



AGENDA

REGULAR AND JOINT MEETINGS

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CLAYTON CITY COUNCIL and OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

* * *

TUESDAY, July 15, 2014

7:00 P.M.

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

Mayor: Hank Stratford
Vice Mayor: David T. Shuey

Council Members

Jim Diaz
Howard Geller
Julie K. Pierce

- 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 on Monday 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 15, 2014

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Stratford.

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

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of July 1, 2014. ([View Here](#))

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

(c) Adopt Resolution setting and levying real property tax assessments for the Oak Street Permanent Road Division in FY 2014-15. ([View Here](#))

(d) Adopt Resolution setting and levying real property tax assessments for the High Street Permanent Road Division in FY 2014-15. ([View Here](#))

(e) Adopt Resolution setting and levying real property tax assessments for the Oak Street Sewer Assessment District in FY 2014-15. ([View Here](#))

(f) Adopt Resolution setting and levying real property tax assessments for the Lydia Lane Sewer Assessment District in FY 2014-15. ([View Here](#))

(g) Approve the City's Response to Contra Costa County Civil Grand Jury Report No. 1403, "Training City Personnel in Reporting Child Abuse". ([View Here](#))

(h) Approve the City's Response to Contra Costa County Civil Grand Jury Report No. 1404, "Planning for Technology". ([View Here](#))

(i) Adopt a Resolution approving the contract purchase and outfitting of a new 2015 Ford Police Interceptor Utility patrol vehicle (\$43,381.41) to replace an existing 2008 Ford patrol vehicle, and declaring an existing 2004 patrol vehicle (Unit 1727) as property surplus to the City's needs. ([View Here](#))

(j) Adopt a Resolution adjusting and approving pay rate schedules for certain hourly wage positions within the City of Clayton's employment organization. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS** – None.

5. REPORTS

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

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

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

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

7. PUBLIC HEARINGS

- (a) Continued Public Hearing to consider a proposed 20-year time extension to the existing Community Facilities District's (CFD's) annual real property parcel tax that funds the Downtown Park's (aka "The Grove Park") annual operation and maintenance by placement of a special tax ballot measure for local voter consideration on the November 4, 2014 General Municipal Election. ([View Here](#)) (Assistant to the City Manager)

Staff recommendation: **1)** Receive the staff report; **2)** Continue the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** Following City Council discussion and any modification to the ballot wording, by motion adopt the Resolution ordering the Special Tax Ballot Measure on the November 4, 2014 General Municipal Election for local voter consideration.

- (b) Public Hearing on the Engineer's Report and proposed levy of annual assessments in FY 2014-15 on real property for operation and maintenance of residential street lights in the Street Lighting Assessment District, pursuant to Streets and Highways Code 18070 and CA Government Code 54954.6. ([View Here](#)) (City Engineer)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public testimony; **3)** Close the Public Hearing; and **4)** Adopt the

Resolution setting the annual street lighting real property assessments for FY 2014-15.

- (c) Public Hearing on the proposed real property tax assessments in FY 2014-15 for the Diablo Estates at Clayton Benefit Assessment District and consider adoption of the Resolution setting, ordering and levying the assessments. ([View Here](#))
(City Engineer)

Staff recommendation: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** By motion adopt the Resolution setting and levying the assessments for FY 2014-15.

8. ACTION ITEMS

- (a) Discussion of a proposed concept design for traffic and pedestrian safety signage and striping improvements at Mt. Diablo Elementary School area (Pine Hollow Road and Mt. Zion Drive) as a grant funded project through the 511 Contra Costa County “*Street Smarts Infrastructure Program*” (CCTA Measure J).
([View Here](#))
(City Engineer)

Staff recommendation: Following staff presentation of the design concept and opportunity for public comments, that Council by motion approve the proposed traffic and pedestrian safety signage and striping improvements for grant funding.

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

10. CLOSED SESSIONS

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

1. Employee Organization: Miscellaneous City Employees Group.

- (b) Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9
Scott Dansie v. City of Clayton, Municipal Pooling Authority of Northern California
Workers’ Compensation Appeals Board, Case No. ADJ9382917.

Reports out from Closed Session: Mayor Stratford.

11. ADJOURNMENT– the City Council regular meeting of August 5, 2014 has been cancelled; therefore, the next regularly scheduled City Council meeting is August 19, 2014.

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*** OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT ***
July 15, 2014

1. CALL TO ORDER AND ROLL CALL – Chairman Diaz.

2. PUBLIC COMMENTS

Members of the public may address the District Board of Directors on items within the Board'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 Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called or you are recognized by the Chair 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 Board 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 Board.

3. CONSENT CALENDAR

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

- (a) Approve the Board of Directors' minutes for its regular meeting June 15, 2014. ([View Here](#))

4. PUBLIC HEARINGS

- (a) Public Hearing on the Geological Hazard Abatement District (GHAD) proposed real property assessments for Fiscal Year 2014-2015. ([View Here](#))
(District Manager)

Staff recommendations: **1)** Receive the District Manager's report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** By motion, adopt the Resolution approving and authorizing the District's levy of real property assessments for FY 2014-2015.

5. ACTION ITEMS – None.

6. BOARD ITEMS – limited to requests and directives for future meetings.

7. ADJOURNMENT – the next meeting of the GHAD Board of Directors will be scheduled as needed.

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MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, July 1, 2014

Agenda Date: 7-15-2014

Agenda Item: 3a

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Stratford in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford and Councilmembers Diaz, Geller and Pierce. Councilmembers absent: Vice Mayor Shuey. Staff present: City Manager Gary Napper, Assistant City Attorney Christopher Diaz, City Clerk Janet Brown, and Assistant to the City Manager Laura Hoffmeister.

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

3. **CONSENT CALENDAR**- It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve the Consent Calendar as submitted (Passed; 4-0 vote).
 - (a) Approved the minutes of the regular meeting of July 1, 2014.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted Resolution No. 20-2014 authorizing the levy of annual real property tax assessments in Fiscal year 2014-15 for the Clayton Station Community Facility District (CFD) No. 1990-2R (Fund No. 421).
 - (d) Adopted Resolution No. 21-2014 authorizing the levy of annual real property tax assessments in Fiscal Year 2014-15 for the Diablo View Middle School and Clayton Community Park construction (Community Facility District – CFD) No. 1990-1R (2007) (Fund No. 420).
 - (e) Adopted Resolution No. 22-2014 authorizing the levy of annual real property tax assessments in Fiscal Year 2014-15 for Community Facility District (CFD) No. 2007-1, Citywide Landscape Maintenance District (Fund No. 210).
 - (f) Adopted Resolution No. 23-2014 authorizing the levy of annual real property tax assessments in Fiscal Year 2014-15 for Community Facility District (CFD) No. 2006-1, Downtown Park O&M, aka “The Grove Park”; Fund No. 211).
 - (g) Adopted Resolution No. 24-2014 approving the City’s biennial Growth Management Compliance Checklist for the reporting cycle of Fiscal Years 2012 and 2013, per measure J of the Contra Costa Transportation Authority (CCTA).

4. **RECOGNITIONS AND PRESENTATIONS**- None.

5. **REPORTS**

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

Councilmember Geller attended the Clayton Business and Community Association meeting and also played at the new Ipsen Family Bocce Ball Court in downtown over the past weekend. He recognized the organization efforts of Keith Haydon in the bocce court establishment and noted during Clayton Bocce League play on its opening weekend, curious local citizens stopped to observe the games. Councilmember Geller announced the July 5th Concerts in The Grove will feature “The Fundamentals”.

Councilmember Diaz attended the Friday night Ipsen Family Bocce Ball Court opening along with its ribbon cutting ceremony that took place on Saturday. He also attended the Concerts in The Grove on June 24th and the Clayton Business and Community Association meeting on June 26th.

Councilmember Pierce attended the East Bay Leadership meeting, 4th of July Parade Committee meeting, TRANSPAC, and Transportation Authority and Ad-Hoc Committee meeting. She also enjoyed the June 24th Concert in The Grove and noted Bob Hoyer was thrilled with that band’s music.

Mayor Stratford added he read the City Proclamation at the Ipsen Family Bocce Ball Court opening and thanked staff for its assistance on it. He attended the East Contra Costa Conservancy meeting. Mayor Stratford reminded “Courage” is the focused Do The Right Thing character trait for July. The next character trait will be “Responsibility”. He also announced July 19th as the 1st Annual 5K Run and Fitness Fare taking place at Clayton Community Park as Sarah Owen’s Gold Award Project for Girl Scouts’ highest honor.

- (e) Other - None.

6. **PUBLIC COMMENT ON NON-AGENDA ITEMS** – None.

7. **PUBLIC HEARINGS**

- (a) Open the Public Hearing to consider a proposed 20-year time extension to the existing Community Facilities District’s (CFD) annual real property parcel tax that funds the Downtown Park’s [aka “The Grove Park”] annual operation and maintenance by placement of a local ballot measure for voter consideration on the November 4, 2014 General Municipal Election; and due to published notice deficiency, continue the Public Hearing to the City Council regular meeting of July 15, 2014.

Assistant to the City Manager Laura Hoffmeister presented the staff report and noted the incorporated changes requested at the previous City Council meeting on this matter: changed the term from 15 years to 20 years, and selected Option 3 ballot measure

wording. Ms. Hoffmeister requested any additional Council input on the ballot measure language prior to final action at the July 15th City Council meeting. She advised the ballot measure argument deadline is August 8th and should the City Council like to write the ballot argument, presumably in favor, she suggested forming an Ad-hoc Committee of its membership to do so.

Councilmember Pierce requested clarification of the residential parcel rate of \$18.56. Ms. Hoffmeister responded the current single family parcel rate is \$18.56 but it increases by \$0.52 in FY 2014-15 to \$19.08; the rate is subject to an annual CPI increase but in no case more than 3% per year.

Councilmember Geller asked if the City Council wished to write Pro/Con arguments and if so should, they provide comments or the argument to staff? Ms. Hoffmeister advised the Council may discuss their option of writing ballot measure arguments tonight.

Councilmember Geller preferred citizens know the current parcel tax rate in the ballot measure itself. Councilmember Pierce replied that type of information is typically found in the Ballot Pamphlet, not in the ballot wording, particularly since varying tax rates apply according to the type of real property.

Mayor Stratford asked if there is a word limit? City Manager Gary Napper advised ballot arguments are limited to 200 words; he further noted the City Council, as proponent of the Ballot Measure, has first priority according to the California Election Code to write a ballot argument if it so chooses.

Councilmember Geller indicated he would like to assist with the ballot argument as he strongly favors the parcel tax to continue. Councilmember Pierce added she would also like to assist with the ballot argument and confirmed there is a 200 word limit.

Ms. Hoffmeister commented if there are less than 2 of its members assisting with the ballot argument writing, the City Council may form an Ad-hoc Committee to do so. City Manager Napper added that a motion to appoint such an Ad-hoc Committee is necessary to grant Council authorization.

Mayor Stratford opened the Public Hearing to receive public comments; no public comments were offered. Mayor Stratford noted the Public Hearing would be continued to July 15th, 2014 due to a noticing deficiency.

It was moved by Councilmember Pierce, seconded by Councilmember Geller, to continue this Public Hearing to July 15th, 2014 at 7:00 pm to consider a Resolution ordering onto the November 2014 election ballot a local measure for voter consideration of a proposed 20-year time extension only to the existing Downtown Park annual special parcel tax for operation, maintenance and repair of The Grove Park and retaining the current tax rate methodology; and to establish and appoint Councilmembers Geller and Pierce as a Council Ad-hoc Committee authorized to author the Ballot Argument in Favor of the Ballot Measure (Passed; 4-0 vote).

8. ACTION ITEMS

- (a) City Council discussion and determination of citizen appointments to three (3) vacancies on the Clayton Planning Commission: three (3) 2-year terms of appointed office from July 1, 2014 through June 30, 2016.

Mayor Stratford advised only 3 applications were received for the three Planning Commissioner seat openings. Applications were received by the incumbents, David Bruzzone, Sandra Johnson and Gregg Manning. Consequently, since the City Council previously interviewed the incumbents prior to appointing them to this expiring term, no City Council interviews as a whole were conducted as would normally transpire.

Councilmember Jim Diaz noted he did meet with Commissioner David Bruzzone prior to this meeting since he was not on the City Council when Mr. Bruzzone was appointed. Based on that conversation, Councilmember Diaz agreed Mr. Bruzzone is well qualified for re-appointment to the Planning Commission.

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

It was moved by Councilmember Pierce, seconded by Councilmember Geller, to adopt Resolution No. 25-2014 appointing David Bruzzone, Sandra Johnson, and Gregg Manning to two year terms of appointed office on the Clayton Planning Commission. (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – None.

10. **CLOSED SESSION**

(a) Conference with Labor Negotiator
Government Code Section 54957.6

Instructions to City-designated labor negotiator: City Manager.

1. Employee Organization: Miscellaneous City Employees Group.

Report out from Closed Session: Mayor Stratford.

8:08 p.m. Report out from Closed Session:

Mayor Stratford announced Council received information and gave direction to its Labor Negotiator.

11. **ADJOURNMENT**– on call by Mayor Stratford, the City Council meeting adjourned at 8:08 p.m. Its next regular meeting will be on Tuesday, July 1st at 7:00 p.m.

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Respectfully submitted,

Janet Brown, City Clerk

Hank Stratford, Mayor

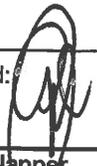
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Agenda Date 7/15/2014

Agenda Item: 3b

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 7/15/2014
SUBJECT: FINANCIAL OBLIGATIONS

RECOMMENDATION:

Approve the following Invoices:

7/11/2014 Cash Requirements Report	\$ 155,548.33
7/11/2014 USBank CalCard Stmt ending 6/22/14	\$ 12,343.73
7/11/2014 Payroll, PPE 7/6/14, week 28	\$ 92,858.96
Total:	\$ 260,751.02

Attachments:

Cash Requirements Report dated 7/11/2014 (6 pages)
US Bank, Statement ending 6/22/14 (1 page)
ADP Report Week 28, PPE 7/6/14 (1 page)

City of Layton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
5 Star Pool Plaster								
5 Star Pool Plaster	7/15/2014	7/9/2014	CAP0107	deposit refund for CAP0107 5599 Southbrook Totals for 5 Star Pool Plaster:	\$1,785.24 \$1,785.24	\$0.00 \$0.00		\$1,785.24 \$1,785.24
ABAG								
ABAG	7/15/2014	7/9/2014	1049370	ABAG Dues, FY 14/15 Totals for ABAG:	\$2,744.00 \$2,744.00	\$0.00 \$0.00		\$2,744.00 \$2,744.00
Ace Sierra Tow								
Ace Sierra Tow	7/15/2014	6/30/2014	3492	service 6/30 Totals for Ace Sierra Tow:	\$25.00 \$25.00	\$0.00 \$0.00		\$25.00 \$25.00
All City Management Services, Inc.								
All City Management Services, Inc.	7/15/2014	6/30/2014	35764	school crossing guard services 6/8/14-6/21/14 Totals for All City Management Services, Inc.:	\$187.08 \$187.08	\$0.00 \$0.00		\$187.08 \$187.08
All-Guard Systems, Inc.								
All-Guard Systems, Inc.	7/15/2014	7/9/2014	A655210	annual monitoring services	\$564.00	\$0.00		\$564.00
All-Guard Systems, Inc.	7/15/2014	7/9/2014	A655204	annual monitoring Library Totals for All-Guard Systems, Inc.:	\$768.00 \$1,332.00	\$0.00 \$0.00		\$768.00 \$1,332.00
Aqua Magic Pool & Spa								
Aqua Magic Pool & Spa	7/15/2014	7/9/2014	CAP0114	deposit refund CAP 0114 1445 Yosemite Cir Totals for Aqua Magic Pool & Spa:	\$1,952.28 \$1,952.28	\$0.00 \$0.00		\$1,952.28 \$1,952.28
AT&T/ CalNet 2								
AT&T/ CalNet 2	7/15/2014	6/30/2014	5508324	June phone service Totals for AT&T/ CalNet 2:	\$1,756.13 \$1,756.13	\$0.00 \$0.00		\$1,756.13 \$1,756.13
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	7/15/2014	7/9/2014	0307493-IN	supplies	\$286.24	\$0.00		\$286.24
Bay Area Barricade Serv.	7/15/2014	7/9/2014	0306113-IN	supplies	\$195.30	\$0.00		\$195.30
Bay Area Barricade Serv.	7/15/2014	7/9/2014	0306115-IN	supplies Totals for Bay Area Barricade Serv.:	\$86.80 \$568.34	\$0.00 \$0.00		\$86.80 \$568.34
Bay Area News Group East Bay (CCT)								
Bay Area News Group East Bay (CCT)	7/15/2014	6/30/2014	2004176	ads, election, grove park Totals for Bay Area News Group East Bay (CCT):	\$611.22 \$611.22	\$0.00 \$0.00		\$611.22 \$611.22
Bay Cities Demolition								
Bay Cities Demolition	7/15/2014	7/9/2014	CAP0123	deposit refund 312 Roundhill Place, CAP 012 Totals for Bay Cities Demolition:	\$1,928.42 \$1,928.42	\$0.00 \$0.00		\$1,928.42 \$1,928.42
CalPERS Retirement								
CalPERS Retirement	7/15/2014	6/30/2014	ending 6/24/14	City Council retirement 6/24/14	\$369.48	\$0.00		\$369.48
CalPERS Retirement	7/15/2014	7/11/2014	PPE 7/6/14	Retirement PPE 7/6/14	\$22,677.21	\$0.00		\$22,677.21

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount Expires On	Discount Expires On	Net Amount Due
Carey Bros. Remodeling				<i>Totals for CalPERS Retirement:</i>	\$23,046.69		\$0.00	\$23,046.69
Carey Bros. Remodeling	7/15/2014	7/9/2014	CAP0103	deposit refund 194 Mt Wilson Way, remodel	\$500.00		\$0.00	\$500.00
				<i>Totals for Carey Bros. Remodeling:</i>	\$500.00		\$0.00	\$500.00
Robert Castell-Blanch				<i>Totals for Robert Castell-Blanch:</i>	\$700.00		\$0.00	\$700.00
Robert Castell-Blanch	7/15/2014	7/9/2014	8/21/14	Concert in the Grove 8/21/2014	\$700.00		\$0.00	\$700.00
City of Concord				<i>Totals for City of Concord:</i>	\$343.59		\$0.00	\$343.59
City of Concord	7/15/2014	6/30/2014	39436	live scans for seasonal employees	\$128.00		\$0.00	\$128.00
City of Concord	7/15/2014	6/30/2014	39448	vehicle maintenance	\$149.59		\$0.00	\$149.59
City of Concord	7/15/2014	6/30/2014	39437	livescan - PD	\$66.00		\$0.00	\$66.00
Clean Street				<i>Totals for Clean Street:</i>	\$3,500.00		\$0.00	\$3,500.00
Clean Street	7/15/2014	6/30/2014	74806	monthly sweep fee June 2014	\$3,500.00		\$0.00	\$3,500.00
Cindy Collinson				<i>Totals for Cindy Collinson:</i>	\$500.00		\$0.00	\$500.00
Cindy Collinson	7/15/2014	6/30/2014	26150	deposit refund for endeavor hall 6/7/14	\$500.00		\$0.00	\$500.00
Comcast				<i>Totals for Comcast:</i>	\$395.70		\$0.00	\$395.70
Comcast	7/15/2014	7/11/2014	7/5/14	High Speed Internet 7/10/14-8/9/14	\$395.70		\$0.00	\$395.70
Concord Garden Equipment				<i>Totals for Concord Garden Equipment:</i>	\$470.57		\$0.00	\$470.57
Concord Garden Equipment	7/15/2014	7/9/2014	483736	supplies	\$470.57		\$0.00	\$470.57
Concord Uniforms				<i>Totals for Concord Uniforms:</i>	\$790.15		\$0.00	\$790.15
Concord Uniforms	7/15/2014	6/30/2014	8570	uniforms	\$138.71		\$0.00	\$138.71
Concord Uniforms	7/15/2014	6/30/2014	8543	uniforms	\$651.44		\$0.00	\$651.44
Contra Costa County Animal Svcs Dept				<i>Totals for Contra Costa County Animal Svcs Dept:</i>	\$14,726.00		\$0.00	\$14,726.00
Contra Costa County Animal Svcs Dept	7/15/2014	7/9/2014	ASD M5753	First Qtr Installment 7/14-9/30/14 Animal C	\$14,726.00		\$0.00	\$14,726.00
Contra Costa County Office of the Sheriff-Fiscal (Training)				<i>Totals for Contra Costa County Office of the Sheriff-Fiscal (Training):</i>	\$195.00		\$0.00	\$195.00
Contra Costa County Office of the Sheri	7/15/2014	6/30/2014	14-2040	range use 5/10/14	\$195.00		\$0.00	\$195.00
Contra Costa County Police Chiefs' Assoc.				<i>Totals for Contra Costa County Police Chiefs' Assoc.:</i>	\$550.00		\$0.00	\$550.00
Contra Costa County Police Chiefs' Ass	7/15/2014	7/9/2014	14-01	14/15 Police Chiefs' Association Dues	\$550.00		\$0.00	\$550.00

City of Hayward Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	7/15/2014	6/30/2014	5304	Traffic Signal Maintenance May 2014	\$2,662.59	\$0.00		\$2,662.59
Contra Costa County Treasurer/ Sheriff-Coroner (CAL-ID)								
Contra Costa County Treasurer/ Sheriff	7/15/2014	7/9/2014	14/15 CAL-ID	CAL-ID User's for 14/15	\$12,263.00	\$0.00		\$12,263.00
CopWare, Inc.								
CopWare, Inc.	7/15/2014	7/9/2014	82523	sourcebooks - MSF 11826	\$400.00	\$0.00		\$400.00
Cropper Accountancy Corp								
Cropper Accountancy Corp	7/15/2014	6/30/2014	899	Second and Final Progress Billing DDR	\$7,000.00	\$0.00		\$7,000.00
Earl Crossman								
Earl Crossman	7/15/2014	7/9/2014	8/7/14	Concert in the Grove 8/7/14	\$500.00	\$0.00		\$500.00
Diablo Glass Company, Inc								
Diablo Glass Company, Inc	7/15/2014	6/30/2014	I011297	regluc glass in frame	\$41.50	\$0.00		\$41.50
Globalstar LLC								
Globalstar LLC	7/15/2014	6/30/2014	1000000005665951	service 5/16/14-6/15/14	\$54.26	\$0.00		\$54.26
Health Care Dental Trust								
Health Care Dental Trust	7/15/2014	7/11/2014	178365	August dental	\$3,344.92	\$0.00		\$3,344.92
HIP Entertainment, LLC								
HIP Entertainment, LLC	7/15/2014	7/9/2014	7/19/14	Concert in the Grove 7/19/14	\$1,200.00	\$0.00		\$1,200.00
David Hosley								
David Hosley	7/15/2014	7/9/2014	8/2/14	Concert in the Grove 8/2/14	\$1,600.00	\$0.00		\$1,600.00
Humphrey Consulting								
Humphrey Consulting	7/15/2014	6/30/2014	CL0214	SSMP for June 2014	\$922.96	\$0.00		\$922.96
ICMA Retirement Corporation								
ICMA Retirement Corporation	7/15/2014	7/11/2014	14267	annual plan fee for 7/1/14-9/30/14	\$125.00	\$0.00		\$125.00

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
J & R Floor Services								
J & R Floor Services	7/15/2014	6/30/2014	six	June Billing	\$4,970.00	\$0.00		\$4,970.00
Totals for ICMA Retirement Corporation:					\$125.00	\$0.00		\$125.00
Ron A Jamison								
Ron A Jamison	7/15/2014	7/9/2014	8/16/14	Concert in the Grove 8/16/14	\$1,800.00	\$0.00		\$1,800.00
Totals for Ron A Jamison:					\$1,800.00	\$0.00		\$1,800.00
John Deere Landscapes Inc								
John Deere Landscapes Inc	7/15/2014	6/30/2014	68689434	order # 76646121	\$343.37	\$0.00		\$343.37
John Deere Landscapes Inc	7/15/2014	6/30/2014	68633520	order # 76577877	\$560.60	\$0.00		\$560.60
John Deere Landscapes Inc	7/15/2014	6/30/2014	68689460	order # 75922444	\$244.13	\$0.00		\$244.13
Totals for John Deere Landscapes Inc:					\$1,148.10	\$0.00		\$1,148.10
Ken Joiret								
Ken Joiret	7/15/2014	7/9/2014	7/24/14	sound - Concert in the Grove 7/24/14	\$500.00	\$0.00		\$500.00
Ken Joiret	7/15/2014	7/9/2014	8/7/14	sound - Concert in the Grove 8/7/14	\$500.00	\$0.00		\$500.00
Ken Joiret	7/15/2014	7/9/2014	8/21/14	sound - Concert in the Grove 8/21/14	\$500.00	\$0.00		\$500.00
Ken Joiret	7/16/2014	7/9/2014	8/16/14	sound - Concert in the Grove 8/16/14	\$600.00	\$0.00		\$600.00
Ken Joiret	7/15/2014	7/9/2014	8/2/14	sound - Concert in the Grove 8/2/14	\$600.00	\$0.00		\$600.00
Ken Joiret	7/15/2014	7/9/2014	7/19/14	sound - Concert in the Grove 7/19/14	\$600.00	\$0.00		\$600.00
Totals for Ken Joiret:					\$3,300.00	\$0.00		\$3,300.00
Arlene Kikkawa-Nielsen								
Arlene Kikkawa-Nielsen	7/15/2014	7/9/2014	July	Library Volunteer Coordinator for July 2014	\$900.00	\$0.00		\$900.00
Totals for Arlene Kikkawa-Nielsen:					\$900.00	\$0.00		\$900.00
LarryLogic Productions								
LarryLogic Productions	7/15/2014	7/9/2014	1430	City Council Meeting 7/1/14	\$275.00	\$0.00		\$275.00
Totals for LarryLogic Productions:					\$275.00	\$0.00		\$275.00
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	7/15/2014	6/30/2014	314-18384-1	CIP 10435	\$10,503.00	\$0.00		\$10,503.00
Marken Mechanical Services Inc	7/15/2014	6/30/2014	414-1148-5	City Hall Maintenance May 2014	\$332.50	\$0.00		\$332.50
Marken Mechanical Services Inc	7/15/2014	7/9/2014	414-1151-7	City Hall Maintenance July 2014	\$150.00	\$0.00		\$150.00
Marken Mechanical Services Inc	7/15/2014	6/30/2014	414-1146-5	Library Maintenance May 2014	\$502.17	\$0.00		\$502.17
Marken Mechanical Services Inc	7/15/2014	7/9/2014	414-1152-7	Library Maintenance July 2014	\$150.00	\$0.00		\$150.00
Totals for Marken Mechanical Services Inc:					\$11,637.67	\$0.00		\$11,637.67
James Mello Construction								
James Mello Construction	7/15/2014	7/9/2014	CAF0121	Deposit refund 5193 Keller Ridge Dr	\$1,952.28	\$0.00		\$1,952.28
Totals for James Mello Construction:					\$1,952.28	\$0.00		\$1,952.28
Miracle Play Systems, Inc								
Miracle Play Systems, Inc	7/15/2014	6/30/2014	I2014-1439	repair surface City Park	\$686.09	\$0.00		\$686.09

City of Layton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Michael Moses				<i>Totals for Miracle Play Systems, Inc.:</i>				
Michael Moses	7/15/2014	7/9/2014	26656	deposit refund for endeavor hall 5/31/14	\$686.09	\$0.00		\$686.09
				<i>Totals for Michael Moses:</i>				
MPA								
MPA	7/15/2014	7/9/2014	C1403	Crime Premium 2014/2015	\$425.00	\$0.00		\$425.00
MPA	7/15/2014	7/9/2014	July	July LTD, STD, Life	\$1,442.12	\$0.00		\$1,442.12
				<i>Totals for MPA:</i>				
Muir/ Diablo Occupation Medicine								
Muir/ Diablo Occupation Medicine	7/15/2014	6/30/2014	268733	exam - PD	\$215.00	\$0.00		\$215.00
				<i>Totals for Muir/ Diablo Occupation Medicine:</i>				
PERMCO, Inc.								
PERMCO, Inc.	7/15/2014	7/11/2014	10225	begin review of draft SSMP	\$122.00	\$0.00		\$122.00
PERMCO, Inc.	7/15/2014	6/30/2014	10223	engineering services 6/21/14-7/4/14	\$3,757.50	\$0.00		\$3,757.50
PERMCO, Inc.	7/15/2014	7/11/2014	10224	CAP Inspections 6/21/14-7/4/14	\$145.25	\$0.00		\$145.25
PERMCO, Inc.	7/15/2014	7/11/2014	10226	meetings, site inspections, prepare encroachment	\$1,974.00	\$0.00		\$1,974.00
PERMCO, Inc.	7/15/2014	6/30/2014	10227	prepare and issue contract for Kelok Way mon	\$350.25	\$0.00		\$350.25
				<i>Totals for PERMCO, Inc.:</i>				
PG&E								
PG&E	7/15/2014	6/30/2014	6/23	service	\$1.32	\$0.00		\$1.32
				<i>Totals for PG&E:</i>				
Pinnacle Construction Services, Inc								
Pinnacle Construction Services, Inc	7/15/2014	7/9/2014	1954	mgmt services July 2014	\$4,152.00	\$0.00		\$4,152.00
				<i>Totals for Pinnacle Construction Services, Inc.:</i>				
pmsigns								
pmsigns	7/15/2014	7/9/2014	18100	car sign Mayor - 4th of July	\$52.08	\$0.00		\$52.08
				<i>Totals for pmsigns:</i>				
R-Computer								
R-Computer	7/15/2014	7/9/2014	500953	LiteOn DVDRW 24X	\$41.23	\$0.00		\$41.23
				<i>Totals for R-Computer:</i>				
Riso Products of Sacramento								
Riso Products of Sacramento	7/15/2014	6/30/2014	127706	contract 6/18/14-7/17/14	\$94.86	\$0.00		\$94.86
				<i>Totals for Riso Products of Sacramento:</i>				
RR Donnelley								
RR Donnelley	7/15/2014	6/30/2014	460441062	Item # 1493249, order # 39001273-0001	\$1,040.36	\$0.00		\$1,040.36
				<i>Totals for RR Donnelley:</i>				

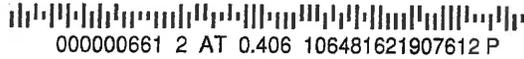
City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
SPRAYTEC (Sprayer Sales Co)								
SPRAYTEC (Sprayer Sales Co)	7/15/2014	6/30/2014	12506	maintenance 6/13 & 6/27	\$225.00	\$0.00		\$225.00
SPRAYTEC (Sprayer Sales Co)	7/15/2014	6/30/2014	12505	maintenance 5/15 & 5/30	\$225.00	\$0.00		\$225.00
				Totals for SPRAYTEC (Sprayer Sales Co):	\$450.00	\$0.00		\$450.00
Sprint Comm (PD)								
Sprint Comm (PD)	7/15/2014	6/30/2014	703335311-151	service 5/26-6/25/14	\$261.66	\$0.00		\$261.66
Sprint Comm (PD)	7/15/2014	6/30/2014	703335311-148	service 2/26-3/25/14	\$260.66	\$0.00		\$260.66
				Totals for Sprint Comm (PD):	\$522.32	\$0.00		\$522.32
Sprint Comm (PW & ADM)								
Sprint Comm (PW & ADM)	7/15/2014	6/30/2014	531409315-146	service 5/26-6/25/14	\$281.56	\$0.00		\$281.56
				Totals for Sprint Comm (PW & ADM):	\$281.56	\$0.00		\$281.56
US Bank (CM 9690)								
US Bank (CM 9690)	7/15/2014	7/9/2014	3715628	2007 special tax refunding BDS	\$2,310.00	\$0.00		\$2,310.00
				Totals for US Bank (CM 9690):	\$2,310.00	\$0.00		\$2,310.00
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	7/15/2014	6/30/2014	11288	fire abatement work	\$8,000.00	\$0.00		\$8,000.00
Waraner Brothers Tree Service	7/15/2014	6/30/2014	11289	keller ridge tree work	\$8,000.00	\$0.00		\$8,000.00
Waraner Brothers Tree Service	7/15/2014	6/30/2014	11291	tree work, Poplars in Creek. Tulips in meridia	\$1,000.00	\$0.00		\$1,000.00
Waraner Brothers Tree Service	7/15/2014	6/30/2014	11287	tree work Lydia Lane	\$900.00	\$0.00		\$900.00
				Totals for Waraner Brothers Tree Service:	\$17,900.00	\$0.00		\$17,900.00
Katherine Webber								
Katherine Webber	7/15/2014	7/9/2014	7/25/14	Concert in the Grove 7/24/14	\$500.00	\$0.00		\$500.00
				Totals for Katherine Webber:	\$500.00	\$0.00		\$500.00
Willard Weiss								
Willard Weiss	7/15/2014	7/11/2014	CAP0109	deposit refund for remodel 30 Mt Olympus Pl	\$1,952.28	\$0.00		\$1,952.28
				Totals for Willard Weiss:	\$1,952.28	\$0.00		\$1,952.28
Andrew Zwember								
Andrew Zwember	7/15/2014	7/11/2014	cap0122	deposit refund 25 Widmar Ct	\$1,928.42	\$0.00		\$1,928.42
				Totals for Andrew Zwember:	\$1,928.42	\$0.00		\$1,928.42
				GRAND TOTALS:	\$155,548.33	\$0.00		\$155,548.33

P.O. BOX 6343
FARGO ND 58125-6343



ACCOUNT NUMBER 4246 0445 5565 0674
STATEMENT DATE 06-23-2014
AMOUNT DUE \$22,369.38
NEW BALANCE \$22,369.38
PAYMENT DUE ON RECEIPT



000000661 2 AT 0.406 106481621907612 P
CITY OF CLAYTON
JENNIFER GIANTVALLEY
6000 HERITAGE TRAIL
CLAYTON CA 94517-1249

AMOUNT ENCLOSED
\$ **12,343.73**
Please make check payable to "U.S. Bank"

10,025.65

U.S. BANK CORPORATE PAYMENT SYST
P.O. BOX 790428
ST. LOUIS, MO 63179-0428

4246044555650674 002236938 002236938

Please tear payment coupon at perforation.

CORPORATE ACCOUNT SUMMARY									
CITY OF CLAYTON 4246 0445 5565 0674	Previous Balance	Purchases And Other + Charges	Cash Advances +	Cash Advance Fees +	Late Payment Charges	- Credits	- Payments	New = Balance	
Company Total	\$10,025.65	\$12,465.20	\$0.00	\$0.00	\$0.00	\$121.47	\$0.00	\$22,369.38	

NEW ACTIVITY					
ED BRYCE 4246-0400-1392-6748	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY	
	\$0.00	\$900.35	\$0.00	\$900.35	
Post Date	Tran Date	Reference Number	Transaction Description	Amount	
05-30	05-28	24316054149548581050784	SHELL OIL 57444673503 CONCORD CA	82.12	
05-30	05-28	24316054149548588050779	SHELL OIL 57444673503 CONCORD CA	41.63	
06-05	06-03	24427334155120002547716	F & T VALERO CONCORD CONCORD CA	124.18	
06-09	06-05	24316054157548622011505	SHELL OIL 57444673503 CONCORD CA	99.00	
06-11	06-09	24316054161548585009359	SHELL OIL 57444673503 CONCORD CA	99.00	
06-12	06-10	24316054162548574023154	SHELL OIL 57444673503 CONCORD CA	76.01	
06-16	06-12	24316054164548617015785	SHELL OIL 57444673503 CONCORD CA	33.67	
06-16	06-12	24316054164548618015784	SHELL OIL 57444673503 CONCORD CA	99.00	
06-16	06-13	24427334165120002972177	F & T VALERO CONCORD CONCORD CA	36.12	
06-16	06-13	24427334165120002972185	F & T VALERO CONCORD CONCORD CA	110.62	
06-19	06-17	24316054169548584036520	SHELL OIL 57444673503 CONCORD CA	99.00	
DAN JOHNSTON 4246-0400-1392-6755	CREDITS	PURCHASES	CASH ADV	TOTAL ACTIVITY	
	\$0.00	\$585.07	\$0.00	\$585.07	

CUSTOMER SERVICE CALL 800-344-5696	ACCOUNT NUMBER		ACCOUNT SUMMARY	
	4246-0445-5565-0674		PREVIOUS BALANCE	10,025.65
		PURCHASES & OTHER CHARGES	12,465.20	
		CASH ADVANCES	.00	
		CASH ADVANCE FEES	.00	
		LATE PAYMENT CHARGES	.00	
		CREDITS	121.47	
		PAYMENTS	.00	
		ACCOUNT BALANCE	22,369.38	
SEND BILLING INQUIRIES TO: U.S. Bank National Association C/O U.S. Bancorp Purchasing Card Program P.O. Box 6335 Fargo, ND 58125-6335		AMOUNT DUE		22,369.38

WEEK 28 BATCH 3449 47 PAYS
0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000047 Tot Docs in all:00000000050
First No. Last No. Total
Checks: 00021353096 00021353105 00000000010
Vouchers: 00000280001 00000280037 00000000037

Earnings Statement

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

92848.96 GROSS
69139.61 NET PAY (INCLUDING ALL DEPOSITS)
10837.10 FEDERAL TAX
331.97 SOCIAL SECURITY
1243.51 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
3558.52 STATE TAX
.00 LOCAL TAX
72974.56 DEDUCTIONS
3903.30 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



Agenda Date: 7-15-2014

Agenda Item: 3C

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 15, 2014

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR FY 2014-15

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Permanent Road Division was formed in 2000 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the Oak Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the private portion of Oak Street.

The Redevelopment Agency funded the reconstruction of the bridge and repayment was spread over 20 years with a 7% interest rate. In addition, the annual levy has included an amount of \$350 per parcel dedicated to future road maintenance and \$92.01 per parcel for City administrative fees (10% of the levy for bridge construction and maintenance). Through the end of FY 2013-14, we have collected \$64,056.64 (\$59,293.64 in annual assessments plus \$4,763.00 from Reuben Gonzalez in 2005/06 to pay off his bridge assessment) for construction repayment, \$21,600 for maintenance (deposited in a separate fund), and \$8,089.16 for administration (deposited in City General Fund).

Due to the repaving of Oak Street after construction of the sewer line, we revised the maintenance schedule to provide for slurry seal treatments at 10 and 20 years after formation (2010 and 2020, respectively), along with an overlay at 30 years (2030). This revised schedule reduced the required maintenance levy to \$200.00 per parcel per year. Since we had been collecting \$350.00 per parcel per year, we suspended the maintenance

Date: July 15, 2014

Page 2 of 2

assessment for five years (ending with the 2010-11 assessment). This year we are again including an annual assessment of \$200.00 per parcel for road maintenance. Since recent pavement rehabilitation projects have not included any slurry seal work, we are delaying the scheduled slurry seal treatment of Oak Street until we have other slurry seal work being bid.

In the Resolution, it is noted that six parcels have a levy of \$847.14, one parcel has a levy of \$220.00, and two have levies of \$423.58. The original Division included 8 parcels, all levied equally. Since that time, one parcel was subsequently subdivided (Caspar) and that levy was reapportioned equally between the two lots. In addition, Mr. Gonzalez paid off his bridge assessment in FY 2005/06 and is now being assessed only for the maintenance of the road.

The first assessment for the repayment of the bridge construction costs was levied in FY 2000/01 and the final assessment for construction costs will be levied in FY 2019/20. It should be noted that the portion of the assessment for maintenance and City administration will continue thereafter.

FISCAL IMPACT

If this Resolution is not approved, money owed the Successor Agency for construction of the bridge by the property owners will not be repaid. The annual assessment for this fiscal year will produce a total of \$6,150.00.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax on the parcels located within the Oak Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

RESOLUTION NO. - 2014

**A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2014-15
WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR THE
REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE
BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND
HIGHWAY CODE, ARTICLE 3, SECTION 1173, et seq.**

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

WHEREAS, by passage of Resolution 66-99, the City Council ordered the formation of the Oak Street Permanent Road Division for the purpose of reconstructing and maintaining the Oak Street Bridge over Mitchell Creek and maintaining the private portion of Oak Street; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge and road; and

WHEREAS, the City Council called for an election on May 1, 2000, to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, the special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The Council hereby orders the levy of special taxes for FY 2014-15 on those parcels within the Oak Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek and the maintenance of the private portion of Oak Street.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Owner	Construction	Bridge Maintenance	City Admin.	Total
119-040-027	Law	\$570.13	\$200.00	\$77.01	\$847.14
119-040-028	Schwitters	\$570.13	\$200.00	\$77.01	\$847.14
119-040-029	Gonzalez	\$0.00	\$200.00	\$20.00	\$220.00
119-040-030	Ludlow	\$570.13	\$200.00	\$77.01	\$847.14
119-040-031	Mrozowski	\$570.13	\$200.00	\$77.01	\$847.14
119-040-032	Hemstalk	\$570.13	\$200.00	\$77.01	\$847.14
119-040-033	Webb	\$570.13	\$200.00	\$77.01	\$847.14
119-040-036	Caspar	\$285.07	\$100.00	\$38.51	\$423.58
119-040-037	Caspar	\$285.07	\$100.00	\$38.51	\$423.58

3. The special taxes shall be levied and collected by the County of Contra Costa, California along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting of said Council held on July 15, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 15, 2014.

Janet Brown, City Clerk



Agenda Date: 7-15-2014

Agenda Item: 3d

STAFF REPORT

Approved:


Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 15, 2014

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR FY 2014-15

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The High Street Permanent Road Division was formed in 1999 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the High Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the bridge.

The City agreed to fund half the cost of the bridge and the remainder was to be paid by the property within the Division. The former Clayton Redevelopment Agency (now the "Successor Agency" by state dissolution law) funded the reconstruction of the bridge and repayment was spread over 30 years with a 6% interest rate. In addition, the annual levy includes an amount of \$60 per parcel dedicated to future bridge maintenance. The City has absorbed all of the administrative costs. Through the end of FY 2013-14 (thirteen years), we have collected \$66,338.78 towards the construction and interest costs (\$61,050.00 in annual assessments plus \$5,288.78 from John Morgan in January, 2014 to pay off his bridge assessment), and \$4,500.00 for future maintenance.

In the Resolution it is noted there are several different levies. These amounts were based on a formula negotiated with the property owners when the Division was formed.

Date: July 15, 2014

Page 2 of 2

The first assessment for the repayment of the bridge construction costs was levied in FY 1999/00 and the final assessment for construction costs will be levied in FY 2028/29. It should be noted that the portion of the assessment for bridge maintenance will continue thereafter.

FISCAL IMPACT

The annual assessment will produce \$3,825.00 in FY 2014-15. If this Resolution is not approved, money owed to the Successor Agency by the property owners will not be repaid and funds will not be available for future bridge maintenance.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax on the parcels located within the High Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

RESOLUTION NO. - 2014

**A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2014-15
WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE
REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE
BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND
HIGHWAY CODE, ARTICLE 3, SECTION 1173, et seq.**

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

WHEREAS, by passage of Resolution 34-98, the City Council ordered the formation of the High Street Permanent Road Division for the purpose of reconstructing and maintaining the High Street Bridge over Mitchell Creek; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge; and

WHEREAS, the City Council called for an election on February 26, 1999 to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, said special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council hereby orders the levy of special taxes for FY 2014-15 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Current Owner	Reconstruction	Bridge Maintenance	Total
119-050-036	Frank	\$545.00	\$60.00	\$605.00
119-050-008	City of Clayton	\$2,071.00	\$60.00	\$2,131.00
119-040-023	Morgan	\$0.00	\$60.00	\$60.00
119-040-024	Davis	\$364.00	\$60.00	\$424.00
119-040-021	Utley	\$545.00	\$60.00	\$605.00

3. Said special taxes shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 15th day of July 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on July 15, 2014.

Janet Brown, City Clerk



Agenda Date: 7-15-2014

Agenda Item: 3e

STAFF REPORT

Approved:

Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 15, 2014

SUBJECT: CONSIDERATION OF A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT FOR FY 2014-15

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Sewer Assessment District was formed to undertake the installation of sanitary sewers and laterals in their respective neighborhoods.

The City issued and sold bonds to provide the funding for the formation of the district and the construction of the sewers. The bonds are to be repaid by the property owners through assessments levied each year and collected by the County with their property taxes. Along with principal and interest costs, the assessments also include an administrative fee of \$150.00 per parcel to cover the City's overhead costs.

The first assessment was levied in FY 2003/04 and the final assessment will be levied in FY 2026/27.

The attached resolution confirms the proposed assessments for fiscal year 2014-15.

FISCAL IMPACT

The annual assessments will yield approximately \$13,160 for the Oak Street Sewer Assessment District for FY 2014-15. If this Resolution is not approved, the City would have

Subject: Oak Street Sewer Assessment District – Levy of Assessments

Date: July 15, 2014

Page 2 of 2

to pursue separate action against each of the assessed property owners for collection or default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Oak Street Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO.

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR
FY 2014-15 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF
MUNICIPAL SANITARY SEWERS.**

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

WHEREAS, by passage of Resolution 62-2002, the City Council ordered the formation of the Oak Street Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of \$187,000.00 to fund the construction of municipal sanitary sewers in the Oak Street Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levying and inclusion of an annual assessment, for principal, interest and administrative costs, on each property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2014-15 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The Council hereby orders the levy of assessments for FY 2014-15 on those parcels within the Oak Street Sewer Assessment Districts for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.
3. The assessments shall be levied and collected by the County along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on July 15, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of Clayton, California at a regular public meeting thereof held on July 15, 2014.

Janet Brown, City Clerk

EXHIBIT A

**ANNUAL ASSESSMENT AMOUNTS FOR FY 2014-15
FOR THE OAK STREET SEWER ASSESSMENT DISTRICT**

Oak Street Sewer Assessment District	
Parcel ID (APN)	Amount
119-040-021	\$1,196.36
119-040-023	\$1,196.36
119-040-024	\$1,196.36
119-040-027	\$1,196.36
119-040-028	\$1,196.36
119-040-030	\$1,196.36
119-040-032	\$1,196.36
119-040-033	\$1,196.36
119-040-036	\$1,196.36
119-040-037	\$1,196.36
119-050-036	\$1,196.36
Total Assessment	\$13,159.96



Agenda Date: 7-15-2014

Agenda Item: 3F

STAFF REPORT

Approved:


Gary A. Napper
City Manager/Executive Director

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 15, 2014

SUBJECT: CONSIDERATION OF A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT FOR FY 2014-15

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Lydia Lane Sewer Assessment District was formed to undertake the installation of sanitary sewers and laterals in the Lydia Lane and Verna Way area south of Clayton Road.

The City issued and sold bonds to provide the funding for the formation of the district and the construction of the sewers. The bonds are to be repaid by the property owners through assessments levied each year and collected by the County with their property taxes. Along with principal and interest costs, the assessments also include an administrative fee of \$150.00 per parcel to cover the City's overhead costs.

The first assessment was levied in FY 2002/03 and the final assessment will be levied in FY 2031/32.

The attached resolution confirms the proposed assessments for fiscal year 2014-15.

FISCAL IMPACT

The annual assessments will yield approximately \$17,900 for the Lydia Lane Sewer Assessment District for FY 2014-15. If this Resolution is not approved, the City would have

Subject: Lydia Lane Sewer Assessment District – Levy of Assessments

Date: July 15, 2014

Page 2 of 2

to pursue separate action against each assessed property owners to collect the monies due or default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Lydia Lane Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO.

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR
FY 2014-15 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF
MUNICIPAL SANITARY SEWERS.**

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

WHEREAS, by passage of Resolution 36-2002, the City Council ordered the formation of the Lydia Lane Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of \$228,332.00 to fund the construction of municipal sanitary sewers in the Lydia Lane Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levying and inclusion of an annual assessment, for principal, interest and administrative costs, on each real property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2014-15 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council hereby orders the levy of assessments for FY 2014-15 on those parcels within the Lydia Lane Sewer Assessment District for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.
3. The assessments shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 15th day of July 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on July 15, 2014.

Janet Brown, City Clerk

EXHIBIT A

**ANNUAL ASSESSMENT AMOUNTS FOR FY 2014-15
FOR THE LYDIA LANE SEWER ASSESSMENT DISTRICT**

Lydia Lane Sewer Assessment District	
Parcel ID (APN)	Amount
120-042-005	\$941.54
120-042-006	\$941.54
120-043-007	\$941.54
120-043-009	\$941.54
120-051-007	\$1,169.46
120-051-008	\$1,169.46
120-051-010	\$1,169.46
120-052-003	\$1,169.46
120-052-004	\$1,169.46
120-052-005	\$1,169.46
120-052-006	\$1,169.46
120-052-009	\$1,169.46
120-052-011	\$1,169.46
120-052-015	\$1,169.46
120-052-016	\$1,169.46
120-052-017	\$1,169.46
Total Assessment	\$17,799.68

Agenda Date: 7-15-2014

Agenda Item: 3g



Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 15 JULY 2014
SUBJECT: CITY RESPONSE TO CIVIL GRAND JURY REPORT NO. 1403

RECOMMENDATION

It is recommended the City Council review the prepared City response letter regarding Civil Grand Jury Report No. 1403, "Training City Personnel in Reporting Child Abuse; and then subject to any Council modifications to the proposed response, by minute motion approve the letter as the City's official response and authorize Mayor Stratford to sign.

BACKGROUND

A Civil Grand Jury is commissioned annually in Contra Costa County to investigate city and county governments, special districts and certain non-profit corporations to ensure functions are performed in a lawful, economical and efficient manner. Pursuant to *California Government Code* Section 933.5(a), whenever a civil grand jury issues a report that involves matters within a particular municipality's jurisdiction or area of responsibility, the respective city is required to respond in writing and in accord with a specific response format.

On 06 May 2014, the FY 2013-14 Contra Costa Civil Grand Jury released a Report directed to all nineteen cities within Contra Costa County. Report No. 1403 considered recent multiple lawsuits against school districts and city governments alleging child abuse, and the failures of personnel to report suspected instances of the same. It concluded the failures are due, in large part, to inadequate training of employees, and other personnel, in their legal obligations as "mandated reporters" of child abuse.

Civil Grand Jury Report No. 1403 resulted in seven (7) Findings and eight (8) Recommendations requiring structured responses by each of the listed respondents. Attached is staff's recommended draft letter for the City Council to consider and approve constituting our City's response to Civil Grand Jury Report No. 1403. The City's response to this particular Report is due by 06 August 2014. As the City Council regular meeting scheduled for August 5th has been canceled, this Agenda is the last opportunity to approve the City's Response to this Report.

FISCAL IMPACT

None directly. However, there are certainly indirect staff costs and direct time incurred in responding to Civil Grand Jury Reports, Findings and Recommendations.

Exhibits: A. Proposed City Response and Cover Letter [5 pp.]

B. Civil Grand Jury Report No. 1403 and Cover Letter [11 pp.]



COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
HANK STRATFORD, MAYOR
DAVID T. SHUEY, VICE MAYOR
JIM DIAZ
HOWARD GELLER
JULIE K. PIERCE

July 16, 2014

VIA U.S. REGULAR MAIL AND
REQUESTED EMAIL TO: clope2@contracosta.courts.ca.gov

Stephen D. Conlin, Foreperson
Contra Costa County Civil Grand Jury, 2013-14
725 Court Street
P O Box 431
Martinez, CA 94553-0091

**Re: City Response to Civil Grand Jury Report No. 1403
"Training City Personnel in Reporting Child Abuse"**

Dear Mr. Conlin:

Pursuant to the May 6, 2014 letter regarding release of Report No. 1403 by the Contra Costa County Civil Grand Jury for 2013-14, the City of Clayton provides its attached Response as required by California Penal Code section 933.05(a). At its regular public meeting of July 15, 2014, the Clayton City Council reviewed, considered and then approved its attached Response.

Should any questions arise regarding our reply, please do not hesitate to contact us or our city manager at 925.673-7300.

Sincerely,

Hank Stratford
Mayor

Attachment: 1. City Response to Civil Grand Jury Report No. 1403 [4 pp.]

cc: Honorable Clayton City Council Members



**CITY OF CLAYTON RESPONSE TO
CIVIL GRAND JURY REPORT NO. 1403
"TRAINING CITY PERSONNEL IN REPORTING CHILD ABUSE"**

2013-14 CONTRA COSTA COUNTY CIVIL GRAND JURY

The City of Clayton, California provides the following response to Civil Grand Jury Report No. 1403, "Training City Personnel in Reporting Child Abuse", issued by the 2013-14 Contra Costa County Civil Grand Jury on 06 May 2014. Pursuant to page 8 of the Report, the City is required to respond to Findings 1 through 7 and Recommendations 1 through 8 adhering to format guidelines prescribed by the California Penal Code (Section 933.05).

FINDINGS

1. *The law strongly encourages cities to provide their employees who are "mandated reporters" with training about their obligations to identify and report known or suspected child abuse.*

City Response

The City agrees with this Finding.

2. *A "mandated reporter" employed by a city includes, but is not limited to, an administrator or employee whose duties require direct contact and supervision of children.*

City Response

The City agrees with this Finding.

3. *Training in child abuse reporting obligations should be given annually to every city employee whose duties require direct contact and supervision of children.*

City Response

The City agrees with this Finding.

4. *Training in child abuse reporting obligations should include:*

- a. *Who are "mandated reporters";*

- b. *What is "reasonable suspicion" of child abuse;*

- c. *How and when a report should be made;*

- d. *What safeguards are in place to protect mandated reporters; and*

e. *What are the ramifications of making a suspected child abuse report.*

City Response

The City agrees with this Finding.

5. *While volunteers who have direct contact or supervise children are excluded from the definition of "mandated reporters" under the Penal Code, the law "encourages" such volunteers to obtain training in identifying and reporting suspected or known child abuse.*

City Response

The City agrees with this Finding.

6. *A procedure should be implemented to verify that all city personnel who are mandated reporters receive training.*

City Response

The City agrees with this Finding.

7. *The Child Abuse Prevention Council of Contra Costa County provides training services in abuse reporting at no cost to cities in the County.*

City Response

The City agrees with this Finding.

#

RECOMMENDATIONS

1. *Each city should consider immediately adopting a policy to train its employees and other personnel about their obligation to identify and report suspected cases of child abuse.*

City Response

The recommendation has been implemented.

As noted on page 4 of Civil Grand Jury Report No. 1403, the Clayton City Council adopted a City Administrative Policy on this subject at its public meeting held on 13 December 2013. A copy of said City Policy was previously transmitted to the Civil Grand Jury shortly thereafter.

2. *Each city should review the duties of all employees and other personnel to determine which personnel fall within the definition of "mandated reporters" under Penal Code section 11165.7.*

City Response

The recommendation has been implemented during the preparation, drafting and adoption of a City Administrative Policy on this subject on 13 December 2013.

3. *The training program should include all personnel who are “mandated reporters”.*

City Response

The recommendation has been implemented. Pursuant to the Penal Code definition of “mandated reporters”, the only City of Clayton personnel matching that definition are sworn law enforcement officers of the City. City of Clayton police personnel receive annual training and updates on child abuse reporting via the California Peace Officers Standards and Training (POST).

The City of Clayton does not have a municipal parks and recreation department, nor does it employ any other City personnel whose duties require direct contact and/or supervision of children.

4. *The training program in child abuse reporting obligations should include:*

a. *Who are “mandated reporters”;*

b. *What is “reasonable suspicion” of child abuse;*

c. *How and when a report should be made;*

d. *What safeguards are in place to protect mandated reporters; and*

e. *What are the ramifications of making a suspected child abuse report.*

City Response

The recommendation has been implemented. Clayton law enforcement personnel, as the City’s only “mandated reporters” receive annual POST training on this matter.

5. *Each city should consider including all volunteers who have direct contact with or supervise children in its abuse reporting training program.*

City Response

The recommendation will not be implemented. The City of Clayton, lacking a municipal parks and recreation department or children programs, does not utilize volunteers in this capacity.

6. *In the case where a city enters into an agreement with an independent contractor to provide services that require direct contact or supervision of children, the city should consider ensuring that the independent contractor and each of its staff who will have direct contact or supervision of children have successfully completed the city’s “mandated reporting” training program.*

City Response

The recommendation has been implemented. As noted throughout Report No. 1403 and by the Report’s very title, namely “Training City Personnel”, Penal Code section 11165, et al. encompasses mandatory training of public agency personnel. The only City of Clayton personnel requiring “mandatory reporter” training are its law enforcement personnel who receive it through POST training.

Although unnecessary under the law, the City has informed its independent contractor (All Out Sports League, or "AOSL"), which conducts recreation programs and services at a local school district gymnasium, of the public policy merits and benefits of having its employees receive child abuse reporting training. In this regard, AOSL has been referred to the services offered by the Child Abuse Prevention Council of Contra Costa County to undertake its valuable and important training.

7. *Each city should establish a procedure for verifying that all employees and other personnel who are mandated reporters have successfully completed the training program each year.*

City Response

The recommendation has been implemented. The City maintains training records of all those considered "mandated reporters" (i.e., Clayton law enforcement personnel).

8. *Each city should consider retaining the Child Abuse Prevention Council of Contra Costa County to provide free training services about child abuse reporting.*

City Response

The recommendation will not be implemented as this City has no "mandated reporters" other than its sworn law enforcement personnel who already receive annual POST training. However, the City is grateful that such an entity exists to provide such valuable public agency training; should it ever determine child abuse reporting training should be extended to non-mandatory reporters within its municipal organization, the City will certainly contact the Child Abuse Prevention Council to conduct such training.

#

May 6, 2014

Gary A. Napper, City Manager
6000 Heritage Trail
Clayton, CA 94517



Received

MAY 07 2014

City of Clayton

Dear Mr. Napper:

Attached is a copy of **Grand Jury Report No. 1403, 'Training City Personnel in Reporting Child Abuse'** by the "2013-2014" Contra Costa Grand Jury. As City of Clayton is a subject of the report, this report is being provided to you at least two working days before it is released publicly in accordance with California Penal Code section 933.05(f).

Section 933.05(a) of the California Government Code requires that a person or entity that is the subject of a report shall respond to each finding in the report by indicating one of the following :

- (1) The respondent agrees with the finding;
- (2) The respondent disagrees with the finding; or
- (3) The respondent partially disagrees with the finding.

If the respondent wholly or partially disagrees with a finding, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation of the report by stating one of the following actions:

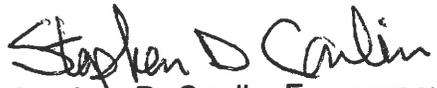
1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be aware that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. Please ensure that your response to the above noted Grand Jury report complies in form and substance with the legal requirements for such responses. We expect your response, no later than **AUGUST 6, 2014** under the Penal Code.

Please send a copy of your response in hard copy to the Grand Jury, as well as a copy by e-mail in Word to clope2@contracosta.courts.ca.gov .

Sincerely,



Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury

Enclosure

Received
MAY 07 2014
City of Clayton

A REPORT BY
THE 2013-2014 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1403

TRAINING CITY PERSONNEL IN
REPORTING CHILD ABUSE

APPROVED BY THE GRAND JURY:

Date: 04/24/2014

Stephen D Conlin
STEPHEN D. CONLIN
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/5/14

John T. Laettner
JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1403

Training City Employees in Reporting Child Abuse

TO: All Contra Costa County Cities

SUMMARY

Multiple lawsuits alleging child abuse, and the failure to report suspected instances of the same, have revealed that many employees of public entities, including those of cities, do not understand their duties to identify and report suspected or known instances of child abuse. This failure is due, in large part, to inadequate training of employees, and other personnel, in their legal obligations as “mandated reporters”.

To help protect children from child abuse, and cities from liability for failing to report suspected cases of abuse, each city should establish and implement a program to train all “mandated reporters”, including volunteers and other personnel who have direct contact or supervision of children, in abuse reporting guidelines. The training programs should be conducted on an annual basis and each city should implement a system to verify that employees and other personnel who are mandated reporters have successfully completed the training.

METHODOLOGY

- Review of California Penal Code sections mandating reporting of child abuse;
- Review of publications by the State Office of Child Abuse Prevention, Greater Bay Area Child Abuse Prevention Council Coalition and Child Abuse Prevention Council of Contra Costa County;
- Detailed survey of each city regarding their policies, procedures and practices in the training of employees to report suspected child abuse;
- Interviews of child abuse prevention experts;
- Interview of city personnel responsible for child abuse reporting training, and;
- Review of Walnut Creek Investigative Report.

BACKGROUND

The first child abuse reporting law was enacted in California in 1963. Nevertheless, more than 50 years later, cities within this County, as well as other public entities, have failed to provide basic training to their employees in reporting suspected, or actual, child abuse. The lack of training has resulted in instances when suspected or known child abuse was not reported as required by law and where city employees were unaware of their duties to report the alleged abuse.

The Problem

The alleged failures of various school districts within the County to report suspected or known child abuse are now well documented, as set forth in the Grand Jury's recent report (Report No. 1402). School Districts in Moraga, Antioch and Brentwood have recently agreed to pay millions of dollars to settle lawsuits alleging instances of child abuse that resulted, in part, from the purported failure of school personnel to report suspected, or known, cases of child abuse. Additional lawsuits are pending.

However, problems relating to the alleged failure to report suspected or known child abuse, and the lack of employee training about the duty to report the same, is not confined to school districts in the County. A recent case in the City of Walnut Creek revealed the potential damaging effects that may result when child abuse allegations arise from the failure of a city to adequately train its employees, or other personnel, to report known or suspected instances of child abuse.

This well-documented incident involved allegations of child molestation in 2012 by a part-time employee of Walnut Creek's Leshner Center for the Arts. The suspected abuse became known to various City officials. The District Attorney filed criminal charges against the employee in February 2013. In addition, investigations by the Concord Police Department and later by an independent investigator retained by the City were undertaken to determine whether Walnut Creek employees failed to report the suspected abuse pursuant to their obligations under the California Penal Code.

The report prepared by the independent investigator ultimately concluded that there was no city-wide training of employees about their obligations to report suspected child abuse. The report found that numerous City officials had not received any training on "mandated reporting" and, at least in one case "did not know there was such a thing as 'mandated reporting'." The report found that all of the officials should have received adequate training in reporting suspected child abuse.

The incident cost Walnut Creek far more than the expense of the investigative report. Several City officials were temporarily suspended from their jobs and others resigned. The City ended up paying the attorney's fees for at least some of the suspended employees. The damage to the City's reputation and morale is unknown.

The above discussion is not intended to single out Walnut Creek, as the lack of adequate training has been almost uniform among cities within the County for years. Instead, it is an illustration of the potential consequences cities may face for failing to provide their employees adequate training to report abuse. In light of the explosion of claims against school districts, cities may face serious abuse claims in the future unless adequate training is instituted and maintained.

The Law

The California Child Abuse and Neglect Reporting Law is set forth in Penal Code sections 11165 – 11174.3. Since its enactment in 1963, the law has been amended on several occasions, expanding both the definition of “abuse” and the persons – known as “mandated reporters” – who are required to report suspected instances of child abuse. The law defines the obligations in detail, that include:

1. **What** is child abuse (Penal Code section 11165.6 [all references are to the Penal Code]);
2. **What** must be reported (P.C. section 11166);
3. **Who** is a mandated reporter (P.C. section 11165.7);
4. **When** the suspected abuse should be reported (P.C. section 11166)
5. **To Whom** the suspected abuse should be reported (P.C. section 11166);
6. **Safeguards** for persons making the mandated reports (P.C. section 11172)
7. **Liabilities** for failure to make a required report (P.C. section 11166.01);and
8. **Responsibilities** of the agency employing the mandated reporter (P.C. section 11166.1).

The Penal Code’s definition of a “mandated reporter” is extensive and should be scrutinized by each city to determine which of its employees fall within the statutory definition. However, certain categories of employees set forth in P.C. section 11165.7 clearly apply to certain employees within a city. These employees include:

“ ...

(6) An administrator of a public or private day camp;

(7) An administrator or employee of a public or private youth center, youth center recreation program or youth organization;

(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children...”

The Penal Code does not explicitly require cities to train their “mandated reporters” in their obligations; however, P.C. section 11165.7(c). provides:

“Employers are strongly encouraged to provide their employees who are mandated reporters in [their] duties . This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting.
...”

A report of suspected child abuse must be made **immediately**, or as soon as practical, to legal authorities by phone and then followed by a **written** report within 36 hours. Failure to do so,

subjects the mandated reporter to criminal liability. Moreover, the obligation to make the report cannot be satisfied by telling a supervisor or colleague – an apparent misconception in many of the child abuse cases.

The Training

1. Mandated Reporters

The Grand Jury recently issued a report (Report No. 1402) on the status of child abuse reporting training by school districts in the County. While the Grand Jury concluded that the training programs were long overdue and deficient in a number of respects, the Grand Jury found that most of the districts were making a serious effort to develop and improve their training programs. Clearly there is further work to be done.

However, the abuse reporting policies and training programs of the cities in the County lag far behind the programs instituted by the school districts. Almost none of the cities had a city-wide policy on reporting child abuse, let alone a training program, until the last few months. The responses of several of the cities to the Grand Jury's request in November 2013 for information on this subject illustrate the problem.

The City of Clayton responded, in part, that:

“Following the recent unfortunate incident and publicity on this subject with The City of Walnut Creek, Clayton was in the midst of preparing a City Administrative Policy. After receipt of the Civil Grand Jury's November 2013 [letter], City staff accelerated the task and the enclosed City Administrative Policy was adopted by the Council at its public meeting on 12/13/13.”

The City of Oakley responded that it did not have a formal policy on child abuse reporting in place, but attached a draft Mandated Reporting Policy “...that is currently under review by the City Attorney.”

The City of San Pablo responded to the Grand Jury's request by stating, in part:

“...the City plans on presenting for City Council approval in the near future a child abuse reporting policy along the lines of similar policies recently adopted by Concord, Brentwood and Lafayette.”

These responses reflect the status of policies and training programs across almost all cities within the County. Almost all of the cities are scrambling to enact policies. But policies alone are not enough. Adoption of actual training programs and effective implementation of those programs are critical. Such training programs should be adopted and implemented now.

From a training perspective, the Child Abuse Prevention Council of Contra Costa County (CAPC) has been retained by a number of school districts and cities to provide “mandated reporter” training to their personnel. CAPC provides live training by qualified instructors. The training lasts approximately one to one and a half hours and includes sample scenarios, as well as a “give and take” discussion with the training participants. Moreover, the training is provided at

no cost to the city.

The evidence clearly suggests that cities within the County should be encouraged to adopt a uniform training program in order to ensure adequate and comprehensive education of City personnel in reporting suspected child abuse. A review of the Penal Code provisions relating to mandated reporters, as well as other pertinent information, indicate that an effective and comprehensive training program should be mandatory for all city employees whose duties require direct contact and supervision of children. The training program should be given annually and, at a minimum, include the following topics:

- Who are “mandated reporters”;
- What is “reasonable suspicion” of child abuse;
- How and when should a report be made;
- What safeguards are in place to protect mandated reporters; and
- What are the ramifications of making a suspected child abuse report.

In addition, each City should establish a procedure for **verifying** that all employees who are mandated reporters have successfully completed the training program.

2. Volunteers

Volunteers are specifically excluded from the definition of “mandated reporters” under the Penal Code, even those who have direct contact with and supervise children. (P.C. section 11165.7(b).) However, the statute also provides that such volunteers are:

“... encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect . . .”

Moreover, the statute further provides:

“Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.” (P.C. 11165.7(f).)

There have been well-documented instances of child abuse by volunteers in city programs, particularly those in recreational or sports areas. Given the potential for abuse, as well as the statutory language that encourages training of volunteers, each city should consider including volunteers in its abuse reporting training programs.

3. Independent Contractors

Some cities enter into agreements with independent contractors to provide services that require direct contact or supervision of children. In those cases, the contracting city should ensure that

each independent contractor involved in such contact with children has successfully completed the city's "mandated reporter" training program.

Obviously, training programs alone cannot prevent all instances of child abuse. However, if an effective and comprehensive training program prevents only **one** child from being abused, **one** family from having to endure the hardships of an abused child, **one** City from having to pay millions of dollars to settle a child abuse lawsuit, then there is no reason for any district to resist implementing the same.

FINDINGS

1. The law strongly encourages cities to provide their employees who are "mandated reporters" with training about their obligations to identify and report known or suspected child abuse.
2. A "mandated reporter" employed by a city includes, but is not limited to, an administrator or employee whose duties require direct contact and supervision of children.
3. Training in child abuse reporting obligations should be given annually to every city employee whose duties require direct contact and supervision of children.
4. Training in child abuse reporting obligations should include:
 - a. Who are "mandated reporters";
 - b. What is "reasonable suspicion" of child abuse;
 - c. How and when a report should be made;
 - d. What safeguards are in place to protect mandated reporters; and
 - e. What are the ramifications of making a suspected child abuse report.
5. While volunteers who have direct contact or supervise children are excluded from the definition of "mandated reporters" under the Penal Code, the law "encourages" such volunteers to obtain training in identifying and reporting suspected or known child abuse.
6. A procedure should be implemented to verify that all city personnel who are mandated reporters receive training.
7. The Child Abuse Prevention Council of Contra Costa County provides training services in abuse reporting at no cost to cities in the County.

RECOMMENDATIONS

1. Each city should consider immediately adopting a policy to train its employees and other personnel about their obligation to identify and report suspected cases of child abuse.

2. Each city should review the duties of all employees and other personnel to determine which personnel fall within the definition of “mandated reporters” under Penal Code section 11165.7.
3. The training program should include all personnel who are “mandated reporters”.
4. The training program in child abuse reporting obligations should include:
 - a. Who are “mandated reporters”;
 - b. What is “reasonable suspicion” of child abuse;
 - c. How and when a report should be made;
 - d. What safeguards are in place to protect mandated reporters; and
 - e. What are the ramifications of making a suspected child abuse report.
5. Each city should consider including all volunteers who have direct contact with or supervise children in its abuse reporting training program.
6. In the case where a city enters into an agreement with an independent contractor to provide services that requires direct contact or supervision of children, the city should consider ensuring that the independent contractor and each of its staff who will have direct contact or supervision of children have successfully completed the city’s “mandated reporting” training program.
7. Each city should establish a procedure for verifying that all employees and other personnel who are mandated reporters have successfully completed the training program each year.
8. Each city should consider retaining the Child Abuse Prevention Council of Contra Costa County to provide free training services about child abuse reporting.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
City of Antioch	1-7	1-8
City of Brentwood	1-7	1-8
City of Clayton	1-7	1-8
City of Concord	1-7	1-8
Town of Danville	1-7	1-8
City of El Cerrito	1-7	1-8
City of Hercules	1-7	1-8
City of Lafayette	1-7	1-8
City of Martinez	1-7	1-8
Town of Moraga	1-7	1-8
City of Oakley	1-7	1-8
City of Orinda	1-7	1-8
City of Pinole	1-7	1-8
City of Pittsburg	1-7	1-8
City of Pleasant Hill	1-7	1-8
City of Richmond	1-7	1-8
City of San Pablo	1-7	1-8
City of San Ramon	1-7	1-8
City of Walnut Creek	1-7	1-8

Agenda Date: 7-15-2014

Agenda Item: 3h



Approved:


Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 15 JULY 2014
SUBJECT: CITY RESPONSE TO CIVIL GRAND JURY REPORT NO. 1404

RECOMMENDATION

It is recommended the City Council review the prepared City response letter regarding Civil Grand Jury Report No. 1404, "Planning For Technology, Towards an Integrated Strategic Approach"; and then subject to any Council modifications to the proposed response, by minute motion approve the letter as the City's official response and authorize Mayor Stratford to sign.

BACKGROUND

A Civil Grand Jury is commissioned annually in Contra Costa County to investigate city and county governments, special districts and certain non-profit corporations to ensure functions are performed in a lawful, economical and efficient manner. Pursuant to *California Government Code* Section 933.5(a), whenever a civil grand jury issues a report that involves matters within a particular municipality's jurisdiction or area of responsibility, the respective city is required to respond in writing and in accord with a specific response format.

On 06 May 2014, the FY 2013-14 Contra Costa Civil Grand Jury released a Report directed to all nineteen cities within Contra Costa County. Report No. 1404 considered recent technological advancements have increased dramatically over the past 20 years and postulated the need for cities to develop integrated technology plans to strategically address technological implementations.

Civil Grand Jury Report No. 1404 concluded with six (6) Findings and five (5) Recommendations requiring structured responses by each of the listed respondents. Attached is staff's recommended draft letter for the City Council to consider and approve constituting our City's response to Civil Grand Jury Report No. 1404. The City's response to this particular Report is due by 06 August 2014. As the City Council regular meeting scheduled for August 5th has been canceled, this Agenda is the last opportunity to approve the City's Response to this Report.

FISCAL IMPACT

None directly. However, there are certainly indirect staff costs and direct time incurred in responding to Civil Grand Jury Reports, Findings and Recommendations.

- Exhibits: A. Proposed City Response and Cover Letter [4 pp.]
B. Civil Grand Jury Report No. 1404 and Cover Letter [9 pp.]



COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 363-7433

6000 HERITAGE TRAIL • CLAYTON, CALIFORNIA 94517-1250
TELEPHONE (925) 673-7300 FAX (925) 672-4917

City Council
HANK STRATFORD, *MAYOR*
DAVID T. SHUEY, *VICE MAYOR*
JIM DIAZ
HOWARD GELLER
JULIE K. PIERCE

July 16, 2014

VIA U.S. REGULAR MAIL AND
REQUESTED EMAIL TO: clope2@contracosta.courts.ca.gov

Stephen D. Conlin, Foreperson
Contra Costa County Civil Grand Jury, 2013-14
725 Court Street
P O Box 431
Martinez, CA 94553-0091

**Re: City Response to Civil Grand Jury Report No. 1404
"Planning For Technology"**

Dear Mr. Conlin:

Pursuant to the May 6, 2014 letter regarding release of Report No. 1404 by the Contra Costa County Civil Grand Jury for 2013-14, the City of Clayton provides its attached Response as required by California Penal Code section 933.05(a). At its regular public meeting of July 15, 2014, the Clayton City Council reviewed, considered and then approved its attached Response.

Should any questions arise regarding our reply, please do not hesitate to contact us or our city manager at 925.673-7300.

Sincerely,

Hank Stratford
Mayor

Attachment: 1. City Response to Civil Grand Jury Report No. 1404 [3 pp.]

cc: Honorable Clayton City Council Members



**CITY OF CLAYTON RESPONSE TO
CIVIL GRAND JURY REPORT NO. 1404
“PLANNING FOR TECHNOLOGY”**

2013-14 CONTRA COSTA COUNTY CIVIL GRAND JURY

The City of Clayton, California provides the following response to Civil Grand Jury Report No. 1404, “Planning For Technology”, issued by the 2013-14 Contra Costa County Civil Grand Jury on 06 May 2014. Pursuant to page 5 of the Report, the City is required to respond to Findings 1 through 6 and Recommendations 1 through 5 adhering to format guidelines prescribed by the California Penal Code (Section 933.05).

FINDINGS

1. *Demand for technology in all aspects of local government has exploded over the past 20 years and is expected to continue to increase.*

City Response

Notwithstanding hyperbole contained in the Finding (i.e. “exploded”), the City generally agrees with this Finding.

2. *City budgets often identify the need for technology improvements to achieve greater efficiency in government services.*

City Response

The City agrees with this Finding.

3. *Technology expenditures represent a significant part of many city budgets.*

City Response

The City partially disagrees with the Finding as expenditures on technology vary vastly between local governments and municipal needs/size. The City considers a more accurate Finding would have concluded technology expenditures “can” represent sizeable portions of city budgets.

4. *Technology project implementation is often a multi-year investment.*

City Response

The City agrees with this Finding.

5. *Technology in city government is rapidly changing. Industry associations and technology research groups are a good source of information on emerging trends.*

City Response

The City agrees with this Finding, noting other resources for municipal applications and practicalities also exist (e.g. ICMA; League of CA Cities).

6. *A city with a long-range plan for technology, including a budget, has a road map of priorities that provides clarity to city personnel and the public.*

City Response

The City agrees with this Finding, noting such is an optimal plan constrained by basic competing priorities.

#

RECOMMENDATIONS

1. *Each city within the County should consider creating and implementing a strategic technology plan, and identifying funds to do so.*

City Response

The recommendation will not be implemented because in the City of Clayton's case and circumstance it is not warranted and is not reasonable.

The City prefers to expend its limited taxpayer monies on the actual purchase of technology equipment and software in contrast to spending sparse funds on already-impacted staff time or on an outside consultant contract to create such a strategic plan, and then monitor and update it periodically. As noted on page 1 of the Civil Grand Jury's Report, "Strategic planning is essential for the largest cities, which offer a variety of services...." As the smallest city in the County, Clayton's fiscal challenges are tasked to basic municipal services to its community, not to a plethora of additional paper plans.

2. *Each city should consider identifying the technology needs of the city over a minimum of a five-year period in the strategic technology plan.*

City Response

The recommendation will not be implemented because in the City of Clayton's case and circumstance it is not warranted and is not reasonable. Please see City Response above to Recommendation No. 1.

3. *Each city should consider identifying technology projects and costs in the city budget.*

City Response

The recommendation has been implemented as the City employs its annual review of the Capital Equipment Replacement Fund (CERF) during the City Budget process, through which the City amortizes [funds] replacement technology equipment and needs over a five year period.

4. *Each city should consider identifying any technological objectives and needs that are common to multiple departments within the city in the technology plan and developing integrated programs to increase efficiency and cost savings.*

City Response

The recommendation will not be implemented because in the City of Clayton's case and circumstance it is not warranted or is not reasonable. The City does not need the formality of a "technology plan" document to employ such basic managerial principles when determining technology expenditures in our small municipal organization.

5. *Each city should consider reviewing its technology plan on an annual basis and updating it as appropriate.*

City Response

The recommendation will not be implemented because in the City of Clayton's case and circumstance it is not warranted or is not reasonable. The City already uses its annual CERF review process to accomplish the same proposed objectives.

#

May 6, 2014

Gary A. Napper, City Manager
6000 Heritage Trail
Clayton, CA 94517



Received

MAY 07 2014

City of Clayton

Dear Mr. Napper:

Attached is a copy of **Grand Jury Report No. 1404, 'Planning For Technology'** by the "2013-2014" Contra Costa Grand Jury. As City of Clayton is a subject of the report, this report is being provided to you at least two working days before it is released publicly in accordance with California Penal Code section 933.05(f).

Section 933.05(a) of the California Government Code requires that a person or entity that is the subject of a report shall respond to each finding in the report by indicating one of the following :

- (1) The respondent agrees with the finding;
- (2) The respondent disagrees with the finding; or
- (3) The respondent partially disagrees with the finding.

If the respondent wholly or partially disagrees with a finding, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation of the report by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be aware that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. Please ensure that your response to the above noted Grand Jury report complies in form and substance with the legal requirements for such responses. We expect your response, no later than **AUGUST 6, 2014** under the Penal Code.

Please send a copy of your response in hard copy to the Grand Jury, as well as a copy by e-mail in Word to clope2@contracosta.courts.ca.gov .

Sincerely,

A handwritten signature in black ink that reads "Stephen D. Conlin". The signature is written in a cursive style with a large, stylized "S" and "C".

Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury

Enclosure

Received
MAY 07 2014
City of Clayton

A REPORT BY
THE 2013-2014 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1404

PLANNING FOR TECHNOLOGY

Towards an Integrated, Strategic Approach

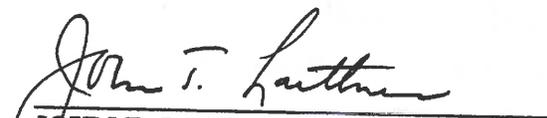
APPROVED BY THE GRAND JURY:

Date: 04/24/2014


STEPHEN D. CONLIN
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: May 5, 2014


JOHN T. LAETTNER
JUDGES OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report
PLANNING FOR TECHNOLOGY

Towards an Integrated, Strategic Approach

TO: All Contra Costa County Cities

SUMMARY

The use of technology by cities has increased dramatically over the past 20 years, from simply playing a support role in providing desktop computers and network servers to being a catalyst for productivity and touching virtually every department operation. As demand for technology applications has expanded, the need for cities to develop integrated plans has become critical.

Technology budgets of cities have increased significantly over the past few years. Some cities in Contra Costa County spend over 6% of their total funding on technology. Industry experts estimate that municipal technology budgets typically range between 5-7% of total city budgets.

Strategic planning is essential for the largest cities, which offer a variety of services, but even the smallest cities face increasing technological demands for communication, efficiency and safety. Furthermore, access to information around the clock is a baseline public expectation, no matter the city size. Demand for access to local government services via the Internet will continue to increase.

Cities would benefit from developing a five-year plan to ensure effective and economical use of technology. Each plan should include an analysis of the technology investments and a detailed budget. The plan should also identify objectives and needs that are common to multiple departments within the city to increase efficiency and cost savings. Finally, each plan should be reviewed on an annual basis by city staff and updated as appropriate.

METHODOLOGY

Information was obtained from:

- Surveys completed by all 19 cities in Contra Costa County

- Interviews with municipal technology managers
- Information from industry experts
- Industry association of municipal technology managers
- Public media

BACKGROUND

Growing importance of technology

Cities are experiencing increased demand for the implementation of new technology despite limited resources. Having a long-range technology plan clarifies the sequence of implementation and provides clear communication with departments, the city council, and the public about what is both envisioned and ultimately accomplished.

Highlights of an annual city budget are typically summarized in the city manager's "budget message". The messages of many city managers in Contra Costa County place an emphasis on expanded implementation of technology as a primary strategy to create greater efficiency and provide the public with increased access to city services.

As limited city resources continue to put pressure on the delivery of city services, city departments are forced to do more with less. Technology can often provide solutions without increasing personnel. Technology can also improve efficiency by providing the public with internet access to city services, such as on-line registration for recreation programs, license renewals, and on-line payments for a multitude of services.

The public increasingly expects access to city information via the Internet. Examples include live video streaming of city council meetings and other city meetings, land and geographical information, access to city records, budgets, and ordinances.

The use of crime-fighting technology applications are also increasing in some cities. Gunshot audio-detection systems, automatic license plate readers that spot stolen vehicles, and remote-controlled cameras all increase the breadth of technology used by municipalities. In a recent newspaper article, the City Manager of Pinole stated:

"The city continues to see violent crime trending downward. This reflects significant public investment by the City Council in emerging technologies along with effective proactive community policing to engage residents in assisting the Police Department in solving major crimes."

Technology planning

Some cities in Contra Costa County have developed technology master plans with clear priorities and goals. Technology managers have stated that the process used to develop these plans includes:

- Assessment of existing technology organization and skills;
- Analysis of current and future technological needs;
- Facilitated department level and city-wide prioritization process; and
- Communication of the final plan including timeline and budgets

Effective technology planning has the potential to create significant improvements in the internal operations of the city. By identifying objectives and needs that are common to multiple departments, integrated programs can be developed that improve communication, efficiency and cost savings. As reported by city technology managers, a technology plan establishes clear priorities that are aligned with overall city goals, and identifies funding for those projects deemed most critical to the community.

The interdepartmental approach for development of a technology plan also highlights shared business needs across department lines, as well as results in computer programs that benefit multiple departments and applications that are more cost effective and easier to manage. Plans often include the formation of an internal group within the city that includes high-level department representatives. The group tracks priorities identified in the plan, evaluates requests from departments for technology projects, communicates back to the organization the status of project implementation, and makes recommendations to the city manager on budget allocation and shifting priorities.

Strategic technology planning has become common practice for many California municipalities. One industry expert explained:

“Historically, technology master plans have focused on infrastructure (desktop computers, network servers, data centers, etc.). However, in today’s environment, technology master plans are more focused on business or operational needs and the applications that can improve, streamline, or automate functions. In addition, today’s plans also focus more on data security, data sharing, integration/ interfaces, and mobility.”

There are several benefits to the strategic planning process:

- Requires a thorough assessment of existing technology resources and systems;
- Requires communication with all stakeholders and results in a set of priorities that make decisions transparent;
- Includes setting realistic budgets that include capital investments and on-going staff resources;
- Allows for monitoring progress and making adjustments as technology needs change; and
- Educates city executives on the technological implications of their decisions.

Where it's working

The cities of Walnut Creek and Danville have embraced technology planning and developed multi-year plans that guide technology investment and prioritize staff resources. Each city has a strategic technology plan that outlines technology needs for the city over a five-year period. This period gives cities sufficient time to choose and implement technology, but is not so long as to incorporate technology that may be obsolete within the time horizon. The plans include an analysis of the technology investment, a budget, and a timeline. The plans are reviewed on an annual basis for updates and modifications.

The programs developed and implemented by Walnut Creek and Danville are consistent with recommendations by experts in the technology field, as well as the industry literature on best practices. Perhaps as important, is the fact that the plans appear to be working, as technology projects are planned, budgeted and implemented. Strategic planning that incorporates technology requirements is a benefit regardless of the size of a city or its budget. Each city should strive for greater efficiency in operations, improved services and easier public access to local government. Planning for specific technology needs within the context of over-arching city-wide goals is a necessary part of the budgeting process.

FINDINGS

1. Demand for technology in all aspects of local government has exploded over the past 20 years and is expected to continue to increase.
2. City budgets often identify the need for technology improvements to achieve greater efficiency in government services.
3. Technology expenditures represent a significant part of many city budgets.
4. Technology project implementation is often a multi-year investment.
5. Technology in city government is rapidly changing. Industry associations and technology research groups are a good source of information on emerging trends.
6. A city with a long-range plan for technology, including a budget, has a road map of priorities that provides clarity to city personnel and the public.

RECOMMENDATIONS

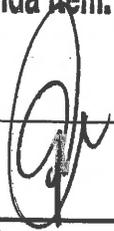
1. Each city within the County should consider creating and implementing a strategic technology plan, and identifying funds to do so.
2. Each city should consider identifying the technology needs of the city over a minimum of a five-year period in the strategic technology plan.

3. Each city should consider identifying technology projects and costs in the city budget.
4. Each city should consider identifying any technological objectives and needs that are common to multiple departments within the city in the technology plan and developing integrated programs to increase efficiency and cost savings.
5. Each city should consider reviewing its technology plan on an annual basis and updating it as appropriate.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
City of Antioch	1-6	1-5
City of Brentwood	1-6	1-5
City of Clayton	1-6	1-5
City of Concord	1-6	1-5
Town of Danville	1-6	1-5
City of El Cerrito	1-6	1-5
City of Hercules	1-6	1-5
City of Lafayette	1-6	1-5
City of Martinez	1-6	1-5
Town of Moraga	1-6	1-5
City of Oakley	1-6	1-5
City of Orinda	1-6	1-5
City of Pinole	1-6	1-5
City of Pittsburg	1-6	1-5
City of Pleasant Hill	1-6	1-5
City of Richmond	1-6	1-5
City of San Pablo	1-6	1-5



Approved: 
Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Chris Thorsen, CHIEF OF POLICE

DATE: July 8, 2014

SUBJECT: APPROVE CERTAIN CONTRACTS RELATED TO THE PURCHASE OF A NEW POLICE VEHICLE TO REPLACE AN UNSERVICABLE POLICE VEHICLE AND AUTHORIZE THE DISPOSAL OF A PATROL VEHICLE AS PROPERTY SURPLUS TO THE NEEDS OF THE CITY

RECOMMENDATION

It is recommended the City Council, by minute motion, award contracts for the purchase and outfitting of a new 2015 Ford Police Interceptor SUV police vehicle as follows:

- 1) The purchase of a 2015 Ford Police Interceptor from Downtown Ford \$28,784.03
- 2) The purchase of emergency equipment from and labor to outfit the New vehicle by Northern California's Emergency Vehicle Installations. \$ 8,802.38
- 3) Labor to strip out vehicle #1731 to reuse much of the emergency equipment and prepare it to be used as the new decoy patrol car. \$ 625.00
- 4) Purchase of a new video recording system from Watch Guard Video Recording Systems. \$ 5,170.00

Total: \$43,381.41

The total proposed expenditure is to be \$43,381.41 from the Capital Equipment Replacement Fund (CERF).

BACKGROUND

The City of Clayton's Police Department currently has a fleet of 7 patrol vehicles. In the past, the Police Department has replaced at least one vehicle each year with a new police "Interceptor" vehicle which is specially designed to serve as a patrol vehicle.

This new vehicle will replace an unserviceable vehicle in the Police Department's fleet. The unserviceable vehicle, a 2008 Ford Crown Victoria (number 1731), has approximately 100,000 miles. Though vehicle #1731 is no longer suitable for patrol work, it will serve well as a "decoy car" used in our traffic calming program.

DISCUSSION

The Ford Motor Company discontinued the production of the Crown Victoria police platform at the end of the 2011 model year. We have reviewed several new vehicles designed for police service. For a variety of reasons, we have opted for the new Ford Police Interceptor SUV as our new patrol platform. The new sedan patrol vehicles for police service are smaller. Finding room for the necessary items in a modern police vehicle is difficult. Onboard computer systems, video recording systems, lights, sirens and the associated controls take considerable room. With these space demands, we also must have the ability to transport a prisoner in the confines of the rear seat.

The Concord Police Department is migrating to this same SUV platform for their new patrol vehicles. They are integrating them into the fleet as the older Crown Victorias are replaced. The City of Clayton contracts with the City of Concord for maintenance of our police vehicles. Though not required, there are advantages to using the same vehicle as the City of Concord. For example: Concord will stock parts, their technicians are familiar with the Ford products.

As this vehicle is a new platform, some of emergency equipment can be reused in the building of the new car. Other items are specific to the Crown Victoria model and can not be reused. Items such as the molded rear seat, prisoner cage etc will not cross over to the new vehicle. As such, the new SUV patrol vehicle will be slightly more expensive than in years past.

Our minimum staffing is typically two Officers on patrol at any given time. During our peak staffing levels, we have three Officers on patrol and a Reserve Officer augmenting our staff. The Police Department routinely staffs "special events" where numerous Officers/Cadets are on duty at the same time. Patrol vehicles need routine maintenance, can suffer unexpected mechanical, communication and emergency equipment failures. By maintaining a fleet of seven vehicles, we assure our capability to support all these missions simultaneously.

All Clayton Police vehicles are equipped with digital video recording systems which record the interaction between our officers and citizens. These same recording devices record the driving of our staff and violators during pursuits and other emergency vehicle operation events. The recording system in vehicle #1731 is old and outdated; it used antiquated software to save and store images. It's software is unique to that system, it is the

only remaining recording system of this type in our fleet. The recording system needs to be replaced as we build the new vehicle.

For many years, the City of Clayton has been using a "decoy car" as part of our traffic calming efforts throughout the City. The vehicle used for this purpose is an old patrol car, vehicle #1727. The vehicle is not equipped for active patrol duties. There is no police radio or functioning emergency equipment.

Over the years as a cost saving measure, we have used vehicle #1727 as a parts vehicle. Most recently, the headlamp switch was removed from vehicle #1727 and placed in another car. Vehicle #1727 can no longer be driven after dark. The vehicle is no longer serviceable and is questionable with respect to road worthiness. As part of this proposal, we will be removing vehicle #1731 from active patrol duties and using it in the role of the "decoy car". Vehicle #1727 will be disposed of as surplus property at public auction.

FISCAL IMPACT

The City routinely purchases one patrol vehicle per budget year. We purchased a vehicle in January of 2013, that vehicle is currently in service in our fleet. At that time, we were able to find a new 2011 Crown Victoria in a dealers existing inventory. Thus we did not incur the added expense of changing our all equipment specific to the Crown Victoria model. The supply of Crown Victoria patrol cars is exhausted, we now must change to the new vehicle.

The purchase will require the expenditure of monies as follows:

1) Purchase of the new vehicle from Downtown Ford.	\$28,784.03
2) Parts and labor to outfit the new car.	\$ 8,802.38
3) New video recording system.	\$ 5,170.00
4) Labor to strip vehicle #1731.	\$ 625.00
Total:	\$ 43,381.41

This expenditure was anticipated as part of the FY 2014/15 budget. The expenditure was anticipated as part of annual costs charged to the Capital Equipment Replace Fund (CERF). The Finance Manager has confirmed the CERF's cash balance is currently \$127,000 before this expense of \$43,381.41.

Attachments:
City Resolution
Downtown Ford Price Quote
Watch Guard Camera System Quote
Emergency Equipment and Build Quote
Labor Quote to Strip Veh #1731

RESOLUTION NO. - 2014

A RESOLUTION APPROVING THE CONTRACT PURCHASE AND OUTFITTING OF A NEW 2015 FORD POLICE INTERCEPTOR UTILITY PATROL VEHICLE TO REPLACE AN EXISTING 2008 FORD PATROL VEHICLE, AND DECLARING A 2004 PATROL VEHICLE (UNIT #1727) AS SURPLUS TO THE CITY'S NEEDS

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

WHEREAS, the City of Clayton Police Department uses police vehicles to perform its patrol function and provide law enforcement services to the community; and

WHEREAS, public safety and emergency response vehicles need to be replaced on a regular basis to assure they are in operable and dependable conditions; and

WHEREAS, patrol vehicles in post-purchase mode must be equipped with emergency lights, sirens, radios, digital recording devices, paint and decals specific to the public safety agency; and

WHEREAS, by necessity the City contracts with various outsource dealers and vendors for the purchase and installation of emergency equipment and recording devices on its police patrol vehicles; and

WHEREAS, monies are authorized in the City's Capital Equipment Replacement Fund (CERF) for the replacement of vehicles used by the City of Clayton Police Department;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby formally approve and award the competitive-price purchase of a new 2015 Ford Police Interceptor Utility from Downtown Ford Sales (Sacramento, CA) in the amount of \$28,784.03, including sales tax and fees; and

BE IT FURTHER RESOLVED the City Council does herewith approve and authorize a sales contract in the amount of \$9,427.38 with Northern California's Emergency Vehicle Installations for the purchase and installation of emergency equipment and post-production outfitting of the new patrol vehicle to Clayton Police specifications, including stripping of an older Clayton Police vehicle for reusable parts and equipment; and

BE IT FURTHER RESOLVED the City Council does hereby authorize and approve the purchase of police video and recording equipment from Watch Guard in the amount of \$5,170.00 to complete the outfitting of the new patrol vehicle to Clayton Police specifications; and

BE IT FURTHER RESOLVED the City Council does hereby authorize the allocation of \$43,381.41 from the FY 2014/15 Capital Equipment Replacement Fund (CERF) for said purchases, and does herewith declare a 2004 Ford Crown Victoria (vehicle no. 1727) as surplus to the City's needs and authorizes the City Manager to dispose of said vehicle by public auction.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 15th day of July 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

QUOTATION

DOWNTOWN FORD SALES
 525 N16th Street, Sacramento, CA. 95814
 916-442-6931 fax 916-491-3138

DF0418141001

QUOTATION

Customer

Name CLAYTON POLICE DEPARTMENT
 Address _____
 City _____ CA _____
 Phone _____

Date 4/18/2014
 REP FORBESS
 Phone _____
 FOB _____

Qty	Description	Unit Price	TOTAL
1	2015 FORD POLICE INTERCEPTOR UTILITY	\$25,337.00	\$25,337.00
1	TUTONE WRAP 4 DOORS AND ROOF WHITE	\$210.00	\$210.00
1	SPOT LAMPS LED	\$605.00	\$605.00
1	KEYED ALIKE	\$50.00	\$50.00
1	REAR VIEW CAMERA	\$239.00	\$239.00
1	DOC FEE	\$80.00	\$80.00

Payment Details

	SHIPPING	
Taxes	8.35	\$2,254.28
	TIRE FEE	\$8.75
	TOTAL	\$28,784.03

Office Use Only

2% DISCOUNT FOR PAYMENT IN 20 DAYS



415 Century Parkway, Allen, TX 75013
 (972) 423-9777 Fax: (972) 423-9778
 National Toll-Free 1-800-605-MPEG (6734)
 www.watchguardvideo.com

CAMERA QUOTE

Quote #: QUO-16077-N5M3 Rev #: 0

Customer	
Clayton Police Department	
Attn: Sergeant Richard McEachin	
6000 Heritage Trl, Clayton, CA, 94517-1249	
Telephone Number	Fax Number
925-673-7350	925-672-1429
Email Address	
richard.mceachin@claytonpd.com	

Quote Information		
Quote Valid From:	4/21/2014	To: 6/21/2014
Quote Presented By:	Fran Judge	
Presenter Contact:	FJudge@WatchGuardVideo.com	
Est. Ship Date	Ship Via	Payment Terms
30 days	UPS Ground	Net 30

#	Part Number	Description	Unit Price	Qty	Ext Price
1	DV1-EOH-GPS	DV-1E, Overhead Console, w/GPS	\$4,995.00	1	\$4,995.00
2	BRK-CRC-103-008	Installation Kit, Ford Interceptor SUV (Explorer), 2012	\$150.00	1	\$150.00
3	CAM-DV1-CMB-WDR	Assy, Combo Camera, DV-1, Sony Camera	Included	1	Included
4	CAB-CMB-101-11I	Combination (Front) Camera Cable - 11"	Included	1	Included
5	MIC-WRL-KIT-3v2	Hi-Fi Microphone Kit 3 v.2 (Transmitter, Cradle, Belt clip, Pivot clip, 3' antenna)	Included	1	Included
6	MIC-CBN-100-07F	Cabin Microphone - 7'	Included	1	Included
7	CAB-ETH-STR-02F	Cable, Wireless Microphone, DV-1, 2', black (CAT5e)	Included	1	Included
8	BRK-WRL-MIC-401	Bracket, Hi-Fi Microphone, DV-1 Overhead(+SUV Interceptor)	Included	1	Included
9	SFW-DV1-PKG-100	DV-1 Software Package(Fleet Manager Utility,DVD Manager Utility,Crossover Cable, Manuals)	Included	1	Included
10	DVD-EVI-MED-001	DVD+RW, Serialized Red Evidence Label	Included	10	Included
11	DVD-EVI-SLV-001	DVD Sleeve, Paper	Included	10	Included
12	GPS-ANT-MGN-16F	GPS Antenna, Magnetic Mount	Included	1	Included
13	BRK-CAM-GLS-100	Glass Adhesive - Loctite	Included	1	Included
14	WGA00315-KIT	DV-1, Overhead User Manual, Keys, Mounting Screws Kit	Included	1	Included
15	WAR-STD-PUR-1YR	1st Year Factory Warranty (Months 1 to 12)	Included	1	Included
16	WGP02073-001K	Cable Assembly, Power, Reverse , R/A, 24'	Included	1	Included

Comments:

Subtotal	\$5,145.00
Shipping	\$25.00
Taxes	
Total	\$5,170.00



Northern California's Emergency Vehicle Installations

NOR*CAL*EVI

QUOTE FOR: Clayton Police

QUOTE:
TAX? yes

Tel: 925-673-7350
Fax: 925-672-1429
Attn: Chris Thorsen

2013/14 Ford Explorer Build

lic# 13-09668

ITEM	QTY	MODEL #	DESCRIPTION	UNIT	EXTENDED
1	1	Lens Kit	Whelen Liberty Lens Kit	\$ 165.00	\$ 165.00
2	1	TP-SB3US-SS	Front Partition	\$ 493.83	\$ 493.83
3	1	Opticom	opticom and strobe for liberty	\$ 307.33	\$ 307.33
4	2	Cannon HAWS	Cannon hide aways (reverse lights)	\$ 105.00	\$ 210.00
5	4	Cobra T6 leds	T6 leds for side view mirrors and grill	\$ 84.42	\$ 337.68
6	1	933-0069A	Rear Cage, Sub-Pannel, Storage Box	\$ 1,575.00	\$ 1,575.00
7	2	Cobra T6 Duals	2 Red Blue dual cobras	\$ 196.00	\$ 392.00
8	1	3547 UNIT13	Plastic Seat	\$ 351.00	\$ 351.00
9	1	454713 UNIT	Seat Belt Kit -Explorer	\$ 203.00	\$ 203.00
10	1	2-KP-FDUV-SS	Lower Extention For Cage	\$ 104.30	\$ 104.30
11	1	Dual Wepons Moun	Dual Wepons Mount	\$ 293.25	\$ 293.25
12	1	5206	Blue Seas (Fuse Block)	\$ 63.05	\$ 63.05
13	1	UPKM	Park Kill Mod	\$ 54.65	\$ 54.65
14	1	AC-FMU-MNT	Console Floor Plate Mount	\$ 91.60	\$ 91.60
15	1	Materials	Materials Wire/Connectors & Parts	\$ 349.00	\$ 349.00
					\$ -
					\$ -
					\$ -
TERMS: PARTS: WHEN EQUIPMENT IS RECEIVED				TOTAL	\$ 4,990.69
LABOR: 30 DAYS FROM COMPLETION OF WORK				TAX 8.75%	\$436.69
				Labor*	\$ 2,975.00
				Freight	\$ 400.00
				TRAVEL	
				TOTAL	\$ 8,802.38

Notes:

**

DATE: 6/6/2014
DELIVERY: n/a
*Labor does not include program

Thank - You,
Northern California's Emergency Vehicle Installations
LIC# 13-09668

Kyle Umidon
President

Signed By: _____

PO # _____



Agenda Date: 7-15-2014

Agenda Item: 3j

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MAINTENANCE SUPERVISORS

DATE: JULY 8, 2014

SUBJECT: ADJUSTMENT OF TEMPORARY/SEASONAL EMPLOYEE PAY RATES

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution raising pay scale ranges for hourly rate seasonal employees from the current \$10.00 - \$14.00 per hour to an \$11.00 - \$15.00 per hour wage range.

BACKGROUND

On October 20, 2009 staff brought to the City Council a Resolution establishing and approving pay rate schedules for the City's seasonal hourly rate employees. This effort was due in part to keep the City's Maintenance Department competitive not only with other cities, but with labor wages in the private sector. The minimum wage also had just been raised to \$8 an hour in 2008, which was the rate at which the City was paying its part time or temporary employees at the time. This approved action also helped to clearly recognize those returning individuals who were performing at higher work levels, or had more experience and training due to their continuing employment with our City.

DISCUSSION

These City pay scales have remained the same for close to 5 years now and staff feels this is now negatively impacting our ability to provide optimum maintenance service levels and temporary employee retention. The implementation of "Obamacare" changed the definition of a full time work week from 40 hours a week to 30 hours a week. To keep our seasonal workers classified as temporary or part-time, it was necessary to reduce their weekly hours down to 29 hours a week. This movement created an ideal situation for the summertime college kids the City periodically hires in the maintenance field but not for the seasonal employees who are looking for a steadier work week. The job market for journey-level construction and landscape laborers has experienced renewed vigor over the last couple of

years due to the increase in construction and development projects, creating an even more competitive market place for experienced seasonal workers. Finally, the recent \$1.00 increase in the minimum wage also created pressure on the City's hiring process.

FISCAL IMPACT

It is anticipated this slight increase in City pay rates will lead to the hiring and retention of more qualified and experienced seasonal workers. The Maintenance Department typically augments its full time Maintenance crew with 6-8 seasonal workers. In the summer months we are staffed with 8 to 10 seasonal employees as we hire college kids to work during those few months.

The approved Maintenance budget for Fiscal Year 2014-2015 allows the hiring of 11 seasonal employees based on a 40-hour work week limited to 995 hours per fiscal year. Restricting our seasonal employees to a 29-hour work week enables the City to increase its hourly rate pay scale while staying well within the approved budget.

Maintaining a consistent and steady workforce will enable the Maintenance Department to maximize our seasonal worker budget expenses while providing a better level of service to our community. Raising the pay scale for our seasonal workers will have little to no impact on the financial side of the Budget yet offer a much needed boost to the productivity side of the equation.

Attachment: City Resolution [2 pp.]

RESOLUTION NO. – 2014

**A RESOLUTION ADJUSTING AND APPROVING PAY RATE
SCHEDULES FOR CERTAIN HOURLY WAGE POSITIONS WITHIN
THE CITY OF CLAYTON'S EMPLOYMENT ORGANIZATION**

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

WHEREAS, the Personnel Rules and Regulations of the City of Clayton (the "Personnel Rules") recognize two (2) general categories of employment within the City's public agency organization, namely Classified and Hourly Wage employees; and

WHEREAS, Hourly Wage employees are granted only limited employee benefits and are those individuals employed by the City in positions generally referred to as "temporary" or "part-time" working less than 1,000 hours in any fiscal year period; and

WHEREAS, said Personnel Rules specify Hourly Wage employees will be paid at a rate to be determined and approved by the City Manager, and the City Council shall set a maximum hourly rate for each position within the Hourly Wage job classification; and

WHEREAS, the City presently has three (3) job classifications wherein individuals are currently employed as Hourly Wage employees: 1. Maintenance Worker – Trainee; 2. Maintenance Worker – Seasonal; and 3. Police Services Aide; and

WHEREAS, the City has not modified its wage rates for these employment classifications since 2009 and it is desirable for the City to do so in order to remain competitive in the local job market for the employment of seasonal and temporary workers to provide essential public services;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, upon the recommendation of its City Manager, does herein modify and approve the following pay rate schedules for each of the City's Hourly Wage job classifications:

1. Maintenance Worker – Trainee*

Ages 16 through 17 years old (*must possess approved Minor's Work Permit)

- Entry Level Pay: starts at prevailing Minimum Wage and cannot exceed \$11.00 per hour, with allowable pay rate increases subject to performance raises approved by the City Manager and in increments not to exceed \$1.00 per hour per month worked.
- Journey Level Pay: after completion of Entry Level employment, pay starts at \$1.00 per hour more than Entry Level Pay and cannot exceed \$13.00 per hour, with allowable pay rate increases subject to performance raises approved by the City Manager and in increments not to exceed \$1.00 per hour per month worked.

2. Maintenance Worker – Seasonal

Ages 18 years or older

- Entry Level Pay: starts at \$11.00 per hour and cannot exceed \$13.00 per hour, with allowable pay rate increases subject to performance raises approved by the City Manager.
- Journey Level Pay: starts at \$12.00 per hour and cannot exceed \$15.00 per hour, with allowable pay rate increases subject to performance raises approved by the City Manager.

3. Police Services Aide

- Pay starts at \$11.00 per hour and cannot exceed \$15.00 per hour, with allowable pay rate increases subject to performance raises approved by the City Manager.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 15th day of July 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk



Approved:

Gary A. Napper
City Manager

Agenda Date: 7-15-2014

Agenda Item: 7a

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Laura Hoffmeister, Assistant to the City Manager 

MEETING DATE: July 15, 2014

SUBJECT: Continued Public Hearing to consider a proposed 20-year time extension to the existing Community Facilities District's (CFD's) annual real property special parcel tax that funds the Downtown Park's ["The Grove Park"] annual operation and maintenance by placement of a local ballot measure on the November 2014 General Municipal Election.

RECOMMENDATION

Upon conclusion of the staff report, and any public comments received from the continued public hearing, it is recommended the City Council adopt the attached resolution associated with the placing of a ballot measure for a 20 year extension for the operation and maintenance of the existing Downtown Park ("The Grove Park") [Community Facilities District (CFD) 2006-1], special tax be considered by the voters on the November 4, 2014 election.

BACKGROUND

In 2006 the City received two per capita State park grants and, when combined with park in-lieu fees and redevelopment funds, was able to accumulate sufficient funds to construct a new Downtown Park ("The Grove Park"). By acceptance of State grant funds to construct the public park, the City agreed to maintain and operate the facility for a period of 20 years. Before commencing construction the City Council determined General Fund monies were insufficient to undertake the added cost of a new park's ongoing maintenance and operations. The City Council established a Community Facilities District (CFD) 2006-1, which would be able to receive dedicated maintenance and operation funds if the public voted for a special parcel tax to maintain the park if constructed by the City. In November 2006 a ballot measure for such dedicated funds was placed before the voters for the special tax known as Measure "O" for a 10 year period through June 2017 (FY 16/17). It received 68.19% voter approval. "The Grove Park" was then constructed and opened to public use in January 2008. This special tax serves as the sole funding source for the Downtown Park Operation and Maintenance - known as Community Facilities District (CFD) 2006-1.

At its May 6, 2014 public meeting the City Council directed staff to move forward on the November 2014 election, the consideration of an extension of "The Grove Park" parcel tax with the same tax rate and methodology.

At its May 20th meeting the City Council formally adopted a Resolution to schedule the required ballot measure public hearing for July 1, 2014.

Subject: Consider a proposed 20-year time extension to an existing special real property parcel tax supporting and funding the Downtown Park's ["The Grove Park"] operation and maintenance by a local ballot measure on the November 2014 General Municipal Election.

Meeting Date: July 15, 2014

Page 2 of 5

DISCUSSION

The public hearing was opened on July 1, 2014 and continued to July 15, 2014 due to legal publication notice delay. At the July 1st meeting the City Council did authorize an ad-hoc group of the legislative body (Councilmembers Pierce and Geller) to prepare the ballot argument in support of the measure. The July 15, 2014 public hearing is the last step in the process to place the ballot measure before the voters on the upcoming election. The City Council will be taking final action on the directing the placement of the ballot on the November 4, 2014 election, the final ballot wording, and directing the City Attorney to prepare the required impartial analysis. As long as less than half of all affected property owners do not submit written protests regarding the proposal at the hearing, the City Council can submit the measure to the voters at the November general election. The measure requires two-thirds (66.66%) voter support to be approved as a special purpose tax.

At its May 20th meeting the City Council identified a preference for the following ballot language.

(ballot language is limited to a maximum of 75 words including the ballot title):

Measure _____, City of Clayton

Downtown (The Grove) Park Funding – Extension of Existing Special Tax

"To continue the maintenance and operation of the Downtown Park ("The Grove Park", shall the existing special tax funded through city wide Community Facilities District 2006-1 levy be extended at the current annual special tax with the same methodology rate, for Fiscal Years 2017/18 through 2036/37."

(56 words)

City staff has consulted with the City Attorney and found that the ballot wording could include a reference to the current rates. As such the staff has prepared alternative additional wording for the City Council consideration:

Measure _____, City of Clayton

Downtown (The Grove) Park Funding – Extension of Existing Special Tax

"To continue the maintenance and operation of the Downtown Park ("The Grove Park", shall the existing special tax funded through city wide Community Facilities District 2006-1 levy be extended at the current annual special tax with the same methodology rate (currently \$19.03 per year for single-family residential parcels, with a higher commercial parcel rate), for Fiscal Years 2017/18 through 2036/37."

(70 words)

Subject: Consider a proposed 20-year time extension to an existing special real property parcel tax supporting and funding the Downtown Park's ["The Grove Park"] operation and maintenance by a local ballot measure on the November 2014 General Municipal Election.

Meeting Date: July 15, 2014

Page 3 of 5

The ballot measure continues the same tax rate methodology and same annual adjustment in the Consumer Price Index but in no event can the annual rate increase be higher than 3% over the previous year.

This special tax serves as the sole funding source for the Downtown Park Operation and Maintenance – known officially as Community Facilities District (CFD) 2006-1. There are not sufficient funds elsewhere in the General Fund budget to undertake the ongoing \$120,000 operational and maintenance costs of this park. The tax revenue pays for costs related to the operation, maintenance, repair and replacement landscaping, irrigation, hardscape, lights, public restroom, gazebo, playground, water, electricity, etc. Other City parks are not maintained by this special tax (but through the General Fund).

The rate for FY 14/15 is \$19.08 per residential parcel. The non-residential parcels: Downtown Core, \$257.56 per ¼ acre or fraction thereof; Other Commercial \$112.90 per ¼ acre or fraction thereof; Recreation Open Space \$56.44 per ¼ acre or fraction thereof; Multifamily Residential Care Facilities \$59.32 per ¼ acre or fraction thereof. The amounts can be increased by the CPI annually with a maximum cap of 3% annual increase.

Currently there are approximately 4,103 parcels subject to the special tax; of these 4,043 are residential and approximately 60 are non-residential. The total amount of revenue to be received from this tax for FY 2014-15 is \$120,101. These tax revenues are placed into a Special Revenue (restricted use) Fund (No. 211) through which all eligible expenses are tracked, paid and audited. Allowable expenses include only that for the purposes of the Downtown Park Operation and Maintenance District such as materials, supplies, equipment, utilities, labor, and administration.

It currently costs about \$110,000 per year to properly care for and maintain the Downtown "The Grove" Park. This park has become a focal point to the downtown and has accomplished the goals that were originally planned: the presence of an active recreation public park in the Town Center, lively gathering areas for all ages, and a means to draw people to the downtown to help encourage economic patronage of local businesses. As was also anticipated with the park, the high patronage and prominent visibility results in on-going wear-and-tear to the Park's facilities play apparatus, infrastructure and landscaping. Consequently, the annual budget required for the Park has and continues to include additional annual monies to establish and maintain a Park Asset Replacement and Reserve Fund of \$10,000 to address these realities. The total annual special tax revenue for FY 14/15 is \$120,106.

All revenues generated by the CFD's annual special tax have been and would continue to be used solely for the operation and maintenance of the Downtown "Grove" Park. The CFD's funds cannot be spent for any other purpose by the City and cannot be "stolen" by state budget schemes. All tax revenues remain local with the exception of an annual fee that must be paid by the CFD for the County's collection of this special tax with the property tax bills. With voter approval, the CFD's special tax would commence in tax year 20017-2018 and would expire at the end of tax year 2036-2037 (June 30, 2037).

Subject: Consider a proposed 20-year time extension to an existing special real property parcel tax supporting and funding the Downtown Park's ["The Grove Park"] operation and maintenance by a local ballot measure on the November 2014 General Municipal Election.

Meeting Date: July 15, 2014

Page 4 of 5

BALLOT MEASURE AND ELECTION PROCEDURES

The City Council, by virtue of calling the election and author of the ballot measure, retains the authority to write the actual ballot measure text. The Resolution calling the Election incorporates the text of the ballot measure itself that will appear on the voter's actual ballot and in the Voter Information Pamphlet.

The measure's text is limited to 75 words, as counted pursuant to the CA Elections Code. The recommended text has been simplified for clarity and purpose. The City Council may modify the proposed ballot measure prior to adoption of this Resolution, provided the modifications result in a text not exceeding 75 words.

The City Attorney is also directed by the enactment of this Resolution to prepare an impartial analysis of the proposed ballot measure. The impartial analysis will be printed in the local Voter Information Pamphlet provided to each registered voter in Clayton, and must be filed with the City Clerk by the August 15th deadline.

Further, the Resolution calling the Election establishes a deadline date of August 20, 2014 for submittal of any Arguments For or Against the proposed measure. (Corresponding Rebuttal Arguments must be filed with the City Clerk by August 25, 2014).

As author and proponent of the ballot measure, the City Council did at its July 1, 2014 meeting (by motion) authorize two of its members (Councilmember Pierce and Councilmember Geller) to author the Argument In Favor of the ballot measure. In doing such this argument is for printing in the Voter Pamphlet (ie: Election Guide), and is placed above any interested citizens or individual members of Council acting on their own.

FISCAL IMPACT

No General Fund monies will be expended in connection with this ballot measure; cost for the ballot portion related to the Park Tax would be paid from the CFD 2006-1 Funds. The cost for an election is less expensive when combined with a general consolidated election cycle rather than during a primary or off year (i.e.: 2015) election cycle. If the election is held in the next general election cycle (November 2016) and is unsuccessful there would be no opportunity to place it on a future election without a gap in the funding stream.

With the consolidation benefit, the election cost for the ballot measure is only the incremental expense for printing and distribution of a Voter Information Pamphlet about the ballot measure to each registered voter in Clayton. The County Elections Office has informed our City Clerk they expect this cost to be approximately \$19,200 (for 2-6 pages of ballot information). The cost of this ballot measure election must be paid by the Downtown "The Grove" Park Fund and such expenditure was incorporated into the Downtown "The Grove" Park fund budget in FY 14/15, recently adopted by the City Council. The attached Resolution also includes in Section 9, appropriate language to ensure the funding for the election costs of the ballot measure are paid from "The Grove Park" special funds.

Subject: Consider a proposed 20-year time extension to an existing special real property parcel tax supporting and funding the Downtown Park's ["The Grove Park"] operation and maintenance by a local ballot measure on the November 2014 General Municipal Election.

Meeting Date: July 15, 2014

Page 5 of 5

The actual collection of the tax is done by the County, and the County collection costs are also paid for by the CFD. Established in the current voter-approved tax is the authorization after the initial year, to increase the assessment by the CPI with a maximum of 3% annually. The proposed ballot measure would continue this same formula for an additional 20 years.

Attachment:

1. Resolution calling an Election for Extension of the existing special tax subject to the same adjustment methodology for community facilities District 2006-1 Downtown Park's ("The Grove Park") operations and maintenance for 20 years (through FY 2036/2037).

RESOLUTION NO. ____ - 2014

**A RESOLUTION CALLING AN ELECTION TO EXTEND
THE EXISTING SPECIAL TAX SUBJECT TO THE SAME
ADJUSTMENT METHODOLOGY FOR
COMMUNITY FACILITIES DISTRICT (CFD) 2006-1
DOWNTOWN "THE GROVE" PARK
FOR TWENTY YEARS**

**THE CITY COUNCIL
City of Clayton, CA
Community Facilities District 2006-1
[Downtown ("The Grove") Park Operation and Maintenance District]**

WHEREAS, the City of Clayton has established Community Facilities District 2006-1 [Downtown ("The Grove") Park Operations and Maintenance District] ("CFD") within the City of Clayton, authorized the levy of a special tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, on May 20, 2014, the City Council adopted Resolution No. 13-2014, a Resolution of Consideration, to extend the existing special tax within the CFD for twenty years from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2036/2037 (i.e., ending June 30, 2037); and

WHEREAS, the City Council scheduled a public hearing on such proposed tax extension for July 1, 2014; and

WHEREAS, the City Council continued the public hearing on such proposed tax extension to July 15, 2014 and provided all required notice of the same; and

WHEREAS, at the public hearing, less than a majority of affected property owners protested the extension of the special tax; and

WHEREAS, the City Council wishes to submit the proposed special tax extension to the voters as required by Government Code section 53338.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds that the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Determinations. It is hereby determined by this City Council that:

- A. All prior proceedings pertaining to the formation of the CFD and extension of the special tax proposed herein were valid and taken in conformity with the requirements of the law, and specifically the provisions of the Community Facilities District Law.
- B. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Community Facilities District Law and, therefore, the special tax proposed to be extended has not been precluded by majority protest pursuant to Section 53337 of the Government Code.
- C. The City Council now submits the question of whether to extend the special tax within the CFD as set forth herein to the registered voters of the CFD as required by Government Code section 53326. Each registered voter within the CFD shall be entitled to one vote. The Special Tax will be approved if two-thirds of the votes cast upon the question of levying the tax are in favor of levying the tax.

SECTION 3. Election. The City Council hereby calls an election on November 4, 2014 and submits the extension of the levy of the existing special tax within the CFD to the qualified electors of the CFD. As set forth in the Resolution of Consideration, Resolution No. 13-2014, the City Council proposes extending the existing special tax, at its current and existing rate and method of apportionment, for twenty years from Fiscal Year 2017/2018 through Fiscal Year 2036/2037 ("Special Tax"). As such, all references to the expiration or term of the Special Tax in the rate and method of apportionment shall reflect the new expiration date of Fiscal Year 2036/2037. The rate and method of apportionment for the Special Tax, subject to the extended term set forth in this section, is more particularly described and set forth in Resolutions No. 23-2006 and 24-2006.

SECTION 4. Election Consolidation. The City requests the Contra Costa County Board of Supervisors consolidate the election on the Special Tax with the Statewide election on November 4, 2014. The City requests and authorizes the Contra Costa County elections official to provide the services necessary to implement the election and to consolidate the election on the November 4, 2014 Election Ballot for the County of Contra Costa. The elections official is hereby authorized to take any and all steps necessary for holding the above election. The elections official shall perform and render all services and proceedings incidental to and connected with the conduct of the election, including but not limited to, the following:

- A. Prepare and furnish the necessary election supplies for the conduct of the election.
- B. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms.
- C. Furnish official ballots for the qualified electors of the CFD.
- D. Cause the official ballots to be presented to the qualified electors, as required by law.

- E. Receive the returns of the election and supplies.
- F. Sort and assemble the election material and supplies in preparation for the canvassing of the returns.
- G. Canvass the returns of the election.
- H. Furnish a tabulation of the number of votes given in the election.
- I. Conduct and handle all other matters relating to the proceedings and conduct of the election in the manner and form as required by law

SECTION 5. Ballot Measure. Pursuant to Elections Code section 10403, the ballot forms shall have printed on them the following words with regard to the measure:

CITY OF CLAYTON		
MEASURE: _____.		
DOWNTOWN (“THE GROVE”) PARK FUNDING – EXTENSION OF EXISTING SPECIAL TAX To continue the maintenance and operation of the Downtown Park (“The Grove Park”), shall the existing special tax funded by the citywide Community Facilities District 2006-1 levy, be extended at the current annual special tax with the same methodology rate, for Fiscal Years 2017/2018 through 2036/2037?	YES	
	NO	

SECTION 6. Impartial Analysis. Pursuant to Government Code section 53327 and Elections Code section 9280, the City Clerk shall transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed with the City Clerk by August 15, 2014.

SECTION 7. Ballot Arguments. Arguments in favor of and in opposition to the ballot measure and rebuttal arguments shall be permitted, and the City hereby adopts the provisions of Elections Code sections 9282 and 9285(a), regarding the acceptance of arguments relating to ballot measures. Primary arguments shall be filed with the City Clerk by August 20, 2014. Rebuttal arguments shall be filed with the City Clerk by August 25, 2014.

SECTION 8. Special Tax Accountability Measures. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, this Board hereby establishes the following accountability measures pertaining to the levy by the CFD of the proposed Special Tax:

- A. The Special Tax shall be levied for the specific purposes set forth in the Resolution of Consideration and Section 9 below.

- B. The proceeds of the levy of each such special tax shall be applied only to the specific applicable purposes set forth in the Resolution of Consideration (Resolution No. 13-2014) and Section 9 below.
- C. The City shall establish a separate account into which the proceeds of the Special Tax shall be deposited.
- D. The City Manager or his or her designee, acting for and on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

SECTION 9. Additional Actions. The City Manager and City Clerk are hereby authorized and directed to take all necessary and appropriate steps to place the measure on the ballot. The City may recover the costs of the election and related procedures to place the Special Tax on the ballot from the proceeds of such Special Tax or the existing special tax as an incidental expense of the CFD. The City Council hereby amends Exhibit "A" of Resolution No. 23-2006 to clarify that the election expenses set forth in this Section as permissible costs of the maintenance of the Downtown "The Grove" Park.

SECTION 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular public meeting thereof held on July 15, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on July 15, 2014.

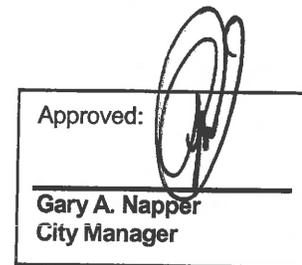
Janet Brown, City Clerk



Agenda Date: 7-15-2014

Agenda Item: 7b

STAFF REPORT



TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 15, 2014

SUBJECT: PUBLIC HEARING ON THE ENGINEER'S REPORT AND PROPOSED ASSESSMENTS FOR THE OPERATION & MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT, FY 2014-15

RECOMMENDATION

Open Public Hearing, receive public comments, close the Public Hearing and approve the attached Resolution.

BACKGROUND

The Engineer's Report submitted by the City Engineer recommends the annual assessments for the Street Lighting Assessment District ("District") remain the same as last year. In addition, to satisfy the requirements of the Streets and Highways Code, the "Fund Balance" for the District has been re-designated as the "Streetlight Replacement Fund". The Fund is used to pay the District's obligations until the City receives the first tax installment for the District in December. The public hearing tonight is to receive any comments from the public on the proposed assessments.

The Council and public may note the City did not mail property owner notices this year nor is it required to hold a public meeting in addition to this public hearing. The process of mailing notices and holding both a public meeting and a public hearing began with the passage of Proposition 218. In reviewing our assessment proceedings, last year the City Attorney noted that, since the City is not proposing an increase in the assessments, Proposition 218 provisions do not apply. Under that status quo circumstance, the City is now able to return to the original requirements of the Streets and Highways Code which only require a public hearing to receive public comment.

There are no provisions allowing for a "majority protest" to eliminate the assessments (similar to our other assessment districts such as the Oak Street and High Street Permanent Road Divisions).

Subject: Street Light Assessment District – Confirmation of Assessments

Date: July 15, 2014

Page 2 of 2

FISCAL IMPACT

If this \$125,991.08 annual assessment and Resolution are not approved, the Council must decide whether to fund all street lighting costs on our residential streets from another source, such as Gas Tax funds or the General Fund of the City, or turn off the street lights.

CONCLUSION

Staff recommends the City Council adopt this Resolution approving the Engineer's Report and confirming the levy of assessments within the Street Lighting Assessment District for FY 2014-15.

Attachments: Resolution confirming Assessments [4 pp.]
 Engineer's Report

RESOLUTION NO. - 2014

A RESOLUTION APPROVING ENGINEER'S REPORT AND LEVYING ASSESSMENTS FOR OPERATION AND MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2014-15.

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

WHEREAS, in order to levy assessments for the operation and maintenance of the streetlights in residential subdivisions, the City Engineer has prepared, and submitted to the City Council, an Engineer's Report for Fiscal Year 2014-15; and

WHEREAS, the Engineer's Report recommends that the annual assessments remain unchanged from last fiscal year; and

WHEREAS, on July 15, 2014, the City Council held a public hearing on the proposed assessment for the fiscal year 2014-15 and heard and considered all oral statements and written communications made and filed thereon by interested persons; and

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Clayton as follows:

1. The Engineer's Report for Fiscal Year 2014-15 is hereby approved.
2. The City Council orders the levy of an assessment in the amounts shown on Exhibit A attached hereto per subdivision lot on each of the lots within the following subdivisions in the Street Lighting Assessment District and this Resolution shall constitute the levy and confirmation of such assessment for fiscal year 2014-15. The total subdivision lots so assessed are 3,458 and consist of each lot within the following subdivisions: #2556, #2572, #3434, #3576, #3659, #4011, #4012, #4013, #4014, #4015, #4016, #4017, #4018, #4019, #4240, #4343, #4403, #4449, #4451, #4499, #4504, #4515, #4543, #4643, #4654, #4798, #4805, #4827, #4956, #5048, #5049, #5050, #5267, #5722, #6001, #6990, #7065, #7066, #7249, #7255, #7256, #7257, #7260, #7261, #7262, #7263, #7264, #7303, #7311, #7766, #7767, #7768, #7769, #7887, #8215, #8355, #8358 and #8719 as such maps appear of record in the Contra Costa County Recorder's Office.

3. The City will pay from the Special District Augmentation moneys, gas tax or other City funds, the cost of operation for some 166 street lights on arterial streets as described in the Engineer's Report. The herein mentioned assessment levy is to pay for the cost of operation for some 800 residential subdivision street lights along the public streets within or adjacent to the above described subdivisions.

4. The City Clerk shall immediately file a certified copy of this resolution, together with any required diagrams and a list of lots so assessed, with both the Tax Collector and the Auditor of Contra Costa County, with the Assessment to thereafter be collected in the same manner as the property taxes are collected.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof held on July 15, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 15, 2014.

Janet Brown, City Clerk

**RESOLUTION NO. - 2014
EXHIBIT A**

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT								
FY 2014-15								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	\$43.54	\$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	\$43.54	\$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	\$43.54	\$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	\$43.54	\$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	\$43.54	\$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	\$43.54	\$2,002.84
Dana Hills IX	4018	32	SF	Y	1.00	32.00	\$43.54	\$1,393.28
Dana Hills X	4019	52	SF	Y	1.00	52.00	\$43.54	\$2,264.08
Marsh Creek	4240	109	MF	N	0.25	27.25	\$15.64	\$1,704.76
Regency Woods I	4343	77	SF	Y	1.00	77.00	\$43.54	\$3,352.58
St. James Place	4403	16	SF	Y	1.00	16.00	\$43.54	\$696.64
Casey Glen	4449	24	SF	Y	1.00	24.00	\$43.54	\$1,044.96
Briarwood I	4451	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Jeffry Ranch	4499	68	SF	Y	1.00	68.00	\$43.54	\$2,960.72
Dana Ridge	4504	86	MF	N	0.25	21.50	\$15.64	\$1,345.04
Clayton Greens	4515	78	SF	Y	1.00	78.00	\$43.54	\$3,396.12
Regency Woods II	4543	71	SF	Y	1.00	71.00	\$43.54	\$3,091.34
Regency Woods III	4643	37	SF	Y	1.00	37.00	\$43.54	\$1,610.98
Briarwood II	4654	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60
Regency Woods IV	4798	145	SF	Y	1.00	145.00	\$43.54	\$6,313.30
Easley Estates I	4805	48	SF	Y	1.00	48.00	\$43.54	\$2,089.92
Silver Creek I	4827	26	SF	Y	1.00	26.00	\$43.54	\$1,132.04
Silver Creek II	4956	94	SF	Y	1.00	94.00	\$43.54	\$4,092.76
Easley Estates II	5048	51	SF	Y	1.00	51.00	\$43.54	\$2,220.54
Easley Estates III	5049	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60

Easley Estates IV	5050	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Douglas Court	5267	9	SF	Y	1.00	9.00	\$43.54	\$391.86
Regency Meadows	5722	96	SF	Y	1.00	96.00	\$43.54	\$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	\$15.64	\$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	\$43.54	\$4,005.68
Black Diamond I	7065	108	Duet	N	0.50	54.00	\$31.28	\$3,378.24
Chaparral Springs I	7066	117	MF	N	0.25	29.25	\$8.34	\$975.78
Peacock Creek I	7249	69	SF	Y	1.00	69.00	\$33.38	\$2,303.22
Peacock Creek II	7255	72	SF	Y	1.00	72.00	\$33.38	\$2,403.36
Eagle Peak I	7256	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	\$43.54	\$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	\$33.38	\$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	\$43.54	\$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	\$43.54	\$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	\$33.38	\$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	\$8.34	\$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	\$31.28	\$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	\$8.34	\$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	\$8.34	\$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	\$31.28	\$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	\$31.28	\$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	\$33.38	\$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	\$43.54	\$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	\$43.54	\$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Diablo Pointe	8719	24	SF	N	0.50	12.00	\$22.18	\$532.32
TOTALS		3482				2908.5		\$125,991.08

ENGINEER'S REPORT

DATE: JULY 15, 2014
TO: CITY COUNCIL
FROM: CITY ENGINEER
RE: STREET LIGHT ASSESSMENT DISTRICT - FISCAL YEAR 2014-15

This report has been prepared in accordance with the requirements of the Street Lighting Act of 1919 (Section 18091 of the Street and Highways Code).

HISTORICAL REVIEW

Prior to 1979, the year the City formed the Street Light Assessment District, all subdivisions were annexed to the City's Lighting District #1. This district became a Special District, which made it eligible for a small portion of the property tax as well as Special Augmentation Funds for special districts.

When the Assessment District was formed, primarily to pay for street lighting in residential areas with street lights, the City ceased annexing new subdivisions to Lighting District #1. While the City continues to receive moneys on Lighting District #1 as Special Augmentation Funds, the amounts are expected to decrease. The expected income for FY 2014-15 is approximately \$26,000.

When the Street Light Assessment District was formed, it was the City Council's policy that the residential street lighting be paid by the Assessment District and arterial street lighting by Lighting District #1.

PROPOSITION 218

In 2001, significant increases in electric charges from PG&E were anticipated and a large increase was proposed in the annual assessments. It was finally determined that any increases over the amounts being assessed when Proposition 218 was approved, were subject to the terms of Proposition 218. A ballot election was held and the proposed increases were rejected by almost 60% of the votes cast. Based upon that result, a public meeting and public hearing was held on the pre-218 assessments based upon the old majority protest procedures. Since there was not a majority protest, the pre-218 assessments were levied.

Due to the current fiscal climate, I again do not recommend that the City attempt another 218 election in order to increase the assessments.

DETERMINATION OF SPECIAL BENEFIT

For this district, being limited to street lighting, the finding of a special benefit is relatively simple. Those properties, occupied and located on a lighted public street, receive a special benefit relative to those properties located on unlit streets. This benefit may be described as additional protection for residents from criminal activity

and, to a lesser extent, vehicular traffic. It should be noted that I am saying that the lights protect the pedestrians from vehicular traffic by increasing the pedestrians' ability to see and not the other way around.

There may be some who would argue that since pedestrians benefit from the additional protection and that some of the pedestrians may be other than the actual residents, a general benefit exists. However, I believe that the number of trips by non-residents would be minuscule compared to the residents' trips and impossible to reasonably quantify.

There are some publicly owned parcels (open space areas) that do have some frontage along lighted public streets. However, since these properties are not occupied, no benefit, either special or general, is received.

Therefore, I can only find that no "general" benefit exists.

DISTRICT IMPROVEMENTS

The district improvements consist of streetlights located on residential streets. The streetlights may be mounted on PG&E poles or on their own poles (either wood, metal or concrete).

ESTIMATED COSTS

Actual PG&E costs for FY 2013-14 will be approximately \$102,310. Based upon expenditures to date, the City's labor, materials and overhead costs should be approximately \$28,858.

We are not anticipating any increase in electrical costs, but are projecting increases in overtime and general supplies requiring that the maintenance and administrative budgets be increase to \$32,454.

METHOD OF ASSESSMENT

In detached, single family subdivisions with public streets, the special benefit received from street lights is equal to all the lots, regardless of size, and the assessment should, therefore, be equal for every lot and will be assigned an assessment unit of one.

In those subdivisions with private streets, but served or traversed by public, lit streets, the property owners already pay for a share of their private street lighting and the ratio of lots to the number of public lights is higher than those in subdivisions with all public streets. Therefore, in order to provide an equitable assessment, I have assigned assessment units of one-half to single family and duet subdivisions (Oak Hollow, Black Diamond, and Diablo Pointe) and one-quarter to multifamily subdivisions (Diablo Ridge, Chaparral Springs, Marsh Creek Villas).

See the chart on pages 4 and 5 for a complete breakdown on the assessment units.

STREETLIGHT REPLACEMENT FUNDS

The fund balance at the beginning of FY 2013/14 was approximately \$148,953.

We estimate that the final costs for FY 2013/14 should be approximately \$130,598 and the final income amount should be \$127,871, resulting in a deficit of \$2,727. This deficit will decrease the fund balance to \$146,226 for the beginning of FY 2014/15.

This fund balance will cover the costs of the District until receipt of the first tax payment in December.

PER UNIT ALLOCATION

If we were able to spread the costs strictly by the number of assessment units in the District, we would have the following cost per assessment unit:

Estimated PG&E cost	\$102,310.00
City Maintenance Costs	18,176.00
City Administrative Costs	10,568.00
County Collection of Levy Fee	<u>3,710.00</u>
Total Budget	\$134,764.00
Less Interest Income	<u>(1,880.00)</u>
Net Assessment Required	\$132,884.00
Total Assessment Units	2908.5
Total Assessment Per Unit	<u>\$45.69</u>

However, since we are unable to increase assessments beyond their current level without a ballot election, we recommend that the current assessments remain the same for FY 2014-15 (see table on pages 4 and 5). Based upon the current assessment levels, the District will receive approximately \$125,991.08. Therefore, we are projecting a deficit of approximately \$6,892 in FY 2014-15 which will decrease the Streetlight Replacement Fund balance at the end of FY 2014-15 to \$139,334.

ASSESSMENT HISTORY

Proposed FY 14-15	between \$0 and \$43.54
FY 13-14	between \$0 and \$43.54
FY 12-13	between \$0 and \$43.54
FY 11-12	between \$0 and \$43.54
FY 10-11	between \$0 and \$43.54
FY 09-10	between \$0 and \$43.54
FY 08-09	between \$0 and \$43.54
FY 07-08	between \$0 and \$43.54
FY 06-07	between \$0 and \$43.54
FY 05-06	between \$0 and \$43.54
FY 04-05	between \$0 and \$43.54
FY 03-04	between \$0 and \$43.54
FY 02-03	between \$0 and \$43.54
FY 01-02	between \$0 and \$43.54
FY 00-01	\$34.34
FY 99-00	\$33.38
FY 98-99	\$33.38
FY 97-98	\$33.38
FY 96-97	\$43.54

CITY OF CLAYTON**STREETLIGHT ASSESSMENT DISTRICT
FY 2014-15****PROPOSED ASSESSMENTS**

Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	\$43.54	\$957.88
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Silver Creek II	4956	94	SF	Y	1.00	94.00	\$43.54	\$4,092.76
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Easley Estates IV	5050	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Douglas Court	5267	9	SF	Y	1.00	9.00	\$43.54	\$391.86

Regency Meadows	5722	96	SF	Y	1.00	96.00	\$43.54	\$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	\$15.64	\$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	\$43.54	\$4,005.68
Black Diamond I	7065	108	Duet	N	0.50	54.00	\$31.28	\$3,378.24
Chaparral Springs I	7066	117	MF	N	0.25	29.25	\$8.34	\$975.78
Peacock Creek I	7249	69	SF	Y	1.00	69.00	\$33.38	\$2,303.22
Peacock Creek II	7255	72	SF	Y	1.00	72.00	\$33.38	\$2,403.36
Eagle Peak I	7256	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	\$43.54	\$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	\$33.38	\$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	\$43.54	\$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	\$43.54	\$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	\$33.38	\$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	\$8.34	\$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	\$31.28	\$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	\$8.34	\$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	\$8.34	\$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	\$31.28	\$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	\$31.28	\$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	\$33.38	\$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	\$43.54	\$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	\$43.54	\$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Diablo Pointe	8719	24	SF	N	0.50	12.00	\$22.18	\$532.32
TOTALS		3482				2908.5		\$125,991.08



Agenda Date: 7-15-2014

Agenda Item: 7c

Approved: 
Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 15, 2014

SUBJECT: PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT; DETERMINATION OF LACK OF MAJORITY PROTEST, ORDERING IMPROVEMENTS AND CONFIRMING ASSESSMENTS FOR FY 2014-15

RECOMMENDATION

Open Public Hearing, receive public comments, close the Public Hearing, and assuming a majority protest does not exist, approve the attached Resolution.

BACKGROUND

The City Council, at its May 20th meeting, approved the Engineer's Report, dated May 20th, including the proposed assessment amounts which included an allowable 2.0% increase over FY 2013-14 assessments. The majority of the assessments are to pay for the maintenance of various improvements within the Diablo Estates at Clayton development. These tasks are included in the contract to Pinnacle Construction Services. Pinnacle's contract provides for an annual increase each December equal to the increase in the CPI.

As required by law, a notice regarding the public hearing was mailed to the property owners. Tonight, the City Council will hold the required public hearing to hear any comments or protests from the assessed property owners. Upon completion of public testimony, the City Council should close the public hearing. If a majority protest does not exist, the City Council may then consider any public comments received and proceed to act on this Resolution levying assessments on the properties within the District for FY 2014-15.

FISCAL IMPACT

If the annual assessment is approved as recommended, the City will continue to be responsible for the maintenance duties specified in the Engineer's Report.

Should the 2% increase not be levied as recommended on the assessments, the automatic CPI increase in the property management contract (Pinnacle) must then be funded by drawing on District

Subject: Diablo Estates at Clayton BAD – Confirmation of Assessments

Date: July 15, 2014

Page 2 of 2

reserves. Further, bypassing the allowable CPI increase can never be recouped by the District in the future as each annual increase allowed is strictly limited to that year's annual CPI increase.

The BAD fund balance will cover the District's costs until receipt of the first tax payment from the County in December. Therefore, this action will not impact the City's General Fund.

CONCLUSION

Assuming a majority protest does not exist, Staff recommends the City Council approve this Resolution confirming the levy of assessments within the Diablo Estates at Clayton Benefit Assessment District FY 2014-15.

Attachments: Resolution confirming Assessments [2 pp.]
Engineer's Report

RESOLUTION NO. - 2014

A RESOLUTION DETERMINING LACK OF MAJORITY PROTEST AND CONFIRMING ASSESSMENTS FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS WITHIN THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2014-15.

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

WHEREAS, by adoption of Resolution No. 12-2014, the Clayton City Council approved the Engineer's Report on the proposed assessment levy for maintaining various improvements within the Diablo Estates at Clayton Benefit Assessment District during fiscal year 2014-15, and set a public hearing thereon for July 15, 2014, to be held at the regular meeting place of the Clayton City Council; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 12-2014 was duly given as required by Section 54954.6 of the Government Code; and

WHEREAS, on July 15, 2014, the City Council held the public hearing on the proposed assessment for the fiscal year 2014-15 and heard and considered all oral statements and written communications made and filed thereon by interested persons;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Clayton as follows:

1. The Council hereby finds and determines that a majority protest does not exist, inasmuch as the protests received against the assessments do not represent property owners subject to more than fifty percent (50%) of the total annual assessment proposed for the District.
2. The City Council hereby orders the levy of an assessment in the amount of \$3,162.00 on each lot within the Diablo Estates at Clayton Benefit Assessment District and this Resolution shall constitute the levy and confirmation of such assessment for fiscal year 2014-15.
3. The City Clerk shall immediately file a certified copy of this resolution, together with any required diagrams and a list of lots so assessed, with both the Tax Collector and the Auditor of Contra Costa County, with the Assessment to thereafter be collected in the same manner as the property taxes are collected.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof held on July 15, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 15, 2014.

Janet Brown, City Clerk

ENGINEER'S REPORT

DATE: MAY 20, 2014
TO: CITY COUNCIL
FROM: CITY ENGINEER
RE: **DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FISCAL YEAR 2014-15**

This report has been prepared in accordance with the requirements of the Landscaping & Lighting Act of 1972 (Section 22500 et seq. of the Government Code).

HISTORICAL REVIEW

In 2012, at the request of Toll Brothers, the developer of the Diablo Estates at Clayton project (Subd. 8719), the City Council formed the Diablo Estates at Clayton Benefit Assessment District ("District" per Resolution No. 04-2012). The purpose of the District is to generate funds for the maintenance of various improvements constructed as part of the development to solely benefit the real property owner(s). The duties specified in the original Engineer's Report (prepared by SCI Consulting Group, dated March 2012) included maintenance of landscaping and irrigation, weed abatement, storm drainage facilities, and private street lighting.

The District was formed under the auspices of the Landscaping and Lighting Act of 1972 (Section 22500 et seq. of the Government Code) and the Benefit Assessment Act of 1982 (Section 54703 et seq. of the Government Code). The initial per lot annual assessment, approved by the property owner (Toll Bros.), was \$3,027.62. The approval also allowed for an annual increase in the assessment amount equal to the annual increase in the Consumer Price Index ("CPI"), not to exceed 4% in any one year.

While the Benefit Assessment Act of 1982 does not require further action prior to the levy of annual assessments, the Landscaping and Lighting Act of 1972 requires the preparation of an Engineer's Report and notice to property owners of a public hearing each year. Since no increase, other than the already approved CPI increase, is proposed, the provisions of Proposition 218 do not apply.

DETERMINATION OF SPECIAL BENEFIT, METHOD OF ASSESSMENT AND DESCRIPTION OF DISTRICT IMPROVEMENTS

See original Engineer's Report attached hereto and made a part hereof.

ESTIMATED COSTS

The original budget included maintenance and District administrative costs, as well as reserve funds for future replacement of the maintained items. The relevant CPI increase for this past year (February 2013 – February 2014) was 2.0%. Following is a breakdown of the anticipated District costs including the allowable CPI increase:

Item	FY 2013-14 Budget	CPI Increase (2.0%)	FY 2014-15 Budget
District Maintenance:			
Common Area Landscape	\$18,228	\$365	\$18,593
Weed Abatement	\$12,196	\$244	\$12,440
Storm Drain System	\$5,632	\$113	\$5,745
Private Street Lighting	<u>\$1,239</u>	<u>\$25</u>	<u>\$1,264</u>
Sub-Total Maintenance:	\$37,295	\$746	\$38,041
District Administration	\$17,306	\$346	\$17,652
(includes Pinnacle Construction Services)			
District Reserves	\$19,805	\$396	\$20,201
Total Annual Budget	\$74,406	\$1,488	\$75,894

RESERVE FUNDS

The fund balance at the end of FY 2013/14 will be approximately \$39,000. This balance will increase to approximately \$59,000 at the end of FY 2014/15. The purpose of the Reserve is for scheduled and unexpected replacement of the capital investments, per the original Engineer's Report.

PER UNIT ALLOCATION

Based upon the proposed budget, the per-unit assessment will be \$3,162.00 (\$75,894/24 units).

ASSESSMENT HISTORY

Proposed FY 14-15	\$3,162.00
FY 13-14	\$3,100.26
FY 12-13	\$3,027.62

Attachment: Original Engineer's Report (19 pp.)



CITY OF CLAYTON

**DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT
DISTRICT
FOR LANDSCAPE AND LIGHTING AND BENEFIT ASSESSMENT**

**ENGINEER'S REPORT
FISCAL YEAR 2012-13**

MARCH 2012

PURSUANT TO
THE LANDSCAPING AND LIGHTING ACT OF 1972,
THE BENEFIT ASSESSMENT ACT OF 1982, AND
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
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CITY OF CLAYTON

MAYOR

Howard Geller

CITY COUNCIL

Joseph A. Medrano

Julie K. Pierce

David T. Shuey

Hank Stratford

CITY MANAGER

Gary Napper

CITY ENGINEER

Rick Angrisani

CITY ATTORNEY

Malathy Subramanian

CITY CLERK

Laci Jackson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

BACKGROUND

Formation of the "Diablo Estates at Clayton Benefit Assessment District" (the "Assessment District") within the City of Clayton (the "City") is proposed to provide funding for the maintenance, operation and improvement of the landscaping, street lighting, drainage and stormwater treatment facilities to benefit the properties in the Diablo Estates at Clayton subdivision that forms the Assessment District. The Diablo Estates at Clayton subdivision consists of 24 parcels east of Regency Drive and north of Rialto Drive with an approximate area of 19 acres.

This Engineer's Report (the "Report") was prepared to establish the budget for the services and improvements that would be funded by the proposed 2012-13 assessments and to determine the benefits received from the maintenance and improvements by property within the Assessment District and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts") and Article XIID of the California Constitution (the "Article").

Following submittal of this Report to the City of Clayton City Council (the "City Council") for preliminary approval, the City Council may call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the improvements.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to form the Assessment District and approve the levy of the assessments for fiscal year 2012-13. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2012 for inclusion on the property tax roll for Fiscal Year 2012-13.

LEGISLATIVE ANALYSIS

PROPOSITION 218

The Right to Vote on Taxes Act was approved by the voters of California on November 6, 1996, and is now Article XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property. This Assessment District will be balloted and approved by property owners in accordance with Proposition 218.

SILICON VALLEY TAXPAYERS ASSOC., INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. vs. Santa Clara County Open Space Authority (SVTA). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in the assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish these proposed assessments for fiscal year 2012/2013 are consistent with the SVTA decision and with the requirements of Article XIII C and XIII D of the California Constitution based on the following factors:

1. The Assessment District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements and Services. Thus, zones of benefit are not required and the assessment revenue derived from real property in each Assessment District is extended only on the Services in the Assessment District.
2. The Improvements which are constructed and/or maintained with assessment proceeds in the Assessment District are located in close proximity to the real property subject to the assessment. The Improvements and Services provide illumination to streets and sidewalks

enabling improved access to the owners, residents, and guests of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to of the residents of the assessed parcels by the Improvements provides a special benefit to the parcels being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements and Services financed with assessment revenues in the Assessment District benefit the properties in the Assessment District in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements and Services, and the benefits conferred on such property in the Assessment District are more extensive than a general increase in property values.
4. The assessments paid in the Assessment District are proportional to the special benefit that each parcel within that Assessment District receives from the Services because:
 - a. The specific lighting Improvements and maintenance Services and utility costs thereof in the Assessment District and the costs thereof are specified in this Report; and
 - b. The cost of the Services in the Assessment District is allocated among different types of property located within the Assessment District, and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, or industrial parcels.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of

the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIII C and XIII D of the California Constitution and with the SVTA decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements and Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with Beutz and Dahms because the Improvements and Services will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with Bonander because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

PLANS & SPECIFICATIONS

The work and improvements proposed to be undertaken by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District (the "Assessment District"), and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts"), the work, services and improvements are generally described as follows:

Maintenance and servicing of public improvements, including but not limited to, storm drain system, landscaping and lighting and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable, for property within the Assessment District that is owned or maintained by the City of Clayton (the "Improvements"). Any plans and specifications for these improvements will be filed with the City Engineer of the City of Clayton and are incorporated herein by reference. More specifically the improvements and associated plans are the storm drain system in the Improvement Plans, Diablo Pointe by David Evans and Associates Inc., the lighting in the Joint Trench Composite Plan, Diablo Pointe by Lighthouse Design Inc., and the shared landscaping, fencing, irrigation and entry monument in the Diablo Estates at Clayton Landscape Improvements plan by Thomas Bank and Associates LLP.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the cleaning and replacement of storm drain pipes, drop inlets, catch basins and manholes.

"Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, or the maintenance of any other improvements.

The figure shown below displays the improvements, maintenance, replacement costs and services to be provided with the Diablo Estates at Clayton Benefit Assessment District.

FIGURE 1 – SUMMARY OF ESTIMATED ANNUAL COSTS FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Summary of Estimated Annual Cost Fiscal Year 2012-13		
Installation, Maintenance & Servicing Costs		
Common Landscaping	\$19,426.99	
Weed Abatement (On-lot)	\$11,910.00	
Storm Drain System	\$27,966.00	
Street Lighting	\$1,460.00	
Subtotal - Installation, Maintenance and Servicing		\$60,762.99
Incidental Expenses and Administration Costs		\$11,900.00
Totals for Installation, Maintenance, Servicing and Incidentals		\$72,662.99
Net Cost of Maintenance, Servicing and Incidentals (Net Amount to be Assessed)		\$72,662.99
Budget Allocation to Property		
Total Assessment Budget		\$72,662.99
Single Family Equivalent Benefit Units		24
Assessment per Single Family Equivalent Unit		\$3,027.62

ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13

FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON
Diablo Estates at Clayton Benefit Assessment District
Estimate of Maintenance, Replacement, and Administrative Costs

Item	Units	Unit Cost	Service Life (years)	Annual Cost	Annual Cost per Lot
Common Landscaping					
Landscape Maintenance	24,600 SF	\$0.30		\$7,380.00	
Landscape Replacement	24,600 SF	\$0.05		\$1,230.00	
Tree Maintenance	33 EA	\$95.00		\$3,135.00	
Tree Replacement - Materials	33 EA	\$285.00	40	\$235.13	
Water Usage	1,476 100CF	\$2.86		\$4,221.36	
Meter Charges	12 Mo	\$51.00		\$612.00	
Irrigation Maintenance & Repair	24,600 SF	\$0.03		\$738.00	
Fence Maintenance & Repair	1,870 LF	\$0.65		\$1,215.50	
Entry Monument Maintenance	1 EA	\$500.00		\$500.00	
Entry Monument Repair	1 LF	\$4,000.00	25	\$160.00	
				\$19,426.99	\$809.46
Weed Abatement (On-lot)					
Weed Abatement	397,000 SF	\$0.03		\$11,910.00	
				\$11,910.00	\$496.25
Storm Drain System					
Ditch - debris removal & maint	1 LS	\$1,000.00		\$1,000.00	
Ditch Repair	2,038 LF	\$50.00	25	\$4,076.00	
Vortsenry Maintenance	1 LS	\$1,500.00		\$1,500.00	
Vortsenry Replacement	1 LS	\$100,000.00	100	\$1,000.00	
Bio-Retention Basin Maintenance*	48 EA	\$		\$0.00	
Bio-Retention Basin Replacement	48 EA	\$2,000.00	10	\$9,600.00	
Stormwater Reporting Fee	1 LS	\$5,000.00		\$5,000.00	
Annual City Report Fee	1 LS	\$2,000.00		\$2,000.00	
Catch Basin/Manhole Cleaning	15 EA	\$200.00		\$3,000.00	
CB/MH/pipe repair	1 LS	\$79,000.00	100	\$790.00	
				\$27,966.00	\$1,165.25
Street Lighting					
Maintenance and Repair	1 LS	\$500.00		\$500.00	
Electricity	4 EA	\$240.00		\$960.00	
				\$1,460.00	\$60.83
Annual Administration					
Property Manager	12 Mo	\$600.00		\$7,200.00	
Annual City Engineer Services	1 LS	\$2,500.00		\$2,500.00	
Legal Notice/Mailing	1 LS	\$100.00		\$100.00	
County Collection	1 LS	\$100.00		\$100.00	
General Reserve	1 LS	\$2,000.00		\$2,000.00	
				\$11,900.00	\$495.83
Total				\$72,662.99	\$3,027.62
	Number of Lots:				24
	Cost per Lot:				\$3,027.62

* homeowner responsibility

**assumes covenant with Toll Brothers, Inc. for 5 year maintenance period

Unit costs per direction of City of Clayton City Engineer

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of improvements and the methodology used to apportion the total assessment to properties within the Assessment District.

The Diablo Estates at Clayton Benefit Assessment District consists of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Diablo Estates at Clayton Benefit Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's storm drain system, streets and sidewalks, corridor landscaping, lighting, or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."

The Benefit Assessment Act of 1982 states in Government Code Section 54711:

"The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of service"

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of the Improvements to be provided with the assessment proceeds. These categories of special benefit are derived in part from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from the installation, maintenance and servicing of improvements such as those proposed by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District. These types of special benefit are summarized as follows:

- Creation of individual lots for residential use that, in absence of the services and improvements to be funded by the assessments, would not be created.
- Improved utility and usability of property
- Improved safety and security lighting for property
- Enhanced visual experience, and desirability of the area.
- Protection of views, scenery and other resources values and environmental benefits enjoyed by residents and guests and preservation of public assets maintained by the City
- Moderation of temperatures, dust control, and other environmental benefits.

These benefit factors, when applied to property in the Assessment District, specifically increase the utility of the property within the Assessment District. For example, the assessments will provide funding to maintain lighting that improves safety and access to the property after dark and landscaping that provides visual and environmental benefits to the properties within the Assessment District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability and safety of the properties. Moreover, funding for the maintenance and servicing of such public facilities is a condition of development of Diablo Estates at Clayton that is needed to mitigate the negative impacts of this development on the City. Without the Assessment District, this condition of development would not be satisfied, which could affect the approval of new homes on the property. This is another special benefit to the properties in the Assessment District.

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the Diablo Estates at Clayton Benefit Assessment District would be used to fund improvements and increased levels of maintenance to the public facilities that serve and benefit the properties in the Assessment District. In absence of the Diablo Estates at Clayton Benefit Assessment District, such Improvements would not be properly maintained. Therefore, the Assessment District is specifically proposed to ensure that the necessary and beneficial public facilities for property in the Assessment District are properly maintained and repaired over time. The assessments will ensure that landscaping and street lighting within and adjacent to the Assessment District are functional, well maintained, clean and safe. These public resources directly benefit the property in the Assessment District and will confer distinct and special benefits to the properties within the Assessment District.

In absence of the assessments, a condition of development would not be met and future home construction in the Assessment District could be denied. The creation of residential lots and the approval for the construction of homes in Diablo Estates at Clayton is the overriding clear and distinct special benefit conferred on exclusively on property in the Assessment District and not enjoyed by other properties outside the Assessment District. Moreover, benefits to the public at large, if any, will be offset by benefits residents within the Assessment District receive from the use of other similar public facilities not funded by the Assessment District. Therefore, the assessments solely provide special benefit to property in the Assessment District (100% special benefit) over and above the general benefits conferred to the public at large or properties outside the Assessment District.

METHOD OF ASSESSMENT

This process of apportioning assessments for each property involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalent dwelling units (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

ASSESSMENT APPORTIONMENT

The proposed assessments for the Diablo Estates at Clayton Benefit Assessment District would provide direct and special benefit to properties in the Assessment District. Diablo Estates at Clayton is a residential single family development project consisting of a total of 24 single family homes, each on a separate parcel. As such, each residential property receives similar benefit from the proposed Improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single family residence basis. All improved properties or properties proposed for development are assigned an SFE factor equal to the number of dwelling units developed or planned for the property. In other words, developed parcels and vacant parcels with proposed development will be assessed 1 SFE. The assessments are listed on the Assessment Roll in Appendix A.

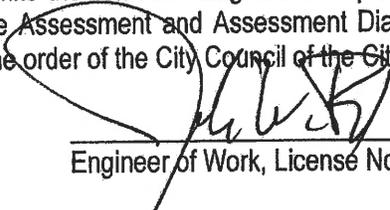
APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Clayton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Clayton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Clayton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City of Clayton City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City of Clayton City Engineer or her or his designee may refer their appeal to the City Council of the City of Clayton and the decision of the City Council of the City of Clayton shall be final.

CERTIFICATES

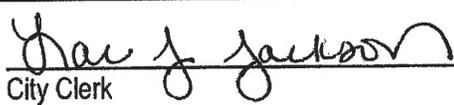
DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of Clayton.



Engineer of Work, License No. C052091

2. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on March 14, 2012.



City Clerk

3. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on _____, 2012, by Resolution No. _____

City Clerk

4. I, the City Clerk of the City of Clayton, County of Contra Costa, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of Contra Costa, California, on _____, 2012.

City Clerk

5. I, the County Auditor of the County of Contra Costa, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2012-13 was filed with me on _____, 2012.

County Auditor, County of Contra Costa

And I do hereby assess and apportion said net amount of the cost and expenses of said Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Diablo Estates at Clayton Benefit Assessment District in accordance with the special benefits to be received by each parcel or lot from the Improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the Diablo Estates at Clayton Benefit Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said Improvements.

The assessments are subject to an annual adjustment tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each succeeding year, with the maximum annual adjustment not to exceed 4%. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Contra Costa for the fiscal year 2012-13. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Rolls, the amount of the assessment for the fiscal year 2012-13 for each parcel or lot of land within the said Diablo Estates at Clayton Benefit Assessment District.

Dated: March 6, 2012



Engineer of Work

By [Signature]
John W. Bliss, License No. C052091

ASSESSMENT

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the assessment districts and an assessment of the estimated costs of the Improvements upon all assessable parcels within the assessment district;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Acts and the order of the City Council of the City of Clayton, hereby make the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amounts to be paid for said Improvements and the expense incidental thereto, to be paid by the Diablo Estates at Clayton Benefit Assessment District for the fiscal year 2012-13, are generally as follows:

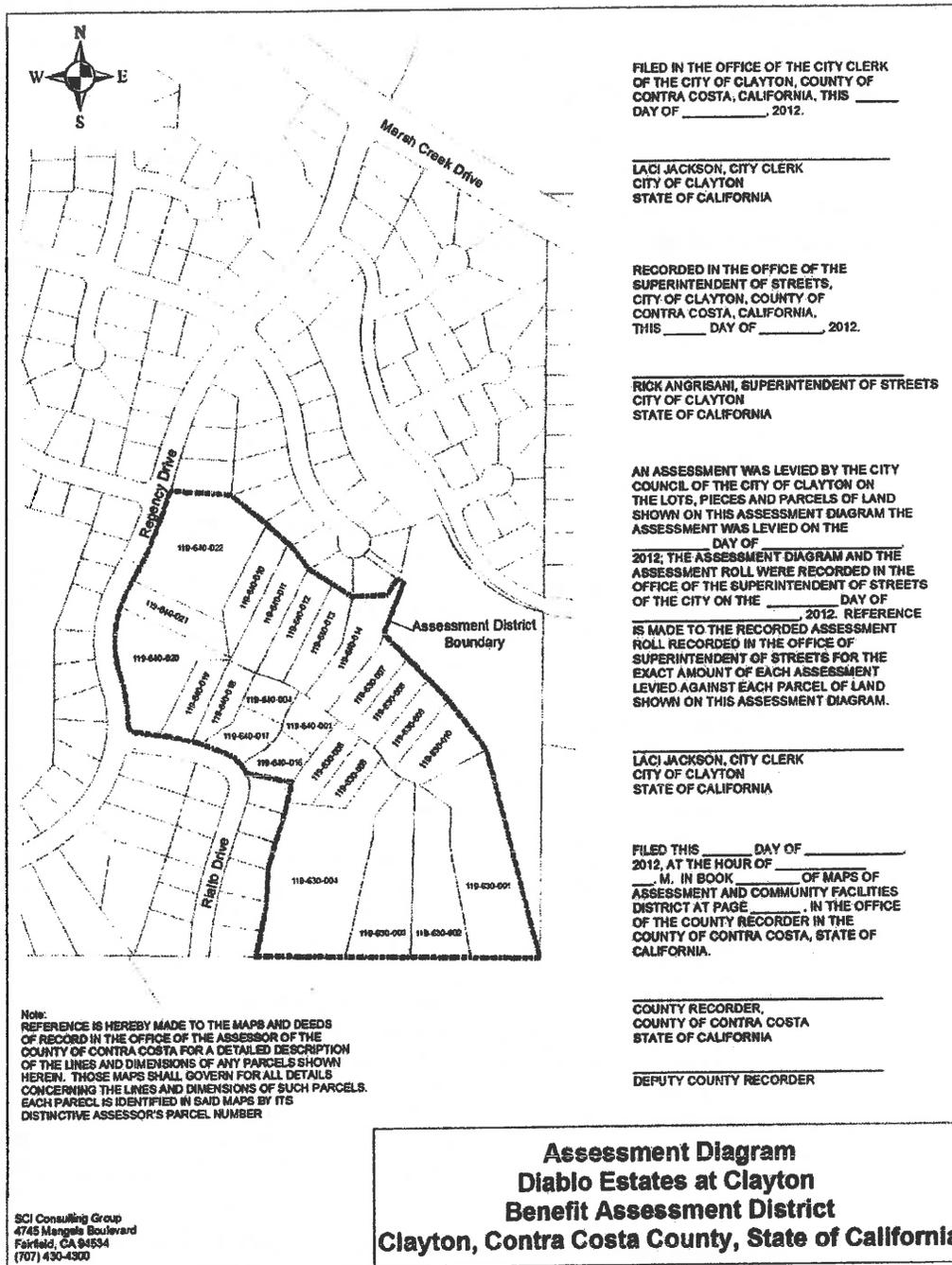
FIGURE 3 – SUMMARY COST ESTIMATES – FISCAL YEAR 2012-13

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Summary Cost Estimate FY 2012-13	
Installation, Maintenance & Servicing Costs	\$60,763
Incidental Costs	\$11,900
Total Budget	\$72,663
Budget to Assessment	
Total Budget	\$72,663
Total SFE Units	24
Rate per SFE Unit	\$3,027.62

As required by the Acts, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Diablo Estates at Clayton Benefit Assessment District. The distinctive number of each parcel or lot of land in said Diablo Estates at Clayton Benefit Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

ASSESSMENT DIAGRAM

The boundaries of the Diablo Estates at Clayton Benefit Assessment District are displayed on the following Assessment Diagram.



APPENDICES

APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment) will be filed with the City Clerk and is, by reference, made part of this Report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

FIGURE 4 – ASSESSMENT ROLL

CITY OF CLAYTON
Diablo Estates at Clayton Assessment District
Assessment Roll

PARCEL NUMBER	OWNER	SITUS	SFE Units	ASSESSMENT
119-630-001	TOLL CA XIX L P	27 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-002	TOLL CA XIX L P	26 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-003	TOLL CA XIX L P	22 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-004	TOLL CA XIX L P	18 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-005	TOLL CA XIX L P	14 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-006	TOLL CA XIX L P	10 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-007	TOLL CA XIX L P	9 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-008	TOLL CA XIX L P	15 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-009	TOLL CA XIX L P	19 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-010	TOLL CA XIX L P	23 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-001	TOLL CA XIX L P	6 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-004	TOLL CA XIX L P	7 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-010	TOLL CA XIX L P	16 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-011	TOLL CA XIX L P	12 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-012	TOLL CA XIX L P	8 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-013	TOLL CA XIX L P	4 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-014	TOLL CA XIX L P	5 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-016	TOLL CA XIX L P	2 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-017	TOLL CA XIX L P	3 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-018	TOLL CA XIX L P	11 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-019	TOLL CA XIX L P	17 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-020	TOLL CA XIX L P	21 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-021	TOLL CA XIX L P	24 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-022	TOLL CA XIX L P	20 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
			24	\$72,662.88

Agenda Date: 7-15-2014

MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD) Agenda Item: 3a GHAD
June 17, 2014

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 7:30 p.m. by Chairman Diaz. Boardmembers present: Chairman Diaz, Boardmembers Pierce and Stratford. Boardmembers absent: Vice Chairman Geller and Boardmember Shuey. Staff present: District Manager Rick Angrisani, City Manager Napper, Assistant General Legal Counsel Diaz, and Secretary Brown.

2. **PUBLIC COMMENTS** - None.

3. **CONSENT CALENDAR** – It was moved by Boardmember Stratford, seconded by Boardmember Pierce, to approve the Consent Calendar as submitted. (Passed; 3-0 vote).
 - (a) Approved the Board of Directors' minutes for its regular meeting of December 3, 2014.

4. **PUBLIC HEARINGS** - None.

5. **ACTION ITEMS**
 - (a) Presentation and consideration of a Resolution to approve the proposed Oakhurst Geological Hazard Abatement District (GHAD) Budget for Fiscal Year 2014-15 and setting a Public Hearing to be held on July 15, 2014 for levy of the corresponding real property tax assessments in FY 2014-15.

District Manager Rick Angrisani presented the staff report and noted completion of the Kelok Way dewatering wells now require expense for technical monitoring and reports. There will be a slight increase in the Fund Balance (reserves) from Fiscal Year 2013-14. He further noted the current fund balance of approximately \$120,090 derived from proceeds of the Presley lawsuit settlement in 2003 must now be used to fund annual gaps in tax assessment revenue when applied to minimal operations of the District. Mr. Angrisani recommended an expense budget of \$38,805.00 and income from Real Property Tax Assessments and Interest on funds of \$36,922.94 for the Fiscal Year 2014-15 Budget.

Chairman Diaz opened the floor to receive public comments; no public comments were offered. Chairman Diaz closed the public comments.

It was moved by Boardmember Stratford, seconded by Boardmember Pierce, to adopt Resolution No. GHAD 01-2014 approving the District's Budget for FY 2014-15 and setting July 15, 2014 as the Public Hearing on the proposed GHAD real property tax assessments for FY 2014-15. (Passed; 3-0 vote).

6. **BOARD ITEMS** – limited to requests and directives for future meetings
None.

7. **ADJOURN**- on call by Chairman Diaz the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Janet Brown, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

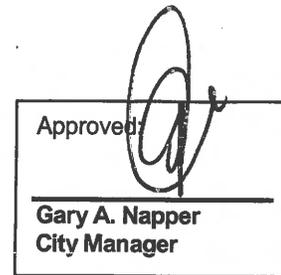
Jim Diaz, Chairman



Agenda Date: 7-15-2014

Agenda Item: 8a

STAFF REPORT



TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: JULY 15, 2014

SUBJECT: PROPOSED SAFETY IMPROVEMENTS AT MT. DIABLO ELEMENTARY SCHOOL RELATING TO DROP OFF AND PICK UP AREAS WITH FUNDING PROVIDED BY A GRANT FROM THE 511 CONTRA COSTA SCHOOL PROGRAM

RECOMMENDATION

Review proposed design changes to traffic circulation at the Mt. Diablo Elementary School and provide direction to staff and/or approve presented design plan.

BACKGROUND

The Streets Smart Program, utilizing tax funds from the Central County Measure J 21a Safe Transportation for Children Funds, provides grants for the installation of safety facilities at various schools in the county. The program recently provided funds for the installation of radar traffic warning signs on Marsh Creek Road at Diablo View Middle School.

The Street Smart representative, Munni Krishna, and the Mt. Diablo Elementary school principal met recently with the City Engineer and City Police Chief to discuss traffic safety needs at the school. The most obvious problem that we all agreed needed to be addressed was the traffic congestion during the school's drop off and pick up times.

Existing Conditions

Several years ago, in an attempt to increase the drop off areas and alleviate some of the traffic congestion, the school agreed to use its parking lot at the east end of Pine Hollow Road as a drive through area. The City at its cost restriped the roadway and added signage to (1) prohibit left turns from Pine Hollow Road onto Mt. Zion Drive and (2) provide two westbound lanes on Pine Hollow Road east of Mt. Zion Drive. In addition, to provide a safe area for the unloading of buses, the school prohibited cars (other than kindergarten drop offs) from entering the driveway loop in front of the school offices on Mt. Zion Drive., but drop offs were still allowed along the curb on Mt. Zion Drive

Date: July 15, 2014

Page 2 of 3

With 850+ students attempting to access the school on a daily basis, traffic congestion and driver behavior keeps getting worse. The Chief of Police and the school Principal report frequent pedestrian-vehicle conflicts on Pine Hollow Road. In addition, the congestion on Pine Hollow Road is exacerbated by parents of younger students parking and walking their children into the school rather than just dropping them off. In order to create safer conditions, the Principal requested the repainting of two existing pedestrian crossings in the bus/kindergarten drop off circle and directional signage on Pine Hollow Road. This work was funded by the Street Smarts program and the work completed.

To further improve circulation, the Police Chief and City Engineer considered other alternatives and developed a plan to completely change the drop off areas and hopefully reduce congestion in the area. The plan was presented to the Street Smart representative, the school Principal, and the School District Maintenance and Operations Director. The redesign plan was accepted and, upon approval by the City Council, will be presented to the 511 Contra Costa Street Smarts Infrastructure Program for possible funding.

Proposed Changes

The proposed circulation plan involves three significant changes:

- 1) Split the drop off areas so that grades K through 2 use the current bus/kindergarten drop off circle; grades 3 through 5 will continue to use Pine Hollow Road;
- 2) Eliminate the drop off lane on Mt. Zion Drive and convert it to a "buses only" lane (no parking or drop off allowed);
- 3) Close the right turn from the Pine Hollow Road drop off lane to Mt. Zion Drive (vehicles will still be allowed to turn right, but from the through lane only).

Allowing the K through 2 students to be dropped off in the circle will significantly reduce the amount of traffic on Pine Hollow Road east of Mt. Zion Drive and will increase the comfort level for the parents of the younger students by allowing them to quickly deliver the children to the school office area. Having a bus only lane along Mt. Zion will allow the buses for special needs students to drop them right at the school's gymnasium (which is their starting location) and the remainder of the buses will drop off their students on the walkway at the classrooms on the north side of the traffic circle, thereby minimizing any vehicle-pedestrian conflicts.

The closing of the drop off lane on Pine Hollow Road at Mt. Zion will hopefully prevent cars from turning right into the bus lane. With the older students being dropped off quickly (rather than being escorted onto school grounds) and the reduced number of vehicles, we hope to see a significant reduction in congestion. In order to make sure all drivers are aware of the bus lane and the prohibition against parking along the curb, in addition to the usual striping and signage, it is suggested the installation of a colored coating occur to the entire bus lane area.

Cost Estimate

We have prepared a cost estimate for the proposed work which totals approximately \$35,000 (see attachment).

FISCAL IMPACT

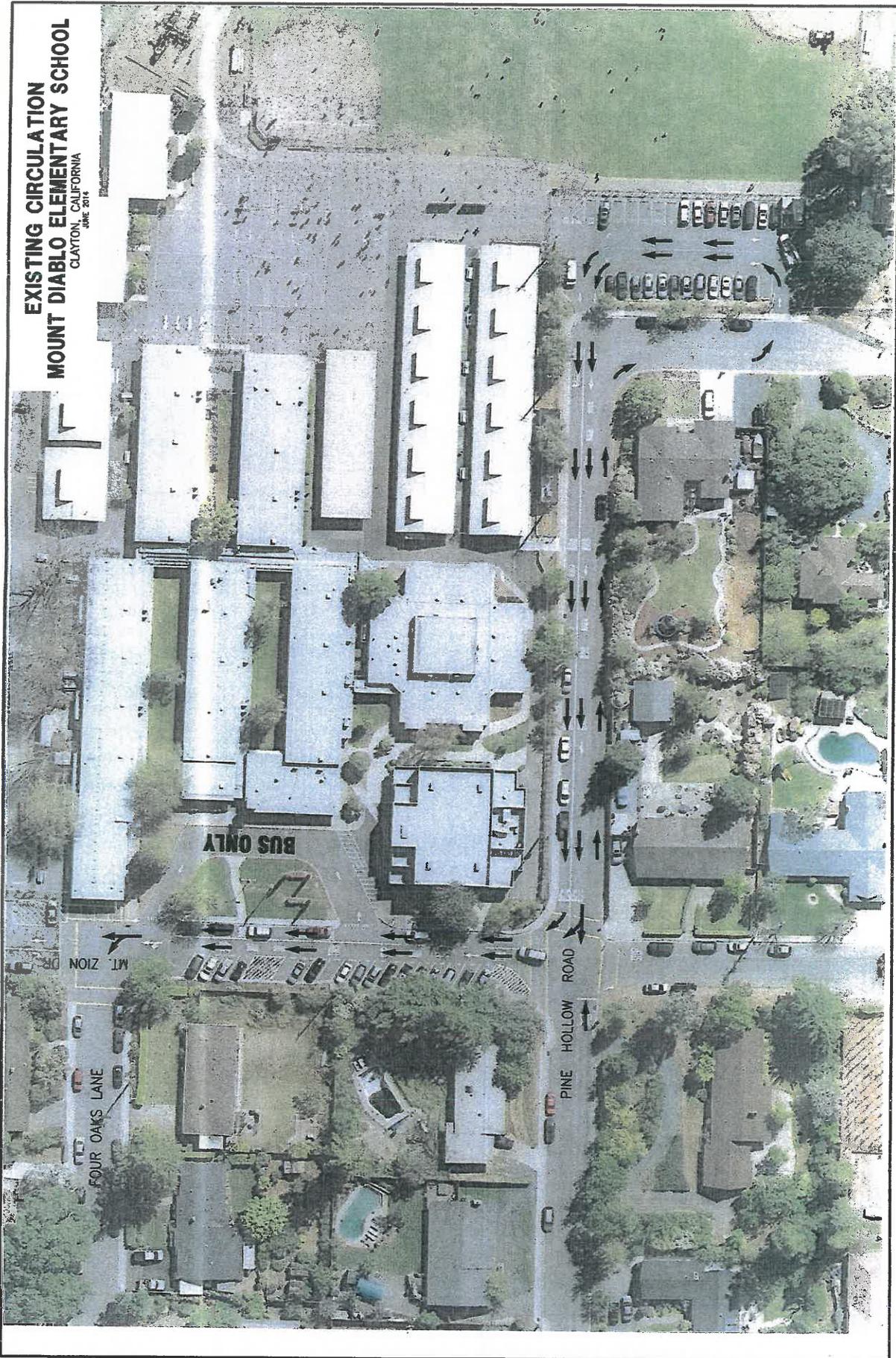
This proposal assumes funds will be provided by the Street Smarts Program (CCTA Measure J monies) and there will be no impact to the City's General Fund. However, in order to submit a grant funding application, the City Council's approval of the design concept is required.

CONCLUSION

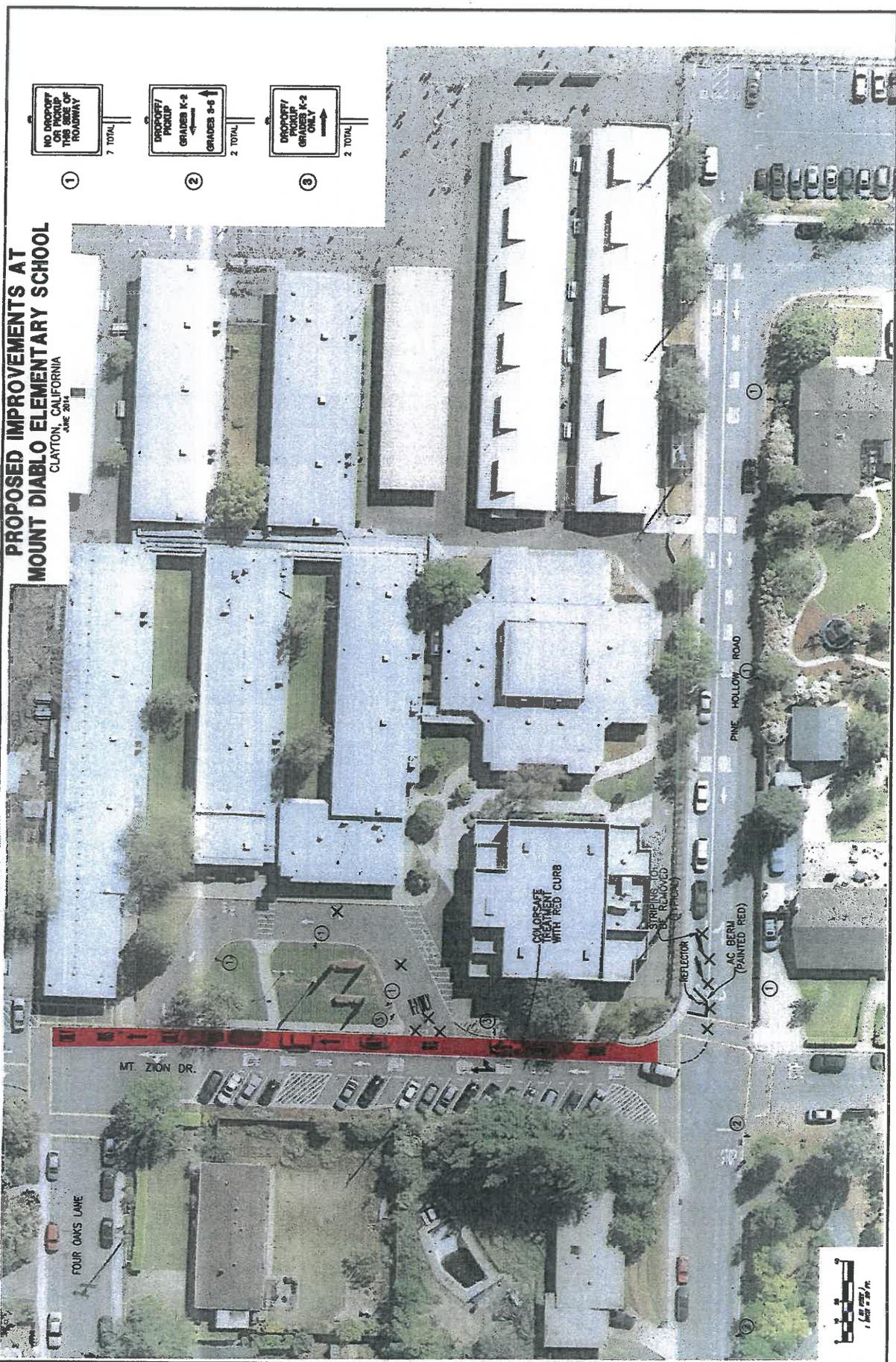
Staff recommends the design plan as presented but suggestions from the Council could be incorporated into the traffic safety plan and transmitted to the Street Smarts program. It is unknown at this time whether the full design cost would be funded by CCTA.

Attachments: Existing Circulation Plan
Proposed Improvement Plan
Cost Estimate
Colorsafe Treatment Product Sheet

EXISTING CIRCULATION
MOUNT DIABLO ELEMENTARY SCHOOL
CLAYTON, CALIFORNIA
JUNE 2014



**PROPOSED IMPROVEMENTS AT
MOUNT DIABLO ELEMENTARY SCHOOL**
CLAYTON, CALIFORNIA
JUNE 2011



- ① NO DROPPY OR PICKUP THIS SIDE OF ROADWAY
7 TOTAL
- ② DROPPY/PICKUP GRADERS K-2
GRADERS 3-6
2 TOTAL
- ③ DROPPY/PICKUP GRADERS K-2 ONLY
2 TOTAL



MT. DIABLO ELEMENTARY SCHOOL
 SAFETY IMPROVEMENTS - DROP OFF & PICKUP LANES
 COST ESTIMATE

#	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Removal of existing striping	1	LS	\$1,000.00	\$1,000.00
2	AC Berm/painted red	28	LF	\$20.00	\$560.00
3	Reflector sign	1	EA	\$150.00	\$150.00
4	ColorSafe treatment with red curb	3000	SF	\$7.50	\$22,500.00
5	Arrows	6	EA	\$150.00	\$900.00
6	"Bus" Legend	4	EA	\$200.00	\$800.00
7	"Only" Legend	5	EA	\$250.00	\$1,250.00
8	"K-2" Legend	1	EA	\$200.00	\$200.00
9	Sign No.1	7	EA	\$150.00	\$1,050.00
10	Sign No. 2	2	EA	\$200.00	\$400.00
11	Sign No. 3	2	EA	\$150.00	\$300.00
Construction Costs:					\$29,110.00
10% Contingency:					<u>\$2,911.00</u>
Total Construction Costs:					\$32,021.00
City Costs (10% for design, bid, admin., etc.)					<u>\$3,202.10</u>
Total Project Costs:					<u>\$35,223.10</u>

Durable and High Definition Color

Color-Safe[®] is a Methyl Methacrylate(MMA) based material used for color pavement marking. The resin and aggregate compounds are capable of full cure in a wide range of temperatures without requiring external heat sources.

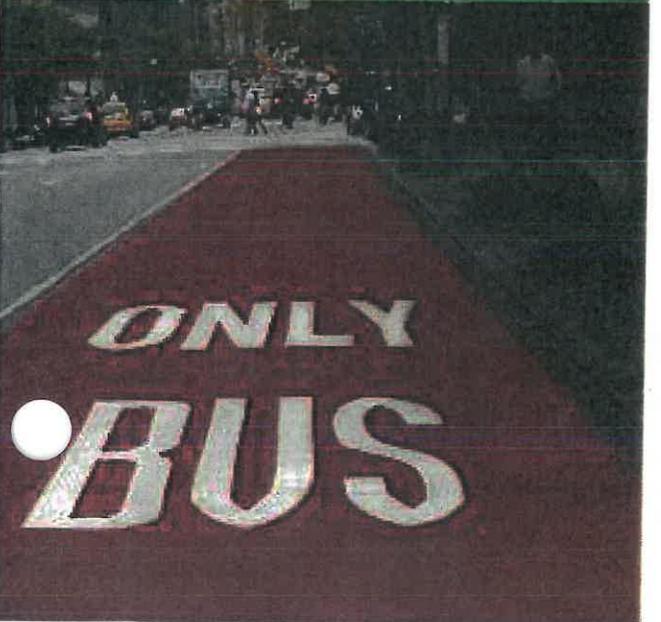
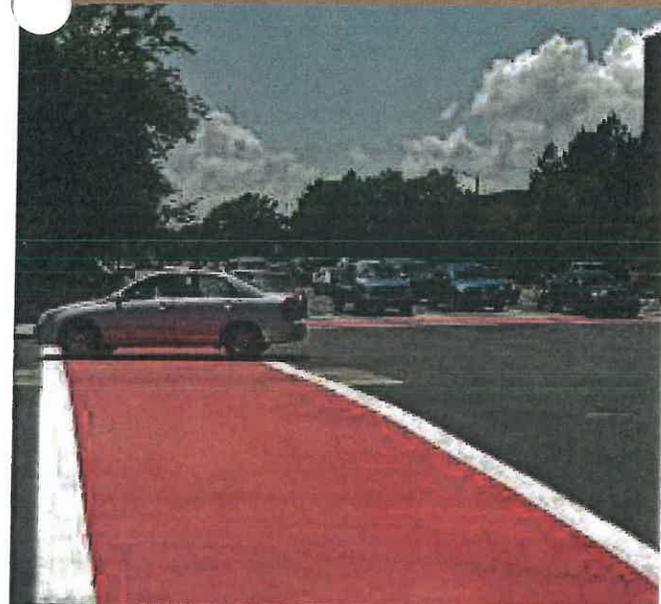
Color-Safe[®] is typically used for demarcation of crosswalks, bicycle and pedestrian paths, bus lanes and other specially designated areas. A variety of supplied aggregates will produce skid resistance based on the application, usage, and specification requirements.

Color-Safe[®] can be applied by hand with squeegees and rollers or with automatic equipment.

Features and Advantages

- Excellent Color Retention and Durability
- High Visibility Color Alerts Drivers to Special-Use Traffic Lanes
- Available in a Variety of Colors and Aggregate Sizes
- Easy Application
- Fast Cure Time
- Low Life Cycle Cost
- Strong Adhesion to Concrete and Asphalt Surfaces

Long-lasting Color-Safe[®] creates positive demarcation and enhances traffic calming.



Application Procedure

Surfaces receiving Color-Safe® must be thoroughly cleaned and free of all dirt. Contaminates that might interfere with the proper adhesion of the material must be removed by sand blasting or shot blasting.

Color-Safe® is made up of resin, powder hardener and aggregate. These components must be mixed thoroughly for uniform curing and performance.

Color-Safe® is applied by either the mixed resin and aggregate method or the spray/broadcast aggregate method. Refer to the technical data sheet for application details.

No special equipment is required for installation.

Applications

Transpo's Color-Safe® can be used as an anti-skid surface or for demarcation.

- Bicycle Paths
- School Zones
- Bus Lanes and Bus Stops
- Intersections and Crosswalks
- Pedestrian Plazas
- Toll Lanes
- Airfields
- Speed Zones
- Turns and Curves



Physical Properties *

Properties	Unit of Measure	Test
Neat Resin		
Tensile Strength	500-1000 psi (3.4-6.9 MPa)	ASTM D638 Type1
Elongation	70%	ASTM D638 Type1
Hardness	55-60 Shore D	ASTM 2240
Water Absorption	< 0.25%	
Pot Life @72°F (22°C)	15 Minutes	AASHTO T237
Flash Point	50°F (10°C)	ASTM D1310
Solids Content	100%	ASTM D1310
Aggregate		
Hardness	7.0	Mohs Scale

* To be used as general guidelines only

Standard & Custom* Colors



*Custom Colors available upon request



20 Jones Street, New Rochelle, NY 10801
 Tel: 914-636-1000 • Fax: 914-636-1282
 www.transpo.com • info@transpo.com
 4/14 1.5K



Agenda Date: 7-15-2014

**MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)**

Agenda Item: 3a GHAD

June 17, 2014

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 7:30 p.m. by Chairman Diaz. Boardmembers present: Chairman Diaz, Boardmembers Pierce and Stratford. Boardmembers absent: Vice Chairman Geller and Boardmember Shuey. Staff present: District Manager Rick Angrisani, City Manager Napper, Assistant General Legal Counsel Diaz, and Secretary Brown.

2. **PUBLIC COMMENTS** - None.

3. **CONSENT CALENDAR** – It was moved by Boardmember Stratford, seconded by Boardmember Pierce, to approve the Consent Calendar as submitted. (Passed; 3-0 vote).
 - (a) Approved the Board of Directors' minutes for its regular meeting of December 3, 2014.

4. **PUBLIC HEARINGS** - None.

5. **ACTION ITEMS**
 - (a) Presentation and consideration of a Resolution to approve the proposed Oakhurst Geological Hazard Abatement District (GHAD) Budget for Fiscal Year 2014-15 and setting a Public Hearing to be held on July 15, 2014 for levy of the corresponding real property tax assessments in FY 2014-15.

District Manager Rick Angrisani presented the staff report and noted completion of the Kelok Way dewatering wells now require expense for technical monitoring and reports. There will be a slight increase in the Fund Balance (reserves) from Fiscal Year 2013-14. He further noted the current fund balance of approximately \$120,090 derived from proceeds of the Presley lawsuit settlement in 2003 must now be used to fund annual gaps in tax assessment revenue when applied to minimal operations of the District. Mr. Angrisani recommended an expense budget of \$38,805.00 and income from Real Property Tax Assessments and Interest on funds of \$36,922.94 for the Fiscal Year 2014-15 Budget.

Chairman Diaz opened the floor to receive public comments; no public comments were offered. Chairman Diaz closed the public comments.

It was moved by Boardmember Stratford, seconded by Boardmember Pierce, to adopt Resolution No. GHAD 01-2014 approving the District's Budget for FY 2014-15 and setting July 15, 2014 as the Public Hearing on the proposed GHAD real property tax assessments for FY 2014-15. (Passed; 3-0 vote).

6. **BOARD ITEMS** – limited to requests and directives for future meetings
None.

7. **ADJOURN**- on call by Chairman Diaz the meeting adjourned at 7:35 p.m.

Respectfully submitted,

Janet Brown, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

Jim Diaz, Chairman



Agenda Date: 7-15-2014
Agenda Item: 4a GHAD

GHAD STAFF REPORT

TO: HONORABLE CHAIRPERSON AND BOARDMEMBERS
FROM: RICK ANGRISANI, DISTRICT MANAGER
DATE: JULY 15, 2014
SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING ASSESSMENTS FOR FY 2014-15

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The District's 2014-15 Budget, approved at the Board's June 17th meeting, recommended increasing assessments by the allowable 2.78% increase in the annual Consumer Price Index (CPI).

Tonight, the Board will hold the required public hearing to hear any comments or protests from its affected citizens. Upon completion of public testimony, the Board may close the public hearing and consider action on this Resolution.

OBJECTION TO LEVY OF ASSESSMENTS

For the first time, we have received an objection to the levying of assessments from a property owner, James Beaty, on Crow Place (see copy of e-mail attached).

To summarize, Mr. Beaty does not feel it is appropriate to levy assessments on properties that are geologically stable and on which there are no GHAD funds being expended. Our response to Mr. Beaty is also attached for the Board's information.

FISCAL IMPACT

If this Resolution is not approved, the Oakhurst Geological Hazard Abatement District (GHAD) will not be able to fund any maintenance or monitoring work in the coming year, as the District has no other source of revenues other than this \$35,522.94 annual assessment paid by real property owners. Further, no increase in assessment revenues (beyond the allowable CPI increase) can occur without property owners' affirmative vote.

CONCLUSION

Based upon the above, staff recommends the Board approve this Resolution ordering improvements and confirming assessments within the GHAD for FY 2014-15.

Attachments: Resolution confirming Assessments [3 pp.]
 Notice of Assessment mailed [2 pp.]
 District Budget
 E-mail from Mr. Joseph Beaty
 Response to Beaty e-mail

GHAD RESOLUTION NO. -2014

**A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING
ASSESSMENTS FOR FISCAL YEAR 2014-15**

**THE BOARD OF DIRECTORS
Oakhurst Geological Hazard Abatement District
Clayton, California**

WHEREAS, by adoption of Resolution No. 01-2014 the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) approved the District's Budget, declared its intention to levy and collect assessments for fiscal year 2014-15, and set a public hearing thereon for July 15, 2014, at the regular meeting place of the Board of Directors; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 01-2014 was duly given as required by the provisions of Division 17, Chapter 6 of the Public Resources Code (Section 26650 et seq.); and

WHEREAS, all owners of property to be assessed within the District were given written notice by first class mail of the proposed assessments in accordance with Public Resources Code Section 26652; and

WHEREAS, on July 15, 2014, the Board of Directors held a public hearing on the proposed assessment for the fiscal year 2014-15 and heard and considered all oral statements and written communications made and filed thereon by interested persons;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors as follows:

1. The Board of Directors hereby orders the improvements as set forth in the District's Budget, dated June 17, 2014, and confirms the assessments as recommended by the District Manager.
2. The GHAD consists of a portion of the City of Clayton as shown on the boundary map on file with the District's Secretary.
3. A benefit allocation has been determined by the District Manager, upon consultation with the firm of Leptien, Cronin and Cooper that establishes three areas and three categories of benefit. The Areas are as follows:

Area 1 Lower 6000's, Duets, lower Townhouses

Area 2 Upper 6000's and 8000's, upper Townhouses

Area 3 10000's.

The three categories are as follows:

- a. Single family homes, regardless of lot size, will be the basic unit of benefit, all lots in the same area to be charged equally.
- b. Duet parcels to be charged 75% of the basic unit due to increased density.
- c. Townhouse parcels to be charged 50% of the basic unit due to increased density.

The actual assessments for each lot in the listed subdivisions shall be:

<u>GHAD AREA</u>	<u>SUBD</u>	<u># UNITS</u>	<u>TYPE</u>	<u>\$ ASSESS PER LOT</u>	<u>TOTAL \$</u>
I	6990	92	sfd	\$20.16	\$1,854.72
I	7065	108	duets	\$15.10	\$1,630.80
I	7066	117	multi-family	\$10.12	\$1,184.04
I	7303	52	multi-family	\$10.12	\$526.24
I	7311	118	duets	\$15.10	\$1,781.80
I	7768	55	sfd	\$20.16	\$1,108.80
I	7769	53	sfd	\$20.16	\$1,068.48
II	7256	70	sfd	\$26.84	\$1,878.80
II	7257	60	sfd	\$26.84	\$1,610.40
II	7260	75	sfd	\$26.84	\$2,013.00
II	7261	70	sfd	\$26.84	\$1,878.80
II	7262	99	sfd	\$26.84	\$2,657.16
II	7263	101	sfd	\$26.84	\$2,710.84
II	7264	102	sfd	\$26.84	\$2,737.68
II	7766	35	sfd	\$26.84	\$939.40
II	7766	60	multi-family	\$13.46	\$807.60
II	7767	76	multi-family	\$13.46	\$1,022.96
III	7249	69	sfd	\$64.62	\$4,458.78
III	7255	72	sfd	\$64.62	\$4,652.64

4. The Board of Directors declares this Resolution to be, and the same shall constitute, the levy of an assessment for the fiscal year 2014-15 as hereinabove referred to.
5. The Board directs the Secretary immediately to have recorded a notice of assessment, as provided for in Section 3114 of the Street and Highways Code.
6. The Board also directs that the assessments are payable in the same manner as general taxes and hereby directs the Secretary to file the boundary map and assessment list, or certified copy thereof, together with a certified copy of this resolution, with the County Auditor.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Oakhurst Geological Hazard Abatement District at a regular public meeting thereof held on 15th day of July 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE BOARD OF DIRECTORS OF GHAD

Jim Diaz, Chairman

ATTEST:

Janet Brown, Secretary

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Oakhurst Geological Hazard Abatement District at a regular public meeting held on July 15, 2014.

Janet Brown, Secretary

EXHIBIT A

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT

METHOD OF ASSESSMENT

A Geological hazard abatement district is essentially a benefit assessment district. Therefore, the assessments must be apportioned to individual parcels according to the benefit received.

Based upon discussions with the City's consultant, Randy Leptien of Leptien, Cronin & Cooper, the various areas and types of development in Oakhurst require that the assessments be broken down by area as well as type of unit. The areas have been broken down to reflect, as much as possible, units with an equal amount of risk and benefit.

The total development has been divided into three areas for assessment:

- Area 1 Lower 6000's, lower 5000's, Duets, and Townhouses
- Area 2 Upper 6000's, upper 5000's, 8,000's, condominiums
- Area 3 10000's

After reviewing the needs of each area and the benefits of the District to each area, we have assigned each area the following share of the District's costs (including reserves);

- Area 1 25%
- Area 2 50%
- Area 3 25%

As will be noted, the number of units in each area is not considered a factor and the amount of assessment per unit will vary greatly from area to area. Since there are different types of housing mixed in Areas 1 and 2, we have assigned different assessment units to each type of housing as follows:

- Single Family 1.00
(regardless of size)
- Duets 0.75
- Multi-family 0.50

District Boundaries

As of FY 1999-00, the District was complete and consisted of 200 single family homes, 226 duets, and 169 townhouses in Area 1; 612 single family homes and 136 condos in Area 2; and 141 single family homes in Area 3.

Summary of Assessments

AREA I 2014-15 ASSESSMENT				Total =	\$9,154.88	
Subarea	# Units	Type	Factor	Ass. Units	14/15 Asses	Total
Tr. 6990	92	sfd	1.00	92.00	\$20.16	\$1,854.72
Tr. 7065	108	duets	0.75	81.00	\$15.10	\$1,630.80
Tr. 7066	117	multifamily	0.50	58.50	\$10.12	\$1,184.04
Tr. 7303	52	multifamily	0.50	26.00	\$10.12	\$526.24
Tr. 7311	118	duets	0.75	88.50	\$15.10	\$1,781.80
Tr. 7768	55	sfd	1.00	55.00	\$20.16	\$1,108.80
Tr. 7769	53	sfd	1.00	53.00	\$20.16	\$1,068.48
Subtotals	595			454.00		\$9,154.88
AREA II 2014-15 ASSESSMENT				Total =	\$18,256.64	
Subarea	# Units	Type	Factor	Ass. Units	14/15 Asses	Total
Tr. 7256	70	sfd	1.00	70.00	\$26.84	\$1,878.80
Tr. 7257	60	sfd	1.00	60.00	\$26.84	\$1,610.40
Tr. 7260	75	sfd	1.00	75.00	\$26.84	\$2,013.00
Tr. 7261	70	sfd	1.00	70.00	\$26.84	\$1,878.80
Tr. 7262	99	sfd	1.00	99.00	\$26.84	\$2,657.16
Tr. 7263	101	sfd	1.00	101.00	\$26.84	\$2,710.84
Tr. 7264	102	sfd	1.00	102.00	\$26.84	\$2,737.68
Tr. 7766	35	sfd	1.00	35.00	\$26.84	\$939.40
Tr. 7766	60	multifamily	0.50	30.00	\$13.46	\$807.60
Tr. 7767	76	multifamily	0.50	38.00	\$13.46	\$1,022.96
Subtotals	748			680.00		\$18,256.64
AREA III 2014-15 ASSESSMENT				Total =	\$9,111.42	
Subarea	# Units	Type	Factor	Ass. Units	14/15 Asses	Total
Tr. 7249	69	sfd	1.00	69.00	\$64.62	\$4,458.78
Tr. 7255	72	sfd	1.00	72.00	\$64.62	\$4,652.64
Subtotals	141			141.00		\$9,111.42
Grand Totals	1,484			1,275.00		\$36,522.94

GHAD BUDGET REPORT

DATE: JUNE 17, 2014

TO: BOARD OF DIRECTORS

FROM: RICK ANGRISANI, DISTRICT MANAGER

RE: FISCAL YEAR 2014-15

BACKGROUND

In April 2000, the property owners within the Oakhurst Geological Hazard Abatement District (GHAD) approved, by ballot, assessments to cover the routine maintenance and operations needs of the District. The ballot measure also allowed increases in the annual assessment not to exceed the annual rise in the Bay Area Consumer Price Index (CPI). These annual assessments are the only source of revenues to the District as it is solely funded by the private property owners within the District. Without the real property owners' approval, the District cannot create or mandate additional revenues to fund hazard abatement or prevention services.

Kelok Way Dewatering Wells

The installation of six large dewatering wells and inclinometers to increase the stability of the large slope between Kelok Way and North Valley Park was completed last year. We had intended to monitor the inclinometers twice annually (beginning in August or September) to ensure that the wells had slowed or halted the slope movement as well as continued to function as designed. The ensuing drought conditions reduced the possibility of slope movement and we chose to hold off on the monitoring for a short period. We have recently issued a contract to Stevens, Farrone & Bailey (SFB - original geotechnical engineer) for the monitoring work and anticipate their first report in the near future.

SFB provided a proposal for the monitoring with a cost of \$11,700 the first year and approximately \$9,600 each year thereafter. This cost has been included in this year's proposed budget.

Fund Balance (reserves)

The GHAD's fund balance is expected to have a surplus of \$34,482 at the end of FY 2013-14, an increase of approximately \$13,000 over last year's forecast, due primarily to delaying the start of the monitoring. We anticipate that approximately \$1,882 will be deducted from the fund for FY 14/15 expenses, reducing the fund balance to \$32,600 at the end of the fiscal year.

Presley Lawsuit Settlement Fund Balance

This fund balance currently stands at approximately \$120,090 in remaining funds from the original Presley lawsuit settlement (2003). It was, of course, originally

intended that the remaining original Presley lawsuit settlement funds be used to rehabilitate the street pavement in the Keller Ridge area once the ongoing movement ceased. While some pavement work has been accomplished, having no other reserves and no interest by the property owners in raising the annual assessments, the District has no choice but to eventually use these funds to cover any of the District's funding shortfalls that may occur for as long as possible.

FY 2014-15 BUDGET

This Budget proposes to continue funding just the routine operations, along with the ongoing monitoring and legal defense costs, of the District through the allowable annual assessments. The year to year increase allowable per the most current CPI is 2.78% (May 2013 to May 2014, San Francisco, All Items, All Urban Consumers Index).

Following is the recommended budget for the GHAD for FY 2014-15:

EXPENSES

Postage	\$700.00
Legal Notices	100.00
Insurance Premium Surcharge (transfer to General Fund)	14,000.00
County Collections Charge	1,400.00
Engineering Services	3,000.00
Kelok Way Monitoring	11,700.00
Legal Services	1,000.00
Miscellaneous	270.00
Administration (transfer to General Fund)	<u>6,635.00</u>
<i>TOTAL EXPENSES</i>	<i>\$38,805.00</i>

INCOME

Property Assessments	\$36,522.94
Interest on Funds	<u>400.00</u>
<i>TOTAL INCOME</i>	<i>\$36,922.94</i>
Funds from GHAD Fund Balance	\$ 1,882.06

FY 2014-15 PROPERTY ASSESSMENTS

As stated above, the annual assessment will be the same as last year except for an increase consistent with the increase in the CPI. Exhibit A explains the methodology of the assessments and provides a summary of the proposed assessment for this year.

Subject:

FW: GHAD Assessments 2013-2014

From: Joseph Beaty [mailto:joseph.joelia@gmail.com]

Sent: Monday, June 30, 2014 6:15 AM

To: dshuey@ci.clayton.ca.us; jdiaz@ci.clayton.ca.us

Cc: citycletk@ci.ca.us

Subject: GHAD Assessments 2013-2014

This email responds to the GHAD 18 June letter, which discussed the 2013-2014 GHAD assessments and announced the 15 July/7 PM meeting to hear assessment protests.

The assessment does not benefit our street (Crow Place). It conflicts with the latest GHAD resolution, and with traditional insurance principles, as discussed below.

Lack of benefit to Crow Place:

Reference GHAD Resolution No. 01-2014. Page 2, paragraph 1 discusses the budget report which "...has fairly and properly apportioned the cost of maintenance and improvement to each parcel of land in the GHAD **in proportion to the estimated benefits to be received by each parcel respectively from maintenance and improvements...**" (Bold highlighting is mine.)

I contacted the GHAD engineer and confirmed that no maintenance or improvements apply or are planned for our street (Crow Place). The engineer stated that our street, and nearby streets, are "geologically stable." There are no GHAD engineering or monitoring activities (e.g., inclinometers) on or near our street, and no GHAD funds are expended for our street. Geological monitoring (e.g., inclinometers) and corrective actions (e.g., bore holes filled with grout, de-watering wells) are associated with Kelock Way and other housing areas built on ridges or hilly areas), not our area. (The unoccupied house at 8053 Kelock Way is apparently the most severely-damaged home in the Oakhurst GHAD, but other homes in that area may also have or be subject to risks associated with geological instability which do not apply to Crow Place or other areas of Oakhurst near Crow Place.) In short, no engineering monitoring or corrective action funds have been or are planned to be expended for Crow Place, and thus GHAD incurs (or should incur) no costs or budget expenditures for Crow Place.

Conflict with traditional insurance principles:

Insurance is typically based on known risks. For example, people who live in flood zones can expect to pay higher premiums for flood insurance. Likewise, those who live in forested or fire-prone areas pay increased fire insurance premiums. Homeowners are typically aware of these risks (either through mandatory notices included during the real estate closing process or through other information sources).

The greatest risk for subsidence, earth-shifting, or landslides would appear to exist for homeowners who have homes in hilly or elevated areas near hill edges, such as Kelock Way and similar hilly areas of Oakhurst. The GHAD engineer confirmed that such risk does not apply to Crow Place.

It would therefore seem appropriate to revise the GHAD assessment to eliminate those homes which are in "geologically stable" areas and do not face the risks associated with some areas of Kelock Way (and other hilly

areas of Oakhurst), and apply the assessment only to those homes at risk for the types of GHAD activity and corrective actions discussed in GHAD resolutions.

The annual assessment of approximately \$26 (for Crow Place) appears low, but when viewing this assessment over a 20 or 30-year period, and when multiplied by the number of homes in the GHAD, the assessment cumulative amount is significant. It appears that most homes affected by the assessment are not at risk.

I have discussed the assessment with several neighbors on my street and they agree that the assessment is not appropriate. I plan to attend the 15 July/7 PM hearing on this assessment and will discuss it in an open forum.

Please advise if I need to start a petition effort, or take other actions, to exclude homes in the Oakhurst GHAD--for which no monitoring or corrective actions exist or are planned--from the assessment.

Thank you.

Sincerely,

Joe

Joe & Lia Beaty
110 Crow Pl
Clayton, CA 94517
(925) 693-0932
Joe's Cell (864) 361-1189
Lia's Cell (864) 363-6686
joseph.joelia@gmail.com

Response to Joseph Beaty re: GHAD Assessments

When the Oakhurst Country Club Development ("Project") was being considered by the Planning Commission and the City Council, all parties were aware that there were numerous geological hazards (landslides, expansive soils, soil movement, etc.) that, even after being addressed and mitigated by the developer, had the potential to cause problems in the future in any area of the Oakhurst Development.

To protect the existing residents of Clayton from having to pay for its maintenance and repairs that would only occur and be triggered by allowing construction of private homes proposed by the Project, the developer was required to establish the Oakhurst Geological Hazard Abatement District ("District") which encompassed only the residential lots in the Project. The purpose of the District was and is to provide a funding mechanism for any required maintenance or repair work within the District through the imposition of annual assessments on all of the residential properties within the District.

For the establishment of the original per lot assessment amounts, the District was divided into three areas based upon an evaluation of the potential problems in each area. Area 1 included the single family lots to the west of Seeno's hill, as well as the duet and townhouse units on the south side of Oakhurst Drive. Area 2 included all of the lots off of Keller Ridge Drive and Miwok Way. Area 3 included all of the lots in the Peacock Creek area. The assessment amounts started at \$125/lot to cover the ongoing maintenance costs and to build a reserve account for any major repairs required. As the reserve goals were met, the annual assessments were decreased upon the assumption they could be increased again if needed.

However, the subsequent statewide passage of Proposition 218 prohibited increasing the assessments without affirmative vote of the property owners. While several attempts thereafter to increase the assessments to resolve geological issues that started to appear, the District was unable to garner enough approval votes. A typical perspective by Oakhurst voters/property owners was, "I am not directly affected by any problems at this time, so I don't want to pay to help those owners having problems." Now the District finds itself unable to raise enough money to handle more than the most routine duties and skeletal operations to keep the District in existence should it be a useful resource for future geological-caused renovations desired by the private property owners.

Mr. Beaty's comments reflect the same stance the District has dealt with over the years. As mentioned, the District was separated into three zones with the full knowledge that not every lot in each zone had the same level of risk. The establishment of a Benefit Assessment District does not expect each dollar paid by each lot in the District will only be spent on items that directly affect that particular lot. Following Mr. Beaty's line of thought, the Oakhurst Geological Hazard Abatement Assessment District (GHAD) would necessitate 1,482 different zones and unique assessments. Although Mr. Beaty sees no benefit from paying into the GHAD, in reality this Project would not have been approved by the City and his private house would not have been built without the formation and existence of the GHAD. Additionally, although Crow Place may not immediately need maintenance and geological hazard improvements, these parcels still receive a special benefit from the assessment since GHAD funds can be used to protect and preserve Crow Place if and when geologic instability results. Geological instabilities and hazards know no bounds or property lines.

Rick Angrisani
District Manager, GHAD