



AGENDA

ADJOURNED REGULAR MEETING CLAYTON CITY COUNCIL

Tuesday, August 4, 2015

7:00 p.m.

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

Mayor: David T. Shuey
Vice Mayor: Howard Geller

Council Members

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

*** CLAYTON CITY COUNCIL ***

August 4, 2015

7:00 P.M.

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

2. **PLEDGE OF ALLIGENCE** – Mayor Shuey.

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 21, 2015. ([View Here](#))

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

(c) Approve the City's Investment Portfolio Report for the 4th Quarter of FY 2014-15 ending June 30, 2015. ([View Here](#))

4. **PUBLIC COMMENTS**

Citizens may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it 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 by the Mayor, the speaker shall advance to 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 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 as each item is considered.

5. **PUBLIC HEARING**

(a) Continued Public Hearing on the proposed real property tax assessments in FY 2015-16 for the Diablo Estates at Clayton Benefit Assessment District and consider the adoption of the Resolution setting, ordering and levying the annual assessments. (City Engineer) ([View Here](#))

Staff recommendation: 1) Receive the staff report; **2)** Re-Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** By motion adopt the Resolution setting and levying the tax assessments for FY 2015-16.

6. **ADJOURNMENT** – the next regularly scheduled meeting is Tuesday, August 18, 2015 at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, CA

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 8-4-2015

Agenda Item: 3a

TUESDAY, July 21, 2015

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:03 p.m. by Vice Mayor Geller in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Vice Mayor Geller, and Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: Mayor Shuey. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, City Clerk/HR Manager Janet Brown, Community Development Director Mindy Gentry, and City Engineer Rick Angrisani.

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

3. **CONSENT CALENDAR**

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

 - (a) Approved the minutes of the regular meeting of July 7, 2015.
 - (b) Approved Financial Demands and Obligations of the City.
 - (c) Adopted a Resolution No. 28-2015 authorizing the levy of annual real property tax assessments for Community Facility District No. 2006-1 (Downtown Park O & M; Fund No. 211) in FY 2015-2016.
 - (d) Adopted a Resolution No. 29-2015 authorizing the levy of annual real property tax assessments for Community Facility District No. 2007-1 (Landscape Maintenance District; Fund No. 210) in FY 2015-2016.
 - (e) Adopted a Resolution No. 30-2015 authorizing the levy of annual real property tax assessments for the Middle School Community Facilities District (CFD 1990-1R; Fund No. 420) in Fiscal Year 2015-2016.
 - (f) Adopted a Resolution No. 31-2015 setting and levying real property tax assessments in FY 2015-16 for the Oak Street Permanent Road Division.
 - (g) Adopted a Resolution No. 32-2015 setting and levying real property tax assessments in FY 2015-16 for the High Street Permanent Road Division.
 - (h) Adopted a Resolution No. 33-2015 setting and levying real property tax assessments in FY 2015-16 for the Oak Street Sewer Assessment District.
 - (i) Adopted a Resolution No. 34-2015 setting and levying real property tax assessments in FY 2015-16 for the Lydia Lane Sewer Assessment District.

- (j) Adopted a Resolution No. 35-2015 approving three (3) contracts for the purchase and outfitting of a new 2016 Ford Police Interceptor in the total amount of \$44,966, and declaring a 2007 Ford Crown Victoria police vehicle as property surplus to the City's needs and authorizing its disposal at public auction.
- (k) Approved a Temporary Employment Agreement with Douglas E. Koford to serve as Interim Chief of Police for the City of Clayton.
- (l) Approved a competitive bid contract with Garton Tractor (Fairfield, CA) in the amount of \$79,953.06 for the purchase of a new 2015 New Holland U80C Diesel Utility Tractor using Capital Equipment Replacement Funds (CERF).

4. RECOGNITIONS AND PRESENTATIONS – None.

5. REPORTS

- (a) Planning Commission – Chair Dave Bruzzone reported that at its meeting of July 14, 2015 the Commission held its first meeting with new Community Development Director Mindy Gentry and new Planning Commissioner Tuija Catalano. The Commission selected its Chair (Dave Bruzzone) and Vice Chair (Sandra Johnson) for the next year and its TRANSPAC representative (Chair Dave Bruzzone). The Commission then reviewed and approved a Site Plan Review Permit at 14 Nottingham Circle to allow the construction of a second story closet addition.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff – No report.
- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Haydon attended Saturday Concerts in The Grove featuring "Loose Blues" and thanked the community for their generous donations to continue these types of events.

Councilmember Diaz attended the Contra Costa County Mayors' Conference hosted by the City of Clayton at Oakhurst Country Club, a County Connection Board meeting, a Martinez Historical Society tour, and a Saturday Concerts in The Grove featuring "Loose Blues".

Councilmember Pierce attended meetings of the Metropolitan Transportation Commission, TRANSPAC, Contra Costa Transportation Authority, Bay Area Prosperity Committee, and Associated Bay Area Governments. Councilmember Pierce also attended the Saturday Concert in The Grove featuring "Loose Blues" and the well-attended Contra Costa County Mayors' Conference hosted by the City of Clayton at Oakhurst Country Club.

Vice Mayor Geller attended the Contra Costa County Mayors' Conference hosted by the City of Clayton at Oakhurst Country Club, Claytons' Certified Farmers Market, Saturday Concerts in The Grove featuring "Loose Blues", and he announced the August 1st Saturday Concerts in The Grove will feature "Diamond Dave".

- (e) Other – None.

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

7. **PUBLIC HEARINGS**

- (a) Public Hearing on the proposed real property tax assessments in FY 2015-16 for the Diablo Estates at Clayton Benefit Assessment District and consider the adoption of the Resolution setting, ordering and levying the annual assessments.

City Engineer Rick Angrisani presented the staff report indicating the proposed assessment amount includes an allowable 2.5% increase to pay for the maintenance of various improvements benefiting real property owners within the Diablo Estates Subdivision. The tasks are included in the property management contract awarded previously by RFP to Pinnacle Construction Services. As required by law, notices regarding the public hearing were mailed out to property owners. If the CPI increase does not pass, then it must be funded by drawing on District reserves. The BAD fund balance will cover the District's costs until receipt of the first tax payment from the Contra Costa County in December.

Vice Mayor Geller opened the Public Hearing.

Tom Brand, 5 Seminary Ridge Place, indicated he appreciates the City's willingness to administer the Benefit Assessment District and for the last three years, homeowners are generally happy with the services provided. The homeowners would like to be included in the decision making process and have a say in how the taxes collected are spent. After a review of the Fiscal Year 2016 Proposed Budget it was found that contract administration took up nearly fifty percent of actual physical work costs. Homeowners did not participate in the process of the establishment of the Benefit Assessment District contract and do not have a copy of the agreed upon contract. Noticing for this evening's Public Hearing did not clearly state it was an agenda item before the Clayton City Council at a regularly scheduled City Council meeting. The Engineer's Report of Fiscal Year 2012-13 is the foundation for the Benefit Assessment District and homeowners did not know that this document existed until recently.

Laz Garcia, 23 Seminary Ridge Place, questioned what are the properties being assessed for? Once a year there is weed removal; he would like to go over expenses by line item. The roads are maintained, and Diablo Estates residents are paying more than other subdivisions in the community. He would like the opportunity to review every invoice and seek clarification of the 50% administrative costs collected each year.

Gary Duncan, 3 Seminary Ridge Place, expressed his interest in transparency of the Benefit Assessment District and clarification of how the collected funds are used? What are the improvements? What is the administration? Is there a competitive bidding process? Who are the competitors? Residents would like to be involved.

Colin Jacobs, 26 Seminary Ridge Place, asked if the Benefit Assessment District funds are for future wear and tear? If the storm drains were built using the correct building codes, why are monies now collected to maintain? What happens to the fund balance every year? Are monies carried over to the following year? What is it accrued for? Does the District earn interest on the reserves? What happens when a paying homeowner moves on; do they get to take their share of the BAD reserves with them?

Mr. Brand advised the City Council a majority of the BAD homeowners object to the assessment; unfortunately, not everyone could make it this evening but he has been given their permission to speak for them. City Manager Napper advised this is a legal process requiring a vote from each property owner to approve or protest the annual CPI increase to the Benefit Assessment District. City Attorney Subramanian added that process does not allow a vote to be cast on behalf of a property owner not present.

Mr. Brand responded he has possession of emails from the property owners not present this evening that are against the Benefit Assessment District. Ms. Subramanian asked if these emails were submitted to the City? Mr. Brand advised protest process procedures were not included in the noticing of the Public Hearing and he did not forward the protests to the City as the procedures were not outlined.

Mr. Angrisani advised the noticing included the amount of the proposed CPI-U increase; the assessment can only be increased by more than the authorized allowable CPI-U in the future through approval of a majority of the property owners.

Councilmember Pierce asked to see a copy of the City's notice, as it was not in the agenda materials. Mr. Brand provided Councilmember Pierce his copy of the Notice to Property Owners for Levy of Assessment. This Notice was then forwarded to the City Attorney Subramanian for review.

Mr. Napper added the item for consideration this evening is the annual CPI increase on the base assessment. Any protest would not invalidate the base assessment, just the proposed 2.5% CPI increase.

Councilmember Pierce indicated the Benefit Assessment District consists of 24 lots, and 13 is the minimum individual property owners need for a majority protest vote. Mr. Napper added that only one property owner from each individual parcel has the opportunity to place an affirmative protest vote to the City Council.

Councilmember Pierce confirmed the property owners are looking for clarification on how the collected monies are spent in the Benefit Assessment District, would

like to review contracts and homeowners are requesting collaboration with the City at an annual meeting to discuss the annual increase.

Mr. Napper confirmed a productive meeting inviting the property owners to come and understand what the special benefit of the assessment district is for, answer any questions explaining what is covered, sinking funds for replacement of improvements; he noted the subdivision's private roads are not covered in special assessments and he advised them to personally initiate a sinking fund for street maintenance and repairs. He indicated such a meeting could take place but the assessments for this year must be levied by the County's deadline of August 7th.

Councilmember Diaz confirmed there is not an existing Home Owners Association for the Diablo Estates Subdivision.

Gautam Joshi, 6 Seminary Ridge Place, commented like other Diablo Estates homeowners, he would like to see more transparency around the actual expenditures for the last 3 years, the terms of the contract with Pinnacle, and details on how the District's reserves are handled.

Bob Fink, 4 Promontory Place, expressed he is concerned about the lack of transparency and cost assessed to their community as it occurred abruptly, without any citizen input or even awareness, and zero transparency as well as an automatic increase annually, which alone seems arbitrary, and egregious.

Written comments attached to Mr. Brand's, Mr. Garcia's, Mr. Duncan's, and Mr. Jacobs's speaker cards were the following:

Diablo Estates Homeowner Comments

My comments start with the conclusion: The majority of Diablo Estate Homeowners protest for the Diablo Estates Beneficial Assessment District. Our protest is based on a near complete lack of transparency with Homeowners, including the proposed budget. The protest will be remedied when transparency issues are resolved.

In summary, by its actions and inactions, the City has sent us a message that Homeowner input is not welcome. In fact, we believe we can make our BAD better.

Vice Mayor Geller closed the Public Hearing.

Mr. Angrisani advised Benefit Assessment District does not cover street lights, streets, gutters and curbs.

City Manager Napper summarized the concerns of the Diablo Estates property owners they are overall satisfied with the services provided by Pinnacle Construction Services regarding the maintenance of the area but they desire further knowledge of the Benefit Assessment District. Mr. Napper added when the City went out to bid for property management of Diablo Estates, only one bid was received and that was from Pinnacle Construction Services. The City actually negotiated a lower contract amount to provide these services. Mr. Napper advised the City Council could re-open the Public Hearing and continue it

to a later date and time prior to the August 7th assessment deadline for this fiscal year's property tax assessment roll.

Councilmember Pierce suggested Tuesday, August 4th for continuance of the Public Hearing on proposed assessments for the Diablo Estates at Clayton Benefit Assessment District. Councilmember Haydon confirmed his understanding is the protest is not only about the annual CPI increase, rather the assessment as a whole.

Vice Mayor Geller inquired on the amount of the assessment for each parcel? City Engineer Angrisani advised it is \$3,241.00 including the 2.5% increase on the existing assessment.

Vice Mayor Geller added it is the property owner's responsibility to understand the assessments and what services the assessments provide. The contract was given to the City to administer and it received the best bid. Home Owners Associations collect monthly dues, which often result in monies insufficient to pay expenses; then HOA improvements are sometimes delayed. Vice Mayor Geller advised the City's notice next year will be clearly transparent and this evening's decision is regarding the annual 2.5% CPI increase.

Chris Covin, 14 Seminary Ridge Place, inquired how will the additional BAD information be delivered to the property owners? Councilmember Pierce suggested the quickest way for the City to deliver the information to the property owners would be for property owners to provide email addresses to the City Clerk.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce, to have a City Council subcommittee conduct a study session regarding assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2015-16 on July 30th at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, CA. (Passed; 4-0 vote).

Further City Council discussion ensued on the passed motion and who would be on the Sub-Committee. Councilmember Diaz asked if he could attend that meeting if not on the Sub-Committee; the staff reply was "No" as his attendance would make it a quorum of the Council and the meeting was for a Council subcommittee only.

It was moved by Vice Mayor Geller, seconded by Councilmember Pierce, to rescind the previous motion. (Passed; 4-0 vote).

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to set a special meeting of the City Council regarding assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2015-16 on July 30th at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, CA. (Passed; 4-0 vote).

City Manager Napper advised the City Council it will need a second motion to continue this Public Hearing to a specific date and time for final action.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to continue the Public Hearing regarding the proposed assessments for the operation and maintenance of improvements within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2015-16 to an Adjourned Regular Meeting to be held on August 4th at 7:00 p.m. at Hoyer Hall, 6125 Clayton Road, Clayton, CA. (Passed; 4-0 vote).

Vice Mayor Geller called for a short recess of the meeting at 8:24 p.m.

Vice Mayor Geller called the meeting back to order at 8:26 p.m.

- (b) Public Hearing on the Engineer's Report and proposed levy of annual assessments in FY 2015-16 on real property for the 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.

City Engineer Rick Angrisani presented the staff report recommending the annual assessments for the Street Lighting Assessment District remain the same as last year. He added that to satisfy the requirements of the Streets and Highways Code, the Fund's title has been re-designated as "Streetlight Replacement Fund". Mr. Angrisani noted the City did not mail property owner notices this year nor is it required to hold an additional public hearing. Proposition 218 provisions do not apply in this case since the City is not proposing an increase in the assessments and there are no provisions allowing for a "majority protest" to eliminate the assessments.

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

It was moved by Councilmember Pierce, seconded by Councilmember Haydon, to adopt the Resolution No. 36-2015 approving Engineer's Report and levying assessments for operation and maintenance of street lights in the Street Lighting Assessment District for Fiscal Year 2015-16. (Passed; 4-0 vote).

8. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of City-initiated Ordinance No. 459 adding Chapter 15.94 to the Clayton Municipal Code to establish a streamlined and expedited building permit process for small residential rooftop solar energy systems, per new state law (AB 2188).

Community Development Director Mindy Gentry presented the staff report noting no changes were made to the ordinance at its introduction and first reading on July 7, 2015. Its adoption would make the City of Clayton in compliance with AB2188 by establishing an expedited and streamlined building permit process for small residential rooftop solar systems.

It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 459 by title and number only and waive further reading. (Passed; 4-0 vote).

The City Clerk read Ordinance No. 459 by title and number only.

It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to adopt Ordinance No. 459 with findings the action does not constitute a project under CEQA. (Passed; 4-0 vote).

- (b) Consider the Second Reading and Adoption of proposed City-initiated Ordinance No. 460 adding Chapter 1.28 to the *Clayton Municipal Code* regarding the use of the City seal and City logo.

City Attorney Mala Subramanian presented the staff report noting upon review of the City's Municipal Code there are no regulations regarding the use of the City seal and logo as is typically found in many other public agencies. Adoption of the Ordinance provides it is unlawful for any person to knowingly or willfully use the City seal or logo for any private or commercial purpose without the prior written consent of the City Manager with any violation considered a misdemeanor of the City's Municipal Code.

It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to have the City Clerk read Ordinance No. 460 by title and number only and waive further reading. (Passed; 4-0 vote).

The City Clerk read Ordinance No. 460 by title and number only.

It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to adopt Ordinance No. 460. (Passed; 4-0 vote).

- (c) Consider design and cost options for a negotiated change order with MCK Services to repave Lower Easley Trail during the City's 2015 Neighborhood Street Repaving Project using monies from the Landscape Maintenance District (CFD 2007-1).

City Engineer Rick Angrisani presented the staff report noting this is a request from the Trails and Landscaping Committee to approve the addition of the repaving of the Lower Easley Trail as a negotiated change order to the 2015 Neighborhood Street project. The Trails and Landscaping Committee recommended an allocation of \$70,000.00 from the Landscape District's reserves to accomplish the desired work.

The initial scope of work envisioned a resurface of this trail segment by grinding the existing asphalt, grinding and re-compacting to create a solid base, then adding a 2" lift of new asphalt. However, on field investigation it was discovered

this portion of the trail does not have existing asphalt. Option One is to use the existing trail as the base and overlay a 6-foot wide trail on top with 2" of new asphalt. MCK Services proposed a change order unit price of \$3.20 per square foot for this work, a cost of approximately \$30,000.00.

An alternative option is to construct a new trail 4 feet wide with 2" of base rock but lined on both sides with header boards. MCK Services quoted a cost of \$12.16 per square foot for a total of \$73,000.00 for this scope of work, including Engineering inspection and contract administration. The cost increased due to the lack of truck access to haul the header boards to the site and compact the asphalt by hand.

Councilmember Haydon requested clarification on the location of the trail? City Engineer Angrisani confirmed the location of the Lower Easley Trail is from the Stranahan subdivision on the north to the Easley property on the south.

City Manager Napper indicated staff was seeking Council to select this evening its preferred method of repaving the trail segment.

Councilmember Pierce advised as much as she would like header boards to frame the trail, it will be a maintenance cost down the road. Her preference therefore is Option One: use the existing trail as the base and lay a 6 feet wide trail on top with 2" of new asphalt. This work would still be a vast improvement.

Vice Mayor Geller opened the item for public comment. No public comments were offered.

It was moved by Councilmember Pierce, seconded by Councilmember Diaz, to approve the addition of a Lower Easley Trail Repaving as a change order to the 2015 Neighborhood Street Project leaving the existing trail as the base and to lay a 6' wide trail on top with 2" of new asphalt, and to further allocate \$30,000 from the Landscape Maintenance District (CFD 2007-1) to fund the project. (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Vice Mayor Geller, the City Council adjourned its meeting at 8:43 p.m. in memory of Georgia Haydon, mother of Councilmember Keith Haydon, who passed away recently.

Vice Mayor Geller announced the City Council's next meeting will be a Special Meeting/Study Session on Thursday, July 30, 2015 at 7:00 p.m. in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA 94517.

The next regularly scheduled City Council meeting is August 4, 2015.

#

Respectfully submitted,

Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

David T. Shuey, Mayor

#



Agenda Date 8/4/2015

Agenda Item: 3b

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: Kevin Mizuno, FINANCE MANAGER
DATE: 8/4/2015
SUBJECT: FINANCIAL OBLIGATIONS

RECOMMENDATION:

Approve the following Invoices for payment:

7/31/2015 Obligations	\$	177,453.64
7/21/2015 Payroll PPE 7/19/15, Pay 7/22/15		84,361.88
Total	\$	<u>261,815.52</u>

Attachments:

Cash Requirements Report dated 7/31/2015 (3 pages)
ADP Report Week 30, PPE 7/19/15 (1 page)

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
AT&T/ CalNet 2								
AT&T/ CalNet 2	8/4/2015	7/29/2015	6846059	Service 6/22/15-7/21/15	\$1,602.63	\$0.00		\$1,602.63
<i>Totals for AT&T/ CalNet 2:</i>					<u>\$1,602.63</u>	<u>\$0.00</u>		<u>\$1,602.63</u>
Terral Brunson								
Terral Brunson	8/4/2015	7/29/2015	CAP0166	Deposit refund for 5858 Pine Hollow Rd	\$500.00	\$0.00		\$500.00
<i>Totals for Terral Brunson:</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
CalPERS Health								
CalPERS Health	8/4/2015	7/29/2015	1796	Health for August 2015	\$35,222.03	\$0.00		\$35,222.03
<i>Totals for CalPERS Health:</i>					<u>\$35,222.03</u>	<u>\$0.00</u>		<u>\$35,222.03</u>
CalPERS Retirement								
CalPERS Retirement	8/4/2015	7/29/2015	UAL July 2015	Misc. UAL for July 2015	\$9,827.00	\$0.00		\$9,827.00
CalPERS Retirement	8/4/2015	7/29/2015	City Council 7/24/15	City Council ending 7/24/15	\$178.32	\$0.00		\$178.32
CalPERS Retirement	8/4/2015	7/29/2015	PPE 7/19/15	Retirement, PPE 7/19/15	\$13,391.00	\$0.00		\$13,391.00
CalPERS Retirement	8/4/2015	7/29/2015	UAL July 2015	Safety UAL for July 2015	\$18,610.00	\$0.00		\$18,610.00
<i>Totals for CalPERS Retirement:</i>					<u>\$42,006.32</u>	<u>\$0.00</u>		<u>\$42,006.32</u>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	8/4/2015	7/29/2015	1818382	contract 6/17/15-7/16/15	\$412.62	\$0.00		\$412.62
<i>Totals for Caltronics Business Systems, Inc:</i>					<u>\$412.62</u>	<u>\$0.00</u>		<u>\$412.62</u>
CCWD								
CCWD	8/4/2015	7/29/2015	A Series	service 5/5/15-7/2/15	\$18,187.85	\$0.00		\$18,187.85
<i>Totals for CCWD:</i>					<u>\$18,187.85</u>	<u>\$0.00</u>		<u>\$18,187.85</u>
City of Concord								
City of Concord	8/4/2015	7/29/2015	46069	printing services - Budget	\$67.50	\$0.00		\$67.50
<i>Totals for City of Concord:</i>					<u>\$67.50</u>	<u>\$0.00</u>		<u>\$67.50</u>
Contra Costa County Library								
Contra Costa County Library	8/4/2015	7/29/2015	Q4 2015	Additional hours for Q4 FY 15	\$2,842.69	\$0.00		\$2,842.69
<i>Totals for Contra Costa County Library:</i>					<u>\$2,842.69</u>	<u>\$0.00</u>		<u>\$2,842.69</u>
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	8/4/2015	7/29/2015	46446054	contract for August 2015	\$342.17	\$0.00		\$342.17
<i>Totals for De Lage Landen Financial Services, Inc.:</i>					<u>\$342.17</u>	<u>\$0.00</u>		<u>\$342.17</u>
Everlast Construction								
Everlast Construction	8/4/2015	7/29/2015	CAP0163	deposit refund for 7270 Marsh Creek Rd	\$261.38	\$0.00		\$261.38
<i>Totals for Everlast Construction:</i>					<u>\$261.38</u>	<u>\$0.00</u>		<u>\$261.38</u>
Foundation Repair of CA								
Foundation Repair of CA	8/4/2015	7/29/2015	CAP0148	deposit refund for 6 Donner Creek Ct	\$1,952.28	\$0.00		\$1,952.28
<i>Totals for Foundation Repair of CA:</i>					<u>\$1,952.28</u>	<u>\$0.00</u>		<u>\$1,952.28</u>

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Geoconsultants, Inc.								
Geoconsultants, Inc.	8/4/2015	7/31/2015	18746	Well monitoring for June 2015	\$1,546.50	\$0.00		\$1,546.50
Geoconsultants, Inc.	8/4/2015	7/31/2015	18744	Well monitoring for July 2015	\$1,546.50	\$0.00		\$1,546.50
				<i>Totals for Geoconsultants, Inc.:</i>	<i>\$3,093.00</i>	<i>\$0.00</i>		<i>\$3,093.00</i>
J & R Floor Services								
J & R Floor Services	8/4/2015	7/29/2015	seven	July Billing 2015	\$4,950.00	\$0.00		\$4,950.00
				<i>Totals for J & R Floor Services:</i>	<i>\$4,950.00</i>	<i>\$0.00</i>		<i>\$4,950.00</i>
John Deere Landscapes Inc								
John Deere Landscapes Inc	8/4/2015	7/29/2015	72515006	order # 84798700	\$9.95	\$0.00		\$9.95
				<i>Totals for John Deere Landscapes Inc:</i>	<i>\$9.95</i>	<i>\$0.00</i>		<i>\$9.95</i>
Arlene Kikkawa-Nielsen								
Arlene Kikkawa-Nielsen	8/4/2015	7/29/2015	August 2015	Volunteer Coordinator Hours for August 2015	\$900.00	\$0.00		\$900.00
				<i>Totals for Arlene Kikkawa-Nielsen:</i>	<i>\$900.00</i>	<i>\$0.00</i>		<i>\$900.00</i>
Martell Water Systems, Inc.								
Martell Water Systems, Inc.	8/4/2015	7/29/2015	21880	service call 5/5/15 - UB Motor	\$150.00	\$0.00		\$150.00
				<i>Totals for Martell Water Systems, Inc.:</i>	<i>\$150.00</i>	<i>\$0.00</i>		<i>\$150.00</i>
MPA								
MPA	8/4/2015	7/29/2015	ER-1503	ERMA Premium 2015-16	\$4,934.00	\$0.00		\$4,934.00
MPA	8/4/2015	7/29/2015	E1503	Vehicle Damage Policy Premium 15/16	\$1,821.00	\$0.00		\$1,821.00
				<i>Totals for MPA:</i>	<i>\$6,755.00</i>	<i>\$0.00</i>		<i>\$6,755.00</i>
Paramount Elevator Corp.								
Paramount Elevator Corp.	8/4/2015	7/29/2015	3862	Oil & Grease Q4 FY 15	\$220.00	\$0.00		\$220.00
Paramount Elevator Corp.	8/4/2015	7/29/2015	6312	Oil & Grease Q1 FY 16	\$220.00	\$0.00		\$220.00
Paramount Elevator Corp.	8/4/2015	7/29/2015	6716	Complete Fire Test 7/7/15	\$260.00	\$0.00		\$260.00
				<i>Totals for Paramount Elevator Corp.:</i>	<i>\$700.00</i>	<i>\$0.00</i>		<i>\$700.00</i>
PERMCO, Inc.								
PERMCO, Inc.	8/4/2015	7/29/2015	10420	services 7/11/15-7/24/15	\$4,029.00	\$0.00		\$4,029.00
PERMCO, Inc.	8/4/2015	7/29/2015	10421	engineer's report FY 16	\$900.00	\$0.00		\$900.00
PERMCO, Inc.	8/4/2015	7/29/2015	10422	Follow up with Caltrans	\$503.25	\$0.00		\$503.25
PERMCO, Inc.	8/4/2015	7/29/2015	10423	Construction Inspection	\$4,018.38	\$0.00		\$4,018.38
PERMCO, Inc.	8/4/2015	7/29/2015	10424	Inspection of Work	\$41.50	\$0.00		\$41.50
PERMCO, Inc.	8/4/2015	7/29/2015	10425	prepare final bid package	\$1,050.00	\$0.00		\$1,050.00
PERMCO, Inc.	8/4/2015	7/29/2015	10426	bid plans & alternates	\$750.00	\$0.00		\$750.00
				<i>Totals for PERMCO, Inc.:</i>	<i>\$11,292.13</i>	<i>\$0.00</i>		<i>\$11,292.13</i>
PG&E								
PG&E	8/4/2015	7/29/2015	7/22/15	service 6/23/15-7/21/15	\$10.63	\$0.00		\$10.63
PG&E	8/4/2015	7/29/2015	6/17/15-7/15/15	Service 6/17/15-7/15/15	\$18,683.98	\$0.00		\$18,683.98
PG&E	8/4/2015	7/29/2015	6/23/15-7/21/15	service 6/23/15-7/21/15	\$4,276.21	\$0.00		\$4,276.21

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
<i>Totals for PG&E:</i>					\$22,970.82	\$0.00		\$22,970.82
PublicCEO.com								
PublicCEO.com	8/4/2015	7/29/2015	1718	Job Posting for Chief of Police	\$150.00	\$0.00		\$150.00
<i>Totals for PublicCEO.com:</i>					\$150.00	\$0.00		\$150.00
Simpson Investigative Svc Grp								
Simpson Investigative Svc Grp	8/4/2015	7/29/2015	1740	Background check - Interim Chief	\$2,071.08	\$0.00		\$2,071.08
<i>Totals for Simpson Investigative Svc Grp:</i>					\$2,071.08	\$0.00		\$2,071.08
SPRAYTEC								
SPRAYTEC	8/4/2015	7/29/2015	13153	Monthly Maintenance 5/7/15, 5/21/15	\$225.00	\$0.00		\$225.00
SPRAYTEC	8/4/2015	7/29/2015	13156	monthly maintenance 6/4/15, 6/18/15	\$225.00	\$0.00		\$225.00
<i>Totals for SPRAYTEC:</i>					\$450.00	\$0.00		\$450.00
Underground Service Alert								
Underground Service Alert	8/4/2015	7/29/2015	15070167	Annual Membership FY 15/16	\$186.96	\$0.00		\$186.96
<i>Totals for Underground Service Alert:</i>					\$186.96	\$0.00		\$186.96
United Site Services Inc								
United Site Services Inc	8/4/2015	7/29/2015	114-3102517	service for 4th of July Parade 2015	\$587.55	\$0.00		\$587.55
<i>Totals for United Site Services Inc:</i>					\$587.55	\$0.00		\$587.55
US Bank Corp Pymt System (Cal Card)								
US Bank Corp Pymt System (Cal Card)	8/4/2015	7/29/2015	6/22/15	Stmt ending 6/22/15	\$9,589.93	\$0.00		\$9,589.93
<i>Totals for US Bank Corp Pymt System (Cal Card):</i>					\$9,589.93	\$0.00		\$9,589.93
Wells Fargo Bank, N.A.								
Wells Fargo Bank, N.A.	8/4/2015	7/29/2015	1215774	LOI Lydia Lane Sewer Assessment District	\$10,199.75	\$0.00		\$10,199.75
<i>Totals for Wells Fargo Bank, N.A.:</i>					\$10,199.75	\$0.00		\$10,199.75
GRAND TOTALS:					\$177,453.64	\$0.00		\$177,453.64

WEEK 30 BATCH 1272 37 PAYS
0 Employees With Overflow Statement
0 Overflow Statement 1 Total Statement
Tot Cks/Vchrs:00000000037 Tot Docs in all:00000000040
First No. Last No. Total
Checks: ADPCHECK ADPCHECK 00000000011
Vouchers: 00000300001 00000300026 00000000026

Earnings Statement

Z7L TOTAL DOCUMENT
CITY OF CLAYTON
LOCATION 0001

CHECK STUFFING, RECONCILIATION

~~84361.88 GROSS~~
61901.04 NET PAY (INCLUDING ALL DEPOSITS)
9449.46 FEDERAL TAX
434.99 SOCIAL SECURITY
1172.42 MEDICARE
.00 MEDICARE SURTAX
.00 SUI TAX
2910.28 STATE TAX
.00 LOCAL TAX
64121.58 DEDUCTIONS
6273.15 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

VOID VOID VOID VOID VOID

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

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



Agenda Date: 8-04-2015

Agenda Item: 3c

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER AND CPA

DATE: AUGUST 4, 2015

SUBJECT: INVESTMENT PORTFOLIO REPORT – FOURTH QUARTER FY 2014-15

RECOMMENDATION

Accept the City Investment Portfolio Report for the Fourth Quarter of Fiscal Year 2014-15 ending June 30, 2015.

BACKGROUND

With adoption of the revised Investment Policy on April 21, 2015, the Finance Manager is required to submit a quarterly investment report to the City Council. The Fourth Quarter 2014-15 Fiscal Year report is provided herein.

DISCUSSION

With the fourth quarter of the fiscal year completed, annual interest earnings for the General Fund is at \$41,538, or 110.47% of forecasted General Fund interest revenues per the 2014-15 fiscal year adopted budget of \$37,600. City-wide investment earnings solely attributable to pooled investments (i.e. not related to cash with fiscal agents such as bond proceeds) through the fourth quarter of fiscal year 2014-15 totaled \$149,726. Approximately 14.83% of the current City Investment Pool (the Pool) is invested in Local Agency Investment Funds (LAIF), which is a decrease of 21.20% since the last quarter ended March 31, 2015. This substantial decrease is primarily a result of the Low-Moderate Funds Due Diligence Review (DDR) obligation being paid to the County Auditor-Controller on May 1, 2015. This obligation was paid pursuant to Assembly Bill 1484 post-redevelopment law and totaled \$3,679,225 authorized by City Council Resolution 03-2015.

The LAIF quarterly apportionment rate for this quarter was approximately 0.28%, which is a slight increase (0.02%) from a rate of 0.26% in the preceding quarter. This is a

slight improvement compared to the LAIF apportionment rate of 0.22% one year ago on June 30, 2014. Even more astounding is that six years ago on June 30, 2009 the LAIF apportionment rate was 1.51%, or 5.39 times higher than the current apportionment rate. Certificates of Deposit comprised approximately 67.50% of the City investment portfolio as of the quarter ended June 30, 2015 and had a weighted average interest rate of 1.60%. Approximately 10.90% of the pool is made up of cash deposits and low (0.01%) interest bearing money market funds. A higher proportion of liquid deposits are necessary from July through December as property taxes are not received until late December and sizeable debt service payments are due in August and September. Federal Agency Notes, authorized by the revised April 21, 2015 investment policy, were the highest yielding investment type and made up approximately 6.76% of the portfolio with a weighted average interest rate of 1.91%.

The market value of the total investment portfolio was approximately \$14,827,098, which is \$37,881 (or 0.26%) greater than total carrying value as of June 30, 2015. This demonstrates how the conservative nature of the City's investment strategy mitigates the risk of the City incurring large unrealized losses in market declines. At the same time, given less risk being incurred, more predictable and modest investment returns will be realized following this same strategy.

As the review of the All Other Funds DDR has not yet been finalized by the California Department of Finance, it is still anticipated a payment ranging between \$550,396 and \$1,527,113 will need to be made to the County Auditor-Controller's Office in the coming months. In anticipation of this demand, management has been diligent to diversify the City Investment Portfolio with assets immediately available in LAIF, money market funds and cash accounts. If the total All Other Funds DDR obligation were to substantially increase based on review by the DOF, it is possible that fixed income investments currently held would need to be sold to have sufficient cash on hand to make said payment. Without question, the absence of former RDA reserves for future projects has resulted in the transformation of the City's investment portfolio from one that was previously heavily invested in time deposits to one that requires more readily available assets.

In the aggregate, liquid cash and readily available investments (i.e. LAIF and money market mutual funds) totaled approximately \$3,806,217, or 25.74% of total pooled cash & investments as of June 30, 2015. This is projected to be sufficient to meet debt service and operational requirements through receipt of the first property tax installment in December 2015 as well the "worst case scenario" All Other Funds DDR obligation in the coming months.

FISCAL IMPACT

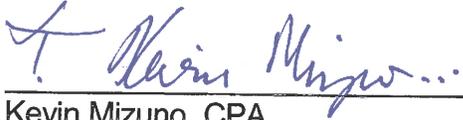
The acceptance of this report has no direct fiscal impact to the City of Clayton.

CONCLUSION

For the third quarter ended June 30, 2015, the City of Clayton Investment Portfolio is being managed in accordance with the City's investment policy adopted on April 21, 2015. The City's cash management program provides sufficient liquidity to meet the

next six month's expenditures. As such, staff respectfully requests the City Council's acceptance of this staff report and the attached Investment Holdings Summary.

Respectively submitted,



Kevin Mizuno, CPA
Finance Manager

Attachments: City of Clayton Investment Holdings Summary – Fourth Quarter of Fiscal Year 2014-15
(April 1, 2015 – June 30, 2015)

City of Clayton
Investment Holdings Summary
Quarter Ending
June 30, 2015

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
Morgan Stanley	Money Market Fund	Morgan Stanley		6,449.41	0.01%	0.01%	n/a	n/a	6,449.41
	Certificate of Deposit	GE Capital Retail Bank, Draper, UT	36159USX5	98,000.00	2.30%	1.14%	8/13/10	8/13/15	98,216.58
	Certificate of Deposit	BMW Bank of NA, SLC, UT	05568P3A3	100,000.00	0.65%	0.32%	4/12/13	10/13/15	100,146.00
	Certificate of Deposit	Aly Bank, Midvale Utah	02005QV34	100,000.00	0.65%	0.64%	4/10/13	4/11/16	100,212.00
	Certificate of Deposit	Aly Bank, Midvale Utah	02005QX99	148,000.00	0.70%	0.69%	6/12/13	6/13/16	148,492.84
	Certificate of Deposit	Aquesta Bank, Cornelius, NC	03841LAJ9	97,000.00	2.10%	2.06%	6/22/11	6/22/16	98,637.36
	Certificate of Deposit	Medallion Bank, Salt Lake City, UT	58403BF27	200,000.00	1.00%	0.99%	8/19/13	8/19/16	201,216.00
	Certificate of Deposit	Goldman Sachs Bank (Salt Lake)	3814264E2	99,000.00	1.85%	1.82%	8/24/11	8/24/16	100,384.02
	Certificate of Deposit	Investors Savings Bank, NJ	46176PDX0	49,000.00	0.90%	0.89%	3/27/15	3/27/17	49,041.16
	Certificate of Deposit	CIT Salt Lake City, UT	17284CBL7	48,000.00	0.90%	0.89%	4/10/13	4/10/17	48,008.64
	Certificate of Deposit	Citizens National, Putnam, CT	176252AQ7	100,000.00	1.20%	1.18%	7/13/13	7/13/17	100,876.00
	Certificate of Deposit	Investors Savings Bank, NJ	46176PDY8	100,000.00	1.20%	1.19%	3/28/15	3/28/18	100,012.00
	Certificate of Deposit	Bank of North Carolina, NC	06414QUC1	200,000.00	1.50%	1.49%	1/16/15	4/16/18	201,046.00
	Certificate of Deposit	Compass Bank, AL	20451PMD5	100,000.00	1.50%	1.50%	6/30/15	7/2/18	99,673.00
	Certificate of Deposit	Mercantile Bank of Grand Rapids, MI	58740XYT1	147,000.00	1.65%	1.63%	8/14/13	8/14/18	148,787.52
	Certificate of Deposit	Homebank, NA	43738AFU5	200,000.00	1.50%	1.49%	3/30/15	3/29/19	200,158.00
	Certificate of Deposit	State Bank of India, ILL	856283YN0	198,000.00	1.65%	1.66%	5/28/15	5/28/19	196,340.76
	Certificate of Deposit	First Business Bank, WI	31938QL85	50,000.00	1.50%	1.51%	6/11/15	6/11/19	49,547.00
	Certificate of Deposit	Barclays Bank, DE	06740KHK6	149,000.00	2.10%	2.09%	7/23/14	7/23/19	149,390.38
	Certificate of Deposit	American Express Bank FSB, UT	02587CAJ9	247,000.00	2.00%	1.99%	7/24/14	7/24/19	247,736.00
	Certificate of Deposit	Comenity Bank, DE	20099A7A9	100,000.00	2.10%	2.04%	8/27/14	8/27/19	102,778.00
	Certificate of Deposit	Capital One Bank Glen Allen, VA	140420QF0	130,000.00	2.15%	2.14%	10/16/14	10/16/19	130,456.30
	Certificate of Deposit	State Bk India, NY	8562842P8	50,000.00	2.25%	2.24%	8/27/14	10/17/19	50,092.00
	Certificate of Deposit	The Privatebank & Trust Co., IL	74267GUU9	100,000.00	1.90%	1.89%	1/23/15	1/23/20	100,267.00
	Certificate of Deposit	American Express Centurion Bank, UT	02587DXE3	47,000.00	1.95%	1.96%	1/30/15	1/30/20	46,724.58
	Certificate of Deposit	Peoples United Bank, CT	71270QML7	151,000.00	1.75%	1.75%	3/4/15	3/4/20	150,343.15
	Certificate of Deposit	Everbank, FL	29976DWW7	200,000.00	1.75%	1.75%	3/30/15	3/30/20	198,982.00
	Certificate of Deposit	HSBC Bank USA	40434ASZ3	247,000.00	1.25%	1.26%	3/30/15	3/30/20	244,685.61
	Certificate of Deposit	CIT Bank, UT	17284DBM3	50,000.00	2.00%	2.02%	6/3/15	6/3/20	49,364.50
	Government Agency	FNMA	3136G2KQ9	200,000.00	1.86%	1.86%	5/27/15	5/27/20	199,758.00
	Government Agency	FHLMC	3134G7EM9	300,000.00	2.10%	2.10%	7/30/20	7/30/20	299,982.00
	Total Morgan Stanley			4,011,449.41					4,017,803.87
Bank of America (book balance)	Cash (checking account)	Bank of America		1,593,159.02	0.00%	0.00%	n/a	n/a	1,593,159.02

Broker / Institution	Carrying Value	Percentage of Portfolio	Weighted Average Yield to Maturity	Weighted Average Maturity (yrs)	Market Value
Local Agency Investment Fund (LAIF)	2,193,694	14.83%	0.28%	0.64	2,194,519
Financial Northeastern Companies	49,040	0.33%	1.00%	1.23	49,563
UBS Financial Services Inc.	6,941,874	46.94%	1.63%	2.77	6,972,053
Morgan Stanley	4,011,449	27.12%	1.62%	3.35	4,017,804
Bank of America (book balance)	1,593,159	10.77%	0.00%	0.00	1,593,159
Total Investment Portfolio	14,789,217	100.00%			14,827,098
2014-15 Budgeted Interest - General Fund	\$	37,600			
2014-15 Actual Interest Revenue to date (7/1/14 - 6/30/15)		41,538			
Percent of General Fund Budget Realized		110.47%			
2014-15 Weighted Average Annual Yield*		1.25%			
2014-15 Total Pooled Investment Income To Date (7/1/14 - 6/30/15)	\$	148,726			

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

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

Kevin Mizuno 7/23/15
Kevin Mizuno, Finance Manager Date

Merle Hufford 7/23/15
Merle Hufford, City Treasurer Date

City of Clayton
Investment Holdings Summary
Quarter Ending
June 30, 2015

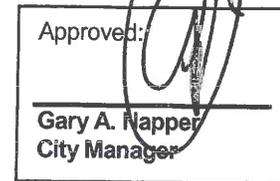
Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
Local Agency Investment Fund (LAIF)	Local Agency Pool	LAIF	n/a	2,193,693.96	0.28%	0.28%	n/a	n/a	2,194,518.74
Financial Northeastern Companies	Cash	Financial Northeastern Companies		40.27	0.00%	0.00%	n/a	n/a	40.27
	Certificate of Deposit	Onewest Bank, FSB, Covina, CA	5L20862	49,000.00	1.00%	0.99%	9/21/12	9/21/16	49,523.00
	Total Financial Northeastern Companies			49,040.27					49,563.27
UBS Financial Services Inc.	Cash	BS Bank Sa Deposit Account	n/a	-	0.00%	0.00%	n/a	n/a	-
	Money Market Fund	RMA Government Portfolio	n/a	12,874.09	0.01%	0.01%	n/a	n/a	12,874.09
	Certificate of Deposit	Pyramax Bank FSB (Greenfield, WI)	747133BK1	99,000.00	1.40%	1.40%	8/17/11	8/17/15	99,137.61
	Certificate of Deposit	Bank of the West, SF, CA	065680EE6	100,000.00	1.45%	1.45%	9/14/11	9/14/15	100,231.00
	Certificate of Deposit	BMW Bank of NA, SLC, UT	05568PZQ3	50,000.00	2.00%	1.99%	11/12/10	11/12/15	50,297.50
	Certificate of Deposit	GE Money Bank (SLC, UT)	36159SVP3	50,000.00	2.00%	1.99%	11/12/10	11/12/15	50,297.50
	Certificate of Deposit	Republic Bank (Bountiful, UT)	760310TA0	146,000.00	2.00%	1.98%	3/30/11	1/29/16	147,341.74
	Certificate of Deposit	Israel Discount Bank of New York	465076HC4	196,000.00	2.10%	2.08%	2/9/11	2/9/16	197,995.28
	Certificate of Deposit	Centlar FSB (Trenton, NJ)	15131XEM5	99,000.00	2.30%	2.28%	2/28/11	2/29/16	100,085.04
	Certificate of Deposit	Rockland TR Co (MASS)	773709AM2	250,000.00	2.05%	2.02%	3/28/11	3/28/16	253,365.00
	Certificate of Deposit	Investors Savings Bank	46176PAK1	99,000.00	2.20%	2.17%	5/5/11	5/5/16	100,492.92
	Certificate of Deposit	GE Capital Financial, Inc. (SLC, UT) FDIC #33778	36160X7D3	100,000.00	1.05%	1.04%	7/12/13	7/12/16	100,492.00
	Certificate of Deposit	Bank of the West, SF, CA	065680EU0	49,000.00	1.75%	1.72%	9/28/11	9/28/16	49,931.00
	Certificate of Deposit	Goldman Sachs Bank (Salt Lake)	3814266E0	50,000.00	2.00%	1.97%	9/28/11	9/28/16	50,826.00
	Certificate of Deposit	Capital One Bank (USA) National Association, VA	140420QP8	99,000.00	1.00%	1.00%	11/5/14	11/7/16	99,285.12
	Certificate of Deposit	Firstbank PR Santurce	33764JQ57	198,000.00	1.00%	0.99%	12/20/13	12/20/16	199,290.96
	Certificate of Deposit	Marlin Business Bk, Salt Lake UT	57116AGM4	50,000.00	1.00%	0.99%	7/17/13	1/17/17	50,399.00
	Certificate of Deposit	BMW Bank of NA, SLC, UT	05568PV95	198,000.00	1.75%	1.72%	4/13/12	4/13/17	201,322.44
	Certificate of Deposit	Comenity CAP Bk, UT	20033ABN5	245,000.00	1.20%	1.20%	7/5/13	7/5/17	245,926.10
	Certificate of Deposit	Midwest Bank of Western Illinois, Monmouth IL	59828PBT6	245,000.00	1.15%	1.14%	7/15/13	7/17/17	247,178.05
	Certificate of Deposit	First Bank of Highland Park, IL	319141CG0	247,000.00	1.10%	1.10%	8/21/14	8/28/17	246,854.27
	Certificate of Deposit	Capital One Bank (USA) National Association, VA	140420PP9	99,000.00	1.35%	1.35%	10/1/14	10/2/17	98,901.00
	Certificate of Deposit	Dollar Bank, Federal Savings Bank, PA	25665QAM7	198,000.00	1.20%	1.20%	11/17/14	11/17/17	197,950.50
	Certificate of Deposit	Banco Santander Puerto Rico, PR	059646RZ4	245,000.00	1.20%	1.19%	1/23/15	1/23/18	246,060.85
	Certificate of Deposit	First Business Bank, WI	31938QK78	200,000.00	1.15%	1.15%	3/31/15	4/2/18	199,446.00
	Certificate of Deposit	American Express Centurion, SLC, UT	02587DPT9	100,000.00	1.70%	1.71%	7/5/13	7/5/18	99,863.00
	Certificate of Deposit	Compass Bank, Birmingham, AL	20451PAU0	150,000.00	1.55%	1.54%	7/10/13	7/10/18	151,054.50
	Certificate of Deposit	Goldman Sachs Bank (New York, NY)	38147JHW5	100,000.00	1.75%	1.74%	7/10/13	7/10/18	100,700.00
	Certificate of Deposit	JP Morgan Chase Bank, National (Columbus, OH)	48124JL97	248,000.00	1.50%	1.50%	7/10/13	7/10/18	247,888.40
	Certificate of Deposit	CIT Bank, UT	17284CHW7	146,000.00	1.80%	1.79%	7/17/13	7/17/18	146,951.92
	Certificate of Deposit	Bank of Baroda, NY	0606245Q2	247,000.00	2.05%	2.03%	10/18/13	10/18/18	249,583.62
	Certificate of Deposit	Sallie Mae Bank, Murray, UT	795450QS7	147,000.00	2.05%	2.03%	10/23/13	10/23/18	148,755.18
	Certificate of Deposit	First St. Bank Dequeen, AR	336460BS8	197,000.00	1.25%	1.25%	11/14/14	11/14/18	197,356.57
	Certificate of Deposit	American Express Centurion, SLC, UT	02587DWJ3	100,000.00	2.00%	1.98%	11/28/14	11/28/18	100,967.00
	Certificate of Deposit	Sallie Mae Bank, Murray, UT	795450RT4	100,000.00	2.00%	1.98%	12/11/13	12/11/18	101,063.00
	Certificate of Deposit	Discover Bank, DE	254672GC6	150,000.00	1.60%	1.59%	1/28/15	1/28/19	151,026.00
	Certificate of Deposit	Homebanc NA, FL	43738AFU5	200,000.00	1.50%	1.50%	3/29/15	3/29/19	200,158.00
	Certificate of Deposit	Discover Bank, DE	2546712E9	100,000.00	2.00%	1.99%	7/9/14	7/9/19	100,312.00
	Certificate of Deposit	Synchrony Bank, UT	87164XBQ8	100,000.00	2.05%	2.04%	7/11/14	7/11/19	100,305.00
	Certificate of Deposit	Third Federal Savings and Loan Association, OH	88413QA4Y	200,000.00	1.50%	1.49%	2/19/15	8/19/19	201,054.00
	Certificate of Deposit	Eagle Bank and Trust Company	26942ADC4	150,000.00	1.60%	1.62%	3/6/15	9/6/19	147,807.00
	Certificate of Deposit	Park National Bank, OH	700654AT3	240,000.00	2.15%	2.15%	9/12/14	9/12/19	240,278.40
	Certificate of Deposit	GE Capital Bank, UT	36162YF24	145,000.00	1.80%	1.79%	1/16/15	1/16/20	145,555.35
	Certificate of Deposit	Wells Fargo Bk, NA, SD	94986TTT4	197,000.00	2.02%	1.26%	4/30/15	4/30/20	195,754.96
	Certificate of Deposit	Comenity Bank, DE	981996XS5	100,000.00	2.30%	2.30%	6/30/2015	7/1/20	100,000.00
	Government Agency	FHLMC Medium Term Note	3134G6P98	200,000.00	2.00%	2.00%	6/15/15	6/15/20	200,074.00
	Government Agency	FHLMC Medium Term Note, Step	3134G7EN7	200,000.00	1.50%	1.50%	7/29/15	7/29/20	199,770.00
	Government Agency	FHLMC Medium Term Note	3134G7EM9	100,000.00	2.10%	2.10%	7/30/15	7/30/20	99,994.00
	Total UBS Financial Services Inc.			6,941,874.09					6,972,052.87



Agenda Date: 8-4-2015

Agenda Item: Sa

STAFF REPORT



TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: RICK ANGRISANI, CITY ENGINEER

DATE: AUGUST 4, 2015

**SUBJECT: CONTINUED PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR THE
DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT (BAD);
ORDERING IMPROVEMENTS AND CONFIRMING ASSESSMENTS FOR FY
2015-16**

RECOMMENDATION

Re-open the Public Hearing, receive public comments, close the Public Hearing, and approve the attached Resolution.

BACKGROUND

The City Council, at its May 19th meeting, approved the Engineer's Report dated May 19th, including the proposed assessment amounts which included an allowable 2.5% increase over FY 2014-15 assessments. The majority of the assessments are to pay for the maintenance of various improvements benefiting real property owners within the Diablo Estates at Clayton development. These tasks are included in the property management contract awarded previously to Pinnacle Construction Services. Pinnacle's contract provides for an annual increase each December equal to the increase in the San Francisco – Bay Area CPI.

As required by law, a notice regarding the public hearing was mailed to the property owners. The public hearing was opened at the City Council meeting on July 21, 2015 but based on comments for more information by some of the Diablo Estates property owners, the City Council continued the public hearing to this meeting. A Special Meeting for a study session on the BAD was further held by the City Council on July 30th with interested property owners in the Diablo Estates at Clayton BAD.

Tonight, the City Council will re-open the required public hearing to hear any comments from the assessed property owners. Upon completion of public testimony, the City Council should close the public hearing. The City Council may then consider any public comments received and proceed to act on this Resolution levying the annual assessments on the real properties within the District for FY 2015-16.

Date: August 4, 2015

Page 2 of 2

FISCAL IMPACT

If the annual assessment is approved as recommended, the City will continue to manage for the maintenance duties specified in the Engineer's Report on behalf of the benefited real property owners.

Should the 2.5% 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 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 adjustment in 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

Staff recommends the City Council approve this Resolution confirming the levy of assessments within the Diablo Estates at Clayton Benefit Assessment District FY 2015-16.

Attachments: Resolution confirming Assessments [2 pp.]
Notice to Property Owners [1 pg.]
BAD FY 2015-16 approved Budget [1 pg.]
Engineer's Report

RESOLUTION NO. - 2015

A RESOLUTION CONFIRMING ASSESSMENTS FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS WITHIN THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2015-16.

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

WHEREAS, by adoption of Resolution No. 18-2015, 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 2015-16, and set a public hearing thereon for July 21, 2015, 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. 18-2015 was duly given as required by Section 54954.6 of the Government Code; and

WHEREAS, on July 21, 2015 and August 4, 2015, the City Council held the noticed public hearing on the proposed assessment for the fiscal year 2015-16 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 City Council hereby orders the levy of an assessment in the amount of \$3,241.00 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 2015-16.

2. 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 August 4, 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

David T. Shuey, 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 August 4, 2015.

Janet Brown, City Clerk

Diablo Estates at Clayton Benefit Assessment District

NOTICE TO PROPERTY OWNERS FOR LEVY OF ASSESSMENT

Reason for Assessment

At the request of the original project developer, Toll Bros., Inc., the City of Clayton City Council ("Council") approved Resolution No. 04-2012 on February 7, 2012, forming the Diablo Estates at Clayton Benefit Assessment District ("District") to fund and to pay for the oversight and maintenance of certain facilities solely benefiting the District such as the stormwater treatment facilities, storm drain collection system, common area landscape and irrigation, private street lighting and weed abatement of natural slope areas, all as described in the original Engineer's Report approved by the Council on March 20, 2012.

Notice

This notice informs you, as a real property owner within the Diablo Estates at Clayton Benefit Assessment District that on May 19, 2015, the Clayton City Council adopted Resolution No. XX-2015 approving an Engineer's Report for FY 2015-16, declaring its intent to levy assessments for fiscal year 2015-16 and setting a public hearing on the issue of the proposed assessments:

PUBLIC HEARING:
Hoyer Hall (Library Meeting Room)

7:00 p.m. July 21, 2015
6125 Clayton Road

Assessment Information

1. Total District Assessment for the fiscal year beginning on July 1, 2015 and ending June 30, 2016: \$77,791.
2. Proposed assessment per parcel: The assessment for each parcel is proposed to be \$3,241.00 which includes a 2.5% increase in the existing assessment of \$3,162.00 per year in accordance with the annual increase in the applicable Consumer Price Index (Feb. 2014-Feb. 2015; San Francisco-Oakland- San Jose, CA MSA – All Urban Consumers), as allowed by property owner balloting in 2012.
3. Duration of assessment: The assessment will be levied annually at the above proposed rate and collected via one's real property tax bill in fiscal year 2015-16. The assessment may only be increased (other than the authorized allowable annual CPI-U increase described above) in the future by approval of a majority of the property owners.

Questions

If any questions arise regarding the proposed real property assessments for fiscal year 2015-16, please contact the City Engineer Rick Angrisani: he may be reached at 925.363-7433.

City of Clayton
 Diablo Estates Benefit A. D. Fund 231
 Adopted Budget 2015-16

Account Number	Account Name	2013-14 Actual	2014-15 Adopted Budget	2014-15 Projected	2015-16 Adopted Budget
7335	Gas & Electric Serv.	321	840	840	400
7338	Water Service	724	4,130	4,000	3,500
7381	Property Tax Admin Cost	270	3	270	270
7419	Other Prof. Services	50,590	64,610	58,000	53,040
7420	Administrative Costs	456	-	456	456
8113	Transfer to Stormwater Fund	-	456	-	-
Total Expenditures		52,361	70,039	63,566	57,666
5601	Interest Income	358	370	390	390
5606	Unrealized Investment Gain/Loss GASB31	(13)	-	-	-
4611	Fiduciary Fund Assessment	74,406	76,475	75,888	77,336
Total Revenue		74,751	76,845	76,278	77,726
Increase (Decrease) in Fund Balance		22,390	6,806	12,712	20,060
Beginning Fund Balance		23,999	46,389	46,389	59,101
Ending Fund Balance		46,389	53,195	59,101	79,161

For financial reporting purposes, the Diablo Estates Benefits Assessment District Fund (No. 231) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

7419	Other Professional Services				
	Pinnacle Construction Services, Inc.	49,506	50,500	50,500	51,000
	Permco	1,084	2,040	2,500	2,040
	Facility Reserve	-	12,070	5,000	-
		50,590	64,610	58,000	53,040

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 XIII D OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
SCI Consulting Group
4745 MANGELS BOULEVARD
FAIRFIELD, CALIFORNIA 94534
PHONE 707.430.4300
FAX 707.430.4319
www.sci-cg.com

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

TABLE OF CONTENTS

INTRODUCTION..... 1

 BACKGROUND 1

 LEGISLATIVE ANALYSIS 2

PLANS & SPECIFICATIONS..... 5

ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13 7

METHOD OF APPORTIONMENT..... 8

 METHOD OF APPORTIONMENT 8

 DISCUSSION OF BENEFIT 8

 GENERAL VERSUS SPECIAL BENEFIT 10

 METHOD OF ASSESSMENT 10

 ASSESSMENT APPORTIONMENT 11

 APPEALS AND INTERPRETATION 11

CERTIFICATES 12

ASSESSMENT 13

ASSESSMENT DIAGRAM..... 15

APPENDICES 16

 APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13..... 16

LIST OF FIGURES

FIGURE 1 – SUMMARY OF ESTIMATED ANNUAL COSTS FOR DIABLO ESTATES AT CLAYTON 6
FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON..... 7
FIGURE 3 – SUMMARY COST ESTIMATES – FISCAL YEAR 2012-13..... 13
FIGURE 4 – ASSESSMENT ROLL 16

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 XIII D 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 XIIC and XIID 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	
Mejer Charges	12 Mo	\$51.00		\$612.00	
Irrigation Maintenance & Repair	24,600 SF	\$0.03		\$738.00	
Frence 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	
Vortsentry Maintenance	1 LS	\$1,500.00		\$1,500.00	
Vortsentry 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	
CBMH/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.

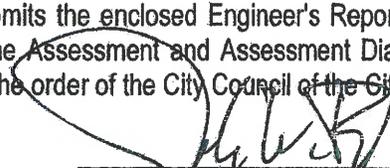
APPEALS AND INTERPRETATION

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

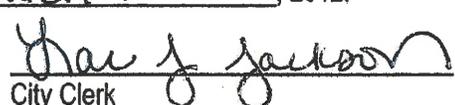
DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

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

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.

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 _____

John W. Bliss, License No. C052091

ASSESSMENT DIAGRAM

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

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, CALIFORNIA, THIS _____ DAY OF _____, 2012.

LACI JACKSON, CITY CLERK
 CITY OF CLAYTON
 STATE OF CALIFORNIA

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS, CITY OF CLAYTON, COUNTY OF CONTRA COSTA, CALIFORNIA, THIS _____ DAY OF _____, 2012.

RICK ANGRISANI, SUPERINTENDENT OF STREETS
 CITY OF CLAYTON
 STATE OF CALIFORNIA

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF CLAYTON ON THE LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM. THE ASSESSMENT WAS LEVIED ON THE _____ DAY OF _____, 2012. THE ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY ON THE _____ DAY OF _____, 2012. REFERENCE IS MADE TO THE RECORDED ASSESSMENT ROLL RECORDED IN THE OFFICE OF SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM.

LACI JACKSON, CITY CLERK
 CITY OF CLAYTON
 STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2012, AT THE HOUR OF _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE _____ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

COUNTY RECORDER,
 COUNTY OF CONTRA COSTA
 STATE OF CALIFORNIA

DEPUTY COUNTY RECORDER

Note:
 REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF CONTRA COSTA FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER

**Assessment Diagram
 Diablo Estates at Clayton
 Benefit Assessment District
 Clayton, Contra Costa County, State of California**

SCI Consulting Group
 4745 Mangels Boulevard
 Fairfield, CA 94534
 (707) 430-4300

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	10 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