



# **AGENDA**

## **REGULAR MEETING**

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## **CLAYTON CITY COUNCIL**

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**TUESDAY, October 4, 2022**

**7:00 P.M.**

### **\*\*\* NOTICE \*\*\***

*Members of the public will be able to participate either in-person at  
Hoyer Hall, Clayton Community Library  
6125 Clayton Road, Clayton, CA 94517  
or  
remotely via Zoom.*

**Mayor:** Peter Cloven  
**Vice Mayor:** Holly Tillman

#### **Council Members**

Jim Diaz  
Jeff Wan  
Carl Wolfe

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review on the City's website at [www.claytonca.gov](http://www.claytonca.gov)
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at [www.claytonca.gov](http://www.claytonca.gov)
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda is available for review on the City's website at [www.claytonca.gov](http://www.claytonca.gov)
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7300.

## Instructions for Virtual City Council Meeting – October 4

Tonight's meeting will be available to the public both in-person and remotely via Zoom. As a courtesy, and technology permitting, members of the public may continue to provide live remote oral comment via the Zoom video conferencing platform. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time.

To follow or participate in the meeting:

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

[https://us02web.zoom.us/webinar/register/WN\\_06q0GcosRnmvy4dNOutGlw](https://us02web.zoom.us/webinar/register/WN_06q0GcosRnmvy4dNOutGlw)

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

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

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

**E-mail Public Comments:** If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at [janetc@claytonca.gov](mailto:janetc@claytonca.gov) by 5 PM on the day of the City Council meeting. All E-mail Public Comments will be forwarded to the entire City Council.

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

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### Location:

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

To join this virtual meeting on-line click here:

[https://us02web.zoom.us/webinar/register/WN\\_06q0GcosRnmvy4dNOutGlw](https://us02web.zoom.us/webinar/register/WN_06q0GcosRnmvy4dNOutGlw)

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

# **\* CITY COUNCIL \***

**October 4, 2022**

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

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

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

4. **CONSENT CALENDAR**

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

- (a) Approve the minutes of the City Council's regular meeting of September 20, 2022. (City Clerk) ([View here](#))
- (b) Approve the Financial Demands and Obligations of the City. (Finance) ([View here](#))
- (c) Adopt a Resolution of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361. (City Manager) ([View here](#))
- (d) Second Reading and Approval of An Ordinance Levying Special Taxes Within Community Facilities District No. 2022-01 (Public Services). (City Engineer) ([View here](#))

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Information Only – No Action Requested.
  - National Disability Employment Awareness Month
  - Italian-American Heritage Month

6. **REPORTS**

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

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

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

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

8. **PUBLIC HEARINGS** – None.

9. **ACTION ITEMS**

- (a) Consider and Provide Direction on Establishing a Community Committee on Financial Sustainability.  
(City Manager) ([View here](#))

10. **CLOSED SESSION** – None.

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

12. **ADJOURNMENT** - the next scheduled City Council meeting will be October 18, 2022.

# # # # #

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

**TUESDAY, September 20, 2022**

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:00 p.m. by Mayor Cloven via a hybrid meeting format live in-person and Zoom videoconference and broadcast from Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, California. Councilmembers present: Mayor Cloven, Vice Mayor Tillman, and Councilmembers Diaz, Wan, and Wolfe. Councilmembers absent: None. Staff present: City Manager Reina Schwartz, City Attorney Mala Subramanian, City Engineer Larry Theis, and City Clerk/HR Manager Janet Calderon.
2. **MEETING PROTOCOL VIDEO** – City Clerk.
3. **PLEDGE OF ALLEGIANCE** – led by Mayor Cloven.
4. **CONSENT CALENDAR**

Vice Mayor Tillman pulled item 4(d) for a separate discussion.

Councilmember Wan pulled item 4(e) for a separate discussion.

**It was moved by Vice Mayor Tillman seconded by Councilmember Wolfe, to approve the Consent Calendar items 4(a) – 4(c) and 4(f), as submitted. (Passed 5-0).**

  - (a) Approved the minutes of the City Council's regular meeting of August 16, 2022. (City Clerk)
  - (b) Approved the Financial Demands and Obligations of the City. (Finance)
  - (c) Adopted Resolution No. 68-2022 of the City Council of the City of Clayton Allowing for Video and Teleconference Meetings as Needed during the COVID-19 State of Emergency Under AB 361. (City Manager)
  - (f) Approved 2022 Conflict of Interest Code – No changes recommended by City Clerk. (City Clerk)

Item 4(d) pulled for a separate discussion

- (d) Adopted Resolution No. 68-2022 (Traffic Order #1) to Restrict U-Turns on Four Oaks Lane During School Drop Off and Pick Up Time Periods. (City Engineer)

Vice Mayor Tillman requested a separate discussion of this item.

City Engineer Larry Thesis provided a brief overview of this item.

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

**It was moved by Vice Mayor Tillman, seconded by Councilmember Wan, to approve the Consent Calendar item 4(d), as revised. (Passed 5-0).**

Item 4(e) pulled for a separate discussion

- (e) Adopted Resolution No. 69-2022 Authorizing the Third Amendment to an Existing Agreement with Allied Waste Systems, Inc. for Continued Solid Waste and Recyclable Materials Management Services. (City Manager)

Councilmember Wan requested a separate discussion of this item.

Following questions by the City Council, Mayor Cloven opened the public comment.

Ed Miller suggested the City Council consider joining a Joint Powers Agreement with Recycle Smart which currently includes organic waste.

Mayor Cloven closed public comment.

**It was moved by Councilmember Wan, seconded by Vice Mayor Tillman, to approve the Consent Calendar item 4(e), as submitted. (Passed 5-0).**

**5. RECOGNITIONS AND PRESENTATIONS**

- (a) Information Only – No Action Requested.

- National Hispanic Heritage Month (September 15 – October 15)
- Constitution Day and Citizenship Day (September 17)

- (b) Proclamation declaring September as “Library Card Sign-up Month” in the City of Clayton. (Mayor Cloven)

Vice Mayor Tillman read the proclamation, Geneva Moss, Clayton Community Library Manager, thanked the City Council for recognizing "Library Card Sign-up Month".

- (c) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Inclusion" during the months of May, June and July 2022. (Mayor Cloven)

Councilmember Wolfe and Mt. Diablo Elementary School Principal Katie Sanchez and teacher Mrs. Pilon presented certificate a to Hayden Berry.

See item 5d for Diablo View Middle School students to be recognized for both of the character traits, "Inclusion" and "Courage".

- (d) Certificates of Recognition to public school students for exemplifying the "Do the Right Thing" character trait of "Courage" during the month of August 2022. (Mayor Cloven)

Councilmember Wolfe and Mt. Diablo Elementary School Principal Katie Sanchez and teacher Mrs. VanOutrive presented a certificate to Gigi Lima.

Councilmember Wolfe and Diablo View Middle School Principal Peter Fong presented certificates to Sophie Struempf, Ava Ferratt, Raymond Alatini, Trinity Champathong, and Alexis Schmidt.

As per the request of the Mayor, Item 9(a) was heard at this time.

## **9. ACTION ITEMS**

- (a) Approve by Minute Order the Placement of Plaques in Memory of Braden Fahey at The Grove Park and Clayton Community Park (City Manager)

City Manager Schwartz presented the report.

Following questions by the City Council, Mayor Cloven opened public comments.

Zack Torrey, Clayton Valley Little League would like to work with staff on design guidelines for a dedication plaque at Clayton Community Park Field 3 in memory of Braden Fahey.

Mayor Cloven closed public comment.

**It was moved by Councilmember Diaz, seconded by Councilmember Wolfe, to Approve by Minute Order the Placement of Plaques in Memory of Braden Fahey at The Grove Park and Clayton Community Park. (Passed 5-0).**

## **6. REPORTS**

- (a) City Manager Reina Schwartz noted if any Clayton City Council candidates wish to speak, they are welcome to do so as part of Public Comments on Non-Agenda items.

Councilmember Diaz noted in past elections, candidates had an opportunity under reports on the agenda and inquired on why that practice has changed.

City Manager Schwartz advised having candidates speak under reports is not protocol in other agencies.

Mayor Cloven supported the change.

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

Councilmember Diaz attended the Oakhurst Country Club car show, attended Sheriff Livingston's event, the Contra Costa Association of Realtors event, attended the Clayton Business and Community Association general membership meeting, the Concert in The Grove, attended Richard Carnes memorial, attended the Contra Costa Fire reopening of Station 4 event, attended the ad-hoc Garbage/Recycling Committee meeting, attended Congressman Burgess Owens dinner, attended the Concert in The Grove, met with the City Manager, and met with the Police Chief.

Vice Mayor Tillman attended the Clayton Pride Town Hall, attended the 2022 Leadership Council Awards ceremony, attended the Mt Diablo Unified School District meeting where she was a guest speaker and was received the Spirit of Excellence award, attended the ad-hoc Garbage/Recycling Committee meeting, attended the Braden Fahey memorial, attended the Contra Costa County Mayors' Conference, attended the Cal Cities Annual Conference, attended the 9/11 memorial event at Fire Station 11, attended the Clayton Community Library Foundation board meeting, attended the American Association of University Women luncheon at La Veranda, met with the City Manager, and met with the Mayor.

Councilmember Jeff Wan called and emailed constituents regarding issues at Diamond Terrace and pavement conditions, campaigning to be re-elected to City Council and participated in interviews with the *Diablo Gazette* and *Clayton Pioneer*.

Councilmember Wolfe attended the East Contra Costa County Habitat Conservancy meeting, attended several Clayton Business and Community Association meetings, met with the City Manager, met with the City Attorney, met with the Mayor, called and emailed constituents, attended the 9/11 memorial event at Fire Station 11; thanked the City Manager and Jim Warburton for ensuring the Clayton Fountain was on, and announced the upcoming League of Women Voters event taking place on October 10, 2022.

Mayor Cloven announced the Dana Hills swim team won County for a second time in a row, attended the Concerts in The Grove; thanking Howard Geller, Jim Diaz, and Julie Pierce for their assistance, attended the Braden Fahey memorial service, attended the Cal Cities Annual Conference, attended the 9/11 memorial event, and requested the city consider sponsoring a Service Day event near September 11, 2023.

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

Kim Trupiano introduced herself and provided remarks about her candidacy.



Ed Miller introduced himself and provided remarks about his candidacy.

Frank Bagno expressed concern of speeding vehicles on Regency Drive and Weatherly suggesting a Stop Sign and police presence may cure the problem

## **8. PUBLIC HEARINGS**

- (a) Public Hearing on Proposed Community Facilities District No. 2022-01 (Public Services) – Approve the Resolution of Formation, Resolution Calling Election, Resolution Declaring Results of Election, and First Reading of the Ordinance (City Engineer)

City Engineer Larry Thesis presented the report.

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

**It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to Adopt Resolution No. 70-2022 Establishing Community Facilities District No. 2022-01 (Public Services) and Designating a Future Annexation Area and Taking Other Actions Relating Thereto. (Passed 5-0).**

**It was moved by Vice Mayor Tillman, seconded by Councilmember Wolfe, to Adopt Resolution No. 71-2022 Calling a Special Election for Community Facilities District No. 2022-01 (Public Services) and Designating a Future Annexation Area. (Passed 5-0).**

**It was moved by Councilmember Wolfe, seconded by vice Mayor Tillman, to Adopt Resolution No. 72-2022 Declaring Results of Special Landowner Election and Directing Recording of Notice of Special Tax Lien for Community Facilities District No. 2022-01 (Public Services) and Designating a Future Annexation Area. (Passed 5-0).**

## **9. ACTION ITEMS**

- (b) Approval of Preliminary Design Concept for Complete Streets Feasibility Study on Pine Hollow Road (Joint Project with City of Concord) (City Engineer)

City Engineer Larry Thesis presented the report.

Adam Dankberg from Kimley Horn presented the PowerPoint presentation.

Following questions by the City Council, Mayor Cloven opened the public comment.

David Boatwright suggested no quarry traffic allowed signs, speed limits on the 2-way bike track, education outreach, and improvements to lighting.

Mayor Cloven closed public comment.

**It was moved by Councilmember Wan seconded by Vice Mayor Tillman, to Approve Preliminary Design Concept for Complete Streets Feasibility Study on Pine Hollow Road (Joint Project with City of Concord). (Passed 5-0).**

- (c) Discussion and Feedback to Clayton's TRANSPAC Representative Regarding CCTA/TRANSPAC Designation of Marsh Creek Road and Clayton Road as Routes of Regional Significance (City Engineer)

City Engineer Thesis presented the report.

John Hoang, Planning Director CCTA introduced David Early and Torina Wilson from Place Works.

David Early presented the PowerPoint presentation.

Following questions by the City Council, Mayor Cloven opened the public comment.

Ed Miller requested to know more about the relationship between MTC and CCTA/TRANSPAC.

Mayor Cloven closed public comment.

Feedback provided to Clayton's TRANSPAC Representative.

- (d) Approve by Minute Order the Request from CEMEX to Provide a Letter of Support for CEMEX's Quarry Reclamation Plan Amendment (City Manager)

City Manager Reina Schwartz advised this item was not going to be heard this evening due to Cemex not having a representative to answer any questions or concerns and the Public Hearing is set on September 28 with Contra Costa County.

Following questions by the City Council, Mayor Cloven opened public comment.

Bill Burmeister expressed concern on lack of notification for the upcoming hearing taking place on September 28, 2022 and would like to see more information from CEMEX on their proposed reclamation plan and improvements.

Melinda Moore also expressed concern on lack of notification for the upcoming hearing taking place on September 28, 2022.

Mayor Cloven closed public comment.

## **10. COUNCIL ITEMS**

Vice Mayor Tillman requested a future agenda item to include Speed Surveys for Clayton Road/Marsh Creek Road.

Councilmember Wolfe requested a future agenda item to include Clayton Cooling Center and Emergency Operations locations.

Councilmember Wan requested a future agenda item to include rent increases and low-income housing at Diamond Terrace and requested the City Engineer report out on the Scope of Work on the recent Paving Project.

11. **ADJOURNMENT**— on call by Mayor Cloven, the City Council adjourned its meeting at 10:34 p.m. in memory of Dana Diaz, wife of Councilmember Jim Diaz, who recently passed away.

The next regularly scheduled meeting of the City Council will be October 4, 2022.

# # # # #

Respectfully submitted,

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Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

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Peter Cloven, Mayor

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# STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN

DATE: 10/4/22

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

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## RECOMMENDATION:

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

Attached Report	Purpose	Amount
Obligations, Dated 9/30/22	Accounts Payable	\$ 281,813.01
Cal Card Obligations Dated 8/22/22	Accounts Payable	\$ 9,433.96
Payroll Reconciliation Summary	Payroll, Taxes	\$ 88,734.94
	<b>Total Required</b>	<b>\$ 379,981.91</b>

## Attachments:

1. Obligation report dated 9/30/22 (2 pages)
2. Cal Card Obligation report dated 8/22/22 (2 pages)
3. Payroll Reconciliation Summary report PPE 9/18/22 (2 pages)

## City of Clayton Obligations for 10/4/2022

Vendor name	Invoice date	Invoice number	Invoice description	Amount	Payment method
American Fidelity Assurance Company	09/30/2022	6061646	FSA PPE 9/18/22	\$75.00	Bank draft
American Fidelity Assurance Company	09/30/2022	D496290	Supplemental insurance September 2022	\$752.80	Bank draft
Bank of America	09/30/2022	August2022	Bank fees August 2022	\$230.82	Bank draft
CalPERS Health	09/30/2022	16938879	Medical October 2022	\$35,393.66	Bank draft
CalPERS Retirement	09/30/2022	091822	Retirement PPE 9/18/22	\$16,996.43	Bank draft
Mission Square Retirement	09/30/2022	091822	457 Plan contributions PPE 9/18/22	\$1,263.46	Bank draft
Nationwide	09/30/2022	091822	457 Plan contribution PPE 9/18/22	\$500.00	Bank draft
Neopost (add postage)	09/30/2022	091522	Postage added	\$300.00	Bank draft
Wex Bank-Fleet Cards	09/30/2022	83878912	Fleet fuel stmt end 9/25/22	\$5,840.67	Bank draft
All City Management Services, Inc.	09/30/2022	79554	School crossing guard svcs 8/21/22-9/3/22	\$2,631.60	Check
AnchorCM	09/30/2022	22-003-4373	Engineering Svcs August 2022	\$62,208.00	Check
Anthony Chippero	09/30/2022	20220918CITG	Web hosting for Concerts in the Grove 2022	\$288.99	Check
Apex Technology Management	09/30/2022	APXQ29934	IT Equipment	\$4,773.01	Check
Apex Technology Management	09/30/2022	APXQ29941	WiFi access point	\$55.20	Check
AT&T (CalNet3)	09/30/2022	18813692	Phones 8/22/22-9/21/22	\$1,321.64	Check
California Aqua Pros	09/30/2022	CAPs 0448,0436,0458	Deposit refunds	\$9,072.00	Check
Caltronics Business Systems	09/30/2022	3581594	Copier usage 8/18/22-9/17/22	\$204.05	Check
Caltronics Business Systems	09/30/2022	3583026	Copier usage 8/19/22-9/18/22	\$97.23	Check
CCWD	09/30/2022	C Series	Water 7/3/22-9/4/22	\$58,682.32	Check
Charles Wittenben	09/30/2022	EH091822	EH deposit refund	\$500.00	Check
City of Concord	09/30/2022	94763	Livescan Janitor Asst.	\$48.00	Check
CivicPlus	09/30/2022	235433	Online Code Hosting 9/1/22-8/31/23	\$995.00	Check
CME Lighting Supply, Inc	09/30/2022	250848	Lamps	\$194.95	Check
Comcast Business (PD)	09/30/2022	153351520	PD Internet August 2022	\$991.94	Check
Comcast Business (The Grove Park)	09/30/2022	091022	The Grove Park internet 8/15/22-9/14/22	\$133.24	Check
Continental Electric	09/30/2022	CEI 11899	ALPR Modem replacement	\$2,920.00	Check
Contra Costa County Employment & Human Services	09/30/2022	CIC FY23	Children's Interview Center FY 2023	\$500.00	Check
Contra Costa County Public Works Dept	09/30/2022	705304	Traffic signal maintenance August 2022	\$1,915.81	Check
Cropper Rowe, LLP	09/30/2022	412	1st Progress billing, FS FY 2022	\$2,500.00	Check
De Lage Landen Financial Services, Inc.	09/30/2022	77559308	PD copier lease September 2022	\$123.52	Check
De Lage Landen Financial Services, Inc.	09/30/2022	77605949	Property tax, copy machine	\$216.63	Check
De Lage Landen Financial Services, Inc.	09/30/2022	77641177	Copier lease October 2022	\$1,004.49	Check
Diablo View Construction, Inc	09/30/2022	1505	Replace pocket door in library	\$1,500.00	Check
Diana Rotheneder	09/30/2022	GP092422	The Grove Park deposit refund	\$271.00	Check
Dillon Electric Inc	09/30/2022	4733	Street light repairs 9/14/22	\$1,088.50	Check
DPG Pavers & Design	09/30/2022	CAP0460	Deposit refund	\$225.15	Check
EPAG	09/30/2022	0927221410	FD150 Bankcard machine	\$599.00	Check
Gene or Sara Tolibas	09/30/2022	CAP0447	Deposit refund	\$3,024.00	Check
Globalstar LLC	09/30/2022	38361055	Sat phone 9/16/22-10/15/22	\$136.88	Check
Greg Berndt	09/30/2022	CAP0420	Deposit refund	\$2,831.37	Check
Gumshoe Group	09/30/2022	1235	POST Background Investigation	\$800.00	Check
HdL Coren & Cone	09/30/2022	SIN021843	FY 2022 ACFR Statistical Pkg	\$795.00	Check
Howard Geller	09/30/2022	Concerts 2022	Expenses for Concerts in The Grove 2022	\$269.93	Check
J&R Floor Services	09/30/2022	Nine2022	Janitorial svcs September 2022	\$5,178.00	Check

## City of Clayton Obligations for 10/4/2022

Jeff Miller	09/30/2022	FSACY22	Refund for FSA (cancelled for 2022)	\$124.93	Check
Kelsey Wiggins	09/30/2022	091222	PD training travel reimbursement	\$1,147.34	Check
LarryLogic Productions	09/30/2022	2041	CC & PC meeting production September 2022	\$920.00	Check
LEHR	09/30/2022	SI78161	Swap ALPR modems	\$800.00	Check
LSA Associates Inc	09/30/2022	184738	Consultant svcs August 2022	\$3,063.75	Check
Martell Water Systems, Inc.	09/30/2022	30178	Library Irrigation service call	\$595.74	Check
MaryBeth Cook	09/30/2022	CAP0461	Deposit refund	\$2,415.65	Check
Maze & Associates	09/30/2022	46632	Accounting svcs August 2022	\$175.00	Check
Moore Iacofano Golstman, Inc	09/30/2022	77021	Housing Element svcs August 2022	\$10,372.50	Check
NBS Govt. Finance Group	09/30/2022	202209-1872	CFD Admin Q2 FY 23	\$5,294.44	Check
Pacific Telemanagement Svc	09/30/2022	2094067	Courtyard pay phone October 2022	\$70.00	Check
PG&E	09/30/2022	20095699664	EH energy 6/22/22-7/18/22	\$43.07	Check
PG&E	09/30/2022	21131511004	Diablo Estates energy 8/22/22-9/20/22	\$38.48	Check
PG&E	09/30/2022	25721773593	Energy @ Maint yard	\$26.14	Check
Prestige Printing & Graphics	09/30/2022	78534	PD forms	\$434.80	Check
Prestige Printing & Graphics	09/30/2022	79533	PD Business cards	\$398.93	Check
Rural Pig Management, Inc	09/30/2022	CC090122	Pig control September 2022	\$3,000.00	Check
Sharon Degener	09/30/2022	HH090822	HH deposit refund	\$217.00	Check
Site One Landscape Supply, LLC	09/30/2022	123476251-001	Insecticide	\$89.71	Check
Stericycle Inc	09/30/2022	3006177277	Medical waste disposal	\$71.66	Check
Swenson's Mobile Fleet Repair	09/30/2022	I005332	Svc to 2006 Ranger	\$202.02	Check
Swenson's Mobile Fleet Repair	09/30/2022	I005333	Service to 2017 F350	\$224.83	Check
Texas Life Insurance Company	09/30/2022	SM0F1B20220913001	Supplemental insurance	\$42.25	Check
The Radar Shop	09/30/2022	14476	Recertify radar/lidar units	\$594.00	Check
Vanessa Sanders	09/30/2022	EH090722	Deposit refund	\$500.00	Check
Vision Service Plan (CA)	09/30/2022	816099133	Vision October 2022	\$76.07	Check
Waraner Brothers Tree Service	09/30/2022	16181	Tree work Oakhurst Dr (Yolanda Cir/Indian Wells Dr)	\$11,880.00	Check
Waraner Brothers Tree Service	09/30/2022	16182	Tree work Clifford Ct	\$360.00	Check
Workers.com	09/30/2022	134029	Seasonal workers week end 9/11/22	\$3,576.57	Check
Workers.com	09/30/2022	134494	Seasonal workers week end 9/18/22	\$5,608.84	Check

Total **\$281,813.01**

Vendor name	Invoice date	Invoice number	Invoice description	Amount	Payment method
US Bank CalCard	08/22/2022	Stmt end 8/22/22	MSFT * E0200JG6FM IT Services	\$198.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	MSFT * E0200JG8CM IT Services	\$15.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	CENTRAL SELF STORAG Storage Unit rent	\$208.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AMAZON WEB SERVICES IT Services	\$500.97	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	ZOOM.US 888-799-9666 Audio Conferencing Monthl	\$180.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	VZWRLSS*APOCC VISW 9255229137,PAUL JACOBSON	\$120.24	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	ZOOM.US 888-799-9666 Standard Pro Monthly	\$14.99	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	BLUEAIR INC Air filters	\$147.88	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	BLUEAIR INC Air filters	\$83.18	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	CALCITIES REGISTRATION registration	\$650.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AUTOZONE #3334 PEAK OET ORANGE AF 50/50	\$23.04	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AUTOZONE #3334 PEAK OET ORANGE AF 50/50	\$23.04	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	OFFICE DEPOT 1135 PAPER,COPY PLUS,HAM,CASE	\$48.93	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	ZORO TOOLS INC HOUSEHOLD APPLIANCE STORE	\$126.66	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	STAPLS7362999980000001 COPYPLUS 8.5X11 COPY CS	\$89.53	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	FOOD MAXX #418 CONC Food for recruitment	\$37.54	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	SAFEWAY #1195 COOKIES RED VELVET 20CT	\$32.53	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	GOVERNMENT FINANCE OFFIC Dues	\$129.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	COMCAST CALIFORNIA Internet for City Hall	\$792.32	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	76 - PINE HOLLOW ENTERPRI Car Wash	\$15.99	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	76 - PINE HOLLOW ENTERPRI Car Wash	\$15.99	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	76 - PINE HOLLOW ENTERPRI Car Wash	\$15.99	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	TLO TRANSUNION Monthly fee	\$75.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	76 - PINE HOLLOW ENTERPRI Car wash	\$15.99	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	O'REILLY AUTO PARTS 2565 Trailer batteries	\$644.31	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	PAYPAL *AED SUPERST AED replacement	\$256.65	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	CALIFORNIA POLICE CHIEFS Training	\$175.00	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	POSTALANNEX SERVICE CENTE LPR Equip shipping	\$84.80	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	76 - PINE HOLLOW ENTERPRI Car Wash	\$15.99	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AMAZON.COM*9P8D14CS3 AMZN MAGID SAFETY IHP32RF EARPL	\$96.38	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	OUTDOOR SUPPLY CLAYTON Main line repair parts	\$24.65	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AMZN MKTP US*0Z91L7PQ3 100pcs Adult Black Disposa	\$28.68	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	EAST BAY TIRE FAIRFIELD Dump truck tires	\$2,169.28	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	LOWES #02604* 4-PACK PETUNIA	\$91.95	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AMAZON.COM*FK77Z5733 Rayovac 9V Batteries, 9 Vo	\$19.29	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	OUTDOOR SUPPLY CLAYTON Grommet repair for concert banner	\$41.68	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	FURBER SAW INC Chain saw	\$482.89	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	FURBER SAW INC Equipment supplies	\$317.23	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	LOWES #02604* QPR 50-LB PERMNT ASPHALT R	\$131.57	Bank draft

## City of Clayton Cal Card Obligations Stmt end 8/22/22

US Bank CalCard	08/22/2022	Stmt end 8/22/22	LOWES #02604* PROJECT SOURCE 3-IN BRUSH	\$55.23	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AMZN MKTP US*ES6YZ31L3 Safety Vest 10 Pack Bulk-A	\$52.18	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	OUTDOOR SUPPLY CLAYTON Drill bits, saw blades	\$32.90	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	FURBER SAW INC Mower repair	\$516.61	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	LOWES #02604* LNX 6-IN 18TPI RECIP BLD Saw	\$595.37	Bank draft
US Bank CalCard	08/22/2022	Stmt end 8/22/22	AMAZON.COM*6B7Q57723 Batteries 4 Pack CR-P2	\$41.51	Bank draft

total **\$9,433.96**



## Payroll Summary

City of Clayton

Check Date: 09/23/2022

Process: 2022092301

Pay Period: 09/05/2022 to 09/18/2022

Page 1 of 2

## Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	26	0.00	67,307.10	67,307.10	
	<b>Totals</b>	<b>26</b>	<b>0.00</b>	<b>67,307.10</b>	<b>67,307.10</b>	→ <b>67,307.10</b>

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

	<b>Total Net Payroll Liability</b>			<b>0.00</b>	<b>68,328.75</b>	<b>68,328.75</b>	→ <b>68,328.75</b>
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## Tax Liability

CA and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA SDI - Employee	EXEMPT		Semi-Weekly	96,450.45	96,450.45			
California SITW			Semi-Weekly	94,936.99	94,936.99	4,597.50		
<b>Totals</b>						<b>4,597.50</b>	<b>0.00</b>	→ <b>4,597.50</b>

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training		0.001000	Quarterly	96,450.45	962.32		0.96	
California SUI		0.020000	Quarterly	96,450.45	962.32		19.25	
<b>Totals</b>						<b>0.00</b>	<b>20.21</b>	→ <b>20.21</b>

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax			Semi-Weekly	94,936.99	94,936.99	12,774.74		
Medicare			Semi-Weekly	96,450.45	96,450.45	1,398.53		
Medicare - Employer			Semi-Weekly	96,450.45	96,450.45		1,398.53	
OASDI			Semi-Weekly	1,747.44	1,747.44	108.34		
OASDI - Employer			Semi-Weekly	1,747.44	1,747.44		108.34	
<b>Totals</b>						<b>14,281.61</b>	<b>1,506.87</b>	→ <b>15,788.48</b>

	<b>Total Tax Liability</b>					<b>18,879.11</b>	<b>1,527.08</b>	→ <b>20,406.19</b>
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	<b>Total Payroll Liability</b>					<b>88,734.94</b>		→ <b>88,734.94</b>
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## Transfers

Type	Date	Source Account	Amount
Dir Dep	9/22/2022		67,307.10
Tax	9/22/2022		20,406.19
Trust Agency	9/22/2022		1,021.65



Paylocity Corporation  
(888) 873-8205

User: JGiantvalley

Run on 9/20/2022 at 11:06 AM

## Payroll Summary

City of Clayton

Check Date: 09/23/2022

Process: 2022092301

Pay Period: 09/05/2022 to 09/18/2022

Page 2 of 2

### Totals Transfers

88,734.94



88,734.94

## Tax Deposits

Required Tax Deposits

Tax

Due On

Amount

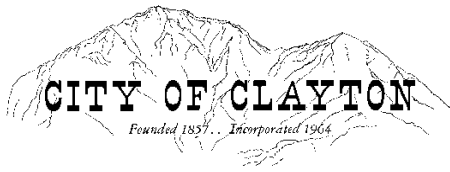
( Deposit made by Service Bureau )	California SITW	9/28/2022	4,597.50
( Deposit made by Service Bureau )	Federal Income Tax	9/28/2022	15,788.48
( Deposit made by Service Bureau )	California SUI	10/31/2022	20.21
<b>Total Tax Deposits</b>			<b>20,406.19</b>



Paylocity Corporation  
(888) 873-8205

User: JGiantvalley

Run on 9/20/2022 at 11:06 AM



# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: CITY MANAGER**

**DATE: October 4, 2022**

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

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## **RECOMMENDATION**

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

## **BACKGROUND**

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

On September 20, 2021, February 2, 2022, March 1, 2022, April 15, 2022, June 14, 2022, July 5, 2022, August 9, 2022 and September 1, 2022, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and continues to encourage on-line meetings over in-person public meetings if feasible. If in-person meetings occur, the County Health Officer recommends physical distancing of six feet of separation between all attendees to the extent possible. The proposed resolution provides that the City Council and all subsidiary City boards and commissions may choose to hold fully virtual video and teleconference meetings while the state of emergency is still in effect and physical distancing is recommended.

In order to continue to be able to hold video and teleconference meetings as needed for COVID/public-health related reasons, the City Council will need to review and make

findings every thirty days that the state of emergency continues to directly impact the ability of the members to meet safely in person and that state or local officials continue to impose or recommend measures to promote physical distancing.

**FISCAL IMPACT**

None.

**Attachments**

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

**RESOLUTION NO. ##-2022**

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

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

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

**WHEREAS**, on September 20, 2021, February 2, 2022, March 1, 2022, April 15, 2022, June 14, 2022, July 5, 2022, August 9, 2022 and September 1, 2022, the Contra Costa County Health Officer issued recommendations for safely holding public meetings and encourages on-line meetings if feasible and if in person meetings occur then recommends physical distancing of six feet of separation to the extent possible and masking for all attendees;

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

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

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

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

**PASSED AND ADOPTED** by the Clayton City Council, State of California, on this 4<sup>th</sup> day of October 2022, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

**THE CITY COUNCIL OF CLAYTON,  
CA**

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Peter Cloven, Mayor

**ATTEST:**

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Janet Calderon, City Clerk



# AGENDA REPORT

**TO:** HONORABLE MAYOR AND COUNCILMEMBERS

**FROM:** Larry Theis, P.E., City Engineer

**DATE:** October 04, 2022

**SUBJECT:** Second Reading and Approval of An Ordinance Levying Special Taxes Within Community Facilities District No. 2022-01 (Public Services)

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## **RECOMMENDATION**

Staff recommends that the City Council:

1. Perform second reading of and approve an Ordinance Levying Special Taxes Within Community Facilities District No. 2022-01 (Public Services).

---

## **BACKGROUND**

On February 2, 2021, the City of Clayton (the "City") City Council (the "Council") approved Resolution No. 05-2021, *A Resolution Approving the Development Plan (DP-01-20); The Vesting Tentative Parcel Map (Map-01-2020); and the Tree Removal Permit (TRP-09-2020) for the Diablo Meadows Single Family Residential Project* (the "Resolution"). The Resolution also approved the conditions of approval for the Diablo Meadows project (the "Project"), an eighteen (18) single family residential development located west of Mitchell Canyon Road and northwest of Herriman Court.

As a condition of the Project, DeNova Homes (the "Developer") was conditioned to establish a Homeowner's Association ("HOA") for the purpose of funding and maintaining all public and private landscaping and stormwater facilities on or adjacent to the development. In addition, the Developer was conditioned to provide a funding mechanism to offset the Project's financial impacts on the City's streetlight system and to fund the stormwater improvements, should the HOA fail to maintain the stormwater improvements at a level that meets City standards.

The Developer requested the City assist with the formation of Community Facilities District No. 2022-01 (Public Services) ("CFD No. 2022-01") to satisfy these conditions. CFD No. 2022-01 will fund authorized services as described in the Resolution of Formation, which generally includes maintenance of City streetlights, maintenance, inspection, and replacement of stormwater facilities, and any costs associated with administering CFD No. 2022-01.

Subject: Second Reading and Adoption of an Ordinance Levying Special Taxes Within Community Facilities District No. 2022-01 (Public Services)

Date: October 4, 2022

Page 2 of 3

The boundaries of CFD No. 2022-01 include only the Project area, which encompasses Assessor Parcel Numbers 121-090-023 through 046, as shown on the Boundary Map within the Community Facilities District Report. The Boundary Map also identifies a future annexation area, which is contiguous with City limits. The future annexation area facilitates the annexation of future developments within the City into CFD No. 2022-01, with Council approval and the unanimous approval of the applicable property owner(s), to offset the financial impact for each respective development.

The formation of CFD No. 2022-01 and approval of the future annexation area does not authorize the CFD to levy a special tax within the future annexation area currently. The landowners or registered voters within such future annexation area will have the opportunity to review the special taxes applicable to their property, and vote to approve the annexation at some time in the future that the City considers annexing such property into the CFD. Upon completion of such annexation, the special tax will only be authorized to be levied within CFD No. 2022-01, and any portion of the future annexation area that has completed annexation procedures to annex into the CFD.

The City received a signed petition from the Developer requesting the establishment of CFD No. 2022-01. The Council then adopted Resolution No. 66-2022 which Declared the Intention to Establish CFD No. 2022-01 on August 16, 2022. Following the August 16, 2022 Council Meeting, election materials were sent to the property owner of the project, the City Clerk recorded the Boundary Map, a Community Facilities District Report was filed with the City Clerk, and the City Clerk published a Notice of Public Hearing in the local newspaper at least seven days prior to the hearing date.

On September 20, 2022, the City Council held the noticed public hearing, adopted Resolution No. 70-2022 which formed CFD No. 2022-01, adopted Resolution No. 71-2022 which called for a special landowner election to authorize the levy of special taxes within CFD No. 2022-01 for FY 2022/23 and each fiscal year thereafter, held the special landowner election and subsequently adopted Resolution No. 72-2022 declaring the results of the election which was a unanimous vote in favor of the levy of special taxes, and introduced an Ordinance authorizing the levy of a special tax commencing in Fiscal Year 2022/23 and each fiscal year thereafter solely within and relating to CFD No. 2022-01.

As required by the CFD Act, the notice of special tax lien was recorded at the Contra Costa County Recorder's office. The recording of the notice of special tax lien will inform all interested parties, including title companies, lenders, and future home purchasers, that the property is located within CFD No. 2022-01 and is subject to the special tax.



Subject: Second Reading and Adoption of an Ordinance Levying Special Taxes Within Community Facilities District No. 2022-01 (Public Services)

Date: October 4, 2022

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Final adoption of the Ordinance is scheduled to place at the October 4, 2022 City Council meeting. Should Council adopt the Ordinance, the City Clerk is required to publish the Ordinance within 15 days after its passage in a newspaper of general circulation that is published and circulated in the City. Publication of the Ordinance will complete the CFD formation proceedings and authorize the levy of special taxes within CFD No. 2022-01 commencing with Fiscal Year 2022/23.

### **FISCAL IMPACT**

There will be no financial impact on the City's General Fund. The Developer for the Project pays all costs associated with the formation of CFD No. 2022-01. The proposed annual maximum special tax rate for CFD No. 2022-01, in Fiscal Year 2022/23 dollars, is \$951.71 per home. However, \$603.28 of the maximum special tax corresponds to the maintenance of the Project stormwater improvements, and is not anticipated to be levied unless the HOA fails to maintain the improvements to City standards. The eighteen (18) homes within the Project area are the only parcels subject to the CFD No. 2022-01 special tax currently. As specified in the Resolution of Formation Exhibit B (Rate and Method of Apportionment), the annual maximum special tax shall be increased annually by applying the greater of the percentage increase, if any, in the Consumer Price Index for the San Francisco-Oakland-Hayward, CA (All Urban Consumers) for the prior year, or 3%, to the maximum special tax in effect for the prior fiscal year. Each annual adjustment of maximum special tax shall become effective on the subsequent July 1.

### **CONCLUSION**

Staff recommends the City Council adopt an Ordinance Levying Special Taxes Within Community Facilities District No. 2022-01 (Public Services).

### **ATTACHMENTS**

1. Ordinance No. ###, An Ordinance Levying Special Taxes Within Community Facilities District No. 2022-01 (Public Services).

**ORDINANCE NO. ###**

**AN ORDINANCE LEVYING SPECIAL TAXES WITHIN COMMUNITY  
FACILITIES DISTRICT NO. 2022-01 (PUBLIC SERVICES)**

**THE CITY COUNCIL  
CITY OF CLAYTON, CALIFORNIA**

**WHEREAS**, the City Council (this "Council") of the City of Clayton (the "City") has adopted a resolution entitled "A Resolution of the City Council of the City of Clayton, CA Stating the Intention to Establish A Community Facilities District and Future Annexation Area" (the "Resolution of Intention"), and has conducted proceedings (the "Proceedings") to establish (i) the "City of Clayton Community Facilities District No. 2022-01 (Public Services)" (the "CFD") and (ii) the "City of Clayton Community Facilities District No. 2022-01 (Public Services) (Future Annexation Area)" (the "Future Annexation Area") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act") to fund certain municipal services (the "Services") as provided in the Act.

**WHEREAS**, pursuant to notice as specified in the Act, and as part of the Proceedings, the Council has held a public hearing under the Act relative to the determination to proceed with the formation of the CFD and the Future Annexation Area and the rate and method of apportionment of the special tax ("Special Tax") to be levied within the CFD to finance the Services, and at such hearing all persons desiring to be heard on all matters pertaining to the formation of the CFD and the Future Annexation Area and the levy of the Special Tax were heard, substantial evidence was presented and considered by this Council and a full and fair hearing was held.

**WHEREAS**, upon the conclusion of the hearing, this Council adopted a resolution entitled "Resolution of the City Council of the City of Clayton, California Establishing Community Facilities District No. 2022-01 (Public Services) and Designating a Future Annexation Area and Taking Other Actions Relating Thereto" (the "Resolution of Formation"), pursuant to which it completed the Proceedings for the establishment of the CFD and the Future Annexation Area, the authorization of the levy of the Special Tax within the CFD and the calling of an election within the CFD on the propositions of levying the Special Tax and establishing an appropriations limit within the CFD, respectively.

**WHEREAS**, on September 20, 2022, a special election was held among the landowner voters within the CFD at which such voters approved such propositions by the two-thirds vote required by the Act, which has been confirmed by resolution of this Council.

**NOW THEREFORE, THE CITY COUNCIL OF CLAYTON, CALIFORNIA DOES ORDAIN**  
as follows:

Section 1. Special Tax Authorized. By the passage of this Ordinance, the Council hereby authorizes and levies the Special Tax within the CFD (including any parcel or parcels in the Future Annexation Area that annex into the CFD) pursuant to sections 53328 and 53340 of the Act, at the rate and in accordance with the Rate and Method of Apportionment of Special Tax set forth in the Resolution of Formation which rate and method is by this reference incorporated herein.

The Special Tax is hereby levied commencing in fiscal year 2022/23 and in each fiscal year thereafter to pay for the Services for the CFD, as contemplated by the Resolution of Formation and the Proceedings, and all costs of administering the CFD.

Section 2. Collection Official. Following the approval by the Council of a budget for the CFD for each fiscal year after 2022/23, the Public Works Director/City Engineer or designee, or an employee or consultant of the City (the "Collection Official"), is hereby authorized and directed each fiscal year to determine the specific Special Tax rate and amount to be levied for the next ensuing fiscal year for each parcel of real property within the CFD (including any parcel or parcels in the Future Annexation Area that annex into the CFD), in accordance with such approved budget and in the manner and as provided in the Resolution of Formation. In the event the Council has not adopted a budget for the CFD by July 31 of any year, the budget for that fiscal year shall be the same as the budget for the previous fiscal year.

Section 3. Exemptions. Properties or entities of the state, federal or local governments shall be exempt from any levy of the Special Taxes, to the extent set forth in the Rate and Method of Apportionment. In no event shall the special taxes be levied on any parcel within the CFD in excess of the maximum Special Tax specified in the Rate and Method of Apportionment.

Section 4. Use of Special Tax. All the collections of the Special Tax shall be used as provided in the Act and in the Resolution of Formation, including, but not limited to, the payment of costs of the Services, the payment of the costs of the City in administering the CFD, and the costs of collecting and administering the Special Tax.

Section 5. Secured by a Lien. The Special Taxes authorized to be levied shall be secured by the lien imposed pursuant to Section 3114.5 and 3115.5 of the California Streets and Highways Code, which lien shall be a continuing lien and shall secure each levy of the Special Taxes. The lien of the Special Tax shall continue in force and effect until the Special Tax obligation is cancelled in accordance with law or until the Special Tax ceases to be levied by the Council.

Section 6. Collection Method. The Special Taxes of the CFD shall be collected as necessary to meet the financial obligations of the CFD on the secured tax roll in the same manner as ordinary *ad valorem* taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for *ad valorem* taxes; provided, however, that the Council may provide for other appropriate methods of collection by resolution(s) of the Council. In addition, the provisions of Section 53356.1 of the Act shall apply to delinquent Special Tax payments. In each fiscal year commencing in the fiscal year 2022/23, the Collection Official is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of Contra Costa and to otherwise take all actions necessary in order to effect proper billing and collection of the Special Tax, so that the Special Tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of the CFD, and include on the secured property tax roll of the County of Contra Costa for Fiscal Year 2022/23 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

Notwithstanding the foregoing, the Collection Official may collect the Special Taxes by means of direct billing by the City to the property owners within the CFD if, in the judgment of the Collection Official such means of collection will reduce the administrative burden on the City in administering the CFD or is otherwise appropriate in the circumstances. In such event, the Special Taxes shall become delinquent if not paid when due as set forth in any such respective billing to the property owners.

Section 7. Partial Invalidity. If for any reason any portion of this Ordinance is found to be invalid, or if the Special Tax is found inapplicable to any particular parcel within the CFD, by a court of competent jurisdiction, the balance of this ordinance and the application of the Special Tax to the remaining parcels within the CFD shall not be affected.

Section 8. Execution and Posting. The Mayor shall sign this Ordinance and the City Clerk, within fifteen (15) days after its passage, shall cause the same to be published in three (3) public places as designated by Resolution of the Clayton City Council for the posting of ordinances and public notices.

Section 9. Effective Date. This Ordinance shall take effect thirty (30) days from the date of final passage.

\*\*\*\*\*

The foregoing Ordinance was introduced at a regular public meeting of the City Council of the City of Clayton held on the 20th day of September, 2022.

**PASSED, ADOPTED and ORDERED** posted at an adjourned regular public meeting of the City Council of the City of Clayton, California held on the 4<sup>th</sup> day of October, 2022, by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

**APPROVED:**

\_\_\_\_\_  
Peter Cloven, Mayor

**ATTEST:**

\_\_\_\_\_  
Janet Calderon, City Clerk

\*\*\*\*\*

I hereby certify that the foregoing Ordinance was duly introduced at a regular public meeting of the City Council of Clayton, California held on September 20, 2022, and was duly adopted, passed, and ordered posted at an adjourned regular meeting of the City Council held on October 4, 2022.

\_\_\_\_\_  
Janet Calderon, City Clerk



# AGENDA REPORT

**TO: HONORABLE MAYOR AND COUNCIL MEMBERS**

**FROM: Reina J. Schwartz, City Manager**

**DATE: October 4, 2022**

**SUBJECT: Consider and Provide Direction on Establishing a Community Committee on Financial Sustainability**

---

## **RECOMMENDATION**

It is recommended that the City Council consider whether it wishes to establish a community committee on financial sustainability and provide direction on next steps.

## **BACKGROUND**

At the August 16, 2022 City Council meeting, Mayor Cloven requested that staff bring back to the Council for discussion consideration of creating a community committee on financial sustainability to increase engagement and information around City financial matters.

## **DISCUSSION**

In the Spring of 2022, the City Council discussed the City's long-term financial picture and considered whether or not to place a tax measure on the November 2022 ballot. As part of those discussions, the City engaged a research firm to conduct a survey of the community regarding financial and quality of life issues. The results of the survey indicated that the community was generally not aware of the fiscal challenges facing the City and was not at that time supportive of a potential tax measure. The finding regarding the level of information the community has regarding the City's fiscal condition was significant and points to the potential benefit of having a community financial sustainability committee.

Two other cities within Contra Costa County have general community financial committees. Attached to this report are the adoption documents for the cities of Orinda and Moraga for further information.

## **FISCAL IMPACTS**

There could be a range of potential costs associated with a community financial sustainability committee depending on the ultimate charter of the committee. These costs could include communication materials, printing, etc. Additionally, this committee would be supported by City staff, and would be subject to the Brown Act, adding additional duties to one or more positions in the City. Unless some programs or work can be identified that can be stopped, there may be limited staff time available to support the committee.

Attachments:

Town of Moraga

- <https://www.moraga.ca.us/303/Audit-Finance-Committee>
- Moraga Audit and Finance Charter

City of Orinda

- Resolution 77-18 Scope of Finance Advisory Committee Duties

# **Town of Moraga**

## **Audit and Finance Committee Charter**

### **Membership**

The committee shall consist of five members appointed by the Town Council, to include two Town Council members, three members of the public, one of whom serves as Town Treasurer. The Town Treasurer shall serve for a term of two years. The public members' term shall be two years and staggered so the term of one member ends in even-numbered years and the term of the other member ends in odd-numbered years. The members shall have a basic understanding of finance and accounting.

### **Specific Duties of the Town Treasurer**

1. Serve as Chairperson of the committee.
2. Work with Administrative Services Director to establish agenda.
3. Follow up on specific tasks as directed by the committee or the Town Council.

### **Authority and Responsibility**

The committee is to assist the Town Council in fulfilling its responsibilities as to accounting policies and reporting practices of the Town and sufficiency of auditing relative thereto. It is to be the Town Council's principal agent in ensuring the independence of the Town's independent auditors, the integrity of management, and the adequacy of disclosures to the public. The opportunity of the independent auditors to meet with the entire Town Council as needed, however, is not to be restricted. The committee shall oversee and advise the Town Council and management on the selection of independent auditors.

### **Specific Duties of the Committee**

#### **Selection of Independent Auditor**

1. Oversee and participate in the selection of the independent auditor. The Town staff will conduct the selection process.
2. Recommend to the Town Council the selection or retention of the independent auditor.

#### **Annual Audit**

Prior to Audit:

1. Review with management and the independent auditor the scope and general extent of the independent auditor's planned examination,

## **Town of Moraga**

### **Audit and Finance Committee Charter**

including its engagement letter. The auditor's fees are to be arranged with management and summarized annually for committee review. The committee's review should entail an understanding from the independent auditor of the factors considered by the auditor in determining the audit scope.

Following the Audit:

2. Review with management and the independent auditor, upon completion of its audit, draft financial results for the year. The committee's review is to encompass the Town's annual financial report, including the financial statements and footnote disclosures and supplemental disclosures required by generally accepted accounting principles
3. Review conduct of the annual audit. Evaluate the cooperation received by the independent auditor during its audit, including its access to all requested records, data, and information. Elicit the comments of management regarding the responsiveness of the independent auditor to the Town's needs. Inquire of the independent auditor whether there have been any disagreements with management that, if not satisfactorily resolved, would have caused the independent auditor to issue a nonstandard report on the Town's financial statements. Make, or cause to be made, all necessary inquiries of management and the independent auditor concerning established standards of conduct and performance, and deviations therefrom.
4. Review with management and the independent auditor the Town's policies and procedures to reasonably ensure the adequacy of internal controls over accounting, administration, compliance with laws and regulations, and financial reporting. Provide recommendations for any changes as may be deemed necessary.
5. Discuss with the independent auditor the quality of the Town's financial and accounting process and any recommendations that the independent auditor may have. Topics to be considered during this discussion include improving internal financial controls, controls over compliance with laws and regulations, the selection of accounting principles, and management reporting systems.
6. Review written responses of management to "letter of comments and recommendations" from the independent auditor and discuss with management the status of implementation of prior-period recommendations and corrective action plans.



# **Town of Moraga**

## **Audit and Finance Committee Charter**

### Financial Reporting and Budgets

1. Have familiarity, through the individual efforts of its members, with the accounting and reporting principles and practices applied by the Town in preparing its financial statements. Review accounting principles and procedures used in the maintaining the financial records of the Town.
2. Review the Town's quarterly budget-to-actual reports, and make inquiries of management regarding variances.
3. . Review the Annual Proposed Budget and the Mid-Year Budget Report. Provide input to staff prior to completion of these documents for presentation to the Town Council.
4. Review the draft Town Comprehensive Annual Financial Report (CAFR) or other annual financial statements.

### Financial Planning and Investment Policy

1. Review cash flow projections and long term financial plans with management. Provide input to staff prior to completion of these documents for presentation to the Town Council.
2. Review financial management procedures including investment strategies and cash handling procedures.
3. Review quarterly investment report for compliance with the Town's Investment Policy.
4. Annually review the Town's Investment Policy and recommend any changes to the Town Council.

### Other

1. Recommend to the Town Council any appropriate extensions or changes in the duties of the Audit and Finance Committee.
2. Work on special projects, as directed by the Town Council.
3. Apprise the Town Council, through minutes and special presentations as necessary, of significant developments in the course of performing the above duties.

**Town of Moraga**  
**Audit and Finance Committee Charter**

**Meeting Frequency**

The committee shall meet four or five times a year as needed.

As a standing committee appointed by the Town Council it is subject to public notice and open meeting requirements of the Brown Act.

**BEFORE THE CITY COUNCIL OF THE CITY OF ORINDA**

IN THE MATTER OF:

RESCINDING RESOLUTION                    )  
No. 59-17 AND UPDATING THE                )  
DUTIES OF THE FINANCE                    )  
ADVISORY COMMITTEE                        )

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RESOLUTION NO. 77-18

**WHEREAS**, on June 20, 2017, the City Council adopted Resolution 59-17 which consolidated several amendments to the duties of the Finance Advisory Committee adopted during the period of 2008 – 2015; and

**WHEREAS**, Staff noted minor adjustments that were omitted from the 2017 resolution; and

**WHEREAS**, following the passage of a Library Parcel Tax at the June 6, 2018 election the City Council created a Parcel Tax Oversight Committee which includes the membership of the Finance Advisory Committee; and

**WHEREAS**, it is appropriate to reflect the new oversight duties in the a single resolution establishing the duties of the Finance Advisory Committee; and

**WHEREAS**, the Finance Advisory Committee reviewed and recommended that the City Council modify the duties and make minor formatting changes.

**NOW, THEREFORE, BE IT RESOLVED:** that the text of Resolution No. 59-17, is hereby rescinded and the duties of the Finance Advisory Committee shall be replaced with as hereby restated below:

**1. Finance Advisory Committee**

The Finance Advisory Committee is an advisory body created by the Orinda City Council in 2008.

**2. Membership of Committee**

The Committee shall include five residents at large as voting members.

**3. Term of Service**

a) The term of service for each member shall generally be three (3) years. The initial terms of some members may be less than three (3) years so that the expiration dates, which shall be scheduled for February 28th of each year, are staggered so that a majority of members' terms do not expire in the same year. Each member shall serve until a successor is appointed.

b) A member automatically shall be removed from the Committee if that member is absent from three (3) consecutive Committee meetings without cause. A member is not absent without cause if the absence:

(1) is due to illness; or

(2) is unavoidable and the member notifies the presiding member of the Committee before the day of the meeting that the member will be absent and explains the reason for that absence.

c) Excused absences shall be recorded in the minutes.

#### **4. Compensation**

Members of the Committee do not receive compensation for attendance at Committee meetings.

#### **5. Meetings**

All meetings of the Committee are open to the public. The Committee shall adopt an annual calendar establishing the dates and times for the time of holding regular meetings. The Chair in consultation with City Staff may notice a Special Meeting as needed to conduct business. The Committee shall comply with state law regarding the noticing and conduct of public meetings. The Committee may adopt such rules and regulations for the conduct of its meetings and the performance of its duties, provided such rules are not in conflict with state law.

#### **6. Quorum.**

Three members of the Committee constitute a quorum for the transaction of business. A majority vote of a quorum is required for the Committee to take any action, including approval of a recommendation to the City Council.

#### **7. Duties of the Committee**

The Committee shall carry out the functions and duties assigned to it by Council, including the following:

A. Review the City's proposed annual budget and provide recommendations to the City Manager and City Council;

B. May be requested by the City Council to have a representative attend other meetings such as the Council's Strategic Planning workshop, budget workshops, and other Commission and Committee meetings where budget discussions would occur;

C. Review no less than once each year the City's Statement of Investment Policy and advise Council on changes;

D. Designate a liaison to attend Audit Committee meetings as a non-voting public participant; and



E. Make recommendations to the City Council on financial matters related to City operations as directed by Council, including, but not limited to:

(1) each year, to the extent the City's audit confirms an available surplus in the prior budget year, make recommendations regarding the potential transfer of that surplus into the General Fund committed reserves designated by the City including those to address Slope Stabilization and the update of its General Plan; and

(2) on a semi-annual basis (during the annual budget process and mid-year budget process), review the City's current financial circumstances and capital needs to make recommendations regarding the possible timing and magnitude of any recommended transfer of available funds from the City's unrestricted General Fund reserves to City funds used for capital projects (e.g., committed funds, internal service funds).

F. Members are also Members of the separate Orinda Library Parcel Tax Independent Review Committee which has additional members and a separate set of duties.

**8. Mission Statement**

The Finance Committee shall act in an advisory capacity to the City Manager and City Council and shall make recommendations on the annual budget and financial matters related to the City's operation.

**9. Review by City Council.**


The actions of the Committee may be subject to review or approval by the City Council.


**10. Chair, Vice-Chair, and Audit Committee Representative**

In June of each year, or as such time as a vacancy occurs, the Committee will elect from its members, a Chair and Vice Chair and will designate an Audit Committee Representative.

**ADOPTED** by the City Council of the City of Orinda at a regular meeting of the Council held on November 27, 2018, by the following vote:

AYES:	COUNCILMEMBERS:	Gee, Miller, Orr, Phillips, Worth
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None

  
Sheri Marie Smith, City Clerk

  
Amy Worth, Mayor