



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, February 18, 2020

7:00 P.M.

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

Mayor: Julie K. Pierce

Vice Mayor: Jeff Wan

Council Members

Tuija Catalano

Jim Diaz

Carl Wolfe

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

*** CITY COUNCIL ***

February 18, 2020

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

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

3. **CONSENT CALENDAR**

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

(a) Approve the minutes of the City Council's regular meeting of February 4, 2020. (City Clerk)([View Here](#))

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

(c) Resolution Accepting the Public Improvements Required by Conditions of Approval Parcel Map MS 01-15 – Southbrook Lot Spilt and Release Guarantee Bonds Back to Developer and Accept 10% Maintenance Bond for the One-Year Maintenance Period. (City Engineer) ([View Here](#))

(d) Review of the City's Annual Report on Development Fees for the Fiscal Year Ending June 30, 2019 in Compliance with the Reporting Requirements of Section 66006 of the California Government Code (AB 1600). (City Manager) ([View Here](#))

(e) Appointment of five (5) Citizens to the Trails and Landscaping Committee for terms of office commencing February 18, 2020 through December 31, 2021. (City Clerk) ([View Here](#))

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

5. **REPORTS**

(a) Planning Commission – No meeting held.

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

(c) City Manager/Staff

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

(e) Other

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker should 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) Receive Updated Information Regarding Pedestrian Safety Improvements Near Mount Diablo Elementary School and Diablo View Middle School and Provide Direction to Staff. (City Engineer) ([View Here](#))
- (b) Adopt Resolution Establishing a New Utility Underground District 2020-01 Along Marsh Creek Road for the Purposes of Documenting Activity Within the Pacific Gas & Electric Co. (P.G.&E.) Rule 20-A Program to Preserve the City's Rule 20-A Program Allocations from Being Diverted to Other Jurisdictions. (City Engineer) ([View Here](#))
- (c) Discuss and Consider Adopting a 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 2007-1. (Assistant to the City Manager) ([View Here](#))

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

10. CLOSED SESSION – None.

11. ADJOURNMENT

The next regularly scheduled meeting of the City Council will be March 3, 2020.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

TUESDAY, February 4, 2020

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 5:34 p.m. by Mayor Pierce in City Hall, 6000 Heritage Trail, First Floor Conference Room, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Wan, and Councilmembers Catalano, Diaz, and Wolfe. Councilmembers absent: None. Staff present: City Manager Ikani Taumoepeau, City Attorney Mala Subramanian.

2. **CLOSED SESSION**

- (a) Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2) (1 case)

Report out of Closed Session: Mayor Pierce.

Mayor Pierce reported the City Council received information. There is no reportable action.

7:00 P.M. REGULAR PUBLIC MEETING

The meeting was called to order at 7:00 p.m. by Mayor Pierce in Hoyer Hall, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Pierce, Vice Mayor Wan, and Councilmembers Catalano, Diaz, and Wolfe. Councilmembers absent: None. Staff present: City Manager Ikani Taumoepeau, City Attorney Mala Subramanian, Interim Community Development Director Dana Ayers, Police Chief Elise Warren, and City Clerk/HR Manager Janet Calderon.

3. **PLEDGE OF ALLEGIANCE** – led by Mayor Pierce.

4. **CONSENT CALENDAR**

It was moved by Councilmember Diaz, seconded by Councilmember Catalano, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

- (a) Approved the minutes of the regular meeting of January 21, 2020.
- (b) Approved Financial Demands and Obligations of the City.
- (c) Rejected Liability Claim Filed by Valentina Jones for the Alleged Wrongful Death of her spouse Maayan Jones.

5. **RECOGNITIONS AND PRESENTATIONS** – None.

6. **REPORTS**

- (a) Planning Commission – No meeting held.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff –

Mayor Pierce announced the arrival of a baby boy for City Manager Ikani Taumoepeau.

City Manager Taumoepeau announced the City of Clayton has a new Facebook page, four applications were received for the Trails and Landscaping Committee, and announced Chief Warren was here this evening to provide a brief report.

Chief Warren provided a highlights of Police activity in January 2020; further advising the public it is very important to lock their vehicles and residential doors to help prevent theft.

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

Councilmember Catalano indicated no report.

Vice Mayor Wan announced today is his son's 11th birthday.

Councilmember Wolfe attended the all City staff meeting, met with constituents, the Library 25th Birthday Party meeting, met with the Clayton Business and Community Association Chair for the upcoming BBQ in July, and attended the Closed Session earlier this evening.

Councilmember Diaz attended the all City staff meeting, the League of California Cities East Bay division meeting, met with the City Manager, and the Clayton Business and Community Association Art and Wine Committee meeting.

Mayor Pierce attended the all City staff meeting, the Bay Area Regional Collaborative meeting, the Housing Methodology Committee meeting, the Association of Bay Area Governments and Metropolitan Transportation Commission Workshop, and an Eagle Court of Honor for four young men.

- (e) Other – None.

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

8. **PUBLIC HEARINGS**

- (a) City Council to consider Appeals of the Planning Commission's Decisions Regarding the Olivia at Marsh Creek Project pursuant to Clayton Municipal Code section 17.68.030.

Mayor Pierce asked the City Council to disclose any Ex Parte conversations they may have had regarding this item.

Councilmember Catalano asked the applicant if he had ever engaged herself or law firm to work on this particular project? Mr. Jordan answered no.; Have you ever had a client relationship with herself or her law firm? Mr. Jordan answered no; Have you ever paid herself or anyone at her law firm for any legal advice? Mr. Jordan answered no; Have you or I ever had a conversation? Mr. Jordan answered no. Councilmember Catalano further advised the Council is subject to Conflict of Interest Laws that focus primarily on whether any particular governmental decision could have a financial benefit to any of the decision makers. She noted she does not have financial interest in this project.

Vice Mayor Wan believes he and Mr. Jordan had a conversation back in August 2018 at a campaign event and a phone conversation with one of the appellants.

Councilmember Wolfe has not had a conversation with either the applicant or appellants.

Councilmember Diaz advised he called each appellant and applicant discuss their specific appeal for personal understanding of each.

Mayor Pierce stated she read social media posts and has not met with the developer or appellants. She further advised of the meeting process for this evening.

Interim Community Development Director Dana Ayers presented the staff report.

Kent Ipsen expressed his concerns regarding inconsistent answers he has received from temporary City staff. Mr. Ipsen is extremely concerned that the overall project does not meet the Class 32 exemption and is being "Piecemealed".

Dan Hummer Stranahan Circle, would have preferred to have information presented this evening prior to this evenings meeting to prepare a better response. Mr. Hummer expressed several concerns on this project: not meeting CEQA requirements, condo conversion, inadequate parking and pedestrian safety.

Irina Liskovich felt the staff presentation did not address her concerns stated in her appeal. Ms. Liskovich advised her issue is regarding overall safety on Stranahan Circle concerning traffic, safety of children, and fire danger.

Bill Jordan advised he has brought his CEQA and Land Use Attorney who will be speaking about the appeals Mr. Steve Velyvis with Burke, Williams, and Sorensen, LLP.

Mr. Velyvis spoke about the density bonus law and housing accountability act which essentially limits discretion. Mr. Jordan's appeal is to overturn the Planning Commission decision as staff described as a no decision, and remove certain five conditions of approval, and requested the City Council to find the project exempt as Class 32 for infill development. Mr. Velyvis also noted the Raney Planning was hired by the City to conduct a review of the reports (noise, air, traffic and water) objectively; concluding all the criteria for the exemption could be met. Mr. Velyvis addressed Mr. Ipsens concern regarding "Piecemealing"; the Hoyer parcel is not included in the project site, or part of the application and no current development

plans for that parcel are associated with Mr. Jordan's project. He also addressed Mr. Hummers appeal regarding the need of 81 units to make the project financially feasible; if the five conditions of approval are imposed on the project, it will create a significant financial burden as it would result in a reduction in density for the project. Mr. Velyvis also addressed Ms. Liskovich's appeal was based on traffic hazards, not parking issues on Stranahan which is not a direct CEQA impact. Mr. Velyvis concluded on why the project should be approved with density bonus concessions and waivers that have been requested.

Mayor Pierce opened matter for public comments.

Susan Allen expressed her concerns regarding the safety of children, traffic congestion and overflow parking. She requested the City Council to not approve this project.

Brian Buddell expressed his concerns with the zoning of this project and urged the City Council to oppose.

John Nunes believes this project is very convenient and safe for Senior Citizens while maintaining their independence. He also added many projects have issues with parking.

Marci Longchamps, Coyote Circle, requested the City Council to "Do the Right Thing" about this project by representing a majority of the people.

Allison Snow had left the meeting and unable to provide public comment on this item.

Dee Vieira noted an error she found in the December 10 Planning Commission meeting minutes. Ms. Vieira reached out to Fire Captain George Lang; Contra Costa County Fire Protection District who advised it is a non-issue between a two or three ladder engine. Ms. Vieira submitted a copy of the email to the City Clerk.

Diane Selmer, Regency Woods, expressed her concerns with additional traffic. She suggested making the project smaller and livable.

Theresa Jordan expressed her support of this project as an improvement to the neighborhood and Clayton.

Dana Pinault, Stranahan Circle, expressed her concerns with additional traffic and inadequate parking.

Bob Hoyer supports the comments of Mr. Nunes and the need of rental apartments in Clayton. Mr. Hoyer advised Clayton incorporated to be a City to provide for the all kinds of people.

Douglas Rogers noted the staff report is not impartial, further noting the project would have 80% occupied to anyone 55 and older, and 20% could be rented out to anyone or any age. Mr. Douglas also noted the developer is not following the landscape requirements.

Marie Deplazes expressed her concerns with insufficient parking.

Jim Gamble advised he was part of the Save Clayton group that stopped the Fulcrum Development noting other projects could occur downtown creating more condos. Mr. Gamble is disappointed in the inability to show support of other speakers by clapping.

Kent Ipsen, 6061 Clayton View Lane, expressed his concern with the prior re-zoning of this parcel and parking constraints.

Karen Halleybone does not support this project due to parking constraints. She suggested a smaller project.

Alan Chan expressed support for this project as it provides housing for seniors.

Wendi Laughlin, Stranahan Circle, expressed her support of previous speakers and inquired on possible parking permits.

Dan Hummer expressed his concerns of future development on the other parcels. Mr. Hummer preferred a two-story project.

Steve Velyvis understands the emotion associated with this project. He also noted the developer is proposing to provide five additional parking spaces to handle the demand.

Bill Jordan provided a brief history of this project noting his original plans were not approved by the City due to exceeding the TCSP Zoning. Mr. Jordan requested some flexibility; it was not acceptable as it was over 150 feet long. He knows the neighbors of the property are not in favor of the three story project.

Mayor Pierce closed public comment.

The City Council provided some comments and requested the following questions be researched by staff for additional information.

Councilmembers requested clarification from staff about on- and off-site parking requirements for the proposed project, and asked the applicant to explore additional opportunities to provide parking stalls on and near the site. Councilmembers also asked questions of staff regarding CEQA, the recommended CEQA exemption, and the environmental technical studies prepared for the proposed project; the distinction between concessions and waivers under density bonus law; General Plan and Zoning consistency of the proposed project; and the City's review process and procedures for the proposed project.

The Public Hearing is continued to March 3, 2020 at 7:00 p.m. in Hoyer Hall, 6125 Clayton Road, Clayton, CA.

9. **ACTION ITEMS** – None.

10. **COUNCIL ITEMS**

Councilmember Wolfe requested a discussion on sensitive land use exemption in the downtown.

11. **CLOSED SESSION** – None.

12. **ADJOURNMENT**– on call by Mayor Pierce, the City Council adjourned its meeting at 10:02 p.m.

The next regularly scheduled meeting of the City Council will be February 18, 2020.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Julie Pierce, Mayor

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STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 02/18/2020

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

It is recommended the City Council, by minute motion, approve the financial demands and obligations of the City for the purchase of services and goods in the ordinary course of operations.

Attached Report	Purpose	Date	Amount
Open Invoice Report	Accounts Payable	2/11/2020	\$ 91,674.67
Cash Requirements Report	Payroll, Taxes	2/12/2020	79,880.69
		Total Required	\$ 171,555.36

Attachments:

1. Open Invoice Report, dated 2/11/20 (5 pages)
2. Cash Requirements report PPE 2/9/20 (1 page)

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Advanced Elevator Solutions, Inc								
Advanced Elevator Solutions, Inc	2/1/2020	2/1/2020	38460	Elevator service	\$124.00	\$0.00		\$124.00
				<i>Totals for Advanced Elevator Solutions, Inc</i>	<i>\$124.00</i>	<i>\$0.00</i>		<i>\$124.00</i>
All City Management Services, Inc.								
All City Management Services, Inc.	1/29/2020	1/29/2020	66290	School crossing guard svcs 1/12/20-1/25/20	\$1,185.84	\$0.00		\$1,185.84
				<i>Totals for All City Management Services, Inc.</i>	<i>\$1,185.84</i>	<i>\$0.00</i>		<i>\$1,185.84</i>
American Fidelity Assurance Company								
American Fidelity Assurance Company	2/7/2020	2/7/2020	2062378	FSA PPE 2/9/20	\$83.07	\$0.00		\$83.07
American Fidelity Assurance Company	1/31/2020	1/31/2020	D106216	Supplemental insurance January 2020	\$583.34	\$0.00		\$583.34
				<i>Totals for American Fidelity Assurance Company</i>	<i>\$666.41</i>	<i>\$0.00</i>		<i>\$666.41</i>
Bassam Atwal								
Bassam Atwal	2/7/2020	2/7/2020	PC-01-20	Planning Commission stipend January 2020	\$120.00	\$0.00		\$120.00
				<i>Totals for Bassam Atwal</i>	<i>\$120.00</i>	<i>\$0.00</i>		<i>\$120.00</i>
Authorize.net								
Authorize.net	1/31/2020	1/31/2020	01-20	Online bankcard gateway fee January 2020	\$31.35	\$0.00		\$31.35
				<i>Totals for Authorize.net</i>	<i>\$31.35</i>	<i>\$0.00</i>		<i>\$31.35</i>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	1/29/2020	1/29/2020	10068	"Danger-Poison Storage Area" signs	\$81.57	\$0.00		\$81.57
				<i>Totals for Bay Area Barricade Serv.</i>	<i>\$81.57</i>	<i>\$0.00</i>		<i>\$81.57</i>
Berlogar Stevens & Associates Inc.								
Berlogar Stevens & Associates Inc.	12/30/2019	12/30/2019	230208	Professional svcs 12/8/19-1/4/20	\$284.58	\$0.00		\$284.58
				<i>Totals for Berlogar Stevens & Associates Inc.</i>	<i>\$284.58</i>	<i>\$0.00</i>		<i>\$284.58</i>
CA Department of Justice								
CA Department of Justice	2/5/2020	2/5/2020	434153	Live scan	\$32.00	\$0.00		\$32.00
				<i>Totals for CA Department of Justice</i>	<i>\$32.00</i>	<i>\$0.00</i>		<i>\$32.00</i>
CalPERS Retirement								
CalPERS Retirement	2/10/2020	2/10/2020	020920	Retirement PPE 2/9/20	\$15,537.52	\$0.00		\$15,537.52
CalPERS Retirement	2/24/2020	2/10/2020	CC022420	City council retirement ending 2/24/20	\$79.33	\$0.00		\$79.33
				<i>Totals for CalPERS Retirement</i>	<i>\$15,616.85</i>	<i>\$0.00</i>		<i>\$15,616.85</i>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	1/28/2020	1/28/2020	2962494	Copier usage 12/30/19-1/29/20	\$390.38	\$0.00		\$390.38
				<i>Totals for Caltronics Business Systems, Inc</i>	<i>\$390.38</i>	<i>\$0.00</i>		<i>\$390.38</i>
Anthony Chippero								
Anthony Chippero	2/7/2020	2/7/2020	PC-01-20	Planning Commission stipend January 2020	\$120.00	\$0.00		\$120.00
				<i>Totals for Anthony Chippero</i>	<i>\$120.00</i>	<i>\$0.00</i>		<i>\$120.00</i>

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Cintas Corporation								
Cintas Corporation	2/6/2020	2/6/2020	4042021971	PW uniforms through 2/6/20	\$48.88	\$0.00		\$48.88
Cintas Corporation	1/30/2020	1/30/2020	4041390758	PW uniforms through 1/30/20	\$48.88	\$0.00		\$48.88
				<i>Totals for Cintas Corporation</i>	<u>\$97.76</u>	<u>\$0.00</u>		<u>\$97.76</u>
City of Concord								
City of Concord	1/29/2020	1/29/2020	82377	Dispatch services March 2020	\$23,256.11	\$0.00		\$23,256.11
				<i>Totals for City of Concord</i>	<u>\$23,256.11</u>	<u>\$0.00</u>		<u>\$23,256.11</u>
Peter Cloven								
Peter Cloven	2/7/2020	2/7/2020	PC-01-20	Planning Commission stipend January 2020	\$120.00	\$0.00		\$120.00
				<i>Totals for Peter Cloven</i>	<u>\$120.00</u>	<u>\$0.00</u>		<u>\$120.00</u>
Cole Supply Company								
Cole Supply Company	1/31/2020	1/31/2020	w377186	Paper towels for Corp Yard	\$105.08	\$0.00		\$105.08
				<i>Totals for Cole Supply Company</i>	<u>\$105.08</u>	<u>\$0.00</u>		<u>\$105.08</u>
Comcast Business (PD)								
Comcast Business (PD)	2/1/2020	2/1/2020	94918007	PD Internet January 2020	\$913.70	\$0.00		\$913.70
				<i>Totals for Comcast Business (PD)</i>	<u>\$913.70</u>	<u>\$0.00</u>		<u>\$913.70</u>
Comcast Business								
Comcast Business	2/5/2020	2/5/2020	020520	Internet 2/10/20-3/9/20	\$386.09	\$0.00		\$386.09
				<i>Totals for Comcast Business</i>	<u>\$386.09</u>	<u>\$0.00</u>		<u>\$386.09</u>
Contra Costa County Library Administration								
Contra Costa County Library Administr	1/15/2020	1/15/2020	Q2CLA1920	Additional Library hours Q2 FY20	\$3,021.37	\$0.00		\$3,021.37
				<i>Totals for Contra Costa County Library Administrati</i>	<u>\$3,021.37</u>	<u>\$0.00</u>		<u>\$3,021.37</u>
Cropper Accountancy Corp								
Cropper Accountancy Corp	1/31/2020	1/31/2020	1816	Auditing Svcs - CFA FS, Annual reports	\$6,500.00	\$0.00		\$6,500.00
				<i>Totals for Cropper Accountancy Corp</i>	<u>\$6,500.00</u>	<u>\$0.00</u>		<u>\$6,500.00</u>
De Lage Landen Financial Services, Inc.								
De Lage Landen Financial Services, Inc.	3/15/2020	1/31/2020	66740753	Copier lease 2/15/20-3/14/20	\$304.59	\$0.00		\$304.59
				<i>Totals for De Lage Landen Financial Services, Inc.</i>	<u>\$304.59</u>	<u>\$0.00</u>		<u>\$304.59</u>
Terri Denslow								
Terri Denslow	2/7/2020	2/7/2020	PC-01-20	Planning Commission stipend January 2020	\$120.00	\$0.00		\$120.00
				<i>Totals for Terri Denslow</i>	<u>\$120.00</u>	<u>\$0.00</u>		<u>\$120.00</u>
Dillon Electric Inc								
Dillon Electric Inc	2/5/2020	2/5/2020	4085	Streetlight repairs 2/4/20	\$644.80	\$0.00		\$644.80
Dillon Electric Inc	1/30/2020	1/30/2020	4084	Streetlight repairs 1/27/20	\$541.90	\$0.00		\$541.90
				<i>Totals for Dillon Electric Inc</i>	<u>\$1,186.70</u>	<u>\$0.00</u>		<u>\$1,186.70</u>

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Economic & Planning Systems, Inc								
Economic & Planning Systems, Inc	7/31/2019	7/31/2019	181082-10	Affordable Housing Fee Study July 2019	\$1,977.96	\$0.00		\$1,977.96
Economic & Planning Systems, Inc	12/31/2019	12/31/2019	181082-13	Open Space Fee Study December 2019	\$5,676.25	\$0.00		\$5,676.25
<i>Totals for Economic & Planning Systems, Inc</i>					<u>\$7,654.21</u>	<u>\$0.00</u>		<u>\$7,654.21</u>
Frank Gavidia								
Frank Gavidia	2/7/2020	2/7/2020	PC-01-20	Planning Commission stipend January 2020	\$120.00	\$0.00		\$120.00
<i>Totals for Frank Gavidia</i>					<u>\$120.00</u>	<u>\$0.00</u>		<u>\$120.00</u>
Geoconsultants, Inc.								
Geoconsultants, Inc.	1/31/2020	1/31/2020	19058	Well monitoring January 2020	\$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>
Hammons Supply Company								
Hammons Supply Company	1/30/2020	1/30/2020	I110270	Library Janitorial supplies	\$55.31	\$0.00		\$55.31
<i>Totals for Hammons Supply Company</i>					<u>\$55.31</u>	<u>\$0.00</u>		<u>\$55.31</u>
ICMA Retirement Corporation								
ICMA Retirement Corporation	2/10/2020	2/10/2020	020920	457 contributions PPE 2/9/20	\$1,300.00	\$0.00		\$1,300.00
<i>Totals for ICMA Retirement Corporation</i>					<u>\$1,300.00</u>	<u>\$0.00</u>		<u>\$1,300.00</u>
International Assn of Chiefs of Police								
International Assn of Chiefs of Police	12/4/2019	12/4/2019	0104267	Member dues 2020, ID # 10046005	\$190.00	\$0.00		\$190.00
<i>Totals for International Assn of Chiefs of Police</i>					<u>\$190.00</u>	<u>\$0.00</u>		<u>\$190.00</u>
LarryLogic Productions								
LarryLogic Productions	2/5/2020	2/5/2020	1869	City council meeting production 2/4/20	\$630.00	\$0.00		\$630.00
<i>Totals for LarryLogic Productions</i>					<u>\$630.00</u>	<u>\$0.00</u>		<u>\$630.00</u>
Rajeswari Medisetti								
Rajeswari Medisetti	1/29/2020	1/29/2020	012220	Deposit refund	\$172.00	\$0.00		\$172.00
<i>Totals for Rajeswari Medisetti</i>					<u>\$172.00</u>	<u>\$0.00</u>		<u>\$172.00</u>
Municipal Code Corporation								
Municipal Code Corporation	1/31/2020	1/31/2020	00339089	Supplement # 4 to the Muni Code	\$1,855.51	\$0.00		\$1,855.51
<i>Totals for Municipal Code Corporation</i>					<u>\$1,855.51</u>	<u>\$0.00</u>		<u>\$1,855.51</u>
Nationwide								
Nationwide	2/10/2020	2/10/2020	020920	457 contribution PPE 2/9/20	\$500.00	\$0.00		\$500.00
<i>Totals for Nationwide</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Neopost (add postage)								
Neopost (add postage)	2/12/2020	2/11/2020	021120	Postage meter refill	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage)</i>					<u>\$300.00</u>	<u>\$0.00</u>		<u>\$300.00</u>

City of Clayton

Open Invoice Report

Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Paychex								
Paychex	2/12/2020	2/12/2020	2020021001	Payroll fees PPE 2/9/20	\$212.30	\$0.00		\$212.30
				<i>Totals for Paychex.</i>	<u>\$212.30</u>	<u>\$0.00</u>		<u>\$212.30</u>
Paysafe Payment Processing								
Paysafe Payment Processing	1/31/2020	1/31/2020	01-20	OTC bankcard fees January 2020	\$244.61	\$0.00		\$244.61
Paysafe Payment Processing	2/1/2020	1/31/2020	01-20	Online bankcard fees January 2020	\$86.36	\$0.00		\$86.36
				<i>Totals for Paysafe Payment Processing</i>	<u>\$330.97</u>	<u>\$0.00</u>		<u>\$330.97</u>
Riso Products of Sacramento								
Riso Products of Sacramento	1/24/2020	1/24/2020	204432	Copier usage 12/20/19-1/19/20	\$64.07	\$0.00		\$64.07
				<i>Totals for Riso Products of Sacramento</i>	<u>\$64.07</u>	<u>\$0.00</u>		<u>\$64.07</u>
Sprint Comm (PD)								
Sprint Comm (PD)	1/29/2020	1/29/2020	703335311-218	PD cell phones 12/26/19-1/25/20	\$715.92	\$0.00		\$715.92
				<i>Totals for Sprint Comm (PD)</i>	<u>\$715.92</u>	<u>\$0.00</u>		<u>\$715.92</u>
Staples Business Credit								
Staples Business Credit	1/25/2020	1/25/2020	1627490699	Office supplies January 2020	\$165.95	\$0.00		\$165.95
				<i>Totals for Staples Business Credit</i>	<u>\$165.95</u>	<u>\$0.00</u>		<u>\$165.95</u>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	1/30/2020	1/30/2020	I001574	Vehicle maint '07 F450	\$2,679.54	\$0.00		\$2,679.54
				<i>Totals for Swenson's Mobile Fleet Repair</i>	<u>\$2,679.54</u>	<u>\$0.00</u>		<u>\$2,679.54</u>
Thomson Reuters-West								
Thomson Reuters-West	1/24/2020	1/24/2020	6132854843	Penal code books	\$222.13	\$0.00		\$222.13
				<i>Totals for Thomson Reuters-West</i>	<u>\$222.13</u>	<u>\$0.00</u>		<u>\$222.13</u>
Letecia Tillman								
Letecia Tillman	2/3/2020	2/3/2020	020120	Deposit refund	\$500.00	\$0.00		\$500.00
				<i>Totals for Letecia Tillman</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
TRC Environmental Corporation								
TRC Environmental Corporation	2/6/2020	2/6/2020	400276	Professional services through 1/24/20	\$6,667.50	\$0.00		\$6,667.50
				<i>Totals for TRC Environmental Corporation</i>	<u>\$6,667.50</u>	<u>\$0.00</u>		<u>\$6,667.50</u>
Kathleen Trilevsky								
Kathleen Trilevsky	2/3/2020	2/3/2020	013120	Deposit refund	\$500.00	\$0.00		\$500.00
				<i>Totals for Kathleen Trilevsky</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
US Bank - Corp Pmt System CalCard								
US Bank - Corp Pmt System CalCard	1/31/2020	1/31/2020	012220	Calcard purchases ending 1/22/20	\$9,628.38	\$0.00		\$9,628.38
				<i>Totals for US Bank - Corp Pmt System CalCard</i>	<u>\$9,628.38</u>	<u>\$0.00</u>		<u>\$9,628.38</u>

City of Clayton Open Invoice Report Obligations

<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>
Yorkshire Roofing								
Yorkshire Roofing	2/4/2020	2/4/2020	BP179-19	Deposit refund	\$1,000.00	\$0.00		\$1,000.00
				<i>Totals for Yorkshire Roofing</i>	<u>\$1,000.00</u>	<u>\$0.00</u>		<u>\$1,000.00</u>
				GRAND TOTALS:	\$91,674.67	\$0.00		\$91,674.67

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 02/12/20: \$79,880.69

TRANSACTION SUMMARY

SUMMARY BY TRANSACTION TYPE -	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	79,880.69
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	79,880.69
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	11,735.21
	CASH REQUIRED FOR CHECK DATE 02/12/20	91,615.90

TRANSACTION DETAIL

ELECTRONIC FUNDS TRANSFER - *Your financial institution will initiate transfer to Paychex at or after 12:01 A.M. on transaction date.*

<u>TRANS. DATE</u>	<u>BANK NAME</u>	<u>ACCOUNT NUMBER</u>	<u>PRODUCT</u>	<u>DESCRIPTION</u>		BANK DRAFT AMOUNTS & OTHER TOTALS
02/11/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	60,939.72	
02/11/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	603.50	61,543.22
02/11/20	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	2,532.04	2,532.04
02/11/20	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	75.00	75.00
				EFT FOR 02/11/20		64,150.26
02/12/20	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	307.61	
				Medicare	1,235.84	
				Fed Income Tax	8,381.29	
				CA Income Tax	3,221.62	
				Total Withholdings	13,146.36	
				Employer Liabilities		
				Social Security	307.63	
				Medicare	1,235.90	
				Fed Unemploy	164.32	
				CA Unemploy	848.83	
				CA Emp Train	27.39	
				Total Liabilities	2,584.07	15,730.43
				EFT FOR 02/12/20		15,730.43
				TOTAL EFT		79,880.69



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER

DATE: FEBRUARY 18, 2020

SUBJECT: RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS REQUIRED BY CONDITIONS OF APPROVAL OF PARCEL MAP MS 01-15 – SOUTHBROOK LOT SPLIT AND RELEASE GUARANTEE BONDS BACK TO DEVELOPER AND ACCEPT THE 10% MAINTENANCE BOND FOR THE ONE-YEAR MAINTENANCE PERIOD.

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution accepting the public improvements required by conditions of approval of Parcel Map MS 01-15 – Southbrook lot split and release guarantee bonds back to developer and accept the 10% maintenance bond for the one-year maintenance period.

BACKGROUND

On December 6, 2016, the City Council approved the St. John's Church/Southbrook Drive Mixed Use Planned Development Project, which consisted of a three-lot subdivision; one lot for the existing St. John's Episcopal Church and two lots for two single-family residences facing onto Southbrook Drive.

City Council approved Parcel Map MS 01-15 for the St. John's Church/Southbrook Drive Mixed Use Planned Development Project at their September 19, 2017 meeting. Subsequent to this approval the developer recorded the Parcel Map in the office of the County Recorder. At the same meeting Council authorized the Mayor to execute the Subdivision Improvement Agreement for the Southbrook Project. The aforementioned agreement has been fully executed and recorded with the County Recorder's office.

DISCUSSION

The applicant, Armand Buticci has successfully constructed subdivision MS 01-15 including the required public improvements. The public improvements that were required as a part of the development consist of curb, gutter and sidewalk across the subdivision frontage on Southbrook Drive. All other improvements for the subdivision are on private property and are not considered public improvements. The landscaping that fronts onto Southbrook Drive and is within the public right-of-way will be irrigated

and fully maintained by the adjacent homeowners. The shared access point into the two lots is private and are the responsibility of the adjacent homeowners.

FISCAL IMPACT

There is no direct fiscal impact to the City.

Attachments: 1. Resolution [2 pp.]

RESOLUTION NO. XX-2020

**A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS REQUIRED BY
CONDITIONS OF APPROVAL OF PARCEL MAP MS 01-15 ST. JOHN'S
CHURCH/SOUTHBROOK DRIVE MIXED USE PLANNED DEVELOPMENT PROJECT,
RELEASING GUARANTEE BONDS BACK TO DEVELOPER AND ACCEPTING THE 10%
MAINTENANCE BOND FOR THE ONE-YEAR MAINTENANCE PERIOD**

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

WHEREAS, the applicant, Armand Buticci, has constructed the public improvements required for MS 01-15 and the City Engineer has inspected the improvements and finds them in conformance with the City's construction standards; and

WHEREAS, the applicant, Armand Buticci, is requesting City Council acceptance of the public improvements and release of guarantee bonds provided to the City to ensure completion of the aforementioned subdivision improvements; and

WHEREAS, the applicant, Armand Buticci, has provided a new bond in the amount of 10% of the guarantee bond amount to ensure subdivision maintenance during the one-year maintenance period; and

WHEREAS, the City Engineer recommends acceptance of the public improvements, release of the guarantee bonds and acceptance of the 10% maintenance bond for the St. John's Church/Southbrook Drive Mixed Use Planned Development Project,

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby accept the public improvements required by conditions of approval of MS 01-15 – St. John's Church/Southbrook Drive Mixed Use Planned Development Project and release guarantee bonds back to developer and accept the 10% maintenance bond for the one-year maintenance period..

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of February 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: IKANI TAUMOEPEAU

DATE: FEBRUARY 18, 2020

SUBJECT: RECEIPT OF THE STATE-REQUIRED AB 1600 ANNUAL REPORT REGARDING THE COLLECTION, COMPLIANCE, AND USE OF DEVELOPMENT IMPACT FEES

RECOMMENDATION

It is recommended that City Council receive and file the FY 2018-19 AB 1600 Report regarding the collection, compliance, and use of development impact fees.

BACKGROUND

In 1989, Section 66000 et seq. of the *California Government Code* became effective. When passed in 1987, this section was known as AB 1600. When the Legislature passed AB 1600, it added a new chapter to the *California Government Code* on impact fees for development projects. The chapter sets forth a number of requirements that local agencies must follow if they are to extract impact fees from developers to defray the cost of construction of public facilities or expanded public service obligations related to development projects. Section 66006 mandates the requirement for accounting, spending, and reporting the fees and related interested earnings.

Through policies contained within the General Plan, the City of Clayton has established the nexus between the development and the capital improvements necessary to mitigate the effects of the development and approved impact fees to fund the mitigation measures. Further implementation of the impact fees is established in the *Clayton Municipal Code* sections related to each fee type.

DISCUSSION

Section 66006 (b)(1) of the *California Government Code* requires each local agency to make public a status report on its development impact fees within 180 days after the last day of each fiscal year. Section 66006 (2) also requires each local legislative body to review the annual report on development fees at a public meeting not earlier than 15 days after the information is made available to the public. This year the City of Clayton made its annual report on development fees available to the public on January 30, 2020.

The AB 1600 report consists of a brief description of the fee type in the account or fund, the amount of the fee, the beginning and ending balance of the account or fund, the amount of fees collected and the interest earned. If there are funds in the accounts then there is also a requirement to make a finding that there is a reasonable relationship between current needs for and the purposes for which they were originally collected.

Development impact fees become due at different times through the course of a development project. Some of the impact fees are due at time of final map, or building permit issuance; others not until final occupancy. As outlined in Attachment 4, the City collected the applicable impact fees in FY 2018-19 for the development of six new homes located on Verna Way at the terminus of Lydia Lane (North San Ramon Development). Interest earnings are apportioned to the Development Impact Fee Fund (No. 304) through the quarterly city-wide interest allocation process. Within the Development Impact Fee Fund, quarterly interest allocations are further divided to each development impact fee account based on proportional fee account balances as of the end of the corresponding quarter.

In Clayton, AB 1600 development impact fees are collected for the following purposes:

- Childcare Facilities
- Offsite Arterial Street Improvements
- Fire Protection
- Community Facilities
- Parkland Dedication

The summary of the balances of the various fees are listed on Attachment 2. A ten (10) year income statement summary for each of the City's impact fees is presented on Attachment 3, which provides a snapshot of the sources of funds and balances in recent history. Detailed expenditure and revenue reports for each fee the City collected is provided in Attachment 4 for further analysis of specific transactions. Attachment 5 is a copy of the public notice made available on the City's website and community public posting locations on January 30, 2020, 15 days prior the public meeting where the AB 1600 report will be reviewed by the City Council. A schedule of all City-imposed development impact fees is shown in Attachment 6 disclosing the fee formulas, citing the authoritative section establishing each fee, and the specific development phase when each fee is due to the City.

The following is a summary of the eight (8) reporting requirements on development impact fees an imposing local agency must adhere to each fiscal year:

1. Create separate capital facilities funds or accounts for each improvement funded with impact fees (Government Code Section 66006(a)).
2. Remit all interest income earned by the fees to the same fund; interest income must be spent solely on the purpose for which the fee was originally collected (Section 66006(a)).
3. Within 180 days after the close of each fiscal year, prepare a public report concerning each impact fee fund. Such report must include the fund's beginning and ending balance for the fiscal year, amount of fees and interest deposited into the fund for the fiscal year, and a

description of each expenditure from the fund for that year, including identification of the improvement being funded (Section 66006(b)).

4. Review the report at a public meeting not less than fifteen (15) days after the report is made available to the public (Section 66006(b)(2)).
5. If fees remain unexpended or uncommitted five (5) years after being collected, the local agency is to make a finding that there remains a reasonable relationship between the current need for the fees and the purposes for which they were originally collected (Section 66001(d)).
6. Refund to current owner of lots or project developer any fees, with accrued interest, for which continued need cannot be demonstrated (Section 66001(e)).
7. A local agency must not co-mingle fees with any other revenue, except for temporary investment purposes (Section 66006(a)).
8. A local agency may not spend impact fees for maintenance or operation of improvements funded with impact fees (Section 65913.8).

The City is in compliance with the eight reporting requirements outlined above. The following three impact fee accounts subject to the AB 1600 compliance requirements contain receipts that have not been fully expended by the City for eligible purposes in a timeframe exceeding five (5) years: Childcare Facility, Offsite Arterial Improvement, and Fire Protection fees. Compliance is obtained with criteria number 5 above by adopting a Resolution that makes a finding that there remains a reasonable relationship between the current need for the fees and the purpose for which they were originally proposed.

1. *Child Care Facilities*

On April 20, 1988 the City Council adopted Ordinance No. 252 establishing the child care facilities development impact fee. The purpose of this development impact fee is to enable the development of facilities sufficient to meet existing and future preschool and school age child care needs. Under this law eligible facilities included building, equipment, and any accessory structures, programs and personnel licensed by the State for direct child care services providing but not limited to shelter, food, educational, and play opportunities for less than 24 hours per day. During the 1990s some funds were provided to the Contra Costa Child Care Council for material needs of programs and to provide outreach to Clayton residents as to home and other child care opportunities and programs. The Oakhurst Development did not pay into these funds as it was established after Oakhurst was approved.

As of June 30, 2019 there was a fund balance (including interest) of \$48,821 available. During FY 2018-19 the City allocated approximately \$986 in interest to the fund. As a result of the relatively small fund balance, extended periods are necessary to achieve sufficient resources to finance the costs for child care related facilities or improvements. Accordingly, a need exists to continue the ongoing collection of this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

2. Parkland Dedication

On July 17, 1985 the City Council adopted the General Plan, which among other requirements, established a parkland dedication impact fee program as granted by the Subdivision Map Act of the State of California (Quimby Act). Under this law, the general standard established is that it is found and determined that the public interest, convenience, health, welfare and safety require that five (5) acres of property for each one thousand persons residing within the City be devoted to park and recreational purposes.

As of June 30, 2019 there was a fund balance (including interest) of \$23,914 available. A total of \$483 in interest was allocated to the parkland dedication account in FY 2018-19. The City's most recently adopted CIP Budget outlines park and recreation area construction or expansion projects with unfunded costs totaling \$4,883,000 for which funds may be eligible for use. Accordingly, a need exists to continue the ongoing collection of this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

3. Offsite Arterial

On October 7, 1981 the City Council adopted Resolution No. 36-81 establishing a policy for offsite arterial street improvement impact fees for new residential developments. The policy established a nexus between development and increased traffic congestion on the City's major arterial streets. The purpose of this development impact fee is to assist the City in alleviating traffic congestion generated by each new development on the City's major arterial streets. Currently, the City's major arterial streets eligible for improvements to be financed by offsite arterial development impact fees include: Clayton Road, Oakhurst Boulevard, Marsh Creek Road, and Pine Hollow Road.

As of June 30, 2019 there was a fund balance (including interest) of \$218,953 available. A total of \$4,425 in interest was allocated to the offsite arterial account in FY 2018-19.

The collection of offsite arterial development impact fees pertaining to the following projects has not been expended in over 5 years as of June 30, 2019: Pine Hollow Estates, Mitchell Creek, Longs, Flora Square, Village Market, and Diablo Estates. These unspent fees may be still be used for the East Marsh Creek Road Traffic Signal Project (CIP No. 10396), with unfunded costs estimated to be \$510,000. As this project is currently unfunded, and as the balance of unspent reserves in the offsite arterial impact fee account is less than this project's total estimated costs, more time is needed to build up sufficient financing for the project. Additional gap funding for this project may be ultimately derived from other sources including Measure J, HUTA and RMRA gas taxes, or federal/state/regional grants. Despite sufficient funding not been currently available for this project, the City must have adequate funds on hand to leverage and meet "local matching" requirements should state, federal or other grants become available. Having matching funds also puts the City in a competitive position to be awarded grant funds should they become available. Accordingly, a need exists to continue the ongoing collection of this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

4. Fire Protection

In 1987 the City Council adopted Ordinance No. 239 establishing the fire district development impact fee based on a report determining facility and equipment needs for the entire fire district (District). Facility cost and benefits were identified for incorporated and unincorporated areas and based on the assessment, it was determined that the City's contribution would be \$830,700 to the District. The purpose of this impact fee is to provide a method for financing fire protection facilities required by the goals and policies of the General Plan and necessitated by the needs of new construction and development for adequate fire protection facilities and services. All such fees collected shall only be used for the purpose of establishing or improving fire stations and purchase of equipment dedicated to the District's service area, or portions thereof.

As of June 30, 2019 there was a fund balance (including interest) of \$10,836 available. During FY 2018-19 the City collected \$1,800 in fire protection impact fees for a six home development located on Verna Way. A total of \$211 in interest was allocated to the fire protection development impact fee account in FY 2018-19.

In FY 1999-00, the City's former Redevelopment Agency (RDA) provided a loan of \$350,000 to help finance the construction of the District's fire station located in Clayton. Periodically, as outlined in Attachment 4, fire protection fees collected were used to repay portions of this City-RDA loan. However, with the state-imposed dissolution of all California RDAs pursuant to AB 1x26, the loan was effectively dissolved along with the dissolution of the City's RDA. Prospectively, fire protection development fees collected will be used for any eligible unmet local capital needs of the District to mitigate the impact of new construction service demands. Accordingly, a need exists to continue the ongoing collection of this impact fee as well as the preservation of unspent balances for expected future project needs as outlined previously.

5. Community Facilities

In 1990 the City Council adopted Ordinance No. 282 establishing the community facilities development impact. The purpose of this impact fee is to implement the goals and objectives of the City's Capital Improvement Program (CIP) and to mitigate the unfavorable impacts attributed to new development by helping finance the construction of certain necessary public facilities.

As of June 30, 2019 there was a fund balance (including interest) of \$4,294 available. A total of \$87 in interest was allocated to the community facilities development impact fee account in FY 2018-19. These funds are limited to improvements of City-owned facilities (buildings and associated grounds). These and future funds are restricted for future new capital projects such as the Keller House renovation, Endeavor Hall, Clayton Community Library, City Hall, or public works corporation yard improvements or upgrades.

SUMMARY

To comply with AB 1600, the City Council must make findings there is a reasonable relationship between the current need for the fees and the purposes for which they were charged as

demonstrated by programming of fees in the CIP and City operational budgets. It is important these findings can be and are made to ensure continuance of funding resources for these important programs.

Although AB 1600 requires fees collected from developers be expended within five years, the law, as noted previously, also allows exceptions. Exceptions are provided in recognition that some projects require an extended planning period. There can be a number of reasons for reasonable exceptions including project costs being of a magnitude necessitating a greater than five year timeframe to accumulate sufficient funds or necessary matching funds not being available within the five-year timeframe. The City has referenced specific projects herein demonstrating there remains a nexus between current needs of unspent development impact fees and the purposes for which they were originally established. Specific projects referenced are included in the current (FY 2019-20) City Council adopted CIP Budget.

As noted previously, as mandated by AB 1600, within 180 days of the close of the fiscal year the City must publicize an annual report on development impact fees. This annual report shall disclose the beginning and ending balance of each development impact fee account for the fiscal year, as well total interest allocations, expenditures, and new development impact fee revenues.

Not less than 15 days after the information is made public, the City Council is required to review this information at its next regularly scheduled public meeting. On January 30, 2020 a public notice was posted on the City's website and to the community posting boards outlining the annual AB 1600 report had been publicized on the City's website as well as was available for review at City Hall. This public notice also specified the annual AB 1600 report would be placed on the February 18, 2020 City Council agenda for review and consideration for acceptance, in compliance with the reporting requirements.

FISCAL IMPACT

The acceptance of this report and its attachments, including the attached Resolution, has no direct fiscal or budgetary impact to the City of Clayton, provided the collected development impact fees are retained.

Attachments:

1. Resolution No ___-2020
2. Fund Balance Summary – AB 1600 Development Impact Fees
3. 10 Year Consolidated Income Statements – AB 1600 Developer Impact Fee
4. Revenue/Expenditure Detail – AB 1600 Development Impact Fees
5. Public Notice of AB 1600 Annual Report availability
6. Development Impact Fee Listing

RESOLUTION NO. ___-2020

A RESOLUTION FINDING THERE REMAINS A REASONABLE RELATIONSHIP BETWEEN CURRENT NEEDS FOR THE CITY'S DEVELOPMENT IMPACT FEES AND THE PURPOSES FOR WHICH THEY WERE ORIGINALLY CHARGED (GOVERNMENT CODE SECTION 66000 ET. SEQ.) RELATED TO THE CITY'S ANNUAL REPORT ON DEVELOPMENT IMPACT FEES FOR THE FISCAL YEAR ENDED JUNE 30, 2019

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

WHEREAS, the City's adopted General Plan, and 5-Year Capital Improvement Program identifies improvements necessitated by continued development in the City and fees paid for development impacts; and

WHEREAS, the City has been authorized by Municipal Code Sections 3.16.020 (Community Facilities), 3.18.040 (Fire Protection), 16.12.010 (Parkland Dedication), 16.60.050 (Childcare), and Resolution 36-81 (Offsite Arterial Streets) to establish and collect these development impact fees; and

WHEREAS, the City has established discrete accounts and fees to finance the construction of these improvements as mitigation measures for continued development within the City; and

WHEREAS, the City annually adopts a comprehensive 5-Year Capital Improvement Program to prioritize improvements and allocates funds to construct the improvements as mitigation for continued development in the City; and

WHEREAS, these improvements are scheduled to be constructed over time as sufficient funds become available; and

WHEREAS, many of these identified improvements are of such size that sufficient funds have not been collected or obtained in order to construct these improvements by expending fees collected within the five-year expenditure period provided by Government Code Section 66001(d); and

WHEREAS, there continues to be a distinct nexus between continued development and the necessity to mitigate developments impacts; and

WHEREAS, fees collected previously and in the future are necessary to fund future improvements tracked in the City's Capital Improvement Program budget and to address identified childcare needs of the community; and

WHEREAS, certain fees collected in the Child Care Facility, Offsite Arterial, and Fire Protection development impact fee accounts have not been expended in a timeframe exceeding five years, however are still necessary pursuant to AB 1600 for the purpose in which they are collected as project costs exceed current available resources and it will thus take longer to collect the necessary funds for the projects identified in the City's adopted Capital Improvement Program Budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton, California does hereby:

Section 1. Accept the above Recitals as fact, herewith approves the City's AB 1600 Report for FY 2018-19, and does find there remains a reasonable relationship between the current need for the impact fees and the purposes for which they were originally collected; and

Section 2. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of February, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk

CITY OF CLAYTON
 AB 1600 DEVELOPMENT IMPACT FEE FUND BALANCE SUMMARY
 JUNE 30, 2019

ATTACHMENT 2

FUND	(A) FUND BALANCE	(B) RESERVES	(C) DESIGNATED	(D) TOTAL ALLOCATED FUND BALANCE (B+C=D)	(E) UNALLOCATED RESERVES (A-D)
CHILDCARE FACILITIES	\$ 48,821	\$ -	\$ 48,821	\$ 48,821	\$ -
PARKLAND DEDICATION	23,914	-	23,914	23,914	-
OFFSITE ARTERIAL IMPROVEMENT	218,953	-	218,953	218,953	-
FIRE PROTECTION FEES	10,836	-	10,836	10,836	-
COMMUNITY FACILITIES	4,294	-	4,294	4,294	-
TOTAL	\$ 306,819	\$ -	\$ 306,819	\$ 306,819	\$ -

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2010 - FY 2019

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
CHILDCARE FACILITY FEES REVENUE										
Childcare Facility Fees (5307)	-	-	3,485	1,435	-	-	-	-	1,640	
Interest	1,417	404	966	570	489	255	601	646	784	987
Total Revenues	1,417	404	4,451	2,005	489	255	601	646	2,424	987
EXPENDITURES										
Total Expenditures	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	1,417	404	4,451	2,005	489	255	601	646	2,424	987
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	1,417	404	4,451	2,005	489	255	601	646	2,424	987
FUND BALANCE JULY 1	35,142	36,559	36,963	41,414	43,419	43,908	44,163	44,764	45,410	47,834
FUND BALANCE JUNE 30	36,559	36,963	41,414	43,419	43,908	44,163	44,764	45,410	47,834	48,821

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2010 - FY 2019

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
OFFSITE ARTERIAL IMPROVEMENT FEES										
REVENUE										
Offsite Arterial Improvement Fees (5314)	-	-	24,753	10,192	-	-	1,456	1,456	11,648	-
Interest	5,476	3,423	4,090	2,466	2,114	1,105	2,602	2,835	3,507	4,425
Total Revenues	5,476	3,423	28,843	12,658	2,114	1,105	4,058	4,291	15,155	4,425
EXPENDITURES										
Total Expenditures	-	-	-	-	-	-	-	-	-	-
Total Revenue/over(under) Expenditures	5,476	3,423	28,843	12,658	2,114	1,105	4,058	4,291	15,155	4,425
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-									
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources										
	5,476	3,423	28,843	12,658	2,114	1,105	4,058	4,291	15,155	4,425
FUND BALANCE JULY 1	137,405	142,881	146,304	175,147	187,805	189,919	191,024	195,082	199,373	214,528
FUND BALANCE JUNE 30	142,881	146,304	175,147	187,805	189,919	191,024	195,082	199,373	214,528	218,953

DEVELOPMENT IMPACT FEES
 10 YEAR AB 1600 DEVELOPMENT IMPACT FEE REVENUE/EXPENDITURE SUMMARY
 FY 2010 - FY 2019

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
COMMUNITY FACILITIES FEES REVENUE										
Community Facilities Fees (5323)	-	-	7,650	3,150	-	-	450	450	3,600	-
Interest	-	1,107	337	234	200	105	248	278	60	87
Total Revenues	-	1,107	7,987	3,384	200	105	698	728	3,660	87
EXPENDITURES										
Endeavor Hall Shudders	-	-	-	-	-	-	-	-	-	-
Total Expenditures	-	-	-	-	-	-	-	-	19,000	
Total Revenue/over(under) Expenditures	-	1,107	7,987	3,384	200	105	698	728	(15,340)	87
OTHER FINANCING SOURCES (USES)										
Operating Transfers in	-	-	-	-	-	-	-	-	-	-
Operating Transfers out	-	-	-	-	-	-	-	-	-	-
Total Other Financing Sources (Uses)	-	-	-	-	-	-	-	-	-	-
Excess (Deficiency) of Revenue and Other Sources Over (Under) Expenses & Other Financing Sources	-	1,107	7,987	3,384	200	105	698	728	(15,340)	87
FUND BALANCE JULY 1	5,338	5,338	6,445	14,432	17,816	18,016	18,121	18,819	19,547	4,207
FUND BALANCE JUNE 30	5,338	6,445	14,432	17,816	18,016	18,121	18,819	19,547	4,207	4,294
All FUND BALANCES	187,308	248,429	296,336	317,385	320,957	263,333	268,961	274,953	298,825	306,818

City of Clayton
 Childcare Facility Fees 304-5307
 FY 1999 - FY 2019

ATTACHMENT 4(a)

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen	205	
1/20/2000	8467	Presley-Diablo Village	1,230	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	1,435	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	1,640	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	1,845	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	205	
5/31/2000	9296	S. Carvajal-989 Oak St	205	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	410	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	205	
6/30/2000		General Ledger Balance		7,380
11/6/2000	9383	B&B Properties	665	
12/11/2000	9399	Clyde Miles Construction (115 Oak Ct)	205	
11/3/2000	9379	Ocean West-Commercial (Post Office)	713	
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	205	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	205	
5/30/2001	10660	Lemke-Oakwood Cir	205	
6/30/2001		General Ledger Balance		9,578
11/26/2001	10731	Diamond Terrace	7,800	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	615	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	3,075	
11/27/2002	13467	Lydia-Rachel Ranch	1,640	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	205	
6/30/2003		General Ledger Balance		22,913
6/30/2004		General Ledger Balance		22,913
6/30/2004		Interest	1,688	
6/30/2005		Interest	780	
6/30/2005		General Ledger Balance		25,381
6/30/2006		Interest	487	
6/30/2006		General Ledger Balance		25,868
6/30/2007		Interest	662	
7/31/2007	18577	Pine Hollow Estates	1,640	
9/30/2007	20008	Mitchell Creek Place	1,845	
10/31/2007	20691	Longs Drug Store	1,387	
10/31/2007	20698	Oak Center-Flora Square	1,497	
12/31/2007	20959	Village Market	114	
6/30/2008		Interest	1,105	
6/30/2008		General Ledger Balance		34,118
6/30/2009		Interest	1,024	
6/30/2009		General Ledger Balance		35,142
6/30/2010		Interest	1,417	
6/30/2010		General Ledger Balance		36,559
6/30/2011		Interest	404	
6/30/2011		General Ledger Balance		36,962

Date	Receipt	Paid By	Amount	
8/6/2011		Toll Bros- Diablo Estates	205	
1/3/2012		Toll Bros- Diablo Estates	1,025	
3/19/2012		Toll Bros- Diablo Estates	1,640	
4/17/2012		Toll Bros- Diablo Estates	615	
6/30/2012		Interest	967	
6/30/2012		General Ledger Balance		41,414
8/8/2012		Toll Bros- Diablo Estates	410	
8/30/2012		Toll Bros- Diablo Estates	205	
10/29/2012		Toll Bros- Diablo Estates	410	
11/16/2012		Toll Bros- Diablo Estates	205	
1/14/2013		Toll Bros- Diablo Estates	205	
6/30/2013		Interest	570	
6/30/2013		General Ledger Balance		43,419
6/30/2014		Interest Booked	489	
6/30/2014		General Ledger Balance		43,908
6/30/2015		Interest	255	
6/30/2015		General Ledger Balance		44,163
6/30/2016		Interest	601	
6/30/2016		General Ledger Balance		44,764
6/30/2017		Interest	646	
6/30/2017		General Ledger Balance		45,410
8/11/2017		Southbrook Drive-Butticci Management	410	
10/27/2017		Verna Way-North San Ramon Development	1,230	
6/30/2018		Interest	784	
6/30/2019		Interest	987	
6/30/2019		Adjusted Year-End Balance		48,821

Date	Receipt	Paid By	Amount	
10/18/1999	8437	Paula Pedersen-Oakwood Cir	2,569	
1/20/2000	8467	Presley-Diablo Village	8,107	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	9,458	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	10,809	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	12,160	
5/23/2000	9291	L. Afford - 8106 Marsh Ck Rd.	2,569	
5/31/2000	9296	S. Carvajal - 989 Oak St.	2,569	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,702	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,351	
6/30/2000		General Ledger Balance		52,293
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	2,569	
12/13/2000	9399	Miles Construction-115 Oak Ct.	2,569	
4/4/2001	10634	Aspen Valley Builders-1116 Oakwood Cir	2,569	
5/30/2001	10660	Lemke Construction-Oakwood Cir	2,569	
6/30/2001		General Ledger Balance		62,569
11/1/2001	11783	Mardel LLC-Bridlewood	48,811	
2/20/2002	11917	Lydia Associates-Rachel Ranch	20,552	
2002		CIP Projects-Westwood Park	(48,500)	
2002		CIP Project-Endeavor Hall Parking Lot	(27,595)	
6/30/2002		General Ledger Balance		55,837
9/23/2002		Diamond Terrace	75,268	
6/30/2003		General Ledger Balance		131,105
2004		Community Park Tot Lot (CIP)	(75,000)	
6/30/2004		General Ledger Balance		56,105
6/30/2004		Interest	7,629	
6/30/2005		Community Park Tot Lot (CIP)	(6,500)	
6/30/2005		Interest	1,815	
6/30/2005		General Ledger Balance		59,049
10/27/2005		Lenox Homes-Pine Hollow Estates	20,272	
2/24/2006		Transfer from Lenox C&D Deposit	280	
5/31/2006	18577	Pine Hollow Estates	1,640	
12/31/2005		CIP Project - Down Town Park	(57,234)	
6/30/2006		Interest	455	
6/30/2006		General Ledger Balance		24,462
6/29/2007		Mitchell Creek Place	23,121	
6/30/2007		Interest	1,210	
6/30/2007		General Ledger Balance		48,793
7/31/2007	18577	Pine Hollow Estates (s/b childcare)	(1,640)	
3/10/2008	21232	Lemke Construction - Diablo Point	61,656	
6/30/2008		Interest	3,634	
6/30/2008		Trans to Community Park Upgrades CIP 10407	(112,443)	
6/30/2008		General Ledger Balance		-
1/31/2009		Trans from Pine Hollow Estates	280	
6/30/2009		Interest	12	
6/30/2009		General Ledger Balance		292
6/30/2010		Interest	2,238	
6/30/2010		General Ledger Balance		2,530

Date	Receipt	Paid By	Amount	
6/30/2011		Trans from Oakhurst AD for CCPark Project	55,885	
6/30/2011		Interest	302	
6/30/2011		General Ledger Balance		58,717
6/30/2012		Interest	1,404	
6/30/2012		General Ledger Balance		60,121
6/30/2013		Interest	800	
6/30/2013		General Ledger Balance		60,921
6/30/2014		Interest	686	
6/30/2014		General Ledger Balance		61,607
6/30/2015		Interest	163	
6/30/2015		Trans to 2010 Pavement Rehab CIP 10407	(59,297)	
6/30/2015		General Ledger Balance		2,473
6/30/2016		Interest	34	
6/30/2017		General Ledger Balance		2,507
6/30/2017		Interest	36	
6/30/2018		General Ledger Balance		2,543
8/11/2017		Southbrook Drive-Butticci Management	5,138	
10/27/2017		Verna Way-North San Ramon Development	15,414	
6/30/2018		Interest	336	
6/30/2019		Interest	483	
6/30/2019		Adjusted Year-End Balance		23,914

Date	Receipt	Paid By	Amount	Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	1,456	
1/20/2000	8467	Presley-Diablo Village	8,736	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	10,192	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	11,648	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	13,104	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	1,456	
5/31/2000	9296	S. Carvajal-989 Oak St	1,456	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	2,912	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	1,456	
6/30/2000		General Ledger Balance		52,416
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	1,456	
11/3/2000	9379	Ocean West-Commercial Post Office	24,028	
11/6/2000	9383	B&B Properties-Commercial	22,417	
12/11/2000	9399	Clyde Miles-115 Oak	1,456	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	1,456	
5/30/2001	10660	Lemke-Oakwood Cir	1,456	
6/30/2001		General Ledger Balance		104,685
11/26/2001	10731	Diamond Terrace	87,634	
6/30/2002		General Ledger Balance		192,319
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	4,368	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	21,840	
3/21/2003	13509	Larwin Vintage Clayton-Bridlewood	1,456	
11/27/2002	13467	Lydia Assoc-Rachael Ranch	11,648	
6/30/2003		General Ledger Balance		231,631
1/3/2003		Kelok&Keller Ridge Signs, striping	(346)	
6/30/2004		CIP Projects-Marsh Creek Road	(230,000)	
6/30/2004		General Ledger Balance		1,285
6/30/2004		Interest	1,129	
6/30/2005		Interest	77	
6/30/2005		General Ledger Balance		2,491
5/9/2006	18577	Pine Hollow Estates	11,648	
6/30/2006		Interest	271	
6/30/2006		General Ledger Balance		14,410
6/30/2007		Interest	369	
6/30/2007		General Ledger Balance		14,779
8/31/2007	20008	Mitchell Creek Place	13,104	
10/2/2007	20691	Longs Drug Store	46,725	
10/3/2007	20698	Oak Center Project-Flora Square	50,456	
12/27/2007	20959	Village Market	3,862	
6/30/2008		Interest	4,317	
6/30/2008		General Ledger Balance		133,243
6/30/2009		Interest	4,163	
6/30/2009		General Ledger Balance		137,406
6/30/2010		Interest	5,476	
6/30/2010		General Ledger Balance		142,882
6/30/2011		B&B Properties-Commercial	3,423	
6/30/2011		General Ledger Balance		146,305

Date	Receipt	Paid By	Amount	Balance
8/16/2011		Toll Bros- Diablo Estates	1,456	
1/3/2012		Toll Bros- Diablo Estates	7,280	
3/19/2012		Toll Bros- Diablo Estates	11,648	
4/17/2012		Toll Bros- Diablo Estates	4,368	
6/30/2012		Interest	4,090	
6/30/2012		General Ledger Balance		175,147
8/8/2012		Toll Bros- Diablo Estates	2,912	
8/30/2012		Toll Bros- Diablo Estates	1,456	
10/29/2012		Toll Bros- Diablo Estates	2,912	
11/16/2012		Toll Bros- Diablo Estates	1,456	
1/14/2013		Toll Bros- Diablo Estates	1,456	
6/30/2013		Interest	2,466	
6/30/2013		General Ledger Balance		187,805
6/30/2014		Interest	2,114	
6/30/2014		General Ledger Balance		189,919
6/30/2015		Interest	1,105	
6/30/2015		General Ledger Balance		191,024
5/23/2016		Mitchell Canyon Dr. Accessory Dwelling Unit	1,456	
6/30/2016		Interest	2,602	
6/30/2016		General Ledger Balance		195,082
7/8/2016		Easley Drive Accessory Dwelling Unit	1,456	
6/30/2017		Interest	2,835	
6/30/2017		General Ledger Balance		199,373
8/11/2017		Southbrook Drive-Butticci Management	2,912	
10/27/2017		Verna Way-North San Ramon Development	8,736	
6/30/2018		Interest	3,507	
6/30/2019		Interest	4,425	
6/30/2019		Adjusted Year-End Balance		218,953

City of Clayton
 Fire Protection Fees 303-5317
 FY 1999 - FY 2019

ATTACHMENT 4(d)

Date	Receipt	Paid By	Amount	Fund Balance
10/18/1999	8437	Paula Pedersen-1103 Oakwood Cir	300	
1/20/2000	8467	Presley-Diablo Village	1,800	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	2,100	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	2,400	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	2,700	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	300	
5/31/2000	9296	S. Carvajal-989 Oak St	300	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	600	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	300	
6/30/2000		General Ledger Balance		10,800
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	300	
11/3/2000	9379	Ocean West-Commercial-Post Office	1,426	
11/6/2000	9383	B&B Properties-Commercial	1,330	
12/11/2000	9399	Clyde Miles Construction-115 Oak St	300	
4/4/2001	10634	Aspen Valley Builders-Oakwood Cir	300	
5/30/2001	10660	Lemke-Oakwood Cir	300	
6/30/2001		General Ledger Balance		14,756
11/26/2001	10731	Diamond Terrace	17,200	
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	900	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	4,500	
3/21/2002	13509	Larwin Vintage Clayton-Bridlewood	300	
6/30/2002		General Ledger Balance		37,656
6/30/2003		Interest	2,400	
6/30/2003		General Ledger Balance		40,056
6/30/2004		Interest	2,852	
6/30/2004		General Ledger Balance		42,908
3/24/2005		Reimbursement to RDA	(42,908)	
6/30/2005		General Ledger Balance		-
6/30/2006		General Ledger Balance		-
6/30/2007		General Ledger Balance		-
10/2/2007		Longs Drug Store	2,773	
10/2/2007	20691	Oak Center-Flora Square	2,994	
10/9/2007	20701	Pine Hollow Estates	2,401	
12/27/2007	20959	Village Market	229	8,168
6/30/2008		Interest	281	
8/13/2008	21056	Mitchell Creek Place	2,700	
6/30/2009		Interest	476	
6/30/2009		General Ledger Balance		11,854
1/15/2010		Reimbursement to RDA	(11,854)	
6/30/2010		General Ledger Balance		-
6/30/2011		Interest	-	
6/30/2011		General Ledger Balance		-

Date	Receipt	Paid By	Amount	Fund Balance
8/16/2011		Diablo Estates-Toll Brothers	300	
1/3/2012		Diablo Estates-Toll Brothers	1,500	
3/19/2012		Diablo Estates-Toll Brothers	2,400	
4/17/2012		Diablo Estates-Toll Brothers	900	
6/30/2012		Interest	122	
6/30/2012		General Ledger Balance		5,222
8/8/2012		Diablo Estates-Toll Brothers	600	
8/30/2012		Diablo Estates-Toll Brothers	300	
10/29/2012		Diablo Estates-Toll Brothers	600	
11/16/2012		Diablo Estates-Toll Brothers	300	
1/14/2013		Diablo Estates-Toll Brothers	300	
6/30/2013		Interest	102	
6/30/2013		General Ledger Balance		7,424
6/30/2014		Interest	83	
6/30/2014		General Ledger Balance		7,507
6/30/2015		Interest	45	
6/30/2015		General Ledger Balance		7,552
5/23/2016		Mitchell Canyon Dr. Accessory Dwelling Unit	134	
6/30/2016		Interest	103	
6/30/2016		General Ledger Balance		7,789
7/18/2016		Easley Dr. Accessory Dwelling Unit	176	
6/30/2017		Interest	115	
6/30/2018		General Ledger Balance		8,080
8/11/2017		Southbrook Drive-Butticci Management	600	
6/30/2018		Interest	145	
12/21/2018		Verna Way - North San Ramon Dev1	1,800	
6/30/2019		Interest	211	
6/30/2019		Adjusted Year-End Balance		10,836

City of Clayton
 Community Facilities Development Fees 304-5323
 FY 1999 - FY 2019

ATTACHMENT 4(e)

Date	Receipt	Paid By	Amount	Balance
10/4/1999	8437	Pedersen	450	
1/20/2000	8467	Presley	2,700	
4/14/2000	9272	Wm Lyon Homes-Diablo Village	3,150	
5/11/2000	9289	Wm Lyon Homes-Diablo Village	3,600	
6/22/2000	9312	Wm Lyon Homes-Diablo Village	450	
5/23/2000	9293	Wm Lyon Homes-Diablo Village	4,050	
5/23/2000	9291	L. Afford-8106 Marsh Ck Rd	450	
5/31/2000	9296	S. Carvajal-989 Oak St	450	
5/31/2000	9295	Wm Lyon Homes-Diablo Village	900	
6/30/2000		General Ledger Balance		16,200
9/22/2000	9352	Smith Quality Homes-Oakwood Cir	450	
11/3/2000	9379	Ocean West-Post Office	3,565	
11/6/2000	9383	B&B Properties	3,326	
12/11/2000	9399	Clyde Miles- 115 Oak	450	
4/4/2001	10634	Aspen Valley-Oakwood Cir	450	
5/30/2001	10660	Lemke-Oakwood Cir	450	
6/30/2001		General Ledger Balance		24,891
11/26/2001	10731	Diamond Terrace	10,750	
6/30/2002		General Ledger Balance		35,641
8/28/2002	12368	Larwin Vintage Clayton-Bridlewood	1,350	
11/1/2002	13452	Larwin Vintage Clayton-Bridlewood	6,750	
3/21/2002	13509	Larwin Vintage Clayton-Bridlewood	450	
6/30/2002		CIP Projects-Corp Yard	(67,976)	
11/27/2002	13467	Lydia Assoc.-Rachael Ranch	3,600	
6/30/2003		General Ledger Balance		(20,185)
6/30/2004		General Ledger Balance		(20,185)
6/30/2004		Interest	(997)	
3/24/2005		Transfer from CIP (Corp Yard)	9,141	
6/30/2005		Interest	(382)	
6/30/2005		General Ledger Balance		(12,423)
5/9/2006	18577	Pine Hollow Estates	3,600	
6/30/2006		Interest	(169)	
6/30/2006		General Ledger Balance		(8,992)
6/30/2007		Interest	(230)	
6/30/2007		General Ledger Balance		(9,222)
8/31/2007	20008	Mitchell Creek Place	4,050	
10/2/2007	20691	Longs Drug Stores	6,932	
10/3/2007	20698	Oak Center Project-Flora Square	7,486	
12/27/2007	20959	Village Market	573	
6/30/2008		Interest	329	
6/30/2008		General Ledger Balance		10,148
3/12/2009		Transfer to Endeavor Hall (Shutters)	(5,024)	
6/30/2009		Interest	214	
6/30/2009		General Ledger Balance		5,338
6/30/2010		Interest	-	
6/30/2010		General Ledger Balance		5,338

Date	Receipt	Paid By	Amount	Balance
6/30/2011		Interest	1,107	
6/30/2011		General Ledger Balance		6,445
8/6/2011		Toll Bros- Diablo Estates	450	
1/3/2012		Toll Bros- Diablo Estates	2,250	
3/19/2012		Toll Bros- Diablo Estates	3,600	
4/17/2012		Toll Bros- Diablo Estates	1,350	
6/30/2012		Interest	337	
6/30/2012		General Ledger Balance		14,432
8/8/2012		Toll Bros- Diablo Estates	900	
8/30/2012		Toll Bros- Diablo Estates	450	
10/29/2012		Toll Bros- Diablo Estates	900	
11/16/2012		Toll Bros- Diablo Estates	450	
1/14/2013		Toll Bros- Diablo Estates	450	
6/30/2013		Interest	234	
6/30/2013		General Ledger Balance		17,816
6/30/2014		Interest	200	
6/30/2014		General Ledger Balance		18,016
6/30/2015		Interest	105	
6/30/2015		General Ledger Balance		18,121
5/23/2016		Mitchell Canyon Dr. Accessory Dwelling Unit	450	
6/30/2016		Interest	248	
6/30/2016		General Ledger Balance		18,819
7/18/2016		Easley Dr. Accessory Dwelling Unit	450	
6/30/2017		Interest	278	
6/30/2018		General Ledger Balance		19,547
8/11/2017		Southbrook Drive-Butticci Management	900	
9/30/2017		Transfer to CIP 10443 (City Hall ADA Access)	(19,000)	
10/27/2017		Verna Way-North San Ramon Development	2,700	
6/30/2018		Interest	60	
6/30/2019		Interest	87	
6/30/2019		Adjusted Year-End Balance		4,294



**CITY OF CLAYTON
CITY COUNCIL
NOTICE OF AVAILABILITY OF INFORMATION**

**AB 1600 Account Information Related to Covered
Development Impact Fees
Notice Issue Date: Thursday January 30, 2020**

Notice is hereby given that as of the date noted above the City of Clayton has made available to the public a draft report entitled "Annual Report on Development Fees for the Fiscal Year Ending June 30, 2019 in Compliance with the Reporting Requirements of *California Government Code* Section 66006." This notice has been made publicly available on the City's website at www.ci.clayton.ca.us as well as on public posting boards fifteen (15) days in advance of the public meeting at which the Annual Report will be presented in accordance with *California Government Code* Section 66006(b)(2).

The final report shall be considered by the City Council at a regularly-scheduled City Council meeting on February 18, 2020, beginning at 7:00 pm or thereafter following location: Hoyer Hall, 6125 Clayton Road, Clayton, CA 94517.

The proposed Annual Report on Development Fees may be examined for no charge at the City of Clayton City Clerk's Office, 6000 Heritage Trail in Clayton during normal business hours between 9:00 a.m. and 5:00 p.m., Monday through Friday.

Interested citizens are invited to attend and participate in the meeting and present written and/or oral testimony concerning the Annual Report. If one cannot attend the hearing, one may send written comments to the City Clerk prior to the hearing at the address above or via email to jcalderon@ci.clayton.ca.us. If one has questions concerning the proposal, please contact the City Manager at 925-673-7300.

Ikani Taumoepeau
City Manager

CITY OF CLAYTON
AB 1600 DEVELOPMENT IMPACT FEES
- NOTE ALL FEES LISTED ARE SUBJECT TO CHANGE -

ATTACHMENT 6

Fee	Single-Family Residential	Multi-Family Residential	Non-Residential	Authority	Payment Date	Account Number
Community Facilities Development	\$450.00 / Unit	\$125.00 / Unit	Commercial/ Industrial: \$0.50/Gross sq ft	Municipal Code § 3.16.020	Residential: Occupancy Permit	304-5323-00
					Commercial/Industrial: Zoning Clearance for Building Permit	
Offsite Arterial Street Improvement	\$1,456.00 / Unit	\$1,019.00 / Unit	Commercial/ Business: \$3.37/Gross sq ft	City Council Resolution Nos. 36-81 & 14-86	Zoning Clearance for Building Permit	304-5314-00
Childcare¹	\$205.00 / Unit	\$205.00 / Unit	\$0.10/Gross sq ft	Municipal Code § 16.60.050	Zoning Clearance for Building Permit	304-5307-00
Parkland Dedication	\$2,569.00 / Unit	\$1,666.00 / Unit	\$0.00	Municipal Code § 16.12.010	Subdivision/Parcel Maps: Final Map Approval	304-5312-00
		(Duplex \$2,180.00/ Unit)			Individual Parcels: Zoning Clearance for Building Permit	
Fire Development Protection	\$300.00 / Unit (Mobile Home: \$200.00 / Unit)	\$200.00 / Unit	\$0.20/Gross sq ft	Municipal Code § 3.18.040	Occupancy Permit	304-5317-00

¹ Senior housing units, second-dwelling units, affordable housing units, and churches are exempt.
Last Revised: April 10, 2009



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: February 18, 2020

SUBJECT: Appointment of five (5) Citizens to the Trails and Landscaping Committee for terms of office commencing February 18, 2020 through December 31, 2021.

RECOMMENDATION

Upon recommendation of the City Council sub-committee, it is proposed by minute motion, the City Council adopt the attached Resolution naming Suzanne Brennan, Trisha Brown, Scott Feuer, Karen Case, and Justin Cesarin appointed to this advisory Committee. To retain overlapping terms for continuity on the TLC, their terms of office will expire on December 31, 2021. These candidates will be eligible to re-apply for a full two-year term upon the expiration of their initial term.

BACKGROUND

The City Clerk received five (5) applications from interested citizens (Suzanne Brennan, Trisha Brown, Scott Feuer, Karen Case, and Justin Cesarin) to serve on the Trails and Landscape Committee.

The Council's Trails and Landscaping sub-committee (Vice Mayor Wan and Councilmember Catalano) has recommended each of the five (5) applicants be appointed to the TLC (Ted Sudderth; Doris Ward; William Wiggins).

There are currently two (2) persons serving on the Trails and Landscaping Committee. The appointment of these five (5) citizens will bring the total membership to seven (7) for this advisory committee (11 maximum).

FISCAL IMPACT

None; TLC members serve without compensation or stipend.

Attachments: Resolution- 1 page

Applications of (5) applicants- 10 pages

TLC ROSTER

	<u>Appointed</u>	<u>Term Expires</u>
Suzanne Brennan	2/20	12/21
Trisha Brown	2/20	12/21
Karen Case	2/20	12/21
Justin Cesarin	2/20	12/21
Scott Feuer	2/20	12/21
Doris Ward	1/19	12/20
William Wiggins	1/19	12/20

RESOLUTION NO. - 2020

**A RESOLUTION APPOINTING FIVE CITIZENS
TO THE TRAILS AND LANDSCAPING CITIZENS ADVISORY COMMITTEE**

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

WHEREAS, in 2006, the City Council of Clayton adopted Resolution No. 8-2006 establishing and appointing a permanent citizens’ advisory committee entitled “Trails and Landscaping Committee” for oversight of the 1997 Citywide Landscape Maintenance District (CFD 2007-1); and

WHEREAS, in 2007, the City Council of Clayton adopted Resolution No. 38-2007 appointing up to eleven (11) citizen members as the Citizens Oversight Committee for the Citywide Landscape Maintenance District (CFD 2007-1); and

WHEREAS, in 2011, the City Council of Clayton adopted Resolution No. 4-2011 revising the ending date to December 31 for the term of office for members of Trails and Landscape Committee (the Citizens’ Oversight Committee) to the Citywide Landscape Maintenance District (CFD 2007-1) and extending the current members terms accordingly; and

WHEREAS, the City Clerk received applications from five (5) interested citizens expressing willingness to serve on the Trails and Landscaping Committee; and

WHEREAS, the City Council’s TLC Sub-Committee recommend each be the appointed to the Trails and Landscaping Committee;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby appoint Suzanne Brennan, Trisha Brown, Scott Feuer, Karen Case, and Justin Cesarin to the Trails and Landscaping Citizens’ Advisory Committee of the City of Clayton for the term of appointed office to expire on December 30, 2021.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 18th day of February 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk



RECEIVED

JAN 27 2020

City of Clayton

**APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE**

Name SUZANNE BRENNAN Address 209 Mountaire Circle

Home Phone 925 708-0199 Business Phone Same

E-mail address: Suzanne.Brennan@Comcast.net Length of residency in Clayton 12 years

Occupation Property/project mgr. Present employer Self

Why are you interested in serving on this Committee? I'm an avid gardner and avid walker. I use the trails frequently and I'm very interested in helping to keep them accessible, safe, and welcoming.

What is your vision for the trails and public landscaped areas of our City? It seems that dog walkers are the most frequent trail users. I'm one of them! It also seems that dog owner/non dog owner differences are a top topic on local social media. I'd like to work to make things better. For landscaped areas I'd like to continue the effort to be more water-wise.

Please share your interests and hobbies, special training or education: As a project manager, I designed and supervised the rehab of residential properties all around the Bay Area. This often included the gardens so I'm very familiar with plants that thrive in our climate zone. I'm a former Heather Farm Garden Center docent.

List 3 references with phone numbers: 1. KIM PEDROTTI 626-497-9096

2. LINDA LEWIS 707-567-5016

3. DOTTIE DEEMS 707-446-3635

* * * * *

Signature: Suzanne Brennan

Date: January 26, 2020



RECEIVED

JAN 28 2020

City of Clayton

**APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE**

Name Trisha Brown Address 10 Mt McKinley Ct. Clayton 94517

Home Phone 925-408-3178 Business Phone 925-408-3178

E-mail address: 4trishabrown@comcast.net Length of residency in Clayton 12 years

Occupation Genetic counselor Present employer illumina

Why are you interested in serving on this Committee? I love Clayton. I love using the green spaces and trails. Our trails attract non-residents who will often stop downtown to support our local businesses. Our landscaping and trails are the first impression we give to visitors, and it is important to maintain them to keep them coming back.

What is your vision for the trails and public landscaped areas of our City? Proper and ongoing maintenance, and improvement where necessary to enhance the use of space. I would like to help solve resident complaints about people not cleaning up after their pets, and also correct misunderstandings about water use/sources

Please share your interests and hobbies, special training or education: I enjoy bird watching, reading, photography and art. I have an MS in genetics. I have no special training in landscape or trail maintenance, but I used to work in plant pathology and I like to learn!

- List 3 references with phone numbers: 1. Pat Peters 925-464-6796 (Clayton Resident)
2. Pat Taylor 925-200-1938
3. Aimee Abbett 510-872-0699 (Clayton resident)

* * * * *

Signature: 

Date: 01/27/2020



RECEIVED

FEB 03 2020

City of Clayton

**APPLICATION FOR
TRAILS AND LANDSCAPING COMMITTEE**

Name Scott Feuer Address 31 Nottingham Circle, Clayton, CA 94517

Home Phone (925) 852-9419 cell Business Phone (925) 945-0300

sfeuer@environmentalforesight.com

E-mail address: _____ Length of residency in Clayton 10 Years

Occupation Landscape Architect Present employer Environmental Foresight, Inc.

Why are you interested in serving on this Committee? _____

As a regular user of Clayton trails, 10 year resident, and active participant in Clayton's many community open space events, I would like to contribute back to the community by using my professional experience in landscape architecture to help maintain the quality and safety of our town's exceptional open space network.

What is your vision for the trails and public landscaped areas of our City? _____

I would like to see the continued level of attention in keeping the City's open spaces and trail systems maintained in the rural character Clayton is known for.

Please share your interests and hobbies, special training or education: _____

Since a child, I've been interested in the landscape/outdoors. Age 8 I started a landscaping business in my neighborhood mowing lawns and performing garden maintenance for 15 years until I graduated college. I received both a bachelors and masters degree in landscape architecture and have been practicing in the profession for over 26 years (13 at my own company). Hobbies include photography, cooking, and outdoor activities such as fishing, camping, kayaking, snowshoeing, and skiing. I am an avid hiker logging over 1,200 trail miles the last two years with many of those miles on Mount Diablo and Black Diamond Mines via Clayton's trail system.

List 3 references with phone numbers: 1. Don Rose (retired landscape architect) (831) 402-8547

2. Gregor Markel (Principal-Dahlin Group Architects) (925) 251-7270

3. Rosemary Alex (Parks & Facilities Development Director-City of Dublin) (925) 833-6646

* * * * *

Signature: 

Date: 02/03/20



RECEIVED

FEB 04 2020

City of Clayton

APPLICATION FOR TRAILS AND LANDSCAPING COMMITTEE

Name Karen A. Case Address 4007 Hummingbird Way, Clayton 94517
Home Phone 925.693.0089 Business Phone Cell 925.787.1177
E-mail address: Karenacase@gmail.com Length of residency in Clayton 15 years
Occupation retired Present employer _____

Why are you interested in serving on this Committee? I like the idea of participating in helping to take care of Clayton, as a citizen, and as someone who enjoys the area's trails. I admire areas that The Garden Club has tended to and prefer there be more beauty in our town, especially using native plants and wildflowers. They are nice to look at but encourage our butterflies, birds, and bees to enjoy these areas as well.

What is your vision for the trails and public landscaped areas of our City? I would like our trails and public landscaped areas to be attractive and well-taken care of. It shows that people value the trails and public areas when they are kept in good shape and are safe and protected.

Please share your interests and hobbies, special training or education: _____
retired clinical social worker and now am a volunteer on the Education Committee for Mt. Diablo Audubon Society. I also belong to Save Mount Diablo, John Muir Land Trust, and many other environmental organizations. I draw and play tennis in my free time.

- List 3 references with phone numbers: 1. Dolene Turk 707-448-4232
2. Nancy Sullivan 925-349-5744
3. Emily Salaveria 415-671-5040

Signature: Karen A. Case Date: Feb. 4, 2020

Karen A. Case, MSW, LCSW
4007 Hummingbird Way
Clayton, CA 94517
H - 925-693-0089

karenacase@gmail.com

EDUCATION:

The Sanville Institute, Berkeley, CA, two-year Certificate Program graduate:
Psychodynamic Psychotherapy in a Cultural Context; 2007-2009.

Virginia Commonwealth University, College of Social Work; MSW, 1990.

California State University at Fresno; B.A. Social Welfare, 1969.

PROFESSIONAL CREDENTIAL:

California Licensed Clinical Social Worker

CLINICAL EXPERIENCE / SUPERVISION EXPERIENCE:

Rapid Access Clinician for Contra Costa County Mental Health, Concord Clinic, Concord, CA. Full-time Clinical Social Worker conducting psycho-social assessments, with mental status examination, diagnosis, and treatment plan for long-term psychiatric treatment for those with moderate to severe mental disorders and substance abuse histories, most of whom had been recent patients in an Acute Psychiatric Hospital, residential recovery program, or from a crisis residential program in Contra Costa County. I also coordinated follow-up psychiatric treatment discharge planning from inpatient facilities. March 2016- December 2017.

Instructor part-time for California State University at Stanislaus, Department of Social Work, Turlock, CA; MSW program, *Human Development Across the Life Span*; Fall 2011 semester, September 2011 through December 2011.

Psychiatric Social Worker for Kaiser Permanente Mental Health Dept., Antioch, CA. Provide individual psychotherapy and group therapy (Women's ACOA Therapy Group and Caregiver Stress Support Group) to adults of all ages. Created and regularly update Kaiser Mental Health, Kaiser Health Education Dept., and Community listing of resources for health and mental health that is provided by me on regular basis to all east bay Kaiser clinics. Women's Health Liaison to Antioch Medical Centers, supporting the reporting and awareness of domestic violence; participant in Regional Domestic Violence

initiative and member of Kaiser committee of Child Abuse Services and Prevention, June 2005-March 2016; full-time, 40 hours/week.

Program Coordinator of the Intensive Outpatient Program, Kaiser Permanente, Mental Health Dept., Pleasanton, CA. Designed and managed therapeutic outpatient program to stabilize psychiatric patients after discharge from an acute psychiatric hospital or for compromised psychiatric patients needing an intense level of care. Provided psychosocial assessments, group therapy, intensive casemanagement, psycho-education, discharge planning, and family therapy in coordination with the multi-disciplinary treatment team. October 1998 to September 2005; full-time, 40 hours/week.

Director Social Work Intern Program and Field Instructor for San Jose State University and Calif. State University, Stanislaus. Designed and directed an MSW Intern Program for graduate students and provided supervision and educational seminars on : Theory and Practice of Psychodynamic Psychotherapy, Cognitive Therapy, Group Psychotherapy, the DSM and differential diagnosis, Dual-Diagnosis, and Casework: The Biopsychosocial Approach. Kaiser Pleasanton Mental Health Dept., Intensive Outpatient Program, October 1998 through May 2005.

Program Manager, Partial Hospitalization Program, Fremont Hospital. Designed and managed The Partial Hospitalization Program (PHP) for adults and adolescents after discharge from acute psychiatric hospital, or to stabilize patients and prevent the need for hospitalization. Provided all-day group psychotherapy in an intensive outpatient program, five days/week for those with severe mood disorders and for the persistently mentally ill. Provided intense case management, family treatment when appropriate, and discharge planning. Managed 5 other clinical staff and 2 bus drivers. May 1997 to October 1998, full-time, 40 hours/week.

Psychiatric Social Worker, Fremont Hospital, providing psychosocial assessments, group psychotherapy, and family therapy to patients in an acute psychiatric hospital. Worked on the Adult, Adolescent, and Chemical Dependency Units and PHP; worked part-time for two years routinely on the Adult Inpatient Unit, then a year working on the Adult Chemical Dependency (CD) Unit; also ran week-end programs for families and patients in CD Unit as well as leading Long-Term CD Aftercare Outpatient Group to substitute for regular group therapist. Was the on-call therapist for the Adolescent Unit conducting their Chemical Dependency Class and Family Day groups on Saturdays. June 1992 to June 1997, part-time, 32 hours/week.

Director Social Work Intern Program and Field Instructor for San Jose State University MSW students and for JFK University Psy.D. students. Provided individual supervision and seminars for the students on Casework: The Bio-psychosocial Approach, the Mental Status Exam, Theory and Practice, and other clinical subjects for MSW & Psy.D. interns at Fremont Hospital Partial Hospitalization Program, an acute psychiatric hospital outpatient program. June 1997 to October 1998.

Psychiatric Social Worker at Telecare Heritage (formerly "Gladman") Psychiatric Health Facility, Oakland, CA, a psychiatric health facility (PHF) serving the chronically and persistently mentally ill. Provided casemanagement, psychosocial assessments, family treatment, treatment planning, discharge planning, advocacy, individual and group psychotherapy. December 1996 to May 1997, part-time, 32 hours/week.

Associate Clinical Social Worker at The Women's Center, Vienna, VA. Provided individual and group psychotherapy at non-profit counseling center. Conducted psychiatric interview, psychosocial assessments, treatment planning, and discharge planning for females of all ages. Conducted 8-week workshop on Self-Esteem, lead weekly Support Group for Single Parents, and provided workshop on Holiday Stress and Depression at the agency and for the Dept. of Commerce employees. Interviewed on NPR on Holiday Stress and Depression. VCU Social Work graduate student, 2nd-year Field Placement- Sept. 1989 to May 1990. Also employed as clinical staff, Associate Clinical Social Worker, to provide adults with individual and group psychotherapy post-graduation, May 1990 to October 1991, part-time, 32 hours/week.

Crisis Counselor providing peer-counseling in cases of rape, assault, suspected child abuse at The Family Advocacy Center, U.S. Navy Base Subic Bay, Republic of the Philippines. Provided Companion-Duty in hospital emergency room to provide support to victims, as well as volunteer Crisis Counselor for the Advocacy Center and the phone Hotline. 1980 to 1981.

COMMUNITY ORGANIZATION / PROGRAM ADMINISTRATION:

Executive Director and Child Advocate: Created and directed non-profit organization and Board of Directors for Virginians Against Child Abuse, in northern Virginia. Promoted child abuse prevention programs and established two CASA (Court Appointed Special Advocate) programs in Family Court in Alexandria and Fairfax County. Duties included fundraising, grant writing, public relations, public speaking, managing the budget, reporting the outcomes of each prevention program to the Board and to funding sources, coordinating with appropriate community agencies to reduce child abuse and to increase parent support, recruiting and training volunteers. 1985-1988.

Conference presentation/advocacy at Virginia conference on CASA programs. Provided training to child advocates and Family Court judges on how to start CASA programs with public relations, volunteer recruiting and training, program development, and fundraising strategies. The CASA program represents a child's best interest, makes recommendations to the court, and prevents foster-care drift. Richmond, Virginia, 1988.

Chairman of Public Relations Committee, Board of Directors of Virginia state chapter, National Committee for Prevention of Child Abuse. Spearheaded campaign in Virginia to educate parents and teachers with "Tips at Report Card Time" and the "Shaken Baby Syndrome." 1988-1989.

Community Organizer and Child Advocate representing Prince William County Cooperative Extension Service; organized Board of Directors in Manassas, VA to establish a non-profit Child Abuse Prevention Council in Prince William County. Implemented programs for the Board, raised \$80,000 from grants and donations to reduce cases of child abuse and neglect. Created a CASA program in Prince William County Family Court. Taught “Systematic Training for Effective Parenting” classes during first year Field Placement, School of Social Work, VCU; 1988-1989.

Coordinator for regional, three-state conference, “The Identification, Investigation, and Prosecution of Child Sexual Abuse,” for police, social workers, coroners, and district attorneys. Secured grant for funding from the Juvenile Justice Dept., arranged for expert speakers and coordinated with the National District Attorney Association, the Adam Walsh Child Resource Center, and Fairfax County Child Abuse Council as Executive Director of Northern Virginia SCAN (Stop Child Abuse Now), later to be named Northern Virginia Child Abuse Prevention Council. Arlington, VA, Oct. 1987.

Child Advocate for Fairfax County Child Abuse Prevention Task Force. Served on Programs Committee to address increased coordination between the Commonwealth Attorney, Police, Child Protective Services, and other agencies to prevent child abuse and child kidnappings and to recommend improved programs and resources in Fairfax County. Report to County Board of Supervisors; Fairfax, VA, 1988.

Program Manager for the Military Family Resource Center, a Family Violence Prevention Resource and Research Library for the U.S. Dept. of Defense. Redesigned and supervised the process of collection of the most current research and resources, directed the editing and distributing of documents to military clinicians world-wide; developed policies and procedures in distributing abstracts and materials; managed program budget, equipment purchases and staff, and supervised transition to computerized library system. Maintained and distributed resources on subjects supporting military families, parenting, child abuse prevention, and prevention of domestic violence for military bases and their Family Advocacy and Crisis Centers worldwide. Employed by Armed Services YMCA, Springfield, VA, 1986-1987, full-time, 40 hours.

Coordinator of Volunteer Program for the High Desert Child Abuse Prevention Council, Ridgecrest, Calif. Established Child Abuse Hotline, trained 20 crisis phone counselors, giving stressed parents support and also increasing child abuse reports by 40%. Established Parent Respite Program for the Council. Presented with “**Volunteer of the Year**” award by the High Desert Child Abuse Prevention Council. Presented with the “**Sylvia Besser Award**” from the Community Mental Health Board of Indian Wells Valley and the Desert Mental Health Clinic. 1983-1984.

Director of Girl Scout USA Summer Camp at Baguio, Republic of the Philippines, for “Troops on Foreign Soil.” Also taught painting, tennis, and archery. Summer of 1981, Philippine Islands.

Maid of Cotton, representing Fresno State University and Fresno County Cotton Association. Fresno, California, 1969-1970. Public Relations and modeling representing Fresno County Cotton Association.

PROFESSIONAL AFFILIATIONS

California Clinical Social Work Society, 1990-present

Northern California Group Psychotherapy Society, 2000-present

American Association for Psychoanalysis in Clinical Social Work, 2000-present



RECEIVED

FEB 07 2020

City of Clayton

APPLICATION FOR TRAILS AND LANDSCAPING COMMITTEE

Name Justin Cesarin Address 133 MT ETNA DR, CLAYTON, CA 94517

Home Phone 9253604785 Business Phone 9259435080 ext 101

E-mail address: jrcesarin@gmail.com Length of residency in Clayton 23 years

Occupation Healthcare Manager Present employer Oxygen Plus

Why are you interested in serving on this Committee? The people of Clayton are concerned over the future of our city, maintaining the feel while moving into the future. I feel concerns over overdevelopment and expedited environmental reviews are dismissive of our community's concerns while updates to the trails and landscaping are in need to meet permaculture and aesthetic updates that are environmentally sensitive and sustainable to lower annual net costs.

What is your vision for the trails and public landscaped areas of our City?

We must ensure that our trails and lanscaped areas are meeting permaculture and sustainability principles by limiting over-development, utilizing native flora, while choosing those that conform to the aesthetic preferences of our community, ensuring ine safety and support of the wild fauna, and doing all in such a way that maintainance is reduced and projects are done right the first time even if it means a little more spent upfront.

Please share your interests and hobbies, special training or education: I have lived in Clayton most of my life and even

when I didn't live here, my parents did and still do, so I was still around a lot. I have loved walking the trails of Clayton and hiking Mt Diablo since I was old enough to. My wife and I love animals and have three rescued cats. I love indoor and outdoor gardening and employ as much greenery in my interior and film/theatre designs as I can. While I am a healthcare manager, I am also a scenic designer for theatre and film, so I am familiar with design principles and construction management. I hold a bachelors in drama, an MBA, and am currently working towards my PhD in Business, with a specialization of sustainability and leadership.

note: I am also interested in the Planning Commission, if there is still an opening.

List 3 references with phone numbers: 1. Yvette Ipsen 925-595-8721

2. Eileen Whitaker 925-209-1438

3. Monica Meza 925-639-3765

* * * * *

Signature: [Handwritten Signature]

Date: 2/4/2020



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER

DATE: FEBRUARY 18, 2020

SUBJECT: DISCUSS AND CONSIDER UPDATED INFORMATION REGARDING PEDESTRIAN SAFETY IMPROVEMENTS NEAR MOUNT DIABLO ELEMENTARY SCHOOL AND DIABLO VIEW MIDDLE SCHOOL AND PROVIDE DIRECTION TO STAFF

RECOMMENDATION

It is recommended that the City Council discuss and consider updated information regarding pedestrian safety improvements near Mount Diablo Elementary School and Diablo View Middle School and provide direction to staff based on the updated information.

BACKGROUND

In August of 2019, prior to the first day of school at Mount Diablo Elementary School and Diablo View Middle School, staff reached out to the administration of both schools and met with each to review pedestrian safety around each school and to learn if there were any concerns regarding pedestrian safety that either school felt were outstanding. Both meetings went very well and were well received by each school. Both schools felt that they had good plans in place for traffic flow during drop-off and pick-up peak hours and that pedestrian safety was being handled comfortably. At this same time, the City renewed four pedestrian barricades at the intersection of Mitchell Canyon Road and Four Oaks Lane with renewed signage prohibiting pedestrians from crossing Mitchell Canyon Road at that location.

On the opening day of school, the City Traffic Engineer, Lynne Filson, and a police officer observed vehicular traffic circulation and pedestrian traffic at both schools to determine if there were any issues that needed immediate correction. Both reported that traffic circulation and flow worked well and there were no obvious safety issues at either location. The Traffic Engineer did note that existing striping at the intersection of Mitchell Canyon and Pine Hollow, including adjacent streets leading to the intersection, were worn and should be renewed.

This information was shared at a subsequent Council meeting and an inquiry was made regarding interactive R-1 (STOP) signs that City of Concord had recently installed on Pine Hollow Road adjacent to the elementary and middle schools located nearby. Council

members expressed interested in possibly installing similar signs near Mount Diablo Elementary if funding was available.

Based on this City Council inquiry and interest, Interim City Manager, Joe Sbranti, contacted Contra Costa Transportation Authority (CCTA) inquiring about any funding that might be made available to the City for these types of pedestrian safety improvements.

DISCUSSION

The inquiry to CCTA did not produce any new funding for the City although CCTA did remind Clayton that two distributions from known Measure J funding sources would be delivered to the City and could be used for these types of improvements. The available funding consists of the following:

1. Measure J Program 28-A Co-Op funds, \$34,048., and
2. Measure J LSM 2.09% Off-Year Funds, \$36,163.

This total of \$70,211 in funding has not yet been allocated in the current year's operating budget or Capital Improvement Budget.

Staff has proposed making the following improvements near the elementary and middle schools to enhance pedestrian circulation and pedestrian safety. The proposed improvements include:

1. Renewal of striping and pavement markings on streets near Mount Diablo Elementary School, replacing pavement "dots" with thermoplastic striping to enhance striping visibility at and near the elementary school with installation of 2 interactive R-1 (STOP) signs on two legs of the intersection stopping east bound Pine Hollow Road, and north bound Mitchell Canyon Road.
2. Renew the striping at the Clayton Road/Marsh Creek Road intersection (at the Middle School) to include necessary striping to allow a "scramble" pedestrian cycle allowing pedestrians to cross diagonally through the intersection rather than cutting across the second leg of the intersection against the pedestrian crossing light. This project also requires installation of no-right-turn signal heads on two legs of the signal to stop all traffic movement during the pedestrian-only signal cycle.
3. Installation of a solar powered advanced warning sign on eastbound Clayton Road prior to the signal at Marsh Creek Road. Subsequent to this proposal a request to consider a second advanced warning sign located westbound on Marsh Creek Road has been received.
4. Installation of 2 interactive R-1 (STOP) signs at the intersection of Center Street and Marsh Creek Road stopping Marsh Creek Road at that intersection.

	Proposed Improvement	Budgeted Cost
1	Striping renewal and interactive R-1 signs	\$26,950.00
2	Scramble Phase for Pedestrians only	\$24,200.00
3	Advance warning sign eastbound on Clayton Road	\$11,000.00
4	Interactive R-1 signs at Center and Marsh Creek Road	\$5,500.00
	Total:	\$67,650.00

FISCAL IMPACT

The \$70,211.00 in Measure J funding received by the City has not yet been allocated to a specific project or fund. This amount is adequate to cover the budgeted costs of the four proposed projects. If this funding is allocated to these four improvements, there would be no negative impact on the City's General Fund and these improvements could be completed without having to reallocate funding from existing Capital Improvement Projects.

OPTIONS

After receiving this updated information, City Council could direct one or more of the following actions to be taken:

1. Approve the capital improvement project as stated in the staff report.
2. Provide staff with direction to modify the capital improvement project.
3. Reject the capital improvement project as stated in the staff report.

REQUEST

Staff is requesting Council direction regarding these proposed improvements and their preferred option to move this project forward, if so desired.

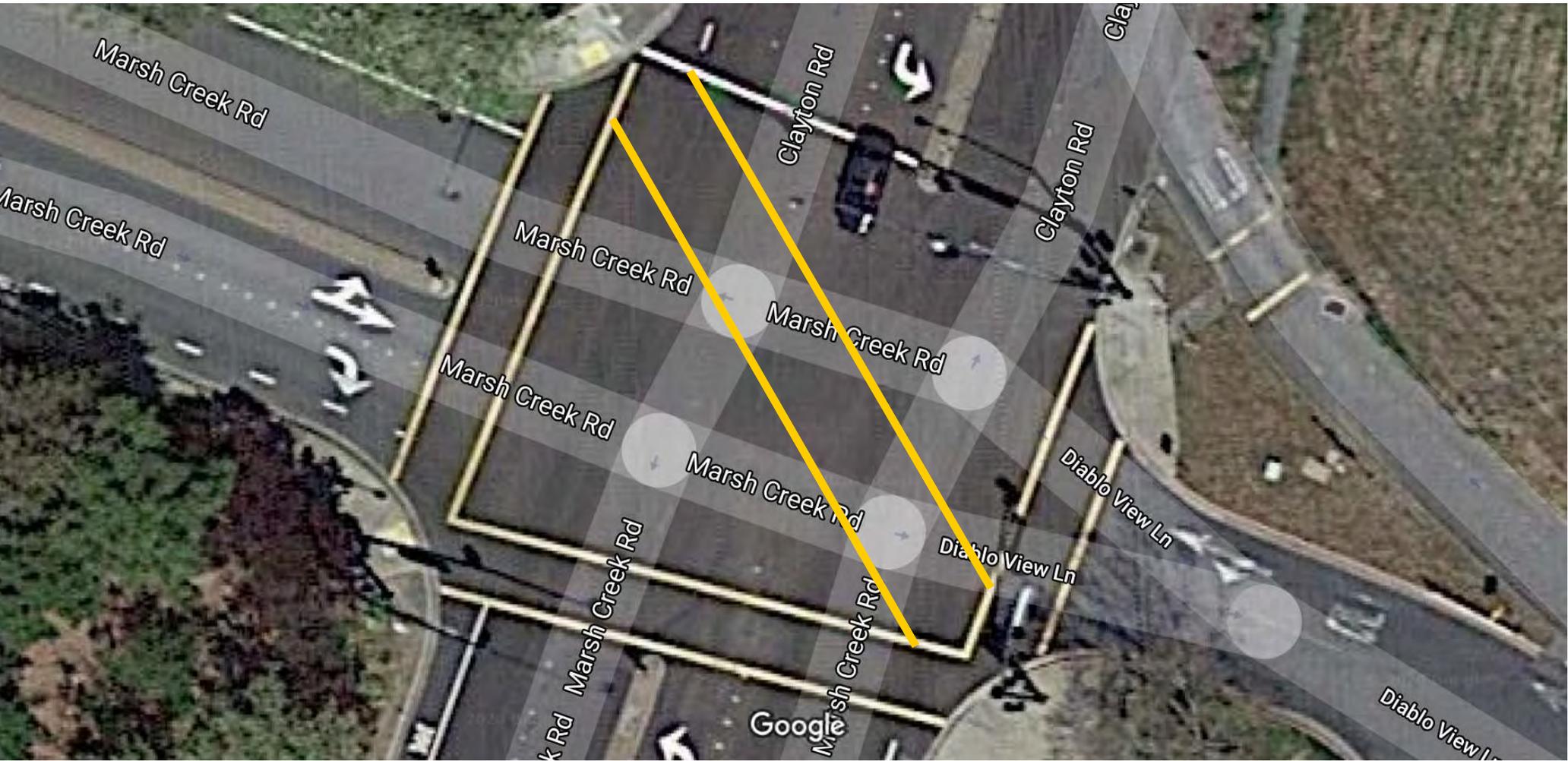
Attachments:

1. Site Location: Mitchell Canyon at Pine Hollow Road_ Striping Renewal with Interactive R1 Signs
2. Site Location: Mt. Diablo Middle School _ Pedestrian Scramble
3. Site Location: Clayton Road _ Signal Ahead Sign
4. Site Location: Center Street & Marsh Creek Rd_ Interactive R1 Stop Sign

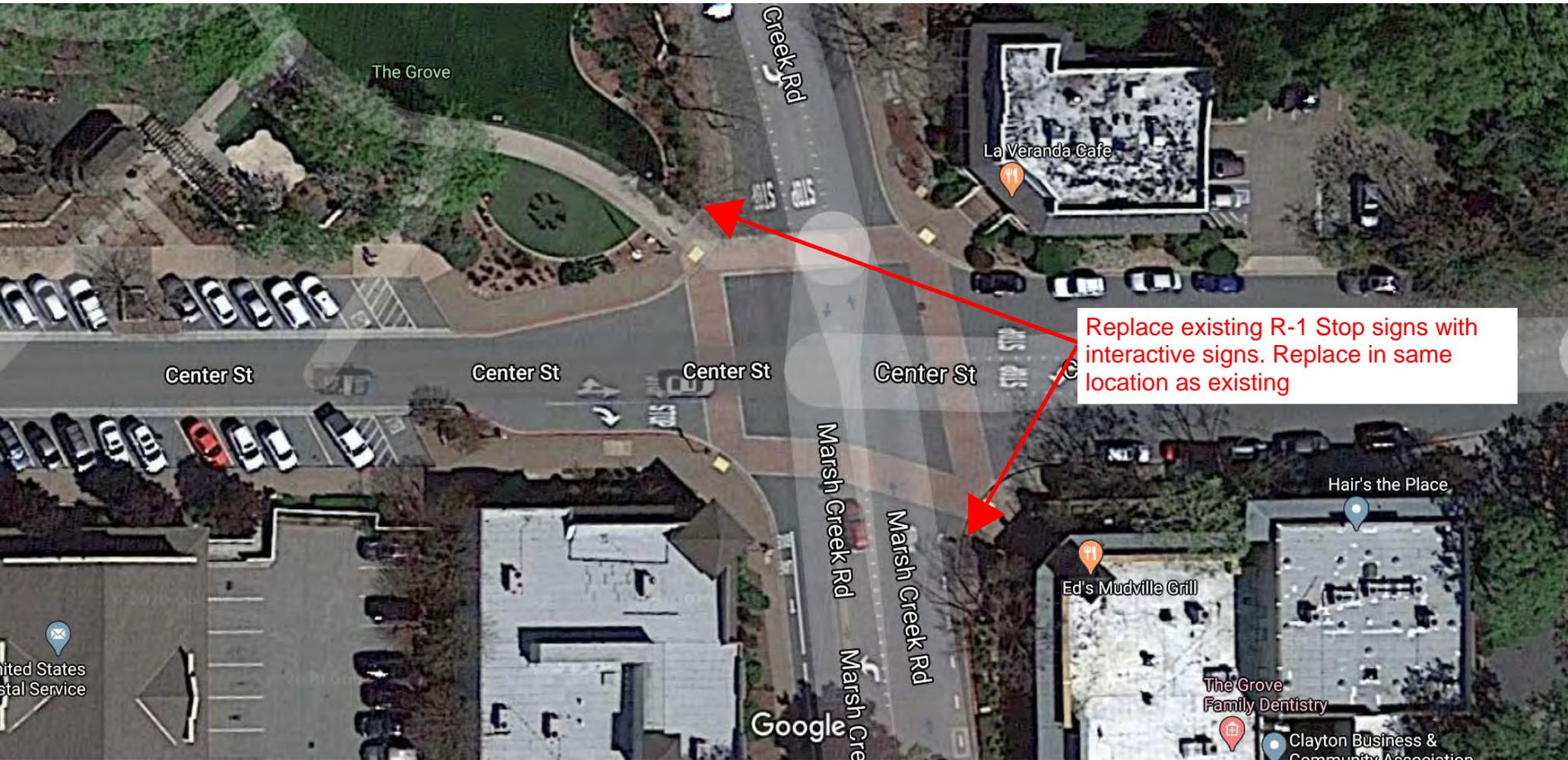


Renew striping with thermoplastic striping in place of raised dots in some locations to increase visibility of traffic control markings

Install interactive R-1 (STOP) signs stopping East bound Pine Hollow Road at Mitchell Canyon and stopping North bound Mitchell Canyon at Pine Hollow Road.







Replace existing R-1 Stop signs with interactive signs. Replace in same location as existing



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER
SINDY MIKKELSEN, STAFF

DATE: FEBRUARY 18, 2020

SUBJECT: ADOPT RESOLUTION ESTABLISHING A NEW UTILITY UNDERGROUND DISTRICT 2020-01 ALONG MARSH CREEK ROAD FOR THE PURPOSES OF DOCUMENTING ACTIVITY WITHIN THE PACIFIC GAS & ELECTRIC CO. (P.G.& E.) RULE 20-A PROGRAM TO PRESERVE THE CITY'S RULE 20-A PROGRAM ALLOCATIONS FROM BEING DIVERTED TO OTHER JURISDICTIONS

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution establishing a new utility undergrounding district for the purposes of documenting activity within the Pacific Gas & Electric Co. (P.G. & E.) Rule 20-A Program to preserve the City's Rule 20-A program allocations from being diverted to other jurisdictions.

BACKGROUND

P. G. & E. is required to annually allocate funds to each city that has overhead wires. Allocation is based on a calculation that takes into account the number of existing overhead distribution facilities and funds are only expended on underground conversion work within City-established underground districts. The authority for the City to establish underground districts comes from the Improvement Act of 1911. The other utility companies such as Comcast and AT&T do not have a similar allocation process, but they are required to budget for their costs associated with Rule 20A work.

The California Public Utilities Commission (CPUC) through P.G. & E. has initiated a diversion of Rule 20-A allocations away from cities that are presumed to be inactive in the Rule 20-A. CPUC is diverting allocations away from inactive participants of the 20-A program due to length of time from last Rule 20-A undergrounding project being initiated and undertaken with P. G. & E. Clayton accumulates Rule 20-A allocations at a very low annual rate and therefore has not accumulated enough credits to perform a Rule 20-A project in the past 10-years. Clayton still has not accumulated adequate allocations to perform the work as shown in the accompanying diagram.

DISCUSSION

Under the Improvement Act of 1911, the City Council may establish an underground district and use the Rule 20A funds allocated each year to the City by PG&E for the cost to replace existing overhead distribution facilities with underground or at grade facilities along public streets. As mentioned above, the City accumulates allocations from P. G. & E. at a slow rate of \$20,600 per year that we have not yet accumulated adequate funding to perform a Rule 20-A project. The current accumulated balance including our 2020 allocation is \$382,000. The per lineal foot cost of an undergrounding project averages \$1,200.00 per foot. We currently have accumulated enough funding to perform approximately 235 feet of undergrounding, less than a City block. For this reason the CPUC has deemed Clayton, along with other Northern California cities, as “inactive” and subject to having Rule 20-A allocations taken away Clayton and redirected to other “active” cities projects. In order to become “active” under the CPUC ruling, Clayton has to adopt the attached resolution establishing a Utility Underground District within the City. This City Council action, alone, is adequate to deem the City as active within the Rule 20-A program and preserve our allocations.

FISCAL IMPACT

There is no immediate fiscal impact to establishing the utility undergrounding district. If this district is not formed and Clayton loses Rule 20-A allocations, they will be approximately \$2,000.00 worth of allocations from our accumulated amount of \$382,000.00. These allocations are credits and have no “cash” value to the City’s General Fund. They are only redeemable with P. G. & E. in the form of lineal feet of utility undergrounding work.

Attachments:

1. Resolution Establishing Underground Utility District 2020-01
2. Boundary Map of Clayton Underground Utility District

RESOLUTION NO. ____-2020
RESOLUTION OF THE CLAYTON CITY COUNCIL
ESTABLISHING UNDERGROUND UTILITY DISTRICT 2020-01
LOCATED ALONG MARSH CREEK ROAD BETWEEN HIGH STREET AND EL MOLINO

WHEREAS, the California Public Utilities Commission (CPUC) has authorized electric and telecommunication utilities to convert overhead utility lines and facilities to underground pursuant to Electric Rule 20 and Telecommunication Rule 32, and

WHEREAS, pursuant to certain criteria, CPUC rules allow participating cities and counties to establish legislation authorizing the creation of underground utility districts within which existing overhead electric distribution and telecommunication distribution and service facilities will be converted to underground, and

WHEREAS, the Clayton City Council has consulted with the affected public utilities and designate the Underground Utility District 2020-01 and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference, meets the criteria established by the rules of the CPUC, to wit,

- 1) That the street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian and vehicular traffic, and
- 2) That the street or road or right-of-way is considered an arterial street or major collector as defined in the Governor's Office of Planning and Research General Plan Guidelines, and
- 3) That the street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public, and

WHEREAS a regularly scheduled and noticed public City Council meeting was held on February 18, 2020 to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures, and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service, within that certain area of the City described as follows: Marsh Creek Road between High Street and El Molino, and

WHEREAS, each year the City of Clayton is notified by PG&E regarding the allocation of work credits for conversion of overhead electric distribution lines and facilities to underground, known as Rule 20A allocations, and

WHEREAS, the City of Clayton has consulted with PG&E and determined that the City has not accumulated sufficient Rule 20A work credits including the borrow against future credits sufficient to complete the proposed overhead to underground conversion project, and will assist where possible to obtain additional work credits, and

WHEREAS, the City of Clayton and the affected utilities have agreed that each utility shall complete the engineering of their respective portion of the Marsh Creek Road Overhead to Underground Utility Conversion Project, and

WHEREAS, the Clayton City Council and the affected utilities have agreed that the designated “design and trench lead” to manage the design, trenching, installation of substructures, and pavement restoration and such other work shall be determined at a future date when work credits have been acquired to allow the first phase of the project to begin; and

WHEREAS to the extent required, the City of Clayton has agreed to identify property owners/persons responsible for the properties identified by PG&E as requiring easements, and to make initial contact with the property owners/responsible persons, mail PG&E easement documents, and coordinate meetings for the purpose of assisting PG&E with acquisition of necessary easements, and

WHEREAS, each property served from such electric overhead facilities shall have installed in accordance with PG&E’s rules for underground service, all electrical facility changes on the premises necessary to receive service from the underground facilities of PG&E as soon as it is available.

WHEREAS, the Clayton City Council has now received the report from the City Engineer recommending that the area identified in Exhibit “A” should be designated as an underground utility district within which all existing overhead poles, overhead wires and overhead equipment associated with the distribution of electric power, telecommunication services and cable television should be removed and replaced with underground wires and facilities; and

WHEREAS, upon the recommendation of the City Engineer, the Clayton City Council has determined that the proposed Underground Utility District 2020-01 is categorically exempt from environmental review pursuant to the California Environmental Quality Act, and

WHEREAS, the City of Clayton will authorize PG&E to discontinue its overhead electric service upon completion of the underground distribution system.

NOW, THEREFORE, BE IT RESOLVED, by the Clayton City Council that:
The public interest requires the removal of all existing utility poles [excepting those poles supporting streetlights or traffic signals], overhead wires and associated overhead structures and installation of underground wires and facilities for supplying electric power, communication, or similar associated services within the areas as shown in Exhibit “A”, attached hereto, with such area being designated as the Underground Utility District 2020-01, and

BE IT FURTHER RESOLVED, that the utility companies, cable television services and other affected services shall commence work when sufficient allocation of Rule 20A credits are available for the installation of underground facilities in the designated phase I of the Underground Utility District XX, that the project shall be divided into phases, and that as each phase of the project is complete and ready for conversion from overhead to underground utility facilities, all fronting property owners shall be notified by first class letter, postage pre-paid, of the schedule for conversion of all utility service lines, and

BE IT FURTHER RESOLVED, that Underground Utility District 2020-01 shall require that all properties within the district be subject to the same requirement to underground utilities

as a condition of permitting for any property improvements as a result of development prior to construction of a Rule 20A project phase, and will not be reimbursed by utility work credits.

RESOLVED FURTHER that the electric utility which undertakes underground installation of its facilities shall use the underground conversion allocation computed pursuant to decisions of the Public Utilities Commission of the State of California for the purpose of providing to each property in said Underground Utility District which requires it, a maximum of one hundred feet of individual electric service trenching and conductor, as well as backfill, paving and conduit, if required. Each other serving utility will provide service trenching and conductor in accordance with its tariffs on file with the California Public Utilities Commission or as required by its Franchise Agreement with the City of Clayton.

RESOLVED FURTHER that once all services have been converted from overhead to underground, the utility companies, cable television services and other affected services shall remove all poles (except as specified above) and associated overhead facilities in the Underground Utility District 2020-01, by a date to be determined and agreeable to all parties .

PASSED AND ADOPTED by the Clayton City Council, State of California, on this 18th day of February 2020, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk

OAKHURST
COUNTRY
CLUB



LEGEND

- BOUNDARY LINE
- [Solid Gray Box] PARCEL IN 20A PHASE 1 DISTRICT
- [Dotted Box] PARCEL IN FUTURE UNDERGROUNDING PHASE
- [Hatched Box] PARCEL SERVED OUTSIDE OF DISTRICT

GRAPHIC SCALE:
1" = 150'

THESE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY AND COPYRIGHT OF THE ENGINEER AND SHALL NOT BE USED ON ANY OTHER WORK EXCEPT BY WRITTEN AGREEMENT WITH THE ENGINEER. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND FIELD DIMENSIONS SHALL BE VERIFIED ON THE JOB SITE. ANY DISCREPANCY SHALL BE BROUGHT TO THE NOTICE OF THE ENGINEER PRIOR TO THE START OF ANY WORK.

NO.	DATE	BY	DESCRIPTION

Harris & Associates
1401 Willow Pass Rd. Ste. 500, Concord CA. 94520
WeAreHarris.com (925) 827-4900



CITY OF CLAYTON
PROPOSED MARSH CREEK RD (HIGH ST TO EL MOLINO DR)
UTILITY UNDERGROUND DISTRICT



STAFF REPORT

TO: Honorable Mayor and Councilmembers

FROM: Laura Hoffmeister, Assistant to the City Manager

MEETING DATE: February 18, 2020

SUBJECT: Discuss and Consider Adopting a 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 2007-1

RECOMMENDATION

Adopt the attached resolution affirming and clarifying the duties and responsibilities of the “Trails and Landscape Committee” (TLC) which serves as the Citizens Oversight Committee for the Citywide Landscape Maintenance District CFD 2007-1

BACKGROUND

At its January 16, 2018 Council meeting, members of the TLC asked the City Council to review and discuss the TLC’s role and responsibilities as an oversight committee. At the conclusion of their discussion, the City Council provided direction to staff to bring back a Resolution that would clarify the duties and responsibilities of the TLC based upon their comments.

At its February 6, 2018 meeting the City Council received a staff report and proposed resolution. At the conclusion of its discussion, the City Council unanimously adopted Resolution 02-2018 “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.”

At the City Council meeting on January 21, 2020, Vice Mayor Wan requested a discussion/review of the Trails and Landscaping Committee roles and responsibilities. In his remarks Councilmember Wan indicated that the Resolution 02-2018 mentioned CFD 1997-1 which was no longer in effect and to have a discussion of this topic.

In preparing the materials for this meeting, staff reviewed the January 16, 2018 City Council report and Resolution and found an error in the materials. The error referenced CFD 1997-1, which should have instead referenced CFD 2007-1 that replaced the prior CFD 1997-1 in June 2016 and expires June 30, 2027.

In light of this typographical error staff has prepared a new Resolution for City Council consideration with the only changes being the correction to CFD 2007-1. This resolution will supersede Resolution 02-2018.

Chronological History:

September 25, 2017: TLC meeting – Chair, committee members, and staff discuss role of the TLC as an oversight committee and what that means and covers. Chair and committee members disagreed with staff interpretation. Staff interpretation was from prior city council direction when the City Council established the TLC/Oversight Committee.

December 4, 2017: TLC meeting – Chair and committee discuss what they believe their role and responsibility should be versus what staff interpretation is from the City Council. TLC Council Liaison member Vice Mayor Haydon offered that City Council could review and provide clarity. It was agreed by the TLC to have the City Council review this at a future public meeting. The Chair will outline comments to be provided to the City Council.

January 16, 2018: City Council meeting - The TLC asks for the City Council to provide policy direction regarding the role of the TLC -Citizens Oversight Advisory Committee. Letter from the Chair was received at the meeting and read into the record. City Council discussion and direction given to staff to prepare a resolution for City Council consideration that would cover the role and expectations of the TLC.

February 6, 2018: City Council meeting – City Council received report and proposed 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 2007-1.” Motion to approve Resolution 02-2018, passed unanimously.

February 12, 2018: Trails and Landscape Committee meeting. City staff presented the City Council adopted resolution 02-2018 on Duties and Responsibilities to the TLC, and the TLC meeting procedures, and Chair and Vice Chair role/ responsibilities.

February 20, 2018: City Council meeting: Council Liaison Vice- Mayor Shuey confirms to the TLC was provided and reviewed Council Resolution 02-2018 at their February 12, 2018.

May 21, 2018: Trails and Landscape Committee meeting. City staff again provides the City Council adopted resolution 02-2018 on Duties and Responsibilities to the TLC, and the TLC meeting procedures.

November 27, 2018: Trails and Landscape Committee meeting - TLC Chair discusses that he does not agree with Resolution 02-2018. Staff notes that there may be members that do not agree with all or parts of it, however that is the what is required for staff and the TLC to follow.

RECOMMENDATION

Discuss and Consider Adoption of Resolution ____ -2019 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 2007-1

Attachments:

- 1) Resolution __ - 2020: "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 2007-1."
- 2) February 6, 2018 City Council report regarding the Roles and responsibilities of the Trails and Landscape Committee.
- 3) Resolution 02-2018 "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.
- 4) Trails and Landscape Committee Meeting Procedures (*note: informational only this is a staff generated document to assist the Committee and Chair in meeting procedures*)
- 5) Trails and Landscape Committee Chair and Vice Chair role/responsibility (*note: informational only, this is a staff generated document to assist the Committee and Chair /Vice Chair in understanding their role*)
- 6) Trails and Landscape Committee Ad Hoc Committee information and minutes of TLC meeting September 2017 suspending the Ad Hoc committees. (*note: this is informational only and used to assist the TLC with options in activities that can be done to support the LMD as needed*)
- 7) Ballot Measure, Impartial Analysis and Argument in Favor "H" for continuing CFD 2007-1 from FY 2016/2017 through 2026/2027.

**A 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 2007- 1**

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

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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;

WHEREAS, in 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; and

WHEREAS, on June 7, 2017 the voters approved (79%) an extension (Measure “H”) of the “Citywide Landscape Maintenance District” CFD 2007-1, 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; and

WHEREAS, on January 16, 2018, at the request of the TLC and City staff, the City Council provided clarification as to the scope and responsibilities of the Trails and Landscape Committee as it relates to oversight of the Landscape Maintenance District and directed staff to prepare this information in written form by Resolution for City Council review and approval; and

WHEREAS, at its February 6, 2018 public meeting the City Council did review, consider and approve the attached Exhibit A, “Affirming and Clarifying the Duties and Responsibilities of the ‘Trails and Landscape Committee’ which serves as the Citizen Oversight Committee for the Citywide Landscape Maintenance District 1997- 1”.

WHEREAS, at its January 21, 2020 meeting the City Council agreed to review the Duties and Responsibilities of the Trails and Landscape Committee at a future meeting; and

WHEREAS, in preparing the materials for the February 18, 2020 meeting, staff identified the adopted Resolution No. 02-2018 and Exhibit had incorrectly referenced CFD 1997-1, where it should have stated CFD 2007-1.

WHEREAS, this resolution corrects the error and replaces CFD 1997-1 with CFD 2007-1.

WHEREAS this information supplements and clarifies the intent of Resolution 08-2006 which outlines the role of the TLC, and this resolution supersedes Resolution No. 02-2018.

NOW, THEREFORE, BE IT RESOLVED at its February 18, 2020 public meeting the City Council did review, consider and approve the attached Exhibit A, "Affirming and Clarifying the Duties and Responsibilities of the 'Trails and Landscape Committee' which serves as the Citizen Oversight Committee for the Citywide Landscape Maintenance District 2007- 1".

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 18th day of February 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Pierce, Mayor

ATTEST:

Janet Calderon, City Clerk

**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 2007- 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, 2006 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” CFD 2007-1, 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.

RESOLUTION NO. 08-2006

**A RESOLUTION ESTABLISHING AND APPOINTING A PERMANENT
CITIZENS' ADVISORY COMMITTEE ENTITLED "TRAILS AND
LANDSCAPING COMMITTEE" FOR THE 1997 CITYWIDE
LANDSCAPE MAINTENANCE DISTRICT****THE CITY COUNCIL
City of Clayton, California**

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, in December 2003 the Clayton City Council created an ad-hoc citizens' advisory committee of fifteen (15) members for "... *the express purpose of developing and recommending to the City Council a strategic plan to guide the Citywide Landscape Maintenance District functions in the remaining four (4) years of its inaugural existence and to recommend modifications and/or options to sustain and enhance the District's operations presently and in preparation for voter reauthorization...*" of the District; and

WHEREAS, the Blue Ribbon Landscape Committee did subsequently tender a written Strategic Plan to the City Council in January 2005 that culminated in the submittal of Measure "M" to the local electorate on the November 2005 ballot for renewal of the District for an additional fifteen (15) years at an increased per parcel special tax rate; and

WHEREAS, city voters rejected Measure "M" in 2005 yet the Citywide Landscape Maintenance District remains in purpose until July 2007 and its operations and functions can still benefit from citizens' perspectives, critiques and input concerning its current standard of maintenance, improvement and reauthorization status; and

WHEREAS, with its assigned mission accomplished the ad-hoc Blue Ribbon Landscape Committee has now been disbanded the City Council in favor of establishing a permanent citizens' advisory committee to advise the City Council and City staff on matters related to the operation of the 1997 Citywide Landscape Maintenance District.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby establish a permanent citizens advisory committee for the 1997 Citywide Landscape Maintenance District with a membership of up to fifteen (15) members appointed by the City Council and to be known as the "Trails and Landscaping Committee"; and

BE IT FURTHER RESOLVED that the Trails and Landscaping Committee will serve in an advisory capacity to the City Council on matters related to the operation and renewal of the 1997 Citywide Landscape Maintenance District to include, but not be limited to, the following assigned duties and responsibilities:

- a. Serve as the principal citizens' advisory group to the City Council and city manager pertaining to public roadway landscaping, trails system, the Clayton Fountain, and open space weed abatement services and infrastructure.
- b. 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.
- c. Prepare a public Annual Report to the City Council regarding activities, maintenance and financial status of the District.
- d. Review and recommend an annual District Budget to the City Council prior to the commencement of each fiscal year (July – June).
- e. Assist the City and its staff in the development and recommendation to the City Council of landscaping and system improvements in the District.
- f. 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 2007.
- g. Seek and consider citizen and business person input regarding the daily and future operations and maintenance practices of the District.
- h. Perform other such duties as may be assigned from time to time by the City Council; and

BE IT FURTHER RESOLVED that the City Council does herewith appoint the following individuals to the Trails and Landscaping Committee to serve at the pleasure of the City Council without stipend or compensation during the specified terms of office:

<u>Member</u>	<u>Term of Office Expires</u>
Candace Bass	30 June 2007
Ben Jay	30 June 2007
Howard Kaplan	30 June 2007
Linda Pinder	30 June 2007
Dan Richardson	30 June 2007
Bill Vineyard	30 June 2007
Memory Woodard	30 June 2007
JoAnn Caspar	30 June 2008
Jerry Kosel	30 June 2008
Ve'Laine Manion	30 June 2008
Sandra Watson	30 June 2008
Jerry Zimmerman	30 June 2008

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; and

BE IT FURTHER RESOLVED that the City Manager is hereby instructed to provide staffing and support services appropriate to the Committee and to schedule regular Committee meetings as often as necessary to assist in and facilitate the Committee's deliberations and fulfillment of its assigned duties and responsibilities.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular meeting thereof held the 21st day of February 2006 by the following vote:

AYES: Councilmember Laurence, Manning, Pierce, Vice Mayor Walcutt and Mayor Shuey.

NOES: None.

ABSTAIN: None.

ABSENT: None.

THE CITY COUNCIL OF CLAYTON, CA



DAVID T. SHUEY, Mayor

ATTEST:



Rhonda K. Basore, City Clerk

RESOLUTION NO. 38- 2007

**A RESOLUTION APPOINTING THE ELEVEN MEMBER TRAILS
AND LANDSCAPING COMMITTEE TO SERVE AS THE CITIZENS'
OVERSIGHT COMMITTEE TO THE CITYWIDE LANDSCAPE
MAINTENANCE DISTRICT (CFD 2007-1)**

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

WHEREAS, by Resolution No. 08-2006 adopted on 21 February 2006, the Clayton City Council established and appointed a permanent citizens' advisory committee entitled "Trails and Landscaping Committee" for the 1997 Citywide Landscape Maintenance District (CFD 1997-1); and

WHEREAS, said citizens committee met regularly during 2006 and into 2007 reviewing matters related to priorities, public outreach, maintenance standards, citizen complaints, and related operations of the Landscape Maintenance District and did recommend to the City Council a ballot measure for replacement of the expiring 1997 District; and

WHEREAS, the proposed local ballot measure (Measure "B") was subsequently placed before the Clayton electorate at a special municipal election held on 05 June 2007 for voter consideration of a replacement Citywide Landscape Maintenance District (CFD 2007-1) for a period of ten (10) years (July 2007 through June 2017); and

WHEREAS, city voters overwhelmingly approved Measure "B" by an 83% affirmative vote and provisions of the replacement Citywide Landscape Maintenance District (CFD 2007-1) specify a citizens' oversight committee shall be constituted by the Clayton City Council to advise the City Council and staff concerning budget, priorities and proper level of landscape care and maintenance for the District; and

WHEREAS, following the successful passage of Measure "B" in June 2007, four (4) members of the existing Trails and Landscaping Committee opted to either allow their term of appointed office to expire on 30 June 2007 or to end their lengthy participation on the citizens advisory committee; and

WHEREAS, it is necessary for the Clayton City Council to formally and officially appoint the remaining eleven (11) members of the Trails and Landscaping Committee as the incumbent citizens' oversight committee for the Citywide Landscape Maintenance District (CFD 2007-1) and to establish terms of office thereof.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby appoint the existing Trails and Landscaping Committee comprised of up to eleven (11) citizen members as the citizens oversight committee for the Citywide Landscape Maintenance District (CFD 2007-1); and

BE IT FURTHER RESOLVED that the City Council does herewith confirm the appointment of the following citizens to the Trails and Landscaping Committee, to serve at the pleasure of the City Council without stipend or compensation, with an overlapping two (2) year term of office for each of the eleven (11) positions:

<u>Member</u>	<u>Term of Office Expires</u>
JoAnn Caspar	30 June 2008
Victor Geisler	30 June 2008
Jerry Kosel	30 June 2008
Kelly Marshall	30 June 2008
Jerry Zimmerman	30 June 2008
Candace Bass	30 June 2009
David Disend	30 June 2009
David Johnson	30 June 2009
Dan Richardson	30 June 2009
Virginia Siegel	30 June 2009
Bill Vineyard	30 June 2009

The Vice Mayor of the Clayton City Council shall continue to serve as the City Council's non-voting representative to the Committee in an ex-officio liaison capacity; and

BE IT FURTHER RESOLVED that all assigned duties and oversight responsibilities of the Trails and Landscaping Committee as outlined in City Resolution No. 08-2006 and in Measure B (CFD 2007-1) do hereby remain in full force and effect.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 7th day of August 2007 by the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Councilmembers Pierce and Stratford.

NOES: None.

ABSTAIN: None.

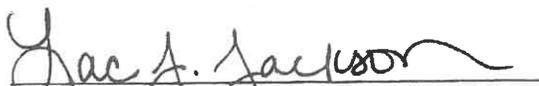
ABSENT: Councilmember Shuey.

THE CITY COUNCL OF CLAYTON, CA



William R. Walcutt, Mayor

ATTEST:



Laci J. Jackson, City Clerk

RESOLUTION NO. 04-2011

**A RESOLUTION AMENDING THE ENDING DATE TO DECEMBER 31
OF THE TERM OF OFFICE FOR MEMBERS OF TRAILS AND LANDSCAPE
COMMITTEE (THE CITIZENS' OVERSIGHT COMMITTEE) TO THE
CITYWIDE LANDSCAPE MAINTENANCE DISTRICT (CFD 2007-1) AND
EXTENDING THE CURRENT MEMBERS TERM ACCORDINGLY**

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

WHEREAS, by resolution No. 08-2006 adopted on February 21, 2006, the Clayton City Council established and appointed a permanent citizens' advisory committee entitled "Trails and Landscaping Committee" for the 1997 Citywide Landscape Maintenance District (CFD 1997-1); and

WHEREAS, the City of Clayton, set forth in Resolution No 08-2006 that the terms of the TLC members shall be an overlapping two year term of office for each member, ending June 30th.

WHEREAS, the Trails and Landscape Committee members have been operational for almost four years and have experienced practical timing issues with their terms ending on June 30th; and

WHEREAS, at their January 24, 2011 meeting the Trails and Landscape Committee members discussed options to better allow newly appointed members to participate in their tasks especially the Landscape Budget Review of the Landscape District and the preparation and presentation of the Annual Report for the Landscape District; and

WHEREAS, at their January 24, 2011 meeting the Trails and Landscape Committee members unanimously recommended that the City Council modify the terms so that each members term of office would coincide with the end of the calendar year, December 31st; and

WHEREAS, each currently appointed TLC member is willing to extend their current service by six months to Dec 31st; and

WHEREAS, the City Council considered the request of the TLC members at their public meeting of March 15, 2011.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby amend Resolution No 38-2007 such that all terms of office for the Trails and Landscape Committee shall end on December 31st, all terms shall continue to

have overlapping two year term of office for each of the positions.

BE IT FURTHER RESOLVED, that the City Council of Clayton, California, does hereby extend the term of office to each of the current TLC members so that their term shall end in December 31st for the time period for which they are presently appointed.

Adopted by the City Council of the City of Clayton, California at a regular meeting of thereof held on March 15, 2011, by the following vote:

AYES: Mayor Shuey, Vice Mayor Geller, Councilmembers Medrano, Pierce and Stratford.

NOES: None.

ABSENT: None.

ABSTAIN: None.


David T. Shuey, Mayor

ATTEST:


Laci J. Jackson, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on March 15, 2011.


Laci J. Jackson, City Clerk

Reso tlc member term change



Approved: _____

Gary A. Napper, City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Laura Hoffmeister, Asst. to the City Manager 

MEETING DATE: February 6, 2018

SUBJECT: Adopt a 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

RECOMMENDATION

Adopt the Attached 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

BACKGROUND

Measure B was passed by the voters of Clayton in June 2007 which established special district funding for the Citywide Landscape Maintenance District through June 31, 2017 (note: Measure H, passed by the voters in June 2016, extended the LMD special tax through June 31, 2027). The measure called for the preparation of an Annual Report by a Citizens Oversight Committee to be prepared and submitted to the City Council. The Trails and Landscaping Committee (TLC) is the local name approved by the City Council to refer to the Citizens Oversight Committee called for in the measure.

At its January 16, 2018 meeting members of the current TLC is asked the City Council to review and discuss the TLC's role and responsibilities as an oversight committee.

At that meeting the City Council reviewed the prior Resolution 08-2006. The City Council confirmed its intent the TLC is a citizen's advisory committee that can provide input on overall direction (i.e.: trails maintenance versus landscape projects), to the governing body of the special district retained by and elected accountable body (the City Council). The TLC as the "Citizens Oversight Committee", is also responsible for compiling an independent Annual LMD Report regarding the revenues and expenses to verify the special tax funds were collected and used for LMD operations and projects. The City Council also clarified that as with the original intent, the committee is to be advisory, not direct managers over the Districts operations, thereby reaffirming staff management of the District's operations.

As an example, the TLC's advisory input goes to the City Council for any determination of project scope. City staff does not automatically change the scope of a project based on TLC advice. The construction drawings of the approved capital improvement are not submitted for review/critique/alternative directions to staff.

The City Council clarified the TLC role does not involve directing staff on the specifics of District operations and maintenance, including details of capital projects.

The City Council also confirmed the intent of the TLC is it may advise the City Council of its perspectives; however the City Council (as District governing board) is the ultimate authority to direct the City Manager on District operations. The Committee is an advisory body and is to focus on larger policy and project issues, not at the level of construction and bid plan review.

Following the discussion the City Council directed staff to draft a Resolution to reaffirm and clarify the role and expectations for the Trails and Landscaping Committee. Staff has prepared the attached Resolution and Exhibit A – "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"

City Council Comments (at last meeting)

The City Council discussed and clarified that the intent is oversight of the dollars to ensure they are being spent as directed by the Council. The TLC could suggest and recommend landscape maintenance district improvements that needed attention and prioritize projects which is done through the budget process.

The expectation of the TLC oversight committee is to receive ideas for proposed projects, offer their opinion if it is a good idea and maintain overview that special tax funds are being spent only on trails, open space and landscaping projects.

The TLC may recommend prioritization allocations of limited funds and supporting staff on use of funds.

The TLC may review a proposed project allocation of funding available and if appropriate for the betterment of Landscape Maintenance District.

The intent of the TLC is to be stewards of the funds to assure citizens it would be looking at the funds and ensure they are being spent strictly for Landscape Maintenance projects.

Once a budget is approved the TLC does not involve itself in the design aspect or professional level of detail with construction contracts; city staff will manage the use of the allocated funds for maintenance activities and design, documents and construction of projects

Attachments:

Resolution ___ - 2018: 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.

RESOLUTION NO. 02 -2018

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

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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;

WHEREAS, in 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; and

WHEREAS, 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; and

WHEREAS, on January 16, 2018, at the request of the TLC and City staff, the City Council provided clarification as to the scope and responsibilities of the Trails and Landscape Committee as it relates to oversight of the Landscape Maintenance District and directed staff to prepare this information in written form by Resolution for City Council review and approval; and

WHEREAS, this information supplements and clarifies the intent of Resolution 08-2006 which outlines the role of the TLC.

NOW, THEREFORE, BE IT RESOLVED at its February 6, 2018 public meeting the City Council did review, consider and approve the attached Exhibit A, "Affirming and Clarifying the Duties and Responsibilities of the 'Trails and Landscape Committee' which serves as the Citizen Oversight Committee for the Citywide Landscape Maintenance District 1997- 1".

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 6th day of February 2018 by the following vote:

AYES: Mayor Haydon, Councilmembers Diaz, Catalano and Pierce.

NOES: None.

ABSENT: Vice Mayor Shuey.

ABSTAIN: None.



Keith Haydon, Mayor

ATTEST:



Janet Brown, City Clerk

**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.



**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.

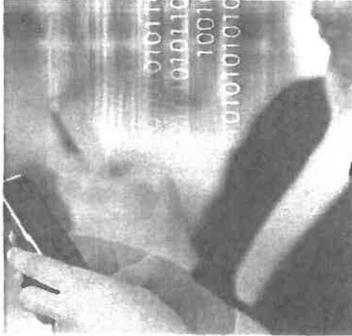
Committee members may address the Planning Commission or City Council as personal individuals, or if agreed as a representative of the TLC, ie: status report, recommendation reports.

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



Kara K. Ueda is a partner with the law firm of Best Best & Krieger, LLP, and can be reached at kara.ueda@bbklaw.com or (916) 551-2822.

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).

Memo



ATTACHMENT 5

To: Trails and Landscape Committee members

From: Laura Hoffmeister, Asst. to the City Manager

Re: Selection process and duties of the TLC Chair and Vice Chair

Background:

The TLC Chair and Vice Chair terms were determined by the TLC to be for a one year time frame concluding December 31, 2018, coinciding with the members terms appointments. The TLC can also change the term of the Chair and Vice Chair to a period longer than one year, such as two years. This was done prior periods as the committee meets typically about four times a year.

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

Procedure for Selecting Chair and Vice Chair :

At the meeting on the agenda item, the Chair will ask for nomination/volunteers for the Chair position. In the absence of a Chair or Vice Chair the Staff will ask for nominations for the Chair. Once all nominations are identified then the Chair (or staff as needed) will call for a vote for the Chair. The nominee with the most votes, provided it is a majority of the votes, will become the 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.

The selected Chair will then call for nomination/volunteers for the Vice Chair. Once all nominations are identified then the Chair 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; close public comment; ask if any further questions/discussion by members; 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.

- (c) *Consider Committee Members to serve on ad-hoc subcommittees*
There was not any interest to have Ad Hoc Committees at this time, and no interest in continuing the Adopt a Trail program at this time.

Staff clarified that the only legal requirement is for the Committee to prepare and submit to the City Council the Annual Report of the District for the last FY (FY 16/17). There is not any required deadline to prepare and submit. The document is prepared by the Committee, usually the Chair. Staff clarified the items in the Annual Report have been format or template that prior committee

has used, however it can be done in whatever format the Committee chooses. The purpose of the Annual Report is a Citizens Committee to verify the funds collected by the special tax approved by the voters have been expended in Landscape Maintenance District pursuant to the ballot measure.

i. Annual Report for FY 16/17:

Committee members deferred to the Chair, who agreed, to prepare the Annual Report draft which the Committee will review at their next meeting.

ii. Adopt a Trail:

By Consensus of the committee it was determined that the Committee members were not interested in pursuing at this time and to suspend the Adopt a Trail program.

iii. Communication – i.e.: Clayton Pioneer Article(s)

By Consensus of the committee it was determined that Committee members were not interested in pursuing at this time.

Memo



To: Trails and Landscape Committee members
From: Laura Hoffmeister, Asst. to the City Manager
Meeting Date: June 15, 2017
Re: Ad Hoc Committee options

Background:

The TLC can, if they so desire, form Ad Hoc Committees for particular areas of interest. The TLC has in the past had an Ad Hoc Committee to prepare the Landscape Maintenance District Annual Report; manage the Adopt a Trail program; and Communications and Outreach.

The three historical Ad Hoc Committee roles and responsibilities are listed below:

Annual Report: Prepares an independent report after the Fiscal Year end closing of the revenues and expenses of the Landscape Maintenance District and any related project or other information. Staff will respond to questions of obtaining data, but the report is independently written and prepared by members of the TLC. It is then presented to the entire TLC at a public meeting for the entire TLC to review/comment/revise/approve. Thereafter the final report is forwarded to the City Council for acceptance. A format prepared by prior TLC Ad Hoc Committee is available from prior year's reports that can use if desired. The City typically has its final reconciliation and independent audit of the prior Fiscal Year completed by May/June. The work preparing the Annual Report would then commence by members of the Ad Hoc committee with the draft being ready for review by the TLC in Sept/Oct, and presented to the City Council thereafter. This is the one and technically only function required of the TLC pursuant to the Ballot Measure (Measure H) for the Landscape Maintenance District.

Adopt A Trail: This would involve review of previously adopted trails and seeking out renewals or new adopt a trail sponsor donors and volunteer donors and working groups from the community. The TLC created this program and the City Council accepted of it provided it was run and organized by volunteers of the TLC. If TLC members were not interested in pursuing city staff would not step in to assist in keeping it going. The program designed to attract sponsors (families, individuals or businesses) who can either make an annual financial pledge and/or a commitment to supply a work group to augment the efforts of the maintenance staff with regard to trail maintenance on one of eleven (11) trail segments. Posted at the head of each adopted trail is a plaque bearing the name of both the financial and the work-group sponsor. The bi-annual financial sponsorship is \$1,000, while work group sponsorship is \$200 per year. A segment needs both portions to be considered adopted and signs placed on sign posts stating who is the sponsor and volunteer group. TLC members can match up a sponsor donor with a volunteer donor for segments, or the sponsor can pay both portions. Donations obtained are kept by the city as the fiduciary agent in a separate account and funds received are then able to be recommended by the TLC for project improvements and repairs related to the city trails. (See Attached materials).

Communications and Outreach: Prepares articles for submission to the Clayton Pioneer for informing the public of activities of the Landscape Maintenance District and/or the TLC. Can staff information table at community events such as Clayton Cleans Up, Art and Wine, Oktoberfest, to provide information to the public about the Landscape Maintenance District and the TLC.

Less than a quorum can serve on an Ad Hoc Committee, currently that would be a maximum of three members. The TLC does not need to pursue these if they do not see need or have interest. The TLC can also establish different Ad Hoc committees for specific tasks, with up to three members each.

Ad Hoc Committees are not formal and can meet as needed with only the Ad Hoc members and only to do, coordinate and discuss the work of the Ad Hoc Committee.

Recommendation:

Determine if there is any interest in having Ad Hoc Committee(s) and identifying any members that would serve on them.

**MEASURE H
CITY OF CLAYTON**

**CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE
DISTRICT CONTINUATION OF EXISTING SERVICES
AND SPECIAL PARCEL TAX**

Shall the existing Community Facility District 2007-1 (Trails and Landscape Maintenance District) be continued, with a Citizens Oversight Committee, for ten years to fund on-going operations and maintenance of the trails system, roadway landscape, open space weed abatement, and related expenses at the current annual special tax's rate and methodology (presently \$234.84/year per residential and non-residential parcel or fraction thereof), for FYs 2017-2027?

Copies of all relevant reports, a boundary map of the CFD, and Council resolutions concerning the formation of the CFD are available for review in the office of the City Clerk (925-673-7300).

The above statement is an impartial analysis of Measure H. If you desire a copy of the measure, please call the City Clerk's office at (925-673-7300) and a copy will be mailed at no cost to you.

This analysis is prepared as an impartial analysis of the measure as required by California Government Code Section 53327 and Elections Code Section 9280.

Dated: March 18, 2016

Malathy Subramanian, Clayton City Attorney

**CITY COUNSEL'S IMPARTIAL ANALYSIS OF
MEASURE H**

Measure H would extend the special tax levied for the maintenance and operation of the City of Clayton's Citywide Trails and Landscape Maintenance District, known officially as Community Facilities District 2007-1 ("CFD") through Fiscal Year 2026/2027. This measure would not change the services provided by the CFD, the rate of adjustment or the method of apportioning the special parcel tax and requires the continuation of the Citizens Oversight Committee. The CFD's boundaries encompass the entire City of Clayton.

The tax revenue pays for costs related to the on-going operations and maintenance of the CFD's trails system, roadway landscape, open space weed abatement and fire breaks, including landscaping, irrigation, hardscape, lights, and electricity. The tax revenues are placed into a restricted fund through which all eligible expenses are tracked, paid and audited. The funds cannot be spent for any other purpose by the City or other agencies.

Following the advertised public hearing on March 1, 2016, the City Council adopted Resolution No. 12-2016 proposing to continue the special parcel tax in the CFD for ten years and placing Measure H on the ballot. In 2007, voters approved a special tax to fund the CFD through Fiscal Year 2016/2017. The current annual special tax amounts are:

Residential Parcels: \$ 234.84 per parcel per year.

Non-Residential Parcels: \$234.84 per parcel or fraction thereof per year.

The ballot measure continues the same tax rate methodology and same annual adjustment, including limiting any increases to the annual CPI, with no annual rate increase higher than 3% over the previous year. The proposed ballot measure would continue this same formula for an additional 10 years, until June 30, 2027.

Measure H requires approval from two-thirds of voters. If Measure H is not approved, the special tax will sunset and expire in June 2017. If Measure H is approved, the special tax will sunset and expire June 30, 2027.

ARGUMENT IN FAVOR OF MEASURE H

In 1997, Clayton, recognizing the importance of public landscaping and how it defines our community, established a Community Facility District, known as the Trails and Landscape Maintenance District (District) to provide for maintenance costs for trails, open space, weed abatement, fire breaks and roadside landscaping. A 10-year parcel tax was adopted insuring funding for Clayton's landscaping.

In 2007, as the parcel tax neared its end, Clayton residents, led by a citizen Blue Ribbon Committee, reviewed the District's successes and challenges during the initial 10-year period. The importance of Clayton's "Front Yard" was reaffirmed, and a new plan built upon lessons learned was recommended. It included establishing a Trails and Landscape Committee (TLC), comprised of Clayton volunteers appointed by the City Council to insure continued community input. The 10-year parcel tax was overwhelming extended. Today, though we have experienced significant economic uncertainty these past 10 years, Clayton continues to enjoy safe, efficient and tasteful public landscaping that enhances our community, thanks to the efforts of its citizens and the dedicated resources provided through the District.

Now, the time has come again to continue the District. Measure H extends the current tax's rate and methodology (presently \$234.84/year per parcel) for an additional 10 years, through 2027, and provides the necessary funding for the District, with the TLC continuing to provide District oversight and management.

Currently, this tax generates approximately \$1M/yr and is used exclusively for the District. As it was in 1997, and again in 2007, the Clayton's modest General Fund budget is unable to adequately provide for our public landscaping. Without this funding, Clayton's landscaping would rapidly decline and the beauty and character of Clayton would be forever changed. Please join us in supporting Measure H for the continued beautification of Clayton.

Keith Haydon, Clayton City Councilmember
David Shuey, Clayton City Councilmember
Dan Richardson, Chair of Yes on Measure H Committee
Bob Hoyer, Clayton's First Mayor
JoAnn Caspar, President, Clayton Historical Society

ARGUMENT AGAINST MEASURE H

None Filed.