit a project schedule in the form of a Gantt Chart shown in weekly increments at the kickoff meeting.

Project Team

ICF will manage the project with a clear, local, and accountable team structure. Our approach is grounded in PMI project management practices and ISO 9001:2015 quality principles, but applied in a practical way to support responsive communication, on-time delivery, and high-quality work products.

Key elements of our management approach include:

Local project leadership. ICF will assign a project manager based in El Dorado Hills to serve as the City's day-to-day point of contact. This provides the City with a locally accessible lead who understands the Sacramento region and can support meetings, coordination, and issue resolution efficiently.

Local technical expertise. The project manager will be supported by subject matter experts from ICF's Sacramento, San Francisco, and Los Angles offices. These staff bring expertise in fleet electrification, ACF compliance, infrastructure planning, utility coordination, cost analysis, and funding strategy.

Lead and support staffing. Each major work area will have a designated task lead and backup staff member. This structure supports continuity, balances workload, and reduces schedule risk.

Integrated team coordination. The project manager will coordinate across ICF staff and the City to align assumptions, track decisions, manage data needs, and integrate findings into the Master Plan.

Schedule, budget, and quality control. ICF will track progress against the approved scope, schedule, and budget. We will identify risks and data gaps early and conduct internal QA/QC reviews before submitting deliverables to the City.

An organization chart with key staff's qualifications, roles, and allocation of the work is shown in Section D.

Month	Jul-26	Aug-26	Sep-26	Oct-26	Nov-26	Dec-26	Jan-27	Feb-27	Mar-27
Task 1: Project Management	⊗								
Task 2.1: Existing Fleet		⊗							
Task 2.2: ACF Analysis				⊗					
Task 2.3: Fleet Replacement Assessment				⊗					
Task 3.1: Charging Infrastructure Needs							⊗		
Task 3.2: Grid Impact Analysis							⊗		
Task 4: Funding Sources							⊗		
Task 5: Master Plan									⊗

Project Hours

This section shows how ICF's proposed tasks align with the Scope of Work outlined in Section X of the RFP. It also provides the proposed hours by team member and task.

Exhibit 5. ICF Proposed Tasks to RFP Scope of Work Mapping, and Hours by Team Member and Task

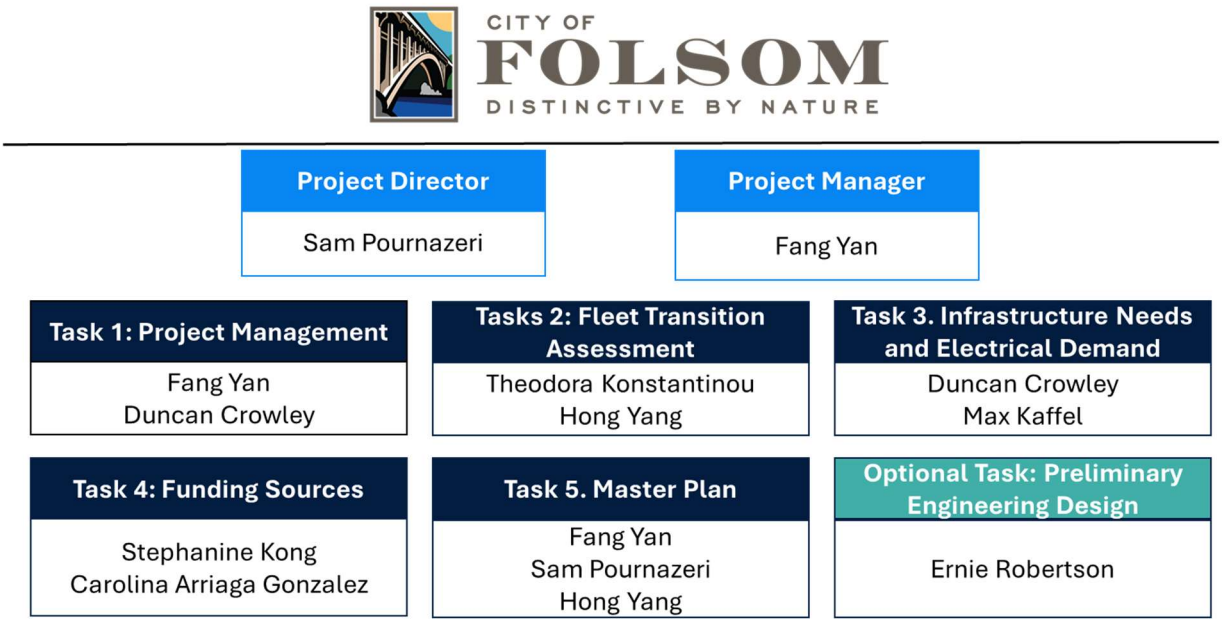
ICF Proposed Tasks		Task number in the RFP	Sam Pournazeri	Fang Yan	Stephanie Kong	Theodora Konstantinou	Duncan Crowley	Hong Yang	Carolina Arriaga Gonzalez	Max Kaffel	Ernie Robertson	Total
Task 1. Project Management		18. Project management and meetings	4	24	0	0	10	0	0	0	0	**38**
Task 2. Fleet Transition Assessment	Task 2.1. Existing Fleet	1. Information and data collection	0	4	0	24	0	32	0	0	0	**60**
		3. Analyze fleet composition by weight class										
	Task 2.2. ACF Analysis	2. Review current ACF regulations	4	8	8	40	0	32	0	0	0	**92**
		10. Exemption Analysis										
		11. Non-compliance impacts										
	Task 2.3. Fleet Replacement Assessment	4. ACF lifecycle analysis	2	8	0	16	0	36	0	0	0	**62**
		5. Identify viable ZEV replacement vehicles to comply with ACF										
Task 3. Infrastructure Needs and Electrical Demand	Task 3.1. Charging Infrastructure Needs	6. Assess current and future energy use	4	8	0	0	32	0	0	40	8	**92**
		7. Infrastructure analysis										
		9. Provide cost estimates										
	Task 3.2. Grid Impact Analysis	8. Impacts to local power grid	0	6	0	0	30	0	0	36	8	**80**
Task 4. Funding Sources		13. Identify funding sources	0	4	8	0	0	0	32	0	0	**44**
Task 5. Master Plan		12. Provide master plan for ACF transition and compliance	4	16	0	16	8	40	0	0	0	**84**
		14. Develop presentation for the Utility Commission and City Council										
		15. Draft report										
		16. Final report										
		17. Supporting documentation to provide to the City										
Optional Task: Preliminary Engineering Design (6 sites)			0	12	0	0	0	0	0	0	192	**204**

D. Consultant Staffing

Organization Chart

ICF has assembled a California based team with the expertise and experience necessary to fulfill the ambitious scope of this project. **Exhibit 6** shows the proposed team organization.

Exhibit 6 Proposed Project Team



Key Staff Qualifications and Experiences

This section presents brief summaries of the qualifications and experiences of key staff, as listed in **Exhibit 7.** Resumes for all staff are included Section F.

Exhibit 7 Key Staff Related Qualifications & Past Relevant Experiences

Sam Pournazeri, PhD, PE | Project Director

Sam Pournazeri, is a Vice President of Transportation and Energy at ICF, with over 15 years of experience supporting transportation decarbonization strategies. He is a nationally recognized leader in EV readiness planning and fleet electrification. Prior to ICF, he led the Mobile Source Strategy at CARB, shaping long-term clean transportation policy.

Sam is based in **Walnut Creek, CA.** For this project, he will serve as the project director, providing strategic oversight and guidance.

- **MTC,** Fleet Electrification Plan
- **City of Lodi,** Fleet Electrification Plan
- **City of Laguna Beach**, EV Fleet and Charging Station Assessment
- **City of Pittsburg**, Infrastructure Needs Assessment Related to Future Municipal Fleet Electrification
- **Midpeninsula Regional Open Space District,** Consultation to Improve Fleet Management
- **City of Raleigh (NC),** Fleet Electrification Implementation Rollout Strategy

Fang Yan, PhD, PE | Project Manager

Fang Yan is a director of transportation and energy at ICF with over 15 years of experience in emission modeling, public policy, and clean fuel and vehicle technologies. As A former CARB program lead, Fang led Innovative Clean Transit regulation and brings

- **Placer County Transportation Planning Agency**, Countywide ZEV Infrastructure Plan
- **City of Rocklin**, Master Phased Plan for Zero Emission Fleet Transition
- **City of Redlands**, Zero-Emissions Vehicle Fleet Review and Assessment

deep regulatory insight and technical expertise in ZEV strategy, infrastructure readiness, and cost-benefit modeling.

Fang is based in **El Dorado Hills, CA.** For this project, Fang will serve as the project manager, the primary point of contact, working directly with the City.

- **City of Alameda,** Fleet Electrification Plan
- **City of San Diego**, Fleet Electrification Master Plan
- **City of Chula Vista**, Fleet Electrification Master Plan
- **Prince William County Public School (VA)**, White Fleet Transition Plan

Duncan Crowley, MS, EIT | Infrastructure SME

Duncan Crowley is a lead transportation and energy consultant at ICF, specializing in fleet electrification and infrastructure assessment. He has led and supported projects focusing on charging infrastructure siting, grid capacity analysis, and CARB ACF compliance.

Duncan is based in **Oakland, CA**. For this project, Duncan will servce as inftrature SME to lead Task 3.

- **City of Oakland**, Fleet Electrification Plan
- **City of Banning**, ZEV Fleet & Infrastructure Transition Action Plan
- **Los Angeles County**, Shared and ZEV Mobility Plan
- **Lake County** ZEV Infrastructure Plan
- **City of Moreno Valley,** EV Charging Infrastructure Plan

Stephanie Kong, PhD | Funding SME

Stephanie Kong is a director of transportation electrification at ICF, specializing in zero-emission policy and funding, fleet modeling, and infrastructure assessments. Her expertise bridges technical analysis, policy and incentive design, and stakeholder engagement to support public-sector fleet electrification and large-scale EV infrastructure strategies. Prior to ICF, she worked at CARB and led ACF development

Stephanie is based in **Los Angeles, CA**. For this project, she will serve as a funding SME to lead Task 4.

- **Los Angeles Unified School District,** White Fleet Electrification Assessment
- **Los Angeles Couty**, Shared and ZEV Mobility Plan
- **City of Banning**, Fleet Electrification Plan
- **Vallejo Flood and Wastewater District**, ACF Transition Assessment
- **City of Santa Ana**, Fleet Electrification & EV Master Plan
- **Washington Commerce (WA)** Utility Side Charging Infrastructure Assessment

Theodora Konstantinou, PhD | Fleet Tranistion SME

Theodora Konstantinou is a lead transportation and energy consultant at ICF, specializing in fleet electrification and decarbonization, focusing on EV technology, fleet transition, and CARB ACF compliance.

Theodora is based in **Los Angeles, CA**. For this project, she will serve as fleet transition SME to lead Task 2.

- **City of Alameda,** Fleet Electrification Plan
- **City of Pico Rivera,** ZEV Fleet and Infrastructure Assessment
- **City of Lodi,** Fleet Electrification Plan
- **Vallejo Flood and Wastewater District**, ACF Transition Assessment
- **City of Santa Ana**, Fleet Electrification & EV Master Plan

Ernie Robertson | Electrical Engineer

Ernie Robertson is an electrical engineering design specialist with over five years of experience in grid distribution design. He is highly skilled in interpreting electrical distribution data and applying advanced software tools to develop precise site

- **Placer County Transportation Planning Agency**, Countywide ZEV Infrastructure Plan
- **City of Rocklin**, Master Phased Plan for Zero Emission Fleet Transition
- **City of San Diego**, Fleet Electrification Master Plan

plans and equipment layouts. His portfolio includes EV charging site engineering designs for projects in California.

For this project, he will lead the prelimnary engineering design under the optional task

•**City of Chula Vista**, Fleet Electrification Master Plan

Hong Yang | Support

Hong Yang is a senior clean transportation specialist with expertise in zero-emission transportation, electricication planning, and decabonization. She has supported projects for municipals and public school districts including cities of Lodi, Rocklin, Placer County, Auburn, Lincoln, and Alameda. She is the technial lead supporting fleet electrification for the city of Alameda and working on ZE Infrastructure Plan for drayage trucks at the Port of Long Beach.

Hong is based in **Sacramento, CA.** For this project, she will support Task 2 and 5. .

•**City of Alameda,** Fleet Electrification Plan

•**City of Rocklin**, Master Phased Plan for Zero Emission Fleet Transition

•**Placer County Transportation Planning Agency**, Countywide ZEV Infrastructure Plan

•**Prince William County Public School (VA)**, White Fleet Transition Plan

• **Port of Long Beach and Los Angeles,** Feasibility Assessments for the Clean Air Action Plan: Class 8 Trucks

Max Kaffel | Support

Max Kaffelis a senior transportation specialist with over six years of experience advancing sustainable transportation solutions. At ICF, Max has led and supported more than a dozen electrification projects across California and beyond, Max has served as both technical and field lead, managing site visits, developing charging infrastructure plans, and providing actionable, cost-effective recommendations.

Max is based in **Los Angeles, CA.** For this project, he will support Task 3.

•**City of Chula Vista**, Fleet Electrification Master Plan

•**City of Oakland**, Fleet Electrification Plan

•**Los Angeles Couty**, Shared and ZEV Mobility Plan

•**City of Lodi,** Fleet Electrification Plan

•**City of Laguna Beach**, EV Fleet and Charging Station Assessment

•**City of Rocklin**, Master Phased Plan for Zero Emission Fleet Transition

Carolina Arriaga | Support

Carolina Arriaga is a senior transportation specialist and has a quantitative background in transportation electrification, energy conservation, and solar energy. She holds a master's degree in Information and Data Science from UC Berkeley. At ICF, she supported the Washington Department of Commerce by estimating hourly EV charging loads for 2035 infrastructure planning.

Max is based in **Vallejo, CA.** For this project, he will support Task 4.

•**City of San Leandro**, Fleet Electrification Plan

•**City of Santa Ana**, Fleet Electrification & EV Master Plan

•**Los Angeles Unified School District,** White Fleet Electrification Assessment

•**Los Angeles Couty**, Shared and ZEV Mobility Plan

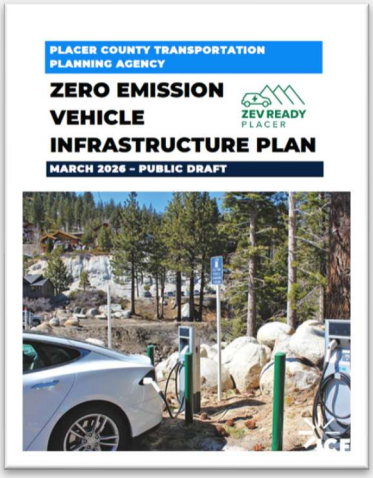
•**City of Banning**, Fleet Electrification Plan

•**Washington Commerce (WA)** Utility Side Charging Infrastructure Assessment

E. Consultant Qualifications and References

Customer Name: Placer County Transportation Planning Agency (PCTPA)	Contact Individual: David Melko, Principal Transportation Planner
Address: 2260 Douglas Blvd, Suite 130, Roseville, CA 95661	Phone Number: 530.823.4090
Contract Amount: $1 million	Email: *dmelko@pctpa.net*
Project Name: Countywide Zero-Emission Vehicle Infrastructure Plan	Year: 02/2025 – 06/2026

Key ICF Staff: Sam Pournazeri, Fang Yan, Theodora Konstantinou, Hong Yang, Max Kaffel



Project Description: ICF is leading the development of a Countywide Zero-Emission Vehicle Infrastructure Plan to accelerate the region's transition to clean transportation. The plan addresses the growing need for public and fleet charging infrastructure, ensuring equitable access across rural and disadvantaged communities. It provides a data-driven, implementation-focused roadmap that integrates technical analysis, utility coordination, stakeholder engagement, and funding strategy. ICF's team assesses existing infrastructure, forecasts future demand using advanced modeling tools, and evaluates grid capacity to guide siting for light-, medium-, and heavy-duty charging as well as hydrogen fueling. A robust public engagement process ensures local input shapes infrastructure priorities and investments.

Customer Name: Metropolitan Transportation Commission (MTC)	Contact Individual: James Choe, Climate Program Manager
Address: 375 Beale Street, Suite 800, San Francisco, CA 94105	Phone Number: 415.778.6664
Project Name: Local Public Fleet Electrification Planning Technical Assistance	*Email: jchoe@bayareametro.gov*
Contract Amount: $800,134	Year: 2025 – Present

Key ICF Staff: Sam Pournazeri, Fang Yan, Duncan Crowley, Theodora Konstantinou, Ramon Molina Garcia, Hong Yang

Project Description: ICF was selected to assist MTC with local public fleet electrification planning and providing technical assistance, including working with seven local public agencies (Oakland, Concord, Alameda, San Leandro, Dublin, El Cerrito, Berkeley), to assess their vehicle fleets and develop fleet transition and infrastructure development plans. Detailed technical assistance includes the following:

- Developing fleet engagement plans and assessed existing conditions, including policies, fleet inventory, and charging infrastructure.
- Evaluated vehicle replacement options and developed fleet transition, procurement, cost, and replacement schedule.
- Analyzed fleet energy demand and infrastructure needs, including conceptual charging site designs.
- Prepared implementation planning elements, including options and maintenance, utility coordination, emissions benefit analysis, reporting, and funding, as well as other implementation tools or resources (e.g., technician training materials, RFP templates, and procurement best practices).

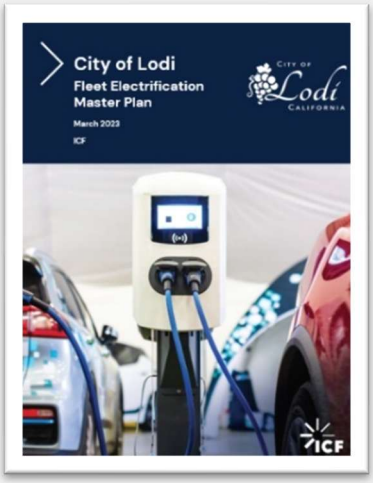
Customer Name: City of Rocklin	Contact Individual: Matt McClure, Public Works Manager
Address: 4081 Alvis Ct, Rocklin, CA 95677	Phone Number: 916. 625.5277
Contract Amount: $100,000	Email: matt.mcclure@rocklin.ca.us
Project Name: Zero Emission Vehicle Fleet Transition Plan	Year: 06/2025 – 03/2026

Key ICF Staff: Fang Yan, Theodora Konstantinou, Hong Yang, Max Kaffel

Project Description: ICF helped the City of Rocklin develop a practical Zero Emission Vehicle Fleet Transition Plan to support ACF compliance and long-term fleet electrification. The work included a detailed fleet review, vehicle-by-vehicle EV replacement recommendations, ACF applicability and exemption considerations, emissions benefits, charging infrastructure needs, PG&E coordination, make-ready infrastructure planning, total cost of ownership analysis, and funding strategy. The plan evaluated both full-fleet and ACF-only transition scenarios. It identified EV replacements for 137 of 147 active vehicles and recommended phased charging infrastructure across City facilities. ICF also developed preliminary engineering drawings for two main sites: Corporation Yard and Police Station. The final plan gave Rocklin a clear roadmap for vehicle procurement, infrastructure deployment, funding, workforce readiness, and implementation.

Customer Name: City of Lodi	Contact Individual: Melissa Price, Assistant Director
Address: 1331 S. Ham Lane, Lodi, CA 95242	Phone Number: 209.333.6811
Contract Amount: $85,000	Email: mprice@lodi.gov
Project Name: Fleet Electrification Master Plan	Year: 09/2022 – 03/2024

Key ICF staff: Sam Pournazeri, Theodora Konstantinou, Duncan Crowley



Project Description: ICF assisted the City of Lodi in developing a phased master plan to transition its municipal fleet of more than 240 vehicles to zero-emission options in response to CARB's ACF regulation. The project included a detailed fleet assessment, vehicle-level ZEV replacement recommendations, ACF compliance review, charging infrastructure planning, facility electrical capacity assessment, transition cost estimates, and funding and financing options. ICF also identified key implementation barriers, including vehicle technology availability, infrastructure readiness, utility capacity, cost, and operational constraints, and provided practical strategies to support a realistic and phased fleet transition.

F. Team Resumes

Sam Pournazeri, PhD, PE

Vice President, Transportation and Energy

Sam Pournazeri is the Vice President of Clean Transportation and Energy at ICF, recognized nationally as an expert with over 15 years of experience in advanced transportation technologies, data analytics, emissions and energy modeling, and the development of sustainable transportation strategies. At ICF, Sam is currently assisting a dozen state and local governments with their transportation decarbonization and fleet electrification needs. In California, Sam's expertise and leadership have been particularly impactful in the area of municipal fleet electrification. Before his current role at ICF, Sam made significant contributions at CARB, playing a key role in shaping the Mobile Source Strategy, a detailed plan outlining the state's future freight and passenger transportation policies for the next three decades.

Education
PhD, Mechanical Engineering, University of California Riverside, 2012

MS, Mechanical Engineering, University of California Riverside, 2009

BSc, Mechanical Engineering, Sharif University of Technology, 2008

Certifications and Registrations
California Certified Professional Mechanical Engineer (PE), License No. M36830

PROJECT EXPERIENCE

Local Public Fleet Electrification Planning – Metropolitan Transportation Commission (MTC), 1/2025 – Present
Project Manager. Sam leads fleet electrification planning technical assistance for multiple Bay Area public agencies under MTC's Transportation Electrification Bench. He oversees fleet inventory assessments, vehicle replacement modeling, charging infrastructure demand projections, and capital planning. Sam coordinates stakeholder engagement with municipal departments to develop actionable fleet transition roadmaps aligned with CARB's ACF regulation and regional climate goals.

ZEV Infrastructure Planning and Pilot Project Development – Placer County Transportation Planning Agency (PCTPA), 2024 – Present.
Project Manager. Sam leads development of a countywide zero-emission vehicle (ZEV) infrastructure strategy for Placer County, including identification and prioritization of up to five pilot project concepts. He oversees infrastructure demand modeling, site feasibility assessments, equity-focused deployment analysis, and funding strategy development. Sam coordinates with local jurisdictions, utilities, and air districts to align corridor charging, medium- and heavy-duty infrastructure, hydrogen refueling, and multifamily charging strategies with regional transportation and air quality goals.

Fleet Electrification Implementation – City of Laguna Beach, 1/2024 – 7/2025
Project Manager. Sam led the development of the City's Fleet Electrification and EV Charging Implementation Plan. He oversaw vehicle replacement modeling, charging infrastructure analysis, and site-specific electrical upgrade assessments. Sam coordinated closely with City staff and Southern California Edison to support CRT funding applications and developed a phased deployment strategy to transition 181 vehicles and install 71 dual-port chargers by 2039.

Citywide Fleet Electrification - City of Lodi, 08/2022–05/2023
Project Manager. Sam led this project to help the City meet the ACF compliance requirements in the most cost-effective manner possible. Sam evaluated the City's fleet and provide recommendations to transition from ICEs to EVs; developed recommended charging infrastructure implementation strategies; estimated the costs to transition to EVs and developed the charging infrastructure; discussed the barriers to fleet transition and describe strategies to overcome them; and developed a plan to leverage incentive funding and evaluate options for financing and innovative business models.

EMPLOYMENT HISTORY

- ICF. Vice President of Clean Transportation & Energy. San Francisco. 11/2021–Present.
- California Air Resources Board. Branch Chief. Sacramento. 02/2012–10/2021.

Fang Yan, PhD, PE

Director, Clean Transportation and Energy

Fang is a Direct of Clean Transportation and Energy who brings in over 15 years of experience in emission modeling, public polices, and clean fuel and vehicle technologies to support clients in navigating the technical, economic, and regulatory challenges in decarbonization. Before her current role, she oversaw ICF's Lifecycle Assessment (LCA) for low carbon fuels transactions under various state and federal programs. She focuses on zero-emission vehicles related regulatory and strategy assessment, and transportation modeling. Prior to joining ICF, she led CARB's Innovative Clean Transit Regulation development bringing experience in battery electric and fuel cell electric vehicle technologies. She also managed Mobile Source Strategy and layout of the land of California's future transportation system to zero-emission technologies. She worked closely and collaborated with CEC and CPUC to forecast infrastructure needs to accommodate California's fleet transition to meet air quality and climate goals.

Education

PhD, Environmental Engineering, University of Illinois at Urbana and Champaign, 2012

MS, Environmental Engineering, University of Illinois at Urbana and Champaign, 2008

BA, Environmental Engineering, Tsinghua University, China, 2006

Certifications

Professional Engineer in Chemical Engineering in California

PROJECT EXPERIENCE

Master Phased Plan for Zero Emission Fleet Transition – City of Rocklin, 07/2025-Present

Project Manager. Fang is currently leading the development of an ACF-compliant fleet transition plan. She designs charging scenarios and conducts facility load-capacity analyses, coordinates with the utility to define electrical upgrade needs. She also helps to develop a phased rollout plan of charging infrastructure and directs preliminary engineering for two priority sites, including site layouts and single-line diagrams.

Placer Countywide Zero-Emission Infrastructure Plan - Placer County Transportation Planning Agency (PCTPA), 02/2025 – Present

Deputy Project Manager. Fang leads technical analysis to identify existing charging infrastructure gaps and forecast future needs across light-duty, transit, school bus, and medium/heavy-duty fleets, analyzes grid capacity assessments and identifying potential electrical upgrade needs to support ZEV deployment, and coordinates GIS-based siting analysis to prioritize high-impact, equitable locations for public and fleet charging infrastructure. In addition, she assisted with strategy development for permitting streamlining, funding alignment, and phased implementation planning, including identification of pilot project opportunities.

EV Fleet Feasibility Study – Prince William Couty Public Schools (PWCS), 11/2024- 04/2025

Project Manager. Fang worked with PWCS to first perform fleet transition planning to develop a vehicle replacement schedule, identify pilot EV replacements, and detail necessary charging requirements. She led the design and evaluation of charging infrastructure scenarios, followed by an assessment of load capacity and needed electrical upgrades. Building on these insights, Fang helped estimate infrastructure costs and create a roll-out schedule. She also synthesized findings into a comprehensive 10-year phased Master Plan.

Master Phased Plan for Zero Emission Fleet Transition – City of San Diego, 06/2024 – 06/2025

Project Manager. Fang helped the City of San Diego to develop a zero-emission fleet transition plan for both light and heavy-duty vehicles operating in the City. Fang provided technical led in several aspects: (1) evaluation of the City's Geotab data to assess fleet operation and replacement needs, (2) scenario analysis of charging infrastructure needs and electrical load capacity, and (3) cost estimates of ZEV and infrastructure rollout. Fang also helped with the coordinates with the City and local utility to review the existing capacity and identify potential upgrade needs.

EMPLOYMENT HISTORY

- ICF. Director of Clean Transportation and Energy. Sacramento, CA. 2022 – present.
- California Air Resources Board. Manager. Sacramento, CA. 2016 –2022.
- Argonne National Laboratory. Environmental Engineer. Argonne, IL. 2011 –2015

Duncan Crowley, MS, EIT

Lead Transportation Consultant

Duncan Crowley is a Lead Transportation Consultant with the Clean Transportation team at ICF, where he leverages a diverse set of systems engineering skills developed working with Toyota, NASA's Jet Propulsion Laboratory, and at Birdi Systems. Duncan has experience with modeling, policy analysis and research across multiple transportation disciplines with strong expertise in urban freight, freight electrification, ports, electric vehicles and transportation equity. Currently, at ICF, Duncan focuses mainly on projects related to decarbonization of the transportation sector, especially those related to the adoption of ZEV. Prior to working at ICF, Duncan developed his skills as an engineering professional as a consultant and project engineer working for public clients at Birdi Systems.

Education
MS, Transportation Technology & Policy, University of California Davis, 2023

BS, Engineering, Harvey Mudd College, 2018

Certifications and Registrations
Engineer in Training (EIT)
Lic#: EIT 178466

PROJECT EXPERIENCE

Oakland Fleet Transition Plan, MTC, 08/2025 – present
Project Manager. Duncan is leading a team to develop a fleet transition plan for the City of Oakland in California. This includes individualized replacement recommendations for their 1,400+ vehicles, a replacement timeline and a lifecycle cost analysis to compare the costs of the electric replacements to an ICE equivalent. Using this, the team will propose a charging infrastructure plan to meet the needs of their electrified fleet, paired with site level drawings for the 3 largest fleet depots.

ZEV Mobility Plan, Los Angeles County, 05/2024 – 06/2025
ISD Fleet Lead. Duncan led the evaluation of LA County's largest fleet of over 4000 vehicles to electric to meet the requirements set out in California's ACF rule and meet the county's targets. He led data gathering efforts in collaboration with the Internal Services Division and all the fleets it oversees to understand vehicle characteristics, parking locations and operations. Using ICF's Powerguide model, he has identified vehicle recommendations and a timeline for replacing each vehicle in the fleet in a manner which complies with the ZEV milestone option. He has also produced an estimate of the total cost of ownership of each vehicle and how it compares with the ICE alternative.

White Fleet Electrification, Los Angeles Unified School District, 01/2024 – 06/2024
Technical Lead. Duncan met with stakeholders across the school district to collect data on their fleets and to understand the unique operations of each fleet. He then used ICF's Powerguide tool to come up with replacement vehicle recommendations for each vehicle in the fleet as well as a vehicle replacement timeline. He also estimated the total cost of ownership associated with the new EVs in comparison with gas or diesel alternatives. In addition, he worked with the district to amend recommended vehicles to work with vendors and manufuacturers preferred by them.

Utility-Side Charging Infrastructure Assessment, Washington Commerce, 04/2024 – 08/2024

Technical Lead. Duncan developed a methodology and analysis pipeline to quantify EV charging load across all Census Block groups in Washington state for medium and heavy-duty vehicles. He also developed different load scenarios in collaboration with Washington utilities to ensure the quantification matches existing utility planning practices.

EV Charging Infrastructure Master Plan, City of Moreno Valley, 08/2023 – 03/2024

Siting Lead. Duncan worked with the city to develop a novel model for quantifying the utility of each parcel within for public EV charging. This model considered the amount of automotive travel to each location, the parking time at each site, the site's access to transit, proximity to existing EV chargers, proximity to apartments and location within a disadvantaged community. He used this scoring used to identify 30 candidate sites for EV charging and visited each site for site assessment.

EMPLOYMENT HISTORY

- ICF. Senior Transportation Specialist. Sacramento. 7/2023– Present.
- Birdi Systems Inc. Systems Engineer. Pasadena. 08/2018–6/2021.

Stephanie Kong, PhD

Director, Transportation and Energy

Stephanie Kong is a Director of transportation and energy at ICF and has 9 years of experience in air pollution measurement, vehicle activity and emissions modeling, greenhouse gas (GHG) and criteria pollutant emissions analysis, and clean transportation policies. Stephanie received her PhD from California Institute of Technology, where she focused on air quality modeling using complex statistical and data analytical tools. During her time at the CARB, she led the development of California's transportation emission modeling tools and was the technical lead behind CARB's medium- and heavy-duty zero-emission fleet regulations. Upon joining ICF, Stephanie has been leading multiple projects to help state and local governments to develop ZEV strategies and ZEV infrastructure deployment planning.

Education

PhD, Chemical Engineering, California Institute of Technology, 2020

MS, Chemical Engineering, California Institute of Technology, 2018

BS, Chemistry, Harvey Mudd College, 2015

Certifications and Trainings

Certificate of Practice in University Teaching, California Institute of Technology, 2020

Certificate of Project Management, Caltech Center for Technology and Management Education, 2020

PROJECT EXPERIENCE

Shared and ZEV Mobility Plan—Los Angeles County, 2024–2025
Project Manager. Stephanie led development of a countywide plan for the County of Los Angeles to reduce GHG emissions from municipal transportation activities, covering both fleet and employee commute. She oversaw the County's strategy to transition vehicles to ZEVs, established a funding mechanism to support the transition, and evaluated the feasibility of County employee ridesharing programs.

Washington Utility-Side Charging Infrastructure Assessment—Washington State Department of Commerce, 2024–2025
Project Manager. Stephanie led this project to estimate projected electric-utility infrastructure costs, down to the point of service, needed to power all EV charging in Washington State as modeled by the Transportation Electrification Strategy through 2035. The project helped determine potential financial impacts on ratepayers, EV service providers (EVSPs), and their customers, and supported utility participation and EVSE-related grid-upgrade planning across the state.

ACF Transition Assessment—Vallejo Flood and Wastewater District, 2024–2024
Project Manager. Stephanie oversaw the development of a comprehensive ZEV Transition Plan for the Vallejo Flood and Wastewater District. She ensured compliance with CARB's ZEV mandates and the ACF rule, recommended vehicle and equipment replacements for sewer and vacuum operations, and oversaw site designs to accommodate all EV charging infrastructure at the District's facilities.

California's Advanced Clean Fleets Regulation—CARB, 2020–2023
Technical Lead. The ACF Regulation is part of a comprehensive strategy that CARB has proposed to accelerate the adoption of ZEVs in the medium- and heavy-duty truck sector. Stephanie oversaw the development of emission benefits analysis and technology mix projection for this regulation. She worked closely with stakeholders from different regulated sectors and performed research and analysis to quantify the overall emissions, health, and economic benefits of the proposed regulation.

EMPLOYMENT HISTORY

- ICF. Director of Transportation and Energy. 2023–Present.
- CARB. Air Pollution Specialist. 2020–2023.

Theodora Konstantinou, PhD

Lead Consultant, Transportation and Energy

Theodora Konstantinou is a lead transportation and energy consultant at ICF with more than seven years of experience in transportation electrification and decarbonization. Her work at ICF focuses on developing ZEV roadmaps and charging infrastructure plans at the state and local levels. Prior to joining ICF, Theodora gained experience at the EV Research Center of the Institute of Transportation Studies at the University of California, Davis, where she led and oversaw research projects related to the used vehicle market and its implications for EVs, equity concerns regarding the impact of incentives on EV adoption, and EV adoption in rural areas.

Education

PhD, Civil Engineering, Purdue University, 2022

MS, Civil Engineering, Purdue University, 2018

BS, Rural & Surveying Engineering, National Technical University of Athens, 2016

Technical Skillset:

Microsoft Office, ArcGIS, NLOGIT, Python

PROJECT EXPERIENCE

City of Alameda Fleet Electrification Plan, City of Alameda, 08/2025-Present
Project Manager. Theodora is leading the development of a Fleet Electrification Plan for the City of Alameda under the Metropolitan Transportation Commission (MTC)'s Public Fleet Electrification Planning Technical Assistance Program. She led the assessment of the City's fleet and facilities, identification of ZEV replacement options in alignment with the ACF regulation, analysis of operational feasibility, evaluation of charging infrastructure needs, assessment of electrical capacity at municipal sites, coordination with Alameda Municipal Power, development of site-specific cost estimates and funding strategies, and the preparation of implementation guides, tools and resources for the transition to EVs.

City of Santa Ana Fleet Electrification & EV Master Plan, City of Santa Ana, 08/2024-Present
Project Manager. Theodora is leading the development of a Fleet Electrification & EV Master Plan for the City of Santa Ana, aligned with the ACF regulation. The project includes assessing the city's current fleet and infrastructure, identifying electric vehicle replacement options, evaluating site-specific fleet charging needs, assessing grid capacity, coordinating with utilities for potential upgrades, developing strategies for cost-effective infrastructure deployment and crafting city-specific policies and workforce training programs to support the transition to EVs.

Placer Countywide Zero-Emission Infrastructure Plan, **Placer County Transportation Planning Agency (PCTPA), 02/2025–Present**
Technical Lead. Theodora leads the GIS-based siting analysis for EV charging and hydrogen infrastructure for light-, medium-, and heavy-duty vehicles in Placer County. She also supports the development of ZEV land use planning tools and permitting guidance, and leads stakeholder interviews. Additionally, Theodora assists as needed with project management and deliverable reviews for the overall project.

Advanced Clean Energy Fleet (ACF) Transition Assessment, Vallejo Flood and Wastewater District, 04/2024-04/2025
Deputy Project Manager. Theodora assisted in developing a comprehensive Zero-Emission Vehicle (ZEV) Transition Plan for the Vallejo Flood and Wastewater District. She contributed to assessing the District's current fleet and infrastructure, ensuring alignment with CARB's ZEV mandates and the ACF rule. This involved helping to determine electric vehicle replacement recommendations as well as the optimal number, type, and placement of refueling stations, and analyzing the costs and timeline for deployment. Theodora also supported the evaluation of site and grid upgrades needed to meet the increased power demand for ZEVs.

EMPLOYMENT HISTORY

- ICF. Lead Transportation and Energy Consultant. Los Angeles, CA. 10/2023–Present.
- University of California, Davis-Electric Vehicle (EV) Research Center. Researcher. Davis, CA. 09/2023–09/2024.

Ernie Robertson

Electrical Engineering Designer

Ernie Robertson is a distribution planning professional, with experience in electric vehicle (EV) site design and engineering. Working on the utility side, he has more than 5 years of experience designing EV infrastructure to interconnect with the utility grid and designing reinforcements to the utility grid to support EV infrastructure. Known for his deep understanding of electrical distribution data acquired through his early immersion in geographic information systems, Ernie showcases adeptness in several software program such as AutoCAD 3D, Esri ArcGIS, CYME, Windmill, SAP S4/HANA, SPIDAcalc, MySQL, VBA, Python, C#, and Power Automate. His design portfolio ranges from charge-ready, commercial sites and track development to multifamily residential and utility-side impact studies. Ernie excels in creating high-level site plans and equipment layouts, conceptual single-line wiring schematics, and relevant technical specification section outlines essential for the installation, testing, and commissioning of EV charging systems. His skills and dedication make him an invaluable asset to any team seeking innovative solutions and efficient workflow in the electrical design landscape.

Highlights of Qualifications

EV electrical design
Grid interconnection studies

Education

Bachelors, Geospatial and Environmental Analysis, Virginia Polytechnic Institute and State University, 2011

PROJECT EXPERIENCE

Distribution Planning—Pennsylvania Power and Light (PPL), 04/2023–Present
Planner. Ernie reviews method of supply requests for new load interconnection. The process involves analyzing the new additions in the CYME models of PPL's distribution system, developing potential reinforcements to correct voltage and equipment issues, and compiling the results into a response letter. These studies include load flow, short circuit, voltage drop, and overload analysis.

Hosting Capacity CYME Development—PPL, 10/2022–05/2023
Lead Developer. Ernie worked as the lead CYME developer to analyze and process PPL CYME studies for hosting capacity government reporting. He worked collaboratively with project managers and engineers to create and evaluate methodologies for data processing. Ernie developed methods to ensure data accuracy, track data processing, and forecast processing time and requirements.

New Development Distribution Planning—Southern California Edison (SCE), MM/2020–MM/2022
Planner. Ernie worked for SCE as a new development distribution planner, where he performed connection studies on the existing grid and designed electrical distribution systems and reinforcements for new load requests. He has experience completing track development (6.9 kV, 12 kV, looped radials) and EV, charge-ready, cell, commercial site, and multifamily residential design. Ernie also participated in DAT first response emergency operations, where he assessed damage to the grid and created the associated repair work orders.

Lead Facilities Designer. Ernie creates designs for new EV charging facilities based on existing system configuration and new facilities requirements. For each design, he coordinates with the local utility and site owners to perform the analysis required to create site plans and equipment layouts. Ernie performs engineering analysis to determine conductor and conduit sizing, required protection, and system design.

Hong Yang, PhD

Senior Clean Transportation Specialist

Hong Yang, PhD, brings more than 8 years of experience in transportation decarbonization, road transportation electrification, charging infrastructure, renewable energy policy, and alternative fuel and vehicle technologies. Before her current role, she was the project manager at the Renewable Energy Policy Network for the 21st Century (REN21) from 2021 to 2024, leading the production of the *Global Futures Report: Renewables for Sustainable Transport—Bridging Perspectives*. She oversaw the day-to-day activities of the whole team, from administrative work to research analysis and outreach activities. Before that, she worked at the World Bank Group on several transportation and clean energy projects, including her contribution to an energy open data platform (energydata.info) and several flagship reports.

Education

PhD, Energy Systems, University of California, Davis (UC Davis), 2024

MPP, Public Policy, Georgetown University, 2018

BS, Economics, Peking University, China, 2016

PROJECT EXPERIENCE

City of Alameda Fleet Electrification Plan, City of Alameda, 08/2025-Present
Technical Lead. As the technical lead in this effort, Hong conducts the assessment of the City's fleet and facilities, identifies ZEV replacement options in alignment with the ACF regulation, analyzes of operational feasibility, evaluates charging infrastructure needs, assess electrical capacity at municipal sites, and develop site-specific cost estimates and funding strategies.

Placer County Transportation Planning Agency Countywide Zero Emission Vehicle Infrastructure Plan-Placer County Transportation Authority (PCTPA), 2025-Present
Task Lead. Hong is leading fleet electrification planning for various jurisdictions in Placer County, as part of the Countywide ZEV infrastructure plan. Hong evaluates vehicle duty cycles, identifies electrification candidates, and develops a phased ZEV replacement strategy aligned with regulatory deadlines and operational needs.

Zero-emission Vehicle Master Plan—LA County, 2024–2025
Research Support. Hong conducted research to help LA county monitor regional infrastructure development progress and estimate the number of chargers deployed by 2024 in comparison to the 2019 sustainability plan goals.

Fleet Electrification Master Plan—Prince William County Public School, 2024–2025
Research and Modeling Support. Hong conducted research, data analysis, fleet assessment modeling, and report writing for the Prince William County Public School's master fleet transition plan.

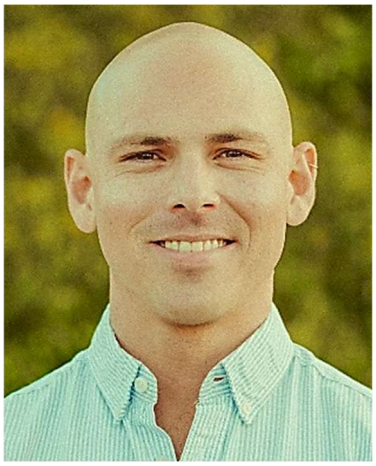
2024 Feasibility Assessments for the Clean Air Action Plan: Class 8 Trucks—Port of Long Beach and Los Angeles, CA, 2024–2025
Senior Air Quality Scientist. Hong conducted desk research to assess the commercial availability and technical availability of zero-emission Class 8 trucks. She supports interviews and surveys to understand the operational feasibility of zero-emission drayage trucks, providing other support as required for the feasibility report.

White Fleet Electrification Assessment—Los Angeles Unified School District (LAUSD), 2024–2024
Research Support. Hong conducted desk research to identify suitable funding opportunities and financing mechanisms for LAUSD's white fleet electrification.

Charging and Fueling Infrastructure (CFI) Grant application, Two Clients, 2024
Subject Matter Expert. Hong supported siting assessments for two clients' applications to the CFI grant, including identifying trip characteristics in selected sites, providing reasonings for the suggested number of chargers and their charging powers, and estimating charging infrastructure cost associated with the suggested type and number of chargers.

EMPLOYMENT HISTORY

- ICF. Senior Clean Transportation Specialist. 2024–Present.
- REN21. Project Manager and Analyst. 2021–2024.
- World Bank Group. Transportation Research and Energy Data Analyst. 2017–2021.



Max Kaffel

Senior Transportation Specialist

Max Kaffel brings over 6 years of expertise in transportation electrification, greenhouse gas inventory, renewable energy solutions, and transportation strategy. As a Senior Transportation Specialist, Max has demonstrated his core strengths in evaluating transportation electrification potential, aiding in the development of vehicle deployment schedules, and conducting cost analysis for infrastructure implementation. He has successfully led the electrification assessments for various clients, including comprehensive fleet analyses for the City of Laguna Beach and the Midpeninsula Regional Open Space District. His role as a technical and field lead in a project for the National Park Service highlights his ability to conduct detailed site assessments and provide actionable recommendations for sustainable vehicle technologies. Max's ability to lead complex projects, coupled with his technical proficiency and strategic planning skills, makes him a pivotal asset in advancing sustainable transportation initiatives.

Education

BS, Environmental Science, University of California Berkeley, 2018

PROJECT EXPERIENCE

City of Chula Vista, Fleet Electrification & Vehicle Charging Master Plan, 01/2025-Present
Project Manager. Max leads the development of a strategic master plan to guide the City's transition to a zero-emission fleet. The project includes EV replacement schedules, multiple charging infrastructure scenarios, and cost analyses addressing both vehicle total cost of ownership and facility-level make-ready requirements. Max oversees all phases, from fleet and site assessments to policy development, ensuring recommendations align with operational needs, regulatory requirements, and the City's sustainability goals.

City of Laguna Beach, Electric Vehicle Implementation Plan, 05/2024-Present
Deputy Project Manager. As DPM, Max supports the project management of an extensive implementation plan aimed at the successful electrification of the City's fleet. This project encompasses not only EV replacement recommendations and charging infrastructure planning but also includes conducting site visits to inform conceptual drawings of priority charging locations. The team makes facility- and grid-level infrastructure upgrade recommendations based on these visits. Max is also leading the infrastructure assessment for the City, ensuring that all necessary upgrades are identified and planned for effectively. His role is critical in coordinating various aspects of the project, from detailed assessments to strategic planning, to ensure a seamless transition to an electrified fleet.

National Parks Service, Washington Support Office (WASO), Electric Vehicle Supply Equipment Assessments, 09/2023-11/2024
Technical Lead. As part of an effort to understand the feasibility of transitioning national park vehicle fleets to alternative vehicles, ICF was tasked with conducting 30 site visits at priority national parks. Max was the technical and field lead for 4 national parks, including Death Valley, Joshua Tree, Lake Mead, and Sequoia and Kings Canyon. In this role, Max oversaw all technical aspects of the site visits, conducted detailed assessments of current vehicle fleets, evaluated the suitability of alternative vehicle technologies, and identified necessary infrastructure upgrades. He coordinated with park staff to gather data on vehicle usage patterns, fuel consumption, and maintenance needs, and conducted on-site inspections to assess facility readiness. Max also developed comprehensive reports for each park, providing actionable recommendations, cost-benefit analyses, implementation timelines, and strategies for minimizing operational disruption. His expertise ensured that the recommendations were tailored to each park's specific needs, contributing significantly to the successful implementation of sustainable vehicle technologies across the national park system.

EMPLOYMENT HISTORY

- ICF Incorporated, L.L.C. Senior Transportation Specialist. March 2019 – Present.
- City of Oakland & Climate Corps AmeriCorps. Energy and Sustainability Fellow. September – February 2019.
- The Natural Resources Defense Council. Energy and Transportation Intern. September 2017 – September 2018.

Carolina Arriaga, MIDS, PPM

Transportation Electrification Consultant

Carolina Arriaga is a transportation electrification consultant at ICF, a leader in data science and energy modeling. She has 2 years of experience in transportation electrification, with expertise in siting analysis, infrastructure load estimation, and application development. She has a background in engineering physics, is certified by UBC Sauder School of Business in professional project management (PPM), and currently leads the fleet assessment for the City of Santa Ana.

Education

Master of Information and Data Science (MIDS), University of California, Berkeley, 2022

BSc, Engineering Physics, Renewable Energy, Monterrey Institute of Technology and Higher Education (Mexico), 2011

PROJECT EXPERIENCE

Fleet Assessment- City of Santa Ana, CA, 2024
Senior Clean Transportation Specialist. Her work included an in depth analysis of the City's fleet and requirements to meet the ACF regulation for over 600 on-road vehicles. The deliverable included a vehicle recommendation assessment, TCO analysis, and retirement schedule.

Jet Fuel Demand Model for CA, AZ, and NV-CARB, CA, 2024
Senior Clean Transportation Specialist. Carolina upgraded the current jet fuel demand calculation model applicable for California and added features that allowed a more granular calculation at a region level (NorCal and SoCal).

Lower Emissions in Logistics Workshop-Molson Coors, CA, 2024
Senior Clean Transportation Specialist. Carolina supported the team by creating a visual deck with examples from the industry by transportation category. In each category, a different emission reduction strategy was presented to help Molson Coors assess their emission reduction potential and structure a short to long term plan.

Siting Analysis—City of Lodi, CA, 2024
Senior Clean Transportation Specialist. Carolina analyzed City of Lodi trips at block group level and estimated dwelling times for each. This work helped define the infrastructure needs in public areas based on transportation demand.

Off-Model Calculators—MTC Plan Bay Area, CA, 2024–Present
Transportation Electrification Consultant. Carolina has automated the Off-Model Calculator process using Python and added new calculation features like logging runs. She has eliminated manual work previously needed to extract the calculator outputs.

Utility-Side Charging Infrastructure Assessment—Washington State Department of Commerce, CA, 2024
Transportation Electrification Consultant. Carolina estimated the hourly load scenarios per charging type level for each census block groups location. The project aimed to assess the infrastructure requirements for the 2035 EV adoption scenario.

EMPLOYMENT HISTORY

- ICF. Transportation Electrification Consultant. 2024–Present.
- Progressive Emergence. Independent Researcher. 2019–2023.
- The ICCT. Data Science, Zero-Emission Vehicles. 2022.
- Whirlpool Corporation. Senior Integration Engineer, Cooling. 2014–2018.
- Kolben Tech. Engineering Manager, Solar and Energy Efficiency. 2013–2014.
- GBAE. Renewable Energy and Green Technology Manager. 2011–2012.

G. Consultant Rate Schedule

Details are provided in the cost proposal document.

Attachment 3

May 14, 2026

Cost Proposal 2026-182751

CONSULTING SERVICES FOR THE ADVANCED CLEAN FLEETS REGULATION COMPLIANCE AND TRANSITION ASSESSMENT PLAN

Submitted to:

City of Folsom - Utilities
50 Natoma Street
Folsom, CA 95630

Marcus Yasutake
Utilities Director
myasutake@folsom.ca.us
(916) 461-6161

Submitted by:

ICF Incorporated, L.L.C
980 9th St Suite 1200
Sacramento, CA 95814

Fang Yan
Director, Clean Transportation & Energy
fang.yan@icf.com
(916) 210-5906

ICF Headquarters:
1902 Reston Metro Plaza
Reston, VA 20190

This document includes confidential data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed—in whole or in part—for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of—or in conjunction with—the submission of these data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in these data if it is obtained from another source without restriction. The data subject to this restriction are contained in this volume and its appendices and attachments.

Consultant Rate Schedule

ICF Incorporated, LLC (ICF) has prepared this proposal on a Time & Material (T&M) not to exceed budget of $104,980.32 of the required tasks. The cost of the optional task with preliminary engineering design for six (6) sites is $35,943.84. Our cost estimate is based on a detailed analysis of the tasks to be performed, the required activities under each task, and the total number of deliverables (including both draft and final versions) necessary to achieve the client's objectives. This pricing reflects what we believe is appropriate to successfully complete the study and deliver all required work products. Additionally, our allocation of hours by labor category reflects a cost-effective staffing approach tailored to the scope of work. ICF reserves the flexibility to reallocate hours between labor categories as necessary to ensure the most efficient completion of the project while staying within the proposed budget ceiling.

The anticipated period of performance for this project is approximately 9 months. Upon award, ICF will collaborate with the client to develop a final project schedule that aligns with mutual goals and priorities. Exhibit 1and

Exhibit 2 provide detailed budget information, including labor hours and corresponding rates, organized by labor category and task.

Exhibit 1. Budget Summary By Task

Tasks	Hours	Budget
Task 1: Project Management	38	$10,867.50
Task 2.1 Existing Fleet	60	$10,338.64
Task 2.2: ACF Analysis	92	$17,896.40
Task 2.3 Fleet Replacement Assessment	62	$11,422.08
Task 3.1: Charging Infrastructure Needs	92	$16,391.60
Task 3.2: Grid Impact Analysis	80	$13,508.50
Task 4; Funding Sources	44	$7,936.00
Task 5: Master Plan	84	$16,619.60
Total of Required Tasks	**552**	**$104,980.32**
Optional Task: Preliminary Engineering Design (6 sites)	204	$35,943.84
Total + Optional Task	**756**	**$140,924.16**

Exhibit 2. Hourly Rates by Labor Category

Labor Category	Period of Performance (7/01/26 - 3/31/27)
Project Manager	$328.60
Senior Consultant II	$249.54
Senior Consultant I	$183.29

Consultant II	$166.67
Consultant I	$144.54

Travel and Other Direct Costs (ODCs)

ICF's disclosed accounting practice is to recover contract-specific other direct costs (ODCs) and travel costs as direct charges to the applicable contract. ICF does not anticipate ODCs or travel costs for this scope due to our local presence. Any ODCs or travel costs will be incurred only with prior client approval. Approved ODCs and travel costs will be invoiced at actual cost plus applicable general and administrative (G&A) expense.

Payment Terms/Proposed Invoicing

Payment terms are net 30 days from date of invoice. ICF will invoice monthly for actual hours worked. Any Travel and ODCs will be invoiced at actual costs incurred plus applicable G&A.

Assumptions and Clarifications

ICF's proposal is predicated on the following additional assumptions and clarifications. These items are intended to help the client understand how ICF's solution, timing, resources, roles, and responsibilities formed the parameters of our estimates. Although these assumptions and clarifications frame our proposal response, it is ICF's practice to partner with our customers to promptly resolve issues in a manner beneficial to both parties. We welcome the opportunity to work with the client to address any questions or concerns that may arise before, during, or after the delivery of our proposed services.

- ICF assumes this proposal shall be incorporated by reference into the contract resultant from this proposal response.
- All project deliverables will be provided in an electronic format, Microsoft Office Suite or PDF, unless agreed upon by the ICF and the client's project managers.
- ICF assumes one round of review for each deliverable, with the client compiling and providing all comments in a single round. ICF will address these comments and share a revised version, which will be considered final if all comments are satisfactorily addressed.
- The client is responsible for assigning a single point of contact who will consolidate and reconcile all the comments, revisions, and feedback on all deliverables, resolve any conflicts on the deliverables, and transmit the feedback in writing to ICF.
- The client will have two weeks to provide feedback on each deliverable, and ICF will require two weeks to incorporate the comments. If no comments are received within the two-week period, ICF will assume the client has no additional feedback and will consider the deliverable as final.
- If a delivery date falls on a non-working day, the delivery date will be the following business day. All days are presumed to be "business days" unless otherwise specified.
- ICF assumes the ability to negotiate mutually agreeable contract terms upon award.

- ICF Incorporated, L.L.C., will be the legal entity for any contract awarded with participation from its corporate affiliate, ICF Resources, LLC, collectively referred to as “ICF”, are wholly-owned subsidiaries of parent ICF Consulting Group, Inc., with ICF Consulting Group, Inc., being under parent company ICF International (NASDAQ:ICFI).

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11664 – A Resolution Authorizing the City Manager to Execute Construction Change Order No. 1 with LEED Mechanical Inc. in the amount of $69,300 for the Folsom Public Library HVAC Replacement Project from the Facility Rehabilitation Fund (Fund 602) and Appropriation of Funds
FROM:	Parks and Recreation Department

RECOMMENDATION / CITY COUNCIL ACTION

The Parks & Recreation Facility Services Division recommends that City Council approve Resolution No. 11664 – A Resolution Authorizing the City Manager to Execute Construction Change Order No. 1 with LEED Mechanical Inc. in the amount of $69,300 for the Folsom Public Library HVAC Replacement Project from the Facility Rehabilitation Fund (Fund 602) and Appropriation of Funds.

BACKGROUND / ISSUE

As part of the FY 25/26 budget process, the City Council approved the Library HVAC Replacement Project. On October 28, 2025, the City Council approved Resolution No. 11490, authorizing the City Manager to execute a construction agreement with LEED Mechanical Inc. for a not-to-exceed amount of $305,703 for the replacement of 9 roof-top HVAC units serving the Folsom Public Library at 411 Stafford Street.

As construction progressed and the HVAC units were installed, follow-up testing within the library revealed an existing controller unit that does not sync properly with the newly installed VAV (Variable Air Volume) units, which control the amount of air moving through the system. Currently, the units are controlled by thermostats that are divided between separate zones within the library, which results in uneven cooling, which is not ideal for a building that is the “Cooling Center” for the city.

Staff requested a cost proposal from LEED Mechanical for the installation of an HVAC controller to manage the newly installed Rooftop Air Conditioning (HVAC) units serving the Folsom Public Library, and the contractor provided a cost of $69,300.

POLICY / RULE

In accordance with Chapter 2.36.120 of the Folsom Municipal Code, contracts for supplies, equipment, services, and construction with an estimated value of $77,426 or greater shall be awarded by the City Council.

ANALYSIS

Staff have reviewed the costs for the additional scope of work to install a new HVAC controller and found the price is appropriate and consistent with expected costs for this scope of work. The original estimated cost for the HVAC replacement work was $1,100,000, so while the addition of this change order work exceeds the original not-to-exceed amount, it is still a substantial cost savings from what was originally anticipated for the project.

Installing a new controller will allow the system to operate as designed. The controller is compatible with similar controllers at City Hall and the Community Center and will allow facilities staff to monitor the system remotely and make settings changes to better serve library activities.

The City Council's approval of Resolution No. 11490 authorized the execution of the original contract with LEED Mechanical, Inc., for $277,911, with the project budgeted at a total not to exceed amount of $305,703, which included a 10% contingency of $27,792 for potential change orders. The initial authorized contingency has not been utilized under the original scope of work; therefore, staff recommend that the contingency be utilized for this effort. An additional appropriation of $41,600 is required for Change Order No. 1, bringing the new total not-to-exceed contract amount to $347,303.

FINANCIAL IMPACT

If approved the construction change order with LEED Mechanical, Inc. for the purchase and installation of the new HVAC control system for the amount of $69,300 would be funded through the Facility Rehabilitation Fund (Fund 602). An appropriation in the amount of $41,600 will be required for the change order. Sufficient funds are available in the Facility Rehabilitation Fund (Fund 602) for this appropriation.

ENVIRONMENTAL REVIEW

This project is exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines Section 15301- Existing Facilities.

ATTACHMENT

Resolution No. 11664 – A Resolution Authorizing the City Manager to Execute Construction Change Order No. 1 with LEED Mechanical Inc. in the amount of $69,300 for the Folsom Public Library HVAC Replacement Project from the Facility Rehabilitation Fund (Fund 602) and Appropriation of Funds.

Submitted,

Kelly Gonzalez
Parks & Recreation Director

Attachment 1

RESOLUTION NO. 11664

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONSTRUCTION CHANGE ORDER NO. 1 WITH LEED MECHANICAL INC. IN THE AMOUNT OF $69,300 FOR THE FOLSOM PUBLIC LIBRARY HVAC REPLACEMENT PROJECT FROM THE FACILITY REHABILITATION FUND (FUND 602) AND APPROPRIATION OF FUNDS

WHEREAS, Resolution 11490 authorized the City Manager to execute a construction agreement with LEED Mechanical Inc. for $277,911 with the project budgeted for a total not to exceed amount of $305,703 which included a ten percent contingency for potential change orders, for the Folsom Public Library HVAC Replacement Project; and

WHEREAS, City staff identified the need for extra work following the initial HVAC installation to install a new controller that was outside the scope of the original contracted work; and

WHEREAS, LEED Mechanical, Inc. provided a cost for the proposed Construction Change Order No. 1 in the amount of $69,300; and

WHEREAS, funds from the original contingency authorization are available for use on this change order work; and

WHEREAS, sufficient funds are available in the Capital Facilities Fund (Fund 602) to cover the remainder cost of the proposed change order work; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council authorizes the City Manager to execute Construction Change Order No. 1 with LEED Mechanical Inc. in the amount of $69,300 for the Folsom Public Library HVAC Replacement Project to install a new HVAC controller unit for a new total not-to exceed contract amount of $347,303.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to appropriate $41,600 in the Facility Rehabilitation Fund (Fund 602) to cover the cost of the change order.

PASSED AND ADOPTED this 14th day of July 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____

Christa Freemantle, CITY CLERK

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11668 – A Resolution Authorizing the City Manager to Enter Into an Employment Agreement for the Position of City Attorney
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

It is recommended that the City Council adopt Resolution No. 11668 - A Resolution Authorizing the City Manager to Enter Into an Employment Agreement for the Position of City Attorney.

BACKGROUND / ISSUE

The City of Folsom initiated a recruitment for the position of City Attorney following the retirement of the previous City Attorney. To ensure a thorough, competitive, and transparent search, the City retained Mosaic Public Partners, an executive search firm specializing in public sector placements, to manage the recruitment process.

The position was posted publicly from April 16, 2026, through May 18, 2026, a one-month open recruitment period. Following an initial screening conducted by Mosaic Public Partners, candidates were selected to advance to the interview phase.

The interview process consisted of two panels:

- Professional Panel — Comprised of City Attorneys from other municipalities, and members of the Folsom Executive Management Team, this panel evaluated candidates on their legal expertise, professional experience, and qualifications relevant to the City Attorney role.
- Community Panel — Comprised of Councilmembers, a commissioner, and the City Manager, this panel assessed candidates' communication skills, community orientation, and alignment with the City's values.

Following the panel interviews, Sari Dierking was identified as the top candidate and recommended to the City Manager.

POLICY / RULE

Pursuant to Section 4.03 of the Folsom City Charter, the Office of City Attorney may serve as a full-time department head of the City. Consistent with this authority, Folsom City Charter Section 4.01 provides for the appointment by the City Manager, and service of heads of departments pursuant to an employment agreement executed by the City Manager. Folsom Municipal Code section 2.30.080 designates heads of departments to be exempt employees who shall be employed at the sole discretion and will of the City Manager and whose terms, benefits and conditions of employment are determined by the City Manager. Pursuant to the provisions of the Folsom City Charter, Section 4.01A, the City Manager has determined that Ms. Sari Dierking is qualified to serve in the position of City Attorney.

ANALYSIS

The adoption of this resolution is being proposed to provide transparency of the process and selection of the City Attorney.

FINANCIAL IMPACT

The salary for this role corresponds to Step 5 of the Salary Schedule that the Folsom City Council approved on December 9, 2025.

ATTACHMENTS

1. Resolution No. 11668 - A Resolution Authorizing the City Manager to Enter Into an Employment Agreement for the Position of City Attorney.
2. Proposed Employment Agreement - City Attorney

Submitted,

_____

Bryan Whitemyer
City Manager

Attachment 1

RESOLUTION NO. 11668

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMPLOYMENT AGREEMENT FOR THE POSITION OF CITY ATTORNEY

WHEREAS, the City of Folsom engaged Mosaic Public Partners to conduct a competitive executive search for the position of City Attorney; and

WHEREAS, the recruitment was open to the public from April 16, 2026 through May 18, 2026; and

WHEREAS, following a thorough review of applications and a competitive interview process that included a professional panel and a community panel, Sari Dierking was identified as the most qualified candidate for the position; and

WHEREAS, the City Manager has negotiated proposed terms and conditions of employment with Ms. Dierking, and the resulting Employment Agreement is presented for Council review; and

WHEREAS, Section 4.03 of the Folsom City Charter establishes the Office of City Attorney and provides that the City Attorney may serve as a full-time department head of the City; and

WHEREAS, Folsom Municipal Code Section 2.30.080 provides that each department head shall serve at the pleasure of the City Manager and under the terms of an employment agreement establishing the terms and conditions of employment;

WHEREAS, the City Council has reviewed the proposed Employment Agreement and finds it to be in the best interests of the City of Folsom;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an Employment Agreement with Sari Dierking for the position of City Attorney, with a start date of July 1, 2026.

PASSED AND ADOPTED this 14th day of July 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

CITY OF FOLSOM

EMPLOYMENT AGREEMENT
FOR THE
CITY ATTORNEY

THIS AGREEMENT, the effective date of which shall be July 1, 2026, is by and between the City of Folsom, State of California, a municipal corporation, hereinafter referred to as "Employer," and Sari Dierking, hereinafter called "Employee."

RECITALS

WHEREAS, Folsom City Charter Section 4.01 provides for the appointment of department heads by the City Manager pursuant to an employment agreement executed by the City Manager; and

WHEREAS, Section 2.30.080 of the Folsom Municipal Code designates heads of departments to be exempt employees who shall be employed at the sole discretion and will of the City Manager and whose terms, benefits and conditions of employment are determined by the City Manager; and

WHEREAS, pursuant to Section 4.01A of the Folsom City Charter, the City Manager has determined that Employee is qualified to serve in the position specified above for the City of Folsom; and

WHEREAS, it is the desire of the City Manager to establish terms and conditions of employment, establish compensation and to provide certain benefits, to provide a procedure to set goals and objectives to be met and the measurement thereof, to provide for a review and evaluation of performance, to provide for termination, if necessary, and to provide for other subjects related to the status of Employee within this Employment Agreement; and

WHEREAS, the City Manager has determined the salary and benefits for this position as outlined in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, it is the desire of the City Manager to secure and retain the services of Employee and to provide inducement for her to remain in such employment and to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security; and

WHEREAS, Employee desires to accept employment with the City of Folsom in the position specified above.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1. Duties

Employer hereby agrees to employ Employee as the City Attorney to perform such legally permissible and proper duties and functions as prescribed by the Municipal Code or as the City Manager may assign. Employee shall commence her duties as City Attorney on July 1, 2026, and salary, benefits, and all accruals shall begin with commencement of her duties.

Section 2. Term, Termination, Resignation, and Severance Pay

A. Notwithstanding any provisions to the contrary, the City Manager shall have the exclusive and sole right and discretion to terminate the services of Employee at any time, with or without cause. Employee may resign at any time from her position with Employer subject to providing thirty (30) days advance written notice to Employer.

B. Notwithstanding any code, ordinance, law or provision to the contrary, the term of this Agreement is four years, with an option to extend. Pursuant to Folsom City Charter Section 4.01.B, employee serves at the pleasure of the City Manager and subject to the direction and supervision of the City Manager.

C. In the event Employee resigns or is terminated by the City Manager, Employer agrees to pay Employee any accrued and unpaid salary and the cash value of any accrued annual leave or administrative leave, all subject to federal and state withholding requirements. Such amount shall be paid within thirty (30) days of resignation or termination.

D. In the event Employee is terminated by the City Manager, Employer agrees to pay Employee a lump sum cash severance payment as set forth on Exhibit "A," attached hereto. The severance payment shall be the equivalent of the cash value of the monthly salary provided to the Employee without benefits or accrual of annual, sick, or administrative leave during that time period. Employer agrees to make this payment, less withholdings, within thirty (30) days of termination. If Employee is terminated for reasons of criminal misconduct which would amount to a misdemeanor or higher offense under the Penal Code, acts constituting moral turpitude, conflicts of interest or incompatibility of office occurring in the course of employment, whether charges are filed or not, Employer shall have no obligation to make any payments to Employee under this section. If Employee is terminated as a result of a conviction of an offense amounting to a misdemeanor or higher under the Penal Code, or for committing acts constituting moral turpitude, conflicts of interest or incompatibility of office occurring outside the course of her employment, Employer shall have no obligation to make any payments to Employee under this section.

E. In the event Employee is convicted of a crime that involves abuse of her position or office as defined in Government Code section 53243.4, she must fully reimburse the City for specified funds pursuant to Government Code section 53243, *et seq.*, as set forth below:

1. If Employee is placed on paid administrative leave pending an investigation by the City of any potential abuse of her position, Employee shall be required to fully reimburse the City the cost of the paid administrative leave if she is convicted of a crime involving an abuse of her position.

2. Notwithstanding any other provisions of this Agreement, if Employee has been provided legal criminal defense counsel regarding a charge involving the abuse of her position, Employee must fully reimburse the City for the cost of that counsel if Employee is convicted of a crime involving an abuse of her position.

3. Notwithstanding any other provisions of this Agreement, if this Agreement is terminated, any cash settlement related to the termination that Employee may receive from the City shall be fully reimbursed if Employee is convicted of a crime involving an abuse of her position.

Section 3. Salary

A. Employee's base salary on the effective date of this Agreement shall be payable in installments at the same time as other employees of Employer are paid in the amount set forth in Exhibit A. Employee's salary is reflective of the salary for similar positions in a comparable employment market based upon a salary survey and takes into account the special expertise, experience and job duties of Employee.

B. The City Manager shall review Employee's performance annually, and shall determine increases or decreases to the base salary set forth in Exhibit A based upon Employee's performance and cost of living adjustments which shall be effective on July 1 of each year. Salary determinations shall be made after the annual budget adoption. The City Manager may only decrease the salary provided to Employee by no more than five percent (5%) per year, unless voluntarily agreed to by Employee.

Section 4. Performance Evaluation

The City Manager and Employee shall meet at least once annually, after budget adoption to establish goals and performance objectives desired by the City Manager to be accomplished during the next year.

Section 5. Administrative Leave

A. Administrative leave shall be commensurate with required job commitments beyond normal work hours, such as attendance at meetings of the City Council and various boards and commissions. It is recognized that Employee has significant required job commitments beyond normal work and Employee shall be credited with administrative leave annually in the amount provided in Exhibit A to this Agreement. Administrative leave shall be credited to Employee on the first day of each calendar year in the full amount specified in Exhibit A.

B. Administrative leave may be used for leave purposes only and has no cash value, except in the event of termination. Administrative leave shall be capped at 80 hours and must be used during the calendar year and used as approved by the City Manager. Unused hours shall not roll over to subsequent years.

C. In the event of termination, except termination for cause, Employee shall be paid for any unused Administrative Leave on an hour for hour basis.

Section 6. Annual and Sick Leave

Employee shall accrue annual and sick leave as follows:

A. Employee shall accrue, and have credited annual leave at the rate set forth in Exhibit A attached to this Agreement. Annual leave shall be comprised of sick leave, personal leave and vacation.

B. There is an annual leave accrual cap of 320 hours. Employee may accrue the unused portion of any earned annual leave up to 320 hours of annual leave. If Employee reaches an annual leave balance of 320 hours, annual leave will cease to accrue and Employee will begin accruing sick leave until the annual leave balance falls below 320 hours. When Employee is accruing sick leave, it shall accrue at the same rate as annual leave (24 hours per month). Sick leave would continue to accrue thereafter at the rate of 24 hours per month until and unless the annual leave bank balance is below 320 hours.

C. Sick leave may only be used by Employee for purposes enumerated in the City Personnel Rules. Accrued sick leave cannot be cashed out and has no cash value. There is no maximum on the number of hours of sick leave Employee may accrue. Consistent with PERS law, sick leave may be converted to service credit for purposes of retirement.

D. A maximum of 40 hours of accrued annual leave is eligible to be cashed out per fiscal year, except upon termination of employment or retirement from the City of Folsom.

Section 7. Benefits

A. Employee shall be entitled to receive the benefits delineated below in the amounts specified in Exhibit A attached to this Agreement. The benefits provided shall be with plans and as provided to other employees in the City. Benefits provided include:

1. Health, Dental and Vision Insurance (payment of contribution or premiums)
2. Life Insurance (payment of premiums)
3. Short and long-term disability insurance (payment of premiums)
4. Deferred Compensation
5. Workers' Compensation coverage for on-the-job injuries or illnesses

B. Additional and other benefits may be provided to Employee, in the discretion of the City Manager, and shall be set forth in Exhibit A.

Section 8. Retirement

Employer agrees to make employer contributions to the California Public Employees Retirement System (PERS) for the 2.0% at 55 PERS plan on behalf of Employee. Employee shall have the employee portion of the PERS contribution regularly deducted from her salary by the City and forwarded to PERS, which account shall accrue to the benefit of Employee. Employee's retirement shall be calculated based on an average of her highest-earned salary for a three-year period. Employee shall pay 100% of the Employee contribution to the PERS Retirement benefit. If the City modifies the retirement plan provided to other non-safety employees, then Employee's plan shall conform to the modified plan.

Section 9. Official Travel and Professional Development

Employer shall pay the reasonable travel and subsistence, registration and incidental expenses of Employee incurred for official travel, meetings, and events, and Employer shall pay for the reasonable expenses related to the professional growth and development, and/or continued professional certification of Employee. The payment for such expenses shall be subject to the prior written request of Employee and written approval of the Employer, unless otherwise allowed by the City Manager.

Section 10. Dues and Subscriptions

Subject to budgetary constraints, Employer agrees to pay for the reasonable professional dues and subscriptions of Employee necessary for her continuation and participation in national, regional, state and local associations and organizations necessary and desirable for her continued professional growth and knowledge enhancement, and for the benefit of Employer.

Section 11. Defense and Indemnification

To the extent required by the state law, Employer shall defend, hold harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties for the positions specified in this Agreement. Employer may, in its sole discretion, compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon when, in the judgment of Employer such is the most advisable course of action, but in any event, will defend and indemnify Employee. This provision shall survive any termination or resignation of the Employee or expiration of this Agreement. This paragraph is not intended to provide any rights in excess of those rights provided by state law.

Section 12. Professional Obligation of the City Attorney

Notwithstanding the power of the City Manager to appoint all employees of the City, including the City Attorney, the City Attorney acknowledges that she is obligated to adhere to the Rules of Professional Conduct of the State Bar of California, and in particular, Rule 3-600, which provides, in part, that in representing an organization, an attorney shall conform his or her representation to the concept that the client is the organization itself, acting through its highest authorized officer, employee, body or constituent overseeing the particular engagement. If the City Attorney knows that an actual or apparent agent of the City acts or intends or refuses to act in a manner that is or may be a violation of law reasonably imputable to the City, or in a manner which is likely to result in substantial injury to the City, the City Attorney shall take such actions as are necessary to protect the lawful interests of the City. The City Manager shall take no action to prohibit the City Attorney from fulfilling such responsibilities.

Section 13. Notices

A. Notices pursuant to this Agreement shall be given by first class mail addressed as follows:

1. EMPLOYER: City Manager
City of Folsom
50 Natoma Street
Folsom, California 95630

2. EMPLOYEE: Sari Dierking, City Attorney
City of Folsom
50 Natoma Street
Folsom, CA 95630
or
Employee's home address on file with the City's Human Resources Department

B. Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice, or via email.

C. Notice shall be deemed given as of the date of personal service, email, or as of the date of deposit of such written notice in the U.S. Postal Service.

Section 14. General Provision

A. The text hereof shall constitute the entire Agreement between the parties and shall supersede any and all prior agreements between the parties. No subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties unless reduced to writing and signed by the City Manager as the authorized representative of the Employer.

B. This Agreement shall be binding on and inure to the benefit of the heirs at law and executors of Employee.

C. If any provision or any portion of the Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement shall not be affected and shall remain in full force and effect.

D. The Agreement shall become effective immediately upon the execution by both parties.

SIGNATURE PAGE IMMEDIATELY FOLLOWS

IN WITNESS WHEREOF, The City Manager of the City of Folsom, California, pursuant to authority granted to him by Section 4.01 of the City Charter and Section 2.30.070 of the Folsom Municipal Code, hereby signs this Agreement on behalf of the City of Folsom, as Employer, and Sari Dierking, as Employee, hereby signs this Agreement, both parties agreeing to the terms and provisions set forth herein.

APPROVED AND AUTHORIZED:

Date: _____ _____

Bryan Whitemyer
City Manager of the City of Folsom
For the City of Folsom – Employer

ACCEPTED AND AGREED TO:

Date: _____ _____

Sari Dierking
Employee – City Attorney

ATTEST:

_____

Christa Freemantle
City Clerk

APPROVED AS TO FORM:

_____

Douglas White
Managing Partner, White Brenner LLP

EXHIBIT "A"

CITY ATTORNEY
TOTAL COMPENSATION

Base Salary: $303,980.05 annually

Benefits:

PERS:	2% at 55. Employee shall pay PERS employee contribution.
Deferred Comp:	457 plan. City pays 6.5% of Employee's salary per month to the plan of Employee's choice with no matching contribution required of Employee.
Tech Allowance:	$100.00 per month.
Auto Allowance:	$400.00 per month.
Expense Allowance:	$200.00 per month.
Holidays:	13 paid City holidays (inclusive of one floating holiday)
Admin. Leave:	80 hours per calendar year. Administrative leave shall be credited in January, pro-rated based on date of the appointment for the position specified above. Any unexpended hours shall not "roll over" to the following year and shall have no cash value except as referenced in Section 5 of this agreement.
Annual Leave:	Accrue at the rate of 24 hours per month.

Employee shall use Annual Leave as follows:

A. Employee may accrue the unused portion of any earned annual leave up to a maximum of 320 hours; Employee may not accrue more than 320 hours of annual leave. If Employee reaches an annual leave balance of 320 hours, annual leave will cease to accrue and employee will begin accruing sick leave until the annual leave balance falls below 320 hours.

B. A maximum of 40 hours of accrued annual leave is eligible to be cashed out per fiscal year, except upon termination of employment or retirement with the City of Folsom.

C. If Employee participates in voluntary contributions to a 401A plan with annual leave, nothing in this section is intended to affect such contributions provided the contributions are at no cost to the City.

Sick Leave:

A. Employee shall not accrue sick leave unless Employee's annual leave balance is in excess of 320 hours.

B. When Employee is accruing sick leave, it shall accrue at the same rate as annual leave (24 hours per month). As an example, should Employee have an annual leave bank of 310 hours and accrue 24 hours of leave the following month, 10 hours would accrue as annual leave and 14 would accrue as sick leave. Sick leave would continue to accrue thereafter at the rate of 24 hours per month until and unless the annual leave bank balance is below 320 hours.

C. Sick leave may be used by Employee for illness or injury as set forth in City Personnel Rules.

D. Per the amendment of City's contract with PERS to permit sick leave to be converted to service credit for purposes of retirement, Employee may participate in the program.

E. Accrued sick leave shall not be cashed out and shall have no cash value.

F. There shall be no maximum on the number of hours of sick leave Employee may accrue.

Health Insurance: City pays the employer's contribution to health insurance premium for Employee, Employee plus 1 or Employee plus family up to the maximum insurance premium rate offered to other employees of the City. Employee shall provide contributions to health insurance premiums to the same level required of other City employees.

Employee may participate in any adopted Health Savings Account adopted by the City, at no cost to the City.

In the event Employee declines the City's health insurance coverage, Employee shall receive a cash back payment in the amount of $250 per month for each month Employee does not participate in the City's health insurance plan, commencing on the first day of the month following the date Employee starts her duties in Section 1 of this Agreement. Employee understands and acknowledges that Employee may re-enroll in the City's health insurance plan only during the annual open enrollment period, or due to a Qualifying Life Event, as defined by the IRS.

Dental Insurance: City pays 80% of the dental insurance premium for Employee, Employee plus 1 or Employee plus family for dental insurance coverage offered to other employees of the City. If Employee elects dental coverage, Employee will contribute 20% of the monthly premium.

Vision Insurance: City pays 80% of the insurance premium for Employee, Employee plus 1 or Employee plus family for vision eye insurance coverage offered to other employees of the City. If Employee elects vision coverage, Employee will contribute 20% of the monthly premium.

Life Insurance: City pays 100% of the premium for a $70,000 life insurance policy on policies offered to other Executive Management employees of the City. The life insurance may be portable at no additional cost to the City. Eligible dependents shall receive $2,000 life insurance coverage.

Disability: City pays 100% of the monthly premium for both short and long-term disability insurance policies on policies offered to other employees of the City.

Retiree Medical: The City reserves its right to make changes from time to time in the health benefits offered and the cost of such insurance coverage to active or retired employees, both before and after retirement. Employee acknowledges City's right.

Pursuant to applicable law, the City may establish a tax exempt Voluntary Employee Benefit Association (VEBA), Retiree Health Savings Account (RHSA) or other mechanism for all employees to save for additional Retiree health insurance and provide a mechanism whereby employees may voluntarily contribute toward future costs of retiree health insurance premiums and related expenses. Should such a program be established, Employee shall be eligible to participate.

The City has established a Health Reimbursement Arrangement (HRA) for employees hired after May 8, 2007, and not covered under, or eligible for, other retiree health care. The City shall contribute $25 per pay period into the HRA or equivalent mechanism determined by the City and as permissible by law.

Effective September 1, 2019, employees who retire from City service must have at least 120 months of continuous service as a City employee to qualify for dental and vision insurance benefits provided to active employees. If Employee elects this coverage, City shall contribute 5% of the premium per year of City service, up to an 80% City contribution.

Retiree Life Ins: City pays 100% of the premium for a $70,000 life insurance policy for Retired Directors on policies offered to other Retired Department Directors of the City.

Severance: Twelve (12) months' base salary without benefits, and no accrual of annual or administrative leave during that time period. If the number of months remaining on the contract upon discharge is less

than the number of months provided for severance, then pursuant to Government Code section 3511.1 and 53260, Employee's severance sum shall be equivalent to the number of months remaining on the contract. Severance shall not include the value of any accrual of annual or administrative leave.

Dated: _____ _____

Sari Dierking
Employee

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
ITEM TITLE:	Resolution No. 11669 - A Resolution Authorizing the City Manager to Execute an Agreement with UNICO Engineering, Inc. for Construction Management Services in the Amount of $200,422.55 from the Transportation Improvement Fund (Fund 446) for the Folsom Lake Crossing Safety Improvements Phase 2 Project, Project No. PW2601
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11669 - A Resolution Authorizing the City Manager to Execute an Agreement with UNICO Engineering, Inc. for Construction Management Services in the Amount of $200,422.55 from the Transportation Improvement Fund (Fund 446) for the Folsom Lake Crossing Safety Improvements Phase 2 Project, Project No. PW2601.

BACKGROUND / ISSUE

In February of 2023, the City submitted a funding request through the Fiscal Year 2024 Congressionally Directed Spending (Earmark) Request process in the amount of $1,500,000 for the "design and construction of a safety median barrier along Folsom Lake Crossing between Folsom-Auburn Road and East Natoma Street" per the submitted request form.

In May of 2024, the City of Folsom was notified by Federal Highway Administration of the award of $1,040,00 in Congressionally Directed Spending (CDS) funds for "roadway safety improvements that may include a median barrier, pavement resurfacing, updated roadway delineation and segment lighting."

On April 22, 2025, City Council approved Resolution 11360, authorizing the City Manager to execute a program supplement agreement for the Folsom Lake Crossing Phase 2 Safety Improvements Project for reimbursement of design costs associated with the project.

On May 27, 2025, City Council approved Resolution 11388 authorizing the City Manager to execute a design and consulting services contract with Kimley Horn and Associates in the amount of $132,442.19 to complete design, environmental, and right of way phases of the project.

The project has progressed through the required environmental clearance, right-of-way verification, and design phases in coordination with Caltrans Local Assistance and the Sacramento Area Council of Governments (SACOG). Final design has been completed, and all necessary approvals have been obtained to allow the project to proceed to construction.

The upcoming construction project consists of crack seal and slurry seal of the pavement surface, removal and replacement of pavement markings between Folsom Dam Road and Folsom Auburn Road, and installation of 3,890 feet of Double Thrie Beam Barrier Rail between the Folsom Dam Road and Folsom Lake Crossing intersection and the easternmost edge of the Folsom Lake Crossing bridge deck, as shown in the image below.

Most recently, on April 14, 2026, the City Council adopted Resolution No. 11592, authorizing the City Manager to execute a Program Supplement Agreement with Caltrans for the Folsom Lake Crossing Phase 2 Safety Improvements Project, Project No. PW2601, Federal Project No. 5288(055). Approving this agreement formally establishes the mechanisms for the City to receive federal reimbursements for eligible construction expenditures.

Because this project is federally funded via Caltrans Local Assistance, the City must strictly adhere to the Caltrans Local Assistance Procedures Manual (LAPM), which requires comprehensive daily documentation, certified payroll tracking, and specialized material testing to maintain reimbursement eligibility. Retaining UNICO Engineering, Inc. provides full-time, specialized field inspection and daily documentation necessary to comply with federal guidelines.

UNICO Engineering, Inc. will provide specialized construction management services divided into three operational phases:

- Pre-Construction Services: UNICO Engineering, Inc. will perform quality assurance and a 100% plan constructability review, establish document control systems, verify contract compliance with local assistance procedures, record existing site conditions, and facilitate the pre-construction conference.
- Construction Services: The firm will provide full-time field inspection and daily reporting, administer contracts and progress payments, review submittals and RFIs, monitor schedule control, enforce safety and labor compliance, and handle materials testing, utility coordination, and traffic control inspections.
- Post-Construction Services: To close out the project, UNICO Engineering, Inc. will verify and deliver red-line Record Drawings, manage and track punch list completion, and prepare the final expenditure report package to maintain federal funding reimbursement eligibility.

PROJECT DELIVERY SCHEDULE*

Project Milestone	Anticipated Schedule
Advertise for Construction Bids (3 Weeks Minimum)	August 2026
Open Construction Bids	September 2026
Bid Evaluation, Protest Period, Contract Routing	September/October 2026
Issue Notice of Intent to Award	October 2026
Award Construction Contract at City Council (Tentative)	October 13th, 2026
Public Outreach	October/November 2026
Preconstruction Meeting	Early November 2026
Contractor Submittals, Review and Approval	November 2026
Issue Notice to Proceed	November 2026
Start of Construction Field Work	December 2026
Complete Construction	February 2027
Project Closeout	March 2027

*This schedule is weather and temperature dependent.

POLICY / RULE

Section 2.36.080 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of $77,426 or greater shall be awarded by the City Council.

ANALYSIS

On May 5, 2026, the Public Works Department advertised a Request for Proposals (RFP) for the project. Five proposals were received by the May 28, 2026, deadline. A four-member panel evaluated the competitive proposals and conducted oral interviews in strict compliance with Chapter 10 of the Caltrans Local Assistance Procedures Manual (LAPM). Based on the final evaluation of combined technical qualifications and interview performance, UNICO Engineering, Inc. was determined to be the top-ranked, most qualified firm. City staff recommends awarding the contract to UNICO Engineering, Inc. in the amount of $200,422.55.

The Folsom Lake Crossing Safety Improvements Phase 2 Project, Project No. PW2601 is included in the City's approved Fiscal Year 2026-27 Capital Improvement Plan with a total project budget of $1,174,743. This project utilizes the Transportation Improvement Fund (Fund 446) for matching funds for Congressional Directed Spending.

During the design process, the project scope was expanded to include additional pavement rehabilitation beyond what was identified in the original grant request to better maintain the pavement condition on Folsom Lake Crossing. The addition of this scope covers pavement preservation treatments and striping from Folsom Dam Road to Folsom Auburn Road on Folsom Lake Crossing and will be completed using the Transportation Improvement Fund (Fund 446).

On February 17, 2026, the Federal Highway Administration authorized the E-76 Allocation to proceed with the Construction and Construction Engineering phase. The total federal funding approved for the project across all phases is $1,414,412.

The breakdown of total project grant funding is as follows:

Preliminary Engineering - Federal Funds (CDS)	$ 117,251
Preliminary Engineering - Local Funds/Match (Fund 446)	$ 15,191
Construction - Federal Funds (CDS)	$ 922,749
Construction - Local Funds/Match (Fund 446)	$ 359,221
Total Project Funding	$ 1,414,412
Total Project Grant Funding	$ 1,040,000

FINANCIAL IMPACT

If approved, the agreement with UNICO Engineering, Inc. for construction management services in the amount of $200,422.55 will be funded through the Transportation Improvement Fund (Fund

446) in the Folsom Lake Crossing Safety Improvements Phase 2 Project, Project No. PW2601. Sufficient funds are budgeted and available to cover the cost of the agreement.

ENVIRONMENTAL REVIEW

Construction Management Services do not require further environmental review because the underlying project has already received all necessary environmental clearances. The project has been deemed Categorically Exempt from the National Environmental Policy Act (NEPA) under Federal Highway Administration (FHWA) Categorical Exclusion 23 CFR § 771.117(c)(22), and Categorically Exempt from the California Environmental Quality Act (CEQA) under the State CEQA Guidelines Class 1 Exemption (Section 15301), in accordance with Title 14 of the California Code of Regulations, Section 15300 et seq.

ATTACHMENT

Resolution No. 11669 - A Resolution Authorizing the City Manager to Execute an Agreement with UNICO Engineering, Inc. for Construction Management Services in the Amount of $200,422.55 from the Transportation Improvement Fund (Fund 446) for the Folsom Lake Crossing Safety Improvements Phase 2 Project, Project No. PW2601

Respectfully Submitted,

Rebecca Neves

Rebecca Neves, Public Works Director/City Engineer

Attachment 1

RESOLUTION NO. 11669

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH UNICO ENGINEERING, INC. FOR CONSTRUCTION MANAGEMENT SERVICES IN THE AMOUNT OF $200,422.55 FROM THE TRANSPORTATION IMPROVEMENT FUND (FUND 446) FOR THE FOLSOM LAKE CROSSING SAFETY IMPROVEMENTS PHASE 2 PROJECT, PROJECT NO. PW2601

WHEREAS, in February 2023, the City submitted a funding request through the Fiscal Year 2024 Congressionally Directed Spending (Earmark) Request process in the amount of $1,500,000 for the "design and construction of a safety median barrier along Folsom Lake Crossing between Folsom-Auburn Road and East Natoma Street" per the submitted request form; and

WHEREAS, in May of 2024, the City of Folsom was notified by the Federal Highway Administration of the award of $1,040,00 in Congressionally Directed Spending (CDS) funds for "roadway safety improvements that may include a median barrier, pavement resurfacing, updated roadway delineation, and segment lighting"; and

WHEREAS, on April 22, 2025, City Council approved Resolution 11360 authorizing the City Manager to execute a program supplement agreement for the Folsom Lake Crossing Phase 2 Safety Improvements Project for reimbursement of design costs associated with the project; and

WHEREAS, on May 27, 2025, City Council approved Resolution 11388 authorizing the City Manager to execute a design and consulting services contract with Kimley Horn and Associates in the amount of $132,442.19 to complete design, environmental, and right of way phases of the project; and

WHEREAS, final design has been completed, and all necessary approvals have been obtained to allow the project to proceed to construction; and

WHEREAS, on April 14, 2026, the City Council adopted Resolution No. 11592, authorizing the City Manager to execute a Program Supplement Agreement with Caltrans for the Folsom Lake Crossing Phase 2 Safety Improvements Project; and

WHEREAS, on May 5, 2026, Public Works staff advertised a Request for Proposals for construction management services, contract administration and inspection services, and subsequently conducted a Qualifications-Based Selection process in strict compliance with Chapter 10 of the Caltrans Local Assistance Procedures Manual; and

WHEREAS, following comprehensive proposal scoring and panel interviews, UNICO Engineering, Inc. was determined to be the most qualified firm to support project delivery, and Public Works staff recommends that the contract be awarded to UNICO Engineering, Inc. in the amount of $200,422.55; and

WHEREAS, UNICO Engineering, Inc. will perform Pre-Construction Services,

Construction Services, and Post-Construction Services including but not limited to, document control systems, verifying contract compliance with local assistance procedures, recording existing site conditions, field inspection and daily reporting, administer contract and progress payments, handle materials testing, utility coordination, delivery of red-line Record Drawings, and preparing the final expenditure report package to maintain federal funding reimbursement eligibility; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute an agreement with UNICO Engineering, Inc. for Construction Management Services in the amount of $200,422.55 from the Transportation Improvement Fund (Fund 446) for the Folsom Lake Crossing Safety Improvements Phase 2 Project, Project No. PW2601.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11670 - A Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Dewberry Engineers, Inc. for Construction Management and Inspection Services in the amount of $232,954.04 from the Measure A Fund (Fund 276) for the Pavement Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11670 – A Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Dewberry Engineers, Inc. for Construction Management and Inspection Services in the amount of $232,954.04 from the Measure A Fund (Fund 276) for the Pavement Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds.

BACKGROUND / ISSUE

The Public Works Department maintains a Pavement Management Program (PMP) that identifies roadway maintenance and rehabilitation needs throughout the City and prioritizes pavement preservation strategies to maximize the useful life of roadway infrastructure. The Pavement Resurfacing Project FY 25-26, Project No. 8017, was developed based on recommendations identified in the City's most recent Pavement Management Program update and includes roadway preservation and rehabilitation improvements at multiple locations throughout the City.

Project improvements include asphalt concrete repairs, crack sealing, slurry seal applications, mill and overlay operations, concrete replacement, ADA ramp upgrades, utility adjustments,

roadway striping, high-visibility pedestrian crosswalk improvements, buffered bicycle lane enhancements, traffic control, and associated roadway improvements.

On June 9, 2026, the City Council adopted Resolution No. 11644 authorizing the City Manager to execute a Construction Agreement with Consolidated Engineering, Inc. in the amount of $2,856,988.45 for the Pavement Resurfacing Project FY 25-26, Project No. 8017. Construction is anticipated to occur between June and October 2026. The project is being delivered under an accelerated schedule to complete work adjacent to school facilities before the start of the school year and to complete construction activities before the onset of winter weather.

Due to the size, complexity, and compressed construction schedule of the project, additional professional construction management, inspection, materials testing, and contract administration services are necessary to supplement City staff and ensure successful project delivery. The Public Works Department solicited proposals from qualified engineering consultants to provide these services throughout the duration of construction.

POLICY / RULE

Section 2.36.080, Award of Contracts of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of $77,426 or greater shall be awarded by City Council.

ANALYSIS

The Public Works Department evaluated proposals from qualified engineering consultants with experience providing construction management and inspection services for municipal roadway rehabilitation and public infrastructure projects. Based on qualifications, experience, project understanding, staffing resources, and proposed approach, staff recommends awarding the consultant services agreement to Dewberry Engineers, Inc.

Dewberry Engineers, Inc. has assembled a project team consisting of a Resident Engineer, Office Engineer, Construction Inspectors, and materials testing personnel from ENGEO, Inc. The team possesses extensive experience providing construction management services for roadway rehabilitation, transportation, utility, and municipal infrastructure projects throughout the Sacramento region.

The consultant services provided by Dewberry Engineers, Inc. will support implementation of the construction contract authorized by City Council through Resolution No. 11644 and provide independent oversight necessary to ensure the project is completed in accordance with approved plans, specifications, contract requirements, regulatory requirements, and industry standards.

Under the proposed agreement, Dewberry Engineers, Inc. will provide construction management, inspection, materials testing, and project closeout services for the project. Services include pre-construction coordination, contract administration, review of contractor

schedules, submittals, requests for information (RFIs), and change orders, progress meetings, field inspection, documentation of construction activities, verification of contractor pay quantities, quality assurance materials testing, compliance monitoring, project record maintenance, and final project closeout assistance.

Staff believes Dewberry Engineers, Inc.'s proposed scope of services provides the technical expertise, inspection resources, and construction oversight necessary to successfully deliver the Pavement Resurfacing Project FY 25-26 while maintaining project quality, schedule, budget, and regulatory compliance objectives.

Staff will use the City's standard Consulting Services Agreement in a form acceptable to the City Attorney.

FINANCIAL IMPACT

The consultant services agreement with Dewberry Engineers, Inc. would be authorized for $232,954.04 for construction management, inspection, materials testing, and project administration services associated with the project.

The Street Overlay/Pavement Management FY 25-26 Project, Project No. 8017, was included in the City's approved Fiscal Year 2025-26 Capital Improvement Plan with a total project budget of $2,000,000, with $1,000,000 each in the SB-1 Road Maintenance and Rehabilitation Fund (Fund 235) and in the Measure A Fund (Fund 276). An appropriation in the amount of $1,382,045.11 in the Measure A Fund (Fund 276) was authorized through Resolution No. 11644 to cover the construction contract with Consolidated Engineering, Inc. Project encumbrances and expenditures to date are $3,391,742.61.

An additional appropriation of $232,954.04 in the Measure A Fund (Fund 276) is being requested to cover the cost of the consultant services agreement, bringing the total project budget to $3,624,696.65. There is sufficient funding available in the Measure A Fund (Fund 276) for this appropriation.

ENVIRONMENTAL REVIEW

The consultant services authorized by this agreement consist of construction management, inspection, materials testing, and administrative services associated with a project that has been determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) – Existing Facilities.

ATTACHMENTS

1. Resolution No. 11670 - A Resolution Authorizing the City Manager to Execute a Consultant Services Agreement with Dewberry Engineers, Inc. for Construction Management and Inspection Services in the amount of $232,954.04 from the Measure

A Fund (Fund 276) for the Pavement Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds

2. City Council Approved Staff Report for Resolution No. 11644

Respectfully Submitted,

Rebecca Neves, PUBLIC WORKS DIRECTOR/CITY ENGINEER

Attachment 1

RESOLUTION NO. 11670

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSULTANT SERVICES AGREEMENT WITH DEWBERRY ENGINEERS, INC. FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES IN THE AMOUNT OF $232,954.04 FROM THE MEASURE A FUND (FUND 276) FOR THE PAVEMENT RESURFACING PROJECT FY 25-26, PROJECT NO. 8017, AND APPROPRIATION OF FUNDS

WHEREAS, the City of Folsom desires to receive construction management services for the Pavement Resurfacing Project FY 25-26, Project No. 8017; and

WHEREAS, Street Overlay/Pavement Management FY 25-26 Project, Project No. 8017, was included in the City's approved Fiscal Year 2025-26 Capital Improvement Plan with a total budget of $2,000,000, utilizing $1,000,000 in the SB-1 Road Maintenance and Rehabilitation Fund (fund 235) and $1,000,000 in the Measure A Fund (Fund 276); and

WHEREAS, on June 9, 2026, City Council adopted Resolution No. 11644, authorizing the City Manager to execute a Construction Agreement with Consolidated Engineering, Inc. and authorizing the Finance Director to appropriate $1,382,045.11 in the Measure A Fund (Fund 276) for the Pavement Resurfacing Project FY 25-26, Project No. 8017; and

WHEREAS, an appropriation in the amount of $232,954.04 in the Measure A Fund (Fund 276) will be required for a new total project budget of $3,624,696.65; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to Execute a Consultant Services Agreement with Dewberry Engineers, Inc. for Construction Management and Inspection Services in the amount of $232,954.04 from the Measure A Fund (Fund 276) for the Pavement Resurfacing Project FY 25-26, Project No. 8017.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is authorized to appropriate $232,954.04 in the Measure A Fund (Fund 276) for the Pavement Resurfacing Project FY 25-26, Project No. 8017.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

Folsom City Council
Staff Report

MEETING DATE:	6/9/2026
AGENDA SECTION:	New Business
SUBJECT:	Resolution No. 11644 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Consolidated Engineering, Inc. in the amount of $2,856,988.45, with $1,000,000 from the SB-1 Road Maintenance and Rehabilitation Fund (Fund 235) and $1,856,988.45 from the Measure A Fund (Fund 276), for the Pavement Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds in the amount of $1,382,045.11 in the Measure A Fund (Fund 276)
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11644 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Consolidated Engineering, Inc. in the amount of $2,856,988.45, with $1,000,000 from the SB-1 Road Maintenance and Rehabilitation Fund (Fund 235) and $1,856,988.45 from the Measure A Fund (Fund 276), for the Pavement Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds in the amount of $1,382,045.11 in the Measure A Fund (Fund 276).

BACKGROUND / ISSUE

The City of Folsom Public Works Department maintains a Pavement Management Program (PMP), which is updated every five years to identify roadway maintenance and rehabilitation needs throughout the City. The most recent PMP update was prepared in April 2026 and is currently in draft form pending final review and publication by the City. The PMP utilizes StreetSaver® pavement analysis software and roadway condition data to prioritize pavement preservation and rehabilitation strategies. Budgeting assumptions, pavement condition data, and project selection recommendations for this project were developed using the most recent draft PMP update.

The City maintains approximately 256 centerline miles of streets citywide. Based on the April 2026 PMP update, the City's overall Pavement Condition Index (PCI) is 65, which is categorized as "Good." Approximately 84 percent of the roadway network is currently rated in Good or Very Good condition.

This project addresses roadway maintenance and rehabilitation needs identified in the PMP through a combination of preventative maintenance, asphalt repair, and roadway rehabilitation treatments. Work will include crack sealing, slurry seal, asphalt repairs, mill and pavement overlay, concrete replacement, ADA ramp upgrades, utility adjustments, pavement striping, high-visibility school crosswalks, and buffered bicycle lanes.

Crack sealing and slurry seal are among the most cost-effective pavement preservation treatments available and support extended pavement service life. These treatments help prevent water intrusion and slow pavement deterioration before more costly rehabilitation or reconstruction becomes necessary. Utilizing the "fix it first" approach to pavement maintenance, applying the right treatment at the right time can maximize the value of its roadway assets, extend pavement life by several years, and reduce future maintenance and capital improvement costs.

In advance of this contract bidding, the Public Works Department staff has been actively crack sealing residential streets in preparation for this work and as a saving to the future contract, leaving only slurry and striping in those areas as a part of this contract. To date, Public Works staff have crack sealed over 40 residential streets located in of portions of Empire Ranch including, but not limited to, Galston Drive, Hildebrand Circle, Porter Road, Haddington Drive, Coldstream Court, Dornie Circle, Bankfoot Court, Applecross Court, Buckhaven Way, Witburn Way, Berriedale Court, Halkirk Way, Dunkeld Lane, Freswick Drive, Brae Court, Dysart Way, Bettyhill Court, Bridgend Way Callander Way, Glenn-Finnan Way, Wesley Drive, Mossbank Way Burwick Lane, Muirkirk Court, Handy Way, Ritchie Street, Slayback Court, Tucher Way, Kavine Way, Hulett Road, Ardfern Way, Bonhill Drive, Greenlaw Way, Kilrenny Court, Woodhead Street, Tyndrum Lane, Clydebank Lane, Huntly Drive, and Langholm Way as shown in exhibits as part of Attachment 2 to staff's report. The work continues weekly to make effective and efficient use of City resources in our ongoing commitment to road maintenance for Folsom.

Project Locations and Improvements

Attachment 2 depicts pavement maintenance locations under this contract, which include:

- Glenn Drive (200 feet east of Folsom Boulevard to Sibley Street)
- Coolidge Drive (Glenn Drive to Parkshore Drive)
- Parkshore Drive (Folsom Boulevard to Plaza Drive)
- Plaza Drive (Blue Ravine Road to Blue Ravine Road)
- Empire Ranch Road (approximately 1,000 feet north of East Natoma Street to Iron Point Road)
- Multiple residential neighborhoods in Empire Ranch

The project improvements include approximately:

- 25,000 pounds of crack seal material on arterial and collector roadways
    - (Residential streets within the project area were recently crack sealed by City staff and are not included in the contract crack sealing quantities.)

- 373,000 square yards of slurry seal application
- 5,000 tons of asphalt repair and rehabilitation
- 4,000 square feet of curb, gutter, sidewalk, and concrete replacement
- ADA ramp upgrades and utility adjustments
- Reflective roadway striping and pavement markings throughout all project locations
- Upgraded high-visibility yellow pedestrian crosswalks in school zones
- Buffered bicycle lanes on Empire Ranch Road and Glenn Drive

The proposed improvements will preserve roadway conditions, improve ride quality, enhance accessibility, and increase safety for motorists, pedestrians, and bicyclists. Attachment 3 provides photos of existing conditions against digital renderings of the after conditions once the project is complete.

To minimize impacts to students, parents, and school operations, the project documents require the contractor to complete all work immediately surrounding Empire Oaks Elementary School and Russell Ranch Elementary School prior to the start of the school year in early August.

Residents and businesses within the project areas will receive advance notification prior to construction activities. Temporary traffic control measures, parking restrictions, and short-duration lane closures will be used during construction to safely complete the work while maintaining local access whenever feasible.

Construction is anticipated to begin in June 2026 and will be completed by October 2026 in advance of winter weather.

As maintenance efforts continue, future paving contracts will include:

- The Parkway
- Prairie Oaks
- Prairie City Road
- Willow Springs
- Natoma Station
- Lexington Hills
- Cavitt Drive
- Iron Point Road
- Broadstone Parkway
- Clarksville Road
- Oak Avenue Parkway (with other capital projects)
- Riley Street (with other capital projects)
- East Bidwell Street (with other capital projects)
- Sutter Street
- East Natoma Street
- Figueroa Street (with other capital projects)
- Mormon Street (with other capital projects)
- Reading Street (with other capital projects)
- Bridge Street (with other capital projects)

- Scott Road (with other capital projects)
- Natomas Heights
- Blue Ravine Road
- Placerville Road (with other Capital Projects)
- Bayline Circle
- Woodmere Road
- Folsom Boulevard (State funded)
- McAdoo Drive
- Broadstone

Staff is fully committed to the most cost-effective approach in maintaining city roads by keeping or improving its PCI wherever possible to uphold the quality-of-life Folsom's residents value within available funding. This includes partnering with other departments and agencies in capital project delivery as well as leveraging state and federal funding and public-private partnerships in development work where feasible. The City has had recent success in leveraging these trusted relationships that result in a win-win for the community and its infrastructure.

POLICY / RULE

Section 2.36.120 of the Folsom Municipal Code states, in part, that contracts for supplies, equipment, services, and construction with an estimated value of $77,426 or greater shall be awarded by the City Council.

ANALYSIS

Public Works staff prepared the bid package, and the project was publicly advertised on May 7, 2026. On May 20, 2026, the Public Works Department conducted a mandatory pre-bid conference and project walk for prospective bidders. The meeting provided contractors with an overview of the project scope, schedule requirements, traffic control expectations, and school-area schedule requirements. A total of twelve prospective contractors attended the mandatory pre-bid conference.

On May 26, 2026, the Public Works Department received the following bids:

1.	Consolidated Engineering, Inc.	$ 2,856,988.45
2.	Pavement Coatings Co.	$ 2,924,458.72
3.	Central Valley Engineering & Asphalt	$ 2,982,469.00
4.	VSS International	$ 2,993,120.00
5.	Western Engineering	$ 3,188,726.90
6.	B&M Civil	$ 3,455,476.00
7.	All American Construction	$ 3,486,486.50
8.	Martin Brothers Construction	$ 3,669,522.40
9.	United Pavement Maintenance	$ 3,780,006.75

The Engineer's Estimate for this project was $3,730,000. The Public Works Department evaluated the bids received and determined that the apparent low bidder, Consolidated Engineering, Inc., submitted the lowest responsive and responsible bid.

The proposed pavement rehabilitation work is consistent with the recommendations identified in the City's 2026 Pavement Management Program Update and supports the City's ongoing effort to preserve roadway infrastructure through preventative maintenance strategies that maximize pavement life and reduce long-term rehabilitation costs.

Should City Council approve this contract, staff will use the City's standard Construction Agreement in a form acceptable to the City Attorney.

FINANCIAL IMPACT

The contract with Consolidated Engineering, Inc., would be authorized for $2,856,988.45, with the project budgeted for a total of $3,142,687.30, which will include a ten percent contingency amount of $285,698.85 for potential change orders.

The Street Overlay/Pavement Management FY25-26 Project, Project No. 8017, was included in the City's approved Fiscal Year 2025-26 Capital Improvement Plan with a total project budget of $2,000,000, with $1,000,000 each in the SB-1 Road Maintenance and Rehabilitation Fund (Fund 235) and in the Measure A Fund (Fund 276). Project encumbrances and expenditures to date are $239,357.81 in the Measure A Fund (Fund 276), leaving a remaining project budget available balance of $1,760,642.19. An additional appropriation of $1,382,045.11 in the Measure A Fund (Fund 276) is being requested to cover the cost of the contract, bringing the total project budget to $3,382,045.11. There is sufficient funding available in the Measure A Fund (Fund 276) for this appropriation.

ENVIRONMENTAL REVIEW

This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301(c) – Existing Facilities. The project consists of maintenance, repair, rehabilitation, and minor alterations to existing public streets, sidewalks, curbs, gutters, bicycle facilities, and related roadway infrastructure with negligible or no expansion of existing use. Improvements include pavement resurfacing, slurry seal, asphalt repair, crack sealing, concrete replacement, ADA ramp upgrades, roadway striping, and installation of buffered bicycle lanes within existing roadway corridors.
CEQA Guidelines Section 15301(c) specifically exempts existing highways and streets, sidewalks, gutters, bicycle and pedestrian facilities, and similar roadway improvements, including the addition of bicycle lanes and other transportation safety improvements that do not create additional automobile travel lanes.

ATTACHMENTS

1. Resolution No. 11644 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Consolidated Engineering, Inc. in the amount of $2,856,988.45, with $1,000,000 from the SB-1 Road Maintenance and Rehabilitation Fund (Fund 235) and $1,856,988.45 from the Measure A Fund (Fund 276), for the Pavement

Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds in the amount of $1,382,045.11 in the Measure A Fund (Fund 276)

2. Project Location Exhibits
3. Project Renderings – Before and After

Respectfully Submitted,

Rebecca Neves, Public Works Director/City Engineer

ATTACHMENT 1

Resolution No. 11644 - A Resolution Authorizing the City Manager to Execute a Construction Agreement with Consolidated Engineering, Inc. in the amount of $2,856,988.45, with $1,000,000 from the SB-1 Road Maintenance and Rehabilitation Fund (Fund 235) and $1,856,988.45 from the Measure A Fund (Fund 276), for the Pavement Resurfacing Project FY 25-26, Project No. 8017, and Appropriation of Funds in the amount of $1,382,045.11 in the Measure A Fund (Fund 276)

RESOLUTION NO. 11644

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONSTRUCTION AGREEMENT WITH CONSOLIDATED ENGINEERING, INC. IN THE AMOUNT OF $2,856,988.45, WITH $1,000,000 FROM THE SB-1 ROAD MAINTENANCE AND REHABILITATION FUND (FUND 235) AND $1,856,988.45 FROM THE MEASURE A FUND (FUND 276), FOR THE PAVEMENT RESURFACING PROJECT FY 25-26, PROJECT NO. 8017, AND APPROPRIATION OF FUNDS IN THE AMOUNT OF $1,382,045.11 IN THE MEASURE A FUND (FUND 276)

WHEREAS, the City of Folsom desires to repair and resurface the existing asphalt on various roadways within the City; and

WHEREAS, the project was publicly advertised, and nine bids were received on May 26, 2026, with Consolidated Engineering, Inc. being the lowest responsive and responsible bidder; and

WHEREAS, the Engineer's Estimate for this project was $3,730,000; and

WHEREAS, the Street Overlay/Pavement Management FY25-26 Project, Project No. 8017, was included in the City's approved Fiscal Year 2025-26 Capital Improvement Plan with a total budget of $2,000,000, utilizing $1,000,000 in the SB-1 Road Maintenance and Rehabilitation Fund (Fund 235) and $1,000,000 the Measure A Fund (Fund 276), with project encumbrances and expenditures to date of $239,357.81, leaving a remaining project budget available balance of $1,760,642.19; and

WHEREAS, an appropriation of $1,382,045.11 in the Measure A Fund (Fund 276) will be required; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom authorizes the City Manager to execute a Construction Agreement with Consolidated Engineering, Inc. in the amount of $2,856,988.45, with the budget amount to include a ten percent contingency of $285,698.85 for potential change orders, for a total not to exceed amount of $3,142,687.30 for the Pavement Resurfacing Project FY 25-26, Project No. 8017.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is authorized to appropriate $1,382,045.11 in the Measure A Fund (Fund 276) for the Pavement Resurfacing Project FY25-26, Project No. 8017.

PASSED AND ADOPTED on this 9th day of June 2026, by the following roll-call vote:

AYES: Councilmember(s):

NOES: Councilmember(s):
ABSENT: Councilmember(s):
ABSTAIN: Councilmember(s):

Justin Raithel, MAYOR

ATTEST:

Christa Freemantle, CITY CLERK

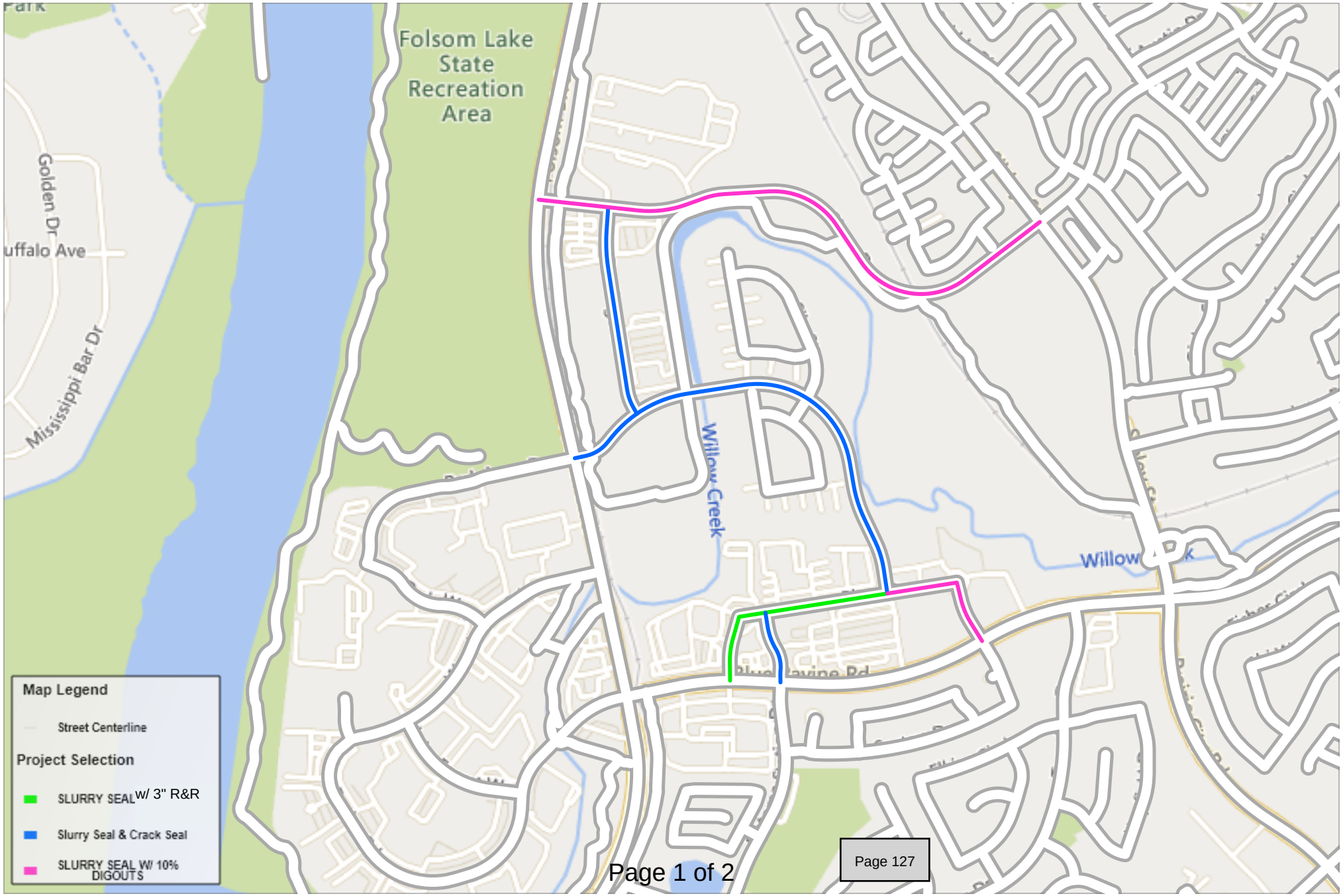
ATTACHMENT 2

Project Location Exhibits

Attachment 2. Project Location Exhibits

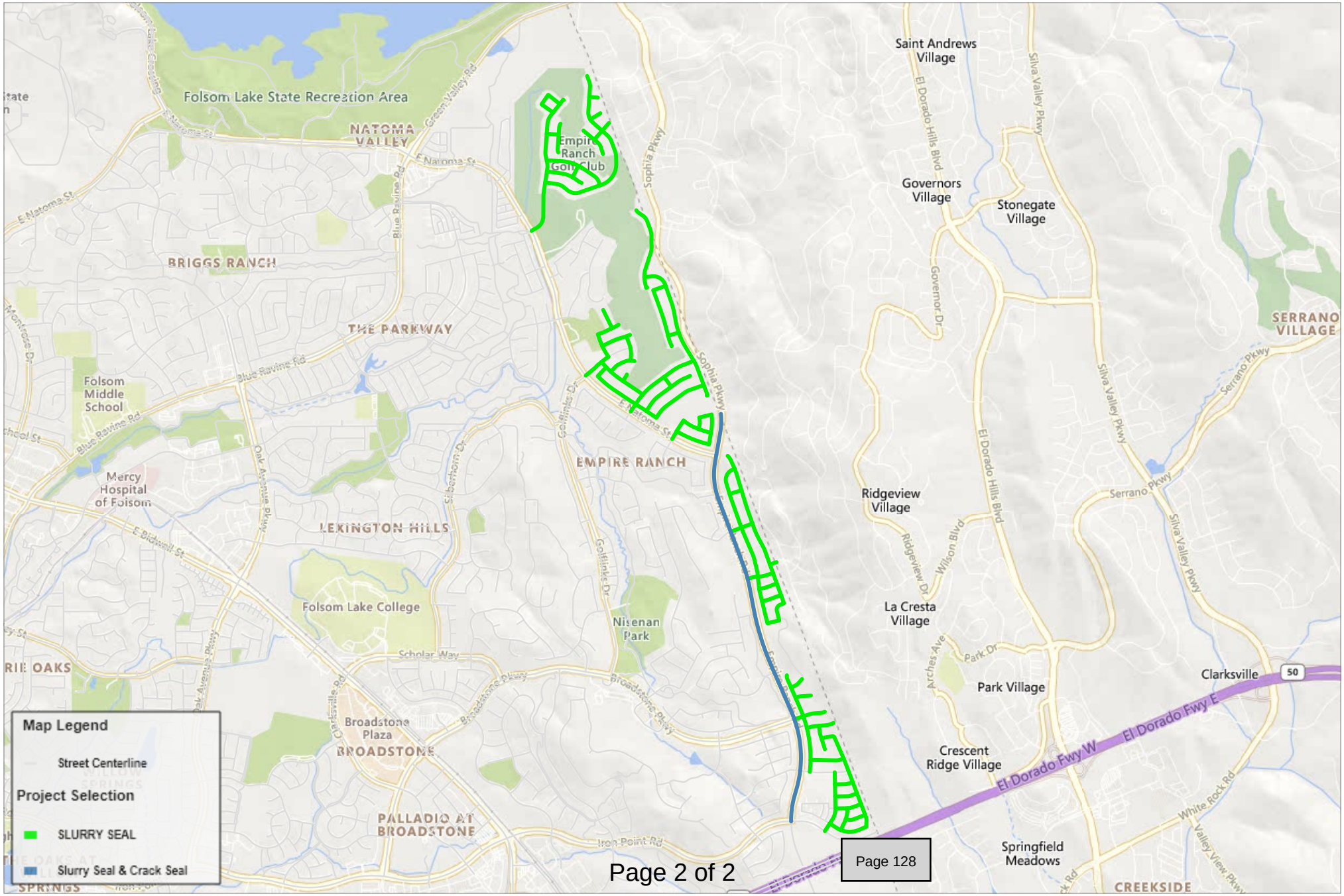
City of Folsom

FY 25-26 Slurry - 2027 Project Period - Printed: 4/15/2026



City of Folsom

FY 25-26 Slurry East - 2027 Project Period - Printed: 4/15/2026

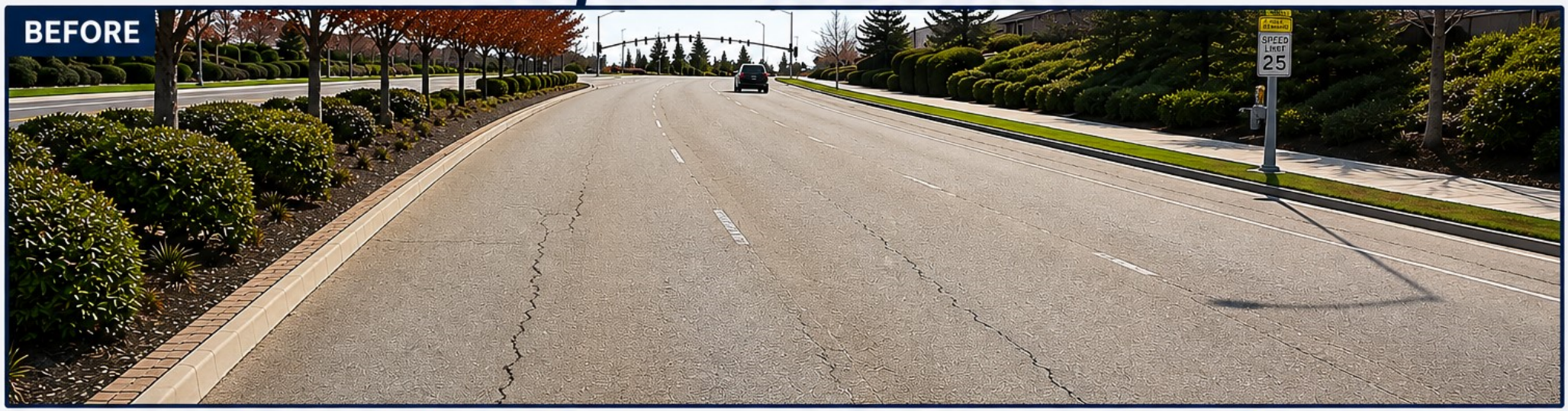


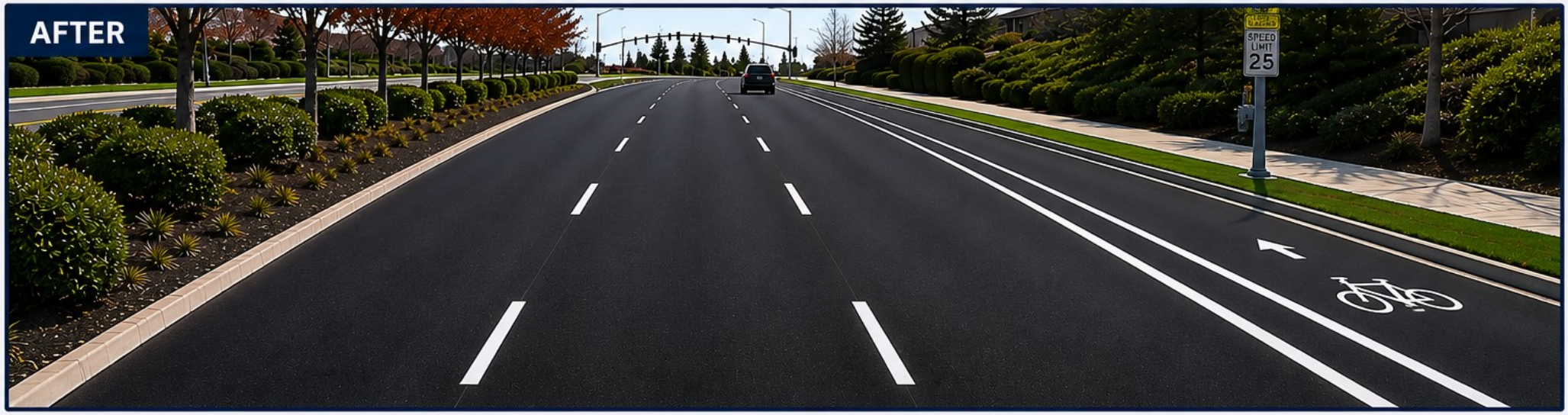
ATTACHMENT 3

Project Renderings – Before and After

Pavement Resurfacing FY 25-26

Empire Ranch Road





Slurry Seal applied to extend pavement life, improve ride quality, and maintain City infrastructure.

These renderings were created using AI-assisted visualization software to illustrate the project's conceptual design and are not final construction documents.

Pavement Resurfacing FY 25-26

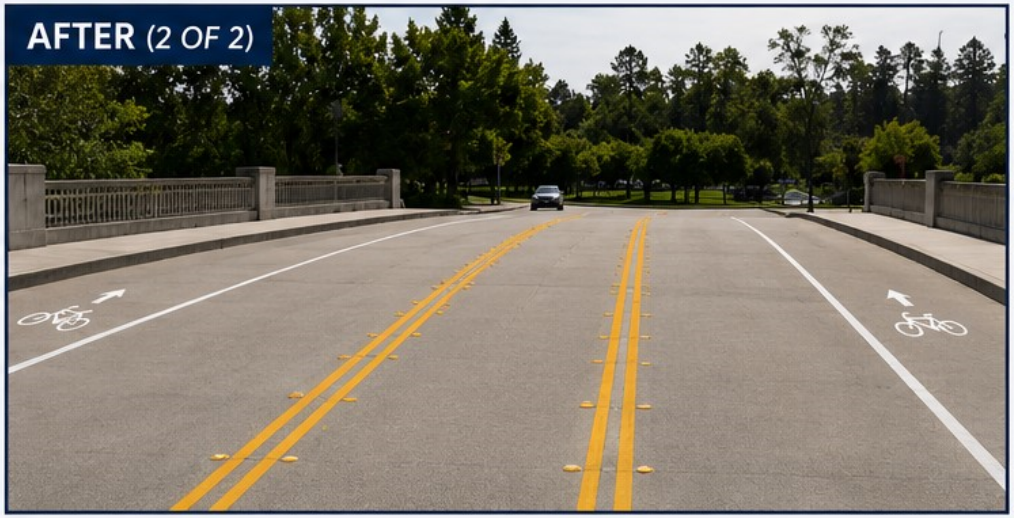
Glenn Drive

Slurry Seal applied to extend pavement life, improve ride quality, and maintain City infrastructure.

These renderings were created using AI-assisted visualization software to illustrate the project's conceptual design and are not final construction documents.

Pavement Resurfacing FY 25-26

Parkshore Drive



Slurry Seal applied to extend pavement life, improve ride quality, and maintain City infrastructure.

These renderings were created using AI-assisted visualization software to illustrate the project's conceptual design and are not final construction documents.

Pavement Resurfacing FY 25-26

Plaza Drive

Slurry Seal applied to extend pavement life, improve ride quality, and maintain City infrastructure.

These renderings were created using AI-assisted visualization software to illustrate the project's conceptual design and are not final construction documents.

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11671 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $548,662, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $38,195, and Appropriation of Funds from Gas Tax 2105 Fund (Fund 247) in the amount of $586,857 for the Glenn Drive Emergency Storm Drain Replacement Project
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department respectfully recommends that the City Council move to approve Resolution No. 11671 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $548,662, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $38,195, and Appropriation of Funds from Gas Tax 2105 Fund (Fund 247) in the amount of $586,857 for the Glenn Drive Emergency Storm Drain Replacement Project.

BACKGROUND

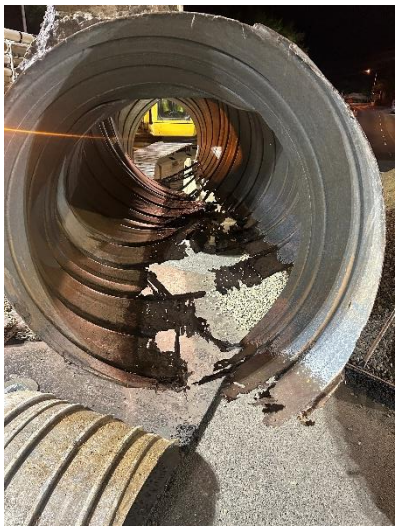
On the afternoon of March 19, 2026, Public Works staff were made aware of a potential sinkhole developing at the center of the Glenn Drive and Sibley Street intersection. Staff plated the location immediately and contacted the top-ranked contractor from the City's recently established On-Call Contractor List, Doug Veerkamp General Engineering, Inc., for an immediate job walk and scoping of the work. Assessment took place on the morning of March 20, 2026, and work began to replace a failed segment of the City's storm drain system that was collapsing below the roadway surface. Due to heavy daily use of this intersection, work took place at night from March 21, 2026, to March 29, 2026. The contractor replaced 242 feet of failed 42" diameter spun aluminum pipe that had been placed in the late 1980's. Work also included paving of the intersection to address the damaged subsurface conditions caused by the sinkhole.

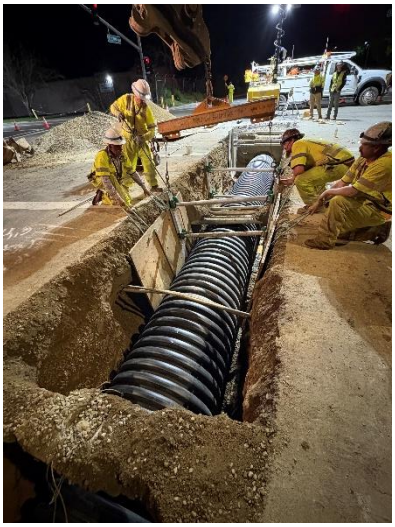
POLICY / RULE

In accordance with Chapter 2.36.150 of the Folsom Municipal Code (FMC), the City Manager shall make or authorize others to make emergency procurement of supplies, equipment, services, or construction items when there exists a threat to public health, welfare, or safety. Contracts greater than $77,426 shall be ratified by the City Council in accordance with FMC 2.36.

ANALYSIS

On the merits of public health and safety and in accordance with Folsom Municipal Code 2.36.150 Emergency Procurement, staff determined immediate action was warranted at the first initial sighting of a developing sinkhole in the intersection of Glenn Drive and Sibley Street. Below are photos of the sinkhole visible from the surface, a segment of the failed storm drain pipe removed, and installation of the replacement 42" storm drain pipe.





Once the failed storm drain segment was replaced, paving work to address the compromised subgrade and intersection was addressed through a grind and overlay, as shown in the two photos below.

SIBLEY ST

The existing storm drain system in all directions of the failure was inspected and found to be currently stable, but with the potential for a degraded condition that warranted future consideration for replacement. For that reason, Public Works staff recommended, and City Council approved a more robust project and funding for the Glenn Drive Storm Drain Project, Project No. PW 2501. Design for that project will start in early fall of 2026, with construction documents ready to bid in the fall of 2027 for the Spring of 2028 construction season.

FINANCIAL IMPACT

Due to the urgent nature of the repairs, the City Manager authorized execution of emergency repair agreements with Doug Veerkamp General Engineering, Inc. in the amount of $548,662 and Dewberry, Inc. in the amount of $38,195, for a total emergency repair cost of $586,857, prior to City Council consideration. Ratification of these agreements will authorize expenditures totaling $586,857.

A budget appropriation is required in the Gas Tax 2105 Fund (Fund 247) to fund the emergency repair agreements. The Gas Tax 2105 Fund has sufficient available fund balance to support the required appropriation.

City Council ratification of the agreements will not result in any additional fiscal impact beyond the emergency repair costs already authorized and incurred. Ratification confirms the administrative actions previously taken by the City Manager.

ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269 (Emergency Repairs and Projects Exemption) of the CEQA Guidelines.

ATTACHMENT

Resolution No. 11671 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $548,662, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $38,195, and Appropriation of Funds from Gas Tax 2105 Fund (Fund 247) in the amount of $586,857 for the Glenn Drive Emergency Storm Drain Replacement Project.

Respectfully Submitted,

Rebecca Neves

Rebecca Neves, Public Works Director/City Engineer

Attachment 1

RESOLUTION NO. 11671

A RESOLUTION RATIFYING THE EXECUTION OF AN EMERGENCY REPAIR CONTRACT WITH DOUG VEERKAMP GENERAL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED $548,662, AN ON-CALL CONSTRUCTION MANAGEMENT SERVICES CONTRACT WITH DEWBERRY, INC. IN AN AMOUNT NOT TO EXCEED $38,195, AND APPROPRIATION OF FUNDS FROM GAS TAX 2105 FUND (FUND 247) IN THE AMOUNT OF $586,857 FOR THE GLENN DRIVE EMERGENCY STORM DRAIN REPLACEMENT PROJECT

WHEREAS, the Public Works Department was made aware of a rapidly growing sinkhole in the center of the Glenn Drive and Sibley Street intersection and identified it as an immediate threat to public health and safety, warranting immediate action; and

WHEREAS, the City Manager made a determination based on the recommendations from the Public Works Department for emergency procurement for construction services under the existence of a threat to public health, welfare, and safety, pursuant to Folsom Municipal Code Section 2.36.150 Emergency Procurement; and

WHEREAS, staff selected the top-ranked contractor for a recently established On-Call Contractor List based on a Request for Qualifications that had been released in December of 2025; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269; and

WHEREAS, sufficient funding is available in Gas Tax 2105 Fund (Fund 247); and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom does hereby ratify the execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $548,662 and an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $38,195.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is authorized to appropriate $586,857 in the Gas Tax 2105 Fund (Fund 247) for the Glenn Drive Emergency Storm Drain Replacement Project.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11672 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $253,197, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $16,146, and Appropriation of Funds from Gas Tax 2105 (Fund 247) in the amount of $269,343 for the Prewett Drive Emergency Storm Drain Replacement Project
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff respectfully recommends that the City Council move to approve Resolution No. 11672 - Resolution No. 11672 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $253,197, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $16,146, and Appropriation of Funds from Gas Tax 2105 (Fund 247) in the amount of $269,343 for the Prewett Drive Emergency Storm Drain Replacement Project.

BACKGROUND

On the morning of April 12, 2026, Public Works staff were made aware of a potential sinkhole developing on Prewett Drive, near the intersection of Newington Way. Staff assessed and plated the location immediately and contacted the top-ranked contractor from the City's recently established On-Call Contractor List, Doug Veerkamp General Engineering, Inc., for an immediate job walk and scoping of the work. Work began to replace a failed segment of the City's storm drain system that had collapsed below the roadway surface, leaving a significant void at street level. The contractor replaced 80 feet of failed 48" diameter spun aluminum pipe that had been placed in the late 1990's. Work also included paving of the intersection to address the damaged subsurface conditions caused by the sinkhole.

POLICY / RULE

In accordance with Chapter 2.36.150 of the Folsom Municipal Code (FMC), the City Manager shall make or authorize others to make emergency procurement of supplies, equipment, services, or construction items when there exists a threat to public health, welfare, or safety. Contracts greater than $77,426 shall be ratified by the City Council in accordance with FMC 2.36.

ANALYSIS

On the merits of public health and safety and in accordance with Folsom Municipal Code 2.36.150 Emergency Procurement, staff determined immediate action was warranted at the intersection of Prewett Drive and Newington Way. Below are photos of the sinkhole visible from the road surface, and preparation for the installation of the replacement storm drain pipe.

Once the failed storm drain segment was replaced, paving work to address the compromised subgrade and intersection was addressed through a grind and overlay.

The existing storm drain system in all directions of the failure was inspected and found to be currently stable, but with the potential for a degraded condition that warranted future consideration for replacement. For that reason, Public Works staff is currently scoping a larger project to address the storm drain mainlines in the Lexington Hills neighborhood.

FINANCIAL IMPACT

Due to the urgent nature of the repairs, the City Manager authorized execution of emergency repair agreements with Doug Veerkamp General Engineering, Inc. in the amount of $253,197 and Dewberry, Inc. in the amount of $16,146, for a total emergency repair cost of $269,343, prior to City Council consideration. Ratification of these agreements will authorize expenditures totaling $269,343.

A budget appropriation is required in the Gas Tax 2105 Fund (Fund 247) to fund the emergency repair agreements. The Gas Tax 2105 Fund has sufficient available fund balance to support the required appropriation.

City Council ratification of the agreements will not result in any additional fiscal impact beyond the emergency repair costs already authorized and incurred. Ratification confirms the administrative actions previously taken by the City Manager.

ENVIRONMENTAL REVIEW

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269 (Emergency Repairs and Projects Exemption) of the CEQA Guidelines.

ATTACHMENT

Resolution No. 11672 - A Resolution Ratifying the Execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $253,197, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $16,146, and Appropriation of Funds from Gas Tax 2105 (Fund 247) in the amount of $269,343 for the Prewett Drive Emergency Storm Drain Replacement Project

Respectfully Submitted,

Rebecca Neves, Public Works Director/City Engineer

Attachment 1

RESOLUTION NO. 11672

A RESOLUTION RATIFYING THE EXECUTION OF AN EMERGENCY REPAIR CONTRACT WITH DOUG VEERKAMP GENERAL ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED $253,197, AN ON-CALL CONSTRUCTION MANAGEMENT SERVICES CONTRACT WITH DEWBERRY, INC. IN AN AMOUNT NOT TO EXCEED $16,146, AND APPROPRIATION OF FUNDS FROM GAS TAX 2105 (FUND 247) IN THE AMOUNT OF $269,343 FOR THE PREWETT DRIVE EMERGENCY STORM DRAIN REPLACEMENT PROJECT

WHEREAS, the Public Works Department was made aware of an abrupt and very large sink hole in the center of Prewett Drive near the intersection of Newington Way and identified it as an immediate threat to public health and safety, warranting immediate action; and

WHEREAS, the City Manager made a determination based on the recommendations from the Public Works Department for emergency procurement for construction services under the existence of a threat to public health, welfare, and safety, pursuant to Folsom Municipal Code Section 2.36.150 Emergency Procurement;

WHEREAS, staff selected the top-ranked contractor for a recently established On-Call Contractor List based on a Request for Qualifications that had been released in December of 2025; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15269; and

WHEREAS, sufficient funding is available in the Fund 247; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Folsom does hereby ratify the execution of an Emergency Repair Contract with Doug Veerkamp General Engineering, Inc. in an amount Not to Exceed $253,197, an On-Call Construction Management Services Contract with Dewberry, Inc. in an amount Not to Exceed $16,146.

.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Finance Director is authorized to appropriate $269,343 in the Gas Tax 2105 Fund (Fund 247) for the Prewett Drive Emergency Storm Drain Replacement Project.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
SUBJECT:	Resolution No. 11673 - A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25
FROM:	Public Works Department

RECOMMENDATION / CITY COUNCIL ACTION

The Public Works Department recommends that the City Council pass and adopt Resolution No. 11673 – A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25

BACKGROUND / ISSUE

The Riley Street Safety Improvement Project is a high-priority initiative to improve pedestrian safety and connectivity along Riley Street between East Bidwell Street and Sutter Street. Riley Street serves as a critical corridor linking Sutter Middle School, the Central Business District, and Historic Folsom.

A 2020 feasibility study prepared by R.E.Y. Engineers, Inc., segmented the corridor into three primary areas, documenting severe deficiencies in sidewalk continuity, Americans with Disabilities Act (ADA) compliance, storm drainage, and pedestrian crossings. Key hazards include substandard or missing sidewalks, non-compliant curb ramps, inadequate stormwater infrastructure, and challenging grades along the section of Riley Street between Mormon Street and Sutter Street.

In February 2022, Congressman Bera's office requested a call for projects for potential federal funding that included a city cost-share requirement of 11.47%. Public Works staff submitted a request for the Riley Street Safety Improvement Project, and the project was ultimately chosen to receive $4 million in project funding with a local cost share requirement of $518,243. This

Congressionally Directed Spending grant funding includes a requirement that funds must be obligated to the appropriate project phase by September 30, 2026.

On August 26, 2025, City Council approved Resolution No. 11452 to execute a design and engineering contract with R.E.Y. Engineers for the project to initiate project approval and environmental document (PA&ED) tasks, and on April 28, 2026, City Council approved Resolution No. 11603 to authorize contract amendment #1 with R.E.Y. Engineers for final design tasks.

A project overview and status update were presented to the Historic District Commission at their June 24th special meeting. No action was requested of the commission, but public comments at the meeting were supportive of the project. Specific design decisions related to conforming to the Historic District Design Guidelines will be implemented where feasible as design progresses.

The project has completed preliminary design tasks, and the environmental document has been prepared and reviewed by staff. As a result of the environmental analyses, the project has been determined as eligible for a Class 1 Categorical Exemption pursuant to Section 15301 – Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, and a Statutory Exemption pursuant to Public Resources Code (PRC) Section 21080.25.

POLICY / RULE

The environmental review process and notice of exemption preparation and filing are pursuant to Title 14, Division 6, Chapter 3, Article 5, Section 15062 of the California Administrative Code. The City of Folsom is the responsible agency, and the City Council is responsible for the final determination of the environmental analysis.

ANALYSIS

In support of the proposed project, the environmental subconsultant working on the project, HELIX, prepared the following project-specific technical studies to substantiate the project's exemption from further CEQA review:

- Arborist Inventory and Reconnaissance-Level Biological Resources Overview
- Historical Resources Evaluation Report
- Archaeological Survey Report
- Noise and Vibration Impact Assessment
- Air Quality Conformity and Impact Assessment

The Notice of Exemption and additional pages report summarizing the findings in the various technical studies are included as Attachment 2. Below is a brief overview of the results of the technical studies.

Arborist Inventory and Reconnaissance Level Biological Resources Overview

Seven trees located within or overhanging the riparian corridor adjacent to the project alignment are potentially subject to CFGC Section 1602 and may require permitting through CDFW if they are removed. Ultimate determination will be made as the final design progresses.

No special-status plant species were determined to have the potential to occur in the project alignment or be impacted by the proposed project. No special-status wildlife species were determined to have the potential to occur in the project alignment or be impacted by the proposed project. Preconstruction surveys for nesting birds will be required.

Historic Resources Evaluation Report

The HRER determined that three resources within the Area of Potential Effects (APE) are determined to be eligible for inclusion in the National Register of Historic Places (NRHP), which includes Bridge No. 24C0269 (which carries Figueroa Street over the Riley Ravine Creek), the commercial building at 701 Sutter Street/302 Riley Street (P-34-000962), and the Quonset hut at 701 Bidwell Street. However, all three resources are located outside the Area of Direct Effects (ADE) and would not be impacted by project construction.

Archaeological Survey Report

During the archaeological field survey, no undocumented cultural resources were found within the project site. In the unlikely event that archaeological cultural resources, and/or human remains or funerary objects are discovered during project construction, standard construction BMPs will be incorporated into the project's construction specifications and will be implemented as necessary.

Noise and Vibration Impact Assessment

Daytime construction noise (7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on weekends) is exempt from the City's Noise Ordinance (Chapter 8.42 of the Folsom Municipal Code). The project would likely require temporary nighttime construction work for reasons including avoiding traffic congestion, maintaining emergency access, and worker safety. Therefore, to comply with the City's Noise Ordinance, the City would be required to follow the variance process per Section 8.42.090 (including approval by the City Council) to allow nighttime construction work. As final design progresses, if it is ultimately determined that night work will be allowed or required, staff will bring back a request for authorization to the City Council with recommended noise reduction measures for consideration.

Construction activities known to generate excessive ground-borne vibration, such as pile driving or blasting, would not be conducted during project construction. The project construction specifications will include standard construction vibration reduction measures to minimize vibration disturbances.

Air Quality Conformity and Impact Assessment

The project would not result in a substantial change to existing traffic volumes or flows on City streets during operation. Basic Construction Emission Control Practices (BCECPs) will be incorporated into the project's construction specifications.

FINANCIAL IMPACT

There is no financial impact associated with the proposed action of finding the project as CEQA Exempt.

ENVIRONMENTAL REVIEW

Per Section 15301 of the CEQA Guidelines, a Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Subsection (b) applies to existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services. Subsection (c) applies to existing streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes.

The proposed bicycle, pedestrian, and roadway improvements, as well as the utility relocation and improvements, would be eligible for a Class 1 Categorical Exemption under Sections 15301(b) and 15301(c) of the CEQA Guidelines. The proposed project would not involve a substantial expansion of use; rather, the project aims to provide safer designated spaces for cyclists and pedestrians who already utilize Riley Street. As documented in the NOE report and substantiated by the technical studies prepared for the project, the proposed project would result in no significant impacts to the environment and would be exempt from CEQA review.

The applicability of all Categorical Exemptions is qualified by the exceptions listed in CEQA Guidelines Section 15300.2(a) through (f). As noted in detail in the NOE report, each exception listed would not apply to the proposed project.

Additionally, Senate Bill (SB) 288, signed in 2020, created Public Resources Code (PRC) Section 21080.25, which establishes Statutory Exemptions for projects related to the institution or increase of public mass transit, including bus, bus rapid transit, light rail, and passenger rail, or commuter services, including pedestrian and bicycle facilities. This list of projects established in PRC Section 21080.25(b) has been determined not to have a significant effect on the environment and, as a result, is exempt from further review under CEQA. Specifically, PRC Section 21080.25(b)(1) states that CEQA shall not apply to “pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way.” Bicycle facilities include, but are not limited to, bicycle parking, bicycle sharing facilities, and bikeways, as defined in Section 890.4 of the Streets and Highways Code. Section 890.4 of the Streets and Highways Code defines these facilities as all facilities that provide primarily for, and promote bicycle travel (e.g., Class I bikeways [bike paths], Class II bikeways [bike lanes], Class III bikeways [bike routes], and Class IV bikeways [cycle tracks]).

The proposed project would improve pedestrian safety, ADA accessibility, and connectivity along a key residential and commercial corridor that links the FHD, Central Business District, and Sutter

Middle School. The proposed project would establish a Class II bike lane along the entire corridor, rehabilitate or reconstruct pavement along Riley Street, and construct sidewalks and other pedestrian safety features to enhance transportation infrastructure and promote mobility for pedestrians, cyclists, and motorists. Due to its nature, the project qualifies for a Statutory Exemption under PRC Section 21080.25(b)(1) and, as a result, would not have a significant effect on the environment.

ATTACHMENTS

1. Resolution No. 11673 – A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25

2. CEQA Notice of Exemption report

Submitted,

_____

Rebecca Neves, PUBLIC WORKS DIRECTOR/CITY ENGINEER

Attachment 1

RESOLUTION NO. 11673

A RESOLUTION FINDING THE RILEY STREET SAFETY IMPROVEMENT PROJECT EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15301 AND PUBLIC RESOURCES CODE SECTION 21080.25

WHEREAS, the City of Folsom has identified the Riley Street Safety Improvement Project as a priority to improve pedestrian safety along the Riley Street corridor; and

WHEREAS, City Council approved Resolution No. 11452 authorizing the City Manager to execute a design and engineering contract with R.E.Y. Engineers, Inc. to prepare project approval and environmental document (PA&ED) for the Riley Street Safety Improvement Project; and

WHEREAS, the design team has prepared environmental technical studies to support the findings; and

WHEREAS, the project has been determined as eligible for a Class 1 Categorical Exemption pursuant to Section 15301 – Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, and a Statutory Exemption pursuant to Public Resources Code (PRC) Section 21080.25; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Folsom finds the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25.

PASSED AND ADOPTED on this 14th day of July 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Sacramento
3636 American River Drive, Suite 110
Sacramento, CA 95864

From: (Public Agency): City of Folsom
50 Natoma Street
Folsom, CA 95630
(Address)

Project Title: Riley Street Safety Improvement Project

Project Applicant: City of Folsom, 50 Natoma Street, Folsom, CA 95630

Project Location - Specific:
Riley Street between Sutter Street and E. Bidwell Street

Project Location - City: Folsom Project Location - County: Sacramento

Description of Nature, Purpose and Beneficiaries of Project:

The project includes safety improvements along an approximately 0.5-mile-long segment of Riley Street between Sutter Street and E. Bidwell Street. The project would establish a Class II bike lane, rehabilitate or reconstruct pavement along Riley Street, and construct sidewalks and other pedestrian safety features to enhance transportation infrastructure and promote mobility for pedestrians, cyclists, and motorists. The project would also include utility improvements and relocation where necessary. See additional pages.

Name of Public Agency Approving Project: City of Folsom, 50 Natoma Street, Folsom, CA 95630

Name of Person or Agency Carrying Out Project: City of Folsom, 50 Natoma Street, Folsom, CA 95630

Exempt Status: **(check one):**

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Class 1: CEQA Guidelines Sec.15301(b), 15301(c)
- ☒ Statutory Exemptions. State code number: Public Resources Code (PRC) Sec. 21080.25(b)(1)

Reasons why project is exempt:

Pursuant to CEQA Guidelines Sec. 15301(b) and (c), the project includes improvements to an existing street, and would not involve a substantial expansion of use; rather, it would provide safer designated spaces for cyclists and pedestrians who already utilize an existing street. Existing overhead and underground utilities within right-of-way (ROW) would be relocated or reconfigured where necessary. None of the exceptions in Sec. 15300.2(a) through (f) would apply. Pursuant to PRC Sec. 21080.25(b)(1), the project would meet the definition of a pedestrian and bicycle facility, and would include safety improvements and new bike facilities within the ROW. It would not induce vehicle trips or add new lanes. None of the excluding criteria in PRC Sec. 21080.25(c), (d), and (e) would apply.

Lead Agency Contact Person: Rebecca Neves, PE, Public Works Director Area Code/Telephone/Extension: 916.461.6711

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

Revised 2011

INTRODUCTION

This report serves as the technical documentation of an environmental analysis for the Riley Street Safety Improvement Project ("proposed project" or "project") in the City of Folsom (City), Sacramento County (County), California. The project would include the construction of bicycle, pedestrian, and roadway improvements along an approximately 0.5-mile-long segment of Riley Street between Sutter Street and E. Bidwell Street. The intent of the analysis is to document the project's eligibility for a Class 1 Categorical Exemption pursuant to Section 15301 – Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines, and a Statutory Exemption pursuant to Public Resources Code (PRC) Section 21080.25.

However, even where a project qualifies for a Categorical Exemption, the CEQA lead agency may not rely on it if any of the exceptions to the categorical exemptions set forth in the CEQA Guidelines Section 15300.2(a) through (f) apply. In addition, PRC Sections 21080.25(c), (d), and (e) establish criteria that projects must meet in order to qualify for a Statutory Exemption. This document also provides an explanation as to why none of the exceptions to a Categorical Exemption apply to the project and that the project would meet the criteria for a Statutory Exemption. This document concludes that the project is eligible for a Categorical Exemption according to CEQA Guidelines Sections 15301(b) and 15301(c) and a Statutory Exemption pursuant to PRC Section 21080.25(b)(1).

This document has been prepared per the requirements of CEQA of 1970 (PRC Section 21000, et seq.), and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000, et seq.). by HELIX Environmental Planning, Inc. (HELIX) on behalf of the City of Folsom as the CEQA lead agency.

PROJECT BACKGROUND AND PURPOSE

In November 2021, the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), was passed into law. With the passage of IIJA, the Community Project Funding/Congressionally Directed Spending (CPFCDS) program was created to support specific community projects as part of the annual appropriations process. The proposed project is federally funded under the CPFCDS program, which, in the case of the project, is administered by the California Department of Transportation (Caltrans). Caltrans is the federal lead agency for the project pursuant to the National Environmental Policy Act (NEPA).

The purpose of the proposed project is to improve pedestrian safety, Americans with Disabilities Act (ADA) accessibility, and connectivity along a key residential and commercial corridor that links the Folsom Historic District, Central Business District, and Sutter Middle School. The project is needed to close critical gaps in the pedestrian network, eliminate safety hazards caused by substandard infrastructure, and provide a safe, accessible route for students, residents, and visitors. Additionally, utility improvements are necessary to reduce localized flooding and improve system performance, as identified by the City in recent feasibility studies.

The project improvements would provide safer designated spaces for cyclists and pedestrians through improved connectivity while adhering to pertinent standards, including the Caltrans Highway Design Manual (HDM), Caltrans Project Development Procedures Manual (PDPM), Caltrans Traffic Manual, applicable City standards, and current American Association of State Highway and Transportation Officials (AASHTO) guidelines.

PROJECT LOCATION AND EXISTING SETTING

The proposed project is located along Riley Street between Sutter Street and E. Bidwell Street in the City of Folsom, Sacramento County, California. The project site includes the approximately 0.5-mile-long segment of Riley Street and up to 0.1 mile (520 feet) wide. Project activities may extend up to 15 feet below ground surface (bgs) in limited areas. The project is located within a suburban area and is generally surrounded by residential, commercial, and retail structures. The project site is located within Flood Zone X, an area of minimal flood hazard, outside the 100-year flood zone mapped by the Federal Emergency Management Agency (FEMA 2026). The project site is not in an Alquist-Priolo Fault Zone or within a mapped landslide or liquefaction zone (DOC 2026). Refer to Figure 1 for the regional location of the project site and Figure 2 for an aerial view of the project site (Note: all figures are located within Appendix A).

Riley Street is an arterial corridor that runs roughly northwest-southeast from Oak Avenue in the southeast to Greenback Lane in the northwest. Within the project alignment, Riley Street consists of two travel lanes (one in each direction) with lane widths varying from approximately 11 feet to over 20 feet. The existing pavement within the project alignment is generally in fair-to-poor condition, with visible alligator cracking and areas of surface deterioration. There are currently no dedicated bicycle facilities, and pedestrian infrastructure is inconsistent, with narrow, damaged, or missing sidewalks, non-ADA-compliant curb ramps, and sections of paved shoulders, asphalt paths, and dirt walkways. The existing roadside environment includes non-native and declining trees, utility poles encroaching into already narrow sidewalks, and light poles and signal cabinets that create barriers to accessible travel. Underground utilities include communication, water, storm drain, sewer, and gas lines, and overhead utilities include electrical and communication. The corridor also experiences localized flooding near Mormon Street, where the existing storm drain system provides limited capacity.

Safety issues are prevalent, particularly during school release times at Sutter Middle School. Site investigations indicated conflicts between pedestrians and motorists at the Riley Street and Persifer Street intersection, where visibility is limited and driver behavior is unpredictable. Additionally, stacked vehicles waiting at the Natoma Street signal obstruct visibility of pedestrians on the southeast corner of Persifer Street.

PROJECT DESCRIPTION

The proposed project would establish a Class II bike lane along the entire project alignment, rehabilitate or reconstruct pavement along Riley Street, and construct sidewalks and other pedestrian safety features to enhance transportation infrastructure and promote mobility for pedestrians, cyclists, and motorists. Complete streets enhancements would also be implemented to improve safety, accessibility, and connectivity between Sutter Street and E. Bidwell Street. The project would include:

- New Americans with Disabilities Act (ADA) compliant sidewalks and curb ramps along both sides of Riley Street;
- Pedestrian railings and retaining walls where grade differentials exist to improve safety and stability;
- Upgraded pedestrian crossings, including potential installation of a Pedestrian Hybrid Beacon (PHB) signal at Persifer Street;

- Narrowed vehicle lanes to encourage slower speeds and reduce pedestrian crossing distance;
- Landscaping, public seating, and pedestrian-scale amenities to enhance comfort and streetscape aesthetics; and,
- Drainage, sewer, and water improvements to support long-term flood mitigation goals and rehabilitate existing infrastructure.

In addition, the project would include the relocation and improvement of existing utilities along the project alignment, including adjusting utility boxes, meters, manholes and service lines for adjacent properties as well as partial storm drain and separated sewer line reconstruction. Conduit for future broadband is proposed to be installed as part of this project to a depth of two feet below grade, adjacent to the gutter on both sides of Riley Street. Utility boxes, valve lids, drainage inlets, and manholes would be adjusted as needed to match new grades. To the extent feasible, the project would underground existing overhead communication lines to improve corridor aesthetics, enhance safety, and reduce future maintenance needs.

The proposed project would be constructed primarily within the existing City right-of-way (ROW); however, permanent acquisitions, temporary construction easements, and/or permission to enter and construct would be required in portions of the project alignment. Permanent ROW acquisition would be required for the construction of retaining walls and ADA-compliant ramps. Drainage easements, dedications, temporary construction easements (TCE), and/or permits to enter and construct would be required for the proposed drainage improvements, utility and signage relocation, retaining walls, and frontage improvements/driveway conforms.

TECHNICAL STUDIES

In support of the proposed project, HELIX prepared the following project specific technical studies to substantiate the project's exemption from further CEQA review:

- Arborist Inventory and Reconnaissance-Level Biological Resources Overview, March 2026 (HELIX 2026a).
- Historical Resources Evaluation Report, May 2026 (HELIX 2026b).
- Archaeological Survey Report, May 2026 (HELIX 2026c).
- Noise and Vibration Impact Assessment, June 2026 (HELIX 2026d).
- Air Quality Conformity and Impact Assessment, June 2026 (HELIX 2026e).

The results of the technical studies are summarized below and are hereby incorporated into this report by reference. The project specific technical studies are available for review with the City during normal business hours at the following location:

City of Folsom
Public Works Department
50 Natoma Street
Folsom, CA 95630

Arborist Inventory and Reconnaissance-Level Biological Resources Overview

HELIX prepared an Arborist Inventory and Reconnaissance-Level Biological Resources Overview ("Biological Evaluation") for the proposed project in March 2026 (HELIX 2026a). The purpose of the Biological Evaluation was to conduct an inventory of trees and provide a general overview of biological conditions and habitat types present within the project alignment. The evaluation was not intended to constitute a full biological assessment or impact analysis.

Special-Status Species

Lists of special-status species known to occur or with the potential to occur in the project vicinity were obtained from the U.S. Fish and Wildlife Service (USFWS; 2026), the California Native Plant Society (CNPS; 2026), and the California Natural Diversity Database (CNDDB; CDFW 2026). A total of 21 regionally occurring special-status plant species and 31 regionally occurring special-status wildlife species were identified during the database queries and desktop review.

Special-Status Plant Species

No special-status plant species were determined to have the potential to occur in the project alignment or be impacted by the proposed project. Of the 21 regionally occurring special-status plant species, the majority occur in habitats such as oak woodland, wetlands, aquatic habitats, grasslands, or areas with native vegetation and relatively undisturbed soils that do not occur within a majority of the project alignment. The 0.04-acre riparian habitat adjacent to the project alignment has previously been disturbed with the construction of a stormwater drain and consists of non-native or invasive vegetation. No special-status plant species were observed within the riparian habitat and, due to the levels of disturbance, no special-status plant species are expected to occur within the riparian habitat. The riparian habitat is not expected to be impacted by the proposed project. Therefore, no significant adverse effect on special-status plants would occur as a result of the proposed project.

Special-Status Wildlife Species

No special-status wildlife species were determined to have the potential to occur in the project alignment or be impacted by the proposed project. There are no reported occurrences of special-status animal species on or adjacent to the Study Area. Of the 31 regionally occurring special-status wildlife species, the majority are associated with aquatic habitats that are not present in the project alignment. The remaining potentially occurring special-status wildlife species are associated with mature or late-successional coniferous forest habitats that do not occur within the project alignment. The 0.04-acre riparian habitat adjacent to the project alignment would be avoided by the project and would result in no impact on the habitat. There is no habitat for any of the regionally occurring special-status wildlife species in the project alignment and, therefore, no significant adverse effect on special-status wildlife species would occur as a result of the proposed project.

Migratory Birds and Raptors

The project alignment and immediate vicinity provide suitable nesting and foraging habitat for nesting migratory birds and raptors that are protected during the nesting season by the California Fish and Game Code (CFGC) and the federal Migratory Bird Treaty Act (MBTA). Nests were not observed during surveys; however, a variety of migratory birds have the potential to nest in and adjacent to the site, in trees, shrubs and on the ground in vegetation. Project activities such as clearing and grubbing during the

avian breeding season (February 1 – August 31) could result in injury or mortality of eggs and chicks directly through destruction or indirectly through forced nest abandonment due to noise and other disturbance. Needless destruction of nests, eggs, and chicks would be a violation of the CFGC. However, standard construction best management practices (BMP), including pre-construction nesting bird surveys, would be implemented as Conditions of Approval to ensure the project would not result in significant adverse effects on migratory birds and raptors.

Pre-Construction Nesting Bird Survey

Active nests and nesting birds are protected by the California Fish and Game Code Sections 3503 and 3503.5, 3513, and the Migratory Bird Treaty Act (MBTA). Ground-disturbing and other construction activities, including vegetation clearing, tree removal/trim, and construction, could impact nesting birds if these activities occur during the nesting season (generally February 1 to August 31). To avoid impacts to nesting birds, all ground-disturbing activity shall be completed between September 1 and January 31, if feasible. If construction cannot occur outside of the nesting season, the following measures would be implemented during construction:

- If project construction, including ground-disturbing or vegetation clearing and grubbing activities, commence during the avian breeding season (February 1 – August 31), a qualified biologist shall conduct a pre-construction nesting bird survey no more than 14 days prior to initiation of project activities and again immediately prior to construction. The survey area shall include suitable raptor nesting habitat within 500 feet of the project boundary (inaccessible areas outside of the Study Area can be surveyed from the site or from public roads using binoculars or spotting scopes). Pre-construction surveys are not required in areas where project activities have been continuous since prior to February 1, as determined by a qualified biologist. Areas that have been inactive for more than 14 days during the avian breeding season must be re-surveyed prior to resumption of project activities. If no active nests are identified, no further mitigation is required. If active nests are identified, the following measure is required:
    - A suitable buffer (e.g., up to 500 feet for raptors; 100 feet for passerines) shall be established by a qualified biologist around active nests and no construction activities within the buffer shall be allowed until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest, or the nest has failed). Encroachment into the buffer may occur at the discretion of a qualified biologist. Any encroachment into the buffer shall be monitored by a qualified biologist to determine whether nesting birds are being impacted. Buffer distances may need to be expanded if the biologist determines that the nest is being impacted by project activities.
- If construction occurs outside of the nesting bird season (September 1 to January 31), a nesting bird survey will not be required.

<u>Aquatic Resources and Sensitive Natural Communities</u>

The project is located approximately 0.35-mile southeast of Lake Natoma in the Lower American hydrologic unit (HUC12: 180201110201). A reconnaissance-level evaluation of aquatic resources was conducted as part of the December 19, 2025, biological survey. The purpose of this evaluation was to identify the presence of potential wetlands, waters of the U.S., waters of the State, or riparian habitat

within or adjacent to the project alignment. No formal wetland delineation or jurisdictional determination was conducted as part of this assessment.

Field observations identified a small, isolated area of riparian vegetation located north of the intersection of Riley Street and Natoma Street (Attachment A, Figure 4, of the Biological Evaluation). This feature comprises approximately 0.04 acre and appears to be associated with a constructed stormwater drainage conveyance and is surrounded by urban development and paved surfaces. The feature is characterized by non-native and ornamental vegetation, limited surface water at the time of survey, cobble and compacted substrate, and hydrologic influence likely associated with localized stormwater runoff. The feature lacks clear connectivity to Lake Natoma or other natural stream systems in the area. The proposed project would avoid construction work within the riparian habitat.

No additional wetlands, streams, ponds, or other aquatic features were observed during the site visit. Indicators of hydric soils and sustained wetland hydrology were not observed within the project alignment outside of the isolated riparian feature described above.

Arborist Inventory

A total of 73 trees are present on or overhanging the Study Area (Attachment A, Figure 3). The trees onsite include three almonds (*Prunus dulcis*), eight American sycamores (*Platanus occidentalis*), three black walnuts (*Juglans nigra*), one blue oak (*Quercus douglasii*), four Callery pears (*Pyrus calleryana*), three camphors (*Cinnamomum camphora*), one Chinese elm (*Ulmus parvifolia*), one coast redwood (*Sequoia sempervirens*), one coast live oak (*Quercus agrifolia*), five crape myrtles (*Lagerstroemia indica*), one English laurel (*Prunus laurocerasus*), one eucalyptus (*Eucalyptus globulus*), one foothill pine (*Pinus sabiniana*), one gingko (*Gingko biloba*), nine interior live oaks (*Quercus wislizeni*), one Japanese pagoda (*Styphnolobium japonicum*), one Japanese zelkova (*Zelkova serrata*), one liquidambar (*Liquidambar styraciflua*), one London plane (*Platanus × acerifolia*), one Mexican cypress (*Hesperocyparis lusitanica*), three Mexican fan palms (*Washingtonia robusta*), one mulberry (*Morus alba*), seven ornamental olives (*Olea europaea*), one ponderosa pine (*Pinus ponderosa*), two privets (*Ligustrum lucidum*), one silk tree (*Albizia julibrissin*), six tree of heavens (*Ailanthus altissima*), three valley oaks (*Quercus lobata*), and one dead tree that could not be identified. Trees #1 through #25 were not physically tagged due to inaccessibility.

Of the 73 trees inventoried in and along the project alignment, 29 trees are considered protected by the Folsom Municipal Code. If protected trees would be removed by the proposed project, mitigation will be required per Section 12.16.150 according to the diameter at standard height (DSH) removed as shown in Table 1. Protected trees rated three (3) or above will be mitigated at 1:1 ratio. Trees rated two (2) shall be replaced at a ratio of one-half-inch equivalent for every one inch removed. Protected trees rated zero (0) or one (1) require no replacement or any other mitigation. Mitigation for trees can be done through on-site replacement planting, payment of in-lieu fees of 250 dollars per trunk inch, or a combination thereof.

Table 1: Tree Replacement Equivalency Table

Replacement Tree Size	DSH Replacement Equivalency
A sapling tree	0.5-inch DSH
Tree in container less than 15 gallons	0.5-inch DSH
15-gallon container tree	1-inch DSH
24-inch box tree	2-inch DSH
36-inch box tree	3-inch DSH

DSH = diameter at standard height

The 29 trees protected by the Folsom Municipal Code would require mitigation for their removal based on having a health rating of 5, 4, 3, or 2. None of the protected trees have a health rating of 1. Based on the DSH equivalency ratio, mitigation for a total of 392.3 inches is required if all protected trees subject to mitigation requirements are impacted by the project. Seven trees (Trees #15, 16, 17, 433, 434, 435, and 436) located within or overhanging the riparian corridor adjacent to the project alignment are potentially subject to CFGC Section 1602 and may require permitting through CDFW if they would be removed.

Historical Resources Reports

HELIX prepared a Historical Resources Evaluation Report (HRER) and an Archaeological Survey Report (ASR) for the proposed project in May 2026 (HELIX 2026b and HELIX 2026c). The purpose of the reports is to identify potential cultural and historical resources within the project's Area of Potential Effect (APE), which is approximately 10.84 acres and includes the approximately 0.5-mile-long segment of Riley Street and up to 0.1 mile (520 feet) wide. Project activities may extend up to 15 feet below ground surface (bgs) in limited areas.

Archaeological Resources

During the archaeological field survey, no undocumented cultural resources were found within the project site. The only previously documented archaeological resource within the APE is the Folsom Mining District (P-34-000335; CA-SAC-000308H), a large archaeological district that covers the entire area of Folsom. As is the case in large portions of the City that have seen extensive historic-era and modern development, no archaeological evidence of the district is visible within the APE. No components of the Folsom Mining District and no undocumented archaeological resources were found during the survey. However, in the unlikely event that archaeological cultural resources, and/or human remains or funerary objects are discovered during project construction, the following standard construction BMPs would be implemented as Conditions of Approval.

Accidental Discovery of Cultural Materials

If previously unidentified cultural materials are unearthed during construction, work will be halted in that area until a qualified archaeologist can assess the significance of the find. Additional archaeological surveys will be needed if project limits are extended beyond the present survey limits.

Accidental Discovery of Human Remains

If human remains are encountered during construction, work in the immediate area shall be halted within 60 feet of the find and arrangements made to protect the remains in place until their disposition has been arranged according to this section. The treatment of human remains and associated and unassociated funerary objects discovered during any ground-disturbing activity shall comply with applicable federal and State laws. The remains are to be uncovered sufficiently to identify them as human by qualified personnel. If they are so identified, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code (PRC) Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, will be followed. The qualified archaeologist (should it be different than a Caltrans Archaeologist) will immediately communicate the find to the Caltrans Project Archaeologist, who will contact the Sacramento County Coroner.

In the event of the Coroner's determination that the human remains are Native American, they will contact the NAHC within 24 hours, who will designate a Most Likely Descendant (MLD) (PRC Section 5097.98) to consult with and determine proposed treatment in the case of the discovery of human remains.

Historical Resources

The HRER determined that three resources within the APE (including two previously identified and one newly identified resources) are determined to be eligible for inclusion in the National Register of Historic Places (NRHP), which includes Bridge No. 24C0269 (which carries Figueroa Street over the Riley Ravine Creek), the commercial building at 701 Sutter Street/302 Riley Street (P-34-000962), and the Quonset hut at 701 Bidwell Street. However, all three resources are located outside the Area of Direct Effect (ADE) and would not be impacted by project construction.

Bridge No. 24C0269

Project work would not occur on Bridge No. 24C0269; however, project improvements would occur within ROW in the vicinity of the bridge, including the Figueroa Street approach to Riley Street, and along Riley Street immediately to the northwest and southeast of Figueroa Street. Project work in the vicinity of Bridge No. 24C0269 would include roadway excavation and cold planning of the existing asphalt concrete (AC) surface up to three inches in depth, and overlay of three-inch hot-mix asphalt (HMA). Existing underground utilities would be relocated/reconfigured as needed. A new five-foot-wide pedestrian sidewalk consisting of six-inch-thick Portland cement concrete (PCC) over four-inch-thick aggregate base (AB) would be installed immediately to the northwest and southeast of Figueroa Street to connect to other sidewalks in the area. Work would be limited to areas outside of Bridge No. 24C0269 and would largely occur on previously disturbed areas including roadways and shoulders. Therefore, the proposed project improvements would not cause a substantial adverse change in the significance of Bridge No. 24C0269.

Resource P-34-000962

Resource P-34-000962 at 701 Sutter Street/302 Riley Street is located on APN 070-0105-012, which is outside of but immediately adjacent to the APE and ADE. Project work would not occur on this property; however, project improvements would occur along Riley Street in the vicinity of this resource. Project work would include cold planning of the existing AC surface up to three inches in depth and removal of a

portion of the existing sidewalk along the southwestern side of Riley Street. The sidewalk would be reconstructed with six-inch-thick PCC over four-inch-thick AB and would connect in the southwest with the new sidewalk near Figueroa Street, as described in the paragraph above. Existing underground utilities will be relocated/reconfigured as needed. Work would be limited to areas outside of this property. Therefore, the proposed project improvements would not cause a substantial adverse change in the significance of Resource P-34-000962.

Quonset Hut

The Quonset hut at 701 Bidwell Street is located on APN 071-0156-013, which is within the APE but outside of the ADE. Project work would not occur within this property; however, a temporary construction easement (TCE) would be required for the construction of frontage improvements and driveway conforms for the property's driveway onto Bidwell Street. Project work in the vicinity of the property would include demolition of the existing concrete sidewalk and a portion of the existing sidewalk along the corner of Bidwell Street and Riley Street. The sidewalk would be reconstructed with six-inch-thick PCC over four-inch-thick AB and would be reconfigured to connect with the existing sidewalk. No permanent acquisition of this property would be required, and no project work would occur on this property. Therefore, the proposed project improvements would not cause a substantial adverse change in the significance of the Quonset hut.

Noise and Vibration Impact Assessment

HELIX prepared a Noise and Vibration Impact Assessment for the proposed project in June 2026 (HELIX 2026d). The purpose of the noise assessment was to evaluate potential noise and vibration impacts associated with project construction, as well as to identify existing noise sources in the project vicinity. As the project would result in a substantial change to existing traffic volumes or flows on City streets during operation, operational traffic noise was not evaluated.

Construction Noise Generation

The closest existing noise-sensitive land uses (NSLUs) to the project site are single-family residences with buildings located as close as 20 feet from the nearest travel lane on Riley Street, or approximately 40 feet from the roadway centerline. Using methodology from the Federal Transit Administration's (FTA's) Transit Noise and Vibration Impact Assessment Manual, Option A for a quantitative construction noise assessment, construction equipment is assumed to operate at the center of the project, and the two noisiest pieces of construction equipment are assumed to operate concurrently in close proximity to each other (FTA 2018). The two noisiest pieces of construction equipment that could be used concurrently would be a jack hammer and a concrete saw used during demolition. Using the Roadway Construction Noise Model (RCNM), the combined noise of a jackhammer and a concrete saw at 40 feet would be 87.2 dBA LEQ. This noise level would exceed the City exterior noise standards of 50 dBA daytime and 45 dBA nighttime. However, daytime construction noise (7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on weekends) is exempt from the City's Noise Ordinance (Chapter 8.42 of the Folsom Municipal Code).

It is likely that the project would require temporary nighttime construction work for reasons including avoiding traffic congestion, maintaining emergency access, and worker safety. Therefore, to comply with the City's Noise Ordinance, the City would be required to follow the variance process per Section 8.42.090 (including approval by the City Council) to allow nighttime construction work. Therefore, the

project would not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project exceeding standards established in the City General Plan or Noise Ordinance, or applicable standards of other agencies. Nighttime construction work is a common requirement for planned roadway projects due to traffic congestion and safety concerns. Therefore, nighttime construction is not an unusual circumstance per CEQA Guidelines Section 15300.2(c) that would preclude the project from qualifying for a CEQA categorical exemption. Although project construction would not generate a temporary increase in ambient noise levels exceeding the City's Noise Ordinance for the reasons discussed above, as Conditions of Approval, the project would implement standard construction noise reduction measures to minimize noise disturbances:

Construction Noise Reduction Measures

1. Noise Shielding and Muffling: Power construction equipment (including combustion engines and pneumatic equipment), fixed or mobile, shall be equipped with noise shielding and muffling devices consistent with manufacturers' standards or the Best Available Control Technology. All equipment shall be properly maintained, and the construction contractor shall keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer's specifications.

2. Enclosure or Screening of Stationary Equipment: All outdoor stationary equipment (e.g., generators, compressors) shall be enclosed or visually screened. The equipment enclosure or screen shall be impermeable (i.e., solid material with minimum weight of 2 pounds per square feet) and break the line of sight between the equipment and any offsite noise-sensitive uses.

3. Location of Construction Staging Areas: Construction staging areas shall be located as far from noise-sensitive uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving what constitutes "as reasonably possible and technically feasible" shall be upon the construction contractor, in consideration of the above factors.

4. Temporary Walls: Noise barriers, such as temporary walls (minimum one half inch thick plywood) or sound blankets (minimum Sound Transmission Class [STC] 25 rating), that are a minimum of eight feet tall and have no gaps or holes (including between the barrier and the ground), shall be erected between construction activities and noise-sensitive uses as reasonably possible and technically feasible in consideration of site boundaries, topography, intervening roads and uses, and operational constraints. The burden of proving that compliance is technically infeasible shall be upon the construction contractor. Technical infeasibility shall mean that noise barriers cannot be located between construction activities and noise-sensitive uses due to site boundaries, topography, intervening roads and uses, and/or operational constraints.

5. Notification: The City or designated contractor shall provide written notification of nighttime work to all residences located within 300 feet of the proposed work. The notification shall:

    a. Be delivered a minimum of 48 hours prior to commencement of nighttime work;

    b. Include the days and hours of upcoming nighttime work; and

c. Include noise complaint contact information, including phone numbers and email addresses to register noise complaints with both the construction contractor and the City.

d. The City and the construction contractor shall log all received noise complaints. The construction contractor shall submit to the City a daily log of all noise complaints received, including the date and time of the complaint and address of the complainant (if provided). The City shall work with the construction contractor to respond to noise complaints and limit nighttime work and locations of noise generating equipment to the extent feasible.

Construction Ground Vibration

Construction activities known to generate excessive ground-borne vibration, such as pile driving or blasting, would not be conducted during project construction. The piece of construction equipment with the highest typical vibration level that would be used during project construction activities would be a vibratory roller. A vibratory roller could be used within 20 feet of the closest off-site structure, a single-family residential building east of the project building site. For assessing potential building damage, a large vibratory roller would create approximately 0.210 inch per second peak particle velocity (PPV) at a distance of 25 feet (FTA 2018). A 0.210 inch per second PPV vibration level would equal 0.27 inch per second PPV at a distance of 20 feet.[1] This level would be lower than the structural damage impact of 0.3 inches per second PPV for timber and masonry structures. Therefore, the project would not result in excessive ground-borne vibration levels. However, a vibration level of 0.27 inches per second PPV is equivalent to 96.5 VdB, which would exceed the City's General Plan standard of 80 VdB for disturbance of vibration-sensitive land uses. As Conditions of Approval, the project would implement standard construction vibration reduction measures to minimize vibration disturbances:

Construction Vibration Reduction Measure

The designated contractor shall ensure that vibratory rollers are used in static mode only (no vibrations) when operating within 120 feet of an occupied residence.

Air Quality Conformity and Impact Assessment

HELIX prepared an Air Quality Conformity and Impact Assessment for the proposed project in June 2026 (HELIX 2026e). The purpose of the air quality assessment was to evaluate the federal air quality conformity and potential air quality impacts associated with project construction. As the project would not result in a substantial change to existing traffic volumes or flows on City streets during operation, project operational emissions were not calculated.

Criteria Pollutants and Air Quality Plans

The project site is located within the Sacramento County portion of the Sacramento Valley Air Basin (SVAB). Air quality in Sacramento County is regulated by the U.S. Environmental Protection Agency (USEPA) at the federal level, by the California Air Resources Board (CARB) at the State level, and by the

[1] Equipment PPV = Reference PPV * $(25/D)^n$ (inches per second), where Reference PPV is PPV at 25 feet, D is distance from equipment to the receiver in feet, and n = 1.1 (the value related to the attenuation rate through the ground); formula from Caltrans 2020. VdB = 20 * Log($PPV/4/10^{-6}$)

Sacramento Metropolitan Air Quality Management District (SMAQMD) at the regional level. Sacramento County is in non-attainment for ozone (ozone precursors reactive organic compounds [ROGs; also known as volatile organic compounds [VOCs][2]), and oxides of nitrogen [NO_X]) and particulate matter 2.5 microns or less in diameter ($PM_{2.5}$) and 10 microns or less in diameter (PM_{10}) national ambient air quality standards (NAAQS) and/or California ambient air quality standards (CAAQs). SMAQMD recommends lead agencies require implementation of the following Basic Construction Emission Control Practices (BCECPs; SMAQMD 2019), which would be implemented as Conditions of Approval for the project:

Basic Construction Emission Control Practices

- Water all exposed surfaces two times daily. Exposed surfaces include, but are not limited to, soil piles, graded areas, unpaved parking areas, staging areas, and access roads;
- Cover or maintain at least two feet of free board space on haul trucks transporting soil, sand, or other loose material on the site. Any haul trucks that would be traveling along freeways or major roadways should be covered;
- Use wet power vacuum street sweepers to remove any visible trackout mud or dirt onto adjacent public roads at least once a day. Use of dry power sweeping is prohibited;
- Limit vehicle speeds on unpaved roads to 15 miles per hour (mph);
- All roadways, driveways, sidewalks, and parking lots to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- Minimize idling time by either shutting equipment off when not in use or reducing time of idling to 5 minutes. Provide clear signage that posts this requirement for workers at the entrances to the site; and
- Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated.

The project's construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), Version 2022.1.1.44. Modeling assumptions for the project includes implementation of the fugitive dust control measures included in the SMAQMD's BCECPs. The modeling results indicate that construction emissions of criteria pollutants and precursors would not exceed the SMAQMD significance thresholds, as summarized in Table 2 below.

[2] CARB defines and uses the term ROGs while the USEPA defines and uses the term VOCs. The compounds included in the lists of ROGs and VOCs and the methods of calculation are slightly different. However, for the purposes of estimating criteria pollutant precursor emissions, the two terms are often used interchangeably.

Table 2: Maximum Daily Construction Emissions

Activity	ROG (lbs./day)	NO_X (lbs./day)	CO (lbs./day)	SO_X (lbs./day)	PM_{10} (lbs./day)	$PM_{2.5}$ (lbs./day)
Grubbing, Land Clearing, & Demolition	1.5	12.6	19.2	<0.1	1.8	0.6
Grading & Excavation	1.7	154	21.7	<0.1	1.7	0.7
Drainage, Utilities, & Sub-Grade	1.6	11.4	19.5	<0.1	0.7	0.4
Drainage, Utilities, & Sub-Grade plus Sidewalks, Retaining Walls, & Paving	3.2	22.8	36.4	<0.1	1.7	1.0
Sidewalks, Retaining Walls, & Paving	1.6	10.8	17.4	<0.1	1.1	0.5
Installation of Signals	0.7	6.3	8.7	<0.1	0.3	0.2
Road Striping	4.4	4.2	6.3	<0.1	0.2	0.2
Maximum Daily Emissions	**4.4**	**22.8**	**36.4**	**<0.1**	**1.8**	**1.0**
SMAQMD Threshold	*None*	*85*	*None*	*None*	*80*[1]	*82*[1]
Exceed Threshold?	***No***	***No***	***No***	***No***	***No***	***No***

Source: CalEEMod; Thresholds: SMAQMD 2020a

[1] SMAQMD PM thresholds are zero unless all feasible Best Available Control Practices/Best Management Practices are applied.

lbs./day = pounds per day; ROG = reactive organic gas; NO_X = nitrogen oxides; CO = carbon monoxide; SO_X = sulfur oxides; PM_{10} = particulate matter 10 microns or less in diameter; $PM_{2.5}$ = particulate matter 2.5 microns or less in diameter

SMAQMD recommends a set of BCECPs, considered by the SMAQMD to be feasible for controlling fugitive dust from a construction site. The practices also serve as best management practices, allowing the use of the non-zero PM significance thresholds. The SMAQMD recommends lead agencies to enforce implementation emission control practices via mitigation, conditions of project approval, or project construction contract specifications. Therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which Sacramento Region is non-attainment.

In accordance with SMAQMD's CEQA Guide, construction-generated NO_X, PM_{10}, and $PM_{2.5}$, and operational-generated ROG and NO_X (ozone precursors) are used to determine consistency with the Regional Ozone Plan. The Guide states (SMAQMD 2020b, p. 4-6):

> *By exceeding the District's mass emission thresholds for operational emissions of ROG, NO_X, PM_{10}, or $PM_{2.5}$, the project would be considered to conflict with or obstruct implementation of the District's air quality planning efforts.*

As discussed above, the project's construction-generated emissions of NO_X, PM_{10} and $PM_{2.5}$, ROG and NO_X would not exceed SMAQMD thresholds. Therefore, the project would not conflict with or obstruct implementation of SMAQMD's Regional Ozone Plan.

Pollutant Concentrations

Project construction would use heavy-duty construction equipment, haul trucks, portable generators, and construction worker vehicles, which could generate toxic air contaminants (TAC), specifically diesel particulate matter (DPM). Generation of DPM from construction projects typically occurs in a localized area (e.g., at the project site) for a short period of time. Because construction activities and subsequent emissions vary depending on the construction activity, the construction-related emissions to which nearby receptors are exposed would also vary throughout the construction period. During some equipment-intensive phases such as demolition and grading, construction-related emissions would be higher than other less equipment-intensive phases such installation of signals. In addition, due to the

linear nature of the project, construction would not be concentrated near any single sensitive receptor location for extended periods.

The dose (of TAC) to which receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance in the environment and the extent of exposure a person has with the substance; a longer exposure period to a fixed quantity of emissions would result in higher health risks. Current models and methodologies for conducting cancer health risk assessments are associated with longer-term exposure periods (typically 30 years for individual residents based on guidance from Office of Environmental Health Hazard Assessment [OEHHA]) and are best suited for evaluation of long duration TAC emissions with predictable schedules and locations. These assessment models and methodologies do not correlate well with the temporary and highly variable nature of construction activities. Cancer potency factors are based on animal lifetime studies or worker studies where there is long-term exposure to the carcinogenic agent. There is considerable uncertainty in trying to evaluate the cancer risk from projects that will only last a small fraction of a lifetime (OEHHA 2015). Considering this information, the short duration of construction activities and the linear nature of the project, construction of the project would not expose sensitive receptors to substantial pollutant concentrations, including DPM.

Other Emissions and Odors

Odors associated with diesel exhaust and ROG from application of asphalt and architectural coatings would be emitted during project construction. The odor of these emissions is objectionable to some; however, emissions would disperse rapidly from the project site and therefore should not be at a level that would affect a substantial number of people. Further, construction activities would be temporary. According to SMAQMD, typical land uses which could generate significant odor impacts include wastewater treatment plants, sanitary landfills, composting/green waste facilities, recycling facilities, petroleum refineries, chemical manufacturing plants, painting/coating operations, rendering plants, and food packaging plants (SMAQMD 2016). The project would not include any of these land uses. Therefore, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

CLASS 1 CATEGORICAL EXEMPTION DETERMINATION

Per Section 15301 of the CEQA Guidelines, a Class 1 Categorical Exemption consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Subsection (b) applies to existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services. Subsection (c) applies to existing streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes.

The proposed bicycle, pedestrian, and roadway improvements, as well as the utility relocation and improvements, would be eligible for a Class 1 Categorical Exemption under Sections 15301(b) and 15301(c) of the CEQA Guidelines. The proposed project would not involve a substantial expansion of use; rather, the project aims to provide safer designated spaces for cyclists and pedestrians who already

utilize Riley Street. As documented in this report, and substantiated by the technical studies prepared for the project, the proposed project would result in no significant impacts to the environment and would be exempt from CEQA review.

Exceptions to the Categorical Exemption

The applicability of all Categorical Exemptions is qualified by the exceptions listed in CEQA Guidelines Section 15300.2(a) through (f). In the discussion below, each exception is followed by an explanation of why the exception would not apply to the proposed project.

Exception 15300.2(a): Location.

(a) *Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.*

A Class 1 Categorical Exemption is not subject to this exception. Nevertheless, as documented in this report, the project would not result in impacts related to an environmental resource of hazardous or critical concern. Therefore, this exception to a Categorical Exemption would not apply to the proposed project.

Exception 15300.2(b): Cumulative Impact.

(b) *All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

The proposed project would not result in significant growth-inducing impacts that would be cumulatively considerable when viewed in conjunction with other cumulative projects in the City. The proposed project would not involve a substantial expansion of use; rather, the project aims to provide safer designated spaces for cyclists and pedestrians who already utilize Riley Street. Furthermore, the effects of the proposed project would generally be beneficial, as the proposed project would provide pedestrian, bicyclist, and roadway improvements. The project would close critical gaps in the pedestrian network, eliminate safety hazards caused by substandard infrastructure, and provide a safe, accessible route for students, residents, and visitors. Additionally, utility improvements are necessary to reduce localized flooding and improve system performance, as identified by the City in recent feasibility studies. No other projects are anticipated to occur in the immediate area of the proposed project at the same time. Therefore, the project's contributions to potential cumulative impacts would not be cumulatively considerable, and this exception to a Categorical Exemption would not apply to the proposed project.

Exception 15300.2(c): Significant Effect.

(c) *A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

As explained in Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086 (Berkeley Hillside), a two-part test applies to determine whether an unusual circumstance is present that excludes

use of a categorical exemption. This two-part test requires the lead agency to first consider whether there are unusual circumstances ("whether a particular project presents circumstances that are unusual for projects in an exempt class is an essentially factual inquiry, founded on the application of the fact-finding tribunal's experience with the mainsprings of human conduct.") This inquiry is subject to the substantial evidence standard of review, which means that all evidentiary conflicts must be resolved in the agency's favor and all legitimate and reasonable inferences must be made to uphold the agency's finding. Second, if a lead agency finds an unusual circumstance exists, the lead agency next asks if there is a reasonable possibility of a significant effect on the environment due to unusual circumstances. If this second inquiry is necessary, the lead agency applies the "fair argument" standard of review to determine whether the project may have a significant impact on the environment. In establishing this bifurcated test, the Court emphasized that circumstances do not become unusual merely because a fair argument can be made that they might have a significant effect. For environmental impacts to constitute an unusual circumstance, the lead agency must determine based on substantial evidence that the project will have a significant environmental effect.

The proposed project would establish a Class II bike lane, rehabilitate or reconstruct pavement, and construct sidewalks and other pedestrian safety features along an approximately 0.5-mile-long segment of Riley Street to enhance transportation infrastructure and promote mobility for pedestrians, cyclists, and motorists. Riley Street along the project segment is currently a two-lane road, and would continue to operate as a two-lane road following construction of the project improvements. The project would not induce single-occupancy vehicle trips, would not create additional vehicle lanes, and would not include the addition of other infrastructure that would increase automobile capacity along the project alignment. In addition, the project would not introduce new types of facilities, unusual design features, unprecedented processes, or development in an environmentally sensitive or hazardous location. Furthermore, to apply to a project, the unusual circumstance exception requires findings of both unusual circumstances and a potentially significant effect. As discussed under *Noise and Vibration Impact Assessment,* nighttime construction work is a common requirement for planned roadway projects due to traffic congestion and safety concerns, and would not be considered an unusual circumstance. As no unusual circumstances are present, the City is not required to analyze the second inquiry further. Nevertheless, this analysis also demonstrates that the proposed project would not have the potential to result in any significant environmental impacts. For these reasons, the unusual circumstances exception is not applicable to the project.

<u>Exception 15300.2(d): Scenic Highways:</u>

> *(d) A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.*

There are no officially designated State Scenic Highways in the City or other important scenic resources in the vicinity of the project. The nearest officially designated State Scenic Highway to the project site is a segment of U.S. Highway (US) 50 located approximately 19 miles to the east in the City of Placerville (Caltrans 2026). Due to distance, the project site is not visible from US 50. Therefore, the proposed project would not damage scenic resources within a designated State Scenic Highway, and this exception to a Categorical Exemption would not apply to the project.

Exception 15300.2(e): Hazardous Waste Sites.

> *(e) A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.*

The following databases were reviewed for the project site and surrounding area to identify potential hazardous contamination sites: the SWRCB's GeoTracker database (SWRCB 2026), California Department of Toxic Substance Control's (DTSC's) EnviroStor database (DTSC 2026); and the U.S. Environmental Protection Agency's (USEPA's) Superfund National Priorities List (USEPA 2026). According to the GeoTracker database, a closed leaking underground storage tank (LUST) associated with a Folsom Cordova Unified School District (FCUSD) transportation facility is located on the northern side of E. Bidwell Street; however, this case was closed in July 2010 and requires no further remedial action (DTSC 2026). Therefore, based on the results of the databases reviewed, the project is not located on an active hazardous materials site included on a list compiled pursuant to Section 65962.5 of the Government Code. This exception to a Categorical Exemption would not apply to the proposed project.

Exception 15300.2(f): Historical Resources.

> *(f) A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historical resources. Resources eligible for the NRHP are automatically listed on the CRHR. Historical resources are further defined as "a resource listed or eligible for listing on the California Register of Historic Resources" (PRC Section 5024.1; 14 CCR 15064.5).

As previously mentioned, the HRER identified three cultural resources within the APE and determined them to be eligible for inclusion in the NRHP, which includes Bridge No. 24C0269 (which carries Figueroa Street over the Riley Ravine Creek), the commercial building at 701 Sutter Street/302 Riley Street (P-34-000962), and the Quonset hut at 701 Bidwell Street. However, all three resources are located outside of the project's ADE. The proposed project improvements would not result in an adverse change in the significance of a historical resource, and this exception to a Categorical Exemption would not apply to the proposed project.

PRC SECTION 21080.25 STATUTORY EXEMPTION DETERMINATION

Senate Bill (SB) 288, signed in 2020, created PRC Section 21080.25, which establishes Statutory Exemptions for projects related to the institution or increase of public mass transit, including bus, bus rapid transit, light rail, and passenger rail, or commuter services, including pedestrian and bicycle facilities. This list of projects established in PRC Section 21080.25(b) have been determined not to have a significant effect on the environment and, as a result, are exempt from further review under CEQA. Specifically, PRC Section 21080.25(b)(1) states that CEQA shall not apply to "pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, within the public right-of-way." Bicycle facilities include, but is not limited to, bicycle parking, bicycle sharing facilities, and bikeways, as defined in Section 890.4 of the Streets and Highways Code. Section 890.4 of the Streets and Highways Code defines these facilities as all facilities that provide primarily for, and promote bicycle travel (e.g., Class I bikeways [bike paths], Class II bikeways [bike lanes], Class III bikeways [bike routes], and Class IV bikeways [cycle tracks]).

The proposed project would improve pedestrian safety, ADA accessibility, and connectivity along a key residential and commercial corridor that links the FHD, Central Business District, and Sutter Middle School. The proposed project would establish a Class II bike lane along the entire corridor, rehabilitate or reconstruct pavement along Riley Street, and construct sidewalks and other pedestrian safety features to enhance transportation infrastructure and promote mobility for pedestrians, cyclists, and motorists. Due to its nature, the project qualifies for a Statutory Exemption under PRC Section 21080.25(b)(1) and, as a result, would not have a significant effect on the environment.

Statutory Exemption Criteria

In addition to meeting the definition of statutorily exempt projects established in PRC Section 21080.25, the project must meet specific criteria stipulated in PRC Sections 21080.25(c), (d), and (e), in order to meet a Statutory Exemption under PRC Section 21080.25(b)(1). However, the criteria listed in PRC Sections 21080.25(d) and (e) apply to projects that exceed one hundred million dollars ($100,000,000) and fifty million dollars ($50,000,000), respectively, based on the project engineer's cost estimate at the time the local agency takes an action. As the cost of the proposed project would not exceed approximately twenty three million dollars ($23,000,000), these two criteria do not apply to the project and are not discussed further in this document. In the discussion below, each of the three criterion under PRC Section 21080.25(c) is followed by an explanation as to why the proposed project would meet it.

<u>Criterion 21080.25(c)(1):</u>

(A) A local agency is carrying out the project and is the lead agency for the project; and

(B) The lead agency shall take an action to approve a project as follows:

(i) The lead agency's governing board shall take an action at a public meeting.

(ii) Notwithstanding clause (i), if a lead agency has an alternative project approval process for a project subject to subdivision (b), it may instead follow that alternative process.

Local agencies include a public transit operator, city, county, city and county, special district, joint powers authority, local or regional transportation agency, or congestion management agency. The City of Folsom is the local agency for the proposed project and is the CEQA lead agency. The City of Folsom City Council is the governing board that will take action to approve the proposed project at a regularly scheduled City Council meeting. Following project approval, the City will file a Notice of Exemption with the State Clearinghouse and Sacramento County Clerk's office. Therefore, the proposed project would meet this criterion pursuant to PRC Section 21080.25(c)(1), subsections (A) and (B).

<u>Criterion 21080.25(c)(2):</u>

(2) The project does not induce single-occupancy vehicle trips, add additional highway lanes, widen highways, or add physical infrastructure or striping to highways except for minor modifications needed for the efficient and safe movement of transit vehicles, bicycles, or high-occupancy vehicles, such as extended merging lanes, shoulder improvements, or improvements to the roadway within the existing right of way. The project shall not include the addition of any auxiliary lanes.

The proposed project would improve pedestrian safety, ADA accessibility, and connectivity along a key residential and commercial corridor that links the FHD, Central Business District, and Sutter Middle School. The proposed project would establish a Class II bike lane along the entire corridor, rehabilitate or reconstruct pavement along Riley Street, and construct sidewalks and other pedestrian safety features to enhance transportation infrastructure and promote mobility for pedestrians, cyclists, and motorists. The proposed improvements and modifications to Riley Street would not induce single-occupancy vehicle trips, would not create additional vehicle lanes, and would not include the addition of other infrastructure that would increase automobile capacity along the project alignment. Therefore, the proposed project would meet this criterion pursuant to PRC Section 21080.25(c)(2).

Criterion 21080.25(c)(3):

(3) The construction of the project shall not require the demolition of affordable housing units.

The project would not require the demolition of affordable housing units or other structures within the project alignment. Therefore, the proposed project would meet this criterion pursuant to PRC Section 21080.25(c)(3).

CONCLUSION

Based on substantial evidence and the analysis above, none of the exceptions to a Categorical Exemption set forth in CEQA Guidelines Section 15300.2(a) through (f) would apply to the proposed project. The proposed project would meet the criteria for a Statutory Exemption set forth in PRC Section 21080.25(c). Therefore, the proposed project is exempt from environmental review under CEQA pursuant to CEQA Guidelines Section 15301 and PRC Section 21080.25.

REFERENCES

California Department of Conservation (DOC). 2026. EQ Zapp: California Earthquake Hazards Zone Application. Accessed May 11 at: https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/.

California Department of Toxic Substances Control (DTSC). 2026. EnviroStor Map. Accessed May 11 at: https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Riley+Street%2C+Folsom.

California Department of Transportation (Caltrans). 2026. California State Scenic Highway System Map. Accessed May 11 at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa.

California State Water Resources Control Board (SWRCB). 2026. GeoTracker Map. Accessed May 11 at: https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=Riley+Street+Folsom.

Federal Emergency Management Agency (FEMA). 2026. National Flood Hazard Layer (NFHL) Layer. Accessed May 11 at: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd.

Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. Available at: https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf.

HELIX Environmental Planning, Inc. (HELIX). 2026a. Arborist Inventory and Biological Resources Evaluation. March 17.

2026b. Historical Resources Evaluation Report. May.

2026c. Archaeological Survey Report. May.

2026d. Noise and Vibration Impact Assessment. June 25.

2026e. Air Quality Conformity and Impact Assessment. June 25.

Office of Environmental Health Hazard Assessment (OEHHA). 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments. February. Available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf.

Sacramento Metropolitan Air Quality Management District (SMAQMD). 2020a. SMAQMD Thresholds of Significance Table. Revised April. Available at: https://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable4-2020.pdf.

2020b. Guide to Air Quality Assessment in Sacramento County Chapter 4, Operational Criteria Air Pollutant and Precursor Emissions. Available at: https://www.airquality.org/LandUseTransportation/Documents/Ch4OperationalFinal10-2020.pdf.

2019. Basic Construction Emissions Control Practices. Revised July. Available at: http://www.airquality.org/LandUseTransportation/Documents/Ch3BasicEmissionControlPracticesBMPSFinal7-2019.pdf.

2016. Guide to Air Quality Assessment in Sacramento County Chapter 7, Odors. Available at: https://www.airquality.org/LandUseTransportation/Documents/Ch7Odors%20FINAL6-2016.pdf.

U.S. Environmental Protection Agency (USEPA). 2026. Superfund National Priorities List (NPL) Where You Live Map. Accessed May 11 at: https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1.

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Consent Calendar
STAFF REPORT TITLE	Resolution No. 11673 - A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25
FROM:	Public Works Department

Staff is providing the attached additional information for the above-referenced agenda item.

Instructions to staff: *Deliver original and 30 stapled/double-sided copies to the City Clerk's Department; City Clerk's Department will distribute via email and hardcopy to City Council, City Manager, City Attorney, and City Clerk.*

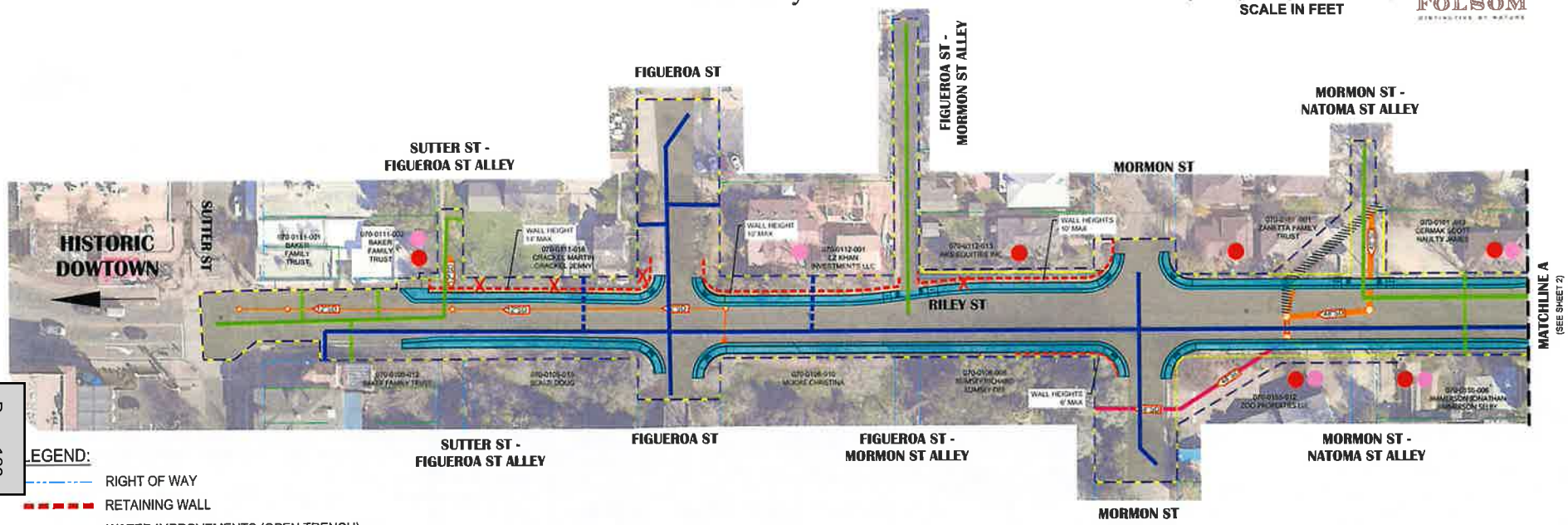
R.E.Y. ENGINEERS, INC.
CIVIL ENGINEERING | LAND SURVEYING | REMOTE SENSING

RILEY STREET SAFETY IMPROVEMENT PROJECT

APE MAP
February 2026

0 40' 80' 160'
SCALE IN FEET

CITY OF FOLSOM



LEGEND:

- RIGHT OF WAY
- RETAINING WALL
- WATER IMPROVEMENTS (OPEN TRENCH)
- SEWER IMPROVEMENTS (OPEN TRENCH)
- STORM DRAIN IMPROVEMENTS (OPEN TRENCH)
- STORM DRAIN IMPROVEMENTS (NON DESTRUCTIVE CIPP LINING)
- (E)STORM DRAIN TO BE ABANDONED
- CONCRETE IMPROVEMENTS
- PAVEMENT IMPROVEMENTS
- X REMOVE TREE
- AFFECTED PARCEL (PERMANENT ACQUISITION)
- AFFECTED PARCEL (TCE OR PTEC)
- AREA OF DIRECT EFFECT (ADE)
- AREA OF POTENTIAL EFFECT (APE)

CITY OF FOLSOM PROJECT MANAGER	DATE
CALTRANS DISTRICT 3 PRINCIPAL INVESTIGATOR POS	DATE
CALTRANS DISTRICT 3 LOCAL ASSISTANCE ENGINEER,	DATE

SHEET 1 OF 2

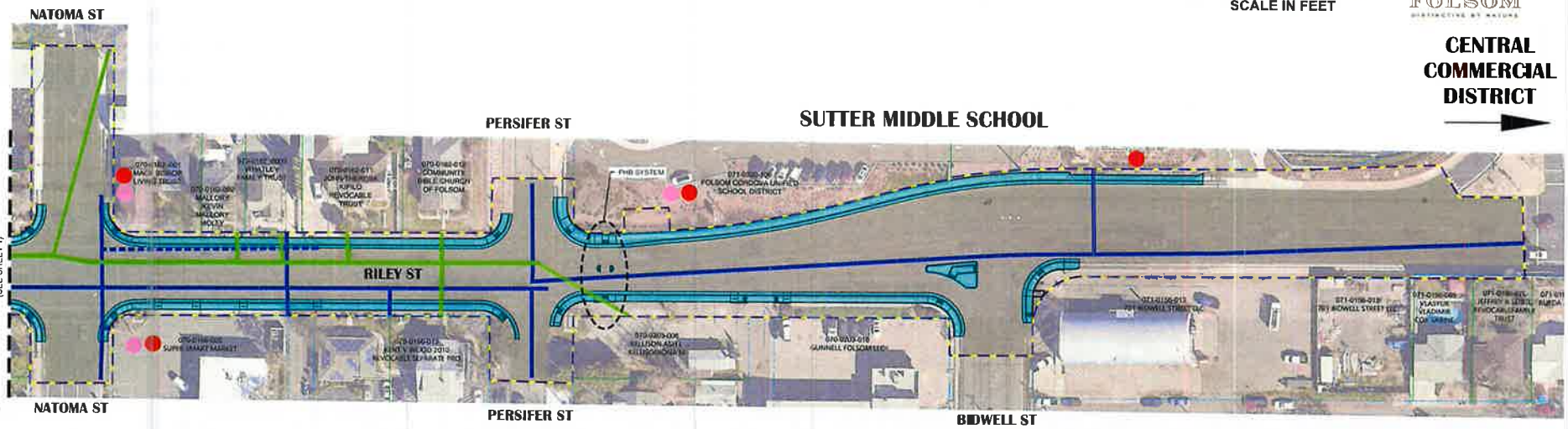
R.E.Y. ENGINEERS, INC.
CIVIL ENGINEERING | LAND SURVEYING | REMOTE SENSING

RILEY STREET SAFETY IMPROVEMENT PROJECT

APE MAP
February 2026

0 40' 80' 160'
SCALE IN FEET

CITY OF FOLSOM



LEGEND:

- RIGHT OF WAY
- RETAINING WALL
- WATER IMPROVEMENTS (OPEN TRENCH)
- SEWER IMPROVEMENTS (OPEN TRENCH)
- STORM DRAIN IMPROVEMENTS (OPEN TRENCH)
- STORM DRAIN IMPROVEMENTS (NON DESTRUCTIVE CIPP LINING)
- (E)STORM DRAIN TO BE ABANDONED
- CONCRETE IMPROVEMENTS
- PAVEMENT IMPROVEMENTS
- X REMOVE TREE
- AFFECTED PARCEL (PERMANENT ACQUISITION)
- AFFECTED PARCEL (TCE OR PTEC)
- AREA OF DIRECT EFFECT (ADE)
- AREA OF POTENTIAL EFFECT (APE)

SHEET 2 OF 2

July 14, 2026

City of Folsom City Council
50 Natoma Street
Folsom, CA 95630
via email to: cfreemantle@folsom.ca.us for distribution to City Council

SUBJECT: Comments to City Council re: Resolution No. 11673 - Riley Street Safety Improvement Project CEQA Exemptions

Dear City Councilmembers:

The City Council 7/14/2026 Agenda Item No. 12 asks the Council to pass and adopt Resolution No. 11673 – A Resolution Finding the Riley Street Safety Improvement Project Exempt from CEQA Pursuant to State CEQA Guidelines Sections 15301 and Public Resources Code Section 21080.25.

I am in favor of bicycle and pedestrian facility improvements to improve safety along routes between schools and residential areas, and I support the *portion* of the Riley Street Improvement Project ("Project") components south of Natoma Street and at the intersection of Riley and Natoma Streets. However, I am opposed to the expenditure of public funds for improvements to Riley Street between Mormon and Sutter streets when those funds could be much more effectively used for bicycle and pedestrian improvements on streets that provide connections between schools and surrounding residential areas. With or without sidewalks, Riley Street between Mormon and Sutter streets will not be a comfortable or safe pedestrian route for children or others. Moreover, funding under any premise of a routes-to-school program should not be used for sidewalks leading to and from bars and restaurants on Sutter Street when there are sidewalk deficiencies on so many *residential* streets surrounding Sutter Middle School along which streets the installation of sidewalks would provide actual connectivity between schools and residences.

Assuming the Council will not eliminate portion of the Project between Mormon and Sutter streets, then the Council and your design team should recognize that the Project modifications to Riley Street between Mormon and Sutter streets would substantially alter the historic character of this segment of Riley Street and would be inconsistent with and alter the historic character of adjacent residential streets and properties, in particular, along the 600 and 700 blocks of Figueroa Street where properties make a unique contribution to the Historic District character and stand to be adversely affected by changes – including the installation of massive retaining walls – to the this segment of the Riley Street corridor. Design measures to minimize these effects should be carefully considered and incorporated to the Project. Yet, the City's environmental analysis is based on the faulty premise eligibility for a CEQA *statutory* exemption means the Project would not have the potential for adverse effects – yet, a project's qualification for a statutory exemption does not mean the project would not have adverse effects and instead simply means the legislature has determined that such projects do not require CEQA review despite their significant effects.

For reasons discussed below, it is premature for the City to determine that the Project qualifies for a CEQA *statutory* exemption and the Project does not qualify for a CEQA *categorical* exemption. The City Council can and should postpone a determination of whether the Project qualifies for a CEQA statutory exemption until sufficient design and right-of-way information is available to make that determination. In the meantime, the Council should advise the City's design team that the Project will substantially alter the historic character of this segment of Riley Street and that the design team should implement all feasible design measures to minimize those effects. The design team should consult with and incorporate recommendations of The Heritage

Preservation League of Folsom ("HPL") throughout the final design phase. HPL board members have demonstrated local knowledge and interest in preserving and protecting the character and quality of the Historic District and can likely provide recommendations that would serve to reduce the effects the Project will have on the character of this area of the Historic District.

1. A CEQA Statutory Exemption Determination is Premature

The notice of exemption document explains, "PRC Section 21080.25(b)(1) states that CEQA shall not apply to 'pedestrian and bicycle facilities that improve safety, access, or mobility, including new facilities, *within the public right-of-way*.'" (Council 7/14/2026 pkt. pg. 176, emphasis added.) Thus, a determination of whether the Project qualifies for the CEQA 21080.25(b)(1) statutory exemption requires an assessment of whether and to what extent the Project would involve modifications outside of the existing right-of-way. Without a Project design presented to the public or the City Council for approval and without demonstration of the Project's right-of-way requirements, it cannot presently be determined whether or to what extent the Project may involve components outside of the existing right-of-way.

The notice of exemption document acknowledges that,

> The proposed project would be constructed *primarily* within the existing City right-of-way (ROW); however, permanent acquisitions, temporary construction easements, and/or permission to enter and construct would be required in portions of the project alignment. *Permanent ROW acquisition would be required for the construction of retaining walls and ADA-compliant ramps*. Drainage easements, dedications, temporary construction easements (TCE), and/or permits to enter and construct would be required for the proposed drainage improvements, utility and signage relocation, retaining walls, and frontage improvements/driveway conforms.

(Council 7/14/2026 pkt. pg. 162., emphasis added.)

The extent to which the Project components are outside of the public right-of-way must be fully understood and assessed in considering whether the Project might qualify for the CEQA 21080.25(b)(1) statutory exemption, and that information is either unknown or at least is not presented to the public or the Council in your staff report packet.[1] Unless and until the Project right-of-way requirements are demonstrated and assessed, neither the public nor the Council can assess the Project's qualification for the CEQA 21080.25(b)(1) statutory exemption and the record does not demonstrate substantial evidence that the Project qualifies for the exemption.

The notice of exemption document does not explain how the Project's right-of-way requirements relate to the Project eligibility for the statutory exemption and seemingly wants to claim that some portion of the Project might not be eligible for the statutory exemption. The City needs to provide substantial evidence for how the Project qualifies for the statutory exemption and the present documentation does not do so.

2. Qualifying for a Statutory Exemption does not mean the Project would not have Significant Impacts

The notice of exemption documentation states that the "list of projects established in PRC Section 21080.25(b) have been determined not to have a significant effect on the environment

[1] At 8 a.m. on July 10, 2026, I noted in an email to Public Works that the staff report referenced but did not include map(s) or other exhibits illustrating the project's design and right-of-way requirements and as preparing this letter at 1 p.m. on July 14, 2026, exhibits have not been made available.

and, as a result, are exempt from further review under CEQA" (Council 7/14/2026 pkt. pg. 176) and "[d]ue to its nature, the project qualifies for a Statutory Exemption under PRC Section 21080.25(b)(1) and, as a result, would not have a significant effect on the environment."

These statements reflect a fundamental misunderstanding of CEQA statutory exemptions. In fact, as explained by the California Supreme Court in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086 (emphasis added),

> The statutory exemptions *are not based on any determination that the exempt projects will not have significant environmental effects*. Instead, they are based on the Legislature's determination that each of the exemptions — promote[s] an interest important enough to justify forgoing the benefits of environmental review.

This distinction matters. A determination that the Project qualifies for a CEQA statutory exemption is no evidence whatsoever that the Project will not result in environmental impacts. Instead, the project might very well have significant environmental impacts – here, impacts to the character and quality of Folsom's Historic District and its historic resources – but the provisions of CEQA will provide no protections to avoid or lessen those impacts because the Project will not be subject to CEQA review or mitigation. What that means is that it is left to the City, outside of the CEQA process, to consider and reduce impacts to the locally important Historic District despite the lack of any protection that might otherwise be identified if the Project were to undergo CEQA review.

Here, *if* the statutory 21080.25(b)(1) exemption does apply, then the City need not perform further CEQA review, but that *does not mean* that a responsible City Council and City design engineers and planners need not take measures to assess and minimize the Project's effects on the historicity of the Historic District.

Between Mormon and Sutter Streets, the Project segment of Riley Street carves along an embankment and through the intersection of Figueroa Street. The Project involves substantial retaining walls along the east side of Riley Street and would remove the existing earthen and vegetated slope cuts that presently exist. The Project retaining walls and landscaping might be consistent with similar features elsewhere in Folsom outside of the Historic District, but they represent a substantial change to the existing historic condition of this segment of Riley Street.

Moreover, although roadway modifications anywhere in the Historic District warrant careful design considerations, Figueroa Street intersected by this segment of the Project is particularly sensitive. As described in a January 10, 2024, staff report involving 403 Riley Street which is located at the southeast corner of the Riley/Figueroa intersection,

> [403 Riley Street] is located within the Figueroa Subarea of the City of Folsom's Historic District. The Figueroa Subarea is one of the four Subareas that comprise the Historic Residential Primary Area. Many of the oldest and most significant homes in Folsom, both architecturally and historically, are concentrated in the Subarea. Given that this Subarea is readily accessible by tourists, the intent of this Subarea is to maintain pre-1910 appearance standards and provide facilities which enhance visitor and resident appreciation of the City's early residential lifestyle. Adherence to historic authenticity is of great importance in this Subarea.

(Community Development Department Staff Report to Historic District Commission, regarding 403 Riley Street. January 10, 2024.)

July 14, 2026

As described and envisioned by the City's Historic District Design and Development Guidelines, the Figueroa Subarea,

> includes all parcels on both sides of the entire length of Figueroa Street (between the two alleys on either side of Figueroa) plus parcels on both sides of Sutter Street (between the two alleys on either side of Sutter) from the commercial district boundary to City park property. The oldest homes in Folsom are concentrated in this area, and the goal is, over time, to increase the conformity of this area to pre-1910 styles. Owners who plan major remodeling are encouraged to develop plans which will return homes to their original appearance and reduce the visibility of automobiles. Walking tours of this area will add to a visitor's understanding and appreciation of life in early Folsom.

(City of Folsom Historic District Design and Development Guidelines, October 1, 1998.)

The Project's modification to this segment of Riley Street that bisects the Figueroa Subarea, including the substantial retaining walls that would be required at and adjacent to the Figueroa Street intersection, represents substantial alteration to the existing condition of Riley Street and intersecting side streets and a substantial modification to the Figueroa Subarea which is not addressed in your staff report or notice of exemption document. *If* the Project qualifies for the statutory 21080.25(b)(1) exemption, then this substantial alteration would not be deemed an impact under CEQA, yet the impact would nonetheless occur and the City should seek a design to minimize the effect to the extent feasible even if not required by CEQA to do so.

3. The Project Does not Qualify for Categorical Exemption from CEQA

The notice of exemption documentation argues the Project's qualifications for a CEQA Class 1 *categorical* exemption. It is unclear why, if the Project qualifies for the statutory 21080.25(b)(1) exemption, the City feels the need to also claim a categorical exemption.

As discussed above, the Project would substantially modify Riley Street through the Figueroa Street intersection and would involve construction of retaining walls up to 15 feet in height. The Project location along this segment of Riley Street and within the Figueroa Subarea is a unique circumstance as compared to the typical Class 1 categorically exempt project and would have the potential, unique circumstances or not, to adversely affect the character and quality of the Historic District as well as individual locally recognized historic properties – including 10 residential properties located on the 600 and 700 blocks of Figueroa Street which are the residential blocks immediately east and west of Riley Street and one church located on the 600 block of Figueroa Street (City of Folsom, Cultural Resources Inventory, updated through 2022).

The substantial modifications to this segment of Riley Street as discussed above would create the potential for adverse impacts to historic resources and disqualifies the Project from the Class 1 categorical exemption.

Although the notice of exemption documentation provides a discussion of the historical resource exception (Council 7/14/2026 pkt. pg. 162), the assessment makes no mention of the locally important historic properties along the 600 and 700 blocks of Figueroa Street nor the particular historic sensitivity of the Figueroa Subarea and effects that would be associated with the substantial Project modifications.

For these reasons, the Project does not qualify for the Class 1 nor any other CEQA *categorical* exemption.

July 14, 2026

4. Conclusion

With or without sidewalks, Riley Street between Mormon and Sutter streets will not be a comfortable or safe pedestrian way for school children and funding should instead be directed toward the segments of residential streets surrounding Sutter Middle School that currently lack sidewalks.

Components of the Project between Mormon and Sutter streets should be eliminated. If these components are not eliminated, the Project cannot qualify for a CEQA *categorical* exemption. Moreover, it is premature and sufficient evidence is not available for the City to determine whether or not the Project might ultimately qualify for a CEQA *statutory* exemption.

Since the City is not making any decision pertaining to a Project *approval* at this time and since the Project design and right-of-way requirements are not sufficiently known or demonstrated, it is premature and unnecessary for the Council to make any determination with regard to whether the Project might ultimately be exempt from CEQA through a statutory. Such a determination presently serves no purpose as "the notice [of exemption] shall not be filed …until the project has been approved" (CEQA Guidelines section 15061).

Thank you for considering my comments.

Sincerely,

Bob Delp
Historic District - Folsom, CA 95630 - bdelp@live.com - 916-812-8122

Folsom City Council
Staff Report

MEETING DATE:	07/14/2026
AGENDA SECTION:	Election Related Items
SUBJECT:	Resolution No. 11675 - A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2026, Requesting the Board of Supervisors of the County of Sacramento Consolidate the General Municipal Election with the Statewide General Election, and Establishing Policies for Candidates' Statements
FROM:	City Clerk's Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the Folsom City Council adopt Resolution No. 11675 - A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2026, Requesting the Board of Supervisors of the County of Sacramento Consolidate the General Municipal Election with the Statewide General Election, and Establishing Policies for Candidates' Statements.

BACKGROUND:

The term of office for three City Councilmembers who were elected in 2022 will expire in November 2026:

District 1 Mike Kozlowski
District 3 Sarah Aquino
District 5 Anna Rohroubh

The term of office for two City Councilmembers who were elected in 2024 will expire in November 2028:

District 2 Justin Raithel
District 4 Barbara Leary

Candidates for City Council seats may file a candidate statement which is included in the sample ballot mailed to voters. The candidate statement is a brief description of the candidate, and Elections Code establishes certain legal parameters for the statement's form and content.

POLICY/RULE:

Pursuant to Folsom Municipal Code Section 2.40.010, the date of the General Municipal Election shall be the same date as the Statewide General Election in even numbered years. Elections Code Section 10400 establishes that, whenever two elections are to be held on the same day, they may be consolidated. In addition, Elections Code Section 10403 sets forth the requirement that jurisdictions file a resolution requesting consolidation with the local county board of supervisors.

Folsom Charter Section 2.01 establishes that City Council members shall be elected to four-year, staggered terms.

Elections Code Section 13307 provides that the governing body of any local agency may adopt regulations pertaining to the materials prepared by any candidate, including costs of the candidate's statement. The candidate's statement fee, which is paid for by the candidates, is set by the Sacramento County Registrar of Voters prior to the election, and County elections staff have advised this fee will be set once the ballot printer provides printing costs.

FINANCIAL IMPACT:

The Sacramento County Registrar of Voters has estimated the election cost for three Councilmembers at approximately $65,000. Funds have been included in the proposed FY 2026/27 budget to cover this cost. If ballot measures are also added to the election, the cost will be approximately $83,000 for the first measure, and $12,200 for each additional measure.

ATTACHMENT

Resolution No. 11675 - A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2026, Requesting the Board of Supervisors of the County of Sacramento Consolidate the General Municipal Election with the Statewide General Election, and Establishing Policies for Candidates' Statements

Submitted,

Christa Freemantle, City Clerk

RESOLUTION NO. 11675

A RESOLUTION CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2026, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION, AND ESTABLISHING POLICIES FOR CANDIDATES' STATEMENTS

WHEREAS, a General Municipal Election will be held within the City of Folsom on November 3, 2026, for the purpose of electing three City Council members; and

WHEREAS, a Statewide General Election will be held within the County of Sacramento on the same day; and

WHEREAS, California Elections Code Section 10403 requires jurisdictions to file a resolution requesting consolidation with a statewide election with the County Board of Supervisors, with a copy to the Registrar of Voters; and

WHEREAS, California Elections Code Section 13307 provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including the formatting, submission, and costs of the candidate's statement; and

WHEREAS, the Sacramento County Voter Registration and Elections Department has established a new practice allowing candidates to elect to have their candidate statement printed in the official voter information guide or published exclusively online on the County's election website;

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

SECTION 1. Election Called. Pursuant to the requirements of the laws of the State of California and Article VI, "Elections", of the Adopted Charter of the City of Folsom, there shall be, and is hereby called and ordered held in the City of Folsom, on Tuesday, November 3, 2026, a General Municipal Election of the qualified electors of Electoral Districts 1, 3, and 5 of the City of Folsom for the purpose of electing one (1) City Council Member to represent each of the following Electoral Districts: Electoral Districts 1, 3, and 5, for the full term of four (4) years.

SECTION 2. Notice of Election. Notice of the time and place of holding the election referenced in Section 1 is hereby given and the City Clerk is hereby authorized and instructed to give such further or additional notice of said election in the time, form, and manner as required by law.

SECTION 3. Election Consolidation. The Folsom City Council hereby requests that the Sacramento County Board of Supervisors consolidate the November 3, 2026, General Municipal Election with the Statewide General Election to be held on that same date.

SECTION 4. Candidate Statements. Each candidate for elective office to be voted for at the General Municipal Election to be held in the City of Folsom on November 3, 2026, may prepare a candidate's statement on an appropriate form provided by the City Clerk.

- Content and Form: The statement may include the name, age, and occupation of the candidate and a brief description of not more than two hundred (200) words of the candidate's qualifications, as expressed by the candidate. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.
- Submission and Withdrawal: The statements shall be filed with the City Clerk at the time the candidate's nomination papers are filed. The statements may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 P.M. on the next working day after the close of the nomination period.
- Publication Selection: In accordance with Sacramento County guidelines, candidates shall designate at the time of filing whether their statement shall be printed in the physical voter information guide or published exclusively online on the Sacramento County Voter Registration and Elections website.
- Fees and Payment: The Sacramento County Voter Registration and Elections Department will determine the cost of the candidate's statement prior to the election based on the selected publication method. This fee shall be paid to the City of Folsom by the candidate at the time the nomination papers and candidate's statement are filed.

SECTION 5. County Reimbursement. The City of Folsom agrees to reimburse the Sacramento County Registrar of Voters for costs accrued for the execution of the election, such costs to be calculated as set forth in the County's current Schedule of Fees and Charges.

PASSED AND ADOPTED on this 14th day of July 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	07/14/2026
AGENDA SECTION:	Election Related Items
STAFF REPORT TITLE	Resolution No. 11675 - A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2026, Requesting the Board of Supervisors of the County of Sacramento Consolidate the General Municipal Election with the Statewide General Election, and Establishing Policies for Candidates' Statements
FROM:	City Clerk's Department

Staff is providing the attached public comment for the above-referenced agenda item.

Instructions to staff: *Deliver original and 30 stapled/double-sided copies to the City Clerk's Department; City Clerk's Department will distribute via email and hardcopy to City Council, City Manager, City Attorney, and City Clerk.*

Updated: Jan 2026

Sari Dierking

From: Scott Rafferty <rafferty@gmail.com>
Sent: Saturday, July 11, 2026 5:41 PM
To: Sari Dierking; AttorneyCityWebsiteMail; Sarah Aquino; Barbara Leary; Mike Kozlowski; Bryan Whitemyer; Justin Raithel; Anna Rohrbough; Christa Freemantle
Subject: Re: Item 13 - Unlawful and undemocratic election in District 3

You don't often get email from rafferty@gmail.com. Learn why this is important

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The Council should not call or order specifications for an election in District 3 unless the term is for two years. Shortening the term will enable the Asian community to elect in 2028 and in all future presidential cycles. It will also eliminate the unusual and antidemocratic practice of electing a majority of the council in off-years, when turnout of all races is lower.

The Council has already recognized that it can supersede the charter provision that specifies four-year, staggered, at-large elections for council - even without court authorization. The prior decision, four years ago, was based expressly on advice that a majority could do whatever it wanted. This violated Elections Code, sec. 10010(b), which required "special consideration of the purposes of the CVRA." The essential purpose of the law is to reduce the Asian turnout gap by empowering neighborhoods that are neglected by at-large elections. Instead, the sequence disfavored South Asian voters and the only candidate-of-choice they had ever elected - **in a presidential year**.

The result in 2022 was to deprive the South Asian community of any election at all. The council appointed an Anglo candidate in lieu of election. This injustice should be discontinued.

The greater number of citizens who vote in presidential elections years should elect three districts, not two, and determine the majority of the council.

The change would help resolve the pending lawsuit. The costs of defending that action for six years have been high and will increase, as will the inevitable award of fees and costs to which plaintiffs are already entitled.

The city should disclose how much it has already paid in defense costs. As your former city attorney warned the council, there is "zero probability of success" in defending CVRA claim once a city defies AB 350's safe harbor. Here are the fee awards that the League of Cities used to promote the enactment of AB 350. As Santa Clara illustrates, fee disputes after AB 350 have resulted in even larger awards, including fees for plaintiffs' documentation of fees.

SETTLEMENTS PRESENTED BY LEAGUE OF CITIES TO SUPPORT AB350 SAFE HARBOR

jurisdiction	year		amount	inflation adjustment*		current $
Anaheim	2014	$	2,000,000	63%	$	3,257,507
Escondido	2013	$	585,000	67%	$	977,403
Modesto	2008	$	3,000,000	100%	$	5,994,474
Palmdale	2013	$	3,500,000	67%	$	5,847,713
San Mateo Cty	2010	$	650,000	83%	$	1,187,684
Yulare Med Dist	2010	$	500,000	83%	$	913,603
Santa Clarita**	2014	$	600,000	63%	$	1,386,632
	2022	$	300,000	36%		
		$	1,590,714		$	2,795,002
ONLY KNOWN COURT AWARD SINCE AB 350						
Santa Clara	2019	$	3,164,956	1.48499431	$	4,699,942

* Based on "Laffey Matrix" which California Courts have criticized as understating the increase in California attorneys' gees

**Santa Clarita paid attorney Kevin Shenkman to keep at-large elections, requiring the 2022 lawsuit by Mr. Rafferty

Scott Rafferty
1913 Whitecliff Ct
Walnut Creek CA 94596
mobile 202-380-5525

Folsom City Council
Staff Report

MEETING DATE:	07/14/2026
AGENDA SECTION:	Election Related Items
SUBJECT:	1. Resolution No. 11665 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.03 to Have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes; Directing Outside Legal Counsel to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure 2. Ordinance No. 1371 - An Ordinance of the People of the City of Folsom Amending Section 4.03, "City Attorney", of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes **(Second Reading and Approval of Submission to Voters)**
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council adopt Resolution No. 11665 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.03 to Have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes; Directing Outside Legal Counsel to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal

Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure.

Staff further recommends that the City Council conduct the second reading and approve submission to the voters of Ordinance No. 1371 - An Ordinance of the People of the City of Folsom Amending Section 4.03, "City Attorney", of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes.

BACKGROUND:

On December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee. The Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council. Resolution No. 11525 directed the Committee to submit a report to the City Council containing its recommendations.

The Committee performed its work over five meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter and ultimately approved recommended language changes to seven sections of the Charter and one section of the Folsom Municipal Code that was an initiative measure passed by a vote of the people in 1994.

Resolution No. 11525 created the 2026 Ad Hoc Charter Review Committee as a Brown Act Committee, so the Committee's meetings were open to the public. Members of the public attended the final three meetings and addressed the Committee on many of the items considered.

On May 12, 2026, the 2026 Ad Hoc Charter Review Committee's Report was submitted to the City Council, and a public hearing was held on the eight amendments recommended by the Committee. Following the public hearing, the City Council deliberated and passed Resolution No. 11613, receiving the 2026 Ad Hoc Charter Review Committee Report to City Council with recommended amendments and dissolving the Committee.

The Council engaged in further deliberation and ultimately voted 4-0, with one absent, not to submit five of the eight Charter amendments proposed by the Charter Review Committee to the voters at the November 3, 2026 election.

The Council also directed staff to return on May 26, 2026, for further consideration of whether to submit to the voters at the November 3, 2026 election any of the three remaining amendments recommended by the Committee.

On May 26, 2026, staff presented to the Council conceptual language for the following Charter and Folsom Municipal Code amendments which, if approved by the Council on July 14, 2026, will be submitted to the voters at the November 3, 2026 election:

1. **Section 4.03** - City Attorney: to change how the City Attorney is appointed, from the current system in which the City Manager appoints the City Attorney, to a system in which the City Council appoints the City Attorney, and related operational changes.

2. **Section 4.07** – Boards and Commissions: strike language that all City Boards and Commissions are only advisory to the Council, confirming that the Council may set the powers and duties of Boards and Commissions by ordinance.

3. **Folsom Municipal Code § 2.48.030** – Campaign contribution limitation: increase the campaign contribution limit from $150 to $500 per donor per election on campaigns for Folsom City Council.

Staff also presented information on the cost of putting these measures on the ballot.

The Council deliberated and then voted 4-1 to move forward with the next steps necessary to submit all three measures to the voters in November.

POLICY/RULE:

Charter Amendment
City Charter section 8.01 governs Charter amendments, which may be framed and proposed in several ways, including by an ordinance of the City Council containing the full text of the proposed amendment. Charter amendments must be approved by a majority of the voters of the City at a regular election.

Pursuant to City Charter section 2.12(A), no City ordinance shall contain more than one subject, which shall be clearly expressed in its title.

Elections
Elections Code Section 9255 and Government Code Section 34458 provide that a proposal to amend a city charter proposed by the governing body of a city shall be submitted to the voters at an established Statewide General Election.

Pursuant to Folsom Municipal Code Section 2.40.010, the date of the General Municipal Election shall be the same date as the Statewide General Election in even numbered years. Elections Code Section 10400 establishes that, whenever two elections are to be held on the same day, they may be consolidated. In addition, Elections Code Section 10403 sets forth the requirement that jurisdictions file a resolution requesting consolidation with the local county board of supervisors.

The rules governing arguments in favor of and against City ballot measures are contained in Elections Code Sections 9281 through 9287. For measures placed on the ballot by the City Council, the City Council or a member or members of the Council authorized by the Council may file a written argument for or against any city measure, as may any individual voter

eligible to vote on the measure or a bona fide association of citizens, or a combination of voters and associations. If more than one argument for or against a City measure is submitted, the City Clerk must give preference and priority to the argument submitted by the City Council or a member or members of the Council authorized by that body. Consistent with state law, the County establishes deadlines by which arguments concerning ballot measures, and rebuttals to those arguments must be submitted.

Elections Code Section 9280 provides that the City Attorney shall prepare an impartial analysis of any City ballot measure, except for a measure affecting the organization or salaries of the Office of the City Attorney. The City Council may direct the City Clerk or outside legal counsel to prepare the impartial analysis for any such ballot measure. Additional regulations affecting preparation of the impartial analysis are contained in Elections Code section 9280.

Elections Code Section 9285 governs rebuttal arguments. The City Clerk must send a copy of the argument in favor of a City ballot measure to the authors of the argument against the measure and a copy of the argument against a City ballot measure to the authors of the argument in favor of the measure. The author(s) of the original argument relating to a City measure may submit a rebuttal argument or may authorize someone else to do so.

The full text of a City ballot measure may be but is not required to be printed in the voter information guide. Voters may publicly examine and/or obtain from the City Clerk a copy of the Ordinance and the Resolution authorizing submission of the ballot measure to the voters.

ANALYSIS

Approval of Resolution No. 11665, conducting the second reading of Ordinance No. 1371, and approving submission of the associated ballot measure to the voters are the final procedural steps necessary for the Council to submit the proposed amendment of City Charter Section 4.03 to the voters at the Statewide General Election on November 3, 2026.

The City Attorney serves as the chief legal officer for the City, providing legal advice, representing the City in civil, administrative, and quasi-criminal proceedings, and ensuring compliance with the law by City officials and departments. The City Attorney's client is the City of Folsom, the municipal corporation as a whole.

According to the League of California Cities' publication, Counsel and Council: A Guide to Building a Productive City Attorney-City Council Relationship (2022), city councils directly appoint the city attorney in 469 of California's 482 incorporated cities. Voters directly elect their city attorney in certain charter cities. City managers appoint the city attorney in only two California cities: Folsom and Shafter.

The proposed amendment would bring City operations and reporting structure for the Folsom City Attorney in line with the majority of other cities in the state, without changing the functions or responsibilities of the role.

The operational changes proposed are consistent with the existing Charter provisions governing appointment, dismissal, and related matters applicable to the City Manager, who is the only City employee currently appointed directly by the Council.

FINANCIAL IMPACT:

The Sacramento County Registrar of Voters has estimated the election cost for three Councilmembers at approximately $65,000. If ballot measures are also added to the election, the cost will be approximately $83,000 for the first measure, and $12,200 for each additional measure. Funds have been included in the FY 2026/27 budget to cover these costs.

ENVIRONMENTAL REVIEW

The proposed Charter amendment is not a project for purposes of CEQA because CEQA only applies to activities that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Because the proposed Charter amendment relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, the proposed Charter amendment does not have the potential to cause a physical change in the environment directly or indirectly, and is not a project subject to CEQA. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2).) If for any reason the proposed Charter amendment is considered a project, it is exempt from CEQA review pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

ATTACHMENTS

1. Resolution No. 11665 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.03 to Have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes; Directing Outside Legal Counsel to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure

2. Ordinance No. 1371 - An Ordinance of the People of the City of Folsom Amending Section 4.03, “City Attorney”, of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes

Submitted,

Bryan Whitemyer
City Manager

Attachment 1

RESOLUTION NO. 11665

A RESOLUTION AUTHORIZING SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF FOLSOM AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2026, A BALLOT MEASURE AMENDING CITY CHARTER SECTION 4.03 TO HAVE THE CITY COUNCIL APPOINT AND DIRECT THE CITY ATTORNEY AND TO MAKE RELATED OPERATIONAL CHANGES; DIRECTING OUTSIDE LEGAL COUNSEL TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSED MEASURE; AUTHORIZING THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING THE PROPOSED MEASURE

WHEREAS, the Adopted Charter of the City of Folsom currently provides that the Folsom City Manager shall appoint, remove, and discipline all employees of the City, including the City Attorney, pursuant to the requirements set out in the Charter; and

WHEREAS, on December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee; and

WHEREAS, the Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council, and was directed to submit a report to the City Council containing its recommendations; and

WHEREAS, the Committee performed its work over five public meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter, heard from the public, and ultimately approved recommended amendments to several sections of the Charter and one section of the Folsom Municipal Code pertaining to campaign contribution limits that was an initiative measure passed in 1994; and

WHEREAS, on May 12, 2026, the Committee submitted its Report to the City Council, and a public hearing was held on all of the amendments recommended by the Committee; and

WHEREAS, this proposed Charter Amendment to have the City Council appoint and direct the City Attorney and to make related operational changes, was one of the Committee's recommendations made in its Report; and

WHEREAS, on May 26, 2026, staff presented to the Council conceptual language for this Charter Amendment and the Council gave direction for staff to draft finalized Charter Amendment language and the required resolution(s) and ordinance(s) to submit this Charter Amendment to City of Folsom voters at the November 3, 2026 General Municipal Election; and

WHEREAS, the City Council desires to submit to the voters a ballot measure amending City Charter Section 4.03 to have the City Council appoint and direct the City Attorney and to make related operational changes (the "Measure"); and

WHEREAS, pursuant to City Charter Sections 6.01 and 8.01, applicable provisions of state law shall govern amendments to the City Charter and elections for that purpose, insofar as such provisions do not conflict with the City Charter or City of Folsom ordinance(s); and

WHEREAS, pursuant to City Charter Section 8.01(A)(1), California Elections Code Sections 1415 and 9255, and Government Code Section 34458, the City Council has authority to place measures to amend the City Charter on the ballot as an ordinance to be considered at (i) the City's next regularly scheduled general municipal election or (ii) at a regular election as set by state law, occurring at least 88 days after the date of the order of election; and

WHEREAS, the City Council desires to place the Measure on the ballot to be considered by City of Folsom voters at the General Municipal Election which will coincide with the Statewide General Election to be held on Tuesday, November 3, 2026; and

WHEREAS, pursuant to California Government Code Section 34458(b), the City Council held a duly noticed public hearing on May 12, 2026 and a second duly noticed public hearing on June 23, 2026 to hear public comment and testimony and to consider the proposed Charter Amendment, with the first and second public hearings being held at 6:30 p.m. or as soon thereafter as the matter could be heard, outside normal City business hours; and

WHEREAS, pursuant to California Government Code Section 34458(b), this resolution is being adopted at a City Council meeting which is at least twenty-one (21) calendar days after the second public hearing referenced above; and

WHEREAS, California Constitution, Article XI, Section 3, requires that, to be effective, any charter amendment must be approved by a majority of City voters voting at an election called for that purpose; and

WHEREAS, City Charter Section 8.01 requires that amendments to the Charter must be approved by a majority of the voters of the City to be effective; and

WHEREAS, the specific terms of the Measure are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws; and

WHEREAS, the City Council desires to consolidate the General Municipal Election for the Measure described herein with the Statewide General Election to be held on November 3, 2026; and

WHEREAS, the City Council further desires to set deadlines and rules for primary and rebuttal arguments for and against the Measure.

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

SECTION 1. Recitals. The City Council of the City of Folsom hereby finds and determines that the foregoing recitals are true and correct, incorporates the foregoing recitals

herein, and by this reference makes them an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City of Folsom, pursuant to its right and authority as contained in California Constitution, Art. XI, Section 3, the Adopted Charter of the City of Folsom Section 8.01(A)(1), California Government Code Sections 34450 *et. seq*., California Elections Code Sections 1415 and 9255, and any other applicable requirements of the laws of the State of California relating to charter cities, **by a majority vote,** hereby calls and orders to be held a General Municipal Election in the City of Folsom to be consolidated with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to a vote of the qualified electors of the City of Folsom the Measure, in the form attached to this Resolution as Exhibit "A" and incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Question. The City Council of the City of Folsom, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters of the City in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters of the City at the General Municipal Election to be held on Tuesday, November 3, 2026, in addition to any other matters required by law, there shall be printed substantially the following:

Shall the measure amending the Adopted Charter of the City of Folsom to have the City Council appoint and direct the City Attorney and to make related operational changes, be adopted?	**YES**	
	NO	

SECTION 4. Election Procedures.

A. Request for Consolidation. Pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Sacramento is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to the voters the Measure.

B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the Sacramento County Registrar of Voters/Elections Official to take any and all steps necessary for the holding of the consolidated election.

C. Canvass of Returns. The Sacramento County Registrar of Voters/Elections Official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election for the Measure. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

D. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

E. Form of Ballot. The ballots to be used at the election shall be in the form and content as required by law.

F. City Clerk Authorized to Coordinate with County. The City Clerk is authorized and instructed, in coordination with the Sacramento County Registrar of Voters/Elections Official, to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of Sacramento, except as otherwise provided in the Elections Code of the State of California.

H. Election to Follow Applicable Law. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

I. Notice of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized and instructed to give further or additional notice of the election, in the time, form, and manner as required by law.

J. Tallying of Ballots. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.

K. Receipt of Election Results. The City Clerk of the City of Folsom shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. <u>Vote Requirement.</u> Pursuant to Section 8.01 of the Adopted Charter of the City of Folsom, and consistent with California Constitution Article XI, Section 3, the Measure shall be approved by a simple majority vote (50% + 1) of the votes cast on the Measure.

SECTION 6. <u>Direct Arguments and Impartial Analysis.</u>

A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the Measure, (iii) a bona fide association of

such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California until and including **Tuesday, July 28, 2026,** after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments may be changed or withdrawn by their proponents until and including Tuesday, July 28, 2026. An argument in favor of or against the Measure shall not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, including specifically Elections Code Section 9287, and shall take all actions necessary to cause the selected arguments to be printed and distributed to the voters.

C. Pursuant to Section 9280 of the Elections Code, because the Measure affects the organization of the Office of the City Attorney, the City Council directs the City Clerk to transmit a copy of the Measure to outside legal counsel retained by the City (Best, Best & Krieger, LLP). Outside legal counsel shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. Outside legal counsel shall transmit such impartial analysis to the City Clerk, who shall cause the impartial analysis to be published in the voter information guide along with the Measure as provided by law. The Impartial Analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. The Impartial Analysis shall be filed by **Wednesday, August 12, 2026.** In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the Impartial Analysis, in no less than 10-point bold type, the following: **"The above statement is an Impartial Analysis of Measure ____. If you desire a copy of the Measure, please call the election official's office at (916) 461-6035 or email CityClerkDept@folsom.ca.us and a copy will be sent at no cost to you."**

D. The provisions of this Section 6 shall apply only to the election to be held on November 3, 2026, and shall then be repealed.

SECTION 7. **Rebuttals.**

A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send a copy of the argument in favor of the Measure to the authors of the argument against the Measure, and a copy of the argument against the Measure to the authors of the argument in favor of the Measure. The author(s) of an argument in favor of or against the Measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing another person(s) to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be filed with the City Clerk not later than **Friday, August 7, 2026.** Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

B. The provisions herein shall apply only to the election to be held on November 3, 2026.

SECTION 8. Notice of Election. Notice of the election is hereby given and the City Clerk is authorized and instructed to give further or additional notice of the election in the time, form, and manner as required by law.

SECTION 9. Full Text. The full text of the Measure shall be printed in the voter information guide and a statement shall be printed in the ballot pursuant to Elections Code Section 9223, advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk. The complete text of the Measure is attached to this Resolution as Exhibit "A".

SECTION 10. Filing with County. The City Clerk shall, not later than the 88th day before the General Municipal Election to be held on Tuesday, November 3, 2026, file with the Board of Supervisors and the County Registrar of Voters of the County of Sacramento, State of California, a certified copy of this Resolution.

SECTION 11. Public Examination. Pursuant to Elections Code section 9295, this Resolution and the Measure will be available for public examination for at least ten (10) calendar days immediately following the filing deadline for submission of those materials, as referenced in Section 10. The City Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 12. CEQA. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2), (b)(5).) If for any reason the proposed ballot measure is considered a project, it is exempt from CEQA review pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

SECTION 13. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss.
CITY OF FOLSOM)

I HEREBY CERTIFY that the foregoing Resolution No. 11665 was duly adopted by the City Council of the City of Folsom at a regular meeting thereof, held on the 14th day of July, 2026, by the following vote of the Council:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

_____
Christa Freemantle, City Clerk

EXHIBIT "A"

ORDINANCE NO. 1371 – AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.03, "CITY ATTORNEY," OF THE CITY CHARTER TO HAVE THE CITY COUNCIL APPOINT AND DIRECT THE CITY ATTORNEY AND TO MAKE RELATED OPERATIONAL CHANGES

[attached behind this page]

ORDINANCE NO. 1371

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.03, "CITY ATTORNEY," OF THE CITY CHARTER TO HAVE THE CITY COUNCIL APPOINT AND DIRECT THE CITY ATTORNEY AND TO MAKE RELATED OPERATIONAL CHANGES

The People of the City of Folsom hereby do ordain and amend the Adopted Charter of the City of Folsom as follows:

SECTION 1 CHARTER AMENDMENT

Section 4.03, "City Attorney", of Article IV, "Departments, Agencies and Employees", of The Adopted Charter of the City of Folsom is hereby amended to read as follows:

4.03 City Attorney:

The office of City Attorney is hereby created. The City Attorney shall be the chief legal officer of the City, and***, notwithstanding any other provision of this Charter***:

A. Duties. Shall advise the City Council, individual Councilmembers, the City Manager and his/her assistants, and department heads regarding the law relating to City affairs.

B. Additional Duties. Shall represent the City in all legal proceedings, prepare all ordinances and other needed legal documents, select and retain specialist counsel where there is a need for such specialized legal services, and perform such other duties as may be prescribed by ordinance.

C. Department Head. May be a full time department head of the City ***appointed by the City Council***, or may be contracted ***by the City Council*** as a department head.

D. Approval of Contracts. Shall review and approve all City contracts as to legal form.

E. Special Counsel. The City Council may retain special counsel in any matter where representation by the City Attorney would create an impermissible conflict, including the discipline or dismissal of the City Manager.

F. ***City Attorney Appointment. The City Council shall appoint a City Attorney for an indefinite term through the mechanism of an employment agreement the same as those afforded department heads under this Charter. The City Attorney:***

1. ***Serve At Pleasure. Shall serve at the pleasure of the Council;***

2. ***How Chosen. Shall be chosen solely on the basis of administrative qualifications and, at time of appointment need not be a resident of the State or City but shall be a member of the California State Bar;***

3. Salary. Shall be paid a salary fixed by the Council commensurate with the responsibilities of the position.

G. Dismissal Hearing. Shall have the right to a public hearing on any motion to remove or to suspend his/her employment, which public hearing shall be held only after provision of 10 days' published notice prior to the Council voting on the motion to remove or to suspend the City Attorney.

H. Restriction on Dismissal. During a period of 90 days immediately following the date of installation of any person newly elected to the Council at a regular or special City election, or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or to reduce the duties, salary or benefits of the City Attorney.

I. Appointment of Employees. The City Attorney shall appoint all other members of the City Attorney's Office to positions authorized by the Council. These employees shall serve at the pleasure of the City Attorney but shall have permanent status subject to all rights and limitations in the City merit system.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of The Adopted Charter of the City of Folsom shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Charter amendment vote in favor of it, the amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk shall file the results of the Charter amendment election with the Secretary of State within 45 days following the election.

In addition, the City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of

the City voting upon the proposed Charter amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Charter amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

ORDINANCE NO. 1371

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.03, "CITY ATTORNEY," OF THE CITY CHARTER TO HAVE THE CITY COUNCIL APPOINT AND DIRECT THE CITY ATTORNEY AND TO MAKE RELATED OPERATIONAL CHANGES

The People of the City of Folsom hereby do ordain and amend the Adopted Charter of the City of Folsom as follows:

SECTION 1 CHARTER AMENDMENT

Section 4.03, "City Attorney", of Article IV, "Departments, Agencies and Employees", of The Adopted Charter of the City of Folsom is hereby amended to read as follows:

4.03 City Attorney:

The office of City Attorney is hereby created. The City Attorney shall be the chief legal officer of the City, and***, notwithstanding any other provision of this Charter***:

A. Duties. Shall advise the City Council, individual Councilmembers, the City Manager and his/her assistants, and department heads regarding the law relating to City affairs.

B. Additional Duties. Shall represent the City in all legal proceedings, prepare all ordinances and other needed legal documents, select and retain specialist counsel where there is a need for such specialized legal services, and perform such other duties as may be prescribed by ordinance.

C. Department Head. May be a full time department head of the City ***appointed by the City Council***, or may be contracted ***by the City Council*** as a department head.

D. Approval of Contracts. Shall review and approve all City contracts as to legal form.

E. Special Counsel. The City Council may retain special counsel in any matter where representation by the City Attorney would create an impermissible conflict, including the discipline or dismissal of the City Manager.

F. ***City Attorney Appointment. The City Council shall appoint a City Attorney for an indefinite term through the mechanism of an employment agreement the same as those afforded department heads under this Charter. The City Attorney:***

1. ***Serve At Pleasure. Shall serve at the pleasure of the Council;***

2. ***How Chosen. Shall be chosen solely on the basis of administrative qualifications and, at time of appointment need not be a resident of the State or City but shall be a member of the California State Bar;***

3. Salary. Shall be paid a salary fixed by the Council commensurate with the responsibilities of the position.

G. Dismissal Hearing. Shall have the right to a public hearing on any motion to remove or to suspend his/her employment, which public hearing shall be held only after provision of 10 days' published notice prior to the Council voting on the motion to remove or to suspend the City Attorney.

H. Restriction on Dismissal. During a period of 90 days immediately following the date of installation of any person newly elected to the Council at a regular or special City election, or of any person newly appointed to the Council, the Council shall take no action, whether immediate or prospective, to remove, suspend, request the resignation of, or to reduce the duties, salary or benefits of the City Attorney.

I. Appointment of Employees. The City Attorney shall appoint all other members of the City Attorney's Office to positions authorized by the Council. These employees shall serve at the pleasure of the City Attorney but shall have permanent status subject to all rights and limitations in the City merit system.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of The Adopted Charter of the City of Folsom shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Charter amendment vote in favor of it, the amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk shall file the results of the Charter amendment election with the Secretary of State within 45 days following the election.

In addition, the City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Charter amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Charter amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Election Related Items
STAFF REPORT TITLE	1. Resolution No. 11665 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.03 to Have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes; Directing Outside Legal Counsel to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure 2. Ordinance No. 1371 - An Ordinance of the People of the City of Folsom Amending Section 4.03, "City Attorney", of the City Charter to have the City Council Appoint and Direct the City Attorney and to Make Related Operational Changes **(Second Reading and Approval of Submission to Voters)**
FROM:	City Manager's Office

Staff is providing the attached additional information for the above-referenced agenda item.

Sari Dierking

From: Scott Rafferty <rafferty@gmail.com>
Sent: Saturday, July 11, 2026 5:10 PM
To: Sari Dierking; AttorneyCityWebsiteMail; Sarah Aquino; Barbara Leary; Mike Kozlowski; Bryan Whitemyer; Justin Raithel; Anna Rohrbough
Subject: Item 14 - Elected city attorney

You don't often get email from rafferty@gmail.com. Learn why this is important

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept these public comments on Item 14 on the agenda of Tuesday's meeting.

The Council should amend Resolution No. 11665 to allow the people to decide whether they wish to elect their city attorney.

An appointed city attorney has proven unable to stand up to either the city manager or the city council and give objective legal advice, even in public meetings. This has been particularly acute in election-related matters. The People deserve an attorney who works for them, not council members or city officials.

The appointed city attorney couldn't stand up to the city manager when she waited until after public comment had closed and then relayed a series of instructions to the council that a political operative was texting her.

The appointed city attorney couldn't stand up to former member Rodriguez when she proposed to use districting "to keep the council we have." He endorsed the demographer's claim that the "first principle" was to create districts to which they would be elected. This required which required complete disregard for the FAIRMAPS Act, whihc specifies exclusive and mandatory ranked criteria. He stood by while members Kozlowski and Aquino split neighborhoods and implemented 27 "swaps," "trades," and "grabs," whose only purpose was partisan advantage.

Outside of public meetings, the appointed city diregarding the rights of the public in even more flagrant ways.

He threatened to delay compliance with the CVRA unless members of the Democratic Club agreed to forfeit their charter right to communicate through counsel and further agreed not to criticize maps they opposed. He made good on that threat, requiring CVRA litigation, even though the overwhelming majority of residents of all parties wanted district elections.

The former city attorney used public funds to achieve improper partisan goals. When member Kozlowski transferred petition signatures to former mayor Howell, he prosecuted a civil action against Howell (but not Kozlowski, whose offense was more serious). That malicious and frivolous lawful was thrown out of court, because the law requires a VOTER, not elected or appointed officials.

Perhaps most critically, the former city attorney perjured himself in a declaration demanding that the court dismiss the Shetty case because their attorney failed to serve a required amendment. Members

Kozlowski and Aquino knew this was deliberately false because they received courtesy copies of the document at the same time it was served.

No elected city attorney would do these thiings. They are acutely aware that, as the Califronia Supreme Court has noted, their loyalty, especially in election cases, is to the voters, not to particular incumbents. Arnel v. City of Costa Mesa.

Huntington Beach told the Orange County Registrar that 70% of Californian elect their city attorney. "Does your city have elected attorney?" 5/11/24. This is an overstatement, but the fact remains that most cities with appointed attorneys are smaller than Folsom and pay less that the former city attorney received.

The People should be able to decide whether to elect their city attorney. It is unnecessary and inappropriate to provide that the city council should "direct" the attorney. The People can do that for themselves by electing an attorney who is willing accurately to state the law, even when the council doesn't want to hear it.

Scott Rafferty
1913 Whitecliff Ct
Walnut Creek CA 94596
mobile 202-380-5525

Folsom City Council
Staff Report

MEETING DATE:	07/14/2026
AGENDA SECTION:	Election Related Items
SUBJECT:	1. Resolution No. 11666 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.07 to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure 2. Ordinance No. 1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, "Boards and Commissions," of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance **(Second Reading and Approval of Submission to Voters)**
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council adopt Resolution No. 11666 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.07 to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and

Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure.

Staff further recommends that the City Council conduct the second reading and approve submission to the voters of Ordinance 1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, "Boards and Commissions," of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance.

BACKGROUND:

On December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee. The Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council. Resolution No. 11525 directed the Committee to submit a report to the City Council containing its recommendations.

The Committee performed its work over five meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter and ultimately approved recommended language changes to seven sections of the Charter and one section of the Folsom Municipal Code that was an initiative measure passed by a vote of the people in 1994.

Resolution No. 11525 created the 2026 Ad Hoc Charter Review Committee as a Brown Act Committee, so the Committee's meetings were open to the public. Members of the public attended the final three meetings and addressed the Committee on many of the items considered.

On May 12, 2026, the 2026 Ad Hoc Charter Review Committee's Report was submitted to the City Council, and a public hearing was held on the eight amendments recommended by the Committee. Following the public hearing, the City Council deliberated and passed Resolution No. 11613, receiving the 2026 Ad Hoc Charter Review Committee Report to City Council with recommended amendments and dissolving the Committee.

The Council engaged in further deliberation and ultimately voted 4-0, with one absent, not to submit five of the eight Charter amendments proposed by the Charter Review Committee to the voters at the November 3, 2026 election.

The Council also directed staff to return on May 26, 2026, for further consideration of whether to submit to the voters at the November 3, 2026 election any of the three remaining amendments recommended by the Committee.

On May 26, 2026, staff presented to the Council conceptual language for the following Charter and Folsom Municipal Code amendments which, if approved by the Council on July 14, 2026, will be submitted to the voters at the November 3, 2026 election:

1. **Section 4.03** - City Attorney: to change how the City Attorney is appointed, from the current system in which the City Manager appoints the City Attorney, to a system in which the City Council appoints the City Attorney, and related operational changes.

2. **Section 4.07** – Boards and Commissions: strike language that all City Boards and Commissions are only advisory to the Council, confirming that the Council may set the powers and duties of Boards and Commissions by ordinance.

3. **Folsom Municipal Code § 2.48.030** – Campaign contribution limitation: increase the campaign contribution limit from $150 to $500 per donor per election on campaigns for Folsom City Council.

Staff also presented information on the cost of putting these measures on the ballot.

The Council deliberated and then voted 4-1 to move forward with the next steps necessary to submit all three measures to the voters in November.

POLICY/RULE:

Charter Amendment
City Charter section 8.01 governs Charter amendments, which may be framed and proposed in several ways, including by an ordinance of the City Council containing the full text of the proposed amendment. Charter amendments must be approved by a majority of the voters of the City at a regular election.

Pursuant to City Charter section 2.12(A), no City ordinance shall contain more than one subject, which shall be clearly expressed in its title.

Elections
Elections Code Section 9255 and Government Code Section 34458 provide that a proposal to amend a city charter proposed by the governing body of a city shall be submitted to the voters at an established Statewide General Election.

Pursuant to Folsom Municipal Code Section 2.40.010, the date of the General Municipal Election shall be the same date as the Statewide General Election in even numbered years. Elections Code Section 10400 establishes that, whenever two elections are to be held on the same day, they may be consolidated. In addition, Elections Code Section 10403 sets forth the requirement that jurisdictions file a resolution requesting consolidation with the local county board of supervisors.

The rules governing arguments in favor of and against City ballot measures are contained in Elections Code Sections 9281 through 9287. For measures placed on the ballot by the City Council, the City Council or a member or members of the Council authorized by the Council may file a written argument for or against any city measure, as may any individual voter

eligible to vote on the measure or a bona fide association of citizens, or a combination of voters and associations. If more than one argument for or against a City measure is submitted, the City Clerk must give preference and priority to the argument submitted by the City Council or a member or members of the Council authorized by that body. Consistent with state law, the County establishes deadlines by which arguments concerning ballot measures, and rebuttals to those arguments must be submitted.

Elections Code Section 9280 provides that the City Attorney shall prepare an impartial analysis of any City ballot measure, except for a measure affecting the organization or salaries of the Office of the City Attorney. The City Council may direct the City Clerk to prepare the impartial analysis for any such ballot measure. Additional regulations affecting preparation of the impartial analysis are contained in Elections Code section 9280.

Elections Code Section 9285 governs rebuttal arguments. The City Clerk must send a copy of the argument in favor of a City ballot measure to the authors of the argument against the measure and a copy of the argument against a City ballot measure to the authors of the argument in favor of the measure. The author(s) of the original argument relating to a City measure may prepare and submit a rebuttal argument or may authorize someone else to do so.

The full text of a City ballot measure may be but is not required to be printed in the voter information guide. Voters may publicly examine and/or obtain from the City Clerk a complete copy of the Ordinance and the Resolution authorizing submission of the ballot measure to the voters.

ANALYSIS

Approval of Resolution No. 11666, conducting the second reading of Ordinance No. 1372, and approving submission of the associated ballot measure to the voters are the final procedural steps necessary for the Council to submit the proposed amendment of City Charter Section 4.07 to the voters at the Statewide General Election on November 3, 2026.

Although the language of Section 4.07 states that the "City Council may by ordinance create other Boards and Commissions and prescribe their powers and duties, determine the number and qualification of the members, their method of selection, term of office and removal, and fix their compensation, if any" the same Section also states that "[a]ll boards and commissions only shall be advisory to the Council." These two sentences are inconsistent, with the first one giving City Council authority to prescribe the powers and duties of Boards and Commissions by ordinance, and the second one restricting the City Council's authority to do just that. If approved, the proposed amendment will remove the language stating that Boards and Commissions only shall be advisory to the Council. This will confirm that the Council may by ordinance prescribe the powers and duties of Boards and Commissions, as stated in the first sentence of Section 4.07. Without this amendment, the Council would have to amend the Charter through a vote of the people in order to grant decision making authority to a Board or Commission not specifically listed in the Charter.

If the ballot measure is approved, City Council will have the flexibility to determine which Boards and Commissions should have decision making authority, as opposed to the lesser authority of only advising the Council. Staff submits that granting decision making authority to Boards and Commissions will reduce costs, save time, and cut red tape for residents, companies, and others doing business with the City by streamlining necessary approvals. Any decision made by a City Board or Commission will remain appealable to the City Council, providing accountability for the Boards and Commissions and an avenue for relief to those who feel aggrieved by such a decision. If the Council later determines that a Board or Commission should not have decision making authority, it can modify those powers and duties by ordinance.

The Historic District Commission in particular will likely be affected if the proposed amendment is approved by the voters. When it was established by the Council via ordinance in 1998, the Historic District Commission was intended to review and approve or deny the design of new buildings and the proposed alteration to existing buildings within the Historic District. It was also intended to review and approve or deny applications for other land use entitlements like conditional use permits, variances, and certain land divisions or mergers within the Historic District. Given the language in Section 4.07 that "[a]ll boards and commissions only shall be advisory to the Council", the original intent for the Historic District Commission (HDC) has been frustrated and all decisions of the HDC must be reviewed and approved by the Council. This practice has resulted in increased costs, unnecessary delays, and extra bureaucracy for those attempting to develop property or even remodel their home in the Historic District. If the proposed Charter amendment is approved by the voters, the City Council will have authority to confirm that the HDC has final decision making authority, as anticipated at its inception and as described in Folsom Municipal Code Chapter 17.52.

FINANCIAL IMPACT:

The Sacramento County Registrar of Voters has estimated the election cost for three Councilmembers at approximately $65,000. If ballot measures are also added to the election, the cost will be approximately $83,000 for the first measure, and $12,200 for each additional measure. Funds have been included in the FY 2026/27 budget to cover these costs.

ENVIRONMENTAL REVIEW

The proposed Charter amendment is not a project for purposes of CEQA because CEQA only applies to activities that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Because the proposed Charter amendment relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, the proposed Charter amendment does not have the potential to cause a physical change in the environment directly or indirectly, and is not a project subject to CEQA. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2).) If for any reason the

proposed Charter amendment is considered a project, it is exempt from CEQA review pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

ATTACHMENTS

1. Resolution No. 11666 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.07 to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure

2. Ordinance No. 1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, "Boards and Commissions," of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance

Submitted,

Bryan Whitemyer
City Manager

Attachment 1

RESOLUTION NO. 11666

A RESOLUTION AUTHORIZING SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF FOLSOM AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2026, A BALLOT MEASURE AMENDING CITY CHARTER SECTION 4.07 TO CONFIRM THAT THE CITY COUNCIL MAY GRANT DECISION MAKING AUTHORITY TO BOARDS AND COMMISSIONS BY ORDINANCE; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSED MEASURE; AUTHORIZING THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING THE PROPOSED MEASURE

WHEREAS, Section 4.07 of the Adopted Charter of the City of Folsom grants the City Council authority to create and regulate Boards and Commissions not already established in the Charter; and

WHEREAS, on December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee; and

WHEREAS, the Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council, and was directed to submit a report to the City Council containing its recommendations; and

WHEREAS, the Committee performed its work over five public meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter, heard from the public, and ultimately approved recommended amendments to several sections of the Charter and one section of the Folsom Municipal Code pertaining to campaign contribution limits that was an initiative measure passed in 1994; and

WHEREAS, on May 12, 2026, the Committee submitted its Report to the City Council, and a public hearing was held on all of the amendments recommended by the Committee; and

WHEREAS, this proposed Charter Amendment to confirm that the City Council may grant decision making authority to Boards and Commissions by ordinance, was one of the Committee's recommendations made in its Report; and

WHEREAS, on May 26, 2026, staff presented to the Council conceptual language for this Charter Amendment and the Council gave direction for staff to draft finalized Charter Amendment language and the required resolution(s) and ordinance(s) to submit this Charter Amendment to City of Folsom voters at the November 3, 2026 General Municipal Election; and

WHEREAS, the City Council desires to submit to the voters a ballot measure amending City Charter Section 4.07 to confirm that the City Council may grant decision making authority to Boards and Commissions by ordinance and to remove language stating that all Boards and

Commissions only shall be advisory to the Council (the "Measure"); and

WHEREAS, pursuant to City Charter Sections 6.01 and 8.01, applicable provisions of state law shall govern amendments to the City Charter and elections for that purpose, insofar as such provisions do not conflict with the City Charter or City of Folsom ordinance(s); and

WHEREAS, pursuant to City Charter Section 8.01(A)(1), California Elections Code Sections 1415 and 9255, and Government Code Section 34458, the City Council has authority to place measures to amend the City Charter on the ballot as an ordinance to be considered at (i) the City's next regularly scheduled general municipal election or (ii) at a regular election as set by state law, occurring at least 88 days after the date of the order of election; and

WHEREAS, the City Council desires to place the Measure on the ballot to be considered by City of Folsom voters at the General Municipal Election which will coincide with the Statewide General Election to be held on Tuesday, November 3, 2026; and

WHEREAS, pursuant to California Government Code Section 34458(b), the City Council held a duly noticed public hearing on May 12, 2026 and a second duly noticed public hearing on June 23, 2026 to hear public comment and testimony and to consider the proposed Charter Amendment, with the first and second public hearings being held at 6:30 p.m. or as soon thereafter as the matter could be heard, outside normal City business hours; and

WHEREAS, pursuant to California Government Code Section 34458(b), this resolution is being adopted at a City Council meeting which is at least twenty-one (21) calendar days after the second public hearing referenced above; and

WHEREAS, California Constitution, Article XI, Section 3, requires that, to be effective, any charter amendment must be approved by a majority of City voters voting at an election called for that purpose; and

WHEREAS, City Charter Section 8.01 requires that amendments to the Charter must be approved by a majority of the voters of the City to be effective; and

WHEREAS, the specific terms of the Measure are attached hereto as Exhibit "A" and by this reference made an operative part hereof, and in accordance with all applicable laws; and

WHEREAS, the City Council desires to consolidate the General Municipal Election for the Measure described herein with the Statewide General Election to be held on November 3, 2026; and

WHEREAS, the City Council further desires to set deadlines and rules for primary and rebuttal arguments for and against the Measure.

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

SECTION 1. Recitals. The City Council of the City of Folsom hereby finds and determines that the foregoing recitals are true and correct, incorporates the foregoing recitals herein, and by this reference makes them an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City of Folsom, pursuant to its right and authority as contained in California Constitution, Art. XI, Section 3, the Adopted Charter of the City of Folsom Section 8.01(A)(1), California Government Code Sections 34450 *et. seq*., California Elections Code Sections 1415 and 9255, and any other applicable requirements of the laws of the State of California relating to charter cities, **by a majority vote,** hereby calls and orders to be held a General Municipal Election in the City of Folsom to be consolidated with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to a vote of the qualified electors of the City of Folsom the Measure, in the form attached to this Resolution as Exhibit "A" and incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Question. The City Council of the City of Folsom, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters of the City in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters of the City at the General Municipal Election to be held on Tuesday, November 3, 2026, in addition to any other matters required by law, there shall be printed substantially the following:

Shall the measure amending the Adopted Charter of the City of Folsom to confirm the City Council may grant decision making authority to Boards and Commissions by ordinance, be adopted?	**YES**	
	NO	

SECTION 4. Election Procedures.

A. Request for Consolidation. Pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Sacramento is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to the voters the Measure.

B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the Sacramento County Registrar of Voters/Elections Official to take any and all steps necessary for the holding of the consolidated election.

C. Canvass of Returns. The Sacramento County Registrar of Voters/Elections Official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election for the Measure. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California

Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

D. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

E. Form of Ballot. The ballots to be used at the election shall be in the form and content as required by law.

F. City Clerk Authorized to Coordinate with County. The City Clerk is authorized and instructed, in coordination with the Sacramento County Registrar of Voters/Elections Official, to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of Sacramento, except as otherwise provided in the Elections Code of the State of California.

H. Election to Follow Applicable Law. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

I. Notice of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized and instructed to give further or additional notice of the election, in the time, form, and manner as required by law.

J. Tallying of Ballots. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.

K. Receipt of Election Results. The City Clerk of the City of Folsom shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. <u>Vote Requirement.</u> Pursuant to Section 8.01 of the Adopted Charter of the City of Folsom, and consistent with California Constitution Article XI, Section 3, the Measure shall be approved by a simple majority vote (50% + 1) of the votes cast on the Measure.

SECTION 6. **Direct Arguments and City Attorney's Impartial Analysis.**

A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the Measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California until and including **Tuesday, July 28, 2026,** after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments may be changed or withdrawn by their proponents until and including Tuesday, July 28, 2026. An argument in favor of or against the Measure shall not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, including specifically Elections Code Section 9287, and shall take all actions necessary to cause the selected arguments to be printed and distributed to the voters.

C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The Impartial Analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. The Impartial Analysis shall be filed by **Wednesday, August 12, 2026.** In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the Impartial Analysis, in no less than 10-point bold type, the following: **"The above statement is an Impartial Analysis of Measure ____. If you desire a copy of the Measure, please call the election official's office at (916) 461-6035 or email CityClerkDept@folsom.ca.us and a copy will be sent at no cost to you."**

D. The provisions of this Section 6 shall apply only to the election to be held on November 3, 2026, and shall then be repealed.

SECTION 7. **Rebuttals.**

A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send a copy of the argument in favor of the Measure to the authors of the argument against the Measure, and a copy of the argument against the Measure to the authors of the argument in favor of the Measure. The author(s) of an argument in favor of or against the Measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing another person(s) to prepare, submit, or sign the rebuttal argument. The rebuttal arguments

shall be filed with the City Clerk not later than **Friday, August 7, 2026.** Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

B. The provisions of this Section 7 shall apply only to the election to be held on November 3, 2026, and then shall be repealed.

SECTION 8. Notice of Election. Notice of the election is hereby given and the City Clerk is authorized and instructed to give further or additional notice of the election in the time, form, and manner as required by law.

SECTION 9. Full Text. The full text of the Measure shall be printed in the voter information guide and a statement shall be printed in the ballot pursuant to Elections Code Section 9223, advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk. The complete text of the Measure is attached to this Resolution as Exhibit "A".

SECTION 10. Filing with County. The City Clerk shall, not later than the 88th day before the General Municipal Election to be held on Tuesday, November 3, 2026, file with the Board of Supervisors and the County Registrar of Voters of the County of Sacramento, State of California, a certified copy of this Resolution.

SECTION 11. Public Examination. Pursuant to Elections Code section 9295, this Resolution and the Measure will be available for public examination for at least ten (10) calendar days immediately following the filing deadline for submission of those materials, as referenced in Section 10. The City Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 12. CEQA. The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2), (b)(5).) If for any reason the proposed ballot measure is considered a project, it is exempt from CEQA review pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

SECTION 13. Severability. The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss.
CITY OF FOLSOM)

I HEREBY CERTIFY that the foregoing Resolution No. 11666 was duly adopted by the City Council of the City of Folsom at a regular meeting thereof, held on the 14th day of July, 2026, by the following vote of the Council:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

_____
Christa Freemantle, City Clerk

EXHIBIT "A"

ORDINANCE NO. 1372 – AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.07, "BOARDS AND COMMISSIONS," OF THE CITY CHARTER TO CONFIRM THAT THE CITY COUNCIL MAY GRANT DECISION MAKING AUTHORITY TO BOARDS AND COMMISSIONS BY ORDINANCE

[attached behind this page]

ORDINANCE NO. 1372

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.07, "BOARDS AND COMMISSIONS," OF THE CITY CHARTER TO CONFIRM THAT THE CITY COUNCIL MAY GRANT DECISION MAKING AUTHORITY TO BOARDS AND COMMISSIONS BY ORDINANCE

The People of the City of Folsom hereby do ordain and amend the Adopted Charter of the City of Folsom as follows:

SECTION 1 CHARTER AMENDMENT

Section 4.07, "Boards and Commissions", of Article IV, "Departments, Agencies and Employees", of The Adopted Charter of the City of Folsom is hereby amended to read as follows:

4.07 Boards and Commissions:

The City Council may by ordinance create other Boards and Commissions and prescribe their powers and duties, determine the number and qualification of the members, their method of selection, term of office and removal, and fix their compensation, if any. **~~All boards and commissions only shall be advisory to the Council.~~** Each member of any Board or Commission shall be a resident and registered voter of the City.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of The Adopted Charter of the City of Folsom shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Charter amendment vote in favor of it, the amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk shall file the results of the Charter amendment election with the Secretary of State within 45 days following the election.

In addition, the City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Charter amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Charter amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

ORDINANCE NO. 1372

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 4.07, "BOARDS AND COMMISSIONS," OF THE CITY CHARTER TO CONFIRM THAT THE CITY COUNCIL MAY GRANT DECISION MAKING AUTHORITY TO BOARDS AND COMMISSIONS BY ORDINANCE

The People of the City of Folsom hereby do ordain and amend the Adopted Charter of the City of Folsom as follows:

SECTION 1 CHARTER AMENDMENT

Section 4.07, "Boards and Commissions", of Article IV, "Departments, Agencies and Employees", of The Adopted Charter of the City of Folsom is hereby amended to read as follows:

4.07 Boards and Commissions:

The City Council may by ordinance create other Boards and Commissions and prescribe their powers and duties, determine the number and qualification of the members, their method of selection, term of office and removal, and fix their compensation, if any. **~~All boards and commissions only shall be advisory to the Council.~~** Each member of any Board or Commission shall be a resident and registered voter of the City.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of The Adopted Charter of the City of Folsom shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Charter amendment vote in favor of it, the amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk shall file the results of the Charter amendment election with the Secretary of State within 45 days following the election.

In addition, the City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Charter amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Charter amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Election Related Items
STAFF REPORT TITLE	1. Resolution No. 11666 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending City Charter Section 4.07 to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure 2. Ordinance No. 1372 - An Ordinance of the People of the City of Folsom Amending Section 4.07, "Boards and Commissions," of the City Charter to Confirm that the City Council May Grant Decision Making Authority to Boards and Commissions by Ordinance **(Second Reading and Approval of Submission to Voters)**
FROM:	City Manager's Office

Staff is providing the attached additional information for the above-referenced agenda item.

July 11, 2026

City of Folsom City Council
50 Natoma Street
Folsom, CA 95630
via email to: cfreemantle@folsom.ca.us for distribution to City Council

SUBJECT: Comments to City Council re: July 14, 2026, Agenda Item No. 15 – Resolution for Ballot Measure and Ordinance Amending Charter Section 4.07

Dear City Councilmembers:

I continue to urge the City Council to forgo pursuit of a ballot measure to amend City Charter section 4.07 and stop wasting City time and money on this effort. Your 7/14/2026 staff report for this item claims that decisions by boards and commissions *will remain appealable to those who feel aggrieved.* The staff report fails to acknowledge the restrictive Folsom Municipal Code (FMC) section 17.52.700 appeal provisions for decisions made by the Historic District Commission (HDC). It is those restrictive FMC 17.52.700 appeal provisions that ultimately led to a lawsuit in which the HDC's final approval authority was deemed invalid as conflicting with the City Charter. Were the City Council to focus its efforts on addressing the FMC 17.52.700 appeal procedures (a step that could be initiated during consideration of FMC 17.52 amendments per item 18 of your July 14, 2026, agenda) you might remedy FMC 17.52.700 in a manner that could resolve concerns about the HDC's approval authority and avoid continuing the wild goose chase of amending the Charter.

The staff report states (emphasis added),

> If the ballot measure is approved, … [a]ny decision made by a City Board or Commission **will remain appealable to the City Council,** providing accountability for the Boards and Commissions **and an avenue for relief to those who feel aggrieved by such a decision**.

That sounds pretty good, but it is incorrect.

In fact, as pertains to appeals of Historic District Commission (HDC) decisions, FMC 17.52.700 states (emphasis added),

> If a permit applicant, permittee, **or other person whose property rights may be affected** is dissatisfied with any determination made by the historic district commission, such person(s) may appeal to the city council.

Far from an avenue for relief to those aggrieved as asserted in the staff report, the FMC 17.52.700 appeal provisions create a potentially insurmountable barrier to appeals of HDC decisions for many Folsom property owners, residents, and organizations. Any person or organization that cannot make an express showing that their "property rights may be affected" might be denied standing to appeal an HDC decision to the Council.

This FMC 17.52.700 provision is the problem that the City Council still refuses to address. Instead, the Council is focusing on amending Charter section 4.07 with an apparent aim by at least some councilmembers to have the ability to deny standing to persons seeking to appeal HDC decisions.

On June 13, 2023, I came before the City Council to appeal an HDC demolition approval for a log cabin located at 608 Bridge Street. My appeal was largely driven by the revelation during the HDC hearing that, in deciding to recommend approval of the demolition, City staff had mistakenly identified the estimated age of the log cabin and actually did not know the age of the cabin and did not have information about its history.

July 11, 2026

An HDC commissioner urged his fellow commissioners to allow additional time to assess the actual age of the structure before approving the demolition, yet the rest of the commissioners voted to approve the demolition. I appealed the HDC's approval to the City Council.

At the appeal hearing, Community Development Department (CDD) staff and the then-City Attorney advised the Council that before hearing my appeal the Council needed to determine if I had standing to appeal. (See **Attachment 1** of this letter for a transcript of the June 13, 2023, appeal hearing discussion of standing.)

CDD staff advised the Council,

> One thing that I did want to go over with you at the beginning of the hearing is that it was not stated in the appeal letter, kind of the how the appellant, Mr. Delp, would who how his property rights would be affected as a result of the demolition. So the code states in 17.52.710 that a permit applicant, a permittee or another person whose property rights may be affected is dissatisfied with the decision made by the Historic District, such persons may appeal to the City Council.
>
> So before we proceed with the hearing, the question before you is whether Mr. Delp has standing to file an appeal on this matter. Again, the letter did not state how he's -- his -- he or his property is material affect affected by this. He's not a neighbor. He's approximately 0.2 miles away from the cabin. So I wanted to bring that issue to your attention and ask you how you wish to proceed on this.

With the then-City Attorney adding,

> So I think this is a jurisdictional question, whether Mr. Delp is qualified to even file this appeal. And this question is raised by the project applicant. So the project applicant, to be fair, follows what the municipal code says as well and raised the issue that Mr. Delp is not qualified to even file an appeal because his property rights may not even be affected by the Commission's decision to allow this structure to be demolished.
>
> For example, if he's able to demonstrate that demolishing this structure would cause him not to be able to use this property, rent it out or, you know, access it because somehow the easement goes away – I don't know. I don't know where he lives – then perhaps. But it is entirely up to him to demonstrate that to the council. He doesn't say that in the appeal, but he may have a legitimate interest in appealing the Commission's decision to the council.
>
> The Commission is sitting as a judge -- I'm sorry. The City Council is sitting as a judge in this quasi judicial proceeding. So it's your decision to make. It's your -- it is within your authority to determine whether he has standing or not to file an appeal.

After nearly 35 minutes of questioning, two of five council members voted *against* my standing to appeal. Although the appeal hearing proceeded on a 3-2 vote, the incident revealed the substantial constraint on standing that might be applied by the Council in rejecting a person's or organization's standing to appeal an HDC decision given the restrictive section 17.52.700 appeal provisions.

July 11, 2026

That June 2023 appeal hearing statements made by the City Attorney and the vote of two council members to deny standing are clearly contradictory to your 7/14/2026 staff report claims that decisions by boards and commissions *will remain appealable to those who feel aggrieved*, and undermine confidence that persons seeking to appeal an HDC decision will be able to demonstrate standing and have matters heard by the Council. Without amending section 17.52.700 to allow for broader standing to appeal HDC decisions, the Charter amendment now under consideration by the City Council will allow the City Council to disenfranchise nearly all residents and organizations from having standing to appeal HDC decisions.[1]

In fact, it is the barriers to appeal that ultimately influenced my decision to include this matter as a cause of action in the *Delp vs. City of Folsom, et al.* (Sac. Superior Court case no. 23WM000125, re: 603 Sutter Street Mixed-Use Project) and it is the barriers to appeal that also influenced the Court's ruling as pertains to the 603 Sutter Street project that the HDC's approval authority conflicts with the City Charter where the Court found (emphasis added),

> …although in this case the City Council did review the Project approval because Petitioner appealed the decision of the Historic District Commission to the Council, **Petitioner pointed out that he had to comply with the City's procedures for bringing the appeal, which included payment of a substantial fee and satisfaction of certain standing requirements**.

I urge the Council to reverse course, leave the Charter alone and focus on remedying the restrictive FMC 17.52.700 appeal provisions that create a substantial barrier for persons and organizations who may from time to time and for good reason seek to appeal certain matters to the City Council.

Thank you for considering my comments.

Sincerely,

Bob Delp
Historic District Resident
Folsom, CA 95630
bdelp@live.com; 916-812-8122

Attachments

Attachment 1. Audio Transcription of Portion (3h:33m:54s to 4h:07m:14s) of June 13, 2023, City of Folsom City Council discussion and decision regarding Bob Delp standing to appeal Historic District Commission decision to approval 608 Bridge Street log cabin demolition.

[1] Excepting appeals pertaining to the California Environmental Quality Act (CEQA) per CEQA section 21151(c) which expressly allows for appeals to an elected decision-making body, stating, "If a nonelected decision-making body of a local lead agency certifies an environmental impact report, approves a negative declaration or mitigated negative declaration, or determines that a project is not subject to this division, that certification, approval, or determination may be appealed to the agency's elected decision-making body, if any."

July 11, 2026

Attachment 1

Audio Transcription of Portion (3h:33m:54s to 4h:07m:14s) of June 13, 2023, City of Folsom City Council discussion and decision regarding Bob Delp standing to appeal Historic District Commission decision to approval 608 Bridge Street log cabin demolition.

Audio Transcription of

City Council Meeting

June 13, 2023

City of Folsom

aptus. COURT REPORTING
www.aptusCR.com | 866.999.8310

In Re:)
City of Folsom City)
Council Meeting,)
June 13, 2023)
_____)

AUDIO TRANSCRIPTION OF

City Council MEETING

Transcribed by:
JOSIE C. GONZALEZ
CSR No. 13435
Job No. 10173709

In Re:)
City of Folsom City)
Council Meeting,)
June 13, 2023)
_____)

Audio Transcription of City Council Meeting, transcribed on September 24th, 2025 in San Diego, California, by JOSIE C. GONZALEZ, Certified Shorthand Reporter No. 13435, in and for the State of California.

* * *

Start of Audio

* * *

MAYOR RODRIGUEZ: Will the clerk please call the next item.

CITY CLERK KONOPKA: Next item is public hearing Item Number 14 appeal by Bob Delp for decisions by the Historic District Commission approving the demolition of the cabin at 608 Bridge Street and determination that the project is exempt from CEQA.

MAYOR RODRIGUEZ: Good evening, Desmond.

CITY PLANNER PARRINGTON: Good evening, Mayor Rodriguez and members of the City Council. I'm Desmond Parrington. I'm Desmond Parrington, planning manager with the Community Development Department.

Tonight we're hearing the appeal of the Historic District Commission's approval of the demolition of a cabin located on the property at 608 Bridge Street. Just wanted to go over the appeal hearing protocol with you. So the mayor will open the hearing. Staff will give our presentation, which I'm about to do, then the appellant has ten minutes to give their presentation. The project applicant has ten minutes as well, and then public comments are three minutes per person. The applicant has -- or the appellant, I'm sorry, has five

minutes for their remarks, and then the project applicant has five minutes for their closing remarks. City staff can then ask any questions of staff or either the appellant or the project applicant, then the hearing is closed. And then the council will deliberate and make a decision.

One thing that I did want to go over with you at the beginning of the hearing is that it was not stated in the appeal letter, kind of the how the appellant, Mr. Delp, would who how his property rights would be affected as a result of the demolition. So the code states in 17.52.710 that a permit applicant, a permittee or another person whose property rights may be affected is dissatisfied with the decision made by the Historic District, such persons may appeal to the City Council.

So before we proceed with the hearing, the question before you is whether Mr. Delp has standing to file an appeal on this matter. Again, the letter did not state how he's -- his -- he or his property is material affect affected by this. He's not a neighbor. He's approximately 0.2 miles away from the cabin. So I wanted to bring that issue to your attention and ask you how you wish to proceed on this.

MAYOR RODRIGUEZ: All right. So before you go you proceed with your presentation, we will now open the

public hearing. Okay.

CITY ATTORNEY WANG: Yeah. If I may, Madam Mayor. So I think this is a jurisdictional question, whether Mr. Delp is qualified to even file this appeal. And this question is raised by the project applicant. So the project applicant, to be fair, follows what the municipal code says as well and raised the issue that Mr. Delp is not qualified to even file an appeal because his property rights may not even be affected by the Commission's decision to allow this structure to be demolished.

So that's the question. If I can be a little bit more helpful, the -- the term property rights pertains to a person's legal authority to use his or her property. And that can be manifested in many ways, such as using property -- using a property, renting it out, remodeling or do nothing at all. It's -- it's difficult to -- to picture without Mr. Delp explaining how his property rights are affected to make this kind of determination because I want to also give him the benefit of the doubt that he may actually have a legitimate property right at stake due to the Commission's approval to demolish this structure.

For example, if he's able to demonstrate that demolishing this structure would cause him not to be

able to use this property, rent it out or, you know, access it because somehow the easement goes away -- I don't know. I don't know where he lives -- then perhaps. But it is entirely up to him to demonstrate that to the council. He doesn't say that in the appeal, but he may have a legitimate interest in appealing the Commission's decision to the council.

The Commission is sitting as a judge -- I'm sorry. The City Council is sitting as a judge in this quasi judicial proceeding. So it's your decision to make. It's your -- it is within your authority to determine whether he has standing or not to file an appeal. So that's -- this is the initial jurisdictional question the council has to answer to be fair to both sides so that we're not ignoring his appeal in case he does have standing or the applicant's objection to his ability to file an appeal.

MAYOR RODRIGUEZ: Okay. So since this is the first time, do we now at this point ask Mr. Bob Delp to --

CITY ATTORNEY WANG: I believe so. Yes, ma'am.

MAYOR RODRIGUEZ: -- come up to the podium and answer the question.

CITY ATTORNEY WANG: Yes, ma'am. It is his appeal after all. Yes, ma'am.

MAYOR RODRIGUEZ: Okay. Good evening, Bob.

MR. DELP: Good evening, Mayor and members of the council. My name is Bob Delp. Thank you for this opportunity to express my concerns as a property owner and resident of the city of Folsom.

The applicant's May 30th e-mail to the City Council stated "Mr. Delp's appeal of the Historic District Commission's decision should be dismissed outright because he does not meet the fundamental requirement in the city's municipal code of having a property right that may be affected by the HDC's decision." I'm a citizen of the city of Folsom. I reside and own property in the Historic District. My right to use and enjoy and profit and benefit from my property is substantially influenced by the laws of the city of Folsom, and in particular, Title 17 of the Folsom Zoning Code, especially Section 17.52 that pertains to the Historic District. Decisions that are made by the Historic District Commission and the City Council related to implementing the Folsom municipal code and affecting the historic character and quality of the Historic District and its resources affect my right and my ability to use my property and to benefit from the property that I own in the city.

And I prepared these remarks and was going to

submit them, but then I decided, I don't need to do that as part of tonight's hearing. This will be more efficient and focused on whether this cabin deserves to be demolished or not at this time. And I -- I appreciate the question. I think it's a fair -- arguably fair issue to raise. If the council were to decide that I don't have standing to bring this appeal, one, we will end up in a discussion of whether the Historic District Commission has the authority to even make a final approval decision, which I've raised before and I won't go into now. But we would also be putting the rest of the city's -- the rest of the Historic District residents in a situation where they also have no right to appeal many things that happen in the Historic District and the Historic District Commission decides on. I think -- I think you need to make a responsible decision on this matter, and I'll stop there. Thank you.

COUNCILMEMBER KOZLOWSKI: Can I ask a question?

MAYOR RODRIGUEZ: Yes.

COUNCILMEMBER KOZLOWSKI: Just extending the logic of your statement just now, couldn't you make the argument that all residents of Folsom draw value and enjoyment of their property because of the existence of our Historic District, and thus, the argument you just

made would apply to anybody that lives next door to Vista Del Lago or in Natoma Station?

MR. DELP: Absolutely. I would support the right of any resident of the city of Folsom to appeal the decisions of the Historic District Commission to the City Council.

COUNCILMEMBER KOZLOWSKI: Okay. So then to the city attorney, we generally speaking, have noticing provisions that have distance or proximity requirements to them that are, I'm guessing, based on some state law or standard practice. How does -- if you overlay those concepts, what is the -- what is the outer limit of the boundary of interest? Because -- because you can be pretty far from the cabin location and still actually be in the Historic District, and then you could be very far and still be Folsom.

CITY ATTORNEY WANG: There is a -- that's a good question, Councilmember Kozlowski. There's a difference, however, between property rights and property values. We're not talking about property values here. We're talking about property rights, which is somebody's ability to use or not use his or her property not whether some decision could diminish or enhance the value of his or -- his or her property. The --

COUNCILMEMBER KOZLOWSKI: So the literal -- so the literal --

CITY ATTORNEY WANG: It's the local rule that the City Council adopted. If the City Council wished to have everybody be able to appeal the Historic District Commission's decision, the City Council can do that, but the City Council hasn't done it. What the City Council did was to allow three categories of people be able to appeal as read by Desmond earlier. The project applicant, permittee or other person whose property rights, not values, property rights may be affected. So those are the three categories of people that can appeal. It's a jurisdictional issue. So everybody else who may wish to file an appeal, such as somebody outside this Historic District, may not even be qualified, may not have legal standing to appeal. That's the question.

You, however, as the City Council can change the law because this is a local rule. Tonight you can also make a finding that Mr. Delp does have standing to bring his appeal if you're satisfied that his property rights are somehow affected either positively or negatively by the Commission's decision, and that relates to his ability to use his property. And the question we ask is whether the Commission's decision approving this structure to be demolished would affect his ability to

use or not use his property, not regarding property value, but regarding his use of the property.

MR. DELP: May I -- I don't know if I'd be addressing that or not, speak to that issue.

COUNCILMEMBER KOZLOWSKI: If you can provide some clarity as to how your use of your property will be infringed, then yes.

MR. DELP: I -- the property that I own in Folsom, I own -- I own two parcels. One of them has a structure on it that was built in 1895. It has -- I have tenants in that. I rent that. There are two other cabin structures on that property. They're not log cabins. I -- I exercise my right as a citizen of -- of Folsom to rely on Folsom Municipal Code and the protection and preservation of the Historic District values. As a property owner, that directly goes to my right to use and enjoy my property and to lease my property and to profit from my property. I have the right to do that and the right to do it with the protection of the Folsom Municipal Code that preserves the Historic District or is intended to preserve the Historic District in a way that's clearly outlined in the city law.

And so I assert to you that I have the right to bring this to you with my concerns about the city

council's or the Historic District Commission's decision that affects the quality of the Historic District where my property is located, and I have the right to expect that the city will uphold its laws to protect my property and the Historic District.

COUNCILMEMBER KOZLOWSKI: Okay. If I can -- if you don't mind, I'd like to separate the two concepts right there just for argument's sake. So there's -- and just once again to clarify, there isn't a provision in our code that is specific to protecting property value. Okay. And my experience in many, many communities looking for visiting zoning Boards of Appeals and Planning Commissions, is that they dismiss out of hand the discussion of property value. That can't be a purpose for getting a zoning exception, right? So that's not pertinent here, per se, but it is a standard practice across many, many communities when you're talking about deviating from the code that is used for planning purposes. So those two things kind of go hand in hand.

Then the second piece of what you said, which I tend to agree with, is that your reliance on the fair application of the zoning code is something that has some value relative to your enjoyment of your property. Okay. I'll grant you that, but in this particular

instance, the -- the provisions of the code seem to be in favor of the demolition of this building. And there isn't a protection in place that really, you know -- I guess -- I guess if you had a fear that the structures that you own the city would demand that you demolish them, that would be different than what we're talking about tonight. You are -- I mean -- I mean, is that what we're talking about?

MR. DELP: No, and I don't have that fear.

COUNCILMEMBER KOZLOWSKI: Okay.

MR. DELP: My concern is that I -- I think it's exactly what you said, is that my concern is that a decision hasn't -- the code doesn't allow for the demolition of this structure with the current state of information and analysis that's been prepared for it. That's the whole crux of my appeal. That is -- that is what I hope we will discuss once we get beyond this important issue.

COUNCILMEMBER KOZLOWSKI: Uh-huh. Okay. I don't have other questions. I just wanted to try and tease that out a little bit.

MAYOR RODRIGUEZ: Okay. Any other questions? Councilmember Rohrbough?

COUNCILMEMBER ROHRBOUGH: No.

MAYOR RODRIGUEZ: Vice Mayor Chalamcherla? No.

Okay.

So -- So -- so we need to answer the question. Does Mr. Delp have standing to --

CITY ATTORNEY WANG: That's the key question that the council has to answer first, and I do believe the applicant should be able to express her belief why Mr. Delp does not have standing.

MAYOR RODRIGUEZ: Okay. So at this point just to keep me honest, City Attorney, can I have -- can I have the -- the --

COUNCILMEMBER KOZLOWSKI: Applicant.

MAYOR RODRIGUEZ: -- applicant -- yeah, come and speak. All right.

MS. JENNINGS: Thank you, Mayor, and members of the City Council. My name is Jennifer Jennings. What you're addressing here is a fundamental standing issue for Mr. Delp. In his appeal he should have alleged what property rights he thought were impacted. You have established the Historic District Commission to hear the details of these kinds of projects. He was at the Historic District Commission. He said nothing, and yet he wants to come here and appeal. And so those are -- I find that fundamentally unfair. And he had that forum in which to discuss these details about the historic significance of this building. And for him just to use

this appeal process, contrary to what the code says, to just get a second bite at the apple and really just simply inconvenience us as far as we're concerned, is -- is inappropriate. And I do not believe that he has -- he can supplement his argument from what he stated in his written appeal. And I don't think what he said tonight indicates that there's any grounds for him to appeal. Thank you. I'm happy to address any questions.

MAYOR RODRIGUEZ: Thank you. Did you want to make a comment?

MR. DELP: I would. I would like to address that comment briefly. To the extent that this is -- this question has anything to do with what I did or didn't speak to at the Historic District Commission meeting, I would like to make a few points on that.

My wife and I both attended that meeting. And when we read the staff report -- I should speak for myself. When I read the staff report, the second paragraph on the first page of the staff report said the building was constructed in the 1950s.

CITY ATTORNEY WANG: Madam Mayor, I'm so sorry. Yes. I just want to make sure we focus on the question, not the appeal right now.

MAYOR RODRIGUEZ: Okay.

CITY ATTORNEY WANG: The question of whether he

has standing to even file this appeal.

MAYOR RODRIGUEZ: Okay.

MR. DELP: So if the question relates to my input at the Historic District Commission, my appeal is largely based on discussion that happened after the close of the public comment period about information that I had no ability to have any understanding of because it was presented incorrectly in the staff report.

MAYOR RODRIGUEZ: Thank you, Mr. Delp. Okay. So the question -- so then roll call?

CITY ATTORNEY WANG: Well, then just make -- just for my clarification, just to be sure that were fair to both sides, the appellant and also the project applicant, the question before the council right now, before moving to the appeal, is to determine whether the Commission's decision to allow the applicant structure to be demolished has some way or is somehow affecting Mr. Delp's property rights, somehow affecting his ability to use and enjoy his property or do nothing at all. That's the question. And -- and you have to make a decision. You have to vote on that, whether he has standing to file this appeal.

MAYOR RODRIGUEZ: Okay. Any --

COUNCILMEMBER KOZLOWSKI: I have one more

clarifying question for the city attorney, if that's okay. So given that bar, what is -- who has standing? A neighbor adjacent?

CITY ATTORNEY WANG: Not necessarily. So the person who can file -- the persons who can file an appeal under this particular section of Municipal Code is a permit applicant, a permittee or other persons whose property rights may be affected.

COUNCILMEMBER KOZLOWSKI: So that's more postured that -- that third category for somebody building something that may disturb your light or air or view or other --

CITY ATTORNEY WANG: Or impede --

COUNCILMEMBER KOZLOWSKI: -- use, access, things like that. Okay. Okay. So that puts into -- I'm sorry to belabor this, but it puts into question, you know, the appeal process that we have in place as it stands. With that set of restrictions there -- we've heard other appeals that perhaps this consideration should have been taken at the time. Maybe not, but it feels like that may be the case.

CITY ATTORNEY WANG: I don't know about the other appeals. All I know is that's what the City Council, before this one, has decided to establish this local rule.

COUNCILMEMBER KOZLOWSKI: Right.

CITY ATTORNEY WANG: To limit who may appeal a Historic District Commission's decision to the council. You can change that rule as you wish. As -- as of today, those are the rules that we follow. And Mr. Delp and also Ms. Jennings, everybody follows the same rule.

COUNCILMEMBER KOZLOWSKI: Okay. Okay. Wow. You're staring at me now, too.

COUNCILMEMBER CHALAMCHERLA: Mr. Attorney, based on that third option, Mr. Delp, he has a right to appeal based on his explanation.

CITY ATTORNEY WANG: That's what he's saying, yes, sir. That's not what the applicant is saying.

COUNCILMEMBER CHALAMCHERLA: Yeah, but the third option is vague in our city code.

CITY ATTORNEY WANG: Did you say vague, sir?

COUNCILMEMBER CHALAMCHERLA: Yeah.

CITY ATTORNEY WANG: It's not vague to me, sir. There are three categories of individuals who may appeal.

COUNCILMEMBER CHALAMCHERLA: Yeah.

CITY ATTORNEY WANG: A permit applicant, which is the applicant here.

COUNCILMEMBER CHALAMCHERLA: Yeah.

CITY ATTORNEY WANG: A permittee, somebody who

already has a permit or an individual whose probably rights may be affected by the decision, not everybody under the sun.

COUNCILMEMBER KOZLOWSKI: So under that strict construct, it would appear that we don't have a valid appellant to this permit in this instance.

CITY ATTORNEY WANG: So -- well, not necessarily, sir. After hearing Mr. Delp and also the applicant, you sitting as judges, you decide. You can decide and -- and find that Mr. Delp has standing to bring his appeal to you or you can decide that he does not.

COUNCILMEMBER ROHRBOUGH: He made an argument against number three that he -- his property rights -- wasn't that your argument? I mean, you're using number three as your argument to --

MR. DELP: I don't have that code section in front of me. So --

COUNCILMEMBER ROHRBOUGH: Yeah. Well, you're not you're not a permit holder. You're not the permittee.

MR. DELP: That's correct. I'm neither one of those.

COUNCILMEMBER ROHRBOUGH: So it would be the third one --

MR. DELP: My property rights --

COUNCILMEMBER ROHRBOUGH: -- whose property rights may be affected.

MR. DELP: -- may be affected. Yes.

COUNCILMEMBER AQUINO: And in what way would they be affected?

MR. DELP: Because I am a property owner in the city and especially in the city -- in the Historic District, and the Folsom Municipal Code that provides provisions for the Historic District Commission's and the City Council and staff's review, the city's review and approval of projects in the Historic District that affect the value and the quality of the Historic District where I own property, where I benefit from the use of that property. Decisions that are inconsistent with the protections provided by the municipal code affect my property in that way. If that seems not direct enough for this council, then you'll need to make that decision that the citizens in the Historic District that are concerned about decisions made by this Historic District Commission and want to bring those to the City Council, that they have a much higher bar than has been used in the past to be able to bring appeals.

There was a -- there was, I believe it was in 2019, an appeal of a resident appealing another

residential structure that he had concerns with that I'm confident was more than 0.2 miles from his property. This issue, to my knowledge, has never been raised, but I respect the Folsom Municipal Code, and I respect your ability to apply it and impose it. And if your decision is that I don't have standing based on the discussion that we're having here today, then you need to make that decision.

MAYOR RODRIGUEZ: Bob, I have a question. So you believe that this structure, that the demolition of this structure is going to negatively impact your home?

MR. DELP: I believe that the deterioration of the quality of the Historic District has a direct effect on my property -- my property, my right to use and enjoy my property under the protection of the Folsom Municipal Code. And that if it's not properly implemented and enforced, that has a direct effect on my property and my property rights and rights to use my property.

MAYOR RODRIGUEZ: All right. So the question at hand does Mr. Delp have standing to file an appeal?

COUNCILMEMBER CHALAMCHERLA: Mr. Delp, it is 0.2 miles from that location to your property?

MR. DELP: I -- staff did the measurement. I see it on the slide. I didn't actually -- it's a couple of blocks away down --

COUNCILMEMBER CHALAMCHERLA: Okay.

MAYOR RODRIGUEZ: The applicant would like to make a comment, and then I think we'll come back and -- I think voting. We just vote? Okay.

MS. JENNINGS: Yeah. I mean, I think that Mr. Delp is certainly, again, adding to his argument. The appeal has a time frame. It has to be submitted. It was submitted. It did not allege that his property rights were in any way being impacted. If you read it the way he is suggesting that you read it now, I could come and appeal any Historic District Commission decision I want even though I currently live in Truckee. People in Orangeville could appeal any Historic District Commission decision. You have to have some basis of interest, and that's what this code says.

If you want to change the code, that's fine. You could be more specific. But I think the way the code is currently written, he does not have standing. Thank you.

MAYOR RODRIGUEZ: Okay. Thank you. I think we just do a roll call on it. All right. So will the clerk please call the roll and answer the question does Mr. Delp have standing to file an appeal?

COUNCILMEMBER CHALAMCHERLA: Mr. Attorney? One more time, the third option, you can explain one more

1 time the third option.
2 CITY ATTORNEY WANG: Certainly. Thank you, sir.
3 So the third category --
4 COUNCILMEMBER CHALAMCHERLA: The third category.
5 CITY ATTORNEY WANG: Individuals who may appeal
6 Historic District Commission's decision about a project
7 is a permit applicant, permittee or other persons whose
8 property rights may be affected by the decision. And
9 the decision tonight is the approval of a demolition
10 application of the applicant's property in the Historic
11 District. So the question is whether demolishing this
12 property will somehow affect Mr. Delp's property rights,
13 his ability to use or not use his property. Thank you.
14 So if the question before the council is whether
15 Mr. Delp has standing, may I -- may I suggest refining
16 that question? Maybe the question should be Mr. Delp
17 has standing and then vote or Mr. Delp does not have
18 standing and then vote as opposed to each individual
19 council member who say yes, he has or no, he does not.
20 COUNCILMEMBER ROHRBOUGH: Can I ask you a
21 clarifying question? When you said property rights and
22 then you said to use or not use the property, I think
23 property rights go beyond that, too, wouldn't you say?
24 I mean --
25 CITY ATTORNEY WANG: His use or not use -- your

-- however you wish to deal with your or dispose of your property including remodeling. You know, you probably make --

COUNCILMEMBER ROHRBOUGH: Or selling or --

CITY ATTORNEY WANG: Use or not use.

COUNCILMEMBER ROHRBOUGH: Okay.

CITY ATTORNEY WANG: Or renting it out, that's all within your rights. Nobody can question your ability because you're the legal owner. You have the legal right to do those things for yourself pertaining to your property. And here the question is how is the Commission's approval to allow this structure to be demolished affect Mr. Delp's rights to use this property?

MAYOR RODRIGUEZ: I just have one more question. Is this -- are we talking about ish, four blocks?

CITY ATTORNEY WANG: Four.

MAYOR RODRIGUEZ: So four to five blocks?

CITY ATTORNEY WANG: Distance, you mean?

MAYOR RODRIGUEZ: Yeah.

CITY ATTORNEY WANG: I do not know.

MAYOR RODRIGUEZ: A distance from -- from one home to the other.

CITY PLANNER PARRINGTON: The -- the 0.2 miles was as the crow flies from the location of the cabin to

Mr. Delp's home address.

MAYOR RODRIGUEZ: Okay.

COUNCILMEMBER AQUINO: I have -- I have a question. Does this -- is there a similar provision for the rest of Folsom outside of the Historic District Commission? Mr. Parrington is shaking his head no.

CITY PLANNER PARRINGTON: I don't believe so. I think this is unique to the Historic District.

CITY ATTORNEY WANG: Yeah.

COUNCILMEMBER AQUINO: Okay. Okay. So --

COUNCILMEMBER KOZLOWSKI: Meaning that the bar for appeals outside is lower or higher or silent? Sorry.

CITY ATTORNEY WANG: The bar is lower outside the Historic District. It's basically anybody aggrieved by the action of the Planning Commission.

COUNCILMEMBER KOZLOWSKI: Aggrieved? Wow.

CITY ATTORNEY WANG: Yeah.

COUNCILMEMBER CHALAMCHERLA: Mr. Desmond, is the similar kind of structures were demolished in Historic District before based on your past understanding, the similar cabin structures in the past?

MR. PARRINGTON: So I'd like to get it -- if you believe that Mr. Delp has standing, that I can discuss that more. That's kind of getting away from the topic

of property -- of property rights and standing.

COUNCILMEMBER ROHRBOUGH: So I'll make a motion.

COUNCILMEMBER KOZLOWSKI: Yeah. Was that what you were going to do? I'll make a motion that Mr. Bob Delp does have the right to appeal this project.

COUNCILMEMBER CHALAMCHERLA: I second.

MAYOR RODRIGUEZ: Okay. The clerk please call --

COUNCILMEMBER ROHRBOUGH: I want to just -- we can discuss that for a second. So I just want to acknowledge the applicant. I think she made some really good points. I think if Mr. Delp did not live in Folsom or not at all near this area, but I do -- you know, I would have a different perspective on this, but you're very active in the Historic District. It shouldn't be about you individually, though, of course. It should be about the precedence we're making. And I think that's why I'm -- I always want people's voices to be heard.

MAYOR RODRIGUEZ: Okay. Any other comments? All right. Would the clerk please call the roll.

CITY CLERK KONOPKA: Councilmember Rohrbough?

COUNCILMEMBER ROHRBOUGH: Yes.

CITY CLERK KONOPKA: Aquino?

COUNCILMEMBER AQUINO: Yes.

CITY CLERK KONOPKA: Chalamcherla?

COUNCILMEMBER CHALAMCHERLA: Yes.

CITY CLERK KONOPKA: Kozlowski?

COUNCILMEMBER KOZLOWSKI: No.

CITY CLERK KONOPKA: Rodriguez?

MAYOR RODRIGUEZ: No.

Okay. So it's yes, he does. And so now we proceed with the appeal. Okay. Okay.

* * *

End of Audio

* * *

REPORTER'S CERTIFICATION

I, Josie C. Gonzalez, a Certified Shorthand Reporter in and for the State of California, do hereby certify:

That the foregoing audio file was reported by me stenographically to the best of my ability and later transcribed into typewriting under my direction; that the foregoing is a true record of the audio file.

IN WITNESS WHEREOF, I have subscribed my name this 2nd day of October, 2025.

Josie Gonzalez

JOSIE C. GONZALEZ

0

0.2 4:21 21:2,21 24:24

1

14 3:7

17 7:16

17.52 7:17

17.52.710 4:12

1895 11:10

1950s 15:20

2

2019 20:25

3

30th 7:6

6

608 3:9,18

A

ability 6:17 7:23 9:22 10:23,25 16:7,20 21:5 23:13 24:9

Absolutely 9:3

access 6:2 17:14

acknowledge 26:11

action 25:16

active 26:15

adding 22:6

address 15:8,11 25:1

addressing 11:4 14:16

adjacent 17:3

adopted 10:4

affect 4:20 7:22 10:25 20:13,17 23:12 24:13

affected 4:11,13,20 5:9,19 7:11 10:11,21 17:8 19:2 20:3,4,6 23:8

affecting 7:21 16:18, 19

affects 12:2

aggrieved 25:15,17

agree 12:22

air 17:11

allege 22:8

alleged 14:17

analysis 13:15

appeal 3:7,16,19 4:9, 15,18 5:4,8 6:5,13, 15,17,25 7:7 8:7,14 9:4 10:5,9,13,14,16, 20 13:16 14:17,22 15:1,6,8,23 16:1,4, 16,23 17:6,17 18:2, 10,20 19:11 20:25 21:20 22:7,11,13,23 23:5 26:5 27:7

appealing 6:6 20:25

appeals 12:12 17:19, 23 20:23 25:12

appellant 3:22,25 4:4, 9 16:14 19:6

apple 15:2

applicant 3:23,25 4:2, 4,12 5:5,6 10:10 14:6,11,12 16:15,17 17:7 18:13,22,23 19:9 22:2 23:7 26:11

applicant's 6:16 7:6 23:10

application 12:23 23:10

apply 9:1 21:5

approval 3:17 5:23 8:10 20:12 23:9 24:12

approving 3:8 10:24

approximately 4:21

Aquino 20:5 25:3,10 26:23,24

area 26:13

arguably 8:6

argument 8:23,25 15:5 19:13,15,16 22:6

argument's 12:8

assert 11:24

attended 15:16

attention 4:22

attorney 5:2 6:21,24 9:8,17 10:3 14:4,9 15:21,25 16:12 17:1, 4,13,22 18:2,9,12, 16,18,22,25 19:7 22:24 23:2,5,25 24:5,7,17,19,21 25:9,14,18

Audio 3:2 27:10

authority 5:14 6:11 8:9

B

back 22:3

bar 17:2 20:22 25:11, 14

based 9:10 16:5 18:9, 11 21:6 25:21

basically 25:15

basis 22:14

beginning 4:8

belabor 17:16

belief 14:6

benefit 5:21 7:14,23 20:14

bit 5:13 13:21

bite 15:2

blocks 21:25 24:16, 18

Boards 12:12

Bob 3:7 6:19 7:1,3 21:9 26:4

boundary 9:13

Bridge 3:9,18

briefly 15:12

bring 4:22 8:7 10:19 11:25 19:11 20:21, 23

building 13:2 14:25 15:20 17:11

built 11:10

C

cabin 3:9,18 4:21 8:3 9:14 11:12 24:25 25:22

cabins 11:13

call 3:4 16:11 22:21, 22 26:8,20

case 6:15 17:21

categories 10:8,12 18:19

category 17:10 23:3, 4

CEQA 3:10

Chalamcherla 13:25 18:9,14,17,21,24 21:21 22:1,24 23:4 25:19 26:6,25 27:1

change 10:17 18:4 22:16

character 7:21

citizen 7:12 11:13

citizens 20:19

city 3:6,12,13 4:3,15 5:2 6:9,21,24 7:5,6, 12,16,19,24 9:4,6,8, 17 10:3,4,6,7,17 11:23,25 12:4 13:5 14:4,9,15 15:21,25 16:12 17:1,4,13,22, 23 18:2,12,15,16,18, 22,25 19:7 20:8,11, 21 23:2,5,25 24:5,7, 17,19,21,24 25:7,9, 14,18 26:21,23,25 27:2,4

city's 7:10 8:12 20:11

clarification 16:13

clarify 12:9

clarifying 17:1 23:21

clarity 11:6

clerk 3:4,6 22:22 26:7,20,21,23,25 27:2,4

close 16:6

closed 4:5

closing 4:2

code 4:11 5:7 7:10, 17,21 11:14,20 12:10,18,23 13:1,13 15:1 17:6 18:15 19:17 20:9,16 21:4, 16 22:15,16,18

comment 15:10,12 16:6 22:3

comments 3:24 26:19

Commission 3:8 6:8 7:19 8:9,15 9:5 14:19,21 15:14 16:4 20:21 22:11,14 25:6, 16

Commission's 3:17 5:10,23 6:7 7:8 10:6, 22,24 12:1 16:17 18:3 20:10 23:6 24:12

Commissions 12:13

communities 12:11, 17

Community 3:15

concepts 9:12 12:7

concern 13:11,12

concerned 15:3 20:20

concerns 7:4 11:25 21:1

confident 21:2

consideration 17:19

construct 19:5

constructed 15:20

contrary 15:1

correct 19:22

council 3:13 4:5,15 6:5,7,9,14 7:3,7,20 8:6 9:6 10:4,6,7,17 14:5,15 16:15 17:24 18:3 20:11,18,22 23:14,19

council's 12:1

Councilmember 8:19,21 9:7,18 10:1 11:5 12:6 13:10,19, 23,24 14:11 16:25 17:9,14 18:1,7,9,14, 17,21,24 19:4,13,19, 24 20:2,5 21:21 22:1,24 23:4,20 24:4,6 25:3,10,11, 17,19 26:2,3,6,9,21, 22,24 27:1,3

couple 21:24

crow 24:25

crux 13:16

current 13:14

D

deal 24:1

decide 8:7 19:9,10,11

decided 8:1 17:24

decides 8:16

decision 4:6,14 5:10 6:7,10 7:8,12 8:10, 17 9:23 10:6,22,24 12:1 13:13 16:17,22 18:3 19:2 20:19 21:5,8 22:12,14 23:6,8,9

decisions 3:7 7:18 9:5 20:15,20

Del 9:2

deliberate 4:5

Delp 3:7 4:10,17 5:4, 8,18 6:19 7:2,3 9:3 10:19 11:3,8 13:9,11 14:3,7,17 15:11 16:3,10 18:5,10 19:8,10,17,22 20:1, 4,7 21:12,20,21,23 22:6,23 23:15,16,17 25:24 26:5,12

Delp's 7:7 16:19 23:12 24:13 25:1

demand 13:5

demolish 5:23 13:5

demolished 5:11 8:4 10:25 16:18 24:13 25:20

demolishing 5:25 23:11

demolition 3:8,17 4:11 13:2,14 21:10 23:9

demonstrate 5:24 6:4

Department 3:15

deserves 8:3

Desmond 3:11,13,14 10:9 25:19

details 14:20,24

deterioration 21:12

determination 3:9 5:20

determine 6:12 16:16

Development 3:15

deviating 12:18

difference 9:19

difficult 5:17

diminish 9:23
direct 20:18 21:13,17
directly 11:16
discuss 13:17 14:24 25:24 26:10
discussion 8:8 12:14 16:5 21:6
dismiss 12:13
dismissed 7:8
dispose 24:1
dissatisfied 4:14
distance 9:9 24:19,22
District 3:8,17 4:15 7:8,13,18,19,22 8:9,13,15,25 9:5,15 10:5,15 11:15,21,22 12:1,2,5 14:19,21 15:14 16:4 18:3 20:9,10,12,14,19,21 21:13 22:11,13 23:6,11 25:5,8,15,21 26:15
disturb 17:11
door 9:1
doubt 5:21
draw 8:23
due 5:22

E

e-mail 7:6
earlier 10:9
easement 6:2
effect 21:13,17
efficient 8:3
end 8:8 27:10
enforced 21:17
enhance 9:24
enjoy 7:14 11:17 16:20 21:14
enjoyment 8:24 12:24
establish 17:24
established 14:19
evening 3:11,12 7:1,2
exception 12:15
exempt 3:10
exercise 11:13
existence 8:24
expect 12:3
experience 12:11
explain 22:25
explaining 5:18
explanation 18:11
express 7:4 14:6
extending 8:21
extent 15:12

F

fair 5:6 6:14 8:5,6 12:22 16:14
favor 13:2
fear 13:4,9
feels 17:20
file 4:18 5:4,8 6:12,17 10:14 16:1,23 17:5 21:20 22:23
final 8:10
find 14:23 19:10
finding 10:19
fine 22:16
flies 24:25
focus 15:22
focused 8:3
follow 18:5
Folsom 7:5,12,16,17,20 8:23 9:4,16 11:9,14,20 20:9 21:4,15 25:5 26:12
forum 14:23
frame 22:7
front 19:18
fundamental 7:9 14:16
fundamentally 14:23

G

generally 9:8
give 3:21,22 5:20
good 3:11,12 7:1,2 9:17 26:12
grant 12:25
grounds 15:7
guess 13:4
guessing 9:10

H

hand 12:13,19,20 21:20
happen 8:14
happened 16:5
happy 15:8
HDC's 7:11
head 25:6
hear 14:19
heard 17:18 26:18
hearing 3:6,16,19,20 4:4,8,16 5:1 8:2 19:8
helpful 5:13
higher 20:22 25:12
historic 3:8,16 4:14 7:7,13,18,19,21,22 8:9,12,15,25 9:5,15 10:5,15 11:15,21,22 12:1,2,5 14:19,21,24 15:14 16:4 18:3 20:8,10,12,13,19,20 21:13 22:11,13 23:6,10 25:5,8,15,20 26:15
holder 19:20
home 21:11 24:23 25:1
honest 14:9
hope 13:17

I

ignoring 6:15
impact 21:11
impacted 14:18 22:9
impede 17:13
implemented 21:16
implementing 7:20
important 13:18
impose 21:5
inappropriate 15:4
including 24:2
inconsistent 20:15

inconvenience 15:3
incorrectly 16:8
individual 19:1 23:18
individually 26:16
individuals 18:19 23:5
influenced 7:15
information 13:15 16:6
infringed 11:7
initial 6:13
input 16:4
instance 13:1 19:6
intended 11:21
interest 6:6 9:13 22:15
ish 24:16
issue 4:22 5:7 8:6 10:13 11:4 13:18 14:16 21:3
item 3:5,6,7

J

Jennifer 14:15
Jennings 14:14,15 18:6 22:5
judge 6:8,9
judges 19:9
judicial 6:10
jurisdictional 5:3 6:13 10:13

K

key 14:4
kind 4:9 5:19 12:19 25:20,25
kinds 14:20
knowledge 21:3
KONOPKA 3:6 26:21, 23,25 27:2,4
Kozlowski 8:19,21 9:7,18 10:1 11:5 12:6 13:10,19 14:11 16:25 17:9,14 18:1,7 19:4 25:11,17 26:3 27:2,3

L

Lago 9:2
largely 16:5
law 9:10 10:18 11:23
laws 7:15 12:4
lease 11:17
legal 5:14 10:16 24:9, 10
legitimate 5:22 6:6
letter 4:9,18
light 17:11
limit 9:12 18:2
literal 10:1,2
live 22:12 26:12
lives 6:3 9:1
local 10:3,18 17:25
located 3:18 12:3
location 9:14 21:22 24:25
log 11:12
logic 8:22
lower 25:12,14

M

Madam 5:2 15:21
made 4:14 7:19 9:1 19:13 20:20 26:11
make 4:6 5:19 6:11 8:10,16,22 10:19 15:10,15,22 16:12, 21 20:18 21:7 22:3 24:3 26:2,4
making 26:17
manager 3:14
manifested 5:15
material 4:20
matter 4:18 8:17
mayor 3:4,11,12,20 4:24 5:3 6:18,22 7:1, 2 8:20 13:22,25 14:8,12,14 15:9,21, 24 16:2,10,24 21:9, 19 22:2,20 24:15,18, 20,22 25:2 26:7,19 27:5
Meaning 25:11
measurement 21:23
meet 7:9
meeting 15:15,16
member 23:19
members 3:13 7:2 14:14
miles 4:21 21:2,22 24:24
mind 12:7
minutes 3:22,23,24 4:1,2
motion 26:2,4
moving 16:16
municipal 5:7 7:10,20 11:14,20 17:6 20:9, 16 21:4,15

N

Natoma 9:2
necessarily 17:4 19:8
negatively 10:21 21:11
neighbor 4:20 17:3
noticing 9:8
number 3:7 19:14,15

O

objection 6:16
open 3:20 4:25
opportunity 7:4
opposed 23:18
option 18:10,15 22:25 23:1
Orangeville 22:13
outer 9:12
outlined 11:22
outright 7:9
overlay 9:11
owner 7:4 11:16 20:7 24:9

P

paragraph 15:19
parcels 11:9
Parrington 3:12,14 24:24 25:6,7,23

part 8:2
past 20:23 25:21,22
people 10:8,12 22:13
people's 26:18
period 16:6
permit 4:12 17:7 18:22 19:1,6,20 23:7
permittee 4:12 10:10 17:7 18:25 19:21 23:7
person 3:24 4:13 10:10 17:5
person's 5:14
persons 4:15 17:5,7 23:7
perspective 26:14
pertaining 24:10
pertains 5:14 7:18
pertinent 12:16
picture 5:18
piece 12:21
place 13:3 17:17
PLANNER 3:12 24:24 25:7
planning 3:14 12:13, 19 25:16
podium 6:22
point 6:19 14:8
points 15:15 26:12
positively 10:21
postured 17:10
practice 9:11 12:17
precedence 26:17
prepared 7:25 13:15
presentation 3:21,22 4:25
presented 16:8
preservation 11:15
preserve 11:21
preserves 11:20
pretty 9:14
proceed 4:16,23,25 27:7
proceeding 6:10
process 15:1 17:17
profit 7:14 11:18
project 3:10,23 4:1,4 5:5,6 10:9 16:14 23:6 26:5
projects 14:20 20:12
properly 21:16
property 3:18 4:10, 13,19 5:9,13,15,16, 19,22 6:1 7:4,11,13, 15,23,24 8:24 9:19, 20,21,23,24 10:10, 11,20,23 11:1,2,6,8, 12,16,17,18 12:3,5, 10,14,24 14:18 16:19,20 17:8 19:14 20:1,2,7,14,15,17 21:2,14,15,17,18,22 22:8 23:8,10,12,13, 21,22,23 24:2,11,14 26:1
protect 12:4
protecting 12:10
protection 11:15,20 13:3 21:15
protections 20:16
protocol 3:19
provide 11:5
provided 20:16
provision 12:9 25:4
provisions 9:9 13:1 20:10
proximity 9:9
public 3:6,24 5:1 16:6
purpose 12:15
purposes 12:19
puts 17:15,16
putting 8:11

Q

qualified 5:4,8 10:15
quality 7:21 12:2 20:13 21:13
quasi 6:10
question 4:17 5:3,5, 12 6:14,23 8:5,19 9:18 10:16,23 14:2,4 15:13,22,25 16:3,11, 15,21 17:1,16 21:9, 19 22:22 23:11,14, 16,21 24:8,11,15 25:4
questions 4:3 13:20, 22 15:8

R

raise 8:6
raised 5:5,7 8:10 21:3
read 10:9 15:17,18 22:9,10
refining 23:15
related 7:20
relates 10:22 16:3
relative 12:24
reliance 12:22
rely 11:14
remarks 4:1,2 7:25
remodeling 5:17 24:2
rent 6:1 11:11
renting 5:16 24:7
report 15:17,18,19 16:9
requirement 7:10
requirements 9:9
reside 7:13
resident 7:5 9:4 20:25
residential 21:1
residents 8:13,23
resources 7:22
respect 21:4
responsible 8:17
rest 8:12 25:5
restrictions 17:18
result 4:11
review 20:11
rights 4:10,13 5:9,13, 19 9:19,21 10:11,20 14:18 16:19 17:8 19:2,14 20:1,3 21:18 22:9 23:8,12,21,23 24:8,13 26:1
Rodriguez 3:4,11,13 4:24 6:18,22 7:1 8:20 13:22,25 14:8, 12 15:9,24 16:2,10, 24 21:9,19 22:2,20 24:15,18,20,22 25:2

26:7,19 27:4,5

Rohrbough 13:23,24 19:13,19,24 20:2 23:20 24:4,6 26:2,9, 21,22

roll 16:11 22:21,22 26:20

rule 10:3,18 17:25 18:4,6

rules 18:5

S

sake 12:8

satisfied 10:20

section 7:17 17:6 19:17

selling 24:4

separate 12:7

set 17:18

shaking 25:6

sides 6:15 16:14

significance 14:25

silent 25:12

similar 25:4,20,22

simply 15:3

sir 18:13,16,18 19:8 23:2

sitting 6:8,9 19:9

situation 8:13

slide 21:24

somebody's 9:22

speak 11:4 14:13 15:14,17

speaking 9:8

specific 12:10 22:17

staff 3:20 4:3 15:17, 18,19 16:8 21:23

staff's 20:11

stake 5:22

standard 9:11 12:16

standing 4:17 6:12, 16 8:7 10:16,19 14:3,7,16 16:1,23 17:2 19:10 21:6,20 22:18,23 23:15,17, 18 25:24 26:1

stands 17:17

staring 18:8

Start 3:2

state 4:19 9:10 13:14

stated 4:8 7:7 15:5

statement 8:22

states 4:12

Station 9:2

stop 8:17

Street 3:9,18

strict 19:4

structure 5:10,23,25 10:25 11:10 13:14 16:17 21:1,10,11 24:12

structures 11:12 13:4 25:20,22

submit 8:1

submitted 22:7,8

substantially 7:15

suggest 23:15

suggesting 22:10

sun 19:3

supplement 15:5

support 9:3

T

talking 9:20,21 12:18 13:6,8 24:16

tease 13:21

ten 3:22,23

tenants 11:11

tend 12:22

term 5:13

thing 4:7

things 8:14 12:19 17:14 24:10

thought 14:18

time 6:19 8:4 17:20 22:7,25 23:1

Title 7:16

today 18:5 21:7

tonight 3:16 10:18 13:7 15:7 23:9

tonight's 8:2

topic 25:25

Truckee 22:12

U

Uh-huh 13:19

understanding 16:7 25:21

unfair 14:23

unique 25:8

uphold 12:4

V

vague 18:15,16,18

valid 19:5

values 9:20,21 10:11 11:16

Vice 13:25

view 17:12

visiting 12:12

Vista 9:2

voices 26:18

vote 16:22 22:4 23:17,18

voting 22:4

W

WANG 5:2 6:21,24 9:17 10:3 14:4 15:21,25 16:12 17:4, 13,22 18:2,12,16,18, 22,25 19:7 23:2,5,25 24:5,7,17,19,21 25:9,14,18

wanted 3:19 4:22 13:20

ways 5:15

wife 15:16

wished 10:4

Wow 18:7 25:17

written 15:6 22:18

Z

zoning 7:17 12:12,15, 23

Folsom City Council
Staff Report

MEETING DATE:	07/14/2026
AGENDA SECTION:	Election Related Items
SUBJECT:	1. Resolution No. 11667 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending Folsom Municipal Code Section 2.48.030 to Increase the Campaign Contribution Limit from $150 to $500 per Donor per Election; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure 2. Ordinance No. 1373 - An Ordinance of the People of the City of Folsom Amending Section 2.48.030, "Campaign Contribution Limitation", of the Folsom Municipal Code to Increase the Campaign Contribution Limit **(Second Reading and Approval of Submission to Voters)**
FROM:	City Manager's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council adopt Resolution No. 11667 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending Folsom Municipal Code Section 2.48.030 to Increase the Campaign Contribution Limit from $150 to $500 per Donor per Election; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal

Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure.

Staff further recommends that the City Council conduct the second reading and approve submission to the voters of Ordinance No. 1373 - An Ordinance of the People of the City of Folsom Amending Section 2.48.030, "Campaign Contribution Limitation", of the Folsom Municipal Code to Increase the Campaign Contribution Limit.

BACKGROUND:

At the June 7, 1994 Special Municipal Election, Folsom voters approved a City initiative measure, which is commonly referred to as "Measure V". Measure V added Chapter 2.48 to the Folsom Municipal Code to establish local campaign contribution limits for candidates running for elective office in the City of Folsom. Folsom Municipal Code Section 2.48.030 sets a $150 per donor per election limit on the receipt of campaign contributions by a candidate, a candidate's committee, or a candidate's campaign treasurer. That $150 limit has not been changed since it was originally adopted by the voters in 1994.

On December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee. The Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council. Resolution No. 11525 directed the Committee to submit a report to the City Council containing its recommendations.

The Committee performed its work over five meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter and ultimately approved recommended language changes to seven sections of the Charter and one section of the Folsom Municipal Code that was an initiative measure passed by a vote of the people in 1994. Although a review of the Municipal Code was not part of the purview of the Committee, because this particular ordinance was adopted by the voters as an initiative and could only be modified through a vote of the people, it was determined that it was appropriate to consider an amendment to Folsom Municipal Code section 2.48.030 as a part of the Charter review process.

Resolution No. 11525 created the 2026 Ad Hoc Charter Review Committee as a Brown Act Committee, so the Committee's meetings were open to the public. Members of the public attended the final three meetings and addressed the Committee on many of the items considered.

On May 12, 2026, the 2026 Ad Hoc Charter Review Committee's Report was submitted to the City Council, and a public hearing was held on the eight amendments recommended by the Committee. Following the public hearing, the City Council deliberated and passed Resolution No. 11613, receiving the 2026 Ad Hoc Charter Review Committee Report to City Council with recommended amendments and dissolving the Committee.

The Council engaged in further deliberation and ultimately voted 4-0, with one absent, not to submit five of the eight amendments proposed by the Charter Review Committee to the voters at the November 3, 2026 election.

The Council also directed staff to return on May 26, 2026, for further consideration of whether to submit to the voters at the November 3, 2026 election any of the three remaining amendments recommended by the Committee.

On May 26, 2026, staff presented to the Council conceptual language for the following Charter and Folsom Municipal Code amendments which, if approved by the Council on July 14, 2026, will be submitted to the voters at the November 3, 2026 election:

1. **Section 4.03** - City Attorney: to change how the City Attorney is appointed, from the current system in which the City Manager appoints the City Attorney, to a system in which the City Council appoints the City Attorney, and related operational changes.

2. **Section 4.07** – Boards and Commissions: strike language that all City Boards and Commissions are only advisory to the Council, confirming that the Council may set the powers and duties of Boards and Commissions by ordinance.

3. **Folsom Municipal Code § 2.48.030** – Campaign contribution limitation: increase the campaign contribution limit from $150 to $500 per donor per election on campaigns for Folsom City Council.

Staff also presented information on the cost of putting these measures on the ballot.

The Council deliberated and then voted 4-1 to move forward with the next steps necessary to submit all three measures to the voters in November.

POLICY/RULE:

Amending an Ordinance Passed by the Voters
Because Measure V was passed by the voters, pursuant to California Elections Code Section 9217, any amendment must also be approved by a majority of Folsom voters voting on the amendment at a municipal election.

Pursuant to Elections Code Section 9222, if the ballot measure proposing to amend Folsom Municipal Code Section 2.48.030 receives a majority of the votes cast on it at the election, the ordinance shall be amended.

Elections
Elections Code Section 9255 and Government Code Section 34458 provide that a proposal to amend a city charter proposed by the governing body of a city shall be submitted to the voters at an established Statewide General Election.

Pursuant to Folsom Municipal Code Section 2.40.010, the date of the General Municipal Election shall be the same date as the Statewide General Election in even numbered years. Elections Code Section 10400 establishes that, whenever two elections are to be held on the same day, they may be consolidated. In addition, Elections Code Section 10403 sets forth the requirement that jurisdictions file a resolution requesting consolidation with the local county board of supervisors.

The rules governing arguments in favor of and against City ballot measures are contained in Elections Code Sections 9281 through 9287. For measures placed on the ballot by the City Council, the City Council or a member or members of the Council authorized by the Council may file a written argument for or against any city measure, as may any individual voter eligible to vote on the measure or a bona fide association of citizens, or a combination of voters and associations. If more than one argument for or against a City measure is submitted, the City Clerk must give preference and priority to the argument submitted by the City Council or a member or members of the Council authorized by that body. Consistent with state law, the County establishes deadlines by which arguments concerning ballot measures, and rebuttals to those arguments, must be submitted.

Elections Code Section 9280 provides that the City Attorney shall prepare an impartial analysis of any City ballot measure, except for a measure affecting the organization or salaries of the Office of the City Attorney. The City Council may direct the City Clerk to prepare the impartial analysis for any such ballot measure. Additional regulations affecting preparation of the impartial analysis are contained in Elections Code section 9280.

Elections Code Section 9285 governs rebuttal arguments. The City Clerk must send a copy of the argument in favor of a City ballot measure to the authors of the argument against the measure and a copy of the argument against a City ballot measure to the authors of the argument in favor of the measure. The author(s) of the original argument relating to a City measure may prepare and submit a rebuttal argument or may authorize someone else to do so.

The full text of a City ballot measure may be but is not required to be printed in the voter information guide. Voters may publicly examine and/or obtain from the City Clerk a complete copy of the Ordinance and the Resolution authorizing submission of the ballot measure to the voters.

<u>Campaign Contribution Limits</u>
Campaign contribution limits have been held to infringe on the contributor's ability to engage in free communication and association, thereby impinging on First Amendment freedoms. (*Citizens United v. Federal Election Commission* (2010) 558 US 310.) Limits on campaign contributions made directly to candidates or their committees may be upheld if the regulations are "closely drawn" to achieve important governmental interests, including preventing corruption, the appearance of corruption, and the circumvention of otherwise valid campaign finance regulations. (*Buckley v. Valeo* (1976) 424 US 1, 26.) However, the

goals of equalizing political opportunities between candidates and reducing the influence of money in politics were rejected by the Supreme Court in *Citizens United* as sufficiently important governmental interests to support impinging on First Amendment freedoms. As a result, those concepts cannot be used as the basis for campaign contribution limits. (*Citizens United,* 558 US at p. 350.)

When analyzing specific campaign contribution limits adopted by the voters, courts look to whether the contribution limits are closely drawn to achieve the government's interest, because a contribution limit may still be "too low and too strict to survive First Amendment scrutiny." (*Moving Oxnard Forward, Inc. v. Lopez* (9th Cir. 2026, en banc) 173 F.4th 1070, 1077, citing *Randall v, Sorrell* (2006, plurality opinion) 548 U.S. 230, 248.) Courts ordinarily "defer[] to the legislature's determination" of the contribution limit amount. (*Ibid.)* There is, however, a "lower bound" where "the constitutional risks to the democratic electoral process become too great" because the limits "harm the electoral process by preventing challengers from mounting effective campaigns against incumbent officeholders." (*Moving Oxnard Forward*, *supra,* at p. 1077, citing *Randall, supra* at pp. 248-249.) In this narrow context, equalizing political opportunities may be considered as a sufficiently important governmental interest. (*Moving Oxnard Forward, Inc., supra,* at pp. 1080-1082.)

ANALYSIS

Approval of Resolution No. 11667, conducting the second reading of Ordinance No. 1373, and approving submission of the associated ballot measure to the voters are the final procedural steps necessary for the Council to submit the proposed amendment of Folsom Municipal Code Section 2.48.030 to increase the campaign contribution limit from $150 per donor per election to $500 per donor per election to the voters at the Statewide General Election on November 3, 2026.

The City of Folsom has a strong interest in preserving the integrity, fairness, and public confidence in its municipal elections. While that interest is as strong today as it was in 1994, given the passage of time since Measure V was adopted by the voters, the existing campaign contribution limit is considered low by today’s standards.

During meetings of the Committee and the City Council over the past several months, concerns were raised that the current $150 contribution limit may make it more difficult for qualified challengers to mount effective campaigns against incumbent officeholders. The City Council considered these concerns alongside the City's longstanding commitment to maintaining the integrity and fairness of its elections and concluded that increasing the contribution limit to $500 per donor per election would continue to provide meaningful safeguards against undue influence while better supporting competitive municipal elections. The proposed limit remains substantially below the campaign contribution limits permitted under state law and reflects the City's judgment as to an appropriate balance for Folsom in 2026.

According to the FPPC's website, the 2025-2026 campaign contribution limit for city and county candidates in cities and counties that have *not* enacted local campaign contribution limits is $5,900 per donor per election. A survey of campaign contribution limits in surrounding jurisdictions is as follows:

Jurisdiction Name	**Local Campaign Contribution Limit**	**Other Information**
Dixon	$25,000 per donor per election	
Elk Grove	No local limit – default state limit of $5,900 applies	
Galt	$100 per donor per election	
Rancho Cordova	No limit	Resolution adopting "no limit"
Rocklin	No local limit – default state limit of $5,900 applies	
Roseville	$500 per donor per election	
Sacramento	$2,200 per person per election for city council candidates	Higher limits for candidates for mayor and for donations from large political committees
Sacramento County	$1,600 per person per election in election years	Lower limits apply in non-election years; higher limits apply to donations from organizations
El Dorado County	No local limit – default state limit of $5,900 applies	
Placer County	No local limit – default state limit of $5,900 applies	

Campaign contribution limits of $500 per donor per election have been upheld against First Amendment challenges in other California cities. (*Sotoodeh v. City of West Covina*; *Moving Oxnard Forward v. Lopez.*)

FINANCIAL IMPACT:

The Sacramento County Registrar of Voters has estimated the election cost for three Councilmembers at approximately $65,000. If ballot measures are also added to the election, the cost will be approximately $83,000 for the first measure, and $12,200 for each additional measure. Funds have been included in the FY 2026/27 budget to cover these costs.

ENVIRONMENTAL REVIEW

The proposed Charter amendment is not a project for purposes of CEQA because CEQA only applies to activities that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Because the proposed Charter amendment relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, the proposed Charter

amendment does not have the potential to cause a physical change in the environment directly or indirectly, and is not a project subject to CEQA. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2).) If for any reason the proposed Charter amendment is considered a project, it is exempt from CEQA review pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

ATTACHMENTS

1. Resolution No. 11667 - A Resolution Authorizing Submission to the Qualified Voters of the City of Folsom at the General Municipal Election to be Held on Tuesday, November 3, 2026, a Ballot Measure Amending Folsom Municipal Code Section 2.48.030 to Increase the Campaign Contribution Limit from $150 to $500 per Donor per Election; Directing the City Attorney to Prepare an Impartial Analysis of the Proposed Measure; Authorizing the filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding the Proposed Measure

2. Ordinance No. 1373 - An Ordinance of the People of the City of Folsom Amending Section 2.48.030, “Campaign Contribution Limitation”, of the Folsom Municipal Code to Increase the Campaign Contribution Limit.

Submitted,

Bryan Whitemyer
City Manager

Attachment 1

RESOLUTION NO. 11667

A RESOLUTION AUTHORIZING SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY OF FOLSOM AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2026, A BALLOT MEASURE AMENDING FOLSOM MUNICIPAL CODE SECTION 2.48.030 TO INCREASE THE CAMPAIGN CONTRIBUTION LIMIT FROM $150 TO $500 PER DONOR PER ELECTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE PROPOSED MEASURE; AUTHORIZING THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING THE PROPOSED MEASURE

WHEREAS, at the June 7, 1994 Special Municipal Election, Folsom voters approved a City initiative measure, which is commonly referred to as "Measure V"; and

WHEREAS, Measure V added Chapter 2.48 to the Folsom Municipal Code to establish local campaign contribution limits for candidates running for elective office in the City of Folsom; and

WHEREAS, Folsom Municipal Code Section 2.48.030 currently sets a $150 per donor per election limit on the receipt of campaign contributions by a candidate, a candidate's committee, or a candidate's campaign treasurer; and

WHEREAS, because Measure V is a voter-approved measure, pursuant to California Elections Code Section 9217, any amendment to Measure V must also be approved by majority of Folsom voters voting on such amendment at a municipal election; and

WHEREAS, on December 9, 2025, the City Council adopted Resolution No. 11525, establishing the 2026 Ad Hoc Charter Review Committee; and

WHEREAS, the Committee was tasked with reviewing the City Charter and recommending appropriate updates and changes to the City Council, and was directed to submit a report to the City Council containing its recommendations; and

WHEREAS, the Committee performed its work over five public meetings, held from March 4, 2026 to May 4, 2026. During these meetings, the Committee conducted a review of the City Charter, heard from the public, and ultimately approved recommended amendments to several sections of the Charter and one section of the Folsom Municipal Code pertaining to campaign contribution limits that was an initiative measure passed in 1994; and

WHEREAS, on May 12, 2026, the Committee submitted its Report to the City Council, and a public hearing was held on all of the amendments recommended by the Committee; and

WHEREAS, a proposed amendment to Folsom Municipal Code Section 2.48.030 to

increase the campaign contribution limit per donor per election was one of the Committee's recommendations made in its Report; and

WHEREAS, on May 26, 2026, staff presented to the Council conceptual language for this Ordinance amendment and the Council gave direction for staff to draft finalized Ordinance amendment language and the required resolution(s) and ordinance(s) to submit this Ordinance amendment to City of Folsom voters at the November 3, 2026 General Municipal Election; and

WHEREAS, the City Council desires to submit to the voters a ballot measure amending Folsom Municipal Code Section 2.48.030 to increase the campaign contribution limit from $150 per donor per election to $500 per donor per election on campaigns for Folsom City Council ("the Measure"); and

WHEREAS, the specific terms of the Measure are provided for in the Ordinance to be considered by the qualified voters, attached hereto as Exhibit "A" and by this reference made an operative part of this Resolution, and in accordance with all applicable laws; and

WHEREAS, California Elections Code Section 9222 authorizes the City Council to submit local measures to the voters and states that such a measure shall be approved if it receives a majority of the votes cast on it at the election; and

WHEREAS, the City Council desires to place the Measure on the ballot to be considered by City of Folsom voters at the General Municipal Election which will coincide with the Statewide General Election to be held on Tuesday, November 3, 2026; and

WHEREAS, the City Council desires to consolidate the General Municipal Election for the Measure described herein with the Statewide General Election to be held on November 3, 2026; and

WHEREAS, the City Council further desires to set deadlines and rules for primary and rebuttal arguments for and against the Measure.

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

SECTION 1. Recitals. The City Council of the City of Folsom hereby finds and determines that the foregoing recitals are true and correct, incorporates the foregoing recitals herein, and by this reference makes them an operative part hereof.

SECTION 2. Submission of Ballot Measure. The City Council of the City of Folsom, pursuant to its right and authority as contained in California Elections Code Section 9222, and all other laws governing charter cities, **by a majority vote,** hereby calls and orders to be held a General Municipal Election in the City of Folsom to be consolidated with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to a vote of the qualified electors of the City of Folsom the Measure, in the form attached to this Resolution as Exhibit "A" and incorporated by this reference as if fully set forth herein.

SECTION 3. **Ballot Question.** The City Council of the City of Folsom, pursuant to its right and authority, does hereby order that the ballot question for the Measure shall be presented and printed upon the ballot submitted to the qualified voters of the City in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters of the City at the General Municipal Election to be held on Tuesday, November 3, 2026, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

Shall the measure increasing the campaign contribution limit from $150 to $500 per donor per election on campaigns for Folsom City Council be adopted?	**YES**	
	NO	

SECTION 4. **Election Procedures.**

A. Request for Consolidation. Pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Sacramento is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2026, for the purpose of submitting to the voters the Measure.

B. Necessary Steps. The Board of Supervisors is requested to issue instructions to the Sacramento County Registrar of Voters/Elections Official to take any and all steps necessary for the holding of the consolidated election.

C. Canvass of Returns. The Sacramento County Registrar of Voters/Elections Official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the General Municipal Election for the Measure. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

D. Costs. The City Council determines and declares that the City will pay to the County the reasonable and actual expenses incurred by the County by the consolidation of the General Municipal Election with the Statewide General Election. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

E. Form of Ballot. The ballots to be used at the election shall be in the form and content as required by law.

F. City Clerk Authorized to Coordinate with County. The City Clerk is authorized and instructed, in coordination with the Sacramento County Registrar of Voters/Elections Official, to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the

election.

G. Opening and Operation of Polls, Vote Centers, Etc. The polls, vote centers and/or vote-by-mail drop-off boxes shall be open and the procedures for submitting votes-by-mail or votes at polls and vote centers shall be in accordance with those times and procedures established by the County of Sacramento, except as otherwise provided in the Elections Code of the State of California.

H. Election to Follow Applicable Law. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

I. Notice of Election. Notice of the time and place of holding the election is given and the City Clerk is authorized and instructed to give further or additional notice of the election, in the time, form, and manner as required by law.

J. Tallying of Ballots. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.

K. Receipt of Election Results. The City Clerk of the City of Folsom shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

SECTION 5. <u>Vote Requirement.</u> Pursuant to Elections Code Section 9222, the Measure shall be approved by a simple majority vote (50% + 1) of the votes cast on the Measure.

SECTION 6. <u>Direct Arguments and City Attorney's Impartial Analysis.</u>

A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the Measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California until and including **Tuesday, July 28, 2026,** after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments may be changed or withdrawn by their proponents until and including Tuesday, July 28, 2026. An argument in favor of or against the Measure shall not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, including specifically Elections Code Section 9287, and shall take all actions necessary to cause the selected arguments to be printed and distributed to the voters.

C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The Impartial Analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. The Impartial Analysis shall be filed by **Wednesday, August 12, 2026.** In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the Impartial Analysis, in no less than 10-point bold type, the following: **"The above statement is an Impartial Analysis of Measure ____. If you desire a copy of the Measure, please call the election official's office at (916) 461-6035 or email CityClerkDept@folsom.ca.us and a copy will be sent at no cost to you."**

D. The provisions of this Section 6 shall apply only to the election to be held on November 3, 2026, and shall then be repealed.

SECTION 7. **Rebuttals.**

A. Pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send a copy of the argument in favor of the Measure to the authors of the argument against the Measure, and a copy of the argument against the Measure to the authors of the argument in favor of the Measure. The author(s) of an argument in favor of or against the Measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing another person(s) to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be filed with the City Clerk not later than **Friday, August 7, 2026.** Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

B. The provisions of this Section 7 shall apply only to the election to be held on November 3, 2026, and then shall be repealed.

SECTION 8. Notice of Election. Notice of the election is hereby given and the City Clerk is authorized and instructed to give further or additional notice of the election in the time, form, and manner as required by law.

SECTION 9. Full Text. The full text of the Measure shall be printed in the voter information guide and a statement shall be printed in the ballot pursuant to Elections Code Section 9223, advising voters that they may obtain a copy of this Resolution and the Measure, at no cost, upon request made to the City Clerk. The complete text of the Measure is attached to this Resolution as Exhibit "A".

SECTION 10. Filing with County. The City Clerk shall, not later than the 88th day before the General Municipal Election to be held on Tuesday, November 3, 2026, file with the

Board of Supervisors and the County Registrar of Voters of the County of Sacramento, State of California, a certified copy of this Resolution.

SECTION 11. Public Examination. Pursuant to Elections Code section 9295, this Resolution and the Measure will be available for public examination for at least ten (10) calendar days immediately following the filing deadline for submission of those materials, as referenced in Section 10. The City Clerk shall post notice in the Clerk's office of the specific dates that the examination period will run.

SECTION 12. **CEQA.** The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. (Public Resources Code §§ 21065; 21080(a); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2), (b)(5).) If for any reason the proposed ballot measure is considered a project, it is exempt from CEQA review pursuant to CEQA Guidelines § 15061(b)(3) because it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

SECTION 13. **Severability.** The provisions of this Resolution are severable and if any provision of this Resolution is held invalid, that provision shall be severed from the Resolution and the remainder of this Resolution shall continue in full force and effect, and not be affected by such invalidity.

PASSED AND ADOPTED this 14th day of July, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss.
CITY OF FOLSOM)

I HEREBY CERTIFY that the foregoing Resolution No. 11667 was duly adopted by the City Council of the City of Folsom at a regular meeting thereof, held on the 14th day of July, 2026, by the following vote of the Council:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

_____
Christa Freemantle, City Clerk

EXHIBIT "A"

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 2.48.030, "CAMPAIGN CONTRIBUTION LIMITATION", OF THE FOLSOM MUNICIPAL CODE TO INCREASE THE CAMPAIGN CONTRIBUTION LIMIT

[attached behind this page]

ORDINANCE NO. 1373

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 2.48.030, "CAMPAIGN CONTRIBUTION LIMITATION", OF THE FOLSOM MUNICIPAL CODE TO INCREASE THE CAMPAIGN CONTRIBUTION LIMIT

The People of the City of Folsom hereby do ordain as follows:

SECTION 1 ORDINANCE AMENDMENT

Section 2.48.03, "Campaign Contribution Limitation", of the Folsom Municipal Code is hereby amended to read as follows:

2.48.030 Campaign contribution limitation.

A. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed ~~$150~~ ***$500***.

B. Extension of credit for a period of more than 90 days is prohibited. Extension of credit for more than $1,000 is prohibited; provided, however, a candidate may personally borrow any amount and such funds shall be considered as a contribution by the candidate personally; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.

C. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in a prior campaign, or otherwise.

D. If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city finance director for deposit in the general fund of the city.

E. As used in this section, "extension of credit" means any loan, gift, forbearance or forgiveness of debt without adequate compensation.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of

the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Ordinance amendment vote in favor of it, the Ordinance amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Ordinance amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Ordinance amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

ORDINANCE NO. 1373

AN ORDINANCE OF THE PEOPLE OF THE CITY OF FOLSOM AMENDING SECTION 2.48.030, "CAMPAIGN CONTRIBUTION LIMITATION", OF THE FOLSOM MUNICIPAL CODE TO INCREASE THE CAMPAIGN CONTRIBUTION LIMIT

The People of the City of Folsom hereby do ordain as follows:

SECTION 1 ORDINANCE AMENDMENT

Section 2.48.03, "Campaign Contribution Limitation", of the Folsom Municipal Code is hereby amended to read as follows:

2.48.030 Campaign contribution limitation.

A. No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support or opposition to such candidate, including contributions to all committees supporting or opposing such candidate, to exceed ~~$150~~ ***$500***.

B. Extension of credit for a period of more than 90 days is prohibited. Extension of credit for more than $1,000 is prohibited; provided, however, a candidate may personally borrow any amount and such funds shall be considered as a contribution by the candidate personally; provided, further, that such transaction is fully disclosed and documented in accordance with applicable law.

C. The terms of this section are applicable to any contributions made to a candidate or committee hereunder, whether used by such candidate or committee to finance a current campaign, to pay deficits incurred in a prior campaign, or otherwise.

D. If any person is found guilty of violating the terms of this section, the amount of funds received constituting such violation shall be paid by the candidate or committee treasurer who received such funds to the city finance director for deposit in the general fund of the city.

E. As used in this section, "extension of credit" means any loan, gift, forbearance or forgiveness of debt without adequate compensation.

SECTION 2 SCOPE

Except as set forth in this Ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 3 SEVERABILITY

If any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Folsom hereby declare that they would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4 EFFECTIVE DATE

If a majority of the registered voters of the City voting upon this proposed Ordinance amendment vote in favor of it, the Ordinance amendment shall become effective thirty (30) days after the City Council certifies the election returns.

SECTION 5 PUBLICATION

The City Clerk is directed to cause a copy of this Ordinance to be published in full or in summary in a newspaper of general circulation in the City within twenty (20) days after the City Council certifies the election returns indicating that a majority of the registered voters of the City voting upon the proposed Ordinance amendment voted in favor of it.

SECTION 6 ELECTION RESULTS

The foregoing Ordinance amendment was approved by the voters of the City of Folsom at a General Municipal Election held on November 3, 2026, by the following vote tally:

YES:

NOES:

OTHER:

APPROVED:

_____

Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Public Hearing
SUBJECT:	Resolution No. 11662 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect Such Charges on the Tax Roll
FROM:	Finance Department

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends, that the City Council review the attached Report of utilities delinquencies, hold a public hearing on the Report and accept any oral or written public comment, and adopt Resolution No. 11662- A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect such Charges on the Tax Roll.

BACKGROUND / ISSUE

The City provides various utilities services to properties throughout the City, including sewer, water, and solid waste services, for which the City charges a fee for service. While most accounts within the City are current, there are some delinquent utilities accounts. A Delinquent Utilities Charge Report ("Report") specifying the delinquency by parcel number and type of property is attached showing delinquencies totaling **$377,571**.

Following notice and a public hearing, the City Council may pass a resolution, by at least a two-thirds vote, requesting that the County Auditor/Tax Collector transfer the City's delinquent utilities charges to the property tax roll for collection with property taxes. Staff recommends the City Council consider the attached Report, hold a public hearing, and accept public comments on this matter, and authorize transfer of any delinquent utilities' charges to the County for collection on the property tax roll.

Despite some delinquencies, the City has had remarkable success in utility collections. Utility billing collections average $61,572,000 annually. These collections include water, city sewer, and solid waste services, for a current total of 28,000 open municipal utility accounts. The delinquent amount of **$377,571** is less than 1% of our annual collections.

POLICY / RULE

Folsom Municipal Code and state law provide that, following notice and a public hearing, the City Council may adopt a resolution transferring delinquent utilities charges to the County tax roll for collection with property taxes. (Cal. Gov't Code 25831, 38790.1; Cal. Health and Safety Code §§ 5470 et seq.; Folsom Municipal Code Chapters 3.20 (collection of municipal service charges generally) 13.12 (collection of sewer charges). The resolution authorizing the transfer must be passed by the City Council by a two-thirds vote. (Cal. Health & Safety Code § 5473).

ANALYSIS

The City provides sewer, water, and solid waste services to properties within the City, for which it charges the users. While the vast majority of accounts throughout the City are current, there are some accounts that are more than 60 days delinquent in payment and appropriate for transfer to the County tax roll for collection. The total amount of these eligible delinquent accounts is **$377,571** as indicated on the attached Report. The Report captures accounts that were noticed with a delinquent amount of $150 or greater. The last time a request was made to transfer delinquent utilities to the tax roll was July of 2025.

State law authorizes the City Council, by resolution adopted by at least a two-thirds vote, to request that the County Auditor/Tax Collector transfer these delinquent amounts to the property tax roll for collection with general property taxes. Prior notice of the hearing is to be mailed to the property owners not less than ten days before the hearing. (Cal. Gov't Code §§ 38790.1, 25831). Notice is also to be published in a newspaper of general circulation for two consecutive weeks prior to the hearing. (Cal. Health & Safety Code § 5473.1; Cal. Gov't Code § 6066). City staff has satisfied these notice requirements by mailing notice to affected property owners on June 11, 2026. A public hearing notice was published in the Folsom Telegraph on June 26, 2026, and July 3, 2026.

Following a public hearing, the City Council has discretion to adopt the Report as presented, modify the Report, or decline to adopt the Report. However, if the City Council finds that valid protests are made by the owners of a majority of separate parcels of property described in the Report, the Council may not adopt the Report and may not transfer the delinquencies to the tax roll. (Cal. Health & Safety Code § 5473.2). Upon passage of the resolution confirming the Report of delinquencies, as presented, or modified, the Revenue Division will transmit the Report to the Auditor/Tax Collector for placement of the charges on the tax rolls

for collection with property taxes. County staff has advised City staff that in order to have the matters placed on the tax roll for this year, the Report must be transmitted to the County no later than August 3, 2026**.**

FINANCIAL IMPACT

The City currently has **$377,571** in delinquent charges that are appropriate for transfer to the tax rolls. Approving this item and authorizing the transfer will help toward collection of these amounts. Should the County accept these amounts, the City will receive payment directly from the County for these amounts and the County will pursue collection through the tax rolls.

ATTACHMENT

1. Resolution No. 11662 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect such Charges on the Tax Roll

Submitted,

_____

Stacey Tamagni, CPA
Director of Finance

Attachment 1

RESOLUTION NO. 11662

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM APPROVING AND CONFIRMING THE REPORT OF DELINQUENT UTILITIES CHARGES AND REQUESTING SACRAMENTO COUNTY TO COLLECT SUCH CHARGES ON THE TAX ROLL

WHEREAS, the City of Folsom (the "City") provides certain solid waste, water, and sewer services to its residents and occupants; and

WHEREAS, Government Code sections 25831 and 38790.1, California Health and Safety Code sections 5473 et seq. and Chapters 3.20 and 13.12 of the Folsom Municipal Code authorize the City to have the delinquent charges for the above services (the "Charges") collected on the tax roll by Sacramento County on the relevant parcels; and

WHEREAS, City staff has prepared a Delinquent Utilities Charges Report (the "Report") identifying the delinquent charges by Assessor's Parcel Number; and

WHEREAS, a hearing was held on July 14, 2026, at which the City Council reviewed and considered the Report and any protests related thereto, with prior notice of the hearing being provided as required by law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom:

1. Findings. In reviewing and considering the delinquent Charges and the Report, the City Council hereby makes the following findings:

a. Notice of the public hearing before the City Council was published in a newspaper of general circulation at least once a week for two consecutive weeks prior to the City Council public hearing, and notice was mailed at least ten (10) days prior to the hearing to each affected property owners at addresses as shown on the latest equalized assessment roll or as known to the City; and,

b. Notice of the public hearing before the City Council included the date, time, and place of the public hearing, the identity of the hearing body, and a general explanation of the matter to be considered; and,

c. Upon considering all objections and protests received at the time of the hearing on this matter, the City Council finds that protest by owners of a majority of the parcels of property described in the Report does not exist.

2. Confirming the Report. The City Council hereby approves, confirms, and adopts the Report, as directed and attached hereto and incorporated herein by reference, and determines that the Charges are proper and correct. The City Council directs the Finance Director to make any amendments to the Report as were directed by the City Council and as necessary to remove

parcels from the Report for which payment has been made before transfer of the amounts to Sacramento County for collection on the tax roll, subject to the same penalties, procedure, and sale in case of delinquency as provided for those taxes.

3. Authorization. The City Council hereby authorizes and directs the Finance Director to deliver a certified copy of the finalized Report to the Sacramento County Department of Finance - Auditor Division and to submit a certified copy of this Resolution and Report to the County Recorder for recordation.

4. Services of Sacramento County. The Offices of the Sacramento County Department of Finance - Auditor Division is requested for the placement of the Charges on the Annual Secured property tax roll with the Ad Valorem taxes.

5. General Authorization. The City Manager, City Finance Director, City Clerk, City Attorney and the other officers and agents of the City are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution. All actions heretofore taken by the officers and agents of the City that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

6. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 14th day of July 2026, by the following roll call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

City of Folsom Delinquent Utilities Charge Report as of 7/7/2026

APN	AMOUNT
071-0020-111-0000	$25,935.00
072-3070-003-0000	$14,963.00
070-0105-011-0000	$13,326.00
070-0166-009-0000	$6,851.00
070-0052-015-0000	$5,136.00
070-0061-010-0000	$3,000.00
069-0160-019-0000	$2,808.00
072-0940-019-0000	$2,767.00
071-0470-006-0000	$2,690.00
227-0520-007-0000	$2,688.00
072-0031-025-0000	$2,606.00
071-0350-040-0000	$2,579.00
072-3770-024-0000	$2,458.00
072-0890-031-0000	$2,429.00
072-1730-005-0000	$2,416.00
227-0230-003-0000	$2,368.00
072-0940-079-0000	$2,341.00
071-1460-017-0000	$2,323.00
072-1000-025-0000	$2,309.00
072-3570-006-0000	$2,295.00
072-3530-034-0000	$2,264.00
071-0350-074-0000	$2,251.00
071-0700-047-0000	$2,207.00
072-3780-025-0000	$2,189.00
071-0660-060-0000	$2,182.00
072-2490-011-0000	$2,174.00
071-1030-027-0000	$2,171.00
071-0020-103-0000	$2,156.00
071-0600-014-0000	$2,139.00
072-1130-059-0000	$2,117.00
072-3710-025-0000	$2,107.00
071-1200-033-0000	$2,105.00
071-2060-013-0000	$2,103.00
072-0780-044-0000	$2,097.00
071-1740-038-0000	$2,096.00
072-1620-052-0000	$2,093.00
070-0120-002-0000	$2,092.00
072-3580-023-0000	$2,090.00

072-1380-045-0000	$2,081.00
071-1520-062-0000	$2,080.00
071-2090-006-0000	$2,076.00
072-3870-070-0000	$2,055.00
072-1040-054-0000	$2,051.00
072-1880-013-0000	$2,047.00
071-0510-011-0000	$2,039.00
072-0700-007-0000	$2,039.00
072-3810-054-0000	$2,033.00
071-1300-046-0000	$2,032.00
071-0290-029-0000	$2,027.00
072-1290-007-0000	$2,026.00
071-1600-096-0000	$2,014.00
072-3850-005-0000	$2,009.00
072-2250-003-0000	$2,007.00
070-0154-014-0000	$2,005.00
072-0940-021-0000	$2,004.00
071-0800-034-0000	$1,971.00
072-2010-038-0000	$1,966.00
071-1110-032-0000	$1,963.00
072-3150-008-0000	$1,960.00
071-0101-005-0000	$1,952.00
070-0116-022-0000	$1,943.00
072-1160-082-0000	$1,943.00
070-0193-004-0000	$1,941.00
213-0283-027-0000	$1,937.00
071-1880-038-0000	$1,931.00
071-1440-069-0000	$1,924.00
071-0072-022-0000	$1,918.00
072-1740-024-0000	$1,918.00
072-1560-013-0000	$1,912.00
072-1390-050-0000	$1,911.00
071-0214-007-0000	$1,900.00
072-1450-048-0000	$1,895.00
072-2660-036-0000	$1,894.00
072-3170-019-0000	$1,883.00
072-0870-028-0000	$1,863.00
072-1250-089-0000	$1,851.00
072-1140-021-0000	$1,842.00
071-1950-060-0000	$1,841.00
071-0083-002-0000	$1,833.00
071-0590-022-0000	$1,814.00
213-0071-032-0000	$1,801.00

072-4020-039-0000	$1,792.00
071-0950-053-0000	$1,781.00
072-3790-009-0000	$1,781.00
071-1840-008-0009	$1,768.00
213-0580-013-0000	$1,767.00
072-3600-032-0000	$1,755.00
227-0230-035-0000	$1,736.00
227-0570-004-0000	$1,692.00
213-0830-014-0000	$1,683.00
071-0340-017-0000	$1,678.00
071-1980-024-0000	$1,674.00
213-0600-022-0000	$1,673.00
072-2030-035-0000	$1,657.00
072-1090-005-0000	$1,650.00
071-1840-007-0003	$1,632.00
227-0390-041-0000	$1,621.00
227-0600-021-0000	$1,621.00
227-0320-035-0000	$1,620.00
227-0580-022-0000	$1,619.00
072-3600-037-0000	$1,615.00
227-0480-026-0000	$1,602.00
071-1680-016-0000	$1,582.00
213-0820-023-0000	$1,537.00
072-3530-018-0000	$1,532.00
071-1290-047-0000	$1,531.00
227-0600-009-0000	$1,525.00
071-0720-016-0000	$1,483.00
227-0480-056-0000	$1,477.00
072-2710-028-0000	$1,462.00
071-0780-033-0000	$1,454.00
213-0960-007-0000	$1,447.00
227-0550-012-0000	$1,436.00
071-0091-008-0000	$1,435.00
227-0580-085-0000	$1,412.00
227-0300-028-0000	$1,358.00
071-0173-002-0000	$1,356.00
072-0940-046-0000	$1,345.00
072-3660-084-0000	$1,345.00
071-0233-018-0000	$1,337.00
223-0560-001-0000	$1,336.00
072-0760-022-0000	$1,334.00
072-3810-053-0000	$1,327.00
072-0720-041-0000	$1,316.00

227-0420-006-0000	$1,270.00
072-3700-050-0000	$1,268.00
072-3790-008-0000	$1,243.00
072-3760-071-0000	$1,237.00
072-1290-003-0000	$1,217.00
071-0650-061-0000	$1,215.00
072-3470-036-0000	$1,203.00
072-3350-022-0000	$1,130.00
072-1530-052-0000	$1,120.00
071-0031-006-0000	$1,114.00
072-2030-059-0000	$1,102.00
072-1100-031-0000	$1,077.00
071-1200-029-0000	$1,054.00
072-1500-010-0000	$1,044.00
213-0630-004-0000	$1,039.00
227-0370-042-0000	$1,036.00
227-0540-003-0000	$1,035.00
072-3860-090-0000	$1,021.00
071-0212-003-0000	$1,010.00
072-4130-081-0000	$1,004.00
071-1010-012-0000	$1,000.00
071-1840-007-0026	$983.00
071-1610-026-0000	$982.00
072-1210-047-0000	$981.00
072-0700-035-0000	$975.00
072-2440-021-0000	$969.00
213-0900-017-0000	$968.00
072-0940-098-0000	$967.00
227-0490-030-0000	$955.00
072-1980-047-0000	$950.00
071-1720-056-0000	$945.00
071-0750-039-0000	$938.00
072-2830-004-0023	$935.00
072-2410-037-0000	$920.00
072-4190-051-0000	$920.00
227-0330-026-0000	$916.00
072-3470-091-0000	$901.00
072-2300-010-0000	$880.00
072-1120-030-0000	$875.00
072-4250-004-0000	$853.00
072-2790-008-0005	$840.00
072-1150-077-0000	$825.00
071-0460-037-0000	$800.00

072-4130-083-0000	$783.00
072-2660-023-0000	$774.00
071-1740-063-0000	$761.00
071-1840-006-0009	$737.00
072-3270-034-0000	$733.00
071-1840-008-0057	$730.00
213-0590-016-0000	$728.00
071-1810-049-0037	$710.00
227-0610-004-0000	$703.00
072-2240-009-0000	$694.00
072-2030-058-0000	$693.00
072-3660-040-0000	$680.00
072-0940-002-0000	$678.00
072-4310-050-0000	$646.00
227-0280-019-0000	$646.00
072-1250-061-0000	$628.00
072-3470-082-0000	$626.00
071-0370-035-0000	$621.00
071-0840-008-0000	$615.00
071-0290-016-0000	$612.00
071-1800-021-0000	$597.00
072-3950-042-0000	$594.00
072-2170-029-0000	$583.00
072-3850-062-0000	$579.00
072-4010-004-0000	$574.00
070-0250-011-0000	$562.00
072-4280-042-0000	$557.00
072-4000-069-0000	$556.00
071-1050-042-0000	$546.00
072-1780-005-0000	$541.00
071-1170-106-0000	$515.00
072-4240-032-0000	$509.00
071-2080-034-0000	$508.00
072-4490-076-0000	$502.00
072-2660-034-0000	$499.00
071-0232-014-0000	$499.00
071-1500-041-0000	$494.00
072-2490-050-0000	$487.00
072-2830-007-0039	$482.00
070-0103-011-0000	$474.00
071-1810-006-0004	$473.00
071-0163-011-0000	$451.00
071-1650-039-0000	$451.00

072-0780-037-0000	$435.00
072-2250-057-0000	$432.00
071-0212-004-0000	$422.00
072-1160-035-0000	$410.00
213-0550-005-0000	$408.00
071-0470-010-0000	$406.00
071-1950-018-0000	$397.00
072-2030-037-0000	$397.00
071-1730-003-0000	$388.00
213-0760-032-0000	$388.00
227-0580-092-0000	$388.00
227-0320-039-0000	$388.00
213-0780-027-0000	$382.00
072-3470-042-0000	$364.00
072-4090-004-0000	$350.00
072-3850-065-0000	$350.00
072-3650-032-0000	$350.00
071-0930-036-0000	$336.00
071-0680-003-0000	$333.00
072-3750-010-0000	$329.00
071-0560-037-0000	$327.00
072-3860-059-0000	$326.00
072-4060-046-0000	$319.00
072-3860-115-0000	$284.00
072-1390-038-0000	$280.00
071-1450-061-0000	$276.00
072-1370-008-0000	$273.00
070-0210-027-0000	$270.00
072-0750-017-0000	$248.00
071-0350-083-0000	$239.00
072-2060-007-0000	$219.00
071-0960-034-0000	$216.00
072-1290-046-0000	$213.00
071-0300-024-0000	$210.00
072-3850-037-0000	$191.00
072-0750-082-0000	$190.00
213-0980-024-0000	$188.00
072-3820-014-0000	$170.00
072-4250-014-0000	$170.00
072-1540-026-0000	$168.00
071-0163-031-0000	$166.00
072-4250-023-0000	$166.00
071-0222-004-0000	$166.00

071-0510-044-0000	$159.00
072-1790-006-0000	$158.00
071-0113-002-0000	$157.00
071-0166-006-0000	$157.00
071-0470-044-0000	$152.00
071-0390-016-0000	$151.00
071-0780-018-0000	$109.00
227-0370-003-0000	$62.00
071-1400-033-0000	$56.00
071-0280-031-0000	$54.00
072-0710-001-0000	$43.00

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Meeting

Revised Staff Report Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Public Hearing
STAFF REPORT TITLE	Resolution No. 11662 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect Such Charges on the Tax Roll
FROM:	Finance Department

Staff has prepared the following revised staff report sections pertaining to the above-referenced agenda item

The revisions are shown as follows:

language deletions: ~~**Strikeouts, bold and underlined,**~~
language additions: ***Italics, bold and underlined.***

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends, that the City Council review the attached Report of utilities delinquencies, hold a public hearing on the Report and accept any oral or written public comment, and adopt Resolution No. 11662- A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect such Charges on the Tax Roll.

BACKGROUND / ISSUE

The City provides various utilities services to properties throughout the City, including sewer, water, and solid waste services, for which the City charges a fee for service. While most accounts within the City are current, there are some delinquent utilities accounts. A Delinquent

Utilities Charge Report ("Report") specifying the delinquency by parcel number and type of property is attached showing delinquencies totaling ~~$377,571~~ ***$360,217***.

Following notice and a public hearing, the City Council may pass a resolution, by at least a two-thirds vote, requesting that the County Auditor/Tax Collector transfer the City's delinquent utilities charges to the property tax roll for collection with property taxes. Staff recommends the City Council consider the attached Report, hold a public hearing, and accept public comments on this matter, and authorize transfer of any delinquent utilities' charges to the County for collection on the property tax roll.

Despite some delinquencies, the City has had remarkable success in utility collections. Utility billing collections average $61,572,000 annually. These collections include water, city sewer, and solid waste services, for a current total of 28,000 open municipal utility accounts. The delinquent amount of ~~$377,571~~ ***$360,217*** is less than 1% of our annual collections.

POLICY / RULE

Folsom Municipal Code and state law provide that, following notice and a public hearing, the City Council may adopt a resolution transferring delinquent utilities charges to the County tax roll for collection with property taxes. (Cal. Gov't Code 25831, 38790.1; Cal. Health and Safety Code §§ 5470 et seq.; Folsom Municipal Code Chapters 3.20 (collection of municipal service charges generally) 13.12 (collection of sewer charges). The resolution authorizing the transfer must be passed by the City Council by a two-thirds vote. (Cal. Health & Safety Code § 5473).

ANALYSIS

The City provides sewer, water, and solid waste services to properties within the City, for which it charges the users. While the vast majority of accounts throughout the City are current, there are some accounts that are more than 60 days delinquent in payment and appropriate for transfer to the County tax roll for collection. The total amount of these eligible delinquent accounts is ~~$377,571~~ ***$360,217*** as indicated on the attached Report. The Report captures accounts that were noticed with a delinquent amount of $150 or greater. The last time a request was made to transfer delinquent utilities to the tax roll was July of 2025.

State law authorizes the City Council, by resolution adopted by at least a two-thirds vote, to request that the County Auditor/Tax Collector transfer these delinquent amounts to the property tax roll for collection with general property taxes. Prior notice of the hearing is to be mailed to the property owners not less than ten days before the hearing. (Cal. Gov't Code §§ 38790.1, 25831). Notice is also to be published in a newspaper of general circulation for two consecutive weeks prior to the hearing. (Cal. Health & Safety Code § 5473.1; Cal. Gov't Code § 6066). City staff has satisfied these notice requirements by mailing notice to affected property owners on June 11, 2026. A public hearing notice was published in the Folsom Telegraph on June 26, 2026, and July 3, 2026.

Following a public hearing, the City Council has discretion to adopt the Report as presented, modify the Report, or decline to adopt the Report. However, if the City Council finds that valid protests are made by the owners of a majority of separate parcels of property described in the Report, the Council may not adopt the Report and may not transfer the delinquencies to the tax roll. (Cal. Health & Safety Code § 5473.2). Upon passage of the resolution confirming the Report of delinquencies, as presented, or modified, the Revenue Division will transmit the Report to the Auditor/Tax Collector for placement of the charges on the tax rolls for collection with property taxes. County staff has advised City staff that in order to have the matters placed on the tax roll for this year, the Report must be transmitted to the County no later than August 3, 2026.

FINANCIAL IMPACT

The City currently has ~~$377,571~~ ***$360,217*** in delinquent charges that are appropriate for transfer to the tax rolls. Approving this item and authorizing the transfer will help toward collection of these amounts. Should the County accept these amounts, the City will receive payment directly from the County for these amounts and the County will pursue collection through the tax rolls.

ATTACHMENT

1. Resolution No. 11662 - A Resolution of the City Council of the City of Folsom Approving and Confirming the Report of Delinquent Utilities Charges and Requesting Sacramento County to Collect such Charges on the Tax Roll

Submitted,

_____

Stacey Tamagni, CPA
Director of Finance

RESOLUTION NO. 11662

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOLSOM APPROVING AND CONFIRMING THE REPORT OF DELINQUENT UTILITIES CHARGES AND REQUESTING SACRAMENTO COUNTY TO COLLECT SUCH CHARGES ON THE TAX ROLL

WHEREAS, the City of Folsom (the "City") provides certain solid waste, water, and sewer services to its residents and occupants; and

WHEREAS, Government Code sections 25831 and 38790.1, California Health and Safety Code sections 5473 et seq. and Chapters 3.20 and 13.12 of the Folsom Municipal Code authorize the City to have the delinquent charges for the above services (the "Charges") collected on the tax roll by Sacramento County on the relevant parcels; and

WHEREAS, City staff has prepared a Delinquent Utilities Charges Report (the "Report") identifying the delinquent charges by Assessor's Parcel Number; and

WHEREAS, a hearing was held on July 14, 2026, at which the City Council reviewed and considered the Report and any protests related thereto, with prior notice of the hearing being provided as required by law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Folsom:

1. Findings. In reviewing and considering the delinquent Charges and the Report, the City Council hereby makes the following findings:

a. Notice of the public hearing before the City Council was published in a newspaper of general circulation at least once a week for two consecutive weeks prior to the City Council public hearing, and notice was mailed at least ten (10) days prior to the hearing to each affected property owners at addresses as shown on the latest equalized assessment roll or as known to the City; and,

b. Notice of the public hearing before the City Council included the date, time, and place of the public hearing, the identity of the hearing body, and a general explanation of the matter to be considered; and,

c. Upon considering all objections and protests received at the time of the hearing on this matter, the City Council finds that protest by owners of a majority of the parcels of property described in the Report does not exist.

2. Confirming the Report. The City Council hereby approves, confirms, and adopts the Report, as directed and attached hereto and incorporated herein by reference, and determines that the Charges are proper and correct. The City Council directs the Finance Director to make any amendments to the Report as were directed by the City Council and as necessary to remove parcels from the Report for which payment has been made before transfer of the amounts to

Sacramento County for collection on the tax roll, subject to the same penalties, procedure, and sale in case of delinquency as provided for those taxes.

3. Authorization. The City Council hereby authorizes and directs the Finance Director to deliver a certified copy of the finalized Report to the Sacramento County Department of Finance - Auditor Division and to submit a certified copy of this Resolution and Report to the County Recorder for recordation.

4. Services of Sacramento County. The Offices of the Sacramento County Department of Finance - Auditor Division is requested for the placement of the Charges on the Annual Secured property tax roll with the Ad Valorem taxes.

5. General Authorization. The City Manager, City Finance Director, City Clerk, City Attorney and the other officers and agents of the City are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution. All actions heretofore taken by the officers and agents of the City that are in conformity with the purposes and intent of this Resolution are hereby ratified, confirmed, and approved in all respects.

6. Effective Date. This resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 14th day of July 2026, by the following roll call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

as of ~~7/7/2026~~

~~APN~~	~~AMOUNT~~
~~071-0020-111-0000~~	~~$25,935.00~~
~~072-3070-003-0000~~	~~$14,963.00~~
~~070-0105-011-0000~~	~~$13,326.00~~
~~070-0166-009-0000~~	~~$6,851.00~~
~~070-0052-015-0000~~	~~$5,136.00~~
~~070-0061-010-0000~~	~~$3,000.00~~
~~069-0160-019-0000~~	~~$2,808.00~~
~~072-0940-019-0000~~	~~$2,767.00~~
~~071-0470-006-0000~~	~~$2,690.00~~
~~227-0520-007-0000~~	~~$2,688.00~~
~~072-0031-025-0000~~	~~$2,606.00~~
~~071-0350-040-0000~~	~~$2,579.00~~
~~072-3770-024-0000~~	~~$2,458.00~~
~~072-0890-031-0000~~	~~$2,429.00~~
~~072-1730-005-0000~~	~~$2,416.00~~
~~227-0230-003-0000~~	~~$2,368.00~~
~~072-0940-079-0000~~	~~$2,341.00~~
~~071-1460-017-0000~~	~~$2,323.00~~
~~072-1000-025-0000~~	~~$2,309.00~~
~~072-3570-006-0000~~	~~$2,295.00~~
~~072-3530-034-0000~~	~~$2,264.00~~
~~071-0350-074-0000~~	~~$2,251.00~~
~~071-0700-047-0000~~	~~$2,207.00~~
~~072-3780-025-0000~~	~~$2,189.00~~
~~071-0660-060-0000~~	~~$2,182.00~~
~~072-2490-011-0000~~	~~$2,174.00~~
~~071-1030-027-0000~~	~~$2,171.00~~
~~071-0020-103-0000~~	~~$2,156.00~~
~~071-0600-014-0000~~	~~$2,139.00~~
~~072-1130-059-0000~~	~~$2,117.00~~
~~072-3710-025-0000~~	~~$2,107.00~~
~~071-1200-033-0000~~	~~$2,105.00~~
~~071-2060-013-0000~~	~~$2,103.00~~
~~072-0780-044-0000~~	~~$2,097.00~~
~~071-1740-038-0000~~	~~$2,096.00~~
~~072-1620-052-0000~~	~~$2,093.00~~
~~070-0120-002-0000~~	~~$2,092.00~~
~~072-3580-023-0000~~	~~$2,090.00~~
~~072-1380-045-0000~~	~~$2,081.00~~
~~071-1520-062-0000~~	~~$2,080.00~~

~~071-2090-006-0000~~	~~$2,076.00~~
~~072-3870-070-0000~~	~~$2,055.00~~
~~072-1040-054-0000~~	~~$2,051.00~~
~~072-1880-013-0000~~	~~$2,047.00~~
~~071-0510-011-0000~~	~~$2,039.00~~
~~072-0700-007-0000~~	~~$2,039.00~~
~~072-3810-054-0000~~	~~$2,033.00~~
~~071-1300-046-0000~~	~~$2,032.00~~
~~071-0290-029-0000~~	~~$2,027.00~~
~~072-1290-007-0000~~	~~$2,026.00~~
~~071-1600-096-0000~~	~~$2,014.00~~
~~072-3850-005-0000~~	~~$2,009.00~~
~~072-2250-003-0000~~	~~$2,007.00~~
~~070-0154-014-0000~~	~~$2,005.00~~
~~072-0940-021-0000~~	~~$2,004.00~~
~~071-0800-034-0000~~	~~$1,971.00~~
~~072-2010-038-0000~~	~~$1,966.00~~
~~071-1110-032-0000~~	~~$1,963.00~~
~~072-3150-008-0000~~	~~$1,960.00~~
~~071-0101-005-0000~~	~~$1,952.00~~
~~070-0116-022-0000~~	~~$1,943.00~~
~~072-1160-082-0000~~	~~$1,943.00~~
~~070-0193-004-0000~~	~~$1,941.00~~
~~213-0283-027-0000~~	~~$1,937.00~~
~~071-1880-038-0000~~	~~$1,931.00~~
~~071-1440-069-0000~~	~~$1,924.00~~
~~071-0072-022-0000~~	~~$1,918.00~~
~~072-1740-024-0000~~	~~$1,918.00~~
~~072-1560-013-0000~~	~~$1,912.00~~
~~072-1390-050-0000~~	~~$1,911.00~~
~~071-0214-007-0000~~	~~$1,900.00~~
~~072-1450-048-0000~~	~~$1,895.00~~
~~072-2660-036-0000~~	~~$1,894.00~~
~~072-3170-019-0000~~	~~$1,883.00~~
~~072-0870-028-0000~~	~~$1,863.00~~
~~072-1250-089-0000~~	~~$1,851.00~~
~~072-1140-021-0000~~	~~$1,842.00~~
~~071-1950-060-0000~~	~~$1,841.00~~
~~071-0083-002-0000~~	~~$1,833.00~~
~~071-0590-022-0000~~	~~$1,814.00~~
~~213-0071-032-0000~~	~~$1,801.00~~
~~072-4020-039-0000~~	~~$1,792.00~~
~~071-0950-053-0000~~	~~$1,781.00~~

~~072-3790-009-0000~~	~~$1,781.00~~
~~071-1840-008-0009~~	~~$1,768.00~~
~~213-0580-013-0000~~	~~$1,767.00~~
~~072-3600-032-0000~~	~~$1,755.00~~
~~227-0230-035-0000~~	~~$1,736.00~~
~~227-0570-004-0000~~	~~$1,692.00~~
~~213-0830-014-0000~~	~~$1,683.00~~
~~071-0340-017-0000~~	~~$1,678.00~~
~~071-1980-024-0000~~	~~$1,674.00~~
~~213-0600-022-0000~~	~~$1,673.00~~
~~072-2030-035-0000~~	~~$1,657.00~~
~~072-1090-005-0000~~	~~$1,650.00~~
~~071-1840-007-0003~~	~~$1,632.00~~
~~227-0390-041-0000~~	~~$1,621.00~~
~~227-0600-021-0000~~	~~$1,621.00~~
~~227-0320-035-0000~~	~~$1,620.00~~
~~227-0580-022-0000~~	~~$1,619.00~~
~~072-3600-037-0000~~	~~$1,615.00~~
~~227-0480-026-0000~~	~~$1,602.00~~
~~071-1680-016-0000~~	~~$1,582.00~~
~~213-0820-023-0000~~	~~$1,537.00~~
~~072-3530-018-0000~~	~~$1,532.00~~
~~071-1290-047-0000~~	~~$1,531.00~~
~~227-0600-009-0000~~	~~$1,525.00~~
~~071-0720-016-0000~~	~~$1,483.00~~
~~227-0480-056-0000~~	~~$1,477.00~~
~~072-2710-028-0000~~	~~$1,462.00~~
~~071-0780-033-0000~~	~~$1,454.00~~
~~213-0960-007-0000~~	~~$1,447.00~~
~~227-0550-012-0000~~	~~$1,436.00~~
~~071-0091-008-0000~~	~~$1,435.00~~
~~227-0580-085-0000~~	~~$1,412.00~~
~~227-0300-028-0000~~	~~$1,358.00~~
~~071-0173-002-0000~~	~~$1,356.00~~
~~072-0940-046-0000~~	~~$1,345.00~~
~~072-3660-084-0000~~	~~$1,345.00~~
~~071-0233-018-0000~~	~~$1,337.00~~
~~223-0560-001-0000~~	~~$1,336.00~~
~~072-0760-022-0000~~	~~$1,334.00~~
~~072-3810-053-0000~~	~~$1,327.00~~
~~072-0720-041-0000~~	~~$1,316.00~~
~~227-0420-006-0000~~	~~$1,270.00~~
~~072-3700-050-0000~~	~~$1,268.00~~

~~072-3790-008-0000~~	~~$1,243.00~~
~~072-3760-071-0000~~	~~$1,237.00~~
~~072-1290-003-0000~~	~~$1,217.00~~
~~071-0650-061-0000~~	~~$1,215.00~~
~~072-3470-036-0000~~	~~$1,203.00~~
~~072-3350-022-0000~~	~~$1,130.00~~
~~072-1530-052-0000~~	~~$1,120.00~~
~~071-0031-006-0000~~	~~$1,114.00~~
~~072-2030-059-0000~~	~~$1,102.00~~
~~072-1100-031-0000~~	~~$1,077.00~~
~~071-1200-029-0000~~	~~$1,054.00~~
~~072-1500-010-0000~~	~~$1,044.00~~
~~213-0630-004-0000~~	~~$1,039.00~~
~~227-0370-042-0000~~	~~$1,036.00~~
~~227-0540-003-0000~~	~~$1,035.00~~
~~072-3860-090-0000~~	~~$1,021.00~~
~~071-0212-003-0000~~	~~$1,010.00~~
~~072-4130-081-0000~~	~~$1,004.00~~
~~071-1010-012-0000~~	~~$1,000.00~~
~~071-1840-007-0026~~	~~$983.00~~
~~071-1610-026-0000~~	~~$982.00~~
~~072-1210-047-0000~~	~~$981.00~~
~~072-0700-035-0000~~	~~$975.00~~
~~072-2440-021-0000~~	~~$969.00~~
~~213-0900-017-0000~~	~~$968.00~~
~~072-0940-098-0000~~	~~$967.00~~
~~227-0490-030-0000~~	~~$955.00~~
~~072-1980-047-0000~~	~~$950.00~~
~~071-1720-056-0000~~	~~$945.00~~
~~071-0750-039-0000~~	~~$938.00~~
~~072-2830-004-0023~~	~~$935.00~~
~~072-2410-037-0000~~	~~$920.00~~
~~072-4190-051-0000~~	~~$920.00~~
~~227-0330-026-0000~~	~~$916.00~~
~~072-3470-091-0000~~	~~$901.00~~
~~072-2300-010-0000~~	~~$880.00~~
~~072-1120-030-0000~~	~~$875.00~~
~~072-4250-004-0000~~	~~$853.00~~
~~072-2790-008-0005~~	~~$840.00~~
~~072-1150-077-0000~~	~~$825.00~~
~~071-0460-037-0000~~	~~$800.00~~
~~072-4130-083-0000~~	~~$783.00~~
~~072-2660-023-0000~~	~~$774.00~~

~~071-1740-063-0000~~	~~$761.00~~
~~071-1840-006-0009~~	~~$737.00~~
~~072-3270-034-0000~~	~~$733.00~~
~~071-1840-008-0057~~	~~$730.00~~
~~213-0590-016-0000~~	~~$728.00~~
~~071-1810-049-0037~~	~~$710.00~~
~~227-0610-004-0000~~	~~$703.00~~
~~072-2240-009-0000~~	~~$694.00~~
~~072-2030-058-0000~~	~~$693.00~~
~~072-3660-040-0000~~	~~$680.00~~
~~072-0940-002-0000~~	~~$678.00~~
~~072-4310-050-0000~~	~~$646.00~~
~~227-0280-019-0000~~	~~$646.00~~
~~072-1250-061-0000~~	~~$628.00~~
~~072-3470-082-0000~~	~~$626.00~~
~~071-0370-035-0000~~	~~$621.00~~
~~071-0840-008-0000~~	~~$615.00~~
~~071-0290-016-0000~~	~~$612.00~~
~~071-1800-021-0000~~	~~$597.00~~
~~072-3950-042-0000~~	~~$594.00~~
~~072-2170-029-0000~~	~~$583.00~~
~~072-3850-062-0000~~	~~$579.00~~
~~072-4010-004-0000~~	~~$574.00~~
~~070-0250-011-0000~~	~~$562.00~~
~~072-4280-042-0000~~	~~$557.00~~
~~072-4000-069-0000~~	~~$556.00~~
~~071-1050-042-0000~~	~~$546.00~~
~~072-1780-005-0000~~	~~$541.00~~
~~071-1170-106-0000~~	~~$515.00~~
~~072-4240-032-0000~~	~~$509.00~~
~~071-2080-034-0000~~	~~$508.00~~
~~072-4490-076-0000~~	~~$502.00~~
~~072-2660-034-0000~~	~~$499.00~~
~~071-0232-014-0000~~	~~$499.00~~
~~071-1500-041-0000~~	~~$494.00~~
~~072-2490-050-0000~~	~~$487.00~~
~~072-2830-007-0039~~	~~$482.00~~
~~070-0103-011-0000~~	~~$474.00~~
~~071-1810-006-0004~~	~~$473.00~~
~~071-0163-011-0000~~	~~$451.00~~
~~071-1650-039-0000~~	~~$451.00~~
~~072-0780-037-0000~~	~~$435.00~~
~~072-2250-057-0000~~	~~$432.00~~

~~071-0212-004-0000~~	~~$422.00~~
~~072-1160-035-0000~~	~~$410.00~~
~~213-0550-005-0000~~	~~$408.00~~
~~071-0470-010-0000~~	~~$406.00~~
~~071-1950-018-0000~~	~~$397.00~~
~~072-2030-037-0000~~	~~$397.00~~
~~071-1730-003-0000~~	~~$388.00~~
~~213-0760-032-0000~~	~~$388.00~~
~~227-0580-092-0000~~	~~$388.00~~
~~227-0320-039-0000~~	~~$388.00~~
~~213-0780-027-0000~~	~~$382.00~~
~~072-3470-042-0000~~	~~$364.00~~
~~072-4090-004-0000~~	~~$350.00~~
~~072-3850-065-0000~~	~~$350.00~~
~~072-3650-032-0000~~	~~$350.00~~
~~071-0930-036-0000~~	~~$336.00~~
~~071-0680-003-0000~~	~~$333.00~~
~~072-3750-010-0000~~	~~$329.00~~
~~071-0560-037-0000~~	~~$327.00~~
~~072-3860-059-0000~~	~~$326.00~~
~~072-4060-046-0000~~	~~$319.00~~
~~072-3860-115-0000~~	~~$284.00~~
~~072-1390-038-0000~~	~~$280.00~~
~~071-1450-061-0000~~	~~$276.00~~
~~072-1370-008-0000~~	~~$273.00~~
~~070-0210-027-0000~~	~~$270.00~~
~~072-0750-017-0000~~	~~$248.00~~
~~071-0350-083-0000~~	~~$239.00~~
~~072-2060-007-0000~~	~~$219.00~~
~~071-0960-034-0000~~	~~$216.00~~
~~072-1290-046-0000~~	~~$213.00~~
~~071-0300-024-0000~~	~~$210.00~~
~~072-3850-037-0000~~	~~$191.00~~
~~072-0750-082-0000~~	~~$190.00~~
~~213-0980-024-0000~~	~~$188.00~~
~~072-3820-014-0000~~	~~$170.00~~
~~072-4250-014-0000~~	~~$170.00~~
~~072-1540-026-0000~~	~~$168.00~~
~~071-0163-031-0000~~	~~$166.00~~
~~072-4250-023-0000~~	~~$166.00~~
~~071-0222-004-0000~~	~~$166.00~~
~~071-0510-044-0000~~	~~$159.00~~
~~072-1790-006-0000~~	~~$158.00~~

~~071-0113-002-0000~~	~~$157.00~~
~~071-0166-006-0000~~	~~$157.00~~
~~071-0470-044-0000~~	~~$152.00~~
~~071-0390-016-0000~~	~~$151.00~~
~~071-0780-018-0000~~	~~$109.00~~
~~227-0370-003-0000~~	~~$62.00~~
~~071-1400-033-0000~~	~~$56.00~~
~~071-0280-031-0000~~	~~$54.00~~
~~072-0710-001-0000~~	~~$43.00~~

City of Folsom Delinquent Utilities Charge Report as of 7/14/2026

APN	*Rounded*
071-0020-111-0000	*$25,935.00*
072-3070-003-0000	*$14,963.00*
070-0105-011-0000	*$13,326.00*
070-0166-009-0000	*$6,351.00*
070-0052-015-0000	*$5,136.00*
069-0160-019-0000	*$2,808.00*
072-0940-019-0000	*$2,767.00*
071-0470-006-0000	*$2,690.00*
227-0520-007-0000	*$2,688.00*
072-0031-025-0000	*$2,606.00*
071-0350-040-0000	*$2,579.00*
072-3770-024-0000	*$2,458.00*
072-0890-031-0000	*$2,429.00*
072-1730-005-0000	*$2,416.00*
227-0230-003-0000	*$2,368.00*
072-0940-079-0000	*$2,341.00*
071-1460-017-0000	*$2,323.00*
072-1000-025-0000	*$2,309.00*
072-3570-006-0000	*$2,295.00*
072-3530-034-0000	*$2,264.00*
071-0350-074-0000	*$2,251.00*
071-0700-047-0000	*$2,207.00*
072-3780-025-0000	*$2,189.00*
071-0660-060-0000	*$2,182.00*
072-2490-011-0000	*$2,174.00*
071-1030-027-0000	*$2,171.00*
071-0020-103-0000	*$2,156.00*
071-0600-014-0000	*$2,139.00*
072-1130-059-0000	*$2,117.00*

072-3710-025-0000	$2,107.00
071-2060-013-0000	$2,103.00
072-0780-044-0000	$2,097.00
071-1740-038-0000	$2,096.00
072-1620-052-0000	$2,093.00
070-0120-002-0000	$2,092.00
072-3580-023-0000	$2,090.00
072-1380-045-0000	$2,081.00
071-1520-062-0000	$2,080.00
071-2090-006-0000	$2,076.00
072-3870-070-0000	$2,055.00
072-1040-054-0000	$2,051.00
071-0510-011-0000	$2,039.00
072-0700-007-0000	$2,039.00
072-3810-054-0000	$2,033.00
071-1300-046-0000	$2,032.00
071-0290-029-0000	$2,027.00
072-1290-007-0000	$2,026.00
071-1600-096-0000	$2,014.00
072-3850-005-0000	$2,009.00
072-2250-003-0000	$2,007.00
070-0154-014-0000	$2,005.00
072-0940-021-0000	$2,004.00
071-0800-034-0000	$1,971.00
072-2010-038-0000	$1,966.00
071-1110-032-0000	$1,963.00
072-3150-008-0000	$1,960.00
071-0101-005-0000	$1,952.00
070-0116-022-0000	$1,943.00
072-1160-082-0000	$1,943.00
070-0193-004-0000	$1,941.00
213-0283-027-0000	$1,937.00
071-1880-038-0000	$1,931.00
071-1440-069-0000	$1,924.00
071-0072-022-0000	$1,918.00
072-1740-024-0000	$1,918.00
072-1560-013-0000	$1,912.00
072-1390-050-0000	$1,911.00
071-0214-007-0000	$1,900.00
072-1450-048-0000	$1,895.00
072-2660-036-0000	$1,894.00
072-3170-019-0000	$1,883.00
072-0870-028-0000	$1,863.00

072-1250-089-0000	***$1,851.00***
072-1140-021-0000	***$1,842.00***
071-1950-060-0000	***$1,841.00***
071-0083-002-0000	***$1,833.00***
071-0590-022-0000	***$1,814.00***
213-0071-032-0000	***$1,801.00***
072-4020-039-0000	***$1,792.00***
071-0950-053-0000	***$1,781.00***
072-3790-009-0000	***$1,781.00***
071-1840-008-0009	***$1,768.00***
072-3600-032-0000	***$1,755.00***
227-0570-004-0000	***$1,692.00***
213-0830-014-0000	***$1,683.00***
071-0340-017-0000	***$1,678.00***
071-1980-024-0000	***$1,674.00***
213-0600-022-0000	***$1,673.00***
072-2030-035-0000	***$1,657.00***
072-1090-005-0000	***$1,650.00***
071-1840-007-0003	***$1,632.00***
227-0390-041-0000	***$1,621.00***
227-0600-021-0000	***$1,621.00***
227-0320-035-0000	***$1,620.00***
227-0580-022-0000	***$1,619.00***
072-3600-037-0000	***$1,615.00***
227-0480-026-0000	***$1,602.00***
071-1680-016-0000	***$1,582.00***
213-0820-023-0000	***$1,537.00***
227-0550-012-0000	***$1,536.00***
223-0560-001-0000	***$1,536.00***
072-3530-018-0000	***$1,532.00***
071-1290-047-0000	***$1,531.00***
227-0600-009-0000	***$1,525.00***
071-0720-016-0000	***$1,483.00***
227-0480-056-0000	***$1,477.00***
072-2710-028-0000	***$1,462.00***
071-0780-033-0000	***$1,454.00***
213-0960-007-0000	***$1,447.00***
071-0091-008-0000	***$1,435.00***
227-0580-085-0000	***$1,412.00***
227-0300-028-0000	***$1,358.00***
071-0173-002-0000	***$1,356.00***
072-0940-046-0000	***$1,345.00***
072-3660-084-0000	***$1,345.00***

071-0233-018-0000	$1,337.00
072-0760-022-0000	$1,334.00
072-3810-053-0000	$1,327.00
072-0720-041-0000	$1,316.00
227-0420-006-0000	$1,270.00
072-3700-050-0000	$1,268.00
072-3790-008-0000	$1,243.00
072-3760-071-0000	$1,237.00
072-1290-003-0000	$1,217.00
071-0650-061-0000	$1,215.00
072-3470-036-0000	$1,203.00
072-1530-052-0000	$1,120.00
071-0031-006-0000	$1,114.00
072-2030-059-0000	$1,102.00
072-1100-031-0000	$1,077.00
071-1200-029-0000	$1,054.00
072-1500-010-0000	$1,044.00
213-0630-004-0000	$1,039.00
227-0370-042-0000	$1,036.00
227-0540-003-0000	$1,035.00
072-3860-090-0000	$1,021.00
071-0212-003-0000	$1,010.00
072-4130-081-0000	$1,004.00
071-1010-012-0000	$1,000.00
071-1840-007-0026	$983.00
072-1210-047-0000	$981.00
072-0700-035-0000	$975.00
072-2440-021-0000	$969.00
213-0900-017-0000	$968.00
072-0940-098-0000	$967.00
227-0490-030-0000	$955.00
072-1980-047-0000	$950.00
071-1720-056-0000	$945.00
071-0750-039-0000	$938.00
072-2830-004-0023	$935.00
072-2410-037-0000	$920.00
072-4190-051-0000	$920.00
072-3470-091-0000	$901.00
072-1120-030-0000	$875.00
072-4250-004-0000	$853.00
072-2790-008-0005	$840.00
072-1150-077-0000	$825.00
071-0460-037-0000	$800.00

072-4130-083-0000	***$783.00***
071-1740-063-0000	***$761.00***
071-1840-006-0009	***$737.00***
072-3270-034-0000	***$733.00***
071-1610-026-0000	***$732.00***
071-1840-008-0057	***$730.00***
213-0590-016-0000	***$728.00***
227-0330-026-0000	***$716.00***
071-1810-049-0037	***$710.00***
227-0610-004-0000	***$703.00***
072-2240-009-0000	***$694.00***
072-2030-058-0000	***$693.00***
072-3660-040-0000	***$680.00***
072-0940-002-0000	***$678.00***
072-4310-050-0000	***$646.00***
227-0280-019-0000	***$646.00***
072-1250-061-0000	***$628.00***
072-3470-082-0000	***$626.00***
071-0370-035-0000	***$621.00***
071-0840-008-0000	***$615.00***
071-0290-016-0000	***$612.00***
071-1800-021-0000	***$597.00***
072-3950-042-0000	***$594.00***
072-2170-029-0000	***$583.00***
072-4010-004-0000	***$574.00***
072-2660-023-0000	***$574.00***
070-0250-011-0000	***$562.00***
072-4000-069-0000	***$556.00***
072-1780-005-0000	***$541.00***
071-1170-106-0000	***$515.00***
072-3750-010-0000	***$514.00***
072-4240-032-0000	***$509.00***
071-2080-034-0000	***$508.00***
072-4490-076-0000	***$502.00***
071-0232-014-0000	***$499.00***
071-1500-041-0000	***$494.00***
072-2490-050-0000	***$487.00***
072-2830-007-0039	***$482.00***
071-1810-006-0004	***$473.00***
071-0163-011-0000	***$451.00***
071-1650-039-0000	***$451.00***
072-0780-037-0000	***$435.00***
072-2250-057-0000	***$432.00***

071-0212-004-0000	$422.00
072-1160-035-0000	$410.00
213-0550-005-0000	$408.00
071-0470-010-0000	$406.00
072-1900-007-0000	$401.00
071-1950-018-0000	$397.00
072-2030-037-0000	$397.00
227-0580-092-0000	$388.00
227-0320-039-0000	$388.00
213-0760-032-0000	$388.00
213-0780-027-0000	$382.00
072-3470-042-0000	$364.00
072-4090-004-0000	$350.00
072-3850-065-0000	$350.00
072-3650-032-0000	$350.00
071-0930-036-0000	$336.00
071-0560-037-0000	$327.00
072-3860-059-0000	$326.00
072-2660-034-0000	$321.00
072-4060-046-0000	$319.00
072-3860-115-0000	$284.00
072-1390-038-0000	$280.00
071-1450-061-0000	$276.00
072-1370-008-0000	$273.00
072-0750-017-0000	$248.00
072-2060-007-0000	$219.00
072-1290-046-0000	$213.00
071-0300-024-0000	$210.00
072-3850-037-0000	$191.00
072-0750-082-0000	$190.00
213-0980-024-0000	$188.00
071-0680-003-0000	$173.00
072-3820-014-0000	$170.00
072-1540-026-0000	$168.00
071-0163-031-0000	$166.00
071-0222-004-0000	$166.00
071-0510-044-0000	$159.00
071-0113-002-0000	$157.00
071-0166-006-0000	$157.00
071-0470-044-0000	$152.00
071-0390-016-0000	$151.00

Folsom City Council
Staff Report

MEETING DATE:	7/14/2026
AGENDA SECTION:	Public Hearing
SUBJECT:	Ordinance No. 1375 - An Ordinance of the City of Folsom Re-Adopting Ordinance 1353 To Amend Chapter 17.52 of the Folsom Municipal Code for the Historic District Relating to Design Review, Sign Permits, Demolitions, and Accessory Buildings (Introduction and First Reading) and Determination that the Action is Not Subject to CEQA
FROM:	Community Development Department

RECOMMENDATION / CITY COUNCIL ACTION

Conduct the first reading of Ordinance No. 1375 - An Ordinance of the City of Folsom Re-Adopting Ordinance 1353 to Amend Chapter 17.52 of the Folsom Municipal Code for the Historic District Relating to Design Review, Sign Permits, Demolitions, and Accessory Buildings.

BACKGROUND / ISSUE

On October 28, 2025, the Folsom City Council approved modifications to Folsom Municipal Code Chapter 17.52 to move design review of smaller projects to Director-level review, to exempt certain projects from design review (except when a building or site is considered a historic resource), to move sign permit review to Director-level review, to move non-historic demolitions to Director-level review, to further limit the height, size, and setback requirements for accessory buildings, and to modify historic district entitlement expirations and extensions to be consistent with regulations outside of the Historic District. As part of that action, City Council determined that the code amendments were exempt from environmental review under the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) ("Review for Exemption"), which is the "common sense exemption" that states that CEQA only applies to projects that have the potential for causing a significant effect on the environment.

While the code changes went into effect and are applicable to projects in the Historic District now, the CEQA determination was legally challenged in April of 2026. At their June 17, 2026 meeting, the Planning Commission voted unanimously (5-0-2) to recommend that City Council re-adopt the

amendments with the expanded CEQA discussion and findings. As part of that recommendation, the Planning Commission also recommended that City Council consider instructing staff to re-consider as part of the readoption process excluding all fencing types except chain link (which is not allowed) from Design Review in the Historic District and instead include the list of inappropriate fencing styles listed in the Historic District Design and Development Guidelines (DDGs) as prohibited fence styles in the ordinance instead.. In addition, the Planning Commission, as part of their recommendation to the City Council, also recommended that the Council instruct staff to modify FMC Chapter 17.52 as a whole as part of the overall zoning code update process rather than doing that as part of a second phase.

The Historic District Commission (HDC) at their June 24, 2026 meeting also voted (4-1-2) to recommend that City Council re-adopt the amendments with modified CEQA discussion and findings. However, as part of that recommendation, the Historic District Commission recommended that additional changes not be recommended as part of the re-adoption, and instead, the HDC recommended that the City Council instruct staff to prepare objective design standards for the Historic District.

Please note that this item was presented to the Planning Commission as well as the Historic District Commission even though it only relates to the Historic District. This is because of language in the State Government Code Section 65854 that states the Planning Commission shall hold a public hearing on any change to a zoning ordinance.

POLICY / RULE

Under Section 2.12 of the City Charter, amendments to the Folsom Municipal Code require review and approval by the City Council.

There are four policies from the City's 2035 General Plan that relate directly to the Historic District. These policies are:

- LU 1.1.9: Preserve Historic Resources: Recognize the importance of history in the City of Folsom, and preserve historic and cultural resources throughout the city, to the extent feasible.

- LU 6.1.2: Historic Folsom Residential Areas: Preserve and protect the residential character of Historic Folsom's residential areas.

- NCR 5.1.4: Applicable Laws and Regulations: Ensure compliance with City, State, and Federal historic preservation laws, regulations, and codes to protect and assist in the preservation of historic and archeological resources, as listed in the City of Folsom Historic Preservation Master Plan, including the use of the California Historical Building Code as applicable, including, but not limited to, Senate Bill 18, Assembly Bill 52, Appendix G to the CEQA Guidelines, and, where applicable, Section 106 of the National Historic Preservation Act.

- NCR 5.1.6: Historic District Standards: Maintain and implement design and development

standards for the Historic District

In addition, the Historic District chapter of the Zoning Code provides the intent behind the chapter:

- 17.52.010 Purpose and intent.
  A. The city council intends to actively promote the purposes of this chapter by (1) creating incentives for residents, property owners and businesses, (2) encouraging cooperation in attaining the purposes set forth in this chapter, and (3) providing a simple, fair and effective system of enforcement of the regulations contained in this chapter.

  B. The purposes of this chapter are:
     1. To preserve and enhance the historic, small-town atmosphere of the historic district as it developed between the years 1850 and 1950;
     2. To maintain, restore, and reconstruct historic structures and sites within the historic district;
     3. To encourage an active business climate which promotes the development of a diverse range of businesses compatible with the historic district as it developed between the years 1850 and 1950;
     4. To retain the residential areas within the historic district;
     5. To ensure that new residential and commercial development is consistent with the historical character of the historic district as it developed between the years 1850 and 1950;
     6. To increase the awareness, understanding, and appreciation of the history of the city; and
     7. To preserve and enhance open space areas.

ANALYSIS

No changes are proposed to the Zoning Code beyond what was previously approved by City Council on October 28, 2025. A copy of the staff report associated with those changes is provided in Attachment 1. As shown in the General Plan and Folsom Municipal Code Consistency section of Attachment 1, the Zoning Code update is consistent with the policies of the City's 2035 General Plan as well as the Intent sections of Chapter 17.52 of the Folsom Municipal Code. In conducting subsequent review, staff found that the Environmental Review section provided in the original staff report lacked detail to sufficiently explain why the amendments are not subject to CEQA. In the updated Environmental Review section of this report, staff provides more comprehensive analysis in support of CEQA Guidelines Section15061(b)(3) that determined that the ordinance is not subject to CEQA, as well as analysis in support of additional CEQA exemptions applicable to this action. This additional analysis provides a more comprehensive Environmental Review section as part of the public record and in support of staff's recommendation that the modifications to FMC Chapter 17.52 are not subject to CEQA and that the City Council re-adopt the previously enacted modifications to Folsom Municipal Code Chapter 17.52.

FINANCIAL IMPACT

Staff anticipates that re-adoption of the code changes will continue to lead to fewer staff resources being spent on preparing staff reports and meeting materials for HDC meetings, freeing up limited

existing staff resources for larger-scale efforts such as completing the Zoning Code update and preparing objective design standards. Re-adoption would also result in fewer (or shorter) HDC meetings, which reduces the amount of compensatory time used by staff attending those meetings. As such, staff anticipates that the proposed re-adoption would have a positive financial impact on City funds.

ENVIRONMENTAL REVIEW

The amendments to the Folsom Municipal Code discussed in this report are not a project for purposes of CEQA because CEQA only applies to activities that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Because changing which body (HDC or City staff) will process the minor approvals covered by these amendments does not have the potential to cause a physical change in the environment directly or indirectly, the amendments are not a project subject to CEQA. (Public Resources Code §§ 21065; 21080(b)(1), (9); CEQA Guidelines §§ 15060(c), (2), (3); 15378(b)(2), (5).) If for any reason these amendments are considered a project, they are exempt from CEQA review. (See Pub. Resources Code, § 21000 et seq; Cal. Code Regs., tit. 14, div. 6, ch. 3.) Specifically, the amendments are exempt under the Common Sense exemption (Section 15061(b)(3)), the Ministerial exemption (Section 15268), the Existing Facilities exemption (Section 15301), the Small Structures exemption (Section 15303), and the Installation of Solar Energy System Exemption (Public Resources Code section 21080.35). None of the exceptions to exemptions contained in Section 15300.2 of the CEQA Guidelines are present. Finally, the code amendments are exempt under Public Resources Code section 21080.1. (*See also Cal. Farm Bureau Federation v. Cal. Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 191 [permitting application of several exemptions from CEQA for a single project].) Each of the exemptions are discussed below.

Common Sense Exemption – As explained in section 15061 of the CEQA Guidelines, the Common Sense exemption acknowledges that "CEQA applies only to projects which have the potential for causing a significant effect on the environment" and thus exempts activities "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." (14 CCR § 15061(b)(3).) The ordinance amendments discussed in this report do not have the potential to cause a significant effect on the environment. As described in greater detail above, the modifications largely change the administrative process for design review in the Folsom Historic District. They do not affect allowed uses for affected properties. The administrative changes that merely modify applicable reviewing bodies will not result in any significant impact to the environment. The applications for design review will be held to the same existing standards, but under these amendments, may be subject to review or approval by a different reviewing body. Thus, the applications will be subject to the existing design standards, which will not result in any significant environmental impacts.

Nor will the ordinance amendment's exemption of certain very small projects from design review have potential to cause any significant impacts on the environment. These exemptions include replacement of existing roof materials, replacement of existing windows and doors, changes to exterior building colors, certain patio covers and trellises, certain privacy fencing and walls, aboveground spas and hot tubs, and outdoor cooking facilities not visible from the street. In the

case of replacements, the materials would need to be aesthetically similar to the original to remain exempt. These types of modifications, all to existing developed properties, will not cause significant effects on the environment. The modifications will be minimal and aesthetically similar to existing conditions, and several of the project types exempted from design review are required to be located in side or rear yards for the exemption to apply. Several of the very small projects, including like-for-like structural replacements, residential re-painting, privacy walls/fences, and solar panels were already not going through design review based on the City's consistent past practice and thus, would not result in any change from baseline conditions for those projects. A majority of those projects do not require a building permit or other entitlement from the City. When a permit is required, it is ministerial. As a result, formally exempting these projects from design review simply conforms the FMC to existing practice with no change to operations. Additionally, the ordinance amendments specifically exclude from the design review exemption any project involving buildings or properties in the City's Cultural Resources Inventory or located on an existing or potentially eligible historical resource. This will further ensure that there are no significant impacts to the environment, including historical resources. Given each of these considerations, the ordinance amendments could not have a significant effect on the environment. Accordingly, the Common Sense exemption applies to the ordinance amendments.

Ministerial Exemption – "Ministerial projects are exempt from the requirements of CEQA." ((14 CCR § 15268.) Ministerial projects are those "governmental decision[s] involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision." (CEQA Guidelines, § 15369.)

The ordinance amendment's inclusion of solar panel installation in the design review exemption is ministerial. Under state law, the City's review of solar panel permits is limited to health and safety considerations. (Gov. Code, § 65850.5); therefore, the City has no discretion to impose design review restrictions. As such, the solar panel exemption from design review is ministerial and exempt from the requirements of CEQA. Similarly, Government Code section 66321 restricts the City from imposing design review on certain Accessory Dwelling Units (ADU). The City does not have discretion to impose design review, and thus, the design review exemption for certain ADUs is ministerial and exempt from the requirements of CEQA. In addition, to the extent that a building permit is required for installation of a fence or any of the other minor modifications exempt from design review under FMC Section 17.52.300(C)(1), such approvals are ministerial in nature and as such are exempt from the requirements of CEQA.

Class 1 Categorical Exemption – Under Section 15301 of the CEQA Guidelines, the Class 1 exemption "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use." (14 CCR § 15301.) Categorical exemptions are those "classes of projects which have been determined not to have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA." ((14 CCR § 15300.) This ordinance amendment's exemption for very small

projects falls under this Class 1 CEQA exemption. The very small projects under this ordinance would allow for "repairs," "maintenance," and "minor alterations" to existing developed structures, such as the ordinance amendment's exemption from design review for roof replacements, doors and windows replacements, and other minor alterations to existing structures allowed under the proposed ordinance. The projects exempt from design review under the new ordinance would not allow for any expansion of existing uses. As such, in addition to falling under the Common Sense exemption, several amendment components would also qualify for the Class 1 Categorical Exemption under CEQA.

Class 3 Categorical Exemption – The Class 3 Categorical Exemption for New Construction or Conversion of Small Structures also applies to the ordinance amendments. Under section 15303 of the CEQA Guidelines, projects consisting of "construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures…" (14 CCR § 15303.) This includes, "accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences." (14 CCR § 15300(e).) Accordingly, the ordinance amendment's exemption of fences, hot tubs, outdoor kitchens, and patios qualify for the Class 3 Categorical Exemption under CEQA, in addition to the Common Sense exemption.

Exceptions to Categorical Exemptions – Section 15300.2 of the CEQA Guidelines sets forth exceptions to the categorical exemptions. None of these exceptions apply. The ordinance amendments would not result in any significant cumulative environmental impact, because there is no substantial evidence in the City's record demonstrating that the amendments would result in any significant increase in impacts in the Historic District by virtue of just changing the design review process, which still protects listed and potentially eligible historic resources. It is important to note that the Historic District as a whole is not listed as a historic resource on the federal, state, or local registry. Rather, individual properties within the Historic District are listed on one or more registries. Other properties within the Historic District may be eligible for listing as a historic resource, as defined by CEQA Guidelines Section 15064.5 or the adopted City of Folsom historic preservation master plan. Staff recognizes the potential for development projects within the Historic District to impact historic resources. To address that possibility, staff specifically included within the ordinance amendments a provision that projects involving buildings or properties on the City's cultural resources inventory as well as properties located on an existing or potentially eligible historic resource are subject to design review and Historic District Commission approval. (See FMC section 17.52.300(C)(1)(i).)

Additionally, the ordinance amendments do not involve any unusual circumstances, because creating different levels of design review within a municipality's administrative processes is a common-place feature of municipal government, and as explained above, these changes will not have any significant effects on the environment. And lastly, there is no reasonable possibility that the ordinance amendments will cause any significant impacts on scenic highways, hazardous waste sites, or historical resources.

As explained, certain of the ordinance amendments are statutorily exempt from CEQA review under CEQA Guidelines Section 15282(h), which includes "the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city to implement provisions of Sections 65852.1 and 65852.2 of the Government Code, as set forth in 21080.17 of the Public Resources Code." Under California Public Resources Code Section 21080.17, CEQA "does not apply to the adoption of an ordinance by a city or county to implement Section 65852.1 of, or Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13 of Division 1 of Title 7 of, the Government Code," which is California's ADU and JADU law. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements State ADU and JADU law.

Public Resources Code section 21080.35 – The ordinance amendments are statutorily exempt from CEQA review under Public Resources Code section 21080.35, which states in pertinent part that CEQA "...does not apply to the installation of a solar energy system on the roof of an existing building or at an existing parking lot." The statute defines "solar energy system" to include all associated equipment. Associated equipment necessary to connect the energy generated to the electrical grid may be located immediately adjacent to the parcel of the building or immediately adjacent to the parcel of the building and separated by an improved right-of-way. To the extent the ordinance amendments apply to solar panels on the roof of an existing building or at an existing parking lot, they are exempt from CEQA under this statute. Staff has not seen and does not anticipate receiving applications for the installation of solar panels on property within the Historic District that include a proposal to install solar panels anywhere other than the roof of an existing building or at an existing parking lot.

ATTACHMENTS

1. Ordinance No. 1375 – An Ordinance of the City of Folsom Re-Adopting Ordinance 1353 To Amend Chapter 17.52 of the Folsom Municipal Code for the Historic District Relating to Design Review, Sign Permits, Demolitions, and Accessory Buildings
2. Previously Approved Modifications to FMC Chapter 17.52 (Strikethrough/Underline Version)
3. Public Comments Received

Submitted,

PAM JOHNS
Community Development Director

Attachment 1

ORDINANCE NO. 1375

AN ORDINANCE OF THE CITY OF FOLSOM RE-ADOPTING ORDINANCE 1353 TO AMEND CHAPTER 17.52 OF THE FOLSOM MUNICIPAL CODE FOR THE HISTORIC DISTRICT RELATING TO DESIGN REVIEW, SIGN PERMITS, DEMOLITIONS, AND ACCESSORY BUILDINGS

The City Council of the City of Folsom does hereby ordain as follows:

SECTION 1 PURPOSE

The purpose of this ordinance is to re-adopt amendments to certain sections of Chapter 17.52 in the Folsom Municipal Code to move design review of small projects to director-level approval, to exempt certain projects from design review, to move sign permit review to director-level approval, to move non-historic demolitions to director-level approval, to further limit the height, size, and setback requirements for accessory buildings, and to modify historic district entitlement expirations and extensions to be consistent with regulations outside of the historic district.

SECTION 2

Section 17.52.130 of the Folsom Municipal Code is hereby re-adopted to read as follows:

17.52.130 Administrative Support

The community development director, previously referred to as the planning, inspections and permitting director, shall be responsible for the administration of this chapter and shall assist the historic district commission in performing its functions. The director shall carry out those additional duties delegated by the historic district commission.

SECTION 3

Sections 17.52.300 through 17.52.390 of the Folsom Municipal Code are hereby re-adopted to read as follows:

17.52.300 Design review.

A. Except as otherwise provided in subsection (B), the design and architecture of the following projects shall be submitted to the historic district commission for review and approval under the provisions of this chapter:

1. All new office, industrial, commercial and residential buildings, excluding accessory buildings as defined in Section 17.02.020 and accessory dwelling units as regulated by Section 17.52.300(D);

2. All exterior renovation, remodeling, modification or addition to existing buildings located on properties listed in the City's Cultural Resources Inventory or located on an existing or potentially eligible historic resource, as defined by the California

Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan;

3. All additions to existing buildings over twenty-five percent of the total square footage of the existing building or over 500 square feet, whichever is less, except additions to accessory buildings, as regulated by Section 17.52.300(B)(3) and additions to accessory dwelling units as regulated by Section 17.52.300(D)

4. Projects which are part of a planned development or a tentative map.

5. Proposed project design guidelines and standards and revisions to existing design guidelines and standards.

B. The design and architecture of the following projects shall be submitted to the community development director for review and approval under the provisions of this chapter:

1. All exterior renovation, remodeling, or modification to existing buildings, except those exempted under section 17.52.300(C), and those regulated under 17.52.300(A)(2);

2. All additions to existing buildings under twenty-five percent of the total square footage of the existing building or under 500 square feet, whichever is less, except additions to accessory buildings, as regulated by Section 17.52.300(B)(3) and additions to accessory dwelling units, as regulated by Section 17.52.300(D);

3. All new accessory buildings, including but not limited to garages and sheds, and any addition to such buildings, except those regulated under 17.52.300(A)(2) and 17.52.300(D)(1).

C. The following types of projects are exempt from the design review process under this chapter:

1. Minor modifications including:

a. replacement of existing building and roof materials with similar materials,

b. replacement of existing windows and doors with similar windows and doors,

c. changes to exterior colors on residential buildings,

d. patio covers, gazebos, pergolas and trellises under 200 square feet in size and located outside of the front, side, and street side yards,

e. privacy walls and fencing, excluding chain link, which is not allowed,

f. aboveground spas and hot tubs located outside of the front and street side yards,

g. solar panels,

h. outdoor cooking facilities located outside of the front and street side yards, and

i. other projects that the director deems similar in material, design, and scope to those listed, except projects involving buildings or properties on the City's Cultural Resources Inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan, which are subject to historic district commission approval.

D. Final approval authority relating to the design and architecture of accessory dwelling units and additions to such buildings within the historic district boundaries shall be as follows:

1. The historic district commission shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on height, and any new garage or other attached conditioned or unconditioned space proposed along with such an accessory dwelling unit.

2. The historic district commission shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on height.

3. The community development director shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on square footage, and any other attached space proposed along with such an accessory dwelling unit.

4. The community development director shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on square footage.

17.52.310 Design review submittal requirements.

The applicant shall file the following information with the community development director for design review:

A. Completed and signed application form including name, address, email address, telephone number of the applicant, and agent authorization from the property owner if the applicant is not the property owner;

B. Application fee as established by resolution of the city council;

C. A copy of all entitlements granted for the property by the city, including conditions of approval and the environmental documentation;

D. A copy of all required state and federal permits;

E. Site plan;

F. Building design plans/elevations;

G. Material samples and color board;

H. Project narrative describing the proposed project and how it is consistent with the requirements of Section 17.52 and any applicable design guidelines;

I. Recent photographs of the project site taken within 30 days prior to the submittal which accurately depict the project location; and

J. Other material and information as requested by the commission or community development director.

17.52.320 Notice and posting of site for design review.

The provisions of Section 17.06.070 A and B shall apply within the historic district. In addition, a notice containing the project description and the time and place of the meeting for design review of a proposed project shall be posted on the City website and mailed to property owners directly adjacent to the project site at a time reasonably expected to give at least five days before the commission meeting or director level meeting. As used in this section, “directly adjacent to the project site” also includes properties located directly across an alley, street or public right-of-way from the project site.

17.52.330 Plan evaluation for design review.

In reviewing projects for design review, the historic district commission or community development director shall consider the following criteria:

A. Project compliance with the General Plan and any applicable zoning ordinances;

B. Conformance with any city-wide design guidelines and historic district design and development guidelines adopted by the city council;

C. Conformance with any project-specific design standards approved through the planned development permit process or similar review process; and

D. Compatibility of building materials, textures and colors with surrounding development and consistency with the general design theme of the neighborhood.

17.52.340 Approval process for design review.

A. The community development director or the historic district commission, in exercising design review authority under this chapter, shall make the decision to approve, conditionally approve or deny the design review application with findings based on the criteria established in Section 17.52.330. A copy of the decision, findings and any applicable conditions shall be provided in writing to the applicant.

B. Projects that are subject to director-level review may be elevated to the historic district commission for review at the discretion of the community development director. The applicant may request to elevate a director-level design review to the historic district commission. The request shall be granted upon payment of the commission-level design review application fee established by resolution of the city council and any other applicable fees.

C. The community development department shall provide a summary to the historic district commission of all design review projects within the historic district approved at the director level. Such review will allow the commission to provide input to the department concerning the appropriateness of the approvals and help the commission and the department develop a consistent approach to design review. The historic district commission may not overturn the decision of the community development department unless an appeal has been filed pursuant to Section 17.52.700.

17.52.350 Design Review expiration and extension of approval.

A. A design review approval shall be null and void unless the applicant submits a complete application for a building permit within two years from the date of approval.

B. The community development director or the historic district commission, in exercising design review authority under this chapter, may extend an approval for an additional 1 year upon receipt of a written request accompanied by a fee, as may be established by resolution of the city council, and other information deemed necessary by the community development director. Requests for approval extension must be received before the original approval expires.

17.52.360 Conditional use permit review.

A. The historic district commission shall have final authority relating to the issuance of conditional use permits for any of the uses or purposes for which such permits are required or permitted by the terms of this title, as well as the expiration and extension of such permits, within the boundaries of the historic district.

B. In acting upon applications for conditional use permits, the historic district commission shall adhere to the procedural requirements set forth in Chapter 17.60, except for matters of appeal, which shall be governed by this chapter.

17.52.370 Variance review.

A. The historic district commission shall have final authority relating to application for variances from any of the provisions of this title, as well as the expiration and extension of such requests, within the boundaries of the historic district.

B. In acting upon applications for variances, the historic district commission shall adhere to the procedural requirements set forth in Chapter 17.62, except for matters of appeal, which shall be governed by this chapter.

17.52.380 Sign permit review.

A. The community development director shall have final approval authority relating to the issuance of sign permits for any signs for which such permits are required by this title, within the boundaries of the historic district.

B. The provisions of Chapter 17.59 are applicable in the historic district as modified by this chapter and any adopted design and development guidelines. In acting upon applications for sign permits, the community development director shall adhere to the procedural requirements set forth in Chapter 17.59, except for matters of appeal, which shall be governed by this chapter.

C. Any sign permit application may be elevated to the historic district commission for review at the director's discretion. The applicant may also request to elevate a director-level sign permit review to the historic district commission upon payment of the commission-level sign permit review application fee established by resolution of the city council. Notice and posting shall be required for all sign permits elevated to the historic district commission, consistent with section 17.52.320.

D. Buildings with multiple tenants shall be required to submit a uniform signage program (USP) for historic district commission approval, as described in Sections 17.52.510 through 17.52.560. Notice and posting shall be required, consistent with section 17.52.320.

17.52.390 Environmental review.

Review by the community development director and historic district commission of applications for conditional use permits, sign permits, variances, design review, and other entitlements is subject to the requirements of the California Environmental Quality Act (CEQA). The historic district commission, in exercising its review authorities under this chapter, is authorized to hold public hearings on negative declarations, mitigated negative declarations, draft environmental impact reports and final environmental impact reports prepared on applications for the above permits or for design review. The community development director and historic district commission shall not approve applications prior to considering the applicable environmental document or exemption and complying with the requirements of CEQA and any city procedures for preparation and processing of environmental documents.

SECTION 4

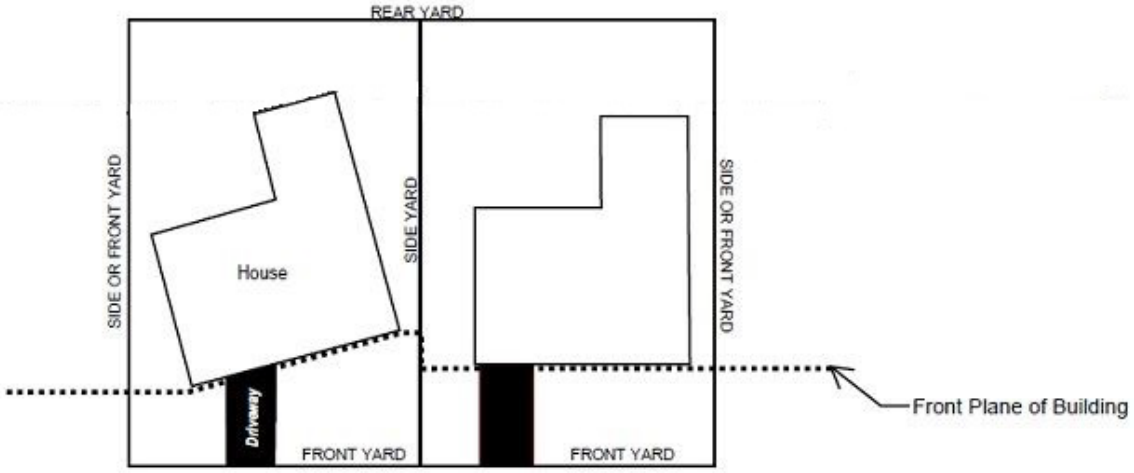
Section 17.52.480 of the Folsom Municipal Code is hereby re-adopted to read as follows:

17.52.480 Accessory buildings.

A. Accessory buildings, as defined in Section 17.02.020, are subject to the following development standards within the historic district (with the exception of accessory dwelling units):

1. Height. Accessory buildings shall not exceed fifteen feet in height, as measured using the methodology in Section 17.02.110. An accessory building shall not be taller than the primary building on the lot as measured from finished grade of each building.

2. Setbacks. Accessory buildings shall be set back a minimum of twenty feet from the front yard lot line, five feet from the rear yard lot line, five feet from the interior side-yard lot line, ten feet from the street side-yard lot line and five feet from all other buildings on the property. In no instance shall any portion of an accessory building be located in front of the front plane of the primary building. In the case of a corner lot abutting upon two streets, no detached accessory building shall be erected, altered or moved so as to occupy any part of the front half of such lot.



3. Size. Detached accessory buildings (with the exception of accessory dwelling units) may occupy a maximum of fifty percent of the area of a required rear yard. The total square footage of all accessory buildings on a single parcel, excluding residential accessory dwelling units, shall not exceed 50 percent of the total square footage of the primary building on the same parcel.

SECTION 5

Section 17.52.660 of the Folsom Municipal Code is hereby re-adopted to read as follows:

17.52.660 Demolition review.

A. The demolition of a building originally constructed less than 50 years before submittal of a demolition permit application that is located in the historic district is exempt from review under this Chapter.

B. Review and approval of a Historic District Demolition application is required before the demolition of a building originally constructed 50 or more years prior to submittal of a demolition permit that is located in the historic district.

1. The applicant shall file the following information with the community development director:

a. Completed and signed application form including name, address, email address, and telephone number of the applicant;

b. An application fee as established by resolution of the city council;

c. All available information related to the age of the structure.

d. Other material and information as requested by the director.

2. Prior to a decision by the community development director to approve a Historic District Demolition application, notice and posting shall be required, consistent with section 17.52.320.

3. The historic district commission shall have final authority relating to the review and approval of Historic District Demolition applications involving existing or potentially eligible historic resources, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan.

a. Upon determination by the community development director that the building proposed for demolition is an existing or potentially eligible historic resource, notice and posting shall be required, consistent with section 17.52.320.

b. Before authorizing the demolition of a building determined by the community development director to be an existing or a potentially eligible historic resource, the historic district commission shall consider the following factors:

i. Whether the public health, safety and/or welfare warrant the demolition;

ii. What accommodations can be provided to the owner of the property to make it feasible for the owner to preserve the property;

iii. Whether the owner of the property is willing to sell the property to a buyer who wishes to preserve the property;

iv. Whether a public entity wishes to acquire the property through exercise of the power of eminent domain in order to preserve the property.

4. The community development director shall have final authority relating to the review and approval of all Historic District Demolition applications not involving an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan.

5. Prior to approval of a Historic District Demolition application, the applicant shall provide documentation of the structure for the historical record. Documentation shall include photographs of all sides of the structure, details of unique or representative construction features, and any history of the structure known to, or reasonably obtainable by, the applicant.

6. If the community development director cannot determine whether the building proposed for demolition was originally constructed more than 50 years prior to application for a demolition permit based on permitting files or other provided information, the proposed demolition will be subject to the Historic District Demolition process described in Section 17.52.660(B).

SECTION 6 SCOPE

Except as set forth in this ordinance, all other provisions of the Folsom Municipal Code shall remain in full force and effect.

SECTION 7 SEVERABILITY

If any section, subsection, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council declares that it would have passed each section irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional, invalid, or ineffective.

SECTION 8 NO MANDATORY DUTY

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards

persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 9 EFFECTIVE DATE

This ordinance shall become effective on September 11, 2026, provided it is published in full or in summary within twenty (20) days after its adoption in a newspaper of general circulation in the City.

This ordinance was introduced and the title thereof read at the regular meeting of the City Council on July 14, 2026 and the second reading occurred at the regular meeting of the City Council on August 11, 2026.

On a motion by Councilmember _____ seconded by Councilmember _____, the foregoing ordinance was passed and adopted by the City Council of the City of Folsom, State of California, this 11th day of August, 2026, by the following roll-call vote:

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

_____
Justin Raithel, MAYOR

ATTEST:

_____
Christa Freemantle, CITY CLERK

Attachment 2

Modifications to FMC Chapter 17.52 (Strikethrough/Underline Version)

Section 17.52.130 of the Folsom Municipal Code is amended to read as follows:

17.52.130 Administrative Support

The community development director, previously referred to as the planning, inspections and permitting director, shall be responsible for the administration of this chapter and shall assist the historic district commission in performing its functions. The director shall carry out those additional duties delegated by the historic district commission.

Sections 17.52.300 through 17.52.390 of the Folsom Municipal Code are amended to read as follows:

17.52.300 Design review.

A. Except as otherwise provided in subsection (B), the design and architecture of the following projects shall be submitted to the historic district commission for review and approval under the provisions of this chapter:

~~A~~1. All new office, industrial, commercial and residential ~~structures~~buildings, excluding accessory buildings as defined in Section 17.02.020 and accessory dwelling units as regulated by Section 17.52.300(D);

~~and~~

~~B~~2. All exterior renovation~~s~~, remodeling, modification or addition to existing ~~structures~~buildings located on properties listed in the City's Cultural Resources Inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan;~~.~~

3. All additions to existing buildings over twenty-five percent of the total square footage of the existing building or over 500 square feet, whichever is less, except additions to accessory buildings, as regulated by Section 17.52.300(B)(3) and additions to accessory dwelling units as regulated by Section 17.52.300(D)

4. Projects which are part of a planned development or a tentative map.

5. Proposed project design guidelines and standards and revisions to existing design guidelines and standards.

B. The design and architecture of the following projects shall be submitted to the community development director for review and approval under the provisions of this chapter:

1. All exterior renovation, remodeling, or modification to existing buildings, except those exempted under section 17.52.300(C), and those regulated under 17.52.300(A)(2);

2. All additions to existing buildings under twenty-five percent of the total square footage of the existing building or under 500 square feet, whichever is less, except additions to accessory buildings, as regulated by Section 17.52.300(B)(3) and additions to accessory dwelling units, as regulated by Section 17.52.300(D);

3. All new accessory buildings, including but not limited to garages and sheds, and any addition to such buildings, except those regulated under 17.52.300(A)(2) and 17.52.300(D)(1).

C. The following types of projects are exempt from the design review process under this chapter:

1. Minor modifications including:

a. replacement of existing building and roof materials with similar materials,

b. replacement of existing windows and doors with similar windows and doors,

c. changes to exterior colors on residential buildings,

d. patio covers, gazebos, pergolas and trellises under 200 square feet in size and located outside of the front, side, and street side yards,

e. privacy walls and fencing, excluding chain link, which is not allowed,

f. aboveground spas and hot tubs located outside of the front and street side yards,

g. solar panels,

h. outdoor cooking facilities located outside of the front and street side yards, and

i. other projects that the director deems similar in material, design, and scope to those listed, except projects involving buildings or properties on the City's Cultural Resources Inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan, which are subject to historic district commission approval.

D. Final approval authority relating to the design and architecture of accessory dwelling units and additions to such buildings within the historic district boundaries shall be as follows:

1. The historic district commission shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on height, and any new garage or other attached conditioned or unconditioned space proposed along with such an accessory dwelling unit.

2. The historic district commission shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on height.

3. The community development director shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on square footage, and any other attached space proposed along with such an accessory dwelling unit.

4. The community development director shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on square footage.

17.52.310 Design review submittal requirements.

The applicant shall file the following information with the ~~planning, inspections and permitting~~community development director for design review:

A. Completed and signed application form including name, address, email address, ~~and~~ telephone number of the applicant, and agent authorization from the property owner if the applicant is not the property owner;

B. Application fee as established by resolution of the city council;

C. A copy of all entitlements granted for the property by the city, including conditions of approval and the environmental documentation;

D. A copy of all required state and federal permits;

E. Site plan;

F. Building design plans/elevations;

G. Material samples and color board;

H. Project narrative describing the proposed project and how it is consistent with the requirements of Section 17.52 and any applicable design guidelines;

I. Recent photographs of the project site taken within 30 days prior to the submittal which accurately depict the project location; and

~~H~~J. Other material and information as requested by the commission or community development director.

17.52.320 Notice and ~~P~~posting of site for design review.

~~Upon application for design review of a project by the historic district commission, the project site shall be posted by the applicant 5 days prior to the commission hea~~firing~~, with a notice 11 inches by 17 inches in size, facing the street frontage, and indicating the project description and the place and time of the hearing. (Ord. 890 § 2 (part), 1998)~~ The provisions of Section 17.06.070 A and B shall apply within the historic district. In addition, a notice containing the project description and the time and place of the meeting for design review of a proposed project shall be posted on the City website and mailed to property owners directly adjacent to the project site at a time reasonably expected to give at least five days before the commission meeting or director level meeting. As used in this section, "directly adjacent to the project site" also includes properties located directly across an alley, street or public right-of-way from the project site.

17.52.330 Plan evaluation for design review.

In reviewing projects for design review, the historic district commission or community development director shall consider the following criteria:

A. Project compliance with the General Plan and any applicable zoning ordinances;

B. Conformance with any city-wide design guidelines and historic district design and development guidelines adopted by the city council;

C. Conformance with any project-specific design standards approved through the planned development permit process or similar review process; and

D. Compatibility of building materials, textures and colors with surrounding development and consistency with the general design theme of the neighborhood.

17.52.340 Approval process for design review.

A. The community development director or the historic district commission, in exercising design review authority under this chapter, shall make ~~its~~ the decision to approve, conditionally approve or deny the design review application with findings based on the criteria established in Section 17.52.330 ~~of this chapter~~. A copy of the decision, findings and any applicable conditions shall be provided in writing to the applicant.

B. Projects that are subject to director-level review may be elevated to the historic district commission for review at the discretion of the community development director. The applicant may request to elevate a director-level design review to the historic district commission upon payment of the commission-level design review application fee established by resolution of the city council and any other applicable fees.

C. The community development department shall provide a summary to the historic district commission of all design review projects within the historic district approved at the director level. Such review will allow the commission to provide input to the department concerning the appropriateness of the approvals and help the commission and the department develop a consistent approach to design review. The historic district commission may not overturn the decision of the community development department unless an appeal has been filed pursuant to Section 17.52.700.

17.52.350 ~~Expiration~~ Design Review expiration and extension of approval.

A. A~~n~~ design review approval ~~by the historic district commission~~ shall be null and void unless the applicant submits a complete application for a building permit within ~~one~~ two years from the date of approval.

B. The community development director or the historic district commission, in exercising design review authority under this chapter, may extend an approval for an additional 1 year upon receipt of a written request accompanied by a fee, as may be established by resolution of the city council, and other information deemed necessary by the community development director ~~of the department of planning, inspections and permitting~~. Requests

for approval extension must be received before the original approval expires. ~~60 days prior to the expiration of the original approval.~~

17.52.360 Conditional use permit review.

A. The historic district commission shall have final authority relating to the issuance of conditional use permits for any of the uses or purposes for which such permits are required or permitted by the terms of this title, as well as the expiration and extension of such permits, within the boundaries of the historic district.

B. In acting upon applications for conditional use permits, the historic district commission shall adhere to the procedural requirements set forth in Chapter 17.60, except for matters of appeal, which shall be governed by this chapter.

17.52.370 Variance review.

A. The historic district commission shall have final authority relating to application for variances from any of the provisions of this title, as well as the expiration and extension of such requests, within the boundaries of the historic district.

B. In acting upon applications for variances, the historic district commission shall adhere to the procedural requirements set forth in Chapter 17.62, except for matters of appeal, which shall be governed by this chapter.

17.52.380 Sign permit review.

A. The ~~historic district commission~~community development director shall have final approval authority relating to the issuance of sign permits for any signs for which such permits are required by this title, within the boundaries of the historic district.

B. The provisions of Chapter 17.59 are applicable in the historic district as modified ~~in~~ by this chapter and any adopted design and development guidelines. In acting upon applications for sign permits, the ~~historic district commission~~community development director shall adhere to the procedural requirements set forth in Chapter 17.59, except for matters of appeal, which shall be governed by this chapter.

C. Any sign permit application may be elevated to the historic district commission for review at the director's discretion. The applicant may also request to elevate a director-level sign permit review to the historic district commission. The request shall be granted

upon payment of the commission-level sign permit review application fee established by resolution of the city council. Notice and posting shall be required for all sign permits elevated to the historic district commission, consistent with section 17.52.320.

D. Buildings with multiple tenants shall be required to submit a uniform signage program (USP) for historic district commission approval, as described in Sections 17.52.510 through 17.52.560. Notice and posting shall be required, consistent with section 17.52.320.

17.52.390 Environmental review.

Review by the community development director and historic district commission of applications for conditional use permits, sign permits, variances, ~~and~~ design review, and other entitlements is subject to the requirements of the California Environmental Quality Act (CEQA). The historic district commission, in exercising its review authorities under this chapter, is authorized to hold public hearings on negative declarations, mitigated negative declarations, draft environmental impact reports and final environmental impact reports prepared on applications for the above permits or for design review. The community development director and historic district commission shall not approve applications prior to considering the applicable environmental document or exemption and complying with the requirements of CEQA and any city procedures for preparation and processing of environmental documents.

Section 17.52.480 of the Folsom Municipal Code is amended to read as follows:

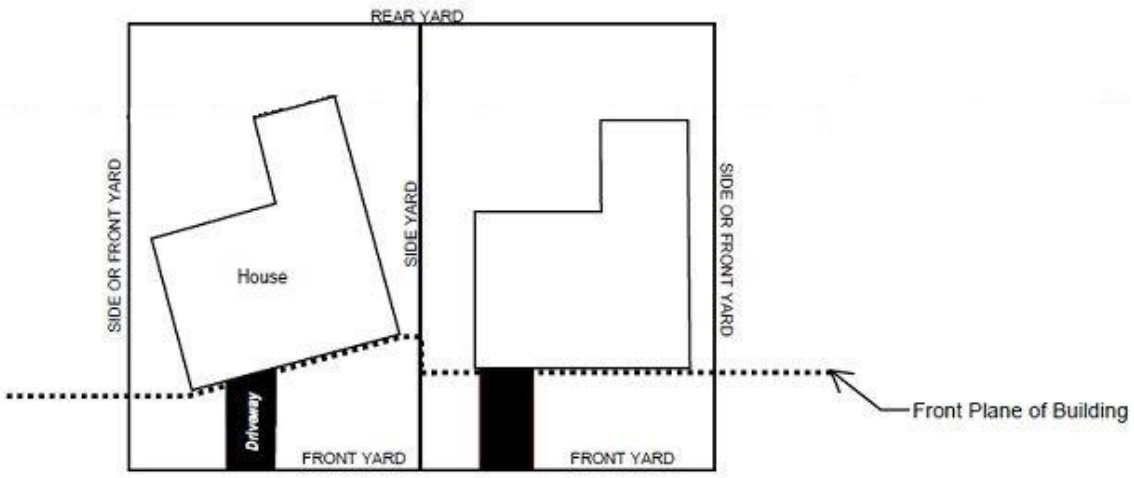
17.52.480 Accessory ~~structures~~buildings.

~~For the purposes of this chapter, an accessory structure is any freestanding roofed structure located on a parcel on which another larger structure (main structure) has been constructed. Accessory structures shall be setback 20 feet from the front property line of the main structure, 5 feet from any other property line, and 6 feet from all other structures on the property. An accessory structure shall not be larger than the main structure in square footage or height. Design review is not required for accessory structures smaller than 60 square feet or which are below required fence height. (Ord. 890 § 2 (part), 1998)~~

A. Accessory buildings, as defined in Section 17.02.020, are subject to the following development standards within the historic district (with the exception of accessory dwelling units):

1. Height. Accessory buildings shall not exceed fifteen feet in height, as measured using the methodology in Section 17.02.110. An accessory building shall not be taller than the primary building on the lot as measured from finished grade of each building.

2. Setbacks. Accessory buildings shall be set back a minimum of twenty feet from the front yard lot line, five feet from the rear yard lot line, five feet from the interior side-yard lot line, ten feet from the street side-yard lot line and five feet from all other buildings on the property. In no instance shall any portion of an accessory building be located in front of the front plane of the primary building. In the case of a corner lot abutting upon two streets, no detached accessory building shall be erected, altered or moved so as to occupy any part of the front half of such lot.



3. Size. Detached accessory buildings (with the exception of accessory dwelling units) may occupy a maximum of fifty percent of the area of a required rear yard. The total square footage of all accessory buildings on a single parcel, excluding residential accessory dwelling units, shall not exceed 50 percent of the total square footage of the primary building on the same parcel.

Section 17.52.660 of the Folsom Municipal Code is amended to read as follows:

17.52.660 Demolition review.

A. The demolition of a building originally constructed less than 50 years before submittal of a demolition permit application that is located in the historic district is exempt from review under this Chapter.

B. Review and approval of a Historic District Demolition application is required before t~~T~~he demolition of a ~~structure~~ building originally constructed 50 or more years prior to submittal of a demolition permit that is located in the historic district. ~~is subject to the review and approval by the historic district commission~~

1. The applicant shall file the following information with the community development director:

a. Completed and signed application form including name, address, email address, and telephone number of the applicant;

b. An application fee as established by resolution of the city council;

c. All available information related to the age of the structure.

d. Other material and information as requested by the director.

2. Prior to a decision by the community development director to approve a Historic District Demolition application, notice and posting shall be required, consistent with section 17.52.320.

3. The historic district commission shall have final authority relating to the review and approval of Historic District Demolition applications involving existing or potentially eligible historic resources, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan.

a. Upon determination by the community development director that the building proposed for demolition is an existing or potentially eligible historic resource, notice and posting shall be required, consistent with section 17.52.320.

b. Before ~~Prior to~~ authorizing the demolition of a ~~structure~~ building determined by the community development director ~~considered~~ to be an existing or ~~historically significant~~a potentially eligible historic resource, the historic district commission shall consider the following factors:

~~A~~ i. Whether the public health, safety and/or welfare warrant the demolition;

~~B~~ ii. What accommodations can be provided to the owner of the property to make it feasible for the owner to preserve the property;

~~C~~ iii. Whether the owner of the property is willing to sell the property to a buyer who wishes to preserve the property;

~~D~~ iv. Whether a public entity wishes to acquire the property through exercise of the power of eminent domain in order to preserve the property.

4. The community development director shall have final authority relating to the review and approval of all Historic District Demolition applications not involving an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan.

5. Prior to approval of a Historic District Demolition application~~the authorization of demolition~~, the applicant shall provide documentation of the structure for the historical record. Documentation shall include photographs of all sides of the structure, details of unique or representative construction features, and any history of the structure known to, or reasonably obtainable by, the applicant.

6. If the community development director cannot determine whether the building proposed for demolition was originally constructed more than 50 years prior to application for a demolition permit based on permitting files or other provided information, the proposed demolition will be subject to the Historic District Demolition process described in Section 17.52.660(B).

Attachment 3

H | P | L

Preserving Folsom's History

June 8, 2026

Folsom City Council
50 Natoma Street
Folsom, CA 95630
Via e-mail to cfreemantle@folsom.ca.us

Re: Folsom Municipal Code Chapter 17.52

On June 9, 2026, the City Council's closed session agenda includes conference with legal counsel regarding existing litigation in *Delp vs. City of Folsom* in relation to the amendments made to FMC 17.52 by Ordinance 1353. The Heritage Preservation League (HPL) views this as an opportunity to express our hope that this lawsuit will bring about reconsideration of provisions of Ordinance 1353. HPL concurs with the lawsuit's contention that the CEQA exemption used in the ordinance adoption is not appropriate, based on our opinion that the ordinance goes beyond a simple switch of approval responsibilities from the Historic District Commission to staff. HPL sees consequences of applying the ordinance that will result in negative impacts to the City's goal of preserving a historic small town and negative impacts to the historical significance of the Historic District.

We do believe it would be possible to amend FMC 17.52 in a way that retains protection of Folsom's Historic District while also accomplishing the City's goal of more efficiency for staff. Many of the substantial concerns expressed by our vice president, Loretta Hettinger, during the adoption process for Ordinance 1353 remain. Other concerns have arisen since adoption of the ordinance, most notably the fact that the ordinance delegates authority to the Community Development Department without requiring any expertise to perform such review. It is our opinion that Ordinance 1353 substantially reduces protection of the Historic District and needs to be reconsidered to avoid significant and substantial impacts to the Historic District aesthetic and historic quality.

None of the current Council members participated in the initial adoption of FMC 17.52 and Design and Development Guidelines (DDG's) in 1998, and so a brief review of circumstances at that time is appropriate. The 1988 General Plan directed that a Specific Plan be prepared to include the entire Theodore Judah mapped area in an expanded Historic District. Under the

auspices of the historic residents association a citizens committee, staffed by HPL's Loretta Hettinger (Folsom planner at that time) and with consultant support, a four-year, grass-roots process resulted in a draft Specific Plan. As described in Section 1.03, "CEQA Compliance," of the DDG's adopted by the City,

> The City conducted environmental review of a proposed Historic District Specific Plan. Due to the nature and complexity of the Plan and the projects which will follow under it, a Master Environmental Impact Report (MEIR) was prepared. The City Council ultimately elected to implement zoning changes to Chapter 17.52 of the Folsom Municipal Code and design standards through the adoption of these Design and Development Guidelines. Many of the provisions of the proposed Historic District Specific Plan and the amendments to Chapter 17.52 are contained within these guidelines. Accordingly, the City Council relied upon the MEIR for evaluation and consideration of environmental impacts.

It is not clear that the MEIR played a part in the preparation and adoption of Ordinance 1353. Review of its provisions might have had a beneficial effect on the process, as it underscores the overall importance of FMC 17.52's and the DDG's provisions in order to carry out the City's goal of preserving this historic small town. In addition, when considering relaxing the Historic District protections of FMC 17.52 design review provisions, the City should be aware of and consider the effects of state laws restricting or prohibiting discretionary review for certain types of projects in the Historic District. Any relaxation of design review protections made by the City would combine cumulatively with state laws restricting design review, to the detriment of the Historic District character.

It is important that the Council consider the potential impacts of amendments to FMC 17.52. HPL is providing an explanation of our concerns, and we would welcome an opportunity for additional input and collaboration with the City on considering a modified set of FMC 17.52 amendments as an alternative to the amendments of Ordinance 1353.

HPL's mission from its formation in 2003 has always been to advocate for preservation and protection of Folsom's remarkable history. Our intention has always been to be part of the solution of how best to preserve and protect, not simply object. In keeping with that goal and in recognition that a closed session is not the forum to discuss specific recommendations, we will conclude with a brief summary of some of the potential revisions we would propose.

PROBLEMS

<u>Structures are not protected.</u>
As modified by Ordinance 1353, FMC 17.52 now provides for design review of new or modified *buildings* (defined in FMC 17.02.090), eliminating design review of all other new *structures* (defined in FMC 17.02.400) and modifications to existing non-building structures. This change eliminates design review of many types of new structures and existing structures.

<u>There is no requirement for staff expertise in historic architecture and historic preservation.</u>

The Community Development Director is tasked with deciding whether an application is heard by staff or the Historic District Commission. Per the ordinance, the decision relies on whether a building is already listed or is potentially listed as a historic resource. The CEQA Guidelines section referenced in the ordinance and the City's Historic Preservation Master Plan (HPMP) both describe proper methodology for placing a site on a list, a process that HPL has experience with, a process that requires more time than staff can devote without negating the time-saving goal of the ordinance. Thus, in effect, unless a building has already been evaluated for a list or potential listing, it is not appropriate for a staff decision unless City staff has the expertise and time to follow the methodologies of CEQA and/or the HPMP. The great majority of buildings and structures in the Historic District have not been evaluated beyond the fact of their location within the 98 blocks of the Judah map.

Qualified staff could decide whether an application must be reviewed by the HDC or is appropriate for staff decision if a different standard is adopted. Historic preservation and architecture is not a typical part of a planning degree, nor is it a requirement for being a Community Development Director. The ordinance puts a responsibility on the Director without assuring decisions are based on expertise.

<u>A standard that protects only buildings at least 50 years old is inadequate.</u>
Regarding demolition, the ordinance inserts a provision that buildings at least 50 years old have protection. This is a flawed standard. Of course buildings that are at least 50 years old deserve special review. However age should not be the only determinant if Folsom's goals are to be met.

It's important to take a moment here to compare Folsom's goals with the usual means of protecting a city's heritage. Most historic protections are geared toward preserving a specific structure that is valuable due either to its architecture or to its association with persons or events that are historically significant. Likewise, groupings of structures that are valuable for the same reasons are protected.

In contrast, Folsom's goal is to protect an entire historic small town, not parts of it, for a similar but different reason. It's not because of amazing architecture (we don't have much), or because of a "George Washington slept here" thought process or simply because it's old (we do have a very significant overall history). Instead Folsom's goal is to preserve something that is fast disappearing across the nation: a small town as it existed between 1850 and 1950, before the postwar construction boom changed the basic structure of town design. Today it seems that every small town has its Walmart, McDonalds, Starbucks, Target, etc. Many times they're located on Main Street, making the old buildings ready candidates for demolition because they look so "old" in comparison and there's nothing special about them. Preserving those ordinary buildings has created a Folsom Historic District that is greater than the sum of its parts.

The Historic District exemplifies a unique California small town, and protection of its historic character will become increasingly valuable to the history of our region, even the history of the nation.

Exemptions allowed in the ordinance open the door for non-contributing work done by unaware property owners relying on the ordinance.
We appreciate that the ordinance was revised to exclude chain link fences when HPL cited their inappropriateness to the era. Chain link isn't the only material inappropriate in the Historic District, but the average property owner doesn't know what is and isn't appropriate.

Appeal provisions exclude most appeals.
As written in FMC 17.52 and not amended by Ordinance 1353, most potential appeals are foreclosed. History organizations like HPL have keen interest in decisions regarding the Historic District and should be afforded the right to appeal.

RECOMMENDATIONS

We have considered and will continue to consider possible effects of Ordinance 1353, and we have proposals to address the problems cited above, including 1) replacing the word *building(s)* with the word *structure(s),* 2) specifying procedure in the ordinance to address absence of staff trained in historic preservation/architecture, 3) two alternates to assure historic design, 4) replacing the list of exempt projects with a performance standard, and 5) including revision of appeal procedure in any amendment of FMC 17.52 ensuing.

HPL is committed to preservation and protection of the City's historic resources, and we would welcome an opportunity to work with City staff and provide input to the City Council to ensure that amendments to FMC 17.52 balance the Council's current interests while retaining provisions for protection of the Historic District.

THE HERITAGE PRESERVATION LEAGUE OF FOLSOM
P.O. Box 353, Folsom, CA 95763-0353
www.FolsomPreservation.org

Bob Delp - June 16, 2026

City of Folsom Planning Commission
50 Natoma Street
Folsom, CA 95630
via email to: ksanabria@folsom.ca.us; badams@folsom.ca.us; jkinkade@folsom.ca.us for distribution to the Planning Commission

SUBJECT: June 17, 2026, Agenda Item No. 4 – Zoning Code Update – Revisions to Chapter 17.52: Historic District (Re-Adoption) – File #ZCAM26-00069

Dear Planning Commissioners:

I am the Petitioner in Superior Court of the State of California, County of Sacramento Case No. 26WM000118 that, as discussed further in section 3 of this letter, pertains to the City Council's October 28, 2025, approval of the amendments that are the subject of this Planning Commission agenda item. However, I am providing these comments as a citizen of Folsom and a resident and property owner in the Historic District interested in the protection, preservation, and enhancement of the Historic District's character and quality. I live, work, play, and very much enjoy the Historic District, and I want it to thrive while its historical qualities are protected.

In the 1990s the City undertook a substantial effort in considering ways to protect and preserve the Historic District that culminated in the adoption of a re-written Folsom Municipal Code Chapter 17.52 ("FMC 17.52") and accompanying Historic District Design and Development Guidelines ("DDGs"). Many thoughtful people worked very hard to create a process defining objective standards and a design review process applicable to all structures in the Historic District. The process may not be perfect and in recent years is confronted by state laws that, while attempting to achieve commendable aims, have limited the City's ability to exercise design review to the extent envisioned in 1998. Nevertheless, the design review provisions of FMC 17.52 and the DDGs still serve a vital function in preservation and protection of the Historic District. Amending the processes they describe should not be taken lightly and the effects of any amendments should be fully understood before their approval.

The Planning Commission has an opportunity to provide a fresh perspective to City staff and the City Council pertaining to the amendments to FMC 17.52 adopted by the City Council last year ("Project"). Although staff is asking the Planning Commission to recommend that the City Council simply re-adopt the amendments, I am hopeful that the Planning Commission will give serious consideration to the amendments and provide an independent recommendation to the Council. This is a lengthy comment letter, but the first two pages should be sufficient to convince the Planning Commission to recommend that Ord. No. 1353 be rescinded and FMC 17.52 restored to its pre-ordinance content.

I understand that amending the City's zoning ordinance is not an easy task. Undoubtedly, the Community Development Department ("CDD") and the City Attorney's office worked diligently in attempting to craft the Project amendments, but the Project amendments go too far in relaxing and eliminating important provisions of FMC 17.52 that were carefully developed through a rigorous process in the 1990s leading the 1998 rewrite and adoption of FMC 17.52 and its companion DDGs.

The Project amendments effectively eliminate design review for all structures that do not meet the definition of *building* by establishing in FMC 17.52.300 that the HDC and CDD design reviews only apply to *buildings*. The staff reports argue that only certain "very small" structures will be exempt from design review, however, the amendments establish no person and no commission to perform design review of any structures that are not buildings and therefore

effectively eliminate all design review authority for all non-building structures. If this is an *unintended* aspect of the amendments, then now is the time for correction by ensuring that 17.52.300 establishes a design reviewer for non-building structures. If the elimination of design review authority for all non-building structures is an *intended* aspect of the amendments, then the City's claim that the Project qualifies for a CEQA exemption because design review is only limited to certain "very small" structures fails.

Additionally, the FMC 17.52 amendments modify the HDC's role but continue to provide HDC final authority in a manner that conflicts with the City Charter. A court ruling regarding the 603 Sutter Street project last October (issued three days after the Council approved the FMC 17.52 amendments) provided a perspective on Charter Section 4.07 and its relationship to FMC 17.52 sections that, as the ruling described, "purport to vest the Historic District Commission with the power to act on behalf of the City, without oversight or ratification by the City Council … [that] cannot be squared with the Charter's limitation that the Commission's power is 'only advisory.'" The City Council's October 28, 2025, approval of the FMC 17.52 amendments was made prior to the court's October 31, 2025, final ruling on the 603 Sutter Street project. Although the court's ruling pertained only as applied to the 603 Sutter Street project, I suggest that any re-adoption of FMC 17.52 amendments that in any manner modify or expand the HDC's final authority role be carefully considered in light of the ruling.

While City Charter section 4.07 is properly read as restricting the HDC to an advisory role, I do not think that discounts the value of the HDC or other commission's role in design review. The Project amendments wrest far too much design review role from the HDC and reassign that role to the CDD Director. Although I have disagreed with certain decisions made by the HDC in recent years, design review performed by a *commission* through a public hearing provides for a more comprehensive perspective on design considerations, allows for a more formal and visible public noticing and public comment process, eliminates one-on-one influence, and improves design review decision-making. Often, the HDC considers staff recommendations, discusses design adjustments with staff and applicants, and modifies staff's recommendations to ensure design is more appropriate for the Historic District.

This is the very mechanism that, in 1998, City decision-makers decided was appropriate for the Historic District – with a *commission* performing design review not only for properties specifically identified on the City's list of historic properties, but for all properties, buildings, and other structures throughout the Historic District – where all properties contribute to the historic character of the entire Historic District that FMC 17.52 and the DDGs are intended to protect.

With all due respect to the CDD director and staff, shifting much of the design review away from the HDC and to the CDD director, especially in the absence of establishing some minimum qualifications for the director or staff to perform such review, is a substantial shift from the process implemented in 1998 and stands to diminish protection of the Historic District. The Planning Commission has this opportunity to indicate your perspective on the value and benefits of commission reviews, and I hope you will express support for retaining the design review role by a commission and not by staff for all but truly minor Historic District projects.

The remainder of this letter addresses issues in more detail, but I encourage the Planning Commission to recommend that the City Council rescind Ord. 1353 and restore FMC 17.52 to its prior content, allowing for a more thorough review process of any subsequent amendments.

1. FMC 17.52 and DDG Background

Several of the Project amendments to FMC 17.52 either omit or alter design review and demolition review responsibilities. The amendments create internal inconsistencies within FMC 17.52 with regard to the scope and responsibilities for design review and create inconsistencies between FMC 17.52 and the DDGs. The purpose and intent of FMC 17.52 and the DDGs are important for understanding the baseline conditions to which any amendments to FMC 17.52 must be compared to understand the effects of any amendments. Some background is provided here for the Planning Commission's consideration.

On July 14, 1998, the City Council adopted Ordinance No. 890 which, among other things, rewrote FMC Chapter 17.52, established the HDC, and established Historic District primary and subarea boundaries in which specialized use and development standards apply. As stated in FMC 17.52.010,[1] "Purpose and intent," among the express purposes of FMC Chapter 17.52 are,

> 1. To preserve and enhance the historic, small-town atmosphere of the Historic District as it developed between the years 1850 and 1950;
>
> 2. To maintain, restore, and reconstruct historic structures and sites within the Historic District;
>
> 5. To ensure that new residential and commercial development is consistent with the historical character of the Historic District as it developed between the years 1850 and 1950; and
>
> 6. To increase the awareness, understanding, and appreciation of the history of the City.

As adopted in 1998 and unmodified by the Project amendments, FMC 17.52.120(G) establishes that the HDC is to "[r]eview the design and architecture of any new structure, or alteration to any existing structures within the historic district," and FMC 17.52.330(B) anticipated that as part of the HDC's design review the HDC would consider criteria including "conformance with any…historic District design and development guidelines adopted by the city council."

Three months later, on October 13, 1998, the City Council adopted the *City of Folsom Historic District Design and Development Guidelines* (Resolution No. 5757) ("DDGs")[2] to provide a comprehensive document to assist with the implementation of the regulations and standards contained in FMC 17.52. The DDGs are not perfect, but they offer extensive and beneficial guidance for development in the Historic District.

Section 1.01, "Intent," of the DDGs explains,

> the City Council elected to adopt Historic District Design and Development Guidelines (hereafter the "Design and Development Guidelines") in conjunction with amendments to Chapter 17.52 of the Folsom Municipal Code (hereafter

---

[1] The attachment to your staff report includes only excerpts of the amended sections of FMC 17.52, but I urge the Planning Commission to obtain and consider the full chapter since several unamended sections are also important for understanding the amendments. An online version, as amended, is here: https://www.codepublishing.com/CA/Folsom/#!/Folsom17/Folsom1752.html#17.52

[2] The 1998 "Historic District Design and Development Guidelines" ("DDGs") are incorporated by this reference in their entirety. At the time of preparation of this letter, the DDGs are available to the public on the City of Folsom website at:
Main Document: https://www.folsom.ca.us/home/showpublisheddocument/23554/639038904142800000
Appendix A, Historic Resources: https://www.folsom.ca.us/home/showpublisheddocument/23556/639038904870370000
Appendix B, Visual Resources: https://www.folsom.ca.us/home/showpublisheddocument/23558/639038904877770000
Appendix C, Environmental Resources: https://www.folsom.ca.us/home/showpublisheddocument/23560/639038904884700000
Appendix D, Design Criteria: https://www.folsom.ca.us/home/showpublisheddocument/23562/639038904905270000
Appendix E, Historic District Circulation Plan: https://www.folsom.ca.us/home/showpublisheddocument/23564/639038904914600000

> "Chapter 17.52"). By adopting the Design and Development Guidelines, the City Council intends to provide a comprehensive policy manual to assist with the implementation of the regulations contained in Chapter 17.52 of the Folsom Municipal Code. The goals, policies, and programs which have guided the preparation of this document and which are to be used in implementing Chapter 17.52 are enumerated in detail in Section 2.01 of this document. In addition to providing design review standards, the City Council intends to set forth in this document criteria that will guide further development within the Historic District. These Design and Development Guidelines provide policy direction concerning private and public development within the Historic District, as well as policy direction concerning public infrastructure and circulation improvements.

(DDGs, p. 1-1.)

The DDGs further explain the City Council's purpose and intent for FMC 17.52 and the DDGs to work in combination for protection of the historical character of the entirety of the Historic District and not solely focused on protection of certain individual properties deemed historically significant,

> Historic Folsom is also a representative example of the development of many small towns across the American West, and this legacy is likewise worthy of preservation, interpretation, and re-creation. While modem developments consist of carefully integrated architecture, materials, and site plans, protected by Design and Development Guidelines and CC&R's against discordant future construction, traditional development was more varied and occurred on a lot-by-lot basis. In conjunction with the regulations imposed by Chapter 17.52 of the Folsom Municipal Code, the Design and Development Guidelines limit future construction in Historic Folsom to the architectural styles extant in California from 1850 to 1950, a limitation intended to encourage the diversity which is the charm of old Folsom while preventing construction of modem buildings which would be discordant. While there are only a few structures within Historic Folsom which are individual architectural stand-outs, the homes and buildings, when taken together, evoke the feeling of life in small-town America, an aspect often ignored by history books and preservation efforts. By the adoption of Chapter 17.52 and these Design and Development Guidelines, the City Council seeks to preserve that image.

(DDGs, Section 1.01, pg. 1-2.)

The DDGs include goals and policies pertaining to Historic District design review including,

> GOAL l: Community Identity: To preserve and enhance the historic, small-town atmosphere of the 98-block Historic District area.
>
> Policy 1.4: Since the Historic District plays a central role in determining the character of the City of Folsom, **every project within the Historic District, at every stage of approval and construction**, should be marked by an attention to quality which will serve as a benchmark to the rest of the community.
>
> GOAL 6: New Development: To ensure that new residential and commercial development is consistent with and enhances the historical character of the historic district.

> Policy 6.1: New development shall conform to architectural and infrastructure standards of Chapter 17.52 of the Folsom Municipal Code and these Design and Development Guidelines.

Additionally, the DDGs assign demolition review for all existing structures in the Historic District to the HDC, stating,

> Policy 6.3: Demolition of existing structures located in the Historic District shall require approval of the Historic District Commission, which shall consider 1) whether the public health, safety and/or welfare warrant the demolition; 2) what accommodation can be provided to the owner of the property to make it feasible to preserve the property or structure; 3) whether the owner of the property is willing to sell the property or structure to a buyer who wishes to preserve it; and 4) whether a public entity wishes to acquire the property or structure in order to preserve it.

The DDGs are not simply an afterthought of niceties, they were developed as an integral part of the vision established by the City Council in 1998 for the preservation and protection of the Historic District.

As described section 1.03, "CEQA Compliance," of the DDG's,

> The City conducted environmental review of a proposed Historic District Specific Plan. Due to the nature and complexity of the Plan and the projects which will follow under it, a Master Environmental Impact Report (MEIR) was prepared. The City Council ultimately elected to implement zoning changes to Chapter 17.52 of the Folsom Municipal Code and design standards through the adoption of these Design and Development Guidelines. Many of the provisions of the proposed Historic District Specific Plan and the amendments to Chapter 17.52 are contained within these guidelines. Accordingly, the City Council relied upon the MEIR for evaluation and consideration of environmental impacts.

Thus, the 1998 FMC 17.52 and DDGs were intended not simply as preferred land use regulations for the Historic District, but also incorporated provisions and mitigation identified through the California Environmental Quality Act ("CEQA") process as necessary to protect the character and quality of the Historic District. The City has all but ignored the fact that a comprehensive CEQA process was conducted prior to the adoption of FMC 17.52 and the DDGs.

Through that process, the City not only included provisions in FMC 17.52 and the DDGs to avoid or minimize adverse effects of development in the Historic District, but also identified several mitigation measures, including the following pertaining to inadvertent discovery of cultural resources:

> Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Folsom shall be notified. The City shall consult with a qualified archaeologist to determine if the encountered resources are "important" cultural resources within the definition of CEQA Appendix K. The consulting archaeologist shall develop, if necessary, further mitigation measures consistent with CEQA Appendix K to reduce any cultural resource impact less than a significant level.

(Folsom Historic District Specific Plan, Mitigation Monitoring Program, January 21, 1998. State Clearinghouse Number: 95032066, pg. 9.)

I am uncertain of the ultimate disposition of the Mitigation Monitoring Program and the City provides no discussion of the previous CEQA effort in its current evaluation. However, the City has consistently included similar inadvertent cultural resources discovery provisions as conditions of approval for design review projects that involve ground disturbance in the Historic District. Yet, staff reports for the Project provide no explanation of how projects involving ground disturbance in the Historic District that will now be exempt from design review will still somehow be required to implement inadvertent cultural resources discovery protocols or, if such projects will not be required to implement these protocols, how impacts to cultural resources that may be present within a development footprint will be avoided or otherwise mitigated.

2. The Project Eliminates Design Review for All Non-Building Structures

Prior to the FMC 17.52 amendments approved by the City Council in October 2025, FMC 17.52.300 specified that the HDC was to perform design review of all proposed new or modified *structures* in the Historic District. Since there was no other design reviewer identified, it was very clear that any design review requirement discussed in any section of FMC 17.52 fell squarely on the HDC.

However, under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed for only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director. (See PC 6/17/26 Packet pages 1347-1348 where FMC 17.52.300(A) provides for HDC design review of certain projects in which all previous references to "structures" are stricken and replaced with the more limited term "buildings" and FMC 17.52.300(B) provides for CDD Director design review of all other renovations, additions, and accessory *buildings* without assigning design review authority for review of non-building *structures*.)

FMC Chapter 17.02 "Definitions," defines these terms:

> 17.02.090 Building. "**Building**" means any structure having a roof supported by columns and/or by walls and intended for the housing or shelter of any person, animal or chattel.
>
> 17.02.400 Structure. "**Structure**" means anything constructed or erected upon the ground or attached to a structure having location on the ground.

The definition of "structure" is very broad while the definition of "building" is much narrower (if not also subjective and awkward). All buildings are structures, but many structures are not buildings.

Eliminating design review of non-building structures is a substantial new limitation to the design review provisions of FMC 17.52. Staff describe that the amendments exempt only "certain very small projects from design review," yet staff seemingly fail to recognize that *all* non-building structures, regardless of size, would no longer subject to design review under the amended language. The amended FMC 17.52.300 establishes that certain new or modified *buildings* are subject to HDC review and that other new or modified *buildings* are subject to CDD review, but contains no provisions for any design review of non-building structures neither by the HDC nor the CDD Director.[3]

[3] The CDD website identifies that design review is required for certain types of non-building structures (e.g., landscape features depending on size/location, pools and spas depending on location), however, the amended FMC

Moreover, the FMC 17.52.300 amendments conflict with other sections of FMC 17.52 not amended by the Project. For instance, FMC 17.52.120 specifies duties of the HDC which include, "G. Review the design and architecture of any new *structure*, or alteration to any existing *structures* within the historic district, as further defined in this chapter," yet, with the FMC 17.52.300 amendment, neither the HDC nor the CDD Director has authority to review any new or altered non-building structure. Additionally, FMC 17.52.400 specifies that "design review is required for all new *structures* and alterations to existing *structures*," yet, as amended, FMC 17.52.300 no longer provides any role for either the HDC or CDD to perform design review for non-building structures.

In making any recommendation to the City Council, I think it is critical that the Planning Commission fully understand the implications of the elimination of design review for non-building structures. Staff's incorrect premise that only "certain very small projects" would be exempt from design review cannot be reconciled with the actual language and effects of the amendments that eliminate design review authority for all non-building structures.

The City needs to either restore design review of non-building structures or the City's analysis of the Project and its potential effects on the character of the Historic District must include consideration of the effects of eliminating design review for all non-building structures.

3. CEQA Compliance

On October 28, 2025, when the City Council adopted Ord. 1353 amending FMC 17.52 ("Project"), Council determined the Project was exempt from CEQA review because the Project was "process related and administrative in nature" and therefore qualified for the CEQA Guidelines § 15061(B)(3) "commonsense" exemption.

Prior to the Council's approval of the Project, I submitted comments opposing the Project and providing explanation and evidence that the Project would have the potential to result in significant impacts to the historic character of the Historic District and that the Project did not qualify for a CEQA exemption.[4] Others, including those involved in developing FMC 17.52 and the DDGs in the 1990s, also expressed concerns and provided comments to staff, the HDC, and the City Council prior to approval of the Project.

After requesting in November 2025 that the Council rescind Ord. 1353 and after allowing nearly six months for the Council to do so, on April 23, 2026, I filed a petition for writ of mandate with the Superior Court of the State of California, County of Sacramento (Case No. 26WM000118), challenging the City's approval of the Project with a CEQA exemption. That lawsuit is the obvious catalyst for the City's current effort to re-approve the Project and assert additional grounds for exempting the Project from CEQA review. Yet, the CEQA arguments that the staff report now presents to the Planning Commission (PC 6/17/26 Packet, pp. 1316-1320) misconstrues the Project and does not provide substantial evidence that the Project qualifies for one or some combination of CEQA exemptions.

The staff report argues that the Project is eligible for the CEQA Guidelines 15061(b)(3) "commonsense" exemption and also attempts to overlay or incorporate other CEQA exemptions in arguing that environmental review of the Project is not required. As discussed below, the Project does not qualify for the 15061(b)(3) exemption and the City's attempt to bolster its

---

17.52 provides no authority for any such design review since these features are not *buildings* and the CDD exceeds its authority if it exercises design review over non-building structures.

[4] See PC 6/17/26 Staff Report, pp. 1423-1453, for comment letters to the Council dated October 14, 2025, and October 28, 2025.

rationale fails. With or without application of additional CEQA exemptions, the Project does not qualify for the 15061(b)(3) exemption. Additionally, the staff report's attempt to assign a CEQA exemption to certain aspects of the Project as ministerial is misguided. The Project clearly involves discretionary decision-making and CEQA Guidelines expressly state, "[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA." Also, the staff report's attempt to assign categorical exemptions to the Project or portions of the Project is also misguided. The Class 1 and Class 3 categorical exemptions asserted in the staff report might be applicable to certain discretionary approvals in the Historic District, but they are inapplicable to the City's consideration and approval of the Project because the Project is a zoning ordinance amendment and is not a decision to approve modifications to existing facilities, small structures, or any other facilities or structures. Moreover, after introducing these two irrelevant categorical exemptions, the staff report attempts to discuss whether any *exceptions* to these exemptions apply. Yet, because the Project does not involve any specific development and the Class 1 and 3 exemptions cannot be applied to the Project, there is neither current relevance nor a basis to conclude that the exceptions to the exemptions would not apply to specific development subject to FMC 17.52.

3.1 The Project does Not Qualify for the Commonsense Exemption

The CEQA Guidelines 15061(b)(3) exemption can be applied only, "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." In claiming this exemption, the City must provide substantial evidence for how the proposed FMC 17.52 amendments would have **no possibility** of a significant impact. The City Council's October 2025 approval of the Project rested on the assertion that "the proposed code amendment is *process related and administrative in nature* and therefore will not have a significant effect on the environment," and does not consider the implications of eliminating certain projects from design review and other changes in design and demolition review processes that would result from the Project amendments.

In attempting now to substantiate the Project's qualification for the 15061(b)(3) exemption, the staff report asserts that, "[t]he ordinance amendments proposed for re-adoption do not have the potential to cause a significant effect on the environment," and that the Project's exemption of "certain very small projects from design review" would not have potential to cause any significant impacts on the environment. The staff report also discusses that "several of the project types exempted from design review are required to be located in side or rear yards for the exemption to apply." (PC 6-17-26 Packet p. 1317.)

The staff report's arguments do not address substantial evidence indicating the potential for significant impacts and does not provide substantial evidence that the Project would have no possibility of a significant impact precluding the Project from the 15061(b)(3) exemption.

3.1.1 Elimination of Design Review for All Non-Building Structures

As discussed above in Section 2 of this letter, prior to the Project amendments, FMC 17.52.300 specified that the HDC was to have final authority over all new office, industrial, commercial, and residential *structures*, and all exterior renovations, remodeling, modification or addition to existing *structures*. Under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director.

Without a designated body and process, design review of non-building structures is effectively eliminated from FMC 17.52. With the Project amendments, the list of exempt non-building structures in FMC 17.52.300(C) represents only a small subset of the types of non-building structures for which design review will not be performed as a result of the Project.

The staff report and staff's assessment of potential impacts of the Project does not mention or assess the impacts of eliminating design review of all non-building structures and, thus, fails to provide evidence that the Project's elimination of design review for all non-building structures would have no possibility of a significant impact.

The elimination of design review for all non-building structures eliminates design review of many types of new and modified structures (e.g., privacy walls, retaining walls, fences, decks, pools/spas, play equipment, courtyards, exterior street-to-sidewalk stairways and railings, amphitheaters, bridges, public restrooms, mechanical equipment, roads, bike paths, sidewalks… all of which meet the definition of "structures" under the FMC 17.02.400) and any of which would have the potential to be inconsistent with the Historic District character if developed without going through the FMC 17.52 and DDGs design review process.

The elimination of design review of non-building structures would also eliminate any discretionary review of many such structures, and would provide no mechanism for the City to impose standard conditions of approval that are used mitigate impacts, including the standard condition pertaining to inadvertent cultural resources discovery discussed above in Section 1 of this letter.

3.1.2 Exempting Privacy Walls and Fences

Even if design review were restored for most structures, the exemption of privacy walls and fences would still have the potential for adverse effects on the Historic District character and quality and its individual historical and contributing resources.

The staff report asserts that, "[s]everal of the very small projects, including like-for-like structural replacements, residential re-painting, privacy walls/fences, and solar panels were already not going through design review based on the City's consistent past practice and thus, would not result in any change from baseline conditions for those projects."

Regardless of how baseline conditions might be defined for future review of a particular proposed structure, such as a privacy wall or fence, the relevant CEQA baseline for consideration of the potential environmental effects of the Project is the specifications of FMC 17.52 as it existed prior to the Project amendments. Under that appropriate baseline condition, FMC 17.52 provided for HDC design review of fences and all other new and alterations to existing structures, stating in FMC 17.52.400, "Design standards,"

> A. The design standards specified in Sections 17.52.410 through 17.52.590 shall be applicable to all new structures and alterations to existing structures within the historic district. ***Design review*** **is required for all new structures and alterations to existing structures, unless otherwise specified in this chapter.**

Unmodified by the Project amendments, FMC 17.52.430 – 17.52.480 provide objective standards for certain types of non-building structures[5] and specify when certain sizes and/or locations of structures are not subject to design review. For instance, FMC 17.52.460 specifies objective standards for play equipment and exempts play equipment smaller than 120 square feet

[5] e.g., 17.52.430 Decks, 17.52.440 Fences, 17.52.450 Landscape features, 17.52.460 Play Equipment, 17.52.470 Swimming Pools and Spas, 17.52.480 Accessory Structures.

or below fence height from design review; whereas FMC 17.52.440, "Fences," specifies objective design standards for fence height without providing an exemption from design review. By a plain read of the text it is undeniable that, prior to the Project amendments, FMC 17.52 required design review for all structures, including fences. The Project amendments to FMC 17.52 that include "privacy walls and fences" on a list of features exempt from design review must be compared to the existing condition baseline under which design review was required by FMC 17.52.

The staff report's assertion that fences and other types of structures "were already not going through design review based on the City's consistent past practice" might reveal some deficiency of the City to actively implement FMC 17.52's design review provisions for fences, but does not establish the relevant baseline for consideration the Project's potential effects.

The City Police Department, from time to time and for various reasons, may not always actively enforce speed limits on City streets, but that does not negate the beneficial effect and value of maintaining posted speed limits on City streets, nor does it mean that speed limits could be abolished with no effect on driver behavior. Similarly, that any given time the CDD may not be actively performing/enforcing the required design review for certain types of projects does not negate the benefits of maintaining design review requirements in FMC 17.52.

Were individual property owners in the Historic District to build privacy walls or fences without first obtaining design review approval, those property owners would nevertheless be influenced by the risk of non-compliance and incentivized to design the structure consistent with Historic District character (akin to a driver heeding speed limits even in the absence of police enforcement). Moreover, the design review requirement for fences provides a mechanism through which the City could take enforcement action for a property owner's failure to obtain a design review approval and remedy an inappropriate fence design. Without a design review requirement, the City has no mechanism or ability to enforce restrictions on inappropriate fence design.

Section C of Appendix D of the DDGs provides Historic Residential Design Criteria, and specifies the following design provisions for walls and fences:

> *Walls and fences.* Materials of walls and fences shall reflect the style and character of the building and its site. Where large expanses of blank building wall, retaining wall or fencing are unavoidably exposed, they should be screened with upright shrubs or trellised vines. Trellises are to be constructed of substantial, durable materials, but may incorporate redwood lath lattice. **Inappropriate materials such as chainlink, split rail, and other non-historic fencing materials are not permitted**.

(DDGs, Appendix D, p. 55.)

Without establishing specific design requirements for fence design, the DDGs section above provides guidance for the City's design review of walls and fences. Thus, the Project's elimination of design review of walls and fences effectively eliminates all regulation and related incentives for individual property owners to achieve wall and fence design compatible with the Historic District character.

Exempting, "privacy walls and fencing" from any design review requirements would have the potential to be detrimental to the historical character of the Historic District. Even attractively designed privacy walls or fencing could be substantially inconsistent with, and diminish the historical character of, the Historic District. The development of unregulated out-of-character

walls and fences would have the potential to result in – in individual instances and cumulatively over time - a significant adverse impact on the historical character of the Historic District.

The City-adopted DDGs explain as pertains to "Fences, Landscape Features, and Play Equipment,"

> Besides safety, the City's purpose in regulating fences and landscape features is primarily to inform property owners of the impact such construction has on the historical and aesthetic character of a home or neighborhood and to seek voluntary support of the community goal of preserving and enhancing the character of the Historic District. Preference in any required review will be toward granting the property owner's request unless it is unsafe or the effect on the character of the Historic District would be notably deleterious. (DDGs section 4.04.)

Pertaining specifically to "Fences" the DDGs explain the City's 1998 affirmation that, "[f]ences are a significant contributing factor to a home's or neighborhood's character." (DDGs section 4.04.01.) Notwithstanding the documented importance of design review for walls and fences as expressed in the DDGs adopted by the City Council in 1998, during the Project review process, the City has yet to directly acknowledge the adverse effects that incompatible fence design could have on the historical quality and character of the Historic District.

When adopting the Project's list of "minor modifications" to be exempt from design review, the City included, "e. privacy walls and fencing, *excluding chain link, which is not allowed*."

If the City's position is that fence design does not have the potential to adversely affect the character of the Historic District, it is unclear why the City would attempt to *mitigate* the wall and fence exemption by including a prohibition of chain link fence.

In fact, the CDD has identified "appropriate" and "inappropriate" fence types for the Historic District. As reproduced in the table below, the City's Historic District Resources website identifies 12 types of fences as "Inappropriate" for the Historic District and lists 10 types of fence types as "Appropriate" with 3 of the "Appropriate" types noted as "Except for Historic Properties."

City of Folsom, Historic District Resources Website List of *Appropriate* and *Inappropriate* Fence Types	
Appropriate Fence Types	**Inappropriate Fence Types**
Wood Picket Fences	Chain Link
Vertical or Horizontal Board Fences (Min. 30% opening, or Staggered Boards)	Chicken Wire
Classic Wire Mesh (3" x 6")	Barbed Wire
Solid Wood (Rear Yard Only)	Plywood
Brick and Mortar	Masonite
Stone and Mortar	Cedar Post and Rail
Treated Wood	Grape Stake
Cinderblock Wall (Except for Historic Properties)	Split Rail
Railroad Tie Fencing (Except for Historic Properties)	Cyclone
Poured or Finished Concrete Wall (Except for Historic Properties)	Snow Fence
	Bamboo or Matting
	Plastic or Vinyl
Source: City of Folsom, Historic District Resources website, "Residential Fencing" dropdown at: https://www.folsom.ca.us/government/community-development/planning-services/historic-district-resources/ . June 9, 2026.	

The staff reports prepared for the Project do not mention this list nor explain why, with a list of 12 fence types that CDD considers "inappropriate" for the Historic District and an additional 3 types that CDD has somehow determined are only inappropriate for historic properties, only *chain link* fence warrants a prohibition nor do the staff reports explain how such a prohibition will be enforced. Yet, with a dozen identified by CDD as "Inappropriate Fence Types," in adopting the Project amendments to FMC 17.52, staff and the City Council somehow determined that only chain link need to be prohibited.

Even were a prohibition on chain link fence sufficient to *mitigate* the impact of exempting privacy walls and fences from design review, such a mitigation would run afoul of CEQA case law establishing that,

> [r]eliance upon mitigation measures (whether included in the application or later adopted) involves an evaluative process of assessing those mitigation measures and weighing them against potential environmental impacts, and that process must be conducted under established CEQA standards and procedures for EIRs or negative declarations.

(*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098)

Thus, if the prohibition on chain link fence was necessary to *mitigate* the impacts of exempting fences from design review or if the City thinks the impact can mitigated by providing an advisory list of inappropriate fence types on its website, the Project is disqualified from any CEQA categorical exemption.

Given the Project's elimination of design review for all non-building structures, including but not limited to the express exemption from design review of fences and other structures having the potential for deleterious effects on the quality and character of the Historic District, the Project does not qualify for the CEQA Guidelines 15061(b)(3) exemption and no combination of additional CEQA exemptions or mitigation measures can intervein to exempt the Project from CEQA review.

3.2 The Project does Not Qualify for a Ministerial Exemption

The staff report quotes CEQA Guidelines § 15268(a) stating, "Ministerial projects are exempt from the requirements of CEQA" and the staff report then argues that "the solar panel exemption from design review is ministerial and exempt from the requirements of CEQA," that "the design review exemption for certain ADUs [accessory dwelling units] is ministerial and exempt from the requirements of CEQA," and that, "to the extent that a building permit is required for installation of a fence or any of the other minor modifications exempt from design review under FMC Section 17.52.300(C)(1), such approvals are ministerial in nature and as such are exempt from the requirements of CEQA." (PC 6/17/26 Packet p. 1318.)

In making these arguments the staff report confuses potential future activities and actions with the current Project. The Project involves a *discretionary* action by the City which is the amendment of FMC Chapter 17.52. The Project is not approval of a solar facility, nor approval of an ADU, nor the issuance of a building permit for installation of a fence or other structure. That future activities or projects may or may not be limited to ministerial decision-making at such time as each is proposed is irrelevant to assessing whether the Project qualifies for a ministerial project exemption.

Moreover, even if there were some element of ministerial decision-making involved in the Project, CEQA Guidelines § 15268, "Ministerial Projects," at subd. (d) definitely establishes,

(d) Where a project involves an approval that contains elements of *both* a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

Although state law may limit or preclude the City from performing discretionary design review of certain future development projects or other activities, the Ministerial Projects exemption is unavailable to the Project.

3.3 The Project does Not Qualify for a Class 1 Categorical Exemption

The staff report discusses the Class 1 Categorical Exemption of CEQA Guidelines 15301, describing that, "[u]nder Section 15301 of the CEQA Guidelines, the Class 1 exemption "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use," and argues that, " [t]his proposed ordinance's exemption for very small projects falls under this Class 1 CEQA exemption." (PC 6-17-26 Packet p. 1318.)

In making this argument the staff report confuses potential future approvals for some unidentified existing facility with the current Project. The Project is the amendment of FMC 17.52. The Project does not involve an approval associated with an existing facility and the Class 1, "Existing Facilities," categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of existing facilities in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 1 exemption. However, whether such projects may or may not qualify for the Class 1 exemption is a matter to be determined when such a project is proposed and, at that time, will require assessment of the particular factors of the project. Moreover, as part of that assessment, the City needs to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 1 exemption, and such an assessment cannot be performed until a potentially eligible Class 1 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or modified structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performing design review for a particular new or modified structure in the Historic District is a key step that often enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.4 The Project does Not Qualify for a Class 3 Categorical Exemption

The staff report discusses the Class 3 Categorical Exemption of CEQA Guidelines 15303, describing that, "[u]nder section 15303 of the CEQA Guidelines, projects consisting of "construction and location of limited numbers of new, small facilities or structures;

installation of small new equipment and facilities in small structures…", and argues that, "the ordinance amendment's exemption of fences, hot tubs, outdoor kitchens, and patios qualify for the Class 3 Categorical Exemption under CEQA, in addition to the Common Sense exemption." (PC 6-17-26 Packet p. 1319.)

In making this argument the staff report confuses potential future approvals for some unidentified new construction or conversion of a small structure with the current Project. The Project is the amendment of FMC 17.52. The Project does not involve an approval associated with a new or proposed conversion of a small structure, thus, the Class 3, "New Construction or Conversion of Small Structures," categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of small structures in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 3 exemption. However, whether such projects may or may not qualify for the Class 3 exemption is a matter to be determined when such a project is proposed and requires assessment of the particular factors of the project. Moreover, as part of that assessment, the City would need to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 3 exemption, an assessment that cannot be performed until a potentially eligible Class 3 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or converted small structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performance of design review for a particular new or modified structure in the Historic District is a key factor that then enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.5 The Question of Exceptions to Categorical Exemptions is Moot and Staff's Conclusion is Not Supported by Substantial Evidence

The staff report asks the Planning Commission to recommend that the City Council find, among other things, that none of the CEQA Guidelines 15300.2 *exceptions* to categorical exemptions apply. However, neither the Class 1 nor the Class 3 categorical exemptions identified in the staff report can be applied to the Project for reasons explained above, and the question of whether any exceptions to the exemptions is therefore moot. Nevertheless, additional discussion is provided here in response to the staff report.

3.5.1 Unusual Circumstances

CEQA Guidelines §15300.2(c) provides, "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA does not define the term "unusual circumstances," but case law has held that an *unusual circumstance* refers to

"some feature of the project that distinguishes it" from others in the exempt class. (*Fairbank v. City of Mill Valley*, (1999) 75 Cal. App. 4th 1243, 1259.)

The staff report states that "the ordinance amendments do not involve any unusual circumstances, because creating different levels of design review within a municipality's administrative processes is a common-place feature of municipal government, and as explained above, these changes will not have any significant effects on the environment." (PC 6/17/26 Packet p. 1319) This discussion in the staff report further emphasizes the fact that the Project does not fit within either the Class 1 or Class 3 exemption.

The staff report's statement that "creating different levels of design review within a municipality's administrative processes is a common-place feature of municipal government" may be accurate but has nothing to do with a comparison of the Project to the circumstances of a typical Class 1 or Class 3 project. In fact, the Project's circumstances are inherently *unusual* as judged relative to the typical circumstances of projects fitting either the Class 1 or Class 3 exemption, because the Project is an amendment to a zoning ordinance applicable to the entirety of Folsom Historic District.

If the unusual circumstances tail needs to be chased even further, then it is also worth noting that Project's unusual circumstance as compared to Class 1 and Class 3 projects does create the potential for significant impacts that would not be typical of the types of impacts associated with a Class 1 or Class 3 project, because the Project involves amendment of a zoning code regulating development and demolitions in a Historic District whereas the typical Class 1 and Class 3 project does not create or amend a zoning ordinance pertaining to a historic district.

Thus, even if through some abstract theory the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the unusual circumstances exception whereby the Project's unusual circumstance do result in the Project having the potential to result in adverse effects on the character of the Historic District by relaxing or eliminating design review requirements creating the potential for adverse impacts as discussed in this letter.

3.5.2 Historical Resources and Cumulative Impacts

CEQA Guidelines §15300.2(f) provides, "Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." Regarding the CEQA Guidelines § 15300.2(f) historical resources exception to the exemption, in *Hillside* the Supreme Court cited *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039 affirming the holding that once a resource is recognized as historic, "the fair argument standard applies to the question of whether the proposed project 'may cause a substantial adverse change in the significance of an historical resource' and thereby have a significant effect on the environment." (*Hillside*, supra, 60 Cal.4th at 1117.)

The staff report states that, "[t]he ordinance amendments would not result in any significant cumulative environmental impact, because there is no substantial evidence in the City's record demonstrating that the amendments would result in any significant increase in impacts in the Historic District by virtue of just changing the design review process, which still protects listed and potentially eligible historic resources."

The staff report's assertions fail to recognize the Project provisions that eliminate design review of non-building structures and eliminate design review of privacy walls and

fences, both of which if unregulated pose the potential to result in a substantial adverse change in the significance of individual historic resources within the Historic District and the overall quality and character of the Historic District. Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the historical resources exception.

CEQA Guidelines 15300.2(b) provides, "Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."

Although the staff report asserts that the project would not result in any significant cumulative environmental impact, such a notion fails to recognize the breadth of the Project and the staff report's discussion does not provide any basis for cumulative circumstances that were considered in making its conclusion.

The Project amendments to FMC 17.52 alter and reduce the design review and other roles of the HDC, eliminate design review provisions for all non-building structures, and expressly exempt certain features from any design review. FMC 17.52 applies to the 98-block of Folsom's Historic District that contains federal, state, and locally recognized historic resources and properties, commercial areas with high tourism, recreational and cultural resources access, and the Historic District is a locally important historical resource. Elimination of design review provisions for all types of non-building structures that might be developed throughout the Historic District has the potential to result in significant adverse cumulative impacts when the Project (amendments to FMC 17.52) is considered in combination with future development within the Historic District.

Moreover, as discussed throughout the staff report, there are several types of individual future projects that may be developed in the Historic District – such as solar facilities, ADUs, multi-family housing – that will be exempt from CEQA and may also be exempt from design review whether by state law or by the City's own doing. Any consideration of cumulative effects of FMC 17.52 amendments must account for the potential for such developments to occur without design review and reflect the expanded importance of design review.

Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the cumulative impacts exception and the City has provided no meaningful evidence or assessment of these potential cumulative impacts.

3.6 Public Resources Code section 21080.35 Exemption

The staff report states that, "[t]he ordinance amendments are statutorily exempt from CEQA review under Public Resources Code section 21080.35, which states in pertinent part that CEQA '...does not apply to the installation of a solar energy system on the roof of an existing building or at an existing parking lot.'" … "To the extent the ordinance amendments apply to solar panels on the roof of an existing building or at an existing parking lot, they are exempt from CEQA under this statute. Staff has not seen and does not anticipate receiving applications for the installation of solar panels on property within the Historic District that include a proposal to install solar panels anywhere other than the roof of an existing building or at an existing parking lot." (PC 6/17/26 Packet, p. 1320.)

The Project does not involve development or approval of a solar energy system and this statutory exemption is inapplicable as an exemption for the Project.

4. Readopting Amendments to Chapter 17.52 will Restart a 90-Day Statute of Limitations for a Challenge of Provisions that Purport to Give Final Approval Decision to the HDC in Conflict with the City Charter

When the City Council adopted the FMC 17.52 amendments on October 28, 2025, a final ruling was pending in a separate matter, *Delp v. City of Folsom, et al*. (Superior Court of California, County of Sacramento, Case No. 23WM000125) involving two causes of action, the second of which involved Delp's request for declaratory relief pertaining to Folsom City Charter Section 4.07's limitation on the authority of the Historic District Commission as pertains to the 603 Sutter Street Mixed-Use project that was subject to that litigation. On October 31, 2025, the Court issued its final ruling. With regard to the HDC approval authority, as pertains to the 603 Sutter Street project design review, the Court found that the City's interpretation of Charter Section 4.07 was "entirely unreasonable," and that,

> As the plain language of Section 4.07 provides, the City's authority to prescribe the "powers and duties" of other boards and commissions, like the Historic District Commission, is limited by the provision that "All boards and commissions only shall be advisory to the Council."

and that,

> the City exceeded the limitations of its Charter to the degree it authorized the Historic District Commission to exercise final approval authority over the Project. The FMC purports to grant the Historic District Commission "final authority relating to the design and architecture" of "[a]ll new office, industrial, commercial and residential structures," which includes the Project. (Pet. RJN Exh. C [RJN000060, FMC § 17.52.300.) The FMC also purports to authorize the Historic District Commission to carry out the City's CEQA compliance with regard to the Project, directing that the Commission "shall not approve applications prior to considering the applicable environmental document and complying with the requirements of CEQA[.]" (Id. at RJN000062, FMC § 17.52.390.) Approvals by the Historic District Commission may be appealed to the City Council, as the Project was here, but the Council is not required to review them. (Id. at RJN000083-83, FMC §§ 17.52.700-720.) These provisions purport to vest the Historic District Commission with the power to act on behalf of the City, without oversight or ratification by the City Council. They therefore cannot be squared with the Charter's limitation that the Commission's power is "only advisory." The City offers no authority or argument that the Historic District Commission acted in an "advisory" capacity when it approved the Project at issue here. **Thus, the provisions of the FMC which purport to delegate final approval authority to the Historic District Commission, as applied to the Project, conflict with the City Charter**.

(Superior Court of California, County of Sacramento, Case No. 23WM000125; *Final Ruling on Submitted Matter*, October 31, 2025. Emphasis added.)

In my comments to the City Council on October 14, 2025, (6/17/26 PC packet pg. 1424), I urged the Council to recognize that, "any revisions to FMC 17.52 that modify or expand the purported final authority of the HDC would exacerbate the existing FMC 17.52 conflict with City Charter section 4.07," noting the proposed amendments to 17.52.360 expanding the HDC's final authority role to include "expiration and extension of [conditional use] permits," FMC 17.52.370 expanding the HDC's final authority role to include "expiration and extension of [variance]

requests," and expanding the HDC's final authority role in acting as the appeal hearing body pursuant to FMC 17.52.700 for the proposed new design review authority of the CDD Director established by FMC 17.52.300(B).

Although a 90-day statute of limitations to challenge the expanded HDC final authority of the amendments adopted by the Council on October 28, 2025, has expired, and the ruling in Case #23WM000125 pertained to that particular project, any re-adoption of amendments to FMC 17.52 that involve a modification or expansion of HDC authority that cannot be squared with the Charter's limitation that the HDC's power is only advisory may be subject to legal challenge for a 90-day period pursuant to Gov. Code, § 65009, subd. (c)(1). I expect that the Project amendments could be *rescinded* to restore FMC 17.52 to its pre-2026 language without subjecting the code to potential challenge under Gov. Code, § 65009, subd. (c)(1).

Any amendments to FMC 17.52 should include changes to ensure that the roles allocated to the HDC are in accordance with the limitations imposed by Charter Section 4.07. Alternatively, the city should consider amending the FMC 17.52 appeal procedures in a manner to alleviate the issues associated with granting final authority to the HDC.

Given that the City Council is presently pursuing a ballot measure attempting to modify Charter Section 4.07, the outcome of which will be known in November of this year, it would seem prudent for the City to rescind Ord. 1353 and reinstall the pre-2026 FMC 17.52 until such time as the Council either abandons the ballot measure or until the election determines whether the Charter will be amended by the voters and what amendments to FMC 17.52 may or may not be then warranted.

5. Conclusion

I encourage the Planning Commission to recommend that the City Council rescind Ord. 1353, restore FMC 17.52 to its prior content.

Thank you for considering my comments.

Sincerely,

Bob Delp
Historic District - Folsom, CA 95630 -[redacted]

June 16, 2026

To: Planning Commission
From: Loretta Hettinger, vice president, Heritage Preservation League (HPL)
Re: Agenda Item #4, Re-adoption of revisions to FMC 17.52, 6-17-2026 PC hearing
Via e-mail to jbrandt@folsom.ca.us

The City is asking this Commission to take action on a project that only one of your members has been party to, a difficult position for you. The first part of Bob Delp's 6-16-2026 letter to you provides a good summary of the process which brought about the existing City regulations for the Historic District. The next part of his letter goes into the details of the CEQA issue. HPL is not writing here to argue technicalities with an array of lawyers.

Instead, HPL's goal is to support the intent of the ordinance revisions to reduce demands on staff while calling out the unintended consequences of the ordinance and then recommending a path forward that achieves both the efficiency goal and protection of the goals of the Historic District at the same time. We believe both goals are achievable but not by re-adoption of this ordinance.

This ordinance attempts too much and thus succeeds in raising more issues than the "simple" transfer of review authority from one body to another. One example is that it changes the subject matter of design review, for both staff and the Historic District Commission, by limiting such review to buildings, leaving out structures. That is a simple fix: include structures or leave out this section altogether since existing regulations are clear that structures are important and need ordinance protection. Another example is that it changes the noticing requirement for both staff and Historic District Commission review of projects.

The responsibility the ordinance places on the Community Development Director is heavy. Unmodified by this ordinance, FMC 17.52.010,5 calls out a standard that a project must be "consistent with the historical character of the Historic District", not merely "compatible," a lower standard sometimes used for less valuable structures in other jurisdictions. The ordinance charges the Director with making the call about whether a proposed project is "historical" or not, a call which determines whether staff can make the decision or whether it must be heard by the Historic District Commission— importantly also, whether it can be demolished. This provision threatens the General Plan's and zoning's goal of maintaining a historic small town. Why? Because there is no adequate standard on which to base the Director's call and because there is no requirement that there be historic preservation/architectural expertise of the Director or among the staff to attempt to "fill in the blanks" of the piecemeal standard the ordinance offers. This issue can be avoided, but first we should make clear the deficiencies of the standard. Those deficiencies reverberate throughout all the topic areas of the ordinance.

In HPL's 6-8-2026 letter to the City Council is a brief description of the difference between Folsom's historic preservation goal and that of more typical historic preservation efforts, beginning at the bottom of p. 3 and extending on p. 4. As we look at the ordinance's piecemeal standard, it is also helpful to consider Folsom's similarities to other preservation efforts as well as its difference. To preserve a building identified as an outstanding architectural example of a historic period, typical preservation regulations will require that all modifications to the building must be in keeping with its architectural style. Folsom's requirements also uphold this principle. It is not appropriate to put a ranch-style picture window in a Queen Anne Victorian building. Folsom's regulations regarding the District as a whole operate on the same principle: the District as a whole is to be afforded the same protection as an individual building within it. No

discordant elements are appropriate, whether it's an inappropriately designed building or a fence that doesn't use historic materials, or any other aspect that is visible to the public. For example, vertical curbs are historic; rolled curbs are modern and don't belong in a preserved small town. These details are just as important to the goals of preserving a historic small town as the detail of what window design is appropriate in a Queen Anne house.

We describe the ordinance's standard as piecemeal. One piece of guidance for the Director is found in section 17.52.300C1i relating to exemptions, which says the Director can deem other projects exempt if they are similar in material, design, and scope to the listed exemptions, unless they are "on the City's Cultural Resources Inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines section 15064.5 or the adopted City of Folsom Historic Preservation Master Plan, which are subject to historic district commission approval." So anything that this standard doesn't require to go to the Commission can be deemed exempt from review by a Director's finding that it is similar to listed exemptions. Because there is no guidance on how similar it would need to be, a Director would of course consider what is required to go to the Commission. There are very few structures listed on the City's Cultural Resources Inventory, not because there is a dearth of historic structures but because they have not been documented. The Preliminary Cultural Resources Inventory in the Historic Preservation Master Plan (HPMP) is a listing of resources that potentially meet the "contributing" standard. That list is helpful but vague and non-specific on various topics and demonstrably incomplete. For example, the Orangevale Avenue Bridge was omitted from the list and ultimately documented for the Cultural Resources Inventory because HPL and the Lincoln Highway Association brought it to the City's attention in connection with a proposed Public Works project.

So where besides these two lists would the Director look for guidance? As quoted above, the ordinance cites a CEQA Guidelines section and the HPMP. Those two define the process for determining what belongs on a register of historic places. As anyone knows who has evaluated a site for placement on a register, the documentation process is lengthy. For example, the process of preparing the documentation to put Folsom Prison on the City's Cultural Resources Inventory took a year. The CEQA process takes a comparable amount of time. The truth is that most buildings in the Historic District have not been evaluated to determine whether they are "contributing" or "non-contributing" (terms widely used in the historic preservation field and appropriately applied in the Historic District) beyond the simple fact that they are located in the Historic District. Staff clearly does not have the time to do this level of evaluation when an application is submitted, and so these provisions do not address the goal of reducing demands on staff and in fact increase their workload.

Another piece of guidance is found in section 17.52.660 A., which allows any building (again, leaves out structures, as noted above) that is not at least 50 years old to be demolished. Mere age does not determine whether a building is "contributing" or "non-contributing". Buildings that are newer, that have been designed and built in conformance with appropriate historic design, contribute to the goals of preserving a historic small town, for example, the buildings Jerry Bernau constructed on Figueroa Street and others. Under provisions of the ordinance, they could be demolished, exempt from any review at all. Neither staff nor Commission would have authority to deny. We would have said that such a demolition request is quite unlikely—until SB 79.

Having every building in the District evaluated has always been a goal. How is it that the District has been able to be successful without those evaluations? The answer is the Historic District Commission process, which filled gaps in the staff's or applicant's knowledge by giving the

public the opportunity to participate in and influence the determination. An example is the log cabin that was requested to be demolished. Until the public became aware, there was no indication by the applicant or staff that the building was historic.

So how can the goal of reducing demands on staff be achieved if we have no reliable, speedy standard for them to use?

The original ordinance and DDG's allow that any structure can continue in its existing style when modifications are proposed. Evaluating a project for consistency with its existing style would not require specialized knowledge and appears to further the state's goal of a route to speedy, ministerial approval of housing. What it would mean for the ultimate goal of preserving a historic small town is simply pushing goal achievement farther into the future if non-contributing styles are continued. Applicants should always have the option to request Commission review if they are ready for their project to fully support the District's adopted goals. This approach has buy-in from HPL and the Historic Folsom Residents Association, and likely the Folsom Historic District Association although we have not specifically asked them. We believe that this approach is consistent with Bob Delp's goals also. The current ordinance proposal does not have support from any of these groups.

These are not all of HPL's concerns, as noted in the 6-8-2026 letter to the City Council. Regarding exemptions, a performance standard that calls for historic design of projects in public view rather than automatic exemption of project types would support the goals of the Historic District. We also see no reason to delay amending the appeals process, which currently excludes most appeals, including those of organizations like HPL, HFRA, and FHDA, organizations deeply involved and knowledgeable about the Historic District.

HPL recommends that the Planning Commission continue this item to allow for re-consideration of ordinance revisions rather than re-adoption. In keeping with HPL's mission, we are ready to assist the City in achieving both the goal of relieving staff's workload and the goals of the General Plan and zoning to preserve a historic small town.

Bob Delp - June 22, 2026

City of Folsom Historic District Commission
50 Natoma Street
Folsom, CA 95630
via email to: ksanabria@folsom.ca.us; jkinkade@folsom.ca.us for distribution to the Historic District Commission

SUBJECT: June 24, 2026, Agenda Item No. 2 – Zoning Code Update – Revisions to Chapter 17.52: Historic District (Re-Adoption) – File #ZCAM26-00069

To the Historic District Commission:

I am the Petitioner in Superior Court of the State of California, County of Sacramento, Case No. 26WM000118 that, as discussed further in section 3 of this letter, pertains to the City Council's October 28, 2025, approval of the Folsom Municipal Code Chapter 17.52 ("FMC 17.52") amendments ("Project") that are the subject of this Historic District Commission ("HDC") agenda item. However, I am providing these comments as a citizen of Folsom and a resident and property owner in the Historic District interested in the protection, preservation, and enhancement of the Historic District's character and quality.[1]

Last week, on June 17, 2026, the Planning Commission engaged in a refreshingly open discussion of the FMC 17.52 amendments. One Planning Commissioner who also serves on the HDC discussed that, when considering the proposed amendments last year, he had not fully appreciated the extent to which the amendments eliminated certain design review provisions. After discussion, the Planning Commission passed a motion that included a recommendation that the City Council "reconsider section 17.52.300(C)(1)(e) which is the thing that excludes all fences from any design review at all." Contrary to the motion passed by the Planning Commission, your staff report incorrectly notes that the Planning Commission's recommendation was simply that the Council consider fence material type through some future consideration of zoning code amendments.[2]

In the 1990s the City undertook a substantial effort in considering ways to protect and preserve the Historic District that culminated in the adoption of a re-written Folsom Municipal Code Chapter 17.52 ("FMC 17.52") and accompanying Historic District Design and Development Guidelines ("DDGs"). Many thoughtful people worked very hard to create a process defining

[1] On June 17, 2026, Community Development Department ("CDD") staff brought this item to the Planning Commission for a recommendation to the City Council. I and others submitted written comments to the Planning Commission that are included as Attachment 2 of the staff report to HDC (beginning at HDC 6/24/26 pkt. pg. 150). My June 16, 2026, comment letter is incorporated here by reference and much of its content is reiterated in this letter with supplemented discussion.

[2] I urge the HDC to listen to the audio of the Planning Commission meeting prior to your June 24, 2026, meeting. Contrary to the summary of that meeting presented in the staff report to HDC (HDC 6/24/26 Pkt. pg. 12), the final motion approved by the Planning Commission included "*to recommend the City Council reconsider section 17.52.300(C)(1)(e) which is the thing that excludes all fences from any design review at all.*" Although staff's summary in the HDC staff report describes that the Planning Commission recommended that the City Council have staff "look at further modifying FMC Chapter 17.52 and consider increasing the amount of non-allowable fencing materials as part of the overall zoning code update," the staff report fails to acknowledge that the Planning Commission voted unanimously to recommend reconsideration of the privacy walls and fence exemption "*now*" as, when asked by the Chair to confirm the intent of his friendly amendment to the motion, the Commissioner explained, "*yeah, I'd like them to think about it now*." The Commissioner's friendly amendment regarding the Council's reconsideration the of the privacy walls and fence exemption *now* was seconded and unanimously approved by the Commission. Discussion of FMC 17.52 during the Planning Commission meeting begins at 1:44:05 here: https://folsom.granicus.com/player/clip/3197?redirect=true

objective standards and a design review process applicable to all structures in the Historic District. The process may not be perfect and in recent years has been confronted by state laws that, while attempting to achieve commendable aims, have limited the City's ability to exercise design review to the extent envisioned in 1998. Nevertheless, the design review provisions of FMC 17.52 and the DDGs still serve a vital function in preservation and protection of the Historic District. Amending the processes they describe should not be taken lightly and the effects of any amendments should be fully understood before their approval.

The FMC 17.52 amendments effectively eliminate design review for all *structures* that do not meet the definition of *building* by establishing in FMC 17.52.300 that the HDC and CDD design reviews only apply to *buildings*. The distinction between these two terms and the resulting change in design review provisions resulting from the FMC 17.52 amendments focus on "buildings" are important for understanding the implications of the FMC 17.52 amendments. These definitions may have been overlooked by staff, the HDC, and the City Council in adopting the amendments last year and certainly warrant further consideration now.[3] The staff reports argue that only certain "very small" structures will be exempt from design review, however, the amendments establish no person and no commission to perform design review of any structures that are not buildings and therefore effectively eliminate all design review authority for all non-building structures. The City's claim that design review is only limited to certain "very small" structures cannot be reconciled with the actual effect that the amendments have in eliminating design review authority for all non-building structures. If this is an *unintended* aspect of the amendments, then now is the time for correction by ensuring that 17.52.300 establishes a design reviewer for non-building structures.

Although staff is asking the HDC to recommend that the City Council simply re-adopt the amendments – seemingly disregarding the Planning Commission's June 17, 2026, recommendation regarding reconsideration of the privacy walls and fences exemption, as discussed above – I am hopeful that the HDC will give serious consideration amendments and provide a thoughtful recommendation to the Council that allows for more thorough consideration of amendments that achieve the City's efficiency goals while not eliminating important design review provisions that protect the Historic District's character and quality.

The Project amendments go too far in relaxing and eliminating important provisions of FMC 17.52 that were carefully developed through a rigorous process in the 1990s leading the 1998 rewrite and adoption of FMC 17.52 and its companion DDGs. In addition to eliminating design review of non-building structures, the Project amendments wrest far too much of the remaining design review role from the HDC and reassign that role to the CDD Director. Although I have disagreed with certain decisions made by the HDC in recent years, design review performed by a *commission* through a public hearing provides for a more comprehensive perspective on design considerations, allows for a more formal and visible public noticing and public comment

[3] The importance of not ignoring the FMC's definitions of terms is highlighted in an October 31, 2025, Sacramento County Superior Court decision pertaining to the 603 Sutter Street Mixed-Use project (Case No. 23WM000125) where the Court ruled that at the City did not comply with the California Environmental Quality Act ("CEQA") in approving that project. For that project, the City had determined that the project's parapet wall could be excluded when calculating the building height. To my knowledge, nowhere in the record had staff ever advised the HDC or City Council that the FMC definition of "building height" specifically establishes that building height is to include measurement to the highest point of any parapet wall. After two years of costly litigation, the Court concluded that "*…the City's interpretation is foreclosed by section 17.02.110, which specifically includes a building's parapet wall in the definition of 'Building height.' While the City is permitted to reasonably interpret its own codes and ordinances where they are unclear or conflicting, it is not permitted to ignore directly applicable provisions of such codes.*"

process, eliminates one-on-one influence, and improves design review decision-making. Often, the HDC considers staff recommendations, discusses design adjustments with staff and applicants, and modifies staff's recommendations to ensure design is more appropriate for the Historic District.

This is the very mechanism that, in 1998, City decision-makers decided was appropriate for the Historic District – with a *commission* performing design review not only for properties specifically identified on the City's list of historic properties, but for all properties, buildings, and other structures throughout the Historic District – where all properties contribute to the historic character of the entire Historic District that FMC 17.52 and the DDGs are intended to protect.

With all due respect to the CDD director and staff, shifting much of the design review role away from the HDC and to the CDD director, especially in the absence of establishing some minimum qualifications for the director or staff to perform such review, is a substantial shift from the process implemented in 1998 and stands to diminish protection of the Historic District. If the HDC agrees that it serves an important function, the HDC should take this opportunity to indicate your perspective on the value and benefits of commission reviews, and I hope you will express support for retaining the design review role by a commission and not by staff for all but truly minor Historic District projects.

The remainder of this letter addresses issues in more detail but, in summary, I encourage the HDC to recommend that the City Council rescind Ord. 1353 and restore FMC 17.52 to its prior content allowing for a more thorough review process of any subsequent amendments.

1. FMC 17.52 and DDG Background

Several of the Project amendments to FMC 17.52 either omit or alter design review and demolition review responsibilities. The amendments create internal inconsistencies within FMC 17.52 with regard to the scope and responsibilities for design review and create inconsistencies between FMC 17.52 and the DDGs. The purpose and intent of FMC 17.52 and the DDGs are important for understanding the baseline conditions to which any amendments to FMC 17.52 must be compared to understand the effects of any amendments.

On July 14, 1998, the City Council adopted Ordinance No. 890 which, among other things, rewrote FMC Chapter 17.52, established the HDC, and established Historic District primary and subarea boundaries in which specialized use and development standards apply. As stated in FMC 17.52.010,[4] "Purpose and intent," among the express purposes of FMC Chapter 17.52 are,

> 1. To preserve and enhance the historic, small-town atmosphere of the Historic District as it developed between the years 1850 and 1950;
>
> 2. To maintain, restore, and reconstruct historic structures and sites within the Historic District;
>
> 5. To ensure that new residential and commercial development is consistent with the historical character of the Historic District as it developed between the years 1850 and 1950; and
>
> 6. To increase the awareness, understanding, and appreciation of the history of the City.

[4] The attachment to your staff report includes only excerpts of the amended sections of FMC 17.52, but I urge the HDC to obtain and consider the full chapter since several unamended sections are also important for understanding the amendments. An online version, as amended, is here: https://www.codepublishing.com/CA/Folsom/#!/Folsom17/Folsom1752.html#17.52

As adopted in 1998 and unmodified by the Project amendments, FMC 17.52.120(G) establishes that the HDC is to "[r]eview the design and architecture of any new structure, or alteration to any existing structures within the historic district," and FMC 17.52.330(B) anticipated that as part of the HDC's design review the HDC would consider criteria including "conformance with any…historic District design and development guidelines adopted by the city council."

Three months later, on October 13, 1998, the City Council adopted the *City of Folsom Historic District Design and Development Guidelines* (Resolution No. 5757) ("DDGs")[5] to provide a comprehensive document to assist with the implementation of the regulations and standards contained in FMC 17.52. The DDGs are not perfect, but they offer extensive and beneficial guidance for development in the Historic District.

Section 1.01, "Intent," of the DDGs explains,

> the City Council elected to adopt Historic District Design and Development Guidelines (hereafter the "Design and Development Guidelines") in conjunction with amendments to Chapter 17.52 of the Folsom Municipal Code (hereafter "Chapter 17.52"). By adopting the Design and Development Guidelines, the City Council intends to provide a comprehensive policy manual to assist with the implementation of the regulations contained in Chapter 17.52 of the Folsom Municipal Code. The goals, policies, and programs which have guided the preparation of this document and which are to be used in implementing Chapter 17.52 are enumerated in detail in Section 2.01 of this document. In addition to providing design review standards, the City Council intends to set forth in this document criteria that will guide further development within the Historic District. These Design and Development Guidelines provide policy direction concerning private and public development within the Historic District, as well as policy direction concerning public infrastructure and circulation improvements.

(DDGs, p. 1-1.)

The DDGs further explain the City Council's purpose and intent for FMC 17.52 and the DDGs to work in combination for protection of the historical character of the entirety of the Historic District and not solely focused on protection of certain individual properties deemed historically significant,

> Historic Folsom is also a representative example of the development of many small towns across the American West, and this legacy is likewise worthy of preservation, interpretation, and re-creation. While modern developments consist of carefully integrated architecture, materials, and site plans, protected by Design and Development Guidelines and CC&R's against discordant future construction, traditional development was more varied and occurred on a lot-by-lot basis. In conjunction with the regulations imposed by Chapter 17.52 of the Folsom Municipal Code, the Design and Development Guidelines limit future construction in Historic Folsom to the architectural styles extant in California

[5] The 1998 "Historic District Design and Development Guidelines" ("DDGs") are incorporated by this reference in their entirety. At the time of preparation of this letter, the DDGs are available to the public on the City of Folsom website at:
Main Document: https://www.folsom.ca.us/home/showpublisheddocument/23554/639038904142800000
Appendix A, Historic Resources: https://www.folsom.ca.us/home/showpublisheddocument/23556/639038904870370000
Appendix B, Visual Resources: https://www.folsom.ca.us/home/showpublisheddocument/23558/639038904877770000
Appendix C, Environmental Resources: https://www.folsom.ca.us/home/showpublisheddocument/23560/639038904884700000
Appendix D, Design Criteria: https://www.folsom.ca.us/home/showpublisheddocument/23562/639038904905270000
Appendix E, Historic District Circulation Plan: https://www.folsom.ca.us/home/showpublisheddocument/23564/639038904914600000

> from 1850 to 1950, a limitation intended to encourage the diversity which is the charm of old Folsom while preventing construction of modern buildings which would be discordant. While there are only a few structures within Historic Folsom which are individual architectural stand-outs, the homes and buildings, when taken together, evoke the feeling of life in small-town America, an aspect often ignored by history books and preservation efforts. By the adoption of Chapter 17.52 and these Design and Development Guidelines, the City Council seeks to preserve that image.

(DDGs, Section 1.01, pg. 1-2.)

The DDGs include goals and policies pertaining to Historic District design review including,

> GOAL l: Community Identity: To preserve and enhance the historic, small-town atmosphere of the 98-block Historic District area.
>
> Policy 1.4: Since the Historic District plays a central role in determining the character of the City of Folsom, **every project within the Historic District, at every stage of approval and construction**, should be marked by an attention to quality which will serve as a benchmark to the rest of the community.
>
> GOAL 6: New Development: To ensure that new residential and commercial development is consistent with and enhances the historical character of the historic district.
>
> Policy 6.1: New development shall conform to architectural and infrastructure standards of Chapter 17.52 of the Folsom Municipal Code and these Design and Development Guidelines.

Additionally, the DDGs assign demolition review for all existing structures in the Historic District to the HDC, stating,

> Policy 6.3: Demolition of existing structures located in the Historic District shall require approval of the Historic District Commission, which shall consider 1) whether the public health, safety and/or welfare warrant the demolition; 2) what accommodation can be provided to the owner of the property to make it feasible to preserve the property or structure; 3) whether the owner of the property is willing to sell the property or structure to a buyer who wishes to preserve it; and 4) whether a public entity wishes to acquire the property or structure in order to preserve it.

The DDGs are not simply an afterthought of niceties, they were developed as an integral part of the vision established by the City Council in 1998 for the preservation and protection of the Historic District.

As described section 1.03, “CEQA Compliance,” of the DDG’s,

> The City conducted environmental review of a proposed Historic District Specific Plan. Due to the nature and complexity of the Plan and the projects which will follow under it, a Master Environmental Impact Report (MEIR) was prepared. The City Council ultimately elected to implement zoning changes to Chapter 17.52 of the Folsom Municipal Code and design standards through the adoption of these Design and Development Guidelines. Many of the provisions of the proposed Historic District Specific Plan and the amendments to Chapter 17.52 are

> contained within these guidelines. Accordingly, the City Council relied upon the MEIR for evaluation and consideration of environmental impacts.

Thus, the 1998 FMC 17.52 and DDGs were intended not simply as preferred land use regulations for the Historic District, but also incorporated provisions and mitigation identified through the California Environmental Quality Act ("CEQA") process as necessary to protect the character and quality of the Historic District. The City has all but ignored the fact that a comprehensive CEQA process was conducted prior to the adoption of FMC 17.52 and the DDGs.

Through that process, the City not only included provisions in FMC 17.52 and the DDGs to avoid or minimize adverse effects of development in the Historic District, but also identified several mitigation measures, including the following pertaining to inadvertent discovery of cultural resources:

> Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Folsom shall be notified. The City shall consult with a qualified archaeologist to determine if the encountered resources are "important" cultural resources within the definition of CEQA Appendix K. The consulting archaeologist shall develop, if necessary, further mitigation measures consistent with CEQA Appendix K to reduce any cultural resource impact less than a significant level.

(Folsom Historic District Specific Plan, Mitigation Monitoring Program, January 21, 1998. State Clearinghouse Number: 95032066, pg. 9.)

I am uncertain of the ultimate disposition of the Mitigation Monitoring Program and the City's staff reports for the Project amendments provide no discussion of the previous CEQA effort in its current evaluation. However, the City has consistently included similar inadvertent cultural resources discovery provisions as conditions of approval for design review projects that involve ground disturbance in the Historic District. Yet, staff reports for the Project provide no explanation of how projects involving ground disturbance in the Historic District that will now be exempt from design review will still somehow be required to implement inadvertent cultural resources discovery protocols or, if such projects will not be required to implement these protocols, how impacts to cultural resources that may be present within a development footprint will be avoided or otherwise mitigated.

2. The Project Eliminates Design Review for All Non-Building Structures

Prior to the FMC 17.52 amendments approved by the City Council in October 2025, FMC 17.52.300 specified that the HDC was to perform design review of all proposed new or modified *structures* in the Historic District. Since there was no other design reviewer identified, it was very clear that any design review requirement discussed in any section of FMC 17.52 fell squarely on the HDC.

However, under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed for only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director. (See HDC 6/24/26 Packet pages 1347-1348 where FMC 17.52.300(A) provides for HDC design review of certain projects in which all previous references to "structures" are stricken and replaced with the more limited term "buildings" and FMC 17.52.300(B) provides for CDD Director design review of all other

renovations, additions, and accessory *buildings* without assigning design review authority for review of non-building *structures*.)

FMC Chapter 17.02 "Definitions," defines these terms:

> 17.02.090 Building. "**Building**" means any structure having a roof supported by columns and/or by walls and intended for the housing or shelter of any person, animal or chattel.
>
> 17.02.400 Structure. "**Structure**" means anything constructed or erected upon the ground or attached to a structure having location on the ground.

The definition of "structure" is very broad while the definition of "building" is much narrower (if not also subjective and awkward). All buildings are structures, but many structures are not buildings.

Eliminating design review of non-building structures is a substantial new limitation to the design review provisions of FMC 17.52. Staff describe that the amendments exempt only "certain very small projects from design review," yet staff seemingly fail to recognize that *all* non-building structures, regardless of size, would no longer subject to design review under the amended language. The amended FMC 17.52.300 establishes that certain new or modified *buildings* are subject to HDC review and that other new or modified *buildings* are subject to CDD review, but contains no provisions for any design review of non-building structures neither by the HDC nor the CDD Director.[6]

Moreover, the FMC 17.52.300 amendments conflict with other sections of FMC 17.52 not amended by the Project. For instance, FMC 17.52.120 specifies duties of the HDC which include, "G. Review the design and architecture of any new *structure*, or alteration to any existing *structures* within the historic district, as further defined in this chapter," yet, with the FMC 17.52.300 amendment, neither the HDC nor the CDD Director has authority to review any new or altered non-building structure. Additionally, FMC 17.52.400 specifies that "design review is required for all new *structures* and alterations to existing *structures*," yet, as amended, FMC 17.52.300 no longer provides any role for either the HDC or CDD to perform design review for non-building structures.

In making any recommendation to the City Council, I think it is critical that the HDC fully understand the implications of the elimination of design review for non-building structures. Staff's incorrect premise that only "certain very small projects" would be exempt from design review cannot be reconciled with the actual language and effects of the amendments that eliminate design review authority for all non-building structures.

The City needs to either restore design review of non-building structures or the City's analysis of the Project and its potential effects on the character of the Historic District must include consideration of the effects of eliminating design review for all non-building structures.

3. CEQA Compliance

On October 28, 2025, when the City Council adopted Ord. 1353 amending FMC 17.52 ("Project"), the Council determined the Project was exempt from CEQA review because the

[6] The CDD website identifies that design review is required for certain types of non-building structures (e.g., landscape features depending on size/location, pools and spas depending on location), however, the amended FMC 17.52 provides no authority for any such design review since these features are not *buildings* and the CDD exceeds its authority if it exercises design review over non-building structures.

Project was "process related and administrative in nature" and therefore qualified for the CEQA Guidelines § 15061(B)(3) "commonsense" exemption.

Prior to the Council's approval of the Project, I submitted comments opposing the Project and providing explanation and evidence that the Project would have the potential to result in significant impacts to the historic character of the Historic District and that the Project did not qualify for a CEQA exemption. Others, including those involved in developing FMC 17.52 and the DDGs in the 1990s, also expressed concerns and provided comments to staff, the HDC, and the City Council prior to approval of the Project.

After requesting in November 2025 that the Council rescind Ord. 1353 and after allowing nearly six months for the Council to do so, on April 23, 2026, I filed a petition for writ of mandate with the Superior Court of the State of California, County of Sacramento, (Case No. 26WM000118) challenging the City's approval of the Project with a CEQA exemption. That lawsuit is the obvious catalyst for the City's current effort to re-approve the Project and assert additional grounds for exempting the Project from CEQA review. Yet, the CEQA arguments that the staff report now presents to the HDC (HDC 6/24/26 pkt, pp. 13 - 16) misconstrues the Project and does not provide substantial evidence that the Project qualifies for one or some combination of CEQA exemptions.

As a last-minute change prior to last week's Planning Commission meeting, staff added a proposed resolution statement claiming the Project is actually not a project at all under CEQA. But the Project is a project under CEQA as, among other things, the elimination of design review that would otherwise be performed for all non-building structures has the obvious potential to cause an indirect physical change in the environment as compared to circumstances in which all buildings and structures are subject to design review, as discussed further herein. To argue otherwise would require one to take the position that the design review process has no influence on the character or quality of non-building structures constructed, modified, and/or demolished in the Historic District. Instead of addressing that fact, the staff report to the HDC now claims the Project is not a project under CEQA "[b]ecause changing which body (HDC or City staff) will process the minor approvals covered under the proposed amendments does not have the potential to cause a physical change in the environment directly or indirectly." Even were staff correct that changing the body performing design review has no potential to result in physical changes, this argument fails to address other aspects of the Project that modify and eliminate design review of all non-building structures. Staff's attempt to claim the Project is not a project under CEQA falls short of even attempting to address the whole of the Project and fails to account for the indirect physical changes to the environment that will occur as a result of the Project's elimination of non-building structure design review.

In contrast to staff's new claim that the Project is not a project under CEQA, the staff report also argues that the Project is eligible for the CEQA Guidelines 15061(b)(3) "commonsense" exemption and also attempts to overlay or incorporate other CEQA exemptions in arguing that environmental review of the Project is not required. As discussed below, the Project does not qualify for the 15061(b)(3) exemption and the City's attempt to bolster its rationale fails.

Moreover, with or without application of additional CEQA exemptions, the Project does not qualify for the 15061(b)(3) exemption. Additionally, the staff report's attempt to assign a CEQA exemption to certain aspects of the Project as ministerial is misguided. The Project clearly involves discretionary decision-making and CEQA Guidelines expressly state, "[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA." Also, the staff report's attempt to assign categorical exemptions to the Project or

portions of the Project is also misguided. The Class 1 and Class 3 categorical exemptions asserted in the staff report might be applicable to certain discretionary approvals in the Historic District, but they are inapplicable to the City's consideration and approval of the Project because the Project is a zoning ordinance amendment and is not a decision to approve modifications to existing facilities, small structures, or any other facilities or structures. Moreover, after introducing these two irrelevant categorical exemptions, the staff report attempts to discuss whether any *exceptions* to these exemptions apply. Yet, because the Project does not involve any specific development and the Class 1 and 3 exemptions cannot be applied to the Project, there is neither current relevance nor a basis to conclude that the exceptions to the exemptions would not apply to specific development subject to FMC 17.52.

3.1 The Project does Not Qualify for the Commonsense Exemption

The CEQA Guidelines 15061(b)(3) exemption can be applied only, "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." In claiming this exemption, the City must provide substantial evidence for how the proposed FMC 17.52 amendments would have no possibility of a significant impact. The City Council's October 2025 approval of the Project rested on the assertion that "the proposed code amendment is *process related and administrative in nature* and therefore will not have a significant effect on the environment," and does not consider the implications of eliminating certain projects from design review and other changes in design and demolition review processes that would result from the Project amendments.

In attempting now to substantiate the Project's qualification for the 15061(b)(3) exemption, the staff report asserts that, "[t]he ordinance amendments proposed for re-adoption do not have the potential to cause a significant effect on the environment," and that the Project's exemption of "certain very small projects from design review" would not have potential to cause any significant impacts on the environment. The staff report also discusses that "several of the project types exempted from design review are required to be located in side or rear yards for the exemption to apply." (HDC 6/24/26 pkt. p. 14)

The staff report's arguments do not address substantial evidence indicating the potential for significant impacts and does not provide substantial evidence that the Project would have no possibility of a significant impact precluding the Project from the 15061(b)(3) exemption.

3.1.1 Elimination of Design Review for All Non-Building Structures

As discussed above in Section 2 of this letter, prior to the Project amendments, FMC 17.52.300 specified that the HDC was to have final authority over all new office, industrial, commercial, and residential *structures*, and all exterior renovations, remodeling, modification or addition to existing *structures*. Under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director.

Without a designated body and process, design review of non-building structures is effectively eliminated from FMC 17.52. With the Project amendments, the list of exempt non-building structures in FMC 17.52.300(C) represents only a small subset of the types of non-building structures for which design review will not be performed as a result of the Project.

The staff report and staff's assessment of potential impacts of the Project does not mention or assess the impacts of eliminating design review of all non-building structures and, thus, fails to

provide evidence that the Project's elimination of design review for all non-building structures would have no possibility of a significant impact.

The elimination of design review for all non-building structures eliminates design review of many types of new and modified structures (e.g., privacy walls, retaining walls, fences, decks, pools/spas, play equipment, courtyards, exterior street-to-sidewalk stairways and railings, amphitheaters, bridges, public restrooms, mechanical equipment, roads, bike paths, sidewalks… all of which meet the definition of "structures" under the FMC 17.02.400) and any of which would have the potential to be inconsistent with the Historic District character if developed without going through the FMC 17.52 and DDGs design review process.

The elimination of design review of non-building structures would also eliminate any discretionary review of many such structures, and would provide no mechanism for the City to impose standard conditions of approval that are used mitigate impacts, including the standard condition pertaining to inadvertent cultural resources discovery discussed above in Section 1 of this letter.

3.1.2 Exempting Privacy Walls and Fences

Even if design review were restored for most structures, the exemption of privacy walls and fences would still have the potential for adverse effects on the Historic District character and quality and its individual historical and contributing resources.

The staff report asserts that, "[s]everal of the very small projects, including like-for-like structural replacements, residential re-painting, privacy walls/fences, and solar panels were already not going through design review based on the City's consistent past practice and thus, would not result in any change from baseline conditions for those projects."

Regardless of how baseline conditions might be defined for future review of a particular proposed structure, such as a privacy wall or fence, the relevant CEQA baseline for consideration of the potential environmental effects of the Project is the specifications of FMC 17.52 as it existed prior to the Project amendments. Under that appropriate baseline condition, FMC 17.52 provided for HDC design review of fences and all other new and alterations to existing structures, stating in FMC 17.52.400, "Design standards,"

> A. The design standards specified in Sections 17.52.410 through 17.52.590 shall be applicable to all new structures and alterations to existing structures within the historic district. ***Design review*** **is required for all new structures and alterations to existing structures, unless otherwise specified in this chapter.**

Unmodified by the Project amendments, FMC 17.52.430 – 17.52.480 provide objective standards for certain types of non-building structures[7] and specify when certain sizes and/or locations of structures are not subject to design review. For instance, FMC 17.52.460 specifies objective standards for play equipment and exempts play equipment smaller than 120 square feet or below fence height from design review; whereas FMC 17.52.440, "Fences," specifies objective design standards for fence height without providing an exemption from design review. By a plain read of the text it is undeniable that, prior to the Project amendments, FMC 17.52 required design review for all structures, including fences. The Project amendments to FMC 17.52 that include "privacy walls and fences" on a list of features exempt from design review

[7] e.g., 17.52.430 Decks, 17.52.440 Fences, 17.52.450 Landscape features, 17.52.460 Play Equipment, 17.52.470 Swimming Pools and Spas, 17.52.480 Accessory Structures.

must be compared to the existing condition baseline under which design review was required by FMC 17.52.

The staff report's assertion that fences and other types of structures "were already not going through design review based on the City's consistent past practice" might reveal some deficiency of the City to actively implement FMC 17.52's design review provisions for fences, but does not establish the relevant baseline for consideration the Project's potential effects.

The City Police Department, from time to time and for various reasons, may not always actively enforce speed limits on City streets, but that does not negate the beneficial effect and value of maintaining posted speed limits on City streets, nor does it mean that speed limits could be abolished with no effect on driver behavior. Similarly, that any given time the CDD may not be actively performing/enforcing the required design review for certain types of projects does not negate the benefits of maintaining design review requirements in FMC 17.52.

Were individual property owners in the Historic District to build privacy walls or fences without first obtaining design review approval, those property owners would nevertheless be influenced by the risk of non-compliance and incentivized to design the structure consistent with Historic District character (akin to a driver heeding speed limits even in the absence of police enforcement). Moreover, the design review requirement for fences provides a mechanism through which the City could take enforcement action for a property owner's failure to obtain a design review approval and remedy an inappropriate fence design. Without a design review requirement, the City has no mechanism or ability to enforce restrictions on inappropriate fence design.

Section C of Appendix D of the DDGs provides Historic Residential Design Criteria, and specifies the following design provisions for walls and fences:

> *Walls and fences.* Materials of walls and fences shall reflect the style and character of the building and its site. Where large expanses of blank building wall, retaining wall or fencing are unavoidably exposed, they should be screened with upright shrubs or trellised vines. Trellises are to be constructed of substantial, durable materials, but may incorporate redwood lath lattice. **Inappropriate materials such as chainlink, split rail, and other non-historic fencing materials are not permitted**.

(DDGs, Appendix D, p. 55.)

Without establishing specific design requirements for fence design, the DDGs section above provides guidance for the City's design review of walls and fences. Thus, the Project's elimination of design review of walls and fences effectively eliminates all regulation and related incentives for individual property owners to achieve wall and fence design compatible with the Historic District character.

Exempting, "privacy walls and fencing" from any design review requirements would have the potential to be detrimental to the historical character of the Historic District. Even attractively designed privacy walls or fencing could be substantially inconsistent with, and diminish the historical character of, the Historic District. The development of unregulated out-of-character walls and fences would have the potential to result in – in individual instances and cumulatively over time - a significant adverse impact on the historical character of the Historic District.

The City-adopted DDGs explain as pertains to "Fences, Landscape Features, and Play Equipment,"

> Besides safety, the City's purpose in regulating fences and landscape features is primarily to inform property owners of the impact such construction has on the historical and aesthetic character of a home or neighborhood and to seek voluntary support of the community goal of preserving and enhancing the character of the Historic District. Preference in any required review will be toward granting the property owner's request unless it is unsafe or the effect on the character of the Historic District would be notably deleterious. (DDGs section 4.04.)

Pertaining specifically to "Fences" the DDGs explain the City's 1998 affirmation that, "[f]ences are a significant contributing factor to a home's or neighborhood's character." (DDGs section 4.04.01.) Notwithstanding the documented importance of design review for walls and fences as expressed in the DDGs adopted by the City Council in 1998, during the Project review process, the City has yet to directly acknowledge the adverse effects that incompatible fence design could have on the historical quality and character of the Historic District.

When adopting the Project's list of "minor modifications" to be exempt from design review, the City included, "e. privacy walls and fencing, *excluding chain link, which is not allowed*."

If the City's position is that fence design does not have the potential to adversely affect the character of the Historic District, it is unclear why the City would attempt to *mitigate* the wall and fence exemption by including a prohibition of chain link fence. Moreover, the DDGs establish "appropriate" and "inappropriate" fence and wall/retaining wall types (DDGs, Appendix D, Attachment 2, "Building Materials Palette."). These lists in the City's adopted DDGs do not allow or prohibit particular fence or walls types and, instead, they provided guidance intended for consideration during the design review process. With elimination of design review for privacy walls and fences, the mechanism for the City's regulation of appropriate wall and fence types is eliminated.

The CDD has attempted to list "appropriate" and "inappropriate" fence types for the Historic District on the City's Historic District Resources website which identifies 12 types of fences as "Inappropriate" for the Historic District and lists 10 types of fence types as "Appropriate" with 3 of the "Appropriate" types noted as "Except for Historic Properties."

City of Folsom, Historic District Resources Website List of *Appropriate* and *Inappropriate* Fence Types	
Appropriate Fence Types	**Inappropriate Fence Types**
Wood Picket Fences	Chain Link
Vertical or Horizontal Board Fences (Min. 30% opening, or Staggered Boards)	Chicken Wire
Classic Wire Mesh (3" x 6")	Barbed Wire
Solid Wood (Rear Yard Only)	Plywood
Brick and Mortar	Masonite
Stone and Mortar	Cedar Post and Rail
Treated Wood	Grape Stake
Cinderblock Wall (Except for Historic Properties)	Split Rail
Railroad Tie Fencing (Except for Historic Properties)	Cyclone
Poured or Finished Concrete Wall (Except for Historic Properties)	Snow Fence
	Bamboo or Matting
	Plastic or Vinyl
Source: City of Folsom, Historic District Resources website, "Residential Fencing" dropdown at: https://www.folsom.ca.us/government/community-development/planning-services/historic-district-resources/ . June 9, 2026.	

The staff reports prepared for the Project do not mention the DDGs Building Materials Palette lists for fences and walls/retaining walls nor do the staff reports explain why, with a dozen specific fence types considered "inappropriate" for the Historic District and an additional 3 types inappropriate for historic properties, only *chain link* fence warrants a prohibition in FMC 17.52 while design review of all privacy walls and fences is eliminated. Yet, with a dozen identified by CDD as "Inappropriate Fence Types," in adopting the Project amendments to FMC 17.52, staff and the City Council somehow determined that only chain link need to be prohibited.

Even were a prohibition on chain link fence sufficient to *mitigate* the impact of exempting privacy walls and fences from design review, such a mitigation would run afoul of CEQA case law establishing that,

> [r]eliance upon mitigation measures (whether included in the application or later adopted) involves an evaluative process of assessing those mitigation measures and weighing them against potential environmental impacts, and that process must be conducted under established CEQA standards and procedures for EIRs or negative declarations.

(*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098)

Thus, if the prohibition on chain link fence was necessary to *mitigate* the impacts of exempting fences from design review or if the City thinks the impact can mitigated by providing an advisory list of inappropriate fence types on its website, the Project is disqualified from any CEQA categorical exemption.

Given the Project's elimination of design review for all non-building structures, including but not limited to the express exemption from design review of fences and other structures having the potential for deleterious effects on the quality and character of the Historic District, the Project does not qualify for the CEQA Guidelines 15061(b)(3) exemption and no combination of additional CEQA exemptions or mitigation measures can intervein to exempt the Project from CEQA review.

3.2 The Project does Not Qualify for a Ministerial Exemption

The staff report quotes CEQA Guidelines § 15268(a) stating, "Ministerial projects are exempt from the requirements of CEQA" and the staff report then argues that "the solar panel exemption from design review is ministerial and exempt from the requirements of CEQA," that "the design review exemption for certain ADUs [accessory dwelling units] is ministerial and exempt from the requirements of CEQA," and that, "to the extent that a building permit is required for installation of a fence or any of the other minor modifications exempt from design review under FMC Section 17.52.300(C)(1), such approvals are ministerial in nature and as such are exempt from the requirements of CEQA." (HDC 6/24/26 pkt. p. 14.)

In making these arguments the staff report confuses potential future activities and actions with the current Project. The Project involves a *discretionary* action by the City which is the amendment of FMC Chapter 17.52. The Project is not approval of a solar facility, nor approval of an ADU, nor the issuance of a building permit for installation of a fence or other structure. That future activities or projects may or may not be limited to ministerial decision-making at such time as each is proposed is irrelevant to assessing whether the Project qualifies for a ministerial project exemption.

Moreover, even if there were some element of ministerial decision-making involved in the Project, CEQA Guidelines § 15268, "Ministerial Projects," at subd. (d) definitely establishes,

(d) Where a project involves an approval that contains elements of *both* a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

Although state law may limit or preclude the City from performing discretionary design review of certain future development projects or other activities, the Ministerial Projects exemption is unavailable to the Project.

3.3 The Project does Not Qualify for a Class 1 Categorical Exemption

The staff report discusses the Class 1 Categorical Exemption of CEQA Guidelines 15301, describing that, "[u]nder Section 15301 of the CEQA Guidelines, the Class 1 exemption "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use," and argues that, " [t]his proposed ordinance's exemption for very small projects falls under this Class 1 CEQA exemption." (HDC 6/24/26 pkt. p. 15.)

In making this argument the staff report confuses potential future approvals for some unidentified existing facility with the current Project. The Project is the amendment of FMC 17.52. The Project does not involve an approval associated with an existing facility and the Class 1, "Existing Facilities," categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of existing facilities in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 1 exemption. However, whether such projects may or may not qualify for the Class 1 exemption is a matter to be determined when such a project is proposed and, at that time, will require assessment of the particular factors of the project. Moreover, as part of that assessment, the City needs to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 1 exemption, and such an assessment cannot be performed until a potentially eligible Class 1 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or modified structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performing design review for a particular new or modified structure in the Historic District is a key step that often enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.4 The Project does Not Qualify for a Class 3 Categorical Exemption

The staff report discusses the Class 3 Categorical Exemption of CEQA Guidelines 15303, describing that, "[u]nder section 15303 of the CEQA Guidelines, projects consisting of "construction and location of limited numbers of new, small facilities or structures;

installation of small new equipment and facilities in small structures…", and argues that, "the ordinance amendment's exemption of fences, hot tubs, outdoor kitchens, and patios qualify for the Class 3 Categorical Exemption under CEQA, in addition to the Common Sense exemption." (HDC 6/24/26 pkt. p. 15.)

In making this argument the staff report confuses potential future approvals for some unidentified new construction or conversion of a small structure with the current Project. The Project is the amendment of FMC 17.52. The Project does not involve an approval associated with a new or proposed conversion of a small structure, thus, the Class 3, "New Construction or Conversion of Small Structures," categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of small structures in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 3 exemption. However, whether such projects may or may not qualify for the Class 3 exemption is a matter to be determined when such a project is proposed and requires assessment of the particular factors of the project. Moreover, as part of that assessment, the City would need to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 3 exemption, an assessment that cannot be performed until a potentially eligible Class 3 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or converted small structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performance of design review for a particular new or modified structure in the Historic District is a key factor that then enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.5 The Question of Exceptions to Categorical Exemptions is Moot and Staff's Conclusion is Not Supported by Substantial Evidence

The staff report asks the HDC to recommend that the City Council find, among other things, that none of the CEQA Guidelines 15300.2 *exceptions* to categorical exemptions apply. However, neither the Class 1 nor the Class 3 categorical exemptions identified in the staff report can be applied to the Project for reasons explained above, and the question of whether any exceptions to the exemptions is therefore moot. Nevertheless, additional discussion is provided here in response to the staff report.

3.5.1 Unusual Circumstances

CEQA Guidelines §15300.2(c) provides, "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA does not define the term "unusual circumstances," but case law has held that an *unusual circumstance* refers to

"some feature of the project that distinguishes it" from others in the exempt class. (*Fairbank v. City of Mill Valley*, (1999) 75 Cal. App. 4th 1243, 1259.)

The staff report states that "the ordinance amendments do not involve any unusual circumstances, because creating different levels of design review within a municipality's administrative processes is a common-place feature of municipal government, and as explained above, these changes will not have any significant effects on the environment." (HDC 6/24/26 pkt. p. 16.) This discussion in the staff report further emphasizes the fact that the Project does not fit within either the Class 1 or Class 3 exemption.

The staff report's statement that "creating different levels of design review within a municipality's administrative processes is a common-place feature of municipal government" may be accurate but has nothing to do with a comparison of the Project to the circumstances of a typical Class 1 or Class 3 project. In fact, the Project's circumstances are inherently *unusual* as judged relative to the typical circumstances of projects fitting either the Class 1 or Class 3 exemption, because the Project is an amendment to a zoning ordinance applicable to the entirety of Folsom Historic District.

If the unusual circumstances tail needs to be chased even further, then it is also worth noting that Project's unusual circumstance as compared to Class 1 and Class 3 projects does create the potential for significant impacts that would not be typical of the types of impacts associated with a Class 1 or Class 3 project, because the Project involves amendment of a zoning code regulating development and demolitions in a Historic District whereas the typical Class 1 and Class 3 project does not create or amend a zoning ordinance pertaining to a historic district.

Thus, even if through some abstract theory the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the unusual circumstances exception whereby the Project's unusual circumstance do result in the Project having the potential to result in adverse effects on the character of the Historic District by relaxing or eliminating design review requirements creating the potential for adverse impacts as discussed in this letter.

3.5.2 Historical Resources and Cumulative Impacts

CEQA Guidelines §15300.2(f) provides, "Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." Regarding the CEQA Guidelines § 15300.2(f) historical resources exception to the exemption, in *Hillside* the Supreme Court cited *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039 affirming the holding that once a resource is recognized as historic, "the fair argument standard applies to the question of whether the proposed project 'may cause a substantial adverse change in the significance of an historical resource' and thereby have a significant effect on the environment." (*Hillside*, supra, 60 Cal.4th at 1117.)

The staff report states that, "[t]he ordinance amendments would not result in any significant cumulative environmental impact, because there is no substantial evidence in the City's record demonstrating that the amendments would result in any significant increase in impacts in the Historic District by virtue of just changing the design review process, which still protects listed and potentially eligible historic resources."

The staff report's assertions fail to recognize the Project provisions that eliminate design review of non-building structures and eliminate design review of privacy walls and

fences, both of which if unregulated pose the potential to result in a substantial adverse change in the significance of individual historic resources within the Historic District and the overall quality and character of the Historic District. Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the historical resources exception.

CEQA Guidelines 15300.2(b) provides, "Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."

Although the staff report asserts that the project would not result in any significant cumulative environmental impact, such a notion fails to recognize the breadth of the Project and the staff report's discussion does not provide any basis for cumulative circumstances that were considered in making its conclusion.

The Project amendments to FMC 17.52 alter and reduce the design review and other roles of the HDC, eliminate design review provisions for all non-building structures, and expressly exempt certain features from any design review. FMC 17.52 applies to the 98-block of Folsom's Historic District that contains federal, state, and locally recognized historic resources and properties, commercial areas with high tourism, recreational and cultural resources access, and the Historic District is a locally important historical resource. Elimination of design review provisions for all types of non-building structures that might be developed throughout the Historic District has the potential to result in significant adverse cumulative impacts when the Project (amendments to FMC 17.52) is considered in combination with future development within the Historic District.

Moreover, as discussed throughout the staff report, there are several types of individual future projects that may be developed in the Historic District – such as solar facilities, ADUs, multi-family housing – that will be exempt from CEQA and may also be exempt from design review whether by state law or by the City's own doing. Any consideration of cumulative effects of FMC 17.52 amendments must account for the potential for such developments to occur without design review and reflect the expanded importance of design review.

Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the cumulative impacts exception and the City has provided no meaningful evidence or assessment of these potential cumulative impacts.

3.6 Public Resources Code section 21080.35 Exemption

The staff report states that, "[t]he ordinance amendments are statutorily exempt from CEQA review under Public Resources Code section 21080.35, which states in pertinent part that CEQA '...does not apply to the installation of a solar energy system on the roof of an existing building or at an existing parking lot.'" … "To the extent the ordinance amendments apply to solar panels on the roof of an existing building or at an existing parking lot, they are exempt from CEQA under this statute. Staff has not seen and does not anticipate receiving applications for the installation of solar panels on property within the Historic District that include a proposal to install solar panels anywhere other than the roof of an existing building or at an existing parking lot." (HDC 6/24/26 pkt. p. 16.)

The Project does not involve development or approval of a solar energy system and this statutory exemption is inapplicable as an exemption for the Project.

4. Readopting Amendments to Chapter 17.52 will Restart a 90-Day Statute of Limitations for a Challenge of Provisions that Purport to Give Final Approval Decision to the HDC in Conflict with the City Charter

When the City Council adopted the FMC 17.52 amendments on October 28, 2025, a final ruling was pending in a separate matter, *Delp v. City of Folsom, et al*. (Superior Court of California, County of Sacramento, Case No. 23WM000125) involving two causes of action, the second of which involved Delp's request for declaratory relief pertaining to Folsom City Charter Section 4.07's limitation on the authority of the Historic District Commission as pertains to the 603 Sutter Street Mixed-Use project that was subject to that litigation. On October 31, 2025, the Court issued its final ruling. With regard to the HDC approval authority, as pertains to the 603 Sutter Street project design review, the Court found that the City's interpretation of Charter Section 4.07 was "entirely unreasonable," and that,

> As the plain language of Section 4.07 provides, the City's authority to prescribe the "powers and duties" of other boards and commissions, like the Historic District Commission, is limited by the provision that "All boards and commissions only shall be advisory to the Council."

and that,

> the City exceeded the limitations of its Charter to the degree it authorized the Historic District Commission to exercise final approval authority over the Project. The FMC purports to grant the Historic District Commission "final authority relating to the design and architecture" of "[a]ll new office, industrial, commercial and residential structures," which includes the Project. (Pet. RJN Exh. C [RJN000060, FMC § 17.52.300.) The FMC also purports to authorize the Historic District Commission to carry out the City's CEQA compliance with regard to the Project, directing that the Commission "shall not approve applications prior to considering the applicable environmental document and complying with the requirements of CEQA[.]" (Id. at RJN000062, FMC § 17.52.390.) Approvals by the Historic District Commission may be appealed to the City Council, as the Project was here, but the Council is not required to review them. (Id. at RJN000083-83, FMC §§ 17.52.700-720.) These provisions purport to vest the Historic District Commission with the power to act on behalf of the City, without oversight or ratification by the City Council. They therefore cannot be squared with the Charter's limitation that the Commission's power is "only advisory." The City offers no authority or argument that the Historic District Commission acted in an "advisory" capacity when it approved the Project at issue here. **Thus, the provisions of the FMC which purport to delegate final approval authority to the Historic District Commission, as applied to the Project, conflict with the City Charter**.

(Superior Court of California, County of Sacramento, Case No. 23WM000125; *Final Ruling on Submitted Matter*, October 31, 2025. Emphasis added.)

In my comments to the City Council on October 14, 2025, (6/24/26 HDC pkt. pp. 119-124), I urged the Council to recognize that, "any revisions to FMC 17.52 that modify or expand the purported final authority of the HDC would exacerbate the existing FMC 17.52 conflict with City Charter section 4.07," noting the proposed amendments to 17.52.360 expanding the HDC's final authority role to include "expiration and extension of [conditional use] permits," FMC 17.52.370 expanding the HDC's final authority role to include "expiration and extension of

[variance] requests," and expanding the HDC's final authority role in acting as the appeal hearing body pursuant to FMC 17.52.700 for the proposed new design review authority of the CDD Director established by FMC 17.52.300(B).

Although a 90-day statute of limitations to challenge the expanded HDC final authority of the amendments adopted by the Council on October 28, 2025, has expired, and the ruling in Case #23WM000125 pertained to that particular project, any re-adoption of amendments to FMC 17.52 that involve a modification or expansion of HDC authority that cannot be squared with the Charter's limitation that the HDC's power is only advisory may be subject to legal challenge for a 90-day period pursuant to Gov. Code, § 65009, subd. (c)(1). I expect that the Project amendments could be *rescinded* to restore FMC 17.52 to its pre-2026 language without subjecting the code to potential challenge under Gov. Code, § 65009, subd. (c)(1).

Any amendments to FMC 17.52 should include changes to ensure that the roles allocated to the HDC are in accordance with the limitations imposed by Charter Section 4.07. Alternatively, the city should consider amending the FMC 17.52 appeal procedures in a manner to alleviate the issues associated with granting final authority to the HDC.

Given that the City Council is presently pursuing a ballot measure attempting to modify Charter Section 4.07, the outcome of which will be known in November of this year, it would seem prudent for the City to rescind Ord. 1353 and reinstall the pre-2026 FMC 17.52 until such time as the Council either abandons the ballot measure or until the election determines whether the Charter will be amended by the voters and what amendments to FMC 17.52 may or may not be then warranted.

5. Conclusion

I encourage the HDC to recommend that the City Council rescind Ord. 1353, restore FMC 17.52 to its prior content.

Thank you for considering my comments.

Sincerely,

Bob Delp
Historic District - Folsom, CA 95630 - bdelp@live.com - 916-812-8122

June 22, 2026

Folsom Historic District Commission
City of Folsom
50 Natoma Street
Folsom, CA 95630
Sent via email to pjohns@folsom.ca.us; dparrington@folsom.ca.us; jkinkade@folsom.ca.us; sdierking@folsom.ca.us

The Heritage Preservation League (HPL) requests that the ordinance be revised, not re-adopted. Parts of the ordinance are much needed, delegation of sign approval, for example. However, HPL continues to object to provisions which remove existing protections for historic and contributing sites. We believe these to be unintended consequences that can be corrected. While the goal of efficiency is desirable, the ordinance allows for decisions to be made which are not in keeping with the City goals stated in the General Plan and the Folsom Municipal Code. There are major and minor issues with the ordinance and with the CEQA arguments in the staff report. The discussion below of major concerns with the ordinance provides amplification for the CEQA concerns.

The major concerns with the CEQA arguments are:

HPL's concerns are focused on design, with no objections now which relate to our minor concerns or to exemptions for projects beyond the City's control or for provisions relating to uses.

The CEQA arguments are premised on the concept that "changing which body (HDC or staff) will process the minor approvals covered under the proposed amendments does not have the potential to cause a physical change in the environment directly or indirectly." For this premise to be true, there needs to be equivalent expertise in both bodies. Historic District Commissioners are appointed based on their individual expertise, with the aggregate bringing a high level of expertise to the Commission as a whole. In contrast, there is no requirement that the Community Development Director have any level of historic preservation/architectural expertise, nor that any staff have expertise to advise the Director's decisions. Such expertise is not a requirement of a city planner degree. It goes without saying that decisions made outside one's field of expertise have the potential for adverse physical effects.

Common Sense Exemption

As quoted in the staff report, the CEQA Guidelines exempt activities "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." Unless the ordinance is revised, implementation may have a significant effect on the environment. Specifically, 1) The lack of requirement in the ordinance that the Community Development Director's decisions be informed by historic preservation expertise has potential to adversely affect cultural resources, as noted above. 2) Only design review of buildings is provided, which means that new non-conforming structures that are not buildings can be constructed without review and existing historic structures that are not buildings can be modified or demolished without review. Non-buildings include some of the most historic features of the Historic District, for example, historic cemeteries (some of which, not all, are on the Cultural Resource Inventory) and remnants of railroad, gold mining, Chinese, and native people's activities. 3) The "small" projects exempted by the ordinance are not necessarily "minimal and aesthetically similar to the original" as the staff report asserts. For example, exempting projects "outside of the front and street side yards" means that installations of

noticeably modern design can significantly affect cultural resources in the vicinity. The staff report argues that such exempt projects are not visible from the street, but there is no requirement for screening from view. There are other examples.

Ministerial Exemption.
As quoted in the staff report, the CEQA guidelines exempt "…governmental decision[s] involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision." The ordinance charges the Community Development Director with decisions on whether a project is historic or potentially historic without sufficient "law" to apply. If a project is listed on a state or national register or is listed on the City's Cultural Resource Inventory or is listed in the City's Historic Preservation Master Plan (HPMP), the Director's decision to refer the project to the Historic District Commission is clearly ministerial. It would also be a ministerial decision then to conclude that projects not so listed are not historic or potentially historic. However, the great majority of buildings and structures in Historic Folsom have not been professionally evaluated for historicity, for whether they are contributing to the goals of the District. Absent such listing, per the ordinance the Director's decision then is to be based on methodology in the CEQA Guidelines or in the HPMP as to whether a project is a historic or potentially historic resource. The methodologies in both are intended only to provide information to guide legislative decisions, not ministerial staff decisions. See further discussion below.

Exceptions to Categorical Exemptions
The staff report asserts, "None of the exceptions apply. The ordinance amendments would not result in any significant cumulative environmental impact because there is no substantial evidence in the City's record demonstrating that the amendments would result in any significant increase in impacts in the Historic District by virtue of just changing the design review process, which still protects listed and potentially eligible historic resources." As explained above, changing the design review process without providing equivalent expertise has the potential to negatively impact cultural resources.

Further, the fact cited by staff, that the entire Historic District has not been "listed," does not mean that it should not be so viewed. The General Plan and the Zoning Code both recognize that the entire small town within the larger modern town is a valuable cultural resource to be protected. As usual, Folsom was ahead of the curve, recognizing that not only buildings or small groupings of buildings are historically significant but that the urban form of development prior to World War II is as important a communicator of the past as any building within it. Small-town America is homogenizing, and authentic small towns of Historic Folsom's era are increasingly rare. The cumulative effect of individual decisions regarding buildings and structures in the Historic District will either maintain the historic small town envisioned in the General Plan and Zoning Code or will incrementally result in a non-historic small town.

The major concerns with the ordinance are:

Review of structures has been removed, meaning that there is no provision for review of projects affecting historic structures, only buildings, and there is no provision that new structures be built in accordance with historic design. For example, unprotected structures would include the cemeteries not yet listed and the extant remnants of railroad, gold mining, Chinese and native people's history. The ordinance conflicts with Section 17.52.120 of the Folsom Municipal Code (FMC) without amending it.

RECOMMENDATION: restore the word “structure” in all instances where “building” is identified for review or demolition.

There is no requirement that there be historic preservation/architectural expertise among City staff to advise the Community Development Director’s opinions regarding a site’s historic/contributing status nor its environmental review and regarding whether staff or Historic District Commission (HDC) is the appropriate hearing body. Training in historic preservation is not a requirement for an urban planning degree.

RECOMMENDATION: add provision that in any instance where qualified professional advice to the Community Development Director is not available, applications will be heard by the Historic District Commission. Qualified professional advice should be at least equal to the aggregate of qualifications required for appointment to the Historic District Commission. Application materials for review or demolition need to include the applicant’s good-faith effort to provide information on the topic areas cited on the first two pages of Appendix A of the HPMP.

An unintended consequence is that strict reading of the ordinance would limit review by the Historic District Commission to listed buildings, for practical reasons. Otherwise the Commission or its staff would be required to gather extensive information required under the CEQA Guidelines and HPMP. Strict reading would also put the Director in the role of the legislative body in certain circumstances while requiring that the same level of information be gathered on which to base decisions. FMC17.52.300(A)2 of the ordinance, in practical terms, adds new limits on what projects are subject to design review by the HDC, in contrast to the charge to the HDC in FMC17.52.120. The ordinance cites only the two adopted lists and two guidelines provisions as criteria for decisions. In effect the ordinance restricts HDC review to only projects affecting buildings on an adopted list, because the staff work required to use the CEQA Guidelines and HPMP to identify whether other sites are historic is extensive. What then does the ordinance protect? Only a few of the many buildings and structures in the Historic District have been evaluated by qualified professionals in accordance with provisions of the HPMP and have thus been approved by the Commission to be listed on the City’s Cultural Resource Inventory (in accordance with requirements of the adopted Historic Preservation Master Plan (HPMP). The HPMP itself contains the second list the ordinance references, the Preliminary Cultural Resources Inventory. It was created by the citizen committee that prepared and recommended the HPMP to the City Council; committee members were appointed based on their individual qualification by reason of longtime involvement in particular aspects of preservation of Folsom’s history (HPMP, p. 2). Besides the two lists, the other two criteria cited for Historic District Commission and Community Development Director review guidance are the California Environmental Quality Act (CEQA) Guidelines and the HPMP’s City of Folsom Cultural Resources Inventory Registration Form, which is modeled on the form for the National Register of Historic Places. Each of these two citations defines only a process, a lengthy process as noted above, which is intended to provide decision makers, not staff, with information on which to base their decisions.

Consider the purpose and authority of the two guidelines cited. The CEQA Guidelines section cited provides the process to guide determination of whether a project will have a significant effect on a historic resource, for purposes of environmental review. The same process is used to determine whether a project will be listed on the California Register. Staff has a role in giving an opinion, usually based on the opinions of experts, but it is ultimately up to the legislative body to endorse or decline any recommendations or conclusions regarding whether the project will affect a historic resource. Similarly, per the HPMP and the City’s past practices, the Historic District Commission determines a site’s eligibility for the Cultural Resource Inventory. Staff’s

role is to submit information on which the Commission will base the decision. Neither the process of the CEQA Guidelines nor the process of the HPMP can be carried out in a manner that achieves the efficiency goal of the ordinance. For example, adding the Granite School to the California Register took a year to prepare the submittal. Adding Folsom Prison to the City's Cultural Resource Inventory also took a year.

Given Folsom's history and how few sites are on either list, it is likely that there are other sites that should be listed. For example, the Orangevale Avenue Bridge was not on either list until the omission was called to the City's attention by HPL and the Lincoln Highway Association in connection with a public works project; it was ultimately placed on the Cultural Resource Inventory through the process defined in the HPMP.

However, there is no process for adding sites to the other list, the Preliminary Cultural Resource Inventory of the HPMP, an appropriate means to create such a process. The General Plan calls for updating the HPMP, but it is currently not scheduled.

RECOMMENDATION: Either have all buildings/structures in the Historic District evaluated by qualified historic professionals before delegating any approvals to the Community Development Director

OR

Acknowledge that all buildings and structures in the Historic District are potentially historic/contributing and thus ineligible for delegation of approval of changes AND give the Community Development Director full authority to evaluate whether a proposed project maintains the structure's original or existing style (Design and Development Guidelines Goal 1, Policy 1.2; Goal 2, Policy 2.30). This avenue may delay full realization of the General Plan and zoning goals, but it avoids requiring extensive staff time to gather information required under the CEQA Guidelines and the HPMP in order for the Commission to exercise its role in determining historic significance. Applicants can be assured of a quick approval by submitting designs that continue the structure's style. If they wish to support the City's goals by bringing the structure into compliance with historic design, they can choose to go to the Historic District Commission.

<u>Demolition provisions would allow demolition of historic/contributing, and potentially historic/contributing, buildings and structures.</u> FMC17.52.660 protects only buildings and introduces a new standard for exempting demolition from review: whether the building was originally constructed at least 50 years before application for demolition. Age should not be the only determinant if the General Plan and zoning goals are to be met. Proper determination of historicity depends on consideration by qualified persons of all the topic areas in the CEQA Guidelines and the HPMP. There are buildings which have been modified and constructed since 1998 (when the Historic District regulations were adopted) or 1988 (when the General Plan defining the Historic District boundary was adopted) which have been built in accordance with historic standards and/or approved by the Historic District Commission. AllowingE such buildings to be demolished without review undermines public support for historic regulation as a whole. It's unlikely that owners would demolish a building they constructed, but a subsequent owner might want something different. That could be sufficient reason for allowing demolition but not until justification of the demolition is explained at a hearing.

RECOMMENDATION: Require all proposed demolition to provide justification at a hearing before the Historic District Commission or the Community Development Director

Exemption provisions allow non-historic structures to be built in public view. As cited above, the ordinance's approach of citing project types that can be built without an approval leaves open the possibility of non-conforming structures visible to the public with no avenue for requiring them to be brought into compliance.

RECOMMENDATION: Instead of a list of projects, use a performance standard, stating to the effect that all small projects are exempt if they are constructed in accordance with defined architectural styles or are adequately screened from public view.

This page is intentionally left blank to facilitate double-sided printing and minimize paper use.

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	7/14/2026
AGENDA SECTION:	Public Hearing
STAFF REPORT TITLE	Ordinance No. 1375- An Ordinance of the City of Folsom Re-Adopting Ordinance 1353 To Amend Chapter 17.52 of the Folsom Municipal Code for the Historic District Relating to Design Review, Sign Permits, Demolitions, and Accessory Buildings (Introduction and First Reading) and Determination that the Action is Not Subject to CEQA
FROM:	Community Development Department

Staff is providing the attached additional information for the above-referenced agenda item:

1. Comment letter from Bob Delp, dated July 10, 2026
2. Comment letter from Bob Delp, dated July 13, 2026
3. Comment letter from Bob Delp, dated July 14, 2026

Instructions to staff: *Deliver original and 30 stapled/double-sided copies to the City Clerk's Department; City Clerk's Department will distribute via email and hardcopy to City Council, City Manager, City Attorney, and City Clerk.*

Updated: Jan 2026

July 10, 2026
City of Folsom City Council
50 Natoma Street,
Folsom, CA 95630
via email to: cfreemantle@folsom.ca.us for distribution to City Council

SUBJECT: Comments to City Council re: July 14, 2026, Agenda Item No. 18 – Ord. No. 1353 Amending FMC Chapter 17.52 – Failure to Comply with FMC Amendment Process

Dear City Councilmembers:

This letter is to express my objection to the City Council's consideration of readopting amendments to Folsom Municipal Code (FMC) Chapter 17.52 in a manner that does not comply with the process for zoning code amendments prescribed by FMC Chapter 17.68.

FMC Chapter 17.68, "Amendments," sets forth the required procedures for amending FMC Title 17, "Zoning." Pursuant to FMC 17.68.030, the Planning Commission is to hold a public hearing on any proposed amendments to Title 17. Then, pursuant to FMC 17.68.040, following the hearing "**the planning commission shall submit a report of its findings and a summary of hearings, together with its recommendations with respect to the proposed amendment to the city council.**" Then, pursuant to FMC 17.68.050, "**upon receipt of such report from the planning commission**, the city council shall set the matter for public hearing" at which "the city council may adopt the proposed amendment or any part thereof."

The City's process for FMC 17.52 amendments in October 2025 did not comply with the requisite FMC 17.68 procedures. The Planning Commission held no hearing on the proposed amendments and the Planning Commission provided no report or recommendation regarding the amendments to the City Council.

Continuing with disregard for FMC 17.68 procedures, the staff report for 7/14/2026 agenda item 18 makes no mention of the FMC 17.68 amendment procedures and does not include or reference a report from the Planning Commission – in fact, by all appearances, no such report has been prepared. Exacerbating the problematic absence of the required Planning Commission report, the staff report mischaracterizes the recommendation passed on motion by the Planning Commission on 6/17/2026. Contrary to the statement in the staff report that the Planning Commission "recommended that the City Council *consider instructing staff to re-consider*...excluding all fence types," the Planning Commission's motion recommended that "**the City Council reconsider**" the privacy wall/fence exemption. This was a Planning Commission recommendation for reconsideration directly by the City Council prior to making a decision on readopting the amendments, not a recommendation for the Council to instruct staff to reconsider.

In adopting amendments to FMC 17.52 in 2025 the City did not follow the required process and now, in considering readoption and potential modifications, the City is still disregarding the procedures set forth in FMC 17.68. The lack of a Planning Commission report as required by FMC 17.68.040 and the staff report's mischaracterization of the Planning Commission's recommendation taints the information provided for consideration by the City Council and fails to comply with FMC 17.68. Any action by the City Council to readopt amendments to FMC 17.52 must be taken in compliance with the process prescribed by FMC 17.68.

Thank you for considering my comments.

Sincerely,

Bob Delp - Historic District Resident - Folsom, CA 95630 - [redacted]

July 13, 2026
City of Folsom City Council
50 Natoma Street, Folsom, CA 95630
via email to: cfreemantle@folsom.ca.us for distribution to City Council

SUBJECT: Comments to City Council re: July 14, 2026, Agenda Item No. 18 – Ord. No. 1353 Amending FMC Chapter 17.52 – Recommended FMC 17.52.300 Revisions

Dear City Councilmembers:

I am the Petitioner in Superior Court of the State of California, County of Sacramento, Case No. 26WM000118 that pertains to the City Council's October 28, 2025, approval of the Folsom Municipal Code Chapter 17.52 ("FMC 17.52") amendments that are the subject of the Council's agenda item 18. However, I am providing these comments as a citizen of Folsom and a resident and property owner in the Historic District interested in the protection, preservation, and enhancement of the Historic District's character and quality.

Attachment 1 of this letter provides suggested revisions to the FMC 17.52 amendments adopted by the Council in October 2025. As shown, my suggested revisions are limited to section 17.52.300. Margin notes in Attachment 1 provide a brief rationale for each of the suggested revisions.

The October 2025 amendments eliminated design review of all *structures* that do not meet the definition of *building*.[1] The revisions suggested in Attachment 1 reflect minor text changes but important adjustments to FMC 17.52.300 that would restore design review provisions for non-building structures, including walls and fences consistent with the Planning Commission's June 17, 2026, recommendation. These suggested revisions restore important protections for the character and quality of the Historic District.

The October 2025 amendments made substantial changes throughout FMC 17.52; among other things, shifting much of the design review role to the Director of the Community Development Department ("CDD"). Although I and others have expressed concerns about that shift, the revisions suggested in Attachment 1 retain the City's intent to allow for the CDD Director to perform design review.

I am opposed to the City Council's *readoption* of the October 2025 amendments to FMC 17.52 and neither the Council's decision to adopt the amendments last October nor the currently recommended readoption qualify as exempt from the California Environmental Quality Act ("CEQA").[2] Thus, I urge the Council to consider the FMC 17.52.300 revisions recommended in Attachment 1 and suggest that the revisions would likely alleviate much of the concerns related to impacts that the October 2025 amendments would have on the character and quality of the Historic District.

Thank you for considering my comments.

Sincerely,

Bob Delp - Historic District Resident - Folsom, CA 95630 - [redacted]

Attachment 1: 17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

---

[1] Per FMC 17.02.090, *"Building" means any structure having a roof supported by columns and/or by walls and intended for the housing or shelter of any person, animal or chattel*. Per FMC 17.02.400 *"Structure" means anything constructed or erected upon the ground or attached to a structure having location on the ground*.
[2] See 7/14/2026 Staff Report Att. 3, Bob Delp June 22, 2026, letter to HDC, incorporated here by this reference.

Attachment 1

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

Black text is section 17.52.300 as amended by the Council's October 2025 approval. The underline/strikethrough changes shown in red are recommended additions/deletions that would serve to restore design review for non-building structures and other provisions as explained in margin comments.

17.52.300 Design review.

A. Except as otherwise provided in subsection B of this section, the design and architecture of the following projects shall be submitted to the historic district commission for review and approval under the provisions of this chapter:

1. All new office, industrial, commercial and residential buildings, excluding accessory buildings as defined in Section 17.02.020 and accessory dwelling units as regulated by subsection D of this section;

2. All exterior renovation, remodeling, modification or addition to existing buildings located on properties listed in the city's cultural resources inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines Section 15064.5 or the adopted city of Folsom historic preservation master plan;

3. All additions to existing buildings over twenty-five percent of the total square footage of the existing building or over five hundred square feet, whichever is less, except additions to accessory buildings, as regulated by subsection (B)(3) of this section and additions to accessory dwelling units as regulated by subsection D of this section;

4. Projects which are part of a planned development or a tentative map;

5. Proposed project design guidelines and standards and revisions to existing design guidelines and standards.

B. The design and architecture of the following projects shall be submitted to the community development director for review and approval under the provisions of this chapter:

1. All exterior renovation, remodeling, or modification to existing buildings, except those exempted under subsection C of this section, and those regulated under subsection (A)(2) of this section;

2. All additions to existing buildings under twenty-five percent of the total square footage of the existing building or under five hundred square feet, whichever is less, except additions to accessory buildings, as regulated by subsection (B)(3) of this section and additions to accessory dwelling units, as regulated by subsection D of this section;

3. All new accessory buildings, including but not limited to garages and sheds, and any addition to such buildings, except those regulated under subsections (A)(2) and (D)(1) of this section.

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

Black text is section 17.52.300 as amended by the Council's October 2025 approval. The underline/strikethrough changes shown in red are recommended additions/deletions that would serve to restore design review for non-building structures and other provisions as explained in margin comments.

~~4.~~ All new structures and all modifications to existing structures for which design and architectural review is not otherwise provided in subsection (A) or subsections (B)(1) through (B)(3) of this subsection, excepting those structures exempt from design review pursuant to subsection (C) of this section.

C. The following types of projects are exempt from the design review process under this chapter:

1. Minor modifications including:

a. In-kind ~~R~~replacement of existing building and roof materials ~~with similar materials~~;

b. In-kind ~~R~~replacement of existing windows and doors ~~with similar windows and doors~~;

c. Changes to exterior colors on residential buildings;

d. Patio covers, gazebos, pergolas and trellises under two hundred square feet in size and located outside of the front, side, and street side yards;

~~e. Privacy walls and fencing, excluding chain link, which is not allowed;~~

~~f~~e. Aboveground spas and hot tubs located outside of the front and street side yards;

~~g~~f. Solar panels;

~~h~~g. Outdoor cooking facilities located outside of the front and street side yards; and

~~i~~h. Other projects that the director through written authorization deems similar in material, design, and scope to those listed, except projects involving buildings or properties on the city's cultural resources inventory or located on an existing or potentially eligible historic resource, as defined by the California Environmental Quality Act Guidelines Section 15064.5 or the adopted city of Folsom historic preservation master plan, which are subject to historic district commission approval.

D. Final approval authority relating to the design and architecture of accessory dwelling units and additions to such buildings within the historic district boundaries shall be as follows:

Commented [BD1]: This addition ensures that non-building structures that are not otherwise exempt (at "C" below) will be subject to design review, but allows that all such non-building structures may be reviewed by the CDD Director and does not require review by HDC.

Commented [BD2]: The change to "in-kind" here and below is intended to reduce subjectivity associated with interpreting "similar" and reduce the potential for replacements to substantially differ from the original material. On 7/2/2026, CDD Planner Stroud advised HFRA that a re-roofing permit was erroneously issued in March 2026 for a building at 512 Natoma St and that, had CDD staff reviewed the project, CDD would not have allowed black comp shingles and would have required replacement with red Spanish tiles consistent with the Spanish eclectic style of the roofing materials being replaced. Although the term "in-kind replacement" may not fully protect such erroneous building permit issuances, the term provides for more restrictive interpretation than "similar" and offers reduce potential for misinterpretation.

Commented [BD3]: Deletion of this provision reflects the Planning Commission's recommendation and corrects an obvious inconsistency between this category of "minor modifications" and walls/fences that can be 100s of feet in length at any given property. Note that item "h" (as renumbered below) allows the director to deem individual projects exempt; therefore, individual walls/fencing projects could still be deemed exempt from design review by the director but without the unlimited exemption that would exist if walls/fences are retained on the exempt list.

Commented [BD4]: Documentation of any CDD Director project-specific exemption is needed both for the City/public record and as evidence of the exemption for the person/property owner obtaining the project-specific exemption.

17.52.300 Amendment Concept Recommended by Bob Delp 7/13/2026

Black text is section 17.52.300 as amended by the Council's October 2025 approval. The underline/strikethrough changes shown in red are recommended additions/deletions that would serve to restore design review for non-building structures and other provisions as explained in margin comments.

1. The historic district commission shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on height, and any new garage or other attached conditioned or unconditioned space proposed along with such an accessory dwelling unit.

2. The historic district commission shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on height.

3. The community development director shall have final approval authority relating to the design and architecture of proposed attached or detached accessory dwelling units not exempt from design review by California Government Code Section 66321 based on square footage, and any other attached space proposed along with such an accessory dwelling unit.

4. The community development director shall have final approval authority relating to the design and architecture of proposed additions to existing accessory dwelling units that result in the unit no longer being exempt from design review by California Government Code Section 66321 based on square footage. (Ord. 1353 § 3, 2025; Ord. 890 § 2 (part), 1998)

Bob Delp – July 14, 2026

City of Folsom City Council
50 Natoma Street
Folsom, CA 95630
via email to: cfreemantle@folsom.ca.us for distribution to City Council

SUBJECT: Comments to City Council re: July 14, 2026, Agenda Item No. 18 – Ord. No. 1353 Amending FMC Chapter 17.52 – Non-Compliance with CEQA and City Charter

To Folsom City Council:

I am the Petitioner in Superior Court of the State of California, County of Sacramento, Case No. 26WM000118 that, as discussed further in section 3 of this letter, pertains to the City Council's October 28, 2025, approval of the Folsom Municipal Code Chapter 17.52 ("FMC 17.52") amendments ("Project") the readoption of which is the subject of this City Council agenda item. However, I am providing these comments as a citizen of Folsom and a resident and property owner in the Historic District interested in the protection, preservation, and enhancement of the Historic District's character and quality. I am opposed to the City's readoption of Ord. No. 1353 and its amendments to FMC 17.52. Such a decision is a "project" under the California Environmental Quality Act ("CEQA") and the Project does not qualify for one or any combination of CEQA exemptions.

The obvious catalyst for the Council's consideration of readopting the FMC 17.52 amendments is that the City decided to attempt to bolster its arguments for why the Project is not subject to the CEQA. As explained further in this letter, even with that intended purpose, your staff report's arguments to excuse the Project from CEQA review fail. Most obviously absent is any discussion the Project's elimination of design review for all *structures* that do not meet the definition of *building*. Staff's "Environmental Review" discussion (CC 7/14/26 pkt. pgs. 268-271) fail to address this significant aspect of the Project. Staff's discussion clings to the faulty notion that the Project is limited to procedures and administration and exempts from design review only "very small projects." Yet, for the readoption to serve its purpose of proving a basis for exempting the Project from CEQA review, the City must demonstrate that it has considered the whole of the Project – including the fact that the Project changes to FMC section 17.52.300 eliminate a design review process for *all* non-building structures. As further explained in this letter, elimination of design review of privacy walls, fences, and all other non-building structures has the potential for significant adverse impacts to the character of the Historic District and its historic resources.

A responsible City Council interested in resolving CEQA litigation would candidly discuss the facts of eliminating design review for all non-building structures at tonight's hearing. If the Council then determines that the elimination of design review for all non-building structures has no potential for significant impacts to the Historic District, the Council should then ensure that substantial evidence to that effect is documented in the record. I believe the City Council cannot make that finding, and in my July 13, 2026, letter to the Council I have urged the Council to consider minor text revisions to FMC 17.52.300 that would restore design review for non-building structures, including privacy walls and fences.

In the 1990s, the City undertook a substantial effort in considering ways to protect and preserve the Historic District that culminated in the adoption of a re-written Folsom Municipal Code Chapter 17.52 ("FMC 17.52") and accompanying Historic District Design and Development Guidelines ("DDGs"). Many thoughtful people worked very hard to create a process defining objective standards and a design review process applicable to all *structures* in the Historic

District. The process may not be perfect and in recent years has been confronted by state laws that, while attempting to achieve commendable aims, have limited the City's ability to exercise design review to the extent envisioned in 1998. Nevertheless, the design review provisions of FMC 17.52 and the DDGs still serve a vital function in preservation and protection of the Historic District. Amending the processes they prescribe should not be taken lightly and the effects of any amendments should be fully understood before their approval.

The FMC 17.52 amendments effectively eliminate design review for all *structures* that do not meet the definition of *building* by establishing in FMC 17.52.300 that the HDC and CDD design reviews only apply to *buildings*. The distinction between these two terms and the resulting change in design review provisions resulting from the FMC 17.52 amendments focus on "buildings" are important for understanding the implications of the FMC 17.52 amendments. These definitions may have been overlooked by staff, the HDC, and the City Council in adopting the amendments last year and certainly warrant further consideration now.[1] The staff reports argue that only certain "very small" structures will be exempt from design review, however, the amendments establish no person and no commission to perform design review of any structures that are not buildings and therefore effectively eliminate all design review authority for all non-building structures. The City's claim that design review is only limited to certain "very small" structures cannot be reconciled with the actual effect that the amendments have in eliminating design review authority for all non-building structures. If this is an *unintended* aspect of the amendments, then now is the time for correction by ensuring that 17.52.300 is revised to establish a design reviewer for non-building structures.

Although the City Council is considering simply readopting the amendments, I urge the Council to more thoroughly consider amendments that achieve the City's efficiency goals while not eliminating important design review provisions that protect the Historic District's character and quality. I suggest the amendments to FMC 17.52.300 presented in my July 13, 2026, letter would help achieve that.

The Project amendments go too far in relaxing and eliminating important provisions of FMC 17.52 that were carefully developed through a rigorous process in the 1990s leading the 1998 rewrite and adoption of FMC 17.52 and its companion DDGs. In addition to eliminating design review of non-building structures, the Project amendments wrest far too much of the remaining design review role from the HDC and reassign that role to the CDD Director. Although I have disagreed with certain decisions made by the HDC in recent years, design review performed by a *commission* through a public hearing provides for a more comprehensive perspective on design considerations, allows for a more formal and visible public noticing and public comment process, eliminates one-on-one influence, and improves design review decision-making. Often, the HDC considers staff recommendations, discusses design adjustments with staff and

[1] The importance of not ignoring the FMC's definitions of terms is highlighted in an October 31, 2025, Sacramento County Superior Court decision pertaining to the 603 Sutter Street Mixed-Use project (Case No. 23WM000125) where the Court ruled that at the City did not comply with the California Environmental Quality Act ("CEQA") in approving that project. For that project, the City had determined that the project's parapet wall could be excluded when calculating the building height. To my knowledge, nowhere in the record had staff ever advised the HDC or City Council that the FMC definition of "building height" specifically establishes that building height is to include measurement to the highest point of any parapet wall. After two years of costly litigation, the Court concluded that "*…the City's interpretation is foreclosed by section 17.02.110, which specifically includes a building's parapet wall in the definition of 'Building height.' While the City is permitted to reasonably interpret its own codes and ordinances where they are unclear or conflicting, it is not permitted to ignore directly applicable provisions of such codes.*"

applicants, and modifies staff's recommendations to ensure design is more appropriate for the Historic District.

This is the very mechanism that, in 1998, City decision-makers decided was appropriate for the Historic District – with a *commission* performing design review not only for properties specifically identified on the City's list of historic properties, but for all properties, buildings, and other structures throughout the Historic District – where all properties contribute to the historic character of the entire Historic District that FMC 17.52 and the DDGs are intended to protect.

1. FMC 17.52 and DDG Background

Several of the Project amendments to FMC 17.52 either omit or alter design review and demolition review responsibilities. The amendments create internal inconsistencies within FMC 17.52 with regard to the scope and responsibilities for design review and create inconsistencies between FMC 17.52 and the DDGs. The purpose and intent of FMC 17.52 and the DDGs are important for understanding the baseline conditions to which any amendments to FMC 17.52 must be compared to understand the effects of any amendments.

On July 14, 1998, the City Council adopted Ordinance No. 890 which, among other things, rewrote FMC Chapter 17.52, established the HDC, and established Historic District primary and subarea boundaries in which specialized use and development standards apply. As stated in FMC 17.52.010,[2] "Purpose and intent," among the express purposes of FMC Chapter 17.52 are,

> 1. To preserve and enhance the historic, small-town atmosphere of the Historic District as it developed between the years 1850 and 1950;
>
> 2. To maintain, restore, and reconstruct historic structures and sites within the Historic District;
>
> 5. To ensure that new residential and commercial development is consistent with the historical character of the Historic District as it developed between the years 1850 and 1950; and
>
> 6. To increase the awareness, understanding, and appreciation of the history of the City.

As adopted in 1998, FMC 17.52.120(G) establishes that the HDC is to "[r]eview the design and architecture of any new structure, or alteration to any existing structures within the historic district," and FMC 17.52.330(B) anticipates that as part of the HDC's design review the HDC would consider criteria including "conformance with any…historic District design and development guidelines adopted by the city council." Three months later, on October 13, 1998, the City Council adopted the *City of Folsom Historic District Design and Development Guidelines* (Resolution No. 5757) ("DDGs")[3] to provide a comprehensive document to assist with the implementation of the regulations and standards contained in FMC 17.52.

---

[2] The attachment to your staff report includes only excerpts of the amended sections of FMC 17.52, but I urge the Council to obtain and consider the full chapter since several unamended sections are also important for understanding the amendments. An online version, as amended, is here: https://www.codepublishing.com/CA/Folsom/#!/Folsom17/Folsom1752.html#17.52

[3] The 1998 "Historic District Design and Development Guidelines" ("DDGs") are incorporated by this reference in their entirety. At the time of preparation of this letter, the DDGs are available to the public on the City of Folsom website at:
Main Document: https://www.folsom.ca.us/home/showpublisheddocument/23554/639038904142800000
Appendix A, Historic Resources: https://www.folsom.ca.us/home/showpublisheddocument/23556/639038904870370000
Appendix B, Visual Resources: https://www.folsom.ca.us/home/showpublisheddocument/23558/639038904877770000
Appendix C, Environmental Resources: https://www.folsom.ca.us/home/showpublisheddocument/23560/639038904884700000

The DDGs are not perfect, but they offer extensive and beneficial guidance for development in the Historic District.

Section 1.01, "Intent," of the DDGs explains,

> the City Council elected to adopt Historic District Design and Development Guidelines (hereafter the "Design and Development Guidelines") in conjunction with amendments to Chapter 17.52 of the Folsom Municipal Code (hereafter "Chapter 17.52"). By adopting the Design and Development Guidelines, the City Council intends to provide a comprehensive policy manual to assist with the implementation of the regulations contained in Chapter 17.52 of the Folsom Municipal Code. The goals, policies, and programs which have guided the preparation of this document and which are to be used in implementing Chapter 17.52 are enumerated in detail in Section 2.01 of this document. In addition to providing design review standards, the City Council intends to set forth in this document criteria that will guide further development within the Historic District. These Design and Development Guidelines provide policy direction concerning private and public development within the Historic District, as well as policy direction concerning public infrastructure and circulation improvements.

(DDGs, p. 1-1.)

The DDGs further explain the City Council's purpose and intent for FMC 17.52 and the DDGs to work in combination for protection of the historical character of the entirety of the Historic District and not solely focused on protection of certain individual properties deemed historically significant,

> Historic Folsom is also a representative example of the development of many small towns across the American West, and this legacy is likewise worthy of preservation, interpretation, and re-creation. While modern developments consist of carefully integrated architecture, materials, and site plans, protected by Design and Development Guidelines and CC&R's against discordant future construction, traditional development was more varied and occurred on a lot-by-lot basis. In conjunction with the regulations imposed by Chapter 17.52 of the Folsom Municipal Code, the Design and Development Guidelines limit future construction in Historic Folsom to the architectural styles extant in California from 1850 to 1950, a limitation intended to encourage the diversity which is the charm of old Folsom while preventing construction of modern buildings which would be discordant. While there are only a few structures within Historic Folsom which are individual architectural stand-outs, the homes and buildings, when taken together, evoke the feeling of life in small-town America, an aspect often ignored by history books and preservation efforts. By the adoption of Chapter 17.52 and these Design and Development Guidelines, the City Council seeks to preserve that image.

(DDGs, Section 1.01, pg. 1-2.)

Appendix D, Design Criteria: https://www.folsom.ca.us/home/showpublisheddocument/23562/639038904905270000
Appendix E, Historic District Circulation Plan: https://www.folsom.ca.us/home/showpublisheddocument/23564/639038904914600000

The DDGs include goals and policies pertaining to Historic District design review including,

> GOAL l: Community Identity: To preserve and enhance the historic, small-town atmosphere of the 98-block Historic District area.
>
> Policy 1.4: Since the Historic District plays a central role in determining the character of the City of Folsom, **every project within the Historic District, at every stage of approval and construction**, should be marked by an attention to quality which will serve as a benchmark to the rest of the community.
>
> GOAL 6: New Development: To ensure that new residential and commercial development is consistent with and enhances the historical character of the historic district.
>
> Policy 6.1: New development shall conform to architectural and infrastructure standards of Chapter 17.52 of the Folsom Municipal Code and these Design and Development Guidelines.

Additionally, the DDGs assign demolition review for all existing structures in the Historic District to the HDC, stating,

> Policy 6.3: Demolition of existing structures located in the Historic District shall require approval of the Historic District Commission, which shall consider 1) whether the public health, safety and/or welfare warrant the demolition; 2) what accommodation can be provided to the owner of the property to make it feasible to preserve the property or structure; 3) whether the owner of the property is willing to sell the property or structure to a buyer who wishes to preserve it; and 4) whether a public entity wishes to acquire the property or structure in order to preserve it.

The DDGs are not simply an afterthought of niceties, they were developed as an integral part of the vision established by the City Council in 1998 for the preservation and protection of the Historic District.

As described section 1.03, "CEQA Compliance," of the DDG's,

> The City conducted environmental review of a proposed Historic District Specific Plan. Due to the nature and complexity of the Plan and the projects which will follow under it, a Master Environmental Impact Report (MEIR) was prepared. The City Council ultimately elected to implement zoning changes to Chapter 17.52 of the Folsom Municipal Code and design standards through the adoption of these Design and Development Guidelines. Many of the provisions of the proposed Historic District Specific Plan and the amendments to Chapter 17.52 are contained within these guidelines. Accordingly, the City Council relied upon the MEIR for evaluation and consideration of environmental impacts.

Thus, the 1998 FMC 17.52 and DDGs were intended not simply as preferred land use regulations for the Historic District, but also incorporated provisions and mitigation identified through the California Environmental Quality Act ("CEQA") process as necessary to protect the character and quality of the Historic District. The City has all but ignored the fact that a comprehensive CEQA process was conducted prior to the adoption of FMC 17.52 and the DDGs.

Through that process, the City not only included provisions in FMC 17.52 and the DDGs to avoid or minimize adverse effects of development in the Historic District, but also identified

several mitigation measures, including the following pertaining to inadvertent discovery of cultural resources:

> Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Folsom shall be notified. The City shall consult with a qualified archaeologist to determine if the encountered resources are "important" cultural resources within the definition of CEQA Appendix K. The consulting archaeologist shall develop, if necessary, further mitigation measures consistent with CEQA Appendix K to reduce any cultural resource impact less than a significant level.

(Folsom Historic District Specific Plan, Mitigation Monitoring Program, January 21, 1998. State Clearinghouse Number: 95032066, pg. 9.)

The City has consistently included inadvertent cultural resources discovery provisions as conditions of approval for design review projects that involve ground disturbance in the Historic District that have undergone review by the HDC. However, staff-level design reviews have omitted provisions for inadvertent discovery of cultural resources.[4,5,6] Without provisions for inadvertent cultural resources discovery for all ground disturbance projects in the Historic District, the potential for inadvertent discovery and damage or destruction of significant cultural resources exists. The previously required HDC design review of all structures provided a mechanism for imposition of inadvertent discovery protocols through conditions of approval. With the Project amendments shifting much of the design review role to staff and eliminating design review for non-building structures, the mechanism for requiring inadvertent discovery protocols and protection of currently unknown cultural resources is disrupted and eliminated. The City provides no explanation of how projects involving ground disturbance in the Historic District that will now be exempt from design review will still somehow be required to implement inadvertent cultural resources discovery protocols or, if such projects will not be required to implement these protocols, how impacts to cultural resources that may be present within a development footprint will be avoided or otherwise mitigated.

2. The Project Eliminates Design Review for All Non-Building Structures

Prior to the FMC 17.52 amendments approved by the City Council in October 2025, FMC 17.52.300 specified that the HDC was to perform design review of all proposed new or modified *structures* in the Historic District. Since there was no other design reviewer identified, it was very clear that any design review requirement discussed in any section of FMC 17.52 fell squarely on the HDC.

---

[4] See letter Attachment 1, January 10, 2024, HDC design review conditions of approval pertaining to 403 Riley Street external staircase with condition of approval 5 requiring, "*If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides recommendations to the City. The City shall determine and require implementation of the appropriate mitigation as recommended by the consulting archaeologist. The City may also consult with individuals that meet the Secretary of the Interior's Professional Qualifications Standards before implementation of any recommendation. If agreement cannot be reached between the project applicant and the City, the Historic District Commission shall determine the appropriate implementation method.*"

[5] See letter Attachment 2, September 11, 2018, staff design review approval for patio at 614 Sutter Street with no provisions for inadvertent discovery of cultural resources.

[6] See letter Attachment 3, May 8, 2026, staff design review approval for a deck at 405 Sutter Street with no provisions for inadvertent discovery of cultural resources.

However, under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed for only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director. (See CC 7/14/26 Packet pages 284-286 where FMC 17.52.300(A) provides for HDC design review of certain projects in which all previous references to "structures" are stricken and replaced with the more limited term "buildings" and FMC 17.52.300(B) provides for CDD Director design review of all other renovations, additions, and accessory *buildings* without assigning design review authority for review of non-building *structures*.)

FMC Chapter 17.02 "Definitions," defines these terms:

> 17.02.090 Building. "**Building**" means any structure having a roof supported by columns and/or by walls and intended for the housing or shelter of any person, animal or chattel.
>
> 17.02.400 Structure. "**Structure**" means anything constructed or erected upon the ground or attached to a structure having location on the ground.

The FMC definition of "structure" is very broad while the definition of "building" is much narrower. All buildings are structures, but many structures are not buildings.

The Project's elimination of design review of non-building structures is a substantial reduction in the design review provisions of FMC 17.52. Staff describe that the amendments exempt only "certain very small projects from design review," (see CC 7/14/26 pkt. pgs. 268, 269, 270) yet staff's analysis fails to recognize that *all* non-building structures, regardless of size, is not subject to design review under the amended language. The amended FMC 17.52.300 establishes that certain new or modified *buildings* are subject to HDC review and that other new or modified *buildings* are subject to CDD review, but contains no provisions for any design review of non-building structures neither by the HDC nor the CDD Director.[7]

Moreover, the FMC 17.52.300 amendments conflict with other sections of FMC 17.52 not amended by the Project. For instance, FMC 17.52.120 specifies duties of the HDC which include, "G. Review the design and architecture of any new *structure*, or alteration to any existing *structures* within the historic district, as further defined in this chapter," yet, with the FMC 17.52.300 amendment, neither the HDC nor the CDD Director has authority to review any new or altered non-building structure. Additionally, FMC 17.52.400 specifies that "design review is required for all new *structures* and alterations to existing *structures*," yet, as amended, FMC 17.52.300 no longer provides any role for either the HDC or CDD to perform design review for non-building structures.

In considering readoption of the FMC 17.52 amendments, it is critical that the Council fully understand and disclose the implications of the elimination of design review for non-building structures. Staff's incorrect premise that only "certain very small projects" would be exempt from design review cannot be reconciled with the actual language and effects of the amendments that eliminate design review authority for all non-building structures.

The City needs to either restore design review of non-building structures or the City's analysis of the Project and its potential effects on the character of the Historic District and individual

[7] The CDD website identifies that design review is required for certain types of non-building structures (e.g., landscape features depending on size/location, pools and spas depending on location), however, the amended FMC 17.52 provides no authority for any such design review since these features are not *buildings* and the CDD exceeds its authority if it exercises design review over non-building structures.

historic properties must include consideration of the effects of eliminating design review for all non-building structures.

3. CEQA Compliance

On October 28, 2025, when the City Council adopted Ord. 1353 amending FMC 17.52, the Council determined the Project was exempt from CEQA review because the Project was "process related and administrative in nature" and therefore qualified for the CEQA Guidelines § 15061(B)(3) "commonsense" exemption.

Prior to the Council's approval of the Project, I submitted comments opposing the Project and providing explanation and evidence that the Project would have the potential to result in significant impacts to the historic character of the Historic District and that the Project did not qualify for a CEQA exemption.[8] Others, including those involved in developing FMC 17.52 and the DDGs in the 1990s, also expressed concerns and provided comments to staff, the HDC, and the City Council prior to approval of the Project.

After requesting in November 2025 that the Council rescind Ord. 1353 and after allowing nearly six months for the Council to do so, on April 23, 2026, I filed a petition for writ of mandate with the Superior Court of the State of California, County of Sacramento (Case No. 26WM000118), challenging the City's approval of the Project with a CEQA exemption. That lawsuit is the obvious catalyst for the City's current effort to re-approve the Project and assert additional grounds for exempting the Project from CEQA review. Yet, the CEQA arguments that the staff report now presents to the Council (CC 7/14/26 pkt, pgs. 268-261) misconstrue the Project and do not provide substantial evidence that the Project qualifies for one or some combination of CEQA exemptions.

The staff report also asserts that the Council might find that the Project is actually not a project at all under CEQA. But the Project is a project under CEQA as, among other things, the elimination of design review that would otherwise be performed for all non-building structures has the obvious potential to cause an indirect physical change in the environment as compared to circumstances in which all buildings and structures are subject to design review, as discussed further herein.

To argue that the Project is not a project under CEQA requires one to take the unfounded position that the design review process has no influence on the character or quality of non-building structures constructed, modified, and/or demolished in the Historic District. Instead of addressing that fact, the staff report claims the Project is not a project under CEQA "[b]ecause changing which body (HDC or City staff) will process the minor approvals covered under the proposed amendments does not have the potential to cause a physical change in the environment directly or indirectly." Even were the staff report correct that changing the body performing design review has no potential to result in physical changes, this argument fails to address other aspects of the Project that modify and eliminate design review of all non-building structures. Staff's attempt to claim the Project is not a project under CEQA falls short of even attempting to address the whole of the Project and fails to account for the indirect physical changes to the

[8] See Bob Delp October 14, 2025, letter subject *Comments to City Council re: October 14, 2025, Agenda Item No. 6 – Ord. No. 1353 Amending FMC Chapter 17.52*, and Bob Delp October 28, 2025, letter subject *Comments to City Council re: October 28, 2025, Agenda Item No. 3 – Ord. No. 1353 Amending FMC Chapter 17.52* previously submitted and included in the City's records of HDC and Planning Commission meetings for the proposed readoption of the subject amendments. These letters are incorporated in their entirety herein by this reference.

environment that will occur as a result of the Project's elimination of non-building structure design review.

In fact, the obvious physical effect of the design review process is demonstrated in a recent communication from City Planner Nathan Stroud.[9] Stroud explains that a permit for a replacement of the roof at 512 Natoma Street in the Historic District was erroneously issued and that, had the reroof undergone design review (as it should have but did not) the CDD design review process "would not have allowed black comp shingles and would have required they stay with the red Spanish tiles, as is consistent with the Spanish eclectic style" of the building. Obviously, the design review process influences and effects the ultimate physical appearance of buildings and formerly non-building structures, and changes to the design review process, requirements, and projects subject to design review as results from the Project amendments to FMC 17.52. Staff's assertion that the Project amendments to FMC 17.52 "does not have the potential to cause a physical change in the environment directly or indirectly, the amendments are not a project subject to CEQA" is without merit.

In contrast to staff's new claim that the Project is not a project under CEQA, the staff report also argues that the Project is eligible for the CEQA Guidelines 15061(b)(3) "commonsense" exemption and also attempts to overlay or incorporate other CEQA exemptions in arguing that environmental review of the Project is not required. As discussed below, the Project does not qualify for the 15061(b)(3) exemption and the City's attempt to bolster its rationale fails.

Moreover, with or without application of additional CEQA exemptions, the Project does not qualify for the 15061(b)(3) exemption. Additionally, the staff report's attempt to assign a CEQA exemption to certain aspects of the Project as ministerial is misguided. The Project clearly involves discretionary decision-making and CEQA Guidelines expressly state, "[w]here a project involves an approval that contains elements of both a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA." Also, the staff report's attempt to assign categorical exemptions to the Project or portions of the Project is also misguided. The Class 1 and Class 3 categorical exemptions asserted in the staff report might be applicable to certain discretionary approvals in the Historic District, but they are inapplicable to the City's consideration and approval of the Project because the Project is a zoning ordinance amendment and is not a decision to approve modifications to existing facilities, small structures, or any other facilities or structures. Moreover, after introducing these two irrelevant categorical exemptions, the staff report attempts to discuss whether any *exceptions* to these exemptions apply. Yet, because the Project does not involve any specific development and the Class 1 and 3 exemptions cannot be applied to the Project, there is neither current relevance nor a basis to conclude that the exceptions to the exemptions would not apply to specific development subject to FMC 17.52.

3.1 The Project does Not Qualify for the Commonsense Exemption

The CEQA Guidelines 15061(b)(3) exemption can be applied only, "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." In claiming this exemption, the City must provide substantial evidence for how the proposed FMC 17.52 amendments would have no possibility of a significant impact. The City Council's October 2025 approval of the Project rested on the assertion that "the proposed code amendment is *process related and administrative in nature* and therefore will not have a significant effect on the environment," and does not consider the implications of

[9] See letter Attachment 4, July 2, 2026, email from Nathan Stroud subject, *Re: 512 Natoma St. Folsom Reroof Project*.

eliminating certain projects from design review and other changes in design and demolition review processes that would result from the Project amendments.

In attempting now to substantiate the Project's qualification for the 15061(b)(3) exemption, the staff report asserts that, "[t]he ordinance amendments discussed in this report do not have the potential to cause a significant effect on the environment," and that the Project's exemption of "certain very small projects from design review" would not have potential to cause any significant impacts on the environment. The staff report also discusses that "several of the project types exempted from design review are required to be located in side or rear yards for the exemption to apply." (CC 7/14/26 pkt. pgs. 268-269.)

The staff report's arguments do not address substantial evidence indicating the potential for significant impacts and do not provide substantial evidence that the Project would have no possibility of a significant impact precluding the Project from the 15061(b)(3) exemption.

3.1.1 Elimination of Design Review for All Non-Building Structures

As discussed above in Section 2 of this letter, prior to the Project amendments, FMC 17.52.300 specified that the HDC was to have final authority over all new office, industrial, commercial, and residential *structures*, and all exterior renovations, remodeling, modification or addition to existing *structures*. Under the amended FMC 17.52.300, design review function is divided between the HDC and the CDD Director with each of their design review roles prescribed only various types of *buildings*, such that any *structure* that does not also fit the definition of *building* is no longer subject to design review by either the HDC or CDD Director.

Without a designated body and process, design review of non-building structures is effectively eliminated from FMC 17.52. With the Project amendments, the list of exempt non-building structures in FMC 17.52.300(C) represents only a small subset of the types of non-building structures for which design review will not be performed as a result of the Project.

The staff report and staff's assessment of potential impacts of the Project does not mention or assess the impacts of eliminating design review of all non-building structures and, thus, fails to provide evidence that the Project's elimination of design review for all non-building structures would have no possibility of a significant impact.

The elimination of design review for all non-building structures eliminates design review of many types of new and modified structures (e.g., privacy walls, retaining walls, fences, decks, pools/spas, play equipment, courtyards, exterior street-to-sidewalk stairways and railings, amphitheaters, bridges, public restrooms, mechanical equipment, roads, bike paths, sidewalks… all of which meet the definition of "structures" under the FMC 17.02.400) and any of which would have the potential to be inconsistent with the Historic District character if developed without going through the FMC 17.52 design review process.

The elimination of design review of non-building structures would also eliminate any discretionary review of many such structures, and would provide no mechanism for the City to impose standard conditions of approval that are used mitigate impacts, including the standard condition pertaining to inadvertent cultural resources discovery discussed above in this letter.

3.1.2 Exempting Privacy Walls and Fences

Even if design review were restored for most structures, the exemption of privacy walls and fences would still have the potential for adverse effects on the Historic District character and quality and its individual historical and contributing resources.

The staff report asserts that, "[s]everal of the very small projects, including like-for-like structural replacements, residential re-painting, privacy walls/fences, and solar panels were already not going through design review based on the City's consistent past practice and thus, would not result in any change from baseline conditions for those projects." (CC 7/14/26 pkt. pg. 269.)

Regardless of how baseline conditions might be defined for future review of a particular proposed structure, such as a privacy wall or fence, the relevant CEQA baseline for consideration of the potential environmental effects of the Project is the specifications and design review requirements of FMC 17.52 as it existed prior to the Project amendments. Under that appropriate baseline condition, FMC 17.52 provided for HDC design review of fences and all other new and alterations to existing structures, stating in FMC 17.52.400, "Design standards," (emphasis added),

> A. The design standards specified in Sections 17.52.410 through 17.52.590 shall be applicable to all new structures and alterations to existing structures within the historic district. ***Design review*** **is required for all new structures and alterations to existing structures, unless otherwise specified in this chapter.**

FMC 17.52.430 – 17.52.480 provide objective standards for certain types of non-building structures[10] and specify when certain sizes and/or locations of structures are not subject to design review. For instance, FMC 17.52.460 specifies objective standards for play equipment and exempts play equipment smaller than 120 square feet or below fence height from design review; whereas FMC 17.52.440, "Fences," specifies objective design standards for fence height without providing an exemption from design review. By a plain read of the text it is undeniable that, prior to the Project amendments, FMC 17.52 required design review for all structures, including fences. The Project amendments to FMC 17.52 that include "privacy walls and fences" on a list of features exempt from design review must be compared to the existing condition baseline under which design review was required by FMC 17.52.

The staff report's assertion that fences and other types of structures "were already not going through design review based on the City's consistent past practice" might reveal some deficiency of the City to actively implement FMC 17.52's design review provisions for fences, but does not establish the relevant baseline for consideration the Project's potential effects. Even an unenforced design review provision still creates an incentive for compliance with the general intent of the design review and design character aims of the DDGs.

The City Police Department, from time to time and for various reasons, may not always actively enforce speed limits on City streets, but that does not negate the beneficial effect and value of maintaining posted speed limits on City streets, nor does it mean that speed limits could be abolished with no effect on driver behavior. Similarly, that any given time the CDD may not be actively performing/enforcing the required design review for certain types of projects does not negate the benefits of maintaining design review requirements in FMC 17.52.

Were individual property owners in the Historic District to build privacy walls or fences without first obtaining design review approval, those property owners would nevertheless be influenced by the risk of non-compliance and incentivized to design the structure consistent with Historic District character (akin to a driver heeding speed limits even in the absence of police enforcement). Moreover, the design review requirement for fences provides a mechanism

[10] e.g., 17.52.430 Decks, 17.52.440 Fences, 17.52.450 Landscape features, 17.52.460 Play Equipment, 17.52.470 Swimming Pools and Spas, 17.52.480 Accessory Structures.

through which the City could take enforcement action for a property owner's failure to obtain a design review approval and remedy an inappropriate fence design. Without a design review requirement, the City has no mechanism or ability to enforce restrictions on inappropriate fence design.

Section C of Appendix D of the DDGs provides Historic Residential Design Criteria, and specifies the following design provisions for walls and fences:

> *Walls and fences.* Materials of walls and fences shall reflect the style and character of the building and its site. Where large expanses of blank building wall, retaining wall or fencing are unavoidably exposed, they should be screened with upright shrubs or trellised vines. Trellises are to be constructed of substantial, durable materials, but may incorporate redwood lath lattice. Inappropriate materials such as chainlink, split rail, and other non-historic fencing materials are not permitted.

(DDGs, Appendix D, p. 55.)

Without establishing specific design requirements for fence design, the DDGs section above provides guidance for the City's design review of walls and fences. Thus, the Project's elimination of design review of walls and fences effectively eliminates all regulation and related incentives for individual property owners to achieve wall and fence design compatible with the Historic District character.

Exempting, "privacy walls and fencing" from any design review requirements would have the potential to be detrimental to the historical character of the Historic District. Even attractively designed privacy walls or fencing could be substantially inconsistent with, and diminish the historical character of, the Historic District. The development of unregulated out-of-character walls and fences would have the potential to result in – in individual instances and cumulatively over time - a significant adverse impact on the historical character of the Historic District.

The City-adopted DDGs explain as pertains to "Fences, Landscape Features, and Play Equipment,"

> Besides safety, the City's purpose in regulating fences and landscape features is primarily to inform property owners of the impact such construction has on the historical and aesthetic character of a home or neighborhood and to seek voluntary support of the community goal of preserving and enhancing the character of the Historic District. Preference in any required review will be toward granting the property owner's request unless it is unsafe or the effect on the character of the Historic District would be notably deleterious. (DDGs section 4.04.)

Pertaining specifically to "Fences" the DDGs explain the City's 1998 affirmation that, "[f]ences are a significant contributing factor to a home's or neighborhood's character." (DDGs section 4.04.01.) Notwithstanding the documented importance of design review for walls and fences as expressed in the DDGs adopted by the City Council in 1998, during the Project review process, the City has yet to directly acknowledge the adverse effects that incompatible fence design could have on the historical quality and character of the Historic District.

When adopting the Project's list of "minor modifications" to be exempt from design review, the City included, "e. privacy walls and fencing, *excluding chain link, which is not allowed*."

If the City's position is that fence design does not have the potential to adversely affect the character of the Historic District, it is unclear why the City would attempt to *mitigate* the wall and fence exemption by including a prohibition of chain link fence. Moreover, the DDGs establish "appropriate" and "inappropriate" fence and wall/retaining wall types (DDGs, Appendix D, Attachment 2, "Building Materials Palette."). These lists in the City's adopted DDGs do not allow or prohibit particular fence or walls types and, instead, they provided guidance intended for consideration during the design review process. With elimination of design review for privacy walls and fences, the mechanism for the City's regulation of appropriate wall and fence types is eliminated.

The CDD has attempted to list "appropriate" and "inappropriate" fence types for the Historic District on the City's Historic District Resources website which identifies 12 types of fences as "Inappropriate" for the Historic District and lists 10 types of fence types as "Appropriate" with 3 of the "Appropriate" types noted as "Except for Historic Properties."

City of Folsom, Historic District Resources Website List of *Appropriate* and *Inappropriate* Fence Types	
Appropriate Fence Types	**Inappropriate Fence Types**
Wood Picket Fences	Chain Link
Vertical or Horizontal Board Fences (Min. 30% opening, or Staggered Boards)	Chicken Wire
Classic Wire Mesh (3" x 6")	Barbed Wire
Solid Wood (Rear Yard Only)	Plywood
Brick and Mortar	Masonite
Stone and Mortar	Cedar Post and Rail
Treated Wood	Grape Stake
Cinderblock Wall (Except for Historic Properties)	Split Rail
Railroad Tie Fencing (Except for Historic Properties)	Cyclone
Poured or Finished Concrete Wall (Except for Historic Properties)	Snow Fence
	Bamboo or Matting
	Plastic or Vinyl
Source: City of Folsom, Historic District Resources website, "Residential Fencing" dropdown at: https://www.folsom.ca.us/government/community-development/planning-services/historic-district-resources/ . June 9, 2026.	

Staff's assessment of the Project does not address the DDGs Building Materials Palette lists for fences and walls/retaining walls or explain why, with a dozen specific fence types considered "inappropriate" for the Historic District and an additional 3 types inappropriate for historic properties, only *chain link* fence warrants a prohibition in FMC 17.52 while design review of all privacy walls and fences is eliminated. Yet, with a dozen identified by CDD as "Inappropriate Fence Types," in adopting the Project amendments to FMC 17.52, staff and the City Council somehow determined that only chain link need to be prohibited.

Even were a prohibition on chain link fence sufficient to *mitigate* the impact of exempting privacy walls and fences from design review, such a mitigation would run afoul of CEQA case law establishing that,

> [r]eliance upon mitigation measures (whether included in the application or later adopted) involves an evaluative process of assessing those mitigation measures and weighing them against potential environmental impacts, and that process must be conducted under established CEQA standards and procedures for EIRs or negative declarations.

(*Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4th 1098)

Thus, if the prohibition on chain link fence was necessary to *mitigate* the impacts of exempting fences from design review or if the City thinks the impact can mitigated by providing an advisory list of inappropriate fence types on its website, the Project is disqualified from any CEQA categorical exemption.

Given the Project's elimination of design review for all non-building structures, including but not limited to the express exemption from design review of fences and other structures having the potential for deleterious effects on the quality and character of the Historic District, the Project does not qualify for the CEQA Guidelines 15061(b)(3) exemption and no combination of additional CEQA exemptions or mitigation measures can intervein to exempt the Project from CEQA review.

3.2 The Project does Not Qualify for a Ministerial Exemption

The staff report quotes CEQA Guidelines § 15268(a) stating, "Ministerial projects are exempt from the requirements of CEQA" and the staff report then argues that "the solar panel exemption from design review is ministerial and exempt from the requirements of CEQA," that "the design review exemption for certain ADUs [accessory dwelling units] is ministerial and exempt from the requirements of CEQA," and that, "to the extent that a building permit is required for installation of a fence or any of the other minor modifications exempt from design review under FMC Section 17.52.300(C)(1), such approvals are ministerial in nature and as such are exempt from the requirements of CEQA." (CC 7/14/26 pkt. pg. 269.)

In making these arguments the staff report confuses potential future activities and actions with the current Project. The Project involves a *discretionary* action by the City which is the amendment of FMC Chapter 17.52. The Project is not approval of a solar facility, nor approval of an ADU, nor the issuance of a building permit for installation of a fence or other structure. That future activities or projects may or may not be limited to ministerial decision-making at such time as each is proposed is irrelevant to assessing whether the Project qualifies for a ministerial project exemption.

Moreover, even if there were some element of ministerial decision-making involved in the Project, CEQA Guidelines § 15268, "Ministerial Projects," at subd. (d) definitely establishes,

> (d) Where a project involves an approval that contains elements of *both* a ministerial action and a discretionary action, the project will be deemed to be discretionary and will be subject to the requirements of CEQA.

Although state law may limit or preclude the City from performing discretionary design review of certain future individual development projects or other activities, the Ministerial Projects exemption is unavailable to the Project.

3.3 The Project does Not Qualify for a Class 1 Categorical Exemption

The staff report discusses the Class 1 Categorical Exemption of CEQA Guidelines 15301, describing that, "[u]nder Section 15301 of the CEQA Guidelines, the Class 1 exemption "consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use," and argues that, " [t]his proposed ordinance's exemption for very small projects falls under this Class 1 CEQA exemption." (CC 7/14/26 pkt. pg. 269-270.)

In making this argument the staff report confuses potential future approvals for some unidentified existing facility with the current Project. The Project is the amendment of

FMC 17.52. The Project does not involve an approval associated with an existing facility and the Class 1, "Existing Facilities," categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of existing facilities in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 1 exemption. However, whether such projects may or may not qualify for the Class 1 exemption is a matter to be determined when such a project is proposed and, at that time, will require assessment of the particular factors of the project. Moreover, as part of that assessment, the City needs to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 1 exemption, and such an assessment cannot be performed until a potentially eligible Class 1 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or modified structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performing design review for a particular new or modified structure in the Historic District is a key step that often enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.4 The Project does Not Qualify for a Class 3 Categorical Exemption

The staff report discusses the Class 3 Categorical Exemption of CEQA Guidelines 15303, describing that, "[u]nder section 15303 of the CEQA Guidelines, projects consisting of "construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures…", and argues that, "the ordinance amendment's exemption of fences, hot tubs, outdoor kitchens, and patios qualify for the Class 3 Categorical Exemption." (CC 7/14/26 pkt. pg. 270.)

In making this argument the staff report confuses potential future approvals for some unidentified new construction or conversion of a small structure with the current Project. The Project is the amendment of FMC 17.52. The Project does not involve an approval associated with a new or proposed conversion of a small structure, thus, the Class 3, "New Construction or Conversion of Small Structures," categorical exemption is inapplicable to the Project.

The City will undoubtedly consider future discretionary approvals for many types of small structures in the Historic District and will likely make valid determinations that some of those approvals are exempt from CEQA under the Class 3 exemption. However, whether such projects may or may not qualify for the Class 3 exemption is a matter to be determined when such a project is proposed and requires assessment of the particular factors of the project. Moreover, as part of that assessment, the City would need to consider whether any of the CEQA Guidelines 15300.2 *exceptions* apply and preclude the use of a Class 3 exemption, an assessment that cannot be performed until a potentially

eligible Class 3 project is proposed (see *Exceptions to the Exemptions* section below for additional discussion).

Additionally, the staff report seemingly confuses the two separate factors of: 1) whether a proposed new or converted small structure in the Historic District can be *exempt from design review* without resulting in or contributing to degradation of the Historic District character and quality and 2) whether that project might be *exempt from CEQA*. The vast majority of design reviews performed in the Historic District are for projects that the City determines are exempt from CEQA. But those projects are not – or at least in the past have not been – exempt from design review. Design review of all structures as required by FMC 17.52 prior to the Project amendments serves the purpose established by FMC 17.52 and detailed in the DDGs. In fact, performance of design review for a particular new or modified structure in the Historic District is a key factor that then enables City decision-makers to determine that the new or modified structure, as conditioned through the design review process, qualifies for a CEQA categorical exemption without triggering the Historical Resources exception to the exemption.

3.5 The Question of Exceptions to Categorical Exemptions is Moot and Staff's Conclusion is Not Supported by Substantial Evidence

The staff report asks the City Council, among other things, to find that none of the CEQA Guidelines 15300.2 *exceptions* to categorical exemptions apply. However, neither the Class 1 nor the Class 3 categorical exemptions identified in the staff report can be applied to the Project for reasons explained above, and the question of whether any exceptions to the exemptions is therefore moot. Nevertheless, additional discussion is provided here in response to the staff report.

3.5.1 Unusual Circumstances

CEQA Guidelines §15300.2(c) provides, "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances." CEQA does not define the term "unusual circumstances," but case law has held that an *unusual circumstance* refers to "some feature of the project that distinguishes it" from others in the exempt class. (*Fairbank v. City of Mill Valley*, (1999) 75 Cal. App. 4th 1243, 1259.)

The staff report states that "the ordinance amendments do not involve any unusual circumstances, because creating different levels of design review within a municipality's administrative processes is a common-place feature of municipal government, and as explained above, these changes will not have any significant effects on the environment." (CC 7/14/26 pkt. pg. 270.) This discussion in the staff report further emphasizes the fact that the Project does not fit within either the Class 1 or Class 3 exemption.

The staff report's statement that "creating different levels of design review within a municipality's administrative processes is a common-place feature of municipal government" may be accurate but has nothing to do with a comparison of the Project to the circumstances of a typical Class 1 or Class 3 project. In fact, the Project's circumstances are inherently *unusual* as judged relative to the typical circumstances of projects fitting either the Class 1 or Class 3 exemption, because the Project is an amendment to a zoning ordinance applicable to the entirety of Folsom Historic District.

If the unusual circumstances tail needs to be chased even further, then it is also worth noting that Project's unusual circumstance as compared to Class 1 and Class 3 projects

does create the potential for significant impacts that would not be typical of the types of impacts associated with a Class 1 or Class 3 project, because the Project involves amendment of a zoning code regulating development and demolitions in a Historic District whereas the typical Class 1 and Class 3 project does not create or amend a zoning ordinance pertaining to a historic district.

Thus, even if through some abstract theory the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the unusual circumstances exception whereby the Project's unusual circumstance do result in the Project having the potential to result in adverse effects on the character of the Historic District by relaxing or eliminating design review requirements creating the potential for adverse impacts as discussed in this letter.

3.5.2 Historical Resources and Cumulative Impacts

CEQA Guidelines §15300.2(f) provides, "Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource." Regarding the CEQA Guidelines § 15300.2(f) historical resources exception to the exemption, in *Hillside* the Supreme Court cited *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039 affirming the holding that once a resource is recognized as historic, "the fair argument standard applies to the question of whether the proposed project 'may cause a substantial adverse change in the significance of an historical resource' and thereby have a significant effect on the environment." (*Hillside*, supra, 60 Cal.4th at 1117.)

The staff report states that, "[t]he ordinance amendments would not result in any significant cumulative environmental impact, because there is no substantial evidence in the City's record demonstrating that the amendments would result in any significant increase in impacts in the Historic District by virtue of *just changing the design review process*, which still protects listed and potentially eligible historic resources." (CC 7/14/26 pkt. pg. 270, emphasis added.)

The staff report's assertions fail to recognize the Project provisions that eliminate design review of non-building structures and eliminate design review of privacy walls and fences, both of which if unregulated pose the potential to result in a substantial adverse change in the significance of individual historic resources within the Historic District and the overall quality and character of the Historic District. Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the historical resources exception.

CEQA Guidelines 15300.2(b) provides, "Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant."

Although the staff report asserts that the project would not result in any significant cumulative environmental impact, such a notion fails to recognize the breadth of the Project and the staff report's discussion does not provide any basis for cumulative circumstances that were considered in making its conclusion.

The Project amendments to FMC 17.52 alter and reduce the design review and other roles of the HDC, eliminate design review provisions for all non-building structures, and expressly exempt certain features from any design review. FMC 17.52 applies to the 98-block of Folsom's Historic District that contains federal, state, and locally recognized

historic resources and properties, commercial areas with high tourism, recreational and cultural resources access, and the Historic District is a locally important historical resource. Elimination of design review provisions for all types of non-building structures that might be developed throughout the Historic District has the potential to result in significant adverse cumulative impacts when the Project (amendments to FMC 17.52) is considered in combination with future development within the Historic District.

Moreover, as discussed throughout the staff report, there are several types of individual future projects that may be developed in the Historic District – such as solar facilities, ADUs, multi-family housing – that will be exempt from CEQA and may also be exempt from design review whether by state law or by the City's own doing. Any consideration of cumulative effects of FMC 17.52 amendments must account for the potential for such developments to occur without design review and reflect the expanded importance of design review.

Thus, even if the Project were to qualify for a Class 1 or Class 3 exemption, such an exemption would be precluded due to the cumulative impacts exception and the City has provided no meaningful evidence or assessment of these potential cumulative impacts.

3.6 Public Resources Code section 21080.35 Exemption

The staff report states that, "[t]he ordinance amendments are statutorily exempt from CEQA review under Public Resources Code section 21080.35, which states in pertinent part that CEQA '...does not apply to the installation of a solar energy system on the roof of an existing building or at an existing parking lot.'" … "To the extent the ordinance amendments apply to solar panels on the roof of an existing building or at an existing parking lot, they are exempt from CEQA under this statute. Staff has not seen and does not anticipate receiving applications for the installation of solar panels on property within the Historic District that include a proposal to install solar panels anywhere other than the roof of an existing building or at an existing parking lot." (CC 7/14/26 pkt. pg. 271.)

The Project does not involve development or approval of a solar energy system and this statutory exemption is inapplicable as an exemption for the Project.

4. Readopting Amendments to Chapter 17.52 will Restart a 90-Day Statute of Limitations for a Challenge of Provisions that Purport to Give Final Approval Decision to the HDC in Conflict with the City Charter

When the City Council adopted the FMC 17.52 amendments on October 28, 2025, a final ruling was pending in a separate matter, *Delp v. City of Folsom, et al*. (Superior Court of California, County of Sacramento, Case No. 23WM000125) involving two causes of action, the second of which involved Delp's request for declaratory relief pertaining to Folsom City Charter Section 4.07's limitation on the authority of the Historic District Commission as pertains to the 603 Sutter Street Mixed-Use project that was subject to that litigation. On October 31, 2025, the Court issued its final ruling. With regard to the HDC approval authority, as pertains to the 603 Sutter Street project design review, the Court found that the City's interpretation of Charter Section 4.07 was "entirely unreasonable," and that,

> As the plain language of Section 4.07 provides, the City's authority to prescribe the "powers and duties" of other boards and commissions, like the Historic District Commission, is limited by the provision that "All boards and commissions only shall be advisory to the Council."

and that,

> the City exceeded the limitations of its Charter to the degree it authorized the Historic District Commission to exercise final approval authority over the Project. The FMC purports to grant the Historic District Commission "final authority relating to the design and architecture" of "[a]ll new office, industrial, commercial and residential structures," which includes the Project. (Pet. RJN Exh. C [RJN000060, FMC § 17.52.300.) The FMC also purports to authorize the Historic District Commission to carry out the City's CEQA compliance with regard to the Project, directing that the Commission "shall not approve applications prior to considering the applicable environmental document and complying with the requirements of CEQA[.]" (Id. at RJN000062, FMC § 17.52.390.) Approvals by the Historic District Commission may be appealed to the City Council, as the Project was here, but the Council is not required to review them. (Id. at RJN000083-83, FMC §§ 17.52.700-720.) These provisions purport to vest the Historic District Commission with the power to act on behalf of the City, without oversight or ratification by the City Council. They therefore cannot be squared with the Charter's limitation that the Commission's power is "only advisory." The City offers no authority or argument that the Historic District Commission acted in an "advisory" capacity when it approved the Project at issue here. **Thus, the provisions of the FMC which purport to delegate final approval authority to the Historic District Commission, as applied to the Project, conflict with the City Charter**.

(Superior Court of California, County of Sacramento, Case No. 23WM000125; *Final Ruling on Submitted Matter*, October 31, 2025. Emphasis added.)

In my comments to the City Council on October 14, 2025, I urged the Council to recognize that, "any revisions to FMC 17.52 that modify or expand the purported final authority of the HDC would exacerbate the existing FMC 17.52 conflict with City Charter section 4.07," noting the proposed amendments to 17.52.360 expanding the HDC's final authority role to include "expiration and extension of [conditional use] permits," FMC 17.52.370 expanding the HDC's final authority role to include "expiration and extension of [variance] requests," and expanding the HDC's final authority role in acting as the appeal hearing body pursuant to FMC 17.52.700 for the proposed new design review authority of the CDD Director established by FMC 17.52.300(B).

Although a 90-day statute of limitations to challenge the expanded HDC final authority of the amendments adopted by the Council on October 28, 2025, has expired, and the ruling in Case #23WM000125 pertained to that particular project, any re-adoption of amendments to FMC 17.52 that involve a modification or expansion of HDC authority that cannot be squared with the Charter's limitation that the HDC's power is only advisory may be subject to legal challenge for a 90-day period pursuant to Gov. Code, § 65009, subd. (c)(1). I expect that the Project amendments could be *rescinded* to restore FMC 17.52 to its pre-2026 language without subjecting the code to potential challenge under Gov. Code, § 65009, subd. (c)(1).

Any amendments to FMC 17.52 should include changes to ensure that the roles allocated to the HDC are in accordance with the limitations imposed by Charter Section 4.07. Alternatively, the city should consider amending the FMC 17.52 appeal procedures in a manner to alleviate the issues associated with granting final authority to the HDC.

Given that the City Council is presently pursuing a ballot measure attempting to modify Charter Section 4.07, the outcome of which will be known in November of this year, it would seem prudent for the City to rescind Ord. 1353 and reinstall the pre-2026 FMC 17.52 until such time

as the Council either abandons the ballot measure or until the election determines whether the Charter will be amended by the voters and what amendments to FMC 17.52 may or may not be then warranted.

5. Conclusion

I encourage the City Council rescind Ord. 1353, restore FMC 17.52 to its prior content. Short of that, I encourage the City Council to consider amending FMC 17.52.300 as suggested in my 7/13/2026 letter in an effort to resolve key CEQA concerns.

Thank you for considering my comments.

Sincerely,

Bob Delp
Historic District - Folsom, CA 95630 - [redacted]

Attachment 1: January 10, 2024, HDC Design Review Conditions of Approval for 403 Riley Street External Staircase

Attachment 2: September 11, 2018, Staff Design Review Approval for Patio at 614 Sutter Street

Attachment 3: May 8, 2026, Staff Design Review Approval for Deck at 405 Sutter Street

Attachment 4: July 2, 2026, email from Nathan Stroud Subject, *Re: 512 Natoma St. Folsom Reroof Project*

Attachment 1

January 10, 2024, HDC Design Review Approval of 403 Riley Street External Staircase

CONDITIONS OF APPROVAL FOR THE 403 RILEY STREET STAIRCASE PROJECT (DRCL23-00168)				
Cond. No.	**Mitigation Measure**	**GENERAL REQUIREMENTS**	**When Required**	**Responsible Department**
1.		Issuance of a Building Permit is required. The applicant shall submit final site and building plans to the Community Development Department that substantially conform to the Proposed Site Plan, Floor Plan, and Elevations dated 11-8-23, included in Attachment 5. Implementation of this project shall be consistent with the above referenced items as modified by these conditions of approval.	B	CD (B)
2.		Compliance with all local, state and federal regulations pertaining to building construction and demolition is required.	OG	CD (B)
3.		This approval is for a new rear staircase on an existing residential structure located at 403 Riley Street. The applicant shall submit building plans that comply with this approval and the Proposed Site Plan, Floor Plan, and Elevations dated 11-8-23 included in Attachment 5.	B	CD (P)
4.		Include in the construction documents the design and details of the rated separation between the units or other means to mitigate the limited existing separation to the satisfaction of the Building Official. The construction proposed on the drawings shall be completed prior to the final inspection of the building.	O	CD (B)
5.		If any archaeological, cultural, or historical resources or artifacts, or other features are discovered during the course of construction anywhere on the project site, work shall be suspended in that location until a qualified professional archaeologist assesses the significance of the discovery and provides recommendations to the City. The City shall determine and require implementation of the appropriate mitigation as recommended by the consulting archaeologist. The City may also consult with individuals that meet the Secretary of the Interior's Professional Qualifications Standards before implementation of any recommendation. If agreement cannot be reached between the project applicant and the City, the Historic District Commission shall determine the appropriate implementation method.	G, I, B	CD (P)(E)(B)

6.		In the event human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to the origin and disposition pursuant to Public Resources Code 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American Origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely decedent. The decedent will then recommend to the landowner or landowner's representative appropriate disposition of the remains and any grave goods.	G, I, B	CD (P)(E)(B)
7.		The owner/applicant shall pay all applicable taxes, fees, and charges at the rate and amount in effect at the time such taxes, fees and charges become due and payable.	B	CD (P)(E)
8.		The City, at its sole discretion, may utilize the services of outside legal counsel to assist in the implementation of this project, including, but not limited to, drafting, reviewing and/or revising agreements and/or other documentation for the project. If the City utilizes the services of such outside legal counsel, the applicant shall reimburse the City for all outside legal fees and costs incurred by the City for such services. The applicant may be required, at the sole discretion of the City Attorney, to submit a deposit to the City for these services prior to initiation of the services. The applicant shall be responsible for reimbursement to the City for the services regardless of whether a deposit is required.	B	CD (P)(E)
9.		If the City utilizes the services of consultants to prepare special studies or provide specialized design review or inspection services for the project, the applicant shall reimburse the City for actual costs it incurs in utilizing these services, including administrative costs for City personnel. A deposit for these services shall be provided prior to initiating review of the improvement plans or beginning inspection, whichever is applicable.	B	CD (P)(E)
10.		This project shall be subject to all City-wide development impact fees, unless exempt by previous agreement. This project shall be subject to all City-wide development impact fees in effect at such time that a building permit is issued. These fees may include, but are not limited to, fees for fire protection, park facilities, park equipment, Quimby, Humbug-Willow Creek Parkway, Light Rail, TSM, capital facilities and traffic impacts. The 90-day protest period for all fees, dedications, reservations or other exactions imposed on this project has begun. The fees shall be calculated at the fee rate in effect at the time of building permit issuance.	B	CD (P)(E), PW, PK

11.		The owner/applicant agrees to pay to the Folsom-Cordova Unified School District the maximum fee authorized by law for the construction and/or reconstruction of school facilities. The applicable fee shall be the fee established by the School District that is in effect at the time of the issuance of a building permit. Specifically, the owner/applicant agrees to pay any and all fees and charges and comply with any and all dedications or other requirements authorized under Section 17620 of the Education Code; Chapter 4.7 (commencing with Section 65970) of the Government Code; and Sections 65995, 65995.5 and 65995.7 of the Government Code.	B	CD (P)
12.		The project approval granted under this staff report shall remain in effect for one year from final date of approval (January 10, 2024). If a building permit is not issued within the identified time frame and/or the applicant has not demonstrated substantial progress towards completion of the project, this approval shall be considered null and void. The owner/applicant may file an application with the Community Development Department for an extension not less than 60 days prior to the expiration date of the approval, along with appropriate fees and necessary submittal materials pursuant to Section 17.52.350 of the Folsom Municipal Code. If after approval of this project, a lawsuit is filed which seeks to invalidate any approval, entitlement, demolition permit, or other construction permit required in connection with any of the activities or construction authorized by the project approvals, or to enjoin the project contemplated herein, or to challenge the issuance by any governmental agency of any environmental document or exemption determination, the one year period for submitting a complete permit application referenced in FMC section 17.52.350(A) shall be tolled during the time that any litigation is pending, including any appeals.	B	CD (P)

RESPONSIBLE DEPARTMENT		WHEN REQUIRED	
CD (P) (E) (B) (F)	Community Development Department Planning Division Engineering Division Building Division Fire Division	I	Prior to approval of Improvement Plans
		M	Prior to approval of Final Map
		B	Prior to issuance of first Building Permit
		O	Prior to approval of Occupancy Permit
		G	Prior to issuance of Grading Permit
PW	Public Works Department	DC	During construction
PR	Park and Recreation Department	OG	On-going requirement
PD	Police Department		

Attachment 2
September 11, 2018, Staff Design Review Approval for Patio at 614 Sutter Street

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

September 11, 2018

Murray Weaver
614 Sutter Street
Folsom CA 95630

SUBJECT: **Approval Letter: Site Design Review Approval for an excavated landscaped patio at 614 Sutter Street (PN18-219)**

Dear Mr. Weaver:

The City of Folsom Community Development Department has reviewed your application (PN 18-219) for an excavated landscaped patio at 614 Sutter Street. The Planning Division has made the decision to conditionally approve the submittal. Listed below are the conditions of approval:

1. A Building Permit and/or Grading Permit will be required.

2. Plans submitted to Building/Engineering shall match those submitted for Site Design Review dated 8-25-18.

3. No alcohol sales or service shall be allowed in the proposed patio area.

4. No cross-lot drainage shall occur as a result of this project.

5. All ADA-accessible paths shall be maintained as part of this project.

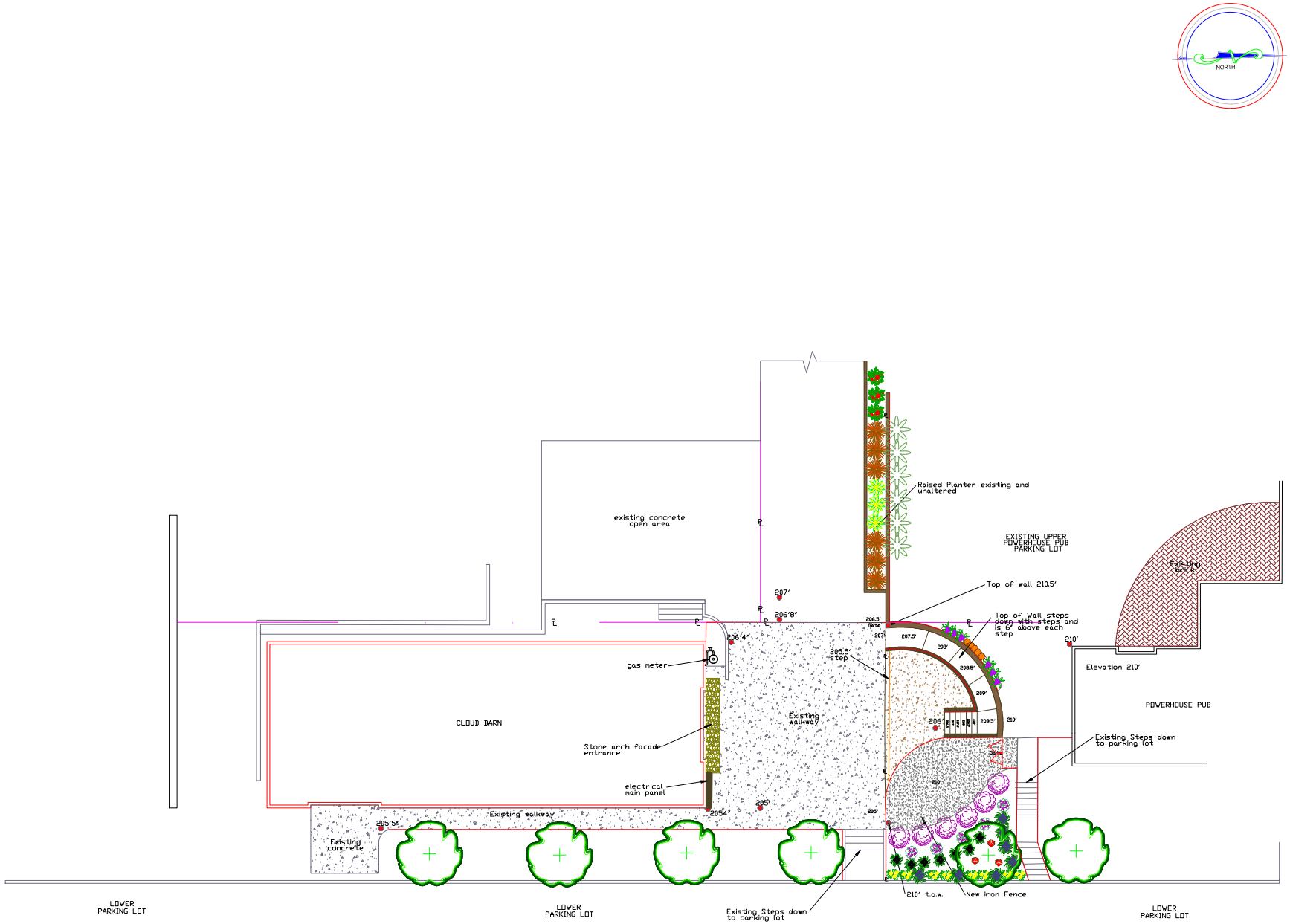
Should you have any questions regarding this letter, please do not hesitate to call me at (916) 461-6209 or email me at jkinkade@folsom.ca.us

Sincerely,

Josh Kinkade
Assistant Planner

POWERHOUSE PATIO PROJECT

PowerHouse and Scarlets service hundreds of customers every week.This project will create a comfortable landscaped patio environment for guests to relax and converse in an existing unused corner of the parking lot.



CAPITAL LANDSCAPE

1380 Lead Hill Blvd Suite 106
Roseville, CA 95661
916-783-5090 Office
916-783-5099 Fax

DISCLOSURES

Landscape Design concept is diagrammatic. Actual site conditions take precedence over design concept. Verify dimensions, grades and utilities on site. do not scale the plans off an engineer's survey.

Capital Landscape is not responsible for any modifications or adjustments of the Design concept that may be necessary by the homeowner or contractor to execute this design.

DATE	REVIEW
2/21/18	redesigned steps, sized up structure
3/08/18	redesigned steps,moved structure,changed shape
8/25/18	removed items, labeled existing items

Powerhouse Pub Addition

DATE: 03/01/18

SCALE: 1/8"=1'

1/8" = 1'-0"

AREA LANDSCAPE

DESIGNER
CLAYTON J. WINTER

SHEET NUMBER
1 of 1

Attachment 3
May 8, 2026, Staff Design Review Approval for Deck at 405 Sutter Street

CITY OF
FOLSOM
DISTINCTIVE BY NATURE

May 8, 2026

Approval Letter: Design Review of a 198 square-foot new deck and replacement of a window and door at 405 Sutter St. (DRDL26-00062)

The City of Folsom Community Development Department has reviewed an application for Design Review for project reference number: DRDL26-00062. The project involves Design Review of a 198 square-foot new deck and replacement of a window and door at 405 Sutter St. The project is located in the Figueroa Subarea of the Historic District.

The Community Development Department has made the decision to conditionally approve the application based on the following findings:

- The project is compliant with the General Plan, the Zoning Ordinance, and all applicable Specific Plans, including but not limited to standards for the Figueroa Subarea of the Historic District specified in Folsom Municipal Code Chapter 17.52;
- The project is in conformance with all applicable city-wide design guidelines, including but not limited to guidelines for the Figueroa Subarea of the Historic District specified in the Historic District Design and Development Guidelines;
- The project is in conformance with all applicable project-specific design guidelines and standards approved through the Planned Development Permit process or similar review process;
- The project provides compatibility of building materials, textures, and colors with surrounding development and consistency with the general design theme of the neighborhood;
- The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 (Existing Facilities) of the CEQA Guidelines.

The project is subject to the attached condition(s) of approval. The application is subject to a ten-day appeal period which commences on May 8, 2026, and ends on May 18, 2026. The submittal remains subject to review and approval by the following City departments: Building, Structural, Fire, Utilities, Arborist, and Engineering. Should you have any questions regarding this letter, please do not hesitate to contact the Planning Division at (916) 461-6202 or PlanningEPC@folsom.ca.us.

Best regards,

Nathan Stroud
Planning Division
Community Development Department
City of Folsom
PlanningEPC@folsom.ca.us
(916) 461-6202

Attachments:

1. Conditions of Approval

Conditions of Approval for DRDL26-00062				
Cond. No.	**Mitigation Measure**	**Requirements**	**When Required**	**Responsible Department**
General Requirements				
1.		***Development Plan*** The applicant shall submit final site development plans to the Community Development Department that shall substantially conform to the exhibits submitted to and on file with the Community Development Department, as modified by these conditions of approval.	B	CD (P)(B)(E)
2.		***Community Development Department Subsequent Review*** A Building Permit is required. Prior to issuance of a building permit, all proposed encroachment, grading and retaining walls shall be permitted and completed. Building plans, and all civil engineering, improvement, landscape, and irrigation plans shall be submitted to the Community Development Department for review and approval to ensure conformance with this approval and with relevant codes, policies, standards and other requirements of the City of Folsom.	G, I, B	CD (P)(B)(E)
3.		***Substantial Consistency Required*** Substantial changes to the exterior of the project, including but not limited to changes in colors, materials, style, size, and/or layout of the project, as determined by the Community Development Department, may result in the termination of this approval. Changes to the project are subject to review and approval by the Community Development Department.	OG	CD (P)(B)(E)
4.		***Validity (Design Review, Historic District)*** The project approval granted under this staff report shall remain in effect for two years from final date of approval (**Expires May 8, 2028).** Failure to obtain the relevant building or other permits within this time period, without the subsequent extension of this approval, shall result in the termination of this approval. The owner/applicant may file an application with the Community Development Department for an extension not less than 60 days prior to the expiration date of the approval, along with appropriate fees and necessary submittal materials pursuant to Folsom Municipal Code Section 17.52.350.	B	CD (P)

Conditions of Approval for DRDL26-00062				
Cond. No.	**Mitigation Measure**	**Requirements**	**When Required**	**Responsible Department**
5.		***Applicable Taxes, Fees, and Charges*** The owner/applicant shall pay all applicable taxes, fees and charges for the project at the rate and amount in effect at the time such taxes, fees and charges become due and payable.	I, B, M	CD (P)(E)
Project-Specific Requirements				
6.		***Trim Requirements*** Trim shall be provided around the doors and windows, and shall substantially match the existing trim of the residence to the satisfaction of the Community Development Department.	O	CD (P)
Legal Requirements				
7.		***Indemnity for City*** The owner/applicant shall defend, indemnify, and hold harmless the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul any approval by the City or any of its agencies, departments, commissions, agents, officers, employees, or legislative body concerning the project which claim, action or proceeding is brought within the time period provided therefore in Government Code Section 66499.37 or other applicable statutes of limitation. The City will promptly notify the owner/applicant of any such claim, action or proceeding, and will cooperate fully in the defense. The City may, within its unlimited discretion, participate in the defense of any such claim, action or proceeding if both of the following occur: • The City bears its own attorney's fees and costs; and • The City defends the claim, action or proceeding in good faith The owner/applicant shall not be required to pay or perform any settlement of such claim, action or proceeding unless the settlement is approved by the owner/applicant.	OG	CD (P)(E)(B) PW, PR, FD, PD

Conditions of Approval for DRDL26-00062				
Cond. No.	**Mitigation Measure**	**Requirements**	**When Required**	**Responsible Department**
8.		***Tolling on Litigation*** If after approval of this project, a lawsuit is filed which seeks to invalidate any approval, entitlement, demolition permit, sign permit or other construction permit required in connection with any of the activities or construction authorized by the project approvals, or to enjoin the project contemplated herein, or to challenge the issuance by any governmental agency of any environmental document or exemption determination, the period for submitting a complete permit application shall be tolled during the time that any litigation is pending, including any appeals.		
Miscellaneous Requirements				
9.		***Alleyway Parking Restrictions*** If the property has access to an alleyway, parking for the property shall not impede public service access in the alleyway (e.g., waste collection, emergency vehicle access, etc.).	OG	CD (P)
10.		***Noise Requirements (Construction and Operational)*** Compliance with Noise Control Ordinance and General Plan Noise Element shall be required. Hours of construction operation shall be limited from 7:00 a.m. to 6:00 p.m. on weekdays and 8:00 a.m. to 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays. Construction equipment shall be muffled and shrouded to minimize noise levels.	DC	CD (P)

Responsible Department		When Required	
CD	Community Development Department	B	Prior to Issuance of first Building Permit
(P)	Planning Division	G	Prior to Issuance of Grading Permit
(B)	Building Division	I	Prior to Approval of Improvement Plans
(E)	Engineering Division	M	Prior to Approval of Final Map
(A)	Arborist Division	O	Prior to Approval of Occupancy Permit
PW	Public Works Department	DC	During Construction
PR	Parks and Recreation Department	OG	On-Going Requirement
PD	Police Department		
FD	Fire Department		

Attachment 4

July 2, 2026, email from Nathan Stroud Subject, *Re: 512 Natoma St. Folsom Reroof Project*

From: **Nathan Stroud** <nstroud@folsom.ca.us>
Date: Thu, Jul 2, 2026 at 8:17 AM
Subject: RE: 512 Natoma St. Folsom Reroof Project
To: Robert Walter <[redacted]>
CC: Michael Reynolds <[redacted]>, Desmond Parrington <dparrington@folsom.ca.us>

Good morning Robert,

To provide some more background regarding this property, the guest house they are referring to (before and after pictures attached) was erroneously issued a permit for the reroof without review by the Planning Division. Had we reviewed the project, we would not have allowed black comp shingles and would have required they stay with the red Spanish tiles, as is consistent with the Spanish eclectic style.

They have now come in for another reroof for the main Miller Funeral Home building, which was routed correctly this time, and have been asked to undergo design review. They have provided the justification that the black shingles are intended to match the, now, two existing black comp shingled buildings on the lot. They have also claimed that underneath the existing roof, there appears to be a layer of comp shingles, likely the original roof before the building was remodeled to match the original Spanish eclectic guest house on the corner. There do appear to also be some examples of a Spanish eclectic houses in the district with comp shingles (two examples attached), although this is not typical with that style.

Staff's position is that red Spanish tile or similar would need to be used on the building, however we have directed the applicant to get feedback or support from HFRA and HPL. If that is your position as well, that would help convince them to go this direction. If you disagree, this will help inform staff for this and future projects of a similar scope.

Regards,
Nathan

Nathan R. Stroud
Associate Planner
City of Folsom
50 Natoma Street, Folsom, CA 95630
nstroud@folsom.ca.us
o:916-461-6220
www.folsom.ca.us

ATTENTION: Starting October 20, 2025, all NEW permits will be reviewed through eTRAKiT and not through ProjectDox.
All permits submitted prior to October 20, 2025, will remain in ProjectDox until approved. Please visit the ePermit Center or see Forms B402, B403, and B404 for more information.