CITY OF CLAYTON

Founded 1857 . . Incorporated 1964

AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, July 5, 2016

5:15 P.M.

and

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 *

July 5, 2016

5:15 P.M.

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

2. COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS

Four (4) additional candidates to be interviewed individually for appointment consideration to the three Commission offices having terms expire on June 30, 2018. **(View Here)**

- Short Recess -

* * * * *

7:00 P.M. REGULAR PUBLIC MEETING

3. RECALL TO ORDER THE CITY COUNCIL – Mayor Geller

4. PLEDGE OF ALLEGIANCE – led by Mayor Geller.

5. 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 June 21, 2016. **(View Here)**

(b) Approve the Financial Demands and Obligations of the City. **(View Here)**

(c) Adopt a Resolution approving a 3-year Memorandum of Agreement with the Clayton Undesignated Miscellaneous Employees Unit effective July 1, 2016 and covering the Fiscal Years of 2016-2017, 2017-2018 and 2018-2019. **(View Here)**

6. RECOGNITIONS AND PRESENTATIONS - None

7. 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

8. 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.

9. PUBLIC HEARINGS - None.

10. ACTION ITEMS

(a) Consideration and adoption of a Resolution of Support for the Countywide imposition of a one half of one percent sales tax to fund transportation improvements in Contra Costa and to conditionally amend the Growth Management Program in the Measure J Transportation Expenditure Plan (TEP) to match that found in the 2016 proposed Transportation Expenditure Plan. (Hisham Noeimi, Engineering Manager, CCTA) **(View Here)**

Staff recommendation: Following presentation and opportunity for public comments, the City Council adopt a Resolution approving and supporting the submittal of a countywide November 2016 Ballot Measure for voters to consider the levy of an additional ½ cent sales tax rate to fund local and regional transportation improvement projects.

(b) City Council discussion and determination of citizen appointments to three (3) vacancies on the Clayton Planning Commission for 2-year terms of appointed office effective July 6, 2016 through June 30, 2018. **(View Here)**
(Mayor Geller)

Staff recommendation: Following opportunity for public comment, that Council nominate up to three citizens for appointment, and then by motion adopt the Resolution appointing those selected citizens to the Clayton Planning Commission for the two years term of office.

(c) Discuss Mayor Geller's request to discuss the creation of a "Clayton Centenarian Recognition Program" within the city of Clayton. **(View Here)**
(Mayor Geller)

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

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

12. CLOSED SESSION – None.

13. ADJOURNMENT

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

# # # # #

Agenda Date: _____

Agenda Item: 2

Planning Commission Interview Schedule

5:25 p.m. – Bassam Altwal

5:45 p.m. – Carl "CW" Wolfe

6:05 p.m. – Robert Scrosati

6:25 p.m. – William Gall

Applicants:

Please have a seat outside the Council Chambers in the Library Lobby. Our City Clerk will be out to get you when the Council interview is ready.

Thank you!

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 7-05-2016

Agenda Item: 5a

TUESDAY, June 21, 2016

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 5:50 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 and Pierce. Councilmembers absent: Councilmember Shuey. Staff present: City Manager Gary Napper, City Clerk/HR Manager Janet Brown, and Community Development Director Mindy Gentry.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The City Council interviewed the following three (3) candidates whom had applied for appointment to the City Planning Commission (starting at 6:06 p.m.):

Jerry Waitrovich, Amy Hines-Shaikh, and Dale Davis

RECESS: The City Council took a short recess from 6:48 p.m. – 7:00 p.m.

7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:01 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 (arrived at 8:09 p.m.). Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk/HR Manager Janet Brown, Community Development Director Mindy Gentry, City Engineer Rick Angrisani, Assistant to the City Manager Laura Hoffmeister, and Finance Manager Kevin Mizuno.

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

5. **CONSENT CALENDAR**

Mayor Geller made reference to Item 5(h) and expressed concerns over the excessive final cost to handle the repairs on the Cardinet Trail; he felt the Maintenance Department should regularly patrol the trails and repair such erosions before the expense gets to be of this $77,000 magnitude.

Councilmember Haydon commented he thought the contractor did an excellent job with the reinforcement of the bank located along the Cardinet Trail.

Councilmember Pierce noted the City Maintenance Department is not allowed by state laws to perform such work on the creek banks of the trail system, and would be unable to make the extent of repairs performed by the contractor.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to approve the Consent Calendar as submitted. (Passed; 4-0 vote).

(a) Approved the minutes of the regular meeting of June 7, 2016.

(b) Approved Financial Demands and Obligations of the City.

(c) Adopted Resolution No. 30-2016 authorizing the levy of annual real property tax assessments for Community Facility District No. 2006-1 (Downtown Park O & M; Fund No. 211) in Fiscal Year 2016-2017.

(d) Adopted Resolution No. 31-2016 authorizing the levy of annual real property tax assessments for Community Facility District No. 2007-1 (Citywide Landscape Maintenance District; Fund No. 210) in Fiscal Year 2016-2017.

(e) Adopted Resolution No. 32-2016 authorizing the levy of annual real property tax assessments for the Middle School Community Facilities District (CFD 1990-1R; Fund No. 420) in Fiscal Year 2016-2017.

(f) Approved the initiation of process for the biennial review of the City's Conflict of Interest Code.

(g) Adopted Resolution No. 33-2016 approving a 3-month Addendum 1 to the base Memorandum of Agreement with the Clayton Undesignated Miscellaneous Employees Group effective July 1, 2016 through September 30, 2016, unless replaced sooner by mutual agreement.

(h) Adopted Resolution No. 34-2016 approving the Notice of Completion of the local emergency Cardinet Trail Repair Project (CIP No. 10421) performed by G.N. Henley, Inc., in the final amount of $77,439.53 (Trails and Landscape Maintenance District) repairing significant damages to a portion of the Cardinet Trail, authorize the appropriation of $2,439.53 from the Landscape Maintenance District's reserves (Fund No. 210) to fund unexpected project cost overruns, and authorize the City Clerk to record the Project's Notice of Completion.

(i) Adopted Resolution No. 35-2016 approving a First Amendment to General Counsel Legal Services Agreement between the City of Clayton/Clayton Successor Agency and the law firm of Best Best & Krieger, LLP, for adjustments in legal counsel rates and services.

6. RECOGNITIONS AND PRESENTATIONS

(a) Recognition of outgoing Planning Commissioners Dave Bruzzone, Sandra Johnson and Gregg Manning for their civic services to the City of Clayton.

Mayor Geller presented Sandra Johnson, Dave Bruzzone, and Gregg Manning each a plaque recognizing their dedicated civic services on the City Planning Commission.

7. REPORTS

(a) Planning Commission – Commissioner Tuija Catalano summarized the Commission's meeting of June 14, 2016. She noted its agenda included a Site Plan Review Permit at 226 Bigelow Street to allow construction of a second-story balcony on an existing two-story single-family residence. There were some neighbor concerns expressed regarding view obstruction, however the addition was approved.

The Planning Commission also reviewed the proposed Fiscal Year 2016-2017 Capital Improvement Program Projects for conformity with the Clayton General Plan and has made its findings of conformity to the City Council.

(b) Trails and Landscaping Committee – No meeting held.

(c) City Manager/Staff

The City Manager reported the newly updated water play feature or splash pad at The Grove Park has now been turned on and is operational daily from 8:00 a.m. to 9:00 p.m.; this action was cleared through the Contra Costa Water District following the state's declaration the 4-year drought has ended. The water play feature will only be available until 5:00 p.m. on the evenings of the Saturday Concerts in The Grove to accommodate audience seating capacity, and for now the water feature will remain open until 9:00 p.m. during the Wednesday Classic Car Show and Concert series.

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

Vice Mayor Diaz attended the Wednesday Night Classic Car Show, the Clayton Business and Community Association's 30th Annual (and Final) Clayton Classic Golf Tournament, the Clayton Business and Community Association's Rib Cook-Off meeting, a County Connection meeting, and the Saturday Concert in The Grove Park.

Councilmember Pierce attended several Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) meetings, the Bay Area Council's Bay Area Institute meeting, a TRANSPAC meeting, a Boy Scouts' National Eagle Court of Honor for Benjamin Schoffstall and Jonathan Sullivan from Troop 484, a Bay Area Regional Collaborative meeting, and the Saturday Concert in The Grove Park.

Councilmember Haydon attended the Round-Up Relay for Life Fundraiser, a Clayton Community Library Foundation meeting, the Saturday Concert in The Grove Park, and met with the City Manager to review this evening's Agenda packet.

Mayor Geller attended the Round-Up Relay for Life Fundraiser and concluded it will likely become an annual event, the Clayton Business and Community Association 30th Annual (and Final) Clayton Classic Golf Tournament, the Saturday Concert in The Grove park featuring Dave Martin House Party which raised $1,759 in audience donations, and announced the next Saturday Concert in The Grove taking place on July 2nd will feature a well-known Motown band, Pride and Joy.

(e) Other – None.

8. PUBLIC COMMENT ON NON - AGENDA ITEMS

Emily Wood, a Program Consultant with Contra Costa County Climate Leaders, provided the City Council an update on various East Bay Energy Savings Programs funded by PG&E serving Alameda and Contra Costa Counties, and she encouraged the City of Clayton to consider joining the East Bay Energy Watch Strategic Advisory Committee to be able to offer these programs to its residents.

Charles Thomas, a Battalion Chief with Contra Costa County Fire Protection District, provided the City Council an update on various fire-related events that recently occurred in Contra Costa County. Mr. Thomas also advised the District continues to work with the Cities of Pinole and Hercules, along with Rodeo, on a proposal to provide administration oversight to those agencies which would provide safer and more efficient operations. The District has provided 6 mechanical compression devices to provide assistance with CPR and to increase the number of lives saved. The Fire District is also feeling the effects of the summer as call volume and complexity has increased; some calls resulting in a second alarm or greater. The new partnership with AMR for ambulance transport services has been going well, and has met or exceeded projections along with personnel working well together. Fire Season is here, the rain we received this winter has helped, however the drought restrictions and ongoing fire danger has produced thick tall fuels which have already began to dry out and burn. Chief Thomas then reminded the public to please enjoy the public displays of upcoming 4th of July firework shows as fireworks are illegal in Contra Costa County.

Councilmember Pierce thanked the Contra Costa County Fire Protection District on its efforts of containing the recent fire that occurred in Clayton. Many residents were very concerned about the fire and were very happy with the quick outcome to extinguish it.

Vice Mayor Diaz inquired on how the fire had started as many residents at the time were away from their homes attending the Clayton Business and Community Association 30th Annual Clayton Classic at Oakhurst Country Club. Chief Thomas advised the source of the Clayton fire is still under investigation. Vice Mayor Diaz also asked how many units were dispatched to assist with the fire? Chief Thomas advised there were two alarms from Contra Costa Fire and wonderful assistance from CalFire.

Councilmember Haydon also thanked the ConFire for its speed and control of the fire and thought one of the most impressive resources was the effective use of a helicopter for water drops. Chief Thomas advised this fire also had the assistance from one of the Sheriff's helicopters with a paramedic captain onboard able to reach inaccessible places to get people out of danger.

Mayor Geller also advised he was in attendance at the Clayton Business and Community Association's 30th Annual Clayton Classic when the fire started. He noted the City Maintenance Department's recent fire break cuts greatly helped with this particular occurrence.

9. PUBLIC HEARINGS

(a) Public Hearing on the proposed City of Clayton Budget for Fiscal Year 2016-17 and its 5-Year Capital Improvement Project Budget (CIP) for Fiscal Years 2016-2021.

Finance Manager Kevin Mizuno provided a brief overview of the proposed Clayton City Budget for Fiscal Year 2016-17 that was introduced on June 7, 2016. Since that June 7, 2016 meeting there have been no revisions required to be incorporated into the Budget.

One correction did occur on the 5-Year Consolidated Budget Trend analytical table, which is part of the Budget Narrative. Mr. Mizuno advised the total budget for FY 2016-17 is $13,997,205 including budget areas of the General Fund, Other Funds, Capital Improvement Project (CIP) and Successor Agency budgets. The correction occurred in the Other Funds as an Excel formula did not calculate the correct amount of $5,689,924.

The largest revenue source continues to be the General Fund at 55.23% of the total City Budget, which is also the driver for general City operations and public services. The second largest revenue source is Measure J sales tax monies at 19.38%, which increased this year due to the large allocation for the arterial street rehabilitation project occurring in Fiscal Year 2016-17. The third largest revenue source is the Landscape Maintenance District which is actually a special community district with its restricted special parcel taxes. Clayton's Ballot Measure H, which just passed at the June 2016 election, extended this special parcel tax for an additional 10 years to fund the special landscape and trails maintenance and improvement projects.

The expenditures comparison follows suit with its revenues with largest expenditure being the General Fund at 47.37%, followed by Measure J at 22.46% and the Landscape Maintenance District at 13.70%.

Mr. Mizuno provided a pie chart for the distribution of the secured and unsecured property taxes showing the City's share of the allocation of 1% ad valorem property tax local, regional and state run agencies. The amount of the tax is based on an annually-determined assessed valuation calculated by the county assessor's office and is paid to the county tax collector; under currently assessed property values, Clayton's return is 6.63% of the full one percent tax back to the General Fund.

Mr. Mizuno continued his presentation with the General Fund revenue source by type with: Property Tax in lieu of Vehicle License Fees (VLF) at 20.6%, followed by Secured and Unsecured Property Taxes at 20.0%, and Sales & Use Taxes at 11.8%. These three categories make up about 50% of General Fund revenues. Mr. Mizuno also noted that of the current sales tax rate of 8.5% imposed in Clayton, this City only receives about 1% of that revenue source.

Mr. Mizuno further outlined the General Fund Expenditures by Department. The largest is 52.7% for Police, followed by 21.9% for Administration-Finance-Legal, then 7.0% for Community Development. In other words, out of all General Fund Revenues received next year by the City, the Clayton Police Department operations will take 52.7¢ of every $1.

Mr. Mizuno summarized his presentation noting the unrestricted General Fund Reserve is $5,217,969 to start Fiscal Year 2016-17; when subtracting the Total Projected Revenue from the Total Proposed Expenditures there is a difference of $38,900 resulting in the projected General Fund Balance of $5,256,869.

Mr. Mizuno concluded his presentation by outlining the Appropriations (GANN) Limit of the City which is required under Proposition 4. On an annual basis, the calculation this year results in the Fiscal Year 2016-17 Appropriations Limit [tax limit] of $9,999,169. When compared to estimated appropriations subject to the Limit next Fiscal Year, Clayton is at 44.1%; which means the available annual tax gap is $5,587,519.

Mayor Geller opened the Public Hearing; no comments were offered. Mayor Geller then closed the Public Hearing.

It was moved by Councilmember Pierce, seconded by Vice Mayor Diaz, to adopt Resolution No. 36-2016, adopting the Annual Budget for the City of Clayton for the 2016-2017 Fiscal Year commencing July 1, 2016 and ending June 30, 2017, and adopting the 2016-2017 appropriations limit and employee compensation schedule. (Passed; 4-0 vote).

(b) Public Meeting to consider a Resolution setting, adjusting and approving the City Master Fee Schedule for FY 2016-17 regarding certain user-benefit municipal services and rental of City facilities.

Finance Manager Kevin Mizuno advised the City's Master Fee Schedule is reviewed annually to ensure its user-benefit fees are up-to-date, the costs are appropriate, and include new fees if necessary. Examples of City user-benefit fees include City facility/park rentals, service fees, permit fees, and engineering fees, to name a few. The last fee schedule was adopted in September 2015 for the current Fiscal Year. According to law the costs cannot exceed the San Francisco-Oakland-San Jose April 2015 -2016 Consumer Price Index (CPI) growth rate of 2.7% as published by the United States Bureau of Labor and Statistics. It has been the practice of the City to only adopt fee increases in whole dollar amounts. In circumstances where prior year CPI adjustments did not result in an increase, a two-year CPI rate was applied in the current year to ascertain whether a fee increase should be recommended. Most fees included in the proposed Master Fee Schedule will become effective upon adoption of the Resolution, while certain fees pertaining to developers in the proposed Master Fee Schedule require, under state law, a 60-day period prior to the effective date of the rate increase (August 20, 2016).

Mayor Geller opened the Public Meeting for public comments; no comments were offered. Mayor Geller then closed the Public Meeting.

Mayor Geller inquired if there is a line item in the proposed Fee Schedule to rent tables at The Grove Park during the Concert Series? Mr. Mizuno advised that recent City administrative policy prohibits the rental or reservation of the tables at The Grove Park during the Concert Series in fairness and access to all wishing to attend.

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt Resolution No. 37-2016, amending the City Master Fee Schedule for certain user-benefit City services and rental of public facilities and parks. (Passed; 4-0 vote).

- Councilmember Shuey arrived (8:09 p.m.) -

10. ACTION ITEMS

(a) City Council discussion and determination of citizen appointments to three (3) vacancies on the Clayton Planning Commission for two 2-year terms of appointed office from July 1, 2016 through June 30, 2018.
(Mayor Geller)

Mayor Geller announced one of the four applicants originally scheduled for interview tonight was unable to at the last moment as he had a family medical emergency. The City Council interviewed earlier this evening interviewed the remaining 3 candidates for the 3 openings on the City Planning Commission. He noted a fifth applicant was unable to attend the interview on this particular night.

Councilmember Pierce thanked all of the applicants who applied and interviewed. She would like the two candidates that applied and were unable to interview this evening to have the opportunity to still interview, perhaps before the next City Council meeting. Further, since that deferral would take place, it is also reasonable to extend the application deadline as some citizens expressed interest to her but thought the deadline was at the end of this month (June 30th).

Councilmember Haydon would also like the opportunity to interview the two applicants that applied and could not make the interview. Councilmember Haydon did express a concern of the Planning Commission not having a quorum after June 30th without the Council making at least one appointment tonight.

When inquired, Community Development Director Mindy Gentry advised the Planning Commission has one more meeting with the full Commission on June 28th with the next meeting not to occur until July 12th. The City Council's next meeting is on July 5th so there would be adequate time to make appointments to constitute a quorum for July 12th.

Councilmember Pierce inquired if the Planning Commission ordinance allows seated commissioners to remain in office until their replacements have been appointed by the City Council? City Attorney Mala Subramanian, attempted to pull up the Clayton Municipal Code online to verify, however, was unable to confirm a "sitting commissioner" option as described.

Mayor Geller announced it is the desire of the City Council to postpone the Planning Commissioner appointments until all applicants can be interviewed. City Manager Napper confirmed the City Council's instruction to hold further Planning Commission interviews prior to its July 5th City Council meeting and accept additional candidates for interview if applications filed before that date.

No action was taken on this item.

(b) Consider a request by the Pacific Coast Farmers' Market Association to relocate the existing Clayton Farmers' Market from its present location on Diablo Street (between Main and Center Streets) to the private parking lot of KinderCare off Main Street for enhanced market visibility from Clayton Road, effective Saturday, July 2, 2016.

Assistant to the City Manager Laura Hoffmeister provided a brief history of the Clayton Certified Farmers' Market, managed by Pacific Coast Farmers Market Association (PCFMA), noting its drop in attendance the last few years resulting in the decreased participation by market vendors. The PCFMA has adjusted the ending date of the market to correspond to the end of the summer-fall fruit and vegetable season, and before in climate weather. Area competition has increased in the last few years with the establishment of a Saturday morning farmers market held at Shadelands off Ygnacio Valley Road. Vendors prefer the Shadelands market to Clayton's as it is more visible to the public from a main thoroughfare and draws customers in off the heavily-traveled roadway. The PCFMA mangers walked around the downtown area of Clayton and determined the KinderCare parking lot would be more visible from Clayton Road than at its present location on Diablo Street. This relocation idea has been well received and

KinderCare has approved the use of is off-street private parking lot for the new location of the Clayton Certified Farmers Market on Saturdays. Staff has contacted neighboring businesses to advise of this request and received no objections.

Lynette Miscione, Manager of Clayton's Certified Farmers' Market, provided input that the KinderCare parking lot location will be highly visible from Clayton Road and hopes that it will draw more business to this farmers' market.

Mayor Geller inquired if the Farmers' Market is planning to bring in any bakery or pastry vendors? Ms. Miscione advised she has Cobblestone Bakery on the schedule along with a Coffee Roaster who sells beans and provides samples. She also advised she has a tamale vendor and Filipino burger vendor booked to provide the patrons an option of purchasing something to eat as they shop the market.

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

It was moved by Councilmember Shuey, seconded by Councilmember Pierce, to approve the relocation of the Clayton Farmers' Market to the private parking lot of Clayton KinderCare located at 6095 Main Street, Clayton. (Passed; 5-0 vote).

11. COUNCIL ITEMS

Mayor Geller requested the consideration of a Centenarian Award to be presented to Clayton community members of 100 years of age or greater on the next agenda.

12. RECESS THE CITY COUNCIL MEETING

Mayor Geller recessed the City Council meeting [at 8:21 p.m.] until after the conclusion of the Oakhurst Hazard Abatement District meeting.

13. RECONVENE THE CITY COUNCIL MEETING

Mayor Geller reconvened the City Council meeting [at 8:35 p.m.].

14. CLOSED SESSION

Mayor Geller announced the City Council will adjourn into Closed Session to handle the matters disclosed and declared below [at 8:36 p.m.]:

(a) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: City Manager

1. Employee Organization: Miscellaneous City Employees (Undesignated Group)

9:07 p.m. Report out from Closed Session

Mayor Geller announced the City Council discussed the matter above, took no reportable action, and gave instructions to its labor negotiator.

15. **ADJOURNMENT**– on call by Mayor Geller, the City Council adjourned its meeting at 9:08 p.m.

The next regularly scheduled City Council meeting is July 5, 2016.

# # # # #

Respectfully submitted,

_____

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

_____

Howard Geller, Mayor

# # # # #

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

Agenda Date 7/5/2016

Agenda Item: 5b

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 7/5/16

SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

07/01/2016	Cash Requirements	$ 124,739.77
06/21/2016	ADP Payroll week 25, PPE 6/19/16	$ 86,016.22

Total $210,755.99

Attachments:
Cash Requirements Report dated 7/1/2016 (5 pages)
ADP payroll report for week 25 (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
ADP, LLC								
ADP, LLC	6/30/2016	6/30/2016	475818494	Payroll services PPE 6/19/16	$153.84	$0.00		$153.84
				Totals for ADP, LLC:	*$153.84*	*$0.00*		*$153.84*
All City Management Services, Inc.								
All City Management Services, Inc.	6/30/2016	6/30/2016	44168	School crossing guard services 6/5/16-6/18/16	$254.55	$0.00		$254.55
				Totals for All City Management Services, Inc.:	*$254.55*	*$0.00*		*$254.55*
All-Guard Systems, Inc.								
All-Guard Systems, Inc.	7/5/2016	7/5/2016	A78128	Annual fire & burglary monitoring Library, F	$840.00	$0.00		$840.00
All-Guard Systems, Inc.	7/5/2016	7/5/2016	A78138	Annual monitoring services CH, FY 17	$588.00	$0.00		$588.00
				Totals for All-Guard Systems, Inc.:	*$1,428.00*	*$0.00*		*$1,428.00*
American Fidelity Assurance Company								
American Fidelity Assurance Company	7/5/2016	7/5/2016	B477865	July Supplemental Insurance	$257.54	$0.00		$257.54
American Fidelity Assurance Company	6/30/2016	6/30/2016	B414113	February Supplemental Insurance	$435.38	$0.00		$435.38
				Totals for American Fidelity Assurance Company:	*$692.92*	*$0.00*		*$692.92*
AT&T (CalNet3)								
AT&T (CalNet3)	6/30/2016	6/30/2016	8239349	Phone 5/22/16-6/21/16	$1,675.58	$0.00		$1,675.58
				Totals for AT&T (CalNet3):	*$1,675.58*	*$0.00*		*$1,675.58*
Jessica Boscacci								
Jessica Boscacci	6/30/2016	6/30/2016	Petty Cash	Petty Cash Payout - May, June	$145.73	$0.00		$145.73
				Totals for Jessica Boscacci:	*$145.73*	*$0.00*		*$145.73*
California Alcohol Beverage Control								
California Alcohol Beverage Control	7/5/2016	7/5/2016	ABC Grant	2016 GAP Training Conference7/26-28/2016	$550.00	$0.00		$550.00
				Totals for California Alcohol Beverage Control:	*$550.00*	*$0.00*		*$550.00*
CalPERS Retirement								
CalPERS Retirement	6/30/2016	6/30/2016	062416	City Council Retirement ending 6/24/16	$178.32	$0.00		$178.32
CalPERS Retirement	6/30/2016	6/30/2016	061916	Retirement PPE 6/19/16	$13,259.13	$0.00		$13,259.13
				Totals for CalPERS Retirement:	*$13,437.45*	*$0.00*		*$13,437.45*
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	6/30/2016	6/30/2016	2038047	Copier contract 5/17/16-6/16/16	$399.46	$0.00		$399.46
				Totals for Caltronics Business Systems, Inc:	*$399.46*	*$0.00*		*$399.46*
City of Concord								
City of Concord	6/30/2016	6/30/2016	Livescan	Livescan services for PD & PW employees	$1,265.00	$0.00		$1,265.00
				Totals for City of Concord:	*$1,265.00*	*$0.00*		*$1,265.00*
Clean Street								
Clean Street	6/30/2016	6/30/2016	82759	June street sweeping services	$3,500.00	$0.00		$3,500.00
				Totals for Clean Street:	*$3,500.00*	*$0.00*		*$3,500.00*

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
Coast Remodeling & Construction								
Coast Remodeling & Construction	6/30/2016	6/30/2016	CAP0175	C&D deposit refund for 1538 O'Hara Ct	$2,000.00	$0.00		$2,000.00
				Totals for Coast Remodeling & Construction:	*$2,000.00*	*$0.00*		*$2,000.00*
Concord Uniforms								
Concord Uniforms	6/30/2016	6/30/2016	11143	Uniform - Coss	$1,094.58	$0.00		$1,094.58
Concord Uniforms	6/30/2016	6/30/2016	11170	Uniform, Armor - Wenzel	$1,057.25	$0.00		$1,057.25
Concord Uniforms	6/30/2016	6/30/2016	11171	Uniform, Armor - Eddy	$1,057.25	$0.00		$1,057.25
Concord Uniforms	6/30/2016	6/30/2016	11173	Uniform, Armor - Marchut	$1,057.25	$0.00		$1,057.25
				Totals for Concord Uniforms:	*$4,266.33*	*$0.00*		*$4,266.33*
Contra Costa County Auditor-Controller (LAFCO)								
Contra Costa County Auditor-Controller	7/5/2016	7/5/2016	1617-0003	LAFCO Net Cost Appnt for FY 17	$1,416.10	$0.00		$1,416.10
				Totals for Contra Costa County Auditor-Controller (LAFCO):	*$1,416.10*	*$0.00*		*$1,416.10*
Contra Costa County Sheriff - Forensic Svc Div (Lab)								
Contra Costa County Sheriff - Forensic S	6/30/2016	6/30/2016	CLPD-1605	Alcohol tests, May	$200.00	$0.00		$200.00
				Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):	*$200.00*	*$0.00*		*$200.00*
Contra Costa County Treasurer/ Sheriff-Coroner (CAL-ID)								
Contra Costa County Treasurer/ Sheriff	7/5/2016	7/5/2016	2016-2017 CAL-ID	FY 2017 CAL-ID	$13,470.00	$0.00		$13,470.00
				Totals for Contra Costa County Treasurer/ Sheriff-Coroner (CAL-ID):	*$13,470.00*	*$0.00*		*$13,470.00*
Contra Costa Tractor Mobile Svc								
Contra Costa Tractor Mobile Svc	6/30/2016	6/30/2016	017148	Tractor service (NH 260C) 6/24/16	$1,915.04	$0.00		$1,915.04
				Totals for Contra Costa Tractor Mobile Svc:	*$1,915.04*	*$0.00*		*$1,915.04*
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	7/5/2016	7/5/2016	17400058	EAP for July-September 2016	$312.00	$0.00		$312.00
				Totals for CSAC Excess Insurance Authority:	*$312.00*	*$0.00*		*$312.00*
Terri Easterly								
Terri Easterly	6/30/2016	6/30/2016	27539	Deposit refund for EH 6/16/16	$500.00	$0.00		$500.00
				Totals for Terri Easterly:	*$500.00*	*$0.00*		*$500.00*
Laurent Fourgo								
Laurent Fourgo	7/5/2016	7/5/2016	070916	Concert in The Grove 7/9/16	$1,600.00	$0.00		$1,600.00
				Totals for Laurent Fourgo:	*$1,600.00*	*$0.00*		*$1,600.00*
Bill Garvin								
Bill Garvin	7/5/2016	7/5/2016	070616	Wednesday Concert in The Grove 7/6/16	$500.00	$0.00		$500.00
				Totals for Bill Garvin:	*$500.00*	*$0.00*		*$500.00*
Geoconsultants, Inc.								
Geoconsultants, Inc.	6/30/2016	6/30/2016	18812	Well monitoring for June	$1,546.50	$0.00		$1,546.50
				Totals for Geoconsultants, Inc.:	*$1,546.50*	*$0.00*		*$1,546.50*

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
Globalstar LLC								
Globalstar LLC	6/30/2016	6/30/2016	7419456	Sat Phone 5/16/16-6/15/16	$61.70	$0.00		$61.70
				Totals for Globalstar LLC:	*$61.70*	*$0.00*		*$61.70*
Hammons Supply Company								
Hammons Supply Company	6/30/2016	6/30/2016	93974	EH Janitorial supplies	$129.33	$0.00		$129.33
				Totals for Hammons Supply Company:	*$129.33*	*$0.00*		*$129.33*
Hawkins Pools								
Hawkins Pools	6/30/2016	6/30/2016	CAP0192	Deposit refund, C&D, 418 Hummingbird Pla	$2,000.00	$0.00		$2,000.00
				Totals for Hawkins Pools:	*$2,000.00*	*$0.00*		*$2,000.00*
Health Care Dental Trust								
Health Care Dental Trust	7/5/2016	7/5/2016	210430	August Dental	$2,580.36	$0.00		$2,580.36
				Totals for Health Care Dental Trust:	*$2,580.36*	*$0.00*		*$2,580.36*
J&R Floor Services								
J&R Floor Services	6/30/2016	6/30/2016	SIX-2016	Janitorial services for June	$5,060.00	$0.00		$5,060.00
				Totals for J&R Floor Services:	*$5,060.00*	*$0.00*		*$5,060.00*
Ken Joiret								
Ken Joiret	7/5/2016	7/5/2016	070616	Sound for Concert in The Grove 7/6/16	$500.00	$0.00		$500.00
Ken Joiret	7/5/2016	7/5/2016	070916	Sound for Concert in The Grove 7/9/16	$650.00	$0.00		$650.00
Ken Joiret	7/5/2016	7/5/2016	071616	Sound for Concert in The Grove 7/16/16	$650.00	$0.00		$650.00
Ken Joiret	6/30/2016	6/30/2016	072216	Sound for Concert in The Grove 6/22/16	$500.00	$0.00		$500.00
				Totals for Ken Joiret:	*$2,300.00*	*$0.00*		*$2,300.00*
Paul Kent								
Paul Kent	7/5/2016	7/5/2016	071616	Concert in The Grove 7/16/16	$2,200.00	$0.00		$2,200.00
				Totals for Paul Kent:	*$2,200.00*	*$0.00*		*$2,200.00*
LarryLogic Productions								
LarryLogic Productions	6/30/2016	6/30/2016	1588	Production of City Council Meeting 6/21/16	$340.00	$0.00		$340.00
				Totals for LarryLogic Productions:	*$340.00*	*$0.00*		*$340.00*
Miracle Play Systems, Inc								
Miracle Play Systems, Inc	6/30/2016	6/30/2016	I2016-1389	Patch up to 200 sq. ft under play structure in C	$3,797.50	$0.00		$3,797.50
				Totals for Miracle Play Systems, Inc:	*$3,797.50*	*$0.00*		*$3,797.50*
NBS Govt. Finance Group								
NBS Govt. Finance Group	7/5/2016	7/5/2016	61600231	Qrtrly Admin fees 7/1/16-9/30/16	$4,409.42	$0.00		$4,409.42
				Totals for NBS Govt. Finance Group:	*$4,409.42*	*$0.00*		*$4,409.42*
Neopost (add postage)								
Neopost (add postage)	6/30/2016	6/30/2016	062316	Postage added	$600.00	$0.00		$600.00
Neopost (add postage)	6/30/2016	6/30/2016	062816	Postage added	$300.00	$0.00		$300.00

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
				Totals for Neopost (add postage):	*$900.00*	*$0.00*		*$900.00*
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	7/5/2016	7/5/2016	848633	Courtyard pay phone for July	$73.00	$0.00		$73.00
				Totals for Pacific Telemanagement Svc:	*$73.00*	*$0.00*		*$73.00*
Paramount Elevator Corp.								
Paramount Elevator Corp.	6/30/2016	6/30/2016	13318	State work to elevator, State # 112575	$1,845.00	$0.00		$1,845.00
				Totals for Paramount Elevator Corp.:	*$1,845.00*	*$0.00*		*$1,845.00*
PERMCO, Inc.								
PERMCO, Inc.	6/30/2016	6/30/2016	10590	GHAD, prepare/present FY 17 Budget	$992.38	$0.00		$992.38
PERMCO, Inc.	6/30/2016	6/30/2016	10589	Complete bid pkg 6/11/16-6/24/16	$610.00	$0.00		$610.00
PERMCO, Inc.	6/30/2016	6/30/2016	10588	Prepare prelim plans/cost est, etc 6/11/16-6/24	$1,050.00	$0.00		$1,050.00
PERMCO, Inc.	6/30/2016	6/30/2016	10587	Prep of plans & bid pkg for Caltrans 6/11/16-6	$1,774.50	$0.00		$1,774.50
PERMCO, Inc.	6/30/2016	6/30/2016	10586	CAP inspection 6/11/16-6/24/16	$41.50	$0.00		$41.50
PERMCO, Inc.	6/30/2016	6/30/2016	10585	Prepare compliance certificates 6/11/16-6/24/	$381.25	$0.00		$381.25
PERMCO, Inc.	6/30/2016	6/30/2016	10584	General engineering services 6/11/16-6/24/16	$3,674.25	$0.00		$3,674.25
				Totals for PERMCO, Inc.:	*$8,523.88*	*$0.00*		*$8,523.88*
PG&E								
PG&E	6/30/2016	6/30/2016	061616	Electricity 5/17/16-6/15/16	$4,088.13	$0.00		$4,088.13
				Totals for PG&E:	*$4,088.13*	*$0.00*		*$4,088.13*
Psychological Resources Inc.								
Psychological Resources Inc.	6/30/2016	6/30/2016	7119	Pre-employment screening, 3 officers	$1,350.00	$0.00		$1,350.00
				Totals for Psychological Resources Inc.:	*$1,350.00*	*$0.00*		*$1,350.00*
Raney Planning & Management, Inc.								
Raney Planning & Management, Inc.	6/30/2016	6/30/2016	1322E-12	Sub-consultant Vizf/x, photography, May	$150.00	$0.00		$150.00
Raney Planning & Management, Inc.	6/30/2016	6/30/2016	1616E-3	Labor, May - Prepare NOP, Project mgmt	$4,399.91	$0.00		$4,399.91
Raney Planning & Management, Inc.	6/30/2016	6/30/2016	1610E-3	Labor. May - Prepare, revise IS, Project Mgmt	$2,851.83	$0.00		$2,851.83
Raney Planning & Management, Inc.	6/30/2016	6/30/2016	1607E-7	Labor, May - Prepare IS, Project mgmt	$2,767.50	$0.00		$2,767.50
				Totals for Raney Planning & Management, Inc.:	*$10,169.24*	*$0.00*		*$10,169.24*
Riso Products of Sacramento								
Riso Products of Sacramento	7/5/2016	7/5/2016	158137	Copier contract 6/18/16-7/17/16	$94.86	$0.00		$94.86
				Totals for Riso Products of Sacramento:	*$94.86*	*$0.00*		*$94.86*
Roto-Rooter Sewer/Drain Service								
Roto-Rooter Sewer/Drain Service	6/30/2016	6/30/2016	F-592-16	Fix toilets in women's restroom	$280.75	$0.00		$280.75
				Totals for Roto-Rooter Sewer/Drain Service:	*$280.75*	*$0.00*		*$280.75*
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	6/30/2016	6/30/2016	76181425	Central Control Replacement for Irrigation	$19,586.42	$0.00		$19,586.42
				Totals for Site One Landscape Supply, LLC:	*$19,586.42*	*$0.00*		*$19,586.42*

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
Workers.com								
Workers.com	6/30/2016	6/30/2016	0000115618	PW Labor, week end 6/10/16	$3,721.68	$0.00		$3,721.68
				Totals for Workers.com:	*$3,721.68*	*$0.00*		*$3,721.68*
				GRAND TOTALS:	**$124,739.77**	**$0.00**		**$124,739.77**

0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000031 Tot Docs in all:00000000034

	First No.	Last No.	Total
Checks:	ADPCHECK	ADPCHECK	00000000006
Vouchers:	00000250001	00000250025	00000000025

Earnings Statement

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

86016.22	GROSS
61349.43	NET PAY (INCLUDING ALL DEPOSITS)
10817.36	FEDERAL TAX
149.57	SOCIAL SECURITY
1192.09	MEDICARE
.00	MEDICARE SURTAX
.00	SUI TAX
3356.25	STATE TAX
.00	LOCAL TAX
66374.77	DEDUCTIONS
4126.18	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
NON-NEGOTIABLE - VOID - NON-NEGOTIABLE
NON-NEGOTIABLE - VOID - NON-NEGOTIABLE
NON-NEGOTIABLE - VOID - NON-NEGOTIABLE
NON-NEGOTIABLE - VOID - NON-NEGOTIABLE
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: 7-05-2016

Agenda Item: 5c

CITY OF CLAYTON
Founded 1857 . . . Incorporated 1964

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 JULY 2016

SUBJECT: APPROVAL OF A 3-YEAR MEMORANDUM OF AGREEMENT (MOA) CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES UNIT

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution authorizing and approving a 3-year Memorandum of Agreement (MOA) with the Clayton Undesignated Miscellaneous City Employees Unit regarding certain terms and conditions of their employment and compensation with the City of Clayton, retroactive to 01 July 2016 and continuing through 30 June 2019.

BACKGROUND

In October 2014 the City Council approved a 2-year Agreement with the Clayton Undesignated Miscellaneous City Employees Unit, retroactive to 01 July 2014. This action was pursuant to California state laws that require a public employer and each of its organized, or undesignated collective bargaining units, to meet and confer, or consult (respectively) over terms and conditions of employment and compensation (ref. *Government Code Section 3500*, et. seq.; also known as the Meyers-Milias-Brown Act). That 2-year Agreement expired 30 June 2016.

The Miscellaneous City Employees Unit comprises fourteen (14) city employees with a wide range of field disciplines, education, and credentials, including all of the City's department heads (including the Chief of Police), City Maintenance personnel, finance, human resources, planning, and City Hall and Police Station support staff. It does not include the City Manager.

In anticipation of that expiration, and uncertain about reaching conclusion prior to the sunset date of that MOA, the City and this Unit mutually agreed to extend the majority of existing terms and conditions of employment up to 3 months (30 September 2016) by signature of Addendum 1, adopted by the City Council at its 21 June 2016 public meeting. One (1) employee benefit provision was eliminated by mutual agreement: a 2% longevity pay incentive for employees of this Unit who had worked fifteen (15) years or longer as of 01 August 2014. Effective 01 July 2016, that compensation benefit is terminated.

Addendum 1 included language that it was effective until September 30th yet it could lapse sooner should both parties agree to a new MOA within that intervening time.

MEET AND CONSULT DISCUSSIONS

During the month of June 2016, both parties in good faith exchanged proposals and counter-proposals on monetary issues of concern to each other while maintaining the status quo. On June 27th mutual agreement was achieved that now results in the approval of a new and revised Memorandum of Agreement (MOA).

SUMMATION OF NEW AGREEMENT

The parties have agreed to a three (3) year Agreement on the essential terms and conditions of employment covering Fiscal Year 2016-2017 through Fiscal Year 2018-2019 (expires 30 June 2019). The notable changes are as follows

► (note: dollars reflect employer full cost, not what employees actually receive in pay or benefit):

ITEM	FY 2016-17	FY 2017-18	FY 2018-19	TOTAL COST
Cost of Living Adjustment (COLA)	3% $34,365	3% $35,396	3% $36,458	$106,219
Medical & Dental Insurance premiums cost sharing *	$ 2,290	$ 2,554	$ 7,267	$ 12,111
TOTALS	**$36,655**	**$37,950**	**$43,725**	**$118,330** **10.02%**

* Cost assumptions: A. Actual medical premium decrease in Jan. 2017, with 5% increases in remaining 2 years.
B. Dental premiums increase by 2.65% each year.

All other terms and conditions contained in the expired base Memorandum of Agreement (MOA) remain in full force and effect.

FISCAL IMPACT

As noted above the 3-year Agreement represents a total cost to the City of $118,330 spread over three (3) fiscal years. Additional "savings" to both parties occurs with the benchmarking of medical insurance premium co-payments by the City to the least expensive plan offered

by CalPERS through Blue Shield Net-Value or Kaiser Permanente. For the medical insurance bump in January 2017, the Kaiser Permanente premiums will actually decrease by a little less than 2%.

The FY 2016-17 City Budget was adopted with a projected General Fund conservative excess of $38,900. By the Unit's elimination of its 2% longevity pay incentive, which sunset on June 30th, this concession "saved" the City an additional $6,855 this fiscal year (a three year total savings of $21,611). Consequently, before application of this MOA's first year cost the FY 2016-17 General Fund Budget projected excess rose to $45,755, which amount is sufficient to cover the MOA's first year added cost of $36,655. This action means the City retains a conservative annually-balanced General Fund Budget of $9,100. The remaining two fiscal year impacts will be addressed through higher revenue expectations from Vehicle License Fees (VLF; i.e., new car purchases), local share of ad valorem property taxes, and sales and use taxes.

Of note is the City's General Fund is not the sole source of this financial impact as several members of this Miscellaneous Employees Group also charge out labor time to special and enterprise funds of the City (e.g. Maintenance Landscape District; Gas Tax; Storm Water; The Grove Park District).

Attachments:
A. Resolution approving a 3-Year MOA [2 pp.]
Exhibit 1: Memorandum of Agreement [12 pp.]
B. Red-lined Copy of MOA [13 pp.]

Attachment A

RESOLUTION NO. - 2016

A RESOLUTION APPROVING A THREE (3) –YEAR MEMORANDUM OF AGREEMENT WITH THE CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES UNIT EFFECTIVE THE FISCAL YEARS OF 2016-2017 THROUGH 2018-2019

THE CITY COUNCIL
City of Clayton, California

WHEREAS, pursuant to *California Government Code* section 3500, et. seq., the City of Clayton and the Clayton Undesignated Miscellaneous City Employees Unit have a mutual duty under state law to meet and consult in good faith regarding certain matters including, but not limited to, wages, hours, and terms and conditions of employment with the City; and

WHEREAS, on 07 October 2014 at a regular public meeting thereof, the Clayton City Council adopted Resolution No. 40-2014 approving a two (2) year Memorandum of Agreement (MOA) with the Clayton Undesignated Miscellaneous City Employees Unit setting certain terms and conditions of employment and compensation effective the Fiscal Years 2014-2015 through 2015-2016; and

WHEREAS, in anticipation of said MOA to expire on 30 June 2016, at a public regular meeting held on 21 June 2016, the Clayton City Council did adopt Resolution No. 33-2016 approving Addendum 1 to the base Memorandum of Agreement between the City of Clayton and the Clayton Undesignated Miscellaneous City Employees Unit, which Addendum was mutually agreeable to both parties to extend certain terms and conditions of employment and compensation starting 01 July 2016 up to and through the date of 30 September 2016, unless replaced sooner by a new MOA; and

WHEREAS, each party has duly reviewed and considered respective proposals and offers by the other during the ensued time period since 21 June 2016 to the result thereof the authorized representatives of each party to the aforementioned negotiations have reached mutual agreement to set forth a new three (3) year Memorandum of Agreement (MOA), effective 01 July 2016, that encompasses the full and complete terms and conditions reached between the parties as a result of said good faith negotiations; and

WHEREAS, the proposed Memorandum of Agreement (MOA), contained and described in its entirety as "Exhibit 1" attached hereto and incorporated herein by reference to this Resolution, was duly presented to the current members of the Miscellaneous City Employees Unit whereby its authorized Unit representatives did communicate to the City Manager on 27 June 2016 of its Units' approval of the final negotiated deal points and of its ultimate ratification of the new MOA ("Exhibit 1"), witnessed by the signatures of its authorized Unit representatives therein; and

WHEREAS, the City Manager, as the City Council's designated labor negotiator, does herein recommend approval of the proposed three (3) year Memorandum of Agreement as outlined in its entirety as "Exhibit 1".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept and approve the 3-year Memorandum of Agreement (attached hereto as "Exhibit 1") by and between the City and the Clayton Undesignated Miscellaneous City Employees Unit for the term thereof, retroactive to 01 July 2016 and effective the Fiscal Years of 2016-2017 through 2018-2019, and does hereby authorize and instruct its City Manager to implement the agreed-upon terms and conditions accordingly.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 5th day of July 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____

Howard Geller, Mayor

ATTEST:

_____

Janet Brown, City Clerk

EXHIBIT 1

TERMS AND CONDITIONS OF EMPLOYMENT FOR THE UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES UNIT EFFECTIVE THE FISCAL YEARS OF 2016-2017 THROUGH 2018-2019

ARTICLE 1: PREAMBLE

This agreement, pursuant to the State of California Government Code Section 3500 et seq., entered into by the City of Clayton, hereinafter referred to as "City", and its Undesignated Miscellaneous City Employees, hereinafter referred to as "Unit", is hereby effective 01 July 2016 through 30 June 2019.

It is the intent and purpose of this document to set forth the understanding and agreement of the parties reached as a result of meeting and consulting in good faith regarding, but not limited to, matters relating to wages, hours, and terms and conditions of employees represented by the Unit. Any and all other employment matters not contained in this document are applicable as found in the City's "Personnel System and Guidelines" dated March 1993.

ARTICLE 2: GROUP DESCRIPTION

The following job classifications are members of this Unit for purposes of the agreements in this document:

Job Classifications
Accounting Technician
Administrative Assistant/Code Enforcement Officer
Assistant to the City Manager
Chief of Police
City Clerk/HR Manager
Community Development Director
Finance Manager
Maintenance Supervisor
Maintenance Leader
Maintenance Worker I
Assistant Planner
Police Administrative Clerk
Police Office Coordinator

ARTICLE 3: PERSONNEL FILES

The City's secured personnel files, maintained in the City offices, are not subject to public inspection. Any employee has the right to inspect their own personnel file. An employee has the right, in accordance with law, to respond in writing to anything contained or placed in their own personnel file and any such response(s) shall become part of their personnel file.

ARTICLE 4: WORK HOURS

The work period (hours) for classifications and corresponding compensation in this Unit will be eighty (80) work hours in a bi-weekly (14-day) work period.

Any employee in this Unit scheduled to regularly work less hours than the defined work period shall receive a corresponding pro-rated portion of the monthly compensation and employee benefits outlined in Articles 5, 6 and 8 below.

ARTICLE 5: COMPENSATION

Section 5.1 Wages

A. Effective 01 July 2016, the monthly base salary ranges for the following job classifications shall be increased by 3.0% and become:

	Merit Steps				
Classification	A	B	C	D	E
Accounting Technician	$4,247	$4,459	$4,682	$4,917	$5,162
Administrative Assistant/ Code Enforcement Officer	$3,537	$3,713	$3,899	$4,094	$4,299
Assistant to the City Mgr.	$5,828	$6,120	$6,426	$6,747	$7,084
Chief of Police	$8,427	$8,848	$9,291	$9,755	$10,243
City Clerk/HR Manager	$5,420	$5,691	$5,976	$6,275	$6,589
Community Development Director	$7,835	$8,227	$8,638	$9,070	$9,524
Police Admin. Clerk	$3,537	$3,713	$3,899	$4,094	$4,299
Finance Manager	$6,914	$7,260	$7,623	$8,004	$8,404
Maintenance Supervisor	$5,166	$5,425	$5,696	$5,981	$6,280
Maintenance Leader	$4,262	$4,475	$4,699	$4,934	$5,180
Maintenance Worker I	$3,529	$3,705	$3,890	$4,085	$4,289
Assistant Planner	$5,420	$5,691	$5,976	$6,275	$6,589
Police Office Coordinator	$3,996	$4,195	$4,405	$4,626	$4,857

B. Effective 01 July 2017, the monthly base salary ranges for the following job classifications shall be increased by 3.0% and become:

	Merit Steps				
Classification	A	B	C	D	E
Accounting Technician	$4,375	$4,593	$4,823	$5,064	$5,317
Administrative Assistant/ Code Enforcement Officer	$3,643	$3,825	$4,016	$4,217	$4,428
Assistant to the City Mgr.	$6,003	$6,303	$6,618	$6,949	$7,297
Chief of Police	$8,680	$9,114	$9,570	$10,048	$10,550
City Clerk/HR Manager	$5,583	$5,862	$6,155	$6,463	$6,786
Community Development Director	$8,070	$8,474	$8,897	$9,342	$9,809
Police Admin. Clerk	$3,643	$3,825	$4,016	$4,217	$4,428
Finance Manager	$7,122	$7,478	$7,852	$8,244	$8,656
Maintenance Supervisor	$5,321	$5,587	$5,867	$6,160	$6,468
Maintenance Leader	$4,390	$4,609	$4,840	$5,082	$5,336
Maintenance Worker I	$3,635	$3,816	$4,007	$4,207	$4,418
Assistant Planner	$5,583	$5,862	$6,155	$6,463	$6,786
Police Office Coordinator	$4,116	$4,321	$4,537	$4,764	$5,003

C. Effective 01 July 2018, the monthly base salary ranges for the following job classifications shall be increased by 3.0% and become:

	Merit Steps				
Classification	A	B	C	D	E
Accounting Technician	$4,506	$4,731	$4,968	$5,216	$5,477
Administrative Assistant/ Code Enforcement Officer	$3,752	$3,939	$4,136	$4,343	$4,560
Assistant to the City Mgr.	$6,183	$6,492	$6,817	$7,158	$7,516
Chief of Police	$8,940	$9,387	$9,857	$10,349	$10,867
City Clerk/HR Manager	$5,751	$6,038	$6,340	$6,657	$6,990
Community Development Director	$8,312	$8,728	$9,164	$9,623	$10,104
Police Admin. Clerk	$3,752	$3,939	$4,136	$4,343	$4,560
Finance Manager	$7,335	$7,702	$8,087	$8,491	$8,916
Maintenance Supervisor	$5,481	$5,755	$6,043	$6,345	$6,662
Maintenance Leader	$4,521	$4,748	$4,985	$5,234	$5,496
Maintenance Worker I	$3,744	$3,931	$4,127	$4,334	$4,550
Assistant Planner	$5,751	$6,038	$6,340	$6,657	$6,990
Police Office Coordinator	$4,239	$4,451	$4,674	$4,907	$5,153

In no event shall a merit step increase be earned or granted beyond Step E of this Agreement.

ARTICLE 6: MEDICAL, DENTAL, AND LIFE/ACCIDENTAL DEATH/DISMEMBERMENT INSURANCE

Section 6:1 City Contribution to Medical and Dental Insurance Premiums

The maximum monthly City premium contribution for medical and/or dental insurance coverage for regular, full-time members of this Unit shall be paid by the City in accord with the following employee subscription enrollment schedule.

A. The City's maximum premium contribution to employee-enrolled medical and dental insurance coverage shall be as follows:

1. Medical Insurance (thru CalPERS' Public Employees' Medical and Hospital Care Act).

During the term of this Agreement, the City's maximum monthly co-pay contribution specified below is benchmarked to the least costly medical insurance premium offered between Blue Shield Net Value HMO or Kaiser Permanente plans. Should a member of this Unit elect to enroll in a CalPERS medical insurance plan with a corresponding monthly premium higher than the least costly premium between the two medical plans listed above, the employee is responsible for 100% of the added premium cost above the least costly plan's premium for each of the enrollment options noted below:

1. Employee Only enrollment: City pays 100% of the selected Plan premium.
2. Employee + 1 Dependent enrollment: City pays 100% of the selected Plan premium for the Employee Only and 50% of additional premium expense for the 1 Dependent.
3. Employee + Family enrollment: City pays 100% of the selected Plan premium for the Employee Only and 59.375% of additional premium expense for the Family.

2. Dental Insurance (thru the Municipal Pooling Authority's Delta Dental Health Care Employees/Employers Dental Trust):

1. Employee Only enrollment: City pays 100% of the Plan premium.
2. Employee + 1 Dependent: City pays 100% of the Plan premium for the Employee Only and 46.8% of additional premium expense for the 1 Dependent.
3. Employee + Family: City pays 100% of the Plan premium for the Employee Only and 60.94% of additional premium expense for the Family.

Proration of the above City premium contributions for permanent part-time eligible employees shall be calculated and applied based on said employee's percentage of regularly-scheduled work hours as to a regularly-scheduled forty (40) hours work week (e.g. an employee scheduled to work 24 hours per work receives sixty (60) percent of the City's premium contribution).

B. The above City premium cap contributions shall not and do not increase the following non-enrollment plan categories:

No Enrollment/Unused Benefit (enrollments after 30 June 2010): $ -0-

No Enrollment/Unused Benefit (enrollments before 30 June 2010): $ 250.00/mo.

(Provided proof is submitted to the City that similar medical and dental coverage is available to the employee, is placed and maintained via another qualified third party insurance provider. Ref. Section 6.2).

Section 6.2 Unused Medical Benefit Account

Employees may elect to decline City-provided medical and/or dental coverage only in cases when the employee is covered under an alternate third party insurance plan. Proof of insurance is required. For employees authorized to decline City-provided medical and/or dental coverage, the City will contribute a monthly amount, up to the maximum monthly premium cap outlined in Section 6.1 above under "No Enrollment", to a City-approved deferred compensation plan or to the employee's Unused Medical Benefit account, at the employee's designated option. Those members of this Unit whose expense for their enrolled subscription in City-secured medical and dental insurance is less than the maximum amounts listed in Section 6.1 may only elect to have said monthly difference placed in their City-approved deferred compensation plan or deposited into the employee's Unused Medical Benefit account, at the employee's designated option.

In order for one to qualify for City contribution toward medical and/or dental insurance coverage, an employee in a classification of this Unit must be permanently scheduled to work a minimum of twenty (20) hours per week. Such "part-time" regular employee is then eligible to enroll in the City-provided medical and/or dental insurance coverage but the City's maximum contribution for such a part-time regular employee is pro-rated in ratio to the percentage of the number of permanent hours worked per week. For example, if a part-time employee regularly works 32 hours per week (which represents a 0.8 full-time employee), then the individual is eligible to receive a maximum City contribution toward their subscribed medical and/or dental enrollment equal to 80% of the maximum amount specified in Section 6.1.

Section 6.3 Life/Accidental Death/Dismemberment Insurance

The City will contract and pay the full premium to enroll each permanent full-time and part-time employee in a $50,000 face amount life insurance policy and a $50,000 Accidental Death and Dismemberment Insurance coverage.

Section 6.4 Short Term and Long Term Disability Insurance

The City shall provide and pay for short term (STD) and long term disability (LTD) insurance(s) in behalf of each employee of this Unit for the purpose of providing contracted levels of continued compensation in the event of an off-duty illness or injury.

ARTICLE 7: EMPLOYEE RETIREMENT PENSION SYSTEM

The City is a member of the California Public Employees' Retirement System, hereinafter referred to as "CalPERS". All regular full-time and regular part-time employees of this Unit are required by contract and corresponding law to be participating members of this retirement system.

Section 7.1 Tier I "Classic" Existing City Employees as of 30 June 2010

By contract, the City and its eligible employees of this Unit are members of the 2% at age 55 Miscellaneous Employees CalPERS retirement system. The City shall pay the entire required Employer CalPERS rate and share for this Miscellaneous Retirement System and all increases in rate thereof during the term of this Agreement, including any costs of administration. In addition, the City shall pay 100% of the current 7% Employee CalPERS fixed rate and share for members of this Miscellaneous Retirement System. The City's payment of the Classic Tier I employee's member contribution does not and shall not be considered or calculated as compensation for purpose of determining an eligible employee's final pension retirement amount.

Section 7.2 Tier II Retirement System for "Classic" Employees

By contract, all regular full-time and regular part-time employees of this Unit hired on or after 01 July 2010 are required to be participating members in the California Public Employees' Retirement System ("CalPERS"). In addition, any new City employees hired after that date but deemed "Classic" CalPERS members due to enrollment and active participation in a CalPERS pension system through another CalPERS public agency, as defined by state law, shall become members of the City's Tier II CalPERS plan. The City shall contract with CalPERS and enroll eligible employees in this hiring category in the CalPERS "2% at age 60" Miscellaneous Retirement System.

The City shall pay the entire required Employer CalPERS rate for this "2% at age 60" retirement system and all increases in the rate thereof, and the employee shall pay 100% of the entire required Employee CalPERS fixed rate. For purpose of calculating eligible retirement pension, the 2% at 60 Plan shall be the average of the highest 3 years of eligible compensation paid to the employee.

Section 7.3 Tier III Retirement System for New Members of this Unit

By contract, all regular full-time and regular part-time employees of this Unit hired on or after 01 January 2013 and not a previous member of a CalPERS plan without a 6-month interruption of service shall become members of the City's Tier III CalPERS plan. The City shall contract with CalPERS and enroll eligible employees in this hiring category in the CalPERS "2% at age 62" Miscellaneous Retirement System.

The City and employee enrolled in this CalPERS plan shall each pay fifty percent (50%) of the "normal cost rate", as defined in the Public Employees' Pension Reform Act (PEPRA), and as calculated by CalPERS. The "normal cost rate" is subject to annual change as ordered by CalPERS.

ARTICLE 8: HOLIDAYS AND LEAVES

Section 8.1 Eligibility for Paid Leaves

Permanent employees of this Unit regularly scheduled to work less than an average eighty (80) hour bi-weekly pay period will earn each paid leaves at a rate proportionate to their number of permanently scheduled work hours.

Section 8.2 Holiday Leave

Permanent regular employees of this Unit shall receive the following ten (10) 8-hour days of paid holiday leave each calendar year:

New Year's Day	Martin Luther King, Jr. Day
Presidents' Day	Memorial Day
Independence Day	Labor Day
Veterans' Day	Thanksgiving Day
Friday after Thanksgiving	Christmas Day

Holidays falling on non-work days will be observed on the nearest regular work day.

Section 8.3 Personal or "Floating" Leave

In addition to the holidays listed under Section 8.2, all members of this Unit shall receive twenty-four (24) hours of paid Personal Leave in each fiscal year. Said leave hours will be credited on July 1st of each year and shall be taken at the employee's discretion, with the advance consent of their supervisor. If one's Personal Leave hours are not used or exhausted by the end of the fiscal year (June 30th), the remaining hours are forfeited. Permanent regular employees working less than a 40-hour work week shall receive paid Personal Leave hours on a pro-rata basis based on their number of regularly scheduled work hours per week. Unused Personal Leave is not compensable on separation of City employment.

Section 8.4 Vacation Leave

Permanent regular employees of this Unit shall be entitled to earn annual paid vacation leave with pay.

A. Vacation leave credit for a 40-hour work week employee shall be accrued on the following basis:

1.	Month 1 through Month 24:	6.67 hours per month
2.	Month 25 through Month 48:	8.00 hours per month
3.	Month 49 through Month 96:	10.00 hours per month
4.	Month 97 through Month 180:	13.33 hours per month
5.	Month 181 and thereafter:	16.67 hours per month

B. Vacation leave credit for permanent regular employees working less than a 40-hour week shall be credited as in Section "A" above on a pro-rata basis based upon the number of hours regularly scheduled to work per week.

C. Vacation leave may be used as earned, subject to the advance approval of one's department manager, based on staffing requirements.

D. Vacation leave may only be used in increments of one-quarter (0.25) hour or more.

E. Vacation leave may be accrued to a maximum number of hours equivalent to eighteen (18) times one's current monthly accrual rate.

F. Upon leaving City employment, the employee will be paid for all accrued, unused vacation leave up to one's maximum annual accrual allowed in sub-section "E".

G. An employee may elect once per fiscal year to convert accrued vacation leave hours into accrued sick leave hours before the end of the fiscal year, at a conversion rate of one (1) hour of accrued vacation into one-half (0.5) hour of sick leave, provided the employee's accrued vacation leave balance exceeds their annual vacation leave accrual specified in sub-section A above at the time of conversion.

Section 8.5 Sick Leave

A. Paid sick leave is earned at the rate of eight (8) hours for each month worked. Permanent regular employees working less than a 40-hour work week shall earn paid sick leave hours on a pro-rata basis based on their number of hours regularly scheduled to work per week.

B. Maximum accrual of sick leave is limited to nine-hundred sixty (960) hours of unused leave.

C. Unused sick leave shall not be paid off in cash or in any other form of compensation upon separation from City employment.

D. Up to twenty-four (24) hours of accrued sick leave may be used by an employee to attend a funeral of close family members, with the approval of the City Manager.

E. Employees may use accrued sick leave for non-work-related disabilities or illnesses up to the effective or commencement date of short-term or long-term disability benefits.

F. A physician's report may be required by one's department manager for extended periods of sick leave usage by an employee in this Unit, or if in the determination of the City Manager, the employee exhibits greater than average, or unusual patterns or circumstances in their use of sick leave.

G. Employees unable to return to work within six (6) months of the date of disability (whether work or non-work-related) may be separated from City employment, unless an extension is approved by the City Manager, and except as otherwise restricted by state or federal law.

H. Employees who have accumulated two-hundred forty (240) hours or more of accrued sick leave may be credited, at the employee's written request, with two (2) additional vacation leave hours for each consecutive three (3) month period in which no paid sick leave was used by the employee.

Section 8.6 Management Leave

In lieu of earning overtime or compensatory time off, department managers (as designated by the City Manager) will be granted up to a maximum of one-hundred twenty (120) hours of paid management leave each fiscal year. The amount available to each management employee may vary, at the discretion of the City Manager. Management leave hours will be credited to the designated manager's leave time account at the commencement of each fiscal year in the total number of hours granted by the City Manager to that employee. Management leave must be used within the fiscal year in which it is earned, and unused leave will not be paid in cash or any other form of compensation upon separation from City employment.

ARTICLE 9: OVERTIME

Section 9.1 Regular Overtime

The City will compensate eligible regular non-management employees for each one-quarter hour (0.25) of overtime worked at the rate of one and one-half times (1.5) the employee's base hourly rate including applicable FLSA-required compensation. Overtime is defined as hours worked in excess of eighty (80) hours per pay period, or hours worked in excess of a regularly-scheduled shift. Employees working partial or reduced schedules will not be eligible for overtime until their hours worked exceed the regular work hours noted in Article 4. Authorization of the employee's supervisor must be obtained prior to the working of overtime hours, except in emergency situations. Compensation for overtime shall be in the form of cash payment, or if requested by the employee and approved by their supervisor, in the form of compensatory time off (CTO) that shall also accrue at the rate of one and one-half (1.5) times the actual overtime hours worked.

For purposes of calculating overtime and compensatory time, all paid leave shall be considered as hours worked.

Section 9.2 Compensatory Time Off

A maximum of one hundred (100) hours of compensatory time off (CTO) may be accrued by each eligible employee of this Unit, except when additional hours are approved by the City Manager for a recognized or specific operational need or situation. Whenever possible and in the discretion of one's supervisor, overtime shall be compensated with compensatory time off. Compensatory time off may be used by written request of the employee filed at least three (3) days in advance with the appropriate supervisor. Management will make every effort to comply with time off requests of the employee and shall not arbitrarily assign employees to compensatory time off. Accrued unused CTO is compensable on separation of City employment.

ARTICLE 10: BILINGUAL PAY

The City has the sole and exclusive right to determine and designate which Employees, and how many Employees, are eligible to receive bilingual pay of $75.00 per month. Designated Employees will be required to demonstrate conversational fluency in a language (e.g. Spanish) as determined by the City Manager based on community/public needs and organizational usage. The City may administer a competency test to certify fluency of the Employee in the designated language. Any such certification shall be a condition prior to Employee qualifying for monthly bilingual pay.

ARTICLE 11: AUTOMOBILE ALLOWANCE

Certain employees' duties require that each have continuously available transportation for City business or work-related purposes. Each employee position designated below shall provide an operable personal vehicle for use for normal business and personal use. The Employer agrees to provide each designated employee with a monthly automobile allowance as specified below:

Position	Monthly Auto Allowance
Chief of Police	$370.00
Community Development Director	$345.00
Assistant to the City Manager	$345.00

Each employee shall be responsible for all operation expenses, maintenance expenses, repair expenses, replacement cost and insurance for the personal automobile used for this purpose. Employee shall at all times maintain adequate insurance for the automobile and shall inform his/her insurer that the automobile is used for City business and personal purposes. Each employee shall maintain and provide to the City a valid Certificate of Insurance demonstrating comprehensive automobile liability coverage for the vehicle used and naming the City of Clayton as an additional insured on the applicable insurance policy.

ARTICLE 12: TERM OF AGREEMENT

Except as indicated herein, this Agreement shall be effective commencing 01 July 2016 and continue up to and through 30 June 2019.

IN WITNESS THEREOF, this Agreement is entered into by the following authorized representatives this 30th day of June 2016, pursuant to the provisions of CA Government Code Section 3500, et. seq. for presentation to and adoption by the City Council of Clayton, California.

CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES UNIT

By: _____
Chris Wenzel, Unit Representative

By: _____
Mindy Gentry, Unit Representative

CITY OF CLAYTON, CA (CITY)

By: _____
Gary A. Napper, City Manager

# # # # # # # #

TERMS AND CONDITIONS OF EMPLOYMENT FOR THE UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES UNIT EFFECTIVE THE FISCAL YEARS OF 2016-20175 THROUGHAND 20185-20196

ARTICLE 1: PREAMBLE

This agreement, pursuant to the State of California Government Code Section 3500 et seq., entered into by the City of Clayton, hereinafter referred to as "City", and its Undesignated Miscellaneous City Employees, hereinafter referred to as "Unit", is hereby effective 01 July 20164 through 30 June 20196.

It is the intent and purpose of this document to set forth the understanding and agreement of the parties reached as a result of meeting and consulting in good faith regarding, but not limited to, matters relating to wages, hours, and terms and conditions of employees represented by the Unit. Any and all other employment matters not contained in this document are applicable as found in the City's "Personnel System and Guidelines" dated March 1993.

ARTICLE 2: GROUP DESCRIPTION

The following job classifications are members of this Unit for purposes of the agreements in this document:

Job Classifications
Accounting Technician
Administrative Assistant/Code Enforcement Officer
Assistant to the City Manager
Chief of Police
City Clerk/HR Manager
Community Development Director
~~Community Services Officer~~
Finance Manager
Maintenance Supervisor
Maintenance Leader
Maintenance Worker I
Assistant Planner
Police Administrative Clerk
Police Office Coordinator

ARTICLE 3: PERSONNEL FILES

The City's secured personnel files, maintained in the City offices, are not subject to public inspection. Any employee has the right to inspect their own personnel file. An employee has the right, in accordance with law, to respond in writing to anything contained or placed in their own personnel file and any such response(s) shall become part of their personnel file.

ARTICLE 4: WORK HOURS

The work period (hours) for classifications and corresponding compensation in this Unit will be eighty (80) work hours in a bi-weekly (14-day) work period.

Any employee in this Unit scheduled to regularly work less hours than the defined work period shall receive a corresponding pro-rated portion of the monthly compensation and employee benefits outlined in Articles 5, 6 and 8 below.

ARTICLE 5: COMPENSATION

Section 5.1 Wages

A. Effective 01 July 2016~~4~~, the monthly base salary ranges for the following job classifications shall be increased by 3.0~~1.5~~% and become:

Classification	A	B	C	D	E
Accounting Technician	$4,247~~4063~~	$4,459~~4266~~	$4,682~~4479~~	$4,917~~4704~~	$5,162~~4938~~
Administrative Assistant/ Code Enforcement Officer	$3,537~~3383~~	$3,713~~3553~~	$3,899~~3730~~	$4,094~~3917~~	$4,299~~4112~~
Assistant to the City Mgr.	$5,828~~5575~~	$6,120~~5854~~	$6,426~~6146~~	$6,747~~6453~~	$7,084~~6776~~
Chief of Police	$8,427~~8061~~	$8,848~~8464~~	$9,291~~8887~~	$9,755~~9332~~	$10,243~~9798~~
City Clerk/HR Manager	$5,420~~5185~~	$5,691~~5443~~	$5,976~~5716~~	$6,275~~6002~~	$6,589~~6302~~
Community Development Director	$7,835~~7495~~	$8,227~~7869~~	$8,638~~8263~~	$9,070~~8676~~	$9,524~~9110~~
Police Admin. Clerk~~Community Services Officer~~	$3,537~~3383~~	$3,713~~3553~~	$3,899~~3730~~	$4,094~~3917~~	$4,299~~4112~~
Finance Manager	$6,914~~6614~~	$7,260~~6945~~	$7,623~~7292~~	$8,004~~7656~~	$8,404~~8039~~
Maintenance Supervisor	$5,166~~4942~~	$5,425~~5189~~	$5,696~~5449~~	$5,981~~5721~~	$6,280~~6007~~

Maintenance Leader	$4,2624076	$4,4754280	$4,6994494	$4,9344719	$5,1804955
Maintenance Worker I	$3,5293376	$3,7053544	$3,8903721	$4,0853908	$4,2894103
Assistant Planner	$5,4205185	$5,6915443	$5,9765716	$6,2756002	$6,5896302
Police Office Coordinator	$3,9963821	$4,1954013	$4,4054213	$4,6264424	$4,8574646

B. Effective 01 July 20175, the monthly base salary ranges for the following job classifications shall be increased by 3.01.5% and become:

Classification	A	B	C	D	E
Accounting Technician	$4,3754124	$4,5934330	$4,8234546	$5,0644774	$5,3175012
Administrative Assistant/ Code Enforcement Officer	$3,6433434	$3,8253606	$4,0163786	$4,2173976	$4,4284173
Assistant to the City Mgr.	$6,0035659	$6,3035941	$6,6186238	$6,9496550	$7,2976878
Chief of Police	$8,6808182	$9,1148591	$9,5709021	$10,0489472	$10,5509945
City Clerk/HR Manager	$5,5835262	$5,8625525	$6,1555802	$6,4636092	$6,7866397
Community Development Director	$8,0707607	$8,4747987	$8,8978387	$9,3428806	$9,8099246
Police Admin. Clerk~~Community Services Officer~~	$3,6433434	$3,8253605	$4,0163786	$4,2173976	$4,4284173
Finance Manager	$7,1226713	$7,4787049	$7,8527401	$8,2447771	$8,6568159
Maintenance Supervisor	$5,3215016	$5,5875267	$5,8675530	$6,1605806	$6,4686097

Maintenance Leader	$4,3904137	$4,6094344	$4,8404562	$5,0824790	$5,3365030
Maintenance Worker I	$3,6353427	$3,8163598	$4,0073777	$4,2073966	$4,4184164
Assistant Planner	$5,5835262	$5,8625525	$6,1555802	$6,4636092	$6,7866397
Police Office Coordinator	$4,1163879	$4,3214074	$4,5374276	$4,7644491	$5,0034715

C. Effective 01 July 2018, the monthly base salary ranges for the following job classifications shall be increased by 3.0% and become:

Classification	A	B	C	D	E
Accounting Technician	$4,506	$4,731	$4,968	$5,216	$5,477
Administrative Assistant/ Code Enforcement Officer	$3,752	$3,939	$4,136	$4,343	$4,560
Assistant to the City Mgr.	$6,183	$6,492	$6,817	$7,158	$7,516
Chief of Police	$8,940	$9,387	$9,857	$10,349	$10,867
City Clerk/HR Manager	$5,751	$6,038	$6,340	$6,657	$6,990
Community Development Director	$8,312	$8,728	$9,164	$9,623	$10,104
Police Admin. Clerk	$3,752	$3,939	$4,136	$4,343	$4,560
Finance Manager	$7,335	$7,702	$8,087	$8,491	$8,916
Maintenance Supervisor	$5,481	$5,755	$6,043	$6,345	$6,662
Maintenance Leader	$4,521	$4,748	$4,985	$5,234	$5,496
Maintenance Worker I	$3,744	$3,931	$4,127	$4,334	$4,550
Assistant Planner	$5,751	$6,038	$6,340	$6,657	$6,990
Police Office Coordinator	$4,239	$4,451	$4,674	$4,907	$5,153

~~During and expiring at the term of this Agreement, salary advancement for merit or exemplary service of an eligible employee, as recommended by the respective Department Head and approved by the City Manager, is hereby restored effective 01 July 2014. Upon an eligible employee's next salary anniversary date after 01 July 2014, an eligible and approved employee may receive a one (1) step merit increase in base pay, and a one (1) merit step increase in base pay on one's subsequent salary anniversary date thereafter, provided the recommendation and the approval as noted above is obtained and a merit salary step remains available within the employee's classification pay range.~~ In no event shall a merit step increase be earned or granted beyond Step E ~~or the expiration date~~ of this Agreement.

ARTICLE 6: MEDICAL, DENTAL, AND LIFE/ACCIDENTAL DEATH/DISMEMBERMENT INSURANCE

Section 6:1 City Contribution to Medical and Dental Insurance Premiums

The maximum monthly City premium contribution for medical and/or dental insurance coverage for regular, full-time members of this Unit shall be paid by the City in accord with the following employee subscription enrollment schedule.

A. The City's maximum premium contribution to employee-enrolled medical and dental insurance coverage shall be as follows:

1. Medical Insurance (thru CalPERS' Public Employees' Medical and Hospital Care Act). ~~For the six (6) month time period from 01 July 2014 through 31 December 2014, the City's maximum premium monthly contribution will be in accordance with the premium schedule listed below for an employee's existing medical plan enrollment.~~

During the term of this Agreement~~Commencing 01 January 2015~~, the City's maximum monthly co-pay contribution specified below is benchmarked to the least costly medical insurance premium offered between Blue Shield Net Value HMO or Kaiser Permanente plans. Should a member of this Unit elect to enroll in a CalPERS medical insurance plan with a corresponding monthly premium higher than the least costly premium between the two medical plans listed above, the employee is responsible for 100% of the added premium cost above the least costly plan's premium for each of the enrollment options noted below:

1. Employee Only enrollment: City pays 100% of the selected Plan premium.
2. Employee + 1 Dependent enrollment: City pays 100% of the selected Plan premium for the Employee Only and 50% of additional premium expense for the 1 Dependent.
3. Employee + Family enrollment: City pays 100% of the selected Plan premium for the Employee Only and 59.375% of additional premium expense for the Family.

2. Dental Insurance (thru the Municipal Pooling Authority's Delta Dental Health Care Employees/Employers Dental Trust):

1. Employee Only enrollment: City pays 100% of the Plan premium.
2. Employee + 1 Dependent: City pays 100% of the Plan premium for the Employee Only and 46.8% of additional premium expense for the 1 Dependent.
3. Employee + Family: City pays 100% of the Plan premium for the Employee Only and 60.94% of additional premium expense for the Family.

Proration of the above City premium contributions for permanent part-time eligible employees shall be calculated and applied based on said employee's percentage of regularly-scheduled work hours as to a regularly-scheduled forty (40) hours work week (e.g. an employee scheduled to work 24 hours per work receives sixty (60) percent of the City's premium contribution).

B. The above City premium cap contributions shall not and do not increase the following non-enrollment plan categories:

No Enrollment/Unused Benefit (enrollments after 30 June 2010): $ -0-

No Enrollment/Unused Benefit (enrollments before 30 June 2010): $ 250.00/mo.

(Provided proof is submitted to the City that similar medical and dental coverage is available to the employee, is placed and maintained via another qualified third party insurance provider. Ref. Section 6.2).

Section 6.2 Unused Medical Benefit Account

Employees may elect to decline City-provided medical and/or dental coverage only in cases when the employee is covered under an alternate third party insurance plan. Proof of insurance is required. For employees authorized to decline City-provided medical and/or dental coverage, the City will contribute a monthly amount, up to the maximum monthly premium cap outlined in Section 6.1 above under "No Enrollment", to a City-approved deferred compensation plan or to the employee's Unused Medical Benefit account, at the employee's designated option. Those members of this Unit whose expense for their enrolled subscription in City-secured medical and dental insurance is less than the maximum amounts listed in Section 6.1 may only elect to have said monthly difference placed in their City-approved deferred compensation plan or deposited into the employee's Unused Medical Benefit account, at the employee's designated option.

In order for one to qualify for City contribution toward medical and/or dental insurance coverage, an employee in a classification of this Unit must be permanently scheduled to work a minimum of twenty (20) hours per week. Such "part-time" regular employee is then eligible to enroll in the City-provided medical and/or dental insurance coverage but the City's maximum contribution for such a part-time regular employee is pro-rated in ratio to the percentage of the number of permanent hours worked per week. For example, if a part-time employee regularly works 32 hours per week (which represents a 0.8 full-time employee), then the individual is eligible to receive a maximum City contribution toward their subscribed medical and/or dental enrollment equal to 80% of the maximum amount specified in Section 6.1.

Section 6.3 Life/Accidental Death/Dismemberment Insurance

The City will contract and pay the full premium to enroll each permanent full-time and part-time employee in a $50,000 face amount life insurance policy and a $50,000 Accidental Death and Dismemberment Insurance coverage.

Section 6.4 Short Term and Long Term Disability Insurance

The City shall provide and pay for short term (STD) and long term disability (LTD) insurance(s) in behalf of each employee of this Unit for the purpose of providing contracted levels of continued compensation in the event of an off-duty illness or injury.

ARTICLE 7: EMPLOYEE RETIREMENT PENSION SYSTEM

The City is a member of the California Public Employees' Retirement System, hereinafter referred to as "CalPERS". All regular full-time and regular part-time employees of this Unit are required by contract and corresponding law to be participating members of this retirement system.

Section 7.1 Tier I "Classic" Existing City Employees as of 30 June 2010

By contract, the City and its eligible employees of this Unit are members of the 2% at age 55 Miscellaneous Employees CalPERS retirement system. The City shall pay the entire required Employer CalPERS rate and share for this Miscellaneous Retirement System and all increases in rate thereof during the term of this Agreement, including any costs of administration. In addition, the City shall pay 100% of the current 7% Employee CalPERS fixed rate and share for members of this Miscellaneous Retirement System. The City's payment of the Classic Tier I employee's member contribution does not and shall not be considered or calculated as compensation for purpose of determining an eligible employee's final pension retirement amount.

Comment [GN1]: Current practice

Section 7.2 Tier II Retirement System for "Classic" Employees

By contract, all regular full-time and regular part-time employees of this Unit hired on or after 01 July 2010 are required to be participating members in the California Public Employees' Retirement System ("CalPERS"). In addition, any new City employees hired after that date but deemed "Classic" CalPERS members due to enrollment and active participation in a CalPERS pension system through another

CalPERS public agency, as defined by state law, shall become members of the City's Tier II CalPERS plan. The City shall contract with CalPERS and enroll eligible employees in this hiring category in the CalPERS "2% at age 60" Miscellaneous Retirement System.

The City shall pay the entire required Employer CalPERS rate for this "2% at age 60" retirement system and all increases in the rate thereof, and the employee shall pay 100% of the entire required Employee CalPERS fixed rate. For purpose of calculating eligible retirement pension, the 2% at 60 Plan shall be the average of the highest 3 years of eligible compensation paid to the employee.

Section 7.3 Tier III Retirement System for New Members of this Unit

By contract, all regular full-time and regular part-time employees of this Unit hired on or after 01 January 2013 and not a previous member of a CalPERS plan without a 6-month interruption of service shall become members of the City's Tier III CalPERS plan. The City shall contract with CalPERS and enroll eligible employees in this hiring category in the CalPERS "2% at age 62" Miscellaneous Retirement System.

The City and employee enrolled in this CalPERS plan shall each pay fifty percent (50%) of the "normal cost rate", as defined in the Public Employees' Pension Reform Act (PEPRA), and as calculated by CalPERS. The "normal cost rate" is subject to annual change as ordered by CalPERS.

ARTICLE 8: HOLIDAYS AND LEAVES

Section 8.1 Eligibility for Paid Leaves

Permanent employees of this Unit regularly scheduled to work less than an average eighty (80) hour bi-weekly pay period will earn each paid leaves at a rate proportionate to their number of permanently scheduled work hours.

Section 8.2 Holiday Leave

Permanent regular employees of this Unit shall receive the following ten (10) 8-hour days of paid holiday leave each calendar year:

New Year's Day	Martin Luther King, Jr. Day
Presidents' Day	Memorial Day
Independence Day	Labor Day
Veterans' Day	Thanksgiving Day
Friday after Thanksgiving	Christmas Day

Holidays falling on non-work days will be observed on the nearest regular work day.

Section 8.3 Personal or "Floating" Leave

In addition to the holidays listed under Section 8.2, all members of this Unit shall receive twenty-four (24) hours of paid Personal Leave in each fiscal year. Said leave hours will be credited on July 1st of each year and shall be taken at the employee's discretion, with the advance consent of their supervisor. If one's Personal Leave hours are not used or exhausted by the end of the fiscal year (June 30th), the remaining hours are forfeited. Permanent regular employees working less than a 40-hour work week shall receive paid Personal Leave hours on a pro-rata basis based on their number of regularly scheduled work hours per week. Unused Personal Leave is not compensable on separation of City employment.

Section 8.4 Vacation Leave

Permanent regular employees of this Unit shall be entitled to earn annual paid vacation leave with pay.

A. Vacation leave credit for a 40-hour work week employee shall be accrued on the following basis:

1.	Month 1 through Month 24:	6.67 hours per month
2.	Month 25 through Month 48:	8.00 hours per month
3.	Month 49 through Month 96:	10.00 hours per month
4.	Month 97 through Month 180:	13.33 hours per month
5.	Month 181 and thereafter:	16.67 hours per month

B. Vacation leave credit for permanent regular employees working less than a 40-hour week shall be credited as in Section "A" above on a pro-rata basis based upon the number of hours regularly scheduled to work per week.

C. Vacation leave may be used as earned, subject to the advance approval of one's department manager, based on staffing requirements.

D. Vacation leave may only be used in increments of one-quarter (0.25) hour or more.

E. Vacation leave may be accrued to a maximum number of hours equivalent to eighteen (18) times one's current monthly accrual rate.

F. Upon leaving City employment, the employee will be paid for all accrued, unused vacation leave up to one's maximum annual accrual allowed in sub-section "E".

G. An employee may elect once per fiscal year to convert accrued vacation leave hours into accrued sick leave hours before the end of the fiscal year, at a conversion rate of one (1) hour of accrued vacation into one-half (0.5) hour of sick leave, provided the employee's accrued vacation leave balance exceeds their annual vacation leave accrual specified in sub-section A above at the time of conversion.

Section 8.5 Sick Leave

A. Paid sick leave is earned at the rate of eight (8) hours for each month worked. Permanent regular employees working less than a 40-hour work week shall earn paid sick leave hours on a pro-rata basis based on their number of hours regularly scheduled to work per week.

B. Maximum accrual of sick leave is limited to nine-hundred sixty (960) hours of unused leave.

C. Unused sick leave shall not be paid off in cash or in any other form of compensation upon separation from City employment.

D. Up to twenty-four (24) hours of accrued sick leave may be used by an employee to attend a funeral of close family members, with the approval of the City Manager.

E. Employees may use accrued sick leave for non-work-related disabilities or illnesses up to the effective or commencement date of short-term or long-term disability benefits.

F. A physician's report may be required by one's department manager for extended periods of sick leave usage by an employee in this Unit, or if in the determination of the City Manager, the employee exhibits greater than average, or unusual patterns or circumstances in their use of sick leave.

G. Employees unable to return to work within six (6) months of the date of disability (whether work or non-work-related) may be separated from City employment, unless an extension is approved by the City Manager, and except as otherwise restricted by state or federal law.

H. Employees who have accumulated two-hundred forty (240) hours or more of accrued sick leave may be credited, at the employee's written request, with two (2) additional vacation leave hours for each consecutive three (3) month period in which no paid sick leave was used by the employee.

Section 8.6 Management Leave

In lieu of earning overtime or compensatory time off, department managers (as designated by the City Manager) will be granted up to a maximum of one-hundred twenty (120) hours of paid management leave each fiscal year. The amount available to each management employee may vary, at the discretion of the City Manager. Management leave hours will be credited to the designated manager's leave time account at the commencement of each fiscal year in the total number of hours granted by the City Manager to that employee. Management leave must be used within the fiscal year in which it is earned, and unused leave will not be paid in cash or any other form of compensation upon separation from City employment.

~~Section 8.7 Work Furlough Days~~

~~The two (2) work furlough days carried forward into FY 2014-15, for which employee pay has been reduced since 01 July 2014 through the current payperiod and for which employees in this Unit did not take unpaid time off from work, are hereby eliminated and the corresponding employee compensation is restored retroactive to 01 July 2014.~~

Formatted: Indent: Left: 0"

ARTICLE 9: OVERTIME

Section 9.1 Regular Overtime

The City will compensate eligible regular non-management employees for each one-quarter hour (0.25) of overtime worked at the rate of one and one-half times (1.5) the employee's base hourly rate including applicable FLSA-required compensation. Overtime is defined as hours worked in excess of eighty (80) hours per pay period, or hours worked in excess of a regularly-scheduled shift. Employees working partial or reduced schedules will not be eligible for overtime until their hours worked exceed the regular work hours noted in Article 4. Authorization of the employee's supervisor must be obtained prior to the working of overtime hours, except in emergency situations. Compensation for overtime shall be in the form of cash payment, or if requested by the employee and approved by their supervisor, in the form of compensatory time off (CTO) that shall also accrue at the rate of one and one-half (1.5) times the actual overtime hours worked.

For purposes of calculating overtime and compensatory time, all paid leave shall be considered as hours worked.

Section 9.2 Compensatory Time Off

A maximum of one hundred (100) hours of compensatory time off (CTO) may be accrued by each eligible employee of this Unit, except when additional hours are approved by the City Manager for a recognized or specific operational need or situation. Whenever possible and in the discretion of one's supervisor, overtime shall be compensated with compensatory time off. Compensatory time off may be used by written request of the employee filed at least three (3) days in advance with the appropriate supervisor. Management will make every effort to comply with time off requests of the employee and shall not arbitrarily assign employees to compensatory time off. Accrued unused CTO is compensable on separation of City employment.

ARTICLE 10: BILINGUAL PAY

The City has the sole and exclusive right to determine and designate which Employees, and how many Employees, are eligible to receive bilingual pay of $75.00 per month. Designated Employees will be required to demonstrate conversational fluency in a language (e.g. Spanish) as determined by the City

Manager based on community/public needs and organizational usage. The City may administer a competency test to certify fluency of the Employee in the designated language. Any such certification shall be a condition prior to Employee qualifying for monthly bilingual pay.

ARTICLE 11: AUTOMOBILE ALLOWANCE

Certain employees' duties require that each have continuously available transportation for City business or work-related purposes. Each employee position designated below shall provide an operable personal vehicle for use for normal business and personal use. The Employer agrees to provide each designated employee with a monthly automobile allowance as specified below:

Position	Monthly Auto Allowance
Chief of Police	$370.00
Community Development Director	$345.00
Assistant to the City Manager	$345.00

Each employee shall be responsible for all operation expenses, maintenance expenses, repair expenses, replacement cost and insurance for the personal automobile used for this purpose. Employee shall at all times maintain adequate insurance for the automobile and shall inform his/her insurer that the automobile is used for City business and personal purposes. Each employee shall maintain and provide to the City a valid Certificate of Insurance demonstrating comprehensive automobile liability coverage for the vehicle used and naming the City of Clayton as an additional insured on the applicable insurance policy.

~~ARTICLE 12: LONGEVITY PAY~~

~~Currently employed members of this Unit who on or before 01 August 2014 have fifteen (15) years or more of consecutive years of employment with the City and are at Step E of their respective salary range shall receive a one percent (1%) longevity pay increase retroactive to 01 August 2014 and an additional one percent (1%) longevity pay increase effective 01 July 2015.~~

Formatted: Indent: Left: 0"

~~Because the longevity pay provision is particular to a tenured employee and is not aligned with job classification(s), the longevity pay increase is not considered part of one's base salary classification pay but will be added to a qualifying employee's bi-weekly paycheck. This longevity pay provision sunsets on 01 July 2016 unless mutually approved for continuance by both parties.~~

Formatted: Indent: Left: 0"

ARTICLE 1~~2~~3: TERM OF AGREEMENT

Except as indicated herein, this Agreement shall be effective commencing 01 July 2~~0~~164 and continue up to and through 30 June 2019~~6~~.

IN WITNESS THEREOF, this Agreement is entered into by the following authorized representatives this 30th day of June~~September~~ 2016~~4~~, pursuant to the provisions of CA Government Code Section 3500, et. seq. for presentation to and adoption by the City Council of Clayton, California.

CLAYTON UNDESIGNATED MISCELLANEOUS CITY EMPLOYEES (UNIT)

By:_____
Chris Wenzel~~Charlie Mullen~~, Unit Representative

By:_____
Mindy Gentry~~Laura Hoffmeister~~, Unit Representative

CITY OF CLAYTON, CA (CITY)

By:_____
Gary A. Napper, City Manager

# # # # # # # #

Agenda Date: 7-05-2016

Agenda Item: 10a

CITY OF CLAYTON

Founded 1857 . . Incorporated 1964

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 05 JULY 2016

SUBJECT: ADOPTION OF A RESOLUTION SUPPORTING A CONTRA COSTA TRANSPORTATION AUTHORITY COUNTYWIDE BALLOT MEASURE IN NOVEMBER 2016 TO IMPOSE A 0.5% SALES TAX TO FUND TRANSPORTATION IMPROVEMENT PROJECTS IN CONTRA COSTA

RECOMMENDATION

Following staff report presentation by Mr. Hisham Noeimi, Engineer Manager with the Contra Costa Transportation Authority (CCTA), and the opportunity for public comment, it is recommended the City Council adopt the proposed Resolution of Support, thereby allowing voters of Contra Costa County to exercise their right to determine the outcome of this public policy objective.

BACKGROUND

The Contra Costa Transportation Authority (CCTA) is a public agency formed by Contra Costa voters in 1988 to manage the county's transportation sales tax program and to do countywide transportation planning. CCTA is responsible for maintaining and improving the county's transportation system by planning, funding, and delivering critical transportation infrastructure projects and programs that connect communities, foster a strong economy, increase sustainability, and safely and efficiently get people where they need to go.

CCTA is proposing the imposition of a countywide one-half of one percent (0.5%) sales tax for transportation purposes for a period of thirty years through March 31, 2047. Over the past two years, CCTA conducted extensive consultations with local governments and outreach to a wide variety of interest groups and the public in order to develop a mix of projects and programs to be funded by the proposed sales tax. On May 18, 2016 CCTA released a proposed final Transportation Expenditure Plan (TEP) to guide the use of the proposed sales tax revenues. The proposed final TEP also includes a revised Growth Management Program (GMP), a new Complete Streets Policy, and a new Advance Mitigation Program to help the CCTA achieve its goals to reduce future congestion, manage the impacts of growth, and expand alternatives to the single-occupant vehicle.

The CCTA Board of Directors also adopted Ordinance 16-01 on May 18, 2016 to conditionally amend the Growth Management Program, which includes Exhibit A: *Principles of Agreement for Establishing the Urban Limit Line in the Measure J Transportation Expenditure Plan* ("Measure J TEP"), to match that found in the 2016 TEP. This amendment would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the countywide electorate on the November 8, 2016 ballot.

PUBLIC POLICY DISCUSSION AND OBJECTIVES

Currently, transportation system and infrastructure needs significantly exceed projected revenues. Over the next 30 years, Contra Costa population will continue to grow, resulting in new demands on the transportation infrastructure and additional mobility needs. The new sales tax measure is needed to keep Contra Costa County moving and to create the livable and sustainable communities.

The proposed sales tax measure is expected to generate $2.8 billion (current dollars). Over 23% of the revenues is intended to maintain and improve local streets. Other funding categories include 10.4% to improve major streets and develop complete streets projects, 4% to pedestrian and bicycle facilities, 12% to enhance bus transit and ferry services, 4% to provide transportation for seniors and people with disabilities, and 2.2%for safe transportation for children and school bus pass programs. In addition, significant funding is assigned in the new Measure to improve traffic flow on major commute corridors such as I-680, I-80, Route 242 and Route 4, and to improve the safe flow of goods and services on Vasco Road and Byron Highway in East Contra Costa County. The proposed final TEP also includes funding intended to improve the capacity of the BART system and extend BART to Brentwood.

This TEP is transformative on every level. With a strong focus on technology and innovation, the TEP will deliver a more efficient, cleaner and faster transportation system. The TEP will help reduce emissions through a higher emphasis on transit, technology, and alternative modes of transportation.

The TEP also sets forward clear policies that ensure that while communities grow, the growth is kept within clear urban limit lines. This will allow the county to continue growing in a smart way, while protecting vital open space for parks and farmland. Furthermore, increased investments in bike and pedestrian facilities bring access to the outdoors to every community.

PROCESS AND REQUESTED ACTION

Pursuant to Public Utilities Code Section 180206(b) a Transportation Expenditure Plan (TEP) may not be finally adopted and placed before the voters until it has received the approval of the County Board of Supervisors and city/town councils which in aggregate represent both a majority of the cities/towns in Contra Costa and a majority of the population residing in the incorporated areas of Contra Costa. All jurisdictions will be

asked to adopt the proposed final TEP as presented. CCTA is seeking approval of the proposed final TEP from all cities and towns by July 5th and will seek approval of the County Board of Supervisors on July 12th. CCTA will consider approving the Final TEP and accompanying ordinance to impose the sales tax at its meeting on July 20, 2016 or at a special meeting.

The conditional amendment to the Growth Management Program, which includes Exhibit A: *Principles of Agreement for Establishing the Urban Limit Line in the Measure J TEP*, to match that found in the 2016 TEP would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the November 8, 2016 ballot. For the limited purpose identified in Public Utilities Code Section 180206(b), CCTA seeks the City of Clayton's support of the new Measure by action to adopt the attached Resolution (i.e. Resolution of Support for the Countywide Imposition of One Half of One Percent Sales Tax to Fund Transportation Improvements in Contra Costa.

Adopting the attached Resolution of Support is not subject to the California Environmental Quality Act ("CEQA") because the TEP is not a "project" within the meaning of CEQA. (See 14 C.C.R., §§ 15378, 15352.) Specifically, the City Council's adoption of the Resolution of Support does not constitute the approval of a CEQA project for reasons that include, but are not limited to, the following: (1) the TEP does not authorize the construction of any projects that may result in any direct or indirect physical change in the environment; (2) the TEP is a mechanism for funding potential future transportation projects, the timing, approval, and construction of which may be modified or not implemented depending on a number of factors, including future site-specific CEQA environmental review; and (3) the TEP is subject to further discretionary approvals insofar as it may not be adopted until and unless the pre-conditions set forth in the Public Utilities Code are satisfied. (See 14 C.C.R., §§ 15378, 15352; Public Utilities Code, § 180206(b).)

Attachments: 1. City Resolution of Support [3 pp.]
with "Exhibit A": *Principles of Agreement for Establishing the Urban Limit Line in the Measure J Transportation Expenditure Plan* [2 pp.]
2. Contra Costa County Growth Management Program fact sheet [5 pp.]
3. "Transforming Contra Costa County – Our New 30-Year TEP" [56 pp.]
4. Letter of concerns submitted by Public Advocates, Inc. [3 pp.]

RESOLUTION NO. -2016

A RESOLUTION OF SUPPORT FOR THE COUNTYWIDE IMPOSITION OF ONE HALF OF ONE PERCENT SALES TAX TO FUND TRANSPORTATION IMPROVEMENTS IN CONTRA COSTA, AND TO CONDITIONALLY AMEND THE MEASURE J TRANSPORTATION EXPENDITURE PLAN GROWTH MANAGEMENT PROGRAM

THE CITY COUNCIL
City of Clayton, California

WHEREAS, the Contra Costa Transportation Authority (hereinafter "Authority") proposes the countywide imposition of a one half of one percent sales tax for transportation purposes for a period of thirty years effective on April 1, 2017 through March 31, 2047; and

WHEREAS, the Authority has administered a one half of one percent sales tax for transportation purposes since its inception on April 1, 1989; and

WHEREAS, the Authority conducted extensive consultations with local governments and conducted outreach to a wide variety of interest groups and the public in order to develop a Transportation Expenditure Plan ("TEP") proposing a potential mix of projects and programs to be funded by the proposed sales tax; and

WHEREAS, on May 18, 2016 the Authority authorized the release of a proposed TEP reflecting the results of that consultation and outreach, and seeking concurrence on the proposed TEP from Contra Costa County and the cities and towns within Contra Costa County; and

WHEREAS, on May 18, 2016 the Authority adopted Ordinance 16-01 to conditionally amend the Growth Management Program, which includes Exhibit A: *Principles of Agreement for Establishing the Urban Limit Line in the Measure J Transportation Expenditure Plan ("Measure J TEP"),* to match that found in the 2016 TEP. This amendment would only apply if the one-half of one percent local transportation sales tax is placed in the ballot and successfully approved by the electors on the November 8, 2016 ballot; and

WHEREAS, the proposed TEP includes measures that help reduce future congestion, manage the impacts of growth, and expand alternatives to the single-occupant vehicle; and

WHEREAS, if the proposed TEP is ultimately adopted by the Authority and approved by the voters, the TEP would guide the use of the proposed sales tax revenues; and

WHEREAS, pursuant to Public Utilities Code Section 180206(b) a Transportation Expenditure Plan may not be adopted by the Authority until and unless the proposed TEP has received the approval of the County Board of Supervisors and city and town councils representing both a majority of the cities in Contra Costa County and a majority of the population residing in the incorporated areas of Contra Costa County; and

NOW THEREFORE BE IT RESOLVED, that the City of Clayton Council finds that the proposed TEP is not subject to the California Environmental Quality Act ("CEQA") because the proposed TEP is not a "project" within the meaning of CEQA, and the Council's adoption of this Resolution does not commit the Council to a definite course of action with regard to any specific transportation improvements set forth in the proposed TEP. (See 14 C.C.R., §§ 15378, 15352.) Specifically, the Council's adoption of this Resolution does not constitute the approval of a CEQA project for reasons that include, but are not limited to, the following: (1) the proposed TEP does not authorize the construction of any projects that may result in any direct or indirect physical change in the environment; (2) the proposed TEP is a mechanism for funding potential future transportation projects, the timing, approval, and construction of which may be modified or not implemented depending on a number of factors, including future site-specific CEQA environmental review; and (3) the proposed TEP is subject to further discretionary approvals insofar as it may not be adopted until and unless the pre-conditions set forth in the Public Utilities Code are satisfied. (See 14 C.C.R., §§ 15378, 15352; Public Utilities Code, § 180206(b).)

BE IT FURTHER RESOLVED, that the City of Clayton Council approves, for the limited purpose identified in Public Utilities Code section 180206(b), the proposed TEP released by the Authority on May 18, 2016; and

BE IT FURTHER RESOLVED, that the City of Clayton Council urges the Authority, consistent with the provisions of Public Utilities Code Section 180206, to adopt the proposed TEP; and

BE IT FURTHER RESOLVED, that the City of Clayton Council urges the Contra Costa County Board of Supervisors, consistent with the Public Utilities Code Section 180203, to place the one-half of one percent local transportation sales tax on the November 8, 2016 ballot; and

BE IT FURTHER RESOLVED, that the City of Clayton Council approves of the conditional amendment to the Growth Management Program, which includes Exhibit A: *Principles of Agreement for Establishing the Urban Limit Line in the Measure J TEP,* to match that found in the 2016 TEP. Acknowledging that this amendment would only apply if the one-half of one percent local transportation sales tax is placed on the ballot and successfully approved by the electors on the November 8, 2016 ballot.

PASSED, APPROVED AND ADOPTED, by the City Council of Clayton, California at a regular public meeting thereof held on 5th day of July 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

_____

Howard Geller, Mayor

ATTEST:

_____

Janet Brown, City Clerk

EXHIBIT A

PRINCIPLES OF AGREEMENT FOR ESTABLISHING THE URBAN LIMIT LINE

An applicable ULL shall be defined as 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 area, including future urban development.

Initial Action

1. The Board of Supervisors shall have, with the concurrence of each affected city, adjusted the existing County ULL on or before September 30, 2004, or as expeditiously as possible given the requirements of CEQA, to make the existing County ULL coterminous with city boundaries where it previously intruded inside those incorporated boundaries.

Establishing a Mutually Agreed-Upon Countywide Urban Limit Line ("MAC-ULL")

2. The process to develop a MAC ULL shall have begun by July 1, 2004 with meetings in each sub region between one elected representative of each city and the county. The subregional meeting(s) will be followed by meetings between all of the cities and the county, each being represented by one elected representative. The discussion will include both the suggested ULL as well as criteria for establishing the line and future modifications to the ULL.

3. On or before December 31, 2004, the County and the cities will cooperate in the development of a new MAC-ULL and criteria for future modifications. To be considered a final proposal, the plan must be approved by 4 members of the Board of Supervisors and ¾ of the cities representing ¾ of the incorporated population.

4. The County will be the lead agency in connection with any required environmental review and clearance on the proposed MAC-ULL.

5. After completion of the environmental review process, the proposal shall be submitted to the voters for ratification by November 2006.

6. The MAC-ULL will include provisions for periodic review (5 years) as well as provisions for minor (less than 30 acres) nonconsecutive adjustments.

7. If there is a MAC-ULL, and a Town or City disagrees with that MAC-ULL, it may develop and submit a "LV- ULL" (see 8.b, below), or rely upon an existing voter approved ULL.

Alternatives If There Is No Voter Approved MAC-ULL or If a Local Jurisdiction Chooses Not to Concur with a Voter-Approved MAC-ULL

8. If no MAC-ULL is established by March 31, 2009, only local jurisdictions with one of the following applicable voter approved ULLs will be eligible to receive the 18% return to source funds or the 5% TLC funds.

   a. County ULL. A ULL placed on the ballot by the Contra Costa County Board of Supervisors, adopted at a countywide election and in effect through the applicable GMP compliance period, as its boundaries apply to the local jurisdiction, if: :

(i) That ULL was approved by a majority of the local jurisdiction's voters, either through a separate ballot measure or as part of the countywide election at which the measure was approved;

(ii) The legislative body of the City or Town has accepted and approved, for purposes of compliance with the Measure J GMP, the County ULL boundaries for urban development as its applicable, voter approved ULL;

(iii) Revisions to a City or Town's adopted County ULL boundary requires fulfillment of provisions (8.a.i) and (8.a.ii) above in their entirety; and

(iv) A City of Town may adopt conditions for revising its adopted County ULL boundary by action of the City or Town's legislative body, provided that the conditions limit the revisions of the physical boundary to adjustments of 30 or fewer acres, and/or to address issues of unconstitutional takings, or conformance to state and federal law. Such conditions may be adopted at the time of adoption of the County ULL, or subsequently through amendment to the City or Town's Growth Management Element to its General Plan.

b. *Local Voter ULL (LV-ULL).* A local 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. A jurisdiction may revise or establish a new LV-ULL at any time using the procedure defined in this paragraph.

c. Adjustments of 30 Acres or Less. A local jurisdiction can undertake adjustments of 30 acres or less to its adopted ULL, consistent with these Principles, without voter approval. However, any adjustment greater than 30 acres requires voter approval and completion of the full County ULL or LV-ULL procedure as outlined above.

Conditions of Compliance

9. Submittal of an annexation request by a local jurisdiction to LAFCO outside of an applicable voter approved ULL will constitute non-compliance with the new Measure J Growth Management Plan.

10. For each jurisdiction, an applicable ULL shall be in place through each Measure J Growth Management Program compliance period in order for the local jurisdiction to be eligible to receive the 18% return to source and the TLC funds for that period.

CONTRA COSTA
transportation
authority

ATTACHMENT 2

Contra Costa County Growth Management Program

Introduction

CCTA's Growth Management Program (GMP) has been an essential and successful part of the Transportation Expenditure Plans (TEP) since the passage of Measure C in 1988. The passage of Measure J in 2004 made several refinements to the Measure C GMP such as adding a requirement that each jurisdiction adopt a voter-approved Urban Limit Line (ULL). CCTA's proposed 2016 TEP includes additional elements that require each jurisdiction to adopt applicable growth management policies (ridgeline, wildlife corridor, blue-line stream, etc), modifies the process for a Minor (30 acres or less) adjustment to the ULL to require various findings, and requires that Minor adjustments to accommodate residential or commercial development include permanent mitigation of environmental impacts.

The goals of the Measure J GMP are:

- 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

Evolution of the Contra Costa Growth Management Program / Timeline of Events:

- 1986 - Original Transportation Measure C fails. Original Measure C did not include a Growth Management Program
- 1988 - Revised Transportation Measure C passes, includes Growth Management Program to link transportation funding and growth management policies

- 2004 - CCTA Measure J passes, continues Measure C Growth Management Program and adds requirement that each jurisdiction adopt a voter-approved Urban Limit Line (ULL). Once approved, an adjustment to the ULL requires voter approval, with the exception of Minor (less than 30 acre) adjustments.
- 2006 - Contra Costa County Measure L passes, establishes countywide ULL. Measure L includes provision for Minor (less than 30 acres) adjustments to ULL without public vote subject to findings by the County Board of Supervisors.
- 2016 - CCTA proposes new TEP with revisions to the GMP (jurisdictions must adopt applicable growth policies) and a modified process for Minor ULL adjustments (requirements for finding, including a finding of public benefit, and for permanent mitigation of environmental impacts if the adjustment is to accommodate residential or commercial development.)

Proposed Changes to the Contra Costa Growth Management Program:

CCTA's 2016 TEP proposes to add an 8th element to the GMP requiring jurisdictions to adopt applicable growth management policies. The text below summarizes the requirements of the GMP and outlines the new 8th element for additional growth management policies.

To receive its share of return-to-source funds and be eligible for certain grant programs, each jurisdiction must meet all of the following:

1. **Adopt a Growth Management Element** — Each jurisdiction must adopt, or maintain in place, a Growth Management Element as part of its General Plan.

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 of 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.

3. **Address Housing Options** — Each jurisdiction shall demonstrate reasonable progress in providing housing opportunities for all income levels and shall consider the impacts that its land use and development policies have on the transportation system and shall incorporate policies and standards into its development approval process that support transit, bicycle 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. This cooperative process includes, among other things, the development and implementation of Action Plans for Routes of Regional Significance

5. **Adopt an Urban Limit Line (ULL)** —Each jurisdiction must continuously comply with an applicable, voter-approved ULL. All jurisdictions have either adopted the County's ULL or have adopted a Local voter-approved ULL.

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.

7. **Adopt a Transportation Systems Management (TSM) Ordinance or Resolution** — Each jurisdiction shall adopt a local ordinance or resolution that conforms to the model Transportation Systems Management Ordinance.

8. **Adopt Additional Growth Management Policies, as applicable (proposed new GMP element)** - each jurisdiction must adopt and maintain applicable growth management policies such as hillside, ridgeline and creek development policies and a wildlife corridor policy. Jurisdictions with Prime Farmland and Farmland of Statewide Importance in their planning areas must adopt an Agricultural Protection Policy.

> Compliance with these requirements is monitored through a GMP Checklist prepared and approved every other year by the local jurisdictions.

Proposed Changes to the process to amend the Urban Limit Line (ULL):

The requirement to adopt a voter-approved ULL was included in Measure J (2004). Once approved, an adjustment to the ULL requires voter approval, with the exception of Minor (less than 30 acre) adjustments.

Measure J included a simple process to approve Minor amendments to the ULL. Paragraph 8.c. of Measure J (as amended) reads as follows:

> Adjustment of 30 Acres or Less. A local jurisdiction can undertake adjustments of 30 acres or less to its adopted ULL, consistent with these principles, without voter approval.

Simply put, a jurisdiction can amend the ULL by up to 30 acres with a simple majority vote of its governing body (city council or Board of Supervisors). Some jurisdictions including the County and the cities of Pittsburg, San Ramon and Oakley have included additional restrictions on Minor amendments to the ULL. In its Measure K (2006), the County established requirements of a 4/5 vote of the Board of Supervisors and the need to adopt applicable findings.

CCTA's proposed 2016 TEP modifies the process to approve a Minor amendment to the ULL by establishing additional requirements of approval:

- **requires 4/5 majority vote of a jurisdictions governing body**
- **requires adopting one or more findings as required by County's Measure K (2006)**
- **requires a finding of "public benefit," as defined**
- **requires permanent mitigation of environmental impacts if the Minor amendment is to accommodate housing or commercial development.**

In addition, the proposed 2016 TEP clarifies that Minor amendments to the ULL cannot be continuous with other non-voter approved amendments to the ULL and that amendments cannot create isolated pockets of land outside the existing ULL.

The proposed changes increases the threshold for jurisdictions who have adopted the County's ULL but did not adopt a specific process to approve Minor amendments to the ULL. The proposed changes do not supersede locally adopted processes to approve a Minor amendment to the ULL that have a higher threshold (such as the City of Pittsburg which does not allow for any non-voter approved amendment to the ULL.)

ATTACHMENT 3

Transforming Contra Costa County

Our New 30-Year Transportation Expenditure Plan

2016

CONTRA COSTA
transportation
authority

Table of Contents

Transforming Contra Costa County	3
Plan Summary	4
The Plan for Contra Costa's Future	6
Policy Statements	36
Taxpayer Safeguards and Accountability	48

Transforming Contra Costa County

Contra Costa is a county as unique and diverse as its residents. Our communities stretch from the Richmond coastline to Discovery Bay, from Port Chicago to the San Ramon Valley, and from Mount Diablo to Crocket Hills. We are growing with the times while protecting the qualities that make Contra Costa County a wonderful place to call home. **We need a transportation plan that reflects where we are now and, more importantly, our commitment to pursue transportation policies, planning and investments that will get us where we want to be.**

The Contra Costa Transportation Authority (CCTA) is responsible for maintaining and improving the county's transportation system by planning, funding, and delivering critical transportation infrastructure projects and programs that connect our communities, foster a strong economy, increase sustainability, and safely and efficiently get people and freight where they need to go. CCTA is also the county's designated Congestion Management Agency (CMA), responsible for putting programs in place to keep traffic levels manageable.

Currently, our transportation needs significantly exceed available revenue to meet those needs. Over the next 30 years, our population will continue to grow and that population will have new and additional needs. A new countywide funding measure and Transportation Expenditure Plan (TEP) can keep Contra Costa County moving and create the livable and sustainable communities that all Contra Costans deserve.

After extensive public engagement and analysis, CCTA prepared a 30-year TEP that will **promote a strong economy, protect the environment, maintain and improve local streets and roads, encourage greater transit usage and alternate forms of transportation, and enhance the quality of life for all** of Contra Costa's diverse communities. This new TEP will benefit every person and every part of the county.

This plan is transformative on every level. With a strong focus on technology and innovation, the plan will deliver **a more efficient, cleaner and faster transportation system.**

The new plan will significantly cut emissions through an emphasis on transit, electric and other non-fossil fuel oriented modes of transportation and transportation networks. It provides for new BART cars that will reduce energy use, pollution and costs, and that will provide increased frequency of BART trains and improved BART station access, and also provides for improved bus transit operations and improved bus frequency, potential driverless vehicles, bikes in every community, and connectivity among and with all modes of transportation.

The plan also sets forward clear policies that ensure that while we grow, we will keep all growth within clear urban limit lines. This will allow the county to continue growing in a smart way, while protecting vital open space for parks and farmland. Furthermore, increased investments in bike and pedestrian paths and walkways bring access to the outdoors to every community.

Smooth, safe and complete streets for cars, trucks, buses, bikes and pedestrians, along with extraordinary investments in direct funding to Contra Costa's communities for local street and road repair, will greatly enhance all communities.

For our urban areas, the plan focuses on support for transit and transit-oriented mixed-use development. This includes an emphasis on bicycle and pedestrian opportunities, interconnectivity, transit, traffic smoothing, and technological advances to ensure our systems are efficient and work well together.

This plan will benefit the people who live in Contra Costa County by:

- **Attracting more good jobs**, which will reduce commute trips and congestion
- **Actively managing the impacts of growth** on our community so we support local businesses and preserve our environment
- **Accommodating the needs of all** transportation modes, while increasing the use of alternative transportation; and
- **Enhancing transportation services** for seniors, persons with disabilities and school children

This TEP was developed with two key documents as guidance – the Expenditure Plan Advisory Committee (EPAC) Vision, Goals and Objectives and the CCTA Principles for Development of a Transportation Expenditure Plan. Both documents are available for review at www.CCTA.net. Building on these two documents and extensive public engagement with stakeholders, the TEP articulates how the Authority will use nearly $3 billion in additional revenue to invest wisely – using locally-generated funds and leveraging outside matching funds – to maximize the benefits for all Contra Costa residents by promoting a strong economy, protecting the environment, maintaining and improving local streets and roads, and encouraging greater transit usage and alternate forms of transportation.

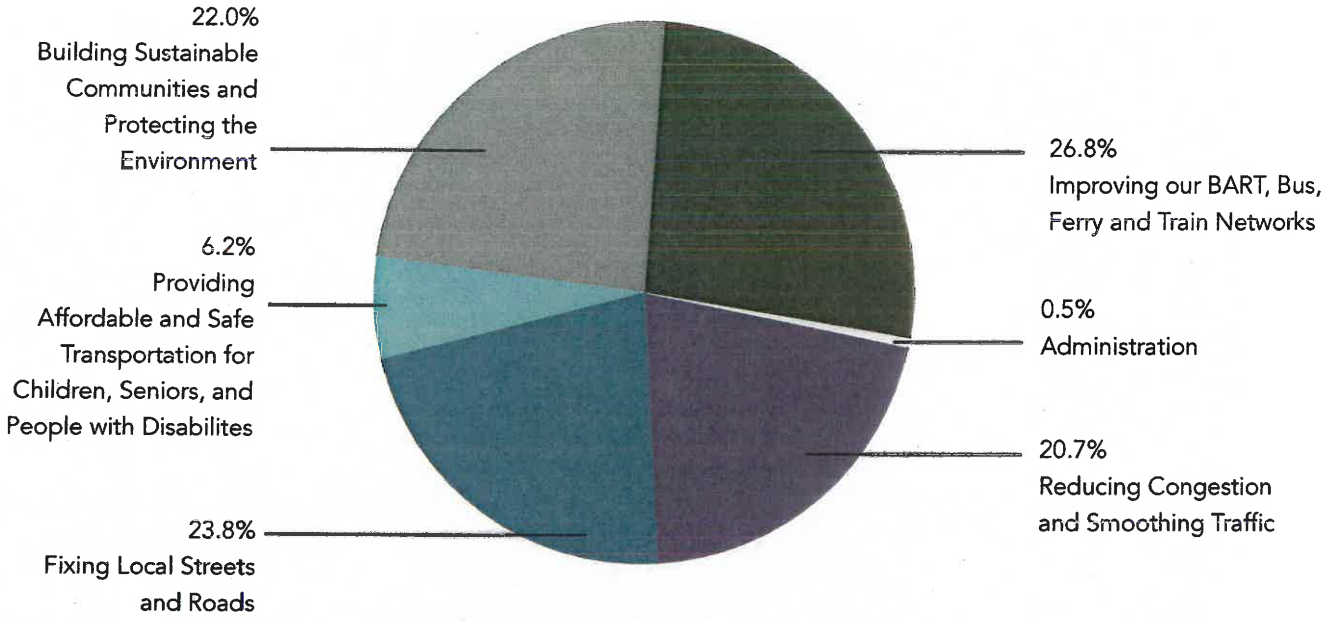
Transportation Expenditure Plan Summary

Transportation Expenditure Plan: Summary of Funding		Funds ($ millions)	%
Improving our BART, Bus, Ferry and Train Networks		770	26.79%
	BART Capacity, Bicycle and Pedestrian Access and Parking Improvements	300	10.44%
	Bus Transit and Other Non-Rail Transit Enhancements	295	10.26%
	East Contra Costa Transit Extension	70	2.44%
	High Capacity Transit Improvements Along the I-80 Corridor	55	1.91%
	Intercity Rail and Ferry Service Improvements	50	1.74%
Reducing Congestion and Smoothing Traffic		595	20.71%
	Traffic Flow Improvements and High Capacity Transit Implementation Along I-680 and SR 24	250	8.70%
	East County Corridor (Vasco Road and/or Byron Highway Corridors) Improvements	117	4.07%
	Traffic Flow Improvements Along SR 242 and SR 4	108	3.73%
	I-80 Interchange Improvements at San Pablo Dam Road and Central Ave	60	2.09%
	I-680 and SR 4 Interchange Improvements	60	2.09%
Fixing Local Streets and Roads		684	23.79%
	Local Street Maintenance and Improvements	684	23.79%
Providing Affordable and Safe Transportation for Children, Seniors, and People with Disabilities		179	6.23%
	Safe Transportation for Children	64	2.23%
	Transportation for Seniors and People with Disabilities	115	4.00%
Building Sustainable Communities and Protecting the Environment		632	21.98%
	Major Streets and Complete Streets Project Grants	290	10.09%
	Pedestrian, Bicycle and Trail Facilities	115	4.00%
	Community Development Transportation Program	100	3.48%
	Innovative Transportation Technologies/Connected Communities Grant Program	65	2.26%
	Transportation Planning, Facilities and Services	43	1.50%
	Regional Transportation Priorities	19	0.65%
	Total Investments	2860	99.50%
	Administration	14	0.50%
	Total Cost	2874	100.0%

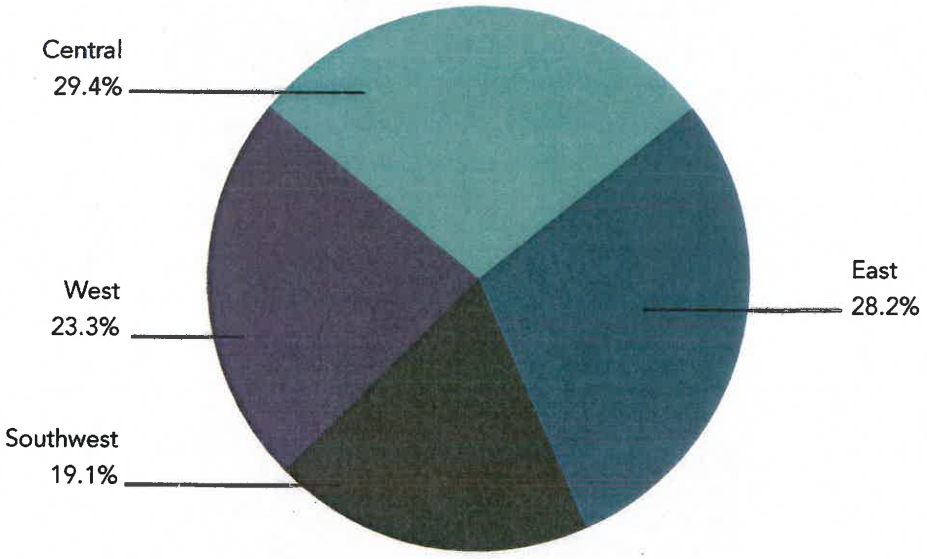
Cost in 2016 Dollars

For the full breakdown see the chart on page 56.

Transportation Expenditure Plan Summary by Category

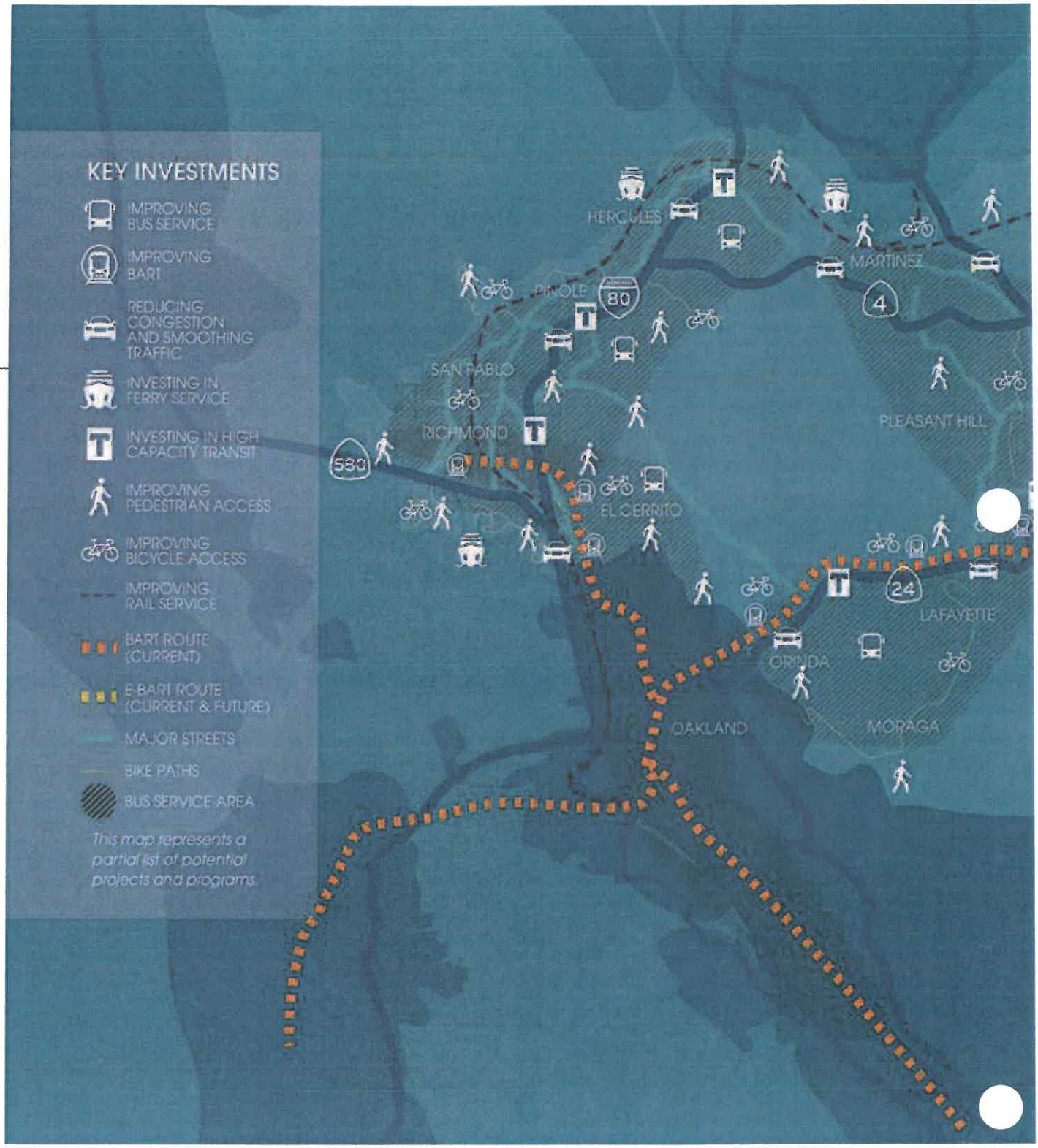


Transportation Expenditure Plan Summary by Region

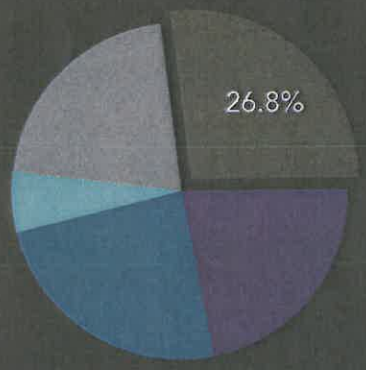


See Appendix A on page 56 for detailed distribution of funding by subregion.

The Plan for Contra Costa's Future



PITTSBURG
4
ANTIOCH
OAKLEY
242
CONCORD
CLAYTON
BRENTWOOD
WALNUT CREEK
Contra Costa
County
4
DANVILLE
680
SAN RAMON
580



Improving our BART, Bus, Ferry and Train Networks

Benefits Key

- Reduces Congestion
- Reduces Greenhouse Gas Emissions
- Improves BART Service
- Improves Bus Service
- Expands Bicycle Access/Improves Bicycle Safety
- Improves Pedestrian Safety
- Improves Transportation Connectivity
- Provides Alternatives to Single-Occupant Vehicle Use
- Integrates New Technology
- Creates Good Local Jobs

Each icon represents a benefit to Contra Costa County as a result of the portion of the plan being described.

BART Capacity, Access and Parking Improvements

$300 Million

This category is intended to provide funding to increase the capacity of and ridership on the BART System in Contra Costa County, including improvements to local BART stations, as well as access and parking in Contra Costa County. Funds in this category are intended to be allocated by the Authority for the acquisition of additional new BART cars, provided that: 1) BART agrees to fund a minimum of $100 million in BART station, access and parking improvements in Contra Costa County from other BART revenues, and 2) a regional approach, that includes commitments of equal funding shares from both Alameda and San Francisco counties and additional regional funding from the Metropolitan Transportation Commission, is developed and approved no later than December 31, 2024.

BART station, access and parking improvements or alternate public transit services that access BART may include station capacity, safety and operational improvements; infrastructure improvements that facilitate Transit Oriented Development at or near BART stations; additional on or off site parking, last mile shuttle or shared vehicles that provide alternatives to driving single-occupant vehicles to BART stations; and bicycle/pedestrian facilities that provide access to BART stations.

In the event that commitments from the four parties to fund additional BART cars are not approved by December 31, 2024, or any date earlier if BART informs the Authority it is no longer pursuing the acquisition of additional BART cars as provided herein, and if BART has maintained the commitment to fund a minimum of $100 million in improvements as described above, the Authority (in consultation with the RTPCs) and BART will jointly identify, and the Authority will allocate these funds for other capacity-enhancing, safety and efficiency increasing projects (to include station, access and parking improvements or alternate public transit services that access BART) that benefit the residents of Contra Costa County.

Prior to the allocation of funds to BART, the Authority Board shall make a finding that BART has consistently maintained its commitment to use a proportional share of its inflation-based fare increase, or an equivalent amount, for capital projects as defined by BART's Resolution No. 5208 passed in February 2013. In years where BART fare revenues are reduced by a decrease in ridership or unforeseen economic circumstances, or where one-time costs are increased by a natural disaster, then the Authority may release funds if the Authority Board makes findings that 1) BART has not reduced its capital project funding disproportionately and 2) BART made best efforts to fund capital projects that benefit Contra Costa County.

Bus Transit and Other Non-Rail Transit Enhancements $295 million

Bus Transit Enhancements in the West Subregion of Contra Costa $111 million

This subcategory is intended to provide funding for public transit operators to maintain and increase transit operations, including any transit capital expenses and/or operating expenses for existing service or service improvements/enhancements in the West subregion of Contra Costa. Funding is to provide for bus transit operations to increase or maintain ridership, including incentivizing transit use by offsetting fares, and improve the frequency and capacity of routes, especially high demand routes. Funding will be allocated by the Authority based on input from the WCCTAC in consultation with local bus operators and stakeholders.

Bus Transit Enhancements and Other Non-Rail Transit Enhancements in the Central, East and Southwest Subregions of Contra Costa $184 million

This subcategory is intended to provide funding for public transit operators to maintain and increase transit operations, including any transit capital expenses and/or operating expenses for existing service or service improvements/enhancements, and also to provide funding for future non-rail transit service alternatives in the Central, East and Southwest subregions of Contra Costa. Funding is to provide for bus transit operations to increase or maintain ridership, including incentivizing transit use by offsetting fares, and improve the frequency and capacity of routes, especially high demand routes. Funding will be allocated by the Authority for the Central, East and Southwest subregions of Contra Costa based on input from the RTPCs in those subregions, in consultation with local bus operators and stakeholders. Funding allocation by the Authority may include use of a portion of the funds for non-rail transit services/projects that demonstrate an innovative approach to maximize the movement of people efficiently and in a manner that reduces Vehicle Miles Traveled (VMT) and Green-house Gas (GHG).

East Contra Costa Transit Extension (BART or alternative)

$70 million

This category is intended to provide funding to improve access to and 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.

High Capacity Transit Improvements along the I-80 Corridor in West Contra Costa County

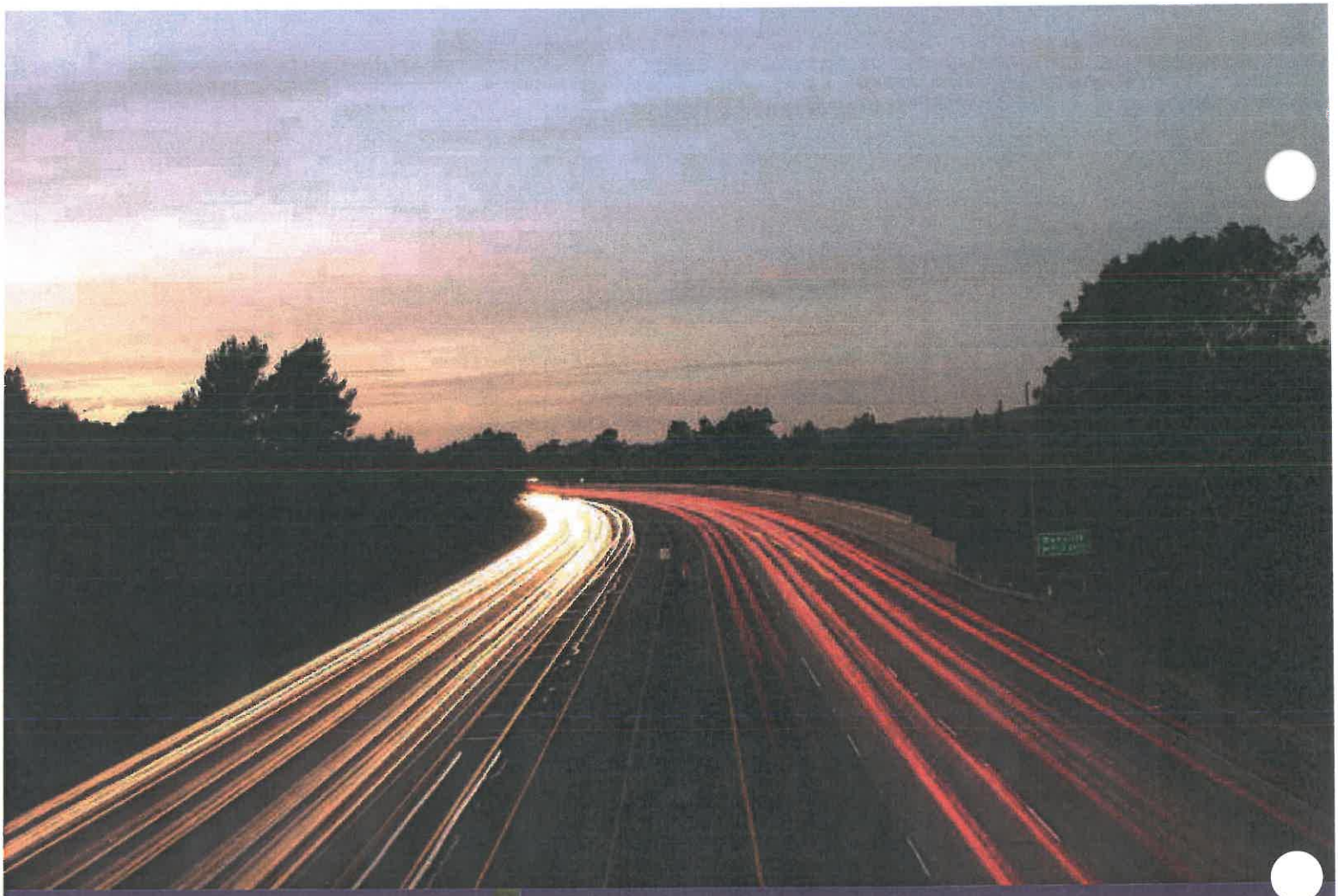
$55 million

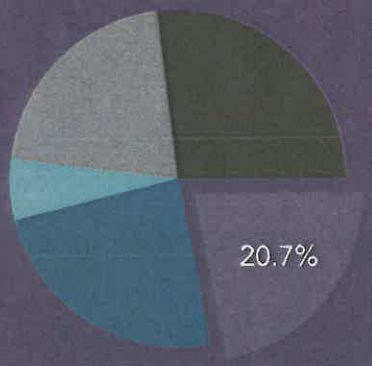
This category is intended to fund projects/programs for high capacity transit improvements along the I-80 corridor. Final determination on the scope of the improvements to be constructed will be based on the final recommendations in the West County High Capacity Transit Study and in consultation with the west 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.

Intercity Rail and Ferries

$50 million

This category is intended to provide funding to construct station and/or track improvements to the Capitol 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, including incentivizing use by 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 the Authority and demonstrate progress toward the Authority's goals of reducing Vehicle Miles Traveled (VMT) and green-house gas (GHG) reductions. Selection of final projects 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.





Reducing Congestion and Smoothing Traffic

Benefits Key

- Reduces Congestion
- Reduces Greenhouse Gas Emissions
- Improves BART Service
- Improves Bus Service
- Expands Bicycle Access/Improves Bicycle Safety
- Improves Pedestrian Safety
- Improves Transportation Connectivity
- Provides Alternatives to Single-Occupant Vehicle Use
- Integrates New Technology
- Creates Good Local Jobs

Each icon represents a benefit to Contra Costa County as a result of the portion of the plan being described.

Traffic Flow Improvements and High Capacity Transit Implementation Along I-680 and SR 24

$250 million

This category is intended to fund an 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 shall be based on a performance analysis of project alternatives consistent with Authority requirements. Projects funded from this category must be on or near the I-680 or the SR 24 corridors. Of the funds assigned to this category in Southwest County, $20 million will be eligible for interchange improvements on the SR 24. 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.

East County Corridor (Vasco Road and/or Byron Highway Corridors) Improvements

$117 million

The Authority shall provide funding to construct a new 2-lane "limited access" connector between Byron Highway and Vasco Road south of Camino Diablo Road as well as shoulder and other improvements to the Byron Highway (including a railroad grade separation) to improve safety and access to the Byron Airport and to facilitate economic development and access for goods movement in East Contra Costa County. For the Vasco Road corridor, the Authority shall provide funding for safety and other improvements oriented at facilitating the use of high-capacity transit and/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.

Prior to the use of any local sales tax funds to implement capacity improvements to either or both of these corridors, the Authority Board must make a finding that the project(s) include measures to prevent growth outside of the Urban Limit Lines (ULL). Such measures might include, but are not necessarily limited to, limits on roadway access in areas outside the ULL, purchase of abutters' rights of access, preservation of critical habitat and/or the permanent protection/acquisition of agricultural and open space or performing conservation measures required to cover this project under the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCP). With the exception of the new connection between Vasco Road and the Byron Highway, funding from this category shall not be used to construct new roadways on new alignments. The Authority will work with Alameda and/or San Joaquin Counties to address project impacts in those jurisdictions.

Traffic Flow Improvements Along the SR 242 and SR 4

$108 million

This category is intended to provide funding 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 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 on or near the SR 242 or SR 4 corridors. Selection of final project(s) shall be based on a performance analysis of project alternatives consistent with Authority requirements.

I-80 Interchange Improvements at San Pablo Dam Road and Central Avenue

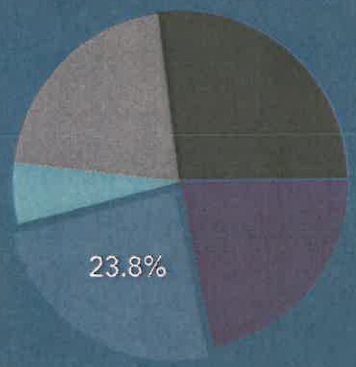
$60 million

This category is intended to fund improvements of the I-80 interchanges at San Pablo Dam Road, Central Avenue, and other locations along I-80 in consultation with the subregion. The improvements of the interchanges are a priority to gain corridor traffic flow improvements.

Interstate 680/State Route 4 Interchange

$60 million

This category is intended to fund an 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.



Fixing Local Streets and Roads

Benefits Key

- Reduces Congestion
- Reduces Greenhouse Gas Emissions
- Improves BART Service
- Improves Bus Service
- Expands Bicycle Access/Improves Bicycle Safety
- Improves Pedestrian Safety
- Improves Transportation Connectivity
- Provides Alternatives to Single-Occupant Vehicle Use
- Integrates New Technology
- Creates Good Local Jobs

Each icon represents a benefit to Contra Costa County as a result of the portion of the plan being described.

Local Street Maintenance & Improvements

$664 million

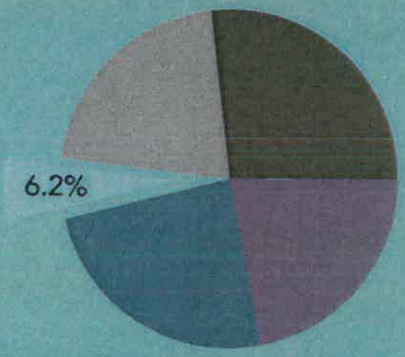
This category is intended to fund maintenance and improvement projects on local streets and roads and may be used for any eligible transportation purposes as defined under the Act. The Authority will distribute 23.1 percent of the annual sales tax revenues to all local jurisdictions with a base allocation 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 information included in the Highway Performance Monitoring System (HPMS)

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.

Additional Local Street Maintenance & Improvements

$20 million

This subcategory is intended to fund additional maintenance and improvement projects on local streets and roads. These additional funds 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.



Providing Affordable and Safe Transportation for Children, Seniors and People with Disabilities

Benefits Key

- Reduces Congestion
- Reduces Greenhouse Gas Emissions
- Improves BART Service
- Improves Bus Service
- Expands Bicycle Access/Improves Bicycle Safety
- Improves Pedestrian Safety
- Improves Transportation Connectivity
- Provides Alternatives to Single-Occupant Vehicle Use
- Integrates New Technology
- Creates Good Local Jobs

Each icon represents a benefit to Contra Costa County as a result of the portion of the plan being described.

Safe Transportation for Children

$64 million

This category is to provide funds to programs and projects that 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.

The 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.

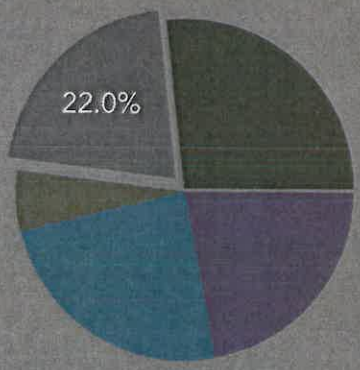
Transportation for Seniors & People With Disabilities

$115 million

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 options.

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 address both Americans with Disabilities Act (ADA) and non-ADA services. 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 will be developed by the Authority, in consultation with direct users of service, stakeholders representing seniors and people with disabilities who face mobility barriers, and non-profit and publicly operated paratransit service providers. Public operators in Contra Costa must participate in the ATS planning process to be eligible to receive funding in this category. The ATS Strategic Plan must be adopted no later than April 1, 2018. The development of the ATS Strategic Plan will not affect the allocation of funds to current operators as prescribed in the existing Measure J Expenditure Plan.



Building Sustainable Communities and Protecting the Environment

Benefits Key

- Reduces Congestion
- Reduces Greenhouse Gas Emissions
- Improves BART Service
- Improves Bus Service
- Expands Bicycle Access/Improves Bicycle Safety
- Improves Pedestrian Safety
- Improves Transportation Connectivity
- Provides Alternatives to Single-Occupant Vehicle Use
- Integrates New Technology
- Creates Good Local Jobs

Each icon represents a benefit to Contra Costa County as a result of the portion of the plan being described.

Major Streets, Complete Streets, and Traffic Synchronization Project Grants $290 million

This category is intended 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 designed to smooth 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 jobs, commercial areas and transit, and the design process which includes 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). The Authority will adopt program guidelines that will include information regarding how to evaluate the range of possible project components. All projects will be selected through a competitive project selection process within each subregion with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal. All projects funded through this program must comply with the Authority's Complete Streets Policy and include complete street elements whenever possible. Twenty percent of the program funding will be allocated to four Complete Streets demonstration projects, one in each subregion, recommended by the relevant RTPC and approved by Authority, to demonstrate the successful implementation of Complete Streets projects no later than April 1, 2022.. Projects will be required to strongly pursue the use of separated bike lane facilities in the demonstration project program. The purpose of these demonstration projects is to create examples of successful complete street projects in multiple situations throughout the county.

Pedestrian, Bicycle and Trail Facilities

$115 million

Two-thirds of the funds from this program shall be used to implement projects in the Countywide Bicycle and Pedestrian Plan, consistent with the current Measure J program. These funds shall be allocated 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. All projects will be selected through a competitive project selection process within each subregion with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal. The review process shall consider project feasibility and readiness and the differing needs of the sub-regions when identifying projects for funding. Funding available through this program is to be primarily used to construct and maintain bicycle, pedestrian and trail facilities, as well as to make safety or other improvements to bicycle, pedestrian and trail facilities. 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 conceptual planning/design phase by 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 component of the funding 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.

Community Development Transportation Program **$100 million**

This category is intended to provide funding to implement a new Community Development Transportation Program (CDTP) to be administered by the Authority in conjunction with the Authority's existing Transportation for Livable Communities Program (TLC) with projects identified by the Authority's Regional Transportation Planning Committees (RTPCs). Funds will be allocated by the Authority on a competitive basis to transportation projects or programs that promote housing within planned or established centers that are supported by transit, or that support economic development and job creation in Contra Costa County. All projects will be selected through a competitive project selection process within each subregion with the Authority approving the final program of projects, allowing for a comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal. Project sponsors must demonstrate that at least 20 percent of the project is funded from other than local transportation sales tax revenue. Additional priority will be given to projects where the sponsor can demonstrate that the project supports and facilitates development of jobs or housing for all income levels and that have additional matching funds that have already been committed or secured. Working with the RTPCs, the Authority will prepare guidelines and establish overall criteria for the program with the intent of complementing and administering the program in conjunction with the Authority's Measure J TLC program no later than December 31, 2017.

Innovative Transportation Technology/Connected Communities Program **$65 million**

This category is intended to provide funding 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. The Authority intends innovative solutions to include installing new digital and communications infrastructures, automated processes and intelligent controls, and integration with other community services, such as public safety and communications providers, to support a more integrated transportation system that promotes economic development, expanded job opportunities, increased government efficiency, reductions in consumption of nonrenewable resources, and increased sustainability, safety and mobility. Examples of eligible projects include but are not limited to expanding opportunities for zero emission vehicle charging; smart rideshare, carshare and bikeshare services; on-demand and personal transit services that complement 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 is to 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. All programs/projects will be selected through a competitive project selection process within each subregion with the Authority approving the final programs/projects for each of the sub-programs, allowing for a comprehensive countywide approach while recognizing subregional needs to achieve the overall program goal.

Project sponsors must demonstrate that the programs provide highly efficient services that are cost effective, integrated and responsive to the needs of the community.

Transportation Planning, Facilities and Services

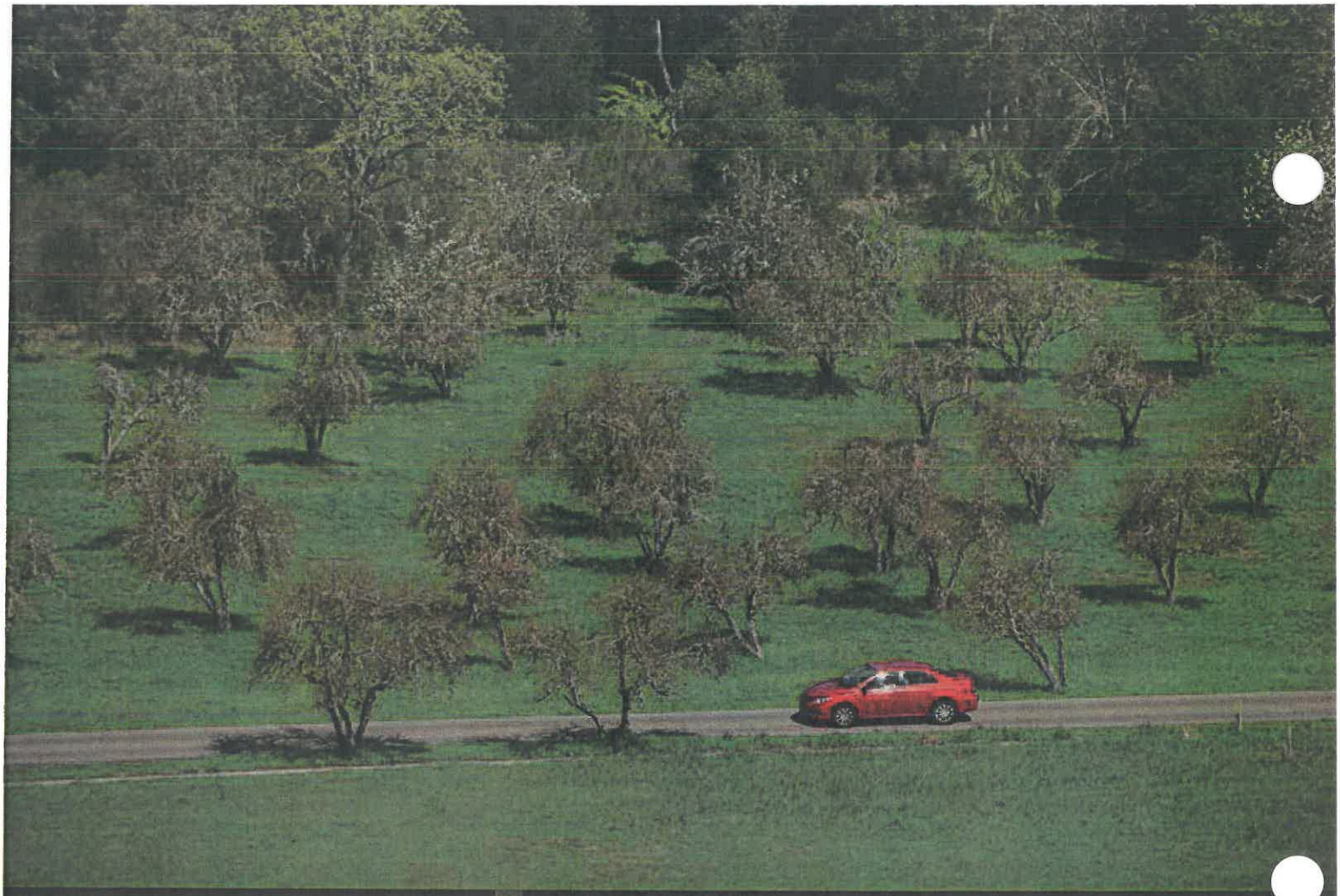
$43 million

This category is intended to provide funding to implement the countywide Growth Management Program, 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.

Regional Transportation Priorities

$19 million

This category is intended to fund any project or program identified in the Expenditure Plan or eligible under the provisions of the Act, including activities that promote alternatives to travel in single occupant vehicles. Program and project recommendations shall be made by each subregion for consideration and funding by the Authority.



Policy Statements

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.

The Measure J Transportation Expenditure Plan Growth Management Program, which includes Attachment A: Principles of Agreement for Establishing the Urban Limit Line, is replaced in its entirety by this Growth Management Program and Attachment A: Urban Limit Line (ULL) Definitions and Compliance Requirements.

Components

To receive its share of the 2016 Transforming Contra Costa County Expenditure Plan funding from Local Streets Maintenance and Improvements funds and its share of Contra Costa's Measure J Transportation Sales Tax Expenditure Plan Local Streets Maintenance & Improvements funding and to be eligible for Contra Costa's Measure J Transportation Sales Tax Expenditure Transportation for Livable Communities funds and the 2016 Transforming Contra Costa County Expenditure Plan funding from Community Development Transportation Program 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 2–8 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.

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.

---

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.

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 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 or other tools adopted by the Authority for measuring performance and quality of service along routes of significance, collectively referred to as 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.

Any of the following actions by a local jurisdiction will constitute non-compliance with the Growth Management Program:

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

8. Adopt Additional Growth Management Policies, as applicable

Each jurisdiction shall adopt and thereafter continuously maintain the following policies (where applicable): a hillside development policy, a ridgeline protection policy, a wildlife corridor policy and a creek development policy. Where a jurisdiction does not have a developable hillside, ridgeline, wildlife corridor or creek, in need to adopt a corresponding policy. An ordinance that implements the East Contra Costa HCP/NCCP shall satisfy the requirement to have an adopted wildlife corridor policy and creek development policy. In addition to the above, jurisdictions with Prime Farmland and Farmland of Statewide Importance (as defined by the California Dept. of Conservation and mapped by FMMP) within their planning areas but outside of their city shall adopt and thereafter continuously maintain an Agricultural Protection Policy. The policy must ensure that potential impacts of converting Prime Farmland and Farmland of Statewide Importance outside the ULL to other uses are identified and disclosed when considering such a conversion. The applicable policies are required to be in place by no later than April 1, 2019.

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 and the allocation procedures 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 2016 Transforming Contra Costa County Expenditure Plan funding from Local Streets Maintenance and Improvements funding and its share of Contra Costa's Measure J Transportation Sales Tax Expenditure Plan Local Streets Maintenance & Improvements 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 2016 Transforming Contra Costa County Expenditure Plan funding from Community Development Transportation Program funds or Contra Costa's Measure J Transportation Sales Tax Expenditure Plan Transportation for Livable Communities funds 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.

Attachment A

Urban Limit Line (ULL) Definitions and Compliance Requirements

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 their 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 Adjustment: An adjustment to the ULL of 30 acres or less is intended to address unanticipated circumstances.
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 Minor Adjustments to their applicable ULL subject to a vote of at least 4/5 of the jurisdiction's legislative body and meeting the following requirements:
   a. Minor adjustment 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) which include:
      - A natural or man-made disaster or public emergency has occurred which warrants the provision of housing and/or other community needs within land located outside the urban limit line.
      - An objective study has determined that the urban limit line is preventing the jurisdiction from providing its fair share of affordable housing, or regional housing, as required by state law, and the governing

elected legislative body finds that a change to the urban limit line is necessary and the only feasible means to enable the county jurisdiction to meet these requirements of state law.

- A majority of the cities that are party to a preservation agreement and the county have approved a change to the urban limit line affecting all or any portion of the land covered by the preservation agreement.
- A minor change to the urban limit line will more accurately reflect topographical characteristics or legal boundaries.
- A five-year cyclical review of the urban limit line has determined, based on the criteria and factors for establishing the urban limit line set forth in Contra Costa County Code (Section 82-1.010), that new information is available (from city, town, or county growth management studies or otherwise) or circumstances have changed, warranting a change to the urban limit line.
- An objective study has determined that a change to the urban limit line is necessary or desirable to further the economic viability of the East Contra Costa County Airport, and either (i) mitigate adverse aviation-related environmental or community impacts attributable to Buchanan Field, or (ii) further the county's aviation related needs; or
- A change is required to conform to applicable California or federal law.

c. Adoption of a finding that the proposed Minor Adjustment will have a public benefit. Said public benefit could include, but is not necessarily limited to, enhanced mobility of people or goods, environmental protections or enhancements, improved air quality or land use, enhanced public safety or security, housing or jobs, infrastructure preservation or other significant positive community effects as defined by the local land use authority. If the proposed Minor Adjustment to the ULL is proposed to accommodate housing or commercial development, said proposal must include permanent environmental protections or enhancements such as the permanent protection of agricultural lands, the dedication of open space or the establishment of permanent conservation easements.

d. The Minor Adjustment is not contiguous to one or more non-voter approved Minor Adjustments that in total exceed 30 acres.

e. 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.

f. Any jurisdiction proposing to process a minor adjustment to its applicable ULL that impacts Prime Farmland and Farmland of Statewide Importance (as defined by the California Dept. of Conservation and mapped by FMMP) is required to have an adopted Agricultural Protection Ordinance or must demonstrate how the loss of these agricultural lands will be mitigated by permanently protecting farmland.

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.

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.

Statement of Policy

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 facilities for all users and all projects 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 the need to widen roadways.

Policy

To achieve this vision, all recipients of funding through this Plan shall consider and accommodate, wherever possible and subject to the Exceptions listed in this Policy, the needs of all users in the planning, design, construction, reconstruction, rehabilitation and maintenance 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 and construction 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 and construction 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 the funding allocation resolution.

Recipients of Local Maintenance and Improvements 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 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 and construction 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).

Statement of Policy

Advance Mitigation Program

The Authority is committed to participate in the creation and funding of an Advance Mitigation Program as an innovative way to advance needed infrastructure projects more efficiently and provide more effective conservation of our natural resources, watersheds and wetlands, and agricultural lands. As a global biodiversity hot spot, the Bay Area and Contra Costa County hosts an extraordinarily rich array of valuable natural communities and ecosystems that provide habitat for rare plants and wildlife, and support residents' health and quality of life by providing clean drinking water, clean air, opportunities for outdoor recreation, protection from disasters like flooding, landslides, and adaptation to climate change. The Advance Mitigation Program aims to integrate conservation into infrastructure agencies' plans and project development well in advance and on a regional scale to reduce potential impacts of transportation projects, as well as to drive mitigation dollars to protect regional conservation priorities and protect important ecological functions, watersheds and wetlands, and agricultural lands that are at threat of loss. The Advance Mitigation Program will provide environmental mitigation activities specifically required under the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), Clean Water Act Section 401 and Section 404, and other applicable regulations in the implementation of the major highway, transit and regional arterial and local streets and roads projects identified in the Plan.

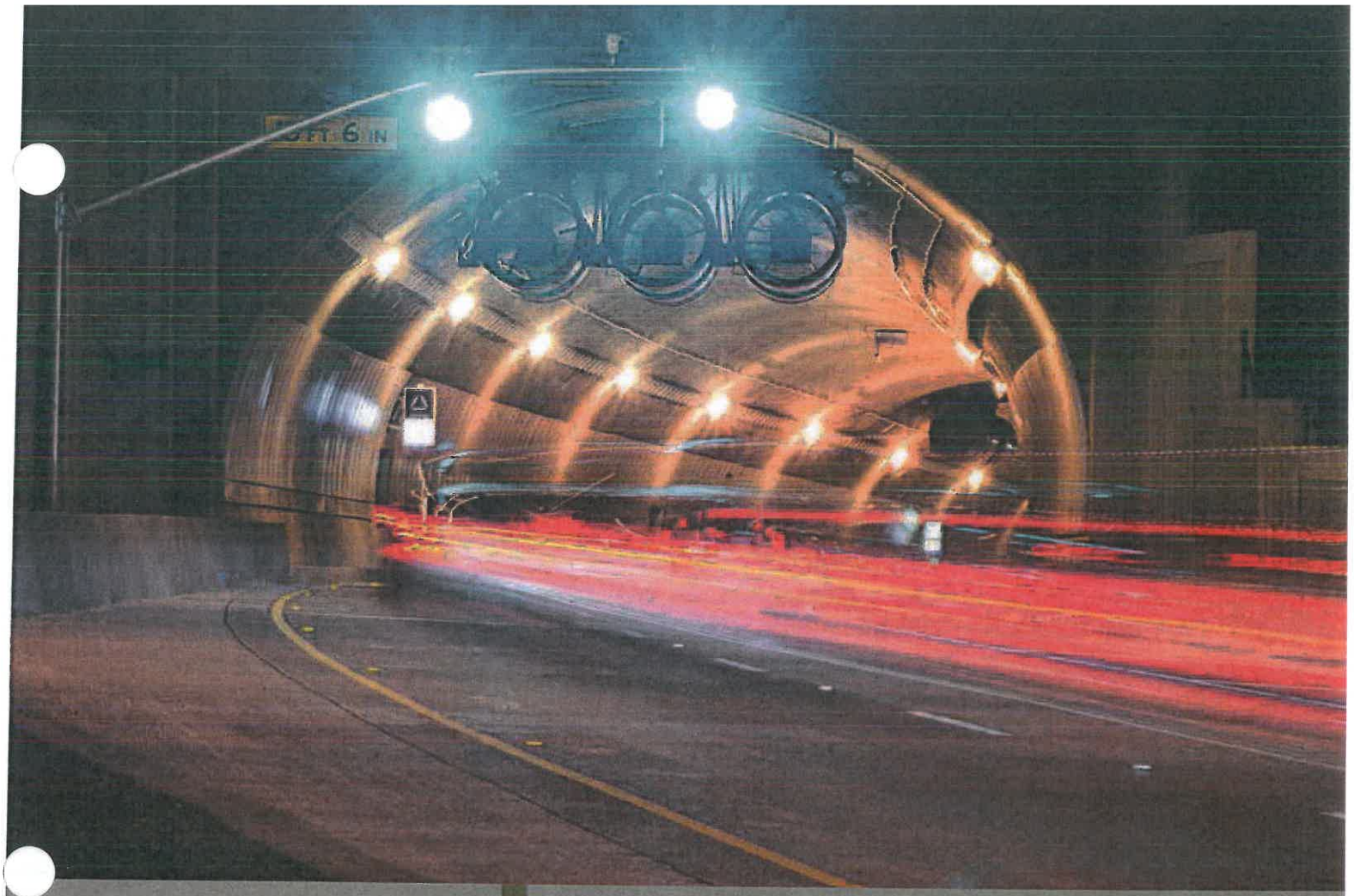
The Authority's participation in an Advance Mitigation Program is subject to the following conditions:

1. Development of a Regional Conservation Assessment/Framework that identifies conservation priorities and mitigation opportunities for all of Contra Costa County. The Regional Conservation Assessment/Framework will include countywide opportunities and strategies that are, among other requirements, consistent with and support the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (East Contra Costa HCP/NCCP) for the areas of the county covered by the East Contra Costa HCP/NCCP. The Regional Conservation Assessment/Framework will identify mitigation opportunities for all areas of the county to ensure that mitigation occurs in the vicinity of the project impact to the greatest extent possible. The Authority will review and approve the Regional Conservation Assessment/Framework, in consultation with the RTPCs, prior to the allocation of funds for Advance Mitigation Program.
2. Development of a Project Impacts Assessment that identifies the portfolio of projects to be included in the Advance Mitigation Program and the estimated costs for mitigation of the environmental impacts of the projects. The Authority will review and approve the Project Impacts Assessment prior to the allocation of funds for the Advance Mitigation Program. The Assessment and estimated costs do not in any way limit the amount of mitigation that may be necessary or undertaken for the environmental impacts of the projects.
3. Development of the legislative and regulatory framework necessary to implement an Advance Mitigation Program in Contra Costa County.
4. The identification of the Implementing Agency to administer the Advance Mitigation Program for Contra Costa County or portions of the Bay Area Including Contra Costa County.

The Authority will determine the amount of funds to be dedicated to this Program following the satisfaction of the above conditions. Funds from the Plan will be allocated consistent with the Regional Conservation Assessment/Framework to fund environmental mitigation activities required in the implementation of the major highway, transit and regional arterial and local streets and roads projects identified in the Plan. If this approach cannot be fully implemented, these funds shall be used for environmental mitigation purposes on a project by project basis. Mitigation required for future transportation improvements identified in the Plan are not limited by the availability of funding or mitigation credits available in the Program.

Projects funded from the following categories of Expenditures are eligible for inclusion in the Advance Mitigation Program:

- Major Streets, Complete Streets and Traffic Synchronization Project Grants
- East Contra Costa Transit Extension
- High Capacity Transit Improvements along the I-80 Corridor in West Contra Costa County
- Traffic Flow Improvements Along I-680 and SR 24
- Traffic Flow Improvements Along SR 242 and SR 4
- I-80 Interchange Improvements at San Pablo Dam Road and Central Ave
- I-680 and SR 4 Interchange Improvements
- East County Corridor (Vasco Road and/or Byron Highway Corridors)
- Pedestrian, Bicycle and Trail Facilities
- Community Development Transportation Program



Taxpayer Safeguards and Accountability

Governing Structure

Governing Body and Administration

The 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 WCCTAC
- 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.

The four subregions within Contra Costa: Central, West, Southwest and East County are each represented by a Regional Transportation Planning Commission (RTPC). Central County (TRANSPAC subregion) includes Clayton, Concord, Martinez, Pleasant Hill, Walnut Creek and the unincorporated portions of Central County. West County (WCCTAC subregion) includes El Cerrito, Hercules, Pinole, Richmond, San Pablo and the unincorporated portions of West County. Southwest County (SWAT subregion) includes Danville, Lafayette, Moraga, Orinda, San Ramon and the unincorporated portions of Southwest County. East County (TRANSPLAN subregion) includes Antioch, Brentwood, Oakley, Pittsburg and the unincorporated portions of East 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.
- 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 application of the Performance-based Review policy
- 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 noticed in local media outlets throughout Contra Costa County, posted to the Authority Website and made 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.

Committee members shall be selected to reflect community, business organizations and other interests within the County. The goal of the membership makeup of the Public Oversight Committee is 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. One member will be nominated by each of the four subregions with the RTPC representing the subregion nominating the member. The Board of Supervisors will nominate four members, with each of these four members residing in and representing one of the county's four subregions. Eight members will be nominated by each respective organization detailed here, with each having one representative: League of Women's Voters, Contra Costa Taxpayers Association, East Bay Leadership Council, Building and Construction Trades Council, Central Labor Council, Paratransit Coordinating Council, Bike East Bay, and environmental and/or open space organizations operating in Contra Costa County (specific organization may vary during the life of the measure). About one half of the initial member appointments will be for two years and the remaining appointments will be for three year terms. Thereafter, members will be appointed to two year terms. Any individual member can serve on the Committee for no more than 6 consecutive years.

Committee members will be Contra Costa County residents who are not elected officials at any level of government or public employees from agencies that either oversee or benefit from the proceeds of the Measure. 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.

The 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.

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 (i.e. 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 a minimum of 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 the 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 Transportation Planning 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
- Bus Transit Coordinating 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 sales 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 30 years from April 1, 2017 through March 31, 2047.

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. Identification of Projects or Programs in the Plan does not ensure their implementation. As authorized, the Authority may amend or delete Projects and Programs identified in the Plan, including to provide for the use of additional federal, state and local funds, to account for unexpected revenue, to maintain consistency with the current Contra Costa Countywide Transportation Plan, to take into consideration unforeseen circumstances, and to account for impacts, alternatives, and potential mitigation determined during review under the California Environmental Quality Act (CEQA) at such time as each Project and Program is proposed for approval.
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 half percent (0.5%) of revenues from the Measure. 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 Transportation Planning Committee(s) will participate in the development of the proposed amendment(s). A majority of the Authority Board is required to approve an amendment and 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.

6. **Jurisdiction**: The Authority retains sole discretion regarding interpretation, construction, and meaning of words and phrases in the Transportation Expenditure Plan.

Taxpayer Safeguards, Audits and Accountability

7. **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

8. **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, Bus Transit and Other Non-Rail Transit Enhancements, or Transportation for Seniors & People With Disabilities programs funding (including but not limited to 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.

9. **Performance Audits**: The following funding categories shall be subject to performance audits by the Authority: Local Streets Maintenance and Improvements, Major Streets/Complete Streets/Traffic Signal Synchronization Program, Bus Transit and Other Non-Rail Transit Enhancements, Transportation for Seniors and People with Disabilities, Safe Transportation for Children, Intercity Rail and Ferry Service, Pedestrian, Bicycle, and Trail Facilities, Community Development Transportation Program, and Innovative Transportation Technology/ Connected Communities Program. Each year, the Authority shall select and perform a focused performance audit on two or three of the funding categories listed above, so that at the end of the fourth year all funding categories listed above are audited. This process shall commence two years after passage of the new sales tax measure. Additional Performance Audits shall continue on a similar cycle for the duration of the Plan. The performance audits shall provide an accurate quantitative and qualitative evaluation of the funding categories to determine the effectiveness in meeting the performance criteria established by the Authority. In the event

that any performance audit determines that a funding category 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.

10. **Maintenance of Effort (MOE)**: Funds generated by the new sales tax Measure are to be used to supplement and not replace existing local revenues used for streets and highways purposes. The basis of the MOE requirement will be the average of expenditures of annual discretionary funds on streets and highways, as reported to the Controller pursuant to Streets and Highways Code Section 2151 for the three most recent fiscal years before the passage of the Measure where data is available. 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 Streets Maintenance and Improvements funds until MOE compliance is achieved. The audit of the MOE 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.

    Any local jurisdiction wishing to adjust its maintenance of effort requirement shall submit to the Authority a request for adjustment and the necessary documentation to justify the adjustment. The Authority staff shall review the request and shall make a recommendation to the Authority. Taking into consideration the recommendation, the Authority may adjust the annual average of expenditures reported pursuant to Streets and Highways Code Section 2151. The Authority shall make an adjustment if one or more of the following conditions exists:

    1. The local jurisdiction has undertaken one or more major capital projects during those fiscal years, that required accumulating unrestricted revenues (i.e., revenues that are not restricted for use on streets and highways such as general funds) to support the project during one or more fiscal years.
    2. A source of unrestricted revenue used to support the major capital project or projects is no longer available to the local jurisdiction and the local jurisdiction lacks authority to continue the unrestricted funding source.
    3. One or more sources of unrestricted revenues that were available to the local jurisdiction is producing less than 95 percent of the amount produced in those fiscal years, and the reduction is not caused by any discretionary action of the local jurisdiction.
    4. The local jurisdiction Pavement Condition Index (PCI) is 70 or greater, as calculated by the jurisdiction Pavement Management System and reported to the Metropolitan Transportation Commission.

11. **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.

12. **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.

13. **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

14. **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.

15. **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). Prior to approval or commencement of any project or program included in the Plan, all necessary environmental review required by CEQA shall be completed.

16. **Performance-based Project Review**: Before the allocation of any measure funds for the construction of a project with an estimated capital cost in excess of $25 million (or elements of a corridor project with an overall estimated cost in excess of $25 million), the Authority will: 1) verify that the project is consistent with the approved Countywide Transportation Plan (CTP), as it may be amended, 2) verify that the project is included in the Regional Transportation Plan / Sustainable Communities Strategy, and 3) require the project sponsor to complete a performance based review of project alternatives prior to the selection of a preferred alternative. Said performance based review will include, but not necessarily be limited to, an analysis of the project impacts on greenhouse gas emissions, vehicle miles travelled, goods movement effectiveness, travel mode share, delay (by mode), safety, maintenance of the transportation system and consistency with adopted Authority plans. The Authority may require the evaluation of other performance criteria depending on the specific need and purpose of the project. When appropriate, the Authority will encourage project sponsors to identify and select a project alternative that reduces greenhouse gas emissions as well as vehicle miles travelled per capita. The Authority will also prioritize and reward high performing projects by leveraging additional regional and other funding sources. The Authority shall adopt detailed guidelines for evaluating project performance and applying performance criteria in the review and selection of a preferred project alternative no later than October 1, 2018.

17. **Countywide Transportation Plan**: State law allows each county in the San Francisco Bay Area that is subject to the jurisdiction of the regional transportation planning agency to prepare a Countywide Transportation Plan (CTP) for the county and cities within the county. Both Measure C and Measure J also require the Authority to prepare and periodically update a CTP for Contra Costa. State law also created an inter-dependent relationship between the CTP and regional planning agency. Each CTP must consider the region's most recently adopted Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) while the adopted CTPs must form the "primary basis" for the next RTP and SCS. The Authority shall follow applicable statutes and the most current guidelines for preparing the CTP, as established and periodically updated by the regional transportation planning agency. The Authority shall also use the CTP to convey the Authority's investment priorities, consistent with the long-range vision of the RTP and SCS.

18. **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 and maintenance 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.

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 Program (CDTP) 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, including policy requiring prevailing wages, apprenticeship programs for Contra Costa residents,

and veteran hiring policy (such as the Helmets to Hardhats program) to the extent permitted by law. The Authority, will adopt the aforementioned policy for projects and programs funded by the measure no later than April 1, 2018.

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.

22. **Countywide Transit Plan**: The Authority will develop a countywide transit plan identifying services and projects to be funded with this Measure. The plan will be inclusive of services and projects in adopted plans of existing transit operators which have gone through a public review process prior to adoption. The plan will be periodically reviewed and updated. Funding will be allocated by the Authority throughout the County based on input from each Regional Transportation Planning Committee and on performance criteria established by the Authority in consultation with local and regional bus transit operators, providers of alternate non-rail transportation, and stakeholders. Said performance criteria will include a review of impact on Vehicle Miles Traveled (VMT) and Green-house Gas (GHG) and 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.

Project Financing Guidelines and Managing Revenue

23. **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.

24. **Project and Program Financing**: The Authority has the authority to bond for the purposes of expediting the delivery of transportation projects and programs. The Authority will develop a policy to identify financing procedures for the entire plan of projects and programs.

25. **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 being 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.

26. **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 time 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 in consultation with the subregion RTPC 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 other modes of travel in the same subregion, 3) other expenditure plan projects or programs, 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.

27. **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 described above.

Appendix

Table of Expenditure Plan Funding Allocations

Funding Category	$ millions	%	Distribution of Funding By Subregion			
			Central (a)	Southwest (b)	West (c)	East (d)
BART Capacity, Access and Parking Improvements	300.00	10.44%	88.10	57.38	69.77	84.75
Bus Transit Enhancements in West Contra Costa	110.55	3.84%			110.55	
Bus Transit and Other Non-Rail Transit Enhancements in Central, East and Southwest Contra Costa	184.40	6.42%	61.45	61.45		61.50
East Contra Costa Transit Extension	70.00	2.44%				70.00
High Capacity Transit Improvements along the I-80 Corridor	55.00	1.91%			55.00	
Intercity Rail and Ferry Service Improvements	50.00	1.74%	8.00		35.00	7.00
Traffic Flow Improvements & High Capacity Transit Implementation Along I-680 & SR 24	250.00	8.70%	125.00	125.00		
East County Corridor (Vasco Rd and/or Byron Highway Corridors)	117.00	4.07%				117.00
Traffic Flow Improvements along SR 242 & SR 4	108.00	3.76%	44.00			64.00
I-80 Interchange Improvements at San Pablo Dam Road and Central Avenue	60.00	2.09%			60.00	
Interstate 680 and State Route 4 Interchange Improvements	60.00	2.09%	60.00			
Local Street Maintenance and Improvements	663.50	23.09%	191.96	147.53	145.63	178.38
Add'l Local Street Maintenance and Improvements	20.00	0.70%	20.00			
Transportation for Seniors and People with Disabilities	115.01	4.00%	30.80	19.30	28.15	36.76
Safe Transportation for Children	63.96	2.23%	8.72	20.03	26.12	9.09
Major Streets, Complete Streets and Traffic Synchronization Project Grants	290.00	10.09%	108.40	46.40	56.60	78.60
Pedestrian, Bicycle and Trail Facilities	115.00	4.00%	28.30	30.35	26.41	29.94
Community Development Transportation Program	100.00	3.48%	25.26	16.45	20.00	38.29
Innovative Transportation Technology / Connected Communities Grant Program	65.00	2.26%	22.10	11.00	16.70	15.20
Transportation Planning, Facilities & Services	43.05	1.50%	12.64	8.23	10.02	12.16
Regional Transportation Priorities	18.70	0.65%	5.00	3.70	5.00	5.00
Administration	14.35	0.50%	4.20	2.75	3.35	4.05
TOTAL	**2873.52**	**100.0%**	**843.93**	**549.57**	**668.30**	**811.72**
Population Based Share			**843.87**	**549.58**	**668.33**	**811.72**
Population Share (2030 Estimate) of Total			**29.37%**	**19.13%**	**23.26%**	**28.25%**

Numbers in this chart are rounded for viewing simplicity.

ATTACHMENT 4

Board of Governors

Joan Harrington, Chair
Santa Clara University
School of Law

Fred W. Alvarez
Jones Day

Alina Ball
UC Hastings College of the Law

Barbara J. Chisholm
Altshuler Berzon LLP

Martin R. Glick
Arnold & Porter LLP

Bruce Ives
LifeMoves

Dolores Jimenez
Kaiser Permanente

Leo P. Martinez
UC Hastings College of the Law

Anita D. Stearns Mayo
Pillsbury Winthrop Shaw Pittman LLP

Robert H. Olson
Squire Patton Boggs (retired)

Rohit K. Singla
Munger, Tolles & Olson LLP

Abdi Soltani
ACLU of Northern California

Staff

Guillermo Mayer
President & CEO

John T. Affeldt
Richard A. Marcantonio
Managing Attorneys

Isabel Alegría
Director of Communication

Liz Guillen
Director of Legislative & Community Affairs

Deborah Harris
Director of Development

Sumi Paik
Director of Finance & Administration

Angelica K. Jongco
Samuel Tepperman-Gelfant
Senior Staff Attorneys

Rigel S. Massaro
Chelsea Tu
David Zisser
Staff Attorneys

Michelle Pariset
Policy Advocate

Anne Bellows
Attorney & Equal Justice Works Fellow

Angela Perry
Law Fellow

Patty Leal
Finance Manager

Karem Herrera
Legal Administrative Coordinator

Tia Nguyen
Administrative Assistant

Madelyn Wargowski
Development & Administrative Assistant

Jesse White
Communication Coordinator

PUBLIC ADVOCATES
MAKING RIGHTS REAL

June 17, 2016

Received
JUN 20 2016
City of Clayton

BY EMAIL:
Mayor Howard Geller and Councilmembers
City of Clayton
City Hall
6000 Heritage Trail,
Clayton, California 94517

Re: Proposed Sales Tax Expenditure Plan

Dear Mayor Geller and Councilmembers:

As you consider the proposed Resolution of Support for a sales tax and Transportation Expenditure Plan, we write, in concurrence with the Sierra Club, to bring to your attention two key pieces of information. First, the Contra Costa Transportation Authority has taken the position that it is under no obligation to fund *any* of the investments listed in the Transportation Expenditure Plan (TEP) it asks you to approve. Second, the Authority abandoned its commitment to perform full environmental review of the TEP and assess the performance of meaningful alternatives, thereby depriving you and the public of essential information to make an informed decision.

Before casting your vote on CCTA's proposed sales tax, we believe *the Authority has some hard questions to answer* about why it is unwilling to commit to sticking to the plan it developed without a proper analysis of impacts and alternatives.

CCTA highlights the benefits of specific projects, such as "BART to Brentwood," and claims that the TEP is "transformative on every level." But at the May 18 board meeting at which CCTA authorized the release of the proposed Transportation Expenditure Plan to local jurisdictions, multiple board members emphasized that the projects described in the TEP could be modified or eliminated at any time. One board member noted that the plan could change dramatically as soon as ten months down the road. Similarly, CCTA's staff report and the proposed resolution for your consideration assert merely that the TEP will "guide" expenditures and noting that "the timing, approval, and construction" of projects in the TEP "may be modified or not implemented depending on a number of factors."

Public Advocates Inc. 131 Steuart Street, Suite 300 San Francisco, CA 94105-1241 415.431.7430 fax 415.431.1048 www.publicadvocates.org
Sacramento Office 1225 Eighth Street, Suite 210 Sacramento, CA 95814-4809 916.442.3385 fax 916.442.3601

Importantly, CCTA does not promise to come back to you or the voters before making the decision to depart from the TEP.

Hard question: *Why are the city councils and voters of Contra Costa County being asked to support a plan that CCTA can change as soon as the day after the election without any public accountability?*

In addition, CCTA has failed to conduct an environmental review of the proposed TEP pursuant to the California Environmental Quality Act (CEQA). The Authority has failed to follow through on the promise it made in July 2015 to prepare an Environmental Impact Report "specifically intended to inform the development of a 2015 Draft Transportation Expenditure Plan (Draft TEP)." (Notice of Preparation, p. 4) This EIR would have studied three alternative options for the TEP, providing full disclosure of the relative environmental impacts or benefits of each and also an assessment against regional performance and equity measures, as required by MTC's Guidelines on Countywide Transportation Plans. (The attached document lays out these proposed alternatives.)

Unfortunately, CCTA abandoned its commitment to complete an EIR to inform the development of the TEP as well as its commitment to study a meaningful range of alternatives. While the Authority claims that it has considered impacts and alternatives, this analysis was cursory at best, and done without the transparency and accountability afforded by CEQA. Because of this, you are being asked to approve a plan without adequate information about its environmental impacts, and without a complete view of what alternatives to CCTA's current proposal would look like and what benefits they might yield over the proposed plan.

Hard question: *How can CCTA claim that it has prepared a "transformative" plan when it has refused to analyze a full range of options or to subject the plan to a complete environmental review?*

Local elected officials and their constituents, the voters who are being asked to take on $2.9 billion in new taxes, deserve greater clarity and transparency than CCTA has provided in this process. We ask you to join the many concerned voters and advocates throughout Contra Costa County and demand answers to questions like these from CCTA before voting to support the proposed sales Tax Expenditure Plan.

Very truly yours,

Richard Marcantonio
Managing Attorney

Sam Tepperman-Gelfant
Senior Staff Attorney

Cc: Gary A. Napper, City Manager

Encl.: Table of draft EIR alternatives released by CCTA on Sept. 14, 2015

TABLE 1: 2013 RTP AND TRANSPORTATION INVESTMENT OPTION FUNDING SUMMARY (2014 $ in Millions)

	2013 RTP		Option A Community Focus		Option B Economic Focus		Option C Environmental Focus		November 2015 Draft	
	Funding	Percent of Total	Total Cost	Percent of Total	Total Cost	Percent of Total	Total Cost	Percent of Total	Funding	Percent of Total
Freeways and Roadway Projects										
Arterial/Roadway	587	17.3%	75	1.1%	749	10.9%	0	0.0%		
Integrated Corridor Management	4	0.1%	231	3.3%	271	3.9%	414	6.0%		
Freeway	1,210	35.6%	0	0.0%	448	6.5%	0	0.0%		
Goods Movement	22	0.6%	0	0.0%	45	0.7%	0	0.0%		
Interchange	239	7.0%	18	0.3%	481	7.0%	0	0.0%		
Major Streets: Safety	0	0.0%	51	0.7%	68	1.0%	68	1.0%		
Transit Projects										
BART Improvements and Expansion	448	13.2%	1,419	20.6%	1,174	17.0%	483	7.0%		
Bus Improvements and Expansion	283	8.3%	189	2.7%	0	0.0%	0	0.0%		
Capitol Corridor	14	0.4%	73	1.1%	73	1.1%	37	0.5%		
Express Bus/Bus Rapid Transit	23	0.7%	463	6.7%	50	0.7%	305	4.4%		
Ferries	92	2.7%	172	2.5%	0	0.0%	0	0.0%		
I-680 Transit Investment Options Improvements	0	0.0%	500	7.2%	175	2.5%	0	0.0%		
Park-and-Ride Projects	120	3.5%	100	1.4%	84	1.2%	0	0.0%		
San Joaquin Rail Line	26	0.8%	0	0.0%	15	0.2%	0	0.0%		
West County High Capacity Transit Investment Improvements	0	0.0%	500	7.2%	175	2.5%	0	0.0%		
Countywide Capital & Maintenance Projects and Programs										
BART Seismic Improvements	0	0.0%	197	2.9%	197	2.9%	0	0.0%		
Local Streets and Maintenance	8	0.2%	1,242	18.0%	2,070	30.0%	1,449	21.0%		
Pedestrian, Bicycle, and Trails	276	8.1%	406	5.9%	35	0.5%	172	2.5%		
Transportation for Livable Communities	25	0.7%	93	1.3%	81	1.2%	483	7.0%		
Other Countywide Programs										
Administration	0	0.0%	23	0.3%	23	0.3%	23	0.3%		
Bus Operations	0	0.0%	799	11.6%	300	4.3%	683	9.9%		
Bus Pass for Middle School and High School Students and Fare Reduction	23	0.7%	10	0.1%	10	0.1%	449	6.5%		
Bus Services to/from PDAs	0	0.0%	0	0.0%	0	0.0%	435	6.3%		
Commute Alternatives	0	0.0%	0	0.0%	25	0.4%	138	2.0%		
Congestion Management and Planning	0	0.0%	73	1.1%	73	1.1%	105	1.5%		
Innovation	0	0.0%	0	0.0%	75	1.1%	0	0.0%		
Maintenance	0	0.0%	0	0.0%	0	0.0%	0	0.0%		
PDA Displacement Prevention Program	0	0.0%	20	0.3%	20	0.3%	207	3.0%		
PDA: Complete Streets	0	0.0%	20	0.3%	0	0.0%	345	5.0%		
Regional Advanced Mitigation Program	0	0.0%	0	0.0%	0	0.0%	138	2.0%		
Safe Transportation for Children	0	0.0%	134	1.9%	91	1.3%	310	4.5%		
Subregional Needs	0	0.0%	0	0.0%	0	0.0%	104	1.5%		
Transportation for Seniors and People with Disabilities	0	0.0%	92	1.3%	92	1.3%	552	8.0%		
TOTAL	3,400	100.0%	6,900	100.0%	6,900	100.0%	6,900	100.0%		
2013 RTP Project Total *			3,400		3,400		3,400			
GRAND TOTAL			10,300		10,300		10,300			

* Option C does not include the James Donlon Extension

** Numbers may not add up due to rounding.

CITY OF CLAYTON
Founded 1857... Incorporated 1964

Agenda Date: 7-05-2016

Agenda Item: 10b

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Brown, City Clerk

DATE: July 5, 2016

SUBJECT: Consider three appointments to the Planning Commission for terms of office commencing July 6, 2016 through June 30, 2018.

BACKGROUND

The terms of office for incumbent Planning Commissioners Dave Bruzzone, Sandra Johnson and Gregg Manning expired on June 30, 2016. City Planning Commissioners are appointed for two year terms. Ms. Johnson and Mr. Manning are "termed-out" from further consecutive years of office on the Commission (per section 2.12.020 of the *Clayton Municipal Code*) while Commissioner Bruzzone informed the City on June 1, 2016 he would not seek reappointment.

Staff advertised for Planning Commission applications in the Clayton Pioneer, on the City's website, and at the City's three (3) posting areas. Applications were due on June 15, 2016 and five citizens applied. Subsequently, one applicant verbally informed the City Clerk on June 16 that he was unavailable for the interview with the City Council.

Official appointments to the Planning Commission require City Council vote. On June 21, 2016 the City Council interviewed three candidates, and then expressed interest in allowing the 2 other applicants unable to attend that date an opportunity to interview on July 5th. In consideration of that delay, the City Council indicated it would continue to accept additional interested applicants to interview on the same evening provided the file by a staff determined date (Friday, July 1st by noon). The City Clerk contacted the two applicants that were unable to participate in the interview process on June 21, 2016 and confirmed their availability to interview with the City Council on July 5, 2016 prior to its regular meeting. As of the deadline on July 1, 2016 two additional applications were received. In total, four (4) additional applicants will be interviewed by the City Council prior to tis regular 7:00 p.m. meeting.

RECOMMENDATION

Adopt the attached Resolution indicating which three (3) individuals to be appointed to the Planning Commission, for two year terms.

FISCAL IMPACT

None.

Attachments: Resolution - 2 pages
Applications (4) - 8 pages
Applications of Previously interviewed Planning Commission Applicants (3) – 11 pages

RESOLUTION NO. -2016

A RESOLUTION APPOINTING THREE CITIZENS TO THE CLAYTON PLANNING COMMISSION

THE CITY COUNCIL
City of Clayton, California

WHEREAS, in 1964 the City Council of Clayton adopted Ordinance No. 20 establishing the City of Clayton Planning Commission with five (5) members; and

WHEREAS, the terms of office for existing Commissioners David Bruzzone, Sandra Johnson and Gregg Manning expire on June 30, 2016; and

WHEREAS, staff advertised the upcoming vacancy of three appointive positions on the Planning Commission and set a deadline of June 15, 2016 for candidates to submit an application to serve; and

WHEREAS, five interested citizens submitted timely applications expressing willingness to serve in this appointed capacity.

WHEREAS, on June 21, 2016 the Clayton City Council interviewed three of the five candidates; the two candidates were unable to make the interview due to circumstances out of their control; and

WHEREAS, on June 21, 2016 the Clayton City Council re-opened the Planning Commission application acceptance until July 1, 2016; and

WHEREAS, on July 1, 2016, the City Clerk received 2 additional applications of interested parties to serve on the Planning Commission; and

WHEREAS, on July 5, 2016 the Clayton City Council interviewed four candidates; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby appoint the following three individuals to the Planning Commission of the City of Clayton for full two-year terms of office:

_____: July 1, 2016 through June 30, 2018

_____: July 1, 2016 through June 30, 2018

_____: July 1, 2016 through June 30, 2018

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 5th day of July 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

_____
Howard Geller, Mayor

ATTEST:

_____
Janet Brown, City Clerk

APPLICANTS

FOR

PLANNING COMMISSION

ON

JULY 5, 2016

Received
JUN 14 2016
City of Clayton

CITY OF CLAYTON
Founded 185 .. Incorporated 1964

* CITY PLANNING COMMISSION * APPLICATION

All information contained on this application is a public record subject to public disclosure. This includes home address and all phone numbers. This public office is required by state law to complete and file an annual Financial Statement of Economic Interest

Name:____Bassam Altwal_____

Date:___6/10/2016_____

Home address: 33 El Molino Dr. _ Contact phone: _415.310.3010_

Length of residence in Clayton: ___10 Years_____

Email address bassam@calaccessibility.com_____

Present employer: ____Cal Accessibility (Owner) _____

Occupation:___Access Specialist _____

A. Education and special training: _____
_Mastwrs Degree in Architecture,
_DSA Certfied Access Specialist _

B. Please list experiences and activities which particularly qualify you for an appointment to the Clayton Planning Commission:

__My Degree was about city Planning (350 page book and a nighborhood design project) 1987 Venice - Italy

__I was the Vice president of Architecture for a local architectural firm that dealt with Planning and shopping centers designs.

C. What do you consider to be the role of a City Planning Commissioner?

_Review develpment projects presented to the City and evaluate them based on criteria set already with the broder setting of the City plan and not just limited to the area of the project._Respecting the Zonning codes.

__I believe the planner should always make sure that the City remains a wonderful place to live.

D. Other relevant information and interests:

Being here for only 10 years and loving it allows me to bring my International experience and fresh view to the position.
Local soccer coach and Referee
Riding Motorcycles
Family.

E. Please list three references with phone numbers:

1.Dennis Tobin (Clayton Resident) 925.324.5645
2.Matt Mazzei Sr. (Clayton Resident) 925.766.9300
3.Jeff Annison (Clayton Resident) 510.393.0738

Signature

The City of Clayton appreciates your interest and willingness to seek involvement in your community through civic service on our City Planning Commission. Thank you for your application.

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

Received
JUL 01 2016
City of Clayton

* CITY PLANNING COMMISSION * APPLICATION

All information contained on this application is a public record subject to public disclosure. This includes home address and all phone numbers. This public office is required by state law to complete and file an annual Financial Statement of Economic Interest

Name: WILLIAM GALL

Date: 7/1/2016

Home address: 707 ACORN DRIVE Contact phone: 925-672-4133

Length of residence in Clayton: 16 YRS.

Email address: DEACONBILLGALL@COMCAST.NET

Present employer: RETIRED

Occupation: SALES MANAGER

A. Education and special training:

B.S. BUSINESS ADMINISTRATION - KING'S COLLEGE, WILKES-BARRE, PA 1970
ORDAINED AS PERMANENT DEACON 1995 - ROMAN CATHOLIC DIOCESE OF OAKLAND. ASSIGNED TO ST. BONAVENTURE PARISH, CONCORD.

B. Please list experiences and activities which particularly qualify you for an appointment to the Clayton Planning Commission:

MEMBER CDCA
RECENT RETIREE WANTING TO GET MORE INVOLVED IN THE COMMUNITY

C. What do you consider to be the role of a City Planning Commissioner?

RESOURCE TO THE CITY COUNCIL
OVERALL INTEREST IN THE GOOD OF THE CLAYTON COMMUNITY.

D. Other relevant information and interests:

E. Please list three references with phone numbers:

1. HOWARD GELLER
2. BOB STEINER
3. GREG MANNING

Signature

The City of Clayton appreciates your interest and willingness to seek involvement in your community through civic service on our City Planning Commission. Thank you for your application.

CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

Received
JUN 01 2016
City of Clayton

* CITY PLANNING COMMISSION * APPLICATION

All information contained on this application is a public record subject to public disclosure. This includes home address and all phone numbers.
This public office is required by state law to complete and file an annual Financial Statement of Economic Interest

Name: Robert David Scrosati

Date: 5/29/2016

Home address: 5181 Keller Ridge Drive Home phone: (925) 693-0951

Business phone: (925) 286-1094

FAX number: _____ if applicable

Length of residence in Clayton: 6 years

E-mail address: rrscrosati@comcast.net

Present employer: UC Berkeley Real Estate & Development Department

Occupation: Consulting Inspector

A. Education and special training:

Completion of High School and completion of 5 years Vocational /Trade School as a Journeyman Plumber. ICBO and IAPMO certification in the Uniform Plumbing and Mechanical Codes in residential and commercial categories. Successfully completed courses of instruction in 1993 NE Update and 1994 UBC Update.

B. Please list experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission:

1978 - 1988 Ten Years of combined experience as a Plumbing/Mechanical Inspector (City of Oakland and City of Concord): plan review of residential and commercial buildings, seismic requirements, equipment installation, and alterations in compliance with code requirements.

1988 – 2000 Twelve Years as a Sr. Building Inspector responsible for management of Santa Clara County Building Inspections Office; all Plumbing/Mechanical plan check review of non-residential construction; interpretation and enforcement of code compliance.

Active participation in various Santa Clara County staff development workshops such as: Front-Line Leadership; Diversity; and Safety Awareness.

Work experience has provided me with the ability to work well with contractors, general public and upper management.

Worked for TRB + Associates as a consultant plan checker for plumbing and mechanical systems for several years, reviewing mechanical and plumbing plans for local City governments.

2000 to Present: Have been working under a professional service agreement as a consultant for The Regents of the University of California, Berkeley, Real Estate and Development Department as an inspector and plan checker.

C. What do you consider to be the role of a Planning Commissioner?

City commissioner is an elected official who oversees city activities and works to ensure that citizen concerns are met, federal and state requirements are fulfilled, and City operations run smoothly.

D. Other relevant information and interests:

Volunteer driver for Meals on Wheels in Concord and Clayton area.

Vice-President for ICS on Line, Inc. (family owned UL panel shop and industrial programing business) in Ripon, California.

Gardening / landscape and maintenance of home. Enjoy spending time with my children, and grandchildren.

E. List three references with phone numbers:

Malcolm Gausted, Director and Campus Building Official for UC Berkeley (925) 250-9988 Michael Harrison Manager / Building Official Santa Clara County (408) 299-5718

Todd Bailey owner of TRB + Associates (925) 866-2633

Robert Scovati

Signature

CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

Received

JUL 01 2016

City of Clayton

* CITY PLANNING COMMISSION * APPLICATION

All information contained on this application is a public record subject to public disclosure. This includes home address and all phone numbers. This public office is required by state law to complete and file an annual Financial Statement of Economic Interest

Name: Carl "CW" Wolfe

Date: 7-1-16

Home address: 1132 Peacock Creek Dr Contact phone: 9256726772

Length of residence in Clayton: 26 years

Email address: cwwolfe@gmail.com

Present employer: McDonald's Corporation

Occupation: Creative Director

A. Education and special training: High School Equiv - Marketing/PR/Advertising Seminars/Classes - Voiceover Teacher - Comedy performer. 40(+) years @ McDonald's Corporation

B. Please list experiences and activities which particularly qualify you for an appointment to the Clayton Planning Commission:

CBCA Member/Volunteer

Rib Cook-off Committee

4th of July Parade Announcer

Jim Diaz Election Committee/Volunteer

Public supporter of Measure H/2016

C. What do you consider to be the role of a City Planning Commissioner?

To consider, for the good of the community, building & land use permits

D. Other relevant information and interests:

looking to volunteer more in City/citywide events, activities, + government/civic opportunities

Have skills in Advertising/PR/Marketing & Commercial Productions

E. Please list three references with phone numbers:

1. R.P. Calewart (925) 672-7967
2. Ted McDavitt (925) 323-5137
3. Robert Hermans (925) 693-0228
4. Rory Richmond (925) 864-8687

Signature

The City of Clayton appreciates your interest and willingness to seek involvement in your community through civic service on our City Planning Commission. Thank you for your application.

APPLICANTS

PREVIOUSLY INTERVIEWED

FOR

PLANNING COMMISSION

ON

JUNE 21, 2016

CITY OF CLAYTON

Founded 1857 .. Incorporated 1964

Received
MAY 18 2016
City of Clayton

* CITY PLANNING COMMISSION * APPLICATION

All information contained on this application is a public record subject to public disclosure. This includes home address and all phone numbers. This public office is required by state law to complete and file an annual Financial Statement of Economic Interest

Name: Dale A Davis

Date: 5 18 2016

Home address: 1039 Feather Circle, Clayton Contact phone: 510 333 1943

Length of residence in Clayton: 14 Years

Email address: sfdad@comcast.net

Present employer: Self Employed

Occupation: Owner of Virtual Building Browser

A. Education and special training: Washburn university, Pre Engineering, ,AIA series and LEED professional

B. Please list experiences and activities which particularly qualify you for an appointment to the Clayton Planning Commission:

over 40 years in the Architectural and Engineering design , construction and operation of major facilities across the globe

My current resume is attached for review and information

C. What do you consider to be the role of a City Planning Commissioner?

The Planning Commission has the primary responsibility for approving Claytons comprehensive plan. This document includes Ci
The Commission advises the City Council on annexations, zoning related issues, subdivision development, and architectur d s
The Commission cooperates with other municipal or regional planning commissions, and other agencies or groups, to furth ca

D. Other relevant information and interests:

City of Clayton improvements and green building uses

E. Please list three references with phone numbers:

1. Jerry Davis 1 925 575 6238
2. Harshad Doshi 1 708 203 4505
3. Duane Davies 1 510 773 8128

Dale A Davis

Signature

The City of Clayton appreciates your interest and willingness to seek involvement in your community through civic service on our City Planning Commission. Thank you for your application.

Dale Davis, CxA, LEED AP, ACG Certified Commissioning Authority – MEP Energy Specialist

Dale Davis has more than 30 years of facility construction, engineering, commissioning, operations and maintenance knowledge and experience, with responsibility for managing projects from inception through occupancy and beyond. With more than 30 years of mechanical, electrical, and plumbing design and construction experience, Mr. Davis understands all facets of the industry and is qualified to manage project assignments of all sizes. He has managed an array of facility projects including High Density Data Centers, airport expansions, fast track office buildings, convention centers, hotels and hospitals. He is known for completing projects on time and on schedule and is experienced in multiple project delivery methods, particularly design build. As a member of the National Bureau of Standards Smart Building Alliance Dale is working on a Facility Maintenance and Operation program to use BIM (Building Information Modeling) and COBIE as tools to improve facility operation and maintenance and fully supports true cloud based Commissioning.

Background

Washburn University, Topeka, KS.
LEED Accredited Professional
ASHE Certified Healthcare Contractor
Associate AIA
Published in ASHRAE, ASHE, USGBC
Seminars on the Design Build process at the American Society Health Care Engineers national conventions
Presentations at National Conventions for BCA and USGBC
Guest lecturer at the UCLA School of Construction Management
Received awards from the Air Force and Corps of Engineers for Outstanding program management as well as from the City of Los Angeles for Outstanding Contributions for the Los Angeles Convention Center Project
Member of the Nation Bureau of Standards, Smart Building Alliance
Associations: OSHPD, AIA, NSPE, NFPA, NSPE, EEA, ASHE, ASHRAE, DBIA, AGC, USGBC
Members of Uptime Institute and Data Center Dynamics
Is Patent Holder for a Cloud Based Asset Management system, Virtual Building Browser

PROFESSIONAL EXPERIENCE

03/30/2013-Present- Commissioning Manager- Virtual Building Browser, Inc
06/15/2012-03/29/2013- Western Regional Cx Manager-Primary Integration Solutions
04/16/09-06/14/1012 - Sr Project Manager and commissioning agent-KBA, Inc.
10/15/07- 03/15/09 - Jtec HCM, Inc- Sr. Project Manager
3/2/2006- 09/30/2007- Ted Jacob Engineering Group, LLC.-Managing Principal, EVP
2/1/2004 – 3/28/2006 - Kaiser Permanente- Sr Project Manager Rebuild LAMC Sunset
8/01/2002 to 6/15/2003- HMH Construction Co. Sacramento, CA. Project Executive
2001 to 7/2002- Turner Construction Co. Sr. Manager – Pre-Construction-Western Region
1998 to 2001– Bovis Lend Lease Construction Corp : Regional Technical Manager
1978 to 1998 - Syska & Hennessy Engineers and CEM, Associate Partner Los Angeles & San. Francisco, CA. CEM is a Design Build Company owned by Syska & Hennessy

Dale Davis, LEED ap, CxA Commissioning Experience

Owner	Facility Type	Location	Size/S.F.	Year	Comments
VA	Hospital	Fayetteville, Ak	7,800	2015	Commissioning Agent
VA	Hospital	Temple , Tx	35,000	2015	Commissioning Agent
Roche B 729	Lab/Research	Pleasanton, Ca	47,000	2014	Commissioning Agent
Roche Spring BIO Lab	Lab/Research	Pleasanton, Ca	8,000	2014	Commissioning Agent
Abbott Labs	Lab/Research	Santa Clara, Ca	52,000	2013	Commissioning Agent
Kaiser	Data Center	Pleasanton, Ca	35,000	2013	Commissioning Oversight
Google	Office Build Out	B 46, Mountain View, ca	52,000	2011	Commissioning Agent/ Leed ap
Google	Golden Castle	Mountain View, Ca	36,000	2012	Commissioning Agent
SEMPRA	HD Data Center	Monterey Park, Ca	18,000	2013	Commissioning Agent/ Leed ap
Stanford Vision Ctr	Eye Institute	Palo Alto, Ca	30,300	2010	Commissioning Agent/ Leed ap
Google	Office Build Out	1900 Charleston, Mountain View, ca	95,000	2011	Commissioning Agent/ Leed ap
Google	Office Build Out	1950 Charleston, Mountain View, ca	95,000	2009	Commissioning Agent/ Leed ap
Google	Office Build Out	2000 Charleston, Mountain View, ca	95,000	2010	Commissioning Agent/ Leed ap
John Muir Hospital	Hospital & CP	Walnut Creek, Ca.	325,000	2007-09	Commissioning manager
John Muir Hospital	Hospital & CP	Concord, Ca	176,000	2007-09	Commissioning manager
Highland Hospital	Hospital & CP	Oakland, Ca.	425,000	2008-09	Completed Cx RFP and selection Process
Santa Clara	Crime Lab	San Jose, Ca	90,000	2006	Wrote and Coordinated Cx Plan
Ask.com	HD Data Center	Moses Lake, Wa	35,000	2007	Wrote and Coordinated Cx Plan
Countrywide	HD Data Center	Dallas, Tx	43,000	2007	Wrote and Coordinated Cx Plan
Countrywide	HD Data Center	Phoenix, Az	43,000	2007	Wrote and Coordinated Cx Plan

Fox.com	HD Data Center	Houston, Tx	38,000	2007	Wrote and Coordinated Cx Plan
Go Daddy.com	HD Data Center	Houston, Tx	42,000	2007	Wrote and Coordinated Cx Plan
Cisco Rnd624	HD Data Center	Richardson, Tx	45,000	2006	Wrote and Coordinated Cx Plan
Hoag Hospital	Hospital & CP	Newport Beach, CA	450,000	2004	Completed Cx Plan and LEED registration
Withheld	Hospital & CP	West Hollywood, Ca	650,000	2004	Oversight on Contractors Cx. Plan
Withheld	Hospital & CP	Santa Monica, CA	575,000	2001	Suggested Cx Subs for Owner/ Completed RFQ
State of California	Hospital & CP	UC Davis, California	475,000	1999	Wrote and Coordinated Cx Plan
US Air Force	Hospital & CP	Barksdale AF Base, LA	125,000	1997	Completed Cx Plan
US Air Force	Hospital & CP	Travis AF Base, CA	35,000	1998	Completed Cx Plan
US Air Force	Hospital & CP	Nellis AF Base, NV	14,000	1998	Completed Cx Plan
US Air Force	Hospital & CP	Luke AF Base, AZ	16,000	1997	Completed Cx Plan
US Air Force	Hospital & CP	Ft Meade, MD	375,000	1997	Completed Cx Plan
Millenium Dev	39 Flr Mix. Use	SF, CA	950,000	1999	Completed Cx Plan
City of SF	Hospital & CP	SF, CA	727,000	2001	Team Member on Cx Plan / and Worked on LEED
Kaiser	Hospital & CP	3 Locations	350,000	2002	Outlined Cx Plan Specifications/On Green Team
B of A	Data Ctr	Los Angeles, CA	NA	1996	Retro Commissioning PM
B of A	Data Ctr	SF, CA.	NA	1996	Retro Commissioning PM
City of LA	Convention Ctr	Los Angeles, CA	1.5 Million	1995	Complete Cx and O & M
Hawaii Conv. Bureau	Convention Ctr	Hawaii	750,000	1996	Complete Cx and O & M

All of the data centers were N+2

Dale Davis is a driving force behind Virtual Building Browsers commitment to a paperless solution for building commissioning and real time facility asset management. He believes in putting the client first, to listen carefully and work on finding a solution to what often is a very complicated puzzle, and then carry out the solution with the highest standards of quality and integrity.

Reference Quote:

As the Facility Manager for a large (650,000 SF Hospital) my time was very valuable. The Hospital Commissioning manager was Dale Davis.

Dale's knowledge and experience brought this effort to a very successful completion freeing up my efforts to concentrate on managing the Hospital. This transpired into the level of detail and analysis I was hoping to get...I appreciate how he performed as a true team leader and how well he understood my project.

Tony Leon
Director Facility Technical Services
Kaiser LAMC Sunset

References

Kaiser LAMC-750,000 SF Replacement Hospital and Central Plant

I was Commissioning Manager. Ref Tony Leon- 401 304 7909

Richard Fleig-667-600-2271

Google 2000 , 1950 and 1900 Charleston-3 90,000 SF Renovations

Commissioning Authority and LEED enhanced Cx lead.

Reference: Anthony Ravitz- Google- 650-253-0676

John Muir Med Center-375,000 SF Hospital Expansion

I was Commissioning Manager

Reference-Nathan Valech-OSHPD-510-459-0824

Google B-46- 54,000 SF Interior renovation

Commissioning Authority and LEED enhanced Cx lead

Reference-Frank Chiu-Google- 650-621-0364

SEMPRA Energy Data Center-7,000 SF HD Data Center Addition

Commissioning Authority

Reference-Paul Lombardi- SEMPRA Energy-562-804-4304

Stanford Eye Institute-35,000 SF Eye Treatment Center expansion

Commissioning Authority and LEED enhanced Cx lead

Reference: Joel McKinney-Stanford Medical Center-650-721-2146

Dale Davis
510 333 1943
sfdad@comcast.net

Received

JUN 15 2016

City of Clayton

PLANNING COMMISSION APPLICATION

All information contained on this application is public record. This includes home address and all phone numbers and this position is required to fill out a Financial Statement of Economic Interest.

Name: Amy Hines-Shaikh

Date: 06/14/2016

Home address: 112 La Encinal Ct. Home phone: 925-822-4213

Business phone: 562-201-9243

FAX number: N/A if applicable

Length of residence in Clayton: February 2012

E-mail address: yamshines@gmail.com

Present employer: University Professional & Technical Employee

Occupation: Higher Education Director

Education and special training: Masters in Organizational Development & Knowledge Management, George Mason University, Arlington, VA - May 2015

Masters in Labor Relations and Research, University of Massachusetts, Amherst - May 2005

Bachelor of Science, Political Science, University of Utah - 200

Experience and activities, which particularly qualify you for an appointment to the Clayton Planning Commission:

On the Sacramento and Yolo County Workforce Investment Boards 2007 - 2009

Involved in activism around the Salt Lake City Winter Olympic Games - February 2002

How do you perceive the role of a Planning Commissioner?

A balancing act of many interests

Other interests and hobbies:

Playing in the park with my 6 month old son, Ayaan.

List three references with phone numbers:

Monika Mayhew 925-817-8402

Tammy Slezak 925-360-7330

Flor & Hugh Tolani 925-672-6686

Jim & Eileen Hansen 925-759-4377

Amy Lines Shaikh

Signature

p.s. - If I am not selected for the planning commission, please consider me for the trails and landscaping committee

CITY OF CLAYTON
Founded 1857 .. Incorporated 1964

Received
MAY 31 2016
City of Clayton

* CITY PLANNING COMMISSION *
APPLICATION

All information contained on this application is a public record subject to public disclosure. This includes home address and all phone numbers. This public office is required by state law to complete and file an annual Financial Statement of Economic Interest

Name: Jerry F. Waitrovich

Date: 5/27/16

Home address: 401 Grenache Circle Contact phone: 925-672-1170

Length of residence in Clayton: Since 1985

Email address: None

Present employer: Retired From Pacific Coast Industries in 1997

Occupation: General Manager of Operating Division @ Pacific Coast and At Certain Teed Corporation

A. Education and special training: B.S Chemical Engineering, University of Wisconsin
Post Graduation Course in Statistics at
Institute of Chemistry in Appleton Wis
D'Youville College in Buffalo New York
Held Mangement Positions in Paper Industry, Roofing Manufacturing, and Clay Products

B. Please list experiences and activities which particularly qualify you for an appointment to the Clayton Planning Commission:
Served on the Planning Commission of Plymouth Township in Suburban Philadelphia (population of 35,000) between late 1960's to 1974. While on the Planning Commission I lead an effort to establish a Comprehensive Plan for the Community

Elected to the Township Board of Commissioners (the governing body of the community) in 1971. Was re-elected 4 years later for a second term with over 65% vote approval. On the Board I was the President for 6 years I implemented Long range fiscal planning and proper budgeting process

C. What do you consider to be the role of a City Planning Commissioner?

To aid Council in the area of development and offer City Council specific recommendations on how and where Clayton should develop and grow in concert with the wishes of the Citizens

D. Other relevant information and interests:

Member of Branch 19 of SIRS that meets @ Oakhurst. Was Big Sir of the Branch in 2000

Member of St Bonaventure Church since moving to California in 1980

Enjoy playing competitive Duplicate Contract Bridge and have achieved Bronze Life Master Status

E. Please list three references with phone numbers:

1. George Voigt 672-3703
2. Dennis and Carlina Fryer 672-3806
3. Erik Dietrich 510-847-6442 (Cell)

Jerry F. Waterman

Signature

The City of Clayton appreciates your interest and willingness to seek involvement in your community through civic service on our City Planning Commission. Thank you for your application.

Agenda Date: 7-05-2016

Gary Napper

Agenda Item: 10C

Subject: FW: July 5th Council Agenda

-----Original Message-----
From: hgeller@ci.clayton.ca.us [mailto:hgeller@ci.clayton.ca.us]
Sent: Wednesday, June 29, 2016 4:36 PM
To: gnapper@ci.clayton.ca.us
Subject: Re: July 5th Council Agenda

Gary,

I would like to propose the Clayton City Council acknowledges our City Centenarians with a day named in their honor by Proclamation at a City Council meeting. As the Mayor, I will write in my next Mayor's Column the approval by City Council or our new "Centenarian Day" and ask our citizens to let us know of all Centenarians currently living in our City with the hopes that future Mayors will continue this program. Centenarians pictures could be taken by the Clayton Pioneer with hopes that Tamara would print a brief story of interest. Centenarians could also be honored at the 4th of July Parade and any other City public events as the Council deemed appropriate.

Howard Geller
Mayor