



AGENDA

REGULAR JOINT MEETINGS

* * *

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

* * *

TUESDAY, August 4, 2020

7:00 P.M.

***** NEW LOCATION*****

To protect our residents, officials, and staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

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 on the City's website at www.ci.clayton.ca.us
- 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 is available for review on the City's website at www.ci.clayton.ca.us
- 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) 673-7300.

Instructions for Virtual City Council Meeting – August 4

To protect our residents, officials, and staff, and aligned with the Governor’s executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with State order that that allows the public to address the local legislative body electronically.

To follow or participate in the meeting:

1. **Videoconference:** to follow the meeting on-line, click here to register:

https://us02web.zoom.us/webinar/register/WN_oGjCA9cYSiuAdcuuVodcnw

After clicking on the URL, please take a few seconds to submit your first and last name, and e-mail address then click “Register”, which will approve your registration and a new URL to join the meeting will appear.

Phone-in: Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial Telephone: 877 853 5257 (Toll Free)

2. using the *Webinar ID* and *Password* found in the e-mail.

E-mail Public Comments: If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at jcalderon@ci.clayton.ca.us by 5 PM on the day of the City Council meeting. All E-mail Public Comments will be forwarded to the entire City Council.

For those who choose to attend the meeting via videoconferencing or telephone shall have 3 minutes for public comments.

Location:

Videoconferencing Meeting (this meeting via teleconferencing is open to the public)

To join this virtual meeting on-line click

here: https://us02web.zoom.us/webinar/register/WN_oGjCA9cYSiuAdcuuVodcnw

To join on telephone, you must register in the URL above, which sends an e-mail to your inbox, and then dial (877) 853-5257 using the *Webinar ID* and *Password* found in the e-mail.

*** CITY COUNCIL ***

August 4, 2020

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

2. **PLEDGE OF ALLEGIANCE** – led by Councilmember Diaz.

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 July 21, 2020.
(City Clerk) ([View Here](#))

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

(c) City of Clayton’s Response To Civil Grand Jury Report No. 2004 “Police Department Staffing”, pursuant to California Government Code Section 933 (a) (b). (Police Chief)
([View Here](#))

(d) Acceptance of City Investment Portfolio Report for 2nd Quarter of FY 2019-20 ending December 31, 2019. (Finance) ([View Here](#))

(e) Acceptance of City Investment Portfolio Report for 3rd Quarter of FY 2019-20 ending March 31, 2020. (Finance) ([View Here](#))

(f) Acceptance of City Investment Portfolio Report for 4th Quarter of FY 2019-20 ending June 30, 2020. (Finance) ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS**

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

- (a) Public hearing to consider and adopt Ordinance 490 amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions. (Community Development Director)
[\(View Here\)](#)

8. ACTION ITEMS – None.

- 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 August 18, 2020.

#

*** OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT ***
August 4, 2020

1. CALL TO ORDER AND ROLL CALL – Chairperson Wan.

2. PUBLIC COMMENTS

Members of the public may address the District of Boardmembers on items within the Board's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Board may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

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

3. CONSENT CALENDAR

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

- (a) Approve the Board of Directors' minutes for its regular meeting on July 21, 2020.
([View Here](#))

4. PUBLIC HEARING

- (a) Continued Noticed Public Hearing to consider the Geological Hazard Abatement District (GHAD) proposed real property tax assessments for Fiscal Year 2020-2021. (General Manager) ([View Here](#))

5. ACTION ITEMS – None.

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

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

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL

Agenda Date: 8-4-2020

Agenda Item: 3a

TUESDAY, July 21, 2020

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:02 p.m. by Mayor Pierce on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Pierce, Vice Mayor Wan, and Councilmembers Catalano, Diaz, and Wolfe. Councilmembers absent: None. Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, City Engineer Scott Alman, and City Clerk/HR Manager Janet Calderon.

2. **PLEDGE OF ALLEGIANCE** – led by Councilmember Diaz.

3. **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 City Council's special meetings of June 23, 2020 and June 30, 2020 and regular meeting of July 7, 2020. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance)
- (c) Approved the Purchase of Replacement Tasers. (Police Chief)
- (d) Approved Multi-Year Agreement with Konica Minolta Business Solutions (Konica Minolta) for a Konica Minolta Bizhub C659 Copier Lease and Maintenance Agreement. (City Clerk)

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

Assistant to the City Manager Laura Hoffmeister announced the Oakhurst Geological Hazard Abatement District Item proposing real property tax assessments for Fiscal Year 2020-2021 has been continued to August 4, 2020. She further noted public comment will still be taken this evening.

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

Councilmember Diaz attended the virtual Contra Costa Water District meeting, and met with residents in an advisory capacity on Morgan Territory regarding fire service issues.

Councilmember Catalano worked with Councilmember Wolfe regarding details of the upcoming Public Safety ad-hoc committee meeting.

Councilmember Wolfe worked with Councilmember Catalano regarding details of the upcoming Public Safety ad-hoc committee meeting, worked with the community based organized group on race relations in an advisory capacity, and attended the organized group on race relations webinar.

Vice Mayor Wan emailed and called constituents.

Mayor Pierce attended the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) planning committee meeting via zoom, and the Association of Bay Area Governments Housing Methodology Committee meeting, and Bay Area Collaborative meeting. She also noted more information regarding RHNA Housing allocations will be provided at the upcoming Mayors' Conference.

- (e) Other –Ed Miller, CCTA Citizens Advisory Committee.

Ed Miller began his report stating he has been selected as Chair. He further noted Clayton can submit a proposal of when they would like to make their presentation to the CCTA in the next two years.

Mayor Pierce added the "Wayfair decision" (i.e. online) sales tax returns are higher than expected in the County.

Councilmember Catalano also congratulated Mr. Miller on his election to chair.

6. PUBLIC COMMENT ON NON - AGENDA ITEMS

Melinda Merrion noted she was pleased to see how cities she visited on her recent road trip showed their support for equality and justice. She urged the City Council continue to speak up and take action to support these issues.

Sandra Mazza thanked staff for taking care of the landscaping issue on Eagle Peak. She also inquired if the trails could be restored and maintained annually.

Mayor Pierce closed public comment.

7. PUBLIC HEARINGS

- (a) Public Hearing on Proposed Real Property Assessments for the Diablo Estates at Clayton Benefit Assessment District (BAD); Ordering Improvements and Levying Annual Assessments in FY 2020-21 incorporating a 1.1% Adjustment. (City Engineer)

City Engineer Scott Alman presented the report.

Following questions by City Council, Mayor Pierce opened the item to public comment.

Sandra Mazza inquired what this item means to the city of Clayton and if any general fund taxes are used for maintenance of Diablo Estates.

City Engineer Scott Alman made reference to line item 7420 consisting of administrative costs for Diablo Estates.

Assistant to the City Manager clarified the Diablo Estates at Clayton Benefit Assessment District is not funded by general tax payer dollars and is self-supported by their own levies.

Mayor Pierce closed public comment.

It was moved by Councilmember Catalano, seconded by Vice Mayor Wan, to Adopt Resolution No. 39-2020 Confirming Assessments for the Operation and Maintenance of Improvements Within the Diablo Estates at Clayton Benefit Assessment District for Fiscal Year 2020-21. (Passed 5-0)

8. ACTION ITEMS

- (a) Adopt a Resolution Condemning Racism. (Councilmember Catalano)

Councilmember Catalano presented the report.

Following questions by City Council, Mayor Pierce opened the item to public comment.

Amy Hines-Shaikh expressed support of this item and requested the use of Black Lives Matter. She also noted a sign she saw outside of the City limits displaying racial slurs going out toward Morgan Territory Road.

Scott Denslow expressed support of this item and efforts in the future.

Melinda Merrion expressed support of this item.

Nancy Topp expressed support of this item.

Dee Vieira expressed support of this item and support of a Juneteenth Proclamation.

Mayor Pierce closed public comment.

The City Council discussed and consensus to remove specific names and preferred wording more inclusive to 'grieving over men, woman and children of color whose lives were unjustly taken', correct 'People" to 'people', and change 'forms or racism' to 'forms of racism'.

It was moved by Councilmember Catalano, seconded by Councilmember Wolfe to adopt Resolution No. 39-2020 Condemning Racism in the City of Clayton as amended. (Passed 5-0)

- (b) Adopt a Resolution Authorizing A Salary Adjustment for the Assistant to The City Manager for Serving as Acting City Manager. (City Attorney)

City Attorney Mala Subramanian presented the report.

Following comments by City Council, Mayor Pierce opened the item to public comment; no comments were offered.

Councilmember Diaz thought Laura did an excellent job by doing both her regular job as Assistant to the City Manager and Acting City Manager. Through this time and in the past, where she did not receive the compensation when she periodically sat in for the City Manager on his absence; she has clearly demonstrated to him that she capable of being a full-fledged City Manager, it may not be in Clayton but in some other municipality. She has demonstrated far beyond what he expected with her capabilities; fully endorsing this item. He would hope once we get through this interim period she will be back in contention.

Councilmember Wolfe appreciated Laura's assistance and knowledge during this time.

Councilmember Catalano thanked Laura.

Vice Mayor Wan also thanked Laura.

Mayor Pierce stated the City could not get through this extraordinary time without Laura's assistance and appreciates everything Laura has done.

It was moved by Mayor Pierce, seconded by Councilmember Diaz to adopt Resolution No. 38-2020 Authorizing a Salary Adjustment for the Assistant to the City Manager for Serving as Acting City Manager. (Passed 5-0)

- (c) Consider approving an Employment Agreement for Interim City Manager services between the City of Clayton and Fran Robustelli.
(Mayor Pierce)

Mayor Pierce presented the report.

City Attorney Mala Subramanian provided details of the Employment Agreement.

Following questions by City Council, Mayor Pierce opened the item to public comment.

Sandra Mazza asked what happened to Ikani.

Mayor Pierce advised he resigned May 29, 2020.

Mayor Pierce closed public comment.

It was moved by Mayor Pierce, seconded by Councilmember Wan to Approve an Employment Agreement for Interim City Manager Services between the City of Clayton and Fran Robustelli. (Passed 5-0)

Interim City Manager Fran Robustelli thanked the City Council for trusting her in the Interim City Manager leadership role and looking forward to serving the Clayton community.

9. **COUNCIL ITEMS**

Councilmember Catalano requested the Community Development Director to create an informational document explaining the housing element including FAQ/facts that can be uploaded to the City's website. Councilmember Catalano would follow up with the Community Development Director with some examples.

10. **CLOSED SESSION** – None.

11. **ADJOURNMENT**– on call by Mayor Pierce, the City Council adjourned its meeting at 8:16 p.m.

The next regularly scheduled meeting of the City Council will be August 4, 2020.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Julie Pierce, Mayor

#



Approved:
Fran Robustelli
 Fran Robustelli
 Interim City Manager 7/30/20

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 08/04/2020

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	7/28/2020	\$ 269,668.16
Cash Requirements Report	Payroll, Taxes	7/29/2020	74,778.20
	Total Required		\$ 344,446.36

Attachments:

1. Open Invoice Report, dated 7/28/20 (4 pages)
2. Cash Requirements report PPE 7/26/20 (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
All-Guard Systems, Inc.								
All-Guard Systems, Inc.	8/1/2020	8/1/2020	A286031	EH Fire alarm testing 8/1/20-7/31/21	\$648.00	\$0.00		\$648.00
				<i>Totals for All-Guard Systems, Inc.</i>	\$648.00	\$0.00		\$648.00
American Fidelity Assurance Company								
American Fidelity Assurance Company	7/27/2020	7/24/2020	2075912	FSA PPE 7/26/20	\$83.07	\$0.00		\$83.07
American Fidelity Assurance Company	7/31/2020	7/31/2020	D180154	Supplemental insurance July 2020	\$583.34	\$0.00		\$583.34
				<i>Totals for American Fidelity Assurance Company</i>	\$666.41	\$0.00		\$666.41
AT&T (CalNet3)								
AT&T (CalNet3)	7/22/2020	7/22/2020	15074238	Phones 6/22/20-7/21/20	\$1,198.53	\$0.00		\$1,198.53
				<i>Totals for AT&T (CalNet3)</i>	\$1,198.53	\$0.00		\$1,198.53
Cristina Ballard								
Cristina Ballard	7/16/2020	7/16/2020	EH090520	Deposit and permit fee refund	\$563.00	\$0.00		\$563.00
				<i>Totals for Cristina Ballard</i>	\$563.00	\$0.00		\$563.00
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	7/13/2020	7/13/2020	14010	Sign poles	\$21.20	\$0.00		\$21.20
				<i>Totals for Bay Area Barricade Serv.</i>	\$21.20	\$0.00		\$21.20
CalPERS Health								
CalPERS Health	8/10/2020	7/14/2020	16113153	Medical August 2020	\$36,417.43	\$0.00		\$36,417.43
				<i>Totals for CalPERS Health</i>	\$36,417.43	\$0.00		\$36,417.43
CalPERS Retirement								
CalPERS Retirement	7/27/2020	7/27/2020	072620	Retirement PPE 7/26/20	\$17,407.07	\$0.00		\$17,407.07
				<i>Totals for CalPERS Retirement</i>	\$17,407.07	\$0.00		\$17,407.07
CCWD								
CCWD	7/7/2020	7/7/2020	A Series	Water svcs 5/5/20-7/2/20	\$34,859.67	\$0.00		\$34,859.67
				<i>Totals for CCWD.</i>	\$34,859.67	\$0.00		\$34,859.67
Cintas Corporation								
Cintas Corporation	6/11/2020	6/11/2020	4052922185	PW uniforms through 6/11/20	\$49.44	\$0.00		\$49.44
Cintas Corporation	7/23/2020	7/23/2020	4056732700	PW uniforms through 7/23/20	\$49.44	\$0.00		\$49.44
Cintas Corporation	7/16/2020	7/16/2020	4056088601	PW uniforms through 7/16/20	\$49.44	\$0.00		\$49.44
				<i>Totals for Cintas Corporation</i>	\$148.32	\$0.00		\$148.32
City of Antioch								
City of Antioch	7/13/2020	7/13/2020	1740	Service to vehicle #1740	\$366.24	\$0.00		\$366.24
City of Antioch	7/13/2020	7/13/2020	1736	Service to vehicle #1736	\$499.97	\$0.00		\$499.97
City of Antioch	7/13/2020	7/13/2020	71320	Tire replacement	\$193.59	\$0.00		\$193.59
City of Antioch	7/13/2020	7/13/2020	1735	Service to vehicle #1735	\$390.16	\$0.00		\$390.16
City of Antioch	7/13/2020	7/13/2020	1742	Service to vehicle #1742	\$242.39	\$0.00		\$242.39

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
City of Antioch	7/13/2020	7/13/2020	1737	Service to vehicle #1737	\$332.45	\$0.00		\$332.45
City of Antioch	7/13/2020	7/13/2020	1736	Service to vehicle #1736	\$423.35	\$0.00		\$423.35
City of Antioch	7/13/2020	7/13/2020	1740	Service to vehicle #1740	\$179.93	\$0.00		\$179.93
Totals for City of Antioch					\$2,628.08	\$0.00		\$2,628.08
Contra Costa County Department of Conservation & Development								
Contra Costa County Department of Co	6/30/2020	6/30/2020	2020Q4	CASp fees Q4 FY20	\$686.80	\$0.00		\$686.80
Totals for Contra Costa County Department of Conservation & Development					\$686.80	\$0.00		\$686.80
Contra Costa County Information Technology								
Contra Costa County Information Techn	7/13/2020	7/13/2020	13360	PW Telecommunication svcs June 2020	\$403.20	\$0.00		\$403.20
Contra Costa County Information Techn	7/13/2020	7/13/2020	13355	PD Telecommunication svcs June 2020	\$643.09	\$0.00		\$643.09
Totals for Contra Costa County Information Technology					\$1,046.29	\$0.00		\$1,046.29
Division of the State Architect								
Division of the State Architect	6/30/2020	6/30/2020	2020Q4	CASp Fees Q4 FY 20	\$80.80	\$0.00		\$80.80
Totals for Division of the State Architect					\$80.80	\$0.00		\$80.80
Environtech Enterprises								
Environtech Enterprises	7/2/2020	7/2/2020	A001B-3B-20	Weed abatement May-June 2020	\$5,600.00	\$0.00		\$5,600.00
Totals for Environtech Enterprises					\$5,600.00	\$0.00		\$5,600.00
Hammons Supply Company								
Hammons Supply Company	7/17/2020	7/17/2020	113972	CH Janitorial supplies	\$1,299.76	\$0.00		\$1,299.76
Totals for Hammons Supply Company					\$1,299.76	\$0.00		\$1,299.76
Health Care Dental Trust								
Health Care Dental Trust	7/21/2020	7/21/2020	281584	Dental August 2020	\$2,137.40	\$0.00		\$2,137.40
Totals for Health Care Dental Trust					\$2,137.40	\$0.00		\$2,137.40
ICMA Retirement Corporation								
ICMA Retirement Corporation	7/27/2020	7/27/2020	072620	457 Plan contributions PPE 7/26/20	\$11,888.69	\$0.00		\$11,888.69
Totals for ICMA Retirement Corporation					\$11,888.69	\$0.00		\$11,888.69
J&R Floor Services								
J&R Floor Services	7/31/2020	7/31/2020	Seven2020	Janitorial services July 2020	\$1,275.00	\$0.00		\$1,275.00
Totals for J&R Floor Services					\$1,275.00	\$0.00		\$1,275.00
James J Mello Construction								
James J Mello Construction	7/15/2020	7/15/2020	CAP0370	Deposit refund	\$1,471.00	\$0.00		\$1,471.00
Totals for James J Mello Construction					\$1,471.00	\$0.00		\$1,471.00
Allan Laux								
Allan Laux	7/21/2020	7/21/2020	EH110919	Deposit refund	\$500.00	\$0.00		\$500.00
Totals for Allan Laux.					\$500.00	\$0.00		\$500.00

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
MPA								
MPA	8/1/2020	8/1/2020	August 20	Life/LTD August 2020	\$2,099.15	\$0.00		\$2,099.15
				<i>Totals for MPA:</i>	<u>\$2,099.15</u>	<u>\$0.00</u>		<u>\$2,099.15</u>
Nationwide								
Nationwide	7/29/2020	7/27/2020	072620	457 Plan contribution PPE 7/26/20	\$500.00	\$0.00		\$500.00
				<i>Totals for Nationwide:</i>	<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Nutrien Ag Solutions, Inc								
Nutrien Ag Solutions, Inc	7/10/2020	7/10/2020	43027926	Landscape chemicals	\$852.47	\$0.00		\$852.47
				<i>Totals for Nutrien Ag Solutions, Inc</i>	<u>\$852.47</u>	<u>\$0.00</u>		<u>\$852.47</u>
Paychex								
Paychex	7/27/2020	7/27/2020	2020072701	Payroll fees PPE 7/26/20	\$194.69	\$0.00		\$194.69
				<i>Totals for Paychex:</i>	<u>\$194.69</u>	<u>\$0.00</u>		<u>\$194.69</u>
PG&E								
PG&E	8/10/2020	7/22/2020	072220	Energy 6/23/20-7/21/20	\$5,611.82	\$0.00		\$5,611.82
PG&E	7/27/2020	6/30/2020	062220	Energy 5/22/20-6/21/20	\$5,823.21	\$0.00		\$5,823.21
PG&E	8/10/2020	7/15/2020	071520	Energy 6/16/20-7/15/20	\$20,506.71	\$0.00		\$20,506.71
				<i>Totals for PG&E:</i>	<u>\$31,941.74</u>	<u>\$0.00</u>		<u>\$31,941.74</u>
Site One Landscape Supply, LLC								
Site One Landscape Supply, LLC	7/10/2020	7/10/2020	101466132-001	Irrigation supplies	\$464.30	\$0.00		\$464.30
				<i>Totals for Site One Landscape Supply, LLC</i>	<u>\$464.30</u>	<u>\$0.00</u>		<u>\$464.30</u>
SPEC								
SPEC	6/18/2020	6/18/2020	1318	North Valley Park rehab	\$101,204.00	\$0.00		\$101,204.00
				<i>Totals for SPEC:</i>	<u>\$101,204.00</u>	<u>\$0.00</u>		<u>\$101,204.00</u>
Stericycle Inc								
Stericycle Inc	8/1/2020	8/1/2020	3005186186	Medical waste disposal	\$65.00	\$0.00		\$65.00
				<i>Totals for Stericycle Inc:</i>	<u>\$65.00</u>	<u>\$0.00</u>		<u>\$65.00</u>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	7/21/2020	7/21/2020	I001870	Maint to '99 Ford F-450	\$115.00	\$0.00		\$115.00
				<i>Totals for Swenson's Mobile Fleet Repair</i>	<u>\$115.00</u>	<u>\$0.00</u>		<u>\$115.00</u>
Underground Service Alert Of N.CA & NV								
Underground Service Alert Of N.CA & N	7/22/2020	7/22/2020	2020112766	Member fee 2020, billable tickets 2019	\$652.86	\$0.00		\$652.86
				<i>Totals for Underground Service Alert Of N.CA & Nv</i>	<u>\$652.86</u>	<u>\$0.00</u>		<u>\$652.86</u>
Unique Pools								
Unique Pools	7/20/2020	7/20/2020	CAP0351	Deposit refund	\$235.50	\$0.00		\$235.50
				<i>Totals for Unique Pools:</i>	<u>\$235.50</u>	<u>\$0.00</u>		<u>\$235.50</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>
Warner Brothers Tree Service								
Warner Brothers Tree Service	6/16/2020	6/16/2020	15214	Tree work @ Keller Ridge & Culesacs	\$10,800.00	\$0.00		\$10,800.00
				<i>Totals for Warner Brothers Tree Service</i>	<i>\$10,800.00</i>	<i>\$0.00</i>		<i>\$10,800.00</i>
				GRAND TOTALS:	\$269,668.16	\$0.00		\$269,668.16

CASH REQUIREMENTS

CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR ELECTRONIC FUNDS TRANSFERS (EFT) FOR CHECK DATE 07/29/20: \$74,778.20

IMPORTANT COVID-19 INFORMATION: If you filed IRS Form 7200, please notify your Paychex representative to avoid owing a balance at the end of the quarter and ensure your Form 941 is accurate.

TRANSACTION SUMMARY

SUMMARY BY TRANSACTION TYPE -	TOTAL ELECTRONIC FUNDS TRANSFER (EFT)	74,778.20
	CASH REQUIRED FOR NEGOTIABLE CHECKS &/OR EFT	74,778.20
	TOTAL REMAINING DEDUCTIONS / WITHHOLDINGS / LIABILITIES	23,947.10
	CASH REQUIRED FOR CHECK DATE 07/29/20	98,725.30

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
07/28/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Net Pay Allocations	58,949.83	
07/28/20	BANK OF AMERICA, NA	xxxxxx4799	Direct Deposit	Deductions with Direct Deposit	663.50	59,613.33
07/28/20	BANK OF AMERICA, NA	xxxxxx4799	Readychex®	Check Amounts	2,438.47	2,438.47
07/28/20	BANK OF AMERICA, NA	xxxxxx4799	Garnishment	Employee Deductions	75.00	75.00
				EFT FOR 07/28/20		62,126.80
07/29/20	BANK OF AMERICA, NA	xxxxxx4799	Taxpay®	Employee Withholdings		
				Social Security	75.36	
				Medicare	1,202.27	
				Fed Income Tax	7,232.34	
				CA Income Tax	2,751.32	
				Total Withholdings	11,261.29	
				Employer Liabilities		
				Social Security	75.36	
				Medicare	1,202.28	
				Fed Unemploy	17.76	
				CA Unemploy	91.75	
				CA Emp Train	2.96	
				Total Liabilities	1,390.11	12,651.40
				EFT FOR 07/29/20		12,651.40
				TOTAL EFT		74,778.20

Agenda Date: 8-4-2020

Agenda Item: 3c



Approved:
Fran Robustelli
Fran Robustelli 7/29/20
Interim City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Elise Warren, Chief of Police

DATE: August 4, 2020

SUBJECT: City of Clayton Response To Grand Jury Report No. 2004, "Police Department Staffing", pursuant to California Government Code Section 933 (a) (b)

RECOMMENDATION

It is recommended the City Council consider the prepared City response regarding Civil Grand Jury Report No. 2004, "Police Department Staffing", and subject to any Council modifications to the proposed response, by Consent Calendar minutes motion, approve the Exhibit as the City's official response and authorize Mayor Pierce to sign the official cover letter.

BACKGROUND

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

On May 20, 2020, the FY 2019-2020 Civil Grand Jury of Contra Costa County released a Report directed to all nineteen cities within the county. Report No. 2004 investigated factors affecting police staffing in the County and the resulting impact on police services and personnel.

Civil Grand Jury Report No. 2004 concluded with fourteen (14) Findings and five (5) Recommendations requiring structured responses by each of the listed respondents.

Attached are staff's recommended responses and a draft letter for the City Council to consider and approve constituting our City's official response to Civil Grand Jury Report No. 2004. The City's response to this particular report is due by August 21, 2020.

FISCAL IMPACTS

None

ATTACHMENTS

Exhibit A: Proposed City Response and Cover Letter

Exhibit B: Civil Grand Jury Report No. 2004, with accompanying Cover Letter



COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 969-8181

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

City Council
JULIE PIERCE, *MAYOR*
JEFF WAN, *VICE MAYOR*
TUIJA CATALANO, *COUNCILMEMBER*
JIM DIAZ, *COUNCILMEMBER*
CARL C.W. WOLFE, *COUNCILMEMBER*

August 5, 2020

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

Grand Jury - Foreperson
P.O. Box 431
Martinez, CA 94553

Re: City of Clayton's Response to Civil Grand Jury Report No. 2004 "Police Department Staffing",
pursuant to California Government Code Section 933 (a) (b).

Dear Grand Jury Foreperson,

Pursuant to a cover letter dated May 20, 2020 addressed to the City of Clayton, that transmitted a copy of the Civil Grand Jury Report No. 2004, "Police Department Staffing", attached as required by applicable law is the City of Clayton's official response. The response was reviewed and authorized by the Clayton City Council at its public meeting held on August 4, 2020.

We appreciate the Civil Grand Jury's efforts in examining this subject.

Sincerely,

Julie Pierce
Mayor

DRAFT

Attachment 1: City Reply to Civil Grand Jury Report No. 2004 [4 pp.]

CC: Honorable Clayton City Council Members

EXHIBIT A

CITY OF CLAYTON RESPONSE TO
CIVIL GRAND JURY REPORT NO. 2004
"Police Department Staffing"

2019-2020 CONTRA COSTA COUNTY CIVIL GRAND JURY

The City of Clayton, California provides the following response to the Civil Grand Jury Report No. 2004, "Police Department Staffing", issued by the 2019-2020 Civil Grand Jury of Contra Costa County, California, on May 20, 2020. Pursuant to page 12 of the Report, this city is required to respond to Finding No.'s F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F12, F13, F14, and Recommendations No.'s R2, R3, R4, R5, adhering to format guidelines prescribed by California Penal Code (Section 933.05).

FINDINGS

- F1. Low officer staffing ratios and/or unfilled officer position present challenges in maintaining police services.

City Response

The City of Clayton agrees with this finding

- F2. Low officer staffing ratios and/or unfilled officer positions have resulted in reducing or eliminating staffing of traffic units, school resource officer, community outreach, or other police services.

City Response

The City of Clayton agrees with this finding

- F3. Due to low officer staffing ratios and/or unfilled officer positions, officers are often required to put in mandatory overtime to cover critical services.

City Response

The City of Clayton agrees with this finding

- F4. Mandatory overtime can lead to officer stress, which creates retention challenges.

City Response

The City of Clayton agrees with this finding

- F5. Low officer staffing ratios and/or unfilled officer positions may contribute to increased average response times for Priority 1 (emergency) calls.

City Response

The City of Clayton agrees with this finding

- 
- F6. Recruiting officers is challenging due to fewer applicants who meet the required hiring standards and complete the rigorous testing process.

City Response

The City of Clayton agrees with this finding

- F7. Negative perceptions of policing and the availability of less dangerous job opportunities contribute to fewer applicants for law enforcement positions.

City Response

The City of Clayton agrees with this finding

- F8. Each Contra Costa police agency (except those that contract with the Sheriff's Office) conducts its own recruiting program to attract potential positions.

City Response

The City of Clayton agrees with this finding

- F9. The process of hiring and training new officers takes an extensive amount of time and resources to complete.

City Response

The City of Clayton agrees with this finding

- F10. Each Contra Costa police agency (except those that contract with the Sheriff's Office) manages its own screening process for the police officer position, resulting in a replication of efforts across the county.

City Response

The City of Clayton partially agrees with this finding.

While each City does manage its own screening process that is not a replication of efforts. Each municipality has unique community needs and each of those police departments has similar, but differing criteria for the screening of police officer applicants.

- F12. Recruits and young officers have different expectations than in the past regarding work/life balance.

City Response

The City of Clayton agrees with this finding

F13. Recruits and young officers' expectations about work/life balance contribute to the challenges of officer recruitment and retention.

City Response

The City of Clayton agrees with this finding

F14. Wellness and Employee Assistance Programs offered by Contra Costa police agencies aid retention of police officers.

City Response

The City of Clayton agrees with this finding

#

RECOMMENDATIONS

R2. The City/Town Councils of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Martinez, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider identifying funds to study the cost/benefit of a countywide screening process for police officer positions, to avoid replication of these steps while allowing each city police department to select and evaluate candidates, by June 30, 2021.

City Response

The recommendation will not be implemented because it is not reasonable.

Police agencies in the county have different needs based upon the communities they serve. A countywide screening process for police officers would not be beneficial, nor fiscally prudent.

R3. The City/Town Councils of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Martinez, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider directing their police departments to apply annually, or when offered in 2021, to the Department of Justice COPS Hiring Program, which provides funding for hiring additional officers, by June 30, 2021.

City Response

The recommendation will not be implemented because it is not reasonable.

The Department of Justice COPS Hiring Program grant requires matching funds from the applicant city. The City of Clayton does not have funds available for the required grant match.

- R4. The City/Town Councils of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Martinez, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider identifying funds to increase the number of sworn officers to fill understaffed units, such as traffic patrol and school resource officers, by June 30, 2020.

City Response

The recommendation will not be implemented because it is not reasonable.

The City of Clayton does not have funds available for increasing police officer staffing.

- R5. The City/Town Councils of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Martinez, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider identifying funds that would permit their police departments to over-hire officer positions as a strategy for keeping fully staffed, by June 30, 2020.

City Response

The recommendation will not be implemented because it is not reasonable.

The City of Clayton does not have funds available for over-hiring police officer positions.

#

Grand Jury

Contra Costa County

725 Court Street
P.O. Box 43
Martinez, CA 94553-009

May 20, 2020



City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear City of Clayton:

Attached is a copy of Grand Jury Report No. 2004, "Police Department Staffing" by the 2019-2020 Contra Costa Civil Grand Jury.

In accordance with California Penal Code Section 933 et seq., we are submitting this report to you as the officer, agency or department responsible for responding to the report. As the responding person or person responding on behalf of an entity, you shall report one of the following actions in respect to each finding:

- (1) You agree with the finding.
- (2) You disagree with the finding.
- (3) You partially disagree with the finding.

(Pen. Code, § 933.05(a).) In the cases of both (2) and (3) above, you shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons thereof.

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

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

EXHIBIT **B**

After reviewing your response to ensure that it includes the above-noted mandated items, please send (1) a hard copy of the response to the Grand Jury at P.O. Box 431, Martinez, CA 94553; and (2) a copy in Word by e-mail to ctadmin@contracosta.courts.ca.gov. Your response must be submitted to the Grand Jury, in the form described by the above-quoted Government Code, no later than **August 21, 2020**.

Finally, please note that this report is being provided to you at least two working days before it is released publicly. Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to its public release.

Please immediately confirm receipt of this letter and the attached report by responding via e-mail to ctadmin@contracosta.courts.ca.gov.

Sincerely,



Anne N. Granlund, Foreperson
2019-2020 Contra Costa County Civil Grand Jury

cc: Ikani Taumoepeau, City Manager

**A REPORT BY
THE 2019-2020 CONTRA COSTA COUNTY CIVIL GRAND JURY**

725 Court Street
Martinez, California 94553

Report 2004

Police Department Staffing

Impact on Community Policing Services and Personnel

APPROVED BY THE GRAND JURY

Date May 15, 2020

Anne N. Granlund
ANNE N. GRANLUND

GRAND JURY FOREPERSON

ACCEPTED FOR FILING

Date MAY 15 2020

Anita Santos
ANITA SANTOS
JUDGE OF THE SUPERIOR COURT

Contact: Anne Granlund

Foreperson

(925) 608-2621

Contra Costa County Civil Grand Jury Report 2004

Police Department Staffing

Impact on Community Policing Services and Personnel

**TO: Contra Costa County Board of Supervisors
Contra Costa County Office of the Sheriff
City/Town Councils of: Antioch, Brentwood, Clayton, Concord,
Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga,
Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond,
San Pablo, San Ramon, Walnut Creek**

SUMMARY

Local government provides police services for the safety and protection of all residents. Community law enforcement in Contra Costa County (the County) is performed by the police department in each city and by the Contra Costa County Office of the Sheriff (the Sheriff) in unincorporated areas of the County. The Grand Jury investigated factors affecting police staffing in the County and the resulting impact on police services and personnel.

The Grand Jury compared staffing levels of sworn officers in each department to County and California state averages. The Grand Jury found that relatively low authorized sworn officer levels and ongoing unfilled officer positions contribute to mandatory officer overtime, reduced level of police services such as traffic enforcement and school resource officers, and longer response times.



The Grand Jury also investigated the challenges of recruiting, hiring, and retaining officers. Fewer applicants than in the past are applying to law enforcement due to different career expectations, the availability of less dangerous jobs, and negative perceptions of policing. Police agencies in the County compete for applicants and each agency conducts its own recruiting program. The process of hiring and training new officers is costly, time-consuming, and replicated by police departments in the County. A few cities with smaller police departments contract with the Sheriff for police services and do not need to manage the hiring and training process. These contract cities are often able to fill open positions faster than non-contract cities.

The Grand Jury recommends cities and towns in the County consider identifying funds to increase the number of authorized sworn officers to fill currently understaffed units. Cities and towns should also consider identifying funds that would allow their police departments to over-hire officer positions as a strategy for keeping departments fully staffed. Cities and towns should consider identifying funds to study the feasibility of a countywide screening process for police officer positions. Cities, towns, and the Sheriff should consider directing their police departments to apply for the Department of Justice Community Oriented Policing Services (COPS) grants to help fund additional officer positions. The Grand Jury also recommends the County consider identifying funds to develop a countywide outreach program to attract more applicants to police agencies in Contra Costa County.

METHODOLOGY

The Grand Jury used the following investigative methods:

- Interviewed city and County law enforcement personnel
- Reviewed staffing data from city and County law enforcement agencies
- Reviewed police staffing levels outside of Contra Costa County
- Reviewed response times from representative city and County law enforcement agencies
- Examined police officer hiring, recruiting, and retention for representative city and County law enforcement agencies

CONFLICT OF INTEREST DISCLAIMER

One or more jurors recused themselves from this investigation due to possible conflict of interest and did not participate in the investigation, preparation, or approval of this report.

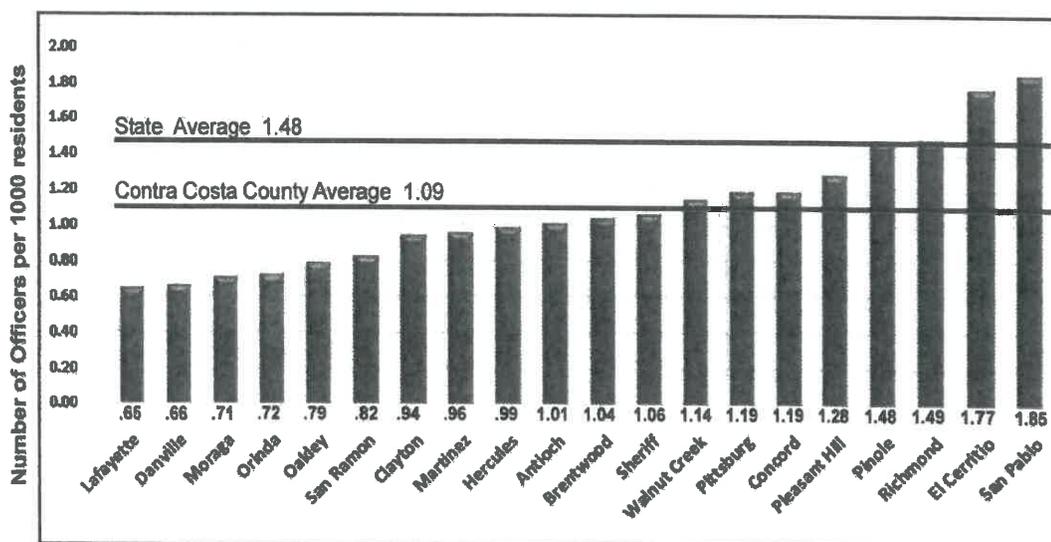


- The ratio of authorized sworn officers per 1,000 residents for every city police department in Contra Costa County
- Current number of unfilled sworn officer positions
- Time required to fill these vacancies
- Challenges in hiring and retention of qualified applicants

Staffing

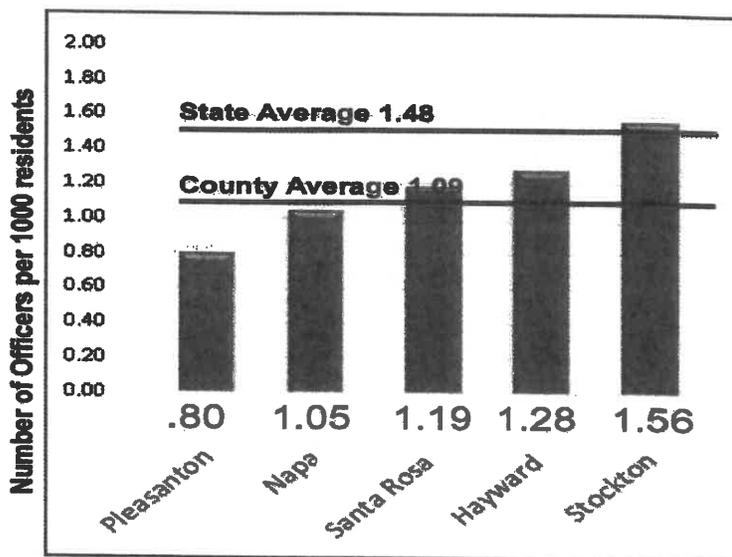
One method of assessing staffing levels is to compare staffing ratios, defined as the number of officers per 1,000 residents. Staffing ratios are useful in identifying cities that may be understaffed on a per capita basis. The ratios of authorized sworn officers per 1,000 residents for police agencies in Contra Costa County range from 0.65 to 1.85, with a County average (mean) of 1.09, as shown in Figure 2. The staffing ratio for the Sheriff reflects only patrol deputies serving the population in the unincorporated part of the County and omits those working in County jails. The Grand Jury compared these ratios to the estimated California state average ratio. According to one estimate from 2018, California had approximately 67,200 patrol officers in 2017; this number excludes officers working in county jails. About 87% of these officers were municipal police officers or county sheriff patrol officers. Using a 2017 estimated state population of 39.4 million, the average California staffing ratio was roughly 1.48 patrol officers per 1,000 residents. As shown in Figure 2, 15 cities and the Sheriff's Office are below the state average, one city is at the average, and 3 cities are above the average.

Figure 2. Authorized Police Staffing Ratios
(based on 2019 – 2020 data)



For comparison, Figure 3 shows the authorized staffing ratios of other cities in Northern California.

Figure 3. Authorized Staffing Ratios for Surrounding Cities
(based on FY 2019 – 2020 city budget data)



State and county staffing ratios are guidelines, but local factors, such as the number of service calls, crime level, and available budget, often determine staffing needs. Each city council approves an annual budget that funds, or authorizes, a certain number of officers. This funding includes wages, benefits, and other expenses. A police chief or the Sheriff must justify requests for additional positions to their governing authorities.

During the Great Recession of 2008, Contra Costa police departments reduced staffing, and some have not regained these positions as of 2019. State and Federal grants are available to supplement department funding. For example, local law enforcement agencies can apply to the U.S. Department of Justice Community Oriented Policing Services (COPS) Hiring Program, which offers funding for hiring additional officers.

Response Times

Police staffing levels can be assessed by examining response times - the time it takes an officer to respond when called. Response time is calculated from the first ring at the dispatch center to the time of the officer's arrival on the scene. This includes the time to answer the call, obtain necessary information, assess the priority of the call, dispatch the officer, and travel to the scene. For the selected representative cities surveyed, average response times varied from 4 minutes 25 seconds to 8 minutes 32 seconds for Priority 1 (emergency) calls. For these calls, a common goal for city police departments is a response time of 5 minutes or less. The response times for property crimes and

other nonviolent crimes can be longer, sometimes hours, depending on the number of available officers and the number of Priority 1 calls. Lower staffing levels are contributing to longer response times for Priority 1 calls for some police agencies. Response times also depend on the officer's location and distance from the scene when dispatched.

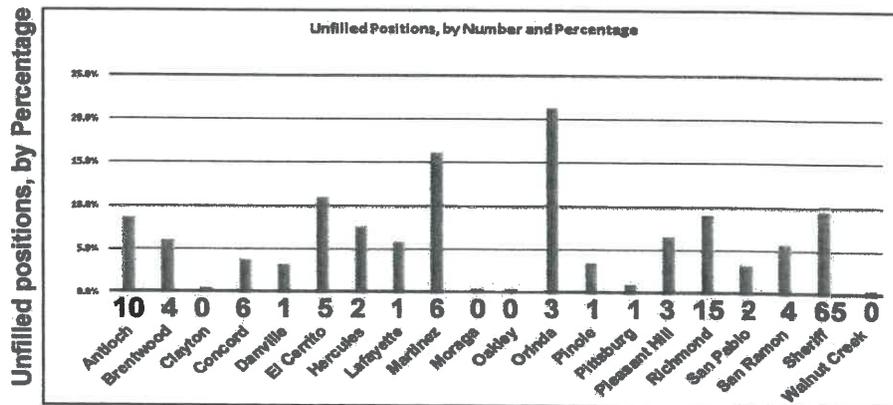
Unfilled Positions

Every police department except Clayton, Moraga, Oakley, and Walnut Creek had unfilled positions when surveyed. These vacancies are primarily a result of retirements, officers on leave, lateral transfers out of the department, and resignations. When authorized positions are not filled, departments reduce services and/or require officers to work overtime. Departments prioritize staffing for emergency response over less critical functions. The Grand Jury found that understaffed police agencies in the County have reduced or eliminated services in the following areas:

- School resource officers
- Traffic enforcement
- Resources allocated to property and nonviolent crimes
- Community outreach activities

Officers realize that overtime is sometimes a necessary part of the job. Some overtime is voluntary, which provides officers with an opportunity to earn extra pay, and some overtime is mandatory. Ongoing mandatory overtime can be a cause of stress for officers. Some police departments in the County have the approval to hire more positions than authorized as a strategy for addressing anticipated vacancies. This practice allows police departments to maintain authorized staffing levels and reduce mandatory overtime. Figure 4 shows both the number and percentage of unfilled authorized positions for police agencies in Contra Costa County.

**Figure 4. Unfilled Sworn Officer Positions, by Number and Percentage
(based on 2019 – 2020 data)**



Recruiting

Officer recruiting is an ongoing effort for police departments as there are not enough qualified applicants to replace retiring officers. Police departments face several challenges in recruiting applicants. Police incidents shared on social media have led to negative perceptions of policing. In recent times, the strength of the Bay Area economy and low unemployment rate offered less dangerous job opportunities at salaries competitive with law enforcement careers. Also, work/life balance is more important to applicants today than in the past and can be difficult to achieve with the long shifts and irregular hours often involved in police work.

Police departments use the following strategies for recruiting:

- Attending career fairs at high schools and junior colleges
- Posting on websites and social media
- Participating in community events
- Referrals from current staff

Police departments are recruiting from the same pool of applicants across the County and the greater Bay Area. Candidates apply to multiple agencies and often have individual preferences such as the size of the department, type of work schedule available, level of police action in the jurisdiction, and commute distance, which is often a disadvantage for police departments in areas with high housing costs.

Hiring Procedures

Most departments accept applications on an ongoing basis and begin the hiring process when they have an opening, although some agencies have specific application deadlines. The basic qualifications for hiring a sworn police officer or deputy sheriff include: a high school diploma (some college preferred), a California driver's license, United States citizenship or permanent residence, 21 years of age by the end of police academy training, no felony convictions, and successful completion of a Commission on Peace Officer Standards and Training (POST) authorized police academy.

After application, the screening process includes:

- Written exam
- Physical agility test
- Oral interview
- Completion of a POST personal history statement
- Polygraph
- Background investigation

- 
- Conditional job offer
 - Medical examination
 - Psychological examination

After completing these steps, the applicant will enroll in a police academy and upon successful completion become a probationary police officer. The hiring standards are rigorous and up to 100 applicants may be screened to fill one vacant position. Despite this challenge, departments would rather have a shortage of officers than lower their hiring standards. The hiring process takes six to twelve months from application through completion of the academy. The long lead time for hiring contributes to the challenge of filling open officer positions. In addition, the process of recruiting, hiring, and training an officer incurs many costs, including application screening, interviews, background check, academy cost, salary during training, and equipment. The process is costly, extensive, and time-consuming for each department.

Danville, Lafayette, and Orinda contract with the Contra Costa County Office of the Sheriff for their police services. In these cities, the Sheriff's deputies serve as police officers according to the County's contract with each city. These cities rely on the resources of the Sheriff for their specialized needs such as Investigations, Special Weapons and Tactics, Canine Unit, Human Resources, and administrative overhead. They also rely on the Sheriff for recruiting, evaluation, and training.

When an opening for a police officer position becomes available, the city police chief notifies the Sheriff and the opening is posted. The Sheriff's Human Resources department handles the request, and the opening is filled within a few months with a fully qualified and trained officer. This process is one of the advantages of contracting with the Sheriff for police services. All the application and evaluation steps are handled by the Sheriff and not directly by the contracting city. Another advantage is that the Sheriff will replace an officer if a deputy is unable to work for an extended period due to disability, injury, medical leave, or family leave. The disadvantages for cities contracting with the Sheriff include some loss of local control over the management of their police department and officers' lack of continuity with the city due to the rotation of deputies. Contracting with the Sheriff may not be economically beneficial for larger police departments since economies of scale allow larger departments to spread the costs of administration and overhead.

Retention

There are two main challenges to retaining qualified officers. The first is losing officers to other police departments. Reasons officers leave a department include:

- Working closer to home
- Variety of assignments offered at a larger department
- Promotion opportunities at another department

- Amount of crime and policing activity in the jurisdiction
- Higher pay and/or better benefits at another department
- Signing bonus offered by another department
- Mandatory overtime and job stress
- Dissatisfaction with management or other organizational issues

The second challenge for retention is officer wellness, including physical, emotional, and financial health. Unhappy and stressed officers take extended time off, perform poorly on the job, and leave the job either voluntarily or involuntarily. In the past, officers were expected to hide their emotions and often buried their stress. Departments have responded with Employee Assistance Programs (EAPs), including confidential counseling with outside vendors, peer support, and programs to promote family wellness and healthy living. Typical EAPs provide emotional, mental, and physical health support services to employees and their families, and may include substance abuse treatment, relationship counseling, and financial advice. Officers are using these services and departments consider them a positive contribution to retaining qualified officers.

FINDINGS

- F1. Low officer staffing ratios and/or unfilled officer positions present challenges in maintaining police services.
- F2. Low officer staffing ratios and/or unfilled officer positions have resulted in reducing or eliminating staffing of traffic units, school resource officers, community outreach, or other police services.
- F3. Due to low officer staffing ratios and/or unfilled officer positions, officers are often required to put in mandatory overtime to cover critical services.
- F4. Mandatory overtime can lead to officer stress, which creates retention challenges.
- F5. Low officer staffing ratios and/or unfilled officer positions may contribute to increased average response times for Priority 1 (emergency) calls.
- F6. Recruiting officers is challenging due to fewer applicants who meet the required hiring standards and complete the rigorous testing process.
- F7. Negative perceptions of policing and the availability of less dangerous job opportunities contribute to fewer applicants for law enforcement positions.
- F8. Each Contra Costa police agency (except those that contract with the Sheriff's Office) conducts its own recruiting program to attract potential applicants.
- F9. The process of hiring and training new officers takes an extensive amount of time and resources to complete.

- 
- F10. Each Contra Costa police agency (except those that contract with the Sheriff's Office) manages its own screening process for police officer positions, resulting in a replication of efforts across the County.
 - F11. Contra Costa cities that contract with the Sheriff for police services are generally able to fill vacancies faster than non-contract cities.
 - F12. Recruits and young officers have different expectations than in the past regarding work/life balance.
 - F13. Recruits and young officers' expectations about work/life balance contribute to the challenges of officer recruiting and retention.
 - F14. Wellness and Employee Assistance Programs offered by Contra Costa police agencies aid retention of police officers.

RECOMMENDATIONS

Note: The Grand Jury conducted the majority of its investigation before Contra Costa County and the State of California issued shelter-in-place orders. The Jury recognizes that County departments, agencies, and cities are currently addressing COVID-19 related matters and the Jury has adjusted implementation dates in the recommendations accordingly.

- R1. The Board of Supervisors should consider identifying funds to develop a countywide outreach program to attract more applicants to police agencies in Contra Costa County, by June 30, 2021.
- R2. The City/Town Councils of Antioch, Brentwood, Clayton, Concord, El Cerrito, Hercules, Martinez, Moraga, Oakley, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider identifying funds to study the cost/benefit of a countywide screening process for police officer positions, to avoid replication of these steps while allowing each city police department to select and evaluate candidates, by June 30, 2021.
- R3. The Sheriff, and the City/Town Councils of Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider directing their police departments to apply annually, or when offered in 2021, to the Department of Justice COPS Hiring Program, which provides funding for hiring additional officers, by June 30, 2021.

- R4. The City/Town Councils of Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider identifying funds to increase the number of authorized sworn officers to fill understaffed units, such as traffic patrol and school resource officers, by June 30, 2021.
- R5. The City/Town Councils of Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, Richmond, San Pablo, San Ramon, and Walnut Creek should consider identifying funds that would permit their police departments to over-hire officer positions as a strategy for keeping departments fully staffed, by June 30, 2021.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F6,F7,F8	R1
Contra Costa County Sheriff	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F11, F12,F13,F14	R3
City of Antioch	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Brentwood	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Clayton	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Concord	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
Town of Danville	F1,F2,F3,F4,F5,F6 F7,F9,F11,F12, F13, F14	R3,R4,R5
City of El Cerrito	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Hercules	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Lafayette	F1,F2,F3,F4,F5,F6 F7,F9,F11,F12, F13, F14	R3,R4,R5
City of Martinez	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
Town of Moraga	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Oakley	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5

City of Orinda	F1,F2,F3,F4,F5,F6 F7,F9,F11,F12, F13, F14	R3,R4,R5
City of Pinole	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Pittsburg	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Pleasant Hill	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Richmond	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of San Pablo	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of San Ramon	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5
City of Walnut Creek	F1,F2,F3,F4,F5,F6 F7,F8,F9,F10,F12, F13,F14	R2,R3,R4,R5

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

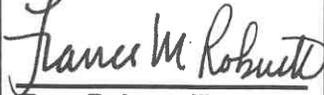
Civil Grand Jury – Foreperson
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091



Agenda Date: 8-4-2020

Agenda Item: 3d

STAFF REPORT

Approved:

Fran Robustelli
Interim City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: PAUL L. RODRIGUES, FINANCE DIRECTOR

DATE: AUGUST 4, 2020

SUBJECT: SECOND QUARTER ENDING DECEMBER 31, 2019 FY 2019-20 INVESTMENT PORTFOLIO REPORT

RECOMMENDATION

It is recommended the City Council, by minute motion, accept the City Investment Portfolio Report for the second quarter (October, November, December) of the fiscal year ending June 30, 2020 (FY 2019-20).

BACKGROUND

Pursuant to section XIII of the City of Clayton Investment Policy, the Finance Director is required to submit a quarterly investment report to the City Council. This quarterly report is also designed to meet the local agency reporting requirements outlined in *California Government Code* section 53646. The FY 2019-20 second quarter report is provided herein.

The City's Investment Policy guides staff and its advisors for all investment activities. Permitted investment activities are primarily governed by state law (*California Government Code* sections 53600-53610) and the City's adopted Investment Policy. The City's Investment Policy is consistent with state law and is designed to be more restrictive for the purpose of added safety and liquidity, which take precedence over yield. Section XVI of the Investment Policy states it shall be periodically reviewed by the City Treasurer and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and to meet the needs of the City. The policy was last amended by the City Council, following recommendation by the former Finance Manager and City Treasurer on November 20, 2018 to add the California Asset Management Program (CAMP) as an authorized investment type. No revisions to the Policy are being recommended at this time.

DISCUSSION

With the second quarter of the 2019-2020 fiscal year complete, year-to-date interest earnings for the General Fund is \$56,361, or 49% of forecasted General Fund interest revenues per the

FY 2019-20 adopted budget of \$115,000. City-wide investment earnings solely attributable to pooled investments (i.e. not related to cash with fiscal agents such as bond proceeds) through the second quarter of FY 2019-20, totaled \$141,754.

This quarter, the highest yielding investment type, investments in certificates of deposit and government agency bonds comprised approximately 80% of the portfolio with a collective weighted average interest rate of 2.18%. Deposits held with pooled investment accounts at CAMP and LAIF, making up 17.9% of the portfolio, with weighted average interest rates of 1.8% and 2.04% respectively were the second highest yielding investment type.

The market value of the total investment portfolio was \$13,246,978, which is \$95,281 higher than total carrying value as of December 31, 2019. Currently, the estimated market value exceeds the cost of securities in the investment portfolio due to the City's heavy investment in two to five year fixed income securities during the last year at rates averaging higher than current rates. The increase in market value demonstrates how the cautious nature of the City's investment strategy mitigates the risk of the City incurring large unrealized losses during market retractions. On the other hand, given less risk exposure, more predictable and modest investment returns will be realized following this same strategy.

While the earnings outcome of the second quarter of FY 2019-20 are in line with budgeted expectations, management is expecting that investment income will decline over the remaining quarters of this fiscal year as the Federal Reserve has cut interest rates three times since July 1, at .25% each time. Accordingly, we expect many of the investments purchased at higher yields will be called and replaced with lower yielding investments in CD's and government obligation instruments in the remainder of this fiscal year.

The City of Clayton Investment Portfolio was managed in accordance with the City's Investment Policy. Furthermore, the City's cash management program provides sufficient liquidity to meet the next ten months expenditures. The attached City of Clayton Investment Holdings Summary – Second Quarter of Fiscal Year 2019-20 (Attachment 1) provides additional analysis and the specific investment reporting criteria required by *California Government Code* section 53646.

FISCAL IMPACT

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

Attachments:

1. City of Clayton Investment Holdings Summary – Second Quarter of Fiscal Year 2019-20 (October 1, 2019 – December 31, 2019)

City of Clayton
Investment Holdings Summary
Quarter Ending: December 31, 2019

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
CAMP	Local Agency Pool	California Asset Management Program	n/a	1,233,717.30	1.80%	1.80%	n/a	n/a	1,233,717.30
LAIF	Local Agency Pool	Local Agency Investment Fund	n/a	1,120,568.75	2.04%	2.04%	n/a	n/a	1,120,568.75
UBS Financial Services Inc.	Cash	UBS Cash Holding	n/a	227,300.57	0.05%	0.05%	n/a	n/a	227,300.57
UBS Financial Services Inc.	Money Market Fund	UBS Bank USA MMF Yield	n/a	21,384.60	0.05%	0.05%	n/a	n/a	21,384.60
	Certificate of Deposit	GE Capital Bank UT	36162YF24	145,000.00	1.80%	1.80%	1/16/15	1/16/20	145,034.80
	Certificate of Deposit	Privatebank, IL	74267GUU9	100,000.00	1.90%	1.90%	1/23/15	1/23/20	100,034.00
	Certificate of Deposit	American Express C UT US	02587DXE3	47,000.00	1.95%	1.95%	1/30/15	1/30/20	47,013.16
	Certificate of Deposit	Mercantil Comm Ban FL US	58733AEJ4	100,000.00	1.90%	1.90%	8/29/17	3/2/20	100,046.00
	Certificate of Deposit	Peoples United Bank, CT	71270QML7	151,000.00	1.75%	1.75%	3/4/15	3/4/20	151,107.21
	Certificate of Deposit	Everbank, FL	29976DVVW7	200,000.00	1.75%	1.75%	3/30/15	3/30/20	200,042.00
	Certificate of Deposit	BMW Bank NA, UT	05580AHL1	198,000.00	1.80%	1.80%	4/21/17	4/21/20	198,083.16
	Certificate of Deposit	Washington Trust, RI	940637HX2	99,000.00	1.45%	1.45%	11/18/16	5/18/20	98,919.81
	Certificate of Deposit	CIT Bank, UT	17284DBM3	50,000.00	2.00%	2.00%	6/3/15	6/3/20	50,072.50
	Certificate of Deposit	Comenity Bank, DE	981996XS5	100,000.00	2.30%	2.30%	7/1/15	7/1/20	100,216.00
	Certificate of Deposit	Capital One Bank	14042E4Y3	245,000.00	2.25%	2.24%	7/22/15	7/22/20	245,739.90
	Certificate of Deposit	World's Foremost B, NE	9159919E5	200,000.00	2.30%	2.29%	8/6/15	8/6/20	200,520.00
	Certificate of Deposit	Merrick Bk, UT	59013JHE2	149,000.00	1.90%	1.90%	8/20/15	8/20/20	149,235.42
	Certificate of Deposit	Beneficial Mut, PA	08173QBT2	200,000.00	1.35%	1.35%	10/7/16	10/7/20	199,420.00
	Certificate of Deposit	Morgan Stanley Bk, UT	61747MG96	245,000.00	2.45%	2.43%	1/25/18	1/25/21	247,031.05
	Certificate of Deposit	JP Morgan Chase, OH	48125YZB3	200,000.00	3.50%	1.50%	2/10/16	2/10/21	200,002.00
	Certificate of Deposit	Synchrony Bank, UT	87164XLH7	94,000.00	1.70%	1.70%	3/4/16	3/4/21	94,240.64
	Certificate of Deposit	Connectone England Cliffs, NJ	20786ACD5	100,000.00	2.60%	2.57%	3/28/18	3/29/21	101,143.00
	Certificate of Deposit	Townebank Portsmouth, VA	89214PBL2	200,000.00	2.80%	2.76%	4/30/18	4/30/21	202,952.00
	Certificate of Deposit	BLC Comenity Bank, WI	05549CGN4	198,000.00	2.00%	1.99%	11/30/17	5/28/21	198,879.12
	Certificate of Deposit	Wells Fargo Bank NA, SD	9497485W3	50,000.00	1.75%	1.75%	6/17/16	6/17/21	49,939.50
	Certificate of Deposit	UBS BK USA Salt LA UT US	90348JMG2	148,000.00	2.10%	2.09%	7/3/19	7/6/21	148,916.12
	Certificate of Deposit	Barclays Bank, DE	06740KKC0	100,000.00	2.00%	1.99%	7/12/17	7/12/21	100,471.00
	Certificate of Deposit	First Internet Bk IN	32056GCP3	100,000.00	1.95%	1.94%	7/14/17	7/14/21	100,398.00
	Certificate of Deposit	Comenity Cap Bank UT	20033AUX2	245,000.00	2.00%	1.99%	7/17/17	7/16/21	246,163.75
	Certificate of Deposit	UBS BK USA Salt LA UT US	90348JAU4	50,000.00	1.50%	1.51%	7/20/16	7/20/21	49,817.00
	Certificate of Deposit	Synchrony Bank, UT	87164XNA0	50,000.00	1.45%	1.46%	7/22/16	7/22/21	49,809.00
	Certificate of Deposit	Morgan Stanley Prv NY US	61760AR50	250,000.00	2.10%	2.09%	8/1/19	8/2/21	251,600.00
	Certificate of Deposit	Bank Hapoalim, NY	06251AU32	147,000.00	3.00%	2.94%	8/23/18	8/23/21	150,110.52
	Certificate of Deposit	First Bank PR Santurce, PR	33767A4K4	157,000.00	2.05%	2.04%	8/25/17	8/25/21	157,912.17
	Certificate of Deposit	Enterbank UT	29266N3H8	50,000.00	1.45%	1.46%	8/26/16	8/26/21	49,801.50
	Certificate of Deposit	Privatebank, IL	74267GVM6	147,000.00	1.50%	1.51%	8/29/16	8/30/21	146,435.52
	Certificate of Deposit	Commercial BK, TN	20143PDR8	197,000.00	3.00%	2.94%	6/21/18	9/21/21	201,359.61
	Certificate of Deposit	Medallion Bk, UT	58403B5Q5	198,000.00	2.05%	2.04%	12/16/16	12/16/21	199,300.86
	Certificate of Deposit	Mercantil Comm Ban FL US	58733ADT3	150,000.00	2.10%	2.08%	1/27/17	1/27/22	151,162.50
	Certificate of Deposit	Franklin Syn Bank, TN	35471TCV2	204,000.00	2.00%	1.99%	1/31/17	1/31/22	205,166.88
	Certificate of Deposit	Sallie Mae Bank, UT	7954502C8	197,000.00	2.65%	2.60%	4/3/19	4/4/22	200,955.76
	Certificate of Deposit	Live Oak Banking, NC	538036CM4	97,000.00	2.25%	2.22%	4/7/17	4/7/22	98,096.10
	Certificate of Deposit	First National Bank of McGregor, TX	36A99U934	145,000.00	2.35%	2.34%	12/20/17	6/20/22	145,856.95

City of Clayton
Investment Holdings Summary
Quarter Ending: December 31, 2019

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
	Certificate of Deposit	FNBC Bank Arizona	30259QAB3	250,000.00	2.50%	2.50%	6/21/19	6/21/22	250,117.50
	Certificate of Deposit	Bank of New England, NH	06426KAL2	246,000.00	3.15%	3.04%	7/31/18	7/29/22	254,516.52
	Certificate of Deposit	Ally Bank UT US	02007GKY8	247,000.00	2.15%	2.13%	8/1/19	8/1/22	249,309.45
	Certificate of Deposit	Enterbank UT	29278TKG4	100,000.00	2.05%	2.04%	8/7/19	8/8/22	100,682.00
	Certificate of Deposit	First Bank Highland, IL	319141HN0	247,000.00	2.20%	2.18%	9/7/17	9/7/22	249,637.96
	Certificate of Deposit	Capital One Bank	1404205H9	99,000.00	2.30%	2.27%	10/4/17	10/4/22	100,330.56
	Certificate of Deposit	Commercial Savings Bank, IA	202291AD2	247,000.00	2.10%	2.08%	1018-17	10/18/22	248,990.82
	Certificate of Deposit	Industrial & Coml, NY	45581EAR2	250,000.00	2.65%	2.59%	2/14/18	2/14/23	256,227.50
	Certificate of Deposit	Belmont Svgs Bk, MA	080515CH0	200,000.00	2.70%	2.63%	2/28/18	2/28/23	205,346.00
	Certificate of Deposit	Citibank, NA SD	17312QJ26	200,000.00	2.90%	2.80%	4/11/18	4/11/23	206,784.00
	Certificate of Deposit	Goldman Sachs Bank, UT	38148P7B7	100,000.00	2.65%	2.58%	5/8/19	5/8/23	102,654.00
	Certificate of Deposit	Enterbank UT	29278TCG3	100,000.00	3.20%	3.06%	7/31/18	7/31/23	104,738.00
	Certificate of Deposit	JP Morgan Chase, OH	48128LEK1	50,000.00	2.00%	1.99%	10/17/19	10/17/23	50,146.50
	Certificate of Deposit	BMO Harris Bk, IL	05581W2Z7	229,000.00	2.00%	2.00%	10/30/19	10/30/23	229,263.35
	Certificate of Deposit	Bank of Baroda, NY	06063HBH5	250,000.00	3.55%	3.33%	12/28/18	12/28/23	266,422.50
	Certificate of Deposit	Commercial Bk, MI	201282HZ6	200,000.00	3.20%	3.20%	1/23/19	1/23/24	200,188.00
	Certificate of Deposit	Wells Fargo Bank NA, SD	949763A48	197,000.00	2.75%	2.67%	5/3/19	5/3/24	202,791.80
	Certificate of Deposit	State Bank of India, NY	856285PY1	198,000.00	2.85%	2.84%	5/30/19	5/30/24	198,392.04
	Certificate of Deposit	HSBC Bank, NY	44329MB36	150,000.00	2.10%	2.09%	10/7/19	10/7/24	150,529.50
	Certificate of Deposit	HSBC Bank, NY	44329MBX0	99,000.00	2.05%	2.04%	11/26/19	11/1/24	99,370.26
				\$ 9,362,000.00					\$ 9,459,442.77
	Government Agency	FHLMC	3134GUZH6	250,000.00	2.00%	2.00%	12/19/19	6/19/24	249,885.00
	Government Agency	FHLMC	3134GULW8	250,000.00	2.00%	2.01%	10/28/19	7/28/23	248,712.50
	Government Agency	Federal Farm Credit Bank	3133EGEX9	200,000.00	1.67%	1.67%	6/14/16	6/14/21	199,726.00
	Government Agency	Federal Home Loan Bank	3130A8HH9	250,000.00	1.62%	1.62%	6/23/16	6/23/21	249,515.00
				\$ 950,000.00					\$ 947,838.50
	Total UBS Financial Services Inc.			\$ 10,560,685.17					\$ 10,655,966.44
Morgan Stanley	Money Market Fund	Morgan Stanley	n/a	-	0.00%	0.00%	n/a	n/a	-
	No Activity or holdings in this account left at 9/30/2019. Account closed.								
	Total Morgan Stanley			-					-
Bank of America (book balance)	Cash (checking account)	Bank of America		236,725.91	0.00%	0.00%	n/a	n/a	236,725.91

City of Clayton
Investment Holdings Summary
Quarter Ending: December 31, 2019

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
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Broker / Institution	Carrying Value	Percentage of Portfolio	Weighted Average Yield to Maturity	W.A.M. (yrs)	Market Value
CAMP	1,233,717	9.38%	1.80%	0.11	1,233,717
LAIF	1,120,569	8.52%	2.04%	0.53	1,120,569
UBS Financial Services Inc.	10,560,685	80.30%	2.18%	7.86	10,655,966
Morgan Stanley	-	0.00%	0.00%	0.00	-
Bank of America (book balance)	236,726	1.80%	0.00%	0.00	236,726
Total investment Portfolio	13,151,697	100.00%	2.09%	6.32	13,246,978
2019-20 Budgeted Interest - General Fund		\$ 115,000			
2019-20 Actual Interest Revenue to date (7/1/19 - 12/30/19)		\$ 56,361			
Percent of General Fund Budget Realized		49.01%			
Quarterly Weighted Average Annual Yield*		2.09%			
2019-20 Total Pooled Investment Income To Date (7/1/19 - 12/31/19)		\$ 141,754			

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

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


Paul L. Rodrigues CPA, Finance Director 7/28/20
Date


Hank Stratford, City Treasurer 7/28/20
Date



Agenda Date: 8-4-2020

Agenda Item: 3e

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: PAUL L. RODRIGUES, FINANCE DIRECTOR

DATE: AUGUST 4, 2020

SUBJECT: THIRD QUARTER ENDING MARCH 31, 2020 FY 2019-20 INVESTMENT PORTFOLIO REPORT

Approved:

Fran Robustelli
Interim City Manager

RECOMMENDATION

It is recommended the City Council, by minute motion, accept the City Investment Portfolio Report for the third quarter (January, February, March) of the fiscal year ending June 30, 2020 (FY 2019-20).

BACKGROUND

Pursuant to section XIII of the City of Clayton Investment Policy, the Finance Director is required to submit a quarterly investment report to the City Council. This quarterly report is also designed to meet the local agency reporting requirements outlined in *California Government Code* section 53646. The FY 2019-20 third quarter report is provided herein.

The City's Investment Policy guides staff and its advisors for all investment activities. Permitted investment activities are primarily governed by state law (*California Government Code* sections 53600-53610) and the City's adopted Investment Policy. The City's Investment Policy is consistent with state law and is designed to be more restrictive for the purpose of added safety and liquidity, which take precedence over yield. Section XVI of the Investment Policy states it shall be periodically reviewed by the City Treasurer and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and to meet the needs of the City. The policy was last amended by the City Council, following recommendation by the former Finance Manager and City Treasurer on November 20, 2018 to add the California Asset Management Program (CAMP) as an authorized investment type. No revisions to the Policy are being recommended at this time.

DISCUSSION

With the third quarter of the 2019-2020 fiscal year complete, year-to-date interest earnings for the General Fund is \$79,290, or 69% of forecasted General Fund interest revenues per the FY

2019-20 adopted budget of \$115,000. City-wide investment earnings solely attributable to pooled investments (i.e. not related to cash with fiscal agents such as bond proceeds) through the third quarter of FY 2019-20, totaled \$199,421.

This quarter, the highest yielding investment type, investments in certificates of deposit and government agency bonds comprised approximately 77% of the portfolio with a collective weighted average interest rate of 2.04%. Deposits held with pooled investment accounts at CAMP and LAIF, making up 19.8% of the portfolio, with weighted average interest rates of 1.5% and 1.79% respectively were the second highest yielding investment type.

The market value of the total investment portfolio was \$13,605,972, which is \$154,379 higher than total carrying value as of March 31, 2020. Currently, the estimated market value exceeds the cost of securities in the investment portfolio due to the City's heavy investment in two to five year fixed income securities during the last year at rates averaging higher than current rates. The increase in market value demonstrates how the cautious nature of the City's investment strategy mitigates the risk of the City incurring large unrealized losses during market retractions. On the other hand, given less risk exposure, more predictable and modest investment returns will be realized following this same strategy.

While the earnings outcome of the third quarter of FY 2019-20 are lower than budgeted expectations, management is expecting that investment income will continue to decline over the remaining quarters of this fiscal year as the Federal Reserve has cut interest rates to zero in March 2020. Accordingly, we expect many of the investments purchased at higher yields will be called and replaced with lower yielding investments in CD's and government obligation instruments in the remainder of this fiscal year.

The City of Clayton Investment Portfolio was managed in accordance with the City's Investment Policy. Furthermore, the City's cash management program provides sufficient liquidity to meet the next ten months expenditures. The attached City of Clayton Investment Holdings Summary – Third Quarter of Fiscal Year 2019-20 (Attachment 1) provides additional analysis and the specific investment reporting criteria required by *California Government Code* section 53646.

FISCAL IMPACT

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

Attachments:

1. City of Clayton Investment Holdings Summary – Third Quarter of Fiscal Year 2019-20 (January 1, 2020 – March 31, 2020)

City of Clayton
Investment Holdings Summary
Quarter Ending: March 31, 2020

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
CAMP	Local Agency Pool	California Asset Management Program	n/a	887,845.89	1.50%	1.50%	n/a	n/a	887,845.89
LAIF	Local Agency Pool	Local Agency Investment Fund	n/a	1,771,649.42	1.79%	1.79%	n/a	n/a	1,771,649.42
UBS Financial Services Inc.	Cash	UBS Cash Holding	n/a	155,349.61	0.95%	0.95%	n/a	n/a	155,349.61
UBS Financial Services Inc.	Money Market Fund	UBS Bank USA MMF Yield	n/a	-	0.95%	0.95%	n/a	n/a	-
	Certificate of Deposit	BMW Bank NA, UT	05580AHL1	198,000.00	1.80%	1.80%	4/21/17	4/21/20	198,097.02
	Certificate of Deposit	Washington Trust, RI	940637HX2	99,000.00	1.45%	1.45%	11/18/16	5/18/20	99,065.34
	Certificate of Deposit	Citibank, NA SD	17284DBM3	50,000.00	2.00%	2.00%	6/3/15	6/3/20	50,092.00
	Certificate of Deposit	Comenity Bank, DE	981996XS5	100,000.00	2.30%	2.30%	7/1/15	7/1/20	100,214.00
	Certificate of Deposit	Capital One Bank	14042E4Y3	245,000.00	2.25%	2.24%	7/22/15	7/22/20	245,906.50
	Certificate of Deposit	World's Foremost B, NE	9159919E5	200,000.00	2.30%	2.29%	8/6/15	8/6/20	200,554.00
	Certificate of Deposit	Merrick Bk, UT	59013JHE2	149,000.00	1.90%	1.89%	8/20/15	8/20/20	149,503.62
	Certificate of Deposit	Beneficial Mut, PA	08173QBT2	200,000.00	1.35%	1.35%	10/7/16	10/7/20	200,222.00
	Certificate of Deposit	Morgan Stanley Bk, UT	61747MG96	245,000.00	2.45%	2.42%	1/25/18	1/25/21	247,604.35
	Certificate of Deposit	Truist Bank Charlotte, NC	89788HAH6	100,000.00	1.70%	1.69%	2/4/20	2/3/21	100,456.00
	Certificate of Deposit	Synchrony Bank, UT	87164XLH7	94,000.00	1.70%	1.69%	3/4/16	3/4/21	94,595.96
	Certificate of Deposit	Connectone England Cliffs, NJ	20786ACD5	100,000.00	2.60%	2.57%	3/28/18	3/29/21	101,340.00
	Certificate of Deposit	Townebank Portsmouth, VA	89214PBL2	200,000.00	2.80%	2.75%	4/30/18	4/30/21	203,306.00
	Certificate of Deposit	BLC Comenity Bank, WI	05549CGN4	198,000.00	2.00%	1.98%	11/30/17	5/28/17	199,675.08
	Certificate of Deposit	Wells Fargo Bank NA, SD	9497485W3	50,000.00	1.75%	1.74%	6/17/16	6/17/21	50,197.50
	Certificate of Deposit	UBS BK USA Salt LA UT US	90348JMG2	148,000.00	2.10%	2.08%	7/3/19	7/6/21	149,530.32
	Certificate of Deposit	Barclays Bank, DE	06740KKC0	100,000.00	2.00%	1.98%	7/12/17	7/12/21	100,917.00
	Certificate of Deposit	First Internet Bk IN	32056GCP3	100,000.00	1.95%	1.93%	7/14/17	7/14/21	100,858.00
	Certificate of Deposit	Comenity Cap Bank UT	20033AUX2	245,000.00	2.00%	1.98%	7/17/17	7/16/21	247,266.25
	Certificate of Deposit	UBS BK USA Salt LA UT US	90348JAU4	50,000.00	1.50%	1.50%	7/20/16	7/20/21	50,109.50
	Certificate of Deposit	Synchrony Bank, UT	87164XNA0	50,000.00	1.45%	1.45%	7/22/16	7/22/21	50,103.00
	Certificate of Deposit	Morgan Stanley Prv NY US	61760AR50	250,000.00	2.10%	2.08%	8/1/19	8/2/21	252,710.00
	Certificate of Deposit	Bank Hapoalim, NY	06251AU32	147,000.00	3.00%	2.93%	8/23/18	8/23/21	150,482.43
	Certificate of Deposit	Firstbank Puerto Rico	33767A4K4	157,000.00	2.05%	2.03%	8/25/17	8/25/21	158,657.92
	Certificate of Deposit	Enerbank UT	29266N3H8	50,000.00	1.45%	1.45%	8/26/16	8/26/21	50,111.00
	Certificate of Deposit	Privatebank, IL	74267GVM6	147,000.00	1.50%	1.50%	8/29/16	8/30/21	147,348.39
	Certificate of Deposit	Commerical Bk TN	20143PDR8	197,000.00	3.00%	2.93%	6/21/18	9/21/21	201,897.42
	Certificate of Deposit	Medallion Bk, UT	58403B5Q5	198,000.00	2.05%	2.03%	12/16/16	12/16/21	200,439.36
	Certificate of Deposit	Mercantil Comm Ban FL US	58733ADT3	150,000.00	2.10%	2.07%	1/27/17	1/27/22	152,074.50
	Certificate of Deposit	Franklin Syn Bank, TN	35471TCV2	204,000.00	2.00%	1.98%	1/31/17	1/31/22	206,460.24
	Certificate of Deposit	Sallie Mae Bank, UT	7954502C8	197,000.00	2.65%	2.58%	4/3/19	4/4/22	202,060.93
	Certificate of Deposit	Live Oak Banking, NC	538036CM4	97,000.00	2.25%	2.21%	4/7/17	4/7/22	98,734.36
	Certificate of Deposit	First National Bank of McGregor, TX	36A99U934	145,000.00	2.35%	2.32%	12/20/17	6/20/22	146,563.10
	Certificate of Deposit	Bank of New England, NH	06426KAL2	246,000.00	3.15%	3.03%	7/31/18	7/29/22	255,963.00
	Certificate of Deposit	Ally Bank UT US	02007GKY8	247,000.00	2.15%	2.11%	8/1/19	8/1/22	251,344.73
	Certificate of Deposit	Enerbank UT	29278TKG4	100,000.00	2.05%	2.02%	8/7/19	8/8/22	101,537.00
	Certificate of Deposit	First Bank Highland, IL	319141HN0	247,000.00	2.20%	2.16%	9/7/17	9/7/22	251,767.10
	Certificate of Deposit	Capital One Bank	1404205H9	99,000.00	2.30%	2.25%	10/4/17	10/4/22	101,187.90
	Certificate of Deposit	Commercial Savings Bank, IA	202291AD2	247,000.00	2.10%	2.06%	10/18/17	10/18/22	251,282.98

City of Clayton
Investment Holdings Summary
Quarter Ending: March 31, 2020

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
	Certificate of Deposit	Wells Fargo Bank NA, SD	949495AQ8	248,000.00	1.90%	1.88%	1/17/20	1/17/23	251,194.24
	Certificate of Deposit	Goldman Sachs Bank, UT	38149MNT6	145,000.00	1.90%	1.88%	1/22/20	1/23/23	146,867.60
	Certificate of Deposit	Industrial & Coml, NY	45581EAR2	250,000.00	2.65%	2.57%	2/14/18	2/14/23	258,522.50
	Certificate of Deposit	Belmont Svgs Bk, MA	080515CH0	200,000.00	2.70%	2.61%	2/28/18	2/28/23	207,172.00
	Certificate of Deposit	Bank Leumi, NY	063248KR8	250,000.00	1.45%	1.45%	3/31/20	3/31/23	250,000.00
	Certificate of Deposit	Citibank, NA SD	17312QJ26	200,000.00	2.90%	2.78%	4/11/18	4/11/23	208,558.00
	Certificate of Deposit	Goldman Sachs Bank, UT	38148P7B7	100,000.00	2.65%	2.56%	5/18/19	5/8/23	103,614.00
	Certificate of Deposit	Enerbank UT	080515CH0	100,000.00	3.20%	3.03%	7/31/18	7/31/23	105,635.00
	Certificate of Deposit	JP Morgan Chase, OH	48128LEK1	50,000.00	2.00%	1.99%	10/17/19	10/17/23	50,260.00
	Certificate of Deposit	BMO Harris Bk, IL	05581W2Z7	229,000.00	2.00%	2.00%	10/30/19	10/30/23	229,201.52
	Certificate of Deposit	Bank of Baroda, NY	06063HBH5	250,000.00	3.50%	3.30%	12/28/18	12/28/23	268,722.50
	Certificate of Deposit	Wells Fargo Bank NA, SD	949763A48	197,000.00	2.75%	2.64%	5/3/19	5/3/24	204,917.43
	Certificate of Deposit	State Bank of India, NY	856285PY1	198,000.00	2.85%	2.84%	5/30/19	5/30/24	198,617.76
	Certificate of Deposit	HSBC Bank, NY	44329MB36	150,000.00	2.10%	2.09%	10/7/19	10/7/24	150,805.50
	Certificate of Deposit	HSBC Bank, NY	44329MBX10	99,000.00	2.05%	2.04%	11/26/19	11/26/24	99,622.71
				\$ 8,712,000.00					\$ 8,853,946.56
	Corporate Bonds & Notes	UBS London NTS	90270K2S7	247,000.00	2.00%	2.00%	1/31/20	1/31/23	247,209.95
	Corporate Bonds & Notes	Apple Inc NTS	037833DM9	145,599.00	1.80%	1.77%	9/11/19	9/11/24	152,713.50
	Corporate Bonds & Notes	Wal Mart Stores Inc	931142DV2	100,000.00	2.65%	2.55%	10/20/17	12/15/24	104,093.00
				\$ 492,599.00					\$ 504,016.45
	Government Agency	FHLMC	3134GUZH6	250,000.00	2.00%	2.00%	12/19/19	6/19/24	250,582.50
	Government Agency	FHLMC	3134GULW8	250,000.00	2.00%	2.00%	10/28/19	7/28/23	250,222.50
	Government Agency	FHLMC	3134GU4X5	250,000.00	2.00%	2.00%	1/23/20	1/23/24	250,177.50
	Government Agency	Federal Home Loan Bank	3130A8HH9	250,000.00	1.62%	1.62%	6/23/16	6/23/21	250,032.50
				\$ 1,000,000.00					\$ 1,001,015.00
	Total UBS Financial Services Inc.			\$ 10,359,948.61					\$ 10,514,327.62
Morgan Stanley	Money Market Fund	Morgan Stanley	n/a	-	0.00%	0.00%	n/a	n/a	-
	No Activity or holdings in this account left at 9/30/2019. Account closed.								
	Total Morgan Stanley			-					-
Bank of America (book balance)	Cash (checking account)	Bank of America		432,148.76	0.00%	0.00%	n/a	n/a	432,148.76

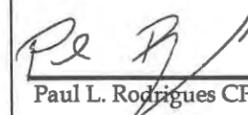
City of Clayton
Investment Holdings Summary
Quarter Ending: March 31, 2020

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
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Broker / Institution	Carrying Value	Percentage of Portfolio	Weighted Average Yield to Maturity	W.A.M. (yrs)	Market Value
CAMP	887,846	6.60%	1.50%	0.11	887,846
LAIF	1,771,649	13.17%	1.79%	0.53	1,771,649
UBS Financial Services Inc.	10,359,949	77.02%	2.04%	2.29	10,514,328
Morgan Stanley	-	0.00%	0.00%	0.00	-
Bank of America (book balance)	432,149	3.21%	0.00%	0.00	432,149
Total investment Portfolio	13,451,593	100.00%	1.90%	1.77	13,605,972
2019-20 Budgeted Interest - General Fund		\$ 115,000			
2019-20 Actual Interest Revenue to date (7/1/19 - 3/31/20)		\$ 79,290			
Percent of General Fund Budget Realized		68.95%			
Quarterly Weighted Average Annual Yield*		1.90%			
2019-20 Total Pooled Investment Income To Date (7/1/19 - 3/31/20)		\$ 199,421			

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

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


 Paul L. Rodrigues CPA, Finance Director 7/28/20
 Date


 Hank Stratford, City Treasurer 7/28/20
 Date



Agenda Date: 8-4-2020

Agenda Item: 3F

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: PAUL L. RODRIGUES, FINANCE DIRECTOR

DATE: AUGUST 4, 2020

SUBJECT: FOURTH QUARTER ENDING JUNE 30, 2020 FY 2019-20 INVESTMENT PORTFOLIO REPORT

Approved:

Fran Robustelli
Interim City Manager

RECOMMENDATION

It is recommended the City Council, by minute motion, accept the City Investment Portfolio Report for the fourth quarter (April, May, June) of the fiscal year ending June 30, 2020 (FY 2019-20).

BACKGROUND

Pursuant to section XIII of the City of Clayton Investment Policy, the Finance Director is required to submit a quarterly investment report to the City Council. This quarterly report is also designed to meet the local agency reporting requirements outlined in *California Government Code* section 53646. The FY 2019-20 fourth quarter report is provided herein.

The City's Investment Policy guides staff and its advisors for all investment activities. Permitted investment activities are primarily governed by state law (*California Government Code* sections 53600-53610) and the City's adopted Investment Policy. The City's Investment Policy is consistent with state law and is designed to be more restrictive for the purpose of added safety and liquidity, which take precedence over yield. Section XVI of the Investment Policy states it shall be periodically reviewed by the City Treasurer and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and to meet the needs of the City. The policy was last amended by the City Council, following recommendation by the former Finance Manager and City Treasurer on November 20, 2018 to add the California Asset Management Program (CAMP) as an authorized investment type. No revisions to the Policy are being recommended at this time.

DISCUSSION

With the fourth quarter of the 2019-2020 fiscal year complete, year-to-date interest earnings for the General Fund is \$106,686, or 93% of forecasted General Fund interest revenues per the FY

2019-20 adopted budget of \$115,000. City-wide investment earnings solely attributable to pooled investments (i.e. not related to cash with fiscal agents such as bond proceeds) through the fourth quarter of FY 2019-20, totaled \$268,326.

This quarter, the highest yielding investment type, investments in certificates of deposit, government agency bonds, and corporate bonds and notes comprised approximately 77% of the portfolio with a collective weighted average interest rate of 1.93%. Deposits held with pooled investment accounts at CAMP and LAIF, making up 19.8% of the portfolio, with weighted average interest rates of .51% and 1.22% respectively were the second highest yielding investment type.

The market value of the total investment portfolio was \$13,768,038, which is \$307,635 higher than total carrying value as of June 30, 2020. Currently, the estimated market value exceeds the cost of securities in the investment portfolio due to the City's heavy investment in two to five year fixed income securities during the last year at rates averaging higher than current rates. The increase in market value demonstrates how the cautious nature of the City's investment strategy mitigates the risk of the City incurring large unrealized losses during market retractions. On the other hand, given less risk exposure, more predictable and modest investment returns will be realized following this same strategy.

While the earnings outcome of the fourth quarter of FY 2019-20 are lower than budgeted expectations, management is expecting that investment income will continue to decline over the next several quarters of the upcoming fiscal year as the Federal Reserve cut interest rates to zero in March 2020. Accordingly, we expect many of the investments purchased at higher yields will be called and replaced with lower yielding investments in CD's and government obligation instruments in the remainder of this fiscal year.

The City of Clayton Investment Portfolio was managed in accordance with the City's Investment Policy. Furthermore, the City's cash management program provides sufficient liquidity to meet the next ten months expenditures. The attached City of Clayton Investment Holdings Summary – Fourth Quarter of Fiscal Year 2019-20 (Attachment 1) provides additional analysis and the specific investment reporting criteria required by *California Government Code* section 53646.

FISCAL IMPACT

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

Attachments:

1. City of Clayton Investment Holdings Summary – Fourth Quarter of Fiscal Year 2019-20 (April 1, 2020 – June 30, 2020)

City of Clayton
Investment Holdings Summary
Quarter Ending: June 30, 2020

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
CAMP	Local Agency Pool	California Asset Management Program	n/a	889,436.97	0.51%	0.51%	n/a	n/a	889,436.97
LAIF	Local Agency Pool	Local Agency Investment Fund	n/a	1,779,972.26	1.22%	1.22%	n/a	n/a	1,779,972.26
UBS Financial Services Inc.	Cash	UBS Cash Holding	n/a	492,633.19	0.01%	0.01%	n/a	n/a	492,633.19
UBS Financial Services Inc.	Money Market Fund	UBS Bank USA MMF Yield	n/a	-	0.01%	0.01%	n/a	n/a	-
	Certificate of Deposit	Comenity Bank, DE	981996XS5	100,000.00	2.30%	2.30%	7/1/15	7/1/20	100,005.00
	Certificate of Deposit	Capital One Bank	14042E4Y3	245,000.00	2.25%	2.25%	7/22/15	7/22/20	245,311.15
	Certificate of Deposit	World's Foremost B, NE	9159919E5	200,000.00	2.30%	2.30%	8/6/15	8/6/20	200,382.00
	Certificate of Deposit	Merrick Bk, UT	59013JHE2	149,000.00	1.90%	1.90%	8/20/15	8/20/20	149,371.01
	Certificate of Deposit	Beneficial Mut, PA	08173QBT2	200,000.00	1.35%	1.35%	10/7/16	10/7/20	200,630.00
	Certificate of Deposit	Morgan Stanley Bk, UT	61747MG96	245,000.00	2.45%	2.42%	1/25/18	1/25/21	248,236.45
	Certificate of Deposit	Truist Bank Charlotte, NC	89788HAH6	100,000.00	1.70%	1.68%	2/4/20	2/3/21	100,950.00
	Certificate of Deposit	Synchrony Bank, UT	87164XLH7	94,000.00	1.70%	1.68%	3/4/16	3/4/21	95,129.88
	Certificate of Deposit	Connectone England Cliffs, NJ	20786ACD5	100,000.00	2.60%	2.55%	3/28/18	3/29/21	101,841.00
	Certificate of Deposit	Townebank Portsmouth, VA	89214PBL2	200,000.00	2.80%	2.74%	4/30/18	4/30/21	204,452.00
	Certificate of Deposit	BLC Comenity Bank, WI	05549CGN4	198,000.00	2.00%	1.97%	11/30/17	5/28/21	201,332.34
	Certificate of Deposit	Wells Fargo Bank NA, SD	9497485W3	50,000.00	1.75%	1.73%	6/17/16	6/17/21	50,694.00
	Certificate of Deposit	UBS BK USA Salt LA UT US	90348JMG2	148,000.00	2.10%	2.06%	7/3/19	7/6/21	150,914.12
	Certificate of Deposit	Barclays Bank, DE	06740KKC0	100,000.00	2.00%	1.96%	7/12/17	7/12/21	101,896.00
	Certificate of Deposit	First Internet Bk IN	32056GCP3	100,000.00	1.95%	1.91%	7/14/17	7/14/21	101,855.00
	Certificate of Deposit	Comenity Cap Bank UT	20033AUX2	245,000.00	2.00%	1.96%	7/17/17	7/16/21	249,696.65
	Certificate of Deposit	UBS BK USA Salt LA UT US	90348JAU4	50,000.00	1.50%	1.48%	7/20/16	7/20/21	50,678.00
	Certificate of Deposit	Synchrony Bank, UT	87164XNA0	50,000.00	1.45%	1.43%	7/22/16	7/22/21	50,676.00
	Certificate of Deposit	Morgan Stanley Prv NY US	61760AR50	250,000.00	2.10%	2.06%	8/1/19	8/2/21	255,272.50
	Certificate of Deposit	Bank Hapoalim, NY	06251AU32	147,000.00	3.00%	2.91%	8/23/18	8/23/21	151,778.97
	Certificate of Deposit	Firstbank Puerto Rico	33767A4K4	157,000.00	2.05%	2.01%	8/25/17	8/25/21	160,400.62
	Certificate of Deposit	Enerbank UT	29266N3H8	50,000.00	1.45%	1.43%	8/26/16	8/26/21	50,739.00
	Certificate of Deposit	Privatebank, IL	74267GVM6	147,000.00	1.50%	1.48%	8/29/16	8/30/21	149,224.11
	Certificate of Deposit	Commercial BK, TN	20143PDR8	197,000.00	3.00%	2.90%	6/21/18	9/21/21	203,814.23
	Certificate of Deposit	Medallion Bk, UT	58403B5Q5	198,000.00	2.05%	2.00%	12/16/16	12/16/21	203,385.60
	Certificate of Deposit	Mercantil Comm Ban FL US	58733ADT3	150,000.00	2.10%	2.04%	1/27/17	1/27/22	154,501.50
	Certificate of Deposit	Franklin Syn Bank, TN	35471TCV2	204,000.00	2.00%	1.94%	1/31/17	1/31/22	209,840.52
	Certificate of Deposit	Sallie Mae Bank, UT	7954502C8	197,000.00	2.65%	2.54%	4/3/19	4/4/22	205,502.52
	Certificate of Deposit	Live Oak Banking, NC	538036CM4	97,000.00	2.25%	2.17%	4/7/17	4/7/22	100,508.49
	Certificate of Deposit	First National Bank of McGregor, TX	36A99U934	145,000.00	2.35%	2.27%	12/20/17	6/20/22	149,967.70
	Certificate of Deposit	Bank of New England, NH	06426KAL2	246,000.00	3.15%	2.97%	7/31/18	7/29/22	260,964.18
	Certificate of Deposit	Ally Bank UT US	02007GKY8	247,000.00	2.15%	2.07%	8/1/19	8/1/22	256,909.64
	Certificate of Deposit	Enerbank UT	29278TKG4	100,000.00	2.05%	1.97%	8/7/19	8/8/22	103,834.00
	Certificate of Deposit	First Bank Highland, IL	319141HN0	247,000.00	2.20%	2.11%	9/7/17	9/7/22	257,603.71
	Certificate of Deposit	Capital One Bank	1404205H9	99,000.00	2.30%	2.20%	10/4/17	10/4/22	103,599.54
	Certificate of Deposit	Commercial Savings Bank, IA	202291AD2	247,000.00	2.10%	2.10%	10/18/17	10/18/22	257,512.32
	Certificate of Deposit	Wells Fargo Bank NA, SD	949495AQ8	248,000.00	1.90%	1.82%	1/17/20	1/17/23	258,225.04
	Certificate of Deposit	Goldman Sachs Bank, UT	38149MNT6	145,000.00	1.90%	1.82%	1/22/20	1/23/23	151,005.90
	Certificate of Deposit	Industrial & Coml, NY	45581EAR2	250,000.00	2.65%	2.50%	2/14/18	2/14/23	265,450.00

City of Clayton
Investment Holdings Summary
Quarter Ending: June 30, 2020

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
	Certificate of Deposit	Belmont Svgs Bk, MA	080515CH0	200,000.00	2.70%	2.54%	2/28/18	2/28/23	212,784.00
	Certificate of Deposit	Bank Leumi, NY	063248KR8	250,000.00	1.45%	1.41%	3/31/20	3/31/23	257,897.50
	Certificate of Deposit	Citibank, NA SD	17312QJ26	200,000.00	2.90%	2.71%	4/11/18	4/11/23	214,408.00
	Certificate of Deposit	Capital One Bank	14042TDM6	150,000.00	1.40%	1.36%	4/15/20	4/17/23	154,587.00
	Certificate of Deposit	Synchrony Bank, UT	87164XZL3	100,000.00	1.30%	1.26%	4/17/20	4/17/23	102,780.00
	Certificate of Deposit	Goldman Sachs Bank, UT	38148P7B7	100,000.00	2.65%	2.48%	5/8/19	5/8/23	106,667.00
	Certificate of Deposit	Enerbank UT	29278TCG3	100,000.00	3.20%	2.94%	7/31/18	7/31/23	108,788.00
	Certificate of Deposit	JP Morgan Chase, OH	48128LEK1	50,000.00	2.00%	1.99%	10/17/19	10/17/23	50,272.50
	Certificate of Deposit	BMO Harris Bk, IL	05581W2Z7	229,000.00	2.00%	2.00%	10/30/19	10/30/23	229,345.79
	Certificate of Deposit	Bank of Baroda, NY	06063HBH5	250,000.00	3.55%	3.20%	12/28/18	12/28/23	277,445.00
	Certificate of Deposit	Wells Fargo Bank NA, SD	949763A48	197,000.00	2.75%	2.55%	5/3/19	5/3/24	212,712.72
	Certificate of Deposit	State Bank of India, NY	856285PY1	198,000.00	2.85%	2.84%	5/30/19	5/30/24	198,916.74
	Certificate of Deposit	HSBC Bank, NY	44329MB36	150,000.00	2.10%	2.09%	10/7/19	10/7/24	150,777.00
	Certificate of Deposit	HSBC Bank, NY	44329MBX10	99,000.00	2.05%	2.03%	11/26/19	11/26/24	99,755.37
	Certificate of Deposit	Flagstar Bank; FSB, MI	33847E3D7	250,000.00	1.15%	1.12%	4/29/20	4/29/25	256,025.00
	Certificate of Deposit	JP Morgan Chase, OH	48128L7E3	250,000.00	1.20%	1.20%	4/28/20	4/30/25	250,787.50
				\$ 9,115,000.00					\$ 9,398,039.81
	Corporate Bonds & Notes	UBS London NTS	90270K2S7	247,000.00	2.00%	2.02%	1/31/20	1/31/23	244,843.69
	Corporate Bonds & Notes	Apple Inc NTS	037833DM9	145,599.00	1.80%	1.72%	9/11/19	9/11/24	157,080.00
	Corporate Bonds & Notes	Wal Mart Stores Inc	931142DV2	100,000.00	2.65%	2.44%	10/20/17	12-15.24	108,521.00
	Corporate Bonds & Notes	Westpac Banking Corp	961214EH2	258,612.50	2.35%	2.21%	10/20/17	12/15/24	265,362.50
				\$ 751,211.50					\$ 775,807.19
	Government Agency								
	Government Agency								
	Government Agency								
	Government Agency								
				\$ -					\$ -
	Total UBS Financial Services Inc.			\$ 10,358,844.69					\$ 10,666,480.19
Morgan Stanley	Money Market Fund	Morgan Stanley	n/a	-	0.00%	0.00%	n/a	n/a	-
	No Activity or holdings in this account left at 9/30/2019. Account closed.								
	Total Morgan Stanley			-					-
Bank of America (book balance)	Cash (checking account)	Bank of America		432,148.76	0.00%	0.00%	n/a	n/a	432,148.76

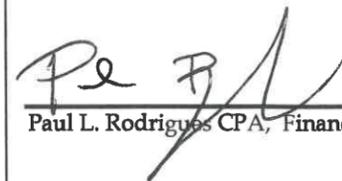
City of Clayton
Investment Holdings Summary
Quarter Ending: June 30, 2020

Investment Account	Investment Type	Institution	CUSIP	Carrying Value	Rate	Current Yield	Settlement Date	Maturity Date	Market Value
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Broker / Institution	Carrying Value	Percentage of Portfolio	Weighted Average Yield to Maturity	W.A.M. (yrs)	Market Value
CAMP	889,437	6.61%	0.51%	0.11	889,437
LAIF	1,779,972	13.22%	1.22%	0.53	1,779,972
UBS Financial Services Inc.	10,358,845	76.96%	1.93%	2.44	10,666,480
Morgan Stanley	-	0.00%	0.00%	0.00	-
Bank of America (book balance)	432,149	3.21%	0.00%	0.00	432,149
Total investment Portfolio	13,460,403	100.00%	1.68%	1.89	13,768,038
2019-20 Budgeted Interest - General Fund		\$ 115,000			
2019-20 Actual Interest Revenue to date (7/1/19 - 6/30/20)		\$ 106,686			
Percent of General Fund Budget Realized		92.77%			
Quarterly Weighted Average Annual Yield*		1.68%			
2019-20 Total Pooled Investment Income To Date (7/1/19 - 6/30/20)		\$ 268,326			

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

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


 Paul L. Rodrigues CPA, Finance Director 7/28/20
 Date


 Hank Stratford, City Treasurer 7/28/20
 Date

Agenda Date: 8-4-2020

Agenda Item: Ta



Matthew Feske
7/30/20

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Matthew Feske, Community Development Director

DATE: August 4, 2020

SUBJECT: Conduct a public hearing to consider 2nd Reading and Adoption of Ordinance No. 490 "Amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions and deletions." (ZOA-01-2020)

RECOMMENDATION

It is recommended that the City Council conduct a public hearing to consider Ordinance 490 and adopt Ordinance 490 "Amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions and deletions" (ZOA-01-2020).

BACKGROUND

On June 10, 2020, the City Council introduced and conducted a first reading of an Ordinance amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions. The City Council set a public hearing date for July 7, 2020 to consider the Ordinance and its adoption.

On July 7, 2020, staff requested that the City Council set a new public hearing date because the required public hearing notices were found to be deficient and not published in a newspaper in time for a July 7 public hearing. The City Council set a public hearing date for August 4, 2020 to consider the Ordinance and its adoption.

PUBLIC NOTICE

In accordance with Government Code section 6066, notice of the public hearing for this Ordinance was published in the East Bay Times on July 14, 2020 and July 21, 2020 and posted.

ATTACHMENTS

1. June 10, 2020 City Council Report
2. July 7, 2020 City Council Report
3. July 14, 2020 Public Hearing Notice (Newspaper)
4. July 21, 2020 Public Hearing Notice (Newspaper)
5. Ordinance No. 490
Exhibit A - Clayton Municipal Code Chapter 15.09 with 2019 Fire Code Amendments
Exhibit B – Fire Code Amendments Findings
6. Contra Costa County Fire Code Ordinance No. 2019-37

CITY OF CLAYTON NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Clayton City Council will hold a public hearing during their regularly-scheduled meeting at 7:00 p.m. on Tuesday, August 4, 2020 for the purpose of considering an ordinance to amend Chapter 15.09 of the Clayton Municipal Code and to adopt by reference the 2019 California Fire Code with changes, additions, and deletions (ZOA-01-20).

This ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by CEQA Guidelines Section 15378, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Location: To protect our residents, officials, staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with the State order that that allows the public to address the local legislative body electronically.

1. **Videoconference:** To follow the meeting on line click here to register in advance for the webinar: https://us02web.zoom.us/join/register/WN_ogICA9cYSiuAdcuuVodcnw
After clicking on the URL, please submit your first and last name and email address, then click "Register" which will approve your registration and a new URL to join the meeting will appear.
2. **iPhone one-tap:** US:
+16699009128,,88465225992# or
+12532158782,,88465225992#
3. **Phone In:** Once registered, you will receive an email with instructions to join the meeting telephonically, and then dial Telephone: 877-853-5257 (Toll Free) using the Webinar ID 884 6522 5922 found in the email.

Email Public Comments: If preferred, emailed public comments can be sent to City Clerk Janet Calderon at jcalderon@ci.clayton.ca.us by 5:00 p.m. on the day of the City Council meeting. All emailed public comments will not be read orally but will be forwarded via email to the entire City Council. Public comments may also be submitted by telephone (925) 673-7300 or US Postal Service to the City Clerk, City of Clayton, 6000 Heritage Trail, Clayton, CA 94517.

Copies of the primary code and secondary codes being considered for adoption at the hearing are on file with the clerk of the legislative body, and are available for public review via email by contacting the Clayton Community Development Department by email at mfeske@ci.clayton.ca.us or by telephone at 925-673-7343 between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday (except public holidays).

CCT #6501838; Jul. 21, 2020

CITY OF CLAYTON NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Clayton City Council will hold a public hearing during their regularly-scheduled meeting at 7:00 p.m. on Tuesday, August 4, 2020 for the purpose of considering an ordinance to amend Chapter 15.09 of the Clayton Municipal Code and to adopt by reference the 2019 California Fire Code with changes, additions, and deletions (ZOA-01-20).

This ordinance is not subject to California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by CEQA Guidelines Section 15378, and pursuant to CEQA Guidelines Section 15061(b)(3) it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Location: To protect our residents, officials, staff, and aligned with the Governor's executive order to Shelter-at-Home, this meeting is being conducted utilizing teleconferencing means consistent with the State order that that allows the public to address the local legislative body electronically.

- 1. Videoconference:** To follow the meeting online click here to register in advance for the webinar: https://us02web.zoom.us/join/register/WN_oGICAgcYSIuAduuVodcnw. After clicking on the URL, please submit your first and last name and email address, then click "Register" which will approve your registration and a new URL to join the meeting will appear.
- 2. iPhone one-tap:** US: +16699009128,88465225992# or +12532158782,88465225992#
- 3. Phone in:** Once registered, you will receive an email with instructions to join the meeting telephonically, and then dial Telephone: 877-853-5257 (Toll Free) using the Webinar ID 884 6522 5922 found in the email.

Email Public Comments: If preferred, emailed public comments can be sent to City Clerk Janet Calderon at jcalderon@ci.clayton.ca.us by 5:00 p.m. on the day of the City Council meeting. All emailed public comments will not be read orally but will be forwarded via email to the entire City Council. Public comments may also be submitted by telephone (925) 673-7300 or US Postal Service to the City Clerk, City of Clayton, 6000 Heritage Trail, Clayton, CA 94517.

Copies of the primary code and secondary codes being considered for adoption at the hearing are on file with the clerk of the legislative body, and are available for public review via email by contacting the Clayton Community Development Department by email at mieske@ci.clayton.ca.us or by telephone at 925-673-7343 between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday (except public holidays).

CCT #6501797; Jul. 14, 2020

10. **ACTION ITEMS**

- (a) Continue the public hearing and set a new public hearing date to consider and adopt Ordinance 490 amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions.

Community Development Director Matthew Feske presented the report.

There were no questions by City Council, Mayor Pierce opened the item to public comment; no comments were offered.

It was moved by Councilmember Diaz, seconded by Councilmember Wolfe, to continue the public hearing date to August 4, 2020 to Adopt Ordinance 490 amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 209 California Fire Code with changes, additions, and deletions. (Passed 5-0)

11. **COUNCIL ITEMS**

Mayor Pierce advised the Resolution Condemning Racism in Clayton will be on the July 21 agenda.

Councilmember Diaz requested flag raising for the Thin Blue Line representing all law enforcement.

Councilmember Catalano expressed her concerns on how the meaning has recently changed across the country on the meaning and perception of the Thin Blue Line flag.

Councilmember Wolfe inquired on commissioning a statue of Joel Clayton at the entryway of Clayton.

12. **CLOSED SESSION**

Mayor Pierce announced the City Council will adjourn into Closed Session for the following noticed item (7:30 p.m.):

Pursuant to Government Code section 54957
Public Employment
Title: Interim City Manager

Report out of Closed Session (8:09 p.m.)
Mayor Pierce reported there was no reportable action.

13. **ADJOURNMENT**— on call by Mayor Pierce, the City Council adjourned its meeting at 8:10 p.m.

The next regularly scheduled meeting of the City Council will be July 21, 2020.

#####

ATTACHMENT 3



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Matthew Feske, Community Development Director

DATE: July 7, 2020

SUBJECT: Set a new public hearing for a future City Council meeting no earlier than August 4, 2020, to consider and adopt Ordinance 490, amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions.

RECOMMENDATION

It is recommended that City Council set a new public hearing date for consideration of Ordinance 490 amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions, for a future City Council meeting no earlier than August 4, 2020.

BACKGROUND

On June 10, 2020, the City Council introduced and conducted a first reading of an Ordinance amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions. At that meeting the City Council set a public hearing date for July 7, 2020 to consider the Ordinance and its adoption.

DISCUSSION

For this type of a code amendment, in accordance with Government Code section 6066, notice of the public hearing must be published once a week for two successive weeks, with at least five days in between each publication. The first notice must be published at least fourteen days before the hearing date. . Unfortunately, the public hearing notices that were prepared to be published in the newspaper were deficient because they did not identify the meeting location for the public hearing. The error was caught prior to publication and posting, but could not be corrected in a timely manner for the originally scheduled publication date. With a new public hearing date, the public hearing notices will include the virtual location of the City Council meeting, and be published and posted in a timely manner in accordance with state law.

- (c) Introduction and 1st Reading of an Ordinance Amending Chapter 15.09 of the Clayton Municipal Code and Adopting by Reference the 2019 California Fire Code with Changes, Additions, and Deletions (ZOA-01-2020) and Set Public Hearing Date.

Community Development Director Matthew Feske presented the report.

Following questions by City Council, Mayor Pierce opened the item to public comment; no comments were offered.

It was moved by Vice Mayor Wan, seconded by Councilmember Catalano to introduce and First Reading Ordinance No. 490 by title and number only Amending Chapter 15.09 of the Clayton Municipal Code and Adopting by Reference the 2019 California Fire Code with Changes, Additions, and Deletions and Setting the Public Hearing Date to July 7, 2020. (Passed 5-0 vote).

- (e) Discussion of Next Steps in hiring an Interim and Permanent City Manager due to Resignation of the City Mayor.

Mayor Pierce opened the discussion.

Following questions by City Council, Mayor Pierce opened the item to public comment; no comments were offered.

The City Council schedules a process discussion and a Closed Session for potential Interim City Manager candidates at the next Regular meeting of June 16, 2020.

9. COUNCIL ITEMS

Councilmember Catalano requested a future agenda item to review of the Clayton Police Department policies in regards to use of force, de-escalation efforts and best practices currently used and discuss/comment on the "8 Can't Wait" campaign.

Councilmember Diaz expanded on Councilmember Catalano's request to add formation of a public safety committee made up by members of the community, police department and members of the City Council.

Vice Mayor Wan re-address how the City is approaching relieve to frequent users of community facility rentals.

10. CLOSED SESSION – None.

11. ADJOURNMENT– on call by Mayor Pierce, the City Council adjourned its meeting at 10:54 p.m.

The next regularly scheduled meeting of the City Council will be June 16, 2020.

#####

ATTACHMENT 5



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Matthew Feske, Community Development Director

DATE: June 10, 2020

SUBJECT: Introduction and 1st Reading of an Ordinance amending Chapter 15.09 of the Clayton Municipal Code and adopting by reference the 2019 California Fire Code with changes, additions, and deletions, and set public hearing date (ZOA-01-2020).

RECOMMENDATION

It is recommended that City Council introduce the Ordinance and set the public hearing date for consideration of the Ordinance, for a future City Council meeting no earlier than July 7.

BACKGROUND

On December 17, 2019, the Contra Costa County Board of Supervisors, as the Board of Supervisors for Contra Costa County and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District, adopted Contra Costa County Ordinance 2019-37 ("District Fire Code Ordinance"), which adopted the 2019 California Fire Code (California Code of Regulations, Title 24, Part 9) with amendments. The Contra Costa County Fire Protection District is requesting that cities within their service area, including the City of Clayton, adopt their amendments to the 2019 California Fire Code, which are contained in Ordinance 2019-37.

The California Building Standards Code (California Code of Regulations, Title 24), which includes the Fire Code, is published every three years. These codes are commonly referred to as the California Building Code (Codes) and include, but are not limited to, building, plumbing, mechanical, electrical, fire and energy codes.

Updates to this collection of codes are the responsibility of the California Building Standards Commission. Upon adoption of the California Fire Code by the Commission, every City and county in the State has the option to either accept by default the California Fire Code as

written, or add amendments and adopt their own version. Jurisdictions may adopt more restrictive codes to address local climatic, geological, or topographical conditions.

DISCUSSION

The City of Clayton receives fire protection services from the Contra Costa County Fire Protection District ("District"). The Contra Costa County Board of Supervisors serves as the Board of Directors for the Fire District. With each State adoption of a new or updated version of the California Fire Code, the Board of Supervisors reviews and may decide to make amendments to the California Fire Code.

On December 17, 2019, the Board of Supervisors (serving as the Board of Directors) adopted the 2019 California Fire Code (California Building Standards Code, Title 24, Part 9) with amendments pursuant to Section 17958.5 and 18941.5 of the California Health and Safety Code by adopting the District Fire Code Ordinance. Pursuant to Health and Safety Code Section 13869.7, the District must transmit the District Fire Code Ordinance to the City for ratification. Staff has examined the District Fire Code Ordinance and finds that it provides consistency with the District in the application and enforcement of building and housing standards, and addresses the City's local needs and goal of protecting lives and property from fire damage. The City's proposed Ordinance adopts the 2019 California Fire Code with the amendments set forth in the District Fire Code Ordinance (Exhibit A) to be the City's fire code. The City's Ordinance will ratify the District Fire Code Ordinance, and delegates its enforcement to the District and its Fire Official. (Exhibit A).

Also, pursuant to Section 17958.5 and 17958.7 of the California Health and Safety Code, the Board of Directors found that the changes, modifications, and amendments to the 2019 California Fire Code set forth in the District Fire Code Ordinance are needed and are reasonably necessary because of certain local climatic, geological, and topographic conditions (Exhibit B). The City's Ordinance incorporates these findings.

Accordingly, the City of Clayton's Ordinance, attached to this staff report, amends the Clayton Municipal Code, Title 15, (Buildings and Construction) Chapter 15.09, (2016 California Fire Code With Amendments) to repeal the City's adoption of the 2016 California Fire Code and replace it with the adoption of the 2019 California Fire Code and amendments set forth in County Ordinance 2019-37.

Public Notice

In accordance with Government Code section 6066, notice of the public hearing for this Ordinance will be published in the East Bay Times and posted.

ENVIRONMENTAL

This Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, and pursuant to Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, as it can be seen with

certainty that this activity will not have a significant effect or physical change to the environment.



FISCAL IMPACTS

There is no direct fiscal impact as the Contra Costa County Fire Protection District will coordinate the implementation of the 2019 Fire Code within the City of Clayton.

ATTACHMENTS

1. Ordinance No. 490
 - Exhibit A - Clayton Municipal Code Chapter 15.09 with 2019 Fire Code Amendments
 - Exhibit B - Findings of Fact
2. Contra Costa County Fire Code Ordinance No. 2019-37

ORDINANCE NO. 490

AN ORDINANCE AMENDING CHAPTER 15.09 OF THE CLAYTON MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2019 CALIFORNIA FIRE CODE WITH CHANGES, ADDITIONS, AND DELETIONS

(ZOA-01-2020)

THE CITY COUNCIL

City of Clayton, California

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

WHEREAS, the California Building Standards Commission has adopted the 2019 California Fire Code, which became effective on January 1, 2020; and

WHEREAS, the Contra Costa County Fire Protection District (“District”) is authorized pursuant to Health and Safety Code Section 13869.7 to adopt building standards relating to fire safety that are more stringent than the building standards adopted by the State Fire Marshal and contained in the California Building Standards Code; and

WHEREAS, the City of Clayton (“City”) has elected to receive health and fire safety services from the District; and

WHEREAS, on December 17, 2019, the District held a public hearing and adopted Ordinance No. 2019-37 (“District Fire Code Ordinance”) adopting and amending the 2019 California Fire Code and appendices thereto; and

WHEREAS, the District has transmitted the District Fire Code Ordinance to the City for ratification, pursuant to Health & Safety Code Section 13869.7; and

WHEREAS, Health & Safety Code Section 13869.7 provides that the District Fire Code Ordinance will only take effect upon the City’s ratification of the District Fire Code Ordinance; and

WHEREAS, the City Council has examined the District Fire Code Ordinance and finds that it provides consistency in the application and enforcement of building and housing standards with an emphasis on local needs, and with the goal of protecting lives and property from fire damage; and

WHEREAS, the City Council desires to ratify the District Fire Code Ordinance; and

WHEREAS, the City Council desires to delegate the enforcement of the District Fire Code Ordinance to the District's Fire Official, or his or her authorized representative; and

WHEREAS, notice of a public hearing on this ordinance was published in the East Bay Times on July 14, 2020 and again on July 21, 2020; and

WHEREAS, the City Council introduced this ordinance and conducted a first reading of this ordinance on June 10, 2020; and

WHEREAS, the City Council held a public hearing on August 4, 2020, as required by law, at which time the Council determined that the adoption of the Fire Code and amendments thereto are in the best interest of the City and are based on the findings required by law; and

WHEREAS, the City Council has reviewed all written evidence and oral testimony presented to date on this matter.

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY FIND AS FOLLOWS:

Section 1. The above recitals are true and correct and hereby incorporated into this Ordinance.

Section 2. Purpose, Intent, and Findings

This ordinance is adopted by the City Council of the City of Clayton to adopt by reference the 2019 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2018 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions, and deletions that are necessary because of local climatic, geological, or topographical conditions, which are set forth in Exhibit A to this Ordinance and added to the Clayton Municipal Code as Chapter 15.09. As of the effective date of this Ordinance, the provisions of this Fire Code are controlling and enforceable within the limits of this jurisdiction and shall be enforced by the District and its Fire Official. Further, this Ordinance is adopted pursuant to Health and Safety Code Section 13869.7, and Government Code sections 50020 through 50022.10, based upon the findings set forth in attached Exhibit B, which are incorporated herein by reference.

Section 3. Amendments to Clayton Municipal Code

Chapter 15.09 of the Clayton Municipal Code is hereby amended and restated in its entirety as provided in Exhibit "A" attached hereto and incorporated herein by reference.

Section 4. Conflicting Ordinances Repealed

Any ordinance or part thereof, or regulations in conflict with the provisions of this Ordinance, are hereby repealed. The provisions of this Ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this Ordinance.

Section 5. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance, or the application thereof to any person or circumstances, is held to be unconstitutional or to be otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses of this Ordinance or application thereof which can be implemented without the invalid provisions, clause, or application, and to this end such provisions and clauses of the Ordinance are declared to be severable.

Section 6. CEQA

The City Council hereby determines that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3) because this activity is not a project as defined by Section 15378 of the CEQA Guidelines, and pursuant to Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, as it can be seen with certainty that this activity will not have a significant effect or physical change to the environment.

Section 7. Effective Date and Publication

This Ordinance shall become effective the later of thirty (30) days from and after its passage or upon the ratification and acceptance of the District Fire Code Ordinance by the California Department of Housing and Community Development pursuant to Health and Safety Code Section 13869.7(c). Within fifteen (15) days after the passage of the Ordinance, the City Clerk shall cause it to be posted in three (3) public places heretofore designated by resolution by the City Council for the posting of ordinances and public notices. Further, the City Clerk is directed to cause the amendments adopted in Section 3 of this Ordinance to be entered into the City of Clayton Municipal Code.

Section 8. Penalty for Violations

Any violation of this Ordinance shall be subject to applicable provisions of Clayton Municipal Code Section 1.20.010. Penalty for Violations - Infractions and Misdemeanors.

The foregoing Ordinance was introduced and first read at a regular noticed public meeting of the City Council of the City of Clayton held on June 10, 2020.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof following a public hearing held on August 4, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Julie Pierce, Mayor

ATTEST

Janet Calderon, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Fran Robustelli, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a noticed regular meeting of the City Council of the City of Clayton held on June 10, 2020 and was duly adopted, passed, and ordered posted at a regular meeting thereof following a public hearing of the City Council held on August 4, 2020.

Janet Calderon, City Clerk

Attachments:

Exhibit A: Amended Chapter 15.09 of the Clayton Municipal Code

Exhibit B: Findings for Adoption of Ordinance No. 490

CHAPTER 15.09

2019 CALIFORNIA FIRE CODE WITH AMENDMENTS

Sections:

- 15.09.001 Adoption.
- 15.09.002 Amendments
- 15.09.003 Repeal of 2016 Fire Code
- 15.09.004 References to Prior Code

15.09.001 Adoption.

The fire code of this City is the 2019 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2018 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions, and deletions set forth in this ordinance. The 2019 California Fire Code, with the changes, additions, and deletions set forth in this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of this Fire Code are controlling and enforceable within the City and shall be enforced by the Contra Costa Fire Protection District and its Fire Official.

15.09.002 Amendments.

The 2019 California Fire Code is amended by the changes, additions and deletions set forth in this chapter. Chapter and Section numbers used below are those of the 2019 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as "this code."

Section 102.1 is amended to add item 5, to read:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.62.

Section 105.6.4 is amended to read:

105.6.4 Carnivals, Fairs, Festivals and Exhibitions. A permit is required to operate a carnival, fair, festival, or exhibition.

Section 105.6.31 is amended to read:

105.6.31 Motor Fuel Dispensing Facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, including for sites that allow mobile fueling from a service provider to the general public.

Section 105.6 is amended by adding subsections 105.6.52 through 105.6.62, to read:

105.6.52 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3318.

105.6.53 Automobile Wrecking or Dismantling Yard. An operation permit is, required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

105.6.54 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.55 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.56 Emergency Responder Radio Coverage. A permit is required for facilities with Emergency Responder Radio Coverage Systems.

105.6.57 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

105.6.58 Model rockets. A permit is required to sell model rocket motors or launch model rockets (in excess of 3 launches per event) pursuant to California Code of Regulations, Title 19, Division 1, Article 17. Permits issued in accordance with this section are for the site, and are effective as long as site conditions have not changed.

105.6.59 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

105.6.60 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

105.6.61 Oil Extraction Process. A permit is required to operate a process that uses a volatile solvent or Liquid Carbon Dioxide to extract oil from organic material.



105.6.62 Indoor Growing Operation. A permit is required to operate an indoor growing operation.

Exception: Agricultural Greenhouses in an agricultural zone.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.31.

Section 105.7 is amended by adding Sections 105.7.26 through 105.7.31, to read:

105.7.26 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.27 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.28 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

105.7.29 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6 and/or the California Mechanical Code.

105.7.30 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.31 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.8 is added, to read:

105.8 Responsibility of permittee. Construction permits shall be presumed by the Fire District to incorporate all of the work that the applicant or the applicant's agent, employees, or contractors shall carry out. Work

performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 109.1 is amended to read:

109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 109.3 is deleted.

Section 110.4 is amended to read:

110.4 Violation penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 112.4 is amended to read:

112.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to that section:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement and administrative costs pursuant to Section 319.5 of this code.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass, or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Fire trail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Person. Includes individuals, firms, partnerships, and corporations.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes and/or amount of vegetation (native and ornamental), and/or other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet away from the structure, or to the property line, whichever is closer to the structure.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rubbish. Waste matter, litter, trash, refuse, debris, and dirt on streets or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Sprinkler Alarm and Supervisory System (SASS). A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area. For the purposes of this definition, areas of a building in which construction elements including walls and roof assemblies were demolished and rebuilt are considered new fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches, and/or leaves in contact with other vegetation or left to gather on the ground.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush



or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.

3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees, or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 321.

Section 304.3.5 is added, to read:

304.3.5 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct, and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4, Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 321 is added to Chapter 3, to read:

SECTION 321 Exterior Fire Hazard Control.

321.1 General.

321.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative, and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties, and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter, or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

321.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

321.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

321.2 Definitions. The following terms are defined in Chapter 2:

Cost of Abatement
Defensible Space
Person
Priority Hazard Zone
Reduced Fuel Zone
Rubbish
Streets
Weeds

321.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

321.4 Abatement of Hazard.

321.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

321.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

321.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

321.5 Abatement Procedures.

321.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and this Section 321. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to

mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map). You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

321.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

321.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

321.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of

Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

321.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

321.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 321.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 321.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

321.7 Subsurface Fires.

321.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

321.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter, or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this

jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 322 is added to Chapter 3, to read:

322 Automobile Wrecking Yards.

322.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

322.2 Definitions. The following terms are defined in Chapter 2:

Automobile Dismantling
Automobile Wrecking Yard

322.3 Requirements.

322.3.1 Permits. An operational fire code permit is required as in Section 105.6.53.

322.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

322.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires, and all other debris.

322.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms, or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

322.3.5 Fire Protection. Offices, storage buildings, and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

322.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

322.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

322.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

322.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

322.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

322.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems, and transmissions shall be kept available on site. Single-use plugs, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state, and local requirements.

322.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

322.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding, or drilling of any kind, is prohibited.

322.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401.5.1 is added, to read:

401.5.1 Nuisance Fire Alarm Fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.12.1 is amended to read:

403.12.1 Standby Personnel. Where, in the opinion of the fire code official or Fire Chief, it is essential for public safety in a place of assembly, or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or Fire Chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.12.1.1 and 403.12.1.2. Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

Chapter 5. Fire Service Features.

Section 503.1.4 is added, to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A driveway with a minimum width of 16 feet is acceptable for access to one or two single-family dwellings.

Section 505.3 is added, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2.3 is added, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Chapter 6. Building Services and Systems.

Section 603.6.6 is added, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the 2019 California Mechanical Code.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806.1.4 is added, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

Section 806.1.5 is added, to read:

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who

applied the flame retardant, the name of the person affixing the tag, a permit expiration date, and the name of the designated individual making daily tests.

Section 806.1.6 is added, to read:

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness in accordance with Section 806.1.3 and for adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2 is amended to read:

901.6.2 Records. Records of all system inspections, tests, and maintenance required by the reference standards shall be maintained in paper form or by a third party electronic record keeping service as chosen by the fire district.

Section 902 is amended to add:

Substantial Addition or Expansion

Section 903.2.1.1 is amended to read:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 is amended to read:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

Section 903.2.1.4 is amended to read:



903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.8 is added, to read:

903.2.1.8 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for new Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.
Exception: An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.
Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.
3. The Group E fire area has an occupant load of 300 or more.
4. In rooms or areas with special hazards such as laboratories, vocational shops, and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
5. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.
6. For public school state-funded construction projects, see Section 903.2.19.
7. For public school campuses, Kindergarten through 12th grade, see Section 903.2.20.

Section 903.2.4 is amended in its entirety, to read:

903.2.4 Group F

903.2.4.1 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.

3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeding 2,500 square feet (232 m²).

903.2.4.1.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m²) that generate finely divided combustible waste or use finely divided combustible materials. A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.

903.2.4.2 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

Section 903.2.8 is amended to read:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, including those located in mobile home parks.

Section 903.2.8.1.1 is added, to read:

903.2.8.1.1 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet.

Exception: If a sprinkler system is required by the local building department regardless of the size of the addition or expansion, a sprinkler system shall be installed in accordance with the appropriate standard.

Section 903.2.9 is amended to read:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeding 2,500 square feet (232 m²).

Section 903.2.9.1 is amended to read:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m²).

Section 903.2.10 is amended in its entirety, to read:

903.2.10 Group S-2.

903.2.10.1 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code where either of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet.
2. Where the enclosed parking garage is located beneath other occupancy groups.

903.2.10.2 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

903.3.10.3 Group S-2 low hazard storage. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

Exception: Open parking garages, including canopies and photovoltaic panel systems with open parking underneath, shall meet automatic

sprinkler system requirements in accordance with the 2019 California Building Code and 2019 California Fire Code without local amendment.

Section 903.3.1.1.3 is added, to read:

903.3.1.1.3 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.1.3 is amended to read:

903.3.1.3 Sprinkler Systems for One and Two family dwellings. Automatic sprinkler systems for one- and two- family dwellings shall be permitted to be installed in accordance with sections 903.3.1.3.1 through 903.3.1.3.3.

Sections 903.3.1.3.1, 903.3.1.3.2, and 903.3.1.3.3 are added, to read

903.3.1.3.1 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two- family dwellings, Group R-3 buildings, and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D as amended in Chapter 80.

903.3.1.3.2 California Residential Code Section R313. Automatic sprinkler systems shall be permitted to be installed in accordance with California Residential Code section R313.

903.3.1.3.3 Pipe limitations. Where CPVC pipe is installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added, to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

903.3.9. Floor control valves. Individual floor control valves and water-flow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Sections 903.6.1 and 903.6.2 are added, to read:

903.6.1 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs and the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.1.1

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). Group R-3 occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added, to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.6.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms, and locker rooms.
2. Corridors, hallways, and aisles with shelving and/or fixtures obstructing the required light intensity for that area.

3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies.
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.6 is amended to read:

907.6.6 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL-listed central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One- and two-family dwellings.
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.6 is added, to read:

907.8.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.6.1 is added, to read:

907.8.6.1 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within three feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1028.5.1 is added, to read:

1028.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety During Construction and Demolition.

Section 3301.3 is added, to read:

3301.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 3318 is added, to read:

Section 3318 Asbestos removal.

3318.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

Exception: Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3318.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3318.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3318.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas, and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 nun) high.

Chapter 50. Hazardous Materials — General Provisions.

Section 5001.5.3 is added, to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1.2 is added, to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56. Explosives and Fireworks.

Section 5601.1.3 is amended to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the jurisdiction of the District.

Exceptions:

1. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience, pyrotechnic special effects in motion pictures, television, theatrical, or group entertainment productions as allowed by Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and the Health and Safety Code Division 11.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read:

5601.9 Sale and retail display. No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the jurisdiction.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.4 is amended as follows:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial

judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: Fireworks in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6. See Section 5608.

Section 5601.9 is added, to read:

5601.9 Prohibited and Limited Acts. The storage of explosive materials is prohibited in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with California Fire Code Section 5601.8.

Chapter 57. Flammable and Combustible Liquids.

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 58. Flammable Gases and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with Section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A, Group B, or Group M occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards.

Chapter 80 is amended by adding the following referenced standards:

NFPA 3 (2015): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems

NFPA 850 (2015): Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations

Chapter 80 is further amended by amending the NFPA 13D (2016) (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added, to read:

7.7.1 Where CPVC pipe is installed above the normal insulation in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Appendix B. Fire-Flow Requirements for Buildings.

Table B105.2 is amended to read:

TABLE B105.2

Required Fire-Flow for Buildings Other Than One- and Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE-FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1 (2)*	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2)*	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3,785 L/m

- a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Section B105.2 is amended by amending the exception to read:

Exceptions:

1. Group B, S-2, and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:
 - 1.1. California State Parks buildings of an accessory nature (restrooms).
 - 1.2. Safety roadside rest areas, (SRRA), public restrooms.
 - 1.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
 - 1.4. Sand/salt storage buildings, storage of sand and salt.
2. A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

TABLE C102.1j

The heading of the fourth column of Table C102.1 is amended to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT";g"

Footnotes "i" and "j" are added to Table C102.1, to read:

- i. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- j. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads.

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted.

Section D103.2 is amended to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be 1/2 inch (13 mm) wide by 1/2 inch (13 mm) deep and 1 1/2 inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added, to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is amended to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a

minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

Table D103.4 is amended to read:

Table D103.4

**REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

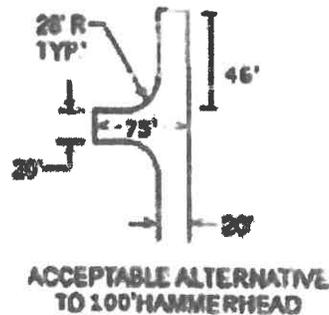
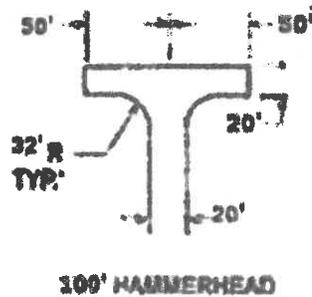
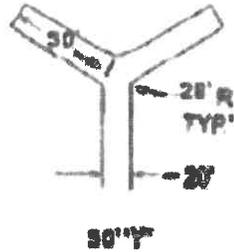
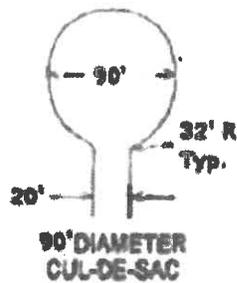
LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 — 150	20 ^a	None required
151 — 750	20 ^a	100-foot Hammerhead, 50-foot "Y", 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family Dwellings
- b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8-foot-wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:

Figure D103.1

Dead-end Fire Apparatus Access Road Turnaround



Section D103.5 is amended as follows:

Criteria 1 of Section D103.5 is amended to read:

1. The minimum clear width shall be 20 feet (6096mm).

Exception: For access to one or two single-family dwellings, 16 feet clear width is acceptable.

Criteria 9 is added to Section D103.5, to read:

9. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a fire lane.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D106.1 is amended by deleting the exception and to read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be provided with two separate and

approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

15.09.003 Repeal of 2016 Fire Code.

The 2016 California Fire Code with amendments, previously set forth in this Chapter 15.09 of the Clayton Municipal Code and enforced by the City of Clayton in association with the Contra Costa Fire Protection District, is hereby repealed.

15.09.004 References to Prior Code.

Unless superseded and expressly repealed by this ordinance, references in Fire District forms, documents, and regulation to the chapters and sections of the 2016 Fire Code of the City of Clayton shall be construed to refer to the corresponding chapters and sections of the 2019 Fire Code of the City of Clayton.

CONTRA COSTA COUNTY, CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT,
AND CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT
FINDINGS IN SUPPORT OF AMENDMENTS TO THE 2016 CALIFORNIA BUILDING
STANDARDS CODE, TITLE 24, PART 9, CALIFORNIA FIRE CODE

The California Building Standards Commission has adopted and published the 2016 California Fire Code. The purpose of the code is to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises.

Health and Safety Code section 17958.5 and 18941.5 authorize a local jurisdiction to modify or change the statewide codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological, or topographical conditions.

Ordinance No. 2016-23 adopts the 2016 California Fire Code and amends it to address local conditions. Pursuant to Sections 17958.5 and 17958.7 of the Health and Safety Code, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, finds that the more restrictive standards contained in Ordinance No. 2016-23 are reasonably necessary because of certain local climatic, geological, and topographic conditions that are described below.

Local Conditions

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush, and weeds, which are often near buildings with wood roofs and sidings. Such



dryness causes these materials to ignite very readily and burn rapidly and intensely.

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks, and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 90° range, with average maximums of 105° F.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass, and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. Winds

(a) Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass, and brush can grow to a magnitude and be fanned

to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. When such fires are not controlled, they can extend to nearby buildings; particularly those with untreated wood shakes or shingles. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

B. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

The fire environment of a community is primarily a combination of two factors: the area's physical geologic characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area's fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights; the Central, which includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton, and the communities of Clyde, Pacheco, Alhambra



Valley, and Alamo; and the East, which includes the Cities of Antioch and Pittsburg and the community of Bay Point.

Because of the size of the Contra Costa County Fire Protection District (304 Square miles), the characteristics of the fire environment changes from one location to the next. Therefore the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings, and major downtown areas.

Interstates 80 and 680, State Highways 4, 24, and 242, Bay Area Rapid Transit District (BART), and major thoroughfares travel throughout the District. There are 2 major rail lines which run through the District. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems, and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

(b) Impact

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing

subdivisions. Many of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable.

3. Topographic

(a) Conditions

(i) Vegetation

The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys, and ridge lands of the District.

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

(ii) Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets, and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

(iii) Buildings, Landscaping and Terrain

Many of the "newer" large buildings and building complexes have access and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire District vehicles create an adverse impact on fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying,

misdirecting, or making fire and smoke control efforts unsuccessful.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Contra Costa County Fire Protection District. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may intensify the situation:

1. The extent of damage to the water system.
2. The extents of isolation due to bridge and/or freeway overpass collapse.
3. The extent of roadway damage and/or amount of debris blocking the roadways.
4. Climatic conditions (hot, dry weather with high winds).
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours.
6. The availability of timely mutual aid or military assistance.
7. The large portion of dwellings with wood shake or shingles coverings could result in conflagrations.

Necessity for More Restrictive Standards

Because of the conditions described above, the Contra Costa County Board of Supervisors, in its capacity as the Board of Supervisors and the Board of Directors of the Contra Costa County Fire Protection District and the Crockett-Carquinez Fire Protection District, finds that there are building and fire hazards unique to Contra Costa County that requires the increased fire protection requirements set forth in Ordinance No. 2016-23.

The ordinance amends Chapter 1 (Scope and Administration) of the statewide Fire Code by requiring a permit for certain activities and operations that pose fire hazards. The ordinance amends the statewide Fire Code by incorporating into Chapter 3 (General Precautions Against Fire) the fire districts' existing weed abatement program that authorizes the fire districts to declare certain weeds that pose a fire hazard as a public nuisance and to abate those weeds. The ordinance amends Chapter 4 of the statewide Fire Code (Emergency Planning and Preparedness) to require standby EMS personnel for large events as well as standby fire personnel to account for the fact that the fire district is both the local fire and EMS provider. The ordinance amends the statewide Fire Code by reducing the square footage thresholds found in Chapter 9 (Fire Protection Systems) for installation of automatic fire sprinkler systems in most commercial buildings and in private and charter schools. The ordinance amends Chapter 5 (Fire Service Features) and Appendix D (Fire Apparatus Access Roads) of the statewide Fire Code to establish requirements for fire apparatus access roads.

ORDINANCE NO. 2019-37

FIRE CODE

ORDINANCES OF THE COUNTY OF CONTRA COSTA, THE CROCKETT-CARQUINEZ FIRE PROTECTION DISTRICT, AND THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT ADOPTING THE 2019 CALIFORNIA FIRE CODE WITH AMENDMENTS.

The Contra Costa County Board of Supervisors, as the Board of Supervisors for Contra Costa County and as the Board of Directors of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District, ordains as follows:

SECTION 1. ADOPTION OF THE CALIFORNIA FIRE CODE.

Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District hereby adopt the 2019 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2018 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions, and deletions set forth in this ordinance. The 2019 California Fire Code, with the changes, additions, and deletions set forth in this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of the fire code are controlling and enforceable within the limits of each jurisdiction.

SECTION 2. AMENDMENTS TO THE CALIFORNIA FIRE CODE.

The 2019 California Fire Code is amended by the changes, additions, and deletions set forth in this Section 2. Chapter and Section numbers used below are those of the 2019 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as "this code."

Section 102.1 is amended to add item 5, to read:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.62.

Section 105.6.4 is amended to read:

105.6.4 Carnivals, Fairs, Festivals and Exhibitions. A permit is required to operate a carnival, fair, festival, or exhibition.

Section 105.6.31 is amended to read:

105.6.31 Motor Fuel Dispensing Facilities. An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, including for sites that allow mobile fueling from a service provider to the general public.

Section 105.6 is amended by adding subsections 105.6.52 through 105.6.62, to read:

105.6.52 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3318.

105.6.53 Automobile Wrecking or Dismantling Yard. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

105.6.54 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.55 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.56 Emergency Responder Radio Coverage. A permit is required for facilities with Emergency Responder Radio Coverage Systems.

105.6.57 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

105.6.58 Model rockets. A permit is required to sell model rocket motors or launch model rockets (in excess of 3 launches per event) pursuant to California Code of Regulations, Title 19, Division 1, Article 17. Permits issued in accordance with this section are for the site, and are effective as long as site conditions have not changed.

105.6.59 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

105.6.60 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

105.6.61 Oil Extraction Process. A permit is required to operate a process that uses a volatile solvent or Liquid Carbon Dioxide to extract oil from organic material.

105.6.62 Indoor Growing Operation. A permit is required to operate an indoor growing operation.
Exception: Agricultural Greenhouses in an agricultural zone.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.31.

Section 105.7 is amended by adding Sections 105.7.26 through 105.7.31, to read:

105.7.26 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.27 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.28 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

105.7.29 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6 and/or the California Mechanical Code.

105.7.30 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.31 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.8 is added, to read:

105.8 Responsibility of permittee. Construction permits shall be presumed by the Fire District to incorporate all of the work that the applicant or the applicant's agent, employees, or contractors shall carry out. Work performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

Section 109.1 is amended to read:

109.1 Board of appeals established. In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 109.3 is deleted.

Section 110.4 is amended to read:

110.4 Violation penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or

permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 112.4 is amended to read:

112.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions.

Section 202 is amended by adding the following definitions to that section:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement and administrative costs pursuant to Section 319.5 of this code.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass, or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Fire trail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Person. Includes individuals, firms, partnerships, and corporations.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes and/or amount of vegetation (native and ornamental), and/or other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet away from the structure, or to the property line, whichever is closer to the structure.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Rubbish. Waste matter, litter, trash, refuse, debris, and dirt on streets or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Sprinkler Alarm and Supervisory System (SASS). A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area. For the purposes of this definition, areas of a building in which construction elements including walls and roof assemblies were demolished and rebuilt are considered new fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches, and/or leaves in contact with other vegetation or left to gather on the ground.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees, or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 321.

Section 304.3.5 is added, to read:

304.3.5 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct, and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4, Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 321 is added to Chapter 3, to read:

SECTION 321 Exterior Fire Hazard Control.

321.1 General.

321.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative, and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties, and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter, or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

321.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

321.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

321.2 Definitions. The following terms are defined in Chapter 2:

Cost of Abatement
Defensible Space
Person
Priority Hazard Zone
Reduced Fuel Zone
Rubbish
Streets
Weeds

321.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

321.4 Abatement of Hazard.

321.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

321.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

321.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed, or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

321.5 Abatement Procedures.

321.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and this Section 321. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be

headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

321.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

321.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

321.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the

amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

321.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

321.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 321.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 321.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

321.7 Subsurface Fires.

321.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

321.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter, or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 322 is added to Chapter 3, to read:

322 Automobile Wrecking Yards.

322.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

322.2 Definitions. The following terms are defined in Chapter 2:

Automobile Dismantling
Automobile Wrecking Yard

322.3 Requirements.

322.3.1 Permits. An operational fire code permit is required as in Section 105.6.53.

322.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

322.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires, and all other debris.

322.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms, or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

322.3.5 Fire Protection. Offices, storage buildings, and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

322.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

322.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

322.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

322.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

322.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

322.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems, and transmissions shall be kept available on site. Single-use plugs, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state, and local requirements.

322.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

322.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding, or drilling of any kind, is prohibited.

322.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401.5.1 is added, to read:

401.5.1 Nuisance Fire Alarm Fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.12.1 is amended to read:

403.12.1 Standby Personnel. Where, in the opinion of the fire code official or Fire Chief, it is essential for public safety in a place of assembly, or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or Fire Chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.12.1.1 and 403.12.1.2. Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

Chapter 5. Fire Service Features.

Section 503.1.4 is added, to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A driveway with a minimum width of 16 feet is acceptable for access to one or two single-family dwellings.

Section 505.3 is added, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2.3 is added, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Chapter 6. Building Services and Systems.

Section 603.6.6 is added, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the 2019 California Mechanical Code.



Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806.1.4 is added, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

Section 806.1.5 is added, to read:

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date, and the name of the designated individual making daily tests.

Section 806.1.6 is added, to read:

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness in accordance with Section 806.1.3 and for adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2 is amended to read:

901.6.2 Records. Records of all system inspections, tests, and maintenance required by the reference standards shall be maintained in paper form or by a third party electronic record keeping service as chosen by the fire district.

Section 902 is amended to add:

Substantial Addition or Expansion

Section 903.2.1.1 is amended to read:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Section 903.2.1.3 is amended to read:

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

Section 903.2.1.4 is amended to read:

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.8 is added, to read:

903.2.1.8 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.3 is amended to read:

903.2.3 Group E. An automatic sprinkler system shall be provided for new Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.
Exception: An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.
Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.
3. The Group E fire area has an occupant load of 300 or more.
4. In rooms or areas with special hazards such as laboratories, vocational shops, and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
5. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.
6. For public school state-funded construction projects, see Section 903.2.19.
7. For public school campuses, Kindergarten through 12th grade, see Section 903.2.20.

Section 903.2.4 is amended in its entirety, to read:

903.2.4 Group F

903.2.4.1 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeding 2,500 square feet (232 m²).

903.2.4.1.1 Woodworking operations. An automatic sprinkler system shall be provided throughout all Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 square feet in area (232 m²) that generate finely divided combustible waste or use finely divided combustible materials. A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.

903.2.4.2 Group F-2. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m²).
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

Section 903.2.8 is amended to read:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, including those located in mobile home parks.

Section 903.2.8.1.1 is added, to read:

903.2.8.1.1 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet.

Exception: If a sprinkler system is required by the local building department regardless of the size of the addition or expansion, a sprinkler system shall be installed in accordance with the appropriate standard.

Section 903.2.9 is amended to read:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet.
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeding 2,500 square feet (232 m²).

Section 903.2.9.1 is amended to read:

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.
3. Buildings with repair garages servicing vehicles parked in basements.
4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m²).

Section 903.2.10 is amended in its entirety, to read:

903.2.10 Group S-2.

903.2.10.1 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code where either of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet.
2. Where the enclosed parking garage is located beneath other occupancy groups.

903.2.10.2 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

903.3.10.3 Group S-2 low hazard storage. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

Exception: Open parking garages, including canopies and photovoltaic panel systems with open parking underneath, shall meet automatic sprinkler system requirements in accordance with the 2019 California Building Code and 2019 California Fire Code without local amendment.

Section 903.3.1.1.3 is added, to read:

903.3.1.1.3 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.1.3 is amended to read:

903.3.1.3 Sprinkler Systems for One and Two family dwellings. Automatic sprinkler systems for one- and two- family dwellings shall be permitted to be installed in accordance with sections 903.3.1.3.1 through 903.3.1.3.3.

Sections 903.3.1.3.1, 903.3.1.3.2, and 903.3.1.3.3 are added, to read

903.3.1.3.1 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two- family dwellings, Group R-3 buildings, and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D as amended in Chapter 80.

903.3.1.3.2 California Residential Code Section R313. Automatic sprinkler systems shall be permitted to be installed in accordance with California Residential Code section R313.

903.3.1.3.3 Pipe limitations. Where CPVC pipe is installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added, to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

903.3.9. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies.

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Sections 903.6.1 and 903.6.2 are added, to read:

903.6.1 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs and the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.1.1

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). Group R-3 occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added, to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.6.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms, and locker rooms.
2. Corridors, hallways, and aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies.
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.6 is amended to read:

907.6.6 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL-listed central station is not required for:

1. Single- and multiple-station smoke alarms required by Section 907.2.10.
2. Group I-3 occupancies shall be monitored in accordance with Section 907.2.6.3.
3. Residential Day Care Facilities (occupancy load of 14 or less).
4. One- and two-family dwellings.
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.6 is added, to read:

907.8.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.6.1 is added, to read:

907.8.6.1 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within three feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1028.5.1 is added, to read:

1028.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety During Construction and Demolition.

Section 3301.3 is added, to read:

3301.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 3318 is added, to read:

Section 3318 Asbestos removal.

3318.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

Exception: Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3318.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3318.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3318.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas, and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being

removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 50. Hazardous Materials – General Provisions.

Section 5001.5.3 is added, to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1.2 is added, to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56. Explosives and Fireworks.

Section 5601.1.3 is amended to read:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the jurisdiction of the District.

Exceptions:

1. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience, pyrotechnic special effects in motion pictures, television, theatrical, or group entertainment productions as allowed by Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and the Health and Safety Code Division 11.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read:

5601.9 Sale and retail display. No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the jurisdiction.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.4 is amended as follows:

5601.2.4 Financial responsibility. Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Exception: Fireworks in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6. See Section 5608.

Section 5601.9 is added, to read:

5601.9 Prohibited and Limited Acts. The storage of explosive materials is prohibited in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with California Fire Code Section 5601.8.

Chapter 57. Flammable and Combustible Liquids.

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 58. Flammable Gases and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with Section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A, Group B, or Group M occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

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6104.2 Maximum capacity within established limits: The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards.

Chapter 80 is amended by adding the following referenced standards:

NFPA 3 (2015): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems

NFPA 850 (2015): Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations

Chapter 80 is further amended by amending the NFPA 13D (2016) (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added, to read:

7.7.1 Where CPVC pipe is installed above the normal insulation in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

8.3.5.1.2 Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Appendix B. Fire-Flow Requirements for Buildings.

Table B105.2 is amended to read:

TABLE B105.2
Required Fire-Flow for Buildings Other Than One- and Two-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses

AUTOMATIC SPRINKLER SYSTEM (DESIGN STANDARD)	MINIMUM FIRE-FLOW (GALLONS PER MINUTE)	FLOW DURATION (HOURS)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate

Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
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For SI: 1 gallon per minute = 3.785 L/m

- a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Section B105.2 is amended by amending the exception to read:

Exceptions:

1. Group B, S-2, and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:
 - 1.1. California State Parks buildings of an accessory nature (restrooms).
 - 1.2. Safety roadside rest areas, (SRRA), public restrooms.
 - 1.3. Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.
 - 1.4. Sand/salt storage buildings, storage of sand and salt.
2. A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

TABLE C102.1^j

The heading of the fourth column of Table C102.1 is amended to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT^{d,f,g,i}

Footnotes “i” and “j” are added to Table C102.1, to read:

- i. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- j. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads.

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33 566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted.

Section D103.2 is amended to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added, to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is amended to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

Table D103.4 is amended to read:

**Table D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20 ^a	None required
151 – 750	20 ^a	100-foot Hammerhead, 50-foot “Y”, 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.

- b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8-foot-wide turnout that extends at least 40 feet in length.

///
///
///
///

Figure D103.1 is amended to read:

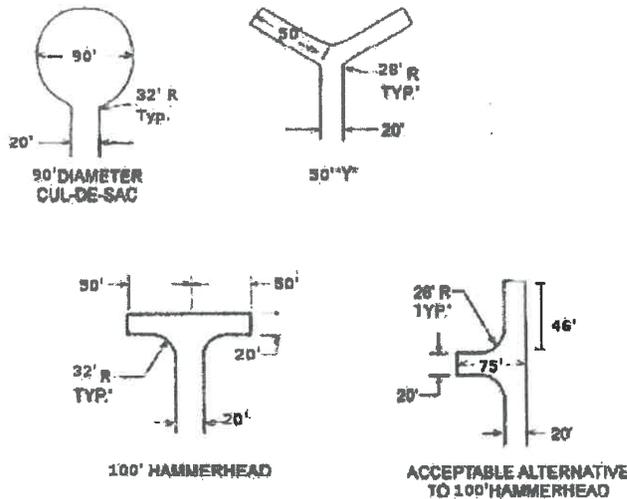


Figure D103.1

Dead-end Fire Apparatus Access Road Turnaround

Section D103.5 is amended as follows:

Criteria 1 of Section D103.5 is amended to read:

1. The minimum clear width shall be 20 feet (6096mm).
Exception: For access to one or two single-family dwellings, 16 feet clear width is acceptable.

Criteria 9 is added to Section D103.5, to read:

9. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a fire lane.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a fire lane.

Section D106.1 is amended by deleting the exception and to read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be provided with two separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

SECTION 3. REPEAL OF FIRE CODE.

Ordinance No. 2016-23, adopting the 2016 California Fire Code with amendments, is hereby repealed.

SECTION 4. REFERENCES TO PRIOR CODE.

Unless superseded and expressly repealed, references in City forms, documents, and regulations to the chapters and sections of the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2016, shall be construed to apply to the corresponding provisions contained within the Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, 2019. Ordinance 2016-23 and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

SECTION 5. VALIDITY.

The Contra Costa County Board of Supervisors declares that if any section, paragraph, sentence, or word of this ordinance or of the 2019 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

SECTION 6. MORE RESTRICTIVE REQUIREMENTS.

If requirements more restrictive than those in this fire code are adopted by the city of Antioch, Clayton, Concord, Lafayette, Martinez, Pittsburg, Pleasant Hill, San Pablo, or Walnut Creek, or the County of Contra Costa, those requirements will apply only within the jurisdiction adopting those requirements.

SECTION 7. EFFECTIVE DATE.

This ordinance becomes effective on January 1, 2020 or 30 days after passage, whichever is later. Within 15 days of passage, this ordinance shall be published once in the East Bay Times, a newspaper published in this County. This ordinance shall be published in a manner satisfying the requirements of Government Code Section 25124, with the names of supervisors voting for and against it.

ORDINANCE NO. 2019-37

Passed on December 17 2019, by the following vote:

AYES: Gioia, Andersen, Burgis, Mitchoff, Glover

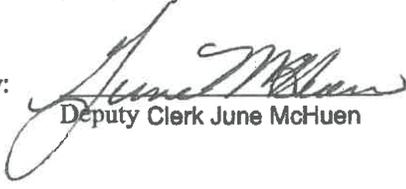
NOES: None

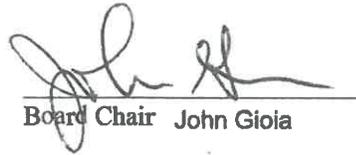
ABSENT: None

ABSTAIN: None

ATTEST: David Twa,
Clerk of the Board of Supervisors
and County Administrator

By:


Deputy Clerk June McHuen


Board Chair John Gioia

[SEAL]

KCK:

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MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

July 21, 2020

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 8:17 p.m. by Chairperson Jeff Wan. Board Members present: Chairperson Wan, Vice Chair Diaz, Board Members Catalano, Pierce and Wolfe. Board Members absent: None. Staff present: Assistant to the City Manager Laura Hoffmeister, GHAD District Manager Scott Alman, General Legal Counsel Mala Subramanian, and Secretary Janet Calderon.

2. **PUBLIC COMMENTS** – None.

3. **CONSENT CALENDAR** – It was moved by Board Member Pierce, seconded by Vice Chair Diaz, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

(a) Approved the Board of Directors' minutes for its regular meeting on June 16, 2020.

4. **PUBLIC HEARINGS**

(a) Noticed Public Hearing to consider the Geological Hazard Abatement District (GHAD) proposed real property tax assessments for Fiscal Year 2020-2021.

Assistant to the City Manager Laura Hoffmeister recommended this item be continued to August 4, 2020.

Chair Wan opened this item to public comment; no public comments were offered.

It was moved by Board Member Pierce, seconded by Board Member Wolfe to continue this item to August 4, 2020. (Passed; 5-0).

5. **ACTION ITEMS** – None.

7. **BOARD ITEMS**

Board Member Pierce requested an update to changes in activity on Kelok Way (piezometer and inclinometer readings) activity.

Chair Wan request for a list be brought back specifying how the funds are being used; as previously requested.

8. **ADJOURNMENT** - on call by Chairperson Wan the Board meeting adjourned at 8:21 p.m.

#

Respectfully submitted,

Janet Calderon, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

Jeff Wan, Chairperson



Agenda Date: 8-4-2020

Agenda Item: 4a GHAD

GHAD STAFF REPORT

TO: HONORABLE CHAIRPERSON AND BOARD MEMBERS

FROM: SCOTT D. ALMAN, P.E., DISTRICT GENERAL MANAGER

DATE: AUGUST 04, 2020

SUBJECT: RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING REAL PROPERTY ASSESSMENTS IIN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT FOR FY 2020-21

RECOMMENDATION

The General Manager recommends the GHAD Board of Directors open the Public Hearing, receive real property owners' comments on the 2020-21 GHAD Budget and proposed annual 1.1% Consumer Price Index adjustment, close the Public Hearing, and then take Board action to adopt the attached Resolution.

BACKGROUND

In April of 2000, the property owners within the boundaries of the Oakhurst Geological Hazard Abatement District (GHAD) approved, by ballot measure, an annual District budget to cover routine maintenance, geological monitoring and the annual operational needs of this District. The ballot measure also approved annual assessments to fund the budget as well as the specific method and formula to be utilized to spread the real property assessments to the differing geographical areas within the District and varying housing types within the District. As shown in the Annual Budget Report and attached Resolution, a benefit allocation has been determined that establishes three areas and three categories of benefit. The Areas are as follows:

- Area 1 Lower 6000's, Duets, lower Townhouses (25% of total budget)
- Area 2 Upper 6000's and 8000's, upper Townhouses (50% of total budget)
- Area 3 10000's. (25% of total budget)

The three categories of benefit are as follows:

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

The different assessment values based on these categories of benefit are shown in the table in the accompanying Resolution.

The ballot measure further included an annual adjustment to the assessment to allow the District's budget and finances to keep pace with the economic variables over time. This annual adjustment is based on changes in the Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco-Oakland-Hayward region. The San Francisco-Oakland-Hayward, region is comprised of Alameda, Contra Costa, Marin, San Francisco and San Mateo Counties. The annual adjustment in the CPI-U for this region between April of 2019 and April of 2020 (the sampling period approved by the ballot measure) is +1.1%.

Adhering to the requirements of Proposition 218, any revision to the approved District boundary, budget, approved assessment method and formula and/or the approved index that governs adjustment to the District finances requires an affirmative ballot vote of the homeowners within the District boundaries. So long as the District maintains these originally-approved parameters, the pre-authorized annual financial adjustment is not subject to a Prop. 218 vote of the homeowners. The only requirement of the Board is to hold a public hearing prior to taking any Board action regarding the annual assessments. The express purpose of this Public Hearing is to accept and consider input on whether the annual CPI adjustment should be applied to this fiscal year's GHAD assessments.

This Geological Hazard Abatement District was originally formed by the property owners of Oakhurst to provide a means to protect public infrastructure from future damage due to geologic hazards, and to provide a fiscal means to repair or replace public infrastructure that may become damaged or destroyed by a future geologic hazard event. The mission of the District is not to insure private property as that matter is covered by private homeowner's insurance policies for the individual homes and structures as purchased by the individual property owners.

The public infrastructure within the GHAD includes public streets, public open spaces and a number of pieces of monitoring equipment and drainage facilities to facilitate removal of naturally occurring ground water in the earthen fill. As stated above, the GHAD exists to protect public infrastructure and provide a financial means to make necessary repairs if infrastructure sustains damage by geotechnical activity. Examples of this occurrence are the Ahwanee Lane at Miwok intersection and the cu-de-sac bulb at the end of Kelok. Ahwanee is the subject of this year's GHAD repair project. The GHAD will continue to monitor the Kelok fill and slope until the GHAD has accrued sufficient funding to be able to address the required repairs.

In order to monitor the GHAD for geotechnical movement, there are four slope inclinometer tubes installed in both the Kelok (2) and Pebble Beach (2) slope areas of the GHAD. The GHAD uses inclinometers to monitor earth movement. Monitoring is performed on an annual basis to track minor geotechnical movements (slope creep). Two of the inclinometer casings are damaged (crimped at a deep level) and in need of replacement, one each in Kelok and Pebble Beach. The crimping of the inclinometer tubes at deep levels shows that there is still some amount of active geotechnical movement within the fill and the slope. Replacement of these inclinometer casings are prioritized as No. 2 and 3 on the GHAD

project list to be accomplished once sufficient funding has been accrued. The inclinometers are budgeted at \$35,000 and \$42,000 respectively based on difficulty of installation.

An inventory of the different types of slope and geologic monitoring equipment used in the GHAD includes the following:

- Kelok area between Kelok Way and Golden Eagle Place
 - o 2 ea. slope inclinometer tubes installed in the Kelok area in November of 2002. The first, designated as B-1 is located on the downslope projection of the lot 8004 & 8006 Kelok Way property line approximately halfway between the toe of slope and the mid-slope bench. B-1 is installed to a depth of 120-feet. The second, designated as B-2, installed in the pavement of Kelok Way approximately 8-feet from the face of curb at the projection of lot 8010 & 8012 Kelok Way property line. B-2 is installed to a depth of 64-feet.
 - o 6 ea. 110' deep, 2" diameter dewatering wells located in Kelok Way with 6 connecting horizontal drains that connect each well to one drain inlet box behind the cul-de-sac bulb on Golden Eagle Place. The drain box connects to the storm drain system in Golden Eagle to drain the ground water away. These wells and horizontal drains reduce the water pressure in the earthen fill that causes the soil movement. The wells and horizontal drains were installed by Engineered Soil Repair, Inc. in 2012.
 - o 16 ea. Piezometers located in the slide repair and repaired slope above Clayton Road as a part of the repaired landslides that occurred during the El Nino storms of the late 90's.
- Pebble Beach area of Peacock Creek
 - o 2 ea. slope inclinometer tubes. The first, designated as SI-1, installed in the pavement of Pebble Beach Drive in front of 1031 Pebble Beach Drive. SI-1 is 60-feet deep. The second, designated as SI-2, is located on the downslope approximately at the mid-slope. SI-2 is a total depth of 125-feet. SI-2 is pinched at a depth of 71-feet.
- Debris Basins
 - o Windmill Canyon Drive and Crow place debris basin – Large graded earthen basins placed at the bottom of a storm water catchment area to gather storm run-off and trap debris in the basin preventing it from continuing downstream and impacting housing areas.

There are multiple sites (see attached map) targeted for permanent restoration throughout the GHAD. These sites designated as having some geotechnical defect will require correction in the future. All of the known sites are currently out of reach of the GHAD financially. These sites include:

- Crow Canyon Debris Basin
- Windmill Canyon Drive Debris Basin
- 5112 Keller Ridge Drive
- Antelope & Tushytak Courts

- Saclan Terrace (HOA Reimburse)
- Clayton Road Landslides

At the District's June 16th meeting, the Board of Director's took action to approve the FY 2020-21 District budget, set July 21st as the date for the Public Hearing regarding the FY 2020-21 annual assessments and ordered the notice of the public hearing to be distributed to all homeowners within the GHAD boundaries. On June 19, 2020, 1,594 public notices were mailed to GHAD property homeowners via U.S. Mail. On July 21st the public hearing regarding the annual GHAD assessment was opened and continued to August 4th. A courtesy notice (attached) was mailed to each of the homeowners stating that the public hearing had ben continued and that the Annual Budget Report, correctly dated June 3, 2020 is available on the GHAD webpage of the City's website.

INQUIRIES RECEIVED FOLLOWING PUBLIC NOTICE

One objection, with multiple questions, to the Oakhurst Geological Hazard Abatement District annual assessment has been received from Mr. Joe Beaty. The District General Counsel, Mala Subramanian of BB&K responded to Mr. Beaty's inquiry and determined that Mr. Beaty's objection does not fall under the requirements of Prop. 218. This is the same information that has been provided to Mr. Beaty last year and several years previous when he made the same objection and inquiry.

ANNUAL MAINTENANCE ACTIVITIES AND LONG-TERM REPAIR/REPLACEMENT

The annual assessments fund several annual maintenance activities as well as long-term repairs or replacement of infrastructure based on the ability to save funds and build up a large enough financial reserve to fund these larger and more expensive projects. Upcoming repairs currently budgeted for FY 2019-20 include repair of the street, curb, gutter and sidewalk at the intersection of Miwok and Ahwanee. This defect has been present for 2-years and the District has been saving money to be able to address the issue. Correction of the defects at this intersection will supersede the planned expenditure to replace the 2 slope inclinometers at Pebble Beach and Kelok as has been previously anticipated. Funds originally planned for the inclinometer replacements was redirected to the street repair work. The replacement of the damaged inclinometers will be pushed further out until additional District funds can be accrued to pay for the replacements. Additionally, a portion of the Kelok cul-de-sac is showing additional movement and settlement. This will eventually have to also be addressed but with competing issues, saving additional funding to address Kelok will be years-off.

FISCAL IMPACT

The proposed FY 2020-21 GHAD Budget shows total annual expenditure of \$97,083 against a beginning balance of \$53,633 and annual revenue (assessment plus interest earned) of \$43,450. Revenue also includes the \$469.75 that represents the 1.1% CPI adjustment for FY 2020-21. Proposed expenditures include all operating costs for the District as well as a budget amount of \$63,193 of project expenditures to address the street repair at Ahwanee and Miwok.

The installation of a new slope inclinometer to replace current inclinometer #CSA-SI4 (which experienced casing deformation at a depth of 52 feet and can no longer be read

below that depth) has been indefinitely postponed along with replacement of a second slope inclinometer in the Pebble Beach Drive area. The costs to replace these two inclinometers is estimated to be in excess of \$90,000, including contingency and project management.

If this Resolution is not approved as proposed, the Oakhurst Geological Hazard Abatement District (GHAD) cannot impose or collect the proposed CPI increase in the base assessments for FY 2020-21. Should the Board determine not to order the full CPI increase or a lesser amount, a Resolution imposing the previously-approved GHAD assessments from FY 2019-20 should be adopted for levy in FY 2020-21.

CONCLUSION

Based on the information provided above, the General Manager recommends the Board of Directors approve this Resolution ordering improvements and confirming GHAD assessments for FY 2020-21.

Attachments: Resolution No. 01-2020 confirming Assessments [3 pp.]
Notice of Assessment mailed [2 pp.]
Courtesy Public Hearing Notice mailed [1 pp.]
FY 2020-2021 Budget Report [6 pp.]
Map showing housing types [1 pp.]
Current 2020 City Attorney correspondence with GHAD resident Joe Beaty [2 pp.]
Previous 2018 City Attorney correspondence with GHAD resident Joe Beaty [5 pp.]
Oakhurst GHAD Sites Targeted for Permanent Restoration [2 pp.]

GHAD RESOLUTION NO. 02 - 2020

**A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING
REAL PROPERTY ASSESSMENTS FOR FISCAL YEAR 2020-21**

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

WHEREAS, by adoption of Resolution No. 01-2020 the Board of Directors of the Oakhurst Geological Hazard Abatement District (GHAD) approved the District's Budget, declared its intention to levy and collect real property assessments for fiscal year 2020-21, and set a public hearing thereon for July 21, 2020, at the regular meeting place of the Board of Directors; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 01-2020 was duly given as required by the provisions of Division 17, Chapter 6 of the Public Resources Code (Section 26650 et seq.); and

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

WHEREAS, on July 21, 2020, the Board of Directors held and then continued the noticed public hearing on the proposed real property assessment for the fiscal year 2020-21 to August 4, 2020 GHAD meeting and heard and considered all oral statements and written communications made and filed thereon by interested persons;

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

1. The Board of Directors hereby orders the improvements as set forth in the District's Budget, dated May 01, 2019, and confirms the real property assessments as recommended by the General Manager.
2. The GHAD consists of a portion of the City of Clayton as shown on the boundary map on file with the District's Secretary.
3. A benefit allocation has been determined by the General Manager that establishes three areas and three categories of benefit. The Areas are as follows:
Area 1 Lower 6000's, Duets, lower Townhouses (25% of total budget)
Area 2 Upper 6000's and 8000's, upper Townhouses (50% of total budget)
Area 3 10000's. (25% of total budget)

The three categories of benefit are as follows:

- a. Single family dwellings (sfd), regardless of lot size, will be the basic unit of benefit, all lots in the same area to be charged equally.
- b. Duet (duets) parcels are charged 75% of the basic unit due to increased density.
- c. Townhouse (multi-family) parcels are charged 50% of the basic unit due to increased density. The actual assessments for each lot in the listed subdivisions shall be:

<u>GHAD AREA</u>	<u>SUBD</u>	<u># UNITS</u>	<u>TYPE</u>	<u>\$ ASSESS PER LOT</u>	<u>TOTAL \$</u>
I	6990	92	sfd	\$23.82	\$2,191.09
I	7065	108	duets	\$17.86	\$1,929.11
I	7066	117	multi-family	\$11.91	\$1,393.25
I	7303	52	multi-family	\$11.91	\$619.22
I	7311	118	duets	\$17.86	\$2,107.73
I	7768	55	sfd	\$23.82	\$1,309.89
I	7769	53	sfd	\$23.82	\$1,262.26
II	7256	70	sfd	\$31.80	\$2,226.11
II	7257	60	sfd	\$31.80	\$1,908.10
II	7260	75	sfd	\$31.80	\$2,385.12
II	7261	70	sfd	\$31.80	\$2,226.11
II	7262	99	sfd	\$31.80	\$3,148.36
II	7263	101	sfd	\$31.80	\$3,211.96
II	7264	102	sfd	\$31.80	\$3,243.77
II	7766	35	sfd	\$31.80	\$1,113.06
II	7766	60	multi-family	\$15.90	\$954.05
II	7767	76	multi-family	\$15.90	\$1,208.46
III	7249	69	sfd	\$76.68	\$5,291.25
III	7255	72	sfd	\$76.68	\$5,521.30

4. The Board of Directors declares this Resolution to be, and the same shall constitute, the levy of an assessment for the fiscal year 2020-21 as hereinabove referred to.
5. The Board directs the Secretary immediately to have recorded a notice of assessment, as provided for in Section 3114 of the Street and Highways Code.
6. The Board also directs that the real property assessments are payable in the same manner as general taxes and hereby directs the Secretary to file the boundary map and assessment list, or certified copy thereof, together with a certified copy of this resolution, with the County Auditor.

PASSED, APPROVED AND ADOPTED by the Board of Directors of the Oakhurst Geological Hazard Abatement District at a regular public meeting thereof held on 4th day of August 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE BOARD OF DIRECTORS OF GHAD

Jeff Wan, Chairperson

ATTEST:

Janet Calderon, Secretary

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Oakhurst Geological Hazard Abatement District at a regular public meeting held on August 4, 2020.

Janet Calderon, Secretary

**NOTICE OF PUBLIC HEARING REGARDING THE LEVY OF ASSESSMENTS ON
REAL PROPERTY IN THE OAKHURST GEOLOGICAL HAZARD ABATEMENT
DISTRICT PURSUANT TO PUBLIC RESOURCES CODE SECTION 26652.**

KNOW ALL INTERESTED PARTIES BY THIS NOTICE THAT:

1. June 16, 2020 the General Manager presented the FY 2020-21 District Budget to the Board of Directors. The General Manager's proposed FY 2020-21 District budget indicates total annual assessment revenue of **\$43,250.22** and recommending the real property assessments shown on the attached table to pay for the obligations of the Oakhurst Geological Hazard Abatement District ("District") during FY 2020-21.

2. The Board of Directors accepted and approved the report on June 16, 2020, by adopting GHAD Resolution No. 01-2020, which set forth, among other things:

- a. The Board's intent to levy and collect a per unit assessment in accordance with the recommendation of the General Manager as specified to pay for District obligations FY 2020-21.
- b. Tuesday, July 21, 2020, at 7:00 p.m., remotely via ZOOM meeting or in-person at Hoyer Hall in the Clayton Community Library, situated at 6125 Clayton Road, Clayton, California, as the date, time and place for hearing public comment regarding the levy of said FY 2020-21 district assessments.

3. The per unit assessments for the previous fiscal year 2019-20 were as shown on the attached table. The proposed per unit assessments represent an increase equal to the latest annual adjustment in the San Francisco, All Items, All Urban Consumers Index (1.10%; April 2019– April 2020). The proposed assessments are in compliance with the annual increase formula previously approved by the GHAD voters on April 18, 2000 and therefore do not constitute an assessment increase under law.

4. A general description of the items to be maintained and operated in the District and paid for by the assessment is as follows: open space areas and geological hazard mitigation devices and improvements, and District administrative expenses.

5. All interested parties may obtain further particulars concerning the proposed per unit assessments in the District and a description and map of the boundaries of the District by referring to GHAD Resolution 01-2020, and the report of June 11, 2020, which are on file with the GHAD Secretary in Clayton City Hall. In addition, interested parties may contact the General Manager directly by phone at (925) 969-8181 or in person, by appointment only, at 6000 Heritage Trail, Clayton, California, or view the reports at www.ci.clayton.ca.us.

NOW, THEREFORE, any and all persons having any interest in lands within the District liable to be assessed for the expenses of the District for Fiscal Year 2020-21, may appear at the public hearing, the time and place thereof being set forth above, and offer protest to said proposed assessment increase, and any of said persons may also present any objections they may have by written protest filed with the Secretary, Oakhurst Geological Hazard Abatement District, City of Clayton, 6000 Heritage Trail, Clayton, California, 94517, at or before the time set for public hearing.

JANET CALDERON
Secretary
Oakhurst Geological Hazard Abatement District

DATED: June 16, 2020

**OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT
PROPOSED ANNUAL ASSESSMENTS
FISCAL YEAR 2020/21**

<u>GHAD AREA</u>	<u>SUBD. NAME</u>	<u>SUBD. #</u>	<u># UNITS</u>	<u>TYPE</u>	<u>PROPOSED 2020-2021 ASSESS.</u>	<u>2019-2020 ASSESS.</u>	<u>ANNUAL \$ INCREASE</u>
I	Windmill Canyon I	6990	92	6,000 sf	\$23.82	\$23.56	0.26
I	Black Diamond I	7065	108	Duets	\$17.86	\$17.67	0.19
I	Chaparral Springs I	7066	117	Multi-family	\$11.91	\$11.78	0.13
I	Chaparral Springs II	7303	52	Multi-family	\$11.91	\$11.78	0.13
I	Black Diamond II	7311	118	Duets	\$17.86	\$17.67	0.19
I	Oak Hollow IIA	7768	55	5,000 sf	\$23.82	\$23.56	0.26
I	Oak Hollow IIB	7769	53	5,000 sf	\$23.82	\$23.56	0.26
II	Eagle Peak I	7256	70	8,000 sf	\$31.80	\$31.46	0.34
II	Eagle Peak II	7257	60	8,000 sf	\$31.80	\$31.46	0.34
II	Falcon Ridge I	7260	75	8,000 sf	\$31.80	\$31.46	0.34
II	Falcon Ridge II	7261	70	8,000 sf	\$31.80	\$31.46	0.34
II	Windmill Canyon II	7262	99	6,000 sf	\$31.80	\$31.46	0.34
II	Windmill Canyon III	7263	101	6,000 sf	\$31.80	\$31.46	0.34
II	Windmill Canyon IV/Ironwood	7264	102	6,000 sf	\$31.80	\$31.46	0.34
II	Oak Hollow I	7766	35	5,000 sf	\$31.80	\$31.46	0.34
II	Diablo Ridge I	7766	60	Multi-family	\$15.90	\$15.73	0.17
II	Diablo Ridge II	7767	76	Multi-family	\$15.90	\$15.73	0.17
III	Peacock Creek I	7249	69	10,000 sf	\$76.68	\$75.85	0.83
III	Peacock Creek II	7255	72	10,000 sf	\$76.68	\$75.85	0.83

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT

District Board
Jeff Wan, Chairman
Julie K. Pierce, Board Member
Tujia Catalano, Board Member
Jim Diaz, Board Member
Carl Wolfe, Board Member

Engineering (925) 969-8181

6000 Heritage Trail • Clayton, California 94517-1250
Telephone (925) 673-7300 • Fax (925) 672-4917

COURTESY NOTICE

July 30, 2020

The public hearing scheduled for the regular GHAD meeting of July 21st was opened and then continued to the regular GHAD meeting of August 4, 2020. Due to COVID-19 and the shelter-in-place orders, and consistent with the Governor's Executive Order N-29-20, the meeting will likely be held by virtual conference only. More information regarding public access to the meeting will be available with the publication of the meeting agenda.

The Annual Budget Report for FY 2020-21 is dated June 3, 2020 and is posted on the GHAD webpage at the following link. [https://ci.clayton.ca.us/fc/engineering/ghad/GHAD%20Budget%20Report%202019-20%20%2005-01-19.pdf? t=1596041785](https://ci.clayton.ca.us/fc/engineering/ghad/GHAD%20Budget%20Report%202019-20%20%2005-01-19.pdf?t=1596041785)

For additional information regarding the Annual Budget Report please contact Scott Alman, PE, General Manager on (925)969-8181 or via email at scott.alman@weareharris.com

GHAD BUDGET REPORT

DATE: June 3, 2020
TO: BOARD OF DIRECTORS
FROM: SCOTT D. ALMAN, P.E., GENERAL MANAGER
RE: FISCAL YEAR 2020-21

Background

In April 2000, the property owners within the Oakhurst Geological Hazard Abatement District (GHAD) approved, by ballot, assessments to cover the routine maintenance and operational needs of the District. The ballot measure also approved a method and formula for annual property assessments to keep pace (increase or decrease) with the current economic cycle based on the annual adjustment in the Bay Area Consumer Price Index (CPI). The current CPI for the period April 2019 to April 2020 (the evaluation period established in the original ballot measure) reveals an economic index increase of 1.10%.

These annual assessments remain the only source of revenues to the District as it is solely funded by the private property owners within the District. Without the real property owners' further voter approval, the District cannot create or mandate additional revenue to fund hazard abatement or prevention services.

Kelok Way Area

In its proposal to take over the Kelok Way area monitoring work, BS&A strongly recommended the replacement of the slope inclinometer that is located at the "top of slope north of the cul-de-sac at Kelok Way," as it has "... *experienced excessive casing deformation due to ground movement at a depth of 52-feet below the ground surface. This precludes measurement of any on-going movement at this apparent slide-plane location or below.*" The estimated \$35,000.00 cost to replace this inclinometer was included in the approved 2018-19 annual district budget. The wet winter precluded the installation of the inclinometer. Additionally, a street and sidewalk deformation has occurred on the easterly side of Ahwanee Lane just south of the intersection with Miwok Way. Our Geotechnical Engineering firm, BS&A, characterized the deformation as a trench migration issue that could become extensive and be an expensive issue to correct. Based on this new street issue cropping during the past rainy season, this repair needs to take precedence over the installation of the new slope inclinometer at Kelok. With very limited funds available to make repairs, the inclinometer may need to be delayed several years until sufficient funds can be saved to fund the installation of the new inclinometer.

Ahwanee Lane Street Repair

An asphalt and sidewalk deformation has occurred on the easterly side of Ahwanee Lane just south of the intersection with Miwok Way. Our Geotechnical Engineering firm, BS&A, characterized the deformation as a trench migration issue that could become extensive and be an expensive issue to correct. Based on this new street issue occurring during fiscal year 2019-20, this repair needs to take precedence over the installation of the new slope inclinometers at Kelok and Pebble Beach. With very limited funds available to make repairs, the investigation for the repair of Ahwanee had to be delayed until FY 2020-21 when sufficient funds had been saved to undertake the street/sidewalk repair.

Pebble Beach Area

The inclinometer in the slope below the street (SI-2) has pinched at a depth of 72 feet thereby prohibiting measurement below that depth. The readings in the upper 72 feet indicate the upper area has not internally moved significantly since the last readings in 2016. BS&A strongly recommends the replacement of inclinometer SI-2 but its replacement has not yet been proposed due to insufficient District funds being available. The estimated cost of this new slope inclinometer is approximately \$35,000.00.

V-Ditch Maintenance

Staff is once again postponing this year’s ‘V’-ditch maintenance work in favor of making the Ahwanee Lane street repair.

Fund Balance (Reserves)

The GHAD’s June 30, 2020 fund balance is \$53,633.00. Staff anticipates utilizing all available funding during FY 2020-21 for annual District services and the \$63,193.00 repair of Ahwanee Drive, resulting in a projected June 30, 2021 ending fund balance of \$0.00.

Presley Lawsuit Settlement Fund Balance

This fund balance is projected to stand at approximately \$107,779 in remaining funds from the original Presley lawsuit settlement (2003) on June 30, 2020. We are anticipating an increase of approximately \$1,500 in the fund balance due to interest earnings resulting in an ending balance of \$109,279 on June 30, 2020.

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

FY 2019-20 PROPOSED BUDGET

This Budget proposes to continue funding only routine operations, along with the ongoing monitoring costs of the District through the allowable annual assessments. The

year-to-year increase allowable per the most current CPI-U is 1.10% (April 2019 to April 2020, San Francisco-Oakland-Hayward, All Items, All Urban Consumers Index, published by the U.S. Bureau of Labor Statistic).

Following is the recommended budget for the GHAD for FY 2020-21:

BEGINNING FUND BALANCE	
Balance 7-1-2020	\$53,633.00
 EXPENSES	
Postage	\$800.00
Liability Insurance Premium	7,000.00
County Collections Charge for Assessments	1,090.00
Legal Notices	100.00
Miscellaneous	300.00
Engineering Services (Geotechnical Consultant)	10,000.00
General Manager	5,000.00
Special Legal Services	1,500.00
Project Costs	63,193.00
District Administration (transfer to General Fund)	<u>8,100.00</u>
TOTAL EXPENSES	\$97,083.00
 INCOME	
Property Assessments	\$43,250.00
Interest on Funds	<u>200.00</u>
TOTAL INCOME	\$43,450.00

FY 2019-20 PROPOSED PROPERTY ASSESSMENTS

FY 2019-20 property assessments include an increase of 1.10% consistent with the adjustment in the Bay Area Consumer Price Index (CPI) from April 2019 to April 2020.

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

EXHIBIT A

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT

METHOD OF ASSESSMENT

A geological hazard abatement district is in essence the same as a benefit assessment district, and therefore the costs budgeted for the district (assessments) must be apportioned to individual parcels according to the benefit received.

The voter approved ballot measure that established the district divided the total development into three separate assessment areas. After reviewing the needs of each area and the benefits of the District to each area, the following percentages of the total budget/cost (including reserves) has been assigned to each area:

- Area 1 which includes the lower 6000's, lower 5000's, Duets, and Townhouses was assigned 25% of the total budget.
- Area 2 which includes the Upper 6000's, upper 5000's, 8,000's, condominiums was assigned 50% of the total budget, and
- Area 3 which includes the 10000's was assigned 25% of the total budget

The number of housing units in each area is not considered a benefit factor and the amount of the assessment per unit will vary greatly from area to area.

The type of housing unit is considered when assigning benefit and the different types of housing mixed into Areas 1 and 2 have been assigned different assessment factors to account for the differing type of housing as follows:

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

The process of calculating assessments for each parcel includes the following steps:

1. Calculate amount of total budget that each area is responsible for (Assumed budget of \$43,250.11);
 - a. Area 1 = 25% of \$43,250.11, or \$10,812.55
 - b. Area 2 = 50% of \$43,250.11, or \$21,625.11
 - c. Area 3 = 25% of \$43,250.11, or \$10,812.55
2. Calculate the number of equivalent assessed units that the budget percentage will be spread over for each area;
 - a. Single family dwellings (regardless of size) = equivalency factor of 1.0
 - b. Duets = equivalency factor of 0.75
 - c. Multi-family = equivalency factor of 0.5

Area 1:

AREA 1	\$10,695.12			
Sub-Area:	Dwelling Units	Dwelling Unit Type	Factor	Equivalent Assessed Units
Tr. 6990	92	sfd	1	92.00
Tr. 7065	108	duet	0.75	81.00
Tr. 7066	117	multifamily	0.5	58.50
Tr. 7033	52	multifamily	0.5	26.00
Tr. 7311	118	duet	0.75	88.50
Tr. 7768	55	sfd	1	55.00
Tr. 7769	53	sfd	1	53.00
Sub-total	595			454.00

3. Spread the total budget amount assigned to the area to each tract (sub-area) based on the numbers of equivalent assessed units;

AREA 1	\$10,695.12		
Sub-Area:	Equivalent Assessed Units	Percentage	Assessment Assigned by tract
Tr. 6990	92.00	20.27%	\$2,191.09
Tr. 7065	81.00	17.84%	\$1,929.11
Tr. 7066	58.50	12.89%	\$1,393.25
Tr. 7033	26.00	5.72%	\$619.22
Tr. 7311	88.50	19.50%	\$2,107.73
Tr. 7768	55.00	12.11%	\$1,309.89
Tr. 7769	53.00	11.67%	\$1,262.26
Sub-total	454.00	100.00%	\$10,812.55

4. Calculate the rate per dwelling unit;

AREA 1	\$10,695.12		
Sub-Area:	Assessment Assigned by Tract	Dwelling Units	Assessment per Dwelling Unit
Tr. 6990	\$2,191.09	92	\$23.82
Tr. 7065	\$1,929.11	108	\$17.86
Tr. 7066	\$1,393.25	117	\$11.91
Tr. 7033	\$619.22	52	\$11.91
Tr. 7311	\$2,107.73	118	\$17.86
Tr. 7768	\$1,309.89	55	\$23.82
Tr. 7769	\$1,262.26	53	\$23.82
Sub-total	\$10,812.55	595	

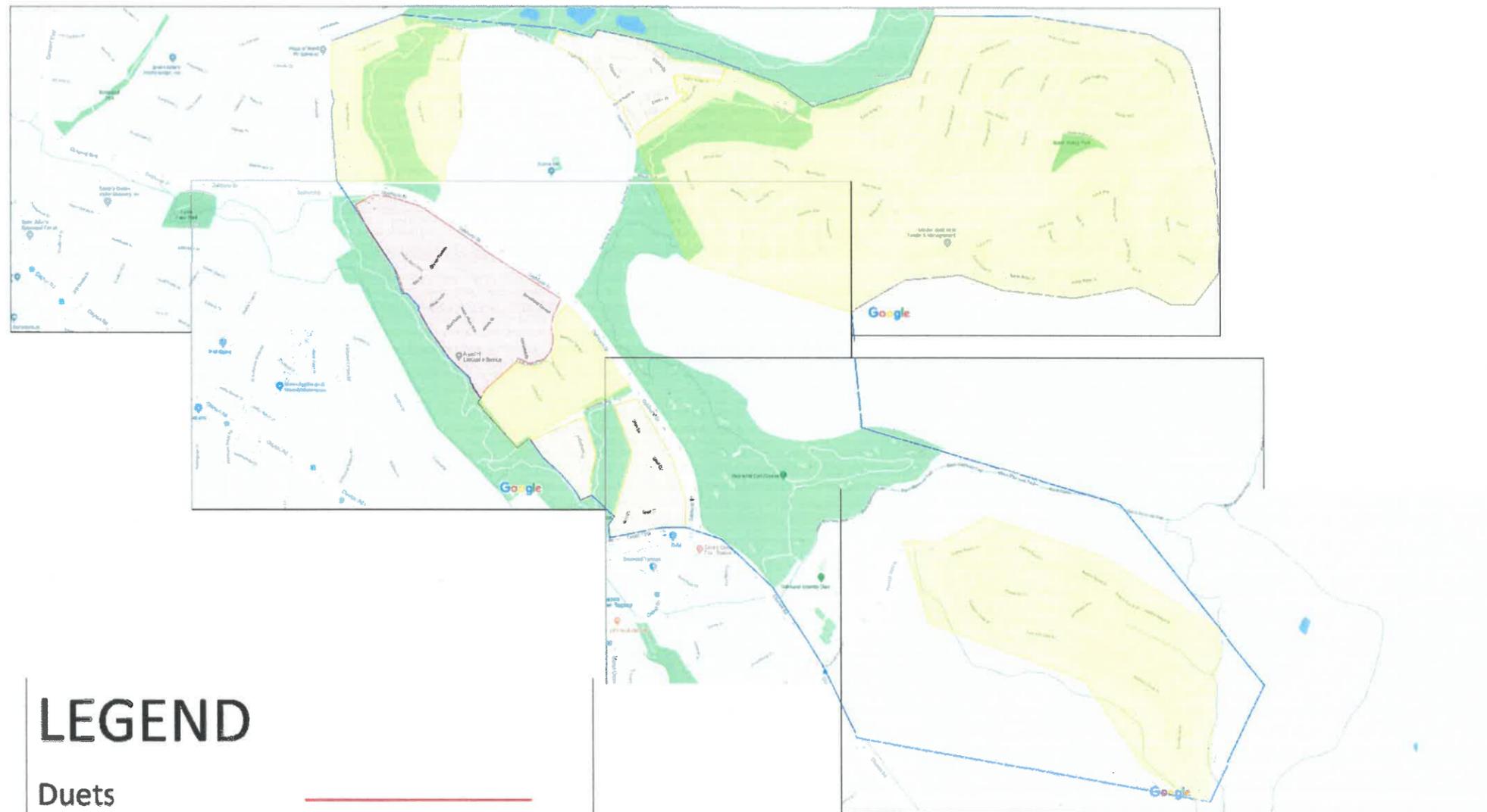
District Boundaries

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

SUMMARY OF ASSESSMENTS

AREA I 2020-21 ASSESSMENT				Total =	\$10,812.55	
Subarea	# Units	Type	Factor	Ass. Units	20/21 Asses	Total
Tr. 6990	92	sfd	1.00	92.00	\$23.82	\$2,191.09
Tr. 7065	108	duets	0.75	81.00	\$17.86	\$1,929.11
Tr. 7066	117	multifamily	0.50	58.50	\$11.91	\$1,393.25
Tr. 7303	52	multifamily	0.50	26.00	\$11.91	\$619.22
Tr. 7311	118	duets	0.75	88.50	\$17.86	\$2,107.73
Tr. 7768	55	sfd	1.00	55.00	\$23.82	\$1,309.89
Tr. 7769	53	sfd	1.00	53.00	\$23.82	\$1,262.26
Subtotals	595			454.00		\$10,812.55
AREA II 2020-21 ASSESSMENT				Total =	\$21,625.11	
Subarea	# Units	Type	Factor	Ass. Units	20/21 Asses	Total
Tr. 7256	70	sfd	1.00	70.00	\$31.80	\$2,226.11
Tr. 7257	60	sfd	1.00	60.00	\$31.80	\$1,908.10
Tr. 7260	75	sfd	1.00	75.00	\$31.80	\$2,385.12
Tr. 7261	70	sfd	1.00	70.00	\$31.80	\$2,226.11
Tr. 7262	99	sfd	1.00	99.00	\$31.80	\$3,148.36
Tr. 7263	101	sfd	1.00	101.00	\$31.80	\$3,211.96
Tr. 7264	102	sfd	1.00	102.00	\$31.80	\$3,243.77
Tr. 7766	35	sfd	1.00	35.00	\$31.80	\$1,113.06
Tr. 7766	60	multifamily	0.50	30.00	\$15.90	\$954.05
Tr. 7767	76	multifamily	0.50	38.00	\$15.90	\$1,208.46
Subtotals	748			680.00		\$21,625.11
AREA III 2020-21 ASSESSMENT				Total =	\$10,812.55	
Subarea	# Units	Type	Factor	Ass. Units	20/21 Asses	Total
Tr. 7249	69	sfd	1.00	69.00	\$76.68	\$5,291.25
Tr. 7255	72	sfd	1.00	72.00	\$76.68	\$5,521.30
Subtotals	141			141.00		\$10,812.55
Grand Totals	1,484			1,275.00		\$43,250.11

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT



LEGEND

- Duets
- Multi-Family
- Single Family
- GHAD Boundary

Indian Wells
(760) 568-2611

Irvine
(949) 263-2600

Los Angeles
(213) 617-8100

Manhattan Beach
(310) 643-8448

Ontario
(909) 989-8584



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Malathy Subramanian
(925) 977-3303
msubramanian@bbklaw.com

July 30, 2020

BY E-MAIL [JOSEPH.JOELIA@GMAIL.COM]

Joseph Beaty
110 Crow Place
Clayton, CA 94517

Re: Oakhurst Geological Hazard Abatement District(GHAD) Assessment

Dear Mr. Beaty:

We have received your correspondence to Mr. Altman dated July 27, 2020, which you requested that it be sent to the City Attorney. We again refer you to our prior correspondence, attached to this letter. We also wanted to clarify a few points for you.

First, the GHAD is not imposing a special tax subject to 2/3 voter approval. The GHAD levies an assessment, which is authorized under Public Resources Code section 26650, article XIII D, section 4 of the Constitution, and Government Code section 53753.

The GHAD is currently continuing to impose a pre-approved assessment. Per Government Code section 53753(b), a noticed ballot proceeding is only required when the District is seeking to levy a new or increased assessment, or an existing assessment that is subject to the procedures set forth in article XIII D of the Constitution. Per section 26653.5 of the Public Resources Code applicable to the GHAD, those provisions do not apply unless the assessment is increasing above a pre-approved rate. Government Code section 53750(h) defines the term "increase" for purposes of Proposition 218, and excludes situations where an agency adjusts the rate in accordance with a pre-approved formula for inflation.

Further, an assessment is extended, pursuant to Government Code section 53750(e), if there is "a decision by an [the GHAD] to extend the stated effective period of the [assessment]..., including but not limited to, amendment or removal of a sunset provision or expiration date."



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Joseph Beaty
July 30, 2020
Page 2

There was no sunset date or expiration date for the assessment, when adopted. As such, this action is not an “extension” of the assessment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Malathy Subramanian'.

Malathy Subramanian
Of Best Best & Krieger LLP
City Attorney
City of Clayton

Enclosure

cc: Fran Robustelli, Interim City Manager
Scott Altman, GHAD General Manager



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msubramanian@bbklaw.com

July 31, 2018

VIA U.S. MAIL & E-MAIL (JOSEPH.JOELIA@GMAIL.COM)

Mr. Joseph Beaty
110 Crow Place
Clayton, California 94517

Re: Oakhurst Geological Hazard Abatement District (District): Proposition 218 Compliance

Dear Mr. Beaty:

As you know, I am the City Attorney for the City of Clayton. In this capacity, I also provide special counsel to the Oakhurst Geological Hazard Abatement District when requested. As such, I have been asked by the District's Board of Directors and the General Manager of the District to respond to your recent emails regarding the District's compliance with the procedures for imposing its special real property assessments and taxes related to the District's Annual Assessment.

A. *Special Benefit Assessments*

As noted in your emails, Proposition 218 (Prop. 218) requires local agencies to comply with a number of procedures when imposing or increasing special assessments. While there are additional procedures that may apply depending on the type of assessment (e.g. street lighting districts, landscape and lighting districts, geological hazard abatement districts, etc.), Prop. 218 generally requires that all new and increased assessments undergo a majority protest proceeding.

As we previously indicated in our correspondence to you dated November 11, 2016 (copy attached), this procedure only applies when the District is imposing a new assessment or is increasing an existing assessment. If the District is simply levying a pre-existing assessment, these procedures do not apply and the District is not required to provide the affected property owners with a majority protest proceeding or ballot. In addition, please note that an assessment is only "increased" if the District is seeking to raise the amount of the levy beyond an amount previously authorized.

In this case, the District assessment was originally designed and approved by the original property owner(s) at the time to adjust annually under a pre-existing formula based on the Consumer Price Index. Therefore, any annual adjustment in the amount assessed to each parcel under this formula is not an "increase", nor a "decrease" subject to Prop. 218 as these annual



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ATTORNEYS AT LAW

Mr. Joseph Beaty
July 31, 2018
Page 2

adjustments were included in the original assessment and were voted into place as a part of the original vote establishing the levy. In those instances, the District may levy the adjusted amount without conducting any procedures under Prop. 218 and without annual balloting.

With those caveats, when the District proposed the original assessment, there was only one property owner, the developer of the property Presley Homes, which approved the assessment including the annual CPI adjustments thereafter.

B. *Questions from July 9th email addressed in the Staff Report*

Your email indicated that you were hopeful that your questions and topics from your July 9th email would be addressed at the July 17th District public hearing. Please note: the District did address your questions in pertinent attachments to the July 17th District staff report for the public hearing.

C. *District Assessments and Benefits of District to All Property Owners*

Your email indicated that an assessment imposed by the District must be for a service that is "actually used by, or immediately available to, the owners of the property in question." That provision is not related to assessments under Prop. 218 but rather to property-related fees and charges. With respect to Prop. 218 assessments, such as those imposed by the District for the purpose of abatement of geological hazards, the requirement is simply that the assessments correspond to the special benefits received by the properties assessed. There is no requirement to tie each action of the District to each property assessed, so long as the properties assessed are specially benefited by the District and the services funded by the assessment.

The District was formed for the purpose of funding improvements to stabilize and protect public infrastructure against geological hazards within the District boundaries. Regardless of where a particular improvement exists, the activities of the District provide benefits to properties throughout its jurisdiction. For example, the District may fund dewatering wells in certain areas of the District, which will contribute to structural integrity of public infrastructure such as roads and sidewalks for the benefit of property owners within the District. In other words, it is not relevant where the improvements are constructed, because they contribute to geological abatement for the properties within the District at large.

Areas within the District require varying levels of abatement services and expenditures, and the assessment is the only source of revenue for these purposes. While the activities of the District provide a special and distinct benefit to all assessed properties, the method of assessment looks to the costs of providing geological abatement, and apportions those costs to various areas within the District based on the relative special benefit conferred. Specifically, the assessment is broken down into multiple areas of benefit, and further broken down into property type, for

BBK
BEST BEST & KRIEGER
ATTORNEYS AT LAW

Mr. Joseph Beaty
July 31, 2018
Page 3

determination of the relative amount of the assessment. So long as the District is providing services that specially benefit the assessed properties, and such properties are proportionately assessed, Prop. 218 is satisfied.

D. *Method of Assessment*

The District's Board of Directors and General Manager annually review the levy of the assessment based on the budgetary needs of the District. There is no requirement under Prop. 218 that the method of assessment be reviewed or revised unless there is a monumental revision to the District or change in conditions otherwise affecting the special benefit conferred to assessed properties. Such a revision could include revising the District's boundaries or an increase or decrease in the overall numbers of dwelling units assessed within the District. The current method of assessment ensures that the assessments are tied to the particular needs of the District's constituents geographically and by dwelling type, the projects that must be funded, and ongoing routine maintenance to protect public improvements within the District. By way of written communication each year from the District's General Manager, the GHAD Board of Directors inherently reviews the annual assessment methodology. If the District Board takes no action to amend or alter its method of assessment, then it naturally falls the District Board is satisfied with continuing the current method of assessment.

The District takes its obligation to obtain property owner or voter approval of all special assessments and taxes very seriously and ensures that these procedures are followed.

Sincerely,



Malathy Subramanian
of BEST BEST & KRIEGER LLP
District Attorney
Oakhurst Geological Hazard Abatement District

cc: Gary Napper, City Manager
Scott Alman, GHAD General Manager

Attachment: November 11, 2016 letter to Mr. Beaty



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Malathy Subramanian
(925) 977-3303
msubramanian@bbklaw.com

November 11, 2016

VIA U.S. MAIL & E-MAIL (JOSEPH.JOELIA@GMAIL.COM)

Mr. Joseph Beaty
110 Crow Place
Clayton, California 94517

Re: City of Clayton: Prop. 218 Compliance

Dear Mr. Beaty:

As you know, I am the City Attorney for the City of Clayton. In this capacity, I have been asked by the City Manager to respond to your recent emails regarding the City's compliance with the procedures for imposing its special real property assessments and taxes.

A. *Special Assessments*

As noted in your emails, Proposition 218 (Prop. 218) requires local agencies to comply with a number of procedures when imposing or increasing special assessments. While there are additional procedures that may apply depending on the type of assessment (e.g. street lighting districts, landscape and lighting districts, GHAD, etc.), Prop. 218 generally requires that all new and increased assessments undergo a majority protest proceeding.

Please note that this procedure only applies when the City is imposing a new or increased assessment. If the City is simply levying a pre-existing assessment, these procedures do not apply and the City is generally not required to provide notice to property owners. In addition, please note that an assessment is only "increased" if the City is seeking to raise the amount of the levy beyond an amount previously authorized. For example, if an assessment is designed to increase under a pre-existing formula, including annual inflationary adjustments, any increase in the amount assessed to each parcel under this formula is not an "increase" subject to Prop. 218. In those instances, the City may levy the higher amount without conducting any procedures under Prop. 218.

With those caveats, if the City is proposing a new or increased assessment, the City must first provide notice of the proposed assessment, a public hearing on its adoption and an assessment ballot to all affected property owners (i.e., those owning parcels that will be assessed) at least forty-five days prior to the date of the public hearing. Ballots must be submitted prior to the close of the public hearing. At the conclusion of the public hearing, the ballots are tabulated



BEST BEST & KRIEGER
ATTORNEYS AT LAW

Mr. Joseph Beaty
November 11, 2016
Page 2

to determine if a majority protest has been reached. A majority protest exists if the assessment ballots submitted in opposition exceed the ballots submitted in favor of the assessment, with the ballots weighted according to the amount of the proposed assessment imposed upon the parcel for which the ballot was submitted. Assuming there is no majority protest, the City Council may adopt the proposed new or increased assessment.

B. *Property Taxes*

Your emails also requested information regarding voter approval of real property taxes. As an initial matter, the City has no authority over the imposition of basic ad valorem property taxes. These are limited by state law and collected and distributed by the County. However, the City does have the ability to impose some special taxes on real property. For example, the City can establish Community Facility Districts that impose special taxes on parcels to fund services and facilities for parcels within the district. Local examples of this authority are the Downtown Park CFD and the Citywide Landscape Maintenance District. New and increased special taxes must be approved by affected voters or, in some cases, property owners by a two-thirds majority. Similar to assessments, increases requiring voter or owner approval only include those where the City is seeking to raise the amount of the levy beyond an amount previously authorized. For example, if the tax is designed to increase under a pre-existing formula, including annual inflationary adjustments, any increase under this formula is not an "increase" requiring approval.

The City takes its obligation to obtain property owner or voter approval of all special assessments and taxes very seriously and ensures that these procedures are followed. Please let the City Manager know if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Malathy Subramanian'.

Malathy Subramanian
of BEST BEST & KRIEGER LLP
City Attorney
City of Clayton

cc: Gary Napper, City Manager

CROW PLACE DEBRIS BASIN
\$50,000

WINDMILL CANYON DRIVE
DEBRIS BASIN
\$65,000

CITY OF CLAYTON BOUNDARY

5112 KELLER RIDGE DRIVE
\$50,000

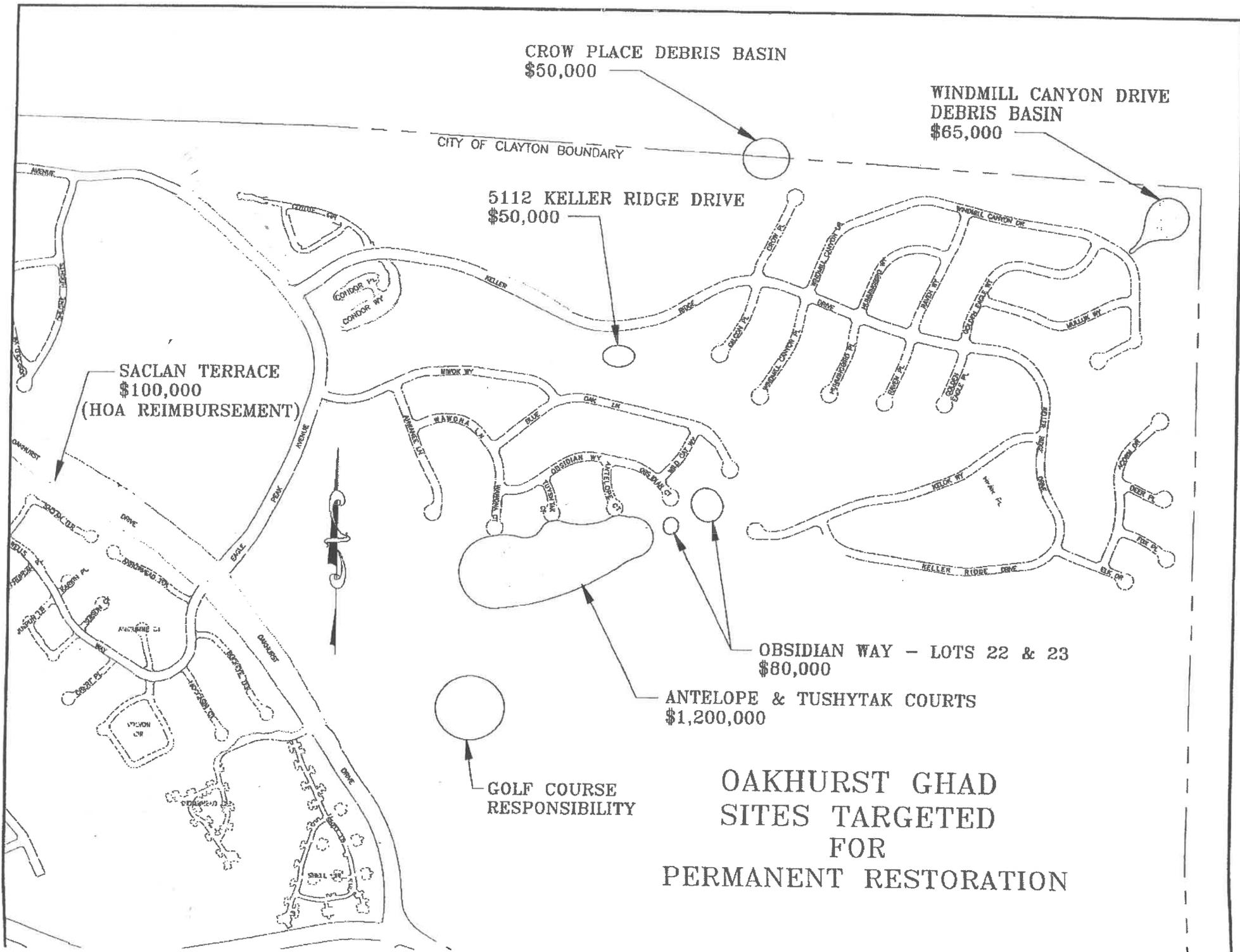
SACLAN TERRACE
\$100,000
(HOA REIMBURSEMENT)

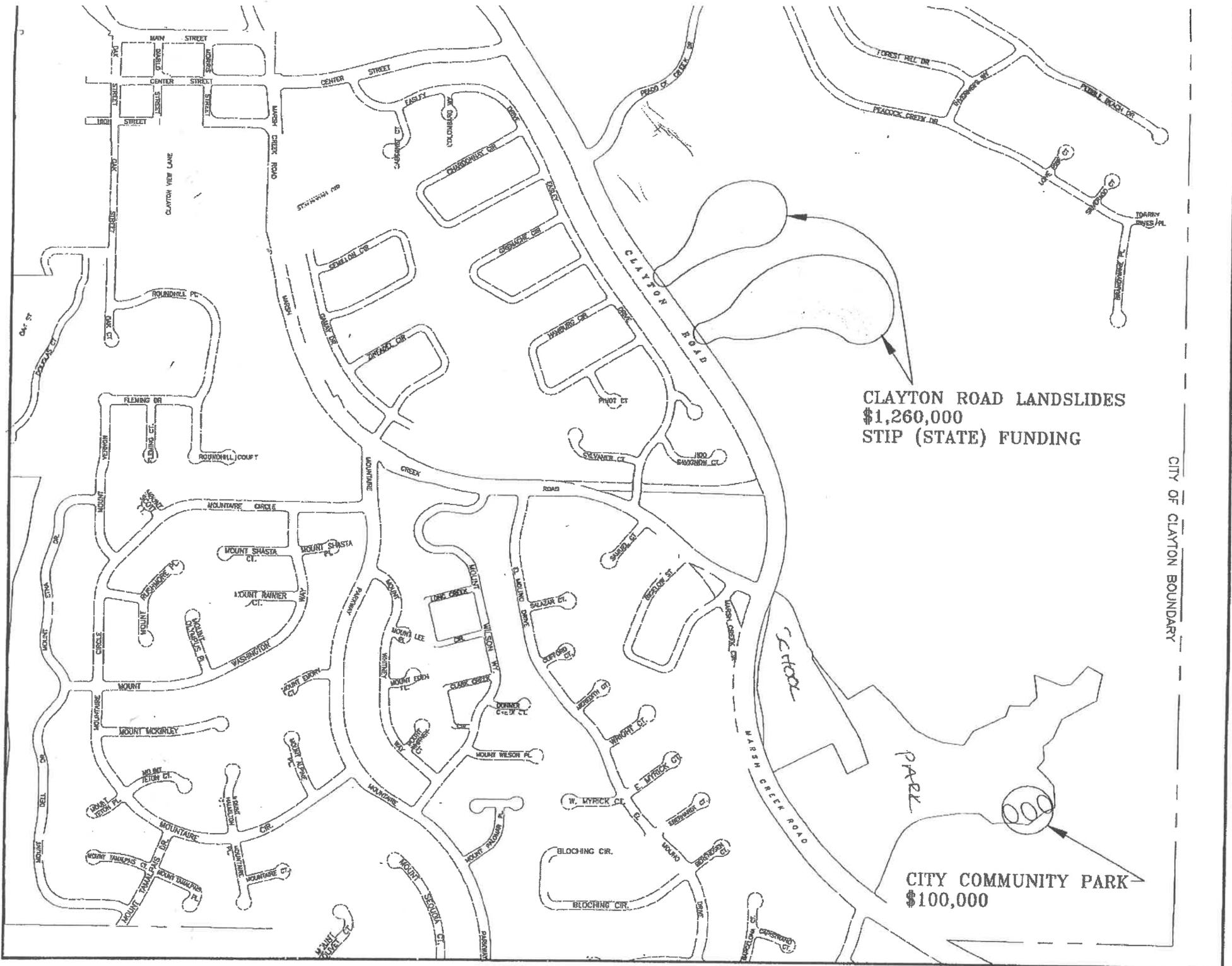
OBSIDIAN WAY - LOTS 22 & 23
\$80,000

ANTELOPE & TUSHYAK COURTS
\$1,200,000

GOLF COURSE
RESPONSIBILITY

OAKHURST GHAD
SITES TARGETED
FOR
PERMANENT RESTORATION





CLAYTON ROAD LANDSLIDES
 \$1,260,000
 STIP (STATE) FUNDING

CITY COMMUNITY PARK
 \$100,000

CITY OF CLAYTON BOUNDARY