



AGENDA

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TRAILS AND LANDSCAPING COMMITTEE [CITIZENS OVERSIGHT COMMITTEE]

Monday, May 21, 2018

7:00 p.m.

Hoyer Hall

Clayton Community Library City Hall

*6125 Clayton Road
Clayton, CA 94517*

COMMITTEE MEMBERS

Maryann Carroll-Moser
Carin Kaplan
Ted Sudderth
William Wiggins

Howard Kaplan, Chair
Nancy Morgan
Doris Ward

*Vice Mayor David Shuey
(Ex-Officio)*

*Councilmember Tuija Catalano
(Ex-Officio Alternate)*

Staff: Laura Hoffmeister, Asst. to the City Manager
Jim Warburton, Maintenance Supervisor

- A complete packet of information containing staff reports and exhibits related to each item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Committee meeting or on the City Website at www.cityofclayton.net.
- 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.cityofclayton.net
- Any writings or documents provided to a majority of the Committee 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.

* TRAILS AND LANDSCAPING COMMITTEE *

May 21, 2018

1. **CALL TO ORDER & ROLL CALL** – Asst. to the City Manager

2. **Selection of Vice Chair.**
(Asst. to the City Manager Hoffmeister)

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

*Any member **from the audience** may address the Committee on items within the Committee's jurisdiction, (which are not on the agenda) by completing a speaker card and forwarding it to the Chair. 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 by the Chair, the speaker shall advance to the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Committee may respond to statements made or questions asked, or may request Staff to report back at a future meeting concerning the matter.*

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

4. **CONSENT CALENDAR**

*Consent Calendar items are typically routine in nature and **all items are considered together for approval by the Committee with one single motion.** Members of the Committee, Audience, or Staff may remove an item from the Consent Calendar for purpose of public comment; question or input may request so through the Chair. After discussion of the item the entire Consent Calendar can be approved together in one single motion.*

- (a) Minutes of the February 12, 2018 Trails and Landscape Committee meeting.
- (b) Landscape Maintenance District Staff Activity Report for Feb. 12, 2018 to May21, 2018.

Recommended Action: Approve the Consent Calendar.

5. **BUSINESS ITEMS**

- (a) Landscape Maintenance District Projects Update
(Asst. to the City Manager Hoffmeister)

Recommended Action: Information only - no action required.

- (b) Review of the status of Landscape Maintenance District FY 17/18 expenses through May 9, 2018.
(Asst. to the City Manager Hoffmeister)

Recommended Action: Information only - no action required.

- (c) Review of the Landscape Maintenance District proposed budget, including CPI adjustment, for FY 2018/2019 as the Citizens Oversight Committee for Measure H.
(Asst. to the City Manager Hoffmeister and Maintenance Supervisor Janney)

Recommended Action: Hear report, provide comments, and make recommendation to the City Council regarding the proposed budget for FY 18/19.

- (d) Citizens Oversight Committee Annual Report for FY 2017/18
Recommended Action: Selection of up to two Committee members plus Chair as Ad Hoc Committee to prepare. (Report to be provided to the TLC Committee in September or October).

6. **CORRESPONDENCE** – review of incoming and outgoing correspondence
- Informational Discussion Only- No Action
None

7. **COMMITTEE ITEMS** – limited to requests and directives for future meetings:

- (a) Selection of Committee member to Report to the City Council at its June 5, 2018 meeting.
- (b) Future Agenda Items: (all future agendas will include minutes; Maintenance staff Activity Report for the District; LMD Projects status report as applicable; latest FY to date budget expenses)
- **Sept. 17, 2018 - TLC meeting** for FY 2017-18 actual year-end review and select Committee Member to prepare draft Annual Report for FY 17-18
 - **Nov./Dec. 2018 - TLC meeting** FY 2017-18 TLC prepared Annual Report review
 - Dec/Jan. 2019 – City Council meeting -TLC Annual Report FY 17-18 submittal
 - **February 2019 – TLC meeting** for FY 2018-19 mid-year LMD budget review
 - **May 20, 2019 – TLC meeting** for review of proposed LMD FY 19-20 Budget introduction to City Council June 4, 2019; and City Council adoption of budget June 18, 2019)
- (c) Committee Member communications – general information not requiring any action by the TLC
- (d) Staff Communications/Announcements – general information not requiring any action by the TLC –
1. City Council meeting minutes from February 20, 2018
 2. Updated Committee Roster
 3. Updated TLC Brochure
 4. Duties and Responsibilities of the “Trails and Landscape Committee” which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District.
 5. Trails and Landscape Committee Meeting Procedures

8. **ADJOURNMENT** – Upon call by the Chair the meeting shall be adjourned.

The Committee’s next regularly-scheduled meeting is will be called as needed. At 7:00 p.m. in Hoyer Hall, Clayton Community Library. Please contact the City Clerk at 673-7300 to verify actual date/and location.



Agenda Date: May 21, 2018

Agenda Item: 2

Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: May 21, 2018
Re: Selection of Vice Chair

Background:

At the February 12th meeting the TLC postponed the selection of a Vice Chair until after new members were seated. The current Chair Howard Kaplan was selected in Sept., to replace then Chair AJ Chippero who was appointed to the Planning Commission, through December 2018. The current four TLC members whose terms expired December 31, 2017 were reappointed by the City Council through December 31, 2019. Since the current Chair Howard Kaplan was reappointed to the TLC, he continues as Chair through December 2018.

The TLC may select any of its members to serve as Vice Chair the term would be through December 2018. The Vice Chair serves as Chair in absence of the Chair. The Duties of these are listed below.

Procedure for Selecting Vice Chair :

At the meeting on the agenda item, since the Chair will be absent the Asst. to the City Manager will ask for nomination/volunteers for the Vice Chair position. Once all nominations are identified then the Asst. to the City Manager will call for a vote for the Vice Chair. The nominee with the most votes, provided it is a majority of the votes, will become the Vice Chair. If there is not a majority of votes then the top voted nominees will be re-voted until a nominee received a majority of votes.

Duties:

Chair:

The Chairs duties include chairing the TLC meetings.

Calling each item on the agenda, ask for staff to present report; ensure all members have opportunity to ask questions/comments; ask for any public comment on the agenda items; then ask for a motion on the item, ask for a second, then call for the vote "all those in favor say aye"; "opposed say no."

State if the motion has passed or failed.

After the TLC has approved, signing the minutes of the meetings that staff has prepared.

Signing any other letters or items that may require the Chairs signature related to TLC matters, and preparing the Chairs message for inclusion in the TLC Annual Report.

Vice Chair:

The Vice Chair handles the above duties of the Chair in absence of the Chair.



Agenda Date: May 21, 2018

Agenda Item: 4a

ACTION MINUTES
OF THE
REGULAR MEETING
TRAILS AND LANDSCAPING COMMITTEE
[Citizens Oversight Committee]

February 12, 2018

1. CALL TO ORDER & ROLL CALL – Chair Howard Kaplan

The meeting was called to order at 7:10 p.m. at Hoyer Hall 6125 Clayton Road, Clayton CA by Chair Howard Kaplan.

Committee Members Present: Maryann Carroll-Moser, Howard Kaplan, Nancy Morgan, Vice Mayor David Shuey – Ex-Officio

Committee Members Absent: Carin Kaplan.

Staff Present: Assistant to the City Manager Laura Hoffmeister; Maintenance Supervisor Mark Janney.

2. PUBLIC COMMENTS ON NON-AGENDA ITEMS

No public comments.

3. CONSENT CALENDAR

- (a) *Minutes of the December 4, 2017 Trails and Landscape Committee meeting.*
- (b) *Landscape Maintenance Staff Activity Report Dec. 5, 2017- Feb.12, 2018 – Informational Only.*

Motion by Committee member Morgan, to approve the consent calendar with the correction to the minutes of December 4th striking the following in the second paragraph “*and possible review and recommended low bid before it goes to City Council*”; seconded by Committee member Carroll-Moser. Motion passed 3-0.

4. BUSINESS ITEMS

- (a) *Selection of Vice Chair.*

Consensus of the Committee members to postpone this item to the next meeting where anticipated new committee members will have been appointed to the TLC by the City Council.

- (b) *Receipt and Review of City Council adopted Resolution “Affirming and Clarifying the Duties and Responsibilities of the “Trails and Landscape Committee” which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District CFD 1997-1”.*

The Assistant to the City Manager Hoffmeister provided an overview of the recently adopted City Council resolution.

No action taken as this was informational item only.

- (c) *Review of the Trails and Landscape Committee Meeting Procedures.*

The Assistant to the City Manager Hoffmeister provided an overview of the recently adopted City Council resolution.

No action taken as this was informational item only.

- (d) *Review of the status of Landscape Maintenance District mid-year FY 17-18 budget expenses/revenues for July 1, 2017- December 31, 2018.*

The Assistant to the City Manager Hoffmeister reported City staff is not requesting any FY 17-18 mid-year increases to the total appropriation of the overall Landscape Maintenance District’s budget adopted by the City Council.

No action taken as this was informational item only.

- (e) *Review of the status of Landscape Maintenance District FY 17/18 expenses through February 9, 2018.*

No action taken as this was informational item only.

- (f) *Review of the status of Landscape Maintenance District FY 17/18 expenses through February 9, 2018.*

5. **CORRESPONDENCE** – review of incoming and outgoing correspondence
Informational Discussion Only- No Action

None

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

- (a) *Assignment of Committee Report: to the City Council at its February 20, 2018 meeting: No Committee members available to attend – Council Liaison Shuey stated he would provide the verbal update to the City Council.*

- (b) *Future Agenda Items: (all future agendas will include minutes; Maintenance staff Activity Report for the District; LMD Projects status report; Year to Date revenue and expenses of the LMD.*

Future proposed meeting dates:

- **May 7, 14, or 21, 2018** – TLC meeting for the proposed Landscape Maintenance District Budget for FY 2018-19.

Staff noted that the Finance Manager may not have information available for May 7th and would check to determine if the information would be available in time for a May 14th meeting, but would be for May 21st.

Committee members identified that May 14th would be their first choice. Staff would keep the Committee members apprised via email as to when the data would be available from Finance and future meeting date.

- *June 5, 2018* – City Council meeting on draft Budget for FY 18-19.
- **September 17, 2018** – TLC meeting for FY 2017-18 actual year-end review of revenue and expenses for FY 17-18.
- **Nov./Dec. 2018 - TLC meeting** FY 2017-18 TLC Ad-Hoc Committee prepared Annual Report review.
- **Dec.2018 /Jan. 2019** – City Council meeting – TLC Annual Report for FY 17-18

- (c) *Committee Member communications – general information not requiring any action by the TLC*

Committee members Morgan and Carroll-Moser asked what kind of products the City Maintenance staff uses for herbicide pre-emergent spraying and for spot spraying. Maintenance Supervisor Janney stated that they use for pre-emergent brand name of "Evade, or Gallery"; for spot spray it is "Round-Up". The public has always been very concerned about weed growth and desires the weeds to be kept in check. In response to questions Maintenance Supervisor Janney explained the staffing levels and the need to utilize appropriate spray treatments as there is not sufficient staff to hand pull all weeds. He further explained the timing of the applications and that the staff often adds a blue dye ("blaze-on") so it is application is more visible. Maintenance Supervisor Janney explained the drying time for the products is fairly quick an hour or less, and the product information sheets for dilution is what is used by staff. They apply in accordance with the label as is required by their licensing. It was suggested that the public may have concerns about the use and want to know when it is being used such as signage and news articles in the paper or announcement on the city web site. Maintenance Supervisor Janney explained that when they apply depends on weather and other staff level or activities. There is not a set date/time it varies and in some cases may start then end within an hour due to higher priority unexpected items needed to address, then would get back to spraying when time and staff allows.

The TLC suggested a future Mayor's column encouraging citizens to report items observed throughout the city, such as a tree that has fallen, as City personnel cannot be everywhere and are not always receiving notification of such occurrences.

(d) *Staff Communications/Announcements – general information not requiring any action by the TLC*

Asst. to the City Manager Hoffmeister noted the City Council meeting minutes from January 16, 2018 were included, it is the meeting the TLC Oversight Committee Annual Report for FY 16-17 was accepted by the City Council; and the meeting where the City Council approved the Resolution Establishing Guidelines of the Trails and Landscape Committee role and City Councils expectations of the Trails and Landscape Committee.

9. ADJOURNMENT –

Upon call by Chair Kaplan the meeting was adjourned at 8:10 pm

Minutes prepared by:

Laura Hoffmeister, Asst. to the City Manager

APPROVED BY THE COMMITTEE

Vice Chair



Agenda Date: May 21, 2018

Agenda Item: 4b

Landscape Maintenance District Staff Activity Report

2/12/2018 to 05/21/2018

- Sprayed pre-emergent herbicide (brand name “Evade and Gallery”) throughout the Landscape District and continue to spot spray (brand name “Round-Up”) on existing weed foliage growth and pull larger weeds in the Landscape District Citywide on a continuing basis.
- Turning on all irrigation systems for the season and continue to repair irrigation system throughout the district from broken sprinkler heads, mainline breaks, to controller wiring issues. Note irrigation systems are turned off during rainy season.
- Continued with the cities semi-annual trimming of the Landscape areas on Clayton Road, Oakhurst Drive, Downtown area, and Eagle Peak Drive.
- Started the weed abatement with outside contractor (Warner Bros.) the work is forecasted to be completed by the end of May.
- Oriented the new Maintenance Supervisor on Citywide maintenance items including some overview of the Landscape Maintenance District.
- Canopy tree lifting and some side trimming by outside contractor (Warner Bros.) on Clayton Road (Sycamores) & old Marsh Creek Road (Bradford pears).



Agenda Date: May 21, 2018

Agenda Item: 5a

Memo

To: Trail and Landscape Committee
From: Maintenance Supervisor
Date: May 21, 2018
Re: Landscape Maintenance District Projects Update

The following is the status of previously approved Landscape District projects:

- The downtown Planter Boxes are still under plan and documentation review by the City Engineer. The City Engineer is targeting sometime in the late summer to fall to put the job out to bid and award contract.
- The Clayton Green Subdivision median island replanting (Jeffery Ranch Court and Caulfield Court) has been completed.
- Staff has received two quotes for the removal of 18 Eucalyptus around the City located within the City Landscape District. A third quote has not been able to be obtained. In consultation with the City Attorney we can forward award of contract to the Clayton City Council within a month, with the two quotes received. One of the 18 trees was removed due to immediate safety need.

**Landscape Maintenance District
Budget-to-Actual
FY 17-18 Year to Date**

Agenda Date: May 21, 2018

Agenda Item: 5b

210 - Landscape Maintenance CFD		Adopted Budget	July 1- May 16 Actual Expenses	amount remaining Variance (\$)	% expended Variance (%)
Revenues					
210-4604-00	LMD Special Parcel Tax	\$1,089,277.00	\$1,034,619.92	(\$54,657.08)	94.98%
210-5601-00	Interest	\$12,000.00	\$12,900.41	\$900.41	107.50%
Totals for Department(s) 00 - City:		\$1,101,277.00	\$1,047,520.33	(\$53,756.67)	95.12%
Total Revenues		\$1,101,277.00	\$1,047,520.33	(\$53,756.67)	95.12%
Expenses					
210-7111-00	Regular Salaries	\$202,000.00	\$149,435.33	\$52,564.67	73.98%
210-7112-00	Temporary Salaries	\$149,000.00	\$95,726.03	\$53,273.97	64.25%
210-7113-00	Overtime	\$1,000.00	\$475.62	\$524.38	47.56%
210-7218-00	Long/Short Term Disability Insurance	\$3,500.00	\$1,538.04	\$1,961.96	43.94%
210-7220-00	PERS Retirement	\$23,300.00	\$14,460.25	\$8,839.75	62.06%
210-7221-00	PERS Retirement - Unfunded Liability	\$24,300.00	\$18,377.80	\$5,922.20	75.63%
210-7231-00	Workers' Compensation	\$12,700.00	\$12,175.09	\$524.91	95.87%
210-7232-00	Unemployment Compensation	\$5,000.00	\$1,927.39	\$3,072.61	38.55%
210-7233-00	FICA Taxes	\$10,500.00	\$4,051.08	\$6,448.92	38.58%
210-7246-00	Benefit Insurance	\$44,700.00	\$28,368.43	\$16,331.57	63.46%
210-7301-00	Recruitment/Pre-employment	\$1,000.00	\$298.31	\$701.69	29.83%
210-7311-00	General Supplies	\$50,100.00	\$24,068.28	\$26,031.72	48.04%
210-7316-00	Landscape Replacement	\$40,000.00	\$2,516.46	\$37,483.54	6.29%
210-7335-00	Gas & Electricity	\$30,000.00	\$20,650.75	\$9,349.25	68.84%
210-7338-00	Water Services	\$130,000.00	\$104,394.25	\$25,605.75	80.30%
210-7341-00	Buildings/Grounds Maintenance	\$20,000.00	\$7,620.50	\$12,379.50	38.10%
210-7342-00	Machinery/Equipment Maintenan	\$19,000.00	\$3,661.54	\$15,338.46	19.27%
210-7343-00	Vehicle Maintenance	\$18,000.00	\$14,699.82	\$3,300.18	81.67%
210-7344-00	Vehicle Gas, Oil, and Supplies	\$13,000.00	\$9,326.77	\$3,673.23	71.74%
210-7381-00	Property Tax Admin. Costs	\$4,000.00	\$3,548.25	\$451.75	88.71%
210-7411-00	Legal Services Retainer	\$2,000.00	\$0.00	\$2,000.00	0.00%
210-7419-00	Other Professional Services	\$6,560.00	\$5,479.93	\$1,080.07	83.54%
210-7429-00	Animal/Pest Control Services	\$5,000.00	\$175.00	\$4,825.00	3.50%
210-7440-00	Tree Trimming Services	\$25,000.00	\$50,205.00	(\$25,205.00)	200.82%
210-7445-00	Weed Abatement Services	\$122,000.00	\$43,326.90	\$78,673.10	35.51%
210-7486-00	CERF Charges/Depreciation	\$14,500.00	\$14,500.00	\$0.00	100.00%
210-7520-00	Project Expenses	\$483,000.00	\$41,814.54	\$441,185.46	8.66%
210-7615-00	CCC Property Tax	\$2,800.00	\$2,790.68	\$9.32	99.67%
210-8101-00	Transfer To General Fund	\$36,095.00	\$36,095.00	\$0.00	100.00%
210-8113-00	Transfer to Stormwater Fund	\$1,008.00	\$1,008.00	\$0.00	100.00%
Total Expenses		\$1,499,063.00	\$712,715.04	\$786,347.96	47.54%
BEGINNING FUND BALANCE		\$1,111,621.00	\$1,096,082.78		
NET SURPLUS/(DECREASE)		(\$397,786.00)	\$334,805.29		
ENDING FUND BALANCE		\$713,835.00	\$1,430,888.07		



Agenda Date: May 21, 2018

Agenda Item: 5c

Memo

To: Trails and Landscape Committee
From: Assistant to the City Manager and Maintenance Staff
Meeting Date: May 21, 2018
Re: Proposed Landscape Maintenance District (LMD) Budget FY 18-19
Citywide Landscape Maintenance District – Fund No. 210

Background:

In June 2007, Clayton voters approved a replacement real property special tax to continue funding the operation and maintenance of its citywide public landscaped areas. This voter action created the City of Clayton Landscape Maintenance Community Facility District 2007-1 (LMD). This annual tax is restricted to landscape costs associated with: arterial and specified roadway medians and parkways, the trails system, the annual open space non-native (exotic) invasive weed abatement in city-owned open space of the area hills, the annual open space and trails weed abatement for fire and public safety, landscape and turf irrigation and the monthly maintenance and special occasion/holiday operation of the “Clayton Fountain”. Operations for the LMD are separately accounted for by the City in a restricted special revenue fund.

Measure B, the 2007 ballot measure, expired June 30, 2017. Given this is the only source of funds for the maintenance and operation of the LMD, in order continue this sole funding a special parcel tax, “Measure H” was placed before the voters on the June 7, 2016 ballot needing two-thirds (66.67%) voter approval. In June 2016, the voters overwhelmingly elected (77.1% positive vote) to extend the LMD special parcel tax for an additional 10 years.

Maintenance of City Parks *is not* included as an authorized expense under the LMD Act; park maintenance obligations fall to the City’s General Fund. *Citywide public landscaping services have always been funded by a special revenue tax levied on private properties throughout the City.* The LMD has now completed its first year of operation under Measure H. The Landscape Maintenance District has trails and landscaping citizens’ oversight committee (TLC) that meets periodically to ensure the promised maintenance standards and efficiencies are achieved and reviews the budget ensuring these special-purpose tax revenues are used for their intended purpose as established under the previous ballot measure for the LMD.

The TLC also independently prepares the Annual Citizens Oversight Report regarding the collection and use of the funds and the Landscape Maintenance District Activities. All funds and expenses are documented in a special fund held separate from the City's overall operational budget; the Landscape Maintenance District is specified as Fund 210 in the City's overall budget.

Discussion:

Pursuant to the terms of voter-approved H, the special tax rate may be modified annually by the change in the CPI from April to April. In no event shall the tax rate be increased by more than 3.0% each year. Given the CPI change (from April 2017 to April 2018) posted at 3.22%, the special parcel tax growth factor must be capped at 3.0% for FY 2018-19. Accordingly, the LMD'S projected revenues are proposed to be increased by 3.0% to a total of \$1,121,746 for FY 2018-19. This results in a modest increase to LMD special parcel tax revenues of \$32,469 over the prior year adopted budget. The capped CPI growth adjustment will result in an increase of \$7.44 per residential parcel over the prior year rate (last year's single family rate was \$248.42; including the capped CPI adjustment factor the new single-family parcel rate will be \$255.86).

The TLC budget recommendation must be adopted by motion to recommend it to the City Council, including the CPI annual rate adjustment.

Since 2008, the LMD has used approximately \$1,295,208 of these special tax funds for public landscape and irrigation and trail system improvements. When including an additional \$567,000 of prior-approved projects rolled forward into FY 2018-19, the LMD will have invested over \$1.8 million into landscape related capital improvements in addition to maintaining current landscaping.

For FY 2018-19, the LMD has budgeted to fund the following prior-approved landscape improvement projects:

Upgrade/Replace Irrigation Controllers	\$ 20,000
Subdivision/City Entry Sign Replacement Contingency	\$ 2,000
Downtown (Main Street) Planter Boxes Replacement Project	\$ 280,157
Removal of 18 Eucalyptus Trees in City open space areas (Regency/EI Molino and Cardinet Trail behind Rachel Ranch)	\$ 185,000
	<hr/>
	\$ 487,157

The proposed LMD budget is a balanced operational budget, utilizing fund balance to undertake non-annual capital improvement projects. This practice is consistent with prior year budgets as the LMD is pay-as-you-go for such improvements, responsibly drawing on fund balance as needed. The budget expenses are primarily adjusted for increased costs from outside agencies as well as for fuel, fertilizer, water, etc.

Prior year's City Council adopted budget included the Downtown Planters (Main Street) replacement project at an estimated \$300,000. Of this amount \$30,000 for plans/specs, and \$270,000 estimated for construction). To date \$19,843 has been spent on plan preparation and specifications (\$19,069 in FY 16-17, and \$ 774 in FY 17- 18). This leaves a remaining amount that rolls forward of \$280,157. The estimated construction

costs are \$270,000 and were approved by the City Council in the FY 17-18 budget. The new City Engineer has been working on street repair and repaving projects and the timing of this project has been delayed, therefore the funding will roll forward to allow this project to be done in FY 18-19. The next steps in the process are administrative staff functions which include the City Engineer to review and finalize construction bid documents, and put the project out to bid. Lowest bidder would then be recommended directly to the City Council for action.

In FY 17-18 staff identified the need to remove 18 large Eucalyptus trees (\$185,000) in the open space near Regency Drive/El Molino and along a portion of the Cardinet Trail behind the homes on Rachel Ranch. To date only one tree has been removed. The remaining trees are planned for removal at the end of FY 17-18 or in early FY 18-19, and the funding is rolled forward to FY 18-19.

Two years ago the adopted budget included a city wide subdivision entry re-landscaping project at \$300,000. Although concept plans were approved, outside Landscape Architect services were needed to survey all utilities/irrigation and prepare construction level plans and specifications for public bidding. Staff has not been able to locate a qualified Landscape Architect that has the time or interest to undertake providing a proposal for this work. Therefore last year (FY 17-18) the City Council put a hold on the project, and the allocated funds were returned to the fund balance in FY 17-18. There are no plans to move forward with this project at this time.

Discussion

Attached is the proposed budget for the LMD for fiscal year 18-19 which begins July 1, 2018. The FY 16 -17 actual as well as current fiscal year, FY 17-18, information is also provided as comparisons. The proposed budget is a balanced budget, with the use of the LMD fund balance, which has been done in the past in order to undertake certain replacement or repair projects as the LMD is a pay as you go system drawing on the fund balance as needed. The budget expenses are adjusted mostly for increased costs from outside agencies as well as for fuel, fertilizer etc.

The CPI change from April 2016 to April 2017 was 3.22%. Measure H approved by the voters, (Landscape Maintenance District tax) included annual increase of CPI, with a maximum rate not to exceed 3% annually. Included in the proposed budget is the 3.00% increase which would result in a small increase of special parcel tax revenues of \$32,469 over the prior year adopted budget. The capped CPI growth adjustment will result in an increase of \$7.44 per residential parcel over the prior year rate (last year's single family rate was \$248.42; including the capped CPI adjustment factor the new single-family parcel rate will be \$255.86).

The District over the past year has generated a sufficient reserve balance to allow the consideration of new landscaping projects to be undertaken. Although ending fund balance of \$743,019 is projected, staff is not proposing additional capital project beyond that described above in FY 18-19, in order to allow time to complete prior approved projects.

An enormous impact on LMD operations from FY 12-13 through FY 16-17 was the declared drought conditions and the severe water conservation reductions imposed by

Contra Costa Water District (CCWD) as directed by the Governor's Executive Order Emergency declaration. While homeowners were placed under a 25% reduction plan, city and commercial irrigation water consumers were set at a massive 45% mandatory water reduction order. With irrigation cutbacks of that magnitude the LMD suspended irrigation water to turf and bushes, reserving restricted water supplies to irrigate public trees. The LMD also halted all operation of the Clayton Fountain (even though it is a recirculating fountain) and reduced outside watering to two days per week. This action plan impacted some of the water intensive landscape in order to sustain the more valuable plants and mature signature trees in the LMD. Capital improvement projects engaged during the drought were hardscape-only oriented.

Although the state of California and CCWD relaxed water restrictions, allowing more additional outdoor water irrigation uses than in the prior year, there are still reductions needed to balance against water cost increases. The proposed budget for LMD water irrigation supply service incorporates a large projected water cost increase of \$27,000 over the prior year budget, bringing the total budgeted water supply expenditure to \$157,000. The increases over the last two years are actually a normalization of water irrigation costs back to pre-drought periods, and the 6% rate increase for FY 17-18 by CCWD.

Personnel services for this labor-intensive work effort account for 28.35% of the LMD budget in FY 2017-18 (\$428,390). Whenever possible, tasks within the LMD are assigned to temporary seasonal personnel that are less expensive labor (e.g. trimming), allowing full-time permanent City maintenance personnel (typically four) to focus on tasks requiring journeyman-level experience (e.g. irrigation line and system repairs).

As approved by Measure H voters, the LMD'S budget includes a recurring line item (account 7316) for the purchase of replacement plants, budgeted at \$40,000 in FY 2018-19. The LMD further contributes an annual allocation to the City's Capital Equipment Replacement Fund (CERF) for its shared cost of utilizing city Maintenance Department vehicles for LMD operations budgeted at \$20,070 in FY 2018-19. An expense of \$37,258 (3.28% of annual LMD revenue) is transferred to the City's General Fund to pay for the LMD's share of administrative and overhead activities provided by the City (e.g. telephones; payroll processing; accounts payable; management).

With all of these actions, the LMD's ending fund balance on June 30, 2018 is projected to be **\$743,019**. The LMD's healthy reserve position is evidence the City does not siphon "surplus" monies into its General Fund but uses the special tax revenues for its intended voter purposes. Its monetary existence will be crucial once the drought is over and the LMD re-examines priorities to replace landscape lost (including adding in more hardscape treatments) from the extreme water conservation measures.

The City Council will have the initial proposed budget at their June 5th meeting and the City Council final public hearing and adoption of the budget will occur on June 20, 2018. The recommendation action of the TLC will be forwarded to the City Council for their consideration at their June 5th meeting.

Staff Recommendation:

Trails and Landscaping Committee by motion recommend approval of the proposed Landscape Maintenance District Budget for FY 2018-2019, which includes carrying forward prior approved projects totaling \$487,187; and a CPI adjustment of 3.00%

Attachments:

- Proposed Landscape Maintenance District Budget FY 2018-19
- Bureau of Labor Statistics Consumer Price Index (CPI) 2017-2018
- LMD Levy History Summary
- LMD Project History Summary

tlc landscape dist budget fy18-19

City of Clayton
Landscape Maintenance District Fund 210 (CFD 2007-1)
Proposed Budget FY 18-19

Account Number	Account Name	2016-17 Actual	2017-18 Adopted Budget	2017-18 Year End (June 30) Projected	2018-19 Proposed Budget
7111	Salaries/Regular	164,465	202,000	177,000	211,000
7112	Temporary Help	126,766	149,000	109,000	96,000
7113	Overtime	474	1,000	1,000	1,000
7218	LTD/STD Insurance	1,588	3,500	2,100	2,400
7220	PERS Retirement - Normal Cost	20,683	23,300	19,300	25,200
7221	PERS Retirement - Unfunded Liability	21,777	24,300	18,378	28,290
7231	Workers Comp Insurance	11,934	12,700	12,175	11,600
7232	Unemployment Insurance	2,251	5,000	2,500	2,900
7233	FICA Taxes	4,337	10,500	5,000	6,600
7246	Benefit Insurance	33,875	44,700	37,900	43,400
7301	Recruitment/Pre-employment	-	1,000	500	1,000
7311	General Supplies	44,245	50,100	33,150	50,000
7316	Landscape Replacement Material	17,896	40,000	18,000	40,000
7335	Gas & Electric Serv.	29,072	30,000	28,100	29,600
7338	Water Service	139,832	130,000	148,000	157,000
7341	Buildings/Grounds Maintenance	10,304	20,000	9,800	20,000
7342	Machinery/Equipment Maint.	10,402	19,000	9,500	12,000
7343	Vehicle Maintenance	19,128	18,000	19,600	20,000
7344	Vehicle Gas, Oil, and Supplies	12,594	13,000	12,500	13,000
7381	Property Tax Admin Cost	3,735	4,000	3,900	4,000
7382	Election Services	-	-	-	-
7411	Professional Services Retainer (Legal)	1,996	2,000	2,000	2,000
7419	Other Prof. Services	5,829	6,560	5,480	7,000
7429	Animal/Pest Control Services	3,095	5,000	5,000	5,000
7435	Contract Seasonal Labor	-	-	-	100,000
7440	Tree Trimming Services	29,300	25,000	60,000	60,000
7445	Weed Abatement Services	106,560	122,000	122,000	128,100
7486	CERF Charges/Depreciation	14,500	14,500	14,500	20,070
7520	Project/Program costs	77,739	483,000	52,482	487,157
7615	Property Taxes	2,709	2,800	2,791	2,900
8101	Fund Admin - Transfer to GF	34,780	36,095	36,095	37,258
8111	Transfer to CIP Fund	-	-	-	-
8113	Transfer to Stormwater Fund	1,008	1,008	1,008	1,050
Total Expenditures		952,874	1,499,063	968,759	1,625,525
4604	Clayton LMD Special Parcel Tax	1,058,798	1,089,277	1,089,074	1,121,746
5601	Interest	14,454	12,000	15,400	15,000
5606	Unrealized Inv Gain/Loss	(11,061)	-	-	-
Total Revenue		1,062,191	1,101,277	1,104,474	1,136,746
Increase (Decrease) in Fund Balance		109,317	(397,786)	135,715	(488,779)
Beginning Fund Balance		986,766	1,111,621	1,096,083	1,231,798
Ending Fund Balance		1,096,083	713,835	1,231,798	743,019

City of Clayton
Landscape Maintenance District Fund 210 (CFD 2007-1)
Proposed Budget FY 18-19

Account Number	Account Name	2016-17 Actual	2017-18 Adopted Budget	2017-18 Year End (June 30) Projected	2018-19 Proposed Budget
7311	<u>General Supplies</u>				
	Bay Area Barricade	4,953	4,000	4,000	4,000
	Cole Supply	1,671	1,600	-	-
	Concord Garden Equipment	294	500	250	500
	Contra Costa Topsoil	1,775	-	1,500	1,500
	Crop production services	6,998	4,000	8,000	5,000
	Fertilizer	-	5,000	-	5,000
	Grainger	-	-	500	-
	Herbicides	-	8,000	-	8,000
	Ross Recreation	-	8,000	1,000	8,000
	Site One Landscape	19,558	8,000	7,900	8,000
	Zee Medical Supply	-	-	-	-
	Misc Supplies (Calcard - US Bank)	8,996	11,000	10,000	10,000
		44,245	50,100	33,150	50,000
		-	-	-	-
7341	<u>Building/Grounds Maintenance</u>				
	Martell Water Systems (Well pump repair	-	5,000	-	5,000
	Pond M Solutions (\$650x12 water feature maintenance)	9,283	8,000	7,800	8,000
	Pond M Solutions (extra repairs)	-	5,000	-	5,000
	Spraytec Maintenance (wastewater)	979	2,000	2,000	2,000
	Supplies for maintenance	42	-	-	-
		10,304	20,000	9,800	20,000
		-	-	-	-
7342	<u>Machinery/Equipment Maintenance</u>				
	Concord Garden Equip/Supplies	6,803	7,000	2,300	5,000
	Concord Trailer World	1,935	5,000	200	2,000
	Contra Costa Tractor	-	5,000	5,000	2,000
	Site One Landscape	-	-	1,000	1,000
	US Bank (Calcard)	1,664	2,000	1,000	2,000
		10,402	19,000	9,500	12,000
		-	-	-	-
7419	<u>Other Professional Services</u>				
	CCC Fire Protection - Operation Permit	-	600	-	1,000
	EBRCSA-Radio Mtn PW radio's	1,300	1,500	1,300	1,500
	NBS Admin Fees+Del letters	4,269	4,200	4,180	4,500
	Misc	260	260	-	-
		5,829	6,560	5,480	7,000
		-	-	-	-
7445	<u>Weed Abatement Services</u>				
	Environtech Enterprises (non-native invasive weed abatement - Oakhurst Mitigation EIR)	57,560	62,000	62,000	65,100
	Waraner Bros Svc 1 x per yr+2 x trails (Fire Protection)	49,000	60,000	60,000	63,000
		106,560	122,000	122,000	128,100

City of Clayton
 Landscape Maintenance District Fund 210 (CFD 2007-1)
 Proposed Budget FY 18-19

Account Number	Account Name	2016-17 Actual	2017-18 Adopted Budget	2017-18 Year End (June 30) Projected	2018-19 Proposed Budget
7520	<u>Project/Program costs</u>				
	Upgrade irrigation controllers (annual until all complete)	-	20,000	20,000	20,000
	Sub Division/City Entry Signs (contingency)	-	2,000	-	2,000
	LMD2015-1 - Downtown Planters (\$35,000 increased to \$300,000)	19,069	270,000	774	280,157
	LMD2015-2 - Jeffrey Ranch Relandscaping (\$6,000)	-	6,000	3,374	-
	LMD2015-3 -Keller Ridge Tree rep. (B-\$46,000)	58,670	-	-	-
	LMD 2018-1 - Removal of 18 Eucalyptus trees in Open Space Hills (\$185,000)	-	185,000	-	185,000
	LMD 2018-2 - Cardinet Trail Repairs Behind Westwood (\$20,000)	-	-	28,334	-
		-	-	-	-
		77,739	483,000	52,482	487,157
		-	-	-	-

East Bay Regional Communication System

Authority Radio Interoperability

<u>EBRCSA Breakdown - FY 2015 (Method consistent w/ Prior Years)</u>		
\$	8,808.00	97.71% PD
\$	206.00	2.29% Gas tax
\$	1,368.00	15.18% Landscape
\$	206.00	2.29% grove park
\$	206.00	2.29% street lights
\$	206.00	2.29% stormwater
\$	400.00	4.44% pw - 03
\$	11,400.00	Quoted price per EBRCSA FY 15

Notes:

Extra to run pump for fountain
 10 events (31 days @ \$160=\$4960.)
 Art n Wine, Memorial Day, 4th of July, BBQ Cook Off, Veterans Day, Xmas Tree Lighting,
 Presidents Day, Thanksgiving, Garden Tours, Oktoberfest

Databases, Tables & Calculators by Subject

Change Output Options:

From: To:
 include graphs include annual averages

Data extracted on: May 16, 2018 (10:17:10 PM)

CPI-All Urban Consumers (Current Series)

Series Id: CUURS49BSA0,CUUSS49BSA0
Not Seasonally Adjusted
Series Title: All items in San Francisco-Oakland-Hayward, CA, all urban consumers, not seasonally adjusted
Area: San Francisco-Oakland-Hayward, CA
Item: All items
Base Period: 1982-84=100

CPI-All Urban Consumers (Current Series) 12-Month Percent Change

Series Id: CUURS49BSA0,CUUSS49BSA0
Not Seasonally Adjusted
Series Title: All items in San Francisco-Oakland-Hayward,
Area: San Francisco-Oakland-Hayward, CA
Item: All items
Base Period: 1982-84=100
Years: 2017 to 2018

Year	April - April
2016-2017	3.8
2017-2018	3.2

**CPI-All Urban Consumers (Current Series)
12-Month Percent Change**

Series Id: CUURS49BSA0, CUUSS49BSA0

Not Seasonally Adjusted

Series Title: All items in San Francisco-Oakland-Hayward, CA,

Area: San Francisco-Oakland-Hayward, CA

Item: All items

Base Period: 1982-84=100

Years: 1997 to 2018

Year	Apr	amount increased
1997	3.7	0
1998	3.1	2
1999	4.6	2
2000	3.8	2
2001	5.8	2
2002	2.1	2
2003	2.2	2
2004	0.5	0.5
2005	2.1	2
2006	3.2	2
2007	3.3	3
2008	2.9	2.9
2009	0.8	0.8
2010	1.7	1.7
2011	2.8	2.8
2012	2.1	2.1
2013	2.4	2.4
2014	2.8	2.8
2015	2.4	2.4
2016	2.7	2.7
2017	3.8	3
2018	3.2	3
total CPI change since start of LMD	62.0	46.1 amount increased since start of LMD

15.9 below rate of inflation

Landscape Maintenance District Levy History CFD 2007-1 (approved Nov 2007 for 10 yrs 2007/08-2016/17; renewed by voters for 2017/18-2026/27)													
Year	levy amount (per res parcel and non res per acre or fraction thereof)	close out of old CFD	Measure B										Measure H tax renewed 2017/18
			2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	
	\$ 196.76	\$ 202.44	\$ 204.06	\$ 207.56	\$ 213.42	\$ 217.86	\$ 223.04	\$ 229.29	\$ 234.84	\$ 241.18	\$ 248.42	\$ 255.86	
	n/a	2.88%	0.8%	1.72%	2.82%	2.08%	2.38%	2.78%	2.44%	2.70%	3.78%	3.22%	
	n/a	2.88%	0.8%	1.72%	2.82%	2.08%	2.38%	2.78%	2.44%	2.70%	3.00%	3.00%	
	n/a	\$ 5.68	\$ 1.62	\$ 3.50	\$ 5.86	\$ 4.44	\$ 5.18	\$ 6.22	\$ 5.58	\$ 6.34	\$ 7.24	\$ 7.44	
note: levy limited to annual increase of CPI not to exceed 3%													

Replacement Projects Landscape Maintenance District (Measure B 2007-08 through 2016-17, Measure H 2017-18 through 2026-27)		amount -apx.	year -apx
Completed:			
Landscaping			
mediain tree replacement clayton road mitchell cyn to Atchinson stage (14 sycamore trees) donations paid for these		\$ 2,500	2008
Okhurst Drive decorative pavers in narrow median noses, redo irrigation and replanting		\$ 70,000	2010
Clayton Water Feature replanting/redo irrigation		\$ 114,000	2010
March Creek Circle landscape berm mitigation irrigation upgrades replanting		\$ 19,400	2011
Clayton Road median (Okhurst to Mitchell Cyn) and retaining wall from CVS to Daffodil Hill irrigation installation and new landscaping		\$ 328,011	2012
Daffodil Hill new irrigation and new planting (\$27,500 donated by CBCA)		\$ 29,000	2012
Deferred Tree Trimming City Wide (\$20,000 annually)		\$ 160,000	2010-2018
Peacock Creek Dr. Median Tree replacement (partial cost of LMD remainder from traffic accident/insurance recovery fund)		\$ 2,000	2016
Keller Ridge Drive street tree replacements		\$ 58,670	2016
Peacock Creek entry sign replanting project		\$ 11,100	2016
Jeffry Ranch/Caulfield Ct island replant/hardscape		\$ 6,000	2018
	subtotal \$800,681		
Trails:			
Peacock Creek install new headboards, apply new 1/4 x dust gravel and compact, install waterboard weir drainage		\$ 20,000	2008
Upper Easley - Bruce Lee - Trail from old Marsh Ck to Center Street ; and Lower Easley - El Molino- from old Marsh Ck rd to Weatherly_		\$ 60,000	2013
trail crack sealing/repair		\$ 10,000	2013
Lower Easley old Marsh Ck to Village Oaks		\$ 30,000	2015
Mt Diablo Elem School Hill Trail		\$ 19,800	2015
pedestrial Trail Bridge surface replacement		\$ 79,000	2015
Cardinet Trail erosion repair		\$ 75,000	2016
	subtotal \$ 293,800		
Other:			
Purchase New Irrigation Control Vehicle (Capital Equipment and Replacement Fund)		\$ 35,000	2007/08
open space tree canopy trim and lifting		\$ 30,000	2012/13-15
Purchase new Tractor \$75,000 with 50% from LMD)		\$ 37,500	2016
Master Remote Computer Controller for all Irrigation Systems		\$ 30,000	2012/13
replace irrigation system central control field panel		\$ 20,000	2016
replace irrigation system central control field panel		\$ 20,000	2017
replace irrigation system central control field panel		\$ 20,000	2018
	subtotal \$ 192,500		
Adopt a Trail (from donations only) project suspended by TLC in July 2017			
trail sponsorship signs and plaques (incl posts/signs and installation)		\$ 3,827	2009
installation of new uplights and electrical at oak trees - cardinet trail east side of library		\$ 4,400	2011/12
	subtotal \$ 8,227		
To be done:			
Landscaping			
various subdivision entry redesign relandscape including hardscape		\$ -	project postponed
downtown Main St planter boxes		\$ 300,000	2018
deferred Tree Trimming City Wide 2018-19 (\$20,000 annually)		\$ 20,000	2019
general various replacement planting		\$ 40,000	2018/19
	subtotal \$ 360,000		
Other:			
replace irrigation system central control field panel		\$ 20,000	2019
replace subdivision/city entry sign if needed (contingency)		\$ 2,000	
euclyptus tree removal in various open space		\$ 185,000	2018
	subtotal \$ 207,000		
total reinvestment to Landscape Maintenance District through 6/30/18			
		\$ 1,295,208	
total additional reinvestment planned through 2017-18			
		\$ 567,000	
total est reinvestment through 6/30/19			
		\$ 1,862,208	



Agenda Date: May 21, 2018

Agenda Item: 5d

Memo

To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: May 21, 2018
Re: Annual Report Ad Hoc Committee

At the February 12, 2018 meeting the TLC discussed the creation of an Ad Hoc Committee to draft the Annual Report as the Citizens Oversight Committee for Measure H, the Landscape Maintenance District special tax. The Ad Hoc committee would consist of the Chair and up to two additional members; as it must be less than a quorum of the body. The body has 7 members so an Ad Hoc committee must be less than 4 members.

The Chair would coordinate this effort and prepare a report message. The Annual Report format has been fairly consistent over the past years as developed by the Committee. The Annual Report however can be of any format, as it is an independently prepared report by the TLC acting as the Citizens Oversight Committee of Measure H. At the minimum the document is to review and report on the revenue and expenditures of the special tax, and verify the funds were received and were spent in accordance with the special tax measure. Staff is available to provide appropriate information the Ad Hoc Committee feels that it would need in order to prepare its Annual Report. For reference prior year's Annual Reports can be viewed on the City Web site (www.ci.clayton.ca.us) under the Government tab, then Trails and Landscape Committee - Annual Reports.

As an Ad-Hoc Committee comprised of less than a quorum (nor more than 3) they may meet at their own convenience and location of their choosing and also communicate electronically and by phone.

The Committee would obtain the preliminary fiscal year FY 17-18 financial closing from the City. This information is typically available by the City Finance Manager in August. The Ad Hoc Committee would then draft document for review and approval by the entire Trails and Landscape Committee at a public meeting usually in September or October, depending on the timing.

After the TLC approves the Annual Citizens Oversight Report it is presented to the City Council for receipt, typically in October or November.

Recommendation: Select two TLC members to serve with the Chair on the preparation of the Annual Report for FY 17-18.

7:09 p.m. Social Break

Mayor Haydon called for a short break in the Council proceedings so attendees in the audience and members of the City Council could meet and chat with Clayton's new Chief of Police.

7:21 p.m. Mayor Haydon called the Clayton City Council meeting back to order.

5. REPORTS

(a) Planning Commission – No meeting held.

(b) Trails and Landscaping Committee – Meeting held on February 12, 2018.

Vice Mayor Shuey provided the report on the Trails and Landscaping Committee meeting of February 12, 2018 due to his attendance as the City Council liaison. He noted a lengthy discussion of weed spraying done by City crews which included adding a dye to the spray to assist the public's awareness of recent weed spraying. The TLC suggested a future Mayor's column encouraging citizens to report items observed throughout the city, such as a tree that has fallen, as City personnel cannot be everywhere and are not always receiving notification of such occurrences. The TLC Committee also reviewed the recent clarifications adopted by the City Council on the roles of the advisory committee.

Mayor Haydon invited Brandon Bratcher forward, from the Field Office of Congressman Mark DeSaulnier, who read a letter of congratulations to incoming Police Chief Elise Warren on behalf of Congressman DeSaulnier. Mayor Haydon indicated staff would make sure Chief Warren receives the letter.

(c) City Manager/Staff – No Report.

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

Councilmember Catalano attended Council Budget Sub-Committee meeting last week.

Councilmember Pierce attended the Association of Bay Area Government Regional Planning Committee meeting, the TRANSPAC Board meeting, six Metropolitan Transportation Commission's committee and Board meetings, the Clayton Museum's 41st Annual Camellia Tea event, and a Bay Area Regional Collaborative meeting.

COMMITTEE ROSTER
TRAILS AND LANDSCAPING COMMITTEE

Agenda Date: May 21, 2018

Agenda Item: Id(z)

Maryann Carroll-Moser
213 Falcon Place
Clayton, CA 94517
(925) 2693-0841
email: maxiboyne@gmail.com
(term: December 2017 - December 2019)

Howard Kaplan
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(925)672-9618; (925) 672-8843 (wk)
email: hkaplan@farmvestinc.com
(term: Dec. 2017- December 2019)

Carin Kaplan
1194 Easley Drive
Clayton, CA 94517
(925) 672-9618
email: bolero2879@comcast.net
(term: December 2017 - December 2019)

Nancy Morgan
1061 Feather Circle
Clayton, CA 94517
(925) 672-8705
email: nancy-morgan@comcast.net
(term: Dec. 2017 - December 2019)

Ted Sudderth
1031 Kenston Drive
Clayton, CA 94517
(925) 672-4377
email: unkted@aol.com
(term: March 2018 - December 2018)

Doris Ward
974 Tiffin Drive
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(925) 890-0885
email: doris_ward@comcast.net
(term: March 2018 - December 2018)

William Wiggins
1043 Kenston Drive
Clayton, CA 94517
(925) 997-1371
Email: bwiggins8@gmail.com
(term: March 2018- December 2018)

CITY PERSONNEL

City of Clayton Main Office number 673-7300

Gary Napper, City Manager
6000 Heritage Trail
Clayton, CA 94517
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email: gnapper@ci.clayton.ca.us

David Shuey, Vice Mayor (Liaison)
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Laura Hoffmeister, Assistant to the City Manager
6000 Heritage Trail
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Tuija Catalano, Councilmember (Alternate Liaison)
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Jim Warburton, Maintenance Supervisor
6000 Heritage Trail
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Janet Brown, City Clerk
6000 Heritage Trail
Clayton, CA 94517
(925) 673-7304
email: jbrown@ci.clayton.ca.us

WHAT IS YOUR TRAILS AND LANDSCAPE COMMITTEE?

The TLC (Trails and Landscape Committee) consists of up to 11 volunteers, your neighbors & friends - all residents of Clayton. The TLC was formed by the Clayton City Council in August 2007 to help the City implement the voter-approved funds to manage the current and future needs of the City-wide Landscape Maintenance District (the CCLMD).

The TLC serves as the financial oversight committee and provides guidance to the City Staff and City Council regarding the spending of the special voter approved funds that can only be used for spending within and for the Landscape Maintenance District.

The Landscape Maintenance District consists of the roadway edge and roadway median landscaping, trail maintenance and fire abatement on trails and open space. City parks & the running of the Clayton Fountain are not included in the District.

The TLC in Action!

The Trails and Landscape Committee meets twice a year and on an as needed basis, usually on a 3rd Monday evening of a month (7pm) at the City Library (Hoyer Hall Meeting Room) 6125 Clayton Road. Residents of Clayton are encouraged to attend these meetings to hear status reports and to provide input and get their questions answered, or send questions or concerns via email through the City web site.

Meeting agendas are posted on:

City web site: www.ci.clayton.ca.us
City Hall, 6000 Heritage Trail;
Clayton Library, 6125 Clayton Road; Ohm's Bulletin Board, 1028 Diablo St

Please direct any questions or concerns to the City of Clayton via the website address above, or contact City Offices at 673-7300.

Your Trails and Landscape Committee Members

Maryann Carroll-Moser
Carin Kaplan
Howard Kaplan
Nancy Morgan
Ted Sudderth
Doris Ward
Bill Wiggins

IMPORTANT INFORMATION

FROM YOUR

CLAYTON

TRAILS and

LANDSCAPE

COMMITTEE



WHAT are the STANDARDS and PRIORITIES of the District and the TLC?

- Firebreaks are Mandatory.
- Weeds are cut along major trails and creeks twice yearly.
- Trees are trimmed for safety purposes first.
- Irrigation breaks are repaired as needed.
- Public roadway landscaping is trimmed twice yearly.
- Landscape areas are fertilized one time a year as needed.
- Limited funds for targeted improvements or replanting of \$20,000 each year.

TLC'S STRATEGIC FOCUS

- Take Care of what we have before planting something new
- Remove unwanted expenditures and control costs with strict oversight.
- Create Equity in the District.
- Implement Cost-Effective measures to improve irrigation and infrastructure and functions.
- Invest in improved equipment as a means to increase maintenance efficiency and effectiveness.
- Implement Seasonal and situational based labor to minimize costs.

Agenda Date: May 21, 2018

Agenda Item: 7d(3)

2018

HOW IS THE DISTRICT FUNDED ?

The District is funded by a 10-year special parcel tax "Measure H" passed by 77% of the Clayton voters in June 2016 that is currently \$ 248.42 per year that appears on your property tax bill. This assessment can only be increased for inflation with a maximum annual increase cap of 3% per year. This is the only source of funding for the Landscape District supplies, electricity, irrigation, water, and labor. All funds are kept separate and only used for the voter approved Landscape District expenses. *(The operation of the Clayton Fountain Water Feature beyond the few special event dates was not approved by voters to be included in the District).*



HISTORY OF THE DISTRICT

In 1997, Clayton residents realized that the City's modest General Fund budget was unable to adequately provide for our public landscaping, trails and open space maintenance. Recognizing their importance in how it defines our community, a Community Facilities District was established, known as the Trails and Landscape Maintenance District, to provide for maintenance costs for the trails, open space and roadside landscaping. A 10-year special parcel tax was approved by the voters to establish a reliable funding source for this District.

In 2007, as the special parcel tax neared its end, Clayton residents approved a 10 year extension of the special parcel tax along with the establishment of a citizens advisory committee, known as the Trails and Landscape Committee. In June 2016 the Clayton voters approved another 10-year extension of the special parcel tax, with the continuation of the advisory Trails and Landscape Committee.

QUICK FACTS of Your Landscape Maintenance District Your "FRONT YARD"

- The District landscape covers over 2,000,000 sq. ft.
- There are 40,700 sq. ft. of lawns and flowerbeds.
- There are over 2,871 trees in the City.
- There is 515 acres of open space.
- There are 7 miles of creek side trails and 20 miles of open space trails.
- There are about 50 street islands and medians.
- The District uses equivalent of only three full time staff and includes the use of some seasonal and volunteer workers as needed.
- During 2008-2009 the Contra Costa Water District had mandatory water reductions of 45% for the Landscape District. The District priorities were to preserve trees, then shrubs and to eliminate watering of lawns and groundcovers to stay within the limits and to avoid financial penalties through even higher water costs.

SOME COMPLETED PROJECTS FUNDED BY THE DISTRICT

- Redesign of the Clayton Fountain Water Feature with new irrigation and drought tolerant plants.
- Clayton Towne Center sign entry way landscaping with joint funding by the Clayton Business and Community Association (CBCA).
- Redesign and replanted medians on Clayton and Oakhurst Roads.
- Replaced all seven pedestrian trail bridge surfaces.
- Repaved all previously paved trails.
- Constructed a trail connection from downtown to CVS along Clayton Rd
- Drainage and trail repaving on the Mt Diablo Elementary School hill.



**AFFIRMING AND CLARIFYING THE DUTIES AND RESPONSIBILITIES OF THE
“TRAILS AND LANDSCAPING COMMITTEE”
WHICH SERVES AS THE CITIZENS OVERSIGHT COMMITTEE FOR THE
CITYWIDE LANDSCAPE MAINTENANCE DISTRICT CFD 1997- 1**

Background:

In 1997 the voters of Clayton, California approved the formation of Community Facilities District 1997-1 to provide special parcel tax revenues for the maintenance of public roadway landscaping, open space and trail system improvements within the City of Clayton. Tax revenue generated from Measure H is used exclusively for the District only.

This District known as the “Citywide Landscape Maintenance District” was authorized by voters for a time period of ten (10) years to expire in 2007 unless otherwise approved or re-authorized by another affirmative vote of the local electorate. On June 5, 2007, Measure “B” a replacement Citywide Landscape Maintenance District (CFD 2007-1) for a period of ten (10) years (July 2007 through June 2017) was passed (83%) by the voters at a special municipal election.

On August 7, 2007 the Clayton City Council adopted Resolution 38-2007 which established the Trails and Landscape Committee to be comprised of up to eleven (11) citizen members, appointed by the City Council, as the citizens oversight committee for the City wide Landscape Maintenance District (CFD 2007-1) as called for in the ballot measure.

On February 21, 2008 the Clayton City Council adopted Resolution 08-2006 which outlines the role of the TLC. This document serves to supplement and clarify the intent of that Resolution.

On June 7, 2017 the voters approved (79%) an extension (Measure “H”) of the “Citywide Landscape Maintenance District” for a time period of ten (10) years to expire in 2027 unless otherwise approved or re-authorized by another affirmative vote of the local electorate, and included the continuation of the Citizens Oversight Committee.

What is the District:

The District covers 2 million square feet of roadway landscape area; 40,700 sq feet of lawns and flowerbeds; apx. 3,000 city trees; 515 acres of open space; 7 miles of creekside trails; 20 miles of open space trails; apx. 50 street islands and medians.

District Standards:

Standards for the District include: mandatory firebreaks one time per year; weeds trimmed along major trails and creeks twice a year; trees trimmed for safety purposes; irrigation breaks repaired as necessary; public roadway landscaping trimmed twice a year; landscape areas fertilized one a year as necessary.

Meetings:

The Committee meets as needed, typically three times a year, and is subject the public meeting laws (Brown Act). Agendas and meeting materials are publically available and public may comment at the meetings. Staff is responsible for agenda items and reports.

The purpose of the Committee:

Measure H established the continuation of the Citizens' Oversight Committee. The Citizens Oversight Committee is called the Trails and Landscape Committee, hereafter referred to as "Committee"

The Committee is comprised of up to eleven (11) citizen members, appointed by the City Council.

The Vice Mayor shall serve as the City Council ex officio liaison to the Committee.

The Committee serves in an advisory capacity to the City staff and the City Council on matters related to the operation Citywide Landscape Maintenance District CFD 1997-1, hereafter referred to as "District"

The Committee serves as the principal citizens' advisory group to the City Council and city manager (city staff) pertaining to public roadway landscaping, trails system, the Clayton Fountain, and open space weed abatement services and their related infrastructure.

The Committee is an advisory body to the City Council on matters relating to the City's Landscape Maintenance District, (roadway landscaping, open space and trails – it does not include parks). The Committee may review the conditions of the landscape, trails and open space and annually recommend to the City Council proposed operations and proposed projects that should be repaired/reconstructed within the allocated budget.

The Committee will annually review the proposed District budget revenue and expenditures to ensure the landscape maintenance district revenue collected and spent are for activities (projects and services etc.) within the Landscape Maintenance District.

Responsibilities of the Committee:

Review and recommend an annual District Budget to the City Council prior to the commencement of each fiscal year (July – June).

Confirm or make recommendations to the City Council regarding proposed budget funding priorities within the District operations and proposed projects.

Review the fiscal year end actual revenues collected and actual expenses of the Landscape Maintenance District, and ensure the landscape maintenance district revenue collected and spent were for activities within the Landscape Maintenance District.

Prepare a public Annual Report to the City Council regarding activities, maintenance and financial status of the District.

The Annual Report format and information shall be determined by the Committee and written by the Committee. City staff will provide appropriate information upon request to the Committee for its Annual Report preparation.

Advise the City Council and staff concerning budget, priorities and suggested levels of landscape care and maintenance for the District.

Review and recommend policies and practices to the City Council and city manager concerning the care, maintenance, repair, replacement and improvement of the District's assets and infrastructures.

Assist the City and its staff in the development and recommendation to the City Council of landscaping, trail and open space system improvements in the District

Seek and consider citizen and business person input regarding the daily and future operations and maintenance practices of the District.

The review of contracts, plans, specifications and documents and project implementation and project management are District responsibilities remaining under the authority of the City Manager, City Council and professional staff.

Determination of spending priorities, schedules, project details or financing plans are District responsibilities under the authority of the City Manager, City council and professional staff.

The review and/or recommending contracts, construction plan review or review/defining the scope of a project, providing direction to staff, are District responsibilities under the authority of the City Manager, City Council and professional staff.

Perform other such duties as may be assigned from time to time by the City Council.

The Vice Mayor of the Clayton City Council shall also serve as the City Council's representative to the Committee in an ex-officio liaison capacity.

The City Manager provides staffing and support services appropriate to the Committee and schedules Committee meetings as necessary to assist in and facilitate the Committee's deliberations and fulfillment of its assigned duties and responsibilities.

City staff is responsible for agenda items and preparation reports and drafting of minutes. The TLC may suggest future agenda items within the scope of the above duties and responsibilities. The TLC may review, accept or modify the draft minutes prior to action by the TLC.

Consider and make recommendations to the City Council for the renewal or extension of the Citywide Landscape Maintenance District by the local electorate prior to the District's scheduled expiration in July 2027.

Select a Chair and Vice Chair as needed.



Agenda Date: May 21, 2018

Agenda Item: 7d (5)

**CITY OF CLAYTON
TRAILS AND LANDSCAPE COMMITTEE**

MEETING PROCEDURES

The TLC is governed by the Brown Act – the State Opening Meeting Law. (See *Attachment A and Attachment B for more information*)

Only listed agenda items may be discussed at the meeting.

The public (not the Committee members) may comment on non-Agenda items under public comment.

The TLC cannot engage with the non-agenda public commenters' other than to ask for the speakers to clarify; direct the item to staff for follow up with the speaker, and/or place on a future TLC agenda if it is under the purview of the TLC.

At the end of the meeting Committee members may bring up items under its purview to be placed on a future agenda by city staff.

No committee members may discuss, email, text or otherwise communicate outside of the meeting on matters that they make decisions or recommendations with a quorum of the members.

The following procedures are a basis for guiding the conduct of its meetings:

1. The Chair should clearly announce the agenda item number and what the subject is.
2. The Chair should invite the appropriate people (e.g., staff, committee members, etc.) to report on the item, including any recommendation they might have.
3. The Chair should ask members of the Committee if they have any technical questions of clarification regarding the report(s). The Chair should provide time for these questions and for appropriate responses.
4. The Chair should invite public comments. If no one present then the Chair can so verbally note and go to next step (#5 below). If there are a larger number of persons wanting to provide comments, the Chair may establish a time limit (i.e. a maximum of 3 minutes) for individuals commenting or use other measures to help assure that all persons are heard. At the conclusion of the public comments, the Chair should announce that the public comment period has concluded.

5. The Chair should invite general discussion of the Committee members on the information received to this point on the agenda item. The Chair should encourage the participation of all the Committee members in this discussion.
6. After general discussion of the information received, the Chair asks for a motion from the Committee members. The Chair should defer from making the motion unless the other Committee members are reluctant to make the motion.
7. After the motion is made the Chair asks for a second to the motion by any member of the Committee that wishes to second the motion. The Chair should defer from making the second unless other Commissioners are reluctant to make the second. If there is no second then the motion fails and does not come before the group.
8. The Chair should announce the name of the Committee member who made the motion, and the second.
9. The Chair should ask if everyone understands the motion. If there is not understanding then the Chair can ask:
 - a. The Chair can ask the maker of the motion to repeat it;
 - b. The Chair can repeat the motion; or
 - c. The Chair can ask City staff present, to repeat the motion.
10. The Chair should ask if there is any further discussion of the motion by the Committee members.
11. When the discussion has ended, the Chair should announce that the Commission will vote on the matter. At this point, the Chair may repeat the motion to make sure all are clear on the matter before the vote.
9. The Chair should then call for the vote. The Chair may ask simply for the “ayes” and the “nays”. If members of the body do not vote, then they should “abstain”. A simple majority determines whether the motion passes or is defeated.
10. The Chair should announce the result of the vote and what action (if any) the Commission has taken.

Attachment A: Brown Act Overview – Quick Highlights of Key Provisions

Attachment B: The Brown Act and the Perils of Electronic Communication

BROWN ACT OVERVIEW – QUICK HIGHLIGHTS OF KEY PROVISIONS

For more information see www.cacities.org/opengovernment

The Committee can meet and convene only with a posted agenda 72 hours in advance of regular meeting time; and 24 hours in advance for special meeting.

A minimum of a quorum or majority of the appointed body must be present to conduct the scheduled and agenda meeting.

If there is less than a quorum the meeting cannot be held and staff will reset to a future meeting date and time.

Committee members must allow for general public comment on matters under their purview that are not listed on the agenda, though no discussion may take place other than clarifications of speaker and refer to staff for follow up or to direct placement of issue on future agenda. A uniform time limit if needed may be set at the beginning for each speaker (ie: 3 minutes; or 5 minutes).

The Committee must allow for public input on all matters listed on their agenda. A uniform time limit if needed may be set at the beginning of this for each speaker (ie: 3 minutes; or 5 minutes).

All Committee discussion must occur at the meeting - Commission members may not discuss matters of the agenda before the meeting with each other prior to the meeting, this includes emails and voice mails, texts, letters, social media messaging, etc.

A Committee member may discuss agenda items with one member only, but that member may not discuss with any other member or else a serial meeting has occurred. It is strongly recommended that this not occur as a member may not be aware that another member could have been contacted already on a topic and thus created an illegal serial discussion.

Committee members may have discussion outside of the meeting including voice mails and emails only related to availability to schedule a meeting, transportation arrangements to/from a meeting or to advise may not be in attendance at a meeting.

Individual Committee members may contact staff with ideas for future agenda items under its purview; however it is better to include this at the end of the agenda – “items for future agendas”. Discussion of the merits of the item can not occur just the scheduling or not scheduling of it.

Committee members may have general discussion outside of the meeting on matters that have already been decided by the Committee, general matters overall, or on items that have yet to be placed on an agenda.

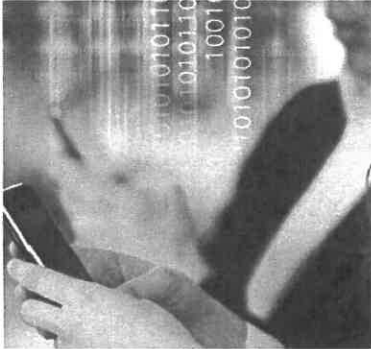
Committee members may address the Planning Commission or City Council as personal individuals, or if agreed as a representative of the TLC, ie: status report, recommendation reports.

Permissible Gatherings. Not every gathering of members of a public body outside a noticed meeting violates the law. For example, a violation would not occur if a majority of the members attend the same educational conference or attend a meeting not organized by the local agency as long as members do not discuss among themselves agency business except as part of the gathering. Nor is attendance at a social or ceremonial event in itself a violation. The basic rule to keep in mind is a majority of the members cannot gather and discuss agency business except at an open and properly noticed meeting.

Commissioners may have conflicts of interest on items where they own property or have an interest in property in close proximity to a site, or are a member of a organization making a request or sponsoring an item that could be under review for recommendation by the CSC, in that case the Commissioner may address the CSC as an individual in person or writing, or a representative of the outside organization, but must recuse themselves from the matter after they have provided their statement. This means that they have to physically leave the room and not be a part of the meeting discussion. If they are part of an organization it is better to have another member from that organization make the comments/presentation – the CSC member would still not be able to be in the room.

The Brown Act and the Perils of Electronic Communication

BY KARA UEDA



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About Legal Notes

This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.

Local public officials are often frequent and zealous users of technology and social media. Given the rapid speed with which people can now send e-mails and text messages and post comments online, a casual e-mail conversation between two city council members or an offhand comment on a newspaper website may quickly and inadvertently turn into a “meeting” under the Brown Act.

About the Brown Act

Most members of legislative bodies (including city councils, commissions, boards and committees) soon learn upon taking office that a quorum of their membership may not meet to discuss official business unless the meeting complies with the Brown Act. Often referred to as California’s open meeting law, the Brown Act provides that members of a legislative body may hold a meeting when a majority of them — at the same time and place — “hear, discuss, deliberate or take action on” an item within their subject matter jurisdiction.¹

To hold a lawful meeting under the Brown Act, a local agency must, among other things, provide public notice about the meeting for a certain time period and ensure that the public can access the meeting. Thus, if a city council (for example) has five members, three of the five may not meet at a restaurant to discuss city business unless the city has posted public notice about the meeting and otherwise complies with the Brown Act.

The Brown Act does not prohibit individual members of a legislative body from separately providing their own comments and opinions about a matter. A commissioner may write a newspaper editorial about an item the commission approved, and a city council member may give a speech or tweet about local projects under way in the city. Nor does the Brown Act prohibit “one-way” communications where, for example, a city manager transmits a communication to the entire council by e-mail.² The “passive receipt” of a document by public officials is different from a commission’s or city council’s collective action or discussion.

E-Mail Exchanges May Constitute Serial Meetings

Similarly, the Brown Act prohibits public officials from doing in successive steps what they cannot do in one step. More specifically, the Brown Act provides that a majority of a legislative body may not use any series of communications, either directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the legislative body’s subject matter jurisdiction.³ Serial meetings typically occur by either a “hub and spoke” or a “daisy chain” meeting.

Hub and Spoke Meetings

A hub and spoke meeting occurs when one person acts as the center and communicates with members of the legislative body. For example, Council Member Newman cannot call Council Member Oliver to discuss an item of city business and then call Council Member Peoples to discuss his conversation with council member Oliver. In this meeting Council Member Newman was the hub, and the other two council members were the spokes. Hub and spoke meetings may also occur by e-mail if the individual members e-mail each other instead of calling.

Daisy Chain Meetings

A serial meeting may also occur if Council Member Newman calls Council Member Oliver to discuss an item of city business, and then Council Member Oliver calls Council Member Peoples to discuss the same thing. This type of communication is also called a daisy chain meeting. This type of meeting is particularly likely to occur by e-mail due to the ease of forwarding e-mails.

Serial Meetings in Cyberspace

The Internet provides numerous opportunities for local officials to post their thoughts and opinions about city issues. Local bloggers report on city news and sometimes provide a running commentary of council and commission meetings as they happen. And most newspapers have websites where members of the public can — and frequently do — comment on the articles. When these entries or articles are especially timely or controversial, they practically invite comments by interested residents and local officials.

As of this writing, no court has specifically ruled on the intersection of comments posted on the Internet and the Brown Act's requirements. However, the same serial meeting rules that apply to e-mail may likely apply to other online conduct such as commenting about online news stories.

The potential danger with the online world is the speed with which a simple comment on a blog, a Facebook status update, a photo or newspaper article may rapidly become a discussion about city business by a quorum of the legislative body. For example, a local blogger may post an entry about an upcoming planning commission agenda item. Proponents and opponents both weigh in on the blog comments. A planning commissioner reads the entry and also posts a comment about the item. A second planning commissioner also decides to post a comment, and then a third planning commissioner responds to the first two commissioners. Thus, a discussion among the three of them ensues electronically on the Internet.

Did the planning commissioners violate the Brown Act? At first glance, it may seem that the planning commissioners did not violate the Brown Act if the blog is available for any member of the public to read. The planning commissioners may believe that basic open government principles were followed because they were not trying to have a secret meeting to discuss official business, and anyone could read their electronic conversation. But the planning commissioners also did not have their electronic conversation pursuant to a noticed meeting under the Brown Act.⁴ Instead, they used a series of communications to discuss and deliberate on an item within their subject matter jurisdiction.

The sheer openness of a conversation is not the critical factor under the Brown Act. For example, the three commissioners could have instead met in one of their living rooms and livestreamed their conversation on the Internet as it was occurring. That video would also be public and available for everyone to see and possibly to comment on as it was happening. This in-person living room conversation about city business, though, would not comply with the Brown Act.

In addition, an issue may raise particular legal and practical sensitivities where any type of comment may not be wise. For example, if a local agency will consider a matter where a person is owed certain due process rights or if an agency is involved in pending litigation, local officials should first contact their city attorney for advice on whether they should be making *any* type of comment, regardless of the forum or medium. These considerations are separate and apart from Brown Act issues.

Conclusion

While the use of new technology offers important advantages in keeping individuals up to date and informed, the speed with which messages may be sent and comments posted can have drawbacks if public officials inadvertently find themselves in the midst of an e-mail conversation or conversation thread with other members of their commission or city council. The law may eventually catch up to the current technology, but until it does public officials should continue to abide by the general Brown Act principles regardless of whether the communication is in person or online.

An In-Depth Guide to the Brown Act

The League publishes a guide to the Brown Act for the non-lawyer, which is updated periodically. *Open & Public IV: A Guide to the Ralph M. Brown Act* is available free online at www.cacities.org/opengovernment.

Additional Related Resources

For related information, read these *Western City* articles.

Social Media and Public Agencies: Legal Issues You Should Know About

Reading Employees' Text Messages: A Heads Up for Public Agencies

U.S. Supreme Court Rules That City Review of Employee Text Messages Was Reasonable

Taking the Bite Out of Blogs: Ethics in Cyberspace

Footnotes:

¹ Gov't Code § 54952.2(a).

² See *Roberts v. City of Palmdale*, 5 Cal. 4th 363 (1993).

³ Gov't Code § 54952.2(b)(1).

⁴ See also 84 Ops. Cal. Atty. Gen. 30 (2001) (opinion of the attorney general that the Brown Act does not allow a quorum of a legislative body to discuss agency business over e-mail even if those e-mails are made publicly available and posted to the agency's website).