



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, April 19, 2022

7:00 P.M.

***** NOTICE *****

Members of the City Council, City staff/consultants, and the public will be able to participate either in-person at

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

or

remotely via Zoom.

****Due to social distancing requirements: Limited seating available in person, if capacity is reached, you may be required to participate remotely via Zoom.****

Pursuant to AB 361, the City is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public. Tonight's meeting will be conducted both in-person and remotely via Zoom.

Mayor: Peter Cloven

Vice Mayor: Holly Tillman

Council Members

Jim Diaz

Jeff Wan

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.claytonca.gov
- 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.claytonca.gov
- 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.claytonca.gov
- 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 – April 19

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_suxMeIgbQNWPgZIqaBNXFw

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 janetc@claytonca.gov 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_suxMeIgbQNWPgZIqaBNXFw

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 ***

April 19, 2022

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

2. **MEETING PROTOCOL VIDEO**– City Clerk

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

4. **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 April 5, 2022.
(City Clerk) ([view here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([view here](#))
- (c) Adopt a Resolution of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361. (City Manager) ([view here](#))
- (d) Resolution of the City Council of the City of Clayton Appointing CalPERS Retired Annuitant Joseph Kreins to the Position of Interim Chief of Police and Approving an Employment Contract Pursuant to California Government Code Section 21221(H). (City Manager) ([view here](#))
- (e) Resolution Directing the Preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District. (City Engineer) ([view here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Information Only – No Action Requested.
 - Earth Day (April 22nd)
 - Law Day (May 1st)

6. **REPORTS**

- (a) City Manager/Staff
- (b) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

7. 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 assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. 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.

8. PUBLIC HEARINGS

- (a) Introduce and Waive First Reading of an Ordinance of the City Council of the City of Clayton Adopting a Military Equipment Use Policy in Accordance with Government Code §§ 7070, Et Seq. (Police Chief) ([view here](#))

9. ACTION ITEMS

- (a) Receive Presentation and Provide Direction to Staff Regarding the Concerts in The Grove. (City Manager) ([view here](#))

10. CLOSED SESSION – None.

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

12. ADJOURNMENT - the next regularly scheduled City Council meeting will be May 3, 2022.

#

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, April 5, 2022

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:01 p.m. by Vice Mayor Tillman on a virtual web meeting and telephonically (877) 853-5257. Councilmembers present: Mayor Cloven (arrived at 7:03 pm), Vice Mayor Tillman, and Councilmembers Diaz, Wan, and Wolfe. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, and City Clerk/HR Manager Janet Calderon.
2. **MEETING PROTOCOL VIDEO** – City Clerk.
3. **PLEDGE OF ALLEGIANCE** – led by Councilmember Diaz.
4. **CONSENT CALENDAR**

It was moved by Councilmember Diaz, seconded by Councilmember Wan, to approve the Consent Calendar items 4(a) – 4(f) as submitted. (Passed 5-0).

 - (a) Approved the minutes of the City Council’s regular meeting of March 15, 2022. (City Clerk)
 - (b) Approved the Financial Demands and Obligations of the City. (Finance)
 - (c) Adopted Resolution No. 26-2022 of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361. (City Manager)
 - (d) Biennial Review of Conflict of Interest Code. (City Clerk)
 - (e) City Council Adoption by Minute Order of City Council Goals for FY2022/23. (City Manager)
 - (f) Adopted Resolution No. 27-2022 Approving Three Contracts for the Purchase and Outfitting of One (1) New 2022 Ford Police Interceptor Utility Patrol Vehicle to Replace Existing Ford Patrol Vehicle, and Declaring One (1) 2015 Ford Interceptor Utility Patrol Vehicle (Unit Numbers 1737) as Surplus to City’s Needs and Appropriating \$68,056 from the Capital Equipment Replacement Fund for the Purchase. (Police Chief)
5. **RECOGNITIONS AND PRESENTATIONS**
 - (a) Information Only – No Action Requested.

- Arab-American Heritage Month (April)
 - Autism Acceptance Month (April)
- (b) Proclamation declaring April 3-9, 2022 as “Clayton Library Week” in the City of Clayton. (Mayor Cloven)

Mayor Cloven read the proclamation declaring April 3-9, 2022 as “Clayton Library Week” in the City of Clayton.

Geneva Moss, Community Library Manager, provided a brief update regarding the Clayton Community Library.

- (c) Proclamation declaring April 24 as “Armenian Genocide Remembrance Day” in the City of Clayton. (Mayor Cloven)

Mayor Cloven read the proclamation declaring April 24 as “Armenian Genocide Remembrance Day” in the City of Clayton.

6. REPORTS

- (a) City Manager/Staff

City Manager Reina Schwartz noted the City Council goals were adopted under the consent calendar this evening, the telephone Survey from Strategy Research Institute has been completed with a presentation of the results expected at the May 3 City Council meeting, and advised the Housing Element Balancing Act Software has closed.

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

Councilmember Wolfe attended the City Council Goal Setting Session, met with the Mayor, met with the City Manager, met with the Police Chief, met with Sergeant Shaw, attended the Clayton Business and Community Association BBQ Committee meeting, accepted a position on the Clayton Business and Community Association Advisory Committee, received positive feedback regarding the red curb painting near CVS, received positive feedback regarding the “Signal Ahead” signage near Diablo View Middle School, and announced the Clayton Business and Community Association BBQ Cook-off taking place July 9 and 10, 2022.

Councilmember Wan called and emailed constituents.

Vice Mayor Tillman met with the City Manager, met with the Mayor, attended the City Council Goal Setting Session, spoke to an Eagle Scout who also upgraded benches and tables at Clayton Community Park for his Eagle Scout Project, attended the Elected Woman’s luncheon, attended the Board of Supervisors candidate forum, attended the first in-person Cal Cities East Bay Division meeting, advised the recent Clayton Community Library Booksale raised \$3,744.72, and provided an update regarding the Mount Diablo Elementary School Odyssey of the Mind “Team Smarties” recent win which advanced them to the world finals in Iowa.

Councilmember Diaz met with the City Manager, met with the Police Chief, attended the City Council Goal Setting Session, attended the Contra Costa County Board of Supervisors 28th Annual Cesar Chavez and Youth Hall of Fame event, attended the District 4 Candidates forum, attended the East Bay Regional Communications System (EBRCS) meeting, attended the Clayton Business and Community Association Art and Wine Committee meeting, and announced the upcoming Clayton Business and Community Association Annual Art and Wine festival on April 24 and 25, 2022.

Mayor Cloven attended the City Council Goal Setting Session, posted articles in the *Clayton Pioneer* and *Gazette* regarding the City's financial situation, called and emailed constituents.

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

James Killoran after discussing the potential parcel tax with various City Councilmembers, he is now accepting of the need. Mr. Killoran also provided some suggestions of additional measures for budget transparency.

Dee Vieira invited the community to the 1st Annual Pride Parade taking place on June 25, 2022 in downtown Clayton hosted by the Clayton Pride Committee and The Rainbow Community Center of Contra Costa County.

Mayor Cloven closed public comment.

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Adopt a Resolution Approving Amending and Reporting the Use of American Rescue Plan Act (ARPA) Funds in Compliance with the US Treasury Department's Final Rule for Fiscal Year 2021/22. (Finance Director and City Manager)

City Manager Reina Schwartz presented the report.

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

It was moved by Councilmember Wolfe, seconded by Vice Mayor Tillman, to adopt Resolution No. 28-2022 Approving Amending and Reporting the Use of American Rescue Plan Act (ARPA) Funds in Compliance with the US Treasury Department's Final Rule for Fiscal Year 2021/22. (Passed 5-0).

- (b) Resolution of the City Council of the City of Clayton Opposing California Statewide Ballot Initiative 21-0042A1 Sponsored by the California Business Roundtable. (City Manager)

City Manager Reina Schwartz presented the report.

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

It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to adopt Resolution No. 29-2022 Opposing California Statewide Ballot Initiative 21-0042A1 Sponsored by the California Business Roundtable. (Passed 4-1; Wan, No).

10. **CLOSED SESSION** – None.

11. **COUNCIL ITEMS**

Councilmember Wolfe complimented Chief Warren on her new opportunity and sad to see her go.

12. **ADJOURNMENT**– on call by Mayor Cloven, the City Council adjourned its meeting at 7:55 p.m.

The next regularly scheduled meeting of the City Council will be April 19, 2022.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Peter Cloven, Mayor

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STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KATHERINE KORSAK, FINANCE DIRECTOR
JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 04/19/2022

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

It is recommended the City Council, by minute action, 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	Amount
Open Invoice Report	Accounts Payable	\$ 223,942.47
Open Invoice Report - Cal Card Obligations	Accounts Payable	\$ 14,000.58
Open Invoice Report - Clayton Cares Program	Accounts Payable	\$ 50,000.00
Payroll Reconciliation Summary	Payroll, Taxes	\$ 87,344.18
	Total Required	<u>\$ 375,287.23</u>

Attachments:

1. Open Invoice Report, dated 4/13/22 (5 pages)
2. Open Invoice Report, Cal Card, dated 4/12/22 (1 page)
3. Open Invoice Report ARPA, dated 4/12/22 (1 pages)
4. Payroll Reconciliation Summary report PPE 4/3/22 (2 pages)

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
Ace Sierra Tow								
Ace Sierra Tow	4/19/2022	4/19/2022	61625	PD veh tow	\$140.00	\$0.00		\$140.00
				<i>Totals for Ace Sierra Tow</i>	<i>\$140.00</i>	<i>\$0.00</i>		<i>\$140.00</i>
Advanced Elevator Solutions, Inc								
Advanced Elevator Solutions, Inc	4/19/2022	4/19/2022	47218	State contract STATE-6000HERI-03152022	\$1,995.00	\$0.00		\$1,995.00
Advanced Elevator Solutions, Inc	4/19/2022	4/19/2022	47466	Elevator Service March 2022	\$124.00	\$0.00		\$124.00
				<i>Totals for Advanced Elevator Solutions, Inc</i>	<i>\$2,119.00</i>	<i>\$0.00</i>		<i>\$2,119.00</i>
All City Management Services, Inc.								
All City Management Services, Inc.	4/19/2022	4/19/2022	76313	School crossing guard svcs 3/6/22-3/19/22	\$2,084.94	\$0.00		\$2,084.94
				<i>Totals for All City Management Services, Inc.</i>	<i>\$2,084.94</i>	<i>\$0.00</i>		<i>\$2,084.94</i>
American Fidelity Assurance Company								
American Fidelity Assurance Company	4/19/2022	4/19/2022	6048556	FSA PPE 4/3/22	\$115.00	\$0.00		\$115.00
				<i>Totals for American Fidelity Assurance Company</i>	<i>\$115.00</i>	<i>\$0.00</i>		<i>\$115.00</i>
Authorize.net								
Authorize.net	4/19/2022	4/19/2022	March2020	Online bankcard gateway fee March 2022	\$33.40	\$0.00		\$33.40
				<i>Totals for Authorize.net</i>	<i>\$33.40</i>	<i>\$0.00</i>		<i>\$33.40</i>
BCP Concrete								
BCP Concrete	4/19/2022	4/19/2022	CAP0441	Deposit refund	\$1,012.00	\$0.00		\$1,012.00
				<i>Totals for BCP Concrete</i>	<i>\$1,012.00</i>	<i>\$0.00</i>		<i>\$1,012.00</i>
Big O Tires								
Big O Tires	4/19/2022	4/19/2022	005011-187403	Replace Tire for Mower	\$157.76	\$0.00		\$157.76
				<i>Totals for Big O Tires</i>	<i>\$157.76</i>	<i>\$0.00</i>		<i>\$157.76</i>
CalPERS Retirement								
CalPERS Retirement	4/19/2022	4/19/2022	040322	Retirement PPE 04/03/22	\$19,262.18	\$0.00		\$19,262.18
CalPERS Retirement	4/19/2022	4/19/2022	16732355	Penalty for late reporting	\$200.00	\$0.00		\$200.00
				<i>Totals for CalPERS Retirement</i>	<i>\$19,462.18</i>	<i>\$0.00</i>		<i>\$19,462.18</i>
Cintas Corporation								
Cintas Corporation	4/19/2022	4/19/2022	4114454156	PW uniforms through 3/24/22	\$49.00	\$0.00		\$49.00
Cintas Corporation	4/19/2022	4/19/2022	5101851208	PW uniforms through 3/30/22	\$48.30	\$0.00		\$48.30
				<i>Totals for Cintas Corporation</i>	<i>\$97.30</i>	<i>\$0.00</i>		<i>\$97.30</i>
City of Antioch								
City of Antioch	4/19/2022	4/19/2022	AR165905	PD vehicle repair #1734	\$250.00	\$0.00		\$250.00
				<i>Totals for City of Antioch</i>	<i>\$250.00</i>	<i>\$0.00</i>		<i>\$250.00</i>
City of Concord								
City of Concord	4/19/2022	4/19/2022	92389	Dispatch services May 2022	\$25,639.87	\$0.00		\$25,639.87

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
<i>Totals for City of Concord</i>					\$25,639.87	\$0.00		\$25,639.87
Comcast Business (PD)								
Comcast Business (PD)	4/19/2022	4/19/2022	142802291	PD Internet March 2022	\$923.90	\$0.00		\$923.90
<i>Totals for Comcast Business (PD)</i>					\$923.90	\$0.00		\$923.90
Comcast Business								
Comcast Business	4/19/2022	4/19/2022	040522	Internet 4/10/22-5/9/22	\$391.16	\$0.00		\$391.16
<i>Totals for Comcast Business</i>					\$391.16	\$0.00		\$391.16
Concord Uniforms								
Concord Uniforms	4/19/2022	4/19/2022	19366	Uniform - Sandy	\$54.82	\$0.00		\$54.82
<i>Totals for Concord Uniforms</i>					\$54.82	\$0.00		\$54.82
Contra Costa County Department of Conservation & Development								
Contra Costa County Department of Co	4/19/2022	3/31/2022	2022Q3	CASp fee Q3FY22	\$1,608.20	\$0.00		\$1,608.20
<i>Totals for Contra Costa County Department of Conservation & Developmen</i>					\$1,608.20	\$0.00		\$1,608.20
CR Fireline, Inc								
CR Fireline, Inc	4/19/2022	4/19/2022	120776	Library fire sprinkler inspection	\$200.00	\$0.00		\$200.00
<i>Totals for CR Fireline, Inc</i>					\$200.00	\$0.00		\$200.00
Digital Services								
Digital Services	4/19/2022	4/19/2022	12053	IT services 2/2/22-4/6/22	\$5,132.28	\$0.00		\$5,132.28
<i>Totals for Digital Services</i>					\$5,132.28	\$0.00		\$5,132.28
Dillon Electric Inc								
Dillon Electric Inc	4/19/2022	4/19/2022	4638	Street light repairs 3/22/22	\$389.76	\$0.00		\$389.76
<i>Totals for Dillon Electric Inc</i>					\$389.76	\$0.00		\$389.76
Division of the State Architect								
Division of the State Architect	4/19/2022	3/31/2022	2022Q3	CASp Fees Q3 FY22	\$189.20	\$0.00		\$189.20
<i>Totals for Division of the State Architect</i>					\$189.20	\$0.00		\$189.20
Environtech Enterprises								
Environtech Enterprises	4/19/2022	4/19/2022	A001-A2-22	Weed abatement March 2022	\$20,600.00	\$0.00		\$20,600.00
Environtech Enterprises	4/19/2022	4/19/2022	A01-A1-22	Weed abatement Nov-Feb	\$11,900.00	\$0.00		\$11,900.00
<i>Totals for Environtech Enterprises</i>					\$32,500.00	\$0.00		\$32,500.00
Health Care Dental Trust								
Health Care Dental Trust	4/19/2022	4/19/2022	312020	Dental May 2022	\$1,798.48	\$0.00		\$1,798.48
<i>Totals for Health Care Dental Trust</i>					\$1,798.48	\$0.00		\$1,798.48
Ken Joiret								
Ken Joiret	4/19/2022	4/19/2022	050722	Concert Sound 05/07/22	\$1,200.00	\$0.00		\$1,200.00

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
<i>Totals for Ken Joiret</i>					<u>\$1,200.00</u>	<u>\$0.00</u>		<u>\$1,200.00</u>
LEHR								
LEHR	4/19/2022	4/19/2022	S172080	Outfit PD Veh #1747	\$22,892.37	\$0.00		\$22,892.37
<i>Totals for LEHR.</i>					<u>\$22,892.37</u>	<u>\$0.00</u>		<u>\$22,892.37</u>
Maintenance Agents, LLC								
Maintenance Agents, LLC	4/19/2022	4/19/2022	1525	CH gutter cleaning	\$700.00	\$0.00		\$700.00
<i>Totals for Maintenance Agents, LLC</i>					<u>\$700.00</u>	<u>\$0.00</u>		<u>\$700.00</u>
Mission Square Retirement								
Mission Square Retirement	4/19/2022	4/19/2022	040322	457 Plan contributions PPE 4/3/22	\$3,154.76	\$0.00		\$3,154.76
<i>Totals for Mission Square Retirement</i>					<u>\$3,154.76</u>	<u>\$0.00</u>		<u>\$3,154.76</u>
Moore Iacofano Golstman, Inc								
Moore Iacofano Golstman, Inc	4/19/2022	4/19/2022	74317	Housing Element services February 2022	\$18,253.75	\$0.00		\$18,253.75
<i>Totals for Moore Iacofano Golstman, Inc</i>					<u>\$18,253.75</u>	<u>\$0.00</u>		<u>\$18,253.75</u>
MPA								
MPA	4/19/2022	4/19/2022	918-26706	Life/Disability April 2022	\$1,788.57	\$0.00		\$1,788.57
<i>Totals for MPA.</i>					<u>\$1,788.57</u>	<u>\$0.00</u>		<u>\$1,788.57</u>
MSR Mechanical, LLC								
MSR Mechanical, LLC	4/19/2022	4/19/2022	SVC004213	Library HVAC Maintenance 2/25/22	\$527.17	\$0.00		\$527.17
MSR Mechanical, LLC	4/19/2022	4/19/2022	SVC004214	CH HVAC maintenance 2/28/22	\$350.00	\$0.00		\$350.00
<i>Totals for MSR Mechanical, LLC</i>					<u>\$877.17</u>	<u>\$0.00</u>		<u>\$877.17</u>
Nationwide								
Nationwide	4/19/2022	4/19/2022	040322	457 Plan contributions PPE 4/3/22	\$500.00	\$0.00		\$500.00
<i>Totals for Nationwide</i>					<u>\$500.00</u>	<u>\$0.00</u>		<u>\$500.00</u>
Neopost (add postage)								
Neopost (add postage)	4/19/2022	4/19/2022	041222	Postage added	\$300.00	\$0.00		\$300.00
<i>Totals for Neopost (add postage)</i>					<u>\$300.00</u>	<u>\$0.00</u>		<u>\$300.00</u>
Pacific Office Automation								
Pacific Office Automation	4/19/2022	4/19/2022	059860	Copier usage 1/20/22-3/20/22	\$75.28	\$0.00		\$75.28
<i>Totals for Pacific Office Automation</i>					<u>\$75.28</u>	<u>\$0.00</u>		<u>\$75.28</u>
Painting by Ken								
Painting by Ken	4/19/2022	4/19/2022	031722	Paint bollards @ The Grove Park	\$1,995.00	\$0.00		\$1,995.00
<i>Totals for Painting by Ken</i>					<u>\$1,995.00</u>	<u>\$0.00</u>		<u>\$1,995.00</u>
ParcelQuest								
ParcelQuest	4/19/2022	4/19/2022	3223-4-2022	ParcelQuest.com renewal 6/1/22-5/31/23	\$1,799.00	\$0.00		\$1,799.00

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
Vigilant Solutions, LLC	4/19/2022	4/19/2022	47000 RI	ESA Renewal 6/22-5/23	\$3,412.50	\$0.00		\$3,412.50
				<i>Totals for Vigilant Solutions, LLC</i>	<i>\$3,412.50</i>	<i>\$0.00</i>		<i>\$3,412.50</i>
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	4/19/2022	4/19/2022	15972	Tree work Clayton Rd-Regency/DVMS	\$16,920.00	\$0.00		\$16,920.00
Waraner Brothers Tree Service	4/19/2022	4/19/2022	15973	Tree work Clayton Rd-Inbound	\$5,040.00	\$0.00		\$5,040.00
Waraner Brothers Tree Service	4/19/2022	4/19/2022	15978	Tree work London Ct	\$4,680.00	\$0.00		\$4,680.00
Waraner Brothers Tree Service	4/19/2022	4/19/2022	15981	Tree work Diablo View Dr/Clayton Rd	\$2,880.00	\$0.00		\$2,880.00
Waraner Brothers Tree Service	4/19/2022	4/19/2022	15982	Tree work Clayton Rd outbound-CH/EI Camin	\$20,160.00	\$0.00		\$20,160.00
				<i>Totals for Waraner Brothers Tree Service</i>	<i>\$49,680.00</i>	<i>\$0.00</i>		<i>\$49,680.00</i>
Western Exterminator								
Western Exterminator	4/19/2022	4/19/2022	14667759	Pest control March 2022	\$485.40	\$0.00		\$485.40
				<i>Totals for Western Exterminator</i>	<i>\$485.40</i>	<i>\$0.00</i>		<i>\$485.40</i>
Workers.com								
Workers.com	4/19/2022	4/19/2022	132333	Seasonal workers week end 3/20/22	\$2,091.02	\$0.00		\$2,091.02
Workers.com	4/19/2022	4/19/2022	132372	Seasonal workers week end 3/27/22	\$1,881.91	\$0.00		\$1,881.91
Workers.com	4/19/2022	4/19/2022	132416	Seasonal workers week end 4/3/22	\$1,881.91	\$0.00		\$1,881.91
				<i>Totals for Workers.com</i>	<i>\$5,854.84</i>	<i>\$0.00</i>		<i>\$5,854.84</i>
John Xepoleas for The Fundamentals								
John Xepoleas for The Fundamentals	4/19/2022	4/19/2022	050722	Concert 05/07/22	\$1,800.00	\$0.00		\$1,800.00
				<i>Totals for John Xepoleas for The Fundamentals</i>	<i>\$1,800.00</i>	<i>\$0.00</i>		<i>\$1,800.00</i>
GRAND TOTALS:					\$223,942.47	\$0.00		\$223,942.47

City of Clayton

Open Invoice Report

Cal Card Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
US Bank CalCard								
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	PAS device case-INTOXIMETERS INC	\$44.20	\$0.00		\$44.20
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	High Road Car Registration holder-AMZN MK	\$8.69	\$0.00		\$8.69
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	PIAA 15211 H11 XTREME WHITE Headlig	\$91.49	\$0.00		\$91.49
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Tractor tire-EAST BAY TIRE FAIRFIELD	\$1,269.44	\$0.00		\$1,269.44
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Ice Machine repair-COMMERCIAL APPLIANC	\$172.79	\$0.00		\$172.79
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Ice Machine repair-COMMERCIAL APPLIANC	\$826.41	\$0.00		\$826.41
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Boots, Orlando Johnson-RED WING SHOE S	\$290.81	\$0.00		\$290.81
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	The Grove Park Turf replacement-THE SOD S	\$6,188.52	\$0.00		\$6,188.52
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	The Grove Park Turf replacement-THE SOD S	\$2,191.00	\$0.00		\$2,191.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	SAS Safety 6604-20 Thickst-AMZN MKTP U	\$52.04	\$0.00		\$52.04
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	200 Pack Medical Grade Dis-AMZN MKTP U	\$63.06	\$0.00		\$63.06
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	ACCUPOUR 8oz (250 mL) Meas-AMZN MK	\$11.65	\$0.00		\$11.65
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	One Gallon 128oz Measure P-AMZN MKTP U	\$28.22	\$0.00		\$28.22
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Memory for cell phone-APPLE.COM/BILL	\$0.99	\$0.00		\$0.99
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Employee recognition-JAMBA JUICE 1011 E	\$87.35	\$0.00		\$87.35
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	IT Services-MSFT * E0200HLKPL	\$152.00	\$0.00		\$152.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	IT Services-MSFT * E0200HLKO1	\$5.00	\$0.00		\$5.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Storage rent-CENTRAL SELF STORAG	\$208.00	\$0.00		\$208.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	IT Services-AMAZON WEB SERVICES	\$410.37	\$0.00		\$410.37
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Cloud Recording 100 GB-ZOOM.US 888-79	\$180.00	\$0.00		\$180.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	9255229137,PAUL JACOBSON-VZWRLSS*AP	\$120.24	\$0.00		\$120.24
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	QB 8.5X11 RCOPY 20 92 1RM-QUILL COR	\$14.06	\$0.00		\$14.06
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	QB 8.5X11 RCOPY 20 92 1RM-QUILL COR	\$182.80	\$0.00		\$182.80
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Standard Pro Monthly-ZOOM.US 888-799-966	\$14.99	\$0.00		\$14.99
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Training class-CAL CHAMBER OF COMMERC	\$209.00	\$0.00		\$209.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Medium Flat Rate Box-USPS.COM CLICKNS	\$16.10	\$0.00		\$16.10
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Car Wash-76 - PINE HOLLOW ENTERPRI	\$15.99	\$0.00		\$15.99
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	BOSCH ICON WIPER 22OE-AUTOZONE #	\$57.27	\$0.00		\$57.27
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Covid tests-CVS/PHARMACY #06526	\$56.60	\$0.00		\$56.60
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	CEQA notice, Prop 68, Per Capita-VCN*CONTR	\$52.50	\$0.00		\$52.50
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	CEQA notice, Prop 68, RIRE Grant-VCN*CONT	\$52.50	\$0.00		\$52.50
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Posting of intern office position-NEOGOV	\$199.00	\$0.00		\$199.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Car Wash-76 - PINE HOLLOW ENTERPRI	\$28.99	\$0.00		\$28.99
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Car Wash-76 - PINE HOLLOW ENTERPRI	\$28.99	\$0.00		\$28.99
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Monthly fees-TLO TRANSUNION	\$75.00	\$0.00		\$75.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Batteries for rifle optics-CVS/PHARMACY #	\$7.38	\$0.00		\$7.38
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	Training WLE 2022-CALIFORNIA POLICE	\$450.00	\$0.00		\$450.00
US Bank CalCard	3/22/2022	3/22/2022	Stmt end 3/22/22	STICKIES 3X5 REC YLW 12PK-STAPLS735	\$137.14	\$0.00		\$137.14
<i>Totals for US Bank CalCard</i>					<i>\$14,000.58</i>	<i>\$0.00</i>		<i>\$14,000.58</i>
GRAND TOTALS:					\$14,000.58	\$0.00		\$14,000.58

City of Clayton

Open Invoice Report

Clayton Cares Obligations

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Isabella Carranza								
Isabella Carranza	4/18/2022	4/18/2022	ARPA	Clayton Cares Program	\$10,000.00	\$0.00		\$10,000.00
				<i>Totals for Isabella Carranza</i>	<i>\$10,000.00</i>	<i>\$0.00</i>		<i>\$10,000.00</i>
Barbara Dubovsky								
Barbara Dubovsky	4/18/2022	4/18/2022	ARPA	Clayton Cares Program	\$10,000.00	\$0.00		\$10,000.00
				<i>Totals for Barbara Dubovsky</i>	<i>\$10,000.00</i>	<i>\$0.00</i>		<i>\$10,000.00</i>
Mustang Baseball Club, LLC								
Mustang Baseball Club, LLC	4/18/2022	4/18/2022	ARPA	Clayton Cares Program	\$10,000.00	\$0.00		\$10,000.00
				<i>Totals for Mustang Baseball Club, LLC</i>	<i>\$10,000.00</i>	<i>\$0.00</i>		<i>\$10,000.00</i>
Organizing Behind the Scenes								
Organizing Behind the Scenes	4/18/2022	4/18/2022	ARPA	Clayton Cares Program	\$10,000.00	\$0.00		\$10,000.00
				<i>Totals for Organizing Behind the Scenes</i>	<i>\$10,000.00</i>	<i>\$0.00</i>		<i>\$10,000.00</i>
Soaring Falcon, LLC								
Soaring Falcon, LLC	4/18/2022	4/18/2022	ARPA	Clayton Cares Program	\$10,000.00	\$0.00		\$10,000.00
				<i>Totals for Soaring Falcon, LLC</i>	<i>\$10,000.00</i>	<i>\$0.00</i>		<i>\$10,000.00</i>
GRAND TOTALS:					\$50,000.00	\$0.00		\$50,000.00

Payroll Summary

City of Clayton

Check Date: 04/08/2022

Process: 2022040801

Pay Period: 03/21/2022 to 04/03/2022

Page 1 of 2

Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	34	0.00	65,296.52	65,296.52	
	Regular	2	221.64	0.00	221.64	
Totals		36	221.64	65,296.52	65,518.16	→ 65,518.16

Payroll Checks	Check Type	Agency Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Agency	EFSDU	1	0.00	358.15	358.15	
	Agency	Regular	1	0.00	663.50	663.50	
Totals			2	0.00	1,021.65	1,021.65	→ 1,021.65

Total Net Payroll Liability				221.64	66,318.17	66,539.81	→ 66,539.81
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Tax Liability

CA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA SDI - Employee			Semi-Weekly	97,543.05	97,543.05			
California SITW			Semi-Weekly	94,388.29	94,388.29	4,706.55		
Totals						4,706.55	0.00	→ 4,706.55

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training		0.001000	Quarterly	97,543.05	2,950.00		2.95	
California SUI		0.020000	Quarterly	97,543.05	2,950.00		59.00	
Totals						0.00	61.95	→ 61.95

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax			Semi-Weekly	94,388.29	94,388.29	12,823.61		
Medicare			Semi-Weekly	97,543.05	97,543.05	1,414.39		
Medicare - Employer			Semi-Weekly	97,543.05	97,543.05		1,414.37	
OASDI			Semi-Weekly	2,950.00	2,950.00	182.90		
OASDI - Employer			Semi-Weekly	2,950.00	2,950.00		182.90	
Totals						14,420.90	1,597.27	→ 16,018.17

FUTA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Fed Unemployment			Quarterly	97,543.05	2,950.00		17.70	
Totals						0.00	17.70	→ 17.70

Total Tax Liability						19,127.45	1,676.92	→ 20,804.37
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Total Payroll Liability						87,344.18		→ 87,344.18
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Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 4/5/2022 at 4:47 PM

Payroll Summary

City of Clayton

Check Date: 04/08/2022

Process: 2022040801

Pay Period: 03/21/2022 to 04/03/2022

Page 2 of 2

Billing

Invoice	Date	Gross	Discount	Tax	Adjustment	Amount
Totals →						

Transfers

Type	Date	Source Account	Amount
Dir Dep	4/7/2022		65,296.52
Tax	4/7/2022		20,804.37
Trust	4/7/2022		221.64
Trust Agency	4/7/2022		1,021.65
Totals Transfers			87,344.18 → 87,344.18

Tax Deposits

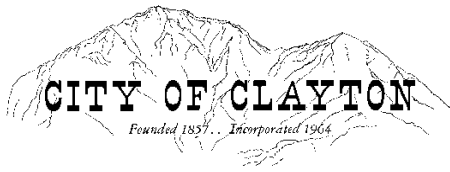
Required Tax Deposits	Tax	Due On	Amount
(Deposit made by Service Bureau)	California SITW	4/13/2022	4,706.55
(Deposit made by Service Bureau)	Federal Income Tax	4/13/2022	16,018.17
(Deposit made by Service Bureau)	California SUI	8/1/2022	61.95
(Deposit made by Service Bureau)	Fed Unemployment	8/1/2022	17.70
	Total Tax Deposits		20,804.37



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 4/5/2022 at 4:47 PM



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

DATE: April 19, 2022

SUBJECT: Adopt a Resolution of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361

RECOMMENDATION

Adopt a Resolution of the City Council allowing for video and teleconference meetings as needed during the COVID-19 state of emergency under AB 361.

BACKGROUND

Last year, the State Legislature passed and Governor Newsom signed AB 361 which continues many of the provisions related to the Brown Act that were in place under Executive Orders, which expired September 30, 2021 that allowed for video and teleconferencing during the state of emergency. Since AB 361 has been signed into law, the City can continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote social distancing are no longer recommended by the County Health Officer.

On September 20, 2021, February 2, 2022, March 1, 2022 and April 15, 2022, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and continues to encourage on-line meetings over in-person public meetings if feasible. If in-person meetings occur, the County Health Officer recommends physical distancing of six feet of separation between all attendees to the extent possible. The proposed resolution provides that the City Council and all subsidiary City boards and commissions may choose to hold fully virtual video and teleconference meetings while the state of emergency is still in effect and physical distancing is recommended.

In order to continue to be able to hold video and teleconference meetings as needed, the City Council will need to review and make findings every thirty days that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote physical distancing.

Subject: Resolution Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

Date: April 19, 2022

Page 2 of 2

FISCAL IMPACT

None.

Attachments

Resolution of the City Council Allowing for Video and Teleconference Meetings during the COVID-19 State of Emergency Under AB 361

Recommendations for Safely Holding Public Meetings (Contra Costa County Public Health; April 15, 2022)

RESOLUTION NO. ##-2022

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
ALLOWING FOR VIDEO AND TELECONFERENCE MEETINGS DURING THE
COVID-19 STATE OF EMERGENCY UNDER AB 361**

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency for COVID-19;

WHEREAS, AB 361 was recently passed by the State Legislature and signed by Governor Newsom and went into effect immediately and allows the City to continue to meet virtually until such time as the Governor declares the State of Emergency due to COVID-19 over and measures to promote physical distancing are no longer recommended;

WHEREAS, on September 20, 2021, February 2, 2022, March 1, 2022 and April 15, 2022, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and encourages on-line meetings if feasible and if in person meetings occur then recommends physical distancing of six feet of separation to the extent possible and masking for all attendees;

WHEREAS, in light of this recommendation, the City Council desires for itself and for all other City legislative bodies that are subject to the Brown Act to be able to choose to meet via video and/or teleconference as necessary; and

WHEREAS, pursuant to AB 361 the City Council will review the findings required to be made at least every 30 days.

NOW THEREFORE BE IT RESOLVED the City Council hereby finds on behalf of itself and all other City legislative bodies: (1) a state of emergency has been proclaimed by the Governor; (2) the state of emergency continues to directly impact the ability of the City's legislative bodies to meet safely in person; and (3) local health officials continue to recommend measures to promote physical distancing.

BE IT FURTHER RESOLVED that the City Council and all other City legislative bodies may continue to meet via video and/or teleconference as needed during the COVID-19 emergency.

PASSED AND ADOPTED by the Clayton City Council, State of California, on this 19th day of April 2022, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

**THE CITY COUNCIL OF CLAYTON,
CA**

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk



Recommendations for safely holding public meetings

Each local government agency is authorized to determine whether to hold public meetings in person, on-line (teleconferencing only), or via a combination of methods. The following are recommendations from the Contra Costa County Health Officer to minimize the risk of COVID 19 transmission during a public meeting.

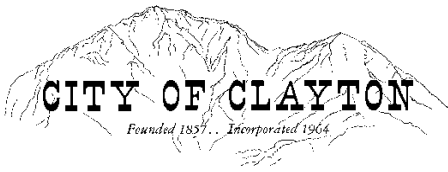
1. Online meetings (i.e. teleconferencing meetings) are encouraged, where practical, as these meetings present the lowest risk of transmission of SARS CoV-2, the virus that causes COVID 19. This is particularly important when community prevalence rates are high. Our current trends as of April 15, 2022 in Covid-19 case rate and Covid-19 hospitalizations have plateaued at this time, but wastewater surveillance data and COVID-19 test positivity has been increasing. In addition to this, the predominant variant of Covid-19 being identified continues to be the Omicron variant, the impact of which on the spread of Covid-19 has shown to dramatically increase COVID-19 transmission.
2. If a local agency determines to hold in-person meetings, offering the public the opportunity to attend via a call-in option or an internet-based service option is recommended, when possible, to give those at higher risk of and/or higher concern about COVID-19 an alternative to participating in person.
3. A written safety protocol should be developed and followed. It is recommended that the protocol require social distancing, where feasible – i.e. six feet of separation between attendees; and consider requiring or strongly encouraging face masking of all attendees and encouraging attendees to be up-to-date on their COVID-19 vaccine.
4. Seating arrangements should allow for staff and members of the public to easily maintain at least six-foot distance from one another at all practicable times.
5. Consider holding public meetings outdoors. Increasing scientific consensus is that outdoor airflow reduces the risk of COVID-19 transmission compared to indoor spaces. Hosting events outdoors also may make it easier to space staff and members of the public at least 6 feet apart.
6. Current evidence is unclear as to the added benefit of temperature checks in addition to symptom checks. We encourage focus on symptom checks as they may screen out individuals with other Covid-19 symptoms besides fever and help reinforce the message to not go out in public if you are not feeling well.
7. Consider a voluntary attendance sheet with names and contact information to assist in contact tracing of any cases linked to a public meeting.

Revised 4-15-2022

Sefanit Mekuria

Sefanit Mekuria, MD, MPH
Deputy Health Officer, Contra Costa County





AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: APRIL 19, 2022

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON
APPOINTING CALPERS RETIRED ANNUITANT JOSEPH KREINS TO
THE POSITION OF INTERIM CHIEF OF POLICE AND APPROVING AN
EMPLOYMENT CONTRACT PURSUANT TO CALIFORNIA
GOVERNMENT CODE SECTION 21221(H)**

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution appointing CalPERS retired annuitant Joseph Kreins to the position of Interim Chief of Police and approving an employment contract pursuant to California Government Code Section 21221(H).

BACKGROUND

The City's Chief of Police position will be vacant on or around April 29, 2022 as the City's current Chief of Police has accepted a conditional offer of employment in another jurisdiction. While the City has already posted the vacancy to begin the recruitment, it will be several months before the City will be able to bring a new Chief of Police on board.

In the meantime, the City must bring on an Interim Chief of Police to ensure that the City can maintain our local law enforcement presence effectively. Mr. Kreins is a highly qualified and experienced law enforcement executive and retired Chief of Police who possesses the critically needed skills and experience to serve as an Interim Chief of Police. The Resolution and Agreement before the City Council this evening would appoint retired Chief of Police Joseph Kreins to the position of Interim Chief of Police for the City of Clayton during the period of recruitment.

The Public Employee's Retirement Law (PERL) generally prohibits CalPERS employers from hiring retirees unless they are first reinstated from retirement; however, an exception to this rule allows local agencies to hire retired annuitants pursuant to Government Code Section 21221(h), provided certain key eligibility requirements are satisfied. Under this Government Code provision, a retiree may serve without reinstatement when the services of a retiree possessing specialized skills are needed during recruitment for a permanent appointment, as is the case with this proposal. Specifically, the temporary employment under Government Code section 21221(h) requires the following conditions and limitations be met:

- the interim appointment is “critically needed” during the period of the recruitment for a permanent Chief of Police position;
- the interim appointment is for a “limited duration” and requires “specialized skills” in the area of local law enforcement;
- the annuitant’s employment will not exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined;
- the annuitant’s pay rate will not exceed the maximum monthly paid to other employees performing comparable duties as listed on a publicly available pay schedule for the vacant position, divided by 173.333 to equal an hourly rate;
- the annuitant will not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate; and
- the retired annuitant will certify that they have not received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to the appointment date.

The annuitant will be compensated at the maximum salary permissible for this position of \$72.28 per hour (\$12,528 monthly salary/173.333 hours per month) in accordance with the City's adopted salary schedule for FY2021/22 for the Chief of Police classification beginning on or about May 2, 2022 and will receive no other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate. If during the interim appointment the salary range for the Chief of Police is adjusted, the hourly rate for the annuitant position will be adjusted accordingly. The cost for this agreement can be accommodated within the adopted budget.

Attachments: 1. Resolution
2. "Exhibit A", Employment Agreement

RESOLUTION ##-2022

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON APPOINTING CALPERS RETIRED ANNUITANT JOSEPH KREINS TO THE POSITION OF INTERIM CHIEF OF POLICE FOR THE CITY OF CLAYTON, CA AND APPROVING AN EMPLOYMENT CONTRACT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 21221(H)

WHEREAS, this is not a project as defined by CEQA;

WHEREAS, the Chief of Police position will be vacant on or about April 29, 2022 and the City has already posted the position in order to recruit a permanent replacement;

WHEREAS, during the recruitment, the City Manager seeks to execute a contract with Joseph Kreins to serve as Interim Chief of Police for the City of Clayton, consistent with the Public Employees' Pension Reform Act (California Government Code Section 21221(h));

WHEREAS, the Public Employee's Retirement Law (PERL) generally prohibits CalPERS employers from hiring retirees unless they are first reinstated from retirement; however, an exception to this rule allows local agencies to hire retired annuitants pursuant to Government Code section 21221(h), subject to certain key eligibility requirements;

WHEREAS, under the Government Code, a retiree may serve in a vacant position that is undergoing an active recruitment without reinstatement when the services of a retiree possessing specialized skills are needed during the recruitment;

WHEREAS, Mr. Kreins is a highly qualified and experienced law enforcement executive and retired Chief of Police who possesses the critically needed skills and experience to serve as a retired annuitant Chief of Police;

WHEREAS, this temporary employment assignment under Government Code section 21221(h) requires the following conditions and limitations be met:

- the vacant position is deemed to require specialized skills;
- Mr. Kreins' interim appointment will be "critically needed" during the period of the recruitment for a permanent Chief of Police position;
- Mr. Kreins' interim appointment is for a "limited duration" and requires "specialized skills" in the area of local law enforcement;
- the annuitant's employment will not exceed 960 hours in a fiscal year (July 1 through June 30) for employment with all CalPERS employers combined;
- the annuitant's pay rate will not exceed the maximum monthly paid to other employees performing comparable duties as listed on a publicly available pay

schedule for the vacant position, divided by 173.333 to equal an hourly rate;

- the annuitant will not receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate; and
- the retired annuitant will certify that they have not received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to the appointment date;

WHEREAS, the annuitant will be compensated at the maximum salary permissible for this position of \$72.28 per hour (\$12,528 monthly salary/173.333 hours per month) in accordance with the City's adopted salary schedule for the Chief of Police classification beginning on or about May 2, 2022 in accordance with the City Council adopted salary schedule for FY 2021/22 and will receive no other benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate;

WHEREAS, if during the interim appointment the salary range for the Chief of Police is adjusted, the hourly rate for the annuitant position will be adjusted accordingly; and

WHEREAS no additional budget resources are requested.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Clayton hereby authorizes the City Manager to execute the attached contract (Exhibit 1) to appoint Joseph Kreins to serve as Interim Chief of Police.

* * * * *

ADOPTED ON the 19th day of April, 2022 by the City Council of the City of Clayton by the following vote count:

AYES:

NOES:

ABSENT:

ABSTAIN

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST

Janet Calderon, City Clerk



COMMUNITY
DEVELOPMENT (925) 673-7340
ENGINEERING (925) 969-8181
April 19, 2022

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

City Council
PETER CLOVEN, MAYOR
HOLLY TILLMAN, VICE MAYOR
JIM DIAZ, COUNCILMEMBER
JEFF WAN, COUNCILMEMBER
CARL "CW" WOLFE, COUNCILMEMBER

Joseph Kreins

RE: RETIRED ANNUITANT CONTRACT – INTERIM Chief of Police

Dear Mr. Kreins:

I am pleased to offer you, as a CalPERS retired annuitant, a limited duration opportunity with the City of Clayton's Police Department as an Interim Chief of Police beginning on or about May 2, 2022. Your appointment is made pursuant to Government Code Section 21221(h) because of the resignation of the current Chief of Police creating a vacancy for which your specialized knowledge and skills are needed during the time it takes to recruit and fill this position. The City has already begun the process to recruit a permanent Chief of Police.

For your information, CalPERS has established specific rules relating to temporary employment after retirement. Please see CalPERS publication titled *Employment After Retirement* (<https://www.calpers.ca.gov/docs/forms-publications/employment-after-retirement.pdf>), which outlines the conditions and limitations of service after retirement and sets forth the following retired annuitant employment requirements:

- You possess specialized skills needed to perform work of limited duration during recruitment for a department-head level position.
- Your temporary employment will not exceed 960 hours in a fiscal year (July 1st through June 30th) for employment with all CalPERS employers combined.
- The pay rate you receive is not less than the minimum nor exceeds the maximum monthly paid to other employees performing comparable duties, divided by 173.33 to equal an hourly rate.
- Retired annuitants cannot receive any benefit, incentive, compensation in lieu of benefits, or other form of compensation in addition to the hourly pay rate.
- You cannot be appointed as a retired annuitant if you received unemployment insurance payments for prior retired annuitant work for any CalPERS employer within 12 months prior to the appointment date. Upon accepting employment, you must certify in writing to the employer (City of Clayton) that you comply with this requirement.

Compensation

The City of Clayton is offering to compensate you at the maximum monthly salary permissible for this position, which is \$72.28 per hour beginning on May 2, 2022. If the salary range for the Chief of Police position is increased during the term of your appointment, your pay rate will be adjusted accordingly. This rate is based on the currently approved salary schedule for FY2021/22 which you can find here: <https://claytonca.gov/human-resources/city-of-clayton-compensation-and-benefits/>. You will not receive any benefit, incentive, compensation in lieu of benefits or other form of compensation in addition to the hourly rate.

Do The Right Thing
Integrity - Responsibility - Inclusion - Courage - Kindness - Self-Discipline - Respect
Because It's The Right Thing To Do!

Your work hours shall not exceed the 960 hours per fiscal year allowed by statute. Work hours will be tracked via the City's payroll system.

Duties

Your Interim Chief of Police duties will include all of the customary duties of a Chief of Police.

Retired Annuitant Status and Indemnification

If you have questions relating to employment after retirement, you should consult with CalPERS directly at 888-225-7377 or www.calpers.ca.gov. The CalPERS publication titled *Employment After Retirement* outlines the conditions and limitations of service after retirement and can be found on the CalPERS website.

Certification of No Unemployment Benefits and No Other Public Agency Work

By signing this letter, you are certifying that you have not received unemployment benefits related to retired annuitant employment with any public employer in the last twelve (12) months.

By signing this letter, you are also certifying that you have not worked for another CalPERS public agency during the fiscal year.

Execution of Agreement

If the terms of this temporary interim assignment are in accordance with your understanding of the job, please sign two copies and return both originals.

We are extremely pleased you have chosen to work for the City of Clayton after retirement. We have every reason to believe that you will have a rewarding and gratifying experience serving our community in your new capacity.

Approved:


Reina J. Schwartz, City Manager

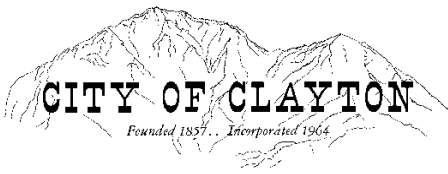
April 19, 2022
Date

Acknowledgement and Certification

I hereby accept and certify that I will abide by all terms and conditions set forth in this contract as a CalPERS annuitant working for the City of Clayton.

Joseph Kreins

Date



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Larry Theis, P.E., Public Works Director/City Engineer

DATE: April 19, 2022

SUBJECT: Resolution Directing the Preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District

RECOMMENDATION

Adopt the attached Resolution directing the preparation of an Engineer's Report for the Diablo Estates Benefit Assessment District.

BACKGROUND

At the request of the developer of the Diablo Estates residential project, the City Council (by approval of Resolution 04-2012 on February 7, 2012) formed the Diablo Estates Benefit Assessment District ("District") in accordance with the requirements of the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982. The purpose of the District is for private property owners to be assessed annually to fund the annual maintenance of the various subdivision improvements constructed as part of the residential project that are of benefit to the properties within the subdivision. The initial Engineer's Report and benefit assessment was prepared by the Engineer of Work and approved via a Proposition 218 ballot election by the property owners as required by law. The District was formed allowing the maximum annual assessment rates to increase annually based on the San Francisco Bay Area Consumer Price Index ("CPI").

Although the Benefit Assessment Act of 1982 does not require further action prior to levying the annual assessment if the assessment rates are not increased (other than any pre-authorized adjustment due to a CPI increase), the Landscaping & Lighting Act of 1972 does require the filing and approval of an annual Engineer's Report prior to levying an annual assessment.

For the purpose of continuing to levy annual assessments on the property owners, the City Council initiates the process by calling for preparation of an annual Engineer's Report. After enactment of this Resolution, the next step will be for the Engineer of Work (City Engineer) to submit, and the City Council to review and then accept, the Engineer's Report for this District. Following that submittal will be a single public hearing (with property owners' advance

notification) prior to formally setting next year's assessments in sufficient time to be levied and collected via the County's secured property tax bills issued by the County for 2022/23.

FISCAL IMPACT

None to the City. As designed and approved, all expenses associated with the subdivision improvements, maintenance, operation, and repair are borne by the property owners of the District.

ATTACHMENTS

Resolution Directing the Filing of an Annual Engineer's Report for the Diablo Estates Benefit Assessment District

RESOLUTION NO. ## - 2022

**A RESOLUTION DIRECTING THE FILING OF AN ANNUAL ENGINEER'S REPORT
FOR THE DIABLO ESTATES BENEFIT ASSESSMENT DISTRICT
(PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972)**

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

WHEREAS, as requested by the Diablo Estates project's property owners and by Resolution No. 04-2012 adopted February 7, 2012, the Clayton City Council formed the Diablo Estates Benefit Assessment District (the "District") pursuant to both the Landscaping & Lighting Act of 1972 and the Benefit Assessment Act of 1982; and

WHEREAS, an initial Engineer's Report was prepared by a registered civil engineer; and

WHEREAS, an initial annual assessment, along with an allowable annual rate increase in accordance with annual increase in the San Francisco-Bay Area Consumer Price Index ("CPI"), was approved by the affected property owner(s) in a Proposition 218 ballot election; and

WHEREAS, although the Benefit Assessment Act of 1982 requires no further action to continue levying the annual assessment, the Landscaping & Lighting Act of 1972 does require the City Council to direct the Engineer of Work to prepare an Annual Engineer's Report prior to the levying of an assessment; and

WHEREAS, it is the City Council's intent to commence said proceedings to ensure sufficient funds be assessed, levied, collected, and expended each fiscal year to fulfill the property owner's obligation to properly maintain, operate and repair the associated Diablo Estates subdivision improvements as private property owner beneficiaries.

NOW, THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. There are no significant changes proposed to the improvements maintained by the District.
2. The City Engineer is hereby directed to prepare and file an Annual Engineer's Report in accordance with the provisions of the Landscaping & Lighting Act of 1972.
3. This Resolution is adopted pursuant to Section 22622 of the California Streets and Highways Code.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 19th day of April 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST:

Janet Calderon, City Clerk



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Warren, Elise, Police Chief

DATE: April 19, 2022

SUBJECT: INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAYTON ADOPTING A MILITARY EQUIPMENT USE POLICY IN ACCORDANCE WITH GOVERNMENT CODE §§ 7070, ET SEQ.

RECOMMENDATION

Waive first reading; introduce Ordinance.

BACKGROUND

Assembly Bill 481 ("AB 481"), approved on September 30, 2021 by Governor Gavin Newsom (codified as Chapter 12.8 of the California Government Code and commencing with section 7070 *et seq.*), requires a local law enforcement agency, such as the Clayton Police Department, to have a military equipment use policy approved by the City Council prior to requesting, seeking funding, acquiring, collaborating with other jurisdictions about the deployment of military equipment, or using military equipment.

The term "military equipment", as defined by Government Code section 7070(c), does not necessarily indicate just equipment used by the military. Items deemed to be "military equipment" include but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles, pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, long range acoustic devices, and flashbang diversionary devices. The list of items considered "military equipment" by AB 481 are employed by many law enforcement agencies across the country as best practices to enhance community and officer safety.

DISCUSSION

The Clayton Police Department ("Department") is committed to safeguarding our community through crime reduction strategies such as: Community Policing, Progressive Training, and Technology. Using the most up-to-date tools and equipment to safeguard the community of

Clayton is essential to keeping our community safe. Some items deemed to be “military equipment” are in fact employed by the Department to specifically reduce risk to community members during critical incidents.

The Department Policy 710, “Military Equipment Funding, Acquisition, and Use” adheres to California Government section 7070 *et seq.*, with respect to the approval, acquisition, and reporting requirements of military equipment. In addition, Assembly Bill 481 requires the City to publish the draft military equipment use policy to the Police Department’s website thirty (30) days ahead of a public hearing to approve the policy. The Department’s draft policy was published on March 16, 2022. After the Policy is adopted, the Department will be required to:

- Publish an annual report to include each type of military equipment approved by City Council.
- Hold at least one well-publicized and conveniently located community engagement meeting within thirty (30) days of submitting and publicly releasing the annual military equipment report.
- Have the City Council annually review the military equipment use ordinance and determine whether to continue the military equipment use policy or not, or whether to disapprove a renewal of a type of military equipment, or amend the military equipment use policy if City Council determines that the military equipment does not comply with standards for approval.

In adopting the Ordinance, to which the Military Equipment Policy is included as Exhibit “A”, the City Council is required by AB 481 to make the following findings:

- The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- The proposed Policy attached as Exhibit “A” to the Ordinance and identified as Department Policy 710 will safeguard the public’s welfare, safety, civil rights, and civil liberties.
- If purchasing the equipment identified in the Policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- Prior military equipment use complied with the military equipment policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

It is the Department’s position that these findings can all be made. After hearing any public comments, if the City Council votes to waive the first reading and introduce the ordinance by title only, then as is the City Council’s practice, the second reading would be placed on the consent calendar for adoption of the Ordinance at the City Council’s next regular meeting.

The equipment owned by the Department that qualifies under this Ordinance includes:

- One (1) Colt M4 carbine for patrol supervisor use. The Colt M4 is a select-fire rifle with a chrome lined 10-inch barrel with a 1:9 twist, iron sights, carry handle, and adjustable stock. Designed specifically for lightweight mobility, speed of target acquisition, and potent firepower capability.
- Winchester 5.56x45 M855 Green Tip 62 grain ammunition. The M855 round is a full metal jacketed round with a steel insert core and is painted green on the tip.
- Four (4) Remington 870 12-gauge Less Lethal Launchers. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.
- One (1) Defense Technology 40MM single shot launcher. The 40MM Single Launcher is a tactical single shot launcher that features a fixed stock and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition (Sponge Round), up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet.
- CTS Model 2581 drag stabilized Super-Sock beanbag rounds.
- CTS Model 4557 spin stabilized direct impact sponge rounds.
- One (1) 2007 Carson Trailer. This trailer is a command vehicle used for special events and critical incidents. It is equipped with office equipment, police radios and a mobile data computer (MDC).

FISCAL IMPACTS

None

ATTACHMENTS

- Ordinance
- Exhibit "A" – Clayton Police Department Policy 710

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING A MILITARY USE EQUIPMENT POLICY
IN ACCORDANCE WITH GOVERNMENT CODE §§ 7070, ET SEQ.**

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

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

WHEREAS, on September 30, 2021, Governor Newsom signed into law Assembly Bill (“AB”) 481 to address the funding, acquisition, and use of military equipment, as that term is defined by Government Code section 7070(c); and

WHEREAS, AB 481 requires adoption of a military use equipment policy (“Policy”) by the City Council before the Clayton Police Department (“Department”) may take action to request military equipment; seek funds (such as grants or in-kind donations) for acquiring military equipment; actually acquire military equipment, either permanently or temporarily by owning, borrowing, or leasing; collaborate with other law enforcement agencies to deploy or use military equipment in the agency’s territorial jurisdiction; use new or existing military equipment in a manner not previously subject to AB 481’s scope; solicit or respond to a proposal for, or enter into an agreement with, any person or entity to seek funds for, apply for, acquire, use, or collaborate in using military equipment; or to acquire military equipment through any other means not specifically detailed in the statute; and

WHEREAS, in accordance with Government Code section 7071(b), the proposed Policy was made available on the website on the Department website at least thirty (30) days prior to the public hearing by the City Council to adopt the Policy; and

WHEREAS, in accordance with Government Code section 7071(c), the Policy is on the agenda as an open session item at a regular meeting of the City Council, and public comment on the item will be allowed in accordance with the Brown Act; and

WHEREAS, this Ordinance will be reviewed by City Council at least annually, and based on an annual military equipment report that will be submitted to the City Council pursuant to Government Code section 7071(e)(1).

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CLAYTON DOES
ORDAIN AS FOLLOWS:**

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

Section 2. Findings. Pursuant to Government Code section 7071(d)(1), as may be amended or renumbered from time to time, the City Council hereby makes the following findings in support of its adoption of the Policy:

- A. The military equipment identified in the Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- B. The proposed Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- C. If the Department purchases military equipment pursuant to the Policy, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- D. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

Section 3. Adoption of the Military Equipment Use Policy. The City Council hereby adopts the Military Equipment Use Policy, which is attached hereto as Exhibit "A".

Section 4. 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 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 5. Effective Date and Publication. This Ordinance shall become effective thirty (30) days from and after its passage. 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.

Section 6. CEQA. The City Council finds that pursuant to the California Environmental Quality Act (CEQA) Section 15061(b)(3) it can be seen with certainty that there is no possibility that the currently proposed Ordinance may have a significant effect on the environment, it is therefore not subject to CEQA and no further environmental review is necessary.

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on April 19, 2022.

Passed, adopted, and ordered posted by the City Council of the City of Clayton at a regular public meeting thereof held on May 3, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Peter Cloven, Mayor

ATTEST

Janet Calderon, City Clerk

APPROVED AS TO FORM

APPROVED BY ADMINISTRATION

Malathy Subramanian, City Attorney

Reina Schwartz, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on April 19, 2022 and was duly adopted, passed, and ordered posted at a regular meeting of the City Council held on May 3, 2022.

Janet Calderon, City Clerk

Ordinance No. _____, 2022

Exhibit "A"

Policy: 710 Military Equipment Funding, Acquisition and Use Policy

710.1

PURPOSE AND SCOPE

State

MODIFIED

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment pursuant to Assembly Bill 481 ("AB 481") (Government Code § 7070 et seq.).

710.1.1

DEFINITIONS

State

MODIFIED

Definitions related to this policy include those provided in Government Code section 7070, and as follows:

Governing body – The City of Clayton - City Council ("City Council").

Military equipment – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by the City Council.

710.2

POLICY

State

MODIFIED

It is the policy of the Clayton Police Department ("Department") that members of this Department comply with the provisions of AB 481 with respect to funding, acquisition and use of military equipment.

710.3

MILITARY EQUIPMENT COORDINATOR

Best Practice

MODIFIED

The Chief of Police shall designate a member of this Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include, but are not limited to:

- a. Acting as liaison to the City Council for matters related to the requirements of this policy.
- b. Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the City Council.
- c. Conducting an inventory of all military equipment at least annually.
- d. Collaborating with any allied agency that may use military equipment within the jurisdiction of the Department.
- e. Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 1. Publicizing the details of the meeting.
 2. Preparing for public questions regarding the Department's funding, acquisition, and use of equipment.
- f. Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department website.
- g. Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

710.4

MILITARY EQUIPMENT INVENTORY

State

MODIFIED

The list of qualifying military equipment for the Department is attached to this Policy as Exhibit "A" and is incorporated into the Policy by this reference.

710.5

APPROVAL

State

MODIFIED

The Chief of Police or the authorized designee shall obtain approval from the City Council by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the City Council and is available on the Department website at least 30 days prior to any public hearing concerning the military equipment at issue. The military equipment policy must be approved by the City Council prior to engaging in any of the following:

- a. Requesting military equipment made available pursuant to 10 USC § 2576(a).
- b. Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- c. Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- d. Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- e. Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council.

- f. Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- g. Acquiring military equipment through any means not provided above.

710.6

COMPLIANCE

Agency Content

Department members shall adhere to this Policy, in addition to state and local laws and ordinances when employing the use of military equipment. Violations of the law or this policy may result in criminal or administrative investigations and, or actions.

710.7

COORDINATION WITH OTHER JURISDICTIONS

State

MODIFIED

Military equipment used by any member of this Department shall be approved for use and in accordance with this Policy. Military equipment used by other jurisdictions that are providing mutual aid to the City of Clayton, or otherwise engaged in law enforcement operations in the City, shall comply with their respective military equipment use policies in rendering mutual aid or carrying out a law enforcement function related to a criminal matter under their investigation.

710.8

ANNUAL REPORT

State

MODIFIED

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the City Council for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use.

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the Department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in Department inventory.

710.9

COMMUNITY ENGAGEMENT

State

MODIFIED

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

710.10

COMPLAINT PROCESS

Agency Content

Members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this policy by any of the following means:

1. Via email to: claytonpolice@claytonpd.com

2. Via phone call to: (925) 673-7350

3. Via mail sent to: Clayton Police Department, attn: Military Equipment Use Coordinator, 6000 Heritage Trail, Clayton CA 94517

The Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

710.11

EXHIBIT A - EQUIPMENT LIST

Agency Content

Exhibit "A"

1. SPECIALIZED FIREARMS AND AMMUNITION

a. Description, quantity, capabilities, and purchase cost:

Guns that are fired from shoulder level, having a long spirally grooved barrel intended to make bullets spin and thereby have a greater accuracy over a long distance.

1. Colt M4 carbine for patrol supervisor use, cost \$1695, quantity: 1. The Colt M4 is a select-fire rifle with a chrome lined 10 inch barrel with a 1:9 twist, iron sights, carry handle, and adjustable stock. Designed specifically for lightweight mobility, speed of target acquisition, and potent firepower capability.
2. Winchester 5.56x45 M855 Green Tip 62 grain ammunition, cost \$90, quantity: 150 rounds. The M855 round is a full metal jacketed round with a lead alloy and steel core and is painted green on the tip.

b. Purpose:

To be used to address a threat with more precision and/or greater distances than a handgun, if present and feasible.

c. Authorized Use:

Only members that are POST certified are authorized to use an M4 rifle.

d. Expected Lifespan:

Colt M4 carbine- 15 years

Winchester 5.56X45 M855 62 grain ammunition- No expiration

e. Fiscal Impact:

Annual maintenance is approximately \$50 for each rifle.

f. Training:

Prior to the use of the specialized firearms and ammunition listed within this section, all officers have received POST certified training. Additionally, all officers are required to complete annual training, per POST Regulations.

g. **Legal and Procedural Rules:**

Use is established under Policy #300 and #311. It is the policy of this Department to utilize specialized firearms and ammunition only for official law enforcement purposes and pursuant to the State and Federal law regarding use of force.

2. **LESS LETHAL LAUNCHERS AND AMMUNITION:**

a. **Description, quantity, capabilities, and purchase cost:**

Less lethal launchers are used to deploy either the less lethal super-sock 12- gauge beanbag round or the 40MM sponge baton round.

1. Remington 870 12-gauge Less Lethal Launcher, cost: \$1,600, quantity: 4. The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of de-escalation.
2. Defense Technology 40MM single shot launcher, cost: \$985, quantity: 1. The 40MM Single Launcher is a tactical single shot launcher that features a fixed stock and an adjustable Integrated Front Grip (IFG) with light rail. It will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. It will launch a 40MM less lethal round up to 131 feet.
3. CTS Model 2581 drag stabilized Super-Sock bean bag round, cost \$420, quantity: 65 rounds. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target. The Model 2581 Super-Sock is in its deployed state immediately upon exiting the barrel. It does not require a minimum range to "unfold" or "stabilize." The Super-Sock is an aerodynamic projectile. However, accuracy is relative to the shotgun, barrel length, environmental conditions, and the operator. The Super-Sock is very accurate. However, effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.
4. CTS Model 4557 spin stabilized direct impact sponge round, cost \$455, quantity: 13 rounds. The Model 4557 Sponge Baton is a smokeless 3.9-inch 40MM 60 gram spin-stabilized projectile, launched at 240-260 feet per second (FPS) designed to deliver a blunt trauma effect. Although it is extremely accurate and consistent, accuracy is dependent on the launcher, using open sights vs. an improved sight, environmental conditions, and the operator. Effectiveness depends on many variables, such as distance, clothing, stature, and the point where the projectile impacts.

b. **Purpose:**

To de-escalate conflict where employment of lethal force is prohibited or unfeasible.

c. **Authorized Use:**

Situations for use of the less lethal weapon systems may include, but are not limited to:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.

3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

d. **Lifespan:**

1. Remington 870 Less Lethal Launcher- 15 years.
2. Defense Technology 40MM launcher- 15 years
3. CTS Super Sock Round- 5 years.
4. CTS 40MM sponge round- 5 years.

e. **Fiscal Impact:**

Annual maintenance is approximately \$50 for each launcher.

f. **Training:**

All officers are trained in the use of less lethal launchers as a less lethal option by in-service training.

g. **Legal and Procedural Rules:**

Use is established under Policy #307. It is the policy of this Department to utilize Less Lethal Launchers only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

3. Command and Control Vehicles

a. **Description, quantity, capabilities, and purchase cost:**

2007 Carson Trailer – custom upfit by Onsite Trailers, cost: \$11,077, quantity 1. This trailer is a command vehicle used for special events and critical incidents. It is equipped with office equipment, police radios and a mobile data computer (MDC).

b. **Purpose:**

To be used during special events and during critical incidents.

c. **Authorized Use:**

The command trailer shall be used by personnel trained in its deployment and use.

d. **Lifespan:**

20 years

e. **Fiscal Impact:**

Annual maintenance is approximately \$500.

f. **Training:**

All users are trained in the proper procedure for moving and deploying the trailer as well as ensuring the safety of the trailer and its equipment.

g. **Legal and Procedural Rules:**

Use is established under Policy #706. It is the policy of this Department to utilize the command trailer for official law enforcement purposes and pursuant to State and Federal law.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Reina Schwartz, City Manager

DATE: April 19, 2022

SUBJECT: Receive Presentation and Provide Direction to Staff Regarding Concerts in The Grove

RECOMMENDATION

This report provides information regarding the Concerts in The Grove in response to a request made at the October 5, 2021 City Council meeting regarding the financial arrangements related to the Concerts in The Grove. It is recommended that the City Council receive a presentation and provide any direction to staff regarding the Concerts.

DISCUSSION

The popular "Concerts in The Grove" series on selected Saturdays is scheduled this year from Saturday May 7, 2022 through September 10, 2022 as approved by the City Council in November 2021. The City Council's approval included allowing alcohol consumption in The Grove Park only during the times of this community event, since the *Clayton Municipal Code* prohibits alcohol consumption in any municipal park unless otherwise expressly permitted by the City (ref. CMC Section 11.04.190; which, by definition, include public open spaces, recreation areas, and City trails).

The Concerts in The Grove began in 2008 after the development of The Grove Park with support from the City of Clayton (via the Clayton Redevelopment Agency - RDA) in the first few years and from the Clayton Business and Community Association. In recognition of the importance of the City's role in presenting the Concerts in The Grove series, the flyers for the concert series have often included language that the Concerts are "presented by the City of Clayton". Additionally, the contracts with each of the bands as well as the sound engineer are all contracts directly between the vendor and the City. So, although the City Council has taken action in prior years to waive fees associated with the use of The Grove Park, as a City event, this action is not required.

Other than the initial investments the City/RDA made, the Concert series has been self-sufficient via outside donations and sponsorships. These donations/sponsorships have

covered all of the direct costs of producing the concerts as well as covering police and public works maintenance overtime costs associated with the concerts. As the presenter of the concerts, the City has managed the donations by segregating funds related to Concerts in The Grove and ensuring that all revenue from donations and sponsorships as well expenses for the concerts are tracked and accounted for separately from City funds. Payments made from the donation funds are included in the Financial Obligations report regularly submitted to the City Council for approval.

Although the Concerts have been handled in a similar manner for many years, there is no single document that memorializes current practices. It may be beneficial to create such documentation going forward to create improved clarity and transparency.

The City's Fourth of July parade event is also handled in a similar manner. The event is organized by a group consisting of outside volunteers and City staff and is funded via outside donations. The donations for the Fourth of July parade event are segregated as well and all income and expenses are managed separately for the event.