



# **AGENDA**

## **REGULAR JOINT MEETINGS**

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## **CLAYTON CITY COUNCIL and CLAYTON SUCCESSOR & SUCCESSOR HOUSING AGENCIES**

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**TUESDAY, September 15, 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 K. Pierce

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail 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](http://www.ci.clayton.ca.us)
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

**\* CITY COUNCIL \***  
**September 15, 2015**

1. **CALL TO ORDER AND ROLL CALL OF THE CITY COUNCIL** – Mayor Shuey.

2. **PLEDGE OF ALLEGIANCE** – led by 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 August 18, 2015 and the adjourned regular meeting of August 19, 2015. ([View Here](#))
- (b) Approve the Financial Demands and Obligations of the City. ([View Here](#))
- (c) Approve the Mayoral re-appointment of Ronald Tervelt to the Contra Costa County Advisory Council on Aging as the City of Clayton's representative. ([View Here](#))
- (d) Adopt a Resolution establishing and approving a City Identity Theft and Data Security Breach Prevention Policy. ([View Here](#))
- (e) Affirm the Mayoral appointment of City Community Development Director Mindy Gentry to the Clayton Successor Agency and Housing Agency Oversight Board as the statutory City member representing employees of the former Clayton Redevelopment Agency. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

- (a) A Proclamation declaring September 21 – 27, 2015 as “Falls Prevention Awareness Week” in the City of Clayton. ([View Here](#))
- (b) A Proclamation declaring September 20 – 26, 2015 as “Childhood Cancer Awareness Week” in the City of Clayton. ([View Here](#))

5. **REPORTS**

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

**6. PUBLIC COMMENT ON NON - AGENDA ITEMS**

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

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

**7. PUBLIC HEARINGS - None.**

**8. ACTION ITEMS**

- (a) Public Meeting to consider a Resolution setting, adjusting and approving the City Master Fee Schedule for FY 2015-16 regarding certain user-benefit municipal services and City facility rentals. ([View Here](#))  
(Finance Manager)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Meeting and receive public comment; **3)** Close the Public Meeting; and **4)** Following City Council discussion and any modification to the proposed user-benefit fees, by motion adopt the Resolution.

- (b) Consider award of low-bid contract to Graniterock Company (Watsonville, CA) for replacement of wood planking on seven (7) pedestrian bridges on the Cardinet and Easley Trails (\$79,030; Citywide Landscape and Trails Maintenance District), and the replacement of the wood steps on the side exterior City employee entrance stairway to City Hall (\$22,750). ([View Here](#))  
(Maintenance Supervisor)

Staff recommendation: Following the staff presentation, that Council select the material replacement option between natural or composite wood, and then award competitive bid contract to Graniterock Company for replacement of the trail pedestrian bridges and the side entrance to City Hall using budgeted Landscape Maintenance District funds and the appropriation of monies from Fund 601 for the City Hall stairway maintenance work.

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

**10. ADJOURNMENT– the next regularly scheduled City Council meeting is October 6, 2015.**

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**\* CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES \***  
**September 15, 2015**

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

2. **CONSENT CALENDAR**

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

(a) Approve the minutes of the regular meeting of September 16, 2014.

[\(View Here\)](#)

(b) Adopt a Resolution approving the Successor Agency's 9<sup>th</sup> Recognized Obligation Payment Schedule for the time period covering January 1, 2016 through June 30, 2016 (ROPS 2015-16B) required by the CA Department of Finance (DOF).

[\(View Here\)](#)

3. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

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

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

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS** – None.

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

7. **ADJOURNMENT** – the next regular Successor Agency meeting will be scheduled as needed.

# # # # #

**MINUTES**  
OF THE  
REGULAR MEETING  
CLAYTON CITY COUNCIL

Agenda Date: 9-15-2015

Agenda Item: 3a

TUESDAY, August 18, 2015

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 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, and City Clerk/HR Manager Janet Brown.
  
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 adjourned regular meeting of August 4, 2015 and of the special meeting on July 30, 2015.
  - (b) Approved Financial Demands and Obligations of the City.
  
4. **RECOGNITIONS AND PRESENTATIONS** – None.
  
5. **REPORTS**
  - (a) Planning Commission – No meeting held.
  - (b) Trails and Landscaping Committee – No meeting held.
  - (c) City Manager/Staff  

City Manager Gary Napper advised the filing deadline for the vacant Police Chief position closed last week and several applicants applied. Unfortunately, Interim Chief Koford did not apply as he is a retired CalPERS annuitant and did not wish to jeopardize his pension status. Interviews should occur next week.

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

Councilmember Diaz attended a National Night Out event in his neighborhood, the Clayton Business and Community Association General Membership meeting; the League of California Cities East Bay Division meeting; and the Thursday Night Concert and Car Show in The Grove. He announced the upcoming Thursday Night Concert in The Grove features the band, Crossman Country. Mr. Diaz also indicated Ed's Mudville Grill completed its AED training through the City's CERT Program, which retains Clayton's designation as a Heart Safe Community by the County Emergency Medical Services agency.

Councilmember Haydon noted the AED for Ed's Mudville Grill was generously donated by Clayton Business and Community Association. He attended the Contra Costa County Mayors' Conference hosted by Hercules and also attended the 8<sup>th</sup> Annual Clayton Business and Community Association Rib Cook-Off, where there were 32 contestants.

Councilmember Pierce attended meetings of Associated Bay Area Governments, Metropolitan Transportation Commission, and Contra Costa Transportation Authority. Councilmember Pierce indicated the Clayton Historical Society will be dedicating a new historical marker commemorating the Eucalyptus trees and history of the site now known as The Grove Park on August 29<sup>th</sup> at 5:45 p.m.; at the corner near Village Market is where the ceremony takes place. Clayton's first Mayor, Bob Hoyer, will be in attendance.

Vice Mayor Geller noted he was a judge at CBCA's 8<sup>th</sup> Annual Rib Cook-Off at the Clayton Saloon; he also attended the Saturday Concerts in The Grove featuring the band, the Fundamentals; the Contra Costa County Mayors' Conference in Hercules, and the Clayton Business and Community Association general meeting. He added the entire Clayton Council are members of the Clayton Business and Community Association as private citizens and they each volunteer numerous hours to the community..

- (e) Other – None.

## **6. PUBLIC COMMENT ON NON - AGENDA ITEMS**

Elizabeth Williams, adult leader with Boy Scout Troop 444 in attendance tonight for their Communication Badge, wanted to demonstrate how to communicate at a public meeting. Ms. Williams advised she was aware of the recent PG&E lighting project with its positive energy savings but inquired on the cost savings to the City. She added alternative feedback that since the installation of the LED lights, she is less able to see the stars at night and now needs to install black-out shades for her bedrooms as the lamps cast more light.

City Manager Napper advised he recalls the energy-efficient program calculated the City's initial investment would be recovered in 4.4 years. The first year of savings should be approximately \$4,600. The new bulbs do cast a brighter white-blue light which can be eye piercing if looked at directly. When he pointed that result to his wife, his wife's reply was, "Then don't look at them." Where installed

the street lights do appear as a blue light versus the prior soft-yellow warm light but the new lighting does offer increased visibility of pedestrians for public safety, and to drivers as well.

Councilmember Pierce stated the energy-savings project cost the City \$41,732. Vice Mayor Geller thanked PG&E and City Maintenance Supervisor John Johnston for bringing the street light efficient project to the City.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Continued consideration of designating a City Council Voting Delegate and Alternate Delegate for the League of California Cities 2015 Annual Conference to be held September 30<sup>th</sup> – October 2<sup>nd</sup> in San Jose.  
(City Clerk)

City Clerk Janet Brown presented the staff report and noted the registration fee for this year's annual League Conference is \$550.00, which does not include additional expenses of transportation or lodging accommodations. Last year, the City covered the registration expense for one new council member to attend by absorbing the cost in the existing City Budget. No monies are actually budgeted for any conference attendance by Council or staff. Prior to this evening's meeting, the League of California Cities Annual Conference Resolutions for consideration at the Business Session had not been posted to its website for review.

Councilmember Pierce indicated after reviewing on-line the potential topics to be held at the Conference, she did not see a pressing reason to have Clayton representation attend the upcoming League of California Cities Annual Conference. Councilmember Haydon shared similar thoughts and could not come up with a justifiable reason why Clayton would need to be there or incur the expense.

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

**It was moved by Councilmember Haydon, seconded by Councilmember Pierce, to not have a Voting Delegate or Alternate of the City of Clayton attend the League of California Cities 2015 Annual Conference to be held September 30<sup>th</sup> – October 2<sup>nd</sup> in San Jose. (Passed; 4-0 vote).**

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

**10. CLOSED SESSION**

(a) Government Code Section 54956.8, Conference with Real Property Negotiators. Real Property: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6) Instructions to City Negotiators (Mayor David Shuey and Council Member Julie Pierce, and Ed Del Becarro, Managing Director, Transwestern) concerning price and terms of payment.

Negotiating Parties: 1. DRG Builders, Inc. (Doyle Heaton).  
2. Pacific Union Land Company (Joshua Reed).  
3. City Ventures, LLC (Patrick Hendry).  
4. Avesta Development Group, LLC (Mohammad Javanbakht).

Vice Mayor Geller advised that all 5 members of the Clayton City Council should be in attendance for this particular Closed Session; with Mayor Shuey's absence this item must be deferred to a specific date and time when all can be present.

**It was moved by Councilmember Pierce, seconded by Vice Mayor Geller, to adjourn this Closed Session matter to an Adjourned Regular Meeting to be held at 7:30 p.m. on August 19, 2015 at Hoyer Hall, located at 6125 Clayton Road, Clayton, CA. (Passed; 4-0 vote).**

**11. ADJOURNMENT**– the City Council meeting of September 1, 2015 has been canceled. The next regularly scheduled meeting of the City Council will be September 15, 2015.

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Respectfully submitted,

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Janet Brown, City Clerk

APPROVED BY CLAYTON CITY COUNCIL

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David T. Shuey, Mayor

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**MINUTES  
OF THE  
ADJOURNED REGULAR MEETING  
CLAYTON CITY COUNCIL**

**WEDNESDAY, August 19, 2015**

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:30 p.m. by Mayor Shuey in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Shuey, Vice Mayor Geller, Councilmembers Diaz, Haydon and Pierce. Councilmembers absent: None. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian and Community Development Director Mindy Gentry. Ed Del Becarro, Managing Director of Transwestern, was also present.
  
2. **PUBLIC COMMENTS** – None.
  
3. **CLOSED SESSION**  
On call by Mayor Shuey, the City Council went into a closed session meeting at 7:31 p.m. for the stated purpose outlined below:
  - (a) *Government Code Section 54956.8, Conference with Real Property Negotiators. Real Property: 6005 Main Street (APNs 119-011-002-1; 118-560-010-1; 118-370-041-6). Instructions to City Negotiators (Mayor David Shuey and Council Member Julie Pierce; and Ed Del Becarro, Managing Director, Transwestern) concerning price and terms of payment.*  
Negotiating Parties: 1. DRG Builders, Inc. (Doyle Heaton).  
2. Pacific Union Land Company (Joshua Reed).  
3. City Ventures, LLC (Patrick Hendry).  
4. Avesta Development Group, LLC (Mohammad Javanbakht).

8:40 p.m.

Report Out from Closed Session: Mayor Shuey announced the City Council received and discussed the four (4) land price offers and gave instructions to its real property negotiators and listing agent.

4. **ADJOURNMENT**– on call by Mayor Shuey the meeting adjourned at 8:40 p.m.

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Respectfully submitted,

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Gary Napper, City Manager

APPROVED BY CLAYTON CITY COUNCIL

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David T. Shuey, Mayor

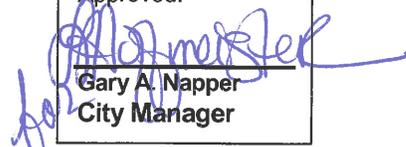
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Agenda Date 9/15/2015

Agenda Item: 3b

# STAFF REPORT

Approved:  
  
Gary A. Napper  
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 9/15/2015

SUBJECT: FINANCIAL OBLIGATIONS

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## RECOMMENDATION:

Approve the following Invoices for payment:

9/11/2015	Cash Requirements	\$ 352,850.23
8/4/2015	ADP, Week 34, PPE 8/2/15	\$ 80,286.03
8/18/2015	ADP, Week 36, PPE 8/16/15	\$ 81,519.94
		<hr/> <hr/>
		\$ 514,656.20

### Attachments:

Cash Requirements Report dated 9/11/2015 (6 pages)

ADP Report Week 34, PPE 8/2/15 (1 page)

ADP Report Week 36, PPE 8/16/15 (1 page)

# City of Clayton Cash Requirements Report

<u>Vendor Name</u>	<u>Due Date</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Balance</u>	<u>Potential Discount</u>	<u>Discount Expires On</u>	<u>Net Amount Due</u>
<b>Ace Sierra Tow</b>								
Ace Sierra Tow	9/15/2015	8/26/2015	3842	Tag # 51844	\$25.00	\$0.00		\$25.00
				<i>Totals for Ace Sierra Tow:</i>	<u>\$25.00</u>	<u>\$0.00</u>		<u>\$25.00</u>
<b>American Fidelity Assurance Company</b>								
American Fidelity Assurance Company	9/15/2015	8/26/2015	B350627	Supplemental Insurance for September 2015	\$435.38	\$0.00		\$435.38
				<i>Totals for American Fidelity Assurance Company:</i>	<u>\$435.38</u>	<u>\$0.00</u>		<u>\$435.38</u>
<b>AT&amp;T/ CalNet 2</b>								
AT&T/ CalNet 2	9/15/2015	9/4/2015	000000006960113	August Billing	\$1,664.41	\$0.00		\$1,664.41
				<i>Totals for AT&amp;T/ CalNet 2:</i>	<u>\$1,664.41</u>	<u>\$0.00</u>		<u>\$1,664.41</u>
<b>Bay Area Barricade Serv.</b>								
Bay Area Barricade Serv.	9/15/2015	9/9/2015	0321601-IN	landscape supplies	\$370.71	\$0.00		\$370.71
Bay Area Barricade Serv.	9/15/2015	9/9/2015	0321793-IN	squeegees	\$185.30	\$0.00		\$185.30
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$556.01</u>	<u>\$0.00</u>		<u>\$556.01</u>
<b>Bay Area News Group East Bay (CCT)</b>								
Bay Area News Group East Bay (CCT)	9/15/2015	9/9/2015	0000906399	Legal ad - T-Mobile	\$175.44	\$0.00		\$175.44
				<i>Totals for Bay Area News Group East Bay (CCT):</i>	<u>\$175.44</u>	<u>\$0.00</u>		<u>\$175.44</u>
<b>CalPERS Health</b>								
CalPERS Health	9/15/2015	8/26/2015	1822	September Health	\$33,220.00	\$0.00		\$33,220.00
				<i>Totals for CalPERS Health:</i>	<u>\$33,220.00</u>	<u>\$0.00</u>		<u>\$33,220.00</u>
<b>CalPERS Retirement</b>								
CalPERS Retirement	9/15/2015	8/26/2015	CC 8/24/15	City Council Retirement Ending 8/24/15	\$178.32	\$0.00		\$178.32
CalPERS Retirement	9/15/2015	8/26/2015	PPE 8/16/15	Retirement PPE 8/16/15	\$11,855.60	\$0.00		\$11,855.60
CalPERS Retirement	9/15/2015	9/4/2015	PPE 8/30/15	Retirement PPE 8/30/15	\$11,843.99	\$0.00		\$11,843.99
				<i>Totals for CalPERS Retirement:</i>	<u>\$23,877.91</u>	<u>\$0.00</u>		<u>\$23,877.91</u>
<b>Caltronics Business Systems, Inc</b>								
Caltronics Business Systems, Inc	9/15/2015	8/26/2015	1836542	contract 7/17/15-8/16/15	\$285.67	\$0.00		\$285.67
				<i>Totals for Caltronics Business Systems, Inc:</i>	<u>\$285.67</u>	<u>\$0.00</u>		<u>\$285.67</u>
<b>City of Concord</b>								
City of Concord	9/15/2015	8/26/2015	46047	vehicle maintenance June	\$291.05	\$0.00		\$291.05
City of Concord	9/15/2015	8/26/2015	46871	vehicle maintenance July 2015	\$2,575.52	\$0.00		\$2,575.52
City of Concord	9/15/2015	8/26/2015	46844	dispatch services August	\$20,089.50	\$0.00		\$20,089.50
				<i>Totals for City of Concord:</i>	<u>\$22,956.07</u>	<u>\$0.00</u>		<u>\$22,956.07</u>
<b>Clayton Community Church</b>								
Clayton Community Church	9/15/2015	9/4/2015	Soap Box Derby	refund for Soap Box Derby 2010-2014	\$240.98	\$0.00		\$240.98
				<i>Totals for Clayton Community Church:</i>	<u>\$240.98</u>	<u>\$0.00</u>		<u>\$240.98</u>
<b>Clean Street</b>								
Clean Street	9/15/2015	9/11/2015	79487	Monthly sweep Fee for August 2015	\$3,500.00	\$0.00		\$3,500.00

# City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Clean Street:</i>					\$3,500.00	\$0.00		\$3,500.00
<b>Concord Garden Equipment</b>								
Concord Garden Equipment	9/15/2015	9/9/2015	510873	Work Order # 80813	\$166.73	\$0.00		\$166.73
Concord Garden Equipment	9/15/2015	9/9/2015	510875	.095 5 lb line	\$59.13	\$0.00		\$59.13
<i>Totals for Concord Garden Equipment:</i>					\$225.86	\$0.00		\$225.86
<b>Concord Uniforms</b>								
Concord Uniforms	9/15/2015	8/26/2015	9977	uniforms	\$485.10	\$0.00		\$485.10
<i>Totals for Concord Uniforms:</i>					\$485.10	\$0.00		\$485.10
<b>Contra Costa County Law &amp; Justice Systems (ACCJIN)</b>								
Contra Costa County Law & Justice Sys	9/15/2015	8/26/2015	LJIS 15-Cly	ACCJIN Shared Costs FY 14/15	\$1,985.23	\$0.00		\$1,985.23
<i>Totals for Contra Costa County Law &amp; Justice Systems (ACCJIN):</i>					\$1,985.23	\$0.00		\$1,985.23
<b>Contra Costa County Office of the Sheriff (Training)</b>								
Contra Costa County Office of the Sheri	9/15/2015	8/26/2015	15-2189	Range Use June 2015	\$370.00	\$0.00		\$370.00
<i>Totals for Contra Costa County Office of the Sheriff (Training):</i>					\$370.00	\$0.00		\$370.00
<b>Contra Costa County Office of the Sheriff (ARIES)</b>								
Contra Costa County Office of the Sheri	9/15/2015	8/26/2015	15/16 Clytn	ARIES Maintenance FY 15/16	\$8,770.00	\$0.00		\$8,770.00
<i>Totals for Contra Costa County Office of the Sheriff (ARIES):</i>					\$8,770.00	\$0.00		\$8,770.00
<b>Contra Costa County Public Works Dept</b>								
Contra Costa County Public Works Dept	9/15/2015	9/2/2015	700302	Traffic Signal Maintenance July 2015	\$1,189.80	\$0.00		\$1,189.80
<i>Totals for Contra Costa County Public Works Dept:</i>					\$1,189.80	\$0.00		\$1,189.80
<b>Contra Costa County Sheriff - Forensic Svc Div (Lab)</b>								
Contra Costa County Sheriff - Forensic S	9/15/2015	8/26/2015	CLPD-1506	Toxicology June 2015	\$2,010.00	\$0.00		\$2,010.00
<i>Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):</i>					\$2,010.00	\$0.00		\$2,010.00
<b>Contra Costa County Treasurer/ Sheriff-Coroner (CAL-ID)</b>								
Contra Costa County Treasurer/ Sheriff	9/15/2015	8/26/2015	2015-2016 CAL-ID	Ca-ID 2015-2016 share of operating budget	\$12,215.00	\$0.00		\$12,215.00
<i>Totals for Contra Costa County Treasurer/ Sheriff-Coroner (CAL-ID):</i>					\$12,215.00	\$0.00		\$12,215.00
<b>Contra Costa Tractor Mobile Svc</b>								
Contra Costa Tractor Mobile Svc	9/15/2015	8/26/2015	016845	service Tractor Ford 260C	\$884.47	\$0.00		\$884.47
<i>Totals for Contra Costa Tractor Mobile Svc:</i>					\$884.47	\$0.00		\$884.47
<b>Cropper Accountancy Corp</b>								
Cropper Accountancy Corp	9/15/2015	8/26/2015	1054	1st progress billing, audit Yr end 6/30/15	\$5,000.00	\$0.00		\$5,000.00
<i>Totals for Cropper Accountancy Corp:</i>					\$5,000.00	\$0.00		\$5,000.00
<b>CVCHS</b>								
CVCHS	9/15/2015	8/28/2015	2538	Deposit refund for City Hall Conference Roo	\$100.00	\$0.00		\$100.00
<i>Totals for CVCHS:</i>					\$100.00	\$0.00		\$100.00

# City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<b>Data Ticket</b>								
Data Ticket	9/15/2015	8/26/2015	63961	Citation Processing for July 2015	\$21.12	\$0.00		\$21.12
				<i>Totals for Data Ticket:</i>	<u>\$21.12</u>	<u>\$0.00</u>		<u>\$21.12</u>
<b>De Lage Landen Financial Services, Inc.</b>								
De Lage Landen Financial Services, Inc.	9/15/2015	8/26/2015	46819459	Contract for September 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>
<b>Diablo Tropicals</b>								
Diablo Tropicals	9/15/2015	9/2/2015	CAP0157	Deposit refund for 1824 Ohlone Heights	\$1,809.10	\$0.00		\$1,809.10
				<i>Totals for Diablo Tropicals:</i>	<u>\$1,809.10</u>	<u>\$0.00</u>		<u>\$1,809.10</u>
<b>Dorothy Bradt</b>								
Dorothy Bradt	9/15/2015	9/9/2015	27401	Deposit refund for EH 8/29/15	\$500.00	\$0.00		\$500.00
				<i>Totals for Dorothy Bradt:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
<b>East Bay Rgn Comm System Auth</b>								
East Bay Rgn Comm System Auth	9/15/2015	8/26/2015	201600007	operating payments for FY 15/16	\$11,400.00	\$0.00		\$11,400.00
				<i>Totals for East Bay Rgn Comm System Auth:</i>	<u>\$11,400.00</u>	<u>\$0.00</u>		<u>\$11,400.00</u>
<b>Geoconsultants, Inc.</b>								
Geoconsultants, Inc.	9/15/2015	9/2/2015	18753	Well Monitoring for August 2015	\$1,546.50	\$0.00		\$1,546.50
				<i>Totals for Geoconsultants, Inc.:</i>	<u>\$1,546.50</u>	<u>\$0.00</u>		<u>\$1,546.50</u>
<b>Globalstar LLC</b>								
Globalstar LLC	9/15/2015	8/26/2015	100000006616680	service 6/16/15-7/15/15	\$55.10	\$0.00		\$55.10
				<i>Totals for Globalstar LLC:</i>	<u>\$55.10</u>	<u>\$0.00</u>		<u>\$55.10</u>
<b>Hammons Supply Company</b>								
Hammons Supply Company	9/15/2015	9/9/2015	90264	Grove Park Supplies	\$190.76	\$0.00		\$190.76
Hammons Supply Company	9/15/2015	9/9/2015	90266	City Hall Supplies	\$714.48	\$0.00		\$714.48
Hammons Supply Company	9/15/2015	9/9/2015	90263	Library Supplies	\$308.45	\$0.00		\$308.45
Hammons Supply Company	9/15/2015	9/9/2015	90265	CCP Supplies	\$204.46	\$0.00		\$204.46
				<i>Totals for Hammons Supply Company:</i>	<u>\$1,418.15</u>	<u>\$0.00</u>		<u>\$1,418.15</u>
<b>Health Care Dental Trust</b>								
Health Care Dental Trust	9/15/2015	9/4/2015	197422	October Dental	\$2,564.56	\$0.00		\$2,564.56
				<i>Totals for Health Care Dental Trust:</i>	<u>\$2,564.56</u>	<u>\$0.00</u>		<u>\$2,564.56</u>
<b>HUB Inter of CA Ins Svc</b>								
HUB Inter of CA Ins Svc	9/15/2015	8/26/2015	7/15	Insurance for July 2015	\$399.68	\$0.00		\$399.68
				<i>Totals for HUB Inter of CA Ins Svc:</i>	<u>\$399.68</u>	<u>\$0.00</u>		<u>\$399.68</u>
<b>Innovative Impressions</b>								
Innovative Impressions	9/15/2015	8/28/2015	886	Ball caps	\$81.38	\$0.00		\$81.38
				<i>Totals for Innovative Impressions:</i>	<u>\$81.38</u>	<u>\$0.00</u>		<u>\$81.38</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
<b>J&amp;R Floor Services</b>								
J&R Floor Services	9/15/2015	8/28/2015	eight	August 2015 Billing	\$4,940.00	\$0.00		\$4,940.00
				<i>Totals for J&amp;R Floor Services:</i>	<u>\$4,940.00</u>	<u>\$0.00</u>		<u>\$4,940.00</u>
<b>Deanna Jakel</b>								
Deanna Jakel	9/15/2015	8/28/2015	082915	refund for CCP reservation	\$136.00	\$0.00		\$136.00
				<i>Totals for Deanna Jakel:</i>	<u>\$136.00</u>	<u>\$0.00</u>		<u>\$136.00</u>
<b>Jeffrey Hoover</b>								
Jeffrey Hoover	9/15/2015	9/4/2015	Cemex	Refund for EH use cancellation	\$528.00	\$0.00		\$528.00
Jeffrey Hoover	9/15/2015	9/4/2015	13470	Deposit refund for EH 7/8/15 (Cancelled)	\$500.00	\$0.00		\$500.00
				<i>Totals for Jeffrey Hoover:</i>	<u>\$1,028.00</u>	<u>\$0.00</u>		<u>\$1,028.00</u>
<b>John Deere Landscapes Inc</b>								
John Deere Landscapes Inc	9/15/2015	9/9/2015	72894932	Order # 85186566	\$36.38	\$0.00		\$36.38
				<i>Totals for John Deere Landscapes Inc:</i>	<u>\$36.38</u>	<u>\$0.00</u>		<u>\$36.38</u>
<b>Arlene Kikkawa-Nielsen</b>								
Arlene Kikkawa-Nielsen	9/15/2015	8/26/2015	September 2015	Library Volunteer Coordinator Hours for Sept	\$900.00	\$0.00		\$900.00
				<i>Totals for Arlene Kikkawa-Nielsen:</i>	<u>\$900.00</u>	<u>\$0.00</u>		<u>\$900.00</u>
<b>LarryLogic Productions</b>								
LarryLogic Productions	9/15/2015	8/26/2015	1525	City Council Meeting 8/18/15	\$275.00	\$0.00		\$275.00
				<i>Totals for LarryLogic Productions:</i>	<u>\$275.00</u>	<u>\$0.00</u>		<u>\$275.00</u>
<b>Marken Mechanical Services Inc</b>								
Marken Mechanical Services Inc	9/15/2015	9/9/2015	415-1151-7	City Hall Maintenance for July 2015	\$150.00	\$0.00		\$150.00
				<i>Totals for Marken Mechanical Services Inc:</i>	<u>\$150.00</u>	<u>\$0.00</u>		<u>\$150.00</u>
<b>Matrix Association Management</b>								
Matrix Association Management	9/15/2015	8/26/2015	1907	Management Services for August 2015	\$4,264.10	\$0.00		\$4,264.10
				<i>Totals for Matrix Association Management:</i>	<u>\$4,264.10</u>	<u>\$0.00</u>		<u>\$4,264.10</u>
<b>MPA</b>								
MPA	9/15/2015	8/26/2015	B1503	Workers' Compensation for 2015/2016	\$50,795.00	\$0.00		\$50,795.00
MPA	9/15/2015	8/26/2015	K1503	Wellness Premium 2015/16	\$831.00	\$0.00		\$831.00
MPA	9/15/2015	8/26/2015	CM-1503	CARMA Premium 2015/16	\$17,144.00	\$0.00		\$17,144.00
MPA	9/15/2015	8/26/2015	L1503	Liability Premium 2015/16	\$47,874.00	\$0.00		\$47,874.00
MPA	9/15/2015	8/26/2015	G1503	Workers' Comp Work Alternative Program 2	\$55.00	\$0.00		\$55.00
				<i>Totals for MPA:</i>	<u>\$116,699.00</u>	<u>\$0.00</u>		<u>\$116,699.00</u>
<b>Muir/ Diablo Occupation Medicine</b>								
Muir/ Diablo Occupation Medicine	9/15/2015	8/26/2015	315483	Pre-employment exam	\$456.00	\$0.00		\$456.00
				<i>Totals for Muir/ Diablo Occupation Medicine:</i>	<u>\$456.00</u>	<u>\$0.00</u>		<u>\$456.00</u>
<b>Neopost (add postage)</b>								
Neopost (add postage)	9/15/2015	9/2/2015	9/2/15	Postage Added	\$300.00	\$0.00		\$300.00

# City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
<i>Totals for Neopost (add postage):</i>					\$300.00	\$0.00		\$300.00
<b>Pacific Telemanagement Svc</b>								
Pacific Telemanagement Svc	9/15/2015	9/4/2015	775809	Courtyard pay phone September 2015	\$73.00	\$0.00		\$73.00
<i>Totals for Pacific Telemanagement Svc:</i>					\$73.00	\$0.00		\$73.00
<b>PERMCO, Inc.</b>								
PERMCO, Inc.	9/15/2015	9/9/2015	10446	Services for 8/22/15-9/4/15	\$3,277.00	\$0.00		\$3,277.00
PERMCO, Inc.	9/15/2015	9/9/2015	10447	Meeting with Concord for Sewer Upgrade	\$305.00	\$0.00		\$305.00
PERMCO, Inc.	9/15/2015	9/9/2015	10449	Construction Inspection	\$1,593.63	\$0.00		\$1,593.63
PERMCO, Inc.	9/15/2015	9/9/2015	10450	Review latest monitoring report, phone calls	\$992.38	\$0.00		\$992.38
PERMCO, Inc.	9/15/2015	9/11/2015	10448	review web user guide	\$305.00	\$0.00		\$305.00
<i>Totals for PERMCO, Inc.:</i>					\$6,473.01	\$0.00		\$6,473.01
<b>PG&amp;E Non-Energy Collection Unit</b>								
PG&E Non-Energy Collection Unit	9/15/2015	8/26/2015	0007466072-1	Streetlight replacement program	\$35,495.00	\$0.00		\$35,495.00
<i>Totals for PG&amp;E Non-Energy Collection Unit:</i>					\$35,495.00	\$0.00		\$35,495.00
<b>PG&amp;E</b>								
PG&E	9/15/2015	8/26/2015	8/23/15	service 7/23/15-8/21/15	\$4,248.10	\$0.00		\$4,248.10
PG&E	9/15/2015	8/26/2015	8/17/15	Service 6/24/15-7/22/15	\$18,967.73	\$0.00		\$18,967.73
PG&E	9/15/2015	9/2/2015	8/21/15	Service 7/22/15-8/20/15	\$11.22	\$0.00		\$11.22
<i>Totals for PG&amp;E:</i>					\$23,227.05	\$0.00		\$23,227.05
<b>Roto-Rooter Sewer/Drain Service</b>								
Roto-Rooter Sewer/Drain Service	9/15/2015	8/26/2015	H-668-15	Service at Grove Park Restrooms	\$1,147.00	\$0.00		\$1,147.00
Roto-Rooter Sewer/Drain Service	9/15/2015	9/9/2015	H-1058-15	service call, Library, clog	\$199.75	\$0.00		\$199.75
Roto-Rooter Sewer/Drain Service	9/15/2015	9/9/2015	H-1578-15	Service call, Library, inspect sewer line	\$315.00	\$0.00		\$315.00
Roto-Rooter Sewer/Drain Service	9/15/2015	9/9/2015	H-1577-15	Service call, City Hall, inspect sewer line	\$315.00	\$0.00		\$315.00
Roto-Rooter Sewer/Drain Service	9/15/2015	9/9/2015	H-1579-15	Service call, Grove Park, inspect sewer line	\$315.00	\$0.00		\$315.00
<i>Totals for Roto-Rooter Sewer/Drain Service:</i>					\$2,291.75	\$0.00		\$2,291.75
<b>William Selb</b>								
William Selb	9/15/2015	9/9/2015	27178	Deposit refund and EH usage for Pancake Br	\$389.00	\$0.00		\$389.00
<i>Totals for William Selb:</i>					\$389.00	\$0.00		\$389.00
<b>Sprint Comm (PD)</b>								
Sprint Comm (PD)	9/15/2015	8/26/2015	70333531-164	service 6/26/15-7/25/15	\$271.96	\$0.00		\$271.96
<i>Totals for Sprint Comm (PD):</i>					\$271.96	\$0.00		\$271.96
<b>Staples Advantage</b>								
Staples Advantage	9/15/2015	9/9/2015	8035787762	Supplies for August 2015	\$435.33	\$0.00		\$435.33
<i>Totals for Staples Advantage:</i>					\$435.33	\$0.00		\$435.33
<b>Stericycle Inc</b>								
Stericycle Inc	9/15/2015	8/26/2015	3003089171	Service 8/15-10/15	\$356.64	\$0.00		\$356.64

## City of Clayton Cash Requirements Report

<u>Vendor Name</u>	<u>Due Date</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Balance</u>	<u>Potential Discount</u>	<u>Discount Expires On</u>	<u>Net Amount Due</u>
<i>Totals for Stericycle Inc:</i>					\$356.64	\$0.00		\$356.64
<b>US Bank - Corp Pmt System CalCard</b>								
US Bank - Corp Pmt System CalCard	9/15/2015	8/26/2015	7/22/15	Statement ending 7/22/15	\$14,342.92	\$0.00		\$14,342.92
<i>Totals for US Bank - Corp Pmt System CalCard:</i>					\$14,342.92	\$0.00		\$14,342.92
<b>GRAND TOTALS:</b>					<b>\$352,850.23</b>	<b>\$0.00</b>		<b>\$352,850.23</b>

# Earnings Statement

Z7L TOTAL DOCUMENT

CITY OF CLAYTON

LOCATION 0001

## CHECK STUFFING, RECONCILIATION

80286.03 GROSS  
 59859.42 NET PAY (INCLUDING ALL DEPOSITS)  
 9397.00 FEDERAL TAX  
 91.45 SOCIAL SECURITY  
 1114.33 MEDICARE  
 .00 MEDICARE SURTAX  
 .00 SUI TAX  
 3021.29 STATE TAX  
 .00 LOCAL TAX  
 58245.67 DEDUCTIONS  
 8416.29 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

WEEK 36 BATCH 5901 33 PAYS

0 Employees With Overflow Statement

0 Overflow Statement 1 Total Statement

Tot Cks/Vchrs:00000000033 Tot Docs in all:00000000036

First No. Last No. Total

Checks: ADPCHECK ADPCHECK 00000000010

Vouchers: 00000360001 00000360023 00000000023

# Earnings Statement

Z7L TOTAL DOCUMENT  
CITY OF CLAYTON  
LOCATION 0001

## CHECK STUFFING, RECONCILIATION

81519.94 GROSS  
 59910.35 NET PAY (INCLUDING ALL DEPOSITS)  
 9771.20 FEDERAL TAX  
 201.43 SOCIAL SECURITY  
 1129.34 MEDICARE  
 .00 MEDICARE SURTAX  
 .00 SUI TAX  
 3250.88 STATE TAX  
 .00 LOCAL TAX  
 59784.69 DEDUCTIONS  
 7382.40 NET CHECK

COMPANY CODE Z7L  
 CITY OF CLAYTON  
 TOTAL DOCUMENT  
 LOCATION 0001



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

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



Agenda Date: 9-15-2015

Agenda Item: 3c

# STAFF REPORT

Approved:	
Gary A. Napper City Manager	

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: Janet Brown, City Clerk**

**DATE: September 15, 2015**

**SUBJECT: Council Re-Appointment of Ronald Tervelt to the Contra Costa Advisory Council on Aging as Clayton's representative for the term through September 30, 2017.**

## RECOMMENDATION

By minute motion, confirm the nomination by the Mayor Shuey and re-appoint Ronald Tervelt to the serve as the City of Clayton representative on the Contra Costa Advisory Council on Aging through September 30, 2017.

## BACKGROUND

With the May 2010 resignation of Ms. Lori Turner as Clayton's representative on the Contra Costa Advisory Council on Aging, the City advertised the advisory position on the City's website and its public posting boards. However, no interest surfaced and the City's position remained vacant for an extended period of time.

In January 2014 the County Clerk received an application from Clayton resident Ron Tervelt to serve on the Advisory Council on Aging. Mr. Tervelt was appointed to one of the "at large" positions on the Advisory Council by the Board of Supervisors commencing July 2014. In October 2014, Mr. Tervelt contacted the Clayton City Clerk expressing interest in exclusively representing his home town as the Clayton delegate to the Advisory Council, rather than hold an "at large" representation. The City Council subsequently approved that appointment to the City's vacant seat.

Mr. Tervelt's term of office expires this September and after contact by the City Clerk, he has expressed interest in continuing to represent the City on this Advisory Council.

## FISCAL IMPACT

None.

Attachment: Email exchange between the City Clerk and Ron Tervelt (1 pg.)

## Janet Brown

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**From:** Ron & Carole <terveltam@sbcglobal.net>  
**Sent:** Thursday, August 27, 2015 11:31 AM  
**To:** Janet Brown  
**Subject:** Re: Council on Aging Representative

Hi Janet

That would be acceptable to me.

Thanks

Ron Tervelt

On Thursday, August 27, 2015 10:51 AM, Janet Brown <[jbrown@ci.clayton.ca.us](mailto:jbrown@ci.clayton.ca.us)> wrote:

Good Morning Mr. Tervelt!

I see that your term on the Council on Aging is expiring in September 2015. Would you like to continue for another 2 year term??

Thank you!

Janet Brown  
City Clerk/HR Manager

City of Clayton  
6000 Heritage Trail  
Clayton, CA 94517  
(925) 673-7304



Agenda Date: 9-15-2015

Agenda Item: 3d

# STAFF REPORT

Approved:	
Gary A. Napper City Manager	

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: FINANCE MANAGER**

**DATE: September 15, 2015**

**SUBJECT: ADOPTION OF AN IDENTITY THEFT AND DATA SECURITY BREACH PREVENTION POLICY**

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## RECOMMENDATION

Adopt the Resolution approving the attached Identity Theft and Data Security Breach Prevention Policy.

## BACKGROUND

The Fair and Accurate Credit Transaction Act of 2003 ("FACTA"), Section 114, as implemented by the Red Flag Rules, 16 C.F.R. Part 681, issued by the Federal Trade Commission along with other federal agencies, requires creditors of customer accounts to implement an identity theft prevention policy. Pursuant to the regulations, the City of Clayton (City) is a creditor because it provides services to customers prior to receipt of payment through customer accounts for which there is a reasonably foreseeable risk of identity theft.

Additionally, Section 1798.29 of the California Civil Code (effective January 1, 2014) requires local public agencies, such as the City, to disclose any breach of data security to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This includes customer accounts as well as other online account information stored by the City.

Furthermore, major credit card companies have adopted the Payment Card Industry (PCI) Data Security Standard (DSS) to increase controls around cardholder data to reduce credit card fraud via its exposure. The PCI-DSS applies to all entities that store, process, and/or transmit cardholder data. As the City accepts customer payments by major credit cards, it is subject to these standards.

## **DISCUSSION**

This administrative policy is being recommended to the City Council for adoption in order to formally address the City's response to various regulatory requirements over identity theft and security breach prevention as outlined previously. Likewise, as the City currently accepts customer payments via credit card, administers certain loan accounts and accepts and houses other sensitive information of payees, it important to establish and implement policy and procedures to prevent, detect and mitigate the risk of identity theft. The policy defines what may constitute "sensitive information" as well as establishes mandatory procedures and guidelines for City employees involved in the intake and maintenance of said information. Finally, the Policy establishes guidelines for City employees to identify potential instances of identity theft or data breach and outlines what measures should be taken if incidences are identified.

## **FISCAL IMPACT**

The adoption of the attached Resolution has no direct fiscal impact to the City.

## **CONCLUSION**

It is recommended the City Council adopt the attached Resolution approving the Identity Theft and Data Security Breach Prevention policy effective September 15, 2015. The policy is included as an exhibit to the attached Resolution.

Respectively submitted,



T. Kevin Mizuno, CPA  
Finance Manager

Attachment:

Resolution \_\_-2015 with Exhibit A [15 pp.]

**RESOLUTION NO. \_\_-2015**

**A RESOLUTION ADOPTING THE IDENTITY THEFT AND  
DATA SECURITY BREACH PREVENTION POLICY  
FOR THE CITY OF CLAYTON**

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

**WHEREAS**, The Fair and Accurate Credit Transaction Act of 2003 (“FACTA”), Section 114, as implemented by the Red Flag Rules, 16 C.F.R. Part 681, issued by the Federal Trade Commission along with other federal agencies, requires creditors of customer accounts to implement an identity theft prevention policy; and

**WHEREAS** pursuant to the regulations, the City of Clayton (City) is a creditor because it provides services to customers prior to receipt of payment through customer accounts for which there is a reasonably foreseeable risk of identity theft; and

**WHEREAS**, Section 1798.29 of the California Civil Code (effective January 1, 2014) requires local public agencies, such as the City, to disclose any breach of data security to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person; and

**WHEREAS** personal information as defined by section 1798.29 of the California Civil Code includes customer accounts as well as other online account information stored by the City; and

**WHEREAS**, major credit card companies have adopted the Payment Card Industry (PCI) Data Security Standard (DSS) to increase controls around cardholder data to reduce credit card fraud via its exposure; and

**WHEREAS**, the PCI-DSS applies to all entities that store, process, and/or transmit cardholder data; and

**WHEREAS**, the City of Clayton accepts customer payments by major credit cards and is therefore subject to the PCI-DSS standards.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California does herewith establish and approve the Identity Theft and Data Security Breach Prevention Policy of the City to address the aforementioned regulatory requirements, a true and correct copy of which is attached hereto as “Exhibit A” and incorporated herein by reference.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California, at a regular public meeting thereof held on the 15<sup>th</sup> day of September 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CALIFORNIA

\_\_\_\_\_  
By: David T. Shuey, Mayor

ATTEST:

\_\_\_\_\_  
Janet Brown, City Clerk



## Identity Theft and Data Security Breach Prevention Policy

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### Policy

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The Fair and Accurate Credit Transaction Act of 2003 (“FACTA”), Section 114, as implemented by the Red Flag Rules, 16 C.F.R. Part 681, issued by the Federal Trade Commission along with other federal agencies, requires creditors of customer accounts to implement an identity theft prevention Policy. Pursuant to the regulations, the City of Clayton (City) is a creditor because it provides services to customers prior to receipt of payment through customer accounts for which there is a reasonably foreseeable risk of identity theft.

Furthermore, Section 1798.29 of the California Civil Code (effective January 1, 2014) requires local public agencies, such as the City, to disclose any breach of data security to any resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. This includes customer accounts as well as other online account information stored by the City.

Furthermore, major credit card companies have adopted the Payment Card Industry (PCI) Data Security Standard (DSS) to increase controls around cardholder data to reduce credit card fraud via its exposure. The PCI-DSS applies to all entities that store, process, and/or transmit cardholder data. As the City of Clayton accepts customer payments by major credit cards, the City is subject to these standards.

To address these Federal and State laws as well as the PCI-DSS the following Identity Theft and Data Security Breach Prevention Policy (Policy) is adopted by the City.

### Purpose

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To detect, prevent and mitigate identity theft in connection with all customer accounts and other records, taking into consideration the level of risk for identity theft given the City’s scope of services provided and the types of accounts. This Policy is created to identify patterns, practices and specific activities that indicate the possible existence of identity theft, hereinafter referred to as “Red Flags.” The Policy sets forth the procedures for detecting Red Flags and responding to

Red Flags when discovered. The Policy also details procedures for disclosure of a breach, or reasonable belief of a breach, of data security.

## **Compliance**

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Non-compliance with this Policy shall be handled in accordance with the progressive discipline procedures set forth in the most recent City of Clayton Employee Handbook.

## **Scope**

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This Policy is directed to all City employees.

## **Procedure**

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### 1. Definitions

- 1.1. Red Flag – Shall mean a pattern, practice or specific activity that indicates the possible existence of identity theft as defined in the Red Flag Rules, and as specifically enumerated in Section 5 of 16 C.F.R. § 681.2.
- 1.2. Identity Theft – Shall mean a fraud committed or attempted using the personal identifying information of another person without his/her authority; 16 C.F.R. 603.2 (a).
- 1.3. Customer Account – Shall mean a business license account, accounts payable vendor account, City-administered affordable housing loan account, or other account provided by the City that constitutes a *covered account* under the Red Flag Rules.
- 1.4. Payment Card – A debit or credit card that is accepted as payment for goods, services, or other obligations owed.
- 1.5. Personal Identifying Information – Shall mean information that may be used to identify a specific person, including, but not limited to:
  - A. A user name or email address, in combination with a password or security question and answer that would permit access to an online account;
  - B. An individual's first name or first initial and last name in combination with a social security number, driver's license number, California identification card number, or account number, credit or debit card number, in combination with any required security code, access

code, or password that would permit access to an individual's financial account;

- C. Social security number;
- D. Date of birth;
- E. Government issued driver's license or identification number;
- F. Government passport number;
- G. Unique biometric data such as fingerprints or physical appearance;
- H. Any unique electronic identification number;
- I. Telephone number;
- J. Mailing or physical address;
- K. Medical information; or
- L. Health insurance information.
- M. Federal Tax Identification Number

## 2. Designation of Authority

- 2.1. The City Council designates the authority to develop, oversee, implement and administer the Policy to the City Manager or his or her designee.
- 2.2. As part of the City Manager or his or her designee's oversight responsibilities for the Policy, the City Manager or his or her designee is required to review and approve all material changes to the Policy as necessary to address changing identity theft risks.
- 2.3. The City Manager or his or her designee is also responsible for reviewing reports prepared by the City's staff regarding the City's compliance with FACTA, the Red Flag Rules and Section 1798.29 of the California Civil Code requiring the implementation of an Identity Theft and Data Security Breach Prevention Policy.

## 3. Compliance Reports to be Prepared by City Staff

- 3.1. The City Manager or his or her designee will designate City staff involved with the implementation of the Policy to prepare reports

regarding the City's compliance with FACTA, the Red Flag Rules and Section 1798.29 of the California Civil Code requiring the implementation of an Identity Theft and Data Security Breach Prevention Policy.

- 3.2. The reports should address material matters related to the Policy, such as the following:
  - A. The effectiveness of the City's policies and procedures to address the risk of identity theft in connection with opening customer accounts, as well as with existing accounts. This includes identifying any issues related to identifying, detecting and responding to Red Flags;
  - B. Third-party service provider arrangements;
  - C. Significant incidents of identity theft, data security breaches or Red Flag detection, and the City's responses to those incidents; and
  - D. Recommendations for material changes to the Policy to ensure that customer accounts are adequately protected from the risk of identity theft.
- 3.3. The reports should be prepared at least annually for review by the City Manager or his or her designee and/or the City Council.

4. Red Flags Identified by the City

- 4.1. In identifying the Red Flags applicable to the City's customer accounts, the City considered the following risk factors:
  - A. The types of accounts the City maintains;
  - B. The methods the City provides to open customer accounts;
  - C. The methods the City provides to access to customers' accounts; and
  - D. The City's previous experiences with identity theft in connection with the customer accounts.
- 4.2. The Red Flags identified in this Policy have been incorporated from sources, which include supervisory guidance, past incidents of identity theft, and changes in methods of identity theft risk.

**4.3. The City's Identified Red Flags are as follows:**

**4.3.1. Alerts, Notifications or Other Warnings Received from Internal Sources or Third-Party Service Providers:**

- A. Notice of the fraudulent use of a payment card for account payment.

**4.3.2. Suspicious Documents:**

- A. Documents used for identification purposes appear to have been altered or forged.
- B. The photograph or physical descriptions on the identification documents do not match the appearance of the person presenting the identification.
- C. Other information in identification documents does not match the information provided by the individual presenting the identification documents.
- D. Other information in the identification documents does not match the information on file with the City.
- E. The application to open the account appears to have been forged, altered, or gives the appearance of having been destroyed and reassembled.

**4.3.3. Suspicious Personal Identifying Information:**

- A. Personal information provided is inconsistent with information provided by an external source, for example where the address provided does not match the address contained in a consumer report.
- B. Personal identifying information is inconsistent with other personal identifying information provided by the customer; such as a date of birth and the social security number range that do not correlate.
- C. Personal identifying information provided is associated with known fraudulent activity, as indicated by internal or third-party sources, such as the address or phone number on an application was previously provided on another fraudulent application.

- D. Personal identifying information is of a type commonly associated with fraudulent activity, as indicated by internal or third-party sources, such as a fictitious address, or an invalid phone number.
  - E. The social security number provided is the same as the social security number of another applicant attempting to open an account or an existing customer.
  - F. The address or telephone number provided is the same as other individuals attempting to open an account or existing customers.
  - G. The individual opening the account cannot provide all of the required personal identifying information for an application.
  - H. Personal identifying information is inconsistent with the information provided by the customer on file with the City.
  - I. Where challenge questions are used by the City to verify the identity of an individual, the individual claiming to be the customer cannot answer challenge questions correctly.
- 4.3.4. Unusual Use of or Other Suspicious Activity Related to a Customer Account:
- A. Shortly after receiving a notice of change of address for the account, the City receives a request to add another name to the account.
  - B. A new account is used in a manner commonly associated with known patterns of fraud, such as a first payment is made, and then no subsequent payments are made.
  - C. An account is used in a manner inconsistent with the established pattern of activity for the account, such as a nonpayment where there was never been a late or missed payment.
  - D. An inactive account becomes active.
  - E. Mail sent to the customer is returned repeatedly.
  - F. The City is notified that a customer is not receiving his/her paper account statements.

G. The City is notified of unauthorized transactions on a customer's account.

4.3.5. Notice of Possible Identity Theft:

- A. The City is notified by a customer of possible identity theft in connection with his/her account.
- B. The City is notified by a victim of identity theft of possible identity theft in connection with a customer account.
- C. The City is notified by law enforcement of possible identity theft in connection with a customer account.
- D. The City is notified by others of possible identity theft in connection with a customer account.

5. Procedures for Detecting Red Flags and Preventing Security Breaches

5.1. The following procedures are being implemented by the City to detect the Red Flags identified with accepting payments, opening accounts, and maintaining existing accounts as identified above:

- A. Obtain personal identifying information of an individual to verify his/her identity prior to opening an account or accepting payment of a fee or account balance via payment card or check.
- B. Authenticate the identity of customers when they are requesting information about their accounts.
- C. Authenticate the identity of customers when they are requesting to make any changes to their accounts.
- D. Verify the validity of all billing address change requests.
- E. Monitor transactions.
- F. Verify all requests to change banking information used for payment purposes.

5.2. The following procedures are being implemented by the City as measures to help prevent security breaches which may compromise personal identifying information:

- A. Install and maintain a firewall configuration to protect personal identifying information.

- B. Refrain from using vendor-supplied defaults for system passwords and other security parameters.
- C. Employees are prohibited from storing customer payment card numbers in an electronic format on any City computer, server, or database and further are prohibited from emailing payment card data.
- D. Do not request payment card information via email. Such information should only be provided in person, over the phone, and via fax. If such information is received, it should immediately be permanently deleted and the information should be requested using other allowable methods.
- E. Any payment card data written down must be either shredded or placed in a securely locked storage device immediately following the completion of the transaction.
- F. Protect all systems against malware and regularly update anti-virus software or programs.
- G. Develop and maintain secure systems and applications.
- H. Restrict access to cardholder data by business need-to-know.
- I. Identify and authenticate access to system components.
- J. Track and monitor all access to network resources and cardholder data.
- K. Periodically test security systems and processes.
- L. Maintain and periodically review a Policy that addresses security of personal identifying information.

6. Procedures for Responding to Red Flags

- 6.1. In order to prevent and mitigate identity theft, and after taking into consideration the risks of identity theft applicable to the customer accounts, the City implements the following procedures to respond to all Red Flags that are discovered.
- 6.2. One or more of these procedures will be used each time a Red Flag is detected:

- A. Monitor accounts for evidence of identity theft.
  - B. Contact the Customer.
  - C. Change or add a password, security code or other device that provides access to the account.
  - D. Reopen an account with a new account number.
  - E. Close an existing account.
  - F. Not open a new account.
  - G. Not attempting to collect on an account.
  - H. Not selling an account to a debt collector.
  - I. Notify law enforcement.
  - J. Determine that no response is warranted given the particular circumstances.
  - K. Ask the customer to appear in person with government issued identification.
  - L. Do not provide account information to anyone other than the account holder, or other individual authorized by the account holder.
  - M. Update all account information.
  - N. Initiate an investigation.
  - O. Reject payment method, such as a payment card or check.
  - P. Discontinue service or in-progress application.
  - Q. Require a deposit to be paid before providing service.
- 6.3. In addition to any of the actions above, the City Manager or his or her designee will be notified of any Red Flags discovered.

## 7. Procedures for Responding to a Security Breach

- 7.1. If any computerized data owned or licensed by the City that was, or is reasonably believed to have been, acquired by an unauthorized person, the City shall disclose the breach to any California resident whose unencrypted personal identifying information was compromised. The disclosure must be dated and shall be made in the most expedient time possible without unreasonable delay. The security breach notification shall be written in plain language and contain the following information:
- A. The City's name and contact information;
  - B. A list of the types of personal identifying information that were subject to the security breach or potential security breach;
  - C. If possible, the date of the breach, estimated date of the breach or date range in which the breach occurred;
  - D. If notification was delayed as a result of a law enforcement investigation<sup>1</sup>;
  - E. A general description of the security breach incident, if available; and
  - F. The toll-free numbers and addresses of the major credit reporting agencies, if the breach exposed a social security number, driver's license number or California identification card number.
- 7.2. Written notice must be provided unless the California resident to be notified has affirmatively consented to electronic notification. If the data compromised ONLY consists of a user name or email address, in combination with a password or security question and answer that would permit access to an online account, the City may comply with the security breach notification requirements under Section 1798.29 of the California Civil Code by providing prompt notice in electronic or other format that the California resident should promptly change his or her password, security question and/or answer.
- 7.3. However, if the data compromised would permit access to an email account furnished by the City (e.g. an employee email account), the

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<sup>1</sup> Notification may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. Notification must be given after the law enforcement agency determines that notification of the security breach will not compromise the investigation.

City shall not provide notification to the compromised email address. Instead, the City shall provide written notice, electronic notice to another email address if the California resident has affirmatively consented to electronic notice, substitute notice (detailed below) or by clear and conspicuous notice delivered to the resident online when the resident is connected to the online account.

7.4. If notification will cost more than \$250,000, will be sent to more than 500,000 people or the City does not have sufficient contact information for the California residents impacted, substitute notice may be given and shall include all of the following:

A. Email notice when possible;

B. Conspicuous posting of the notice of the City's website; and

C. Notification to major statewide media and the Information Security Office within the California Department of Technology.

7.5. If the security breach notification will be sent to more than 500 California residents, a sample copy of the security breach notification, excluding any personally identifiable information, must also be sent to the Attorney General.

#### 8. Training of Staff

8.1. The City staff that will be directly involved with opening customers' account or accepting customer payments or applications in a manner that would place them in a position to detect Red Flags, or allow them access to customers' private information shall be trained to detect Red Flags and data security breaches and appropriately respond there is a Red Flag, data security breach or reasonable belief of a breach to data security.

8.2. The City staff's participation is crucial to the effective implementation of this Policy.

8.3. The City Manager or his or her designee will oversee all staff training to ensure that training is adequate to ensure effective implementation of the Policy.

#### 9. Oversight of Third-Party Service Provider

9.1. If the City employs a third-party service provider to perform any activity in connection with a customer account or other electronic

data, the City Manager or his or her designee is responsible for ensuring that the activity is conducted in compliance with reasonable policies and procedures to detect, prevent, and mitigate the risk of identity theft.

- 9.2. The City Manager or his or her designee's oversight may include requiring that a third-party service provider has policies and procedures to detect data security breaches and the Red Flags identified by the City, requiring the third-party service provider to review the City's Policy, reporting any Red Flags or data security breaches, including a reasonable belief of a data security breach, to the General Manager or his or her designee, and/or conducting periodic meetings with the third-party service provider.

#### 10. Periodic Identification of Customer Accounts

- 10.1. The City Manager or his or her designee will periodically review the types of accounts it maintains for customers to determine which are *covered accounts* under the Red Flag Rules, and therefore are subject to the Red Flag provisions of this Policy.

#### 11. Periodic Update of the Policy

- 11.1. This Policy shall be updated periodically to ensure that the identified Red Flags and security breaches, the procedures to detect Red Flags and potential security breaches, and the responses to the Red Flags and potential security breaches adequately protect customers from identity theft.
- 11.2. The updating of the Policy should take into consideration any changes in the customers' level of risk of identity theft by looking at the following factors:
  - A. The City's recent experiences with identity theft in connection with the customer accounts.
  - B. Changes in methods of identity theft.
  - C. Changes in methods of detecting, preventing and mitigating identity theft.
  - D. Changes in the types of customer accounts offered.
  - E. Changes in arrangements with any third-party service providers involved in the implementation of the Policy.

- 11.3. The City staff or the City Manager or his or her designee may recommend modifications to the Policy. However, any modification to the Policy may not be implemented unless first approved by the City Council or the City Manager or his or her designee.



Approved:

  
Gary A. Napper, City Manager

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** Laura Hoffmeister, Asst. to the City Manager   
**MEETING DATE:** September 15, 2015  
**SUBJECT:** Mayoral appointment of a member on the Oversight Board of the Successor Agency to the Former Clayton RDA

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## REQUEST

It is recommended the City Council affirm Mayor David Shuey's formal appointment of Mindy Gentry to replace the former Community Development Director Charlie Mullen, to the Oversight Board of the City as Successor Agency to the former Clayton Redevelopment Agency (RDA) regarding the conclusion of fiduciary responsibilities of the former Clayton RDA.

## BACKGROUND

Under AB1x 26, all redevelopment agencies were dissolved effective 01 February 2012 and replaced by "Successor Agencies" responsible for winding down the affairs of each redevelopment agency including liquidation and disposal of assets. By action at its public meeting on 17 January 2012, the Clayton City Council exercised its priority right to become the "Successor Agency" and the "Successor Housing Agency" to the former Clayton Redevelopment Agency.

Successor Agencies became operative on February 1<sup>st</sup> and on that date all assets, properties, contracts, and leases of the former redevelopment agency were transferred to the Successor Agency. The City of Clayton therefore is the Successor Agency of the Clayton Redevelopment Agency and hereafter manages and administers the fiduciary responsibilities of the former RDA pursuant to the enforceable obligations identified of the former RDA. Such matters as debt retirement, contractual obligations, loan payments and ensuring all rights are preserved of the various public taxing entities (including those of the City of Clayton) are charges within the Successor Agency's purview. While the former Clayton RDA owns title to only one parcel, The Grove Park, it still has significant debt obligations to retire and contracts to honor over the next several years.

## OVERSIGHT BOARDS

Stipulated by law, the respective Oversight Board to the Clayton Successor Agency is composed of seven (7) members with each member appointed as follows:

- a. One member appointed by the Contra Costa County Board of Supervisors (Karen Mitchoff)
- b. One member appointed by the mayor of the community (former Mayor/current Vice-Mayor Geller).
- c. One member appointed by the largest Special District, - Contra Costa County Fire Protection District (Vito Impastato)
- d. One member appointed by elected County Board of Education Superintendent (Ofelia Roxias)
- e. One member appointed by the Chancellor of the California Community Colleges (Jonah Nicholas)
- f. One member of the public appointed by the Contra Costa County Board of Supervisors (Dan Richardson).
- g. One member representing employees of the former redevelopment agency, appointed by the Mayor, from the largest recognized employee organization from the City of Clayton (Miscellaneous Employees Unit; member position currently vacant).

An Oversight Board Member serves at the pleasure of one's appointing entity or person or resignation. If a vacancy occurs the law requires a replacement to be appointed within 60 days, otherwise the State Governor makes an appointment to the vacant position of his choosing.

### One Member representing Employees of the former Clayton RDA

Former City Clerk, Laci Jackson Kolc, was appointed by then Mayor Geller, on February 21, 2013 as the one member representing employees of the former Clayton RDA. Ms. Kolc left City employment, and resigned from the Oversight Board effective November 29, 2013. On December 17, 2013, Mayor Hank Stratford appointed Community Development Director Charlie Mullen as the replacement. Mr. Mullen retired from the City of Clayton and resigned the Oversight Board effective July 31, 2015. Mindy Gentry was hired as the new Community Development Director.

For Clayton and many others public entities having small redevelopment agencies, this particular appointment is slightly problematic. The Clayton Redevelopment Agency did not have any employees; existing City employees provided each year numerous and varied operational, professional and programmatic services for and on behalf of the Clayton RDA. The City was reimbursed for its staff time spent in that regard via an annual transfer of monies from the Clayton RDA to the City's General Fund (FY 11-12 budgeted at \$400,000). Due to Dissolution Law, those funds are no longer available and the State now limits reimbursement through the Recognized Obligation Payment (ROPs) to \$250,000 annually. Consequently, there is no person that expressly matches the qualifying definition provided by AB1x 26 as it pertains to Clayton's situation. In the Legislature's vision of these Oversight Boards the concept template was likely large redevelopment agencies that separately employed their own paid staff. The language specifying this membership does conclude with an added qualifier of, "... *from the largest recognized employee organization.*" Application of this condition suggests it may have been the Legislature's intent this particular membership would fall to a former RDA employee holding a job classification within the largest employee bargaining unit working for the RDA [or City].

Embracing that possible intent, the City Manager of Clayton, although an officer of the former Clayton RDA, does not belong to any employee bargaining unit. For that matter, the only "recognized" employee bargaining organization of the City of Clayton is the Clayton Police Officers Association (CPOA), which entity had no individual working for or in behalf of the former Clayton RDA. The Clayton Miscellaneous Employees Group is not a "recognized" employee bargaining unit (definition under the Meyers Miliias Brown Act) of the City, although the City does "negotiate" with this informal loose-knit group for purpose of satisfying public employment law to bargain in "good-faith."

Routinely there were several City of Clayton employees that spent time working on a variety of tasks and responsibilities to and for the former Clayton RDA. In present day, the following City employees primarily provided those services:

Gary Napper	City Manager
Janet Brown	City Clerk/HR Manager
Mindy Gentry	Community Development Director
Kevin Mizuno	Finance Manager
Laura Hoffmeister	Assistant to the City Manager
Jennifer Giantvalley	Accounting Technician

However the Asst. to the City Manager serves as the Oversight Board Clerk/Secretary; the Finance Manager is responsible for preparation of the financial statements to the Oversight Board; the City Manager serves in the oversight capacity to the Finance Manager and technically is the CEO of the Successor Agency. Of the two remaining positions, City Clerk and Community Development Director either could be selected. However, the Community Development Director draws the closest match as working in Redevelopment as the duties included RDA projects and affordable housing projects which were funded through the RDA, and is a member of the largest employee non-sworn bargaining unit of the City (although not an officially "recognized" organization pursuant to the applicable Meyers Miliias Brown Act). Therefore, in the absence of any clearer legislative guidance in this situation, and to provide the safest harbor for the City's Mayoral appointment in this category to defend against any remote challenge of qualification to serve on the Clayton Oversight Board, it is staff's recommendation that Mindy Gentry is the City's most eligible candidate for appointment to the recent vacancy in this category.

### **FISCAL IMPACT**

None. Members appointed to the Clayton Oversight Board do not receive any compensation or stipend for their service.

### **Attachments:**

Letter from Finance Manager



## Memo

**To:** Laura Hoffmeister, City of Clayton Successor Agency Clerk to the Oversight Board

**From:** Kevin Mizuno, Finance Manager

**Date:** August 26, 2015

**Re:** Appointment of replacement of Charlie Mullen to Oversight Board by Mayor

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Mr. Charlie Mullen served as the City of Clayton Community Development Director and was appointed to the Oversight Board in December 2013, representing the employees of the former redevelopment agency from the largest recognized employee organization that was involved in redevelopment agency matters. His appointment was to replace the former City Clerk who had previously served in that capacity. Mr. Mullen's last day at the office was on July 3, 2015, however he was still receiving City benefits through July 31, 2015. After July 31, 2015 he was no longer on the City benefit/payroll in Finance. Therefore his replacement to the Oversight Board would need to be appointed by the Mayor on or before September 29, 2015. The two staff members in the City that are eligible for appointment are the City Clerk, Janet Brown, or new Community Development Director Mindy Gentry.

declaring  
September 21 - 27, 2015  
as  
"Falls Prevention Awareness Week"

WHEREAS, nearly 156,000 people, or 14 percent of Contra Costa County's 1,111,339 population, are age 60 or older; and

WHEREAS, each year nationally, one in every three adults age 65 and older falls; and falls are the leading cause of injury death among seniors; and every 35 minutes, an older adult dies from a fall; and

WHEREAS, falls are the most common cause of nonfatal injuries and hospital admissions for trauma, causing injuries such as hip fractures and head traumas; and fall-related injury is one of the 20 most expensive medical conditions; and

WHEREAS, according to a 2010, report, almost half (49.3%) of Contra Costa County's unintentional injury hospitalizations occurred among residents 65 years and older; and over three-quarters (75.9%) of these hospitalizations were due to falls; and

WHEREAS, county residents 65 years and older had the highest unintentional injury hospitalizations in the county due to falls, followed by motor vehicle traffic accidents (13.5%) and poisonings (7.5%); and

WHEREAS, falling and the fear of falling can lead to depression, isolation, diminished mobility, and loss of functional independence; and

WHEREAS, concentrated efforts are being made in Contra Costa County by the Falls Prevention Coalition to reduce falls and fall related injuries using multi-faceted interventions; and

WHEREAS, by Senate Concurrent Resolution SCR 77 of May 28, 2008 declares the first week of fall each year as Falls Prevention Awareness Week in California, and the Federal Safety of Seniors Act of 2007 calls for the expansion of public health programs, educational outreach, and research activities related to fall prevention.

NOW THEREFORE BE IT RESOLVED that I, David T. Shuey, Mayor, on behalf of the Clayton City Council, do hereby proclaim the week of September 21-27, 2015 as "FALLS PREVENTION AWARENESS WEEK" in the City of Clayton, and call upon our citizens and interested groups to observe the week with appropriate activities that promote awareness of fall prevention.

Agenda Item: 4A

declaring

September 20<sup>th</sup> - 26<sup>th</sup>

as

**"Childhood Cancer Awareness Week"**

**WHEREAS**, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 15,000 of our country's young people each and every year; and

**WHEREAS**, one in five of our nation's children loses his or his battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

**WHEREAS**, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

**WHEREAS**, the American Cancer Fund for Children and Kids Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Lucile Packard Children's Hospital at Stanford in Palo Alto, UCSF Benioff Children's hospital, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

**WHEREAS**, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award ceremonies, community get well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer; and

**NOW THEREFORE**, I, David T. Shuey, Mayor, on behalf of the Clayton City Council, do hereby proclaim September 20<sup>th</sup> - 26<sup>th</sup> as "Childhood Cancer Awareness Week" in Clayton and call upon our citizens and interested groups to observe the week with appropriate activities that promote awareness of Childhood Cancer.

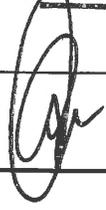
Agenda Item: 4D

Agenda Date: 9-15-2015



Agenda Date: 9-15-2015

Agenda Item: 8a

Approved:   
\_\_\_\_\_  
Gary A. Napper,  
City Manager

# STAFF REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** Kevin Mizuno, Finance Manager 

**MEETING DATE:** September 15, 2015

**SUBJECT:** Revised Master Fee Schedule for Certain User-Benefit City Services and use of City Facilities and Parks

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## RECOMMENDATION

It is recommended the City Council adopt the attached Resolution amending the Fee Schedule for certain user-benefit City services and rental of public facilities and parks for the fiscal year ending June 30, 2016.

## BACKGROUND

The City of Clayton has established annual review of user fees to ensure that user fees are set appropriately and updated, based on various cost and revenue considerations. The current fee schedule for use of City Facilities and Parks was established by Resolution No. 39-2014 on September 16, 2014.

Staff recommends all existing fees be increased by the San Francisco-Oakland-San Jose April 2014 to April 2015 Consumer Price Index (CPI) growth rate of 2.4% as published by the United States Bureau of Labor and Statistics. This increase allows the City to recover year-to-year inflationary and economic cost increases. It has been the practice of the City to only adopt fee increases in whole dollar increments. Being applied in the current year analysis, as was applied in recent years, staff does not recommend individual fee increases resulting from annual CPI growth until the resulting fee increase approaches one whole dollar (i.e. at least greater than \$0.90). This method serves to simplify fee increases to whole dollar increments, as well as to prevent the public from "bearing the burden" of rounding when CPI increases of slightly greater than \$0.50. In circumstances where the prior year CPI increase did not result in fee increase a multi-year CPI rate was applied in the current year to ascertain whether a fee increase should be recommended. The two year CPI rate applied in such instances was 5.2% (2.4% April 2015 CPI; 2.8% April 2014 CPI).

The following fees were increased by the two year CPI factor as no increase was proposed or approved in the prior year:

#	Fee Category	Fee Description	Current Fee	Proposed Fee
1	Police Services	Administrative fee for failure to display disabled placards (per violation)	\$ 25	\$ 26
2	Community Park Rental	Youth field rental (per hour)	20	21
3	Administrative Fees	New Business License Registration	60	63
4	Administrative Fees	Business License Renewal	28	29

Certain other fees remain unchanged as they are set by state law or the current year CPI factor (2.4%) was insufficient to justify a fee increase proposal. All deposits will remain unchanged with the exception of the Community Development Department Home Occupation Permit deposits requiring Planning Commission review. Previously the minimum deposit was set at \$500, however an analysis of prior deposits and inquiries with Community Development Department staff indicated this balance was slightly insufficient to cover costs associated with this work. As such a revised minimum deposit of \$750 is proposed for Home Occupation Permits requiring Planning Commission review. As with all deposits, any unused balances at the conclusion of the underlying deliverable are fully refundable to the paying applicant.

Two new fees have been incorporated into the revised fee schedule included as an exhibit to the attached Resolution. The Engineering Department fee section was revised to include a Deed Restriction/Covenant Agreement document preparation fee totaling \$345 to cover costs incurred by the City for City Engineer non-retainer work. Related to this service, the Administrative Fees section was also revised to incorporate a Document Recording fee of \$118 to cover recording fee and staff time costs associated with recording underlying legal documents at the County Clerk Recorder's Office in Martinez.

Changes are also being proposed to the Engineering Department Minor Construction Permit Fee section due to a recent change to streamline construction activity permits which resulted in permit fee reductions.

### **FISCAL IMPACT**

Adjustments to the City Master Fee Schedule are consistent with public policy that user-based municipal services bear its own costs. The proposed changes would accomplish this objective and in each instance no fee is higher than the true cost to provide the service or use. As noted above certain fees that were not increased in the prior year have been re-addressed in the current year analysis using a multi-year CPI factor. On the far right column of the attached proposed fee schedule (Exhibit A to the Resolution) fees with one asterisk [\*] indicate a single year CPI adjustment; those with two asterisks [\*\*] indicate a two year CPI adjustment. Additionally certain fees indicated by and arrow [>] on the left column may be construed as development permit fees subject to California Government Code Section 66017 and therefore would not be effective until 60 after adoption of the attached Resolution.

### **CONCLUSION**

Staff affirms the proposed Master Fee Schedule accurately reflects the actual direct costs related to the provision of these City services. Staff recommends approval of the revised Master Fee Schedule for Certain User-Benefit City Services and Use of Public Facilities and

Parks listed in the right column in Exhibit A titled "Proposed FY 15-16 Fee". On rows where "No change" is written, no fee increase is being proposed, and the most recently adopted and effective fee will be incorporated into the FY 2015-16 Master Fee schedule.

Attachments:

- Resolution \_\_-2015 (2 pp.)
- Exhibit A to Resolution \_\_-2015 (8 pp.)
- Public Meeting Notice (1 p.)

RESOLUTION NO. \_\_-2015

**A RESOLUTION AMENDING THE CITY MASTER FEE SCHEDULE FOR  
CERTAIN USER-BENEFIT CITY SERVICES AND RENTAL OF PUBLIC  
FACILITIES AND PARKS**

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

**WHEREAS**, the City of Clayton established various user fees for City services and facilities that are updated annually to reflect increases in costs to provide said services; and

**WHEREAS**, the City staff did develop data to substantiate proposed changes to fees which would not exceed the estimated reasonable cost of providing service or using the facility for which a fee is charged and made this data available to the public on August 25, 2015 satisfying the 10 day public noticing pursuant to Government Code Section 66016; and

**WHEREAS**, the only new fees proposed are for City Engineer Deed Restriction/Covenant Agreements and Document Recordings with the County Clerk Recorder; all other existing fees are either: (1) being adjusted to account for appropriate CPI increases, using the Bureau of Labor Statistics San Francisco Bay Area Region CPI index from April- April, or (2) being reduced to reflect a decrease in associated costs.

**WHEREAS**, the City Council did consider recommendations for modifications at its regular scheduled public meeting on September 15, 2015; and

**WHEREAS**, the City Council of Clayton, California does deem it necessary to increase all fees by the CPI 2.4% (Bureau of Labor Statistics April 2014 to April 2015 San Francisco Bay Area); fees that were unchanged last year to increase by the two year CPI; include a fee for City Engineer Deed Restriction/Covenant Agreements and for Document Recordings with the County Clerk Recorder.

**WHEREAS**, the fees will become effective upon adoption of said Resolution, except for those fees marked by an arrow on the attached Exhibit "A" which are subject to California Government Code Section 66017 and become effective 60 days upon adoption of said Resolution; and

**NOW THEREFORE BE IT RESOLVED** that the City Council of Clayton, California does hereby set, adjust and approve the various fees for certain user-benefit City

services and rental of public facilities and parks, as set forth in the attached Exhibit "A" as the City Master Fee Schedule.

**PASSED, APPROVED AND ADOPTED** by the City Council of Clayton, California at a regular public meeting thereof held on 15<sup>th</sup> day of September 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

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David T. Shuey, Mayor

ATTEST:

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Janet Brown, City Clerk

DEPARTMENT	Adopted FY 14-15 Fee	Proposed FY 15-16 Fee	
<b>COMMUNITY DEVELOPMENT DEPARTMENT</b>			
<b>Annexations</b>			
Annexation	Time - \$5,000 minimum deposit	No change	
<b>General Plan /Zoning Ordinance Amendments</b>			
General Plan Map or Text Amendment	Time - \$5,000 minimum deposit	No change	
Pre Zoning / Re Zoning	Time - \$5,000 minimum deposit	No change	
Zoning Ordinance Text Amendment	Time - \$5,000 minimum deposit	No change	
<b>Site Plans / Development Plans</b>			
Site Plan Review Permit - Residential	Time - \$1,000 minimum deposit	No change	
Site Plan Review Permit - Residential Amendment	Time - \$1,000 minimum deposit	No change	
Site Plan Review Permit - Non Residential	Time - \$5,000 minimum deposit	No change	
Site Plan Review Permit - Non Residential Amendment	Time - \$2,000 minimum deposit	No change	
Development Plan	Time - \$5,000 minimum deposit	No change	
<b>Subdivisions</b>			
Tentative Subdivision Map Application	Time - \$5,000 minimum deposit	No change	
Lot Line Adjustment	Time - \$1,000 minimum deposit	No change	
Lot Merger	Time - \$2,000 minimum deposit	No change	
<b>Parcel Maps</b>			
Tentative Parcel Map Application	Time - \$2,000 minimum deposit	No change	
<b>Environmental Review</b>			
Environmental Impact Report	Time - \$5,000 minimum deposit	No change	
Negative Declaration with Mitigations (Mitigated Neg. Dec.)	Time - \$2,500 minimum deposit	No change	
Negative Declaration with out Mitigations	Time - \$1,500 minimum deposit	No change	
Mitigation Monitoring Plan	Included with Neg Dec/ Mitigated Neg Dec/ EIR	No change	
Categorical Exemption	No charge - unless document needs to be filed with the County	No change	
<b>Permits</b>			
Home Occupation Permit - Administrative Review	\$166	\$170	*
Home Occupation Permit - Planning Commission Review	Time - \$500 minimum deposit	Time - \$750 minimum deposit	
> Use Permit - Fences Administrative Review	\$166	\$170	*
Use Permit - Residential - Planning Commission Review	Time - \$1,000 minimum deposit	No change	
Use Permit - Non- Residential - Planning Commission Review	Time - \$5,000 minimum deposit	No change	
Temporary Use Permit - Administrative Review	\$166	\$170	*
Temporary Use Permit - Planning Commission Review	Time \$500 minimum deposit	No change	
> Sign Permit - Administrative Review	\$54 / sign	\$55 / sign	*
Sign Permit - Planning Commission Review	Time - \$1,000 minimum deposit	No change	
> Temporary Storage Permit	\$54	\$55	*
> Second Dwelling Unit Permit - Administrative Review	\$276	\$283	*
> Tree Removal Permit - Administrative Review without notice	\$10 / tree - minimum \$34	\$10 / tree - minimum \$35	*
Tree Removal Permit - Administrative Review with Notice	\$51 / tree - minimum \$111	\$52 / tree - minimum \$113	*
Tree Removal Permit - Planning Commission Review	Time - \$500 minimum deposit	No change	
Tree Replacement In-Lieu Fee (code section 15.70.040 F & 15.70.55)	\$800 per 24" box tree	No change	
Building Moving Permit	Time - \$1,000 minimum deposit	No change	
Noise Permit - Administrative Review	\$166	\$170	*
Reasonable Accommodations Permit - Administrative Review	\$166	\$170	*
Reasonable Accommodations Permit - Planning Commission Review	Time - \$500 minimum deposit	No change	
> Outdoor Seating Permit (17.24.020 -H/Standard Policy No 3)	\$87	\$89	*
<b>Miscellaneous</b>			
Variance - Residential	Time - \$1,000 minimum deposit	No change	
Variance - Non Residential	Time - \$5,000 minimum deposit	No change	
Appeal - Administrative Decisions	\$54	\$55	*
Appeal-Administrative Code Enforcement Citation	Time - \$1,800 minimum deposit	No change	
> Appeal - Planning Commission Decisions - Residential	\$276	\$283	*
> Appeal - Planning Commission Decisions - Non Residential	\$554	\$567	*
Time Extension Request	Time - \$500 minimum deposit	No change	
Contract Administration	Time - \$1,000 minimum deposit	No change	
Large Family Day Care Home Permit	Time - \$500 minimum deposit	No change	
Pre Application Consultation Deposit	Time - \$1,000 minimum deposit	No change	
<b>Construction and Demolition (C&amp;D) Recycling Plans</b>			
Mgmt. Plan Deposit - Single Family	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.	No change	
> Permit processing Fee - Single Family	\$144	\$147	*
> Permit processing Fee -Commercial	\$289	\$295	*
Mgmt. Plan Deposit - Subdivision and Commercial	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.	No change	
<b>Habitat Conservation Area Compliance</b>			
Habitat Conservation Plan/Natural CC Plan	Time - \$1,000 minimum deposit	No change	

CITY ENGINEERING DEPARTMENT		
Bid or Plan Sets	Actual Cost	No change
> Deed Restriction / Covenant Agreement Preparation (Does not include recordation extra cost. See Administrative Fees.)	Not Previously Established	\$345
<b>Subdivisions</b>		
> Final Map Filing Fee	\$554 / map	\$567 / map *
Final Map Checking Fee	Time - \$2,500 minimum deposit <sup>3</sup>	No change
Construction Plans Checking	Time - \$2,500 minimum deposit <sup>3</sup>	No change
Construction Inspection Fee - Public Improvements	9% of Bond Estimates	No change
Construction Inspection Fee - Private Improvements	9% of Bond Estimates	No change
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates	No change
<b>Parcel Maps</b>		
> Final Parcel Map Filing Fee	\$111 / map	\$113 / map *
Final Parcel Map Plan Checking Fee	Time - \$1,000 minimum deposit <sup>3</sup>	No change
Construction Plan Checking Fee	Time - \$1,000 minimum deposit <sup>3</sup>	No change
Construction Inspection Fee - Public Improvements	9% of Bond Estimates	No change
Construction Inspection Fee - Private Improvements	9% of Bond Estimates	No change
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates	No change
<b>Major Grading</b>		
> Grading Permit Filing Fee	\$166 / permit	\$170 / permit *
Grading Permit Plan Check	Time - \$1,000 minimum deposit <sup>3</sup>	No change
Grading Inspection	Time - \$1,000 minimum deposit <sup>3</sup>	No change
<b>Minor Construction Permits (Including Encroachment, Stormwater &amp; Grading)</b>		
> Projects that do not disturb the ground (i.e. interior remodels, roof replacement, etc.)	\$192 / permit <sup>1</sup> + Time-\$500 minimum deposit <sup>3</sup>	\$104 / permit + Time-\$500 minimum deposit <sup>3</sup>
> Room additions (including other projects that disturb the ground)	\$222 / permit <sup>2</sup> + Time-\$500 minimum deposit <sup>3</sup>	\$104 / permit + Time-\$2,000 minimum deposit <sup>3</sup>
> Minor concrete repairs or replacement (i.e. sidewalks, curb & gutter)	\$222 / permit <sup>2</sup> + Time-\$500 minimum deposit <sup>3</sup>	\$190 / permit + Time-\$500 minimum deposit <sup>3</sup>
> New driveway construction or replacement (Work may require the granting of additional street right of way requiring the preparation of grant deed and recordation. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.)	\$222 / permit <sup>2</sup> + Time-\$2,000 minimum deposit <sup>3</sup>	\$190 / permit + Time-\$2,000 minimum deposit <sup>3</sup>
> Pool installation or total removal of existing pool (requires inspection and testing by applicant's third party soils engineer)	\$222 / permit <sup>2</sup> + Time-\$2,000 minimum deposit <sup>3</sup>	\$190 / permit + Time-\$2,000 minimum deposit <sup>3</sup>
> Partial removal of existing pool (Work requires the preparation and recording of a restricted use covenant. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.)	\$222 / permit <sup>2</sup> + Time-\$2,000 minimum deposit <sup>3</sup>	\$190 / permit + Time-\$2,000 minimum deposit <sup>3</sup>
<b>Major Encroachment Permits</b>		
> Major Encroachment Permit	\$54 / permit	\$55 / permit *
Major Plan Check	Time- \$2,500 minimum deposit <sup>3</sup>	No change
Major Inspection	Time- \$2,500 minimum deposit <sup>3</sup>	No change
Cash Bond Major Encroachments (may be surety if more than \$10,000)	Per City Engineer	No change
<b>Post Construction Stormwater Permits</b>		
Post construction Annual Verification Inspection - Individual Single Family Lot	\$178 / lot	\$182 / lot *
Post construction Annual Verification Inspection - Single Family HOA	\$178 / HOA for up to 10 lots-\$53 per ea. addtl lot	\$182 / HOA for up to 10 lots-\$54 per ea. addtl lot *
Post construction Annual Verification Inspection - Commercial	\$178 / acre (with minimum of \$178)	\$182 / acre (with minimum of \$178) *
Documentation Compliance Review Fee - Individual Single Family Lot	\$178 / lot	\$182 / lot *
Documentation Compliance Review Fee - HOA	\$178 / HOA up to 10 lots; +53 per ea. addtl lot	\$182 / HOA up to 10 lots; + \$54 per ea. addtl lot *
Documentation Compliance Review Fee - Commercial	\$178 / acre (with minimum of \$178)	\$182 / acre (with minimum of \$182) *
Annual State Reporting preparation/filing Fee - Individual Single Family Lot	\$65 / lot	\$66 / lot *
Annual State Reporting preparation/filing Fee - Single Family HOA	\$124 / HOA	\$127 / HOA *
Annual State Reporting preparation/filing Fee - Commercial	\$124 / acre (minimum \$124)	\$127 / acre (minimum \$127) *

POLICE DEPARTMENT			
Residential Alarm System Registration Fee	\$29 / residential unit	No change	
Commercial Alarm System Registration Fee	\$57 / commercial occupancy	\$59 / commercial occupancy	*
Bicycle License	\$3 / License	No change	
Vehicle Release	\$144 / vehicle (cash, credit, debit only)	\$147 / vehicle (cash, credit, debit only)	*
Police Reports	\$29 / report	No change	
VIN Verification	\$39 / vehicle	\$40 / vehicle	*
Clearance Letters (Notary fee extra. See Administrative Fees section)	\$29 / letter	No change	
Police Enforcement on Party Ordinance	Time - Maximum \$500	No change	
Police Enforcement of DUI Involving Accident	Time - Maximum \$12,000	No change	
Enforcement of Suspended or Revoked Licenses	Time	No change	
City Alcohol Beverage Permit	\$54	\$55	*
Booking Fees	As established by County or agreement w/ Concord	No change	
False Alarm Fee (City Ordinance 9.18.060(a)(b))	\$108	\$110	*
Tobacco Sales Permit (City Ordinance 8.16.130)	\$83	\$85	*
Tobacco Sales Permit Fee Renewal (City Ordinance 8.16.130)	\$41	\$42	*
Taxicab Permit Fee (City Ordinance 5.36.050)	\$280 / taxicab	\$286 / taxicab	*
Taxicab Permit Fee - Renewal (City Ordinance 5.36.190)	\$105 / taxicab	\$107 / taxicab	*
Witness Fees per Gov. Code Sect. 68096-1 if City Employee subpoenaed	\$150 + IRS reimbursement min. rate per State Code	No change	
Administrative Fee for Failure to Display Disabled Placards per vehicle	\$25 / violation	\$26 / violation	**
Firearms Seizure and Processing Fee	\$111 / violation	\$113 / violation	*
RV Public parking Permit Fee - Bona fide guest of Clayton Resident	\$29 / permit	No change	
RV Public Parking Permit Fee - Clayton Resident	No charge	No change	
Solicitation Permit (Not including live scan. Applicant pays for Livescan directly to Livescan entity)	\$89 / permit	\$76 / permit	
Citation Sign off for correctable offenses - Non Resident	\$24 / citation	No change	
Citation Sign off for correctable offenses - Resident	no charge	No change	
Late Fee- Parking Violations	\$39 / citation	\$40 / citation	*
Suspended License	As established by City Ordinance	No change	
Financial Responsibility (DUI)	As established by City Ordinance	No change	
Private Security Patrol Registration	No fee per City Ordinance 5.16.11	No change	

<b>PUBLIC FACILITIES AND PARKS RENTAL FEES</b>			
<b>Library Meeting Room - Hoyer Hall</b>			
Non profit (Non-Clayton Based)	\$46 / hour (anytime)	\$47 / hour (anytime)	*
Non profit - Only Clayton Based	\$25 /hour-\$46 max for up to 3 hours	\$25 /hour-\$47 max for up to 3 hours	*
Resident	\$56 / hour	\$58 / hour	*
Non resident or Commercial	\$70 / hour	\$71 / hour	*
Deposit (for all) - clean up/damage - refundable	\$200 / rental	No change	
Reservation rental time change (same date)	\$39 less than 7 calendar days prior to use date	\$40 less than 7 calendar days prior to use date	*
Reservation rental date change	\$49 less than 7 calendar days prior to use date	\$50 less than 7 calendar days prior to use date	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund (deposit+rental fee) and \$25 processing fee 30 or more days: \$25 processing fee	No change	
<b>Endeavor Hall Meeting Room</b>			
Non profits- Clayton based and Non Clayton based Weekdays	\$44 / hour Sun 5pm - Fri 5pm	\$45 / hour Sun 5pm - Fri 5pm	*
Clayton Based Non Profit only	\$111 maximum weekday rental Clayton based non profit only	\$113 maximum weekday rental Clayton based non profit only	*
Non profits- Clayton based and Non Clayton based Weekends	\$166 / hour Fri 5pm - Sun 5pm	\$170 / hour Fri 5pm - Sun 5pm	*
Resident - Weekdays	\$111 / hour Sun 5pm - Fri 5pm	\$113 / hour Sun 5pm - Fri 5pm	*
Non resident or Commercial - Weekdays	\$132 / hour Sun 5pm - Fri 5pm	\$135 / hour Sun 5pm - Fri 5pm	*
Resident - Weekends	\$166 / hour Fri 5pm - Sun 5pm	\$170 / hour Fri 5pm - Sun 5pm	*
Non resident or Commercial - Weekends	\$199 / hour Fri 5pm - Sun 5pm	\$204 / hour Fri 5pm - Sun 5pm	*
Deposit (all) - no alcohol or beer and wine only	\$500 reservation- clean up/damage per rental	No change	
Deposit (all) - hard alcohol (distilled spirits)	\$1,000 reservation- clean up damage per rental	No change	
Alcohol Permit	\$54 / event	\$55 / event	*
Noise Permit - Administrative Review	\$165 / event	\$169 / event	*
Reservation rental time change (same date)	\$39 less than 30 days prior to the event	\$40 less than 30 days prior to the event	*
Reservation rental date change	\$49 less than 90 days prior to event	\$50 less than 90 days prior to event	*
Rental Cancellation	30 days or less: no refund 31-60 days: 25% deposit refund 61-90 days: 50% deposit refund 91-180 days: 75% deposit refund 181 or more days: 95% deposit refund	No change	
<b>City Hall 1st Floor Conference Room</b>			
Non Profit (Clayton based or non clayton based non profits)	\$25 / hour	No change	
Resident	\$30 / hour	No change	
Non Resident or Commercial	\$36 / hour	No change	
Deposit (all)	\$100 per rental - clean up/damage	No change	
Reservation rental time change (same date)	\$39 less than 7 calendar days prior to use date	\$40 less than 7 calendar days prior to use date	*
Reservation rental date change	\$49 less than 7 calendar days prior to use date	\$50 less than 7 calendar days prior to use date	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund (deposit+rental fee) and \$25 processing fee 30 or more days: \$25 processing fee	No change	
<b>City Hall Courtyard</b>			
Non Profit (Clayton based or non clayton based non profits)	\$46 / hour	\$47 / hour	*
Resident	\$56 / hour	\$58 / hour	*
Non Resident or Commercial	\$70 / hour	\$71 / hour	*
Deposit (all)	\$100 / rental - clean up/damage	No change	
Reservation rental time change (same date)	\$39 less than 7 calendar days prior to use date	\$40 less than 7 calendar days prior to use date	*
Reservation rental date change	\$49 less than 7 calendar days prior to use date	\$50 less than 7 calendar days prior to use date	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund (deposit+rental fee) and \$25 processing fee 30 or more days: \$25 processing fee	No change	

Clayton Community Park and Related Facilities			
Picnic Areas			
Picnic Area #2 - Resident	\$18 flat fee for up to 4 hours	No change	
Picnic Area #2 - Non Resident or Commercial	\$25 flat fee for up to 4 hours	No change	
Picnic Area #3 - Resident	\$18 flat fee for up to 4 hours	No change	
Picnic Area #3 - Non Resident or Commercial	\$25 flat fee for up to 4 hours	No change	
Picnic Area #4 - Resident	\$41 flat fee for up to 4 hours	\$42 flat fee for up to 4 hours	*
Picnic Area #4 - Non Resident or Commercial	\$52 flat fee for up to 4 hours	\$53 flat fee for up to 4 hours	*
Picnic Area #5 - Resident (6 separate areas)	\$34 / table for up to 4 hours - 1st 2 tables	No change	
	\$6 flat fee per each additional table - 4 hours minimum	No change	
Picnic Area #5 - Non Resident or Commercial (6 separate areas)	\$43 / table for up to 4 hours - 1st 2 tables	\$44 / table for up to 4 hours - 1st 2 tables	*
	\$7 flat fee per each additional table - 4 hours minimum	No change	
Picnic Area #6 Resident (Large Group Area)	\$276 / day	\$283 / day	*
Picnic Area #6 Resident (Large Group Area)	\$34 / hour - 4 hour minimum required	No change	
Picnic Area #6 Non Resident or Commercial (Large Group Area)	\$360 / day	\$368 / day	*
Picnic Area #6 Non Resident or Commercial (Large Group Area)	\$47 / hour - 4 hour minimum required	\$48 / hour - 4 hour minimum required	*
Picnic Area #5 & #6 Combined - Resident	\$442 / day	\$452 / day	*
Picnic Area #5 & #6 Combined - Resident	\$54 / hour - 4 hour minimum required	\$55 / hour - 4 hour minimum required	*
Picnic Area #5 & #6 Combined - Non Resident or Commercial	\$576 / day	\$589 / day	*
Picnic Area #5 & #6 Combined - Non Resident or Commercial	\$73 / hour - 4 hour minimum required	\$74 / hour - 4 hour minimum required	*
Picnic Area #7 - Resident	\$44 flat fee for up to 4 hours	\$45 flat fee for up to 4 hours	*
Picnic Area #7 - Non Resident or Commercial	\$56 flat fee for up to 4 hours	\$58 flat fee for up to 4 hours	*
Reservation rental time change (same date)	\$39 less than 7 calendar days prior to use date	\$40 less than 7 calendar days prior to use date	*
Reservation rental date change	\$49 less than 7 calendar days prior to use date	\$50 less than 7 calendar days prior to use date	*
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund and \$25 processing fee 30 or more days: \$25 processing fee	No change	
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change	
Sports Fields			
Adult Field Rental	\$34 / hour	No change	
Youth Field Rental	\$20 / hour	\$21 / hour	**
Field Rental Change of Time, Same Date	\$39 less than 7 calendar days prior to use date	\$40 less than 7 calendar days prior to use date	*
Field Rental Change of Date	\$49 less than 7 calendar days prior to use date	\$50 less than 7 calendar days prior to use date	*
Field Rental Cancellation	No refund less than 14 days prior to use	No change	
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change	

Grove Park and Related Facilities		
Entire Facility Security Deposits	Events without food or beverage \$1,500	No change
Entire Facility Security Deposits	Events with food and beverage \$1,800	No change
Entire Facility Security Deposits	Events closing street (i.e.: either Main or Center etc.) \$2,200	No change
Special Event Permit/Application Process (non refundable) - events closing streets (Main or Center etc.) + other permit fees:TUP/NP	\$275	\$282 *
Gazebo only Rental Security Deposit	\$250	No change
Amplified Sound - damage/security deposit if using City sound equip	\$1,000	No change
Amplified Sound Equipment Use Fee (Noise Permit also required)	\$25 / hour	No change
City provided Sound Equipment Tech if needed for use of City equip	Cost	No change
Reservation rental time change (same date)	\$39 less than 7 calendar days prior to use date	\$40 less than 7 calendar days prior to use date *
Reservation rental date change	\$49 less than 7 calendar days prior to use date	\$50 less than 7 calendar days prior to use date *
Rental Cancellation	14 days or less: no refund 15-29 days: 50% refund (deposit+rental fee) and \$25 processing fee 30 or more days: \$25 processing fee	No change
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change
Entire Grove Park Facility		
Rental Entire Facility - Resident -- Weekends	\$166 / hour	\$170 / hour *
Rental Entire Facility - Resident -- Weekends	\$1,328 / day	\$1,360 / day *
Rental Entire Facility - Non Profit (verification req'd) -- Weekends	\$166 / hour	\$170 / hour *
Rental Entire Facility - Non Profit (verification req'd) -- Weekends	\$1,328 / day	\$1,360 / day *
Rental Entire Facility - Non Resident or Commercial -- Weekends	\$199 / hour	\$204 / hour *
Rental Entire Facility - Non Resident or Commercial -- Weekends	\$1,593 / day	\$1,631 / day *
Rental Entire Facility - Resident -- Weekdays	\$111 / hour	\$113 / hour *
Rental Entire Facility - Resident -- Weekdays	\$885 / day	\$906 / day *
Rental Entire Facility - Non Profit (verification req'd) -- Weekdays	\$111 / hour	\$113 / hour *
Rental Entire Facility - Non Profit (verification req'd) -- Weekdays	\$864 / day	\$885 / day *
Rental Entire Facility - Non Resident or Commercial -- Weekdays	\$133 / hour	\$135 / hour *
Rental Entire Facility - Non Resident or Commercial -- Weekdays	\$1,169 / day	\$1,196 / day *
Gazebo Only		
Rental Gazebo only -Resident - Weekends	\$116 / hour	\$119 / hour *
Rental Gazebo only -Resident - Weekends	\$930 / day	\$952 / day *
Rental Gazebo only -Non profit (verification req'd) - Weekends	\$116 / hour	\$119 / hour *
Rental Gazebo only -Non profit (verification req'd) - Weekends	\$930 / day	\$952 / day *
Rental Gazebo only - Non Resident or Commercial - Weekends	\$140 / hour	\$143 / hour *
Rental Gazebo only - Non Resident or Commercial - Weekends	\$1,115 / day	\$1,142 / day *
Rental Gazebo only -Resident - Weekdays	\$83 / hour	\$85 / hour *
Rental Gazebo only -Resident - Weekdays	\$332 / day	\$340 / day *
Rental Gazebo only -Non profit (verification req'd) - Weekdays	\$83 / hour	\$85 / hour *
Rental Gazebo only -Non profit (verification req'd) - Weekdays	\$332 / day	\$340 / day *
Rental Gazebo only - Non Resident or Commercial - Weekdays	\$99 / hour	\$101 / hour *
Rental Gazebo only - Non Resident or Commercial - Weekdays	\$399 / day	\$408 / day *
Group Picnic Area (near tot lot)		
Group Picnic Area - Resident - Weekends	\$29 / hour - 4 hour minimum	No change
Group Picnic Area - Resident - Weekends	\$193 / day	\$197 / day *
Group Picnic Area - Non Profit (verification req'd) - Weekends	\$29 / hour - 4 hour minimum	No Change
Group Picnic Area - Non Profit (verification req'd) - Weekends	\$193 / day	\$197 / day *
Group Picnic Area - Non Resident or Commercial - Weekends	\$34 / hour - 4 hour minimum	No change
Group Picnic Area - Non Resident or Commercial - Weekends	\$232 / day	\$237 / day *
Group Picnic Area - Resident - Weekdays	\$24 / hour - 4 hour minimum	No change
Group Picnic Area - Resident - Weekdays	\$177 / day	\$181 / day *
Group Picnic Area - Non Profit (verification req'd) - Weekdays	\$24 / hour - 4 hour minimum	No change
Group Picnic Area - Non Profit (verification req'd) - Weekdays	\$177 / day	\$181 / day *
Group Picnic Area - Non Resident or Commercial - Weekdays	\$28 / hour - 4 hour minimum	No change
Group Picnic Area - Non Resident or Commercial - Weekdays	\$213 / day	\$217 / day *

Plaza Picnic Area - per table		
Plaza Picnic Area - Resident - Weekends	\$29 / hour - 4 hour minimum	No change
Plaza Picnic Area - Resident - Weekends	\$193 / day	\$197 / day *
Plaza Picnic Area - Non Profit (verification req'd) - Weekends	\$29 / hour - 4 hour minimum	No change
Plaza Picnic Area - Non Profit (verification req'd) - Weekends	\$193 / day	\$197 / day *
Plaza Picnic Area - Non Resident or Commercial - Weekends	\$34 / hour - 4 hour minimum	No change
Plaza Picnic Area - Non Resident or Commercial - Weekends	\$232 / day	\$237 / day *
Plaza Picnic Area - Resident - Weekdays	\$24 / hour - 4 hour minimum	No change
Plaza Picnic Area - Resident - Weekdays	\$177 / day	\$181 / day *
Plaza Area - Non Profit (verification req'd) - Weekdays	\$24 / hour - 4 hour minimum	No change
Plaza Picnic Area - Non Profit (verification req'd) - Weekdays	\$177 / day	\$181 / day *
Plaza Picnic Area - Non Resident or Commercial - Weekdays	\$28 / hour - 4 hour minimum	No change
Plaza Picnic Area - Non Resident or Commercial - Weekdays	\$213 / day	\$217 / day *
Fountain operation with geysers	\$359 per 48 hour event	\$367 per 48 hour event *
Special Event Liability Insurance purchased thru City's 3rd party carrier	Insurance cost per schedule rates by insurance provider when purchasing insurance thru City 3rd party carrier	No change
Special Event Liability Insurance Administrative Fee	\$34 / insurance certificate issued	No change
ADMINISTRATIVE FEES		
Document Copying (10 pages or less)	No charge	No change
Document Copying (more than 10 pages)	\$ .10 per page if more than 10 pages	No change
Document Recording [with County Clerk Recorders Office] (Actual recording fee costs plus staff time & mileage)	Not Previously Established	\$118 / document
Trail Maps	\$2.00 per map	No change
Audio Recordings of Meetings	\$20 refundable deposit if using city provided flash drive	No change
Printed documents (i.e. general plan, budget, zoning ord., etc.)	Cost	No change
Video Recordings of Meetings	Cost	No change
FPPC Document Copying	\$.10/page (per State Law)	No change
Notary Public Fee	\$10/document (per State law)	No change
Business License Initial Registration Fee - New Business	\$60	\$63 **
Business License Renewal Registration - All Businesses (including exempt)	\$28	\$29 **
Return Check Service Charge	\$25/check return (per state law)	No change
Late Payment Charges for Administrative Fines	Ten (10) percent of original fine for every 30 days or portion thereof. The Late Payment Charge shall not exceed 100 percent of the original fine.	No change
Street Closure Fee	\$111	\$113 *
Administrative penalty for City issued permits after the fact (encroachment permit; tree removal permit, etc.)	Double the original permit fee,	No change
Code Enforcement non-compliance re-inspection after the first inspection (in addition to any citation fines)	\$33	No change

NOTES	
	Time means the cost per hour for an employee at the time the costs are incurred. Costs included salary, benefits, overhead and overtime, as applicable. Time also means City Engineer billing (plus 15%), as well as costs of other contracts and expenses. Detail of costs are available upon request.
	Cost means the cost of equipment use, materials, labor, and supplies.
	Deposits are required upon submittal of an application. A minimum deposit is stipulated by these fees. At his/her discretion the City Manager can reduce the required deposit. Also, if it is the judgment of staff a minimum deposit is not sufficient, the required deposit may be increased. If, after a deposit is made, more funds are needed, the applicant will be notified when approx. 30% of the deposit remains, any additional funds estimated by staff are to be provided to replenish the deposit account for continuing work on the project, until such funds are received work on the project may be suspended.
	If a development project requires multiple applications, only a single deposit shall be required. In such cases, the amount of the deposit shall be the largest single deposit required by any of the applications, or an amount determined by the City Manager, not to exceed the sum of the deposits.
	All fixed-cost development application fees are refundable based upon the City amount of staff work completed on the process of the application and subject to approval by the City Manager.
	Audio recordings are kept for 30 calendar days after the minutes are approved.
	* Fees increase from the prior year for the April 2014 to April 2015 CPI factor (2.4%) as published by the Bureau of Labor Statistics for the San Francisco-Oakland-San Jose area <u>unless</u> increases were waived in the prior year (or more than one year), whereby aggregated CPI factors were considered.
	** CPI in prior year schedule (FY 2015) did not result in a fee increase due to the CPI impact being too trivial to warrant a full dollar increase as fees are generally adopted in whole dollars only. As a result, current year increase incorporates the last two years of CPI adjustments or 5.2% (i.e. FY 2015 = 2.8%; FY 2016 = 2.4%).
	<sup>1</sup> Consists of \$83 minor encroachment permit fee plus \$109 minor stormwater construction permit.
	<sup>2</sup> Consists of \$83 minor encroachment permit fee plus \$139 standard stormwater construction permit.
	<sup>3</sup> Amount reflects minimum engineering deposit for standard project requirements. However additional amount may be required as determined by the City Engineer for unusual or non-standard circumstances. All costs for inspectino and administration relating to this permit shall be deducted from the inspection service deposit(s) or cash bond.
	> Indicates fee increases and will take effect 60 days after adoption that may be subject to California Government Code Section 66017. All other fees will take effect upon adoption of Resolutions.



## **CITY OF CLAYTON CITY COUNCIL PUBLIC MEETING NOTICE**

The Clayton City Council, at its regular meeting of September 15, 2015, beginning at 7:00 pm or thereafter as may be heard, will consider its annual review and update to the City of Clayton Master Fee Schedule for City Services and Use of Public Facilities and Parks.

The Fee Schedule includes various fees adjusted to account for appropriate CPI increases using the Bureau of Labor Statistics San Francisco Bay Area Region CPI index from April-April, which has been calculated at 2.4%. The only new fees proposed are for the preparation of deed restriction/covenant agreements in the Engineering Fees section and for official document recording with the County Clerk Recorder's Office in the Administrative Fees section. The proposed Master Fee Schedule may be examined for no charge at the City of Clayton City Clerk's Office, 6000 Heritage Trail in Clayton between 9:00 a.m. and 5:00 p.m., Monday through Friday. It is also now available on the City of Clayton website at [www.cityofclayton.org](http://www.cityofclayton.org).

Interested citizens are invited to attend and participate in the meeting and present written and/or oral testimony concerning the Fee Schedule proposal. If one cannot attend the hearing, one may send written comments to the City Clerk prior to the hearing at the address below or via email to [jbrown@ci.clayton.ca.us](mailto:jbrown@ci.clayton.ca.us).

The complete staff report will be available on the City's website after 5:00 pm on September 11, 2015. If one has questions concerning the proposal, please contact the Finance Manager at 925-673-7300.

Date Posted on Notice Boards: August 25, 2015

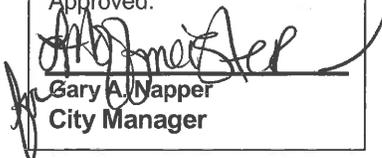
Kevin Mizuno  
Finance Manager



Agenda Date: 9-15-2015

Agenda Item: 8b

# STAFF REPORT

Approved:  
  
Gary A. Napper  
City Manager

**TO: HONORABLE MAYOR AND COUNCILMEMBERS**

**FROM: MAINTENANCE SUPERVISOR**

**DATE: September 15, 2015**

**SUBJECT: Consider award of low-bid contract to Granite Company for replacement of decking on seven (7) Trial Pedestrian Bridges along the Carndinet and Easley Trails and replacement of wood steps on the side exterior City employee stairway to City Hall**

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## **RECOMMENDATION**

Approve award of contract for removal and replacement of the wood decking on seven (7) pedestrian bridges along the Clayton Trail System as contained in the bid from Graniterock Construction, as the lowest responsible bidder, authorize the allocation and expenditure of \$79,030 from the Landscape Maintenance District equity fund balance reserve (Fund 210) to fund the wood decking replacement project; and under the same bid approve the replacement of City Hall employee entrance wooden stairs, authorizing the allocation and expenditure of \$22,750 from unassigned interest earnings, non LMD funds, (Fund 601) to fund the stairway replacement project.

## **BACKGROUND**

### **Trail Bridges**

There are over 25 miles of walking trails running throughout the City of Clayton and there are seven (7) pedestrian bridges that cross over the Cities creeks along the trail. These bridges were installed in the mid-late 1980's and early 1990's along with the corresponding trails that connect to these bridges. The bridges are located along the Cardinet Trail (six bridges) running from the Clayton Library to Westwood Subdivision and (one bridge) Easley Trial (Bruce Lee) in the Easley Subdivision. Over the past few years the pressure treated wood planking has started to deteriorate causing holes to open up on the bridge deck which has become a safety hazard. As a temporary repair City Staff has installed sheet metal plating to cover up the holes; however an unexpected effect of the sheet metal is that during the winter months the metal surface becomes slippery from ice forming on the metal or when it was wet from rain.

After looking into the issue of the deteriorating wood decking it made the most economical sense to replace all the planks at one time instead of replacing the bad planks as needed. To be able to replace just one plank on the bridge requires the disassembly of the complete bridge deck, the same work involved to replace all the deck boards. By replacing all the wood planks on each bridge at one time there will be only closures of the particular bridge for the new decking to be installed for a short period and they will move on to the next bridge, and city staff will have an accurate date of when the entire surface was replaced. City Staff estimates the life span of the new wood decking should be at 25 years. The current wood decking has lasted 25 - 35 years. The low bid for doing all seven bridges with pressure treated wood is \$79,030.

The Trails and Landscape Committee included the Bridger Replacement project in the recommendations that were approved by the City Council as part of the FY 15-16 budget adoption.

### **Stairway at City Hall**

The City Hall was constructed from the old De Martini winery building and came into operation in 1997. There are two entries to the City Hall, one entry is located at ground level in the courtyard (this is the main entry used by the public). The other a staff entry and emergency exit is located on the west side of the building with an exterior staircase going to the third floor offices. The stairs are constructed using a steel frame with the steps and landings constructed out of redwood which are attached to the steel frame. The staircase is fire sprinkled to meet emergency existing requirements. Over the last several years the wooden steps have started to weaken with age with some wood has already needed replacement. Staff concern for this repair is for preventive maintenance and to replace the stairs before there is a failure while in use. The low bid for clear heart redwood is \$22,750.

### **ALTERNATIVE BRIDGE MATERIAL PROPOSAL**

City Staff asked all of the bidding contractors to submit an alternative price using a composite wood material instead of wood for the bridge decking. The bid using composite wood from Graniterock Construction was also the lowest bidder; the additional cost of using composite wood would be \$49,770 for all seven bridges. The total cost to install the composite wood on all seven bridges would be \$128,800 at an average cost of \$18,400 per-bridge, the cost of using pressure treated wood would have an average cost of \$11,290 per-bridge.

Although the Black Diamond Bridge in downtown was replaced with composite material, City Staff believes that add costs in this case are not justified for using this material. Any longer life is not guaranteed; the bridges have some slopes, and the material is slippery when wet or frosty; and the type of existing badge metal sub framing with its longer spans does not lend itself well to the composite material span sizing. The most common use of composite wood is in the construction of backyard flat decking which is usually constructed on a sub-frame using either a twelve (12) inch or sixteen (16) inch on center frame support design whereas the bridges along the Cities trails have an average span of six (6) feet with some

cross support between this span. The unknown wear factor with this material being used in a trail setting is another concern; when the outer core of the composite wood, which protects the interior material, becomes compromised it can lead to the weakening and the potential failure of the material. There is also the movement factor of composite wood; as the material gets hot it expands then contracts as it cools which can lead to large gaps opening up over time and the overall weakling of the material. With the added cost (\$49,770 more) City maintenance staff believes it would be more prudent to use a time tested material (pressure treated wood) which has been proven to last 25-35 years in the current setting.

**ALTERNATIVE MATERIAL STAIR PROPOSAL**

City Staff also requested an alternative bid using composite wood for the City Hall Stairway Project. The cost difference from using wood (redwood clear heart) and composite wood from the lowest bid Graniterock Construction was \$680. City Staff has the same concerns using composite wood as we had for the bridges. The other concern to City staff is City Halls historic building designation in the use of composite wood. The finding from the City's Community Development Director is that using composite wood would not change the historical character of the building or it features so it would be acceptable to use composite material.

**AWARD OF CONTRACT**

Three bids were received by the City after posting the job specifications on Plan Room for over four weeks. The lowest responsible bidder was received from Graniterock Construction out of Watsonville, CA. The following are the three bids that were received by the City:

**BRIDGES**

Contractor	Wood cost per-bridge	Total	Composite cost per bridge	Total
Graniterock	\$11,290	\$79,030	\$18,400	\$128,800
Valentine	\$17,624	\$123,368	\$19,924	\$139,460
McGuire	\$21,400	\$149,800	\$33,500	\$234,500

**STAIRS**

Contractor	Wood total cost	Composite total cost
Graniterock	\$22,750	\$23,430
Valentine	\$23,500	\$25,000
McGuire	\$33,750	\$44,750

The Graniterock Construction proposal includes the removal of the existing bridge decking on seven (7) Pedestrian Bridges and the installation of the new bridge decking. The scope of work entails the erection of temporary signage informing the public of work with detour around the closed bridge, haul-off and recycling of the old material, and all labor and materials for the completion of this project. The City Hall stair project also includes the removal of the stairs and landings, installation of new stairs and landings, sealing new wood, and installation of no slip reflective stripes, haul-off and recycling of the old material and all labor and materials for completion of this project.

The two projects are estimated to take twenty-five (25) working days to complete which will require the bridges to be closed during this time, in stages. The bridge project construction would be phased and staged during so trail segments will remain open in areas they are not working. Signage will be provided to alert trail users of any segment closed or bridge closed ahead. The staff will also ask the local newspaper to provide information on the work schedule/closures and we will put on the City web site. Because it will take up to six weeks to order and receive the decking material after signing of the contract, the anticipated schedule is to start the project by the middle to late October with completion no later than the end of the year.

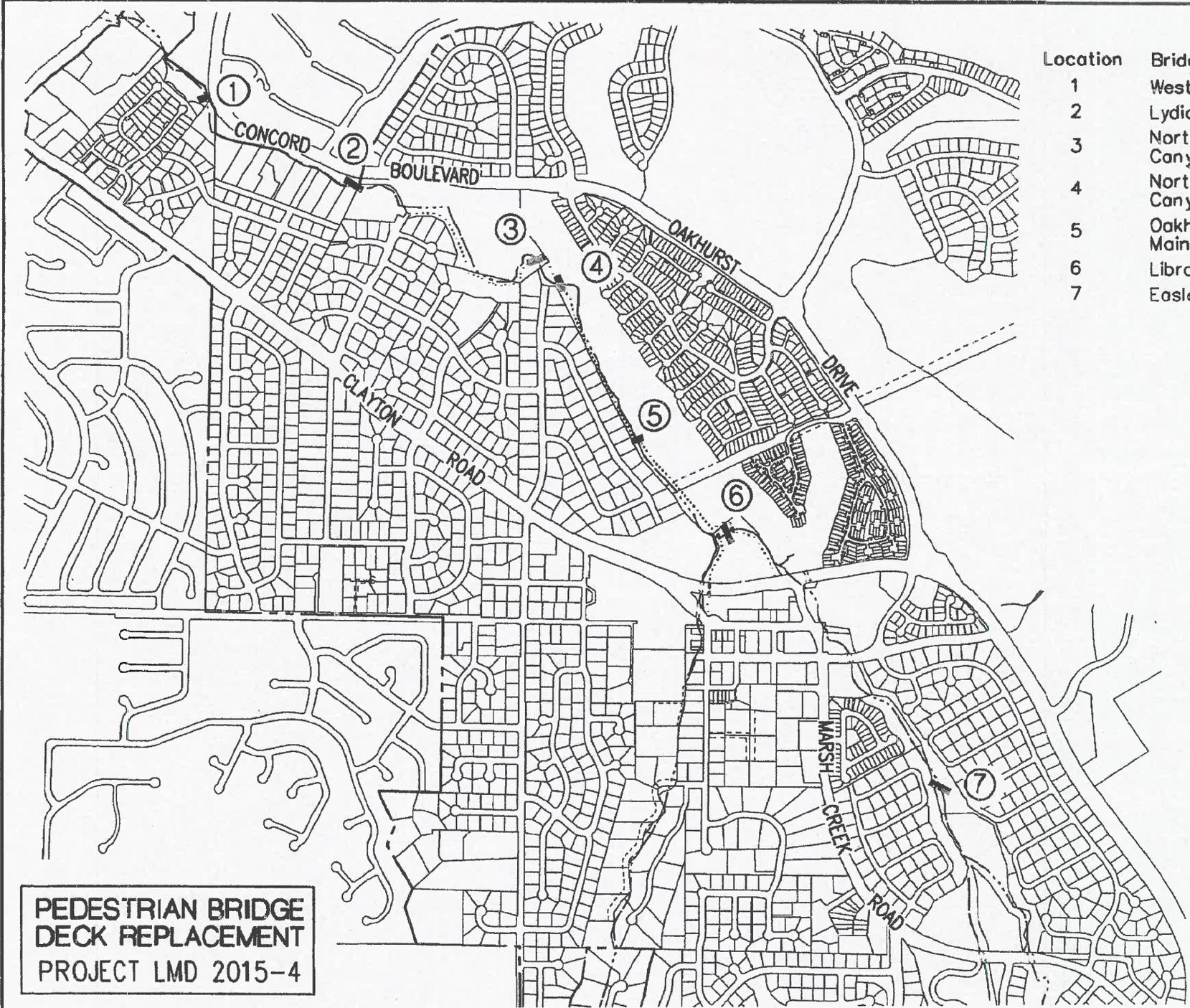
### **FISCAL IMPACT**

The Landscape Maintenance District operates under a special district tax revenue source for its maintenance and operation. In 2007 residents of Clayton voted and approved an annual real property parcel tax to maintain and operate the district which was formed from the old Clayton Landscape District. The annual revenues from this parcel tax are considered a 'Restricted-Use Fund' and shall only be used with in the Landscape Maintenance District for its operations which include the maintenance, repair, or replacement of district assets. These include Landscaping along major roadways, the City trails, including the trail pedestrian bridges, and City open space. The Landscape Maintenance District has budgeted \$70,000 in this fiscal year for the Bridge project and has an unobligated equity fund balance of \$421,113. If approved by the City Council, the ending resultant cash balance after allocation of \$9,030 in addition to the already budget \$70,000 will be \$412,083.

The City Hall stair project would be funded from unassigned interest earnings (Fund 601) which has a balance of \$27,157. If the stairway project is approved by the City Council, the ending balance after allocation would be \$3,727.

### **Attachments**

1. Map with Bridge location [1pg.]
2. Bridge Pictures [11pp.]
3. City hall side staircase pictures [4pp]



Location	Bridge Name
1	Westwood
2	Lydia Lane
3	North Mitchell Canyon-West
4	North Mitchell Canyon-East
5	Oakhurst Maintenance
6	Library
7	Easley

**PEDESTRIAN BRIDGE DECK REPLACEMENT PROJECT LMD 2015-4**



Typical Bridge Bracket Attachment with Hex Bolts (this is what secures the Bridge deck surfaces)



Typical Wear of Deck surface (after 30 years)



Typical Temporary Repair to Bridge Surface



Typical Under Bridge Support



Easley Bridge



**Library Bridge**



Oakhurst Bridge



North Mitchell Canyon West



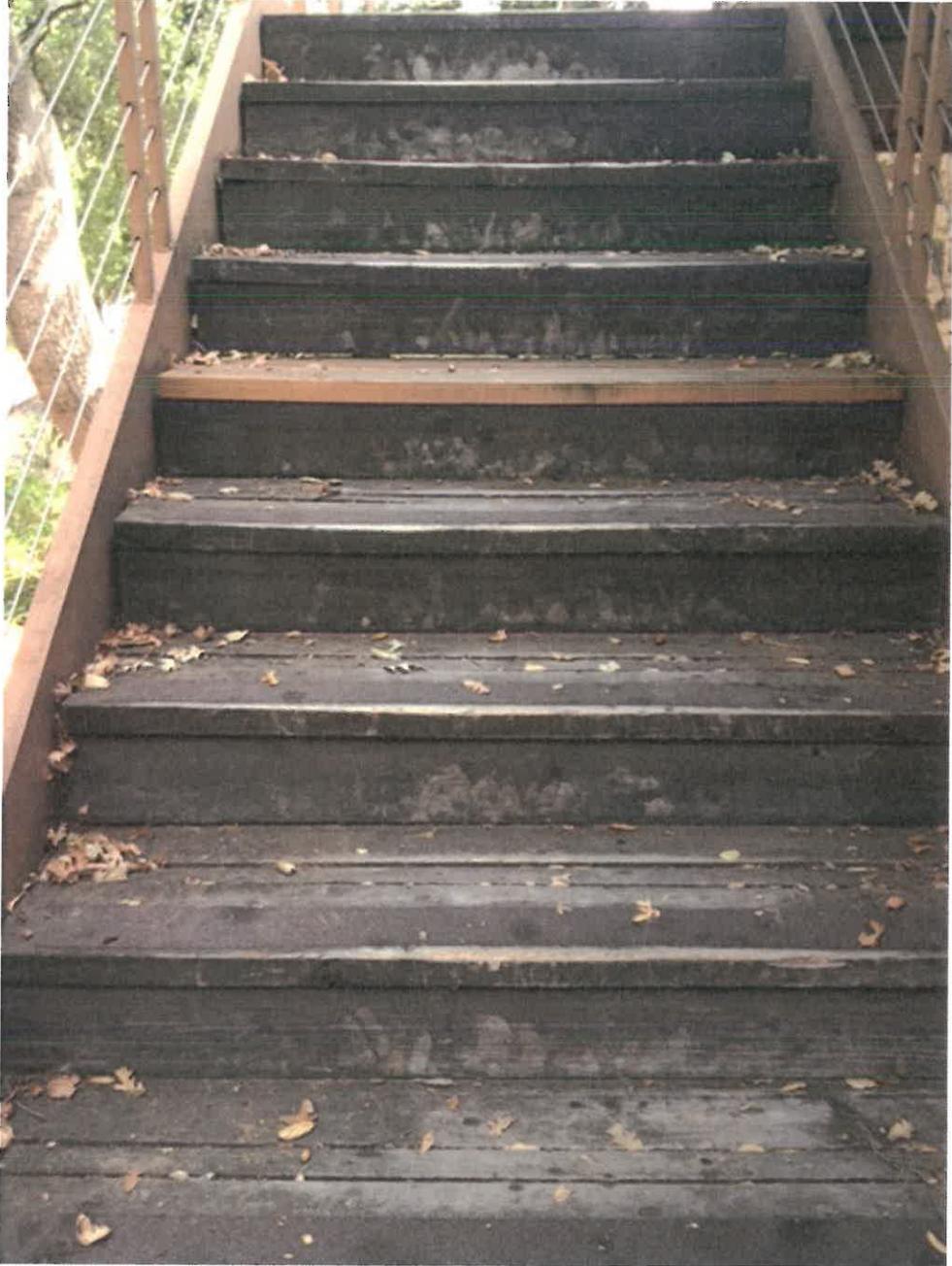
North Mitchell Canyon East



Lydia Lane Bridge



Westwood



City Hall side Staircase







City Hall underneath of Staircase



City Hall underneath of Staircase

MINUTES  
OF THE  
REGULAR MEETING

Agenda Date: 9-15-2015

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES

Agenda Item: 2a SA

September 16, 2014

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 8:43 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Board Members present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz, Geller and Pierce. Board Members absent: None. Staff present: City Manager Gary Napper, Assistant City Attorney Christopher Diaz, City Clerk/Secretary Janet Brown, Finance Manager Kevin Mizuno.
  
2. **CONSENT CALENDAR-** It was moved by Board Member Geller, seconded by Board Member Pierce, to approve the Consent Calendar as submitted (Passed; 5-0 vote).
  - (a) Approved the minutes of the regular public meetings of May 5, 2014.
  - (b) Adopted Resolution No. 03-2014SA approving the Successor Agency's 7<sup>th</sup> Recognized Obligation Payment Schedule for the time period covering January 1, 2015 through June 31, 2015 (ROPS 14-15B) as required by the State Department of Finance.
  
3. **PUBLIC COMMENT ON NON-AGENDA ITEMS** – None.
  
4. **PUBLIC HEARINGS** – None.
  
5. **ACTION ITEMS** – None.
  
6. **BOARD ITEMS** – None.
  
7. **ADJOURNMENT** – on call by Mayor Stratford the meeting adjourned at 8:46 p.m.

###

Respectfully submitted,

\_\_\_\_\_  
Janet Brown, Secretary

Approved by the  
Clayton Successor and Successor Housing  
Agencies Board

\_\_\_\_\_  
David T. Shuey, Mayor



Agenda Date: 9-15-2015

Agenda Item: 2b SA

# STAFF REPORT

Approved:

Gary A. Napper  
City Manager

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS  
**FROM:** KEVIN MIZUNO, FINANCE MANAGER, CPA  
**DATE:** September 15, 2015  
**SUBJECT:** CONSIDER A RESOLUTION, AS THE CLAYTON SUCCESSOR AGENCY, TO APPROVE AND ADOPT A 9<sup>TH</sup> RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS 2015-16B), PURSUANT TO THE DISSOLUTION ACT

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## RECOMMENDATION

It is recommended the City Council, serving as the Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency, adopt the prepared Resolution approving a 9<sup>th</sup> Recognized Obligation Payment Schedule" (ROPS 2015-16B) in accordance with the California Supreme Court-ruled constitutionality of ABx1 26 (the "Dissolution Act") and subsequent AB 1484.

## BACKGROUND

Under the Dissolution Act, "enforceable obligations" of the former redevelopment agency (e.g. Clayton Redevelopment Agency) include the following financial arrangements (the ROPS of a city or county):

- Bonds
- Loans
- Payments required by state or federal government
- Obligations to employees
- Judgments or settlements
- Binding and legally enforceable agreements entered into before AB1x26
- Contracts for RDA administration, Successor Agency administration, and Oversight Board administration

The monies to fund the requested ROPS funding are issued by the County Auditor-Controller to our City's "Redevelopment Obligation Retirement Fund". As its name implies, this fund replaces the former Redevelopment Agency's three Funds and functions as the repository for sufficient tax increment revenues in the amounts identified and approved in subsequent ROPS to effectively "retire" all former Clayton Redevelopment Agency debts and contractual obligations over a multi-year period. Once all identified and certified debts and obligations have been satisfied, the Successor Agency is then dissolved.

## **DISCUSSION**

### ***Recognized Obligation Payment Schedule (ROPS)***

Included herein, as Attachment 1 to this staff report, is the 9<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16A) requesting \$501,424 in redevelopment property tax trust fund (RPTTF) monies. This period (January 1, 2016 through June 30, 2016) is \$96,326 less than in the prior ROPS 2015-16A (July 1, 2015 to December 31, 2015). This decrease is primarily attributable to the prior ROPS requesting RPTTF to pay principal on the 2014 Refunding Tax Allocation Bonds whereas the debt service due in the current ROPS period is interest only.

The State Department of Finance (DOF) Determination Letter pertaining to the Successor Agency's ROPS 2015-16A dated April 8, 2015 approved all obligations requested on the 2015-16A ROPS Detail Form. A payment for the prior ROPS period was received in full in June 2015.

The current ROPS includes a new line item on Line #19 of the ROPS Detail Form. This new line item is not for a new obligation, but rather a reclassification of previously reported Line #14 for "2% Election Payments per Section 33686" [of the California Health and Safety Code]. On July 7, 2015, after reconsideration of supporting documents and explanations provided by Successor Agency staff, the DOF agreed that Line Item #14 had improperly referred to the underlying obligation as a "loan". Being that Line #14 actually pertained to unpaid statutory 2% election pass-through monies, the nature of this obligation now reflects a "repayment agreement" rather than a loan.

Classification of this line item as a "loan" since the original ROPS submittal in 2012 made it subject to the strict loan provisions of dissolution law resulting in the DOF's continuous dismissal of this line item as an enforceable obligation. Guidance received from the DOF on July 7, 2015 specifically stated that under dissolution law, pass-through payments are to be honored, and as such, the 2% election payment line item should be listed on the ROPS for payment in full in the upcoming ROPS period (2015-16B). Consistent with the DOF's guidance, the Successor Agency is requesting RPTTF monies for the entire balance of the unpaid 2% election monies (\$376,424) in the current ROPS period.

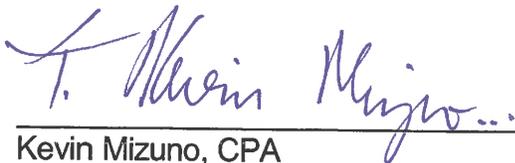
### ***Successor Agency Loans***

SERAF loans became eligible for repayment starting in the six month period ending December 31, 2014, provided that the following three circumstances are met: (1) The Successor Agency has completed its Due Diligence Reviews (DDR); (2) the results of the DDRs are reviewed by the Oversight Board; and (3) the Successor Agency has received a Notice of Completion by the DOF.

Both the Low-Moderate Income (LMI) and All Other Funds DDRs were approved by the Oversight Board and submitted to the DOF for review and final approval on March 19, 2015. On April 24, 2015, the Successor Agency received a Final Determination Letter from the DOF approving the LMI DDR "as is" ordering the release of the "unencumbered" balance of the LMI fund (No. 616) to the County totaling \$3,679,225. This payment was remitted to the County on May 1, 2015. At this point in time the All Other Funds DDR is still under review by the DOF, and the date of its completion remains uncertain. As such the SERAF internal loan balance (due from the Successor Agency to the Housing Successor Agency) information is included in the current ROPS in order to track the amount for anticipated future payments although payments are not yet eligible to be received. Management is optimistic a Notice of Completion can be received within six months of receiving the DOF's final approval of the All Other Funds DDR.

Although previously denied in ROPS 1-8 by the DOF, AB 1484 contains language that an agency's prior inter-agency loans may be deemed eligible by DOF commencing on or after FY 2013-14. As Line #13 (ConFire Fire Station note) on the ROPS Detail Form meets the AB 1484 criteria as an inter-agency loan, this former RDA obligation due the City of Clayton has once again been included in the ROPS Detail Form for eligibility tracking and future repayment. Pursuant to AB 1484 state DOF staff have indicated in writing, this Line Item should be eligible for repayment on the ROPS upon the Successor Agency's receipt of a Notice of Completion estimated to occur within six months following the DOF's approval of the All Other Funds DDR.

Respectively submitted,



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Kevin Mizuno, CPA  
Finance Manager

#### Attachments:

- 9<sup>th</sup> ROPS 15-16B Resolution (3 pp.)
- Exhibit A: 9<sup>th</sup> Recognized Obligation Payment Schedule (ROPS15-16B)

RESOLUTION NO. \_\_-2015

**A RESOLUTION APPROVING AND ADOPTING ITS 9th  
RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)  
FOR THE TIME PERIOD OF 01 JANUARY 2016 THROUGH 30  
JUNE 2016, PURSUANT TO SECTION 31471(h) AND 34177(I)(1)  
OF THE CALIFORNIA REDEVELOPMENT LAW**

**THE CITY COUNCIL (AS SUCCESSOR AGENCY)  
City of Clayton, California**

**WHEREAS**, pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.; the "Redevelopment Law"), the City Council (the "City Council") of the City of Clayton (the "City") adopted in accordance with the California Community Redevelopment Law, City Ordinance No. 243 on 20 July 1987 adopting the Redevelopment Plan for the Clayton Redevelopment Project Area (the "Redevelopment Plan"), as amended from time to time; and

**WHEREAS**, the Redevelopment Agency of the City of Clayton (the "Agency") is responsible for implementing the Redevelopment Plan pursuant to said Redevelopment Law; and

**WHEREAS**, Assembly Bill X1 26 (the "Dissolution Act") and Assembly Bill X1 27 (the "Alternative Redevelopment Program Act") were enacted by the State of California on 28 June 2011, to significantly modify the Community Redevelopment Law and to end the existence of or modify continued operation of redevelopment agencies throughout the state (Health & Safety Code §33000, et seq.; the "Redevelopment Law"); and

**WHEREAS**, on 11 August 2011, the California Supreme Court agreed to review the California Redevelopment Association and League of California Cities' petition challenging the constitutionality of these Redevelopment Restructuring Acts; and

**WHEREAS**, on 29 December 2011, the California Supreme Court ruled that the Dissolution Act is largely constitutional and the Alternative Redevelopment Program Act is unconstitutional; and

**WHEREAS**, the Court's decision means that all California redevelopment agencies, including the Clayton Redevelopment Agency, are now terminated and have been automatically dissolved on 1 February 2012 pursuant to the Dissolution Act; and

**WHEREAS**, on 17 January 2012 by Resolution No. 03-2012, the Clayton City Council did exercise its priority right and took action to become the Successor Agency and the Successor Housing Agency of the former Clayton Redevelopment Agency; and

**WHEREAS**, 29 July 2015 the Department of Finance (DOF) posted instructions for completing the 9<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16B) covering the time period of 01 January 2016 through 30 June 2016, including the requirement that the ROPS 2015-16B must be adopted by the Successor Agency, approved by its Oversight Board and submitted electronically to the DOF by 05 October 2015; and

**WHEREAS**, under Title 14 of the California Code of Regulations, Section 15378(b)(4), the approval of the ROPS is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a project, but instead consists of the continuation of an existing governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program because it merely lists enforceable obligations previously entered into and approved by the former Clayton Redevelopment Agency; and

**WHEREAS**, the Clayton City Council has reviewed and duly considered the Staff Report, the proposed 9<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16B), plus documents and other written evidence presented at the meeting.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of Clayton, California, and serving as the Successor Agency, does hereby find the above Recitals are true and correct and have served, together with the supporting documents, as the basis for the findings and approvals set forth below.

**BE IT FURTHER RESOLVED** that the City Council does hereby approve and adopt the 9<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16B), attached hereto as "Exhibit A" and incorporated herein as if fully set forth in this Resolution.

**BE IT FURTHER RESOLVED** that the City Council authorizes and directs its City Manager or the City Manager's designee to: (1) post the 9<sup>th</sup> Recognized Obligation Payments Schedule (Exhibit A) on the City's website; (2) designate a City representative to whom all questions related to the 8<sup>th</sup> Recognized Obligation Payment Schedule can be directed; (3) notify, by mail or electronic means, the County Auditor-Controller, the State Department of Finance, and the State Controller of the Successor Agency's action to adopt the 9<sup>th</sup> Recognized Obligation Payment Schedule (ROPS 2015-16B), and to provide those persons with the internet website location of the posted schedule and the contact information for the City's designated contact; and (4) to take such other actions and execute such other documents as are appropriate to effectuate the intent of this Resolution and to implement the Recognized Obligation Payment Schedule on behalf of the Successor Agency and City.

**BE IT FURTHER RESOLVED** that if any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Exhibit A, or any part thereof is for any reason held to be unconstitutional, invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this Resolution, Exhibit A or any part thereof. The City Council, acting as the Successor Agency, hereby declares

that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Resolution or of Exhibit A irrespective of the fact that one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. To this end the provisions of this Resolution and of Exhibit A are declared to be severable.

**AND BE IT FURTHER RESOLVED** that this Resolution shall and does take immediate effect upon its adoption.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 15<sup>th</sup> day of September 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA  
Serving as the Clayton Successor Agency Board

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David T. Shuey, Mayor

ATTEST:

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Janet Brown, City Clerk

**Recognized Obligation Payment Schedule (ROPS 15-16B) - Summary**  
 Filed for the January 1, 2016 through June 30, 2016 Period

Name of Successor Agency: Clayton  
 Name of County: Contra Costa

<b>Current Period Requested Funding for Outstanding Debt or Obligation</b>		<b>Six-Month Total</b>
<b>Enforceable Obligations Funded with Non-Redevelopment Property Tax Trust Fund (RPTTF) Funding</b>		
<b>A Sources (B+C+D):</b>		<b>\$ 39,848</b>
B Bond Proceeds Funding (ROPS Detail)		39,848
C Reserve Balance Funding (ROPS Detail)		-
D Other Funding (ROPS Detail)		-
<b>E Enforceable Obligations Funded with RPTTF Funding (F+G):</b>		<b>\$ 501,424</b>
F Non-Administrative Costs (ROPS Detail)		376,424
G Administrative Costs (ROPS Detail)		125,000
<b>H Total Current Period Enforceable Obligations (A+E):</b>		<b>\$ 541,272</b>

<b>Successor Agency Self-Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
I Enforceable Obligations funded with RPTTF (E):		501,424
J Less Prior Period Adjustment (Report of Prior Period Adjustments Column S)		-
<b>K Adjusted Current Period RPTTF Requested Funding (I-J)</b>		<b>\$ 501,424</b>

<b>County Auditor Controller Reported Prior Period Adjustment to Current Period RPTTF Requested Funding</b>		
L Enforceable Obligations funded with RPTTF (E):		501,424
M Less Prior Period Adjustment (Report of Prior Period Adjustments Column AA)		-
<b>N Adjusted Current Period RPTTF Requested Funding (L-M)</b>		<b>501,424</b>

Certification of Oversight Board Chairman:  
 Pursuant to Section 34177 (m) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named agency.

_____	_____
Name	Title
/s/ _____	
Signature	Date

Clayton Recognized Obligation Payment Schedule (ROPS 15-16B) - ROPS Detail  
 January 1, 2016 through June 30, 2016  
 (Report Amounts in Whole Dollars)

A	B	C	D	E	F	G	H	I	J	K					P	
										L						Six-Month Total
										M						
										N						
Item #	Project Name / Debt Obligation	Obligation Type	Contract/Agreement Execution Date	Contract/Agreement Termination Date	Payee	Description/Project Scope	Project Area	Total Outstanding Debt or Obligation	Retired	O			P			
										Bond Proceeds	Reserve Balance	Other Funds	Non-Admin	Admin		
3	City Loan entered into on 5/19/10	SERAF/ERAF	5/19/2010	7/1/2015	Successor Agency LMI	Inter-loan for SERAF payment to State	All	5,619,111	N	39,848	-	-	376,424	125,000	541,272	
4	Contract for Consulting Services	Fees	11/1/1996	8/31/2024	US Bank	Paying Agent Fees	All	1,980	N	-	-	-	-	-	-	
7	Successor Agency Functions	Admin Costs	1/1/2014	7/1/2015	City of Clayton	Expenses for Successor Agency Operation	All	250,000	Y	-	-	-	-	125,000	125,000	
8	Contract for Consulting Services	Housing Entity Admin Cost	2/22/2011	12/31/2015	Ranney Planning	Housing Element Implementation	All	50,000	N	-	-	-	-	-	-	
10	Contract for Consulting Services	Dissolution Audits	8/31/2012	7/1/2015	Cropper Accountancy Corp	Successor Agency Due Diligence Review	All	-	Y	-	-	-	-	-	-	
11	Contract for Consulting Services	Fees	6/7/1988	7/1/2015	NBS Local Government Solutions	RDA Arbitrage Reporting	All	3,750	N	-	-	-	-	-	-	
13	City Loan entered into on 6/17/99	City/County Loans On or Before 6/27/11	6/17/1999	7/1/2015	City of Clayton	City Loan entered into on 6/17/99 Firestation Project	All	475,000	N	-	-	-	-	-	-	
14	City Loan entered into on 2/16/10	City/County Loans On or Before 6/27/11	2/16/2010	7/1/2015	City of Clayton	2% Election Payments per Section 33686	All	-	Y	-	-	-	-	-	-	
16	Refunding Tax Allocation Bonds 2014	Refunding Bonds Issued After 6/27/12	6/25/2014	8/1/2024	US Bank	Bonds issued to refund the 1996 and 1999 non-housing RDA Tax Allocation Bonds	All	3,865,545	N	39,848	-	-	-	-	39,848	
17	Contract for bond covenant consulting services (cap analysis)	Professional Services	9/4/2014	8/1/2024	Fraser & Associates	Bond covenant required analysis/report.	All	4,000	N	-	-	-	-	-	-	
18	Short-term cash flow loan entered into on 2/17/15	City/County Loans After 6/27/11	2/17/2015	7/1/2015	City of Clayton	Short-term cash flow loan for admin fees for ROPS 2014-15B period.	All	-	Y	-	-	-	-	-	-	
19	Section 33686 2% election pass through payments	Miscellaneous	2/16/2010	6/30/2016	City of Clayton	County-confirmed 2% Election Payments per Section 33686 owed (FY 1988-89 through FY 2008-09)	All	376,424	N	-	-	-	376,424	-	376,424	
20									N							
21									N							
22									N							
23									N							
24									N							
25									N							
26									N							
27									N							
28									N							
29									N							
30									N							
31									N							
32									N							
33									N							
34									N							
35									N							
36									N							
37									N							
38									N							
39									N							
40									N							
41									N							
42									N							
43									N							
44									N							
45									N							
46									N							
47									N							
48									N							
49									N							
50									N							
51									N							
52									N							

**Clayton Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Cash Balances  
(Report Amounts in Whole Dollars)**

Pursuant to Health and Safety Code section 34177 (I), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation. For tips on how to complete the Report of Cash Balances Form, see [Cash Balance Tips Sheet](#)

A	B	C	D	E	F	G	H	I	
		<b>Fund Sources</b>							
		<b>Bond Proceeds</b>		<b>Reserve Balance</b>		<b>Other</b>	<b>RPTTF</b>		
	<b>Cash Balance Information by ROPS Period</b>	Bonds Issued on or before 12/31/10	Bonds Issued on or after 01/01/11	Prior ROPS period balances and DDR RPTTF balances retained	Prior ROPS RPTTF distributed as reserve for future period(s)	Rent, Grants, Interest, Etc.	Non-Admin and Admin	<b>Comments</b>	
<b>ROPS 14-15B Actuals (01/01/15 - 06/30/15)</b>									
1	<b>Beginning Available Cash Balance (Actual 01/01/15)</b>	310,494	11,484	1,325,017	-	81,627	16,329		
2	<b>Revenue/Income (Actual 06/30/15)</b> RPTTF amounts should tie to the ROPS 14-15B distribution from the County Auditor-Controller during January 2015							C2 - Includes trustee receipt from S/A of \$7,408 in RPTTF to pay 2/1/15 debt service per DOF instruction as well as minor interest earned on accounts held by trustee. G2- Interest on pooled cash and repayment from High Street Bridge and Oak Street Sewer benefit assessment district loans with successor agency. H2 - DOF denied 100% of obligations requested on ROPS 2014-15B.	
3	<b>Expenditures for ROPS 14-15B Enforceable Obligations (Actual 06/30/15)</b> RPTTF amounts, H3 plus H4 should equal total reported actual expenditures in the Report of PPA, Columns L and Q	7,417	-	-	-	30,205	-		
4	<b>Retention of Available Cash Balance (Actual 06/30/15)</b> RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	43,818	11,484	-	-	-	7,408	C3 & D3 - Includes payment by trustee of 2/1/15 debt service (\$52,302) on 2014 TABs plus payment of Fraser & Associates invoice (\$3,000) for report required to be issued to trustee per bond covenants.	
5	<b>ROPS 14-15B RPTTF Prior Period Adjustment</b> RPTTF amount should tie to the self-reported ROPS 14-15B PPA in the Report of PPA, Column S	No entry required							
6	<b>Ending Actual Available Cash Balance</b> C to G = (1 + 2 - 3 - 4), H = (1 + 2 - 3 - 4 - 5)	\$ 274,093	\$ -	\$ 1,325,017	\$ -	\$ 111,832	\$ 8,921		
<b>ROPS 15-16A Estimate (07/01/15 - 12/31/15)</b>									
7	<b>Beginning Available Cash Balance (Actual 07/01/15)</b> (C, D, E, G = 4 + 6, F = H4 + F4 + F6, and H = 5 + 6)	\$ 274,093	\$ -	\$ 1,325,017	\$ -	\$ 111,832	\$ 8,921		
8	<b>Revenue/Income (Estimate 12/31/15)</b> RPTTF amounts should tie to the ROPS 15-16A distribution from the County Auditor-Controller during June 2015	5	-			5,000	588,829	C8 & G8 - Estimated interest earnings.	
9	<b>Expenditures for ROPS 15-16A Enforceable Obligations (Estimate 12/31/15)</b>	43,585	-			-	597,750	C9 - Equal to 8/1/15 interest portion of debt service.	
10	<b>Retention of Available Cash Balance (Estimate 12/31/15)</b> RPTTF amount retained should only include the amounts distributed as reserve for future period(s)	-	-			-	-		
11	<b>Ending Estimated Available Cash Balance (7 + 8 - 9 - 10)</b>	\$ 230,513	\$ -	\$ 1,325,017	\$ -	\$ 116,832	\$ -		

Clayton Recognized Obligation Payment Schedule (ROPS 15-16B) - Report of Prior Period Adjustments  
 Reported for the ROPS 14-15B (January 1, 2015 through June 30, 2015) Period Pursuant to Health and Safety Code (HSC) section 34186 (a)  
 (Report Amounts in Whole Dollars)

**ROPS 14-15B Successor Agency (SA) Self-reported Prior Period Adjustments (PPA):** Pursuant to HSC Section 34186 (a), SAs are required to report the differences between their actual available funding and their actual expenditures for the ROPS 14-15B (January through June 2015) period. The amount of Redevelopment Property Tax Trust Fund (RPTTF) approved for the ROPS 15-16B (January through June 2016) period will be offset by the SA's self-reported ROPS 14-15B prior period adjustment. HSC Section 34186 (a) also specifies that the prior period adjustments self-reported by SAs are subject to audit by the county auditor-controller (CAC) and the State Controller.

A Item #	B Project Name / Debt Obligation	C Non-RPTTF Expenditures						D RPTTF Expenditures											T SA Comments		
		E Bond Proceeds		F Reserve Balance		G Other Funds		H Non-Admin					I Admin							S Net SA Non-Admin and Admin PPA (Amount Used to Offset ROPS 15-16B Requested RPTTF)	
		Authorized	Actual	Authorized	Actual	Authorized	Actual	Authorized	Available RPTTF (ROPS 14-15B distributed + all other available as of 01/1/15)	Net Lesser of Authorized / Available	Actual	Difference (If K is less than L, the difference is zero)	Authorized	Available RPTTF (ROPS 14-15B distributed + all other available as of 01/1/15)	Net Lesser of Authorized / Available	Actual	Difference (If total actual exceeds total authorized, the total difference is zero)				
		R Net Difference (M+R)																			
1	1996 Tax Allocation	\$ 175,874	\$ 49,874	\$ -	\$ -	\$ -	\$ -	\$ 7,408	\$ 7,408	\$ 7,408	\$ 7,408	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
2	1999 Tax Allocation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
3	City Loan entered into on 5/19/10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
4	Contract for Consulting Services	1,980	1,980	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
5	Contract for Consulting Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
6	Contract for Consulting Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
7	Successor Agency Functions	125,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
8	Contract for Consulting Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Pursuant to legal opinion letter sent to Justyn Howard dated 1/20/15, using bond proceeds to pay this EO would cause the bonds to become "taxable". DOF and SA agreed to pay for this with RPTTF in next ROPS period and from RPTTF on go forward basis.
11	Contract for Consulting Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
13	City Loan entered into on 6/17/99	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
14	City Loan entered into on 2/16/10	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
16	Refunding Tax Allocation Bonds 2014	44,894	44,894	-	-	-	-	7,408	7,408	7,408	7,408	-	-	-	-	-	-	-	-	-	
17	Contract for bond covenant consulting services (cap analysis)	4,000	3,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Pursuant to legal opinion letter sent to Justyn Howard dated 1/20/15, using bond proceeds to pay this EO would cause the bonds to become "taxable". DOF and SA agreed to pay for this with RPTTF in next ROPS period and from RPTTF on go forward basis.

