



AGENDA

REGULAR JOINT MEETINGS

* * *

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

* * *

TUESDAY, July 16, 2019

7:00 P.M.

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

Mayor: Tuija Catalano
Vice Mayor: Julie K. Pierce

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

* CITY COUNCIL *

July 16, 2019

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

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

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) **Information Only** – No Action Requested.

1. Notification by the Government Finance Officers Association (GFOA) that Clayton's Annual Financial Report (CAFR) for Fiscal Year 2018 was awarded the GFOA's Certificate of Achievement for Excellence in Financial Reporting (3rd consecutive year). ([View Here](#))

(b) Approve the minutes of the City Council's regular meeting of June 20, 2019. ([View Here](#))

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

(d) Adopt a Resolution setting and levying real property tax assessments in FY 2019-20 for the Oak Street Permanent Road Division. ([View Here](#))

(e) Adopt a Resolution setting and levying real property tax assessments in FY 2019-20 for the High Street Permanent Road Division. ([View Here](#))

(f) Adopt a Resolution setting and levying real property tax assessments in FY 2019-20 for the Oak Street Sewer Assessment District. ([View Here](#))

(g) Adopt a Resolution setting and levying real property tax assessments in FY 2019-20 for the Lydia Lane Sewer Assessment District. ([View Here](#))

(h) Adopt a Resolution approving the Engineer's Report and levying the annual assessments in FY 2019-20 on real properties for the operation and maintenance of residential street lights in the Street Lighting Assessment District, pursuant to Streets and Highways Code 18070 and CA Government Code 54954.6. ([View Here](#))

(i) Adopt a Resolution approving the City Master Fee Schedule for FY 2019-20 regarding certain fees for user-benefit municipal services and rental of City facilities. ([View Here](#))

(j) Adopt a Resolution accepting the completion of the Capital Improvement Project for the demolition of the City-owned bungalows at 1005 and 1007 Oak Street and authorizing the City Clerk to file the Notice of Completion. ([View Here](#))

4. RECOGNITIONS AND PRESENTATIONS

- (a) A Proclamation declaring Friday, August 16, 2019 as “Dallin Sorensen Day” in the City of Clayton in recognition of his achievement of the Eagle Scout Award. (Mayor Catalano) ([View Here](#))

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: Keith Haydon, Central Contra Costa Transit Authority Board of Directors (CCCTA).

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) Noticed Public Hearing on the proposed real property tax assessments in FY 2019-20 for the Diablo Estates at Clayton Benefit Assessment District (BAD), and consider the adoption of a Resolution setting, ordering and levying the annual assessments incorporating a 4.00% adjustment. ([View Here](#)) (City Engineer)

Staff recommendations: **1)** Receive the staff report; **2)** Open the Public Hearing and receive public comments; **3)** Close the Public Hearing; and **4)** Subject to any modification, by motion adopt the Resolution setting and levying the Diablo

8. ACTION ITEMS

- (a) Consider a Resolution approving an Employment Agreement for Interim City Manager services between the City of Clayton and Joseph A. Sbranti. [\(View Here\)](#)
(Mayor Catalano)

Staff recommendation: Following staff report and opportunity for City Council discussion and public comment, that Council adopt the Resolution approving the Employment Agreement and appointing Joseph A. Sbranti as the Clayton Interim City Manager effective 29 July 2019.

- (b) Consideration and discussion of Vice Mayor's status report on the Contra Costa Transportation Authority's (CCTA's) potential new Transportation Expenditure Plan (TEP) for the March 2020 ballot. [\(View Here\)](#)
(Vice Mayor Pierce)

Staff recommendation: Following Council Member Pierce's presentation and opportunity for public comments, the City Council provide any City policy direction as necessary.

- 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 20, 2019 (as the regularly-scheduled meeting on August 6, 2019 was previously canceled by Council action).

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*** OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT ***
July 16, 2019

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

2. PUBLIC COMMENTS

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

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

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 May 21, 2019.
([View Here](#))

4. PUBLIC HEARING

- (a) Noticed Public Hearing to consider the Geological Hazard Abatement District (GHAD) proposed real property tax assessments for Fiscal Year 2019-2020.
(General Manager) ([View Here](#))

Staff recommendations: **1.)** Receive the District Manager's report; **2.)** Open the Public Hearing and receive public comments; **3.)** Close the Public Hearing; and **4.)** By motion, adopt the Resolution approving and authorizing the levy of the District's real property tax assessments for FY 2019-2020.

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.

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Government Finance Officers Association
203 North LaSalle Street, Suite 2700
Chicago, Illinois 60601-1210
312.977.9700 fax: 312.977.4806

Agenda Date: 7-16-2019

Agenda Item: 3a
RECEIVED

JUL 02 2019

City of Clayton

June 19, 2019

Gary Napper
City Manager
City of Clayton
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Napper:

We are pleased to notify you that your comprehensive annual financial report (CAFR) for the fiscal year ended 2018 qualifies for GFOA's Certificate of Achievement for Excellence in Financial Reporting. The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

When a Certificate of Achievement is awarded to a government, an Award of Financial Reporting Achievement (AFRA) is also presented to the individual(s) or department designated by the government as primarily responsible for its having earned the Certificate. This award has been sent to the submitter as designated on the application.

We hope that you will arrange for a formal presentation of the Certificate and Award of Financial Reporting Achievement, and that appropriate publicity will be given to this notable achievement. A sample news release is enclosed to assist with this effort.

We hope that your example will encourage other government officials in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting.

Sincerely,

A handwritten signature in black ink that reads "Michele Mark Levine".

Michele Mark Levine
Director, Technical Services Center



GOVERNMENT FINANCE OFFICERS ASSOCIATION
NEWS RELEASE

FOR IMMEDIATE RELEASE

06/19/2019

For more information contact:

Michele Mark Levine, Director/TSC

Phone: (312) 977-9700

Fax: (312) 977-4806

E-mail: mlevine@gfoa.org

(Chicago, Illinois)--The Certificate of Achievement for Excellence in Financial Reporting has been awarded to **City of Clayton** by Government Finance Officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR). The Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

An Award of Financial Reporting Achievement has been awarded to the individual(s) or department designated by the government as primarily responsible for preparing the award-winning CAFR.

The CAFR has been judged by an impartial panel to meet the high standards of the program, which includes demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

Government Finance Officers Association is a major professional association servicing the needs of over 20,000 appointed and elected local, state, and provincial-level government officials and other finance practitioners. It provides top quality publications, training programs, services, and products designed to enhance the skills and performance of those responsible for government finance policy and management. The association is headquartered in Chicago, Illinois, with offices in Washington, D.C.



Government Finance Officers Association

**Certificate of
Achievement
for Excellence
in Financial
Reporting**

Presented to

**City of Clayton
California**

For its Comprehensive Annual
Financial Report
for the Fiscal Year Ended

June 30, 2018

Christopher P. Morill

Executive Director/CEO

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

TUESDAY, June 18, 2019

Agenda Date: 7-16-2019

Agenda Item: 3b

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 6:00 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce, and Councilmembers Diaz, Wan, and Wolfe. Councilmembers absent: None. Staff present: Assistant to the City Manager Laura Hoffmeister, and City Clerk/HR Manager Janet Calderon.

2. **COUNCIL INTERVIEW OF PLANNING COMMISSION APPLICANTS**

The City Council separately interviewed two (2) candidates who had applied for appointment to the City Planning Commission:

Peter Cloven
AJ Chippero

RECESS: The City Council took a short recess from 6:44 p.m. – 7:00 p.m.

7:00 P.M. REGULAR PUBLIC MEETING

3. **RECALL TO ORDER THE CITY COUNCIL** – The meeting was recalled to order at 7:00 p.m. by Mayor Catalano in Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Catalano, Vice Mayor Pierce, and Councilmembers Diaz, Wan, and Wolfe. Councilmembers absent: None. Staff present: Assistant to the City Manager Laura Hoffmeister, City Attorney Mala Subramanian, Police Chief Elise Warren, City Engineer Scott Alman, and City Clerk/HR Manager Janet Calderon.

4. **PLEDGE OF ALLEGIANCE** – led by Mayor Catalano.

5. **CONSENT CALENDAR**

It was moved by Vice Mayor Pierce, seconded by Councilmember Wolfe, to approve the Consent Calendar as submitted. (Passed 5-0 vote).

- (a) Approved the minutes of the City Council's regular meeting of June 4, 2019.
- (b) Approved the Financial Demands and Obligations of the City.

- (c) Adopted Resolution No. 23-2019 authorizing the levy of annual real property tax assessments for Community Facility District No. 2006-1 in Fiscal Year 2019-2020 (Downtown "The Grove" Park O & M; Fund No. 211).
- (d) Adopted Resolution No. 24-2019 authorizing the levy of annual real property tax assessments for Community Facility District No. 2007-1 in Fiscal Year 2019-2020 (Citywide Landscape Maintenance District; Fund No. 210).
- (e) Adopted Resolution No. 25-2019 authorizing the levy of annual real property tax assessments for the Middle School Community Facility District in Fiscal Year 2019-2020 (CFD 1990-1R, 2007 Special Tax Refunding Bonds; Fund No. 20).
- (f) Approved the Mayoral appointment of Jacalyn Ferree to the Contra Costa County Library Commission as the City of Clayton's representative with the term of office ending June 30, 2023.

6. RECOGNITIONS AND PRESENTATIONS

- (a) Recognition and Appreciation to City Finance Manager Kevin Mizuno for his valued contributions and services to the City from December 2013 through June 2019 upon his leave of City employment.

Mayor Catalano presented a plaque to City Finance Manager Kevin Mizuno for his valued contributions and services to the City from December 2013 through June 2019. Mr. Mizuno thanked the City Council and City Staff for their support over the years.

- (b) Presentation by Pacific Gas and Electric (PG&E) regarding its new "Public Safety Power Shutoff Program" to be employed during fire hazard conditions.
(Tom Guarino, East Bay Public Affairs Team, Pacific Gas and Electric)

Tom Guarino, East Bay Public Affairs Team, Pacific Gas and Electric introduced Vic Baker, Senior Manager for PG&E's Diablo Division to provide the PowerPoint presentation.

Following questions by the Council, Mayor Catalano thanked PG&E for its presentation.

7. REPORTS

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

Councilmember Diaz attended the Concert in The Grove featuring Mixed Nuts, the Classic Car Show event, the League of California Cities Environmental Policy Committee meeting, was interviewed by the recruiting firm for the recruitment of the next

City Manager, and announced the upcoming Concert in The Grove featuring The Boys of Summer.

Councilmember Wolfe attended the Contra Costa County Mayors' Conference in Moraga, the Concerts in The Grove featuring Mixed Nuts, responded to emails from constituents, attended a Tuesday evening concert in Healdsburg, and the Clayton Business and Community Association Oktoberfest committee meeting. Councilmember Wolfe advised he will be attending the upcoming Clayton Library Foundation meeting, will be interviewed by the recruiting firm for the recruitment of the next City Manager, and the upcoming Concert in The Grove.

Vice Mayor Pierce attended the Regional Planning Committee of Association of Bay Area Governments, the special meeting of Contra Costa Transportation Authority, the Association of Bay Area Governments General Assembly meeting, the memorial service for Ellen Tauscher, the Contra Costa County Mayors' Conference in Moraga, the Concerts in The Grove featuring Mixed Nuts, the National Association of Regional Councils National Board meeting in Omaha, the Transportation Partnership and Cooperation for Central Contra Costa (TRANSPAC) meeting, the Woman's Transportation Seminar, and the reception at the E-Bart station in Antioch where a conference/training room was named after Joel Keller.

Councilmember Wan advised he will be interviewed by the recruiting firm for the recruitment of the next City Manager, was in contact with a number of residents who expressed some of their ongoing concerns, and received his informational packet regarding the upcoming 4th of July parade.

Mayor Catalano announced the need of volunteers for the upcoming 4th of July parade. Mayor Catalano attended Contra Costa County Mayors' Conference in Moraga, the League of California Cities Transportation, Communications, and Public Works policy committee meeting. Mayor Catalano also announced upcoming office hours at the upcoming Farmers Market this Saturday from 9:00 am to 10:00 am, and announced the "Making a Difference" character trait for exemplary Community contributor, Volunteer, and or Fundraiser.

(e) Other – None.

8. PUBLIC COMMENT ON NON - AGENDA ITEMS

Heather Prewitt, 1778 Indian Wells Way, expressed her concerns of access and safety regarding the coded gates recently installed in Oak Hollow. Ms. Prewitt provided the City Council photos and a map of the area of concern.

Mayor Catalano noted the area is an HOA matter as it is private property. She included city staff is performing research on this item, when information is available, the City Council will report on the findings at a future date.

Linda Minorsky, 805 Chert Place, advised she has been in contact with City Council and City Manager Gary Napper who reported from preliminary research it does not appear that there was ever a public easement in the original plans. Ms. Minorsky suggested the City pursue a prescriptive easement as she and others have always used that area as a way to access other areas of town.

Louise Compton advised she and her husband moved to Clayton because it is rated one of the most walkable cities. Ms. Compton expressed her concerns regarding the installation of the coded gates in Oak Hollow.

Brent Brinkeroff declined to speak, however is also concerned about the coded gate.

Cindy Knapp, 5 Kenston Court, who is a second grade teacher at Mt. Diablo Elementary wanted to request the dialogue re-open again regarding allowance of chickens in the city of Clayton.

Assistant to the City Manager Laura Hoffmeister noted staff can bring information back to the City Council at a later date regarding previous research regarding chickens within city limits.

9. PUBLIC HEARINGS – None.

10. ACTION ITEMS

- (a) Consider the Second Reading and Adoption of City-initiated Ordinance No. 488 extending the existing time extension waiver of certain on-site parking relief for specified land uses in Clayton Town Center area for an additional three years through June 30, 2022.

Assistant to the City Manager Laura Hoffmeister presented the report.

Mayor Catalano opened the item to public comments; no comments were provided.

It was moved by Councilmember Wan, seconded by Councilmember Wolfe, to have the City Clerk read Ordinance No. 488, by title and number only and waive further reading. (Passed; 5-0 vote).

The City Clerk read Ordinance No. 488 by title and number only.

It was moved by Councilmember Wan, seconded by Vice Mayor Pierce, to approve a motion to adopt Ordinance No. 488 to amend Section 17.37.030.C (Waiver Period) of the Clayton Municipal Code for the purpose of extending from June 30, 2019 through June 30, 2022 the parking waiver provision in the Town Center Area (ZOA-03-19). (Passed; 5-0 vote).

- (b) Consider a Resolution establishing a preferential residential parking permit pilot program on designated public street portions of the Regency Drive and Rialto Drive neighborhoods to alleviate on-street parking issues associated with hikers and users of the nearby Mt. Diablo State Park Regency Gate trailhead.

Police Chief Elise Warren presented the report.

There were no questions by the City Council; Mayor Catalano opened the item to public comments.

Mark Montijo supports the preferential residential parking permit pilot program.

Behnaz Athanasopoulos, Regency Drive, expressed her concerns of the parking and garbage issues she has experienced on Regency Drive.

Jeff Weiner supports the pilot program presented this evening, requesting after the pilot program looking into a one-time fee to continue the program.

Eric Rehn, 176 Regency Drive, advised the issue is the volume of visitors at Regency Gate. He does feel the proposal addresses the speeding, street erosion, trash or sanitary nuisance on Regency Drive. Mr. Rehn suggested redirecting funds for the preferential parking program to legally have the State Park fix the problems or restrict access at Regency Gate.

Nancy Topp objects to page 5 of the staff report paragraph regarding preferential parking permit signs, she noted Regency Drive has been a long time official access to Mt. Diablo State Park referred to as Regency Gate for over forty years. Ms. Topp provided the City Council information dating back to the 1970's regarding Regency Gate entrance.

Nathalie Montijo, Regency Drive, also supports the preferential parking pilot program.

Daniel Walsh noted Regency Drive is a fire access road and not ADA accessible. Mr. Walsh is also in support of the preferential parking pilot program.

Terri Denslow is not opposed to the relief of the quality of life concerns on Regency Drive. Ms. Denslow expressed concerns she has regarding use of gas tax expenditures as a funding resource, in the 1989 Mt. Diablo State Park General Plan a recommendation was made to work with the City of Clayton to improve park access via Regency Meadows, and requested the City Council to define how they will measure success from the pilot preferential parking program.

Ray Grimmond, 79 Regency Drive, advised the residents are not trying to restrict access to Regency Gate, rather a matter of parking and quality of life.

Shirley Weiner, 133 Regency Drive, advised the residents are not requesting to restrict access to Mt. Diablo State Park; they are seeking relief to the parking issues on Regency Drive.

Mayor Catalano closed public comment.

Following clarifying questions by the City Council, the City Council requested amendments to "Exhibit A" striking out the entire second bullet point regarding polluted air, addition of a bullet point ensuring the program does not supersede any other parking requirements including the 72 hour parking requirement, and extending the pilot program to fifteen months.

It was moved by Councilmember Wan, seconded by Councilmember Wolfe, to approve Resolution No. 26-2019 Establishing a Preferential Parking Permit Pilot Program for a Restricted Parking District along Portions of Regency Drive and Rialto Drive Option 2; as amended. (Passed; 5-0 vote).

- (c) City Council discussion and determination of citizen appointments to two (2) expired terms of office on the Clayton Planning Commission for two 2-year terms commencing July 1, 2019 through June 30, 2021.

Mayor Catalano presented the report.

Mayor Catalano opened the item to public comments; no comments were provided.

It was moved by Councilmember Diaz, seconded by Councilmember Wolfe, to approve Resolution No. 27-2019 appointing Mr. Peter Cloven and Mr. Anthony Chippero to the offices on the Clayton Planning Commission, each with a term of office to expire June 30, 2021. (Passed; 5-0 vote).

- (d) Consideration and discussion of Vice Mayor's status report on the Contra Costa Transportation Authority (CCTA's) potential new Transportation Expenditure Plan for the March 2020 ballot.

Vice Mayor Pierce presented the report.

Following questions by the City Council, Mayor Catalano opened the item to public comments; no comments were provided.

No action was taken on this item.

11. COUNCIL ITEMS

Mayor Catalano noted earlier requested items include Oak Hollow gate and re-opening dialogue regarding chickens in the city limits

Vice Mayor Pierce added the scheduling of Closed Session interview of an Interim City Manager to take place prior to the next City Council meeting of July 16, 2019.

City Attorney Mala Subramanian noted an agreement with an Interim City Manager should be at the next City Council meeting of July 16, 2019, suggesting time allowance for an interview and contract negotiations.

The City Council tentatively determined a Special Meeting Closed Session interview of an Interim City Manager on July 9, 2019 at 6:00 pm.

12. CLOSED SESSION – None.

13. ADJOURNMENT– on call by Mayor Catalano, the City Council adjourned its meeting at 9:21 p.m.

The next regularly scheduled meeting of the City Council will be June 18, 2019.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Tuija Catalano, Mayor

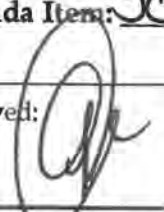
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Agenda Date: 07/16/19

Agenda Item: 3C

Approved:


Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KEVIN MIZUNO, FINANCE MANAGER, CPA

DATE: 07/16/19

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.

<u>Report Title</u>	<u>Description</u>	<u>Amount</u>
Open Invoice Report	Obligations paid via check prior to meeting	\$ 482,583.27
Open Invoice Report	Obligations paid via check	329,650.72
ACH/EFT Activity	Non-check payments for 6/14/19-7/11/19	247,900.35
	Total Required	\$ 1,060,134.34

Attachments:

1. Open Invoice Report, dated 6/26/19 (1 page)
2. Open Invoice Report, dated 7/12/19 (6 pages)
3. ACH/EFT Activity Report (1 page)

City of Clayton Open Invoice Report Check Payments

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Berlogar Stevens & Associates Inc.								
Berlogar Stevens & Associates Inc.	6/30/2019	6/30/2019	229469	GHAD Professional svcs 4/28/19-6/1/19	\$5,374.66	\$0.00		\$5,374.66
Berlogar Stevens & Associates Inc.	6/30/2019	6/30/2019	229460	Ahwanee Geotech Eng. Consult 4/28-6/1/19	\$569.16	\$0.00		\$569.16
<i>Totals for Berlogar Stevens & Associates Inc.:</i>					<u>\$5,943.82</u>	<u>\$0.00</u>		<u>\$5,943.82</u>
Cole Supply Company								
Cole Supply Company	6/30/2019	6/30/2019	316620	Trash can liners	\$132.61	\$0.00		\$132.61
<i>Totals for Cole Supply Company:</i>					<u>\$132.61</u>	<u>\$0.00</u>		<u>\$132.61</u>
Environtech Enterprises								
Environtech Enterprises	6/30/2019	6/30/2019	A001-AI-19	Thistle abatement S. of Peacock Creek Dr	\$12,500.00	\$0.00		\$12,500.00
<i>Totals for Environtech Enterprises:</i>					<u>\$12,500.00</u>	<u>\$0.00</u>		<u>\$12,500.00</u>
Health Care Dental Trust								
Health Care Dental Trust	7/1/2019	7/1/2019	262843	Dental for July 2019	\$1,821.47	\$0.00		\$1,821.47
<i>Totals for Health Care Dental Trust:</i>					<u>\$1,821.47</u>	<u>\$0.00</u>		<u>\$1,821.47</u>
J&R Floor Services								
J&R Floor Services	6/30/2019	6/30/2019	Six2019	Janitorial svcs for June 2019	\$4,850.00	\$0.00		\$4,850.00
<i>Totals for J&R Floor Services:</i>					<u>\$4,850.00</u>	<u>\$0.00</u>		<u>\$4,850.00</u>
Matrix Association Management								
Matrix Association Management	6/30/2019	6/30/2019	9999	Diablo Estates mgmt for May 2019	\$4,532.50	\$0.00		\$4,532.50
<i>Totals for Matrix Association Management:</i>					<u>\$4,532.50</u>	<u>\$0.00</u>		<u>\$4,532.50</u>
MPA								
MPA	7/1/2019	7/1/2019	July2019	Life/LTD for July 2019	\$1,985.51	\$0.00		\$1,985.51
<i>Totals for MPA:</i>					<u>\$1,985.51</u>	<u>\$0.00</u>		<u>\$1,985.51</u>
US Bank Ops Center								
US Bank Ops Center	7/1/2019	7/1/2019	1423807	Redevelopment Bond Payment	\$441,854.68	\$0.00		\$441,854.68
<i>Totals for US Bank Ops Center:</i>					<u>\$441,854.68</u>	<u>\$0.00</u>		<u>\$441,854.68</u>
Verizon Wireless								
Verizon Wireless	6/30/2019	6/30/2019	9831204486	Cell phones 5/2/19-6/1/19	\$531.60	\$0.00		\$531.60
<i>Totals for Verizon Wireless:</i>					<u>\$531.60</u>	<u>\$0.00</u>		<u>\$531.60</u>
Workers.com								
Workers.com	6/30/2019	6/30/2019	125030	Seasonal workers week end 6/9/19	\$4,968.60	\$0.00		\$4,968.60
Workers.com	6/30/2019	6/30/2019	124976	Seasonal workers week end 6/2/19	\$3,462.48	\$0.00		\$3,462.48
<i>Totals for Workers.com:</i>					<u>\$8,431.08</u>	<u>\$0.00</u>		<u>\$8,431.08</u>
GRAND TOTALS:					\$482,583.27	\$0.00		\$482,583.27

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
ABAG								
ABAG	7/16/2019	7/16/2019	AR020574	ABAG Annual Dues FY 20	\$3,347.31	\$0.00		\$3,347.31
				<i>Totals for ABAG:</i>	<u>\$3,347.31</u>	<u>\$0.00</u>		<u>\$3,347.31</u>
Advanced Elevator Solutions, Inc								
Advanced Elevator Solutions, Inc	6/30/2019	6/30/2019	36203	Elevator service	\$119.00	\$0.00		\$119.00
				<i>Totals for Advanced Elevator Solutions, Inc:</i>	<u>\$119.00</u>	<u>\$0.00</u>		<u>\$119.00</u>
All City Management Services, Inc.								
All City Management Services, Inc.	6/30/2019	6/30/2019	62347	School crossing guard svcs 6/2-6/15/19	\$178.38	\$0.00		\$178.38
				<i>Totals for All City Management Services, Inc.:</i>	<u>\$178.38</u>	<u>\$0.00</u>		<u>\$178.38</u>
All-Guard Systems, Inc.								
All-Guard Systems, Inc.	7/16/2019	7/16/2019	A236023	Fire Alarm monitoring FY 20	\$648.00	\$0.00		\$648.00
				<i>Totals for All-Guard Systems, Inc.:</i>	<u>\$648.00</u>	<u>\$0.00</u>		<u>\$648.00</u>
Alpine Awards & Imprinted Sportswear, Inc								
Alpine Awards & Imprinted Sportswear, Inc	6/30/2019	6/30/2019	5335356	Personalized plates for benches	\$17.94	\$0.00		\$17.94
				<i>Totals for Alpine Awards & Imprinted Sportswear, Inc:</i>	<u>\$17.94</u>	<u>\$0.00</u>		<u>\$17.94</u>
Apex Grading Inc.								
Apex Grading Inc.	6/30/2019	6/30/2019	3881	Weed abatement	\$42,300.00	\$0.00		\$42,300.00
				<i>Totals for Apex Grading Inc.:</i>	<u>\$42,300.00</u>	<u>\$0.00</u>		<u>\$42,300.00</u>
Aqua Dream Pools								
Aqua Dream Pools	7/16/2019	7/16/2019	CAP0323	Deposit refund for 329 Mt Palomar PI	\$1,367.50	\$0.00		\$1,367.50
				<i>Totals for Aqua Dream Pools:</i>	<u>\$1,367.50</u>	<u>\$0.00</u>		<u>\$1,367.50</u>
AT&T (CalNet3)								
AT&T (CalNet3)	6/30/2019	6/30/2019	13223672	Phones 5/22/19-6/21/19	\$1,181.96	\$0.00		\$1,181.96
				<i>Totals for AT&T (CalNet3):</i>	<u>\$1,181.96</u>	<u>\$0.00</u>		<u>\$1,181.96</u>
Axon Enterprise, Inc								
Axon Enterprise, Inc	6/30/2019	6/30/2019	SI-1595663	Axon docks for PD	\$2,024.28	\$0.00		\$2,024.28
Axon Enterprise, Inc	6/30/2019	6/30/2019	SI-1595969	Axon dock for PD	\$243.56	\$0.00		\$243.56
				<i>Totals for Axon Enterprise, Inc:</i>	<u>\$2,267.84</u>	<u>\$0.00</u>		<u>\$2,267.84</u>
Bay Area Barricade Serv.								
Bay Area Barricade Serv.	6/30/2019	6/30/2019	3626	Clayton population signs	\$358.88	\$0.00		\$358.88
Bay Area Barricade Serv.	6/30/2019	6/30/2019	3986	Median work signs	\$135.94	\$0.00		\$135.94
				<i>Totals for Bay Area Barricade Serv.:</i>	<u>\$494.82</u>	<u>\$0.00</u>		<u>\$494.82</u>
Bay Area News Group								
Bay Area News Group	6/30/2019	6/30/2019	1194545	Legal ads for May 2019	\$362.92	\$0.00		\$362.92
				<i>Totals for Bay Area News Group:</i>	<u>\$362.92</u>	<u>\$0.00</u>		<u>\$362.92</u>
Best Best & Kreiger LLP								

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Best Best & Kreiger LLP	6/30/2019	6/30/2019	852283	Legal services for May 2019	\$8,500.00	\$0.00		\$8,500.00
Best Best & Kreiger LLP	6/30/2019	6/30/2019	852284	Labor/Empl. Legal svcs for May 2019	\$1,357.00	\$0.00		\$1,357.00
Best Best & Kreiger LLP	6/30/2019	6/30/2019	852285	CD Legal services for May 2019	\$3,041.80	\$0.00		\$3,041.80
<i>Totals for Best Best & Kreiger LLP:</i>					<i>\$12,898.80</i>	<i>\$0.00</i>		<i>\$12,898.80</i>
Big O Tires								
Big O Tires	6/30/2019	6/30/2019	5011-155929	Tires for 2005 Chev Expr	\$445.27	\$0.00		\$445.27
<i>Totals for Big O Tires:</i>					<i>\$445.27</i>	<i>\$0.00</i>		<i>\$445.27</i>
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	6/30/2019	6/30/2019	2804230	Copier contract overage 5/30/19-6/29/19	\$616.34	\$0.00		\$616.34
<i>Totals for Caltronics Business Systems, Inc:</i>					<i>\$616.34</i>	<i>\$0.00</i>		<i>\$616.34</i>
CCWD								
CCWD	6/30/2019	6/30/2019	K247168	Irrigation 3/14/19-5/10/19	\$209.25	\$0.00		\$209.25
<i>Totals for CCWD:</i>					<i>\$209.25</i>	<i>\$0.00</i>		<i>\$209.25</i>
CERCO Analytical, Inc.								
CERCO Analytical, Inc.	6/30/2019	6/30/2019	1906117	Well water testing	\$615.00	\$0.00		\$615.00
<i>Totals for CERCO Analytical, Inc.:</i>					<i>\$615.00</i>	<i>\$0.00</i>		<i>\$615.00</i>
Cintas Corporation								
Cintas Corporation	6/30/2019	6/30/2019	4024721653	PW uniforms through 6/27/19	\$48.88	\$0.00		\$48.88
Cintas Corporation	6/30/2019	6/30/2019	4024271162	PW uniforms through 6/20/19	\$48.88	\$0.00		\$48.88
Cintas Corporation	6/30/2019	6/30/2019	4023793492	PW uniforms through 6/13/19	\$48.88	\$0.00		\$48.88
Cintas Corporation	7/16/2019	7/16/2019	4025667489	PW uniforms through 7/11/19	\$48.88	\$0.00		\$48.88
Cintas Corporation	7/16/2019	7/16/2019	4025315767	PW uniforms through 7/5/19	\$48.88	\$0.00		\$48.88
<i>Totals for Cintas Corporation:</i>					<i>\$244.40</i>	<i>\$0.00</i>		<i>\$244.40</i>
City of Concord								
City of Concord	6/30/2019	6/30/2019	78375	PD live scan for May 2019	\$113.00	\$0.00		\$113.00
City of Concord	6/30/2019	6/30/2019	78354	PD Vehicle maintenance for May 2019	\$528.73	\$0.00		\$528.73
City of Concord	6/30/2019	6/30/2019	78039	PD Livescan for April 2019	\$126.00	\$0.00		\$126.00
City of Concord	6/30/2019	6/30/2019	78886	Business card printing	\$182.61	\$0.00		\$182.61
City of Concord	6/30/2019	6/30/2019	78885	Pre-printed business cards without names, #2,	\$256.47	\$0.00		\$256.47
<i>Totals for City of Concord:</i>					<i>\$1,206.81</i>	<i>\$0.00</i>		<i>\$1,206.81</i>
Clean Street								
Clean Street	6/30/2019	6/30/2019	94506	Street sweeping for June 2019	\$4,500.00	\$0.00		\$4,500.00
<i>Totals for Clean Street:</i>					<i>\$4,500.00</i>	<i>\$0.00</i>		<i>\$4,500.00</i>
CME Lighting Supply, Inc								
CME Lighting Supply, Inc	6/30/2019	6/30/2019	233695	Library light bulbs	\$75.56	\$0.00		\$75.56
<i>Totals for CME Lighting Supply, Inc:</i>					<i>\$75.56</i>	<i>\$0.00</i>		<i>\$75.56</i>
Concord Garden Equipment								
Concord Garden Equipment	6/30/2019	6/30/2019	578198	Landscape pr	\$126.67	\$0.00		\$126.67

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Concord Garden Equipment	6/30/2019	6/30/2019	578842	Landscape part	\$7.56	\$0.00		\$7.56
<i>Totals for Concord Garden Equipment:</i>					<u>\$134.23</u>	<u>\$0.00</u>		<u>\$134.23</u>
Contra Costa County - Office of the Sheriff								
Contra Costa County - Office of the She	6/30/2019	6/30/2019	CLPD-1905	Toxicology for May 2019	\$600.00	\$0.00		\$600.00
<i>Totals for Contra Costa County - Office of the Sheriff:</i>					<u>\$600.00</u>	<u>\$0.00</u>		<u>\$600.00</u>
Contra Costa County County Auditor								
Contra Costa County County Auditor	7/16/2019	7/16/2019	1920-0003	LAFCO Dues for FY 20	\$1,659.97	\$0.00		\$1,659.97
<i>Totals for Contra Costa County County Auditor:</i>					<u>\$1,659.97</u>	<u>\$0.00</u>		<u>\$1,659.97</u>
Contra Costa County Department of Conservation & Development								
Contra Costa County Department of Co	6/30/2019	6/30/2019	Q4 FY19	CASp fee Q4 FY 19	\$724.20	\$0.00		\$724.20
<i>Totals for Contra Costa County Department of Conservation & Development:</i>					<u>\$724.20</u>	<u>\$0.00</u>		<u>\$724.20</u>
Contra Costa County Office of the Sheriff (Training)								
Contra Costa County Office of the Sheri	6/30/2019	6/30/2019	19-2835	PD-Range usage for May 2019	\$195.00	\$0.00		\$195.00
<i>Totals for Contra Costa County Office of the Sheriff (Training):</i>					<u>\$195.00</u>	<u>\$0.00</u>		<u>\$195.00</u>
Contra Costa County Public Works Dept								
Contra Costa County Public Works Dept	6/30/2019	6/30/2019	702473	Traffic signal maintenance for May 2019	\$1,902.48	\$0.00		\$1,902.48
<i>Totals for Contra Costa County Public Works Dept:</i>					<u>\$1,902.48</u>	<u>\$0.00</u>		<u>\$1,902.48</u>
CopWare, Inc.								
CopWare, Inc.	7/16/2019	7/16/2019	84760	Legal sourcebooks, PD 9/19-8/20	\$400.00	\$0.00		\$400.00
<i>Totals for CopWare, Inc.:</i>					<u>\$400.00</u>	<u>\$0.00</u>		<u>\$400.00</u>
CSAC Excess Insurance Authority								
CSAC Excess Insurance Authority	7/16/2019	7/16/2019	20400074	EAP Q1 FY 20	\$296.40	\$0.00		\$296.40
<i>Totals for CSAC Excess Insurance Authority:</i>					<u>\$296.40</u>	<u>\$0.00</u>		<u>\$296.40</u>
Custom Roofing & Gutters								
Custom Roofing & Gutters	7/16/2019	7/16/2019	BP91-19	Deposit refund for 49 Nottingham Cir	\$2,000.00	\$0.00		\$2,000.00
<i>Totals for Custom Roofing & Gutters:</i>					<u>\$2,000.00</u>	<u>\$0.00</u>		<u>\$2,000.00</u>
Devil Mountain Wholesale Nursery								
Devil Mountain Wholesale Nursery	6/30/2019	6/30/2019	168265	Plants for medians	\$3,483.54	\$0.00		\$3,483.54
<i>Totals for Devil Mountain Wholesale Nursery:</i>					<u>\$3,483.54</u>	<u>\$0.00</u>		<u>\$3,483.54</u>
Digital Services								
Digital Services	6/30/2019	6/30/2019	11423	IT services 6/16/19-7/9/19	\$1,493.39	\$0.00		\$1,493.39
<i>Totals for Digital Services:</i>					<u>\$1,493.39</u>	<u>\$0.00</u>		<u>\$1,493.39</u>
Dillon Electric Inc								
Dillon Electric Inc	6/30/2019	6/30/2019	3934	Streetlight maintenance 6/19/19	\$554.33	\$0.00		\$554.33
<i>Totals for Dillon Electric Inc:</i>					<u>\$554.33</u>	<u>\$0.00</u>		<u>\$554.33</u>

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Division of the State Architect								
Division of the State Architect	6/30/2019	6/30/2019	Q4 FY19	CASp fee Q4 FY 19	\$85.20	\$0.00		\$85.20
				<i>Totals for Division of the State Architect:</i>	<u>\$85.20</u>	<u>\$0.00</u>		<u>\$85.20</u>
Freeman Roofing								
Freeman Roofing	7/16/2019	7/16/2019	BP76-19	C&D refund for 277 Mountaire Pkwy	\$2,000.00	\$0.00		\$2,000.00
				<i>Totals for Freeman Roofing:</i>	<u>\$2,000.00</u>	<u>\$0.00</u>		<u>\$2,000.00</u>
Globalstar LLC								
Globalstar LLC	6/30/2019	6/30/2019	10384345	Sat phone 5/16/19-6/15/19	\$106.43	\$0.00		\$106.43
				<i>Totals for Globalstar LLC:</i>	<u>\$106.43</u>	<u>\$0.00</u>		<u>\$106.43</u>
Mark Graham								
Mark Graham	6/30/2019	6/30/2019	19-09	PD-Polygraph test	\$300.00	\$0.00		\$300.00
				<i>Totals for Mark Graham:</i>	<u>\$300.00</u>	<u>\$0.00</u>		<u>\$300.00</u>
Hammons Supply Company								
Hammons Supply Company	6/30/2019	6/30/2019	107026	The Grove Park janitorial supplies	\$170.50	\$0.00		\$170.50
Hammons Supply Company	6/30/2019	6/30/2019	107027	Library janitorial supplies	\$205.38	\$0.00		\$205.38
				<i>Totals for Hammons Supply Company:</i>	<u>\$375.88</u>	<u>\$0.00</u>		<u>\$375.88</u>
Harris & Associates, Inc.								
Harris & Associates, Inc.	6/30/2019	6/30/2019	41544	Engineering svcs for May 2019	\$9,585.00	\$0.00		\$9,585.00
				<i>Totals for Harris & Associates, Inc.:</i>	<u>\$9,585.00</u>	<u>\$0.00</u>		<u>\$9,585.00</u>
Health Care Dental Trust								
Health Care Dental Trust	7/16/2019	7/16/2019	263709	Dental for August 2019	\$1,636.86	\$0.00		\$1,636.86
				<i>Totals for Health Care Dental Trust:</i>	<u>\$1,636.86</u>	<u>\$0.00</u>		<u>\$1,636.86</u>
LarryLogic Productions								
LarryLogic Productions	6/30/2019	6/30/2019	1820	City council meeting production 6/18/19	\$450.00	\$0.00		\$450.00
				<i>Totals for LarryLogic Productions:</i>	<u>\$450.00</u>	<u>\$0.00</u>		<u>\$450.00</u>
Michael Baker International, Inc								
Michael Baker International, Inc	6/30/2019	6/30/2019	1053332	Professional svcs for May 2019	\$4,410.00	\$0.00		\$4,410.00
				<i>Totals for Michael Baker International, Inc:</i>	<u>\$4,410.00</u>	<u>\$0.00</u>		<u>\$4,410.00</u>
MPA								
MPA	7/16/2019	7/16/2019	M2003	Insurance premiums for FY 20, Inst #1	\$180,776.00	\$0.00		\$180,776.00
				<i>Totals for MPA:</i>	<u>\$180,776.00</u>	<u>\$0.00</u>		<u>\$180,776.00</u>
MSR Mechanical, LLC								
MSR Mechanical, LLC	6/30/2019	6/30/2019	110747	HVAC service @ CH	\$4,295.00	\$0.00		\$4,295.00
				<i>Totals for MSR Mechanical, LLC:</i>	<u>\$4,295.00</u>	<u>\$0.00</u>		<u>\$4,295.00</u>
Mt Diablo Landscape Centers Inc								
Mt Diablo Lan Centers Inc	6/30/2019	6/30/2019	536085	Planters mix	\$139.09	\$0.00		\$139.09

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Mt Diablo Landscape Centers Inc	6/30/2019	6/30/2019	536083	Walk on bark	\$501.96	\$0.00		\$501.96
<i>Totals for Mt Diablo Landscape Centers Inc:</i>					<i>\$641.05</i>	<i>\$0.00</i>		<i>\$641.05</i>
NBS Govt. Finance Group								
NBS Govt. Finance Group	7/16/2019	7/16/2019	619000042	CFD Administration Q1 FY 20	\$4,602.73	\$0.00		\$4,602.73
<i>Totals for NBS Govt. Finance Group:</i>					<i>\$4,602.73</i>	<i>\$0.00</i>		<i>\$4,602.73</i>
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	7/16/2019	7/16/2019	2022774	Courtyard payphone FY 20	\$840.00	\$0.00		\$840.00
<i>Totals for Pacific Telemanagement Svc:</i>					<i>\$840.00</i>	<i>\$0.00</i>		<i>\$840.00</i>
Riso Products of Sacramento								
Riso Products of Sacramento	6/30/2019	6/30/2019	197171	Copier contract usage 5/20/19-6/19/19	\$122.69	\$0.00		\$122.69
<i>Totals for Riso Products of Sacramento:</i>					<i>\$122.69</i>	<i>\$0.00</i>		<i>\$122.69</i>
Roto-Rooter Sewer/Drain Service								
Roto-Rooter Sewer/Drain Service	6/30/2019	6/30/2019	50821035229	Clean main line at CH	\$1,287.50	\$0.00		\$1,287.50
<i>Totals for Roto-Rooter Sewer/Drain Service:</i>					<i>\$1,287.50</i>	<i>\$0.00</i>		<i>\$1,287.50</i>
Sacramento County Sheriff's Office								
Sacramento County Sheriff's Office	7/16/2019	7/16/2019	090319	Firearms/Tactical rifle training 9/3-9/5/19	\$1,002.00	\$0.00		\$1,002.00
<i>Totals for Sacramento County Sheriff's Office:</i>					<i>\$1,002.00</i>	<i>\$0.00</i>		<i>\$1,002.00</i>
Sprint Comm (PD)								
Sprint Comm (PD)	6/30/2019	6/30/2019	703335311-211	Cell phones 5/26/19-6/25/19	\$779.84	\$0.00		\$779.84
<i>Totals for Sprint Comm (PD):</i>					<i>\$779.84</i>	<i>\$0.00</i>		<i>\$779.84</i>
Staples Business Credit								
Staples Business Credit	6/30/2019	6/30/2019	1624576290	Office supplies for June 2019	\$127.65	\$0.00		\$127.65
<i>Totals for Staples Business Credit:</i>					<i>\$127.65</i>	<i>\$0.00</i>		<i>\$127.65</i>
Stericycle Inc								
Stericycle Inc	6/30/2019	6/30/2019	3004728772	Medical waste disposal	\$111.16	\$0.00		\$111.16
<i>Totals for Stericycle Inc:</i>					<i>\$111.16</i>	<i>\$0.00</i>		<i>\$111.16</i>
Swenson's Mobile Fleet Repair								
Swenson's Mobile Fleet Repair	6/30/2019	6/30/2019	I001215	Service to 2006 Ranger, PW	\$115.00	\$0.00		\$115.00
Swenson's Mobile Fleet Repair	6/30/2019	6/30/2019	I001222	Service to F-450, PW	\$174.13	\$0.00		\$174.13
<i>Totals for Swenson's Mobile Fleet Repair:</i>					<i>\$289.13</i>	<i>\$0.00</i>		<i>\$289.13</i>
US Bank (CM 9690)								
US Bank (CM 9690)	7/16/2019	7/16/2019	5401978	Admin fees 2007 Bonds 6/1/19-5/31/20	\$2,541.00	\$0.00		\$2,541.00
US Bank (CM 9690)	7/16/2019	7/16/2019	5404340	Admin fees 2014 Bonds, 6/1/19-5/31/20	\$2,178.00	\$0.00		\$2,178.00
<i>Totals for US Bank (CM 9690):</i>					<i>\$4,719.00</i>	<i>\$0.00</i>		<i>\$4,719.00</i>
Wally's Rental Center, Inc.								
Wally's Rental Center, Inc.	6/30/2019	6/30/2019	199690-3	Concrete scarifier rental	\$419.85	\$0.00		\$419.85

City of Clayton Cash Requirements Report

<u>Vendor Name</u>	<u>Due Date</u>	<u>Invoice Date</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Balance</u>	<u>Potential Discount</u>	<u>Discount Expires On</u>	<u>Net Amount Due</u>
Wally's Rental Center, Inc.	7/6/2019	7/6/2019	200047-3	Concrete scarifier rental 6/24/19	\$392.81	\$0.00		\$392.81
				<i>Totals for Wally's Rental Center, Inc.:</i>	<i>\$812.66</i>	<i>\$0.00</i>		<i>\$812.66</i>
Waraner Brothers Tree Service								
Waraner Brothers Tree Service	6/30/2019	6/30/2019	14739	Pruned eucalyptus trees along Old Marsh Cre	\$8,550.00	\$0.00		\$8,550.00
Waraner Brothers Tree Service	6/30/2019	6/30/2019	14740	Tree work on W. Myrick Ct	\$750.00	\$0.00		\$750.00
				<i>Totals for Waraner Brothers Tree Service:</i>	<i>\$9,300.00</i>	<i>\$0.00</i>		<i>\$9,300.00</i>
Western Exterminator								
Western Exterminator	6/30/2019	6/30/2019	7051435	Pest control for May 2019	\$409.50	\$0.00		\$409.50
				<i>Totals for Western Exterminator:</i>	<i>\$409.50</i>	<i>\$0.00</i>		<i>\$409.50</i>
Workers.com								
Workers.com	6/30/2019	6/30/2019	125091	Seasonal workers week end 6/16/19	\$5,115.60	\$0.00		\$5,115.60
Workers.com	6/30/2019	6/30/2019	125156	Seasonal workers week end 6/23/19	\$4,371.64	\$0.00		\$4,371.64
Workers.com	6/30/2019	6/30/2019	125213	Seasonal workers week end 6/30/19	\$4,557.56	\$0.00		\$4,557.56
				<i>Totals for Workers.com:</i>	<i>\$14,044.80</i>	<i>\$0.00</i>		<i>\$14,044.80</i>
GRAND TOTALS:					\$329,650.72	\$0.00		\$329,650.72

City of Clayton

ACH / EFT Activity (Non-City Check Payments)

Recurring ACH/EFT payments covering the following timeframe: 6/14/2019 - 7/11/2019

For the City Council meeting dated: **7/16/2019**

The following is a detailed listing of automatic recurring and other ACH/EFT payments other than checks for the period immediately preceding the City Council meeting dated above.

Payee	Description	Service Period	Payment Date	Amount
American Fidelity	Employee other supplemental	June 2019	7/8/2019	\$ 720.80
American Fidelity	FSA/dependent care contributions	PPE 6/16/19	6/18/2019	\$ 249.60
CalPERS	Pension plan contributions	PPE 6/16/19	6/19/2019	\$ 15,653.26
ICMA	457b plan contributions	PPE 6/16/19	6/19/2019	\$ 1,611.53
Nationwide	457b plan contributions	PPE 6/16/19	6/18/2019	\$ 500.00
Paychex	Payroll	PPE 6/30/19	6/19/2019	\$ 62,617.53
Paychex	Payroll taxes	PPE 6/30/19	6/19/2019	\$ 15,355.55
Paychex	Payroll processing fee	PPE 6/30/19	6/19/2019	\$ 201.74
American Fidelity	FSA/dependent care contributions	PPE 6/30/19	7/5/2019	\$ 249.60
CalPERS	Pension plan contributions	PPE 6/30/19	7/3/2019	\$ 15,317.09
CalPERS	Pension plan contributions	PPE 6/24/19	6/26/2019	\$ 75.62
ICMA	457b plan contributions	PPE 6/30/19	7/5/2019	\$ 1,611.53
Nationwide	457b plan contributions	PPE 6/30/19	7/3/2019	\$ 500.00
Paychex	Payroll	PPE 6/30/19	7/2/2019	\$ 58,961.72
Paychex	Payroll taxes	PPE 6/30/19	7/2/2019	\$ 17,605.14
Paychex	Payroll processing fee	PPE 6/30/19	7/3/2019	\$ 206.69
Authorize.net	Online payment gateway	June 2019	7/2/2019	\$ 28.55
CalPERS	Employee health premiums	July 2019	7/10/2019	\$ 31,320.69
Comcast	Internet service	6/10/19-7/9/19	7/5/2019	\$ 386.09
De Lage Landen	Copier lease	5/15/19-6/14/19	6/18/2019	\$ 304.59
Neopost	Postage meter	Added 6/19/19	6/21/2019	\$ 750.00
Neopost	Postage meter	Added 6/26/19	6/28/2019	\$ 750.00
Paysafe	Merchant services OTC	June 2019	7/2/2019	\$ 204.56
Paysafe	Merchant services HdL	June 2019	7/2/2019	\$ 209.34
PG&E	Gas and electricity	5/17/19-6/17/19	7/5/2019	\$ 5,383.96
PG&E	Gas and electricity	5/16/19-6/16/19	7/5/2019	\$ 17,125.17

Total ACH / EFT Activity (other than checks) \$247,900.35



Agenda Date: July 16, 2019

Agenda Item: 3d

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER

DATE: JULY 16, 2019

SUBJECT: RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR FY 2019-20

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Permanent Road Division was formed in 2000 to provide a mechanism for the included property owners to repay the City for funds advanced for the reconstruction of the Oak Street Bridge over Mitchell Creek. In addition, a portion of the annual levy is set aside to provide funds for the maintenance of the private portion of Oak Street.

The Redevelopment Agency funded the reconstruction of the bridge and repayment was spread over 20 years with a 7% interest rate. In addition, the annual levy has included an amount of \$350 per parcel dedicated to future road maintenance and \$92.01 per parcel for Division administrative fees (10% of the levy for bridge construction and maintenance). Through the end of FY 2017-18, \$80,020.33 has been collected (including \$4,763.00 from Reuben Gonzalez in 2005/06 to pay off his bridge assessment) for construction repayment, \$28,000 for maintenance (deposited in a separate fund), and \$10,325.48 for administration (1% of the total assessment and deposited in City General Fund to recoup incurred expenses).

In the Resolution, it is noted that six parcels have a levy of \$847.14, one parcel has a levy of \$220.00, and two have levies of \$423.58. The original Division included 8 parcels, all levied equally. Since that time, one parcel was subsequently subdivided (Caspar) and that levy was reapportioned equally between the two lots. In addition, Mr. Gonzalez paid off his bridge assessment in FY 2005/06 and is now being assessed only for maintenance of the road.

Subject: Oak Street Permanent Road Division – Levy of Special Tax

Date: July 16, 2019

Page 2 of 2

The first assessment for the repayment of the bridge construction costs was levied in FY 2000/01 and this Fiscal Year 2019-20 will be the final assessment for the construction costs. The portions of this assessment for maintenance and Division administration will continue in perpetuity.

FISCAL IMPACT

If this Resolution is not approved, money owed the Successor Agency for construction of the bridge by the affected property owners will not be repaid. The annual assessment for this fiscal year will produce a total of \$6,150.00.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in FY 2019-20 on the parcels located within the Oak Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

RESOLUTION NO. XX- 2019

A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX FOR FY 2019-20 WITHIN THE OAK STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE, ARTICLE 3, SECTION 1173, et seq.

THE CITY COUNCIL
City of Clayton, California

WHEREAS, by passage of Resolution 66-99, the City Council ordered the formation of the Oak Street Permanent Road Division for the purpose of reconstructing and maintaining the Oak Street Bridge over Mitchell Creek and maintaining the private portion of Oak Street; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge and road; and

WHEREAS, the City Council called for an election on May 1, 2000, to approve the levying of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, the special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of special taxes for FY 2019-20 on those parcels within the Oak Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek and the maintenance of the private portion of Oak Street.

2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Owner	Construction	Bridge Maintenance	Division Admin.	Total
119-040-027	Law	\$570.13	\$200.00	\$77.01	\$847.14
119-040-028	Schwitters	\$570.13	\$200.00	\$77.01	\$847.14
119-040-029	Gonzalez	\$0.00	\$200.00	\$20.00	\$220.00
119-040-030	Ludlow	\$570.13	\$200.00	\$77.01	\$847.14
119-040-031	Mrozwski	\$570.13	\$200.00	\$77.01	\$847.14
119-040-032	Hemstalk	\$570.13	\$200.00	\$77.01	\$847.14
119-040-033	Webb	\$570.13	\$200.00	\$77.01	\$847.14
119-040-036	Caspar	\$285.07	\$100.00	\$38.51	\$423.58
119-040-037	Caspar	\$285.07	\$100.00	\$38.51	\$423.58

3. The special taxes shall be levied and collected by the County of Contra Costa, California along with the regular property taxes in FY 2019-20.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting of said Council held on July 16, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 16, 2019.

Janet Calderon, City Clerk



Agenda Date: July 16, 2019

Agenda Item: 3e

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER

DATE: JULY 16, 2019

SUBJECT: CONSIDERATION OF A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR FY 2019-20

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The High Street Permanent Road Division was formed in 1999 providing a mechanism for included property owners to repay funds advanced by the City for the reconstruction of High Street Bridge over Mitchell Creek. In addition to capital repayment, the annual levy includes funds for the long-term maintenance of the bridge.

The City agreed to fund half the cost of the bridge and the remainder was to be paid by the property owners within the Division. The former Clayton Redevelopment Agency (now the "Successor Agency" by state dissolution law) funded the reconstruction of the bridge and repayment was spread over 30 years with a 6% interest rate. In addition, the annual levy includes an amount of \$60 per parcel dedicated to future bridge maintenance. The City has absorbed all of the administrative costs. Through the end of FY 2017-18 (nineteen years), \$70,383.78 has been collected towards the construction and interest costs (including \$5,288.78 from John Morgan in January, 2014 to pay off his bridge assessment), and \$5,400.00 for future maintenance.

In the Resolution it is noted there are varying levy amounts. These amounts were based on a formula negotiated with the property owners when the Division was formed.

The first assessment for the repayment of the bridge construction costs was levied in FY 1999/00 and the final assessment for construction costs will be levied in FY 2028/29. It should be noted the portion of the assessment for bridge maintenance will continue indefinitely.

FISCAL IMPACT

This year's annual assessment will produce \$1,754.00 in FY 2019-20. If this Resolution is not approved, money owed to the Successor Agency by the property owners will not be repaid and funds will not be available for future bridge maintenance.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in FY 2019-20 on the parcels located within the High Street Permanent Road Division.

Attachments: Resolution levying a Special Tax [2 pp.]

RESOLUTION NO. XX- 2019

**A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FY 2019-20
WITHIN THE HIGH STREET PERMANENT ROAD DIVISION FOR THE REPAYMENT
OF FUNDS ADVANCED FOR THE RECONSTRUCTION OF THE BRIDGE AND
FUTURE MAINTENANCE PURSUANT TO THE STREETS AND HIGHWAY CODE,
ARTICLE 3, SECTION 1173, et seq.**

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

WHEREAS, by passage of Resolution 34-98, the City Council ordered the formation of the High Street Permanent Road Division for the purpose of reconstructing and maintaining the High Street Bridge over Mitchell Creek; and

WHEREAS, the City Council received petitions, signed by a majority of the property owners within the Division, requesting construction of a new bridge over Mitchell Creek and the levy of a special tax to pay for the construction and for the future maintenance of the bridge; and

WHEREAS, the City Council called for an election on February 26, 1999 to approve the levy of a special tax; and

WHEREAS, the City Clerk and City Engineer then certified that ballots approving the special tax were received from more than two-thirds of the property owners in both number and valuation; and

WHEREAS, said special tax approved must be re-levied each fiscal year;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of special taxes for FY 2019-20 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.
2. The annual tax rates for each parcel for the reconstruction and maintenance shall be as follows:

APN	Current Owner	Reconstruction	Bridge Maintenance	Total
119-050-036	Clayton Community Church, Inc.	\$545.00	\$60.00	\$605.00
119-050-008	City of Clayton	\$0.00	\$60.00	\$60.00
119-040-023	Morgan	\$0.00	\$60.00	\$60.00
119-040-024	Davis	\$364.00	\$60.00	\$424.00
119-040-021	Utley	\$545.00	\$60.00	\$605.00

3. Said special taxes shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on July 16, 2019.

Janet Calderon, City Clerk



Agenda Date: July 16, 2019

Agenda Item: 3F

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT D. ALMAN P.E., CITY ENGINEER

DATE: JULY 16, 2019

SUBJECT: RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT FOR FY 2019-20

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Sewer Assessment District was formed to fund the construction of sanitary sewer improvements to the following real properties:

<u>Parcel ID (APN)</u>	<u>Street Address</u>
119-040-021	5950 High Street
119-040-023	5900 High Street
119-040-024	6000 High Street
119-040-027	929 Oak Street
119-040-028	920 Oak Street
119-040-030	937 Oak Street
119-040-032	949 Oak Street
119-040-033	951 Oak Street
119-040-036	945 Oak Street
119-040-037	(None) Oak Street
119-050-036	1027 Pine Hollow Ct.

The City issued bonds to provide funding for the formation of the District and the construction of the sewer improvements. The bonds are being repaid by the real property owners through annual assessments collected by the County with each real property owner's taxes. In addition to the principal and interest costs, assessments include an administrative fee of \$150.00 per parcel to cover the District's overhead costs.

In May, 2015, Mr. Morgan paid off the assessment on APN 119-040-023.

The first assessment was levied in FY 2003/04 and the final assessment will be levied in FY 2026/27.

The attached resolution confirms the proposed assessments for fiscal year 2019-20.

FISCAL IMPACT

The FY 2019-20 assessments will yield approximately \$11,309 for the District. If this Resolution is not approved, the City will have to pursue separate action against each property owner for collection or the City will default on the bonds.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution confirming the levying of annual assessments in the Oak Street Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO. XX-2019

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR
FY 2019-20 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF
MUNICIPAL SANITARY SEWERS.**

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

WHEREAS, by passage of Resolution 62-2002, the City Council ordered the formation of the Oak Street Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued bonds in the amount of \$187,000.00 to fund the construction of municipal sanitary sewers in the Oak Street Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levy of an annual assessment, for principal, interest and administrative costs, on each property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2019-20 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The Council hereby orders the levy of assessments for FY 2019-20 on those parcels within the Oak Street Sewer Assessment Districts for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. The annual assessment for each parcel in each assessment district shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on July 16, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of Clayton, California at a regular public meeting thereof held on July 16, 2019.

Janet Calderon, City Clerk

EXHIBIT A

**ANNUAL ASSESSMENT AMOUNTS FOR FY 2019-20
FOR THE OAK STREET SEWER ASSESSMENT DISTRICT**

Oak Street Sewer Assessment District	
Parcel ID (APN)	Amount
119-040-021	\$1,130.91
119-040-024	\$1,130.91
119-040-027	\$1,130.91
119-040-028	\$1,130.91
119-040-030	\$1,130.91
119-040-032	\$1,130.91
119-040-033	\$1,130.91
119-040-036	\$1,130.91
119-040-037	\$1,130.91
119-050-036	\$1,130.91
Total Assessment	\$11,309.10



Agenda Date: July 16, 2019

Agenda Item: 3g

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER

DATE: JULY 16, 2019

SUBJECT: RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT FOR FY 2019-20

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Lydia Lane Sewer Assessment District was formed to fund the installation of sanitary sewers and sewer laterals in the Lydia Lane and Verna Way area south of Clayton Road.

The City issued bonds as funding for district formation and construction of the sewer improvements. The bonds are to be repaid by the real property owners through annual assessments collected by the County with their property taxes. Along with the principal and interest, the assessments also include an administrative fee of \$150.00 per parcel to cover District overhead costs.

The first assessment was levied in FY 2002/03 and the final assessment will be levied in FY 2031/32.

The attached resolution confirms the proposed assessments for fiscal year 2019-20.

FISCAL IMPACT

Annual assessments yield approximately \$16,900.00 for the District for FY 2019-20. If this Resolution is not approved, the City would have to pursue separate action against each real property owner to collect the monies due or default on the bonds.

Subject: Lydia Lane Sewer Assessment District – Levy of Assessments

Date: July 16, 2019

Page 2 of 2

CONCLUSION

Based upon the above, staff recommends the City Council approve the Resolution confirming the levy of annual assessments for the Lydia Lane Sewer Assessment District.

Attachments: Resolution Confirming Assessments [3 pp.]

RESOLUTION NO. XX-2019

**A RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS FOR
FY 2019-20 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT
FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION
OF MUNICIPAL SANITARY SEWERS**

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

WHEREAS, by passage of Resolution 36-2002, the City Council ordered the formation of the Lydia Lane Sewer Assessment District in accordance with and pursuant to the Municipal Improvement Act of 1913; and

WHEREAS, the City of Clayton issued and sold bonds in the amount of \$228,332.00 to fund the construction of municipal sanitary sewer Improvements in the Lydia Lane Assessment District which must be repaid by the real property owners within the assessment district; and

WHEREAS, the repayment of the bond costs by the real property owners is provided through the levy of annual assessments, for principal, interest and administrative costs, on each real property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2019-20 are shown on Exhibit A attached hereto;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of Clayton, California as follows:

1. The City Council does hereby order the levy of assessments for FY 2019-20 on those parcels within the Lydia Lane Sewer Assessment District for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.

2. The annual assessment for each parcel in each assessment district zone shall be as shown on Exhibit A attached hereto.

3. The assessments shall be levied and collected by the County of Contra Costa along with the regular property taxes.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 16, 2019.

Janet Calderon, City Clerk

EXHIBIT A

**ANNUAL ASSESSMENT AMOUNTS FOR FY 2019-20
FOR THE LYDIA LANE SEWER ASSESSMENT DISTRICT**

Lydia Lane Sewer Assessment District	
Parcel ID (APN)	Amount
120-042-005	\$895.28
120-042-006	\$895.28
120-043-007	\$895.28
120-043-009	\$895.28
120-051-007	\$1,109.88
120-051-008	\$1,109.88
120-051-010	\$1,109.88
120-052-003	\$1,109.88
120-052-004	\$1,109.88
120-052-005	\$1,109.88
120-052-006	\$1,109.88
120-052-009	\$1,109.88
120-052-011	\$1,109.88
120-052-015	\$1,109.88
120-052-016	\$1,109.88
120-052-017	\$1,109.88
Total Assessment	\$16,899.68



Agenda Date: July 16, 2019

Agenda Item: 3h

STAFF REPORT

Approved:

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER

DATE: JULY 16, 2019

SUBJECT: APPROVE THE ENGINEER'S REPORT AND PROPOSED ASSESSMENTS FOR THE OPERATION & MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT, FY 2019-20

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Engineer's Report submitted by the City Engineer recommends the annual assessments for the Street Lighting Assessment District ("District") remain the same as last year. In addition, to satisfy the requirements of the Streets and Highways Code, the "Fund Balance" for the District has been re-designated as the "Streetlight Replacement Fund". The Fund is used to pay the District's obligations until the City receives the first tax installment for the District in December. The public hearing tonight is to receive any comments from the public on the proposed unchanged assessments.

The City Council and public may wonder why the City is not required to mail property owner notices nor hold a public hearing on this particular assessment. In reviewing assessment proceedings, the City Attorney previously noted that, since the City staff is not proposing any increase in assessments, Proposition 218 does not apply. Under this status quo circumstance, the City is now able to return to the original requirements of the Streets and Highways Code which only requires the legislative body's approval of the annual levy.

There are also no provisions allowing for a "majority protest" to eliminate the base assessments similar to our other assessment districts such as the Oak Street and High Street Permanent Road Divisions.

FISCAL IMPACT

If this \$125,991.08 annual assessment and Resolution are not approved, the City Council must decide whether to fund all street lighting costs on our residential streets from another source, such as Gas Tax funds or the General Fund of the City, or turn off the street lights.

As noted in the approved FY 2019-20 City Budget Message, the working equity (fund balance) is starting to erode as this neighborhood street light benefit assessment has not been increased in 22 years. Within the next several years, the City will need to examine and submit to the voters an assessment increase to sustain the operations and maintenance of these street lights since power costs have risen along with expenses to replace burned-out street lamps.

CONCLUSION

Staff recommends the City Council adopt this Resolution approving the Engineer's Report and confirming the levy of assessments within the Street Lighting Assessment District for FY 2019-20.

Attachments: Resolution confirming Assessments [4 pp.]
Engineer's Report [5 pp.]

RESOLUTION NO. XX - 2019

A RESOLUTION APPROVING THE ENGINEER'S REPORT AND LEVYING ASSESSMENTS FOR OPERATION AND MAINTENANCE OF STREET LIGHTS IN THE STREET LIGHTING ASSESSMENT DISTRICT FOR FISCAL YEAR 2019-20

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

WHEREAS, in order to levy assessments for the operation and maintenance of the streetlights in residential subdivisions, the City Engineer has prepared, and submitted to the City Council, an Engineer's Report for Fiscal Year 2019-20; and

WHEREAS, the Engineer's Report recommends once again the annual assessments remain unchanged from last fiscal year due to adequate Fund reserves;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Clayton, California as follows:

1. The Engineer's Report for Fiscal Year 2019-20 is hereby approved.
2. The City Council orders the levy of an assessment in the amounts shown per subdivision lot on "Exhibit A", attached hereto and incorporated herein as if fully set forth, on each of the lots within the following subdivisions in the Street Lighting Assessment District, and this Resolution shall constitute the levy and confirmation of such assessment for Fiscal Year 2019-20. The total subdivision lots so assessed are 3,458 and consist of each lot within the following subdivisions: #2556, #2572, #3434, #3576, #3659, #4011, #4012, #4013, #4014, #4015, #4016, #4017, #4018, #4019, #4240, #4343, #4403, #4449, #4451, #4499, #4504, #4515, #4543, #4643, #4654, #4798, #4805, #4827, #4956, #5048, #5049, #5050, #5267, #5722, #6001, #6990, #7065, #7066, #7249, #7255, #7256, #7257, #7260, #7261, #7262, #7263, #7264, #7303, #7311, #7766, #7767, #7768, #7769, #7887, #8215, #8355, #8358 and #8719 as such maps appear of record in the Contra Costa County Recorder's Office.

3. The City will pay from the Special District Augmentation monies, gas tax or other City funds, the cost of operation for some 166 street lights on arterial streets as described in the Engineer's Report. The herein mentioned assessment levy is to pay for the cost of operation and maintenance for some 800 residential subdivision street lights along the public streets within or adjacent to the above described subdivisions.

4. The City Clerk shall immediately file a certified copy of this Resolution, together with any required diagrams and a list of lots so assessed, with both the Tax Collector and the Auditor of Contra Costa County, with the Assessment to thereafter be collected in the same manner as the property taxes are collected.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton, California at a regular public meeting thereof held on the 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

#

I hereby certify the foregoing Resolution was duly and regularly passed by the City Council of the City of Clayton, California at a regular public meeting held on July 16, 2019.

Janet Calderon, City Clerk

**RESOLUTION NO. XX - 2019
EXHIBIT A**

CITY OF CLAYTON								
STREETLIGHT ASSESSMENT DISTRICT FY 2019-20								
PROPOSED ASSESSMENTS								
Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	\$43.54	\$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	\$43.54	\$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	\$43.54	\$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	\$43.54	\$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	\$43.54	\$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	\$43.54	\$2,002.84
Dana Hills IX	4018	32	SF	Y	1.00	32.00	\$43.54	\$1,393.28
Dana Hills X	4019	52	SF	Y	1.00	52.00	\$43.54	\$2,264.08
Marsh Creek	4240	109	MF	N	0.25	27.25	\$15.64	\$1,704.76
Regency Woods I	4343	77	SF	Y	1.00	77.00	\$43.54	\$3,352.58
St. James Place	4403	16	SF	Y	1.00	16.00	\$43.54	\$696.64
Casey Glen	4449	24	SF	Y	1.00	24.00	\$43.54	\$1,044.96
Briarwood I	4451	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Jeffry Ranch	4499	68	SF	Y	1.00	68.00	\$43.54	\$2,960.72
Dana Ridge	4504	86	MF	N	0.25	21.50	\$15.64	\$1,345.04
Clayton Greens	4515	78	SF	Y	1.00	78.00	\$43.54	\$3,396.12
Regency Woods II	4543	71	SF	Y	1.00	71.00	\$43.54	\$3,091.34
Regency Woods III	4643	37	SF	Y	1.00	37.00	\$43.54	\$1,610.98
Briarwood II	4654	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60
Regency Woods IV	4798	145	SF	Y	1.00	145.00	\$43.54	\$6,313.30
Easley Estates I	4805	48	SF	Y	1.00	48.00	\$43.54	\$2,089.92
Silver Creek I	4827	26	SF	Y	1.00	26.00	\$43.54	\$1,132.04
Silver Creek II	4956	94	SF	Y	1.00	94.00	\$43.54	\$4,092.76
Easley Estates II	5048	51	SF	Y	1.00	51.00	\$43.54	\$2,220.54
Easley Estates III	5049	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60
Easley Estates IV	5050	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70

Douglas Court	5267	9	SF	Y	1.00	9.00	\$43.54	\$391.86
Regency Meadows	5722	96	SF	Y	1.00	96.00	\$43.54	\$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	\$15.64	\$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	\$43.54	\$4,005.68
Black Diamond I	7065	108	Duet	N	0.50	54.00	\$31.28	\$3,378.24
Chaparral Springs I	7066	117	MF	N	0.25	29.25	\$8.34	\$975.78
Peacock Creek I	7249	69	SF	Y	1.00	69.00	\$33.38	\$2,303.22
Peacock Creek II	7255	72	SF	Y	1.00	72.00	\$33.38	\$2,403.36
Eagle Peak I	7256	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	\$43.54	\$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	\$33.38	\$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	\$43.54	\$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	\$43.54	\$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	\$33.38	\$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	\$8.34	\$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	\$31.28	\$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	\$8.34	\$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	\$8.34	\$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	\$31.28	\$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	\$31.28	\$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	\$33.38	\$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	\$43.54	\$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	\$43.54	\$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Diablo Pointe	8719	24	SF	N	0.50	12.00	\$22.18	\$532.32
TOTALS		3482				2908.5		\$125,991.08

ENGINEER'S REPORT

DATE: JULY 10, 2019
TO: CITY COUNCIL
FROM: CITY ENGINEER
RE: STREET LIGHT ASSESSMENT DISTRICT - FISCAL YEAR 2019-20

This report has been prepared in accordance with Section 18091 of the Street and Highways Code and meets the requirements of the Street Lighting Act of 1919.

HISTORICAL REVIEW

Prior to 1979, the year the City formed the Street Light Assessment District, all subdivisions were annexed to the City's Lighting District #1. This district became a Special District, which made it eligible for a small portion of the property tax as well as Special Augmentation Funds for special districts.

When the Assessment District was formed, primarily to pay for street lighting in residential areas with street lights, the City ceased annexing new subdivisions to Lighting District #1. While the City continues to receive moneys on Lighting District #1 as Special Augmentation Funds, the amounts are eventually expected to decrease. The Lighting District #1's expected income for FY 2019-20 is approximately \$36,700.

When the Street Light Assessment District was formed, it was the City Council's policy that residential street lighting expenses and operations be funded by the Assessment District separate from the arterial street lighting expenses of Lighting District #1.

PROPOSITION 218

In 2001 an increase in the levy was proposed to offset increasing electrical costs. The subsequent Prop. 218 ballot was defeated by approximately 60% of the votes cast. Due to the current fiscal climate and reserve status of this fund, the recommendation is to not attempt another 218 ballot this year.

DETERMINATION OF SPECIAL BENEFIT

For this District, being limited to street lighting, the finding of a special benefit is relatively simple. Those occupied properties located on a lighted public street receive a special benefit relative to those properties located on unlit streets and sidewalks. This benefit may be described as additional protection for residents from criminal activity and, to a lesser extent, vehicular traffic. It should be noted that street lights protect pedestrians from vehicular traffic by increasing the pedestrians' sight and subsequent ability to avoid danger more than it increases their visibility to others (drivers).

The argument that a general benefit exists because all pedestrians benefit from the additional protection even those that are not residents of the specific street is false. The number of non-resident pedestrian trips made is minuscule compared to the number of resident pedestrian trips and that tiny benefit to non-resident pedestrians does not constitute a general benefit.

There are publicly owned parcels (open space) that front along lighted public streets. However, since these properties are not occupied, no benefit, either special or general, is received. Therefore, the finding is that no "general" benefit exists.

DISTRICT IMPROVEMENTS

The District improvements consist of streetlights located on residential streets. The streetlights may be mounted on PG&E poles or on City-owned poles (either wood, metal, or concrete).

PROJECTED FY 2018-19 COSTS AND FUND BALANCE

The district's projected year-end revenue and costs for FY 2018-19 are based on actuals through April of 2019 and show projected expenses of \$150,240. against revenue of \$127,391. (Assessment and interest) causing a projected deficit variance of <\$22,849.> The beginning fund balance of \$108,849. will be reduced to \$85,999. by the end of FY 2018-19. This rate of annual deficit spending will bankrupt the streetlight fund in fewer than three (3) years.

BUDGETED FY 2019-20 REVENUE, COST, AND FUND BALANCE

The proposed FY 2019-20 district budget is as follows:

Expenditure Account Number	Account Name	2019-20 Proposed Budget
7113	Overtime	\$0.
7311	General Supplies	\$500.
7335	Gas & Electric Service	\$118,000.
7381	Property Tax Admin. Cost	\$3,600.
7389	Misc. Expenses	\$330.
7412	Engineering/Inspection Services	\$1,000.
7419	Other Prof. Services	\$250.
7450	Street Light Maintenance	\$16,000.
8101	Fund Admin. – Transfer to GF	\$11,890.
	Expense Sub-total:	\$151,570.
Revenue Account Number		
4607	Street Light Assessment	\$125,991.
5601	Interest	\$1,000.
5606	Unrealized Inv. Gain/Loss	\$0.
	Revenue Sub-total:	\$126,991.
	Increase (Decrease) in Fund Balance	<\$24,579.>
	Beginning Fund Balance	\$85,999.
	Ending Fund Balance	\$61,419.

Based on the FY 2019-20 Budget and the number of units assessed, the actual assessment for FY 2019-20 should be \$52.11 per unit. Since we are unable to increase assessments without an affirmative 218 ballot election by voters, it is recommend the FY 2019-20 assessments remain the same (see table on pages 4 and 5). Based on this annual assessment and earned interest, the District will receive revenues of approximately \$126,991. with budgeted expenses of \$151,570. the projected FY 2019-20 deficit will be <\$24,579.> further eroding the Streetlight Replacement Ending Fund balance to \$61,419.

METHOD OF ASSESSMENT

In detached, single family subdivisions with public streets, the special benefit received from street lights is equal to all the lots, regardless of size, and the assessment should, therefore, be equal for every lot and will be assigned an assessment unit of one.

In subdivisions with private streets that are served or traversed by lighted public streets, the property owners already pay for a share of their private street lighting and the ratio of lots to the number of public

lights is higher than those in subdivisions with all public streets. In order to provide equity in these circumstances assessment units of one-half have been assigned to privately held single family and duet subdivisions (Oak Hollow, Black Diamond, and Diablo Pointe) and one-quarter to privately held multifamily subdivisions (Diablo Ridge, Chaparral Springs, Marsh Creek Villas).

See the chart on pages 4 and 5 for a complete breakdown of the assessment units.

ASSESSMENT HISTORY

Proposed FY 19-20	between \$0 and \$43.54
FY 18-19	between \$0 and \$43.54
FY 17-18	between \$0 and \$43.54
FY 16-17	between \$0 and \$43.54
FY 15-16	between \$0 and \$43.54
FY 14-15	between \$0 and \$43.54
FY 13-14	between \$0 and \$43.54
FY 12-13	between \$0 and \$43.54
FY 11-12	between \$0 and \$43.54
FY 10-11	between \$0 and \$43.54
FY 09-10	between \$0 and \$43.54
FY 08-09	between \$0 and \$43.54
FY 07-08	between \$0 and \$43.54
FY 06-07	between \$0 and \$43.54
FY 05-06	between \$0 and \$43.54
FY 04-05	between \$0 and \$43.54
FY 03-04	between \$0 and \$43.54
FY 02-03	between \$0 and \$43.54
FY 01-02	between \$0 and \$43.54
FY 00-01	\$34.34
FY 99-00	\$33.38
FY 98-99	\$33.38
FY 97-98	\$33.38
FY 96-97	\$43.54

CITY OF CLAYTON

**STREETLIGHT ASSESSMENT DISTRICT
FY 2019-20**

PROPOSED ASSESSMENTS

Subd. Name	Subd. No.	No. of Lots	Type	Public Streets	A.U. per lot	Total A.U.	Assessment Per Lot	Total \$
Cardinet Glen I	2556	22	SF	Y	1.00	22.00	\$43.54	\$957.88
Cardinet Glen II	2572	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Glen Almond	3434	23	SF	Y	1.00	23.00	\$43.54	\$1,001.42
Dana Hills I	3576	29	SF	Y	1.00	29.00	\$43.54	\$1,262.66
Mission Manor	3659	25	SF	Y	1.00	25.00	\$43.54	\$1,088.50
Dana Hills II	4011	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Dana Hills III	4012	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills IV	4013	93	SF	Y	1.00	93.00	\$43.54	\$4,049.22
Dana Hills V	4014	50	SF	Y	1.00	50.00	\$43.54	\$2,177.00
Dana Hills VI	4015	30	SF	Y	1.00	30.00	\$43.54	\$1,306.20
Dana Hills VII	4016	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Dana Hills VIII	4017	46	SF	Y	1.00	46.00	\$43.54	\$2,002.84
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Silver Creek I	4827	26	SF	Y	1.00	26.00	\$43.54	\$1,132.04
Silver Creek II	4956	94	SF	Y	1.00	94.00	\$43.54	\$4,092.76
Easley Estates II	5048	51	SF	Y	1.00	51.00	\$43.54	\$2,220.54
Easley Estates III	5049	40	SF	Y	1.00	40.00	\$43.54	\$1,741.60
Easley Estates IV	5050	55	SF	Y	1.00	55.00	\$43.54	\$2,394.70
Douglas Court	5267	9	SF	Y	1.00	9.00	\$43.54	\$391.86

Regency Meadows	5722	96	SF	Y	1.00	96.00	\$43.54	\$4,179.84
Westwood	6001	65	SF	Y	1.00	65.00	\$43.54	\$2,830.10
Westwood	6001	4	MF	Y	0.50	2.00	\$15.64	\$62.56
Windmill Canyon I	6990	92	SF	Y	1.00	92.00	\$43.54	\$4,005.68
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Eagle Peak I	7256	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Eagle Peak II	7257	60	SF	Y	1.00	60.00	\$43.54	\$2,612.40
Falcon Ridge I	7260	75	SF	Y	1.00	75.00	\$33.38	\$2,503.50
Falcon Ridge II	7261	70	SF	Y	1.00	70.00	\$43.54	\$3,047.80
Windmill Canyon II	7262	99	SF	Y	1.00	99.00	\$43.54	\$4,310.46
Windmill Canyon III	7263	101	SF	Y	1.00	101.00	\$43.54	\$4,397.54
Windmill Canyon IV	7264	102	SF	Y	1.00	102.00	\$33.38	\$3,404.76
Chaparral Springs II	7303	52	MF	N	0.25	13.00	\$8.34	\$433.68
Black Diamond II	7311	118	Duet	N	0.50	59.00	\$31.28	\$3,691.04
Diablo Ridge I	7766	60	MF	N	0.25	15.00	\$8.34	\$500.40
Oak Hollow	7766	35	SF	N	0.50	17.50	\$16.68	\$583.80
Diablo Ridge II	7767	76	MF	N	0.25	19.00	\$8.34	\$633.84
Oak Hollow IIA	7768	55	SF	N	0.50	27.50	\$31.28	\$1,720.40
Oak Hollow IIB	7769	53	SF	N	0.50	26.50	\$31.28	\$1,657.84
Stranahan	7887	54	SF	Y	1.00	54.00	\$33.38	\$1,802.52
Diablo Village	8215	33	SF	Y	1.00	33.00	\$43.54	\$1,436.82
Rachel Ranch	8355	8	SF	Y	1.00	8.00	\$43.54	\$348.32
Bridlewood	8358	19	SF	Y	1.00	19.00	\$43.54	\$827.26
Diablo Pointe	8719	24	SF	N	0.50	12.00	\$22.18	\$532.32
TOTALS		0				2908.5		\$125,991.08



Agenda Date: 7-16-2019

Agenda Item: 3i

Approved:

Gary A. Napper,
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Finance Manager

MEETING DATE: July 16, 2019

SUBJECT: Revised Master Fee Schedule for Certain User-Benefit, Regulatory, and Rental Fees

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution amending the existing fee schedule for certain user-benefit, regulatory and rental fees for the fiscal year ending June 30, 2020 (FY 2019-20).

BACKGROUND

The City of Clayton annually reviews user-benefit, regulatory and rental fees to ensure they are set appropriately to cover costs attributable to providing the underlying services and issuing permits. All such fees are consolidated into the City's Master Fee Schedule, which is reviewed and approved by the City Council via Resolution at a publicly-held meeting and thereafter made publicly available on the City's website and at City Hall. The Master Fee Schedule currently effective for such fees was established by Resolution No. 33-2018 on July 17, 2018.

Although cost recovery is a goal when annually evaluating the suitability of existing fees in the Master Fee Schedule, other factors considered when determining reasonable fee rates may include but are not limited to: (1) whether the benefit is user-specific versus community-wide, (2) the impact of fees on service use, (3) the feasibility of collection, (4) consideration of discounted rates, and (5) comparisons with other neighboring municipalities. User-Benefit fees apply to services where a specific user receives some or all of the benefit of the underlying service provided rather than the general public. The City collects user-benefit fees for many activities including: generation of police reports, document recording, audio or video reproductions of recorded public meetings, etc. Regulatory fees are charges imposed on a regulated activity to pay for the cost of public programs necessary to regulate a business or other activity. The City charges regulatory

fees to help defray costs associated with several regulated activities including: development plan checking, engineering inspections, noise level, parking, soliciting, etc. Despite the fact the community as a whole may benefit from the regulatory program, the ultimate “driver” of the need for the service should pay most if not all of the costs. In contrast to user-benefit and regulatory fees, public facility and park rental fees are not restricted to covering the reasonable costs of the underlying program or activity. Although cost recovery should be considered when reviewing and setting rental rates, other important considerations include an assessment of policy objectives as well as market rates for similar rentals in neighboring communities.

Unlike user-benefit and regulatory fees, fines and penalties are generally designed to discourage undesired behavior rather than cost-recovery alone. Fines and penalties are considered “involuntary” fees, and the beneficiaries of the service are ultimately the general public through the City’s discouragement of illegal or otherwise undesirable activity. For this reason, a “Uniform Penalty Schedule of Parking Violations” enforced by the Police Department is periodically reviewed by the Chief of Police and any changes deemed necessary are presented to the City Council for review and approval at a publicly-held meeting. Given the difference in policy objectives, the Uniform Penalty Schedule of Parking Violations is a separate and distinct document from the Master Fee Schedule and no modifications to that existing document are being proposed in this staff report.

Adjustments being proposed to the City’s existing Master Fee Schedule are consistent with the longstanding public policy that voluntary user-driven municipal services bear their own costs. The proposed changes would accomplish this objective and in each instance no fee is higher than the true cost to provide the underlying service or use.

DISCUSSION

Proposed Rate Increases

In consideration of inflationary growth in the Bay Area, the San Francisco-Oakland-Hayward April 2018 to April 2019 Consumer Price Index (CPI) growth rate published by the United States Bureau of Labor and Statistics was 4.01%. Since the agreement with Harris & Associates for City Engineering services specifies a growth equal to 90% of the CPI for retainer services covered by the General Fund, it is recommended all Engineering Fees included in the attached Master Fee Schedule be increased by a rate of 3.60%. Pursuant to longstanding policy, any activity regulated by the City’s Engineering Department requiring a refundable deposit shall be billed at actual cost incurred by the City, including an overhead recovery rate of fifteen percent (15%).

The Miscellaneous Employee group labor agreement approved by the City Council on June 4, 2019 incorporates a cost of living adjustment of 4.25% effective July 1, 2019. All user-benefit and regulatory fees pertaining to services provided by employees of the Miscellaneous Employee Group are recommended to increase by 4.25% necessary to defray budgeted cost increases in these underlying service areas.

It has been the practice of the City to only adopt Master Fee Schedule increases in whole dollar increments. As applied in past years, staff does not recommend individual fee increases resulting from annual CPI growth until the resulting fee increase equals or exceeds one whole dollar. This method serves to simplify the fee increase process, as well as to satisfy prevailing law that City fees cannot recoup more than its actual expense (i.e. "rounding-up" may result in excessive fees). In circumstances where the prior year CPI adjustments did not result in a fee increase, a two or other multi-year CPI rate, as applicable, was applied in the current year to ascertain whether a fee increase should be recommended. On the far right column of the attached proposed fee schedule (Exhibit A to the Resolution) fees with one asterisk [*] indicate a single year CPI adjustment. Fees with two asterisks [**] indicates a multi-year CPI adjustment was used as applicable.

These proposed increase methodologies allow the City to recover organizational year-to-year operational cost increases for most user-benefit and regulatory related fees. Certain fees remain unchanged as they are set by state law, fixed by a specific *Clayton Municipal Code* section, or the current year CPI adjustment was insufficient to justify a proposal to increase the existing fee.

New Fees Being Proposed

Included in the proposed FY 2019-20 Master Fee Schedule is two new penalties pertaining to retroactive tree removal permit compliance. The purpose for these two new fees is two-fold: 1) to provide a disincentive for homeowners and tree removal companies to evade the law by not obtaining a permit, and 2) to cover the staff time associated with the code enforcement component in order to achieve compliance. The proposed penalties serve to double the fee for each tree removed with the minimum fee being double the minimum for a tree removal permit.

On May 21, 2019 the City Council approved Ordinance No. 487 to add chapter 12.05, "Wireless Facilities in Public Rights-of-Way." This Ordinance established regulatory requirements, including permit application, design and development standards, and operational standards, for installing wireless facilities in the public rights-of-way of the City of Clayton in response to the aggressive nation-wide expansion of next generation ("5G") wireless technologies. Amongst other matters, this Ordinance established an application fee or deposit shall be required to be submitted with any application for a wireless encroachment permit and this would be accomplished through the City Council's adoption of the Master Fee Schedule. Accordingly, the proposed Master Fee Schedule includes a new \$2,000 minimum refundable deposit in the Engineering Department section for a Wireless Installation Encroachment Permit. Consistent with other engineering deposits, this amount reflects the minimum engineering deposit for standard project requirements and additional amounts may be required by the City Engineer based on the size of the project and for unusual or non-standard circumstances. All costs for inspection and administration relating to this permit shall be deducted from the inspection service deposit.

Proposed Fee Reductions or Inaction

All previously-existing refundable deposit amounts are proposed to remain unchanged from the prior year's adopted Master Fee Schedule with the exception of the Construction and Development Recycling Plan refundable deposit. Upon implementing this deposit requirement years ago, the City Council and staff deliberated the suitability of various refundable deposit amounts. At that time it was deemed a low deposit requirement would result in a higher risk of contractors walking away from paid deposits rather than complying with the state unfunded mandate to recycle construction and demolition materials. With this in mind, a minimum refundable deposit amount of \$2,000 was adopted. Although this amount has resulted in a high rate of compliance for applicants, a comparative analysis of other jurisdictions' current waste management deposits reveals a \$2,000 deposit requirement is somewhat high. Accordingly, staff is proposing to create new and lower Construction and Development Recycling Plan deposit of \$1,000 for "minor projects" such as re-roofs, remodeling, additions, tenant improvements, etc. The \$2,000 deposit would remain in effect for the more complex single family new construction as well as commercial and multi-family projects. As the name implies, any unused balances of refundable deposits are fully refundable to the paying applicant at the conclusion of the underlying regulated construction project.

Following a comparative analysis of ballfield rental rates of other local jurisdictions, it was discovered the City of Clayton's youth sports field rate is slightly higher than the average. However, in consideration of anticipated operational cost increases of Clayton Community Park due to irrigation and maintenance requirements, as well as overall budgetary constraints of the City's General Fund, it is recommended the City freeze the ballfield rental rates at \$23 per ballfield per hour for FY 2019-20 with no cost increase.

Effective Date of Rate Changes

Most fees included in the Proposed FY 2019-20 Master Fee Schedule will become effective upon adoption of the attached Resolution (Attachment 1). The exception to this rule is that certain fees in the Proposed Master Fee Schedule pertaining to planning and land use have been identified with a tick mark [>] on the left column and are subject to the requirements of *California Government Code* § 66017 and therefore would not be effective until 60 days after the adoption of the attached Resolution in accordance with the law.

In accordance with *California Government Code* § 66016, prior to levying a new fee or service charges, or prior to approving an increase in an existing fee or service charge, a local agency must notice the time and place of public meeting at least fourteen (14) days prior to the meeting to any interested party who files a written request with the local agency. Furthermore, at least ten (10) days prior to the meeting to adopt new or increases to existing fee or service charges a local agency must make available to the public data indicating the amount of cost, or estimated cost, required to provide the service for which the fee or service charge is levied. On Monday June 17, 2019 the City issued a public notice (Attachment 2), published the Proposed FY 2018-19 Master Fee Schedule on the City's website, and

provided it to all requesting parties thereby fulfilling the requirements of the aforementioned section of the *California Government Code*.

FISCAL IMPACT

No direct fiscal impact will result from the City Council's approval of the attached proposed Master Fee Schedule. Assuming no changes to the existing demand for user-fee, regulatory or rental related services next fiscal year, negligible increases to the corresponding fee revenue line items may be realized. However, it is expected these revenue increases will be offset by incremental cost increases associated with providing these specified user-driven services.

- Attachments:
1. Resolution __-2019 (2 pp.)
 - o Exhibit A to Resolution __-2019 (7 pp.)
 2. Public Meeting Notice (1 p.)

RESOLUTION NO. ___-2019

**A RESOLUTION AMENDING
THE CITY MASTER FEE SCHEDULE
FOR CERTAIN USER-BENEFIT, REGULATORY, AND
RENTAL CITY SERVICES AND ACTIVITIES**

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

WHEREAS, the City of Clayton previously adopted Resolution No. 33-2018 revising and establishing a Master Fee Schedule for various user-benefit, regulatory and rental fees to assist in defraying the cost of the underlying voluntary municipal services and activities; and

WHEREAS, the Master Fee Schedule is reviewed periodically to capture increases in costs to provide municipal services and activities associated with said user-benefit, regulatory, and rental fees; and

WHEREAS, the City staff did develop data to substantiate proposed changes to fees which would not exceed the estimated reasonable cost of providing the underlying service or facility use and made proposed changes available to the public on June 17, 2019 satisfying the fourteen (14) day public noticing pursuant to *California Government Code* Section 66016; and

WHEREAS, the only two new fees and deposits proposed pertain to the Community Development Department for tree removal permit non-compliance penalties and the Engineering Department for wireless encroachment permits; and

WHEREAS, all other fees included in the Master Fee Schedule already existence prior to the adoption of this Resolution are either: (1) being adjusted to account for operational and inflationary cost increases, or (2) being reduced or frozen to reflect past and current City Council policy directives; and

WHEREAS, operational and inflationary cost increase considerations incorporate the April 2018 to April 2019 growth in the consumer price index (CPI) for the San Francisco-Oakland-Hayward area as published by the United States Bureau of Labor Statistics (4.01%) as well as the terms of any City Council approved employee labor agreements effective the 1st of July 2019 through the 30th of June 2020; and

WHEREAS, the City Council did consider recommendations for modifications at its regular scheduled public meeting on July 16, 2019; and

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

NOW THEREFORE BE IT RESOLVED that the City Council of Clayton, California does hereby set, adjust and approve the various fees for certain user-benefit, regulatory, and rental City services and activities as set forth in the attached Exhibit "A" as the City Master Fee Schedule.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

City of Clayton User Benefit, Regulatory and Rental Fees		
Fee/Deposit Description	Adopted FY 2018-19 Fee/Deposit	Proposed FY 2019-20 Fee/Deposit
COMMUNITY DEVELOPMENT DEPARTMENT		
Annexations		
Annexation	Time - \$5,000 minimum deposit	No change
General Plan /Zoning Ordinance Amendments		
General Plan Map or Text Amendment	Time - \$5,000 minimum deposit	No change
Pre Zoning / Re Zoning	Time - \$5,000 minimum deposit	No change
Zoning Ordinance Text Amendment	Time - \$5,000 minimum deposit	No change
Site Plans / Development Plans		
Site Plan Review Permit - Residential	Time - \$1,000 minimum deposit	No change
Site Plan Review Permit - Residential Amendment	Time - \$1,000 minimum deposit	No change
Site Plan Review Permit - Non Residential	Time - \$5,000 minimum deposit	No change
Site Plan Review Permit - Non Residential Amendment	Time - \$2,000 minimum deposit	No change
Development Plan	Time - \$5,000 minimum deposit	No change
Subdivisions		
Tentative Subdivision Map Application	Time - \$5,000 minimum deposit	No change
Lot Line Adjustment	Time - \$1,000 minimum deposit	No change
Lot Merger	Time - \$2,000 minimum deposit	No change
Parcel Maps		
Tentative Parcel Map Application	Time - \$2,000 minimum deposit	No change
Environmental Review		
Environmental Impact Report	Time - \$5,000 minimum deposit	No change
Negative Declaration with Mitigations (Mitigated Neg. Dec.)	Time - \$2,500 minimum deposit	No change
Negative Declaration without Mitigations	Time - \$1,500 minimum deposit	No change
Mitigation Monitoring and Reporting Plan	Included with Mitigated Neg Dec/ EIR	No change
Categorical Exemption	County filing fee + Time	No change
Permits		
Home Occupation Permit - Administrative Review	\$187	\$195 *
Home Occupation Permit - Planning Commission Review	Time - \$750 minimum deposit	No change
> Use Permit - Fences Administrative Review	\$187	\$195 *
Use Permit - Residential - Planning Commission Review	Time - \$1,000 minimum deposit	No change
Use Permit - Non- Residential - Planning Commission Review	Time - \$5,000 minimum deposit	No change
Temporary Use Permit - Administrative Review	\$187	\$195 *
Temporary Use Permit - Planning Commission Review	Time \$500 minimum deposit	No change
> Sign Permit - Administrative Review	\$61	\$63 *
Sign Permit - Planning Commission Review	Time - \$1,000 minimum deposit	No change
> Temporary Storage Permit	\$61	\$63 *
> Accessory Dwelling Unit (ADU) Permit - Administrative Review	\$311	\$324 *
> Tree Removal Permit - Administrative Review without notice (per tree - min. applies see below)	\$11	\$12 *
> Tree Removal Permit - Administrative Review Without Notice (Minimum)	\$38	\$39 *
> Tree Removal Non-Compliance Penalty (Admin Review Without Notice)	None	\$39
> Tree Removal Permit - Administrative Review with Notice (per tree - minimum applies see below)	\$58	\$59 *
> Tree Removal Permit - Administrative Review with Notice (minimum)	\$124	\$129 *
> Tree Removal Non-Compliance Penalty (Notice Required)	None	\$129
Tree Removal Permit - Planning Commission Review	Time - \$500 minimum deposit	No change
Tree Replacement In-Lieu Fee (CMC §15.70.040 F & 15.70.55) (per 24" box tree)	\$800	No change
Building Moving Permit	Time - \$1,000 minimum deposit	No change
Noise Permit - Administrative Review	\$187	\$195 *
Reasonable Accommodations Permit - Administrative Review	\$187	\$195 *
Reasonable Accommodations Permit - Planning Commission Review	Time - \$500 minimum deposit	No change
> Outdoor Seating Permit (CMC §17.24.020 -H/Standard Policy No 3)	\$98	\$102 *
Miscellaneous		
Variance - Residential	Time - \$1,000 minimum deposit	No change
Variance - Non Residential	Time - \$5,000 minimum deposit	No change
Appeal - Administrative Decisions	\$61	\$63 *
Appeal-Administrative Code Enforcement Citation	Time - \$1,800 minimum deposit	No change
> Appeal - Planning Commission Decisions - Residential	\$311	\$324 *
> Appeal - Planning Commission Decisions - Non Residential	\$624	\$649 *
Time Extension Request	Time - \$500 minimum deposit	No change
Contract Administration	Time - \$1,000 minimum deposit	No change
Large Family Day Care Home Permit	Time - \$500 minimum deposit	No change
Pre Application Consultation Deposit	Time - \$1,000 minimum deposit	No change
Construction and Demolition (C&D) Recycling Plans		
> Permit processing Fee - Single Family	\$162	\$168 *
> Permit processing Fee - Commercial & Multifamily	\$325	\$338 *
Mgmt. Plan Deposit - Single Family (Minor Projects Including: re-roof, additions, remodeling, tenant improvements, etc.)	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.	\$1,000
Mgmt. Plan Deposit - Single Family (New Construction) per unit	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.	\$2,000
Mgmt. Plan Deposit - Commercial & Multifamily (New Construction)	\$2,000 plus \$1/sq. ft. over 2,000 sq. ft.	No change
Habitat Conservation Area Compliance		
Habitat Conservation Plan/Natural CC Plan	Time - \$1,000 minimum deposit	No change

City of Clayton User Benefit, Regulatory and Rental Fees			
Fee/Deposit Description	Adopted FY 2018-19 Fee/Deposit	Proposed FY 2019-20 Fee/Deposit	
CITY ENGINEERING DEPARTMENT			
Bid or Plan Sets	Actual Cost	No change	
> Deed Restriction / Covenant Agreement Preparation (Does not include recordation extra cost. See Administrative Fees.)	\$469	\$485	#
Subdivisions			
> Final Map Filing Fee (per map)	\$771	\$798	#
Final Map Checking Fee ¹	Time - \$2,500 minimum deposit	No change	
Construction Plans Checking Fee ¹	Time - \$2,500 minimum deposit	No change	
Construction Inspection Fee - Public Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Private Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates	No change	
Parcel Maps			
> Final Parcel Map Filing Fee (per map)	\$154	\$159	#
Final Parcel Map Plan Checking Fee ¹	Time - \$1,000 minimum deposit	No change	
Construction Plan Checking Fee ¹	Time - \$1,000 minimum deposit	No change	
Construction Inspection Fee - Public Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Private Improvements	9% of Bond Estimates	No change	
Construction Inspection Fee - Sanitary Sewer	3% of Bond Estimates	No change	
Major Grading			
> Grading Permit Filing Fee (per permit)	\$231	\$239	#
Grading Permit Plan Check ¹	Time - \$1,000 minimum deposit	No change	
Grading Inspection ¹	Time - \$1,000 minimum deposit	No change	
Minor Construction Activity Permits (Including Encroachment, Stormwater, Wireless Installations, and Grading)			
> Projects that do not disturb the ground (i.e. interior remodels, roof replacement, etc.) ¹ (per permit + time - \$500 minimum deposit)	\$140	\$145	#
> Room additions (including other projects that disturb the ground) ¹ (per permit + time - \$2,000 minimum deposit)	\$140	\$145	#
> Minor concrete repairs or replacement (i.e. sidewalks, curb & gutter) ¹ (per permit + time - \$1,000 minimum deposit)	\$258	\$267	#
> New driveway construction or replacement (Work may require the granting of additional street right of way requiring the preparation of grant deed and recordation. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.) ¹ (per permit + time - \$2,000 minimum deposit)	\$258	\$267	#
> Pool installation or total removal of existing pool (requires inspection and testing by applicant's third party soils engineer) ¹ (per permit + time - \$2,000 minimum deposit)	\$258	\$267	#
> Partial removal of existing pool (Work requires a grading permit and the preparation and recording of a restricted use covenant. See Deed Restriction/Covenant Agreement Preparation fee above and Document Recording fee in Administrative Fees section.) ¹ (per permit + time - \$2,000 minimum deposit)	\$258	\$267	#
Wireless Installation Encroachment Permit ¹	None	Time - \$2,000 minimum deposit	
Major Construction Activity Permits			
> Major Construction Activity Permit (per permit)	\$75	\$77	#
Major Plan Check ¹	Time- \$2,500 minimum deposit	No change	
Major Inspection ¹	Time- \$2,500 minimum deposit	No change	
Cash Bond Major Encroachments (may be surety if more than \$10,000)	Per City Engineer	No change	
Post Construction Stormwater Compliance			
Post construction Annual Verification Inspection - Individual Single Family Lot Non-HOA (per lot)	\$247	\$255	#
Post construction Annual Verification Inspection - Single Family HOA (per HOA - first 10 lots)	\$247	\$255	#
Post construction Annual Verification Inspection - Single Family HOA (per HOA - additional lots >10)	\$70	\$72	#
Post construction Annual Verification Inspection - Commercial (per acre - min. 1 acre)	\$247	\$255	#
Documentation Compliance Review Fee - Individual Single Family (per lot)	\$247	\$255	#
Documentation Compliance Review Fee - HOA (per HOA)			
- First 10 lots	\$247	\$255	#
- Each additional lot after 10th	\$72	\$74	#
Documentation Compliance Review Fee - Commercial (per acre - min. 1 acre)	\$247	\$255	#
Annual State Reporting preparation/filing Fee - Individual Single Family Lot (per lot)	\$89	\$92	#
Annual State Reporting preparation/filing Fee - Single Family HOA (per HOA)	\$172	\$178	#
Annual State Reporting preparation/filing Fee - Commercial (per acre - min. 1 acre)	\$172	\$178	#

City of Clayton User Benefit, Regulatory and Rental Fees			
Fee/Deposit Description	Adopted FY 2018-19 Fee/Deposit	Proposed FY 2019-20 Fee/Deposit	
POLICE DEPARTMENT			
Residential Alarm System Registration Fee (per residential unit)	\$32	\$33	*
Commercial Alarm System Registration Fee (per commercial occupancy)	\$64	\$67	*
Vehicle Release (per vehicle - cash, credit, debit only)	\$162	\$168	*
Police Reports (per report)	\$32	\$33	*
VIN Verification (per vehicle)	\$44	\$45	*
Clearance Letters (Notary fee extra. See Administrative Fees section) (per letter)	\$32	\$33	*
Police Enforcement on Party Ordinance (CMC §6.19.040)	Time - Maximum \$500	No change	
Police Enforcement of DUI Involving Accident (CA Vehicle Code §53150-53158)	Time - Maximum \$12,000	No change	
City Alcohol Beverage Permit	\$61	\$63	*
Booking Fees	As established by County or agreement w/ Concord	No change	
False Alarm Fee (Fixed per City Ordinance 9.18.060(a)(b))	\$50	No change	
Tobacco Sales Permit (City Ordinance 8.16.130)	\$93	\$97	*
Tobacco Sales Permit Fee Renewal (City Ordinance 8.16.130)	\$46	\$48	*
Taxicab Permit Fee (City Ordinance 5.36.050) (per taxicab)	\$315	\$327	*
Taxicab Permit Fee - Renewal (City Ordinance 5.36.190) (per taxicab)	\$118	\$122	*
Witness Fees per California Gov. Code §68096.1 If City Employee subpoenaed (per employee subpoena per day + IRS reimbursement min. rate per CA Gov. Code)	\$275	No change	
Administrative Fee for Failure to Display Disabled Placards per vehicle code §40226 (per violation)	\$28	\$30	**
Firearms Seizure and Processing Fee (per violation)	\$125	\$130	*
RV Public parking Permit Fee - Bona fide guest of Clayton Resident (per permit)	\$32	\$33	*
RV Public Parking Permit Fee - Clayton Resident	No charge	No change	
Solicitation Permit (Not including live scan. Applicant pays for Livescan directly to Livescan entity) (per permit)	\$83	\$86	*
Citation Sign off for correctable offenses - Non Resident (per citation)	\$26	\$27	*
Citation Sign off for correctable offenses - Resident	No charge	No change	
Late Fee- Parking Violations (per citation)	\$44	\$45	*

City of Clayton User Benefit, Regulatory and Rental Fees			
Fee/Deposit Description	Adopted FY 2018-19 Fee/Deposit	Proposed FY 2019-20 Fee/Deposit	
PUBLIC FACILITIES AND PARKS RENTAL FEES			
Library Meeting Room - Hoyer Hall			
Non-profit (Non-Clayton Based) (per hour)	\$52	\$54	*
Non-profit (Clayton Based) (per hour)	\$27	\$28	*
Resident (per hour)	\$63	\$66	*
Non resident or Commercial (per hour)	\$78	\$81	*
Deposit (for all) - clean up/damage - refundable (per rental)	\$200	No change	
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$44	\$45	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$55	\$57	*
Rental Cancellation Fee (30 or more days prior to event)	\$27	\$28	*
Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$27 processing fee	50% refund and \$28 processing fee	*
Rental Cancellation Fee (14 days or less)	No refund	No change	
Endeavor Hall Meeting Room			
Non-profits (Clayton-based and Non-Clayton-based Weekdays) (per hour Sun 5pm - Fri 5pm)	\$49	\$51	*
Clayton-based non-profit only (maximum daily weekday rental)	\$125	\$130	*
Non-profits (Clayton-based and Non-Clayton-based Weekends) (per hour Fri 5pm - Sun 5pm)	\$187	\$195	*
Resident - Weekdays (per hour Sun 5pm - Fri 5pm)	\$125	\$130	*
Non-resident or Commercial - Weekdays (per hour Sun 5pm - Fri 5pm)	\$149	\$155	*
Resident - Weekends (per hour Fri 5pm - Sun 5pm)	\$187	\$195	*
Non-resident or Commercial - Weekends (per hour Fri 5pm - Sun 5pm)	\$224	\$233	*
Deposit (all) - no alcohol or beer and wine only (clean up/damage per reservation)	\$500	No change	
Deposit (all) - hard alcohol (distilled spirits) (clean up/damage per reservation)	\$1,000	No change	
Reservation rental time change (same date) (less than 30 days prior to the event)	\$44	\$45	*
Reservation rental date change (less than 90 days prior to event)	\$55	\$57	*
Rental Cancellation Fee (181 or more days prior to event)	95% deposit refund	95% deposit refund and \$28 processing fee	
Rental Cancellation Fee (91 - 180 days prior to event)	75% deposit refund	75% deposit refund and \$28 processing fee	
Rental Cancellation Fee (61 - 90 days prior to event)	50% deposit refund	50% deposit refund and \$28 processing fee	
Rental Cancellation Fee (31 - 60 days prior to event)	25% deposit refund	25% deposit refund and \$28 processing fee	
Rental Cancellation Fee (30 days or less prior to event)	No refund	No change	
City Hall 1st Floor Conference Room			
Non-profit (Clayton-based or non-Clayton-based non profits) (per hour)	\$27	\$28	*
Resident (per hour)	\$33	\$34	*
Non-resident or Commercial (per hour)	\$40	\$42	*
Deposit (clean up/damage per reservation)	\$100	No change	
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$44	\$45	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$55	\$57	*
Rental Cancellation Fee (30 or more days prior to event)	\$27	\$28	*
Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$27 processing fee	50% refund and \$28 processing fee	*
Rental Cancellation Fee (14 days or less)	No refund	No change	
City Hall Courtyard			
Non-profit (Clayton-based or non-Clayton-based non profits) (per hour)	\$52	\$54	*
Resident (per hour)	\$63	\$66	*
Non-resident or Commercial (per hour)	\$78	\$81	*
Deposit (clean up/damage per reservation)	\$100	No change	
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$44	\$45	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$55	\$57	*
Rental Cancellation Fee (30 or more days prior to event)	\$27	\$28	*
Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$27 processing fee	50% refund and \$28 processing fee	*
Rental Cancellation Fee (14 days or less)	No refund	No change	

City of Clayton User Benefit, Regulatory and Rental Fees			
Fee/Deposit Description	Adopted FY 2018-19 Fee/Deposit	Proposed FY 2019-20 Fee/Deposit	
PUBLIC FACILITIES AND PARKS RENTAL FEES (CONTINUED)			
Clayton Community Park and Related Facilities			
Picnic Areas			
Picnic Area #2 - Resident (flat fee for 4 hours block)	\$20	\$21	*
Picnic Area #2 - Non Resident or Commercial (flat fee for 4 hour block)	\$27	\$28	*
Picnic Area #3 - Resident (flat fee for 4 hours block)	\$20	\$21	*
Picnic Area #3 - Non Resident or Commercial (flat fee for 4 hour block)	\$27	\$28	*
Picnic Area #4 - Resident (flat fee for 4 hour block)	\$46	\$48	*
Picnic Area #4 - Non Resident or Commercial (flat fee for 4 hour block) ²	\$59	\$61	*
Picnic Area #5 - Resident (6 separate areas)			
- 1st 2 tables - flat fee for 4 hours block (per table)	\$38	\$39	*
- Each additional table - flat fee for 4 hour block (per table)	\$6	\$7	**
Picnic Area #5 - Non Resident or Commercial (6 separate areas)			
- 1st 2 tables - flat fee for 4 hour block (per table)	\$48	\$50	*
- Each additional table - flat fee for 4 hour block (per table)	\$8	No change	
Picnic Area #6 Resident (Large Group Area) (per day)	\$311	\$324	*
Picnic Area #6 Resident (Large Group Area) (per hour - 4 hr min)	\$38	\$39	*
Picnic Area #6 Non Resident or Commercial (Large Group Area) (per day)	\$405	\$421	*
Picnic Area #6 Non Resident or Commercial (Large Group Area) (per hour - 4 hr min)	\$53	\$55	*
Picnic Area #5 & #6 Combined - Resident (per day)	\$497	\$517	*
Picnic Area #5 & #6 Combined - Resident (per hour - 4 hr min)	\$61	\$63	*
Picnic Area #5 & #6 Combined - Non Resident or Commercial (per day)	\$648	\$674	*
Picnic Area #5 & #6 Combined - Non Resident or Commercial (per hour - 4 hr min)	\$82	\$85	*
Picnic Area #7 - Resident (per 4 hour block)	\$49	\$51	*
Picnic Area #7 - Non Resident or Commercial (flat fee for 4 hour block)	\$63	\$66	*
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$44	\$45	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$55	\$57	*
Rental Cancellation Fee (30 or more days prior to event)	\$27	\$28	*
Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$27 processing fee	50% refund and \$28 processing fee	*
Rental Cancellation Fee (14 days or less)	No refund	No change	
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change	
Sports Fields			
Adult Sports Field Rental (per hour per field)	\$38	No change	
Youth Sports Field Rental (per hour per field)	\$23	No change	
Field Rental Change of Time, Same Date (less than 7 calendar days prior to use date)	\$44	\$45	*
Field Rental Change of Date (less than 7 calendar days prior to use date)	\$55	\$57	*
Field Rental Cancellation	No refund less than 14 days prior to use	No change	
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change	
Grove Park and Related Facilities			
Entire Facility Security Deposits	Events without food or beverage \$1,500	No change	
Entire Facility Security Deposits	Events with food and beverage \$1,800	No change	
Entire Facility Security Deposits	Events closing street (i.e.: either Main or Center etc.) \$2,200	No change	
Special Event Permit/Application Process (non refundable) - events closing streets (Main or Center etc.) + other permit fees:TUP/NP	\$310	\$323	*
Gazebo only Rental Security Deposit	\$250	No change	
Amplified Sound - damage/security deposit if using City sound equip	\$1,000	No change	
Amplified Sound Equipment Use Fee (Noise Permit also required) (per hour)	\$27	\$28	*
City provided Sound Equipment Tech if needed for use of City equip	Cost	No change	
Reservation rental time change (same date) (less than 7 calendar days prior to use date)	\$44	\$45	*
Reservation rental date change (less than 7 calendar days prior to use date)	\$55	\$57	*
Rental Cancellation Fee (30 or more days prior to event)	\$27	\$28	*
Rental Cancellation Fee (15-29 days prior to event)	50% refund and \$27 processing fee	50% refund and \$28 processing fee	*
Rental Cancellation Fee (14 days or less)	No refund	No change	
Rain out	Reschedule to alt. date at no additional cost (no refund)	No change	

City of Clayton User Benefit, Regulatory and Rental Fees			
Fee/Deposit Description	Adopted FY 2018-19 Fee/Deposit	Proposed FY 2019-20 Fee/Deposit	
PUBLIC FACILITIES AND PARKS RENTAL FEES (CONTINUED)			
Entire Grove Park Facility			
Rental Entire Facility - Resident – Weekends (per hour)	\$187	\$195	*
Rental Entire Facility - Resident – Weekends (per day)	\$1,496	\$1,556	*
Rental Entire Facility - Non-profit (verification req'd) – Weekends (per	\$187	\$195	*
Rental Entire Facility - Non-profit (verification req'd) – Weekends (per day)	\$1,496	\$1,556	*
Rental Entire Facility - Non-resident or Commercial – Weekends (per	\$224	\$233	*
Rental Entire Facility - Non-resident or Commercial – Weekends (per	\$1,795	\$1,867	*
Rental Entire Facility - Resident – Weekdays (per hour)	\$125	\$130	*
Rental Entire Facility - Resident – Weekdays (per day)	\$997	\$1,037	*
Rental Entire Facility - Non-profit (verification req'd) – Weekdays (per	\$125	\$130	*
Rental Entire Facility - Non-profit (verification req'd) – Weekdays (per day)	\$973	\$1,013	*
Rental Entire Facility - Non-resident or Commercial – Weekdays (per	\$149	\$155	*
Rental Entire Facility - Non-resident or Commercial – Weekdays (per day)	\$1,316	\$1,369	*
Gazebo Only			
Rental Gazebo only -Resident - Weekends (per hour)	\$130	\$136	*
Rental Gazebo only -Resident - Weekends (per day)	\$1,048	\$1,090	*
Rental Gazebo only -Non-profit (verification req'd) - Weekends (per hour)	\$130	\$136	*
Rental Gazebo only -Non-profit (verification req'd) - Weekends (per day)	\$1,048	\$1,090	*
Rental Gazebo only - Non-resident or Commercial - Weekends (per hour)	\$157	\$163	*
Rental Gazebo only - Non-resident or Commercial - Weekends (per day)	\$1,256	\$1,306	*
Rental Gazebo only -Resident - Weekdays (per hour)	\$93	\$97	*
Rental Gazebo only -Resident - Weekdays (per day)	\$374	\$389	*
Rental Gazebo only -Non-profit (verification req'd) - Weekdays (per hour)	\$93	\$97	*
Rental Gazebo only -Non-profit (verification req'd) - Weekdays (per day)	\$374	\$389	*
Rental Gazebo only - Non-resident or Commercial - Weekdays (per hour)	\$111	\$115	*
Rental Gazebo only - Non-resident or Commercial - Weekdays (per day)	\$449	\$467	*
Group Picnic Area (Near Tot Lot)			
Group Picnic Area - Resident - Weekends (per hour - 4 hour minimum)	\$32	\$33	*
Group Picnic Area - Resident - Weekends (per day)	\$217	\$226	*
Group Picnic Area - Non-profit (verification req'd) - Weekends (per	\$32	\$33	*
hour - 4 hour minimum)			
Group Picnic Area - Non-profit (verification req'd) - Weekends (per day)	\$217	\$226	*
Group Picnic Area - Non-resident or Commercial - Weekends (per hour -	\$38	\$39	*
4 hour minimum)			
Group Picnic Area - Non-resident or Commercial - Weekends (per day)	\$261	\$272	*
Group Picnic Area - Resident - Weekdays (per hour - 4 hour minimum)	\$23	\$27	*
Group Picnic Area - Resident - Weekdays (per day)	\$199	\$207	*
Group Picnic Area - Non-profit (verification req'd) - Weekdays (per hour	\$26	\$27	*
4 hour minimum)			
Group Picnic Area - Non-profit (verification req'd) - Weekdays (per day)	\$199	\$207	*
Group Picnic Area - Non-resident or Commercial - Weekdays (per hour - 4	\$31	\$32	*
hour minimum)			
Group Picnic Area - Non-resident or Commercial - Weekdays (per day)	\$239	\$249	*
Plaza Picnic Area (Per Table)			
Plaza Picnic Area - Resident - Weekends (per hour - 4 hour minimum)	\$32	\$33	*
Plaza Picnic Area - Resident - Weekends (per day)	\$217	\$226	*
Plaza Picnic Area - Non-profit (verification req'd) - Weekends (per hour -	\$32	\$33	*
4 hour minimum)			
Plaza Picnic Area - Non-profit (verification req'd) - Weekends (per day)	\$217	\$226	*
Plaza Picnic Area - Non-resident or Commercial - Weekends (per hour - 4	\$38	\$39	*
hour minimum)			
Plaza Picnic Area - Non-resident - or Commercial - Weekends (per day)	\$261	\$272	*
Plaza Picnic Area - Resident - Weekdays (per hour - 4 hour minimum)	\$26	\$27	*
Plaza Picnic Area - Resident - Weekdays (per day)	\$199	\$207	*
Plaza Area - Non Profit (verification req'd) - Weekdays (per hour - 4	\$26	\$27	*
hour minimum)			
Plaza Picnic Area - Non-profit (verification req'd) - Weekdays (per day)	\$199	\$207	*
Plaza Picnic Area - Non-resident or Commercial - Weekdays (per hour - 4	\$31	\$32	*
hour minimum)			
Plaza Picnic Area - Non-resident or Commercial - Weekdays (per day)	\$239	\$249	*
Fountain operation with geysers (per 48 hour block)	\$404	\$420	*
Special Event Liability Insurance purchased through City's 3rd party	Insurance cost per schedule rates by	No change	
carrier	insurance provider when purchasing		
	insurance through City 3rd party carrier		
Special Event Liability Insurance Administrative Fee (per certificate)	\$38	\$39	*

City of Clayton User Benefit, Regulatory and Rental Fees		
Fee/Deposit Description	Adopted FY 2018-19 Fee/Deposit	Proposed FY 2019-20 Fee/Deposit
ADMINISTRATIVE FEES		
Document Copying (10 pages or less)	No charge	No change - fixed
Document Copying (per page > 10 pages)	\$0.10	No change - fixed
Document Recording [with County Clerk Recorders Office] (Actual recording fee costs plus staff time & mileage) (per document)	\$129	\$135
Trail Maps (Fixed - per map)	\$2	No change - fixed
Video/Audio Recording(s) of City Council or Planning Commission Meetings (placed on CD, DVD, flash drive, etc. as applicable)	\$23	Cost
Printed documents (i.e. general plan, budget, zoning ord., etc.)	Cost	No change - fixed
Video Recordings of Meetings	Cost	No change - fixed
FPPC Document Copying (per page - State law) (per page)	\$0.10	No change - fixed
Notary Public Fee (per document - State law) (per document)	\$15	No change
Business License Initial Registration Fee - New Business	\$65	No change
Duplicate Business License Fee (CMC §5.04.790)	\$13	No change - fixed
First Returned Check Service Charge - Fixed	\$25	No change - fixed
Subsequent Returned Check Service Charge - Fixed	\$25	\$35
Late Payment Charges for Administrative Fines	Ten percent (10%) of original fine for every 30 days or portion thereof. The Late Payment Charge shall not exceed 100 percent (100%) of the original fine.	No change - fixed
Street Closure Fee	\$125	\$130
Administrative penalty for City issued permits after the fact (encroachment permit; tree removal permit, etc.)	Double the original permit fee	No change - fixed
Code Enforcement non-compliance re-inspection after the first inspection (In addition to any citation fines) (per inspection)	\$37	\$38
NOTES		
Time is defined as the cost per hour for an employee at the time the costs are incurred. Costs included salary, benefits, employer taxes, overhead and overtime, as applicable. Time also means City Engineer billing (plus 15%), as well as costs of other contracts and expenses. Detail of costs are available upon request.		
Cost is defined as the cost of equipment use, non-returnable flash drive (video/audio recordings), materials, labor, and supplies.		
Deposits are required upon submittal of an application. A minimum deposit is stipulated by these fees. At City Manager's discretion, deposit requirement can be reduced. Also, if it is the judgment of staff a minimum deposit is not sufficient, the required deposit may be increased. If, after a deposit is made, more funds are needed, the applicant will be notified when approx. 30% of the deposit remains, any additional funds estimated by staff are to be provided to replenish the deposit account for continuing work on the project, until such funds are received work on the project may be suspended.		
If a development project requires multiple applications, only a single deposit shall be required. In such cases, the amount of the deposit shall be the largest single deposit required by any of the applications, or an amount determined by the City Manager, not to exceed the sum of the deposits.		
All fixed-cost development application fees are refundable based upon the City amount of staff work completed on the process of the application and subject to approval by the City Manager.		
* Fees increased over the prior year by 4.25%, reflecting the cost of living adjustment included in the City Council-approved Miscellaneous Employee Group labor agreement effective July 1, 2019.		
** CPI in prior year Master Fee Schedule (FY 2019) did not result in a fee increase due to the CPI impact being too trivial to warrant a full dollar increase as fees are adopted in whole dollars only. As a result, current year increase incorporates a multi-year April to April CPI rate covering two or more calendar years.		
¹ Amount reflects minimum engineering deposit for standard project requirements. However additional amounts may be required as determined by the City Engineer based on the size of the project and for unusual or non-standard circumstances. All costs for inspection and administration relating to this permit shall be deducted from the inspection service deposit(s) or cash bond.		
² This specified Clayton Community Park picnic area is only available for rent in 4 hour block increments.		
# Proposed increase change in rate incorporates City Engineering services retainer approved by the City Council on August 21, 2018 adjusted for 90% of the April 2018 to April 2019 CPI (90% x 4.01% = 3.60%).		
> Indicates fee increases and will take effect 60 days after adoption that may be subject to California Government Code §66017. All other fees will take effect upon adoption of Resolutions.		



CITY OF CLAYTON CITY COUNCIL PUBLIC MEETING NOTICE

The Clayton City Council, at its regular meeting of July 16, 2019, beginning at 7:00 pm or thereafter as may be heard, will consider its annual review and update to the City of Clayton Master Fee Schedule for certain user-benefit, regulatory, and rental City services and activities.

The proposed Master Fee Schedule incorporates minor adjustments to existing fees to capture operational and inflationary cost increases considering both the San Francisco-Oakland-Hayward April 2018 to April 2019 consumer price index (CPI) growth rate of 4.01% published by the United States Bureau of Labor and Statistics as well as the terms of employee group labor agreements effective July 1, 2019. The proposed Master Fee Schedule may be examined for no charge at the City of Clayton City Clerk's Office, 6000 Heritage Trail in Clayton between 9:00 a.m. and 5:00 p.m., Monday through Friday. It is also now available on the City of Clayton website at www.ci.clayton.ca.us.

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

The complete staff report will be available on the City's website after 5:00 pm on Friday July 12, 2019. If one has questions concerning the proposal, please contact the Finance Manager at 925-673-7300.

Date Posted on Notice Boards: June 17, 2019

A handwritten signature in blue ink that reads "Kevin Mizuno".

Kevin Mizuno, CPA
Finance Manager



Agenda Date: 7-16-2019

Agenda Item: 3j

Approved:

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT ALMAN, CITY ENGINEER

DATE: July 16, 2019

SUBJECT: ADOPT A RESOLUTION APPROVING THE NOTICE OF COMPLETION OF THE 1005 & 1007 OAK STREET BUILDING DEMOLITION PROJECT PERFORMED BY RESOURCE ENVIRONMENTAL, INC., AND AUTHORIZE THE CITY CLERK TO RECORD THE PROJECT'S NOTICE OF COMPLETION.

RECOMMENDATION

It is recommended the City Council adopt a Resolution approving the Notice of Completion of the 1005 & 1007 Oak Street Building Demolition Project performed by Resource Environmental, Inc., and authorize the City Clerk to record the project's Notice of Completion.

BACKGROUND

Sealed bids for this demolition project were received and opened by the City Clerk on January 31, 2019. The City received 3 bids ranging from the low bid of \$47,100 to a high bid of \$122,305. The low bidder at \$47,100. was Resource Environmental, Inc., to whom City Council awarded a contract on February 5, 2019. Resource Environmental performed the demolition and debris recycling work during March with the project being essentially completed by end of March. City staff and the contractor had difficulty with the California Department of Industrial Relations' on-line project registration system that delayed finalization of the project paperwork and reporting on prevailing wages paid. The on-line registration problem was cleared recently and now the project can be finalized with this City Council acceptance.

DISCUSSION

The low-bid contractor, Resource Environmental, Inc., has completed the demolition of the two buildings previously located at 1005 & 1007 Oak Street. The City Engineer has inspected the locations after the demolition work was completed, has determined the completed work meets both the project specifications and the mandated material recycling percentage, and is recommending City Council acceptance of the project and the filing of a Notice of Completion.

FISCAL IMPACT

This project was approved with a project budget of \$55,000 funded by the City's Capital Improvement Program (CIP No. 10400 – Downtown Economic Development Account).

The approved project budget of \$55,000.00 included the following revenues and expenditures:

Revenue

CIP No. 10400 – Downtown Economic Development Account \$55,000.

Expenditures

Demolition/Recycling (including 5% contingency)	\$49,455	89.9%
Monitoring/Inspections	\$ 5,545	10.1%

Actual project expenditures totaled \$50,949, which amount is 7.36% (\$4,051.) under budget as outlined below:

Construction/Execution	\$48,865	95.9%
Monitoring/Inspections	\$ 2,085	4.1%

CONCLUSION

The project has been completed and the work performed meets the project specifications. Therefore, staff recommends approval of this Resolution accepting the work as complete, ordering the filing of a Notice of Completion and authorizing the payment of all retained funds 35 days after filing of the notice.

Attachments: 1. Resolution [2 pp.]
2. Notice of Completion [2 pp.]

RESOLUTION NO. XX-2019

A RESOLUTION APPROVING THE NOTICE OF COMPLETION OF THE 1005 & 1007 OAK STREET BUILDING DEMOLITION PROJECT PERFORMED BY RESOURCE ENVIRONMENTAL, INC., AND AUTHORIZE THE CITY CLERK TO RECORD THE PROJECT'S NOTICE OF COMPLETION.

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

WHEREAS, on February 5, 2019 the City Council of Clayton, California did award a low-bid contract to Resource Environmental, Inc. for the demolition of two City-owned buildings located at 1005 & 1007 Oak Street; and

WHEREAS, Resource Environmental, Inc., represents that it has completed the contracted demolition work in conformance with the project specifications and that the project is now ready for acceptance by the City; and

WHEREAS, the City Engineer has inspected the completed work and determined the completed work is in compliance with the project specifications; and

WHEREAS, the City Council must accept the work as complete and order the filing of a Notice of Completion prior to release of the retained funds; and

WHEREAS, in its accompanying report City staff recommends the City Council adopt this Resolution approving the Notice of Completion of the 1005 & 1007 Oak Street Building Demolition Project performed by Resource Environmental, Inc., and authorize the City Clerk to record the project's Notice of Completion;

NOW THEREFORE, BE IT RESOLVED the City Council of the City of Clayton, California does hereby accept as complete, as of the date of adoption of this Resolution, the demolition of the buildings formerly located at 1005 & 1007 Oak Street, does hereby authorize the City Clerk to file a Notice of Completion with the County Recorder, and does further authorize the payment of all retained funds after the required 35-day waiting period.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tujia Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

Recording requested by
and when recorded mail to:

(Section for Recorder's Use Only)

CITY OF CLAYTON
6000 Heritage Trail
Clayton, California 94517
Attn: Janet Calderon, City Clerk

[NO RECORDING FEE SHALL BE CHARGED PURSUANT TO GOVERNMENT CODE SECTION 6103]

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN that the undersigned is the Owner of a work of improvement described as 1005 & 1007 Oak Street Building Demolition Project, and of the real property on which the work of improvement is situated, which real property is located in the County of Contra Costa, State of California and specifically described as follows: 1005 Oak Street and 1007 Oak Street Clayton, CA 94517.

That the undersigned, as Owner of the above-described property, on January 31, 2019, entered into an original contract with ENVIRONMENTAL RESOURCE, INC. for the construction of the above-described work of improvement.

That on March 31, 2019, the work of improvement was actually completed by ENVIRONMENTAL RESOURCE, INC.

That the nature of the interest of the undersigned is as a fee simple owner in the above-described real property.

That the name and address of the undersigned Owner of the above-described property is:

City of Clayton
6000 Heritage Trail
Clayton, California 94517

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

CITY OF CLAYTON

By: 
Gary A. Napper

Its: City Manager

Dated: July 16, 2019

[VERIFICATION ON FOLLOWING PAGE]


VERIFICATION

I, Gary A. Napper, City Manager, state that I am the Authorized Agent of the Owner identified in the foregoing Notice of Completion. I have read said Notice of Completion and know the contents thereof; the same is true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this sixteenth day of July, 2019, at Clayton, California.

CITY OF CLAYTON

By: 

Gary A. Napper

Its: City Manager

Agenda Date: 7-16-2019

Agenda Item: 4a

Declaring
Friday, August 16, 2019

as

"Dallin Sorensen Day"

WHEREAS, the Scouting movement founded by Baden-Powell in 1907 enables boys to learn skills to provide duty to God and Country, service to others, service to oneself; and

WHEREAS, Scouting requires a commitment of time and energy to moral, civic, and physical ideals which help the individual, the community, and our Nation; and

WHEREAS, Boy Scouts of America has merit badges and levels of accomplishment, with the ultimate attainment being the coveted and rare Eagle Scout Award; and

WHEREAS, Dallin Sorensen, of Troop 492 of the Mount Diablo Silverado Council, has advanced through the Scout ranks from Scout in May 1, 2013 to Eagle Scout in July 12, 2018; and

WHEREAS, Dallin Sorensen has carried out the Scout Law and Scout Oath, has completed 27 merit badges such as Citizenship in the Community, Nation, and World, Personal Fitness, Rifle Shooting, First-Aid, Cooking, Swimming, Camping, and Dallin particularly enjoyed Scuba Diving, Personal Fitness, and Plumbing; and

WHEREAS, Dallin Sorensen has completed over 47 nights of camping, 134 miles of mountain biking, and over 150 miles of hiking, including: Pt Reyes/Mt Wittenberg, Mt Diablo, Mission Peak, Fages 20-miler, and Emigrant Wilderness; and

WHEREAS, Dallin Sorensen has held the troop leadership positions of Team Secretary, and Instructor; and

WHEREAS, Dallin Sorensen has given extensive service to the community including, Scouting for Food drives, cleaning rain gutters for elderly, collecting food for the Contra Costa Food Bank, and Clayton Cleans Up; and

WHEREAS, Dallin Sorensen proposed, planned, led and completed his Eagle Scout project of constructing and renovating the shot put area at Clayton Valley Charter High School, involving scouts and troop parents in cooperation of completing the project; and

WHEREAS, Dallin Sorensen has a reputation for swimming in icy cold lakes, carrying extra airsoft rifles, smiling and laughing while hiking, and spreading joy everywhere he goes.

NOW, THEREFORE, I, Tuija Catalano, Mayor of the City of Clayton, on behalf of the entire Clayton City Council proclaim our pride in Dallin Sorensen and commend him for his contribution to the betterment of the community and in recognition of his accomplishments do hereby proclaim: Friday, August 16, 2019 is "Dallin Sorensen Day" in the City of Clayton.



Agenda Date: July 16, 2019

Agenda Item: Ta

STAFF REPORT

Approved: 

Gary A. Napper
City Manager

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT D. ALMAN, P.E., CITY ENGINEER

DATE: JULY 16, 2019

SUBJECT: PUBLIC HEARING ON PROPOSED ASSESSMENTS FOR THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT (BAD); ORDERING IMPROVEMENTS AND CONFIRMING ASSESSMENTS FOR FY 2019-20

RECOMMENDATION

Following staff presentation, open the noticed Public Hearing, receive public comments, close the Public Hearing, and approve the attached Resolution.

BACKGROUND

The City Council, at its May 21, 2019 regular meeting, approved the Engineer's Report dated May 21, 2019, including the proposed assessment amounts which included a 4.01 % increase over FY 2018-19 assessments. The majority of the assessments are to pay for the maintenance of various improvements solely benefiting real property owners within the Diablo Estates at Clayton development. These tasks are included in the property management contract awarded previously to Pinnacle Construction Services. Pinnacle's contract provides for an annual increase each December equal to the increase in the San Francisco – Bay Area CPI.

As required by law, a notice regarding the Public Hearing was mailed to the property owners. We attached the Engineer's Report to the notice. For the benefit of the residents, the Engineer's Report was expanded to include the expenditures of the District and an accounting of the reserve funds.

Upon noticing the residents of Diablo Estates regarding this Public Hearing, one resident brought to staff's attention the sought CPI adjustment of 4.01% is beyond the District's maximum annual allowable adjustment of 4.00%, as determined in the original Engineer's Report and authorized by the original establishing vote of the property owner(s). After research, staff concurs and has reduced and modified the requested FY 2019-20 annual assessment amounts to match the maximum allowable adjustment of 4.0%. This revision to the annual adjustment reduces the overall assessment \$8.58 from \$89,307.60 down to \$89,299.02 and the individual annual assessments \$0.36 from \$3,721.14 down to \$3,720.78. As the notice was for a slightly higher assessment, the Council is within its authority to approve the revised assessments at this meeting.

Date: July 16, 2019

Page 2 of 2

Tonight, the City Council will open the required Public Hearing to hear any comments from the assessed property owners. Upon completion of public testimony, the Mayor should close the Public Hearing. The City Council may then consider any public comments received and proceed to act on this Resolution levying the modified annual assessments on the real properties within the District for FY 2019-20.

DISCUSSION

The current multi-year management contract with Matrix Property Management will expire on December 31, 2019. During the first 6 months of the new FY 2019-20, staff will advertise and accept proposals from property management firms to determine how the City will prospectively proceed with this work. This contracting process needs to be accomplished transparently to determine the most qualified and most economical management firm to continue with this annual property management work on behalf of these property owners.

In the City Budget for the Diablo Estates BAD, line item 7419 'Other Professional Services' contains monies for the management and provision of Benefit District maintenance services that are included in the Matrix Management scope of work. The budgeted amount is not just for management fees.

FISCAL IMPACT

If the modified annual assessment is approved as recommended, the City will continue to contract for the management for the maintenance duties specified in the Engineer's Report on behalf of the benefited real property owners.

Should the revised 4.00% increase not be levied as recommended on the assessments, the automatic CPI increase in the property management contract (Matrix Management) must then be funded by drawing on District reserves. Further, affirmatively bypassing the allowable CPI increase can never be recouped by the District in the future as each annual increase allowed is strictly limited to that year's adjustment in annual CPI increase.

The BAD's fund balance covers the District's expenses for services until receipt of the first tax payment from the County in December. Therefore, this action will not impact the City's General Fund.

CONCLUSION

Staff recommends the City Council approve this Resolution confirming the levy of modified assessments within the Diablo Estates at Clayton Benefit Assessment District FY 2019-20.

Attachments: Resolution confirming Assessments [2 pp.]
Notice to Property Owners [1 pg.]
BAD FY 2019-20 Engineer's Report [4 pp.]

RESOLUTION NO. XX - 2019

A RESOLUTION CONFIRMING ASSESSMENTS FOR THE OPERATION AND MAINTENANCE OF IMPROVEMENTS WITHIN THE DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR FISCAL YEAR 2019-20.

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

WHEREAS, by adoption of Resolution No. 17-2019 on May 21, 2019, the Clayton City Council approved the Engineer's Report on the proposed assessment levy for maintaining various improvements within the Diablo Estates at Clayton Benefit Assessment District during fiscal year 2019-20, and set a public hearing thereon for July 16, 2019, to be held at the regular meeting place of the Clayton City Council; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 17-2019 was duly given as required by Section 54954.6 of the Government Code; and

WHEREAS, on July 16, 2019, the City Council held the noticed public hearing on the proposed assessment for the fiscal year 2019-20 and heard and considered all oral statements and written communications made and filed thereon by interested persons;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Clayton as follows:

1. The City Council hereby orders the levy of an assessment in the amount of \$3,720.78 on each lot within the Diablo Estates at Clayton Benefit Assessment District and this Resolution shall constitute the levy and confirmation of such assessment for fiscal year 2019-20.
2. The City Clerk shall immediately file a certified copy of this Resolution, together with any required diagrams and a list of lots so assessed, with both the Tax Collector and the Auditor of Contra Costa County, with the Assessment to thereafter be collected in the same manner as the property taxes are collected.

PASSED, APPROVED and ADOPTED by the City Council of the City of Clayton at a regular public meeting thereof held on July 16, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

I hereby certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular public meeting held on July 16, 2019.

Janet Calderon, City Clerk

Diablo Estates at Clayton Benefit Assessment District

NOTICE TO PROPERTY OWNERS FOR LEVY OF ASSESSMENT

Reason for Assessment

At the request of the original project developer, Toll Bros., Inc., the City of Clayton City Council ("Council") approved Resolution No. 04-2012 on February 7, 2012, forming the Diablo Estates at Clayton Benefit Assessment District ("District") to fund and to pay for the oversight and maintenance of certain facilities solely benefiting land owners in the District, such as the stormwater treatment facilities, storm drain collection system, common area landscape and irrigation, private street lighting and weed abatement of natural slope areas, all as described in the original Engineer's Report approved by the Council on March 20, 2012.

NOTICE

This notice informs you, as a real property owner within the Diablo Estates at Clayton Benefit Assessment District that on May 21, 2019, the Clayton City Council adopted Resolution No. 14-2019 approving the Engineer's Report for FY 2019-20, declaring its intent to levy assessments for fiscal year 2019-20 and setting a public hearing on the issue of the proposed assessments:

PUBLIC HEARING:
Hoyer Hall (Library Meeting Room)

7:00 p.m. July 16, 2019
6125 Clayton Road

Assessment Information

1. Total District Assessment for the fiscal year beginning on July 1, 2019 and ending June 30, 2020: \$89,307.60
2. Proposed assessment per parcel: The assessment for each parcel is proposed to be \$3,721.14 which includes a 4.01% increase in the existing assessment of \$3,565.94 per year in accordance with the annual adjustment by the applicable Consumer Price Index (Apr. 2018 – Apr. 2019; San Francisco-Oakland- Hayward, CA MSA – All Urban Consumers), as allowed by property owner balloting in 2012.
3. Duration of assessment: The assessment will be levied annually at the rate proposed above and collected via one's real property tax bill in fiscal year 2019-20. The assessment may only be increased (other than the authorized allowable annual CPI-U increase described above) in the future by approval of a majority of the property owners.
4. Protests: Only one protest per property is allowed. The levying of the underlying assessment may not be protested; however, the proposed annual CPI adjustment may be protested. If written protests are received at City Hall prior to or at the public hearing from a majority of the properties (13 of 24), the proposed adjustment of the assessments will not be assessed.
5. Engineer's Report: Attached is a copy of the approved Engineer's Report for fiscal year 2019-20.

Questions

If any questions arise regarding the proposed real property assessments for fiscal year 2019-20, please contact Clayton City Engineer Scott Alman. He may be contacted at (925) 969-8181 and at cityengineer@ci.clayton.ca.us.

ENGINEER'S REPORT

DATE: MAY 21, 2019
TO: CITY COUNCIL
FROM: CITY ENGINEER
RE: **DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FISCAL YEAR 2019-20**

This Engineer's Report has been prepared in accordance with the requirements of the Landscaping & Lighting Act of 1972 (Section 22500 et seq. of the Government Code).

HISTORICAL REVIEW

In 2012, at the request of Toll Brothers, the developer of the Diablo Estates at Clayton project (Subd. 8719), the City Council formed the Diablo Estates at Clayton Benefit Assessment District ("District" per Resolution No. 04-2012). The purpose of the District is to generate funds for the maintenance of various improvements constructed as part of the development which solely benefit the real property owner(s). The duties specified in the original Engineer's Report (prepared by SCI Consulting Group, dated March 2012) included maintenance of landscaping and irrigation, weed abatement, storm drainage facilities, and private street lighting. In addition to maintenance, the District is responsible for the repair or replacement of any facilities due vandalism, accidents, or age.

The District was formed under the auspices of the Landscaping and Lighting Act of 1972 (Section 22500 et seq. of the Government Code) and the Benefit Assessment Act of 1982 (Section 54703 et seq. of the Government Code). The initial per lot annual assessment, approved by the property owner (Toll Bros.), was \$3,027.62. The approval also allowed for an annual increase in the assessment amount equal to the annual increase in the Consumer Price Index ("CPI"; San Francisco-Oakland-San Jose CA MSA, All Urban Consumers), not to exceed 4% in any one year.

While the Benefit Assessment Act of 1982 does not require further action prior to the levy of annual assessments, the Landscaping and Lighting Act of 1972 requires the preparation of an Engineer's Report and notice to property owners of a public hearing each year. Since no increase, other than the already authorized and approved CPI increase, is proposed, the provisions of Proposition 218 do not apply.

DETERMINATION OF SPECIAL BENEFIT, METHOD OF ASSESSMENT AND DESCRIPTION OF DISTRICT IMPROVEMENTS

See original Engineer's Report attached hereto and made a part hereof.

ESTIMATED COSTS

The original budget included maintenance and District administrative costs, as well as reserve funds for future replacement of the maintained items. See Attachment 2 for the District's expenditures for FY 2018-19.

The relevant CPI adjustment for the twelve month period beginning April 2018 and ending April 2019 is 4.01%. Following is a breakdown of the District's FY 2017-18 and FY 2018-19 budgeted costs incorporating the allowable CPI adjustment:

Item	FY 2018-19 Budget	CPI Increase (4.01%)	FY 2019-20 Budget
District Maintenance:			
Common Area Landscape	\$22,489.58	\$901.83	\$23,391.41
Weed Abatement	\$14,073.82	\$564.36	\$14,638.18
Storm Drain System	\$6,499.24	\$260.62	\$6,759.86
Private Street Lighting	\$1,725.25	\$69.18	\$1,794.43
District Administration*	\$19,970.40	\$800.81	\$20,771.21
District Reserves	\$21,106.15	\$846.36	\$21,952.51
Total Annual Budget	\$85,864.44	\$3,443.16	\$89,307.60

* Includes Matrix Management fees (monthly site inspections, maintenance oversight and contract services management), City Engineer services, legal notices and mailing costs, County fees for levying and collection of the assessment.

RESERVE FUNDS

The reserve fund balance at the end of FY 2018/19 will be approximately \$135,053. This balance will increase to approximately \$156,865 at the end of FY 2019/20. The purpose of the Reserve is for both scheduled and unexpected replacement of the capital investments, per the original Engineer's Report.

See Attachment 1 for a more detailed discussion of the reserve funds and balances.

PER UNIT ALLOCATION

Based upon the proposed budget, the per-unit assessment will be \$3,721.14 (\$89,307.60 / 24 units).

ASSESSMENT HISTORY

Proposed FY 19-20	\$3,721.14
FY 18-19	\$3,565.94
FY 17-18	\$3,454.70
FY 16-17	\$3,328.82
FY 15-16	\$3,241.00
FY 14-15	\$3,162.00
FY 13-14	\$3,100.26
FY 12-13	\$3,027.62

ATTACHMENT 1
RESERVE FUND ACCOUNTS

**DIABLO ESTATES AT CLAYTON
BENEFIT ASSESSMENT DISTRICT (“District”)
RESERVE FUNDS**

The purpose of the various reserve accounts is to ensure the District will have funds available to repair or reconstruct the facilities that are the responsibility of the District.

The fund amounts were established using the initial cost of construction and amortizing them over the anticipated life of the facilities. In addition, there is a general reserve fund set aside to act as a contingency reserve for any of the District’s responsibilities.

The funds as initially established are as follows:

ITEM	QUANTIT Y	UNIT	UNIT COST	TOTAL COST	SERVICE LIFE (YRS)	ANNUAL DEPOSIT
Tree Replacement	33	EA	\$285	\$9,405	40	\$235
Entry Monument Replacement	1	EA	\$4,000	\$4,000	25	\$160
V-ditch Repair/Replacement	2038	LF	\$50	\$101,900	25	\$4,076
Vortsenry Replacement	1	EA	\$100,000	\$100,000	100	\$1,000
Stormwater Basin Replacement*	48	EA	\$2,000	\$96,000	10	\$9,600
CB/MH/SD Pipe Replacement	1	LS	\$79,000	\$79,000	100	\$790
General						\$2,000
				Total**		\$17,861

* Removal and replacement of plants and filter material only

** First year assessment (increased each following year by the CPI increase)

Following are reserve analysis sheets showing each year’s contribution to the various funds and the current balance of each fund.

**DIABLO ESTATES AT CLAYTON
BENEFIT ASSESSMENT DISTRICT
RESERVE FUNDS ANALYSIS**

FY 2012/2013 (INITIAL YEAR)

RESERVE FUNDS - FACILITIES						
ITEM	QUANTITY	UNIT	UNIT COST	TOTAL COST	SERVICE LIFE (yrs)	ANNUAL DEPOSIT
Tree Replacement	33	EA	\$285.00	\$9,405.00	40	\$235.13
Entry Monument Replacement	1	EA	\$4,000.00	\$4,000.00	25	\$160.00
V-Ditch Repairs	2038	LF	\$50.00	\$101,900.00	25	\$4,076.00
Vortsentry Replacement	1	EA	\$100,000.00	\$100,000.00	100	\$1,000.00
Stormwater Basin Replacement/Repair	48	EA	\$2,000.00	\$96,000.00	10	\$9,600.00
CB/MH/SD Pipe replacement	1	LS	\$79,000.00	<u>\$79,000.00</u>	100	<u>\$790.00</u>
				\$390,305.00		\$15,861.13
RESERVE FUNDS - GENERAL						
Annual General Reserve						<u>\$2,000.00</u>
BAD RESERVE FUNDS - TOTAL AS OF 06/30/2013:						\$17,861.13

FY 2013/14 (CPI = 2.4% INCREASE)

RESERVE FUNDS - FACILITIES						
ITEM	FY 2012/13 ASSESS.	INCR.	FY 2013/14 ASSESS.	AMT. PRIOR TO FY 2013/14	AMT. @ END FY 2013/14	
Tree Replacement	\$235.13	2.40%	\$240.77	\$235.13	\$475.89	
Entry Monument Replacement	\$160.00	2.40%	\$163.84	\$160.00	\$323.84	
V-Ditch Repairs	\$4,076.00	2.40%	\$4,173.82	\$4,076.00	\$8,249.82	
Vortsentry Replacement	\$1,000.00	2.40%	\$1,024.00	\$1,000.00	\$2,024.00	
Stormwater Basin Replacement/Repair	\$9,600.00	2.40%	\$9,830.40	\$9,600.00	\$19,430.40	
CB/MH/SD Pipe replacement	\$790.00	2.40%	<u>\$808.96</u>	\$790.00	<u>\$1,598.96</u>	
			\$16,241.79		\$32,102.92	
RESERVE FUNDS - GENERAL						
Annual General Reserve	\$2,000.00	2.40%	<u>\$2,048.00</u>	\$2,000.00	<u>\$4,048.00</u>	
			FY 2013-14 Assess.:		\$18,289.79	
BAD RESERVE FUNDS - TOTAL AS OF 06/30/2014:						\$36,150.92

Check #: \$18,289.79

Check #: \$36,150.92

FY 2014/15 (CPI = 2.0% INCREASE)

RESERVE FUNDS - FACILITIES					
ITEM	FY 2013/14 ASSESS.	INCR.	FY 2014/15 ASSESS.	AMT.PRIOR TO FY 2014/15	AMT. @ END FY 2014/15
Tree Replacement	\$240.77	2.00%	\$245.58	\$475.89	\$721.48
Entry Monument Replacement	\$163.84	2.00%	\$167.12	\$323.84	\$490.96
V-Ditch Repairs	\$4,173.82	2.00%	\$4,257.30	\$8,249.82	\$12,507.12
Vortsentry Replacement	\$1,024.00	2.00%	\$1,044.48	\$2,024.00	\$3,068.48
Stromwater Basin Replacement/Repair	\$9,830.40	2.00%	\$10,027.01	\$19,430.40	\$29,457.41
CB/MH/SD Pipe replacement	\$808.96	2.00%	<u>\$825.14</u>	\$1,598.96	<u>\$2,424.10</u>
			\$16,566.63		\$48,669.54
RESERVE FUNDS - GENERAL					
Annual General Reserve	\$2,048.00	2.00%	<u>\$2,088.96</u>	\$4,048.00	<u>\$6,136.96</u>
			FY 2014-15 Assess.:		\$18,655.59

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2015: \$54,806.50

Check #: \$18,655.59

Check #: \$54,806.50

FY 2015/16 (CPI = 2.5% INCREASE)

RESERVE FUNDS - FACILITIES					
ITEM	FY 2014/15 ASSESS.	INCR.	FY 2015/16 ASSESS.	AMT.PRIOR TO FY 2015/16	AMT. @ END FY 2015/16
Tree Replacement	\$245.58	2.50%	\$251.72	\$721.48	\$973.20
Entry Monument Replacement	\$167.12	2.50%	\$171.29	\$490.96	\$662.25
V-Ditch Repairs	\$4,257.30	2.50%	\$4,363.73	\$12,507.12	\$16,870.86
Vortsentry Replacement	\$1,044.48	2.50%	\$1,070.59	\$3,068.48	\$4,139.07
Stromwater Basin Replacement/Repair	\$10,027.01	2.50%	\$10,277.68	\$29,457.41	\$39,735.09
CB/MH/SD Pipe replacement	\$825.14	2.50%	<u>\$845.77</u>	\$2,424.10	<u>\$3,269.87</u>
			\$16,980.79		\$65,650.34
RESERVE FUNDS - GENERAL					
Annual General Reserve	\$2,088.96	2.50%	<u>\$2,141.18</u>	\$6,136.96	<u>\$8,278.14</u>
			FY 2015-16 Assess.:		\$19,121.98

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2016: \$73,928.48

Check #: \$19,121.98

Check #: \$73,928.48

FY 2016/17 (CPI = 2.7% INCREASE)

RESERVE FUNDS - FACILITIES					
ITEM	FY 2015/16 ASSESS.	INCR.	FY 2016/17 ASSESS.	AMT.PRIOR TO FY 2016/17	AMT. @ END FY 2016/17
Tree Replacement	\$251.72	2.70%	\$258.52	\$973.20	\$1,231.72
Entry Monument Replacement	\$171.29	2.70%	\$175.92	\$662.25	\$838.17
V-Ditch Repairs	\$4,363.73	2.70%	\$4,481.55	\$16,870.86	\$21,352.41
Vortsentry Replacement	\$1,070.59	2.70%	\$1,099.50	\$4,139.07	\$5,238.57
Stromwater Basin Replacement/Repair	\$10,277.68	2.70%	\$10,555.18	\$39,735.09	\$50,290.27
CB/MH/SD Pipe replacement	\$845.77	2.70%	<u>\$868.60</u>	\$3,269.87	<u>\$4,138.47</u>
			\$17,439.27		\$83,089.61
RESERVE FUNDS - GENERAL					
Annual General Reserve	\$2,141.18	2.70%	<u>\$2,199.00</u>	\$8,278.14	<u>\$10,477.14</u>
			FY 2016-17 Assess.: <u>\$19,638.27</u>		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2017: \$93,566.75

Check #: \$19,638.27

Check #: \$93,566.75

FY 2017/18 (CPI = 3.78% INCREASE)

RESERVE FUNDS - FACILITIES					
ITEM	FY 2016/17 ASSESS.	INCR.	FY 2017/18 ASSESS.	AMT.PRIOR TO FY 2017/18	AMT. @ END FY 2017/18
Tree Replacement	\$258.52	3.78%	\$268.29	\$1,231.72	\$1,500.01
Entry Monument Replacement	\$175.92	3.78%	\$182.57	\$838.17	\$1,020.74
V-Ditch Repairs	\$4,481.55	3.78%	\$4,650.96	\$21,352.41	\$26,003.37
Vortsentry Replacement	\$1,099.50	3.78%	\$1,141.06	\$5,238.57	\$6,379.63
Stromwater Basin Replacement/Repair	\$10,555.18	3.78%	\$10,954.17	\$50,290.27	\$61,244.44
CB/MH/SD Pipe replacement	\$868.60	3.78%	<u>\$901.44</u>	\$4,138.47	<u>\$5,039.91</u>
			\$18,098.48		\$101,188.09
RESERVE FUNDS - GENERAL					
Annual	\$2,199.00	3.78%	<u>\$2,282.12</u>	\$10,477.14	<u>\$12,759.26</u>
			FY 2017-18 Assess.: <u>\$20,380.60</u>		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2018: \$113,947.35

Check #: \$20,380.60

Check #: \$113,947.35

FY 2018/19 (CPI = 3.22% INCREASE)

RESERVE FUNDS - FACILITIES					
ITEM	FY 2017/18 ASSESS.	INCR.	FY 2018/19 ASSESS.	AMT.PRIOR TO FY 2018/19	AMT. @ END FY 2018/19
Tree Replacement	\$268.29	3.22%	\$276.93	\$1,500.01	\$1,776.94
Entry Monument Replacement	\$182.57	3.22%	\$188.45	\$1,020.74	\$1,209.19
V-Ditch Repairs	\$4,650.96	3.22%	\$4,800.72	\$26,003.37	\$30,804.09
Vortsentry Replacement	\$1,141.06	3.22%	\$1,177.80	\$6,379.63	\$7,557.43
Stromwater Basin Replacement/Repair	\$10,954.17	3.22%	\$11,306.89	\$61,244.44	\$72,551.33
CB/MH/SD Pipe replacement	\$901.44	3.22%	<u>\$930.46</u>	\$5,039.91	<u>\$5,970.37</u>
			\$18,681.25		\$119,869.34

RESERVE FUNDS - GENERAL

Annual	\$2,282.12	3.22%	<u>\$2,355.60</u>	\$12,759.26	<u>\$15,114.86</u>
			FY 2018-19 Assess.: <u>\$21,036.85</u>		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2019: \$134,984.20Check #: \$21,036.85Check #: \$134,984.20

FY 2019/20 (CPI = 4.01% INCREASE)

RESERVE FUNDS - FACILITIES					
ITEM	FY 2018/19 ASSESS.	INCR.	FY 2019/20 ASSESS.	AMT.PRIOR TO FY 2019/20	AMT. @ END FY 2019/20
Tree Replacement	\$276.93	4.01%	\$288.04	\$1,776.94	\$2,064.98
Entry Monument Replacement	\$188.45	4.01%	\$196.00	\$1,209.19	\$1,405.19
V-Ditch Repairs	\$4,800.72	4.01%	\$4,993.23	\$30,804.09	\$35,797.31
Vortsentry Replacement	\$1,177.80	4.01%	\$1,225.03	\$7,557.43	\$8,782.46
Stromwater Basin Replacement/Repair	\$11,306.89	4.01%	\$11,760.30	\$72,551.33	\$84,311.63
CB/MH/SD Pipe replacement	\$930.46	4.01%	<u>\$967.77</u>	\$5,970.37	<u>\$6,938.14</u>
			\$19,430.37		\$139,299.71

RESERVE FUNDS - GENERAL

Annual	\$2,355.60	4.01%	<u>\$2,450.06</u>	\$15,114.86	<u>\$17,564.92</u>
			FY 2018-19 Assess.: <u>\$21,880.43</u>		

BAD RESERVE FUNDS - TOTAL AS OF 06/30/2019: \$156,864.63Check #: \$21,880.43Check #: \$156,864.63

ATTACHMENT 2
BAD PROJECTED BUDGET FOR FY 2019-20
INCLUDING PROJECTED
BAD EXPENDITURES IN FY 2018-19

City of Clayton
 Diablo Estates Benefit Assessment District - Fund 231
 Proposed Budget 19-20

Account Number	Account Name	2017-18 Actual	2018-19 Adopted Budget	2018-19 YTD 3/6/2019	2018-19 Projected	2019-20 Proposed Budget
7335	Gas & Electric Serv.	138	300	96	200	300
7338	Water Service	4,661	9,600	2,076	5,000	5,300
7381	Property Tax Admin Cost	249	280	-	280	280
7384	Legal Notices	-	100	-	100	100
7411	Legal Services Retainer	-	-	-	-	-
7413	Special Legal Services	-	-	-	-	-
7419	Other Prof. Services	57,385	59,390	36,830	58,390	59,390
7420	Administrative Costs	2,121	2,189	2,189	2,189	2,277
Total Expenditures		64,554	71,859	41,191	66,159	67,647
4611	Fiduciary Fund Assessment	82,911	85,580	47,070	85,583	89,015
5601	Interest Income	1,666	1,200	1,136	2,200	2,000
5606	Unrealized Investment Gain/Loss	(1,528)	-	-	-	-
Total Revenue		83,049	86,780	48,206	87,783	91,015
Increase (Decrease) in Fund Balance		18,495	14,921	7,014	21,624	23,368
Beginning Fund Balance		98,180	112,419	112,419	116,675	138,299
Ending Fund Balance		116,675	127,340	119,433	138,299	161,667

For financial reporting purposes, the Diablo Estates Benefits Assessment District Fund (No. 231) meets the definition of and is reported as an *Agency Fund*. In accordance with GASB Statement No. 34, no fund balance is reported for Agency Funds. For budgeting purposes, however, this fund is reported on a modified accrual basis to better reflect the cash position of the fund as well as debt service transactions which would otherwise be excluded from expenditures following GASB 34.

7419 Other Professional Services

Matrix Association Management	54,390	54,390	36,260	54,390	54,390
District Engineer Mgt. Fees	2,995	5,000	570	4,000	5,000
	57,385	59,390	36,830	58,390	59,390
	-	-	-	-	-

ATTACHMENT 3
INITIAL ENGINEER'S REPORT (19 pp)



CITY OF CLAYTON

DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT FOR LANDSCAPE AND LIGHTING AND BENEFIT ASSESSMENT

ENGINEER'S REPORT FISCAL YEAR 2012-13

MARCH 2012

PURSUANT TO
THE LANDSCAPING AND LIGHTING ACT OF 1972,
THE BENEFIT ASSESSMENT ACT OF 1982, AND
ARTICLE XIII D OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:
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CITY OF CLAYTON

MAYOR

Howard Geller

CITY COUNCIL

Joseph A. Medrano

Julie K. Pierce

David T. Shuey

Hank Stratford

CITY MANAGER

Gary Napper

CITY ENGINEER

Rick Angrisani

CITY ATTORNEY

Malathy Subramanian

CITY CLERK

Laci Jackson

ENGINEER OF WORK

SCI Consulting Group

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INTRODUCTION

BACKGROUND

Formation of the "Diablo Estates at Clayton Benefit Assessment District" (the "Assessment District") within the City of Clayton (the "City") is proposed to provide funding for the maintenance, operation and improvement of the landscaping, street lighting, drainage and stormwater treatment facilities to benefit the properties in the Diablo Estates at Clayton subdivision that forms the Assessment District. The Diablo Estates at Clayton subdivision consists of 24 parcels east of Regency Drive and north of Rialto Drive with an approximate area of 19 acres.

This Engineer's Report (the "Report") was prepared to establish the budget for the services and improvements that would be funded by the proposed 2012-13 assessments and to determine the benefits received from the maintenance and improvements by property within the Assessment District and the method of assessment apportionment to lots and parcels. This Report and the proposed assessments have been made pursuant to the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts") and Article XIID of the California Constitution (the "Article").

Following submittal of this Report to the City of Clayton City Council (the "City Council") for preliminary approval, the City Council may call for an assessment ballot proceeding and Public Hearing on the proposed establishment of assessments for the improvements.

If it is determined at the public hearing that the assessment ballots submitted in opposition to the proposed assessments do not exceed the assessment ballots submitted in favor of the assessments (weighted by the proportional financial obligation of the property for which ballots are submitted), the City Council may take action to form the Assessment District and approve the levy of the assessments for fiscal year 2012-13. If the assessments are so confirmed and approved, the levies would be submitted to the County Auditor/Controller in August 2012 for inclusion on the property tax roll for Fiscal Year 2012-13.

LEGISLATIVE ANALYSIS**PROPOSITION 218**

The Right to Vote on Taxes Act was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property. This Assessment District will be balloted and approved by property owners in accordance with Proposition 218.

SILICON VALLEY TAXPAYERS ASSOC., INC. V SANTA CLARA COUNTY OPEN SPACE AUTHORITY

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. vs. Santa Clara County Open Space Authority (SVTA). This ruling is the most significant court case in further legally clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in the assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer's Report and the process used to establish these proposed assessments for fiscal year 2012/2013 are consistent with the SVTA decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The Assessment District is narrowly drawn to include only the properties that receive special benefit from the specific improvements and Services. Thus, zones of benefit are not required and the assessment revenue derived from real property in each Assessment District is extended only on the Services in the Assessment District.
2. The Improvements which are constructed and/or maintained with assessment proceeds in the Assessment District are located in close proximity to the real property subject to the assessment. The Improvements and Services provide illumination to streets and sidewalks

enabling improved access to the owners, residents, and guests of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to of the residents of the assessed parcels by the Improvements provides a special benefit to the parcels being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements and Services financed with assessment revenues in the Assessment District benefit the properties in the Assessment District in a manner different in kind from the benefit that other parcels of real property in the City derive from such Improvements and Services, and the benefits conferred on such property in the Assessment District are more extensive than a general increase in property values.
4. The assessments paid in the Assessment District are proportional to the special benefit that each parcel within that Assessment District receives from the Services because:
 - a. The specific lighting Improvements and maintenance Services and utility costs thereof in the Assessment District and the costs thereof are specified in this Report; and
 - b. The cost of the Services in the Assessment District is allocated among different types of property located within the Assessment District, and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, or industrial parcels.

DAHMS V. DOWNTOWN POMONA PROPERTY

On June 8, 2009, the 4th Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

BONANDER V. TOWN OF TIBURON

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of

the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

BEUTZ V. COUNTY OF RIVERSIDE

On May 26, 2010 the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

COMPLIANCE WITH CURRENT LAW

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the Assessment District; and the Improvements and Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz* and *Dahms* because the Improvements and Services will directly benefit property in the Assessment District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

PLANS & SPECIFICATIONS

The work and improvements proposed to be undertaken by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District (the "Assessment District"), and the costs thereof paid from the levy of the annual assessments, provide special benefit to Assessor Parcels within the Assessment District as defined in the Method of Assessment herein. Consistent with the Landscaping and Lighting Act of 1972 and the Benefit Assessment Act of 1982 (the "Acts"), the work, services and improvements are generally described as follows:

Maintenance and servicing of public improvements, including but not limited to, storm drain system, landscaping and lighting and all necessary appurtenances, and labor, materials, supplies, utilities and equipment, and incidental costs as applicable, for property within the Assessment District that is owned or maintained by the City of Clayton (the "Improvements"). Any plans and specifications for these improvements will be filed with the City Engineer of the City of Clayton and are incorporated herein by reference. More specifically the improvements and associated plans are the storm drain system in the Improvement Plans, Diablo Pointe by David Evans and Associates Inc., the lighting in the Joint Trench Composite Plan, Diablo Pointe by Lighthouse Design Inc., and the shared landscaping, fencing, irrigation and entry monument in the Diablo Estates at Clayton Landscape Improvements plan by Thomas Bank and Associates LLP.

As applied herein, "maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvement, including repair, removal or replacement of all or any part of any improvement; providing for the life, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury; the removal of trimmings, rubbish, debris, and other solid waste; the cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti; the cleaning and replacement of storm drain pipes, drop inlets, catch basins and manholes.

"Servicing" means the cost of maintaining any facility used to provide any service, the furnishing of electric current, or energy, gas or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements; or water for the irrigation of any landscaping, or the maintenance of any other improvements.

The figure shown below displays the improvements, maintenance, replacement costs and services to be provided with the Diablo Estates at Clayton Benefit Assessment District.

FIGURE 1 – SUMMARY OF ESTIMATED ANNUAL COSTS FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Summary of Estimated Annual Cost Fiscal Year 2012-13	
Installation, Maintenance & Servicing Costs	
Common Landscaping	\$19,426.99
Weed Abatement (On-lot)	\$11,910.00
Storm Drain System	\$27,966.00
Street Lighting	\$1,460.00
Subtotal - Installation, Maintenance and Servicing	\$60,762.99
Incidental Expenses and Administration Costs	\$11,900.00
Totals for Installation, Maintenance, Servicing and Incidentals	\$72,662.99
Net Cost of Maintenance, Servicing and Incidentals (Net Amount to be Assessed)	\$72,662.99
Budget Allocation to Property	
Total Assessment Budget	\$72,662.99
Single Family Equivalent Benefit Units	24
Assessment per Single Family Equivalent Unit	\$3,027.62

ESTIMATE OF COST AND BUDGET – FISCAL YEAR 2012-13

FIGURE 2 – COST ESTIMATE BREAKDOWN FOR DIABLO ESTATES AT CLAYTON

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Estimate of Maintenance, Replacement, and Administrative Costs					
Item	Units	Unit Cost	Service Life (years)	Annual Cost	Annual Cost per Lot
Common Landscaping					
Landscape Maintenance	24,600 SF	\$0.30		\$7,380.00	
Landscape Replacement	24,600 SF	\$0.05		\$1,230.00	
Tree Maintenance	33 EA	\$95.00		\$3,135.00	
Tree Replacement - Materials	33 EA	\$285.00	40	\$235.13	
Water Usage	1,476 100CF	\$2.86		\$4,221.36	
Meter Charges	12 Mo	\$51.00		\$612.00	
Irrigation Maintenance & Repair	24,600 SF	\$0.03		\$738.00	
Fence Maintenance & Repair	1,870 LF	\$0.65		\$1,215.50	
Entry Monument Maintenance	1 EA	\$500.00		\$500.00	
Entry Monument Repair	1 LF	\$4,000.00	25	\$160.00	
				\$19,426.99	\$809.46
Weed Abatement (On-lot)					
Weed Abatement	397,000 SF	\$0.03		\$11,910.00	
				\$11,910.00	\$496.25
Storm Drain System					
Ditch - debris removal & maint	1 LS	\$1,000.00		\$1,000.00	
Ditch Repair	2,038 LF	\$50.00	25	\$4,076.00	
Vorsentry Maintenance	1 LS	\$1,500.00		\$1,500.00	
Vorsentry Replacement	1 LS	\$100,000.00	100	\$1,000.00	
Bio-Retention Basin Maintenance*	48 EA	\$		\$0.00	
Bio-Retention Basin Replacement	48 EA	\$2,000.00	10	\$9,600.00	
Stormwater Reporting Fee	1 LS	\$5,000.00		\$5,000.00	
Annual City Report Fee	1 LS	\$2,000.00		\$2,000.00	
Catch Basin/Manhole Cleaning	15 EA	\$200.00		\$3,000.00	
CBMH/pipe repair	1 LS	\$79,000.00	100	\$790.00	
				\$27,966.00	\$1,165.25
Street Lighting					
Maintenance and Repair	1 LS	\$500.00		\$500.00	
Electricity	4 EA	\$240.00		\$960.00	
				\$1,460.00	\$60.83
Annual Administration					
Property Manager	12 Mo	\$600.00		\$7,200.00	
Annual City Engineer Services	1 LS	\$2,500.00		\$2,500.00	
Legal Notice/Mailing	1 LS	\$100.00		\$100.00	
County Collection	1 LS	\$100.00		\$100.00	
General Reserve	1 LS	\$2,000.00		\$2,000.00	
				\$11,900.00	\$495.83
Total				\$72,662.99	\$3,027.62
	Number of Lots:			24	
	Cost per Lot:			\$3,027.62	

* homeowner responsibility

** assumes coverage with Toll Brothers, Inc. for 5 year maintenance period

Unit costs per direction of City of Clayton City Engineer

METHOD OF APPORTIONMENT

METHOD OF APPORTIONMENT

This section of the Engineer's Report includes an explanation of the benefits to be derived from the installation, maintenance and servicing of improvements and the methodology used to apportion the total assessment to properties within the Assessment District.

The Diablo Estates at Clayton Benefit Assessment District consists of all Assessor Parcels within the boundaries as defined by the Assessment Diagram included within this Report and the Assessor Parcel Numbers listed within the included Assessment Roll. The method used for apportioning the assessments is based upon the proportional special benefits to be derived by the properties in the Diablo Estates at Clayton Benefit Assessment District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two step process: the first step is to identify the types of special benefit arising from the Improvements, and the second step is to allocate the assessments to property based on the estimated relative special benefit for each type of property.

DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the District's storm drain system, streets and sidewalks, corridor landscaping, lighting, or a property owner's specific demographic status. With reference to the requirements for assessments, Section 22573 of the Landscaping and Lighting Act of 1972 states:

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the Improvements."

The Benefit Assessment Act of 1982 states in Government Code Section 54711:

"The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of service"

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that assessments must be based on the special benefit to property:

"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."

The following benefit categories summarize the types of special benefit to residential, commercial, industrial and other lots and parcels resulting from the installation, maintenance and servicing of the Improvements to be provided with the assessment proceeds. These categories of special benefit are derived in part from the statutes passed by the California Legislature and other studies which describe the types of special benefit received by property from the installation, maintenance and servicing of improvements such as those proposed by the City of Clayton and the Diablo Estates at Clayton Benefit Assessment District. These types of special benefit are summarized as follows:

- Creation of individual lots for residential use that, in absence of the services and improvements to be funded by the assessments, would not be created.
- Improved utility and usability of property
- Improved safety and security lighting for property
- Enhanced visual experience, and desirability of the area.
- Protection of views, scenery and other resources values and environmental benefits enjoyed by residents and guests and preservation of public assets maintained by the City
- Moderation of temperatures, dust control, and other environmental benefits.

These benefit factors, when applied to property in the Assessment District, specifically increase the utility of the property within the Assessment District. For example, the assessments will provide funding to maintain lighting that improves safety and access to the property after dark and landscaping that provides visual and environmental benefits to the properties within the Assessment District. Such improved and well-maintained public facilities enhance the overall usability, quality, desirability and safety of the properties. Moreover, funding for the maintenance and servicing of such public facilities is a condition of development of Diablo Estates at Clayton that is needed to mitigate the negative impacts of this development on the City. Without the Assessment District, this condition of development would not be satisfied, which could affect the approval of new homes on the property. This is another special benefit to the properties in the Assessment District.

GENERAL VERSUS SPECIAL BENEFIT

The proceeds from the Diablo Estates at Clayton Benefit Assessment District would be used to fund improvements and increased levels of maintenance to the public facilities that serve and benefit the properties in the Assessment District. In absence of the Diablo Estates at Clayton Benefit Assessment District, such improvements would not be properly maintained. Therefore, the Assessment District is specifically proposed to ensure that the necessary and beneficial public facilities for property in the Assessment District are properly maintained and repaired over time. The assessments will ensure that landscaping and street lighting within and adjacent to the Assessment District are functional, well maintained, clean and safe. These public resources directly benefit the property in the Assessment District and will confer distinct and special benefits to the properties within the Assessment District.

In absence of the assessments, a condition of development would not be met and future home construction in the Assessment District could be denied. The creation of residential lots and the approval for the construction of homes in Diablo Estates at Clayton is the overriding clear and distinct special benefit conferred on exclusively on property in the Assessment District and not enjoyed by other properties outside the Assessment District. Moreover, benefits to the public at large, if any, will be offset by benefits residents within the Assessment District receive from the use of other similar public facilities not funded by the Assessment District. Therefore, the assessments solely provide special benefit to property in the Assessment District (100% special benefit) over and above the general benefits conferred to the public at large or properties outside the Assessment District.

METHOD OF ASSESSMENT

This process of apportioning assessments for each property involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalent dwelling units (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit and is generally recognized as providing the basis for a fair and appropriate distribution of assessments. For the purposes of this Engineer's Report, all properties are designated an SFE value, which is each property's relative benefit in relation to a single family home on one parcel. In this case, the "benchmark" property is the single family detached dwelling which is one Single Family Equivalent unit or one SFE.

ASSESSMENT APPORTIONMENT

The proposed assessments for the Diablo Estates at Clayton Benefit Assessment District would provide direct and special benefit to properties in the Assessment District. Diablo Estates at Clayton is a residential single family development project consisting of a total of 24 single family homes, each on a separate parcel. As such, each residential property receives similar benefit from the proposed improvements. Therefore, the Engineer has determined that the appropriate method of apportionment of the benefits derived by all parcels is on a dwelling unit or single family residence basis. All improved properties or properties proposed for development are assigned an SFE factor equal to the number of dwelling units developed or planned for the property. In other words, developed parcels and vacant parcels with proposed development will be assessed 1 SFE. The assessments are listed on the Assessment Roll in Appendix A.

APPEALS AND INTERPRETATION

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Clayton City Engineer or his or her designee. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Clayton City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City of Clayton City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City of Clayton City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any property owner who disagrees with the decision of the City of Clayton City Engineer or her or his designee may refer their appeal to the City Council of the City of Clayton and the decision of the City Council of the City of Clayton shall be final.

CERTIFICATES

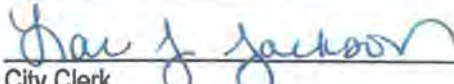
DIABLO ESTATES AT CLAYTON BENEFIT ASSESSMENT DISTRICT

1. The undersigned respectfully submits the enclosed Engineer's Report and does hereby certify that this Engineer's Report, and the Assessment and Assessment Diagram herein, have been prepared by me in accordance with the order of the City Council of the City of Clayton.



Engineer of Work, License No. C052091

2. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the enclosed Engineer's Report, together with the Assessment and Assessment Diagram thereto attached, was filed and recorded with me on March 14, 2012.



City Clerk

3. I, the City Clerk, City of Clayton, County of Contra Costa, California, hereby certify that the Assessment in this Engineer's Report was approved and confirmed by the City Council on _____, 2012, by Resolution No. _____

City Clerk

4. I, the City Clerk of the City of Clayton, County of Contra Costa, California, hereby certify that a copy of the Assessment and Assessment Diagram was filed in the office of the County Auditor of the County of Contra Costa, California, on _____, 2012.

City Clerk

5. I, the County Auditor of the County of Contra Costa, California, hereby certify that a copy of the Assessment Roll and Assessment Diagram for fiscal year 2012-13 was filed with me on _____, 2012.

County Auditor, County of Contra Costa

And I do hereby assess and apportion said net amount of the cost and expenses of said Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within said Diablo Estates at Clayton Benefit Assessment District in accordance with the special benefits to be received by each parcel or lot from the Improvements, and more particularly set forth in the Cost Estimate and Method of Assessment hereto attached and by reference made a part hereof.

The assessments are made upon the parcels or lots of land within the Diablo Estates at Clayton Benefit Assessment District in proportion to the special benefits to be received by the parcels or lots of land, from said Improvements.

The assessments are subject to an annual adjustment tied to the Consumer Price Index for Urban Consumers (CPI-U) for the San Francisco Bay Area as of April of each succeeding year, with the maximum annual adjustment not to exceed 4%. In the event that the annual change in the CPI exceeds 4%, any percentage change in excess of 4% can be cumulatively reserved and can be added to the annual change in the CPI for years in which the CPI change is less than 4%.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Contra Costa for the fiscal year 2012-13. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of said County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Rolls, the amount of the assessment for the fiscal year 2012-13 for each parcel or lot of land within the said Diablo Estates at Clayton Benefit Assessment District.

Dated: March 6, 2012

Engineer of Work

By 
John W. Bliss, License No. C052091



ASSESSMENT

WHEREAS, the undersigned Engineer of Work has prepared and filed a report presenting an estimate of costs, a diagram for the assessment districts and an assessment of the estimated costs of the Improvements upon all assessable parcels within the assessment district;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under said Acts and the order of the City Council of the City of Clayton, hereby make the following assessment to cover the portion of the estimated cost of said Improvements, and the costs and expenses incidental thereto to be paid by the assessment district.

The amounts to be paid for said Improvements and the expense incidental thereto, to be paid by the Diablo Estates at Clayton Benefit Assessment District for the fiscal year 2012-13, are generally as follows:

FIGURE 3 – SUMMARY COST ESTIMATES – FISCAL YEAR 2012-13

CITY OF CLAYTON Diablo Estates at Clayton Benefit Assessment District Summary Cost Estimate FY 2012-13	
Installation, Maintenance & Servicing Costs	\$60,763
Incidental Costs	\$11,900
Total Budget	\$72,663
<hr/>	
Budget to Assessment	
Total Budget	\$72,663
Total SFE Units	24
Rate per SFE Unit	\$3,027.62

As required by the Acts, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of said Diablo Estates at Clayton Benefit Assessment District. The distinctive number of each parcel or lot of land in said Diablo Estates at Clayton Benefit Assessment District is its Assessor Parcel Number appearing on the Assessment Roll.

ASSESSMENT DIAGRAM

The boundaries of the Diablo Estates at Clayton Benefit Assessment District are displayed on the following Assessment Diagram.

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, CALIFORNIA, THIS _____ DAY OF _____, 2012

LACI JACKSON, CITY CLERK
CITY OF CLAYTON
STATE OF CALIFORNIA

RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS, CITY OF CLAYTON, COUNTY OF CONTRA COSTA, CALIFORNIA, THIS _____ DAY OF _____, 2012

RICK ANGRISANI, SUPERINTENDENT OF STREETS
CITY OF CLAYTON
STATE OF CALIFORNIA

AN ASSESSMENT WAS LEVIED BY THE CITY COUNCIL OF THE CITY OF CLAYTON ON THE LOTS, PIECES AND PARCELS OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM THE ASSESSMENT WAS LEVIED ON THE _____ DAY OF _____, 2012; THE ASSESSMENT DIAGRAM AND THE ASSESSMENT ROLL WERE RECORDED IN THE OFFICE OF THE SUPERINTENDENT OF STREETS OF THE CITY ON THE _____ DAY OF _____, 2012. REFERENCE IS MADE TO THE RECORDED ASSESSMENT ROLL RECORDED IN THE OFFICE OF SUPERINTENDENT OF STREETS FOR THE EXACT AMOUNT OF EACH ASSESSMENT LEVIED AGAINST EACH PARCEL OF LAND SHOWN ON THIS ASSESSMENT DIAGRAM

LACI JACKSON, CITY CLERK
CITY OF CLAYTON
STATE OF CALIFORNIA

FILED THIS _____ DAY OF _____, 2012, AT THE HOUR OF _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE _____, IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

COUNTY RECORDER,
COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA

DEPUTY COUNTY RECORDER

**Assessment Diagram
Diablo Estates at Clayton
Benefit Assessment District
Clayton, Contra Costa County, State of California**

Note.
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF CONTRA COSTA FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER

SCI Consulting Group
4745 Mangala Boulevard
Fairfield, CA 94534
(707) 430-4300

APPENDICES

APPENDIX A – ASSESSMENT ROLL, FISCAL YEAR 2012-13

An Assessment Roll (a listing of all parcels assessed within the Assessment District and the amount of the assessment) will be filed with the City Clerk and is, by reference, made part of this Report and is available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this Report. These records shall govern for all details concerning the description of the lots or parcels.

FIGURE 4 – ASSESSMENT ROLL

CITY OF CLAYTON
Diablo Estates at Clayton Assessment District
Assessment Roll

PARCEL NUMBER	OWNER	SITUS	SFE Units	ASSESSMENT
119-630-001	TOLL CA XIX L P	27 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-002	TOLL CA XIX L P	26 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-003	TOLL CA XIX L P	22 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-004	TOLL CA XIX L P	18 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-005	TOLL CA XIX L P	14 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-006	TOLL CA XIX L P	10 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-007	TOLL CA XIX L P	9 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-008	TOLL CA XIX L P	15 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-009	TOLL CA XIX L P	19 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-630-010	TOLL CA XIX L P	23 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-001	TOLL CA XIX L P	6 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-004	TOLL CA XIX L P	7 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-010	TOLL CA XIX L P	16 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-011	TOLL CA XIX L P	12 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-012	TOLL CA XIX L P	8 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-013	TOLL CA XIX L P	4 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-014	TOLL CA XIX L P	5 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-016	TOLL CA XIX L P	2 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-017	TOLL CA XIX L P	3 SEMINARY RIDGE PL CLAYTON CA 94517	1	\$3,027.62
119-640-018	TOLL CA XIX L P	11 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-019	TOLL CA XIX L P	17 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-020	TOLL CA XIX L P	21 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-021	TOLL CA XIX L P	24 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
119-640-022	TOLL CA XIX L P	20 PROMONTORY PL CLAYTON CA 94517	1	\$3,027.62
			24	\$72,662.88

ATTACHMENT 4

MAINTENANCE MANAGEMENT SCOPE OF SERVICES

EXHIBIT "A"
SCOPE OF SERVICES

PROPERTY MANAGEMENT SERVICES

The property management duties to be included in this contract shall generally include, but not necessarily limited to, the following:

- a) Contracting with, overseeing and being responsible for, various State-licensed contractors as needed to complete the maintenance services specified below. Consultant shall provide copies of all executed contracts (including detailed scopes of work, and work, manpower and payment schedules) and contractor insurance certificates;
- b) Periodic inspections of the property and improvements to verify current conditions and to ensure satisfactory performance of the various contractors hired by the Proposer to complete the maintenance duties specified in the maintenance document;
- c) Periodic inspections of the property and improvements to ensure satisfactory performance of the homeowners in providing the maintenance services specified below as being the homeowners' responsibility.;
- d) Preparation and submittal of a monthly report to the City Engineer describing the findings of the periodic inspections, the maintenance work completed that month and anticipated for the following month;
- e) Satisfaction of Regional Water Quality Control Board requirements relating to the operation and maintenance of stormwater treatment facilities, including the preparation and submittal of annual reports.

COMMON LANDSCAPING (ALONG REGENCY AND RIALTO DRIVES)

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

As part of the projects approval conditions, the Developer was required to install landscaping and irrigation over a strip of land adjacent to the sidewalks along the project's frontage on Regency and Rialto Drives. The strip of land is variable in width (but generally 25 feet wide, more or less, from the back of sidewalk) and is delineated by an open wire fence except along the frontage of Lot 9 where it is delineated by a wooden "Good Neighbor" fence.

Along with the perimeter fencing, the improvements include trees, shrubs, groundcover and a complete automatic irrigation system. In addition, a subdivision entry monument has been constructed on Lot 8. All of the land covered by the improvements has been encumbered by a recorded landscape maintenance easement in favor of the City of Clayton.

Detailed Scope of Work – City's Responsibility

Maintenance of the Common Landscaping shall occur twice a month by a maintenance crew comprised of at least 3 men for a period of at least 4 hours on each visit.

Trees

The scope of normal tree care shall include, but not be limited to, the following:

- Pruning will be performed under the direction of a qualified maintenance supervisor using appropriate tools and equipment in general accordance with industry standards.

- Pruning shall promote structural strength and accentuate the plants natural forms and features within the limitation of space.
- Trees stakes and guides will be checked regularly and removed or replaced as necessary.
- Minor pesticide application.
- Tree pruning over the 12 foot height.
- Insect and disease control including pest control spraying.
- Deep root feeding on an annual basis.
- Replacement of dead trees.

Shrubs and Groundcover

The scope of shrub and groundcover care shall include, but not be limited to, the following:

- On a continual basis, shrubs shall be checked for appropriate pruning and thinning, shearing or hedging. Hard pruning or cutting back will be done in winter to allow new growth or flushing out during the oncoming spring season.
- On a continual basis, ground covers shall be checked for proper coverage within the planting areas, and general health and condition. Required mowing or shearing of ground covers will be done in the winter to allow new growth during the spring season.
- Shrub pruning, thinning and trimming shall be accomplished on a regular basis to maintain a neat appearance.
- Shrubs shall be pruned to promote strength and accentuate the shrubs natural forms and features, minimize balling, shearing, etc.
- Ground covers shall be mowed on an annual basis as necessary.
- Plant material shall be fertilized on a regular basis before showing any sign of nutritional deficiencies.
- Minor pesticide application.
- Replacement of dead shrubs and groundcover plantings.

Irrigation

The scope of the irrigation check shall include, but not be limited to, the following:

- The system shall be routinely checked twice each month.
- Adjust programming to apply water in accordance with plant requirements based upon weather and soil conditions, and to minimize water runoff.
- Clean and adjust the sprinkler heads and nozzles as needed. Adjust spray patterns to insure coverage and prevent overspray on to the paved areas and buildings.
- Remote control valves shall be checked for proper operation. Valve boxes shall be cleared on top and clean on the inside.
- Minor irrigation repairs (e.g., pipe cracks, joint leaks, damaged spray heads or nozzles, etc.) shall be repaired immediately. The need for more significant repairs shall be brought to the attention of the City for authorization prior to the work being undertaken.

WEED ABATEMENT

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

The City has placed significant restrictions on the use of the large sloped areas within each of the lots. These areas are intended to remain unimproved and covered with "native" vegetation installed by the Developer. Such vegetation tends to become a fire hazard during the summer months if left unchecked.

The Contra Costa Fire District requires that all vegetation be maintained at a height of no more than 3 inches. Weeds and grasses must be mowed with the material raked, bagged, and removed from the

property. This work must be accomplished by the end of June, at the very latest. Re-growth could necessitate additional abatement during the fire season.

Detailed Scope of Work – City's Responsibility

The scope of weed abatement work shall include, but not be limited to, the following:

- Each spring, prior to the date established by the Contra Costa Fire District, all sloped areas between the open wire fences at the rear of each building pad and the lot property line, shall be mowed by hand to a height of less than 3 inches. The excess materials generated by the mowing shall be raked, placed in bags, and legally disposed of offsite.
- When needed due to re-growth of the vegetation, the process as specified shall be repeated.

STORM DRAINAGE FACILITIES

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

As part of the subdivision construction, a storm drainage system has been constructed within the streets of the project. The system includes concrete collection ditches (known as "J" and "V" ditches), storm drain pipes interconnecting and running between manholes and catch basins. The system also includes five large storage pipes (36" and 48" in diameter with a total length of 728 feet). The storage pipes also include observation structures for inspection and cleaning, if required. These storage pipes have been designed to collect the storm runoff from the streets and delay the discharge of the runoff into the remainder of the storm drain system by metering the discharge flows. The intent of this delay is to keep the peak flow rate of the storm water discharge leaving the project at the same or lower rate that existed prior to construction of the project.

In order to continue to work as designed, the system must be kept clear of sediment, trash and debris.

Detailed Scope of Work – City's Responsibility

The scope of storm drain facility maintenance work shall include, but not be limited to, the following:

- Each year, by October 15th, each storm drain structure and facility (concrete ditches, manholes, catch basins, and storage pipes) shall be inspected for build-up of sediment and debris.
- Each structure shall be cleaned as necessary using a truck-mounted vacuum system.
- The concrete ditches shall be cleaned of all weeds and trash by hand. The materials generated shall be placed in bags, and legally disposed of offsite.
- Cracks in the concrete ditches and structures shall be repaired.
- If necessary, the structures shall be treated for vector (mosquitoes) infestation as necessary with Larvicide dunks.
- Upon completion of the inspection and work, the contractor shall file a written report, including photos of the findings and maintenance work, with the City indicating the results of the inspection and work, including a description of amount and type of debris removed, depth of sediment observed in the structures, and a description of repairs that the Contractor believes necessary to maintain the integrity of the storm drainage facilities.
- Any major repairs deemed necessary by the City shall be performed under separate written authorization.

STORMWATER TREATMENT FACILITIES

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

As part of the subdivision construction, stormwater treatment facilities have been constructed both in the street and on each lot. The in-street facility consists of a single Vortech 3000 Hydrodynamic Separator unit located near Rialto Drive. The on-lot treatment facilities consist of one or two bioretention filtration planters ("planters") on each lot as well as small collection pipes which convey the runoff to the planters. In addition, the collection systems on some lots may include trench drains adjacent to the end of the driveways to collect runoff from the driveways.

The planters have been sized to accept and treat all of the on-lot runoff from impervious surfaces. The planters include 18" of filter soils placed on top of a thick layer of permeable rock. The runoff that enters the planter is cleaned as it percolates through the filter soils and into the permeable rock. The permeable rock layer includes a 24" storage pipe and smaller perforated drains to collect the runoff. The outflow from the storage pipes is metered by a small orifice opening to limit the rate of discharge as required by the latest stormwater regulation.

In addition to the filter soils, treatment of the runoff is accomplished by the vegetation planted in the filter soils. It is the responsibility of the individual property owners to maintain the vegetation and surface condition of the planters as well as the on-lot collection pipe system. It should be understood that the types of plantings installed by the Developer were selected from a pre-approved list of plant materials published by the Contra Costa Clean Water Program. Any vegetation that must be replaced, at any time, can only be replaced with the same or another pre-approved plant.

The stormwater treatment regulations require routine and annual inspections of all facilities, the results of which are required to be reported to the Regional Water Quality Control Board. If these inspections note that the property owner has not properly maintained the on-lot collection system, planters or vegetation, or replaced any plantings with non-approved types, a notice of deficiency will be issued to the property owner. If the property owner fails to satisfy the notice of deficiency within the time period specified on the notice, such failure shall be reported to the Regional Water Quality Control Board and may subject the property owner to fines as high as \$10,000 per day.

Detailed Scope of Work – Homeowners' Responsibility

The scope of the property owners' responsibility shall include, but not be limited to, the following routine work:

- Inspect the driveway trench drain, its entrances (grates) and exits. Look for obstructions, vegetation, debris, litter, sediment, etc., blocking the entrances and exits of the trench drain. If necessary, clear trench drain, exits and entrances by hand and with hand tools. Ensure that water flows freely into and out of the trench drain.
- Inspect for large vegetation growing within 4" of the trench drain entrance or exit. Remove any invasive plants, weeds, shrubs, or any plant with a woody stem within 4" of trench drain entrance or exit.
- Inspect the outlets of the collection system in each of the planters for plugging caused by debris. Look for evidence of erosion in the planter surface. Inspect side soils and/or rocks placed around the edges of the planters. Repair and/or replace any erosion or missing rocks. Clear outlets as necessary.
- Examine vegetation to ensure it is healthy and dense enough to provide filtering and to protect soils from erosion, Replenish mulch as necessary, remove fallen leaves and debris, prune large

shrubs or trees. Replace dead plants and remove invasive vegetation. Confirm that the irrigation is adequate and not excessive.

Detailed Scope of Work – City's Responsibility

The scope of the City's responsibility shall include, but not be limited to, the following:

- Each year, prior to the rainy season, the City, or its contractor, shall undertake a complete inspection and testing of the in-street and on-lot stormwater treatment systems in accordance with the project's Stormwater Control Operation & Maintenance Manual.
- Maintain Vortech 3000 Hydrodynamic Separator unit in accordance with the manufacturer's operation and maintenance requirements. This work shall include removal and disposal of accumulated sediment. Monitor and treat for vector (mosquitoes) infestation as necessary with Larvicide dunks.
- Upon completion of the inspection and work, the contractor shall file a written report, including photos of the findings and the maintenance work, with the City indicating the results of the inspection and work, including a description of amount and type of debris removed, depth of sediment observed in the structures, and a description of repairs that the Contractor believes necessary to maintain the integrity of the stormwater treatment facilities.
- Standard City fees will be paid to the City directly by the BAD and are not a part of this contract.
- Any major repairs deemed necessary by the City shall be performed under separate written authorization.

STREET LIGHTING FACILITIES

DESCRIPTION AND DETAILED SCOPE OF WORK

Description

As part of the subdivision construction, a street lighting system, consisting of four street lights and associated wiring and boxes, was installed.

Detailed Scope of Work – City's Responsibility

The scope of streetlighting system work shall include, but not be limited to, the following:


- Routinely inspect and replace parts as needed
- Payment for the supply of electricity from PG&E. (Note: the electrical billing for the street lights will be paid by the City directly to PG&E and is not a part of the contract)



Agenda Date: 7-16-2019

Agenda Item: 8a

Approved:



Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CITY MANAGER

DATE: 16 JULY 2019

SUBJECT: RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT FOR AN INTERIM CITY MANAGER EFFECTIVE 29 JULY 2019

RECOMMENDATION

Following staff report and the opportunity for public comment, it is recommended the City Council adopt the attached Resolution authorizing, approving and making the findings to employ Mr. Joseph A. Sbranti, a CalPERS retired annuitant, as the Interim Clayton City Manager effective 29 July 2019.

BACKGROUND

At its public meeting on 02 April 2019, the current Clayton City Manager (Gary Napper) informed the Clayton City Council of his intent to retire at the end of July 2019. That announcement set in motion a series of actions necessary to search for and retain a replacement city manager. At its public meeting on 04 June 2019, the City Council approved the services of CPS HR Consulting to conduct the associated executive search services, yet it will take approximately 4-5 months for the goal to be achieved of hiring a new city manager.

Consequently, with a pending retirement date of 27 July 2019 for the current city manager, it becomes necessary for the City Council to obtain the professional services of an interim city manager to manage the City organization and assist the Clayton City Council during this transition. On 24 June 2019 the City Council met in a duly-noticed Special Meeting and interviewed a recently-retired city manager, Mr. Joseph Sbranti, who expressed interest in assisting the Clayton City Council during this interim period. At the conclusion of the meeting, both parties determined it was mutually beneficial to employ his services.

Mr. Sbranti is the former City Manager for the nearby city of Pittsburg, CA, is a CalPERS retired annuitant, and is also a Clayton resident.

FISCAL IMPACT

By CalPERS and state statutes, a CalPERS-retired annuitant cannot receive compensation for such interim services with a CalPERS public agency other than an hourly rate within the existing salary range for the incumbent position. The agreed-upon hourly rate is the current maximum hourly rate for the city manager position in Clayton, which is \$99.04 per hour. No other employment benefits or compensation is permitted; therefore, there are sufficient funds included in the adopted FY 2019-20 City Budget for this interim appointment and professional services.

Attachments: City Resolution [2 pp.]
Employment Agreement for Interim City Manager [8 pp.]

RESOLUTION NO. - 2019

A RESOLUTION CERTIFYING FINDINGS AND APPROVING AN EMPLOYMENT AGREEMENT FOR THE INTERIM EMPLOYMENT OF CALPERS RETIRED ANNUITANT JOSEPH A. SBRANTI AS INTERIM CLAYTON CITY MANAGER

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

WHEREAS, the City of Clayton's current City Manager, Gary A. Napper, has elected to retire effective 27 July 2019 after serving 17.5+ years in the executive position, and while recruiting for his replacement the Clayton City Council has need to retain an interim city manager; and

WHEREAS, the former City Manager of Pittsburg, CA, Joseph A. Sbranti expressed interest in assisting the Clayton City Council during this transition to serve as its interim city manager; and

WHEREAS, in a duly-noticed Special Meeting of the City Council held on 24 June 2019, the Clayton City Council interviewed Mr. Sbranti for the possible interim assignment with the conclusion it was of mutual benefit to both parties to employ him as Clayton's Interim City Manager; and

WHEREAS, Mr. Sbranti is a recently-retired CalPERS annuitant with the effective retirement date of 31 December 2018 and is therefore eligible to accept post-retirement interim employment with CalPERS public agencies without the necessity of special findings for retired annuitants with less than 180 days since pension retirement date; and

WHEREAS, the Clayton City Council, the City of Clayton, and Joe Sbranti each represent and certify that Joseph Sbranti has not and will not receive a Golden Handshake or any other retirement-related incentive during this interim employment with the City of Clayton; and

WHEREAS, Mr. Sbranti previously served as the Pittsburg City Manager from June 2011 to December 2018 and is therefore well suited and familiar with the incumbent needs and responsibilities required of an interim city manager while a permanent employee replacement is recruited and hired by the Clayton City Council, which executive search process is currently underway; and

WHEREAS, the Clayton City Council does desire to appoint Joseph A. Sbranti as an interim appointed CalPERS retired annuitant to the vacant position of City Manager for the City of Clayton under Government Code section 21221(h), effective 29 July 2019; and

WHEREAS, an eligible appointment under Government Code section 21221(h) requires an active, publicly-posted recruitment for a permanent replacement to the interim vacant employment position; and

WHEREAS, the current status of this recruitment is the City Council of Clayton did approve and authorize a Professional Services Agreement with CPS HR Consulting on June 5, 2019 for its executive recruitment services to assist in the search, screening and hiring of its next city manager by the Clayton City Council; and

WHEREAS, this section 21221(h) appointment shall only be made once and therefore will end prior to or on 13 January 2020, unless terminated earlier by the City following its selection of a permanent city manager, or by voluntary termination by Joseph A. Sbranti; and

WHEREAS, the entire Employment Agreement, contract or appointment document between Joseph A. Sbranti and the City Council of Clayton has been reviewed by this body and is attached hereto as "Attachment 1" as if fully set forth in this Resolution; and

WHEREAS, CalPERS related regulations and statutes require that no matters, issues, terms or conditions related to this interim employment and appointment of a CalPERS retired annuitant can be, have been or will be placed as a Consent Calendar item on a public agenda of the Clayton City Council; and

WHEREAS, the interim employment of Joseph A. Sbranti shall be limited to nine hundred and sixty (960) hours per fiscal year; and

WHEREAS, the public compensation paid to retired CalPERS annuitants cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for Clayton City Manager position is \$17,169 and the associated hourly equivalent is \$99.05, while the minimum base salary for this position is \$14,123 and the associated hourly equivalent is \$81.48; and

WHEREAS, the negotiated and determined hourly rate to be paid to Joseph A. Sbranti by the City of Clayton will be \$99.04; and

WHEREAS, Joe Sbranti has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation other than or in addition to this hourly pay rate;

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California, does hereby certify, approve and authorize the nature of the temporary employment of Joseph A. Sbranti as described herein and detailed in the attached Employment Agreement document ("Attachment 1"), and this interim appointment is necessary to fill the critically-needed position of City Manager for the City of Clayton effective 29 July 2019 because the City is a very small municipal employer and this position is the sole full-time professional city manager within the public agency and its continued functionality is critical to maintaining the active, daily, and efficient public services provided to the citizens, businesses and development community of this city.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Tuija Catalano, Mayor

ATTEST:

Janet Calderon, City Clerk

**EMPLOYMENT AGREEMENT FOR
INTERIM CITY MANAGER**

THIS AGREEMENT is made and entered into this 16th day of July 2019 by and between the City of Clayton ("CITY") and Joseph A. Sbranti ("EMPLOYEE"). In consideration of the mutual covenants and agreements set forth herein, the Parties agree as follows:

RECITALS

This Agreement is made and entered into with respect to the following facts:

A. CITY seeks to engage EMPLOYEE on a temporary basis as Interim City Manager, in accordance with the terms set forth in this Agreement; and

B. EMPLOYEE desires to accept employment as Interim City Manager in consideration of and subject to the terms, conditions and benefits set forth in this Agreement; and

C. EMPLOYEE represents he is a retired annuitant of CalPERS within the meaning of Government Code §§ 7522.56 and 21224 ("Statutes") and acknowledges that his compensation is statutorily limited as provided in Government Code § 21224. EMPLOYEE represents that, as of the effective date of this Agreement, he has not worked for another CalPERS state or contracting agency as a retired annuitant during Fiscal Year 2018-19 or in FY 2019-20 and that he therefore acknowledges that he can work up to 960 hours for the CITY, a state agency or other CalPERS contracting agencies (collectively "CalPERS Agencies") during the 2019-20 fiscal year. EMPLOYEE represents he has not received unemployment compensation from any CalPERS agencies during the 12-month period preceding the effective date of this Agreement; and

D. CITY has determined it is necessary to hire EMPLOYEE, a retired annuitant, because the City will need to recruit for a new City Manager, and EMPLOYEE, by virtue of his experience in public management, including as a previous city manager for another public agency within California, has the necessary skills and institutional knowledge to assist as needed.

NOW, THEREFORE, CITY and EMPLOYEE, in consideration of the mutual covenants and agreements herein contained, agree as follows:

1. **APPOINTMENT OF EMPLOYEE.**

EMPLOYEE shall be appointed as the Interim City Manager for the benefit of the CITY under the terms of this Agreement.

2. **POSITION AND DUTIES.** The CITY hereby agrees to appoint EMPLOYEE to perform, on the compensation basis set forth in Paragraph 4, the duties and functions set forth in Exhibit A attached hereto, and to perform other legally permissible duties and such functions as the City Council shall from time to time assign:

The City Council shall have the authority to determine the specific duties and functions which EMPLOYEE shall perform under this Agreement and the means and manner by which

EMPLOYEE shall perform those duties and functions. EMPLOYEE agrees to devote all of his business time, skill, attention, and best efforts to the discharge of the duties and functions assigned to him under this Agreement and by the City Council.

3. TERM, TERMINATION AND AT-WILL STATUS.

This Agreement shall become effective upon the date executed both by EMPLOYEE and the Mayor of the CITY, which date shall be the date first referenced above. EMPLOYEE shall commence the performance of duties under this Agreement on 29 July 2019 or at such later date as the parties hereto shall agree in writing ("Commencement Date"). This Agreement shall expire as of the first of the following to occur: (i) upon EMPLOYEE working his 960th hour for the CITY during fiscal year 2019-20 or his 960th hour in any subsequent fiscal year; or (ii) upon termination of the Agreement by either EMPLOYEE or CITY as provided below.

EMPLOYEE acknowledges he is an at-will, temporary employee of CITY who shall serve at the pleasure of the City Council at all times during the period of his service hereunder and shall be subject to termination by the City Council at any time without advance notice and without cause. Except as required by law, the terms of CITY's personnel rules, policies, regulations, procedures, ordinances, and resolutions regarding personnel (collectively "Personnel Policies"), as they may be amended or supplemented from time to time, shall not apply to EMPLOYEE, and nothing in this Agreement is intended to, or does, confer upon EMPLOYEE any right to any property interest in continued employment, or any due process right to a hearing before or after a decision by the City Council to terminate his employment. Nothing contained in this Agreement shall in any way prevent, limit or otherwise interfere with the right of CITY to terminate the services of EMPLOYEE and nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from this position with CITY.

4. COMPENSATION. The CITY agrees to provide the following compensation to EMPLOYEE for the services listed in this Agreement:

Beginning on 29 July 2019, CITY agrees to pay to EMPLOYEE for services rendered under this Agreement, the hourly rate of \$99.04. Other than the compensation described above, Employee will receive no other benefits, incentives, compensation in lieu of benefits, or any other form of compensation. Employee understands and agrees he is not, and will not be, eligible to receive any benefits from the CITY, including any CITY group plan for hospital, surgical, or medical insurance, any CITY retirement program, or any paid holidays, vacation, sick leave, or other leave, with or without pay, or any other job benefits available to an employee in the regular service of the CITY, except for Workers' Compensation Insurance coverage or similar benefits required by state or federal law.

5. EXPENSES. CITY shall reimburse EMPLOYEE for authorized, reasonable and necessary travel expenses incurred by EMPLOYEE in the performance of his duties pursuant to this Agreement. EMPLOYEE shall document and claim said reimbursement for such travel in the manner and forms required by the CITY. All reimbursements shall be for actual expenses and shall be subject to and in accordance with California and federal law and CITY's adopted reimbursement policies. Such reimbursements **shall not be reported** to CalPERS. Other than as specifically provided herein, EMPLOYEE shall receive no other compensation or reimbursements for expenses incurred by him in performance of this Agreement.

6. NOTICE. Notices required pursuant to this Agreement shall be given by personal service upon the party to be notified or by delivery of same to the custody of the United States Postal Service, or its lawful successor, postage prepared and addressed as follows:

CITY
6000 Heritage Trail
Clayton, CA 94517
Attention: Mayor

EMPLOYEE
Joseph A. Sbranti
7 Promontory Place
Clayton, CA 94517

7. HOURS OF WORK. EMPLOYEE shall devote the time necessary to adequately perform his duties pursuant to this Agreement. The parties anticipate that EMPLOYEE will work a sufficient number of hours per week allocated between regular business hours and hours outside of regular business hours including, without limitation, attendance at regular and special City Council meetings, community events and other CITY functions as the City Council may direct. However, in no event shall EMPLOYEE be required to work in excess of 960 hours in fiscal year 2019-2020 and 960 hours per each subsequent fiscal year for CITY, including hours worked for other CalPERS Agencies during such fiscal years.

EMPLOYEE'S position shall be deemed a NON-EXEMPT position under California wage and hour law. The position is a temporary, hourly assignment which shall not exceed 40 hours per week. The CITY, through the City Council, will assign Employee hours to work. Due to the nature of the position, it is understood that the work day and work week hours may vary, **however Employee shall not work overtime.**

It is the intent of the parties to compensate EMPLOYEE only to the extent permitted under the Statutes and corresponding CalPERS regulations and policy statements. The Rate of Pay set forth above is based on the salary limitations established by CalPERS and is calculated by taking the hourly rate based on the maximum monthly base salary paid to employees performing similar duties as listed on a publicly available pay schedule for such employees. The highest CITY compensation for comparable duties is \$206,016.00 annually divided by 2,080 to equal a maximum hourly rate of \$99.04. The EMPLOYEE shall not be entitled to any additional compensation or benefits.

EMPLOYEE will comply with all applicable CalPERS regulations governing employment after retirement, including the recordation and reporting of all hours worked for CITY to CalPERS as may be required. CITY shall assist in any such reporting obligations to CalPERS. Additionally, EMPLOYEE shall keep CITY continually informed of any hours worked by EMPLOYEE for other CalPERS Agencies during the term of this Agreement.

8. WAIVER. No waiver of any provision of this Agreement shall be deemed or shall constitute a waiver of any other provision whether or not similar, nor shall any such waiver constitute a continuing or subsequent waiver of the same provision. No waiver shall be binding, unless executed in writing by the party making the waiver.

9. ENTIRE AGREEMENT. This Agreement constitutes the entire Agreement of the parties considering the subject matter hereof and all prior agreements or understanding, oral or written, are hereby merged herein. This Agreement shall not be amended in any way except by a writing expressly purporting to be such an amendment, signed, and acknowledged by both of the parties thereto. If any portion or provision hereof is held to be unconstitutional, invalid, or unenforceable, the remainder of this Agreement or portion thereof shall be deemed severable and shall be effected and shall remain in full force and effect.

CITY:

By: _____ Date: _____
Tuija Catalano, Mayor

EMPLOYEE

By: _____ Date: _____
Joseph A. Sbranti

* * * * *

Chapter 2.10

CITY MANAGER

Sections:

- 2.10.010 Office Created.
- 2.10.020 Residence.
- 2.10.030 Eligibility.
- 2.10.040 Bond.
- 2.10.050 Acting City Manager.
- 2.10.060 Compensation.
- 2.10.070 Powers and Duties.
- 2.10.080 Council-Manager Relations.
- 2.10.090 Departmental Cooperation.
- 2.10.100 Removal of City Manager.
- 2.10.110 Employment Agreement.

2.10.010 - Office Created.

The creation of the office of the City Manager of the City of Clayton is hereby ratified and confirmed. The City Council appoints the City Manager and shall make the appointment wholly on the basis of such person's administrative and executive ability and qualifications. The City Manager holds office at the pleasure of the City Council. Whenever the words "Chief Executive Officer," "City Administrator," or "Administrative Officer" are used in the text of the Clayton Municipal Code, any City ordinance or resolution, City contracts or other documents, it shall mean and refer to the "City Manager."
(Ord. 329, 1997)

2.10.020 - Residence.

The City Manager need not be a resident of the City, although his or her residence should be within easy daily commute of Clayton.
(Ord. 329, 1997)

2.10.030 - Eligibility.

A member of the City Council is not eligible for appointment as City Manager until one year elapses after the Council member ceases to be a member of the Council.
(Ord. 320, 1997)

2.10.040

CLAYTON CODE

2.10.040 – Bond.

The City Manager shall furnish a corporate surety bond approved by the City Council in such sum as the City Council determines. The bond shall be conditioned upon the faithful performance of the duties imposed upon the City Manager. The premium for the bond is a proper charge against the City.

(Ord. 329, 1997)

2.10.050 – Acting City Manager.

The City Manager shall designate one of the other officers or department heads of the City to serve as Acting City Manager during a short-term absence or disability of the City Manager. In the case of a long-term (more than thirty (30) working days) absence or disability of the City Manager, the City Council may designate a qualified person to perform the duties of the City Manager during the period of absence or disability of the City Manager. The Acting City Manager shall furnish a corporate surety bond as in the case of the City Manager.

(Ord. 329, 1997)

2.10.060 – Compensation.

The City Manager is entitled to such compensation and expense allowance as the City Council determines by resolution or motion.

(Ord. 329, 1997)

2.10.070 – Powers and Duties.

The City Manager is the administrative head of the government of the City, subject to the direction and control of the City Council. The City Manager is responsible for the efficient administration of all the affairs of the City that are under his or her control. In addition to his or her general powers as administrative head and not as a limitation on them, the City Manager shall:

- A. Devote his or her entire time to carrying out the City Manager's official duties.
- B. Act as ex-officio member of all boards and commissions.
- C. Enforce the laws and ordinances of the City and see that the franchises, contracts, permits, and privileges granted by the Council are faithfully observed.
- D. Control, order and give directions to all subordinate officers and employees of the City.
- E. Except as may be limited by provisions of the City Manager's employment agreement, appoint, remove, promote, and demote each officer and employee of the City.

CITY MANAGER

2.10.070

excepting the City Attorney and City Treasurer who serve at the pleasure of the Council, subject to personnel ordinances, rules and regulations adopted by the Council; appointment of the City Clerk shall be subject to Council approval.

- F. Conduct studies and effect such administrative organization and reorganization of offices, positions and units under his or her direction as are in the interest of efficient, effective, and economical conduct of the City's business;
- G. Recommend to the Council for adoption such measures and ordinances as deemed necessary.
- H. Attend all meetings of the Council, except when excused by the Council, and except when the City Manager's removal is under consideration;
- I. Keep the Council advised at all times as to the financial condition and needs of the City.
- J. Prepare and submit proposed annual budgets to the Council for its approval.
- K. Purchase, or supervise the purchase of, all supplies and services needed by the City.
- L. Review all proposed expenditures from City funds, and recommend approval by the Council of all proper expenditures;
- M. Investigate the affairs of the City and the performance of all employees and contractors, and make or recommend appropriate adjustments to improve efficiency and effectiveness.
- N. Investigate all complaints of matters concerning the administration of the City government and of the services for which the City is responsible.
- O. Exercise general supervision over all public buildings, public parks, and all other public property under the control and jurisdiction of the Council.
- P. Negotiate such contracts and leases as the Council may authorize.
- Q. Sign for the City approved contracts, agreements and leases which do not require the signature of the Mayor.
- R. Maintain liaison with other City officials and with other municipal, district, County, State, and Federal agencies to ensure proper coordination of activities.
- S. Submit special reports in writing to the City Council in answer to any request for information filed with the City Manager by the City Council.
- T. Perform such other duties and exercise such other powers as the City Council delegates to him or her.

(Ord. 329, 1997; Ord. 339, 1998)

2.10.080 – Council-Manager Relations.

Each member of the City Council shall deal with the administrative services of the City through the City Manager, except for the purpose of inquiry. Neither the Council nor a member of the Council shall give orders or instructions to subordinates of the City Manager. The City Manager shall take orders and instructions from the Council only when the Council is sitting in a duly convened meeting, and no individual Council member shall give orders or instruction to the City Manager other than reasonable requests for information on City matters. The Council retains the sole power of being the policy making and legislative body for the City.

(Ord. 329, 1997)

2.10.090 – Departmental Cooperation.

Each subordinate officer and the City Clerk, City Treasurer, and City Attorney shall assist the City Manager in administering the affairs of the City efficiently, economically, and harmoniously.

(Ord. 329, 1997)

2.10.100 – Removal of City Manager.

The City Manager may be removed from office by a resolution of the Council. Pending removal, the Council may suspend the City Manager from office. The action of the Council in suspending or removing the City Manager shall be final and conclusive, but during such suspension, he or she shall receive regular compensation until the effective date of removal from office. In removing the City Manager, the Council has absolute discretion and its action is final and conclusive and does not depend whatsoever upon any showing of cause for such removal.

(Ord. 329, 1997)

2.10.110 – Employment Agreement.

The City Council may enter into an employment agreement with the City Manager providing for termination and severance pay, and delineating additional terms and conditions of employment not inconsistent with foregoing sections.

(Ord. 329, 1997)

July 16, 2019
Action Item 8 (b)

Please copy and paste the following link to your browser to access this item.

<https://ccta.net/theplan/>

MINUTES
REGULAR MEETING
OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT (GHAD)

May 21, 2019

1. **CALL TO ORDER AND ROLL CALL** – the meeting was called to order at 8:00 p.m. by Chairperson Carl Wolfe. Board Members present: Chairperson Wolfe, Vice Chair Wan, Board Members Diaz, Catalano, and Pierce. 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. **CONSENT CALENDAR** – It was moved by Board Member Pierce, seconded by Board Member Catalano, to approve the Consent Calendar as submitted. (Passed; 5-0 vote).

(a) Approved the Board of Directors' minutes for its regular meeting on December 4, 2018.

3. **PUBLIC COMMENTS** – None.

4. **PUBLIC HEARINGS** – None.

5. **ACTION ITEMS**

(a) Presentation and consideration of a Resolution to approve the proposed Oakhurst Geological Hazard Abatement District (GHAD) Budget for Fiscal Year 2019-20 and set a Public Hearing to be held on July 16, 2019 to consider the levy of the corresponding real property tax assessments for FY 2019-20.

GHAD District Manager Scott Alman presented the staff report.

Chairperson Wolfe opened the item to public comments.

Joe Beaty, 110 Crow Place, noted Prop 218 requires all payers of special tax assessments have a direct benefit. He noted the GHAD primarily benefits Kelok Way and Peacock Creek. Mr. Beaty asked in the GHAD plan could include an explanation of benefit of all property owners in compliance with Prop 218.

Chairperson Wolfe closed public comments.

Following questions by the Board, Board Member Pierce requested a list be brought back specifying how the funds are being used. Vice Chair Wan also requested a map to show where some of the items are located.

It was moved by Board Member Pierce, seconded by Board Member Diaz, to adopt GHAD Resolution No. 01-2019 approving a budget and declaring intention to levy and collect assessments for the Oakhurst Geological Hazard Abatement District for Fiscal Year 2019-20, and setting July 16, 2019 as the Public Hearing date on the proposed GHAD real property tax assessments for FY 2019-20. (Passed; 5-0 vote).

7. **BOARD ITEMS** – None.

8. **ADJOURNMENT** - on call by Chairperson Wolfe the Board meeting adjourned at 9:48 p.m.

#

Respectfully submitted,

Janet Calderon, Secretary

Approved by the Board of Directors
Oakhurst Geological Hazard Abatement District

Carl Wolfe, Chairperson



GHAD STAFF REPORT

TO: HONORABLE CHAIRPERSON AND BOARD MEMBERS

FROM: SCOTT D. ALMAN, P.E., DISTRICT GENERAL MANAGER

DATE: JULY 16, 2019

SUBJECT: RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING REAL PROPERTY ASSESSMENTS FOR FY 2019-20

RECOMMENDATION

The General Manager recommends the GHAD Board of Directors open the Public Hearing, receive real property owners' comments on the 2019-20 GHAD Budget and proposed annual 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 Engineers Report and the 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 inflation 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 2018 and April of 2019 (the sampling period approved by the ballot measure) is +4.01%.

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.

At the District's May 21st regular meeting, the Board of Director's took action to approve the FY 2019-20 District budget, set July 16th as the date for the Public Hearing regarding the FY 2019-20 annual assessments and ordered the notice of the public hearing to be distributed to all homeowners within the GHAD boundaries. On June 21, 2019, 1,594 public notices were mailed to GHAD property homeowners via U.S. Mail.

INQUIRIES RECEIVED FOLLOWING PUBLIC NOTICE

No objections to the FY 2019-20 assessments or its annual CPI adjustment have been received by City staff as of the writing of this staff report. The County Assessor's Office did report that one inquiry had been made requesting the numbers of total assessments included on the annual roll.

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. In FY

2017-18 the GHAD performed \$20,000 of 'V'-ditch repairs on several ditches in the District. These repairs were the result of annual ditch inspections and cleaning performed by the City Maintenance Department. Upcoming repairs currently being budgeted include repair of the street, curb, gutter and sidewalk at the intersection of Miwok and Ahwanee. Correction of the defects at this intersection will supersede the planned expenditure to replace the slope inclinometer as previously anticipated. The replacement of the damaged inclinometer will be pushed until additional District funds can be accrued.

FISCAL IMPACT

The proposed FY 2019-20 GHAD Budget shows total expenditures of \$47,467 against a beginning balance of \$4,555 and annual revenue (assessment plus interest earned) of \$42,912. Proposed expenditures include all operating costs for the District as well as approximately \$20,000 of project expenditures that include completion of additional ditch replacement and maintenance work on V-ditches. The V-ditch repair money may need to be redirected to the street repair at Ahwanee and Miwok depending on the severity of the failure.

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) was postponed from FY 2018-19. The postponement was due to street and sidewalk deformation taking place in the easterly side of Ahwanee Lane just south of the intersection with Miwok Way. That movement became extensive and took precedence over the new slope inclinometer. The Kelok inclinometer will be delayed for several years until there are sufficient District funds for its installation.

A second inclinometer needs to be replaced in the Pebble Beach Drive area and the budgeted installation cost for that is \$46,800, including contingency and project management. The cost of the Pebble Beach Drive inclinometer is considerably higher due to the difficult terrain access to the installation site. Based on the District's constrained budgetary circumstance, the installation of the new inclinometer at Pebble Beach Drive must be postponed until there are adequate District funds to pay for that capital project.

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 2019-20. 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 2018-19 should be adopted for levy in FY 2019-20.

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 2019-20.

Attachments: Resolution No. 02-2019 confirming Assessments [3 pp.]
Notice of Assessment mailed [2 pp.]
FY 2019-2020 District Budget [1 pp.]
FY 2019-2020 Budget Report [6 pp.]
Map showing assessments [1 pp.]
Previous correspondence with GHAD resident Joe Beaty [33 pp.]

GHAD RESOLUTION NO. 02 - 2019

**A RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING
REAL PROPERTY ASSESSMENTS FOR FISCAL YEAR 2019-20**

**THE BOARD OF DIRECTORS
Oakhurst Geological Hazard Abatement District
Clayton, California**

WHEREAS, by adoption of Resolution No. 01-2019 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 2019-20, and set a public hearing thereon for July 16, 2019, at the regular meeting place of the Board of Directors; and

WHEREAS, notice of said hearing and the adoption of Resolution No. 01-2019 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 16, 2019, the Board of Directors held a noticed public hearing on the proposed real property assessment for the fiscal year 2019-20 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	\$23.56	\$2,167.29
I	7065	108	duets	\$17.97	\$1,908.16
I	7066	117	multi-family	\$11.78	\$1,378.12
I	7303	52	multi-family	\$11.78	\$612.50
I	7311	118	duets	\$17.67	\$2,084.84
I	7768	55	sfd	\$23.56	\$1,295.66
I	7769	53	sfd	\$23.56	\$1,248.55
II	7256	70	sfd	\$31.46	\$2,201.94
II	7257	60	sfd	\$31.46	\$1,887.37
II	7260	75	sfd	\$31.46	\$2,359.22
II	7261	70	sfd	\$31.46	\$2,201.94
II	7262	99	sfd	\$31.46	\$3,114.17
II	7263	101	sfd	\$31.46	\$3,117.08
II	7264	102	sfd	\$31.46	\$3,208.53
II	7766	35	sfd	\$31.46	\$1,100.97
II	7766	60	multi-family	\$15.73	\$943.69
II	7767	76	multi-family	\$15.73	\$1,100.97
III	7249	69	sfd	\$75.85	\$5,233.78
III	7255	72	sfd	\$75.85	\$5,461.34

- 4. The Board of Directors declares this Resolution to be, and the same shall constitute, the levy of an assessment for the fiscal year 2019-20 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 16th day of July 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE BOARD OF DIRECTORS OF GHAD

Carl Wolfe, 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 July 16, 2019.

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. The District General Manager did present on May 21, 2019, to the Board of Directors, his report dated June 01, 2019, indicating a total budget for FY 2019-20 of \$42,780.46 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 2019-20.

2. The Board of Directors accepted and approved the report on May 21, 2019, by adopting GHAD Resolution No. 01-2019, which set forth, among other things:

- a. The Board's intent to levy and collect a per unit assessment in accordance with the recommendations of the District Manager as specified to pay for the obligations of said District during FY 2019-20.
- b. The date of Tuesday, July 16, 2019, at 7:00 p.m., at Hoyer Hall in the Clayton Community Library, situated at 6125 Clayton Road, Clayton, California, as the date, time and place for hearing protests against the levy of said assessments to operate the District in fiscal year 2019-20.

3. The per unit assessments for the previous fiscal year 2018-19 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 (4.01%; April 2018 – April 2019). 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 XX-2019, and the report of June 01, 2019, which are on file with the GHAD Secretary in Clayton City Hall. In addition, interested parties may contact the District 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 2019-20, 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: May 21, 2019

**OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT
PROPOSED ANNUAL ASSESSMENTS
FISCAL YEAR 2019/20**

<u>GHAD AREA</u>	<u>SUBD. NAME</u>	<u>SUBD. #</u>	<u># UNITS</u>	<u>TYPE</u>	<u>PROPOSED 2019-2020 ASSESS.</u>	<u>2018-2019 ASSESS.</u>	<u>ANNUAL \$ INCREASE</u>
I	Windmill Canyon I	6990	92	6,000 sf	\$23.56	\$22.65	0.91
I	Black Diamond I	7065	108	Duets	\$17.67	\$16.99	0.68
I	Chaparral Springs I	7066	117	Multi-family	\$11.78	\$11.32	0.46
I	Chaparral Springs II	7303	52	Multi-family	\$11.78	\$11.32	0.46
I	Black Diamond II	7311	118	Duets	\$17.67	\$16.99	0.68
I	Oak Hollow IIA	7768	55	5,000 sf	\$23.56	\$22.65	0.91
I	Oak Hollow IIB	7769	53	5,000 sf	\$23.56	\$22.65	0.91
II	Eagle Peak I	7256	70	8,000 sf	\$31.46	\$30.24	1.22
II	Eagle Peak II	7257	60	8,000 sf	\$31.46	\$30.24	1.22
II	Falcon Ridge I	7260	75	8,000 sf	\$31.46	\$30.24	1.22
II	Falcon Ridge II	7261	70	8,000 sf	\$31.46	\$30.24	1.22
II	Windmill Canyon II	7262	99	6,000 sf	\$31.46	\$30.24	1.22
II	Windmill Canyon III	7263	101	6,000 sf	\$31.46	\$30.24	1.22
II	Windmill Canyon IV/Ironwood	7264	102	6,000 sf	\$31.46	\$30.24	1.22
II	Oak Hollow I	7766	35	5,000 sf	\$31.46	\$30.24	1.22
II	Diablo Ridge I	7766	60	Multi-family	\$15.73	\$15.12	0.61
II	Diablo Ridge II	7767	76	Multi-family	\$15.73	\$15.12	0.61
III	Peacock Creek I	7249	69	10,000 sf	\$75.85	\$72.93	2.92
III	Peacock Creek II	7255	72	10,000 sf	\$75.85	\$72.93	2.92

City of Clayton

Geological Hazard and Abatement District (GHAD) Fund 212

Proposed Budget 19-20

Account Number	Account Name	2017-18 Actual	2018-19 Adopted Budget	2018-19 Projected	2019-20 Proposed Budget
7314	Postage	-	750	750	800
7350	Pavement Repairs/Maintenance	-	-	-	-
7351	Insurance Premiums	7,000	7,000	7,000	7,000
7381	Property Tax Admin Cost	384	1,200	1,200	1,260
7384	Legal Notices	-	100	100	100
7389	Misc. Expenses	-	300	100	300
7411	Legal Services Retainer	-	-	1,500	-
7412	Engineering Services	8,176	8,000	8,000	8,300
7413	Special Legal Services	-	1,000	-	1,500
7520	Project Costs	6,800	50,642	45,000	20,427
8101	Fund Admin - Transfer to GF	7,244	7,478	7,478	7,780
Total Expenditures		29,604	76,470	71,128	47,467
4606	GHAD Assessment	39,784	41,065	41,065	42,712
5601	Interest	378	200	580	200
5606	Unrealized Inv. Gain/Loss	(485)	-	-	-
Total Revenue		39,677	41,265	41,645	42,912
Increase (Decrease) in Fund Balance		10,073	(35,205)	(29,483)	(4,555)
Beginning Fund Balance		23,965	35,205	34,038	4,555
Ending Fund Balance		34,038	-	4,555	-

7351	<u>Insurance Premiums</u>				
	Liability Insurance	5,000	5,000	5,000	5,000
	CARMA Phase In	2,000	2,000	2,000	2,000
		<u>7,000</u>	<u>7,000</u>	<u>7,000</u>	<u>7,000</u>
		-	-	-	-
7520	<u>Project/Program costs</u>				
	Inclinometer/Piezometers (Berlogar)	6,800	25,642	25,000	15,427
	Emergency Repairs (Crack sealing, slide, Stevens, Ferrone & B. (Kelok Monitoring	-	5,000	-	5,000
	V-ditch Repairs (GN Henley, Abacus, etc	-	20,000	20,000	-
		<u>6,800</u>	<u>50,642</u>	<u>45,000</u>	<u>20,427</u>
		-	-	-	-

GHAD BUDGET REPORT

DATE: May 01, 2019
TO: BOARD OF DIRECTORS
FROM: SCOTT D. ALMAN, P.E., GENERAL MANAGER
RE: FISCAL YEAR 2019-20

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 its annual property assessments to keep pace (increase or decrease) with the economy based on the annual adjustment in the Bay Area Consumer Price Index (CPI). The current CPI for the period April 2018 to April 2019 (the evaluation period established in the original ballot measure) reveals an economic index increase of 4.01%.

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.

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.

V-Ditch Maintenance

Staff is once again proposing to set aside \$20,000 in this year's budget for completion of additional ditch replacement and maintenance work.

Fund Balance (Reserves)

The GHAD's fund balance is shown to be \$4,555.00 as June 30, 2019. Staff anticipates utilizing all available funding during FY 2019-20 for District services, resulting in a projected June 30, 2020 ending fund balance of \$0.00.

Presley Lawsuit Settlement Fund Balance

This fund balance is projected to stand at approximately \$106,279 in remaining funds from the original Presley lawsuit settlement (2003) on June 30, 2019. We are anticipating an increase of approximately \$1,500 in the fund balance due to interest earnings resulting in an ending balance of \$107,779 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 just the routine operations, along with the ongoing monitoring and legal defense costs, of the District through the allowable annual assessments. The year-to-year increase allowable per the most current CPI-U is 4.01% (April 2018 to April 2019, 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 2019-20:

BEGINNING FUND BALANCE

Balance 7-1-2019

\$4,555.00

EXPENSES

Postage	\$800.00
Liability Insurance Premium	7,000.00
County Collections Charge for Assessments	1,260.00
Legal Notices	100.00
Miscellaneous	300.00
Engineering Services	8,300.00
Special Legal Services	1,500.00
Project Costs	20,427.00
District Administration (transfer to General Fund)	<u>7,780.00</u>
TOTAL EXPENSES	\$47,467.00

INCOME

Property Assessments	\$42,780.00
Interest on Funds	<u>132.00</u>
TOTAL INCOME	\$42,912.00

FY 2019-20 PROPOSED PROPERTY ASSESSMENTS

FY 2019-20 property assessments include an increase of 4.01% which is consistent with the adjustment in the Bay Area Consumer Price Index (CPI) from April 2018 to April 2019.

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 \$42,780.46);
 - a. Area 1 = 25% of \$42,780.46, or \$10,695.12
 - b. Area 2 = 50% of \$42,780.46, or \$21,390.23
 - c. Area 3 = 25% of \$42,780.46, or \$10,695.12
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%	\$2,167.29
Tr. 7065	81.00	17.84%	\$1,908.16
Tr. 7066	58.50	12.89%	\$1,378.12
Tr. 7033	26.00	5.72%	\$612.50
Tr. 7311	88.50	19.50%	\$2,084.84
Tr. 7768	55.00	12.11%	\$1,295.66
Tr. 7769	53.00	11.67%	\$1,248.55
Sub-total	454.00	100.00%	\$10,695.12

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	\$2,167.29	92	\$23.56
Tr. 7065	\$1,908.16	108	\$17.67
Tr. 7066	\$1,378.12	117	\$11.78
Tr. 7033	\$612.50	52	\$11.78
Tr. 7311	\$2,084.84	118	\$17.67
Tr. 7768	\$1,295.66	55	\$23.56
Tr. 7769	\$1,248.55	53	\$23.56
Sub-total	\$10,695.12	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 2018-19 ASSESSMENT Total = \$10,695.12						
Subarea	# Units	Type	Factor	Ass. Units	18/19 Asses	Total
Tr. 6990	92	sfd	1.00	92.00	\$23.56	\$2,167.29
Tr. 7065	108	duets	0.75	81.00	\$17.67	\$1,908.16
Tr. 7066	117	multifamily	0.50	58.50	\$11.78	\$1,378.12
Tr. 7303	52	multifamily	0.50	26.00	\$11.78	\$612.50
Tr. 7311	118	duets	0.75	88.50	\$17.67	\$2,084.84
Tr. 7768	55	sfd	1.00	55.00	\$23.56	\$1,295.66
Tr. 7769	53	sfd	1.00	53.00	\$23.56	\$1,248.55
Subtotals	595			454.00		\$10,695.12
AREA II 2018-19 ASSESSMENT Total = \$20,565.55						
Subarea	# Units	Type	Factor	Ass. Units	18/19 Asses	Total
Tr. 7256	70	sfd	1.00	70.00	\$31.46	\$2,201.94
Tr. 7257	60	sfd	1.00	60.00	\$31.46	\$1,887.37
Tr. 7260	75	sfd	1.00	75.00	\$31.46	\$2,359.22
Tr. 7261	70	sfd	1.00	70.00	\$31.46	\$2,201.94
Tr. 7262	99	sfd	1.00	99.00	\$31.46	\$3,114.17
Tr. 7263	101	sfd	1.00	101.00	\$31.46	\$3,117.08
Tr. 7264	102	sfd	1.00	102.00	\$31.46	\$3,208.53
Tr. 7766	35	sfd	1.00	35.00	\$31.46	\$1,100.97
Tr. 7766	60	multifamily	0.50	30.00	\$15.73	\$943.69
Tr. 7767	76	multifamily	0.50	38.00	\$15.73	\$1,195.34
Subtotals	748			680.00		\$21,390.23
AREA III 2018-19 ASSESSMENT Total = \$10,282.78						
Subarea	# Units	Type	Factor	Ass. Units	18/19 Asses	Total
Tr. 7249	69	sfd	1.00	69.00	\$75.85	\$5,233.78
Tr. 7255	72	sfd	1.00	72.00	\$75.85	\$5,461.34
Subtotals	141			141.00		\$10,695.12
Grand Totals	1,484			1,275.00		\$42,780.46

OAKHURST GEOLOGICAL HAZARD ABATEMENT DISTRICT



LEGEND

DUETS



MULTIFAMILY



GHAD BOUNDARY



Gary Napper

From: Gary Napper
Sent: Wednesday, August 01, 2018 4:33 PM
To: 'Joseph Beaty'
Subject: Further Documentation that GHAD complies with Prop 218
Attachments: Attachments to GHAD Prop 218 compliance inquiry aug 2018.pdf

Dear Mr. Beaty,

Regarding your swift reply to City Attorney Subramanian's letter of yesterday wherein you seek further clarification from GHAD regarding its compliance with Prop 218, please note we both have expended significant time over a period of four (4) years attempting to resolve these same questions.

For the record, I have attached a host of GHAD documents which I will outline below as to importance in this discussion. It is likely you have received some of these in your prior quests:

Attachment 1: City Resolution No. 5-89, adopted in 1989, which officially formed the Oakhurst Geologic Hazard Abatement District (GHAD). It was not established in 1999, as you suggest below. [3 pp.]

Attachment 2: GHAD Resolution No. 3-90 which adopted the first GHAD Budget and with real property assessments. GHAD assessments were first levied in Fiscal Year 1990-91. The Method of Assessment, crafted by benefit assessment district attorneys, is noted and included in this packet. [8 pp.]

Historical Note: Prop 218 approved by California voters in 1997.

In 1999, in effort to ensure compliance of GHAD levies/assessments with the newly-enacted Prop 218, the GHAD Board of Directors generated several ballot attempts to GHAD voters that incorporated the financing of a \$1.6 million bond to fund GHAD hazard abatement improvements. The GHAD newsletter notes you included below, indeed verify that GHAD voters denied each time the two (2) balloted assessments. Later, in approximately July 1999, the GHAD Board rescinded the ballot election and no levies were ordered. That flurry of activity is now irrelevant.

Attachment 3: These are minutes of the GHAD public meeting held on April 18, 2000. This action records that a Prop 218 compliance vote for GHAD assessments, initiated in February 2000 by the GHAD Board, was approved by those property owners who voted, and a majority protest failed. As you have noted regarding "weighted votes", the votes in favor, both numerically and in assessed dollar amounts, were approved by voters. Because this levy action occurred too late in Fiscal Year 1999-2000 to levy the assessments via the County tax rolls for that fiscal year, GHAD sent out individual invoices to each property owner and payments were made to GHAD at Clayton City Hall.

Attachment 4: This is a Memo from the City Clerk at the time (Frances Douglas), which declared the outcome of the ballots cast at 4:45 pm on April 18, 2000, in advance of the public meeting held later that evening. The difference is likely a few more "No" votes were tendered at the actual meeting and the official vote tally noted in the minutes was the final outcome.

Attachment 5: Copy of the GHAD Ballot sent to each GHAD property owner in the Feb-April 2000 GHAD election. Please note the annual CPI adjustment was contained in the ballot language and approved by the majority of owners voting. This is the basis for the GHAD's annual adjustment in the levy rate, to which our City Attorney has already responded as to why such increase is exempted under Prop 218 requirements for ballot voting each year.

Attachment 6: In your response below to our City Attorney, you state your previous inquiries were not addressed at the GHAD's public meeting held on July 17, 2018. You will find this Attachment includes references to in the Staff Report and

a copy of Exhibit 1 contained in the Staff Report that evening which addressed your email inquiry. The GHAD Board of Directors and the public agenda packet had all of this material contained therein.

Attachment 7: I have included a copy of former City Engineer Rick Angrisani's reply to you, on July 1, 2014, that addressed many of the same questions you continue to raise 4 years later regarding GHAD's compliance with Prop 218.

The City of Clayton and the GHAD take seriously its responsibility to comply with state laws, at all times. I hope this additional information, coupled with Ms. Subramanian's reply yesterday, ultimately resolves the questions of whether GHAD's assessments, its balloting, its Method of Assessment and its financial expenditures to date fully comply with Prop 218.

Regards,

GARY A. NAPPER
City Manager
6000 Heritage Trail
Clayton, CA 94517-1250
925.673-7300
www.ci.clayton.ca.us



Dear Ms. Subramanian:

Thank you for your informative response.

I believe Proposition 218 was passed in 1996, and the Oakhurst Geological Hazard Abatement District (GHAD) was established in 1999 as a result of "El Nino" storms which damaged several areas in Oakhurst (hill subsidence). Assuming this information is correct (please advise if it is not), I do not understand why documents are not available to show Prop 218 compliance when the GHAD was established. I assume such documentation would include:

- The number of public hearing notices mailed to Oakhurst property owners (with enclosed ballots for property owners to voice their approval or disapproval). The Contra Costa tax assessor's office indicates there are approximately 1480 property owners in Oakhurst, so I assume that would have been the number of public hearing notices mailed out.
- The number of ballots returned by Oakhurst property owners.
- The ballot tabulation (approve/disapprove) conducted at the public hearing. (It appears that approximately 700 "approve" ballots would have been needed to pass the GHAD special tax assessment.)

The March 1999 Clayton GHAD Newsletter (see excerpt below) is the most troublesome to me (as a property owner affected by the GHAD special tax assessment).

March 1999: Clayton GHAD Newsletter for Oakhurst Residents: Announces results of 4 May assessment election to sell 25 year bonds and raise \$1.6 million to fund permanent restoration projects. The election, held 4 May, received approval by a 1 percent margin of the 90,000 votes cast out of a possible 160,000 votes; the assessment passed by 900 votes. Sixteen of the ballots cast by Oakhurst homeowners indicated incorrect assessments. Counting the ballots at their correct assessment amount actually reverses the results of the election by a final margin of 38 votes. Moreover, a portion of the Oakhurst residents who had purchased homes in the last year (and were not listed in the current assessor's role) failed to receive a ballot.»

Apparently the ballots were weighted on property values/assessments, not on a "one property-one vote" basis. The March 1999 Clayton GHAD Newsletter, identifies two discrepancies which should have affected the initial vote count for the GHAD special assessment tax:

- Some ballots were incorrectly weighted.
- Some Oakhurst property owners did not receive ballots.

The March 1999 Clayton GHAD newsletter states: "Counting the ballots at their correct assessment amount actually reverses the results of the election by a final margin of 38 votes."

I believe it would be helpful if you and the city engineer (GHAD Manager) conduct a records search to find documentation that the GHAD special tax assessment complies with Proposition 218. My 19 July 2018 email to you discussed my inability to find such documents in several visits to city hall. If no documentation can be found, determine if another public hearing and vote are needed.

Your 31 July 2018 email and letter response to me also did not address comments in my 19 July email that raised a question about the Prop 218 requirement for direct benefit of special assessments to all property owners affected by the GHAD special tax assessment. GHAD newsletters indicate that abatement (de-watering wells and grout injections in hillsides) and monitoring efforts (about \$41,000 to be paid to an engineering firm for this year) are only done in the Kelok Way and Pebble Beach areas, benefitting 44 property owners on each street. No monitoring has been or is being done in the Keller Ridge area. Contact with the GHAD engineering firm in previous years indicated that the Keller Ridge area was a "low risk" or "no risk" area and did not require abatement or monitoring efforts. This means that approximately 1480 Oakhurst property owners are paying for direct benefits received only by the 88 property owners on those streets. It would be helpful for the GHAD manager and/or city to provide a document (GHAD Newsletter?) that explains how a small minority receive direct benefits from the GHAD special assessment, and the vast majority do not receive any direct benefits, and how that complies with Prop 219.

Sincerely, Joe

Joe Beaty
110 Crow Pl
Clayton, CA 94517
(925) 693-0932
joseph.joelia@gmail.com

RESOLUTION NO. 5-89

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, ORDERING THE FORMATION OF THE OAKHURST GEOLOGICAL HAZARD ASSESSMENT DISTRICT

WHEREAS, the City Council adopted a resolution of intention to form a Geological Hazard Assessment District for a portion of the Oakhurst Country Club project, as described in the attached description of property (Exhibit A), and

WHEREAS, all owners of property within the area of the district to be assessed were given written notice by certified mail of the intent to form the district, and

WHEREAS, a public hearing was held at which the opportunity for objections and comments on the proposed formations was given, and

WHEREAS, no objections were made as to the formation of the district, and

WHEREAS, the City Council finds that the formation of the Oakhurst Geological Hazard Assessment District is in the interest of the public health, safety and welfare,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby orders the formation of the Oakhurst Geological Hazard Assessment District.

BE IT FURTHER RESOLVED, that the City Council hereby appoints itself to act as the initial board of directors for a term of four years, after which the Board of Directors shall be elected as provided by Public Resources Code §26583.

BE IT FURTHER RESOLVED, that the City Council intends that the assessments for lots in the district not commence until after occupancy permits have been issued for those dwelling units.

CITY COUNCIL VOTES:

AYES: Councilmembers Kendall, Manning, Musto, Vice Mayor Hawes and Mayor Hall

NOES: None.

Ruth A. Scott
Certification by the City Clerk

2-1-89

DESCRIPTION

OAKHURST COUNTRY CLUB GEOLOGIC HAZARD ABATEMENT DISTRICT.

A PARCEL OF LAND THAT IS SITUATE IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA BEING A PORTION OF SUBDIVISION 6990 OAKHURST COUNTRY CLUB AS RECORDED IN BOOK 328 OF MAPS AT PAGES 21-58, CONTRA COSTA COUNTY RECORDS, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 4 AS SHOWN ON SAID MAP OF SUBDIVISION 6990; THENCE NORTH $03^{\circ}59'41''$ WEST 156.48 FEET; THENCE NORTH $00^{\circ}38'47''$ EAST 110.22 FEET; THENCE NORTH $05^{\circ}43'00''$ WEST 61.16 FEET; THENCE NORTH $13^{\circ}31'54''$ WEST 86.64 FEET TO THE WESTERN BOUNDARY OF SUBDIVISION 6990; THENCE NORTH $00^{\circ}36'03''$ EAST 241.00 FEET; THENCE NORTH $44^{\circ}08'38''$ EAST 13.06 FEET; THENCE NORTH $11^{\circ}01'25''$ EAST 60.79 FEET; THENCE NORTH $04^{\circ}09'10''$ WEST 60.32 FEET; THENCE NORTH $16^{\circ}20'57''$ WEST 51.44 FEET; THENCE NORTH $00^{\circ}36'03''$ EAST 405.48 FEET; THENCE NORTH $01^{\circ}14'57''$ EAST 28.35 FEET; THENCE NORTH $72^{\circ}33'32''$ EAST 556.81 FEET; THENCE NORTH $65^{\circ}05'40''$ EAST 94.38 FEET; THENCE NORTH $52^{\circ}05'40''$ EAST 4.81 FEET; THENCE SOUTH $23^{\circ}19'00''$ EAST 109.92 FEET; THENCE NORTH $66^{\circ}41'00''$ EAST 30.42 FEET; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 425.00 FEET, THROUGH A CENTRAL ANGLE OF $31^{\circ}19'17''$, A DISTANCE OF 232.33 FEET; THENCE SOUTH $81^{\circ}59'43''$ EAST 325.01 FEET; THENCE SOUTH $08^{\circ}00'17''$ WEST 53.00 FEET TO A POINT OF NON-TANGENCY; THENCE WESTERLY ALONG THE ARC OF CURVE TO THE LEFT, THE CENTER POINT OF WHICH BEARS SOUTH $08^{\circ}00'17''$ WEST, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF $90^{\circ}00'00''$, A DISTANCE OF 31.42 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 223.02 FEET, THROUGH A CENTRAL ANGLE OF $09^{\circ}41'02''$, A DISTANCE OF 37.69 FEET; THENCE SOUTH $17^{\circ}41'19''$ WEST 205.22 FEET, THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 300.03 FEET, THROUGH A CENTRAL ANGLE OF $25^{\circ}05'12''$, A DISTANCE OF 131.37 FEET; THENCE SOUTH $07^{\circ}23'53''$ EAST 194.22 FEET; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 723.07 FEET, THROUGH A CENTRAL ANGLE OF $39^{\circ}55'34''$, A DISTANCE OF 503.87 FEET; THENCE SOUTH $32^{\circ}31'40''$ WEST 146.41 FEET; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 45.00 FEET, THROUGH A CENTRAL ANGLE OF $45^{\circ}34'23''$, A DISTANCE OF 35.79 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 45.00 FEET, THROUGH A CENTRAL ANGLE OF $190^{\circ}06'32''$, A DISTANCE OF 149.33 FEET; THENCE NORTH $49^{\circ}26'29''$ WEST 88.61 FEET; THENCE NORTH $35^{\circ}35'00''$ WEST 92.01 FEET; THENCE NORTH $13^{\circ}49'30''$ WEST 479.69 FEET; THENCE NORTH $10^{\circ}19'35''$ EAST 102.92 FEET; THENCE NORTH $34^{\circ}14'00''$ EAST 104.07 FEET; THENCE NORTH $63^{\circ}15'30''$ EAST 98.38 FEET; THENCE NORTH $75^{\circ}38'30''$ EAST 48.02 FEET; THENCE NORTH $14^{\circ}30'00''$ EAST 275.76 FEET; THENCE NORTH $81^{\circ}46'18''$ EAST 64.23 FEET; THENCE NORTH $35^{\circ}05'04''$ EAST 157.29 FEET; THENCE NORTH $81^{\circ}59'43''$ WEST 163.27 FEET;

DESCRIPTION

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 400.00 FEET, THROUGH A CENTRAL ANGLE OF 31°19'17", A DISTANCE OF 218.66 FEET; THENCE SOUTH 66°41'00" WEST 147.99 FEET; THENCE SOUTH 23°19'00" EAST 80.00 FEET; THENCE SOUTH 28°00'00" WEST 32.00 FEET; THENCE SOUTH 65°35'30" WEST 303.05 FEET; THENCE SOUTH 29°44'00" WEST 49.51 FEET; THENCE SOUTH 06°04'40" WEST 58.17 FEET; THENCE SOUTH 01°46'00" WEST 359.38 FEET; THENCE SOUTH 01°48'30" EAST 58.50 FEET; THENCE SOUTH 14°18'25" EAST 60.39 FEET; THENCE SOUTH 24°05'10" EAST 59.62 FEET; THENCE SOUTH 34°03'40" EAST 64.30 FEET; THENCE SOUTH 37°27'00" EAST 71.15 FEET; THENCE SOUTH 27°37'45" EAST 72.95 FEET; THENCE SOUTH 20°03'55" EAST 72.95 FEET; THENCE SOUTH 12°22'30" EAST 75.39 FEET; THENCE SOUTH 04°33'25" EAST 75.41 FEET; THENCE SOUTH 89°21'10" WEST 103.00 FEET; THENCE NORTH 82°45'42" WEST 72.19 FEET; THENCE SOUTH 49°29'56" WEST 51.08 FEET; THENCE SOUTH 85°25'10" WEST 95.34 FEET; THENCE NORTH 87°01'00" WEST 125.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 22.11 ACRES MORE OR LESS.

A RESOLUTION OF INTENTION OF THE BOARD OF DIRECTORS OF THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT TO ORDER ASSESSMENTS AGAINST PROPERTY BENEFITTED BY THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT IMPROVEMENTS PURSUANT TO PUBLIC RESOURCES CODE, SECTION 26650 ET SEQ.

WHEREAS, the Clayton City Council has ordered the formation of the Oakhurst Geologic Hazard Abatement District; and

WHEREAS, the City Council has appointed itself as the initial Board of Directors; and

WHEREAS, the District is making specified improvements, undertaking preventive work and inspections, for the purpose of protection from geological hazards, and may need to carry out repairs of geological hazards; and

WHEREAS, the District Manager has filed a report with the District Board of Directors of the yearly estimated budget, the proposed estimated assessments to be levied against each parcel or property within the District, and a description of the method used in formulating the assessments;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby accepts the Manager's report and intends to order the improvements described in the Manager's report be performed and that the costs and expenses of maintaining and operating those improvements be assessed against the property within the District, and that a public hearing of protests on the proposed assessments will be held on August 7, 1990, at 7:30 p.m. at Clayton Community Hall, at the corner of Oak Street and Center Street, Clayton, California, and that the Clerk of the District is hereby directed to mail notice of the hearing to all owners of real property who reside within the boundaries of the District, by first class mail, no later than July 20, 1990.

Adopted by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a meeting of said District held on July 17, 1990 by the following vote:

AYES: BOARDMEMBERS HALL, MANNING, MUSTO, VICE CHAIR HAWES, CHAIRMAN KENDALL.

NOES: NONE

ABSENT: NONE

ATTEST:

Ruth A. Scott
Clerk

R. C. Kendall
Chairperson

I hereby certify that the foregoing resolution was duly and regularly passed by the Board of Directors of the Oakhurst Geologic Hazard Abatement District at a meeting held on July 17, 1990.

Ruth A. Scott
Clerk

**NOTICE OF PUBLIC HEARING ON THE LEVYING OF ASSESSMENTS ON PROPERTY
IN THE OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT PURSUANT TO
PUBLIC RESOURCES CODE SECTION 26550 ET SEQ.**

On July 17, 1990, the Board of Directors of the Oakhurst Geological Hazard Abatement District approved GHAD Resolution No. 3-90 accepting the Manager's Report with its proposed budget of \$21,625.00 for the maintenance and operations of the improvements, stating its intention to levy assessments on property located within the District and ordering a public hearing on the proposed assessments.

On August 7, 1990, at 7:30 p.m., the Board of Directors will hold a public hearing on the proposed budget and assessments for fiscal year 1990-91. The hearing will be held at the Clayton Community Hall, at the corner of Oak Street and Center Street, Clayton, California.

Details on the proposed assessments, and a copy of the Manager's Report for the District, may be obtained from the District Manager at City Hall, 1005 Oak Street, Clayton, California, telephone (415) 672-9700. A copy of the Manager's Report is available at cost.

Objections by owners of property within the District or comments on the proposed assessments may be mailed or delivered to the District Manager at 1005 Oak Street, P.O. Box 280, Clayton, CA 94517, before or at the hearing.

STAFF REPORT

DATE: JUNE 4, 1990
TO: BOARD OF DIRECTORS
FROM: CITY ENGINEER
RE: FISCAL YEAR 1990-91 - PROPOSED BUDGET

This fiscal year marks the first year assessments are to be levied in the Oakhurst Geologic Hazard Abatement District.

The District currently includes the 92 residential lots from Tract 6990 and the 109 lots from Tract 7065 (108 residential). The Plan of Control requires the District to be responsible for the repair of landslides and erosion that extend across or into open space and/or at least two residential lots.

The Plan of Control requires periodic inspections by the engineer and/or the geologist retained by the GHAD. These inspections include the following:

1. Visual inspection of the concrete surface drainage ditches twice a year (fall and spring) for siltation, cracks and breaks.
2. Inspection of the outlets of all subsurface drains including measurement of the flow rate of water emerging from the outlets. Inspections to be made in fall, spring and other times as necessary.
3. Measure the level of groundwater in the piezometers and the horizontal position of the slope inclinometers on a quarterly basis.
4. Inspection by a geologist of the District's lands and facilities on an annual basis in the spring. Within four weeks on this annual inspection, the geologist shall submit a written report.

This first year, the reporting requirements will be rather simple since there are few maintenance facilities within the existing area of the GHAD.

Any repairs required by the coming year's inspection will be performed by the GHAD utilizing, if necessary, a \$200,000 line of credit established by Presley for the GHAD. This line of credit is to eventually be replaced by the GHAD's reserve account. In fact, most of the assessments collected for the first few years will go to build up this reserve. The present goal for the reserve is \$200,000 though this goal may

be revised in the future if recommended by the District's geologists.

The costs for managing the District will be invoiced on a time and material basis per the Manager's employment contract. Following is the recommended assessment and budget for the GHAD for FY 1990-91 (see Exhibit A for the method of assessment):

INCOME

Assessments (at \$125 per assessment unit)	\$ 21,625.00
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EXPENSES

District Management (including County charges)	\$ 5,000.00
--	-------------

Inspection and Report	5,000.00
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Deposit in Reserves	<u>11,625.00</u>
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TOTAL EXPENSES	<u><u>\$ 21,625.00</u></u>
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EXHIBIT A

OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT

METHOD OF ASSESSMENT

A geologic hazard abatement district is essentially a benefit assessment district. Therefore, the assessments must be apportioned to individual parcels according to the benefit received.

Based upon discussions with the City's consultant, Randy Leptien of Leptien, Cronin & Cooper, the various areas and types of development in Oakhurst require that the assessments be broken down by area as well as type of unit. The areas have been broken down to reflect, as much as possible, units with an equal amount of risk and benefit.

The total development has been divided into three areas for assessment:

- Area 1 Lower 6000's, Duets, and lower Townhouses
- Area 2 Upper 6000's, lower and upper 8,000's, upper Townhouses
- Area 3 10000's

After reviewing the needs of each area and the benefits of the District to each area, we have assigned each area the following share of the District's costs (including reserves);

Area 1	25%
Area 2	50%
Area 3	25%

As will be noted, the number of units in each area is not considered a factor and the amount of assessment per unit will vary greatly from area to area. Since we have different types of housing mixed in Areas 1 and 2, we have assigned different assessment units to each type of housing as follows:

Single Family (regardless of size)	1.00
Duets	0.75
Townhouse	0.50

Each year's assessment will consist of two parts. The first will be for the actual estimated costs of the District for the coming year. The second part will be for the buildup of the reserves. Once the reserves have reached the level the Board of Directors have designated,

that portion of the assessment will cease until it is necessary to rebuild the reserves or fund repair work.

FY 1990-91

The District, in this first fiscal year, consists only of 92 single family homes (lower 6000's) and 108 duets. These units are all in Area 1. The cost of running the District (management and inspections) is not expected to exceed \$10,000. Area 1's share of the reserves is \$50,000 (25% of \$200,000). We have set the assessment at \$125 per assessment unit in order to build up this area's portion of the reserves within three or four years.

Based upon the assessment units assigned above, the amount of the assessment per housing unit and the total income for the District for FY 1990-91 is as follows:

<u>TYPE</u>	<u>ASS. UNIT</u>	<u>ASS./LOT</u>	<u>TOTAL ASS.</u>
Single Family (92)	1.00	\$125.00	\$11,500.00
Duets (108)	0.75	\$ 93.75	<u>\$10,125.00</u>
	TOTAL DISTRICT INCOME		<u>\$21,625.00</u>

This first year's assessment broken down between the costs of the District and the reserves is as follows:

<u>TYPE</u>	<u>COSTS</u>	<u>RESERVES</u>	<u>TOTAL</u>
Single Family	\$57.80	\$67.20	\$125.00
Duets	\$43.35	\$50.40	\$ 93.75

GHAD

LIST OF ASSESSMENT AT \$125.00 EACH - TRACT 6990

118-381-001-7	118-391-019-7
118-381-002-5	118-391-020-5
118-381-003-3	118-391-021-3
118-381-004-1	118-391-022-1
118-381-005-8	118-391-023-9
118-381-006-6	118-391-024-7
118-381-007-4	118-392-001-4
118-381-008-2	118-392-002-2
118-381-009-0	118-392-003-0
118-381-010-8	118-392-004-8
118-381-011-6	118-392-005-5
118-381-012-4	118-392-006-3
118-381-013-2	118-392-007-1
118-381-014-0	118-392-008-9
118-381-015-7	118-392-009-7
118-381-016-5	118-392-010-5
118-381-017-3	118-392-011-3
118-381-018-1	118-392-012-1
118-381-019-9	118-392-013-9
118-381-020-7	118-392-014-7
118-381-021-5	118-392-015-4
118-381-022-3	118-392-016-2
118-381-023-1	118-382-001-6
118-381-024-9	118-382-002-4
118-381-025-6	118-382-003-2
118-381-026-4	118-382-004-0
118-381-027-2	118-382-005-7
118-381-028-0	118-382-006-5
118-381-029-8	118-382-007-3
118-381-030-6	118-382-008-1
118-391-001-5	118-382-009-9
118-391-002-3	118-382-010-7
118-391-003-1	118-382-011-5
118-391-004-9	118-382-012-3
118-391-005-6	118-382-013-1
118-391-006-4	118-382-014-9
118-391-007-2	118-382-015-6
118-391-008-0	118-382-016-4
118-391-009-8	118-382-017-2
118-391-010-6	118-382-018-0
118-391-011-4	118-382-019-8
118-391-012-2	118-382-020-6
118-391-013-0	118-382-021-4
118-391-014-8	118-382-022-2
118-391-015-5	
118-391-016-3	
118-391-017-1	
118-391-018-9	

GHAD

LIST OF ASSESSMENTS AT \$93.75 EACH - TRACT 7065

118-401-001-3	118-402-008-7	118-402-058-2
118-401-002-1	118-402-009-5	118-402-059-0
118-401-003-9	118-402-010-3	118-402-060-8
118-401-004-7	118-402-011-1	118-402-061-6
118-401-005-4	118-402-012-9	118-402-062-4
118-401-006-2	118-402-013-7	118-402-063-2
118-401-007-0	118-402-014-5	118-402-064-0
118-401-008-8	118-402-015-2	118-402-065-7
118-401-009-6	118-402-016-0	118-402-066-5
118-401-010-4	118-402-017-8	
118-401-011-2	118-402-018-6	
118-401-012-0	118-402-019-4	
118-401-013-8	118-402-020-2	
118-401-014-6	118-402-021-0	
118-401-015-3	118-402-022-8	
118-401-016-1	118-402-023-6	
118-401-017-9	118-402-024-4	
118-401-018-7	118-402-025-1	
118-401-019-5	118-402-026-9	
118-401-020-3	118-402-027-7	
118-401-021-1	118-402-028-5	
118-401-022-9	118-402-029-3	
118-401-023-7	118-402-030-1	
118-401-024-5	118-402-031-9	
118-401-025-2	118-402-032-7	
118-401-026-6	118-402-033-5	
118-401-027-8	118-402-034-3	
118-401-028-6	118-402-035-0	
118-401-029-4	118-402-036-8	
118-401-030-2	118-402-037-6	
118-401-031-0	118-402-038-4	
118-401-032-8	118-402-039-2	
118-401-033-6	118-402-040-0	
118-401-034-4	118-402-041-8	
118-401-035-1	118-402-042-6	
118-401-036-9	118-402-043-4	
118-401-037-7	118-402-044-2	
118-401-038-3	118-402-045-9	
118-401-039-3	118-402-046-7	
118-401-040-1	118-402-048-3	
118-401-041-9	118-402-049-1	
118-401-042-7	118-402-050-9	
118-402-001-2	118-402-051-7	
118-402-002-0	118-402-052-5	
118-402-003-8	118-402-053-3	
118-402-004-6	118-402-054-1	
118-402-005-3	118-402-055-8	
118-402-006-1	118-402-056-6	
118-402-007-9	118-402-057-4	

ATTACHMENT 4**City Council Minutes of April 18, 2000**

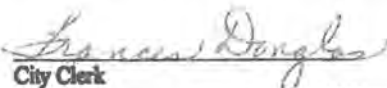
received a letter from Glenn Miller asking that Council consider sending this item back to the Planning Commission to move the sidewalk wholly onto the Post Office property, preserving Morris Street for future development.

Action: Motion to adopt Res. 14-2000. (Manning/Littorno 3-0)

8. COUNCIL/STAFF COMMENTS

Vice Mayor Pierce and the rest of the Council Members present were concerned about the request to the County by several large companies for reduced property taxes. Staff was directed to write a letter to the Board of Equalization opposing this request; send copies to legislative representatives; ask County to hire personnel to evaluate the property.

ADJOURN - at 8:35 p.m. to reconvene immediately as a Redevelopment Agency.


City Clerk


Mayor

REDEVELOPMENT AGENCY AGENDA

CALL TO ORDER - by Chair Manning
Agency Members Laurence and Peterson absent.

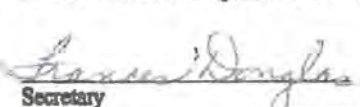
1. CONSENT CALENDAR - Motion to approve (Littorno/Pierce 3-0).

- a. Approval - of Minutes of April 4, 2000. Recommended by the Secretary.
Action: Approve the Minutes.

2. ACTION ITEMS

- a. Consider - approving an apparent low bidder, RGM & Associates, for the Endeavor Hall Reconstruction Project. Report from the City Manager.
Action: Motion to approve RGM & Associates as the low bidder for the Endeavor Hall Project at a cost of \$1,045,700. (Pierce/Littorno 3-0)

ADJOURN - at 8:38 p.m. to reconvene immediately as a GHAD Board.


Secretary


Chair

GEOLOGIC HAZARD ABATEMENT DISTRICT MEETING

RECONVENE GHAD MEETING - by Chair Littorno

2. CONSENT CALENDAR - Motion to approve (Pierce/Manning 3-0)

- a. Approval - of Minutes of February 15, 2000. Recommended by the Secretary.
Recommended Action: Approve the Minutes.

3. PUBLIC HEARING

- a. Consider - adoption of Res. 2000-4 DETERMINING LACK OF MAJORITY PROTEST, ORDERING IMPROVEMENTS, AND CONFIRMING ASSESSMENTS FOR FISCAL YEAR 1999-2000. Report from the District Manager. The City Clerk reported yes votes totaled \$5437.63; no votes totaled \$4664.97. The Public Hearing was opened and closed with no public comment.
Action: Motion to adopt Res. 2000-4. (Pierce/Manning 3-0) Invoices and an informational newsletter will be sent out to property owners by Staff for this year's

City Council Minutes of April 18, 2000

assessments.

ADJOURNMENT - at 8:40 p.m.


Secretary


Chair

MEMORANDUM

DATE: April 18, 2000
TO: GHAD Board
City Manager
GHAD District Manager
FROM: Frances Douglas
SUBJECT: GHAD Ballot Count

The ballot count for the GHAD Assessment for 1999-2000 as of 4:45 p.m. today is:

308 Yes votes for a total of \$5437.63

295 No votes for a total of \$4606.87

603 Total votes - out of 1484 ballots mailed out

OFFICIAL BALLOT
OAKHURST GEOLOGIC HAZARD ABATEMENT DISTRICT

Assessor's parcel number

Name

Address

Proposed:

The Annual Assessment for this parcel, beginning in 1999-00 fiscal year, shall be: \$xxx.xx
Increases in future annual assessments may not exceed the annual increase in the Bay
Area Consumer Price Index.

Instructions For Completing and Delivering This Ballot

- To express your view on the proposed assessment, check the square before the word "YES" or "NO", then sign and date the ballot.
- After completing your ballot, mail or deliver this entire ballot to the clerk of the City of Clayton at 6000 Heritage Trail, Clayton.
- Ballots may be sent or delivered to the clerk at any time, but MUST be received not later than the conclusion of the public hearing on the proposed assessment set for Tuesday, April 18, 2000, at 7:00 p.m., at the Clayton Community Library Meeting Room, 6125 Clayton road, Clayton.

PLEASE EXPRESS YOUR VIEW BY MARKING AND SIGNING BELOW

<p><input type="checkbox"/> Yes, I approve the proposed assessment described above for the parcel identified in this ballot.</p> <p><input type="checkbox"/> No, I do not approve the proposed assessment described above for the parcel identified in this ballot.</p> <p>I hereby declare under penalty of perjury that I am a record owner of the parcel listed above.</p> <p>_____ Signature of Record Owner</p> <p>_____ Date</p>
--



GHAD STAFF REPORT

TO: HONORABLE CHAIRPERSON AND BOARD MEMBERS

FROM: SCOTT D. ALMAN, P.E., DISTRICT GENERAL MANAGER

DATE: JULY 17, 2018

SUBJECT: RESOLUTION ORDERING IMPROVEMENTS AND CONFIRMING REAL PROPERTY ASSESSMENTS FOR FY 2018-19

RECOMMENDATION

The General Manager recommends the GHAD Board of Directors open the public hearing, receive real property owners' comments on the 2018-19 GHAD Budget and proposed annual 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 the 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. The ballot measure further included an annual adjustment to allow the District's budget and finances to keep pace with the economic inflation 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 2017 and April of 2018 (the sampling period approved by the ballot measure) is +3.22%.

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 will require an affirmative vote of

the homeowners within the District boundaries. So long as the District maintains the 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 the public hearing is to accept and consider input on whether the annual CPI adjustment should be applied to this fiscal year's GHAD assessments.

At the District's June 19th regular meeting, the Board of Director's took action to approve the FY 2018-19 District budget, set July 17th as the date for the public hearing regarding the FY 2018-19 annual assessments and ordered the notice of the public hearing to be distributed to all homeowners within the GHAD boundaries. On July 5th, 2018 1,594 public notices were mailed to the GHAD homeowners via U.S. Mail.

INQUIRIES RECEIVED FOLLOWING PUBLIC NOTICE

Mr. Joe Beaty sent an email inquiry (attached) to the Mayor, copying the GHAD General Manager, asking several questions about the GHAD. Answers to Mr. Beaty's questions are attached as Exhibit 1.

The General Manager received one phone inquiry regarding the geological monitoring work that is accomplished by the GHAD and location of the monitoring equipment and the frequency of the monitoring work.

No objections to the FY 2018-19 annual assessments or its annual CPI adjustment have been received as of the writing of this staff report.

FISCAL IMPACT

The proposed FY 2018-19 GHAD Budget shows total expenditures of \$76,470.00 against a beginning balance of \$35,205 and annual revenue (assessment plus interest earned) of \$41,300. Proposed expenditures include all operating costs for the District as well as approximately \$51,000 of project expenditures that include 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. The replacement inclinometer will be installed in the same area and will allow readings at depths of 52 feet and greater to be taken. The budgeted installation cost of this inclinometer is \$35,800.00 including a 10% contingency and project management costs.

A second inclinometer needs to be replaced in the Pebble Beach Drive area and the budgeted installation cost for that is \$46,800 including contingency and project management. The cost of the Pebble Beach Drive inclinometer is considerably higher due to the difficult access to the installation site.

Based on the District's constrained budgetary circumstance, the installation of the new inclinometer at Pebble Beach Drive will have to be postponed until adequate funds have been accumulated to pay for that capital project.

If this Resolution is not approved, the Oakhurst Geological Hazard Abatement District (GHAD) will not collect any assessments for FY 2018-2019. Without these assessments the District has no other source of revenues and will be reliant solely upon the current \$35,205.00 balance of funds in the GHAD account as of July 1st. If this occurs, the installation of inclinometers at both Kelok Way and Pebble Beach Drive will be delayed indefinitely as there will not be sufficient monies to fund either project.

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 2018-19.

Attachments: Resolution No. 02-2018 confirming Assessments [3 pp.]
Notice of Assessment mailed [2 pp.]
FY 2018-2019 Budget Report [6 pp.]
Exhibit 1 – General Manager's responses to Mr. Beaty's inquiries [2 pp.]
Mr. Beaty's email inquiry [3 pp.]

DISTRICT GENERAL MANAGER RESPONSES

July 17, 2018

The General Manager received one phone inquiry regarding the geological monitoring work that is accomplished by the GHAD, the location of the monitoring equipment and the frequency of the monitoring work.

No objections to the 2018-19 annual assessment or the annual CPI adjustment have been received as of the writing of this staff report.

Answers to Mr. Beaty's questions are as follows:

1. \$15,261.26 was spent for GHAD abatement in FY 2017-18.
2. The application of the allowed 3.22% CPI-U adjustment for FY2018-19 amounts to a total of \$1,283.11.
3. A "standard of insurance" theory does not apply here. The GHAD is not an insurance policy – it is a special district designed to monitor and abate geological hazards, within its constrained resources (revenues). It differs from an insurance policy in that should a house slide due to geological movement, the GHAD will not pay the homeowner's losses like an insurance policy would. The assessment is spread over the entire district much like the special district for The Grove Park. Not everyone lives right next to the park or may actually use or need the public park, but Grove Park also benefits all property values as a public amenity. GHAD is similar – not everyone lives right next to a geological movement but should the movement occur as a localized disaster, its impacts could be felt structurally, on adjacent public infrastructure used by District property owners, and at minimum could negatively impact property values of the entire Oakhurst area.
4. The "City of Clayton" has not expended any funds for the monitoring of the Oakhurst GHAD. The GHAD has expended funds, per the annual budget, to monitor the Kelok area as well as the Pebble Beach area. In addition, funds have been spent on maintaining concrete V-ditches and other elements of the public improvements for the GHAD, and transfers nominal monies to the City for its administrative expenses incurred on behalf of the GHAD.
5.
 - a. The cost of geological monitoring is: \$5,800.00 for Kelok Way, and \$3,700.00 for Pebble Beach Drive. This monitoring can be done on an annual or semi-annual basis. The total annual cost for monitoring on an annual basis is \$9,500.00. On a semi-annual basis the total annual monitoring cost is \$19,000. These costs are constant through 2020. In 2021 Kelok Way increases to \$5,900.00 and Pebble Beach Drive increases to \$3,800.00. In 2022, costs increase to \$6,000.00 and \$3,800.00, respectively.

EXHIBIT 1

b. No. This annual adjustment is 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 adjustment in the CPI-U for this region between April of 2017 and April of 2018 (the sampling period approved by the ballot measure) is +3.22%, which constitutes the annual increase since last CPI application to the assessments.

c. No. The consultant that provided the monitoring services for the Kelok Way area resigned suddenly prior to performing the work in 2017. New contracting laws that went into effect in January 2018 delayed the District's ability to contract with the replacement consultant prior to that January. Since the monitoring work does not take place during the rainy season, contracting for the Kelok Way area was completed in the first quarter of 2018 with the expectation of the first monitoring work being accomplished in summer 2018. The current contract can be extended, at the District's sole discretion through the year 2022 as noted in 5a, above.

d. The debris basin does not require any geological monitoring or abatement. The debris basin is simply a basin in the path of flow for stormwater run-off to capture debris flows should heavy run-off cause one to occur. These basins are inspected regularly and maintained (cleaned-out) as needed by City maintenance personnel.

e. Debris basins in other locations within the GHAD are inspected and maintained as described in 5.d. above.

#

Gary Napper

From: Joseph Beaty <joseph.joella@gmail.com>
Sent: Monday, July 09, 2018 10:09 AM
To: City Engineer
Subject: Fwd: GHAD Assessment

Joe & Lia Beaty
110 Crow Pl
Clayton, CA 94517
(925) 693-0932
joseph.joella@gmail.com

----- Forwarded message -----

From: Joseph Beaty <joseph.joella@gmail.com>
Date: Mon, Jul 9, 2018 at 9:46 AM
Subject: GHAD Assessment
To: Keith Haydon <khaydon@ci.clayton.ca.us>, cityengineer@clayton.ca.us

Mr. Mayor:

Reference: Notice of Public Hearing on the Levying of Assessments on Real Property in the Oakhurst Geological Hazard Abatement District Pursuant to Public Resources Code Section 26652 (mailed to Oakhurst subdivision property owners by the City of Clayton on 5 July 2018). It would be helpful to provide the following information at the 17 July GHAD special assessment meeting:

1. How much has actually been spent for GHAD abatement and monitoring in the FY17-18 budget? (Proposition 218, Section 6(1) states that "...Revenues derived from the fee or charge shall not exceed the funds required to provide the property related service.")
2. What is the projected increase in money to be raised by the increased GHAD assessment? Information obtained from the Contra Costa Tax Assessor indicates the following amounts of money were collected over the period 2011/2012 to 2016/2017 from Oakhurst subdivision property

owners for the GHAD special assessment. The \$41,131.11 budget is about \$3000 higher than the \$38,398.86 raised from the GHAD special assessment in 2016/2017. What is this increase based on?

201

1/2012:

\$33,972.48

2012/2013:	\$34,685.34
2013/2014:	\$35,521.53
2014/2015:	\$36,522.94
2015/2016:	\$37,386.86
2016/2017:	\$38,398.86

3. Discussion with neighbors indicates they believe only homeowners in the Pebble Beach and Kelok Way areas receive benefits (inclinometer readings and de-watering wells) from the GHAD special tax assessment, and that no abatement or monitoring efforts are done in the Keller Ridge areas. Pebble Beach and Kelok Way homeowners represent only a small portion of the 1400 Oakhurst homeowners. Keller Ridge homeowners appear justified when they ask why isn't the "standard insurance method" applied, i.e., homeowners in flood zones or subsidence/earthquake areas buy flood or earthquake insurance to cover these risks. They don't expect people who don't live in such "risk" areas to pay for insurance for their homes. Information disseminated at GHAD public hearings in past years indicates that GHAD assessments in the past have indicated "no risk" or "low risk" for Keller Ridge homes.

4. Has the City of Clayton expended money only for periodic monitoring of Kelok Way/Pebble Beach abatement devices (e.g., inclinometers installed to monitor earth movement, inspections of de-watering wells), or for additional abatement efforts in other areas

5. If only for periodic monitoring (done by an engineering company), what is the annual cost of such monitoring? Is the special tax assessment increase based on increased costs charged by the

engineering company? Is the contract for annual reading of the GHAD monitoring devices (e.g., inclinometers) competed, and if not, why not? City records show a debris basin at the end of Crow Place, but there appears to be no evidence of monitoring or abatement. City documents also identify debris basins at other places in Oakhurst, but no abatement or monitoring.

Joe

Joe & Lia Beaty

110 Crow Pl

Clayton, CA 94517

(925) 693-0932

joseph.joelia@gmail.com

Joe & Lia Beaty

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Clayton, CA 94517

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Attachment 8

Computer > CityStaff (\\CLAYTONSERVER) (Z:) > JBrown > GHAD > Joe Beatty

File Edit View Tools Help

Organize ▾ New folder

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Desktop

Downloads

Dropbox

Recent Places

Name

Date modified

Type

Response to Joseph Beatty 7-1-14.pdf

7/15/2014 2:25 PM

Adobe Acrobat

Response to Joseph Beaty re: GHAD Assessments

When the Oakhurst Country Club Development ("Project") was being considered by the Planning Commission and the City Council, all parties were aware that there were numerous geological hazards (landslides, expansive soils, soil movement, etc.) that, even after being addressed and mitigated by the developer, had the potential to cause problems in the future in any area of the Oakhurst Development.

To protect the existing residents of Clayton from having to pay for its maintenance and repairs that would only occur and be triggered by allowing construction of private homes proposed by the Project, the developer was required to establish the Oakhurst Geological Hazard Abatement District ("District") which encompassed only the residential lots in the Project. The purpose of the District was and is to provide a funding mechanism for any required maintenance or repair work within the District through the imposition of annual assessments on all of the residential properties within the District.

For the establishment of the original per lot assessment amounts, the District was divided into three areas based upon an evaluation of the potential problems in each area. Area 1 included the single family lots to the west of Seeno's hill, as well as the duet and townhouse units on the south side of Oakhurst Drive. Area 2 included all of the lots off of Keller Ridge Drive and Miwok Way. Area 3 included all of the lots in the Peacock Creek area. The assessment amounts started at \$125/lot to cover the ongoing maintenance costs and to build a reserve account for any major repairs required. As the reserve goals were met, the annual assessments were decreased upon the assumption they could be increased again if needed.

However, the subsequent statewide passage of Proposition 218 prohibited increasing the assessments without affirmative vote of the property owners. While several attempts thereafter to increase the assessments to resolve geological issues that started to appear, the District was unable to garner enough approval votes. A typical perspective by Oakhurst voters/property owners was, "I am not directly affected by any problems at this time, so I don't want to pay to help those owners having problems." Now the District finds itself unable to raise enough money to handle more than the most routine duties and skeletal operations to keep the District in existence should it be a useful resource for future geological-caused renovations desired by the private property owners.

Mr. Beaty's comments reflect the same stance the District has dealt with over the years. As mentioned, the District was separated into three zones with the full knowledge that not every lot in each zone had the same level of risk. The establishment of a Benefit Assessment District does not expect each dollar paid by each lot in the District will only be spent on items that directly affect that particular lot. Following Mr. Beaty's line of thought, the Oakhurst Geological Hazard Abatement Assessment District (GHAD) would necessitate 1,482 different zones and unique assessments. Although Mr. Beaty sees no benefit from paying into the GHAD, in reality this Project would not have been approved by the City and his private house would not have been built without the formation and existence of the GHAD. Additionally, although Crow Place may not immediately need maintenance and geological hazard improvements, these parcels still receive a special benefit from the assessment since GHAD funds can be used to protect and preserve Crow Place if and when geologic instability results. Geological instabilities and hazards know no bounds or property lines.

Rick Angrisani
District Manager, GHAD



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Malathy Subramanian
(925) 977-3303
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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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



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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