



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, April 19, 2016

7:00 P.M.

*Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517*

Mayor: Howard Geller

Vice Mayor: Jim Diaz

Council Members

Keith Haydon

Julie K. Pierce

David T. Shuey

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail and on the City's Website at least 72 hours prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL ***

April 19, 2016

1. **CALL TO ORDER AND ROLL CALL** – Mayor Geller.

2. **PRESENTATION OF THE COLORS AND PLEDGE OF ALLEGIANCE**

Led by Boy Scouts from BSA Troops 262 and 484

Mt. Diablo Silverado Council, Boy Scouts of America (BSA)

3. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by the City Council with one single motion. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or input may request so through the Mayor.

(a) Approve the minutes of the City Council’s regular meeting of April 5, 2016.

[\(View Here\)](#)

(b) Approve the Financial Demands and Obligations of the City. [\(View Here\)](#)

(c) Accept the City’s Investment Portfolio Report for Third Quarter of FY 2015-16, ending March 31, 2016. [\(View Here\)](#)

(d) Adopt a Resolution finding and declaring that a continuing local emergency condition remains arising from damage to a portion of the Cardinet Trail while undertaking the previously-authorized emergency repairs on the Cardinet Trail.

[\(View Here\)](#)

(e) Adopt a Resolution approving a Tolling Agreement extending the limitations period to file a legal challenge by West Coast Home Builders, Inc. concerning the City’s disapproval of the Final Map for the Oak Creek Canyon Subdivision (MAP-04-03). [\(View Here\)](#)

4. **RECOGNITIONS AND PRESENTATIONS**

(a) Presentation by the Mt. Diablo Silverado Council, Boy Scouts of America, regarding the status of Scouting in Clayton (Arnel Jaime, District Executive).

(b) Presentation of its Annual Report for 2015 by Joyce Atkinson, President of the Clayton Community Library Foundation. [\(View Here\)](#)

(c) Proclamation declaring the week of April 18th - 24th, 2016 as “Clayton Community Library Volunteer Recognition Week,” and recognition of Clayton’s “Library Volunteers of the Year.” [\(View Here\)](#)

- (d) Kickoff of Clayton’s Certified Farmers’ Market for 2016
“Opening Day” is Saturday, May 7th (8:00 am – Noon, each Saturday on Diablo Street)
(Shawn Lipetzky, Regional Manager, Pacific Coast Farmers’ Market Association,
Jorge Vega, District Manager, Pacific Coast Farmers’ Market Association)
- (e) Proclamation declaring the month of April as “Sexual Assault Awareness Month.”
([View Here](#))

5. REPORTS

- (a) Planning Commission – Commissioner Dan Richardson.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff
- (d) City Council - Reports from Council liaisons to Regional Committees,
Commissions and Boards.
- (e) Other

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council’s jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor’s discretion. When one’s name is called or you are recognized by the Mayor as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

7. PUBLIC HEARINGS - None.

8. ACTION ITEMS

- (a) Council Member report on the progress and possible content of a Contra Costa Transportation Authority (CCTA) ballot measure in November 2016 to levy an additional sales tax rate of 0.5% for transportation-related projects and needs.
(Councilmember Pierce) ([View Here](#))

Staff recommendation: Following presentation and opportunity for public comments, that the City Council provide policy comments or direction regarding this matter.

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.

10. **CLOSED SESSIONS**

(a) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9(d)(1)

1. *Brandon House, Petitioner, v. Superior Court of the State of California for the County of Contra Costa, Respondent; City of Clayton, Real Party in Interest.*
Contra Costa County Superior Court, Case No. 1-173712-1.

2. *Khalil Luis Guerra, Petitioner, v. Superior Court of the State of California for the County of Contra Costa, Respondent; City of Clayton, Real Party in Interest.*
Contra Costa County Superior Court, Case No. 1-173426-8.

Report Out from Closed Session: Mayor Geller

11. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be May 3, 2016.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 4-19-2016

Agenda Item: 3a

TUESDAY, April 5, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Geller, Vice Mayor Diaz and Councilmembers Haydon, Pierce, and Shuey. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Community Development Director Mindy Gentry, Maintenance Supervisor John Johnston and City Clerk/HR Manager Janet Brown.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Geller.

3. **CONSENT CALENDAR**

It was moved by Councilmember Shuey, seconded by Councilmember Haydon, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Information Only – No Action Requested
 - 1. Report from the CA HERO Program regarding recent HERO Property Assessed Clean Energy (PACE) installations within the city.
- (b) Approved the minutes of the City Council's regular meeting of March 15, 2016.
- (c) Approved the Financial Demands and Obligations of the City.
- (d) Adopted Resolution No. 16-2016 setting the City's Equivalent Runoff Unit (ERU) real property parcel assessment rates in FY 2016-17 at current rates to pay for local storm water/clean water programs and services required by the unfunded federal and state-mandated National Pollution Discharge Elimination System (NPDES) Program (storm water pollution prevention).
- (e) Adopted Resolution No. 17-2016 finding and declaring that an emergency condition exists arising from damage to a portion of the Cardinet Trail and authorizing an emergency trail repair project on the Cardinet Trail without public bidding, and approving the award of a lowest-cost time and materials contract to G.N. Henley, Inc., for an estimated amount of \$43,000 to perform emergency trail repairs located on Cardinet Trail (funded by the Citywide Landscape and Trails Maintenance District, Fund No. 210).
- (f) Adopted Resolution No. 18-2016 updating the City's Public Records Retention Schedule for City Public and Police Records.
- (g) Approved Addendum No. 2 with Raney Planning and Management in the amount of \$86,715 to prepare an Environmental Impact Report for the proposed Silver Oak Estates residential development project.

4. RECOGNITIONS AND PRESENTATIONS

- (a) Recognition to outgoing Trails and Landscape Committee Member Alyse Smith in appreciation for her valued civic service to the Clayton community.

(7:10 p.m.) Mayor Geller presented Alyse Smith with a plaque recognizing her service to the Trails and Landscaping Committee. Ms. Smith thanked the City Council for the recognition and encouraged the community to volunteer if they are able.

- (b) Recognitions to outgoing Clayton Community Emergency Response Team (CERT) members Herb Yonge, Rich Veal, and Sue Elliott in appreciation for their valued civic services to the Clayton community.

(7:01 p.m.) Mayor Geller presented a plaque to Clayton Community Response Team members Herb Yonge, Rich Veal; (Sue Elliott was unable to attend due to a prior commitment). Mr. Yonge and Mr. Veal spoke briefly about the Clayton Community Response Team advising this particular group is known as "C5" for Clayton Community Citizen Corps Council. Each indicated they will remain a volunteer with the Clayton CERT program, just not in a leadership capacity.

- (c) Recognition of a \$1,000 donation from Maddie's Fund for an outdoor kennel as a temporary shelter for stray dogs to be located at the City's Corporation Yard.

Police Chief Chris Wenzel accepted the City's Certificate of Recognition on behalf of Maddie's Fund. He shared information on why Maddie's Fund was established and some brief history of his experiences with their services and contributions.

- (d) Recognition of a \$22,725 grant from Tesoro Foundation for the City's purchase of an electric motorcycle for use by the Clayton Police Department.

Police Chief Wenzel and Sergeant Jason Shaw provided Patty Deutsche, Director of Northern California Government and Public Affairs from the Tesoro Foundation, a City Certificate of Recognition for its very generous donation of grant monies to obtain an all-electric police motorcycle for use by the Clayton Police Department. Ms. Deutsche provided background information on the Foundation's purpose and mission and presented the City with a large check symbolizing the grant donation for purchase of the all-electric police motorcycle. Sergeant Shaw brought the all-electric motorcycle into the Council Chambers for show.

- (e) Introduction of Clayton's newest Police Officer, Tom Starick, by Chief of Police Chris Wenzel.

Police Chief Wenzel introduced Clayton's newest Police Officer Starick to the City Council. Mr. Starick thanked the City Council for the opportunity to ensure the safety of this community and he looks forward to many years of service here.

5. REPORTS

- (a) Planning Commission – No meeting held.

- (b) Trails and Landscaping Committee – Vice Chair Christopher Garcia reported on the Trails and Landscaping Committee meeting held on March 21st. The Committee received an update from Maintenance Supervisor Mark Janney regarding the Department's need for additional 4 - 6 seasonal Temporary Maintenance Worker staff members. Tree

replacement discussions also took place for the areas of Peacock Creek Drive and Keller Ridge Drive; an ad-hoc subcommittee was formed from the Adopt-A-Trail program consisting of Trails and Landscaping Committee members Vice Chair Christopher Garcia and Nancy Morgan; to date the ad-hoc committee has received funds from five (5) sponsors; the Trails and Landscaping Committee will have a booth at the upcoming "Clayton Cleans Up" event taking place on Saturday, April 23rd; future editions of the *Clayton Pioneer* will feature articles submitted by the Trails and Landscaping Committee; they responded to a citizen inquiry regarding upcoming ballot Measure H Citywide Trails and Landscape Maintenance District continuation of existing services and special parcel tax; the Committee received a refresher course on requirements of the public meeting law known as the "Brown Act"; the Committee reviewed the District's annual budget allocations and where the public trails are for new committee members; and finally, there were discussions of updates and suggestions regarding the Trails and Landscape Committee's website page.

(c) City Manager/Staff

City Manager Napper provided additional details regarding the upcoming "Clayton Cleans Up" event taking place on Saturday, April 23rd from 9:00 am to Noon; meet in the City Hall courtyard for sign-ins, area assignments and trash bags. He thanked Bob and Tamara Steiner of the *Clayton Pioneer* for promoting and sponsoring this community event again this year.

Mr. Napper further advised the City Council the missing trees of concern in the Peacock Creek Drive median are scheduled for replacement next week.

(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Vice Mayor Diaz attended meetings of the Clayton Community Response Team, the Trails and Landscaping Committee, the East Bay Division of the League of California Cities, and the Clayton Business and Community Association's General Membership. Mr. Diaz also attended the 27th Annual Valley Leadership Prayer Breakfast and a funeral service for Lester "Skip" Ipsen who recently passed away.

Councilmember Pierce attended several meetings of the Contra Costa Transportation Authority, the Metropolitan Transportation Commission, the Association of Bay Area Governments, the California Council of Governments, the East Bay Division of the League of California Cities, the TRANSPAC, and the Bay Area Regional Collaborative. She also attended a meeting with Councilmember Haydon regarding the potential off-road trail connecting Clayton to Brentwood and Oakley, named the "Marsh Creek Trail". Ms. Pierce announced the upcoming Clayton Historical Society Garden Tours takes place on April 23rd and April 24th, which is its primary fundraiser. She further advised the Clayton Museum's long time Curator, Mary Spryer, is re-locating to Wisconsin very soon and will be sorely missed. Ms. Pierce noted she was unable to attend the funeral of "Skip" Ipsen due to a prior commitment but remarked he was a wonderful man and community contributor.

Councilmember Shuey indicated he worked with Councilmember Haydon on the ballot measure argument in favor of the landscape district parcel tax.

Councilmember Haydon assisted with the ballot measure Language in Favor of Measure H with Councilmember Shuey and former Blue Ribbon Committee Chair, Dan Richardson; he was pleased there is no argument filed against the upcoming measure. Mr. Haydon attended the Clayton Business and Community Association's General Membership meeting, and the Spring Bocce Ball League kick-off event. He also attended a meeting regarding the potential Marsh Creek multi-use trail. Mr. Haydon also

attended the funeral of Lester "Skip" Ipsen and added one of his favorite memories was the mini- bumper stickers that Skip handed out that read "Looking for Skipolini's Pizza in Clayton, CA", thereby further promoting Clayton. He also mentioned the adjoining Bocce Ball Court to Skipolini's in Clayton is named in honor of the Ipsen Family.

Mayor Geller attended meetings of the Clayton Community Response Team, and the Clayton Business and Community Association's General Membership monthly meeting. He also attended the Clayton Library Foundation Creekside Arts event and Clayton's Spring Bocce Ball kick-off event. Mr. Geller recently volunteered his time with the Meals on Wheels organization during its awareness week and looks forward to volunteering more of his time in the future. He announced the 9th Annual Saturday "Concerts in The Grove" flyers are now available on the City's website and soon in the *Clayton Pioneer*. Mayor Geller also attended the funeral of Lester "Skip" Ipsen and intends to close the Council meeting this evening in his honor.

- (e) Other – None.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Dan Richardson, Morningstar Drive, announced the formation of "Yes on Measure H" Committee. Mr. Richardson provided a brief history of the Citywide Landscape Maintenance District Tax starting in 1997 to provide safe, attractive, efficient landscaping and levels of maintenance service to the residents of Clayton's public front yard. He encouraged citizens to vote "Yes" to continue this important tax for an increment of 10 years using the same tax methodology.

7. PUBLIC HEARINGS – None.

8. ACTION ITEMS

- (a) Consider the recommended process for the City Maintenance Department to demolish the three (3) non-historic outbuildings on the Keller Ranch House property at an estimated expense of \$2,000, grant the Clayton Historical Society first salvage rights to desired materials of the outbuildings, and authorize the City Manager to arrange for the sale/off-haul of the remaining debris to interested parties.

Community Development Director Mindy Gentry presented the staff report providing a brief background of the Keller Ranch outbuildings. Staff explored third party salvage options along with an in-house demolition of the buildings to be performed on overtime by City Maintenance staff with a cost to not exceed \$2,000.00. At this time it has not been determined if there is true value to the boards used in the construction of the outbuildings. The Clayton Historical Society and a local business, the Royal Rooster, have expressed interest in obtaining some boards for historical and display purposes.

Councilmember Pierce clarified the intent of the in-house demolition will not include volunteer assistance due to potential liability. Ms. Pierce also inquired if arrangements will be made for non-profits to receive priority on selecting boards they wish to obtain.

Ms. Gentry confirmed that local non-profits will have first selection, by either pre-marking boards prior to demolition or the ability to pick boards after demolition by creating a pile of boards they wish to acquire.

Councilmember Shuey asked for the date the demolition is set to occur. Ms. Gentry confirmed the date is set for Saturday, May 21, 2016. Mayor Geller asked the community not remove any of the boards as it could pose a potential liability issue should the outbuildings collapse.

Councilmember Diaz inquired on the interest of third party salvage companies to take on this project. Ms. Gentry advised it is unclear if third party salvage companies have an interest in the project and she urged their representatives to perform onsite appraisal. Ms. Gentry also included the hierarchy of the materials with first pick of materials to Clayton Historical Society, followed by local non-profit organizations and finally for-profit organizations. Mr. Napper added it appears some materials are disappearing quickly and there is an increasing risk the structures could collapse. Mr. Napper noted the value of the materials may be more of a sentimental value, rather than a dollar value.

Mayor Geller opened the item to receive public comments.

Dan Hummer, 282 Stranahan Circle, suggested a fence to be placed around the Keller Ranch outbuildings as an additional safety measure prior to the demolition to occur in May.

With no other persons wishing to speak, Mayor Geller closed the public comments.

Councilmember Haydon suggested a sign be placed in the area of the outbuildings to request the materials not be removed as a potential safety hazard. He also suggested inquiry with the Clayton Historical Society regarding availability of materials.

It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to adopt Resolution No. 19-2016 authorizing City Maintenance staff to demolish the three Keller Ranch outbuildings, allowing the Clayton Historical Society first salvage rights, and authorizing the City Manager to negotiate the sale/off-haul of the remaining materials to interested third parties.(Passed; 5-0 vote).

- (b) Consider the Trails and Landscaping Committee's and Maintenance staff's recommendations of the appropriate tree replacement species for the narrow sidewalk planters along Keller Ridge Drive (Citywide Landscape Maintenance and Trails District).

Maintenance Supervisor John Johnston presented the staff report along with a Power Point presentation displaying the proposed tree replacement plan for Keller Ridge Drive landscape trees, including current photos of the trees' conditions and absences that were planted 25 years ago with the Oakhurst residential subdivision. Mr. Johnston advised at the recent Trails and Landscaping Committee (TLC) meeting it was concluded developing a Master Tree Plan for immediate and future replacement of tree species in this area will assist in sustaining the trees and beautification of this entry roadway. He added Maintenance staff and the Trails and Landscaping Committee are in agreement on the use of two replacement trees, namely the Chinese Pistache and the Eastern Redbud. However, there is disagreement over the third tree species as to the TLC's preference for the flowering plum versus Maintenance's recommendation of the Chinese Hackberry; Mr. Johnston noted the flowering plum is a very difficult tree to select from nurseries to avoid it being a fruit-bearing tree that causes a mess/public hazard on the adjacent sidewalks. It is also critical to select tree species that will grow

well in the clay soils of Clayton and in these confined sidewalk landscape areas, and are disease resistant.

Councilmember Pierce inquired on when the trees are scheduled for replacement and if there has been notification to the effected residents? Mr. Johnston advised the trees are scheduled for replacement in the months of April or probably May, and no outreach directly to the fronting property owners has been conducted by the City. In the past, staff considered the TLC as serving the community's input on such matters.

Councilmember Pierce suggested a Community Outreach/Education article be placed in the *Clayton Pioneer* advising the community of the tree replacement selections and why it needs to occur. She also suggested a Mayor's Column advising of the diseased trees and indication of other areas that will be affected by the replacement.

Councilmember Haydon inquired if the current Trails and Landscaping Committee members represent all areas of the city? Mr. Napper was uncertain but believes there are some residential areas without Trails and Landscaping Committee representation since it is purely voluntary.

Councilmember Haydon finds it beneficial to reinforce the tree replacement plan to the community and through the Trails and Landscape Committee representation.

Mayor Geller opened the item to receive public comments; no public comments were offered.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to authorize the replacement of any missing or declining London Plane trees along Keller Ridge Drive with a multiple species design consisting of the Chinese Pistache, the Eastern Redbud, and the Chinese Hackberry trees; and authorize staff to replace the trees using previously-authorized funds in the amount of \$46,000 from the Citywide Landscape Maintenance District (Fund 210). (Passed; 5-0 vote).

9. COUNCIL ITEMS

Councilmember Pierce would like to provide a brief report on the proposed Contra Costa Transportation Authority's proposed ballot measure and options for the transportation expenditure plan at the next regular meeting of the City Council on April 19th.

10. CLOSED SESSION – None.

11. ADJOURNMENT– on call by Mayor Geller, the City Council adjourned its meeting at 8:46 p.m. in memory of Lester "Skip" Ipsen, a long time Clayton community member who recently passed away.

The next regularly scheduled meeting of the City Council will be April 19, 2016.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

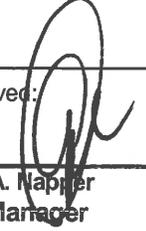
Howard Geller, Mayor

#####



Agenda Date 4/19/2016

Agenda Item: 3b

Approved: 

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 04/19/16
SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

04/15/2016	Cash Requirements	\$189,888.54
04/12/2016	ADP Payroll week 15, PPE 4/10/16	\$ 79,729.58
<u>Total</u>		<u>\$269,618.12</u>

Attachments:

Cash Requirements Report dated 4/15/2016 (4 pages)
ADP payroll report for week 15 (1 page)

City of Clayton

Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Ace Sierra Tow								
Ace Sierra Tow	4/19/2016	4/19/2016	4015	Tire change PD car # 1736	\$25.00	\$0.00		\$25.00
<i>Totals for Ace Sierra Tow:</i>					<u>\$25.00</u>	<u>\$0.00</u>		<u>\$25.00</u>
ADP, LLC								
ADP, LLC	4/19/2016	4/19/2016	471479722	Payroll fees PPE 3/27/16	\$144.41	\$0.00		\$144.41
<i>Totals for ADP, LLC:</i>					<u>\$144.41</u>	<u>\$0.00</u>		<u>\$144.41</u>
All City Management Services, Inc.								
All City Management Services, Inc.	4/19/2016	4/19/2016	42905	school crossing guard services 3/13/16-3/26/1	\$509.10	\$0.00		\$509.10
All City Management Services, Inc.	4/19/2016	4/19/2016	42692	school crossing guard services 2/28/16-3/12/1	\$458.19	\$0.00		\$458.19
<i>Totals for All City Management Services, Inc.:</i>					<u>\$967.29</u>	<u>\$0.00</u>		<u>\$967.29</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	4/19/2016	4/19/2016	0336636-IN	gloves, safety glasses, stop/slow paddle	\$316.97	\$0.00		\$316.97
<i>Totals for Bay Area Barricade Serv.:</i>					<u>\$316.97</u>	<u>\$0.00</u>		<u>\$316.97</u>
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	4/19/2016	4/19/2016	0000956184	ads for temp landscape workers	\$921.70	\$0.00		\$921.70
Bay Area News Group East Bay (CCT)	4/19/2016	4/19/2016	0000956183	ballot measure for LMD tax in Legal Classifi	\$347.44	\$0.00		\$347.44
<i>Totals for Bay Area News Group East Bay (CCT):</i>					<u>\$1,269.14</u>	<u>\$0.00</u>		<u>\$1,269.14</u>
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	4/19/2016	4/19/2016	769467	March General Retainer, Legal Services	\$8,000.00	\$0.00		\$8,000.00
Best Best & Kreiger LLP	4/19/2016	4/19/2016	769468	March General Retainer, Legal -Reimb. cost	\$13.93	\$0.00		\$13.93
Best Best & Kreiger LLP	4/19/2016	4/19/2016	769469	March Legal services, PD (House)	\$1,607.23	\$0.00		\$1,607.23
Best Best & Kreiger LLP	4/19/2016	4/19/2016	769470	March Legal Services, Complex RE/Land Ac	\$82.50	\$0.00		\$82.50
Best Best & Kreiger LLP	4/19/2016	4/19/2016	769471	March Legal Services, Community Developme	\$357.50	\$0.00		\$357.50
Best Best & Kreiger LLP	4/19/2016	4/19/2016	769472	March Legal Services, Successor Housing	\$497.50	\$0.00		\$497.50
<i>Totals for Best Best & Kreiger LLP:</i>					<u>\$10,558.66</u>	<u>\$0.00</u>		<u>\$10,558.66</u>
CalPERS Health								
CalPERS Health	4/19/2016	4/19/2016	2006	April Medical	\$36,585.12	\$0.00		\$36,585.12
<i>Totals for CalPERS Health:</i>					<u>\$36,585.12</u>	<u>\$0.00</u>		<u>\$36,585.12</u>
CalPERS Retirement								
CalPERS Retirement	4/19/2016	4/19/2016	PPE 4/10/16	retirement PPE 4/10/16	\$13,527.97	\$0.00		\$13,527.97
CalPERS Retirement	4/19/2016	4/19/2016	4/24/16	CC retirement ending 4/24/16	\$178.32	\$0.00		\$178.32
CalPERS Retirement	4/19/2016	4/19/2016	April UAL	April UAL - retirement	\$28,437.00	\$0.00		\$28,437.00
<i>Totals for CalPERS Retirement:</i>					<u>\$42,143.29</u>	<u>\$0.00</u>		<u>\$42,143.29</u>
CCWD								
CCWD	4/19/2016	4/19/2016	J series	Water - irrigation - 2/5/16-4/7/16	\$3,825.83	\$0.00		\$3,825.83
<i>Totals for CCWD:</i>					<u>\$3,825.83</u>	<u>\$0.00</u>		<u>\$3,825.83</u>
City of Concord								

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
City of Concord	4/19/2016	4/19/2016	50843	dispatch services for March	\$20,089.50	\$0.00		\$20,089.50
<i>Totals for City of Concord:</i>					<u>\$20,089.50</u>	<u>\$0.00</u>		<u>\$20,089.50</u>
Clayton Pioneer								
Clayton Pioneer	4/19/2016	4/19/2016	1310471	Ad Inserts for Concerts in the Grove 2016	\$480.00	\$0.00		\$480.00
<i>Totals for Clayton Pioneer:</i>					<u>\$480.00</u>	<u>\$0.00</u>		<u>\$480.00</u>
Clean Street								
Clean Street	4/19/2016	4/19/2016	81838	March street sweeping	\$3,500.00	\$0.00		\$3,500.00
<i>Totals for Clean Street:</i>					<u>\$3,500.00</u>	<u>\$0.00</u>		<u>\$3,500.00</u>
Comcast								
Comcast	4/19/2016	4/19/2016	4/5/16	internet 4/10/16-5/9/16	\$236.12	\$0.00		\$236.12
<i>Totals for Comcast:</i>					<u>\$236.12</u>	<u>\$0.00</u>		<u>\$236.12</u>
Concord Garden Equipment								
Concord Garden Equipment	4/19/2016	4/19/2016	522619	Hedger Service	\$169.58	\$0.00		\$169.58
<i>Totals for Concord Garden Equipment:</i>					<u>\$169.58</u>	<u>\$0.00</u>		<u>\$169.58</u>
Contra Costa County Department of Conservation & Development								
Contra Costa County Department of Co	3/31/2016	3/31/2016	Q3 2016	Business license fee portion to County Q3 FY	\$52.65	\$0.00		\$52.65
<i>Totals for Contra Costa County Department of Conservation & Development:</i>					<u>\$52.65</u>	<u>\$0.00</u>		<u>\$52.65</u>
Contra Costa County Employment & Human Services								
Contra Costa County Employment & Hu	4/19/2016	4/19/2016	Child	Children's Interview Center FY 2016	\$500.00	\$0.00		\$500.00
<i>Totals for Contra Costa County Employment & Human Services:</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	4/19/2016	4/19/2016	700480	traffic signal maintenance for February	\$2,836.31	\$0.00		\$2,836.31
<i>Totals for Contra Costa County Public Works Dept:</i>					<u>\$2,836.31</u>	<u>\$0.00</u>		<u>\$2,836.31</u>
Division of the State Architect								
Division of the State Architect	3/31/2016	3/31/2016	Q3 2016	Business license fee portion to State Q3 FY 1	\$24.30	\$0.00		\$24.30
<i>Totals for Division of the State Architect:</i>					<u>\$24.30</u>	<u>\$0.00</u>		<u>\$24.30</u>
Hammons Supply Company								
Hammons Supply Company	4/19/2016	4/19/2016	92799	Library Janitorial Supplies	\$19.02	\$0.00		\$19.02
<i>Totals for Hammons Supply Company:</i>					<u>\$19.02</u>	<u>\$0.00</u>		<u>\$19.02</u>
Health Care Dental Trust								
Health Care Dental Trust	4/19/2016	4/19/2016	207047	May dental	\$2,580.36	\$0.00		\$2,580.36
<i>Totals for Health Care Dental Trust:</i>					<u>\$2,580.36</u>	<u>\$0.00</u>		<u>\$2,580.36</u>
Hyde Printing Inc								
Hyde Printing Inc	4/19/2016	4/19/2016	72153	Concert in the Grove Flyers	\$1,035.73	\$0.00		\$1,035.73
<i>Totals for Hyde Printing Inc:</i>					<u>\$1,035.73</u>	<u>\$0.00</u>		<u>\$1,035.73</u>

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
ICMA Retirement Corporation								
ICMA Retirement Corporation	4/19/2016	4/19/2016	16498	annual plan fee for 4/1/16-6/30/16	\$125.00	\$0.00		\$125.00
<i>Totals for ICMA Retirement Corporation:</i>					<u>\$125.00</u>	<u>\$0.00</u>		<u>\$125.00</u>
Arlene Kikkawa-Nielsen								
Arlene Kikkawa-Nielsen	4/19/2016	4/19/2016	April 2016	April Library Volunteer Coordinator Hours	\$900.00	\$0.00		\$900.00
<i>Totals for Arlene Kikkawa-Nielsen:</i>					<u>\$900.00</u>	<u>\$0.00</u>		<u>\$900.00</u>
LarryLogic Productions								
LarryLogic Productions	4/19/2016	4/19/2016	1572	City Council Meeting Production 4/5/16	\$325.00	\$0.00		\$325.00
<i>Totals for LarryLogic Productions:</i>					<u>\$325.00</u>	<u>\$0.00</u>		<u>\$325.00</u>
Legal Defense Fund								
Legal Defense Fund	4/19/2016	4/19/2016	162128	April Dues	\$13.50	\$0.00		\$13.50
<i>Totals for Legal Defense Fund:</i>					<u>\$13.50</u>	<u>\$0.00</u>		<u>\$13.50</u>
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	4/19/2016	4/19/2016	2043	City Hall HVAC Maintenance March	\$332.50	\$0.00		\$332.50
Marken Mechanical Services Inc	4/19/2016	4/19/2016	2041	Library HVAC Maintenance March	\$502.17	\$0.00		\$502.17
Marken Mechanical Services Inc	4/19/2016	4/19/2016	2052	Library Controls Maintenance January	\$900.00	\$0.00		\$900.00
<i>Totals for Marken Mechanical Services Inc:</i>					<u>\$1,734.67</u>	<u>\$0.00</u>		<u>\$1,734.67</u>
Matrix Association Management								
Matrix Association Management	4/19/2016	4/19/2016	2930	April Management services for Diablo Estates	\$4,375.00	\$0.00		\$4,375.00
<i>Totals for Matrix Association Management:</i>					<u>\$4,375.00</u>	<u>\$0.00</u>		<u>\$4,375.00</u>
Morgan Fence Company, Inc								
Morgan Fence Company, Inc	4/19/2016	4/19/2016	2833	Replace chainlink fence at CCP	\$17,600.00	\$0.00		\$17,600.00
Morgan Fence Company, Inc	4/19/2016	4/19/2016	2828	Install fencing for corp yrd landscape equip	\$1,974.00	\$0.00		\$1,974.00
<i>Totals for Morgan Fence Company, Inc:</i>					<u>\$19,574.00</u>	<u>\$0.00</u>		<u>\$19,574.00</u>
MPA								
MPA	4/19/2016	4/19/2016	April 2016	Life/LTD for April	\$1,692.89	\$0.00		\$1,692.89
MPA	4/19/2016	4/19/2016	May 2016	Life/LTD for May	\$1,627.85	\$0.00		\$1,627.85
<i>Totals for MPA:</i>					<u>\$3,320.74</u>	<u>\$0.00</u>		<u>\$3,320.74</u>
Neopost Northwest								
Neopost Northwest	4/19/2016	4/19/2016	N5877518	Postage contract 5/7/16-6/6/16	\$158.20	\$0.00		\$158.20
<i>Totals for Neopost Northwest:</i>					<u>\$158.20</u>	<u>\$0.00</u>		<u>\$158.20</u>
Paramount Elevator Corp.								
Paramount Elevator Corp.	4/19/2016	4/19/2016	12522	Elevator service for April, May, and June	\$220.00	\$0.00		\$220.00
<i>Totals for Paramount Elevator Corp.:</i>					<u>\$220.00</u>	<u>\$0.00</u>		<u>\$220.00</u>
PERMCO, Inc.								
PERMCO, Inc.	4/19/2016	4/19/2016	10547	General Engineering Services 3/26/16-4/8/16	\$2,621.00	\$0.00		\$2,621.00
PERMCO, Inc.	4/19/2016	4/19/2016	10548	CAP Inspections 3/26/16-4/8/16	\$62.25	\$0.00		\$62.25

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
PERMCO, Inc.	4/19/2016	4/19/2016	10549	Initial Inspection - Zayo Group, Traffic Contro	\$736.50	\$0.00		\$736.50
PERMCO, Inc.	4/19/2016	4/19/2016	10550	Trail repair -obtain bids, prepare contract, sta	\$991.25	\$0.00		\$991.25
<i>Totals for PERMCO, Inc.:</i>					<u>\$4,411.00</u>	<u>\$0.00</u>		<u>\$4,411.00</u>
Sylvia Philis								
Sylvia Philis	4/19/2016	4/19/2016	1056	refund deposit for UP 01-16	\$1,533.87	\$0.00		\$1,533.87
<i>Totals for Sylvia Philis:</i>					<u>\$1,533.87</u>	<u>\$0.00</u>		<u>\$1,533.87</u>
Priority Payment Systems (Merchant Bankcard System)								
Priority Payment Systems (Merchant Bar	4/19/2016	4/19/2016	March	Bankcard fees for March	\$87.06	\$0.00		\$87.06
<i>Totals for Priority Payment Systems (Merchant Bankcard System):</i>					<u>\$87.06</u>	<u>\$0.00</u>		<u>\$87.06</u>
Ross Recreation Equipment, Co., Inc								
Ross Recreation Equipment, Co., Inc	4/19/2016	4/19/2016	98479	3 free standing grills for CCP	\$1,718.00	\$0.00		\$1,718.00
Ross Recreation Equipment, Co., Inc	4/19/2016	4/19/2016	98480	10 - 31 gallon receptacles	\$18,321.75	\$0.00		\$18,321.75
<i>Totals for Ross Recreation Equipment, Co., Inc:</i>					<u>\$20,039.75</u>	<u>\$0.00</u>		<u>\$20,039.75</u>
Roto-Rooter Sewer/Drain Service								
Roto-Rooter Sewer/Drain Service	4/19/2016	4/19/2016	C-1656-16	CCP Urinal waste line clear	\$209.75	\$0.00		\$209.75
<i>Totals for Roto-Rooter Sewer/Drain Service:</i>					<u>\$209.75</u>	<u>\$0.00</u>		<u>\$209.75</u>
Simpson Investigative Svc Grp								
Simpson Investigative Svc Grp	4/19/2016	4/19/2016	1914	pre-employment background check	\$1,858.13	\$0.00		\$1,858.13
<i>Totals for Simpson Investigative Svc Grp:</i>					<u>\$1,858.13</u>	<u>\$0.00</u>		<u>\$1,858.13</u>
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	4/19/2016	4/19/2016	75029659	miscellaneous supplies	\$2,153.23	\$0.00		\$2,153.23
Site One Landscape Supply, LLC	4/19/2016	4/19/2016	74991030	tree stakes, root barrier panels, perf pipe	\$980.01	\$0.00		\$980.01
Site One Landscape Supply, LLC	4/19/2016	4/19/2016	75108230	agriform 20-10-5, 21 gal X 2	\$118.24	\$0.00		\$118.24
<i>Totals for Site One Landscape Supply, LLC:</i>					<u>\$3,251.48</u>	<u>\$0.00</u>		<u>\$3,251.48</u>
Staples Advantage								
Staples Advantage	4/19/2016	4/19/2016	8038722610	office supplies for March	\$302.56	\$0.00		\$302.56
<i>Totals for Staples Advantage:</i>					<u>\$302.56</u>	<u>\$0.00</u>		<u>\$302.56</u>
Verizon Wireless								
Verizon Wireless	4/19/2016	4/19/2016	9762999417	cell phones 3/2/16-4/1/16	\$89.55	\$0.00		\$89.55
<i>Totals for Verizon Wireless:</i>					<u>\$89.55</u>	<u>\$0.00</u>		<u>\$89.55</u>
GRAND TOTALS:					\$189,888.54	\$0.00		\$189,888.54

WEEK 15 BATCH 6425 35 PAYS

0 Employees With Overflow Statement

0 Overflow Statement 1 Total Statement

Tot Cks/Vchrs:00000000035 Tot Docs in all:00000000038

First No. Last No. Total

Checks: ADPCHECK ADPCHECK 00000000005

Vouchers: 00000150001 00000150030 00000000030

Earnings Statement

Z7L TOTAL DOCUMENT

CITY OF CLAYTON

LOCATION 0001

CHECK STUFFING, RECONCILIATION

79729.58 GROSS
 57139.81 NET PAY (INCLUDING ALL DEPOSITS)
 8849.99 FEDERAL TAX
 126.73 SOCIAL SECURITY
 1088.10 MEDICARE
 .00 MEDICARE SURTAX
 .00 SUI TAX
 2872.74 STATE TAX
 .00 LOCAL TAX
 65624.71 DEDUCTIONS
 1167.31 NET CHECK

COMPANY CODE Z7L
 CITY OF CLAYTON
 TOTAL DOCUMENT
 LOCATION 0001

VERIFY DOCUMENT AUTHENTICITY - COLORED AREA MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM

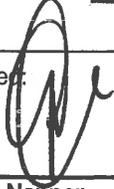
NON-NEGOTIABLE - VOID - NON-NEGOTIABLE
 NON-NEGOTIABLE - VOID - NON-NEGOTIABLE

THE ORIGINAL DOCUMENT HAS AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENT.



Agenda Date: 4-19-2016

Agenda Item: 3c

Approved: 

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER

DATE: APRIL 19, 2016

SUBJECT: INVESTMENT PORTFOLIO REPORT – THIRD QUARTER FY 2015-16

RECOMMENDATION

It is recommended the City Council accept the City Investment Portfolio Report for the third quarter of fiscal year 2015-16 ending March 31, 2016.

BACKGROUND

Pursuant to the section XIII of the City of Clayton Investment Policy, last revised on April 21, 2015, the Finance Manager is required to submit a quarterly investment report to the City Council. This quarterly report is also designed to meet the local agency reporting requirements outlined in *California Government Code* section 53646. The third quarter 2015-16 Fiscal Year report is provided herein.

DISCUSSION

With the second quarter of the fiscal year completed, annual interest earnings for the General Fund is at \$53,709, or 141.34% of forecasted General Fund interest revenues per the 2015-16 fiscal year adopted budget of \$38,000. Actual General Fund interest earnings are exceeding adopted budget projections for FY 2015-16 because the General Fund is now making up a much larger share of the City's investment pool after the Successor Agency and Successor Housing Agency finalized the AB 1484 post-dissolution process this fiscal year. In total, \$4,935,407 in payments was made to the County pursuant to the state-imposed AB 1484 *Due Diligence Review* process. The transfer of Successor Agency and Successor Housing Agency monies to the County resulted in the General Fund's weighted proportionate share of the investment portfolio increasing to 37.8% in the current quarter ending March 31, 2016 from 23.2% one year ago in the quarter ending March 31, 2015.

City-wide investment earnings solely attributable to pooled investments (i.e. not related to cash with fiscal agents such as bond proceeds) through the third quarter of fiscal year 2015-16 totaled \$133,225. Approximately 5.84% of the current City Investment Pool (the Pool) is invested in Local Agency Investment Funds (LAIF). The LAIF quarterly apportionment rate was approximately 0.46%, which is a slight increase (0.09%) from a rate of 0.37% in the preceding quarter. This is a slight improvement compared to the LAIF apportionment rate of 0.26% one year ago on March 31, 2015. Certificates of Deposit comprised approximately 85.21% of the City investment portfolio as of the quarter ended March 31, 2016 and had a weighted average interest rate of 1.55%. Approximately 7.28% of the pool is made up of cash deposits and low (0.01%) interest bearing money market funds, available for normal operating cash flow purposes. Federal Agency Notes, authorized by the revised April 21, 2015 investment policy, were the highest yielding investment type making up approximately 1.67% of the portfolio with a weighted average interest rate of 1.86%. This relatively small proportion of government agency notes is due to several such investments being called after recent Fed announcements to proceed “with caution” in regards to raising interest rates.

The market value of the total investment portfolio was approximately \$12,038,656, which is \$81,302 (or 0.68%) less than total carrying value as of March 31, 2016. This demonstrates how the conservative nature of the City’s investment strategy mitigates the risk of the City incurring large unrealized losses in market declines. At the same time, given less risk being incurred, more predictable and modest investment returns will be realized following this same strategy.

In conclusion, for the second quarter ending March 31, 2016, the City of Clayton Investment Portfolio is being managed in accordance with the City’s investment policy. In addition, the City’s cash management program provides sufficient liquidity to meet the next six month’s expenditures. The attached City of Clayton Investment Holdings Summary – Third Quarter of Fiscal Year 2015-16 (Attachment 1) provides additional analysis and the specific investment reporting criteria required by *California Government Code* section 53646.

In accordance with Section XVI of the City Investment Policy, the policy shall be reviewed at least annually by the City Treasurer and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and meets the needs of the City. Upon the City Treasurer’s review and authorization of the third quarter investment portfolio on April 15, 2016, the current status of the investment policy was also considered. At this time the City Treasurer is not recommending any change to the current Investment Policy

FISCAL IMPACT

The acceptance of this report has no direct fiscal impact to the City of Clayton.

Respectively submitted,



T. Kevin Mizuno, CPA

Finance Manager

Attachment 1: City of Clayton Investment Holdings Summary – Third Quarter of Fiscal Year 2015-16
(January 1, 2016 – March 31, 2016)

City of Clayton
Investment Holdings Summary
Quarter Ending
March 31, 2016

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
Local Agency Investment Fund (LAIF)	Local Agency Pool	LAIF	n/a	697,998.82	0.46%	0.46%	n/a	n/a	698,153.12
Financial Northeastern Companies	Cash	Financial Northeastern Companies		41.62	0.00%	0.00%	n/a	n/a	41.62
	Certificate of Deposit	Onewest Bank, FSB, Covina, CA	5L20862	49,000.00	1.00%	0.99%	9/21/12	9/21/16	49,065.00
	Total Financial Northeastern Companies			<u>49,041.62</u>					<u>49,106.62</u>
UBS Financial Services Inc.	Cash	BS Bank Sa Deposit Account	n/a	-	0.00%	0.00%	n/a	n/a	-
	Money Market Fund	RMA Government Portfolio	n/a	255,511.23	0.01%	0.01%	n/a	n/a	255,511.23
	Certificate of Deposit	Investors Svgs Bk Nj Us	46176PAK1	99,000.00	2.20%	2.20%	5/5/11	5/5/16	99,153.45
	Certificate of Deposit	Ge Cap Bk Ut Us	36160X7D3	100,000.00	1.05%	1.05%	7/12/13	7/12/16	100,144.00
	Certificate of Deposit	Goldman Sachs Bank Ny Us	3814266E0	50,000.00	2.00%	1.99%	9/28/11	9/28/16	49,277.34
	Certificate of Deposit	Bank Of West Ca Us	065680EU0	49,000.00	1.75%	1.74%	9/28/11	9/28/16	50,344.00
	Certificate of Deposit	Capital One Bank U Va Us	140420QP8	99,000.00	1.00%	1.00%	11/5/14	11/7/16	99,227.70
	Certificate of Deposit	Firstbank P R Sant Pr	33764JQ57	198,000.00	1.00%	1.00%	12/20/13	12/20/16	198,736.56
	Certificate of Deposit	Marlin Bus Bk Ut Us	57116AGM4	50,000.00	1.00%	1.00%	7/17/13	4/13/17	50,237.00
	Certificate of Deposit	BMW Bk Na Salt Lak Ut Us	05568PV95	198,000.00	1.75%	1.73%	4/13/12	4/13/17	200,179.98
	Certificate of Deposit	Comenity Cap Bk Ut Us	20033ABN5	245,000.00	1.20%	1.20%	7/5/13	7/5/17	245,970.20
	Certificate of Deposit	Midwest Bk Il Us	59828PBT6	245,000.00	1.15%	1.14%	7/15/13	7/17/17	246,793.40
	Certificate of Deposit	Santander Bank NA, DE	80280JLP4	100,000.00	1.00%	1.00%	2/10/16	8/17/17	100,135.00
	Certificate of Deposit	First Bk Highland Il Us	319141CG0	247,000.00	1.10%	1.10%	8/21/14	8/28/17	247,392.73
	Certificate of Deposit	Capital One Bk Va Us	140420PP9	99,000.00	1.35%	1.35%	10/1/14	10/2/17	99,158.40
	Certificate of Deposit	Dollar Bk Pa Us	25665QAM7	198,000.00	1.20%	1.20%	11/17/14	11/17/17	198,570.24
	Certificate of Deposit	Banco Santander Pr	059646RZ4	245,000.00	1.20%	1.19%	1/23/15	1/23/18	246,768.90
	Certificate of Deposit	JP Morgan Chase, OH	48125VZB3	200,000.00	1.25%	1.24%	1/25/16	2/11/18	200,416.00
	Certificate of Deposit	Oriental B&T, PR	686184WU2	200,000.00	1.15%	1.15%	2/10/16	2/20/18	199,996.00
	Certificate of Deposit	First Bus Bk Wi Us	31938QK78	200,000.00	1.15%	1.15%	3/31/15	4/2/18	199,413.00
	Certificate of Deposit	American Exp Cent Ut Us	02587DPT9	100,000.00	1.70%	1.69%	7/5/13	7/5/18	151,824.00
	Certificate of Deposit	Compass Bank Al Us	20451PAU0	150,000.00	1.55%	1.53%	7/10/13	7/10/18	101,212.00
	Certificate of Deposit	Goldman Sachs Bank Ny Us	38147JHW5	100,000.00	1.75%	1.73%	7/10/13	7/10/18	147,737.40
	Certificate of Deposit	Cit Bank Ut Us	17284CHW7	146,000.00	1.80%	1.78%	7/17/13	7/17/18	100,617.00
	Certificate of Deposit	First Financial NW, WA	32022MAG3	100,000.00	1.14%	1.14%	1/28/16	8/20/18	251,203.94
	Certificate of Deposit	Bank Baroda New Yo Ny Us	0606245Q2	247,000.00	2.05%	2.02%	10/18/13	10/18/18	149,685.69
	Certificate of Deposit	Sallie Mae Bank Ut Us	795450QS7	147,000.00	2.05%	2.01%	10/23/13	10/23/18	101,713.00
	Certificate of Deposit	American Express C Ut Us	02587DWJ3	100,000.00	2.00%	1.97%	11/28/14	11/28/18	101,316.00
	Certificate of Deposit	Sallie Mae Bank Ut Us	795450RT4	100,000.00	2.00%	1.96%	12/11/13	12/11/18	101,503.00
	Certificate of Deposit	Keybank NA, IN	493065VY9	100,000.00	1.53%	1.53%	1/20/16	1/22/19	152,412.00
	Certificate of Deposit	Discover Bank De Us	254672GC6	150,000.00	1.60%	1.57%	1/28/15	1/28/19	197,244.28
	Certificate of Deposit	Preferred Bank, CA	740367ER4	197,000.00	1.20%	1.20%	3/9/16	3/29/19	101,611.00
	Certificate of Deposit	Discover Bank De Us	2546712E9	100,000.00	2.00%	1.97%	7/9/14	7/9/19	101,807.00
	Certificate of Deposit	Synchrony Bank, UT	87164XBQ8	100,000.00	2.05%	2.02%	7/11/14	7/11/19	146,800.08
	Certificate of Deposit	Third Fed S&L Assn Oh Us	88413QAY4	200,000.00	1.50%	1.47%	2/19/15	8/19/19	203,742.00
	Certificate of Deposit	First Financial NW, WA	32022MAJ7	147,000.00	1.45%	1.45%	2/10/16	8/19/19	150,147.00
	Certificate of Deposit	Eagle B&T Co Ar Us	26942ADC4	150,000.00	1.60%	1.60%	3/6/15	9/6/19	243,724.80
	Certificate of Deposit	Park Natl Bk Newar Oh Us	700654AT3	240,000.00	2.15%	2.12%	9/12/14	9/12/19	147,888.40
	Certificate of Deposit	Ge Capital Bank Ut Us	36162YF24	145,000.00	1.80%	1.76%	1/16/15	1/16/20	197,236.40
	Certificate of Deposit	Wells Fargo Bk Na Sd Us	94986TTT4	197,000.00	1.25%	1.25%	4/30/15	4/30/20	99,811.00
	Certificate of Deposit	Comenity Bank De Us	981996XS5	100,000.00	2.30%	2.31%	6/30/15	7/1/20	198,572.00
	Certificate of Deposit	World'S Foremost B Ne Us	9159919E5	200,000.00	2.30%	2.32%	8/6/15	8/6/20	149,765.86
	Certificate of Deposit	Merrick Bk Ut Us	59013JHE2	149,000.00	1.90%	1.89%	8/20/15	8/20/20	201,718.00
	Certificate of Deposit	Synchrony Bank, UT	87164XLH7	94,000.00	1.70%	1.70%	2/25/16	3/4/21	94,021.62
	Total UBS Financial Services Inc.			<u>6,536,511.23</u>					<u>6,581,838.60</u>

City of Clayton
Investment Holdings Summary
Quarter Ending
March 31, 2016

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
Morgan Stanley	Money Market Fund	Morgan Stanley		6,343.63	0.01%	0.01%	n/a	n/a	6,343.63
	Certificate of Deposit	Ally Bank, Midvale UT	02005QV34	100,000.00	0.65%	0.32%	4/10/13	4/11/16	100,004.00
	Certificate of Deposit	Ally Bank, Midvale UT	02005QX99	148,000.00	0.70%	0.34%	6/12/13	6/13/16	148,063.64
	Certificate of Deposit	Aquesta Bank, Cornelius, NC	03841LAJ9	97,000.00	2.10%	1.04%	6/22/11	6/22/16	97,333.68
	Certificate of Deposit	Medallion Bank, Salt Lake City, UT	58403BF27	200,000.00	1.00%	0.49%	8/19/13	8/19/16	200,340.00
	Certificate of Deposit	Goldman Sachs Bank (Salt Lake)	3814264E2	99,000.00	1.85%	0.92%	8/24/11	8/24/16	99,496.98
	Certificate of Deposit	Investors Savings Bank, NJ	46176PDX0	49,000.00	0.90%	0.89%	3/27/15	3/27/17	49,082.32
	Certificate of Deposit	CIT Salt Lake City, UT	17284CBL7	48,000.00	0.90%	0.89%	4/10/13	4/10/17	48,066.24
	Certificate of Deposit	Citizens National, Putnam, CT	176252AQ7	100,000.00	1.20%	1.19%	7/13/13	7/13/17	100,719.00
	Certificate of Deposit	Whitney Bank, MS	966594AM5	157,000.00	1.20%	1.19%	8/12/15	8/14/17	157,389.36
	Certificate of Deposit	Investors Savings Bank, NJ	46176PDY8	100,000.00	1.20%	1.19%	3/26/15	3/26/18	100,106.00
	Certificate of Deposit	Bank of North Carolina, NC	06414QUC1	200,000.00	1.50%	1.48%	1/16/15	4/16/18	201,370.00
	Certificate of Deposit	Compass Bank, AL	20451PMD5	100,000.00	1.50%	1.49%	6/30/15	7/2/18	100,416.00
	Certificate of Deposit	Mercantile Bank of Grand Rapids, MI	58740XYT1	147,000.00	1.65%	1.62%	8/14/13	8/14/18	149,482.83
	Certificate of Deposit	First Bank PR Santurce, PR	33767AUJ8	50,000.00	1.45%	1.43%	1/20/16	1/22/19	50,671.00
	Certificate of Deposit	Webster Bank, CT	94768NKJ2	100,000.00	1.35%	1.33%	1/20/16	1/28/19	101,195.00
	Certificate of Deposit	Homebank, NA	43738AFU5	200,000.00	1.50%	1.48%	3/30/15	3/29/19	202,476.00
	Certificate of Deposit	State Bank of India, ILL	856283YN0	198,000.00	1.65%	1.64%	5/28/15	5/28/19	199,170.18
	Certificate of Deposit	First Business Bank, WI	31938QL85	50,000.00	1.50%	1.49%	6/11/15	6/11/19	50,281.50
	Certificate of Deposit	Barclays Bank, DE	06740KHK6	149,000.00	2.10%	2.06%	7/23/14	7/23/19	151,369.10
	Certificate of Deposit	American Express Bank FSB, UT	02587CAJ9	247,000.00	2.00%	1.96%	7/24/14	7/24/19	251,016.22
	Certificate of Deposit	Comenity Bank, DE	20099A7A9	100,000.00	2.10%	2.08%	8/27/14	8/27/19	100,592.00
	Certificate of Deposit	Capital One Bank Glen Allen, VA	140420QF0	130,000.00	2.15%	2.11%	10/16/14	10/16/19	132,341.30
	Certificate of Deposit	State Bk India, NY	8562842P8	50,000.00	2.25%	2.19%	8/27/14	10/17/19	51,175.00
	Certificate of Deposit	The Privatebank & Trust Co., IL	74267GUU9	100,000.00	1.90%	1.86%	1/23/15	1/23/20	101,902.00
	Certificate of Deposit	American Express Centurion Bank, UT	02587DXE3	47,000.00	1.95%	1.92%	1/30/15	1/30/20	47,554.13
	Certificate of Deposit	Peoples United Bank, CT	71270QML7	151,000.00	1.75%	1.72%	3/4/15	3/4/20	153,077.76
	Certificate of Deposit	Everbank, FL	29976DVV7	200,000.00	1.75%	1.72%	3/30/15	3/30/20	202,712.00
	Certificate of Deposit	HSBC Bank, VA	40434ASZ3	247,000.00	1.25%	1.25%	3/30/15	3/30/20	246,950.60
	Certificate of Deposit	CIT Bank, UT	17284DBM3	50,000.00	2.00%	1.98%	6/3/15	6/3/20	50,429.00
	Certificate of Deposit	Capital One, NA, Mclean, VA	14042E4Y3	245,000.00	2.25%	2.21%	7/22/15	7/22/20	249,414.90
	Government Agency	FNMA	3136G2KQ9	200,000.00	1.86%	1.85%	5/27/15	5/27/20	200,558.00
	Total Morgan Stanley			4,065,343.63					4,101,099.37
Bank of America (book balance)	Cash (checking account)	Bank of America		608,458.66	0.00%	0.00%	n/a	n/a	608,458.66

Broker / Institution	Carrying Value	Percentage of Portfolio	Weighted Average Yield to Maturity	Weighted Average Maturity (yrs)	Market Value
Local Agency Investment Fund (LAIF)	697,999	5.84%	0.46%	0.64	698,153
Financial Northeastern Companies	49,042	0.41%	1.00%	0.48	49,107
UBS Financial Services Inc.	6,536,511	54.67%	1.47%	2.28	6,581,839
Morgan Stanley	4,065,344	34.00%	1.60%	2.69	4,101,099
Bank of America (book balance)	608,459	5.09%	0.00%	0.00	608,459
Total Investment Portfolio	11,957,354	100.00%			12,038,656
2015-16 Budgeted Interest - General Fund	\$	38,000			
2015-16 Actual Interest Revenue to date (7/1/15 - 3/31/16)		53,709			
Percent of General Fund Budget Realized		141.34%			
Quarterly Weighted Average Annual Yield*		1.38%			
2015-16 Total Pooled Investment Income To Date (7/1/15 - 3/31/16)	\$	133,225			

*This calculation excludes the City's non-interest bearing pooled checking account with Bank of America

I verify that this investment portfolio is in conformity with State laws and the City of Clayton's investment policy. The City's cash management program provides sufficient liquidity to meet the next six month's expenditures.

T. Kevin Mizuno 4/15/16
Kevin Mizuno, Finance Manager Date

M. C. Hufford 4/15/16
Merle Hufford, City Treasurer Date

RESOLUTION NO. ___ - 2016

A RESOLUTION FINDING AND DECLARING THAT AN EMERGENCY CONDITION CONTINUES TO EXISTS ARISING FROM DAMAGE TO THE CARDINET TRAIL

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, the City of Clayton (“City”) awarded on April 5, 2016 an emergency contract for repair of a portion of the City’s public Cardinet Trail to G.N. Henley, Inc., in accordance with Public Contract Code sections 22035 and 22050; and

WHEREAS, this portion of the Cardinet Trail is in dire need of emergency repair due to significant damage to the trail resulting from increased water flow in abutting Mt. Diablo Creek that caused approximately 40 feet of the bank to erode, which in turn impacted about 30 feet of Cardinet Trail thereby reducing the width of the public trail in that area from 6 feet to 1 to 2 feet; and

WHEREAS, the City Council did declare on April 5, 2016 the existence of a local emergency condition arising out the damage to the Cardinet Trail and found emergency repairs necessary to preserve the health, safety and welfare of pedestrians, equestrians and cyclists utilizing the trail; and

WHEREAS, the damaged condition of the Cardinet Trail continues to persist thus warranting continuance of the finding of an emergency condition.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON, CALIFORNIA DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct.

Section 2. Findings. The City Council finds that an emergency condition continues to exist arising from damage to the Cardinet Trail and directs the continuation of emergency repair work by G.N. Henley, Inc., until such time that the condition of the Cardinet Trail no longer poses a threat to the health, safety and welfare of pedestrians, equestrians and cyclists utilizing the trail.

Section 3. Effective Date. This Resolution shall be effective immediately.

The foregoing Resolution was adopted at a regular public meeting of the City Council of the City of Clayton, California held on the ___ day of _____ 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Howard Geller, Mayor

ATTEST:

Janet Brown, City Clerk

**TOLLING AGREEMENT EXTENDING THE LIMITATIONS
PERIOD TO FILE A LEGAL CHALLENGE BY WEST COAST HOME
BUILDERS, INC.**

THIS TOLLING AGREEMENT is made by and between the CITY OF CLAYTON, a municipal corporation (“City”) and WEST COAST HOME BUILDERS, INC. (“WCHB”), a California corporation. The City and WCHB are individually referred to herein as a “Party” and collectively referred to herein as the “Parties”.

RECITALS

WHEREAS, in 2005, City approved a tentative map for the development of an approximate nine-acre parcel owned by WCHB and comprised of land bearing Assessor Parcel Number 119-070-008 (the “Property”), providing for five single family residential lots and one parcel for a stormwater detention basin, commonly referred to as the Oak Creek Canyon (Subdivision 6826) project (the “Project”);

WHEREAS, prior to the expiration of the Project’s tentative map, WCHB timely submitted a Final Map for consideration of approval;

WHEREAS, on February 16, 2016, the City Council adopted Resolution No. 10-2016 disapproving the Final Map based on its determination that the Project is not in substantial compliance with the approved Oak Creek Canyon Tentative Map because the conditions of approval for the Project were not satisfied. It was further determined by the City Council that the Oak Creek Canyon Tentative Map was not in compliance with the Mitigation Measures identified in the adopted Initial Study/Mitigated Negative Declaration for the Project;

WHEREAS, in addition to other claims and contentions not listed herein, WCHB contends City had a ministerial duty to approve the Final Map, which is in substantial conformance with the Oak Creek Canyon Tentative Map and that in failing to do so, City failed to comply with the Subdivision Map Act, Government Code Sections 66410, *et seq.*, and otherwise act in manner required by law when disapproving the Final Map;

WHEREAS, City contends it was not required to approve the Final Map as provided for in Resolution No. 10-2016 because WCHB had not complied with the conditions of approval and Mitigation Measures relating to the Oak Creek Canyon Tentative Map;

WHEREAS, pursuant to Government Code Section 66499.37, the statutory time limit for WCHB to file an action challenging City's disapproval of the Final Map would be ninety (90) days from February 16, 2016, or May 16, 2016;

WHEREAS, notwithstanding the disputes that have arisen between the Parties, City and WCHB desire to and are exploring methods of resolving the disputes between them and would prefer to continue such exploration in hopes of avoiding expensive litigation between them;

WHEREAS, WCHB wants to preserve its legal rights against the City, and the Parties are willing to enter into this Tolling Agreement to avoid expenses and litigation;

WHEREAS, Code of Civil Procedure Section 360.5 specifically permits statutes of limitations to be waived in writing for a period not to exceed four years; and

WHEREAS, the City and WCHB now wish to waive the applicable statute of limitations, with the ability further to extend such waiver of the statute of limitation pursuant to the terms below.

NOW, THEREFORE, BASED UPON THE ABOVE RECITALS, THE CITY AND WCHB AGREE TO TOLL THE APPLICABLE STATUTE OF LIMITATIONS AS FOLLOWS:

AGREEMENT

THEREFORE, in consideration of the foregoing recitals, as well as other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

1. Commencing on the Effective Date (defined in Section 6, below) until 5:00 p.m. on the 180th day following the Effective Date ("Waiver Period"), City and WCHB waive the running of the statute of limitations, laches or other time-based defense applicable to causes of action, defenses or counter-claims by or against WCHB in connection with the City's disapproval of the Final Map.

2. Within 45 days of the Effective Date, WCHB shall prepare and submit to City, a new tentative subdivision map application for the Project. As provided for under the Permit Streamlining Act (Gov. Code § 65920 *et seq.*), City shall process and conduct its review of WCHB's submittal for a new tentative subdivision map for the Project in the time and manner

required by applicable law and shall provide a determination of completeness to WCHB within 30 days of City's receipt of such application. .

3. The Parties may further extend the Waiver Period in writing.

4. The Parties hereby acknowledge and agree that this Agreement is entered into for the purposes of maintaining the status quo between the Parties, but not for making any determination as to the validity of any of the claims or defenses which have been or may be asserted between them. Nothing in this Agreement shall be construed as an admission of liability, unlawful action, or fault. This Agreement shall not be admissible or discoverable for any purpose whatsoever in any proceeding between the Parties, other than for purposes of enforcing the terms hereof. By entering this Agreement, the Parties do not waive their right to assert the defense of statute of limitations, laches or any other time-based defense with respect to time before or after the Waiver Period. This Agreement is not intended to affect the rights of the Parties to assert any defense other than statute of limitations, laches or any other time-based defense in any future litigation.

5. This Agreement shall not be construed or considered as a declaration against interest, admission of liability, or confession of any kind on the part of any of the Parties.

6. This Agreement shall be effective upon the date when all Parties have signed the Agreement ("Effective Date") and remain effective until 5:00 p.m. on the 180th day following the Effective Date, unless extended in writing pursuant to Section 3, above. This Agreement may be unilaterally terminated prior to the expiration of the Waiver Period by either Party hereto by either Party providing thirty (30) days written notice of termination to the other Party.

7. This Agreement is effective without being filed with any court in advance of a complaint covering the cause or causes of action referred to above and without the requirement of court endorsement.

8. The undersigned represent that they are fully authorized to enter into the terms and conditions of this Agreement and to execute and bind the Parties they represent.

9. This Agreement shall not be evidence in respect to any claim other than a statute of limitations, laches or time-based defense. Either Party may use this Agreement in a court of law as an absolute bar to a position asserted by any other Party that is contrary to the terms of this Agreement.

10. The normal rules of construction which allow ambiguities in an agreement to be construed against the drafting Parties shall not be employed in the interpretation of this Agreement. Each Party executing this Agreement is duly authorized to act on behalf of the persons and entities obligated by the terms hereof, and their execution of this Agreement bind the Parties on whose behalf they have executed the Agreement.

11. This Agreement may be signed in counterparts. Each counterpart will be deemed an original, and all of the counterparts together will constitute one instrument.

12. The Parties declare and represent that no promise, inducement, or agreement not herein and expressed has been made to any of the representatives, and this Agreement contains the entire agreement between the Parties. The terms of this Agreement are contractual in nature and not mere recitals.

13. The Parties acknowledge that they have read this Agreement and are fully aware of its contents. The Parties fully understand the legal effect of this Agreement.

14. This Agreement, and the terms, covenants and conditions herein contained, shall be binding upon and inure to the benefit of the Parties hereto and their respective successors, heirs and assigns.

15. This Agreement may not be amended or modified, except if done in writing and executed by all the Parties hereto.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth below.

Dated: _____, 2016

Dated: _____, 2016

CITY OF CLAYTON, a municipal
corporation

WEST COAST HOME BUILDERS, INC., a
California corporation

By: _____
City Manager

By: _____

Its: _____

Name: _____

Title: _____

APPROVED AS TO FORM:

City Attorney

By: _____
City Attorney

316843140.2

CLAYTON COMMUNITY LIBRARY FOUNDATION

2015 ANNUAL REPORT

Agenda Date: 4-19-2016

Agenda Item: 4b

The Clayton Community Library Foundation, established July 1989, continues to be actively involved in support of the Clayton Community Library. The CCLF is an all volunteer, tax exempt, non-profit 501(c)(3) corporation. The purpose of the CCLF is to support the Library by providing a pool of volunteers and funds to provide books, materials, special programs and furniture not provided by City and County budgets. The City of Clayton owns the 15,500 square foot building and its furnishings. The Board of Directors of the Foundation serves as the City of Clayton Library Advisory Committee.

Clayton Community Library in-library volunteers donated 4,826 hours of library service in 2015. A very impressive statistic! Our volunteers checked in and shelved returned books, repaired books and videos, provided computer assistance, tutored students and helped out where needed. Volunteers working in the library numbered 57 adults and students. The Volunteer Coordinator oriented 2 adults and 9 students. Two adult and 4 student volunteer tutors assisted 9 students, one-on-one, for a total of 98 hours. Three adult and 5 student group-study tutors worked 286 hours assisting 16 students. Two Computer Helpers worked 164 hours assisting 37 patrons with use of the Internet and word-processing. Once again we had a Book Buddy, who volunteered 42 hours reading to 82 children. The very popular "Paws to Read" had 68 children reading to 12 friendly and very happy dogs. Based on the 2014 Independent Sector figure for the value of volunteer labor in California, \$26.87 per hour, the total monetary value of in library volunteerism is \$129,674.62!

Other volunteers donated 2690 hours working on Used Book Sales and other Foundation related activities worth \$72,280. Even our paid Volunteer Coordinator volunteered 224 hours, or 19 hours a month. Boy Scout Troop 484 provides man power to move books for our book sales and the Clayton Garden Club maintains our flower boxes and other volunteers maintain the garden areas surrounding the library. And don't forget the 4th of July volunteers. We are truly a community library.

Increased automation resulted in combining the Reference and Circulation Desks. It also reduced the need for as many in-library volunteers. The Reference area is now a "Kids Study Area" and during selected hours a "Kids Discovery Area" providing hands-on activities on specific STEM related subjects, e.g. Mammals, Magnets, Dinosaurs, Rocks and Fossils and more

We like to keep our volunteers happy, and this year Volunteer Coordinator, Arlene Kikkawa-Nielsen, planned two parties for the student volunteers: an End of Year/Grad Pizza Party for 15 students and a Holiday Pizza Party with a Gingerbread House and board games, attended by 14 students. The adult volunteers were entertained at a Spring Luncheon and the Lead Volunteers were entertained at a Holiday Luncheon at Joyce and Dave Atkinson's home.

The Twentieth Birthday celebration included the Annual Meeting of the Clayton Community Library Foundation and the Volunteer Recognition Coffee on Saturday, March 7th, 2015 and the Creekside Arts Celebration "The Future Belongs to Those Who Believe in the Beauty of Their Dreams" on the weekend of March 27th through 29th. On Friday, March 27th there was an artist's preview, an Eurasian Eagle Owl paid a visit, VINTAGE performed and Art Awards for the juried show were presented. The show was juried by the Bedford Gallery, California Writer's Club, Art Concepts Inc., and the Arts & Culture Commission of CCC. Festivities on Saturday and Sunday included ongoing sales and demonstrations by local artists and crafters. Activities and entertainment featured "plein air" painting; Jim Hale, Ethnobotanist & Wildlife Biologist, discussed the Chupcan, Miwok local history; Mother Goose Storytelling; a Meet the Author Q & A; Annie & Friends - a dog & Pony Show; Diablo Taiko drums; "Joy's Quilt" a Civil War Tale in Clayton, presented by Joy Koonin and a Ukelele Jam and "Last Minute", a classic soul and R & B Band, vocals by Azeeta Nikoui.

196 students from six second grade classes visited the library and 55 students received library cards. Experience tells us that rest already had library cards! The very popular Book Club led by Sunny Solomon continues to meet at the Clayton Community Library. This year a program on knitting led to a Knitting Club that meets twice a month!

The Clayton Community Library participated in the 4th of July Parade as we celebrated our 20th year. Our entry highlighted the Summer Reading Program, "Read to the Rhythm". Organized by Arlene Kikkawa Nielsen, 21 students and 2 adults and 3 children volunteered 300 hours to create our library entry. This year's entry featured 1 dog, 15 children, 24 teens and 26 adults. Total volunteer hours – 498.

In 2015 the CCLF was able to generate \$44,413.94 in income from a variety of sources; \$7,277 of this represents the value of in-kind materials, in the form of used books and CDs and DVDs donated for the booksales and diverted to the library collection. The Foundation maintained an average membership of 280 units in 2015, which brought in \$10,120.00 in revenue. Our Used Book Store continues to be a success – run on the honor system this store earned \$1,761.65 of the revenue from Used Book Sales. Our two big Used Book Sales grossed a total of \$15,149.69 and online sales added \$328. In total, Used Book Sales accounted for \$17,239.34. The Creekside Arts Celebration generated \$1,814.75 in income. United Way/LIC donations added \$1,985.73. Organizations donated \$3,600; \$500 from Clayton Valley Woman's Club and \$2,200 from the Clayton Business and Community Assn. (CBCA), and \$900 from Clayton Valley Sunrise Rotary. Matching Gifts, donations and memorials in addition to account interest, merchandise sales, and fundraising activities complete our total revenue.

CCLF spent \$41,901.58 on Library Support. As mentioned in the previous paragraph, in-kind materials added to the collection from patron donations, valued at \$7,277, represent a portion of this amount. In 2015 CCLF gave \$23,393.56 for materials, books, CD's, DVD's and library programs. Fourteen reader's chairs were purchased with the money donated by CBCA. \$10,800 was paid to the City of Clayton, which in turn pays our volunteer coordinator, a private contractor. Additional money provided insurance for volunteers, and volunteer recognition events.

CCLF spent \$3,899.95 on library programs and special events. This included 14 major programs, craft supplies for the programs presented by our talented staff, and prizes for the 4th of July, Creekside Celebration, the February Dr. Seuss themed "Books Are My Thing", and for the Summer Reading Program and Teen Reading Program.

We no longer count the number of readers signing up for the Summer Reading Program, because some signed up on line and we could not track those folks. However, 379 completed the program at the Clayton Community Library. Must be due to our great prizes!

This was the eighth year for "Clayton Reads". Special programming focused on the book, "Maisie Dobbs". CCLF purchased 150 copies of the book so they could be made available to the public to encourage everyone to take part in this event. All the books went out in one week.

The Clayton Community Library Foundation thanks the City Council, Staff and the community, for all the support you have shown over the years. The Clayton Community Library is a terrific asset to the community and it is a good feeling to know that this community values its public library. The 2015 circulation at the Clayton Community Library was 171,718 a slight decrease from 2014. We believe eBooks are responsible for the slight decrease in our circulation. The door count was 116,145. The money raised by CCLF enables the staff to schedule additional programs and purchase more materials and therefore attract patrons into our library to utilize library services.

I want to encourage any interested citizen to attend our board meetings and become involved in our work. We meet on the 3rd Wednesday of the month at 7:30 in the Library Story Room. We do not meet in December or July.

Joyce Atkinson, President

Agenda Date: 4-19-2016

Agenda Item: 4c

**Declaring
the week of April 18th - 24th
as**

"Clayton Community Library Volunteers" week

WHEREAS, the Clayton Community Library has a total of 57 in-library adult and student volunteers whose work is essential to the support and functioning of library services; and

WHEREAS, In-library volunteers contributed 4,826 hours and Foundation volunteers contributed 2,690 in 2015, for a total of 7,516 hours; and

WHEREAS, on July 4, 2015, 65 Clayton Community Library volunteers and patrons contributed 198 hours to promote the Library's Summer Reading Program at the downtown parade, highlighting the importance of summer reading and summer library visits; and

WHEREAS, 6 volunteer tutors spent 98 hours, one-on-one with 9 students to provide homework help; and in the Group Tutoring Sessions on Wednesday afternoons 3 adult and 5 student tutors spent 286 hours to provide help to an additional 16 students; and

WHEREAS, Clayton Community Library volunteers shelve all the materials at the library, check in returned materials, do all mending of materials, read to children, deliver books to homebound patrons, and much more; and

WHEREAS, the Annual Creekside Arts Celebration was held to showcase local artisans, performance and community groups as well as raise funds for library support; and

WHEREAS, the Clayton Community Library Foundation contributed \$41,901 in 2015 for volunteer support and recognition, library materials and furniture, programs for adults, teens and young children, and Creekside Arts Celebration expenses.

NOW, THEREFORE, I, Howard Geller, Mayor, on behalf of the Clayton City Council, do hereby acknowledge, April 18-24, 2016, as Clayton Community Library Volunteer Week, and urge my fellow citizens to recognize that the Clayton Community Library volunteers are a gift to the community and thank the operational volunteers, tutors, book buddies, computer helpers, parade volunteers, Creekside habitat and garden volunteers, homebound deliverers, Creekside Arts Celebration volunteers, Creekside Artists Guild artists, Library Commissioners, Foundation members, and Board for their outstanding volunteerism.

CAROL GURRAD
"Volunteer of the Year"
2016
for
4 years of
outstanding service to the
Clayton Community Library

BEVERLY LOOMIS
"Volunteer of the Year"
2016
for
7 years of
outstanding service to the
Clayton Community Library

Declaring
April 2016

as

"Sexual Assault Awareness Month"

WHEREAS, in California there were 9,397 forcible rapes in 2014 and 236 forcible rapes reported in Contra Costa County in the same year, with an increasing number are affecting adolescents; and

WHEREAS, sexual assault affects every person of Contra Costa County as a victim/survivor or as a family member, significant other, neighbor or co-worker of a victim/survivor; and

WHEREAS, many citizens of Contra Costa County are working to provide quality services and assistance to sexual assault survivors; and dedicated volunteers help staff 24-hour hotlines, respond to emergency calls and offer support, comfort and advocacy during forensic exams, criminal proceedings, and throughout the healing process; and

WHEREAS, staff and volunteers of Community Violence Solutions and its Rape Crisis Center, Children's Interview Center, Prevention Dept., and Anti-Trafficking Project programs in Contra Costa County are promoting education by offering training to schools, churches, and civic organizations, as well as medical, mental health, law enforcement, education, and criminal justice personnel regarding sexual assault issues; and

WHEREAS, it is vitally important that continued educational efforts to provide information about prevention and services for sexual assault be supported and enhanced; and

WHEREAS, it is critical to intensify public awareness of sexual assault, to educate people about the need for citizen involvement in efforts to reduce and report sexual violence, to increase support for agencies providing sexual assault services, and to increase awareness of the healing power of creative expression; and

WHEREAS, Community Violence Solutions requests public support and assistance as it continues to work toward a society where all women, children, and men can live in peace, free from violence and exploitation;

NOW, THEREFORE BE IT RESOLVED, that the Clayton City Council does hereby, join anti-sexual violence advocates and support service programs in the belief that all community members must be part of the solution to end sexual violence, and that I, Howard Geller, Mayor of the City of Clayton do hereby proclaim April 2016 as "Sexual Assault Awareness Month!"



Agenda Date: 4-19-2016

Agenda Item: 8a

Approved: 

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 19 APRIL 2016
**SUBJECT: CONSIDER POTENTIAL TRANSPORTATION SALES TAX MEASURE
BY CONTRA COSTA TRANSPORTATION AUTHORITY (CCTA)**

RECOMMENDATION

Following introductory remarks by Council Member Pierce concerning the prospect and content of a possible transportation sales tax measure on the November 2016 ballot by the Contra Costa Transportation Authority (CCTA), and after receipt of any public comments, it is recommended the City Council provide policy comments as deemed appropriate.

BACKGROUND

At its recent public meeting on 05 April 2016, Council Member Julie Pierce requested an item be placed on the City Council's next agenda to allow her to update the City Council as to the progress and efforts of the Contra Costa Transportation Authority (CCTA) in developing a potential ballot measure to generate additional tax dollars within Contra Costa County to address local and regional transportation improvement and enhancement needs.

According to CCTA, a potential new transportation sales tax measure with a rate of one-half percent (0.5%) over a 25-year period (2017-2042) would generate an estimated \$2.3 billion in constant 2015 dollars (\$3.7 billion in escalated dollars between 2017 and 2042).

Attached is CCTA's latest draft staff report outlining its Draft Transportation Expenditure Plan (DTEP) under consideration for distribution/use of the new tax revenues. Council Member Pierce intends to provide a verbal summation of the TEP and CCTA's work to date on this probable tax measure at this City Council meeting.



Contra Costa Transportation Authority STAFF REPORT

Meeting Date: March 29, 2016

Subject	Development of a Potential Transportation Expenditure Plan - Review of the Updated Initial Draft Transportation Expenditure Plan (TEP) - Version 2.1.
Summary of Issues	<p>Authority staff and the Authority's consultant team have distributed several versions of an Initial Draft TEP for review and comment by the Authority at several Authority Board Special Meetings in March 2016, the Expenditure Plan Advisory Committee (EPAC) at its meetings on February 25 and March 3, 2016, and the Regional Transportation Planning Committees (RTPCs). Staff and the consulting team captured comments provided by the EPAC, RTPCs and the public, and solicited direction from the Authority Board as it reviewed various elements of the Initial Draft TEP. An updated Initial Draft TEP - Version 2.1 was developed by staff and the Authority's consultant team (Attachment A). The Authority will be provided the opportunity to review and provide direction to staff on the updated document. Staff is seeking final comments and direction on the Initial Draft TEP Version 2.1, approval to incorporate these comments into a Draft TEP Version 3.0, and approval to circulate the Draft TEP 3.0 to the EPAC, RTPCs, cities/towns and the County, and other interested parties for additional review and comment.</p>
Recommendations	<p>Staff seeks approval to incorporate comments from the Authority Board into a Draft TEP Version 3.0, and approval to circulate the Draft TEP 3.0 to the EPAC, RTPCs, cities/towns and the County, and other interested parties for additional review and comment.</p>
Financial Implications	<p>A potential new transportation sales tax measure with a rate of one-half percent over a 25-year term (2017-2042) will generate an estimated \$2.3 billion in constant 2015 dollars (\$3.7 billion in escalated dollars between 2017 and 2042).</p>
Options	<p>N/A</p>
Attachments	<p>A. Initial Draft Transportation Expenditure Plan Version 2.1 dated March 25, 2016</p>

Changes from Committee	N/A
-------------------------------	-----

Authority staff and the Authority's consultant team have distributed several versions of an Initial Draft TEP for review and comment by the Authority at several Authority Board Special Meetings in March 2016, the Expenditure Plan Advisory Committee (EPAC) at its meetings on February 25 and March 3, 2016, and the Regional Transportation Planning Committees (RTPCs). Staff and the consulting team captured comments provided by the EPAC, RTPCs and the public, and solicited direction from the Authority Board as it reviewed various elements of the Initial Draft TEP. An updated Initial Draft TEP - Version 2.1 was developed by staff and the Authority's consultant team (Attachment A) for review and discussion by the Authority Board.

Staff is seeking final comments and direction on the Initial Draft TEP Version 2.1, approval to incorporate these comments into a Draft TEP Version 3.0, and approval to circulate the Draft TEP 3.0 to the EPAC, RTPCs, cities/towns and the County, and other interested parties for additional review and comment.

The following is a list of the significant changes that have been incorporated into the Initial Draft TEP Version 2.1 based on Authority Board, EPAC and RTPC's input:

Preface:

- The Preface was revised based on direction from the Authority Board on March 16, 2016.

Table of Expenditure Plan Allocations:

- The Table of Expenditure Plan Allocations has been updated to reflect input from the RTPCs with respect to the former Regional Choice Category and other proposed revisions, including WCCTAC's request to split I-80 Transit and Interchange Improvements into two funding categories and TRANSPAC's request for additional Local Streets Maintenance and Improvement funds. Funds not allocated from the former Regional Choice category to other categories are shown in a new Regional Transportation Priorities category (similar to the Measure J Sub-Regional Needs category).

Detailed Description of Funding Categories:

- Category 1, Local Streets Maintenance and Improvements. No proposed change to this category (aka Return to Source). The description removed language to clarify that the

intent of the additional funding is for infrastructure. Category 1a was added to reflect additional funding for TRANSPAC jurisdictions.

- Category 2, Major Streets/Complete Streets/Traffic Signal Synchronization Program. Description has been updated to reflect intent of the proposed Complete Streets Policy and to clarify the intent of the proposed pilot program.
- Category 3, BART Capacity, Access and Parking Improvement. Condition 1 has been changed to reflect a minimum of \$100 million in BART funding (the Initial Draft TEP version 2.0 proposed \$150 million). This \$100 million is consistent with the proposed funding for this categories based on the initial RTPC's request.
- Category 5, High Capacity Transit Improvements along the I-80 Corridor in West CC County, and Category 6, Interstate 80 Interchange Improvements at San Pablo Dam Road and Central Avenue. The Initial Draft TEP Version 2.1 has been updated to separate the former Interstate 80 Transit and Interchange Improvements category into two distinct categories.
- Category 7, Improve Traffic Flow and Implement High Capacity Transit along the I-680 and SR 24 Corridors. Description changed to include the need for projects to be contiguous to the I-680 or SR-24 corridors.
- Category 8, Improve Traffic Flow along the SR 4 and SR 242 Corridors. Description changed to include the need for projects to be contiguous to the SR 4 or SR 242 corridors.
- Category 10, East County Corridors (Vasco Rd. and Byron Highway). Description has been revised to prioritize a new connector road between Byron Highway and Vasco Road, safety and capacity improvements to Byron Highway, and safety improvements on Vasco Road as early implementation items. The description also includes an intent that funds are not used for roads on new alignments with the exception of the new connector between Byron Highway and Vasco Road.
- Category 12, Bus and Non-Rail Transit Enhancements. The category description has been updated to include eligibility for programs that increase bus capability by offsetting fares. Funding increased based on RTPC's input.
- Category 13, Transportation for Seniors and People with Disabilities. Description rewritten so that language is consistent with other categories. Funding increased based on RTPC's input.
- Category 17, Community Development Transportation Program. Renamed (previously the Community Development Incentive Program). The description has not changed. Discussions

continue on the feasibility of this program with advocates and the Public Managers Association (PMA). Staff and the Authority's consultant team expect that discussions will continue regarding this program throughout April and this program description will change or perhaps that the program will be recommended for elimination and funding allocated to other purposes intended to stimulate infill.

- Category 20, Regional Transportation Priorities. This is a new category requested by the RTPCs. Funds in this category are similar to the Measure J Sub-Regional Needs category.

Growth Management Program (GMP):

- The GMP included in the Initial Draft TEP Version 2.1 has the same language as Measure J, with the exception of Section 5, Comply with an Urban Limit Line (ULL). The document includes comments to address potential revisions to the GMP that have been suggested or are otherwise being considered. Staff and the Authority's consultant team expect that discussions will continue regarding this program throughout April.
- Attachment A to the GMP, ULL Compliance Requirements has been updated in an attempt to reflect direction received at the Authority Board Special Meeting on March 16, 2016.

Complete Streets Policy:

- The Complete Streets Policy has been updated based on the discussion and direction received at the Authority Board Special Meeting on March 16, 2016.

Regional Advance Mitigation Program (RAMP):

- The RAMP description remains unchanged, however, a new comment has been added to reflect the intent that advance mitigation be funded from project allocation amounts shown in the Initial Draft TEP Version 2.1. The comment also notes that a RAMP program must be coordinated with the existing East Contra Costa Habitat Conservancy Program. Staff also noted that the status of the proposed East Bay RAMP pilot effort, being led by the Metropolitan Transportation Commission (MTC) and the Coastal Conservancy, may affect how RAMP is described in the Final TEP.

Governing Structure:

- The Governing Structure is unchanged, however, a comment has been added to reflect direction from the Authority to consider different membership options for the proposed Public Oversight Committee

Implementing Guidelines:

- The Implementing Guidelines section now includes an introductory paragraph and has been updated to reflect comments and direction from Authority Board members on March 16, 2016.

INITIAL DRAFT

Version 2.1
Transportation Sales Tax
Expenditure Plan (TEP)
(March 25, 2016)

INITIAL DRAFT - V2.1

Commented [MT1]: Version 1 - Posted with EPAC agenda on 2/22/2016

Version 1.1 (This Version) – was posted with EPAC agenda on 2/24/2016. Version 1.1 corrected the allocation assigned to the Community Development Investment Program (added \$50 million) and the Regional Choice Category (deducted \$50 million) and made other non-substantive changes.

Version 2.0 – Distributed for discussion at the 3/16/16 Special Board Meeting

Version 2.1 – Distributed for discussion at the 3/29/16 Special Board Meeting

DRAFT 3/25/2016 1:18:19 PM
For Discussion purposes only
DraftTEP_20160325_Version2.1

Page 1 of 31

TEP Outline

- Preface
- Executive summary (to be completed at a later date)
- The Contra Costa Transportation Sales Tax Expenditure Plan
 - Table of Expenditure Plan Allocations
 - Summary of Projects and Programs (to be completed at a later date)
 - Detailed Descriptions of Funding Categories
 - Growth Management Program
 - Attachment A - Principles of Agreement for Establishing the Urban Limit Line
 - Complete Streets Program
 - Regional Advance Mitigation Program
 - Governing Structure
 - Implementing Guidelines

Commented [MT2]: A brief Executive Summary will be included in the final TEP document. This was a one page summary in the 2004 Measure J TEP document.

Preface

Commented [WRG3]: NOTE – A revised preface is included pursuant to the Board's request

This Sales Tax Augmentation promotes a healthy environment and strong economy that will benefit all Contra Costa residents through: 1) enhancing a balanced, safe and efficient transportation network; 2) facilitating cooperative planning among the regions of Contra Costa County and with surrounding counties, and 3) managing growth and sustaining the environment. The Sales Tax Augmentation helps to build and operate a transportation network that includes all transportation modes used by Contra Costa residents.

To achieve this vision, the Sales Tax Augmentation enhances our ability to achieve six goals that are embodied in the current work of the Contra Costa Transportation Authority.

1. Support the efficient, safe, and reliable movement of people and goods using all available transportation modes
2. Maintain the current transportation system
3. Influence how growth occurs to build Contra Costa's economy and preserve our environment, and support local communities;
4. Expand safe, convenient and affordable alternatives to the single occupant vehicle;
5. Promote environmental sustainability;
6. Invest wisely to maximize the benefits of available funding.

TABLE OF EXPENDITURE PLAN ALLOCATIONS

No.	Funding Category	\$millions	%	Distribution of Funding By Subregion			
				Central (a)	Southwest (b)	West (c)	East (d)
1	Local Streets Maintenance and Improvements	540.0	23.1%	156.1	120.0	119.0	144.9
1a	Add'l Local Streets Maintenance and Improvements	17.0	0.7%	17.0			
2	Major Streets/ Complete Streets/ Traffic Signal Synchronization Grant Program	200.0	8.6%	108.3	29.3	19.4	42.9
3	BART Capacity, Access and Parking Improvements	300.0	12.8%	88.1	57.4	69.8	84.7
4	East Contra Costa Transit Extension	70.0	3.0%				70.0
5	High Capacity Transit Improvements along the I-80 Corridor in West Contra Costa	20.0	0.9%				20.0
6	I-80 Interchange Improvements at San Pablo Dam Road and Central Avenue	60.0	2.6%				60.0
7	Improve traffic flow & implement high capacity transit along the I-680 & SR 24 Corridors	140.0	6.0%	40.0	100.0		
8	Improve traffic flow along the SR 242 & SR 4 Corridors in Central and Eastern County	70.0	3.0%	40.0			30.0
9	Interstate 680/ State Route 4 Interchange	60.0	2.6%	60.0			
10	East County Corridor (Vasco Rd and/or Byron Highway Corridors)	117.0	5.0%				117.0
11	Advance Mitigation Program	TBD	TBD				
12	Bus Transit and Other Non-Rail Transit Enhancements	230.0	9.8%	59.0	90.0	80.0	50.0
13	Transportation for Seniors and People with Disabilities	77.7	3.3%	20.3	4.7	22.9	29.9
14	Safe Transportation for Children	52.0	2.2%	7.0	16.3	21.3	7.4
15	Intercity Rail and Ferry Service	50.0	2.1%	8.0		35.0	7.0
16	Pedestrian, Bicycle and Trail Facilities	62.0	2.7%	12.4	24.7	16.8	8.1
17	Community Development Transportation Program	140.0	6.0%	41.1	26.8	32.6	39.5
18	Innovative Transportation Technology / Connected Communities Program	65.0	2.8%	21.8	5.5	26.7	11.0
19	Transportation Planning, Facilities & Services	23.4	1.0%	6.9	4.5	5.4	6.6
20	Regional Transportation Priorities	21.4	0.9%	3.2	3.7	9.7	5.0
21	Administration	23.4	1.0%	6.9	4.5	5.4	6.6
	TOTAL	2339.0	100.0%	686.9	447.4	544.0	660.8
Population Based Share				686.9	447.4	544.0	660.7
Population Share (2030 Estimate) of Total				29.37%	19.13%	23.26%	28.25%

Notes

- Advance Mitigation Program - Projects that would be included in an Advance Mitigation Program will be called out/ identified
- Regional Transportation Priorities - This category is a placeholder for funds intended to be assigned by the RTPCs either to 1) high priority local projects/ programs unique to that subregion or 2) to augment funding assigned to other categories in this draft TEP to better reflect local priorities and needs in that subregion. Projects / program descriptions will ultimately be blended in to the final draft TEP
- Commute Alternatives - This program is not proposed in TEP as a countywide funded category. Funds may be assigned from Regional Transportation Priorities category for this type of program.
- TLC - This program not proposed in TEP. A new program (Community Development Transportation Program) is proposed to be included in TEP.
- Community Development Transportation Program is a new category. It is intended to provide funding for housing incentives and job creation programs/ investments (see details on following pages).

DRAFT 3/25/2016 1:18:19 PM
 For Discussion purposes only
 DraftTEP_20160325_Version2.1

Detailed Descriptions of Funding Categories

The Contra Costa Transportation Authority (Authority) is responsible for maintaining and improving the county's transportation system by planning, funding, and delivering critical transportation infrastructure projects and programs. The funding categories detailed below will provide needed improvements to connect our communities, foster a strong economy, increase sustainability, and safely and efficiently get people where they need to go.

Funding Categories

1. Local Streets Maintenance & Improvements — 23.1% (\$540m)

Funds from this category will fund maintenance and improvement projects on local streets and roads and may be used for any eligible transportation purposes as defined under the Act. The Authority will distribute 23.1 percent of the annual sales tax revenues to all local jurisdictions with a base allocation of \$100,000 for each jurisdiction, the balance will be distributed based 50 percent on relative population and 50 percent on road miles for each jurisdiction, subject to compliance with the Authority's reporting, audit and GMP requirements. Population figures used shall be the most current available from the State Department of Finance. Road mileage shall be from the most current State Controller's Annual Report of Financial Transactions for Streets and Roads.

Commented [WG4]: New monies focused on local street and road maintenance needs.

Funds shall be used by each jurisdiction to maintain and enhance existing roadway and other transportation facilities. Jurisdictions shall comply with the Authority's Maintenance of Effort (MOE) policy as well as Implementation Guidelines of this TEP. Local agencies will report on the use of these funds, such as the amount spent on roadway maintenance, bicycle and pedestrian facilities, transit facilities, and other roadway improvements.

1.a – Additional Local Streets Maintenance & Improvements — \$17m

An additional \$17m will be allocated to Central Contra Costa County jurisdictions based on the formula of 50 percent on relative population and 50 percent on road miles for each jurisdiction and subject to program requirements detailed above.

Commented [MT5]: Additional \$17m added at request of sub region.

2. Major Streets/ Complete Streets/ Traffic Signal Synchronization Grant Program — \$200m

Funds from this category shall be used to fund improvements to major thoroughfares throughout Contra Costa to improve the safe, efficient and reliable movement of buses, vehicles, bicyclists and pedestrians along said corridors (i.e. traffic smoothing). Eligible projects shall include a variety of components that meet the needs of all users and respond to the context of the facility. Projects may include but are not limited to installation of bike and pedestrian facilities, installation of "smart" parking management programs, separated bike lanes, synchronization of traffic signals and other technology solutions to manage traffic, traffic calming and

pedestrian safety improvements, shoulders, sidewalks, curbs and gutters, streetscapes and bus transit facility enhancements such as bus turnouts and passenger amenities. As an element of this program, the Authority will adopt a 'traffic signal synchronization' program and award grants for installation of 'state of the art' technology oriented at smoothing the flow of traffic along major arterial roadways throughout the county. Funding from this program will be prioritized to projects that improve access for all modes to job centers, shopping and business districts, transit stations and transit oriented communities, and whose design process included opportunity for public input from existing and potential users of the facility. Priority will be given to projects that can show a high percentage of "other funding" allocated to the project (i.e. – leverage). All projects funded through this program must comply with the Authority's Complete Streets Policy and include complete street elements whenever possible. 20% of the program funding will be allocated to four Complete Streets demonstration projects within five years of the Measure's passage, one in each subregion, recommended by the relevant RTPC and approved by Authority, to demonstrate the successful implementation of Complete Streets projects. Demonstration projects will be required to strongly pursue the use of separated bike lane facilities in demonstration project program. The purpose of these demonstration projects is to create examples of successful complete street projects in multiple situations throughout the county.

3. BART Capacity, Access and Parking Improvements — \$300m

Funds from this category shall be used to construct improvements to the BART system such as: station access improvements; infrastructure improvements to facilitate Transit Oriented Development (T.O.D.) at or near BART stations, station capacity, safety and operational improvements; additional on or off site parking; development and implementation of last mile shuttle and/or other improvements (including transit stops, as well as bicycle/ pedestrian facilities – complete streets) oriented at increasing BART ridership while also providing BART users alternatives to driving single occupant vehicles to BART stations. Funds in this category may be used for the acquisition of new BART cars and/or advanced train control systems that can be shown to increase capacity on BART lines serving Contra Costa, provided that 1) BART agrees to fund a minimum of \$100 million in Authority identified improvements, such as BART station, access and parking improvements, in Contra Costa County from other BART revenues, and 2) a regional approach, that includes binding funding commitments from both Alameda and San Francisco Counties, is developed and agreed to prior to any funds from this measure being used to fund the acquisition of BART cars.

4. East Contra Costa Transit Extension (BART or alternative) — \$70m

Funding from this category shall be used to extend high capacity transit service easterly from the Hillcrest BART Station in Antioch through Oakley to a new transit station in Brentwood. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. Funds from this category may be used to complete an interim transit station in Brentwood. RAMP eligible project.

Commented [MT6]: - This portion of the funding from this category is intended to fund marquee projects.
 - The amount called out for the demonstration projects has been revised to 20% (from 30%). With the revision, there is \$40m defined for this use.
 - Bike East Bay has proposed that every demonstration project include a separated bikeway component
 - A number of key stakeholders have questioned the feasibility of this approach and requested further defining of how the demonstration program will work.
 - Revised term of demonstration program from 3 to 5 years.

Commented [WRG7]: The staff/ consultant team has received a number of comments suggesting that this amount be reduced to better reflect the recommendations of the RTPC's. \$300m is consistent with discussions w/ BART to date and no change is recommended

Commented [WG8]: Recommended minimum is consistent with discussions with BART to date.

5. **High Capacity Transit Improvements along the I-80 Corridor in West Contra Costa County — \$20m**

Funding from this category shall be allocated by the Authority to projects / programs for high capacity transit improvements along the I-80 corridor. Final determination on the scope of the improvements to be constructed will be based on the final recommendations in the West County High Capacity Transit Study and in consultation with the subregion. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. RAMP eligible project.

Commented [MT9]: -Eligibility for this project will include projects and programs that result from the West County High Capacity Transit Study (including transit operational costs).
-The funding for this category was from an I-80 Corridor category in the prior version of the TEP and requested to split out by WCCTAC

6. **Interstate 80 Interchange Improvements at San Pablo Dam Road and Central Avenue — \$60m**

Funding allocations from this category shall be approved by the Authority to improve the I-80 interchanges at San Pablo Dam Road, Central Avenue, and other locations along I-80 in consultation with the subregion. RAMP eligible project.

Commented [MT10]: The funding for this category was from an I-80 Corridor category in the prior version of the TEP and requested to split out by WCCTAC

7. **Improve traffic flow and implement high capacity transit along the Interstate 680 and State Route 24 corridors in Central and Southwest Contra Costa County — \$140m**

Funding from this category shall be used to implement the I-680 corridor express lane and operational improvement project to facilitate carpools and increase transit use in the corridors as an alternative to single occupant vehicle travel. Funding may also be used to implement high capacity transit improvements in the corridor (including those identified in the I-680 Transit Investment and Congestion Relief Options and other relevant studies). Funding may also be used to complete improvements to the mainline freeway and/or local interchanges along I-680 and SR 24 as may be required to implement express lane and/or transit projects as well as advanced traffic management programs and/or other projects or programs that encourage the use of connected vehicle and/or autonomous vehicles in the corridor provided that the project sponsor can show that they reduce congestion, increase mobility and provide alternatives to single occupant vehicle travel. Selection of final projects to be based on a performance analysis of project alternatives consistent with Authority requirements. Projects funded from this category must be physically on or immediately contiguous to the I-680 or the SR 24 corridors. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. RAMP eligible project.

Commented [WG11]: Reference to SR 24 added to clarify that projects in the SR 24 corridor are eligible for funding out of this category.

Commented [WG12]: A number of key stakeholders have suggested that funding for this category/ project be increased to at least \$200m. Increasing the level of in this category would necessitate reductions in one or more other categories.

8. **Improve traffic flow along the SR 242 and SR 4 Corridors in Central and Eastern Contra Costa County — \$70m**

Funding from this category shall be used to improve traffic flow and reduce congestion between Concord and Brentwood along State Route 242 and State Route 4 to reduce congestion, increase mobility and provide alternatives to single occupant vehicle travel. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. Advanced traffic management programs and/or other projects or programs that encourage the use of connected vehicle and/or autonomous vehicles in the corridor are eligible for funding

Commented [WG13]: -Additional language added to make it clear this funding is intended for use on the actual corridors. Parallel arterials and/or other roadway improvements would be eligible only if they are physically adjacent.
-Stakeholders have requested that alternative language be considered, intent is understood, but there may be a better word choices.

from this category provided that the project sponsor can demonstrate that they reduce congestion, increase mobility and provide alternatives to single occupant vehicle travel. Projects funded from this category must be physically on or immediately contiguous to the SR 242 or SR 4 corridors. Selection of final project to be based on a performance analysis of project alternatives consistent with Authority requirements. RAMP eligible project.

Commented [WG14]: Language added to make it clear that funding is intended for use on the actual corridors. Parallel arterials and/or other roadway improvements would be eligible only if they are physically adjacent -Stakeholders have requested that alternative language be considered, intent is understood, but there may be a better word choices

9. **Interstate 680 / State Route 4 Interchange — \$60m**
Funding from this category shall be used to implement the Interstate 680/ State Route 4 interchange improvement project as necessary to improve traffic flow and enhance traffic safety along both the I-680 and SR 4 corridors. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. Authority shall prioritize local funding commitments to this project in such a way as to encourage carpools and vanpools, public transit usage and other alternatives to the single occupant vehicle. RAMP eligible project.

10. **East County Corridor (Vasco Rd and/or Byron Highway Corridors) — \$117m**
Funding from this category shall be used to complete safety improvements to Vasco Road and safety and / or capacity improvements to the Byron Highway (Tri-Link) Corridors oriented at providing better connectivity between eastern Contra Costa and the Interstate 205/580 corridors in Alameda and San Joaquin counties. For the Byron Highway (TriLink) corridor, the Authority shall prioritize funding for the design and construction of a new 2-lane limited access Byron Highway / Vasco Road connector south of Camino Diablo Road improving access to the Bryon Airport, and other improvements to the Byron Highway that increase safety and facilitate an improved goods movement network for East Contra Costa County. For the Vasco Road corridor, the Authority shall prioritize funding for safety improvements and other improvements oriented at high-capacity transit or high occupancy carpools. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for these projects.

Commented [WRG15]: Language changed to prioritize completion of a connector roadway between Byron Hwy and Vasco Road north of the Bryon Airport (the 'airport connection')

Prior to the use of any local sales tax funds to implement capacity improvements to either or both of these corridors, the Authority must find that the project includes measures to prevent growth outside of the Urban Limit Lines (ULL). Such measures might include, but not necessarily be limited to, limits on roadway access in areas outside the ULL, purchase of abutters' rights of access, preservation of critical habitat and/or the acquisition of open space. With the exception of the new connection between Vasco Road, the Byron Airport and the Byron Highway, funding from this category is not intended to be used for the construction of new roadways on new alignments. The Authority will work with Alameda and/or San Joaquin Counties to address project impacts in those jurisdictions. RAMP eligible project.

Commented [WG16]: Language added to make it clear that it is the intent of the authority to work with San Joaquin and/or Alameda Counties as appropriate to implement these projects.

11. **Advance Mitigation Program — TBD**
The Authority will develop a policy supporting the creation of an advance mitigation program to establish a program to provide for large-scale acquisition and management of critical habitat areas and to create a reliable approach for funding required mitigation for

Commented [WG17]: Authority staff and stakeholders are participating in an effort to establish an East Bay Regional Advance Mitigation Program. Staff/consultant team have identified projects in this draft of the TEP (v2.1) as potential 'RAMP eligible' projects. Considerations regarding the RAMP program include its relationship with the East Contra Costa Habitat Conservation Program (HCP) and the status of the RAMP pilot when the final TEP is adopted. Funding for advance mitigation is included in the allocation amounts for 'RAMP eligible' projects included in this Plan.

future transportation. This policy will identify projects that will benefit from the program and the financial contribution associated with those projects. This approach would be implemented by obtaining coverage for transportation projects through existing and proposed multiple species conservation plans, including the East Contra Costa Habitat Conservation Plan. The benefit of this policy will include an early comprehensive project delivery review, reduced costs attributed to mitigation, opportunity to significantly improve conservation benefits, and accelerated project delivery. If this approach cannot be fully implemented, then the identified funds shall be used for environmental mitigation purposes on a project by project basis.

12. **Bus Transit and Other Non-Rail Transit Enhancements — 9.8% (\$230m)**

This category of funding is intended to provide funding to existing transit operators and for future non-rail transit service alternatives that can be shown to reduce total vehicle miles traveled (VMT) and/or greenhouse gas (GHG) emissions. Funding will be provided to increase the frequency and capacity of high demand routes and for non-rail transit services/projects that can demonstrate innovative approaches to maximizing the movement of people along existing transit corridors and within the existing transportation infrastructure. Projects that increase ridership using existing capacity by incentives including offsetting fares or other methodologies may also be considered. Funding may be used to deliver transit capital projects or implement service to transit stations, congested corridors, last mile service to transit hubs and established transit integrated communities. Funding will be allocated by the Authority to Contra Costa transit operators based on performance criteria established by the Authority in consultation with local and regional transit operators and key stakeholders. Funding allocations will be reviewed on a regular basis. Said performance criteria shall require a finding that any proposed new or enhanced services demonstrate the ability to improve regional and/or local mobility for Contra Costa residents. Funds may be used to deliver transit capital projects or operate service improvements identified in the adopted plans of an operator or of the Authority.

Guidelines will be established so that revenues will fund service enhancements in Contra Costa. The guidelines may require provisions such as; operational efficiencies including greater coordination; promoting and developing a seamless service; increasing service frequencies on appropriate routes; and specified performance criteria and reporting requirements. Services funded in this program will be reviewed every two years to ensure the goals of the program are being met.

Recipients of funding under this category are required to participate in the development of the Accessible Transportation Services Strategic Plan included in Category 13. Transportation for Seniors and People with Disabilities.

13. **Transportation for Seniors & People With Disabilities — 3.3% (\$78m)**

Funding in this category is to support mobility opportunities for seniors and people with disabilities who, due to age or disability, cannot drive or take other transit

Commented [MT18]: -Mode of "Bus Transit" specified in the category title
-Additional \$30m added at request of WCCTAC (from the previous I-80 Corridor category)

Commented [MT19]: Added to reflect comments at March 23 Authority Board meeting.

Commented [MT20]: -Language of this item revised to be in a consistent format with other sections of the TEP.
-Added a time frame for adoption of an ATS Strategic Plan, to ensure recommendations are identified and implementation can begin.
-Additional funds identified from funds previously in Regional Transportation Priority category (\$28M)

options. Projections indicate that people who would be eligible for these services are the fastest growing segment of our population and will likely increase approximately 300% over the next 50 years.

To ensure services are delivered in a coordinated system that maximizes both service delivery and efficiency an Accessible Transportation Service (ATS) Strategic Plan will be developed and periodically updated during the term of the measure. No funding under this category will be allocated until the ATS Strategic Plan has been developed and adopted. An overarching component in the development and delivery of the ATS Strategic Plan is using mobility management to ensure coordination and efficiencies in accessible service delivery. The plan will evaluate the appropriate model for our local structure including how accessible services are delivered by all agencies and where appropriate coordination can improve transportation services, eliminate gaps in service and find efficiencies in the service delivered. The ATS Strategic Plan would also determine the investments and oversight of the program funding and identify timing, projects, service delivery options, administrative structure, and fund leverage opportunities.

The ATS Strategic Plan must be adopted within 12 months of the passage of this Measure.

- 14. Safe Transportation for Children — 2.2% (\$52m)**
Programs and projects which promote safe transportation options for children to access schools or after school programs. Eligible projects include but are not limited to reduced fare transit passes and transit incentive programs, school bus programs, and projects for pedestrian and bicycle safety that provide school-related access.

Commented [MT21]: -Additional funds identified from funds previously in Regional Transportation Priority category (\$2M)

- 15. Intercity Rail/ Ferries — \$50m**
Funds from this category shall be used to construct station and/or track improvements to the Capital Corridor and/or the San Joaquin corridors as well as to implement new or improved ferry services (including both capital and operations) in Richmond, Hercules, Martinez and/or Antioch. Projects that increase ridership using existing capacity by incentives including offsetting fares or other methodologies may also be considered. To the greatest degree possible, local funds generated by this measure shall be used to leverage additional regional, state and/or federal funds for this project. Any projects funded in this category will be evaluated by Authority and demonstrate progress toward the Authority's goals of reducing VMT and greenhouse gas reductions. Selection of final project to be based on a performance analysis of project alternatives consistent with Authority requirements. Sponsors of projects requesting funding from this category will be required to demonstrate to the Authority that sufficient funding is available to operate the proposed project and/or service over a long period of time.

- 16. Pedestrian, Bicycle and Trail Facilities — 2.7% (\$62m)**
Two-thirds of the funds from this program will be used implement projects in the Countywide Bicycle and Pedestrian Plan, consistent with the current Measure J program.

Commented [MT22]: -Additional funds identified from funds previously in Regional Transportation Priority category (\$2M)

These funds will be allocated competitively to projects that improve safety for pedestrians and bicyclists, serve the greatest number of users and significant destinations, and remove missing segments and existing barriers to walking and bicycling. The review process shall also consider project feasibility and readiness and the differing needs of the sub-regions when identifying projects for funding. Funding available through this program shall be primarily used for the construction, maintenance, and safety or other improvements of bicycle, pedestrian and trail projects. Design, project approval, right-of-way purchase and environmental clearance may not be funded as part of a construction project. Planning to identify a preferred alignment for major new bicycle, pedestrian or trail connections may also be funded through this program.

One third of the funds are to be allocated to the East Bay Regional Park District (EBRPD) for the development and rehabilitation of paved regional trails. EBRPD is to spend its allocation proportionally in each sub-region, subject to the review and approval of the applicable sub-regional committee, prior to funding allocation by the Authority. The Authority in conjunction with EBRPD will develop a maintenance-of-effort requirement for funds under this category.

Consistent with the Countywide Bicycle and Pedestrian Plan and the complete streets policy established in this expenditure plan, project sponsors receiving funding through other funding categories in this Plan shall incorporate, whenever possible, pedestrian, bicycle, and trail facilities into their projects.

17. Community Development Transportation Program — 6.0% (\$146m)

Funds from this category will be used to implement this new Community Development Incentive Transportation program, administered by the Authority's Regional Transportation Planning Committees (RTPC's). Funds will be allocated on a competitive basis to transportation projects or programs that promote economic development, job creation and/or housing within established (or planned) transit supportive community centers. Project sponsors must demonstrate that at least 20% of the project is funded from other than local transportation sales tax revenue and the Authority will prioritize funding to projects that demonstrate over 50% funding from other sources. Additional priority will be given to projects where the sponsor can demonstrate that the project supports and facilitates development of housing for all income levels. Working with the RTPCs, the Authority will prepare guidelines and establish overall criteria for the program.

Commented [WG23]: This is a proposed new grant program developed as an alternative to augmenting the Authority's existing TLC program (created with Measure J). The intent of this program is to stimulate infill housing and job development.

A number of key stakeholders have questioned the feasibility of this approach and have suggested conditioning a portion of a jurisdiction's return to source funds as a better approach.

18. Innovative Transportation Technology / Connected Communities Program — 2.8% (\$65m)

Funding from this category will be allocated for the planning and development of projects and programs that include innovative solutions intended to (a) develop and demonstrate transportation innovation through real-world applications, (b) reduce GHG emissions, and (c) implement connected transportation solutions and integrate this approach with other community services such as public safety, public services, water,

communications and energy to promote economic development and jobs opportunities by increasing government efficiency and reducing consumption. Examples of eligible projects include but are not limited to expanding opportunities for electric vehicle charging; smart rideshare, carshare and bikeshare services; on-demand and personal transit services that compliment traditional fixed-route transit; smart and automated parking; intelligent, sensor-based infrastructure; smart payment systems; and data sharing to improve mobility choices for all users. Projects are intended to promote connectivity between all users of the transportation network (cars, pedestrians, bikes, buses, trucks, etc.) and automation technologies that collectively facilitate the transformation toward connected communities. Funding is intended to match State, federal, or regional grants and private-sector investment to achieve maximum benefits. By investing in these solutions Contra Costa County can become a national model in sustainable, technology-enabled transportation.

A minimum of twenty-five percent shall be allocated to each sub-program (a, b and c above) over the life of the measure. The Authority will prepare guidelines and establish overall criteria for the Innovative Transportation Technology / Connected Communities Program and provide technical resources to project sponsors. The RTPC's will submit programs/projects for the Authority to consider allocating funds to on a competitive basis for each of the sub-programs. Project sponsors must demonstrate that the programs provide highly efficient services that are cost effective, integrated and responsive to the needs of the community.

19. **Transportation Planning, Facilities and Services --- 1.0% (\$23m)**
Implement the countywide GMP, prepare the countywide transportation plan; and support the programming and monitoring of federal and state funds, as well as the Authority's Congestion Management Agency functions.
20. **Regional Transportation Priorities --- \$22m**
Funding from this category shall be used for any project or program identified in the Expenditure Plan or eligible under the provisions of the Act, including activities that promote alternatives to commuting in single occupant vehicles. Program and project recommendations shall be made by each subregion for consideration and funding by the Authority. NOTE – these project/ program descriptions will ultimately be blended in to the final draft TEP
21. **Administration --- 1.0% (\$23m)**
Funds administration of new measure.

The Growth Management Program

Goals and Objectives

The overall goal of the Growth Management Program is to preserve and enhance the quality of life and promote a healthy, strong economy to benefit the people and areas of Contra Costa through a cooperative, multi-jurisdictional process for managing growth, while maintaining local authority over land use decisions.¹

The objectives of the Growth Management Program are to:

- Assure that new residential, business and commercial growth pays for the facilities required to meet the demands resulting from that growth.
- Require cooperative transportation and land use planning among Contra Costa County, cities, towns, and transportation agencies.
- Support land use patterns within Contra Costa that make more efficient use of the transportation system, consistent with the General Plans of local jurisdictions.
- Support infill and redevelopment in existing urban and brownfield areas.

Components

To receive its share of Local Transportation Maintenance and Improvement funds and to be eligible for Contra Costa Transportation for Livable Communities funds, each jurisdiction must:

1. Adopt a Growth Management Element

Each jurisdiction must adopt, or maintain in place, a Growth Management Element as part of its General Plan that outlines the jurisdiction's goals and policies for managing growth and requirements for achieving those goals. The Growth Management Element must show how the jurisdiction will comply with sections 2-7 below. The Authority will refine its model Growth Management Element and administrative procedures in consultation with the Regional Transportation Planning Committees to reflect the revised Growth Management Program.

Each jurisdiction is encouraged to incorporate other standards and procedures into its Growth Management Element to support the objectives and required components of this Growth Management Program.

¹ The Authority will, to the extent possible, attempt to harmonize the Growth Management and the State-mandated Congestion Management Programs. To the extent they conflict, Congestion Management Program Activities shall take precedence over Growth Management activities.

Commented [WRG24]: This language reflects the current CCTA Growth Management program as approved with Measures C and J and subsequently updated in 2007 (?) by the Authority.

CCTA staff may suggest updates to align this program with current practice.

Commented [WG25]: Some EPAC members have asked for clarification on schedule for periodic review/ update of GM elements (5yr, 10yr, ??)

2. Adopt a Development Mitigation Program

Each jurisdiction must adopt, or maintain in place, a development mitigation program to ensure that new growth is paying its share of the costs associated with that growth. This program shall consist of both a local program to mitigate impacts on local streets and other facilities and a regional program to fund regional and subregional transportation projects, consistent with the Countywide Comprehensive Transportation Plan.

The jurisdiction's local development mitigation program shall ensure that revenue provided from this measure shall not be used to replace private developer funding that has or would have been committed to any project.

The regional development mitigation program shall establish fees, exactions, assessments or other mitigation measures to fund regional or subregional transportation improvements needed to mitigate the impacts of planned or forecast development. Regional mitigation programs may adjust such fees, exactions, assessments or other mitigation measures when developments are within walking distance of frequent transit service or are part of a mixed-use development of sufficient density and with necessary facilities to support greater levels of walking and bicycling. Each Regional Transportation Planning Committee shall develop the regional development mitigation program for its region, taking account of planned and forecast growth and the Multimodal Transportation Service Objectives and actions to achieve them established in the Action Plans for Routes of Regional Significance. Regional Transportation Planning Committees may use existing regional mitigation programs, if consistent with this section, to comply with the Growth Management Program.

3. Address Housing Options

Each jurisdiction shall demonstrate reasonable progress in providing housing opportunities for all income levels as part of a report on the implementation of the actions outlined in its adopted Housing Element. The report will demonstrate progress by:

- a. Comparing the number of housing units approved, constructed or occupied within the jurisdiction over the preceding five years with the number of units needed on average each year to meet the housing objectives established in the jurisdiction's Housing Element; or
- b. Illustrating how the jurisdiction has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or
- c. Illustrating how a jurisdiction's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives.

In addition, each jurisdiction shall consider the impacts that its land use and development policies have on the local, regional and countywide transportation system, including the level of transportation capacity that can reasonably be provided, and shall incorporate policies and standards into its development approval process that support transit, bicycle

Commented [MT26]: Some EPAC members are recommending a review and enhancement of the reporting requirements, such as actual housing production compared against targets.

Commented [WG27]: EPAC has suggested a number of edits to align the Authority's requirements related to the provision of Affordable Housing with current statutory requirements.

and pedestrian access in new developments.

4. Participate in an Ongoing Cooperative, Multi-Jurisdictional Planning Process.

Each jurisdiction shall participate in an ongoing process with other jurisdictions and agencies, the Regional Transportation Planning Committees and the Authority to create a balanced, safe and efficient transportation system and to manage the impacts of growth. Jurisdictions shall work with the Regional Transportation Planning Committees to:

- a. Identify Routes of Regional Significance, and establish Multimodal Transportation Service Objectives for those routes and actions for achieving those objectives.
- b. Apply the Authority's travel demand model and technical procedures to the analysis of General Plan Amendments (GPAs) and developments exceeding specified thresholds for their effect on the regional transportation system, including on Action Plan objectives.
- c. Create the development mitigation programs outlined in section 2 above.
- d. Help develop other plans, programs and studies to address other transportation and growth management issues.

In consultation with the Regional Transportation Planning Committees, each jurisdiction will use the travel demand model to evaluate changes to local General Plans and the impacts of major development projects for their effects on the local and regional transportation system and the ability to achieve the Multimodal Transportation Service Objectives established in the Action Plans.

Jurisdictions shall also participate in the Authority's ongoing countywide comprehensive transportation planning process. As part of this process, the Authority shall support countywide and subregional planning efforts, including the Action Plans for Routes of Regional Significance, and shall maintain a travel demand model. Jurisdictions shall help maintain the Authority's travel demand modeling system by providing information on proposed improvements to the transportation system and planned and approved development within the jurisdiction.

5. Continuously Comply with an Urban Limit Line (ULL)

In order to be found in compliance with this element of the Authority's Growth Management Program, all jurisdictions must continually comply with an applicable voter approved Urban Limit Line (ULL). Said ULL may either be the Contra Costa County voter approved ULL (County ULL) or a locally initiated, voter approved ULL (LV-ULL).

Additional information and detailed compliance requirements for the ULL are fully defined in the ULL Compliance Requirements, which are incorporated herein as Attachment A.

Commented [MT28]: Though not necessarily needed in the GMP document, propose that the Authority's travel demand model and technical procedures be amended/ updated to reflect current statutory requirements (VMT analysis vs LOS analysis) as well as industry 'best practices'. Explore with EPAC, CCTA staff and technical experts.

Commented [WRG29]: Suggest consideration be given to including this information (i.e. Attachment A) in the Implementing Guidelines of the draft TEP

Any of the following actions by a local jurisdiction will constitute non-compliance with the Authority's Measure XX Growth Management Program:

1. The submittal of an annexation request to LAFCO for lands outside of a jurisdiction's applicable ULL.
2. Failure to conform to the Authority's ULL Compliance Requirements (Attachment A).

Commented [WRG30]: The GBS team would recommend we include all of the compliance requirements here and eliminate the 'Conditions of Compliance' in Attachment A.

6. Develop a Five-Year Capital Improvement Program

Each jurisdiction shall prepare and maintain a capital improvement program that outlines the capital projects needed to implement the goals and policies of the jurisdiction's General Plan for at least the following five-year period. The Capital Improvement Program shall include approved projects and an analysis of the costs of the proposed projects as well as a financial plan for providing the improvements. The jurisdiction shall forward the transportation component of its capital improvement program to the Authority for incorporation into the Authority's database of transportation projects.

7. Adopt a Transportation Systems Management (TSM) Ordinance or Resolution

To promote carpools, vanpools and park and ride lots, each jurisdiction shall adopt a local ordinance or resolution that conforms to the model Transportation Systems Management Ordinance that the Transportation Authority has drafted and adopted. Upon approval of the Authority, cities with a small employment base may adopt alternative mitigation measures in lieu of a TSM ordinance or resolution.

Allocation of Funds

Portions of the monies received from the retail transaction and use tax will be returned to the local jurisdictions (the cities and the county) for use on local, subregional and/or regional transportation improvements and maintenance projects. Receipt of all such funds requires compliance with the Growth Management Program described below. The funds are to be distributed on a formula based on population and road miles.

Each jurisdiction shall demonstrate its compliance with all of the components of the Growth Management Program in a completed compliance checklist. The jurisdiction shall submit, and the Authority shall review and make findings regarding the jurisdiction's compliance with the requirements of the Growth Management Program, consistent with the Authority's adopted policies and procedures.

If the Authority determines that the jurisdiction complies with the requirements of the Growth Management Program, it shall allocate to the jurisdiction its share of local street maintenance and improvement funding. Jurisdictions may use funds allocated under this provision to comply with these administrative requirements.

If the Authority determines that the jurisdiction does not comply with the requirements of

the Growth Management Program, the Authority shall withhold those funds and also make a finding that the jurisdiction shall not be eligible to receive Contra Costa Transportation for Livable Communities until the Authority determines the jurisdiction has achieved compliance. The Authority's findings of noncompliance may set deadlines and conditions for achieving compliance.

Withholding of funds, reinstatement of compliance, reallocation of funds and treatment of unallocated funds shall be as established in adopted Authority's policies and procedures.

Commented [MT31]: This portion of the Authority's Growth Management Program will need to be updated to reflect the projects/ programs defined this this TEP.

INITIAL DRAFT - V2.1

Attachment A

Urban Limit Line (ULL) Definitions and Compliance Requirements

Commented [WRG32]: See recommendation below. The GBS team would propose to move all of the 'compliance requirements' to Section 5 of the GMP and retitle this as Urban Limit Line (ULL) Definitions.

Definitions - the following definitions apply to the GMP ULL requirement:

1. **Urban Limit Line (ULL):** An urban limit line, urban growth boundary, or other equivalent physical boundary judged by the Authority to clearly identify the physical limits of the local jurisdiction's future urban development
2. **Local Jurisdictions:** Includes Contra Costa County, the 19 cities and towns within Contra Costa, plus any newly incorporated cities or towns established after April 1, 2017.
3. **County ULL:** A ULL placed on the ballot by the Contra Costa County Board of Supervisors, approved by voters at a countywide election, and in effect through the applicable GMP compliance period. The current County ULL was established by Measure L approved by voters in 2006.

The following local jurisdictions have adopted the County ULL as its applicable ULL:

City of Brentwood	Town of Moraga
City of Clayton	City of Oakley
City of Concord	City of Orinda
Town of Danville	City of Pinole
City of El Cerrito	City of Pleasant Hill
City of Hercules	City of Richmond
City of Lafayette	City of San Pablo
City of Martinez	City of Walnut Creek

4. **Local Voter ULL (LV-ULL):** A ULL or equivalent measure placed on the local jurisdiction ballot, approved by the jurisdiction's voters, and recognized by action of the local jurisdiction's legislative body as its applicable, voter-approved ULL. The LV-ULL will be used as of its effective date to meet the Authority's GMP ULL requirement and must be in effect through the applicable GMP compliance period.

The following local jurisdictions have adopted a LV-ULL:

City of Antioch	City of San Ramon
City of Pittsburg	

5. **Minor Adjustments:** An adjustment to the ULL of 30 acres or less.
6. **Other Adjustments:** Other adjustments that address issues of unconstitutional takings, and conformance to state and federal law.

Revisions to the ULL

1. A local jurisdiction which has adopted the County ULL as its applicable ULL may revise its ULL with local voter approval at any time during the term of the Authority's GMP by adopting a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
2. A local jurisdiction may revise its LV-ULL with local voter approval at any time during the term of the Authority's GMP if the resultant ULL meets the requirements outlined for a LV-ULL contained in the definitions section.
3. If voters, through a countywide ballot measure, approve a revision to the County ULL, the legislative body of each local jurisdiction relying on the County ULL shall:
 - a. Accept and approve its existing ULL to continue as its applicable ULL, or
 - b. Accept and approve the revised County ULL as its applicable ULL, or
 - c. Adopt a LV-ULL in accordance with the requirements outlined for a LV-ULL contained in the definitions section.
4. Local jurisdictions may, without voter approval, enact a Minor Adjustments to their applicable ULL subject to a vote of at least 4/5 of the jurisdiction's legislative body and the following requirements:
 - a. Minor adjustment may include one or several parts that in total shall not exceed 30 acres;
 - b. Adoption of at least one of the findings listed in the County's Measure L (§82-1.018 of County Ordinances 2006-06 § 3, 91-1 § 2, 90-66 § 4);
 - c. The Minor Adjustment is not contiguous to one or more non-voter approved Minor Adjustments that in total exceed 30 acres;
 - d. The Minor Adjustment does not create a pocket of land outside the existing urban limit line, specifically to avoid the possibility of a jurisdiction wanting to fill in those subsequently through separate adjustments;
 - e. If the local jurisdiction is a City or a Town, then that City or Town shall not have approved another Minor Adjustment without voter approval in the previous 5 years. If the local jurisdiction is the County, then the County shall not approve more than 3 Minor Adjustments in any 5 year period and no more than 1 per sub-region of the County.
5. A local jurisdiction may revise its LV-ULL, and the County may revise the County ULL, to address issues of unconstitutional takings or conformance to State or federal law, if the revision does not exceed 30 acres and the revision is approved by at least 4/5 of the members of the legislative body.

Commented [WRG33]: Is it intended to apply the County developed findings to those jurisdictions with a LV ULL or simply to require those who have chosen to adopt the County ULL as their own to comply with the County's requirements?

If the latter is the intent, it might be better to simply require local jurisdictions that have chosen to adopt the County ULL to secure the County's concurrence for any Minor Adjustments to the ULL.

The GBS team would suggest consideration of a requirement that would require jurisdictions who have chosen to adopt the County ULL as their own be required to secure the County's concurrence prior to processing a Minor Adjustment to the ULL.

Commented [WRG34]: Added per discussion at 3/16 special mtg of CCTA Board

Conditions of Compliance

1. Submittal of an annexation request of greater than 30 acres by a local jurisdiction to LAFCO outside of a voter-approved ULL will constitute non-compliance with the GMP.
2. For each jurisdiction, an applicable ULL shall be in place through each GMP compliance reporting period in order for the local jurisdiction to be found in compliance with the GMP requirements.
3. These conditions shall replace the conditions regarding the ULL outlined in Measure J.

Commented [WRG35]: GBS proposes that all of these 'conditions of compliance' be moved to Section 5 of the GM plan

INITIAL DRAFT - V2.1

Complete Streets Policy

Vision

This Plan envisions a transportation system in which each component provides safe, comfortable and convenient access for every user allowed to use it. These users include pedestrians, bicyclists, transit riders, automobile drivers and their passengers, and truckers, and people of varying abilities, including children, seniors, people with disabilities and able-bodied adults. The goal of every transportation project is to provide safer, more accessible streets for all users and shall be planned, designed, constructed and operated to take advantage of that opportunity.

By making streets more efficient and safe for all users, a complete streets approach will expand capacity and improve mobility for all users, giving commuters convenient options for travel and minimizing need to widen roadways.

Policy

To achieve this vision, all recipients of funding through this Plan shall consider and accommodate, wherever possible, the needs of all users in the planning, design, construction, reconstruction, rehabilitation, maintenance, and operation of the transportation system. This determination shall be consistent with the exceptions listed below. Achieving this vision will require balancing the needs of different users, and may require reallocating existing right of way for different uses.

The Authority shall revise its project development guidelines to require the consideration and accommodation of all users in the design, construction and operation of projects funded with Measure funds and shall adopt peer review and design standards to implement that approach. The guidelines will allow flexibility in responding to the context of each project and the needs of users specific to the project's context, and will build on accepted best practices for complete streets and context-sensitive design.

To ensure that this policy is carried out, the Authority shall prepare a checklist that sponsors of projects using Measure funds must submit that documents how the needs of all users were considered and how they were accommodated in the design, construction and operation of the project. In the checklist, the sponsor will outline how they provided opportunity for public input, in a public forum, from all users early in the project development and design process. If the proposed project or program will not provide context appropriate conditions for all users, the sponsor shall document the reasons why in the checklist, consistent with the following section on "exceptions" below. The completed checklist shall be made part of the approval of programming of funding for the project or funding allocation resolution for construction or operation.

Recipients of Local Street Maintenance and Improvement funds shall adopt procedures that ensure that all agency departments consider and accommodate the needs of all users for projects or programs affecting public rights of way for which the agency is responsible. These procedures shall:

- 1) be consistent with and be designed to implement each agency's general plan policies once

DRAFT 3/25/2016 1:18:19 PM
For Discussion purposes only
DraftTEP_20160325_Version2.1

Page 21 of 31

Commented [MT36]: - Staff/ consultant recommended changes, including language that cites best accepted practices for all modes. While Bike East Bay recommends adding language that explicitly requires that protection for non-motor traffic be of the highest quality possible in the context, that language is not recommended.

-
- that plan has been updated to comply with the Complete Streets Act of 2008,
- 2) involve and coordinate the work of all agency departments and staff whose projects will affect the public right of way,
 - 3) consider the complete street design standards adopted by the Authority, and
 - 4) provide opportunity for public review by all potential users early in the project development and design phase so that options can be fully considered. This review could be done through an advisory committee such as a Bicycle and Pedestrian Advisory Committee or as part of the review of the agency's capital improvement program.

As part of their biennial Growth Management Program checklist, agencies shall list projects funded by the Measure and detail how those projects accommodated users of all modes.

As part of the multi-jurisdictional planning required by the Growth Management Program, agencies shall work with the Authority and the Regional Transportation Planning Committees to harmonize the planning, design, construction and operation of transportation facilities for all modes within their jurisdiction with the plans of adjoining and connecting jurisdictions.

Exceptions

Project sponsors may provide a lesser accommodation or forgo complete street accommodation components when the public works director or equivalent agency official finds that:

1. Pedestrians, bicyclists, or other users are prohibited by law from using the transportation facility,
2. The cost of new accommodation would be excessively disproportionate to the need or probable use, or
3. The sponsor demonstrates that, such accommodation is not needed, based on objective factors including:
 - a. current and projected user demand for all modes based on current and future land use, and
 - b. lack of identified conflicts, both existing and potential, between modes of travel.

Project sponsors shall explicitly approve exceptions findings as part of the approval of any project using measure funds to improve streets classified as a major collector or above.¹ Prior to this project sponsors must provide an opportunity for public input at an approval body (that regularly considers design issues) and/or the governing board of the project sponsor.

¹ Major Collectors and above, as defined by the California Department of Transportation California Road System (CRS maps);

Regional Advance Mitigation Program

An estimated \$xx million will be used to fund habitat-related environmental mitigation activities required in the implementation of the major highway, transit and regional arterial and local street and road improvements identified in the Transportation Expenditure Plan. Of this total, an estimated \$xx million is related to mitigation requirements for local transportation projects and an estimated \$xx million is related to mitigation requirements for the major highway and transit projects identified in the Transportation Expenditure Plan. The intent is to establish a program to provide for large-scale acquisition and management of critical habitat areas and to create a reliable approach for funding required mitigation for future transportation improvements thereby reducing future costs and accelerating project delivery. This approach would be implemented by obtaining coverage for transportation projects through existing and proposed multiple species conservation plans, including the East Contra Costa Habitat Conservation Plan. If this approach cannot be fully implemented, then these funds shall be used for environmental mitigation purposes on a project by project basis.

Governing Structure

Governing Body and Administration

Authority is governed by a Board composed of 11 members, all elected officials, with the following representation:

- Two members from the Central County Regional Transportation Planning Commission (RTPC) also referred to as TRANSPAC
- Two members from the East County RTPC, also referred to as TRANSPLAN
- Two members from the Southwest County RTPC, also referred to as SWAT
- Two members from the West County RTPC, also referred to as WGCTAC
- One member from the Conference of Mayors
- Two members from the Board of Supervisors

The Authority Board also includes three (3) ex-officio, non-voting members, appointed by the MTC, BART and the Public Transit Operators in Contra Costa County.

Public Oversight Committee

The Public Oversight Committee (Committee) shall provide diligent, independent and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities and towns, transit operators, etc). The Committee will report to the public and focus its oversight on the:

- Review of allocation and expenditure of Measure funds to ensure that all funds are used consistent with the Measure ballot measure.
- Review of fiscal audits of Measure expenditures.
- Review of performance audits of projects and programs relative to performance criteria established by the Authority, and if performance of any project or program does not meet its established performance criteria, identify reasons why and make recommendations for corrective actions that can be taken by the Authority Board for changes to project or program guidelines.
- Review of the maintenance of effort compliance requirements of local jurisdictions for local streets, roads and bridges funding.
- Review of each jurisdiction's Growth Management Checklist and compliance with the Growth Management Plan policies.

The Committee shall prepare an annual report including an account of the Committee's activities during the previous year, its review and recommendations relative to fiscal or performance audits, and any recommendations made to the Authority Board for implementing the expenditure plan. The report will be published in local newspapers and local media outlets throughout Contra Costa County, posted to the Authority Website and continuously available for public inspection at Authority offices. The report shall be composed of easy to understand language not in an overly technical format. The Committee shall make an annual presentation to the Authority Board summarizing the annual report subsequent to its release.

DRAFT 3/25/2016 1:18:19 PM
For Discussion purposes only
DraftTEP_20160325_Version2.1

Page 24 of 31

Committee members shall be selected to reflect community and business organizations and interests within the County. The Authority Board will solicit statements of interest from the individuals representing the stakeholder groups listed below, and will appoint members to an initial Committee with the goal to provide a balance of viewpoints including but not limited to geography, age, gender, ethnicity and income status to represent the different perspectives of the residents of Contra Costa County. In establishing the initial Committee, the Authority Board will solicit statements of interest from groups or individuals that represent professional expertise in civil or traffic engineering, accounting, municipal finance, and project management; and groups or individuals that represent taxpayer accountability, voter accountability, business development, labor, senior or paratransit services, non-motorized active transportation, transit advocacy and social justice. The Committee will include one member each appointed by the County Board of Supervisors and the councils of each of the incorporated cities and towns in Contra Costa County. Beginning two years after the appointment of the initial Committee and every two years thereafter, the Authority Board will solicit statements of interest for new appointment or re-appointment of approximately one-third of the Committee membership and will appoint or re-appoint members in an attempt to maintain the diversity of the Committee. Any individual member can serve on the Committee for no more than 6 consecutive years.

Commented [MT37]: Staff / Consultant team will provide alternatives for the make up of the Public Oversight Committee. At the March 16 Board meeting, alternatives discussed ranged from 6 to 25 members

Committee members will be private residents who are not elected officials at any level of local government, nor public employees from agencies that either oversee or benefit from the proceeds of the Measure. Membership is limited to individuals who live in Contra Costa County. Membership is restricted to individuals with no economic interest in any of Authority's projects or programs. If a member's status changes so that he/she no longer meet these requirements, or if a member resigns his/her position on the Committee, the Authority Board will issue a new statement of interest from the same stakeholder category to fill the vacant position.

The Committee shall meet up to once a month to carry out its responsibility, and shall meet at least once every 3 months. Meetings shall be held at the same location as the Authority Board meetings are usually held, shall be open to the public and must be held in compliance with California's open meeting law (Brown Act). Meetings shall be recorded and the recordings shall be posted for the public.

Members are expected to attend all meetings. If a member, without good reason acceptable to the Chair of the Committee, fails to attend either (a) two or more consecutive meetings or (b) more than 3 meetings a year, the Authority Board will request a replacement from the stakeholder categories listed above.

Authority commits to support the oversight process through cooperation with the Committee by providing access to project and program information, audits, and other information available to the Authority, and with logistical support so that the Committee may effectively perform its oversight function. The Committee will have full access to Authority's independent auditors, and may request Authority staff briefings for any information that is relevant to the Measure. The Committee Chair shall inform the Authority Board Chair and Executive Director of any concern regarding Authority staff's commitment to open communication, the timely sharing of information, and teamwork.

DRAFT 3/25/2016 1:18:19 PM
For Discussion purposes only
DraftTEP_20160325_Version2.1

Page 25 of 31

The Committee shall not have the authority to set policy or appropriate or withhold funds, nor shall it participate in or interfere with the selection process of any consultant or contractor hired to implement the expenditure plan.

The Committee shall not receive monetary compensation except for the reimbursement of travel or other incidental expenses, in a manner consistent with other Authority advisory committees

In order to ensure that the oversight by the Committee continues to be as effective as possible, the efficacy of the Committee's Charter (ie this document) will be evaluated on a periodic basis and a formal review will be conducted by the Authority Board, Executive Director and the Committee every five years to determine if any amendments to this Charter should be made. The formal review will include a benchmarking of the Committee's activities and charter with other best-in-class oversight committees. Amendments to this Charter shall be proposed by the Committee and adopted or rejected by the Authority Board.

The Committee replaces Authority's existing Citizens Advisory Committee.

Advisory Committees

The Authority will continue the committees that were established as part of the Transportation Partnership Commission organization as well as other committees that have been utilized by the Authority to advise and assist in policy development and implementation. The committees include:

- The Regional Planning Transportation Committees that were established to develop transportation plans on a geographic basis for sub-areas of the County, and
- The Technical Coordinating Committee that will serve as the Authority's technical advisory committee.
- The Paratransit Coordinating Council
- The Bicycle and Pedestrian Advisory Committee
- The Transit Committee

Implementing Guidelines

This Transportation Expenditure Plan (Plan) is guided by principles that ensure the revenue generated by the sales tax is spent only for the purposes outlined in this Plan in the most efficient and effective manner possible, consistent with serving the transportation needs of Contra Costa County. The following Implementing Guidelines shall govern the administration of sale tax revenues by the Authority. Additional detail for certain Implementing Guidelines is found elsewhere in this Plan.

Duration of the Plan

The duration of the Plan shall be for 25 years from April 1, 2017 through March 31, 2042.

Administration of the Plan

1. **Funds only Projects and Programs in the Plan:** Funds collected under this Measure may only be spent for purposes identified in the Plan, as it may be amended by the Authority governing body.
2. **All Decisions Made in Public Process:** The Authority is given the fiduciary duty of administering the transportation sales tax proceeds in accordance with all applicable laws and with the Plan. Activities of the Authority will be conducted in public according to state law, through publically noticed meetings. The annual budgets of Authority, strategic plans and annual reports will all be prepared for public review. The interest of the public will be further protected by a Public Oversight Committee, described previously in the Plan.
3. **Salary and Administration Cost Caps:** Revenues may be expended by the Authority for salaries, wages, benefits, overhead and those services including contractual services necessary to administer the Measure; however, in no case shall the expenditures for the salaries and benefits of the staff necessary to perform administrative functions for the Authority exceed one percent (1%) of revenues. The allocated costs of Authority staff who directly implement specific projects or programs are not included in the administrative costs.
4. **Expenditure Plan Amendments Require Majority Support:** The Authority may review and propose amendments to the Expenditure Plan and the Growth Management Program to provide for the use of additional federal, state and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. Affected Regional Planning Transportation Committee(s) will participate in the development of the proposed amendment(s). All jurisdictions within the county will be given a 45 day period to comment on any proposed Expenditure Plan amendment.
5. **Augment Transportation Funds:** Funds generated pursuant to the Measure are to be used to supplement and not replace existing local revenues used for transportation purposes. Any funds already allocated, committed or otherwise included in the financial plan for any project in the Plan shall be made available for project development and implementation as required in the project's financial and implementation program.

Taxpayer Safeguards, Audits and Accountability

6. **Public Oversight Committee:** The Public Oversight Committee will provide diligent, independent and public oversight of all expenditures of Measure funds by Authority or recipient agencies (County, cities and towns, transit operators, etc). The Committee will report to the public and focus its oversight on annual audits, the review and allocation of Measure funds, the performance of projects and programs in the Plan, and compliance by local jurisdictions with the maintenance of effort and Growth Management Program described previously in the Plan
7. **Fiscal Audits:** All Funds expended by Authority directly and all funds allocated by formula or discretionary grants to other entities are subject to fiscal audit. Recipients of Local Streets Maintenance & Improvements or transit (Non-Rail Transit Enhancements, Transportation for Seniors & People With Disabilities programs) funding (County, cities and towns and transit operators) will be audited at least once every five (5) years, conducted by an independent CPA. Any agency found to be in non-compliance shall have its formula sales tax funds withheld, until such time as the agency is found to be in compliance.
8. **Performance Audits:** Each year, the Authority shall select and perform a focused performance audit on approximately one-fourth of the funding categories of the transportation expenditure plan. This process shall commence two years after passage of the new sales tax measure. The performance audits shall provide an accurate quantitative and qualitative evaluation of the programs or projects to determine the effectiveness in meeting the performance criteria established by the Authority. In the event that any performance audit determines that a program or project is not meeting the performance requirements established by the Authority, the audit shall include recommendations for corrective action including but not limited to revisions to Authority policies or program guidelines that govern the expenditure of funds.
9. **Maintenance of Effort (MOE):** The average of last three full fiscal years of expenditures of annual transportation funds on local streets, roads and bridges before the vote on new sales tax measure will be the basis of the MOE. The average dollar amount will then be increased once every three years by the construction cost index of that third year. Penalty for non-compliance of meeting the minimum MOE is immediate loss of all local formula money (Local Streets Maintenance and Improvement funds) until MOE compliance is achieved. The audit of the M.O.E. contribution shall be at least once every five years. Any agency found to be in non-compliance shall be subject to annual audit for three years after they come back into compliance.
10. **Annual Budget and Strategic Plan:** Each year, the Authority will adopt an annual budget that estimates expected sales tax receipts, other anticipated revenue and planned expenditures for the year. On a periodic basis, the Authority will also prepare a Strategic Plan which will identify the priority for projects; the date for project implementation based on project readiness and availability of project funding; the state, federal and other local funding committed for project implementation, and other relevant criteria. The annual budget and Strategic Plan will be adopted by the Authority Board at a public meeting.

Commented [MT38]: Staff will provide clarification in future version to define items such as funding categories, projects and programs to be addresses, and frequency

11. Requirements for Fund Recipients: All recipients of funds allocated in this expenditure plan will be required to sign a Master Cooperative Agreement that defines reporting and accountability elements and as well as other applicable policy requirements. All funds will be appropriated through an open and transparent public process.

12. Geographic Equity: The proposed projects and programs to be funded through the Plan constitute a “balanced” distribution of funding allocations to each subregion in Contra Costa County. However, through the course of the Measure, if any of the projects prove to be infeasible or cannot be implemented, the affected subregion may request that the Authority reassign funds to another project in the same subregion, as detailed in an Authority Fund Allocations policy, and to maintain a “balanced” distribution of funding allocations to each subregion.

Restrictions On Funds

13. Expenditure Shall Benefit Contra Costa County: Under no circumstance may the proceeds of this transportation sales tax be applied for any purpose other than for transportation improvements benefitting residents of Contra Costa County. Under no circumstance may these funds be appropriated by the State of California or any other local government agency as defined in the implementing guidelines.

14. Environmental Review: All projects funded by sales tax proceeds are subject to laws and regulations of federal, state, and local government, including the requirements of the California Environmental Quality Act (CEQA).

15. Performance based review: Before the allocation of any measure funds for the actual construction of capital projects with an estimated capital construction cost in excess of \$25 million, the Authority will verify that the project was selected using a performance based review of project alternatives.

16. Complete Streets: The Authority has adopted a policy requiring all recipients of funding through this Plan to consider and accommodate, wherever possible, the needs of all users in the planning, design, construction, reconstruction, rehabilitation, maintenance, and operation of the transportation system. Achieving this vision will require balancing the needs of different users, and may require reallocating existing right of way for different uses.

17. Advance Mitigation Program: Authority will develop a policy supporting the creation of an advance mitigation program to establish a program to provide for large-scale acquisition and management of critical habitat areas and to create a reliable approach for funding required mitigation for future transportation. This policy will identify projects that will benefit from the program and the financial contribution associated with those projects. This approach would be implemented by obtaining coverage for transportation projects through existing and proposed multiple species conservation plans, including the East Contra Costa Habitat Conservation Plan. The benefit of this policy will include an early comprehensive project delivery review, reduced costs attributed to mitigation, opportunity to significantly improve conservation benefits, and accelerated project delivery. If this approach cannot be fully

Commented [WG39]: This provision is intended provide the residents of Contra Costa County with information as to how project alternatives rank with respect to GHG emissions, VMT and other factors (TBD). This requirement is intended as a disclosure process and not in any way to restrict the ability of the Authority to allocate measure funds to a project after completion of the required analysis.

implemented, then the identified funds shall be used for environmental mitigation purposes on a project by project basis.

18. **Safe Transportation for Children:** Authority will allocate funds and will establish guidelines (in cooperation with project sponsors) to define priorities and maximize effectiveness. The guidelines may require provisions such as parent contributions; operational efficiencies; specific performance criteria and reporting requirements.
19. **Compliance with the Growth Management Program:** If the Authority determines that a jurisdiction does not comply with the requirements of the Growth Management Program, the Authority shall withhold funds and also make a finding that the jurisdiction shall not be eligible to receive Local Streets Maintenance & Improvements or Community Development Transportation (CDTI) Program funding until the Authority determines the jurisdiction has achieved compliance, as detailed in the Growth Management Program section of the Plan.
20. **Local Contracting and Good Jobs:** Authority will develop a policy supporting the hiring of local contractors and businesses, apprenticeship programs for Contra Costa residents, and good jobs.
21. **New Agencies:** New cities or new entities (such as new transit agencies) that come into existence in Contra Costa County during the life of the Plan may be considered as eligible recipients of funds through a Plan amendment.

Commented [MT40]: Discussing with representatives of the labor community how to address topics such as:
oApprentice Program(s)
oLocal Hiring goals
oVeteran and DBE Hiring Goals
oPrevailing Wage

Project Financing Guidelines and Managing Revenue

22. **Fiduciary Duty:** Funds may be accumulated for larger or longer term projects. Interest income generated will be used for the purposes outlined in the Plan and will be subject to audits.
23. **Project and Program Financing:** The Authority has the authority to bond for the purposes of expediting the delivery of transportation projects and programs. Authority will develop a policy to identify financing procedures for the entire plan of projects and programs.
24. **Programming of Variations from the Expected Revenue:** Actual revenues may, at times be higher or lower than expected in this Plan due to changes in receipts. Additional funds may become available due to the increased opportunities for leveraging or project costs less than expected. Revenue may be lower than expected as the economy fluctuates. Determination of when the contingency funds become excess will be established by a policy defined by the Authority. Funds considered excess will be prioritized first to expenditure plan projects and programs, and second to other projects of regional significance that are consistent with the expenditure plan. The new project or program will be required to be amended into the expenditure plan.
25. **Fund Allocations:** Through the course of the Measure, if any of the projects do not require all funds programmed for that project or have excess funding, or should a planned project become undeliverable, infeasible or unfundable due to circumstances unforeseen at the item

DRAFT 3/25/2016 1:18:19 PM
For Discussion purposes only
DraftTEP_20160325_Version2.1

Page 30 of 31

the expenditure plan was created, funding for that project will be reallocated to another project or program. The subregion where the project or program is located may request that the Authority reassign funds to another project in the same subregion. In the allocation of the released funds, the Authority will in priority order consider: 1) a project or program of the same travel mode (i.e. transit, bicycle/pedestrian, or road) in the same subregion, 2) a project or program for another modes of travel in the same subregion, 3) other expenditure plan projects, and 4) other projects or programs of regional significance. The new project or program or funding level may be required to be amended into the expenditure plan.

- 26. Leveraging Funds:** Leveraging or matching of outside funding sources is strongly encouraged. Any additional transportation sales tax revenues made available through their replacement by matching funds will be spent based on the principles outlined for fund allocations describe above.