



AGENDA

REGULAR MEETING

* * *

CLAYTON CITY COUNCIL

* * *

TUESDAY, May 2, 2023

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: Jeff Wan
Vice Mayor: Jim Diaz

Council Members
Peter Cloven
Holly Tillman
Kim Trupiano

- 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 www.claytonca.gov
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.claytonca.gov
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours and is available for review on the City's website at www.claytonca.gov
- If you have a physical impairment that requires special accommodation 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 – May 2, 2023

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
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.
2. **Phone-in:** Register for the meeting using the URL in the paragraph above. Once registered, you will receive an e-mail with instructions to join the meeting telephonically, and then dial toll-free 877-853-5257 and use the Webinar ID and Password found in the e-mail.
3. **E-mail Public Comments:** If preferred, please e-mail public comments to the City Clerk, Ms. Calderon at janetc@claytonca.gov by 5:00 p.m. on the day of the City Council meeting. All e-mailed public comments will be forwarded to the entire City Council.

Each person attending the meeting via video conferencing or telephone and who wishes to speak on an agendized or non-agendized matter shall have a set amount of time to speak as determined by the Planning Commission Chair.

*** CITY COUNCIL ***

May 2, 2023

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

2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Wan.

3. **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.

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) Information Only – No action needed.

2023 Concerts in The Grove calendar. ([View here](#))

(b) Approve the minutes of the City Council's regular meeting of April 18, 2023.

(City Clerk) ([View here](#))

(c) Approve the Financial Demands and Obligations of the City. (Finance Director)

([View here](#))

(d) Rejection of Liability Claim Filed by Kathleen Pierce for the Alleged Property Damage. (City Clerk) ([View here](#))

(e) A Resolution Ordering the Levying of a Special Tax for Fiscal Year 2023/24 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. (City Engineer)

([View here](#))

- (f) A Resolution Confirming the Levy of Assessments for Fiscal Year 2023/24 Within the Lydia Lane Sewer Assessment District for the Repayment of Bonds Issued for the Construction of Municipal Sanitary Sewers. (City Engineer) ([View here](#))
- (g) A Resolution Confirming the Levying of Assessments for Fiscal Year 2023/24 Within the Oak Street Sewer Assessment District for the Repayment of Bonds Issued for the Construction of Municipal Sanitary Sewers. (City Engineer) ([View here](#))
- (h) A Resolution Ordering the Levy of a Special Tax for Fiscal Year 2023/24 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.(City Engineer) ([View here](#))
- (i) Adoption of a Revised Investment Policy. (Finance Director) ([View here](#))
- (j) Military Equipment Use Annual Report and Renewal of Ordinance No. 495, which adopted the Military Equipment Use Policy. (Chief of Police) ([View here](#))
- (k) Adopt a Resolution Terminating the Proclamation of Local Emergency for Storms. (Interim City Manager) ([View here](#))

5. RECOGNITIONS AND PRESENTATIONS

- (a) Information Only – No Action Requested.
 - Law Day (May 1)
 - Cinco De Mayo (May 5)
 - Armed Services Day (May 15)
 - Peace Officers' Memorial Day and Police Week (May 15)
 - Asian Pacific Heritage Month (May)
 - Jewish American Heritage Month (May)

6. REPORTS

- (a) City Manager/Staff

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Adopt updated City Council Guidelines and Procedures. (Interim City Manager)
([View here](#))
- (b) Status of City Council Future Agenda Item Requests. (Interim City Manager)
([View here](#))
- (c) Council Member Request - City Special Agreements. (Interim City Manager)
([View here](#))

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

10. **COUNCIL REPORTS**

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

11. **CLOSED SESSION**

- (a) Conference with Labor Negotiator
Government Code Section 54957.6
Instructions to City-designated labor negotiator: Interim City Manager
1. Employee Organization: Miscellaneous City Employees (Undesignated Group)

12. **RETURN TO OPEN SESSION**

Report out from Closed Session: Mayor Wan

13. **ADJOURNMENT**

The next regularly scheduled meeting of the City Council will be May 16, 2023.

#

City of Clayton Presents The 16th Annual

CONCERTS IN THE GROVE

EVERY OTHER SATURDAY

MAY 13 - SEPT. 16 | 6:00 - 8:30P.M.

MAY 13 | CROSSMAN CONNECTION

Country Hits Old and New

MAY 27 | ROD THE MOD

Rod Stewart Tribute Band

JUNE 10 | VIBE SOCIETY

Top 40 Hits

JUNE 24 | PRIDE AND JOY

Hits from 60's to 80's

JULY 8 | FOREVERLAND

Michael Jackson, 14-man tribute band

JULY 22 | CHICAGO TRIBUTE AUTHORITY

Chicago tribute band

AUG. 5 | HOUSEROCKERS

Best hits 60's, 70's, 80's and beyond

AUG. 19 | FLEETWOOD MASK

Fleetwood Mac Tribute Band

SEPT. 2 | ALAMEDA ALL STARS

Celebrating Gregg Allman

SEPT. 16 | EAST BAY MUDD

Classic Soul and R&B

Thank You to Our Generous Sponsors!



All About Maintenance • Bradburn Dentistry • Rachel Calloway, DDS • CBCA
Chick Boss • Clayton Farmhouse • Ecomulch • Ed's Mudville Grill
Estates by Wendy Moore • Hair's the Place • La Veranda Café
Leigh Klock Homes • Moresi's Chophouse • Sip N' Sweet
Skipolini's • Sky Power Solar • State Farm Insurance
Travis Credit Union • Village Market

For more information about the Concerts in the Grove series, please visit the City website or ClaytonConcerts.org. Scan the QR code shown here to donate to support Concerts this year!

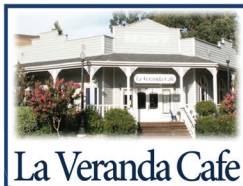


City of Clayton Presents The 16th Annual

CONCERTS IN THE GROVE

EVERY OTHER SATURDAY
MAY 13 - SEPT. 16 | 6:00 - 8:30P.M.

CHECK OUT THESE SPECIAL CONCERT OFFERS
FROM OUR LOCAL SPONSORS!



HAPPY HOUR MENU

served daily from 4 to 6 pm!

All Appetizers	Specialty Cocktails	House Wine	Draft Beer
\$7	\$7	\$7	\$6

Add \$2 for Top Shelf

Enjoy the music while dining on our veranda or our
brand-new outdoor patio



CONCERTS IN THE GROVE SLIDER SPECIAL

6 Sliders	12 Sliders
\$25	\$55

You can mix and match chicken or beef.
We will also have alcoholic beverages to-go!



EXCLUSIVE SPECIAL

1 FREE TOPPING

For all ice cream orders during concert

INCLUDES:

Hot Fudge, Whipped Cream, Nuts, Sprinkles And More!

Excludes self-serve toppings.



PIZZAS TO-GO!

Call Ahead To Order
925-672-1111

Come Pick Up Your Pizza
Before The Concert!



YOUR HEADQUARTERS FOR ALL YOUR CONCERT NEEDS

Wine, Beer, Soft Drinks, Ice,
Ice Cream And Snacks

Conveniently located right next to The Grove!

MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL
TUESDAY, APRIL 18, 2023

1. **CALL TO ORDER THE CITY COUNCIL** – The meeting was called to order at 7:02 p.m. by Mayor Wan held 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 Wan, Vice Mayor Diaz, and Councilmembers Cloven and Trupiano. Councilmembers absent: None. Staff present: Interim City Manager Ron Bernal, City Attorney Mala Subramanian, Chief of Police Rich McEachin, Maintenance Supervisor Jim Warburton, Community Development Director Dana Ayers, City Engineer Larry Theis, Finance Director Angeline Loeffler (via Zoom) and City Clerk Janet Calderon.

2. **PLEDGE OF ALLEGIANCE** – Led by Mayor Wan.

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

4. **CONSENT CALENDAR**

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

- (a) Approved the minutes of the City Council’s regular meeting of April 4, 2023. (City Clerk)
- (b) Approved the Financial Demands and Obligations of the City. (Finance Director)
- (c) Adopted Resolution No. 20-2022 Directing the Preparation and Filing of an Engineer’s Report for the Diablo Estates Benefit Assessment District. (City Engineer)

5. **RECOGNITIONS AND PRESENTATIONS**

- (a) Proclamation declaring the week of April 23 – 29, 2023 as “Clayton Community Library Week”. (Mayor Wan)

Mayor Wan read the proclamation declaring April 23-29, 2023 as “Clayton Library Week” in the City of Clayton.

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

- (b) Mount Diablo Interpretive Association (MDIA) Mitchell Canyon Educational Center Presentation. (Councilmember Trupiano)

Councilmember Trupiano introduced Mike Brady, Mount Diablo Interpretive Association Campaign Co-Chair and Gary Parkhurst presented the Power Point.

6. **REPORTS**

- (a) Interim City Manager Ron Bernal announced the upcoming Budget and Audit Committee meeting taking place on April 24, the installation of new playground equipment at Clayton Community Park is almost complete, and parts needed to repair the splashpad at The Grove Park have arrived.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Authorize the Mayor to Execute the City Manager Employment Agreement.
(City Attorney)

City Attorney Mala Subramanian presented the report.

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

It was moved by Councilmember Tillman, seconded by Councilmember Cloven, to authorize the Mayor to Execute the City Manager Employment Agreement with Bret Prebula. (Passed 5-0)

- (b) Resolution Adopting the City of Clayton's Salary Schedule Effective April 18, 2023, in Conformance with the California Public Employees Retirement System (CalPERS) Requirements to Provide a Publicly Available Salary Schedule.
(Interim City Manager)

Interim City Manager Ron Bernal presented the report.

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

It was moved by Councilmember Tillman, seconded by Mayor Wan, to Adopt Resolution No. 21-2023 Adopting the City of Clayton's Salary Schedule Effective April 18, 2023 in Conformance with CalPERS Requirements to Provide a Publicly Available Salary Schedule. (Passed 5-0).

- (c) Receive the Report and Provide Feedback on the Traffic Speed Strategy.
(Chief of Police and City Engineer)

Chief of Police Rich McEachin and City Engineer Larry Theis presented the report.

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

Direction was provided to staff.

- (d) Approve Funding Appropriation for American Rescue Plan Act (ARPA) Funds for Efficiency Measures and Asset Replacement and Acquisition.
(Interim City Manager)

Interim City Manager Ron Bernal presented the report.

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

It was moved by Mayor Wan, seconded by Councilmember Tillman, to Approve Funding Appropriation for American Rescue Plan Act (ARPA) Funds for Efficiency Measures and Asset Replacement, Acquisition and Appropriating up to \$15,000 to Install Automated Entry Points at City Hall. (Passed 5-0)

- (e) Provide Direction on whether to Appropriate Additional American Rescue Plan Act (ARPA) Funds for the Local Assistance Program (Clayton Cares) and whether to Modify the Amount Allowed per Grant Recipient.
(Interim City Manager)

Interim City Manager Ron Bernal presented the report.

Following questions and comments by the City Council, Mayor Wan opened the public comment.

Larry Love expressed the need of additional funding for small businesses in Clayton as they are still unstable from the pandemic.

Mayor Wan closed public comment.

No action was taken to Appropriate Additional American Rescue Plan Act (ARPA) Funds for the Local Assistance Program (Clayton Cares).

9. COUNCIL ITEMS

Councilmember Trupiano requested a future agenda item to include Approval of the Dates for the 2023 Concerts in The Grove, beginning May 13 through September 16 every other weekend.

10. COUNCIL REPORTS

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

Councilmember Cloven attended the TRANSPAC meeting, attended the Clayton Pride committee meeting, and announced the upcoming Clayton Cleans Up event taking place April 22.

Councilmember Tillman attended the Contra Costa County Mayors Conference, met with the Community Development Director, met with the Interim City Manager, spoke with a constituent regarding the Oakhurst Geological Hazard Abatement District, and attended the Clayton Pride committee meeting.

Councilmember Trupiano attended the Contra Costa County Mayors' Conference, attended the Clayton Community Library Foundation meeting and announced she will be attending the upcoming Clayton Cleans Up event.

Vice Mayor Diaz attended the County Connection Board and Administration and Finance Committee meetings, attended the Contra Costa County Mayors' Conference, attended the Clayton Business and Community Association BBQ Committee meeting, attended the Bay Area Retired FBI Agents luncheon, attended the Clayton Business and Community Association Art & Wine Security meeting, and met with the Interim City Manager.

Mayor Wan attended the Contra Costa County Mayors' Conference, met with the Finance Director providing Investment Policy edits, and worked with City Staff regarding future agenda items.

11. **ADJOURNMENT** – on call by Mayor Wan, the City Council adjourned its meeting at 9:03 p.m.

#

Respectfully submitted,

Janet Calderon, City Clerk

APPROVED BY THE CLAYTON CITY COUNCIL

Jeff Wan, Mayor



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JENNIFER GIANTVALLEY, ACCOUNTING TECHNICIAN
ANGELINE LOEFFLER, FINANCE DIRECTOR

DATE: 5/2/23

SUBJECT: FINANCIAL DEMANDS AND OBLIGATIONS OF THE CITY

RECOMMENDATION:

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

Attached Report	Purpose	Amount
Obligations	Accounts Payable	\$ 128,053.63
Payroll Reconciliation Summary	Payroll, Taxes	\$ 81,890.30
	Total Required	\$ 209,943.93

Attachments:

1. Obligation report for 5/2/23 (2 pages)
2. Payroll Reconciliation Summary report PPE 4/16/23 (2 pages)

Vendor name	Invoice date	Invoice number	Invoice description	Amount	Payment method
All City Management Services, Inc.	04/04/2023	84576	School crossing guard svcs 3/19/23-4/1/23	\$2,368.44	Check
Ricardo or Josefina Alvarez	04/14/2023	040823	HH Deposit refund	\$217.00	Check
Apex Technology Management	03/01/2023	TS1355591	IT Service March 2023	\$2,453.00	Check
Apex Technology Management	02/03/2023	1355452	Hoyer Hall Broadband internet & network	\$4,314.00	Check
Apex Technology Management	02/01/2023	TS1355239	IT Service February 2023	\$2,432.00	Check
AT&T	04/07/2023	5282608705	Hoyer Hall Internet	\$186.21	Check
AT&T (CalNet3)	04/22/2023	19833337	Phones 3/22/23-4/21/23	\$1,171.52	Check
Best Best & Kreiger LLP	04/11/2023	962282-962284	Legal svcs March 2023	\$12,119.20	Check
Big Tex Trailer World/B & D Trailer Sales	04/20/2023	213924	Stock # 213924, Trailer	\$8,066.60	Check
Bob Murray & Associates	04/15/2023	10029	Executive search services	\$3,632.12	Check
Brady IFS	11/10/2022	FQ558147	Janitorial supplies	\$79.16	Check
Caltronics Business Systems	04/18/2023	3753017	Copier usage 3/18/23-4/17/23	\$276.65	Check
CCWD	04/04/2023	040423	Water 2/4/23-4/4/23	\$6,061.37	Check
Cintas Corporation	04/20/2023	4153151784	PW uniforms through 4/20/23	\$63.98	Check
City of Concord	04/13/2023	96358	Livescans February 2023	\$48.00	Check
Comcast Business	04/05/2023	040523	Internet 4/10/23-5/9/23	\$247.52	Check
Comcast Business (PD)	04/01/2023	168892515	PD Internet March 2023	\$689.14	Check
Contra Costa County Public Works Dept	04/18/2023	705808	Traffic signal maintenance March 2023	\$3,328.18	Check
De Lage Landen Financial Services, Inc.	02/16/2023	79064581	PD copier lease May 2023	\$123.52	Check
Diablo Digital Printing-Robert Young	04/21/2023	2304025	Concerts in The Grove posters, mailers, banners	\$1,082.63	Check
Globalstar LLC	04/16/2023	49275431	Sat phone 4/16/23-5/15/23	\$130.47	Check
HdL Coren & Cone	04/24/2023	SIN027307	Contract svcs Property Tax Q4 FY 23	\$2,025.00	Check
LarryLogic Productions	04/25/2023	2111	Budget/Audit committee meeting production 4/24/23	\$160.00	Check
LarryLogic Productions	04/21/2023	2110	City council meeting production 4/18/23	\$480.00	Check
League of CA Cities East Bay Division	03/31/2023	5112	East Bay Division Meeting 3/23/23	\$50.00	Check
Mission Square Retirement	04/17/2023	20230331-109-320171A	Annual plan fee Q4 FY23	\$125.00	Check
Moore Iacofano Golstman, Inc	04/18/2023	80439	Housing Element svcs March 2023	\$1,493.75	Check
nfpAccounting Technologies, Inc	04/13/2023	041323	Financial Edge Support 4/13/23-4/12/24	\$1,650.00	Check
OSH - Clayton	04/20/2023	F63880/3	Supplies	\$60.35	Check
OSH - Clayton	04/19/2023	F63547/3	Irrigation supplies	\$17.54	Check
OSH - Clayton	04/17/2023	F62478/3	Supplies	\$13.15	Check
Precision Civil Engineering (PCE)	04/14/2023	27999	21-359.1 ADU Ordinance	\$410.00	Check
Precision Civil Engineering (PCE)	04/13/2023	27996	21-359 Pre-approved ADU Plans	\$1,446.25	Check
Prestige Printing & Graphics	04/19/2023	84530	Business cards	\$95.13	Check
Site One Landscape Supply, LLC	04/06/2023	128373126-001	Irrigation supplies	\$394.33	Check
Site One Landscape Supply, LLC	04/06/2023	128372981-001	Irrigation supplies	\$627.42	Check
Stericycle, Inc	04/18/2023	8003749994	Regular service	\$235.62	Check
T Mobile	04/02/2023	981497076 3/23	PD cell phones March 2023	\$526.10	Check
Texas Life Insurance Company	04/14/2023	SM0F1B20230319001	Supplemental insurance	\$42.25	Check
Total Imaging Solutions, LLC	04/13/2023	20568	Microfiche service 5/4/23-5/3/24	\$530.00	Check
Vision Service Plan (CA)	04/18/2023	817719307	Vision May 2023	\$146.22	Check
Vision Service Plan (CA)	03/18/2023	817496403	Vision April 2023	\$115.44	Check
Workers.com	04/21/2023	135965	Seasonal workers week end 4/16/23	\$4,074.18	Check
American Fidelity Assurance Company	04/30/2023	D575428	Supplemental Insurance April 2023	\$566.84	Bank draft
American Fidelity Assurance Company	04/06/2023	2226188B	FSA PPE 4/16/23	\$30.00	Bank draft
American Fidelity Assurance Company	04/06/2023	2226187B	FSA PPE 4/2/23	\$30.00	Bank draft

American Fidelity Assurance Company	04/06/2023	2226186B	FSA PPE 3/19/23	\$30.00	Bank draft
American Fidelity Assurance Company	04/06/2023	2226184C	FSA PPE 2/5/23 & 2/19/23	\$110.00	Bank draft
American Fidelity Assurance Company	03/05/2023	2226185B	FSA PPE 3/5/23	\$30.00	Bank draft
CalPERS Health	04/14/2023	17145605	Medical May 2023	\$35,898.99	Bank draft
CalPERS Retirement	04/16/2023	041623	Retirement PPE 4/16/23	\$18,556.99	Bank draft
Mission Square Retirement	04/16/2023	041623	457 Plan contributions PPE 4/16/23	\$225.00	Bank draft
Nationwide	04/16/2023	041623	457 Plan contribution PPE 4/16/23	\$750.00	Bank draft
Neopost (add postage)	04/21/2023	042123	Postage added	\$300.00	Bank draft
Paylocity Corporation	03/20/2023	INV1316488	Payroll fees March 2023, Correct 2022 W-2s	\$1,512.00	Bank draft
Paylocity Corporation	02/20/2023		Payroll fees February 2023	\$864.00	Bank draft
Wex Bank-Fleet Cards	03/25/2023	88097896	Fleet fuel stmt end 3/25/23	\$5,341.37	Bank draft
				\$128,053.63	

Payroll Summary

City of Clayton

Check Date: 04/21/2023

Process: 2023042101

Pay Period: 04/03/2023 to 04/16/2023

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Payroll Totals

Payroll Checks	Check Type	Count	Net Check	Dir Dep Amount	Net Amount	
	Regular	26	0.00	64,912.63	64,912.63	
	Totals	26	0.00	64,912.63	64,912.63	→ 64,912.63

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

	Total Net Payroll Liability			0.00	65,934.28	65,934.28	→ 65,934.28
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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	89,600.68	89,600.68			
California SITW			Semi-Weekly	88,625.68	88,625.68	3,688.13		
Totals						3,688.13	0.00	→ 3,688.13

CASUI and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
CA Edu & Training		0.001000	Quarterly	89,600.68	2,031.30		2.03	
California SUI		0.020000	Quarterly	89,600.68	2,031.30		40.63	
Totals						0.00	42.66	→ 42.66

FITW and Related Taxes	Tax Id	Rate	Frequency	Wage	Cap Wages	EE Amount	ER Amount	
Federal Income Tax			Semi-Weekly	88,625.68	88,625.68	9,626.79		
Medicare			Semi-Weekly	89,600.68	89,600.68	1,299.23		
Medicare - Employer			Semi-Weekly	89,600.68	89,600.68		1,299.21	
Totals						10,926.02	1,299.21	→ 12,225.23

	Total Tax Liability					14,614.15	1,341.87	→ 15,956.02
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	Total Payroll Liability					81,890.30		→ 81,890.30
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Transfers

Type	Date	Source Account	Amount	
Dir Dep	4/20/2023		64,912.63	
Tax	4/20/2023		15,956.02	
Trust Agency	4/20/2023		1,021.65	
Totals Transfers			81,890.30	→ 81,890.30



Paylocity Corporation
(888) 873-8205

User: JGiantvalley

Run on 4/17/2023 at 4:16 PM

Payroll Summary

City of Clayton

Check Date: 04/21/2023

Process: 2023042101

Pay Period: 04/03/2023 to 04/16/2023

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Tax Deposits

Required Tax Deposits	Tax	Due On	Amount
(Deposit made by Service Bureau)	California SITW	4/26/2023	3,688.13
(Deposit made by Service Bureau)	Federal Income Tax	4/26/2023	12,225.23
(Deposit made by Service Bureau)	California SUI	7/31/2023	42.66
Total Tax Deposits			15,956.02



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Janet Calderon, City Clerk

DATE: May 2, 2023

SUBJECT: Rejection of Liability Claim Filed by Kathleen Pierce for the Alleged Property Damage.

RECOMMENDATION

Approve the denial of liability claim against the City filed by Kathleen Pierce for alleged property damage reportedly occurring on January 16, 2023.

BACKGROUND

On February 9, 2023 the City received a liability claim filed by Ms. Kathleen Pierce, related to alleged property damage. The City is self insured for general liability purpose and the Municipal Pooling Authority of Northern California administers the self-insured program. On February 9, 2023 this liability claim was transmitted to the Municipal Pooling Authority for processing and investigation.

Liability adjusters for the Municipal Pooling Authority reviewed the claim. Following its review the Municipal Pooling Authority has advised the City to deny the claim and issue a notice of rejection to the claimant.

FISCAL IMPACT

None.

Attachment: Copy of Claim (16 pages)

CLAIM PRESENTED TO THE CITY OF CLAYTON

*Please read the instructions on the back before completing.

Reserve for Filing Stamp

RECEIVED

FEB 09 2022

cc:

City of Clayton

City Claim #

1. Claimant's Name: (PLEASE PRINT) Kathleen Pierce

Claimant's Address: _____

City, State, Zip: Clayton, CA 94517

Day Phone: () _____ Eve Phone: () _____

2. When did the damage or injury occur? January 16, 2023 4:00 a.m. 5 p.m.

3. At which location did the damage or injury occur?

Police Report #

Clayton, CA 94517

4. What happened and why is the City responsible?

a. This is a city owned catch basin located on property that has an easement owned by city.

Name and position of responsible City Employee(s), if known:

b. Jim Warburton, Maintenance Supervisor + Huerta5. What damage or injury occurred? City of Clayton owned catch basin was clogged and flooded in backyard and crawlspace under house was flooded requiring a sump pump for water removal and water damage to ducts. *see attach6. Claim amount (only if less than \$10,000): \$13911.10+ *see attach

If the amount exceeds \$10,000, please check (X) the court of appropriate jurisdiction:

____ Municipal Court (claims up to \$25,000) ____ Superior Court (claims over \$25,000)

7. How did you arrive at the amount claimed? Please attach documentation.

Estimates from Speedy Restoration & Reconstruction Services. and Attic Pros *see attachments Attic Care8. I declare under penalty of perjury under the laws of the State of California that the following information is true and correct, and that this declaration was executed on February 9, 2023, at Clayton, CA.Kathleen Pierce
Signature of Claimant or Representative's Signature

9. Official Notices and Correspondence

If represented by an insurance company or an attorney, please provide the information requested below.

Name and Capacity: (PLEASE PRINT) _____

Address: _____

City, State, Zip: _____

Daytime Telephone: () _____ Evening Phone: () _____

To: City of Clayton, California

Jim Warburton, Maintenance Supervisor

February 2, 2023

From: Kathy Pierce

Clayton, CA 94517

There is a city owned catch basin on the property line located on the left back side of the property.

I believe there is also a Water Easement that goes along the left side of the property.

On January 16, 2023 at 4am, it was pouring rain all night and there was water everywhere and my backyard was flooding and crawlspace got flooded. There was a lot of water by the catch basin in the back yard and it was clogged. I removed the grate and tried to unclog with a PVC pipe but was unable to unclog it, so I called 911 dispatcher.

A city maintenance worker Huerta tried to unclog with PVC pipe but could not and he had to leave to take care of a mudslide on March Creek Rd. He said he would have a police officer Rich come to my house.

I waited and nobody came, so then I called 911 again and then Huerta came back, and he started picking in the catch basin with a PVC pipe and he said it finally broke loose, but in the backyard was flooded and under my house in crawlspace there was excessive water.

This requires sump pump to get the excessive water out of crawlspace and there was some duct pipe water damage in crawlspace that needs to be replaced.

Thank you very much,



Kathy Pierce, Homeowner

Cell

Home

Subject Re: Clayton Claim Form

From Kathy Pierce

< >

To: <jimw@claytonca.gov>

Date Jan 20 at 2:08 PM

Hi Jim, thank you for talking to me today. Yeah if you could check to see if _____ has an easement and storm drain on my property and be on the left-hand side of the property line when you're facing it from the street.

what happen it was pouring rain and water everywhere it was the storm drain got clogged January 16, Monday at 4am, I noticed the storm drain and it was clogged. I tried to unclog it myself with a PVC pipe and it wouldn't unclog so I called 911 and your worker came out and he could not attempt to get it done on the first try.

He said he had to leave because there was a mudslide on marsh Creek Road and it was going to call the police officer Rich to come by so I waited and nobody came by so then I called 911 again and then he did show up and he came back and just started picking at it with a PVC pipe and he said it finally broke loose but in the meantime my yard got flooded and under my house got flooded. I have a sump pump going but it's a lot of water anyway and I had attic pros come out today to see what they would do and they're going to send an estimate to Me .

Thank you very much Kathy Pierce.
Phone :

Sent from

[View more](#)



SPEEDY RESTORATION INC.

RESTORATION & RECONSTRUCTION SERVICES
1039 Serpentine Ln STE C
Pleasanton, CA 94566
CSLB # 986199
IICRC # 139647

Insured: Kathy Pierce
Property: Clayton, CA 94517

Home:
E-mail:

Claim Number:

Policy Number:

Type of Loss:

Date of Loss:
Date Inspected:

Date Received:
Date Entered: 1/27/2023 7:16 AM

Price List: CAEB8X_JAN23
Restoration/Service/Remodel
Estimate: KATHY_PIERCE_CRAWL-S

Preliminary estimate for crawlspace water extraction and HVAC Duct Work



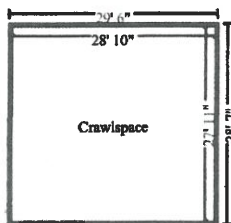
SPEEDY RESTORATION INC.

RESTORATION & RECONSTRUCTION SERVICES
1039 Serpentine Ln STE C
Pleasanton, CA 94566
CSLB # 986199
IICRC # 139647

KATHY_PIERCE_CRAWL-S

General

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
1. Respirator - Full face - multi-purpose resp. (per day)	1.00 DA	0.00	7.61	0.00	1.52	9.13
2. Respirator cartridge - HEPA only (per pair)	2.00 EA	0.00	14.30	2.82	6.28	37.70
3. Residential Supervision / Project Management - per hour	6.00 HR	0.00	93.22	0.00	111.86	671.18
4. Water extraction from hard surface floor	300.00 SF	0.00	0.29	0.00	17.40	104.40
5. Add for personal protective equipment - Heavy duty	4.00 EA	0.00	41.28	16.31	36.28	217.71
6. Floor protection - cardboard and tape	120.00 SF	0.69	0.00	3.32	17.22	103.34
7. Apply plant-based anti-microbial agent to the surface area	230.00 SF	0.00	0.39	1.14	18.16	109.00
Totals: General				23.59	208.72	1,252.46



Crawlspace

Height: 8'

908.00 SF Walls
1,712.93 SF Walls & Ceiling
89.44 SY Flooring
113.50 LF Ceil. Perimeter

804.93 SF Ceiling
804.93 SF Floor
113.50 LF Floor Perimeter

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
8. Sump pump - Temporary Install	1.00 EA	0.00	1,052.81	0.00	210.56	1,263.37
9. Ducting - flexible - 6" round	8.00 LF	0.00	1.68	1.33	2.94	17.71
10. R&R Ductwork - flexible - insulated - 8" round	22.00 LF	1.23	12.75	9.28	63.38	380.22
11. R&R Ductwork - flexible - insulated - 10" round	10.00 LF	1.23	14.86	6.30	33.44	200.64
12. HVAC - General Laborer - per hour	8.00 HR	0.00	65.60	0.00	104.96	629.76
13. R&R Ductwork - flexible - insulated - 12" round	8.00 LF	1.23	15.47	5.52	27.82	166.94
Totals: Crawlspace				22.43	443.10	2,658.64



SPEEDY RESTORATION INC.

RESTORATION & RECONSTRUCTION SERVICES
1039 Serpentine Ln STE C
Pleasanton, CA 94566
CSLB # 986199
IICRC # 139647

Line Item Totals: KATHY_PIERCE_CRAWL-S

46.02 651.82 3,911.10

Grand Total Areas:

1,816.00 SF Walls	1,609.86 SF Ceiling	3,425.86 SF Walls and Ceiling
1,609.86 SF Floor	178.87 SY Flooring	113.50 LF Floor Perimeter
0.00 SF Long Wall	0.00 SF Short Wall	113.50 LF Ceil. Perimeter
804.93 Floor Area	843.21 Total Area	908.00 Interior Wall Area
1,045.50 Exterior Wall Area	116.17 Exterior Perimeter of Walls	
0.00 Surface Area	0.00 Number of Squares	0.00 Total Perimeter Length
0.00 Total Ridge Length	0.00 Total Hip Length	

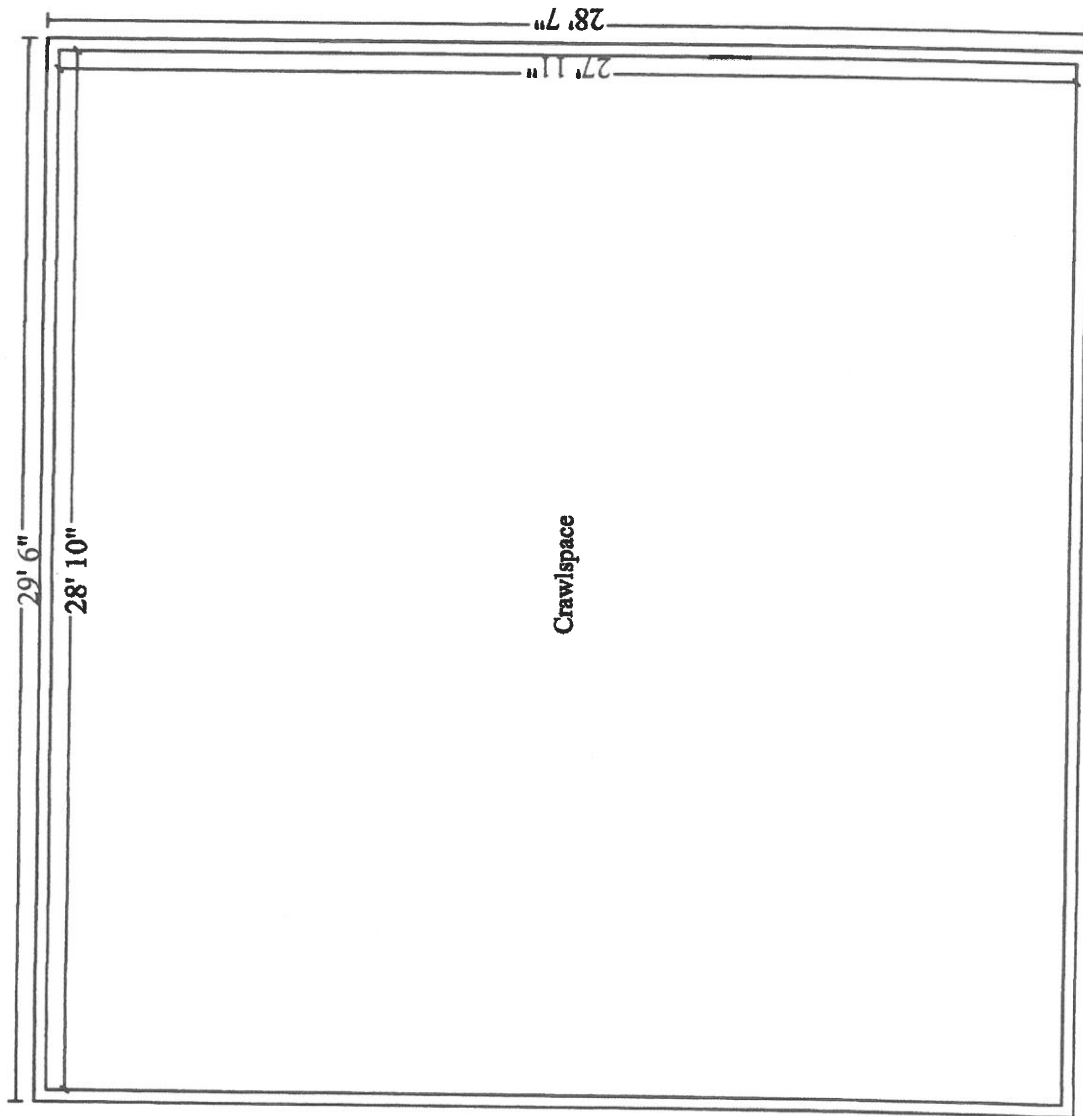


SPEEDY RESTORATION INC.

RESTORATION & RECONSTRUCTION SERVICES
1039 Serpentine Ln STE C
Pleasanton, CA 94566
CSLB # 986199
IICRC # 139647

Summary for Dwelling

Line Item Total	3,213.26
Material Sales Tax	46.02
Subtotal	3,259.28
Overhead	325.91
Profit	325.91
Replacement Cost Value	\$3,911.10
Net Claim	\$3,911.10





AtticPros

CLEAN • INSULATE • PROTECT

718 Douglas Ave Oakland, CA 94603
(800) 788-5124

Customer

Pierce, Kathy

Clayton, CA 94517

Estimate

Order #:

Job Date: 1/20/2023

Technician: Qiamy5103040253, Kamal 5103040253

Supervising

Technician: (415) 813-5083, Sergio(415) 813-5083

Item	Qty	Price	Amount
Water collection in the crawl space - Stand water removal from crawl space area by installing temporary sump pump.	1	1,750.00	1,750.00
French Drain - Digging of a sloped gravel-lined ditch with an embedded perforated pipe that channels water away or into a sump pump pit	1	5,890.00	5,890.00
Sump Pump Installation - Digging a pit in the lowest area approximately 24 inch wide and 30 inches deep, installing a sump pump liner, the pump, and fill with drain rocks	1	2,200.00	2,200.00
Vapor Barrier Installation - Laying down of a vapor barrier - a 20MIL thick tarp that covers and encapsulates the dirt to contain excessive moisture in the crawl space	1	2,350.00	2,350.00

SUBTOTAL	\$12,190.00
SALES TAX	
TOTAL	\$12,190.00

Payment is due upon completion of the project. At the end of the workday to the project manager on site.

Debit/Credit Card Processing is subject to a processing fee of 3% of the total.

Lic:1022608

Signature

Date

Thank you for choosing Attic Pros!



License 1051462



888-743-7243



Contact@AtticareUSA.com



303 West Joaquin Avenue #103
San Leandro, California 94577

Client:
Kathy Pierce

ESTIMATE # EST114090

Estimate Date: 01/23/2023

Clayton, California 94517

ESTIMATE REPORT

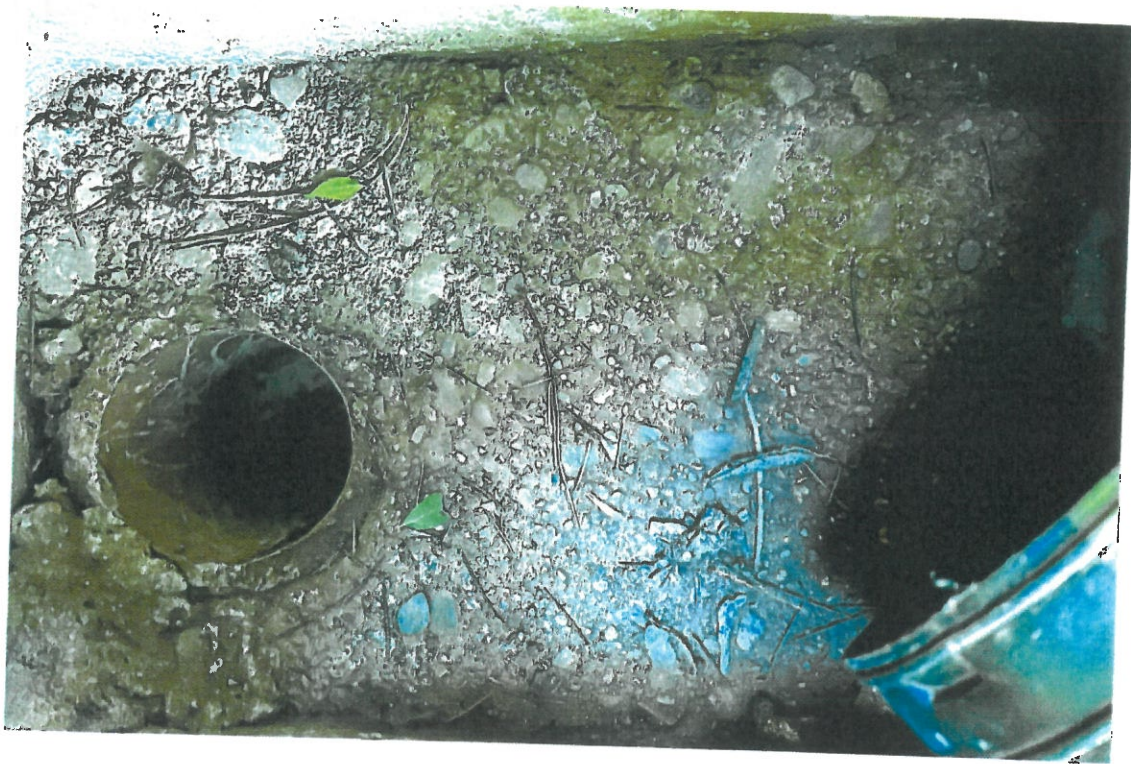
Home Improvement

Product	Qty	Rate	Amount
Job-site Preparation We will lay protective plastic from the entrance to the Crawlspace in order to protect the service area.	1	\$ 0.00	\$ 0.00
Rodent Proofing Service Area: Crawlspace. We will identify and seal entry points in the service areas to block rodents from entering. We will use expandable foam, galvanized wire mesh, and silicone as required. Included with work.	1	\$ 0.00	\$ 0.00
Insulation Batts Installation R19 Faced 24" Service Area: crawlspace space (back of the house) Fiberglass insulation thermal performance reduces utility costs and provides greater occupant comfort by retaining the desired temperature of enclosed spaces. Fiberglass insulation maintains its R-Value over a long period of time and has significant recycled content, in some cases up to 80 percent recycled glass. Limiting environmental impact in the manufacturing process.	510	\$ 2.75	\$ 1,402.50
Insulation Batts Installation R19 Faced 24" Service Area: Crawlspace (front of the house) Fiberglass insulation thermal performance reduces utility costs and provides greater occupant comfort by retaining the desired temperature of enclosed spaces. Fiberglass insulation maintains its R-Value over a long period of time and has significant recycled content, in some cases up to 80 percent recycled glass. Limiting environmental impact in the manufacturing process.	728	\$ 2.75	\$ 2,002.00
Insulation Batts Installation R19 Faced 16" Service Area: Vertical wall that separates the crawlspace from the living spaces. Fiberglass insulation thermal performance reduces utility costs and provides greater occupant comfort by retaining the desired temperature of enclosed spaces. Fiberglass insulation maintains its R-Value over a long period of time and has significant recycled content, in some cases up to 80 percent recycled glass. Limiting environmental impact in the manufacturing process.	200	\$ 2.75	\$ 550.00

Sub Total \$ 3,954.50

Discount \$ 514.50

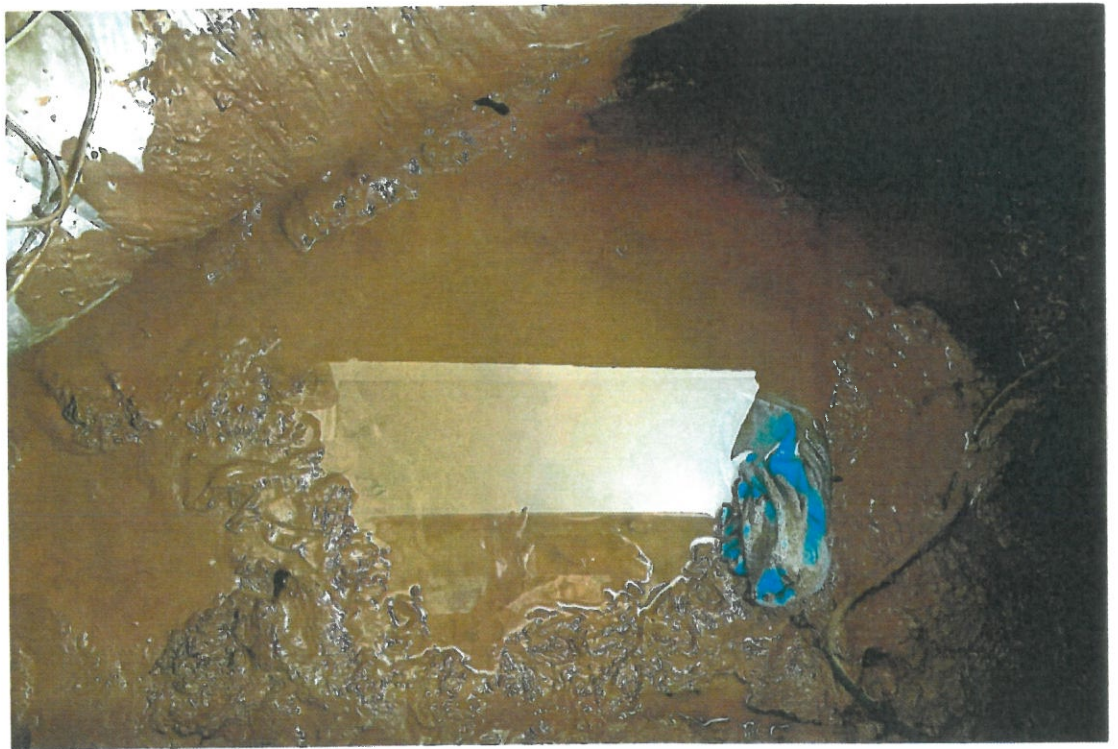
Total \$ 3,440.00



Catch Basin on Property Line
owned by City of Clayton



Driveway Drain was pooling
water due to catch basin
being clogged



Excessive water in Crawlspace
Flooded 1/16/23



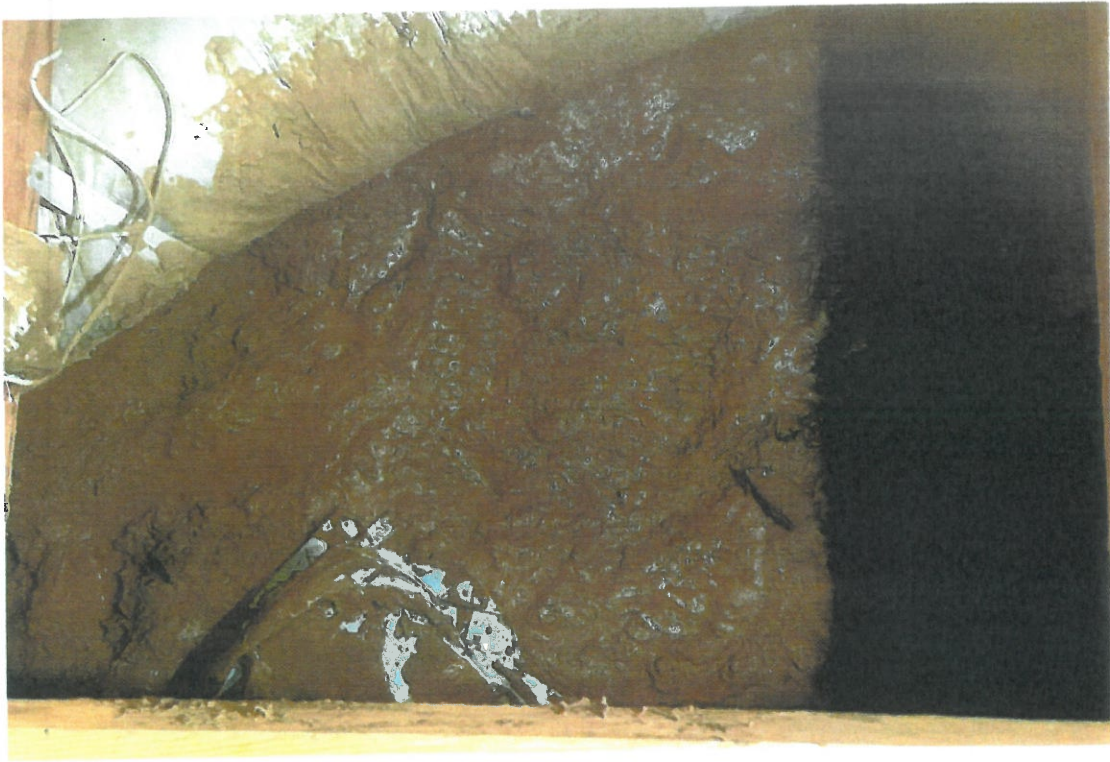
Excessive water
in backyard
due to clogged
catch basin
1/17/23





Still water
in crawl space
on 1/22/23





Crawlspace picture
on 1/23/23



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

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

DATE: May 2, 2023

SUBJECT: A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FISCAL YEAR 2023/24 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.

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The High Street Permanent Road Division was formed in 1999 providing a mechanism for 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 the administrative costs. Through the end of Fiscal Year 2022-23, \$98,063.78 will have been collected towards the repayment of principal and interest due on the note that was used to finance the construction of the bridge, and \$7,200.00 for future maintenance. Please note, the property owner of APN 119-040-023 paid-off their portion of the special tax in full in 2014, and that prepayment was used to repay a portion of the note.

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 special tax to repay the costs of bridge construction were levied in Fiscal Year 1999/00 and the final special tax to repay the construction will be levied in Fiscal Year 2028/29. It should be noted that the portion of the special tax for bridge maintenance will continue indefinitely.

FISCAL IMPACT

The Fiscal Year 2023/24 annual special tax will generate \$1,754.00. 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 Fiscal Year 2023/24 on the parcels located within the High Street Permanent Road Division.

ATTACHMENT

Attachment: Resolution Ordering the Levying of a Special Tax for Fiscal Year 2023/24

RESOLUTION NO. XX- 2023

A RESOLUTION ORDERING THE LEVYING OF A SPECIAL TAX FOR FISCAL YEAR 2023/24 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 approved special tax must be re-levied each fiscal year;

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

1. Order the levy of special taxes for Fiscal Year 2023/24 on those parcels within the High Street Permanent Road Division for the reconstruction and maintenance of the bridge over Mitchell Creek.
2. List the annual tax rates for each parcel for the reconstruction and maintenance as follows:

APN	Current Owner	Reconstruction	Bridge Maintenance	Total
119-040-021	Utleigh Gloria J Tre	\$545.00	\$60.00	\$605.00
119-040-023	Morgan John T & Pamela D Tre	\$0.00	\$60.00	\$60.00
119-040-024	Davis Jerry W & Sharon L	\$364.00	\$60.00	\$424.00
119-050-008	City of Clayton	\$0.00	\$60.00	\$60.00
119-050-036	Clayton Community Church, Inc.	\$545.00	\$60.00	\$605.00
Total Special Tax		\$1,454.00	\$300.00	\$1,754.00

3. Order that special taxes 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 2nd day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

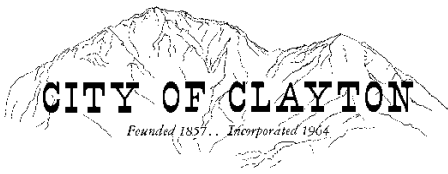
ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

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

DATE: May 2, 2023

SUBJECT: A RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023/24 WITHIN THE LYDIA LANE SEWER ASSESSMENT DISTRICT FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF MUNICIPAL SANITARY SEWERS

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 to provide funding for the construction of the sewer improvements. The bonds are being repaid by the property owners through annual assessments collected by the County through each property owner's 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 Fiscal Year 2002/03 and the final assessment will be levied in Fiscal Year 2031/32.

On June 6, 2022, the property owner of APN 120-052-011 paid-off their assessment lien in full, and therefore will no longer be assessed annually.

The attached resolution confirms the proposed assessments for Fiscal Year 2023/24.

FISCAL IMPACT

The Fiscal Year 2023/24 assessments will generate approximately \$17,937 for the District. If this Resolution is not approved, the City will have to pursue separate action against each property owner to directly bill the annual assessment and if assessments are not billed and collected, the City may default on the bonds.

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

Attachment: Resolution Confirming the Levying of Assessments for Fiscal Year 2023/24

RESOLUTION NO. XX-2023

**A RESOLUTION CONFIRMING THE LEVY OF ASSESSMENTS FOR
FISCAL YEAR 2023/24 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 \$228,325 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 bonds by the property owners is provided through the levy of annual assessments, for principal, interest, and administrative costs, on each property owner's County property tax bill; and

WHEREAS, the proposed assessments for Fiscal Year 2023/24 are shown on Exhibit A attached hereto;

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

1. Orders the levy of assessments for Fiscal Year 2023/24 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. Lists the annual assessment for each parcel in the assessment district as shown on Exhibit A attached hereto.
3. Orders the assessments to 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 2nd day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk

EXHIBIT A

ANNUAL ASSESSMENT AMOUNTS FOR FISCAL YEAR 2023/24 FOR THE LYDIA LANE SEWER ASSESSMENT DISTRICT

Lydia Lane Sewer Assessment District	
Assessor Parcel Number (APN)	Amount ¹
120-042-005	\$1,013.49
120-042-006	\$1,013.49
120-043-007	\$1,013.49
120-043-009	\$1,013.49
120-051-007	\$1,262.13
120-051-008	\$1,262.13
120-051-010	\$1,262.13
120-052-003	\$1,262.13
120-052-004	\$1,262.13
120-052-005	\$1,262.13
120-052-006	\$1,262.13
120-052-009	\$1,262.13
120-052-015	\$1,262.13
120-052-016	\$1,262.13
120-052-017	\$1,262.13
Total Assessment	\$17,937.39

¹The Amounts shown above may differ from the amounts placed on the Contra Costa County's secured property tax bill by \$0.01 due to County rounding requirements.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

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

DATE: May 2, 2023

SUBJECT: A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR FISCAL YEAR 2023/24 WITHIN THE OAK STREET SEWER ASSESSMENT DISTRICT FOR THE REPAYMENT OF BONDS ISSUED FOR THE CONSTRUCTION OF MUNICIPAL SANITARY SEWERS

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 properties:

Assessor Parcel

Number (APN)

Street Address

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	Oak Street
119-050-036	1027 Pine Hollow Court

The City issued bonds to provide funding for the construction of the sewer improvements. The bonds are being repaid by the property owners through annual assessments collected by the

County through each property owner's property taxes. In addition to the assessment repaying the principal and interest, 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 Fiscal Year 2003/04 and the final assessment will be levied in Fiscal Year 2026/27.

The attached resolution confirms and orders the levying of the proposed assessments for Fiscal Year 2023/24.

FISCAL IMPACT

The Fiscal Year 2023/24 assessments will generate approximately \$11,654 for the District. If this Resolution is not approved, the City will have to pursue separate action against each property owner to directly bill the annual assessment and if assessments are not billed and collected, the City may 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

Attachment: Resolution Confirming the Levying of Assessments for Fiscal Year 2023/24

RESOLUTION NO. XX-2023

**A RESOLUTION CONFIRMING THE LEVYING OF ASSESSMENTS FOR
FISCAL YEAR 2023/24 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 to fund the construction of municipal sanitary sewers in the Oak Street Assessment District which must be repaid by the property owners within the assessment district; and

WHEREAS, the repayment of the bonds by the 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 2023/24 are shown on Exhibit A attached hereto;

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

1. Orders the levy of assessments for Fiscal Year 2023/24 on those parcels within the Oak Street Sewer Assessment District for repayment of bonds issued for the construction of municipal sanitary sewers within the assessment district.
2. Lists the annual assessment for each parcel in the assessment district as shown on Exhibit A attached hereto.
3. Orders the assessments to 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 the 2nd day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

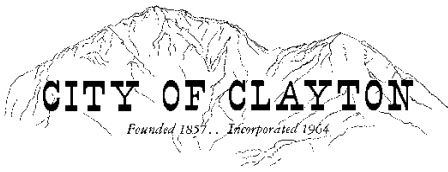
Janet Calderon, City Clerk

EXHIBIT A

ANNUAL ASSESSMENT AMOUNTS FOR FISCAL YEAR 2023/24 FOR THE OAK STREET SEWER ASSESSMENT DISTRICT

Oak Street Sewer Assessment District	
Assessor Parcel Number (APN)	Amount ¹
119-040-021	\$1,165.45
119-040-024	\$1,165.45
119-040-027	\$1,165.45
119-040-028	\$1,165.45
119-040-030	\$1,165.45
119-040-032	\$1,165.45
119-040-033	\$1,165.45
119-040-036	\$1,165.45
119-040-037	\$1,165.45
119-050-036	\$1,165.45
Total Assessment	\$11,654.50

¹The Amounts shown above may differ from the amounts placed on the Contra Costa County's secured property tax bill by \$0.01 due to County rounding requirements.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

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

DATE: May 2, 2023

SUBJECT: A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX FOR FISCAL YEAR 2023/24 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.

RECOMMENDATION

Approve the attached Resolution.

BACKGROUND

The Oak Street Permanent Road Division was formed in 2000 to provide a mechanism for the 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 included an amount dedicated to future road maintenance and an amount for administrative fees (10% of the levy for bridge construction and maintenance).

The portion of the special tax dedicated to repaying the City for construction costs related to the bridge has been paid. The bridge maintenance cost and District administrative fee remain in the special tax funds. Those costs remain in the Resolution as an annual charge. It is noted that seven parcels have a levy of \$220.00, and two parcels have a levy of \$110.00. 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.

The first special tax for the repayment of the bridge construction costs was levied in Fiscal Year 2000/01 and the final special tax for construction costs was levied in Fiscal Year 2019/20. It should be noted that the portion of the special tax for maintenance and administration will continue indefinitely.

FISCAL IMPACT

If this Resolution is not approved, funds will not be collected for Division administration or the maintenance of the bridge over Mitchell Creek and the private portion of Oak Street. The annual special tax for this fiscal year will generate a total of \$1,760.00.

CONCLUSION

Based upon the above, staff recommends the City Council approve this Resolution levying a special tax in Fiscal Year 2023/24 on the parcels located within the Oak Street Permanent Road Division.

ATTACHMENTS

Attachment: Resolution Ordering the Levying a Special Tax for Fiscal Year 2023/24

RESOLUTION NO. XX- 2023

A RESOLUTION ORDERING THE LEVY OF A SPECIAL TAX FOR FISCAL YEAR 2023/24 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 approved special tax must be re-levied each fiscal year;

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

1. Order the levy of special taxes for Fiscal Year 2023/24 on those parcels within the Oak Street Permanent Road Division for the maintenance of the bridge over Mitchell Creek and the maintenance of the private portion of Oak Street.

2. List the annual tax rates for each parcel for the maintenance as follows:

APN	Owner	Construction	Bridge Maintenance	Division Admin.	Total
119-040-027	Law Robert L & Laura J	\$0.00	\$200.00	\$20.00	\$220.00
119-040-028	Schwitters Mitchell E & Kitt E	\$0.00	\$200.00	\$20.00	\$220.00
119-040-029	Gonzalez Jose Enrique Tre	\$0.00	\$200.00	\$20.00	\$220.00
119-040-030	Morris James M	\$0.00	\$200.00	\$20.00	\$220.00
119-040-031	English Mark A & Cori L Tre	\$0.00	\$200.00	\$20.00	\$220.00
119-040-032	Gainant Gerald D & Mayder E	\$0.00	\$200.00	\$20.00	\$220.00
119-040-033	Webb Paulette M Tre	\$0.00	\$200.00	\$20.00	\$220.00
119-040-036	Caspar Joann G Tre	\$0.00	\$100.00	\$10.00	\$110.00
119-040-037	Caspar Joann G Tre and Jeffrey J	\$0.00	\$100.00	\$10.00	\$110.00
Total Special Tax		\$0.00	\$1,600.00	\$160.00	\$1,760.00

3. Order that special taxes be levied and collected by the County of Contra Costa, California along with the regular property taxes in Fiscal Year 2023/24.

PASSED, APPROVED and ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held on the 2nd day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: ANGELINE LOEFFLER, FINANCE DIRECTOR
NITISH SHARMA, FINANCE CONSULTANT**

DATE: MAY 2, 2023

SUBJECT: ADOPTION OF A REVISED INVESTMENT POLICY

RECOMMENDATION

Staff recommends that the City Council adopt the Updated City of Clayton Investment Policy dated May 2, 2023.

BACKGROUND

On December 5, 2022, Mr. Sharma, Interim Finance Director at the time, presented a draft updated Investment Policy along with the current 2018 Investment Policy (Attachment 1) to the Budget and Audit Committee for review and feedback. The Committee members had extensive discussion and had different thoughts on the investment types and how much of the portfolio it represents.

On February 27, 2023, the staff presented both current and updated version of investment policy again in order to gain further direction from the Budget and Audit Committee members and received additional comments and feedback. The Committee members provided their comments and feedback at this meeting.

On March 27, 2023, the updated Investment Policy was agendaized for the City Council to take action. It was tabled by the Council so that the mayor could provide additional revisions to the document consistent with his understanding of previous direction provided by the Budget and Audit Committee.

On April 24, 2023, the revised Investment Policy that captured the full comments and recommendations from the Budget and Audit Committee communicated at their February 27, 2023 meeting was presented to the Budget and Audit Committee and recommended for approval by the City Council without further changes.

DISCUSSION

Highlights of the final draft Investment Policy May 2, 2023 (Attachment 3) include the following updates:

- Section III – Delegation of Authority has been updated.
- Section IV – Assignment and Duties has been updated by defining duties of each assigned capacity.
- Section VI, Investment Objectives:
 - Subsection A-1, Credit Risk: Updated by redefining “Credit Risk”
 - Subsection A-2, Market or Interest Rate Risk: Updated by redefining “Interest rate risk” and updating investment terms on securities.
 - Subsection B, Liquidity: Deletion of following phrases;
 - *Liquidity is the second most important objective of City Investments*
 - *This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (Static liquidity)*
 - *(dynamic liquidity)*
 - Subsection C, Return on Investments: minor wording changes; *basic* to *prior* on first sentence and *fair* to *reasonable* on last sentence.
- Section VII – Authorized Investments has following changes:
 - Updated (attachment 3):
 - Subsection A, Local Agency Investment Fund: more details added.
 - Subsection B, Negotiable Certificate of Deposit (NCD): updated with more detailed terms and conditions, originally under subsection C (attachment 1)
 - Subsection C, Municipal Bonds of the State of California or Local Agencies: title was added and re-numbered, originally under subsection D (attachment 1).
 - Subsection D, U.S. Treasury Notes, U.S. Treasury Bills, U.S. Government Agency issues and Government Sponsored Enterprises: title was added and re-numbered, originally under subsection E (attachment 1)
 - Subsection E, U.S. Government Agency issues and Government Sponsored Enterprises: title was added and re-numbered, originally under subsection H (attachment 1).
 - Subsection F, Government Investment Pools: updated with minor wording changes, originally under subsection I (attachment 1)
 - Removed (attachment 1):
 - Subsection B, *passbook savings accounts, demand deposits* from the original Investment Policy
 - Subsection F, *Registered state warrants or treasury notes or bond of State of California...*
 - Subsection G, *Mortgage pass-through security...*
 - Investment fund threshold on specific funds has been redefined for the subsection B, Negotiable Certificate of Deposit (NCD) and subsection C, Municipal Bonds of the State of California or Local Agencies.
- Section VIII – Prohibited Investments and Transactions
 - Added subsection A, *Investments not described specifically in VII. Authorized Investments are prohibited.*
- Section XIII – Reporting Requirements:
 - Added
 - Subsection H, Discussion of the current economic climate

- Subsection I, Statement that the portfolio is in compliance with this Investment Policy or the manner in which the portfolio is not in compliance
- Subsection J, Statement of the City's ability to meet anticipated expenditure requirements for the next six months, or an explanation as to why sufficient money may not be available.
- Subsection K, Quarterly review of the investment portfolio with the Finance Director, City Manager, and City Treasurer.
- Subsection L, Quarterly meeting with Budget and Audit Committee With the City staff and the City's broker/dealer.

The language changes are shown in track changes in the Investment Policy dated May 2, 2023 (Attachment 2). A clean version of the proposed Updated Investment Policy incorporating all revisions to the 2018 Investment Policy is contained in Attachment 3.

ATTACHMENTS

Attachment 1: 2018 Investment Policy

Attachment 2: Updated Investment Policy May 2, 2023 (Track Changes)

Attachment 3: Updated Investment Policy May 2, 2023

INVESTMENT POLICY

CITY OF CLAYTON, CALIFORNIA

I. POLICY

It is the policy of the City of Clayton [and the Redevelopment Agency of the City of Clayton] {together, referred to as the "City"} to meet the short and long-term cash flow demands of the City in a manner which will provide for the safety of principal monies with sufficient liquidity, while providing a reasonable investment return. The purpose of this Investment Policy is to identify and outline various methods and procedures for the prudent and systematic investment of public funds.

II. SCOPE

This Investment Policy applies to all investment activities and financial assets of the City {hereinafter, the "Funds"}. The following Funds are covered by this Investment Policy and are accounted for in the City's Comprehensive Annual Financial Report:

- (A) General Fund
- (B) Special Revenue Fund
- (C) Debt Service Fund
- (D) Capital Project Funds
- (E) Enterprise Funds
- (F) Internal Services Funds
- (G) Trust and Agency Funds
- (H) Any new funds created by the City Council.

Bond proceeds shall be invested in accordance with the requirements and restrictions outlined in the bond documents. Bond proceeds are not considered part of the Funds nor subject to this Investment Policy.

III. DELEGATION OF AUTHORITY

The City Treasurer is expressly authorized to invest the City's Funds, pursuant to California Government Code Sections 53600, 16429.1 and 53684 et seq. The City Treasurer will meet with, and obtain the approval of, the City Manager prior to investment of the Funds. Investments made routinely by the Finance Manager are restricted to the State Pool [Local Agency Investment Fund, LAIF], California Asset Management Program (CAMP), or to securities maturing within six (6) months. Prior to investing in securities, the Finance Manager will consider the cash flow requirements of the City and may invest in securities maturing over six (6) months if directed by the City Treasurer or the City Manager in writing or verbally, if confirmed in writing within thirty (30) days.

IV. ASSIGNMENTS AND DUTIES

- A. **City Council.** The City Council is elected by the registered voters of Clayton. The Council establishes policies for the City and approves the expenditure of City Funds.
- B. **City Manager.** The City Manager is appointed by the City Council and implements policies established by the City Council. The City Manager is responsible for all City departments and is also the Chief Fiscal Officer and is responsible for general management of all investments of Funds.
- C. **City Treasurer.** The City Treasurer is appointed by the City Council and serves at the will and pleasure of the Council. Pursuant to the California Government Code, the City Treasurer is primarily responsible for the proper and prudent investment of Funds, and periodically reviews, makes recommendations regarding, and approves the investments of Funds and investment policies.
- D. **Finance Manager.** The Finance Manager is appointed by the City Manager and is responsible for the daily supervision of all financial transactions of the City, including but not limited to the administration, monitoring, reporting and the restricted placement of Fund investments.

Together, the City Treasurer, City Manager and the Finance Manager function and operate as a check-and-balance system for the prudent and proper investment of all Funds.

V. PRUDENCE

Investments shall be made pursuant to the “Prudent Investor” standard, mandated by California Government Code Section 53600.3, which states:

“When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City. Within the limitations of this section and considering individual investments as part of an overall strategy, a trustee is authorized to acquire investments as authorized by law.”

The “Prudent Investor” standard shall be applied in the context of managing the Funds. The City Treasurer and each investment employee, acting within the intent and scope of this Investment Policy and other written procedures and exercising due diligence, shall

be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

VI. INVESTMENT OBJECTIVES

The objective of the investment portfolio is to meet the short and long-term cash flow demands of the City. To achieve this objective, the portfolio will be structured to provide Safety of Principal, Liquidity and Return on Investments.

A. Safety of Principal.

Safety of the City's investments is the primary objective. Investments of the Funds shall be undertaken in a manner that seeks to ensure that capital losses are minimized, whether from institution default, broker-dealer default, or erosion of the market value of securities. The City shall seek to preserve principal by mitigating two types of risk, in order of importance:

1. Credit Risk. Credit risk, defined as the risk of loss due to failure of an issuer of a security, shall be mitigated by purchasing Treasuries or high-grade securities. All investments beyond Treasury securities will be diversified so that the failure of any one issuer would not unduly harm the City's cash flow. Credit risk shall also be mitigated by pre-qualifying financial institutions, broker-dealers, intermediaries and advisors with which the City does business.
2. Market or Interest Rate Risk. Interest rate risk is the risk the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by structuring Funds so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and by investing operating funds primarily in shorter-term securities. The cash flow is updated on a daily basis and will be considered prior to investment of securities in order to limit the need to sell investments for liquidity purposes.

Long-term securities shall not be purchased for the sole purpose of short-term speculation. Securities shall not be sold prior to maturity with the following exceptions: 1). A declining credit security would be sold early to minimize loss of principal; 2). A security swap would improve the quality, yield, or target duration in the portfolio; or 3). Liquidity needs of the portfolio require the security be sold.

The weighted average maturity of the Funds is limited to three (3) years or less. Purchases of investments will be restricted to securities with a final stated maturity not to exceed five (5) years.

B. Liquidity.

Liquidity is the second most important objective of City investments. The Funds shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Since all possible cash demands cannot be anticipated, the Funds will maintain a liquidity buffer and invest primarily in securities with active secondary or resale markets (dynamic liquidity).

C. Return on Investments.

Return on investment should be considered and maximized after the basic objectives of safety and liquidity have been met. The Funds shall be designed to attain a return on investments through budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

VII. AUTHORIZED INVESTMENTS

The investments set forth in this section are authorized investments pursuant to Section 53601 of the California Government Code and are herewith authorized investments for City Funds:

- A. The State of California Investment Pool, known as the Local Agency Investment Fund (LAIF);
- B. Passbook savings accounts, demand deposits;
- C. Certificate of Deposit placed with insured banks, savings and loans, or credit unions up to a maximum of \$250,000 per insured depository institution for each account ownership category;
- D. Bonds issued by the City, including bonds payable solely out of, controlled, or operated by the City or by an agency or authority of the City;
- E. United States Treasury notes, bonds bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest;

- F. Registered state warrants or treasury notes or bonds of the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority of the state; and/or
- G. Mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, or U. S. corporate bond of a maximum of five (5) years maturity. Securities eligible for investment under this subdivision shall be issued by an issuer having an "A" or higher rating for the issuers debt, as provided by a nationally recognized rating service and rated in a rating category of "AA" or its equivalent or better by a nationally recognized rating service.

Purchase of securities authorized by this subdivision may not exceed twenty percent (20%) of the City's surplus money that may be invested pursuant to this Section.

- H. Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. There are no limits on the dollar amount or percentage that the City may invest in government-sponsored enterprises.
- I. Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive, and including but not limited to CAMP. Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issued the shares shall have retained an investment adviser that meets all of the following criteria:
 - 1. The adviser is registered or exempt from registration with the Securities and Exchange Commission.
 - 2. The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive.
 - 3. The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

For all other recommended investment of Funds by the City Treasurer and the City Manager, the City Council shall adopt the individual authorized instrument by resolution at a regular public meeting thereof.

VIII. PROHIBITED INVESTMENTS AND TRANSACTIONS

- A. The City shall not invest any Funds in inverse floaters, range notes, or interest-only strips that are derived from a pool of mortgages or reverse purchase agreements.
- B. The City shall not purchase or sell securities on margin.
- C. The City shall not invest any Funds in any security that could result in zero interest accrual if held to maturity date.

IX. ALLOCATION OF INTEREST EARNINGS

When a single investment is made from a single Fund, interest on that investment is to be credited to that source Fund. When an investment represents multiple Funds, the interest shall be distributed based on the proportionate share of each Fund included in the aggregate investment.

When investments result in interest paid for a period greater than one (1) month, the interest shall be distributed proportionately based on the average of the monthly beginning balances of each involved Fund.

X. DIVERSIFICATION

The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions. In a diversified portfolio it is recognized that occasional measured losses are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

XI. PUBLIC TRUST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize the investment portfolio is subject to public review, scrutiny and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the highest ideals of the public trust.

XII. ETHICS AND CONFLICTS OF INTEREST

The City Treasurer and other employees or elected officials involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. The City Treasurer and investment employees and elected

officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio and shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

During the course of the year, if there is an event subject to disclosure that could impair the ability of the City Treasurer or investment employees to make impartial decisions, the City Council shall be notified in writing within ten (10) days of the event.

XIII. REPORTING REQUIREMENTS

The Finance Manager shall submit a quarterly investment report to the City Council. This report will include the following elements:

- A. Type of each investment.
- B. Financial institution.
- C. Date of Maturity.
- D. Amount of deposit or cost of security.
- E. Current market value of securities.
- F. Rate of Interest
- G. Weighted average maturity of the investments.

XIV. INTERNAL CONTROLS

The City Manager shall ensure the development of a system of internal investment controls and a segregation of duties and responsibilities of investment functions in order to assure an adequate system of internal control over the investment function. This segregation of duties will take into account the authorized staffing levels of the City. Internal control procedures shall address wire controls, separation of duties, delivery of securities to a third party for custodial safekeeping, and written procedures for placing investment transactions.

XV. GENERAL FUND RESERVE CONTINGENCY

The City Manager shall set aside Funds designated as *General Fund Reserve Contingency (GFRC)* to protect the City from unexpected financial expenses and to absorb the impact of deficiencies in cash flow not anticipated at the time the fiscal year budget was adopted.

The General Fund Reserves of the City shall include \$250,000.00 (two hundred fifty thousand dollars) designated as *GFRC – Emergency Component*. Further, the City will make every effort to maintain a *GFRC*, cash flow component, in an amount not less than fifty percent (50%) of the adopted annual General Fund budget. The amounts of

the *GFRCs* will be reviewed annually prior to adoption of the General Fund budget. City Council approval shall be required for any expenditure that would decrease the amount of the *GFRC* below the level established at the time of budget adoption.

XVI. POLICY REVIEW

The Investment Policy shall be reviewed at least annually by the City Treasurer and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and meets the needs of the City.

* * * * *

Established: 30 July 2002

City Council adopted revisions: 21 April 2015
03 August 2010
05 May 2005
06 August 2002
21 April 2015
20 November 2018



[City of Clayton](#)

[Investment Policy](#)

[DecemberMay,](#)

[20232](#)

INVESTMENT POLICY

CITY OF CLAYTON, CALIFORNIA

I. POLICY

It is the policy of the City of Clayton [and the Redevelopment Agency of the City of Clayton] {together, referred to as the “City”} to meet the short and long-term cash flow demands of the City in a manner which will provide for the safety of principal monies with sufficient liquidity, while providing a reasonable investment return. The purpose of this Investment Policy is to identify and outline various methods and procedures for the prudent and systematic investment of public funds.

II. SCOPE

This Investment Policy applies to all investment activities and financial assets of the City {hereinafter, the “Funds”}. The following Funds are covered by this Investment Policy and are accounted for in the City’s Comprehensive Annual Financial Report:

- (A) General Fund
- (B) Special Revenue Fund
- (C) Debt Service Fund
- (D) Capital Project Funds
- (E) Enterprise Funds
- (F) Internal Services Funds
- (G) Trust and Agency Funds
- (H) Any new funds created by the City Council.

Bond proceeds shall be invested in accordance with the requirements and restrictions outlined in the bond documents. Bond proceeds are not considered part of the Funds nor subject to this Investment Policy.

III. DELEGATION OF AUTHORITY

Pursuant to Section 53601 of the California Government Code, the City Council as the legislative body of the City has primary responsibility for the investment of in the City treasury. As authorized under Section 53607 of the California Government Code, the City Council hereby delegates its authority to invest or reinvest the funds of the City, and to sell or exchange securities so purchased, to the City Treasurer. The City Treasurer simultaneously delegates the responsibility of day to day activities in conducting investment transactions and managing the operations of the investment portfolio to the Finance Director.

The City Council has established this Investment Policy within which the Finance Director shall execute day-to-day investment activities.

~~The City Treasurer is expressly authorized to invest the City’s Funds, pursuant to California Government Code Sections 53600, 16429.1 and 53684 et seq. The City Treasurer will meet with, and obtain the approval of, the City Manager prior to investment~~

~~of the Funds. Investments made routinely by the Finance Manager are restricted to the State Pool [Local Agency Investment Fund, LAIF], California Asset Management Program (CAMP), or to securities maturing within six (6) months. Prior to investing in securities, the Finance Manager will consider the cash flow requirements of the City and may invest in securities maturing over six (6) months if directed by the City Treasurer or the City Manager in writing or verbally, if confirmed in writing within thirty (30) days.~~

IV. ASSIGNMENTS AND DUTIES

- A. City Council.** The City Council ~~is elected by the registered voters of Clayton. The Council establishes and approves the Investment Policy of the City. establishes policies for management to adhere and follow when investing the City's liquid cash the City and approves the expenditure of City Funds.~~
- B. City Manager.** The City Manager is ~~appointed by the City Council and implements policies established by the City Council. The City Manager is responsible for all City departments and is also the Chief Fiscal Officer and is responsible for general management of all investments of Funds.~~
- C. City Treasurer.** The City Treasurer is appointed by the City Council and serves at the will and pleasure of the Council. ~~Pursuant to the California Government Code, the City Treasurer is primarily responsible for the proper and prudent investment of Funds, and periodically reviews, makes recommendations regarding, and approves the investments of Funds and investment policies. The City Treasurer is designed to shall provide guidance an ongoing internal review to prevent the potential for converting assets or concealing transactions. Pursuant to the California Government Code, the City Treasurer is primarily responsible for on the proper and prudent investment of Funds, and periodically review investments and returns, and makes recommendations regarding, and approves the investments of Funds and investment policies. The duties under the California Government Code has been designed to the Director of Finance.~~

C.

- D. Finance DirectorManager.** The Finance ~~Manager~~ Director is appointed by the City Manager and is responsible for ~~the investment and managing management the City of City funds within the scope of this policy, acting in accordance within written procedures and the intent and scope of this Investment Policy and exercising due diligence, shall be relieved of personal liability for an individual security's credit risk or market price changes, provided that deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.~~ daily supervision of all financial transactions of the City, including but not limited to the administration, monitoring, reporting and the restricted placement of Fund investments.

D.

Together, the City Treasurer, City Manager and the Finance ~~Manager~~ Director function and operate as a check-and-balance system for the prudent and proper investment of all Funds.

V. PRUDENCE

Investments shall be made pursuant to the "Prudent Investor" standard, mandated by California Government Code Section 53600.3, which states:

"When investing, reinvesting, purchasing, acquiring, exchanging, selling,

and managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City. Within the limitations of this section and considering individual investments as part of an overall strategy, a trustee is authorized to acquire investments as authorized by law.”

The “Prudent Investor” standard shall be applied in the context of managing the Funds. The City Treasurer and each investment employee, acting within the intent and scope of this Investment Policy and other written procedures and exercising due diligence, shall

be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

VI. INVESTMENT OBJECTIVES

The objective of the investment portfolio is to meet the short and long-term cash flow demands of the City. To achieve this objective, the portfolio will be structured to provide Safety of Principal, Liquidity and Return on Investments.

A. Safety of Principal.

Safety of principal is the the ~~City's investments is the~~ primary objective of the City. Investments of the Funds shall be undertaken in a manner that seeks to ensure the preservation ofat capitaland losses are minimized, whether from institution default, broker-dealer default, or erosion of the market value of securities. The City shall seek to preserve principal by mitigating two types of risk, in order of importance:

~~1. Credit Risk. Credit risk, defined as the risk of loss due to failure of an issuer of a security, shall be mitigated by purchasing Treasuries or high-grade securities. All investments beyond Treasury securities will be diversified so that the failure of any one issuer would not unduly harm the City's cash flow. Credit risk shall also be mitigated by pre-qualifying financial institutions, broker-dealers, intermediaries and advisors with which the City does business.~~

1.
2. Market or Interest Rate Risk. Interest rate risk is the risk the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by structuring Funds so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and by investing operating funds primarily in shorter-term securities. The cash flow is updated on a daily basis and will be considered prior to investment of securities in order to limit the need to sell investments for liquidity purposes.

Long-term securities shall not be purchased for the sole purpose of short-term speculation. Securities shall not be sold prior to maturity with the following exceptions: 1). A declining credit security would be sold early to minimize loss of principal; 2). A security swap would improve the quality, yield, or target duration in the portfolio; or 3). Liquidity needs of the portfolio require the security be sold.

The weighted average maturity of the Funds is limited to ~~three~~two and a half (2.53) years or less. Purchases of investments will be restricted to securities with a final stated maturity not to exceed ~~four~~five (45) years. The weighted average maturities shall be based on the market conditions or requirements of the cash being invested.

B. Liquidity.

~~Liquidity is the second most important objective of City investments. The Funds shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity).~~ Since all possible cash demands cannot be anticipated, the Funds will maintain a liquidity buffer and invest primarily in securities with active secondary or resale markets. ~~(dynamic liquidity).~~

C. Return on Investments.

Return on investment should be considered and maximized after the ~~basic~~prior objectives of safety and liquidity have been met. The Funds shall be designed to attain a return on investments through budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. The core of investments is limited to relatively low risk securities in anticipation of earning a ~~fair~~reasonable return relative to the risk being assumed.

VII. AUTHORIZED INVESTMENTS

The investments set forth in this section are authorized investments pursuant to Section 53601 of the California Government Code and are herewith authorized investments for City Funds:

A. LOCAL AGENCY INVESTMENT FUND: The State of California Investment Pool, known as the Local Agency Investment Fund (LAIF). As authorized in Government Code Section 16429.1, local agencies may invest in the Local Agency Investment Fund (LAIF), a pooled investment money market fund established by the State of California, and overseen by the State Treasurer, which allows local agencies to pool their investment resources. Principal may be withdrawn on a one-day notice. Interest earned is paid quarterly. The fees charged are limited to one-quarter of one percent of the earnings of the fund. Current policies of LAIF set minimum and maximum amounts of monies that may be invested as well as maximum numbers of transactions that are allowed per month. The City may invest up to the maximum amount permitted by LAIF. The LAIF is in trust in the custody of the State Treasurer. The City's right to withdraw its deposited monies from LAIF is not contingent upon the State's ability to adopt a State Budget by July 1st of each new fiscal year.

A. ÷

B. Passbook savings accounts, demand deposits;

NON-NEGOTIABLE CERTIFICATE OF DEPOSIT (CD). ~~As authorized in~~

Government Code Section 53601.8, local agencies may invest in Certificates of Deposit. These instruments must comply with Government Code Sections 16500 or 16600. This is a receipt for funds deposited in a Bank or Savings and Loan Association for a specified period at a specified rate of interest. The first \$250,000 of a CD is insured by the FDIC; as such, the City Manager may waive collateral requirements for CD investments up to this amount. Investments in CD's in excess of \$250,000 must be collateralized by Treasury Department Securities, which must be at least 110% of the face value of the CD's in excess of the first \$250,000, or by first mortgage loans, which must be at least 150% of the face value of the CD balance in excess of the first \$250,000. No more than 20% of the portfolio may be invested in certificates of deposit. The City shall invest in CD's that matures in two years and no more than five years.

All institutions must: (1) have a minimum of \$100 million in assets; (2) have a demonstrated history of positive earnings; and, (3) must carry a minimum 3.5% equity ratio and hold that ratio for at least one year prior to the City's investment. All institutions must be located within the State of California. For collateralized or negotiable certificates of deposit, the institution must have a minimum \$1 billion in assets, in addition to meeting the above criteria.

B. NEGOTIABLE CERTIFICATE OF DEPOSIT (NCD). Allowable certificates of deposits must be issued by a nationally or state-chartered bank or a state or federal association, a state or federal credit union, or by a federally licensed or state licensed branch of a foreign bank. The amount of the NCD insured up to the FDIC limit does not require any credit ratings. Any amount above the FDIC insured limit must be issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term obligations rated in a rating category of "A" or its equivalent or better by at least one NRSRO. The maturity period for this investment vehicle may not exceed five years unless approved by the Council. No more than 30% of the total portfolio may be invested in these securities. No more than 5% of the portfolio may be invested in any single issuer.

C. Certificate of Deposit placed with insured banks, savings and loans, or credit unions up to a maximum of \$250,000 per insured depository institution for each account ownership category;

C. MUNICIPAL BONDS OF THE STATE OF CALIFORNIA OR LOCAL AGENCIES:

As authorized in Government Code Section 53601(e), local agencies may invest in Bonds of the State of California and any local government in the State of California, which are rated in the "A" category or better by one NRSRO at the time of investment. In no event shall this classification of investment exceed 30% of the value of the portfolio. No more than 5% of the portfolio may be invested in any single issuer.

Bonds issued by the City, including bonds payable solely out of, controlled, or operated by the City or by an agency or authority of the City;

—U.S. TREASURY NOTES, U.S. TREASURY BILLS, U.S. GOVERNMENT AGENCY ISSUES AND GOVERNMENT SPONSORED ENTERPRISES:

United States Treasury notes, bonds bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. There are no limits on the dollar amount or percentage that the City may invest in U.S. Treasury Bills.;

D.

~~D. Registered state warrants or treasury notes or bonds of the State of California, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the state or by a department, board, agency or authority of the state; and/or~~

~~E. Mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay through bond, or U. S. corporate bond of a maximum of five (5) years maturity. Securities eligible for investment under this subdivision shall be issued by an issuer having an "A" or higher rating for the issuers debt, as provided by a nationally recognized rating service and rated in a rating category of "AA" or its equivalent or better by a nationally recognized rating service.~~

~~Purchase of securities authorized by this subdivision may not exceed twenty percent (20%) of the City's surplus money that may be invested pursuant to this Section.~~

F. U.S. GOVERNMENT AGENCY ISSUES AND GOVERNMENT SPONSORED ENTERPRISES: Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. There are no limits on the dollar amount or percentage that the City may invest in government-sponsored enterprises.

E.

~~**MUTUAL FUNDS and MONEY MARKET MUTUAL FUNDS.** Mutual Funds are referred to in California Government Code Section 53601(l), as "shares of beneficial interest issued by diversified management companies." Mutual Funds and Money Market Mutual Funds that are registered with the Securities and Exchange Commission under the Investment Company Act of 1940 are authorized investments for funds subject to the following provisions:~~

- ~~— **Mutual Funds** that invest in the securities and obligations as authorized under California Government Code Section 53601(a) to (k) and (m) to (q) inclusive and that meet either of the following criteria:~~
- ~~— Attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) Nationally Recognized Statistical Rating Organizations (NRSROs); or~~
- ~~— Have retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less than five years' experience investing in the securities and obligations authorized by California Government Code Section 53601 and with assets under management in excess of \$500 million.~~
- ~~— No more than 10% of the total portfolio may be invested in Mutual Funds.~~
- ~~— No more than 5% of the total portfolio may be invested in any one issuer.~~

- ~~— **Money Market Mutual Funds** registered with the Securities and Exchange Commission under the Investment Company Act of 1940 and issued by diversified management companies and meet either of the following criteria:~~
- ~~— Have attained the highest ranking or the highest letter and numerical rating provided by not less than two (2) NRSROs; or~~
- ~~— Have retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission with not less~~

~~than five years' experience managing money market mutual funds with assets under management in excess of \$500 million.~~

~~— No more than 10% of the total portfolio may be invested in Money Market Mutual Funds.~~

~~— No more than 5% of the total portfolio may be invested in any one issuer.~~

G.F. GOVERNMENT INVESTMENT POOLS: Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive, and including but not limited to CAMP California Asset Management Program (CAMP). Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issued the shares shall have retained an investment adviser that meets all of the following criteria:

~~1.~~ 1. The adviser is registered or exempt from registration with the Securities and Exchange Commission.

~~2.~~ 2. The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive.

~~3.~~ 3. The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

For all other recommended investment of Funds by the City ~~Treasurer~~ Finance Director and the City Manager, the City Council shall adopt the individual authorized instrument by resolution at a regular public meeting thereof.

VIII. PROHIBITED INVESTMENTS AND TRANSACTIONS

A. Investments not described specifically in VII Authorized Investments are prohibited.

A.B. The City shall not invest any Funds in inverse floaters, range notes, or interest-only strips that are derived from a pool of mortgages or reverse purchase agreements.

B.C. The City shall not purchase or sell securities on margin.

C.D. The City shall not invest any Funds in any security that could result in zero interest accrual if held to maturity date.

IX. ALLOCATION OF INTEREST EARNINGS

When a single investment is made from a single Fund, interest on that investment is to be credited to that source Fund. When an investment represents multiple Funds, the interest shall be distributed based on the proportionate share of each Fund included in the aggregate investment.

When investments result in interest paid for a period greater than one (1) month, the interest shall be distributed proportionately based on the average of the monthly beginning balances of each involved Fund.

X. DIVERSIFICATION

The investment portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institutions. In a diversified portfolio it is recognized that occasional measured losses are inevitable, and must be considered within the context of the overall portfolio's investment return, provided that adequate diversification has been implemented.

XI. PUBLIC TRUST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize the investment portfolio is subject to public review, scrutiny and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the highest ideals of the public trust.

XII. ETHICS AND CONFLICTS OF INTEREST

The City Treasurer and other employees or elected officials involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. The City Treasurer and investment employees and elected

officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio and shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

During the course of the year, if there is an event subject to disclosure that could impair the ability of the City Treasurer or investment employees to make impartial decisions, the City Council shall be notified in writing within ten (10) days of the event.

XIII. REPORTING REQUIREMENTS

The Finance ~~Manager~~ Director shall submit a quarterly investment report to the City Council. This report will include the following elements:

- A. Type of each investment.
- B. Financial institution.
- C. Date of Maturity.
- D. Amount of deposit or cost of security.
- E. Current market value of securities.
- F. Rate of Interest
- G. Weighted average maturity of the investments.
- H. Discussion of the current economic climate
- I. Statement that the portfolio is in compliance with this Investment Policy or the manner in which the portfolio is not in compliance.
- J. Statement of the City's ability to meet anticipated expenditure requirements for the next six months, or an explanation as to why sufficient money may not be available
- K. Quarterly review of the investment portfolio with the Finance Director, City Manager and City Treasurer (if available).
- G-L. Quarterly meeting with the Finance and Budget Committee with the City staff and the City's broker/dealer.

XIV. INTERNAL CONTROLS

The City Manager shall ensure the development of a system of internal investment controls and a segregation of duties and responsibilities of investment functions in order to assure an adequate system of internal control over the investment function. This segregation of duties will take into account the authorized staffing levels of the City. Internal control procedures shall address wire controls, separation of duties, delivery of securities to a third party for custodial safekeeping, and written procedures for placing investment transactions.

XV. GENERAL FUND RESERVE CONTINGENCY

The City Manager shall set aside Funds designated as *General Fund Reserve Contingency (GFRC)* to protect the City from unexpected financial expenses and to

absorb the impact of deficiencies in cash flow not anticipated at the time the fiscal year budget was adopted.

The General Fund Reserves of the City shall include \$250,000.00 (two hundred fifty thousand dollars) designated as *GFRC – Emergency Component*. Further, the City will make every effort to maintain a *GFRC*, cash flow component, in an amount not less than fifty percent (50%) of the adopted annual General Fund budget. The amounts of

the *GFRCs* will be reviewed annually prior to adoption of the General Fund budget. City Council approval shall be required for any expenditure that would decrease the amount of the *GFRC* below the level established at the time of budget adoption.

XVI. POLICY REVIEW

The Investment Policy shall be reviewed at least ~~annually by~~quarterly~~annually by~~ the City ~~Manager, and City Treasurer, Finance Director, Treasurer~~ and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and ~~meets~~ the needs of the City.

* * * * *

Established: 30 July 2002

City Council adopted revisions: 21 April 2015
03 August 2010
05 May 2005
06 August 2002
21 April 2015
20 November 2018
[DATE] 2023



City of Clayton

Investment Policy

May 2, 2023

INVESTMENT POLICY

CITY OF CLAYTON, CALIFORNIA

I. POLICY

It is the policy of the City of Clayton [and the Redevelopment Agency of the City of Clayton] {together, referred to as the “City”} to meet the short and long-term cash flow demands of the City in a manner which will provide for the safety of principal monies with sufficient liquidity, while providing a reasonable investment return. The purpose of this Investment Policy is to identify and outline various methods and procedures for the prudent and systematic investment of public funds.

II. SCOPE

This Investment Policy applies to all investment activities and financial assets of the City {hereinafter, the “Funds”}. The following Funds are covered by this Investment Policy and are accounted for in the City’s Comprehensive Annual Financial Report:

- (A) General Fund
- (B) Special Revenue Fund
- (C) Debt Service Fund
- (D) Capital Project Funds
- (E) Enterprise Funds
- (F) Internal Services Funds
- (G) Trust and Agency Funds
- (H) Any new funds created by the City Council.

Bond proceeds shall be invested in accordance with the requirements and restrictions outlined in the bond documents. Bond proceeds are not considered part of the Funds nor subject to this Investment Policy.

III. DELEGATION OF AUTHORITY

Pursuant to Section 53601 of the California Government Code, the City Council as the legislative body of the City has primary responsibility for the investment of in the City treasury. As authorized under Section 53607 of the California Government Code, the City Council hereby delegates its authority to invest or reinvest the funds of the City, and to sell or exchange securities so purchased, to the City Treasurer. The City Treasurer simultaneously delegates the responsibility of day to day activities in conducting investment transactions and managing the operations of the investment portfolio to the Finance Director.

The City Council has established this Investment Policy within which the Finance Director shall execute day-to-day investment activities.

IV. ASSIGNMENTS AND DUTIES

- A. City Council.** The City Council establishes and approves the Investment Policy of the City.
- B. City Manager.** The City Manager is the Chief Fiscal Officer and is responsible for general management of all investments of Funds.
- C. City Treasurer.** The City Treasurer is appointed by the City Council and serves at the will and pleasure of the Council. The City Treasurer shall provide guidance on the proper and prudent investment of Funds, periodically review investments and returns, and make recommendations regarding the investments of Funds and investment policies.
- D. Finance Director.** The Finance Director is responsible for investment and management of City funds within the scope of this policy.

Together, the City Treasurer, City Manager and the Finance Director function and operate as a check-and-balance system for the prudent and proper investment of all Funds.

V. PRUDENCE

Investments shall be made pursuant to the “Prudent Investor” standard, mandated by California Government Code Section 53600.3, which states:

“When investing, reinvesting, purchasing, acquiring, exchanging, selling, and managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the City. Within the limitations of this section and considering individual investments as part of an overall strategy, a trustee is authorized to acquire investments as authorized by law.”

The “Prudent Investor” standard shall be applied in the context of managing the Funds. The City Treasurer and each investment employee, acting within the intent and scope of this Investment Policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

VI. INVESTMENT OBJECTIVES

The objective of the investment portfolio is to meet the short and long-term cash flow demands of the City. To achieve this objective, the portfolio will be structured to provide

Safety of Principal, Liquidity and Return on Investments.

A. Safety of Principal.

Safety of principal is the primary objective of the City. Investments of the Funds shall be undertaken in a manner that seeks to ensure the preservation of capital and losses are minimized, whether from institution default, broker-dealer default, or erosion of the market value of securities. The City shall seek to preserve principal by mitigating two types of risk, in order of importance:

1. Credit Risk. Credit risk, defined as the risk of loss due to failure of an issuer of a security, shall be mitigated by purchasing Treasuries or high-grade securities. All investments beyond Treasury securities will be diversified so that the failure of any one issuer would not unduly harm the City's cash flow.
2. Market or Interest Rate Risk. Interest rate risk is the risk the market value of securities in the portfolio will fall due to changes in general interest rates. Interest rate risk may be mitigated by structuring Funds so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity, and by investing operating funds primarily in shorter-term securities. The cash flow is updated on a daily basis and will be considered prior to investment of securities in order to limit the need to sell investments for liquidity purposes.

Long-term securities shall not be purchased for the sole purpose of short-term speculation. Securities shall not be sold prior to maturity with the following exceptions: 1). A declining credit security would be sold early to minimize loss of principal; 2). A security swap would improve the quality, yield, or target duration in the portfolio; or 3). Liquidity needs of the portfolio require the security be sold.

The weighted average maturity of the Funds is limited to two and a half (2.5) years or less. Purchases of investments will be restricted to securities with a final stated maturity not to exceed four (4) years. The weighted average maturities shall be based on the market conditions or requirements of the cash being invested.

B. Liquidity.

Funds shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. Since all possible cash demands cannot be anticipated, the Funds will maintain a liquidity buffer and invest primarily in securities with active secondary or resale markets.

C. Return on Investments.

Return on investment should be considered and maximized after the prior objectives of safety and liquidity have been met. The Funds shall be designed to attain a return on investments through budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. The core of

investments is limited to relatively low risk securities in anticipation of earning a reasonable return relative to the risk being assumed.

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- B. NEGOTIABLE CERTIFICATE OF DEPOSIT (NCD).** Allowable certificates of deposits must be issued by a nationally or state-chartered bank or a state or federal association, a state or federal credit union, or by a federally licensed or state licensed branch of a foreign bank. The amount of the NCD insured up to the FDIC limit does not require any credit ratings. Any amount above the FDIC insured limit must be issued by institutions which have short-term debt obligations rated "A-1" or its equivalent or better by at least one NRSRO; or long-term obligations rated in a rating category of "A" or its equivalent or better by at least one NRSRO. No more than 30% of the total portfolio may be invested in these securities. No more than 5% of the portfolio may be invested in any single issuer.
- C. MUNICIPAL BONDS OF THE STATE OF CALIFORNIA OR LOCAL AGENCIES:** As authorized in Government Code Section 53601(e), local agencies may invest in Bonds of the State of California and any local government in the State of California, which are rated in the "A" category or better by one NRSRO at the time of investment. In no event shall this classification of investment exceed 30% of the value of the portfolio. No more than 5% of the portfolio may be invested in any single issuer.
- D. U.S. TREASURY NOTES, U.S. TREASURY BILLS, U.S. GOVERNMENT AGENCY ISSUES AND GOVERNMENT SPONSORED ENTERPRISES:** United States Treasury notes, bonds bills or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest. There are no limits on the dollar amount or percentage that the City may invest in U.S. Treasury Bills.
- E. U.S. GOVERNMENT AGENCY ISSUES AND GOVERNMENT SPONSORED ENTERPRISES:** Federal Agency or United States government-sponsored enterprise obligations, participations, or other instruments, including those issued by or fully

guaranteed as to principal and interest by federal agencies or United States government-sponsored enterprises. There are no limits on the dollar amount or percentage that the City may invest in government-sponsored enterprises.

F. GOVERNMENT INVESTMENT POOLS: Shares of beneficial interest issued by a joint powers authority organized pursuant to Section 6509.7 that invests in the securities and obligations authorized in subdivisions (a) to (q), inclusive, and including but not limited to California Asset Management Program (CAMP). Each share shall represent an equal proportional interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issued the shares shall have retained an investment adviser that meets all of the following criteria:

- The adviser is registered or exempt from registration with the Securities and Exchange Commission.
- The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (q), inclusive.
- The adviser has assets under management in excess of five hundred million dollars (\$500,000,000).

For all other recommended investment of Funds by the City Finance Director and the City Manager, the City Council shall adopt the individual authorized instrument by resolution at a regular public meeting thereof.

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- A. Investments not described specifically in VII Authorized Investments are prohibited.
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When investments result in interest paid for a period greater than one (1) month, the

interest shall be distributed proportionately based on the average of the monthly beginning balances of each involved Fund.

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XI. PUBLIC TRUST

All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize the investment portfolio is subject to public review, scrutiny and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the highest ideals of the public trust.

XII. ETHICS AND CONFLICTS OF INTEREST

The City Treasurer and other employees or elected officials involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions. The City Treasurer and investment employees and elected officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio and shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of their entity.

During the course of the year, if there is an event subject to disclosure that could impair the ability of the City Treasurer or investment employees to make impartial decisions, the City Council shall be notified in writing within ten (10) days of the event.

XIII. REPORTING REQUIREMENTS

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- A. Type of each investment
- B. Financial institution
- C. Date of Maturity
- D. Amount of deposit or cost of security
- E. Current market value of securities
- F. Rate of Interest
- G. Weighted average maturity of the investments

- H. Discussion of the current economic climate
- I. Statement that the portfolio is in compliance with this Investment Policy or the manner in which the portfolio is not in compliance
- J. Statement of the City's ability to meet anticipated expenditure requirements for the next six months, or an explanation as to why sufficient money may not be available
- K. Quarterly review of the investment portfolio with the Finance Director, City Manager and City Treasurer
- L. Quarterly meeting with the Budget and Audit Committee with the City staff and the City's broker/dealer.

XIV. INTERNAL CONTROLS

The City Manager shall ensure the development of a system of internal investment controls and a segregation of duties and responsibilities of investment functions in order to assure an adequate system of internal control over the investment function. This segregation of duties will take into account the authorized staffing levels of the City. Internal control procedures shall address wire controls, separation of duties, delivery of securities to a third party for custodial safekeeping, and written procedures for placing investment transactions.

XV. GENERAL FUND RESERVE CONTINGENCY

The City Manager shall set aside Funds designated as *General Fund Reserve Contingency (GFRC)* to protect the City from unexpected financial expenses and to absorb the impact of deficiencies in cash flow not anticipated at the time the fiscal year budget was adopted.

The General Fund Reserves of the City shall include \$250,000.00 (two hundred fifty thousand dollars) designated as *GFRC – Emergency Component*. Further, the City will make every effort to maintain a *GFRC*, cash flow component, in an amount not less than fifty percent (50%) of the adopted annual General Fund budget. The amounts of the *GFRCs* will be reviewed annually prior to adoption of the General Fund budget. City Council approval shall be required for any expenditure that would decrease the amount of the *GFRC* below the level established at the time of budget adoption.

XVI. POLICY REVIEW

The Investment Policy shall be reviewed at least annually by the City Manager, City Treasurer, Finance Director, and the City Council to ensure its consistency with the overall objectives of preservation of principal, liquidity, and return on investments, along with its relevance to current law, financial and economic trends, and the needs of the City.

* * * * *

Established: 30 July 2002

City Council adopted revisions: 21 April 2015
03 August 2010
05 May 2005
06 August 2002

21 April 2015
20 November 2018
2 May 2023



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Richard McEachin, Chief of Police

DATE: May 2, 2023

SUBJECT: Military Equipment Use Annual Report and Renewal of Ordinance No. 495, which adopted the Military Equipment Use Policy

RECOMMENDATION

Staff recommends that the City Council review and approve the Annual Military Equipment Use Report for 2023, and review and renew Ordinance No. 495.

BACKGROUND

Assembly Bill 481 ("AB 481"), approved on September 30, 2021 by Governor Gavin Newsom (codified as Chapter 12.8 of the California Government Code and commencing with section 7070 et seq.), requires a local law enforcement agency, such as the Clayton Police Department, to have a Military Equipment Use Policy ("Policy") approved by the City Council prior to requesting, seeking funding, acquiring, collaborating with other jurisdictions about the deployment of military equipment, or using military equipment. On May 3, 2022, the City Council adopted Ordinance 495 adopting the Military Equipment Use Policy.

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

DISCUSSION

The Clayton Police Department is committed to safeguarding our community through crime reduction strategies such as: Community Policing, Progressive Training, and Technology. Using the most up-to-date tools and equipment to safeguard the community of Clayton is essential to keeping our community safe. Some items deemed to be “military equipment” are in fact employed by the Clayton Police Department to specifically reduce risk to community members during critical incidents.

Clayton Police Department Policy 710, “Military Equipment Funding, Acquisition, and Use” adheres to California Government Code section 7070 *et seq.*, with respect to the approval, acquisition, and reporting requirements of military equipment. In addition, Assembly Bill 481 requires the City to publish the draft Policy to the Police Department’s website thirty (30) days ahead of a public hearing to approve the Policy. The Police Department published the draft Policy on its website on March 16, 2022, and the City Council adopted the final Policy on May 3, 2022.

AB 481 also requires the Clayton Police Department to:

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

To renew the military use ordinance, the City Council is required by AB 481 to determine, based on the annual military equipment report, whether each type of military equipment identified in the report has complied with the following standards:

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

It is the Clayton Police Department's position that the City Council review and approve the attached Annual Military Equipment Report for 2023, and renew Clayton Ordinance No. 495 as required by AB 481.

FISCAL IMPACT

None.

ATTACHMENTS

- Clayton City Council Ordinance No. 495 & Clayton Police Department Military Equipment Use Policy No. 710.
- Clayton Police Department Annual Military Equipment Use Report For 2023.

Military Equipment Funding, Acquisition and Use Policy

710.1 PURPOSE AND SCOPE

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

710.1.1 DEFINITIONS

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

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

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

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

Clayton Police Department

Clayton PD Policy Manual

Military Equipment Funding, Acquisition and Use Policy

710.2 POLICY

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

710.3 MILITARY EQUIPMENT COORDINATOR

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

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

710.4 MILITARY EQUIPMENT INVENTORY

The list of qualifying military equipment for the Department is attached to this Policy as Exhibit "A" and is incorporated into the Policy by this reference. [See attachment: Military Equipment Policy 710-Exhibit A.Final.pdf](#)

710.5 APPROVAL

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

Clayton Police Department

Clayton PD Policy Manual

Military Equipment Funding, Acquisition and Use Policy

- (a) Requesting military equipment made available pursuant to 10 USC § 2576(a).
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this Department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the City Council.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

710.6 COMPLIANCE

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

710.7 COORDINATION WITH OTHER JURISDICTIONS

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

710.8 ANNUAL REPORT

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

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

Clayton Police Department

Clayton PD Policy Manual

Military Equipment Funding, Acquisition and Use Policy

710.9 COMMUNITY ENGAGEMENT

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

710.10 COMPLAINT PROCESS

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

1. Via email to: claytonpolice@claytonpd.com
2. Via phone call to: (925) 673-7350
3. Via mail sent to: Clayton Police Department, attn: Military Equipment Use Coordinator, 6000 Heritage Trail, Clayton CA 94517

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

Attachments

Military Equipment Policy 710-Exhibit A.Final.pdf

Exhibit "A"

1. **SPECIALIZED FIREARMS AND AMMUNITION**

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

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

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

b. **Purpose:**

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

c. **Authorized Use:**

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

d. **Expected Lifespan:**

Colt M4 carbine- 15 years

Winchester 5.56X45 M855 62 grain ammunition- No expiration

e. **Fiscal Impact:**

Annual maintenance is approximately \$50 for each rifle.

f. **Training:**

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

g. **Legal and Procedural Rules:**

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

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

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

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

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

- b. **Purpose:**
To de-escalate conflict where employment of lethal force is prohibited or unfeasible.
- c. **Authorized Use:**
Situations for use of the less lethal weapon systems may include, but are not limited to:
 - i. Self-destructive, dangerous and/or combative individuals.
 - ii. Riot/crowd control and civil unrest incidents.
 - iii. Circumstances where a tactical advantage can be obtained.
 - iv. Potentially vicious animals.
 - v. Training exercises or approved demonstrations.
- d. **Lifespan:**
 - i. Remington 870 Less Lethal Launcher- 15 years.
 - ii. Defense Technology 40MM launcher- 15 years
 - iii. CTS Super Sock Round- 5 years.
 - iv. CTS 40MM sponge round- 5 years.
- e. **Fiscal Impact:**
Annual maintenance is approximately \$50 for each launcher.
- f. **Training:**
All officers are trained in the use of less lethal launchers as a less lethal option by in-service training.
- g. **Legal and Procedural Rules:**
Use is established under Policy #307. It is the policy of this Department to utilize Less Lethal Launchers only for official law enforcement purposes, and pursuant to State and Federal law, including those regarding the use of force.

3. **COMMAND AND CONTROL VEHICLES**

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

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

b. **Purpose:**

To be used during special events and during critical incidents.

c. **Authorized Use:**

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

d. **Lifespan:**

20 years

e. **Fiscal Impact:**

Annual maintenance is approximately \$500.

f. **Training:**

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

g. **Legal and Procedural Rules:**

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



CLAYTON POLICE DEPARTMENT

ANNUAL MILITARY EQUIPMENT REPORT FOR 2022

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INTRODUCTION

On September 30, 2021, the Governor of the State of California approved Assembly Bill 481 (codified as Chapter 12.8 of the California Government Code) requiring law enforcement agencies such as the Clayton Police Department to have a military use policy approved by the City Council prior to requesting, seeking funding, acquiring or using military equipment. Assembly Bill 481 allows the governing body to approve the policy within its jurisdiction only if it determines that the military equipment meets specified standards.

On May 3, 2022, the City of Clayton City Council approved Ordinance Number 495 approving Clayton Police Department Policy #710: Military Equipment Funding, Acquisition, and Use. As required by Assembly Bill 481 and the Ordinance, annually the Clayton Police Department must prepare a report on the use of each type of military equipment approved in the Policy over the last year. Subsequently, the City Council must then review the Ordinance, Policy and Annual Report, and determine whether the Department's use of military equipment in the past year complied with the Policy, and whether to continue the Ordinance and Policy, take action (by ordinance) to modify the Policy or repeal the Ordinance.

As set forth in the Policy, the Clayton Police Department retains and employs limited military equipment to safeguard its community. Clayton officers and certified instructional staff receive training throughout the year on the use of military equipment approved under the Policy.

This Annual Report outlines the Clayton Police Department's military equipment inventory and usage, community complaints over use of military equipment, and internal audits from May 1, 2022 through December 31, 2022. The Department will submit its Military Equipment Annual Report to City Council at the first Council Meeting in May of every year in compliance with AB 481.

DEFINITIONS

Definitions of Military Equipment established by California Government Code §7070:
(Clayton utilizes a limited number of the resources listed below)

Military equipment includes but is not limited to the following types of equipment:

- Unmanned, remotely piloted, powered aerial or ground vehicles
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached
- Tracked armored vehicles that provide ballistic protection to their occupants
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units
- Weaponized aircraft, vessels, or vehicles or any kind
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code §30510 and Penal Code §30515, with the exception of standard-issue firearms
- Any firearm or firearm accessory that is designed to launch explosive projectiles
- Noise-flash diversionary devices and explosive breaching tools
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray
- Taser Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs)
- Kinetic energy weapons and munitions (e.g. 40MM launcher, bean bag shotgun, foam tipped projectiles)
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

Clayton Military Equipment

Specialized Firearms and Ammunition

Description, quantity, capabilities, and purchase cost:

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

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

Purpose:

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

Authorized Use:

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

Expected Lifespan:

Colt M4 carbine- 15 years

Winchester 5.56X45 M855 62 grain ammunition- No expiration

Fiscal Impact:

Annual maintenance is approximately \$50 for each rifle.

Training:

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

Legal and Procedural Rules:

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

Less Lethal Launchers and Ammunition

Description, quantity, capabilities, and purchase cost:

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

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

Purpose:

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

Authorized Use:

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

- Self-destructive, dangerous and/or combative individuals.
- Riot/crowd control and civil unrest incidents.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved demonstrations.

Lifespan:

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

Fiscal Impact:

Annual maintenance is approximately \$50 for each launcher.

Training:

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

Legal and Procedural Rules:

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

Command and Control Vehicles

Description, quantity, capabilities, and purchase cost:

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

Purpose:

To be used during special events and during critical incidents.

Authorized Use:

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

Lifespan:

20 years

Fiscal Impact:

Annual maintenance is approximately \$500.

Training:

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

Legal and Procedural Rules:

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

Equipment Training Use and Purchase

2022 Purchases: None

2022 Training/Military Equipment Utilized: None

Community Concerns and Complaints

In some instances, the possession and use of military equipment may cause questions and/or concerns for members of the community. It is vitally important that community members' questions and/or complaints regarding the Clayton Police Department's possession and use of military equipment are addressed.

The Clayton Police Department is committed to full and fair investigations of community complaints. As such, the Department has sound internal procedures for thorough and impartial investigations of community complaints. Resolving complaints in a fair, impartial, and expeditious manner will ensure the consistent high level of integrity and efficiency maintained by the Department.

In May of 2022, the Clayton Police Department published its Military Equipment Funding, Use and Acquisition policy on its website. Community concerns and complaints can be received via the Department's website, in-person at the police department or in the field during police contacts, telephone, emails and social media.

2022 Community Concerns, Complaints & PD Internal Investigations Related to Military Equipment Use

Community Concerns	Community Complaints	PD Internal Investigations
0	0	0

Internal Inventory & Audit (Clayton Military Equipment)

Per Clayton Police Department policy 710.3(c), the Department's military equipment coordinator, designated as Sergeant Jason Shaw, is required to complete an internal inventory of all military equipment within the possession of the Department at least once annually.

During the calendar year 2022, an internal inventory of the Department's military equipment was completed in March of 2022. This was to identify all of the Department's military equipment in preparation to fulfill the obligations set by Assembly Bill 481.

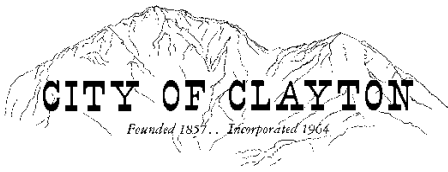
The required annual inventory was completed on April 10, 2023. The Department did not add any new military equipment to its inventory since that time. All current military equipment inventory was found to be in good shape and working order. The audit confirmed that Department personnel were found to be in compliance with Policy #710 in the use of military equipment.

Projected Military Equipment Acquisition (2023)

There are no projected military acquisitions planned for 2023.

Conclusion

This Annual Military Equipment Report reaffirms the Clayton Police Department's commitment to providing transparency and information to our communities and elected officials in addition to ensuring compliance with California State law. The equipment, resources, and training outlined in this report allow Clayton Police Officers to better serve and protect Clayton, enhance the safety of officers and community and bring critical incidents to a safe resolution.



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES

DATE: May 2, 2023

SUBJECT: Adopt a Resolution Terminating the Proclamation of Local Emergency for Storms

RECOMMENDATION

Adopt a resolution terminating the local emergency due to adverse weather conditions beginning December 31, 2022.

BACKGROUND

The City of Clayton was significantly impacted by significant storms with heavy rain and strong winds starting in December 31, 2022. City maintenance and police staff have worked diligently to address storm impacts as they have occurred in the community.

On January 4, 2023, Governor Newsom proclaimed a state of emergency statewide beginning as early as December 27, 2022. Because Clayton did not have any significant storm impacts or costs prior to December 31, 2022, the local state of emergency begins on December 31, 2022. The City of Clayton's Director of Emergency Services (City Manager) issued the local proclamation declaring an emergency on January 10, 2023. By resolution, on January 17, 2023, the City Council ratified the Proclamation of Local Emergency and further extending it on March 23, 2023.

The City is required to reassess the local emergency every 60 days in order for the declaration to remain active. The storms events have subsided in the City and therefore, the recommendation is to terminate the local emergency. The City will continue to seek reimbursement funding for its expenses incurred.

FISCAL IMPACT

There is no fiscal impact directly relating to terminating the declaration of a local emergency.

Attachment

Resolution

RESOLUTION NO. XX-2023
RESOLUTION OF THE CLAYTON CITY COUNCIL
TERMINATING THE PROCLAMATION OF LOCAL EMERGENCY FOR STORMS

WHEREAS, the California Emergency Services Act, Government Code sections 8558(c) and 8630 authorize the proclamation of a local emergency when conditions of disaster or extreme peril to the safety of persons and property within the territorial limits of a city exist; and

WHEREAS, pursuant to Government Code section 8630 such an emergency may be proclaimed by the governing body or by an official designated by ordinance adopted by the governing body; and

WHEREAS, Clayton Municipal Code section 2.08.060 provides that the Director of Emergency Services, who is the City Manager, may proclaim the existence of a local emergency when the City Council is not in session; and

WHEREAS, the Director of Emergency Services determined that the circumstances of extreme peril to public safety described below were so severe and required immediate remedial action and adopted a proclamation declaring a local emergency on January 10, 2023; and

WHEREAS, on January 17, 2023, the City Council adopted a Resolution ratifying the proclamation of the Director of Emergency Services of the City declaring a local emergency due to adverse weather conditions beginning December 31, 2022;

WHEREAS, on March 13, 2023, the City Council adopted a Resolution further extending the declaration of emergency;

WHEREAS, a local emergency was warranted by virtue of the extreme peril to the safety of persons and property in the City caused by a powerful storm system beginning on December 31, 2022, with additional and continuing major storms and a series of atmospheric river systems threatening the San Francisco Bay Area with a high volume of continuous rain as well as strong winds, which were beyond the control of the services, personnel, equipment, and facilities of the City; and

WHEREAS, the City Council has determined that the proclamation of a local emergency is no longer warranted.

BE IT RESOLVED by the Council of the City of Clayton that it is hereby terminates the Proclamation of Local Emergency adopted on January 17, 2023 and extended on March 13, 2023.

PASSED AND ADOPTED by the Clayton City Council, State of California, on this 2nd day of May 2023, by the following vote.

AYES:

NOES:

ABSENT:

ABSTAIN:

THE CITY COUNCIL OF CLAYTON, CA

Jeff Wan, Mayor

ATTEST:

Janet Calderon, City Clerk



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: May 2, 2023

SUBJECT: Adopt Updated City Council Guidelines and Procedures

RECOMMENDATION

Staff recommends the City Council discuss, provide comments and approve the updated Council Guidelines and Procedures.

BACKGROUND

At the December 6, 2022 City Council meeting, Council Member Tillman requested that the Council Guidelines and Procedures, including the Mayoral rotation be reviewed. At the March 7 and March 21, 2023 City Council meetings, Council Member Cloven requested a review of the Council Guidelines and Procedures related to requests for future agenda items being discussed in public prior to being placed on an agenda.

DISCUSSION

In response to the aforementioned Council Member requests, Mayor Wan, with input from the City Attorney, has prepared a proposed update to the current Council Guidelines and Procedures (Revised May 19, 2019).

Highlights of the proposed updated Council Guidelines May 2, 2023 (Attachment 3) include the following:

- Section A. **GENERAL:**
 - Item 7—Council Members are not required to inform the City Clerk when they will be out of town.
- Section C. **COUNCIL INTERACTION AND COMMUNICATION:**
 - Item 8e. Council Sub-Committees—Sub-committee memos will no longer be sent on an interim basis to update Council Members on issues, options and progress.

- Section I. PUBLIC MEETINGS:
 - Item 1. Agendas a. Formation 3. has been added which states that Council Members who request that an item be placed on a future agenda shall provide a written description to the City Manager and Mayor for inclusion into a future Agenda Report and that staff does not prepare detailed reports until directed by the City Manager or the Council as a whole.
 - Item 1. Agendas a. Formation b., c., d., and e., related to tabling, continuing, or refusing to act on agenda items have been removed.
 - Item 15. Voting d. if a Council Member wants a vote reconsidered, they will follow Rosenberg's Rules of Order instead of the previously referenced Standard Code of Parliamentary Procedure.
- L. SPECIAL MEETINGS:
 - Item 1. States that a Special Meeting may be called by the Mayor or majority of the City Council.
- M. CITY ELECTION YEAR:
 - This section that mentions how business is to be conducted and introduction of Council candidates at Council meetings has been removed.
- N. MEMBERS OF COMMISSIONS AND COMMITTEES:
 - Item 4. Selection Process b. and c. referencing Council requesting input from Department Heads and City Manager; and Ad Hoc Committee's conduction interviews and making recommendations have been removed.

The language changes are shown in track changes in the Council Guidelines and Procedures dated May 2, 2023 (Attachment 2). A clean version of the proposed Council Guidelines and Procedures incorporating all revisions to the current 2019 document is contained in Attachment 3. The current version of the document is contained in Attachment 1.

FISCAL IMPACTS

There would not be any fiscal impacts due to this action.

ATTACHMENTS

Attachment 1: 2019 Council Guidelines and Procedures

Attachment 2: Council Guidelines and Procedures (Track Changes)

Attachment 3: Council Guidelines and Procedures May 2, 2023

COUNCIL GUIDELINES AND PROCEDURES

*** CITY OF CLAYTON ***

In order to maximize the effectiveness of the Clayton City Council, the following guidelines have been adopted.

A. GENERAL

1. The Council takes courageous action when necessary to keep Clayton on the cutting edge of well-run, well-managed, innovative cities.
2. The Council provides leadership and participates in regional, state and national programs and meetings.
3. The Council looks to its Commissions and Committees for independent advice and some legislative actions.
4. There is extensive citizen participation and work on City programs and documents.
5. There are numerous meetings other than regular Council meetings.
6. There is a commitment to training for staff, Council and Commission members.
7. Council Members will inform the City Clerk when they will be out of town as early as possible so absences can be calendared.
8. Council Members receive the same information as much as possible: Citizen complaints, letters, background, etc. [All Members receive copies of everything].
9. Technology is used to create efficiencies.
10. Unwanted reports and documents are returned to staff for distribution to the public or for recycling.

B. COUNCIL VALUES

1. Each Councilperson is elected to and encouraged to represent his or her opinion and to work to carry out what he or she believes is in the best interests of Clayton and its citizens.
2. The Council and the City Manager are a participatory team.
3. The Council is high energy and achievement oriented.

4. Council Members exhibit care and respect for each other as persons.
5. Council Members promote care and respect for each other's point of view. Each Member has a right to be heard.
6. Opinions are expressed honestly, openly, civilly and with integrity.
7. Humor is an important tool.
8. Traditions are respected but not always binding.

C. COUNCIL INTERACTION AND COMMUNICATION

1. The Mayor makes Council sub-committee appointments annually in December; the Mayor is encouraged to seek input from Council regarding appointment preferences.
2. Members will take seriously the responsibility of reporting to Council on sub-committees and other regional, state and national board/agency/group activities in which they are involved.
3. Each Council Member has the responsibility to initiate resolution of problems as soon as possible.
4. Members shall recall and abide by the Brown Act when giving information to each other outside of public meetings.
5. Cheap shots at each other are not allowed by Members during public meetings, in the media, or at any other time.
6. Relationships are informal, but Council Members need to be aware of impact on and perception of the public.
7. Council Members will be flexible in covering Council responsibilities for each other.
8. Council Sub-Committees.
 - a. Sub-committee areas belong to the Council as a whole; they are not seen as territorial.
 - b. Sub-committees shall keep the rest of the Council fully informed. The rest of the Council is responsible for letting a sub-committee know if they want more information or to give input.
 - c. Before sub-committees start moving in new directions, they will obtain direction from the rest of the Council.

- d. Sub-committee reports will be made under “Council Reports” at Council meetings, when appropriate.
- e. Sub-committee memos will be sent on an interim basis to update other Council Members on:
 - 1). Issues being discussed.
 - 2). Options being considered.
 - 3). Progress.
- f. Appropriate reports will also be included in the City Manager’s “Weekly Report”.
- g. Council may contact Department Heads or the City Manager to be briefed on any sub-committee work.
- h. Council shall review the performance of citizen committees no less frequently than every six months.
- i. Sub-committees are task oriented with scheduled dates of completion.

D. COUNCIL INTERACTION AND COMMUNICATION WITH STAFF

- 1. City Manager.
 - a. Council Members should always feel free to communicate with the City Manager.
 - b. When a Council Member is unhappy about the performance of a Department, he/she should discuss this with the City Manager, not any other employee [the City Manager will inform the Mayor of any serious violations of this norm].
 - c. Concerns about the performance of Department Heads must be taken to the City Manager and/or Mayor first for resolution through proper channels.
 - d. In passing along critical information, the City Manager will inform all Council Members.
 - e. Council will provide ongoing feedback, information and perceptions to the City Manager, including some response to the “Weekly Report”.
 - f. Council will page the City Manager if there is an emergency and he/she cannot be reached by phone.

2. Staff in General.

- a. Council may make reasonable requests for information directly from Department Heads.
- b. An informal system of direct communication with staff is used but not abused by Council.
- c. Staff will inform Council immediately when an unusual event occurs that the public would be concerned about [e.g., major vehicular accidents; major police activities; areas cordoned off by police or fire, etc.].
- d. The Council and staff will not intentionally blind side each other in public; if there is an issue or a question a Council Member has regarding an agenda item, that Member will contact staff prior to the meeting.

E. COUNCIL RESPONSIBILITIES FOR KEEPING INFORMED

- 1. Read Commission minutes and staff reports to find out issues being addressed.
- 2. Read documents on planning items.
- 3. Read City Manager “goal updates” list for Council.
- 4. Do homework diligently and thoroughly.

F. MAYOR SELECTION

- 1. Election to Vice Mayor and Mayor requires supporting votes of three (3) Council Members, but in the interest of harmony unanimous consensus is to be sought and encouraged.
- 2. Any Council Member wanting or not wanting a role has a responsibility to tell all other Members.
- 3. As far as possible and until otherwise decided, Council Members will take turns as Mayor.
- 4. Mayorship will be a one-year term, commencing with the first meeting in December.
- 5. Selection of a Mayor is not a lock-step system. The Vice Mayor is generally expected to ascend to Mayor.
- 6. All Council Members are peers, and the Mayor and Vice Mayor serve at the pleasure of the Council.

G. MAYOR'S ROLE

1. Each Mayor operates somewhat uniquely from past Mayors; the role is largely defined by the person based on style.
2. The elected Mayor is to chair the meetings with proper decorum and to treat all Council Members and the public with respect.
3. The Mayor will inform the Council of any correspondence received or sent in relation to City business. This will be done within reason so as not to create a paper-trail overload. (Use of voice mail is encouraged, whenever possible).
4. The Mayor will forward pertinent information to other Council Members.

H. CITIZEN COMPLAINTS

1. City residents are considered “customers” and will be treated with courtesy and respect.
2. Council Members will receive copies of citizen written complaints, as received.
3. Council Members will be informed on telephone complaints, as appropriate.
4. Staff will inform Council of their response to complaints; copies of written responses should be included in Council packets.
5. Responses to citizens are personalized and professional.
6. Written responses will be selective. Responses will be made to all complaints.
7. Staff will draft a copy of responses for Council to use; letters over Council signatures checked out with signatory.
8. Council should not go to a hands-on mode when complaints occur. Issues will be referred to appropriate staff who will be given adequate time to respond.
9. If a Council Member wants action based on a citizen complaint, he/she should go through the City Manager's office to insure proper handling.

I. PUBLIC MEETINGS

1. Agendas.

a. Formation.

- 1). The City Manager and the City Clerk will prepare a draft agenda and review it with the Mayor for finalization.
- 2). Any member of the Council may request that an item be placed on the agenda by contacting the Mayor. It is the Mayor's discretion as to which regularly scheduled meeting the requested agenda item will appear, after consultation with the City Manager regarding availability of staff time to prepare necessary reports and the extent and number of items already scheduled for each upcoming Council meeting.

b. Council may move to table any agenda item for future study.

c. Council Members will feel free to ask for continuance if enough time has not been available for the Council to prepare.

d. If a Member is ill or away for any big or "personal" agenda item, the item may be tabled at the Member's request.

e. Council may refuse to act on items where critical materials were not available in the Friday agenda packet.

f. Agenda packets are available by 5:00 PM on the Friday preceding the Tuesday meeting.

g. No item on the agenda will be taken up after 11:00 PM without the unanimous consent of the Council Members present.

2. Consent Calendar.

a. Items placed on the Consent Calendar are those considered by the Mayor or the City Manager to be routine in nature; they are enacted in one motion. There is normally no separate discussion of these items, unless requested.

b. The Consent Calendar is used judiciously for items such as minutes, routine City business, some appeals, items already approved in the Budget, etc.

c. The Mayor will inquire of the public, "Is there anyone who wishes to speak to anything on the Consent Calendar?" [to be in bold type on the agenda]. If so, the item is pulled off the Calendar for separate discussion.

- d. If a Council Member has a question on a Consent Calendar item for their information only, they are encouraged to ask staff ahead of time, rather than having it pulled off for discussion during the meeting.
 - e. If there is time before the meeting, Council Members will inform staff of items they wish to pull from the Consent Calendar.
 - f. If additional information is requested by a Council Member, staff will provide back-up material to all Council Members.
- 3. It is reasonable to expect that staff be prepared to give an oral report on every agenda item.
- 4. The Mayor works with the City Manager to decide how much information needs to be disseminated at the meeting based on the item, and Council and audience needs.
- 5. There will be no packing of the audience by individual Council Members for specific agenda items.
- 6. Corrections to minutes should be passed to the City Clerk before the meeting, if possible.
- 7. Public Comment.
 - a. As required by law.
 - b. To be directed to the Mayor and Council, not staff or the audience.
 - c. Has a three (3) minute time limit enforced at the Mayor's discretion; is announced in advance and consistently applied.
 - d. Is addressed early in the meeting.
 - e. A Council Member may ask staff to put an item on a future agenda.
 - f. Council may ask staff to respond, when appropriate.
 - g. The following options may be considered by the Mayor during times of high controversy:
 - 1). The Mayor designates a block of time early in the meeting (20 minutes) and any comments beyond this limit will be held until the end of the meeting.

- 2). The Mayor polls the audience for an indication of the number of people wishing to speak, then calls on individuals to speak.
8. The Mayor should survey the audience, as appropriate, to move agenda items up or back to address audience items of concern.
9. Public participation is encouraged on all public agenda items.
10. Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate.
11. The public will likewise be encouraged by the Mayor to maintain meeting decorum.
12. Council and staff will treat the public with respect; refer to citizens by surnames, as appropriate.
13. In Council meetings when citizens are agitated, the Mayor may call a short recess to calm the situation.
14. The portion of a regular Council meeting before 7:00 PM, in addition to the present items, should include Council and City Manager reports; action items are discussed first and reports second; Council will ask staff for a summary, if appropriate.
15. The Mayor allows other Members to speak first, then gives his/her views and afterward summarizes the discussion. Council Members should not be redundant if they concur with what has already been said.
16. Voting.
 - a. Each Council Member is given an opportunity to speak before a motion.
 - b. Attempts are always made to reach consensus on significant issues.
 - c. On split votes, each Member shares his/her views about the issue and the reasons for his/her vote.
 - d. Once a vote is final, Council Members will support the action taken. If a Council Member wants a vote to be reconsidered, he/she will follow The Standard Code of Parliamentary Procedure.
 - e. Any Council Member may request a roll call vote on any given issue.
17. When any Council Member believes something would be helpful during a meeting, he/she is free to suggest change in the procedure.

18. Department Head attendance is encouraged at every Council meeting when there is a pertinent issue relative to that Department on the agenda; other staff attendance at Council meetings is at the City Manager's discretion.
19. Written documents, written statements, citizen petitions, references, newspaper articles or other materials submitted at or read by a council member or a member of the public at a City Council meeting become part of the Agenda Packet retained for that meeting, not an attachment to the official minutes prepared by the City Clerk of said meeting.
20. Council Members shall not use or receive digital or electronic communications (such as electronic text or visual communications and attachments distributed via email, instant messaging, twitter or comparable services) regarding an agenda item at any time during the meeting of the City Council at which he or she is in attendance.

J. EXECUTIVE SESSION IN GENERAL

1. Council will receive written reports for Closed Session items, as appropriate; these reports are to be returned to staff at the end of the meeting.
2. The City Manager will schedule pre-meeting Closed Sessions if it will save the City money [due to consultant or legal fees, etc.].
3. There is to be no violation of Executive Session confidentiality. Council Members will not talk to affected/opposing parties or anyone else (press, etc.) regarding Executive Session items without Council direction and concurrence.
4. The Mayor will make a public report after every Closed Session in the same meeting.

K. REDEVELOPMENT, GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD), AND CLAYTON FINANCING AUTHORITY MEETINGS

1. All general procedural rules apply as related to normal agenda, consent calendar, etc. These meetings generally follow the Council meeting.

L. SPECIAL MEETINGS

1. Any member may request the Mayor to call a Special Meeting and the Mayor will call it unless there are extenuating circumstances. Special Meetings will be called as specified in the California Government Code.

M. CITY ELECTION YEAR

1. Election year politics should be conducted in such a fashion that the business of Clayton can carry on as usual.
2. Council Candidates will be introduced at Council meetings as candidates only after they have filed their nomination papers.

N. MEMBERS OF COMMISSIONS AND COMMITTEES

1. Commissions and Committees are appointed by the Council as advisory bodies.
2. Commissions and Committees need to:
 - a. Consider Council vision.
 - b. Understand their roles, authority, limitations, etc.
 - c. Know annual priorities.
 - d. Work within established process and parameters [e.g., citizen involvement].
 - e. Have a Council Member serve as liaison.
3. Criteria to be considered in the selection and re-appointment of Commissions. *
 - a. Lack of conflicts of interest.
 - b. Attendance [may not miss two consecutive meetings without an excuse].
 - c. Level of participation and preparation.
 - d. Support of community vision and values.
 - e. Respect for staff and public.
 - f. Work for community versus personal purposes.
 - g. Perform as a team player.
 - h. Be a resident [unless there is exceptional need].

- i. Be competent.
 - j. Representative of community as a group [e.g., differing points of view, area of residence, aspects of community, backgrounds, experts versus generalists, etc.].
 - k. Appointments are to be made by Council as a whole, not on promises by individual Council Members or Mayor.
 - * [A Commissioner may be removed if he/she is in violation of criteria under this section].
4. Selection Process.
- a. Commission candidate application information is to include: Council vision statement, expectations, Brown Act requirements, suggestion to attend a Commission meeting, problem-solving model, etc.
 - b. City Council reviews applications, giving input to the Ad-Hoc Committee regarding ranking; Council may request input from Department Heads and City Manager.
 - c. Ad-Hoc Committee conducts interviews and makes recommendations to Council [let Council Members know before the meeting who is being recommended in time for individual review].
 - d. Council appoints Commissioners [goal is 5-0 consensus vote].
 - e. Information packet (including Brown Act, Minutes, Ordinance forming Commission, Calendar of League of California Cities events) is provided to Commissioners by staff.
5. Commissions encouraged to be representative of and involve the entire community.
6. Planning Commissioners shall not use or receive digital or electronic communications (such as electronic text or visual communications and attachments distributed via email, instant messaging, twitter or comparable services) regarding an agenda item at any time during the meeting of the Planning Commission at which he or she is in attendance.

* * * * *

Revised: 21 May 2019
 Revised: 20 February 2007
 Revised: 20 August 2002
 Adopted: 05 May 1998

COUNCIL GUIDELINES AND PROCEDURES

* CITY OF CLAYTON *

In order to maximize the effectiveness of the Clayton City Council, the following guidelines have been adopted.

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5. There are numerous meetings other than regular Council meetings.
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- ~~7. Council Members will inform the City Clerk when they will be out of town as early as possible so absences can be calendared.~~
- ~~8.~~ 7. Council Members Councilmembers receive the same information as much as possible: Citizen complaints, letters, background, etc. [All Members receive copies of everything].
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d. Sub-committee reports will be made under "Council Reports" at Council meetings, when appropriate.

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- ~~1. Issues being discussed.~~
- ~~2. Options being considered.~~
- ~~3. Progress.~~

~~f.e.~~ Appropriate reports will also be included in the City Manager's "Weekly Report".

~~g.f.~~ Council ~~members~~ may contact Department Heads or the City Manager to be briefed on any sub-committee work.

~~h.g.~~ Council shall review the performance of citizen committees no less frequently than every six months.

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1. City Manager.

a. ~~Council Members~~Councilmembers should always feel free to communicate with the City Manager.

b. When a ~~Council Member~~Councilmember is unhappy about the performance of a Department, ~~he/she/they~~ should discuss this with the City Manager, not any other employee [the City Manager will inform the Mayor of any serious violations of this norm].

c. Concerns about the performance of Department Heads must be taken to the City Manager and/or Mayor first for resolution through proper channels.

d. In passing along critical information, the City Manager will inform all Council Members.

e. Council will provide ongoing feedback, information, and perceptions to the City Manager, including some response to the "Weekly Report".

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E. COUNCIL RESPONSIBILITIES FOR KEEPING INFORMED

1. Read Commission minutes and staff reports to find out issues being addressed.
2. Read documents on ~~planning-agenda~~ items.
3. Read City Manager "~~goal updates~~" ~~list for Council~~ "Weekly Report".
4. Do homework diligently and thoroughly.

F. MAYOR SELECTION

1. Election to Vice Mayor and Mayor requires supporting votes of ~~three (3)~~ the majority of Council Members Councilmembers, but in the interest of harmony unanimous consensus is to be sought and encouraged.
2. Any ~~Council Member~~ Councilmember wanting or not wanting a role has a responsibility to tell all other ~~M~~ Councilmembers.
3. As far as possible and until otherwise decided, ~~Council Members~~ Councilmembers will take turns as Mayor.
4. Mayorship will be a one-year term, commencing with the first meeting in December
4. Selection of a Mayor is not a lock-step system. The Vice Mayor is generally expected to ascend to Mayor.
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6. All Councilmembers are peers, and the Mayor and Vice Mayor serve at the pleasure of the Council

G. MAYOR'S ROLE

1. Each Mayor operates somewhat uniquely from past Mayors; the role is largely defined by the person based on style.
2. The elected Mayor is to chair the meetings with proper decorum and to treat all Councilmembers and the public with respect.
3. The Mayor will inform the Council of any correspondence received or sent in relation to City business, within reason.
4. The Mayor will forward pertinent information to other Councilmembers.
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2. ~~Council Members~~Councilmembers will receive copies of citizen written complaints, as received.
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- ~~7. Staff will draft a copy of responses for Council to use; letters over Council signatures checked out with signatory.~~
- ~~8.~~7. Council should not go to a hands-on mode when complaints occur. Issues will be referred to appropriate staff who will be given adequate time to respond.
8. If a ~~Council Member~~Councilmember wants action based on a citizen complaint, ~~he/she~~they should go through the City Manager's office to insure proper handling.

I. PUBLIC MEETINGS

1. Agendas.

a. Formation.

1. The City Manager and the City Clerk will prepare a draft agenda and review it with the Mayor for finalization.

2. Any member of the Council may request that an item be placed on a future agenda by contacting the Mayor or by making a request during the Council Items section of the regular meeting agenda.

3. Councilmembers who request that an item be placed on a future agenda shall provide a written description to the City Manager and the Mayor for inclusion into a future Agenda Report. Staff does not prepare detailed reports until directed by the City Manager or the Council as a whole.

4. It is the Mayor's discretion as to which regularly scheduled meeting the requested agenda item will appear, after consultation with the City Manager regarding availability of staff time to prepare necessary reports and the extent and number of items already scheduled for each upcoming Council meeting.

b. Agenda packets shall be available at least 72 hours prior to a regularly scheduled meeting

c. No item on the agenda will be taken up after 11:00 PM without the unanimous consent of the Councilmembers present.

2. Consent Calendar.

a. Items placed on the Consent Calendar are those considered by the Mayor or the City Manager to be routine in nature; they are enacted in one motion. There is normally no separate discussion of these items, unless requested.

b. The Consent Calendar is used judiciously for items such as minutes, routine City business, some appeals, items already approved in the Budget, etc.

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- ~~f. Agenda packets are available by 5:00 PM on the Friday preceding the Tuesday meeting.~~
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g-

8. The Mayor should survey the audience, as appropriate, to move agenda items up or back to address audience items of concern.

9. Public participation is encouraged on all public agenda items.

10. Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate.

11. The public will likewise be encouraged by the Mayor to maintain meeting decorum.

12. Council and staff will treat the public with respect; refer to citizens by surnames, as appropriate.

13. In Council meetings when citizens are agitated, the Mayor may call a short recess to calm the situation.

14. The Mayor allows other Members to speak first, then gives their views and afterward summarizes the discussion. Councilmembers should not be redundant if they concur with what has already been said.

15. Voting.

a. Each Councilmember is given an opportunity to speak before a motion.

b. Attempts are always made to reach consensus on significant issues.

c. On split votes, each Member may share their views about the issue and the reasons for their vote.

d. Once a vote is final, Councilmembers will support the action taken. If a Councilmember wants a vote to be reconsidered, they will follow [Rosenberg's Rules of Order](#) ~~The Standard Code of Parliamentary Procedure~~.

e. Any Councilmember may request a roll call vote on any given issue.

16. When any Councilmember believes something would be helpful during a meeting, they are free to suggest a change in the procedure.

17. Department Head attendance is encouraged at every Council meeting when there is a pertinent issue relative to that Department on the agenda; other staff attendance at Council meetings is at the City Manager's discretion.

18. Written documents, written statements, citizen petitions, references, newspaper articles or other materials submitted at or read by a council member or a member of the public at a City

- ~~1. The Mayor designates a block of time early in the meeting (20 minutes) and any comments beyond this limit will be held until the end of the meeting.~~
- ~~2. The Mayor polls the audience for an indication of the number of people wishing to speak, then calls on individuals to speak.~~
- ~~8. The Mayor should survey the audience, as appropriate, to move agenda items up or back to address audience items of concern.~~
- ~~9. Public participation is encouraged on all public agenda items.~~
- ~~10. Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate.~~
- ~~11. The public will likewise be encouraged by the Mayor to maintain meeting decorum.~~
- ~~12. Council and staff will treat the public with respect; refer to citizens by surnames, as appropriate.~~
- ~~13. In Council meetings when citizens are agitated, the Mayor may call a short recess to calm the situation.~~
- ~~14. The portion of a regular Council meeting before 7:00 PM, in addition to the present items, should include Council and City Manager reports; action items are discussed first and reports second; Council will ask staff for a summary, if appropriate.~~
- ~~15. The Mayor allows other Members to speak first, then gives his/her views and afterward summarizes the discussion. Council Members should not be redundant if they concur with what has already been said.~~
- ~~16. Voting.~~
 - ~~a. Each Council Member is given an opportunity to speak before a motion.~~
 - ~~b. Attempts are always made to reach consensus on significant issues.~~
 - ~~c. On split votes, each Member shares his/her views about the issue and the reasons for his/her vote.~~
 - ~~d. Once a vote is final, Council Members will support the action taken. If a Council Member wants a vote to be reconsidered, he/she will follow The Standard Code of Parliamentary Procedure.~~
 - ~~e. Any Council Member may request a roll call vote on any given issue.~~
- ~~17. When any Council Member believes something would be helpful during a meeting, he/she is free to suggest change in the procedure.~~

~~18. Department Head attendance is encouraged at every Council meeting when there is a pertinent issue relative to that Department on the agenda; other staff attendance at Council meetings is at the City Manager's discretion.~~

19. ~~Written documents, written statements, citizen petitions, references, newspaper articles or other materials submitted at or read by a council member or a member of the public at a City Council meeting become part of the Agenda Packet retained for that meeting, not an attachment to the official minutes prepared by the City Clerk of said meeting.~~

20. ~~Council Members~~Councilmembers shall not use or receive digital or electronic communications (such as electronic text or visual communications and attachments distributed via email, instant messaging, twitter, or comparable services) regarding an agenda item at any time during the meeting of the City Council at which ~~he or she is~~they are in attendance.

J. EXECUTIVE-CLOSED SESSION IN GENERAL

1. Council will receive written reports for Closed Session items, as appropriate; these reports are to be returned to staff at the end of the meeting.

2. The City Manager will attempt to schedule pre-meeting Closed Sessions if it ~~will save~~saves the City money [due to consultant or legal fees, etc.].

3. There is to be no violation of Executive-Closed Session confidentiality. ~~Council Members~~Councilmembers will not talk to affected/opposing parties or anyone else (press, etc.) regarding Executive-Closed Session items without Council direction and concurrence.

4. The Mayor will make a public report after every Closed Session in the same meeting.

K. REDEVELOPMENT SUCCESSOR AGENCY, GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD), AND CLAYTON FINANCING AUTHORITY MEETINGS

1. All general procedural rules apply as related to normal agenda, consent calendar, etc. These meetings generally follow the Council meeting.

L. SPECIAL MEETINGS

1. Any Council member may request the Mayor to call a Special Meeting. ~~- and the Mayor will call it unless there are extenuating circumstances.~~ Special Meetings will be held at the discretion of the Mayor and City Manager called following procedures as specified in the California Government Code. In addition to the Mayor, a majority of the City Council can call a Special Meeting.

~~CITY ELECTION YEAR~~

- ~~1. Election year politics should be conducted in such a fashion that the business of Clayton can carry on as usual.~~
- ~~2. Council Candidates will be introduced at Council meetings as candidates only after they have filed their nomination papers.~~

N. MEMBERS OF COMMISSIONS AND COMMITTEES

1. Commissions and Committees are appointed by the Council as advisory bodies.
2. Commissions and Committees need to:
 - a. Consider Council vision.
 - b. Understand their roles, authority, limitations, etc.
 - c. Know annual priorities.
 - d. Work within established process and parameters [e.g., citizen involvement].
 - e. Have a ~~Council Member~~Councilmember serve as liaison.
3. Criteria to be considered in the selection and re-appointment of Commissions ~~is~~ are ~~*~~
 - a. Lack of conflicts of interest.
 - b. Attendance [may not miss two consecutive meetings without an excuse].
 - c. Level of participation and preparation.
 - d. Support of community vision and values.
 - e. Respect for staff and public.
 - f. Work for community versus personal purposes.
 - g. Perform as a team player.
 - h. Be a resident [unless there is exceptional need].
 - i. Be competent.
 - ~~i.~~

j. Representative of community as a group [e.g., differing points of view, area of residence, aspects of community, backgrounds, experts versus generalists, etc.].

~~k.~~ Appointments are to be made by Council as a whole, not on promises by individual ~~Council Members~~Councilmembers or Mayor.

~~k.~~

~~—Commissioners serve at the pleasure of the Council~~

~~*l.~~ ~~[A Commissioner~~and may be removed if ~~he/shethey is~~are in violation of criteria under this section].

4. Selection Process.

a. Commission candidate application information ~~is to~~shall include: Council vision statement, expectations, Brown Act requirements, suggestion to attend a Commission meeting, ~~problem-solving model~~, etc.

b. City Council reviews applications, conducts interviews of candidates as appropriate, and appoints Commissioners.

~~b.~~ ~~giving input to the Ad-Hoc Committee regarding ranking; Council may request input from Department Heads and City Manager.~~

~~c.~~ ~~Ad-Hoc Committee conducts interviews and makes recommendations to Council [let Council Members know before the meeting who is being recommended in time for individual review].~~

~~d.~~ ~~Council appoints Commissioners [goal is 5-0 consensus vote].~~

e.c. Information packet (including Brown Act, Minutes, Ordinance forming Commission, Calendar of League of California Cities events) is provided to Commissioners by staff.

5. Commission~~ers~~ are encouraged to be representative of and involve the entire community.

6. Planning Commissioners shall not use or receive digital or electronic communications (such as electronic text or visual communications and attachments distributed via email, instant messaging, twitter or comparable services) regarding an agenda item at any time during the meeting of the Planning Commission at which ~~he or she is~~they are in attendance.

* * * * *

Revised: 02 May 2023

Revised: 21 May 2019

Revised: 20 February 2007

Revised: 20 August 2002

Adopted: 05 May 1998

COUNCIL GUIDELINES AND PROCEDURES

*** CITY OF CLAYTON ***

In order to maximize the effectiveness of the Clayton City Council, the following guidelines have been adopted.

A. GENERAL

1. The Council takes courageous action when necessary to keep Clayton on the cutting edge of well-run, well-managed, innovative cities.
2. The Council provides leadership and participates in regional and state program and meetings.
3. The Council looks to its Commissions and Committees for independent advice and some legislative actions.
4. There is extensive citizen participation and work on City programs.
5. There are numerous meetings other than regular Council meetings.
6. There is a commitment to training for staff, Council, and Commission members.
7. Councilmembers receive the same information as much as possible: Citizen complaints, letters, background, etc. [All Members receive copies of everything].
8. Technology is used to create efficiencies.
9. Unwanted reports and documents are returned to staff for distribution to the public or for recycling.

B. COUNCIL VALUES

1. Each Councilmember is elected to and encouraged to represent their opinion and to work to carry out what they believe is in the best interests of Clayton and its citizens.
2. The Council and the City Manager are a participatory team.
3. The Council is results and achievement oriented.
4. Councilmembers exhibit care and respect for each other as persons.
5. Councilmembers promote care and respect for each other's point of view. Each Member has a right to be heard.
6. Opinions are expressed honestly, openly, civilly, and with integrity.

7. Humor is an important tool.
8. Traditions are respected but not always binding.

C. COUNCIL INTERACTION AND COMMUNICATION

1. The Mayor makes Council sub-committee appointments annually in December; the Mayor is encouraged to seek input from Council regarding appointment preferences.
2. Councilmembers will take seriously the responsibility of reporting to Council on sub-committees and other regional, state, and national board/agency/group activities in which they are involved.
3. Each Councilmember has the responsibility to initiate resolution of problems as soon as possible.
4. Members shall recall and abide by the Brown Act when giving information to each other outside of public meetings.
5. Cheap shots at each other are not allowed by Members during public meetings, in the media, or at any other time.
6. Relationships are informal, but Councilmembers need to be aware of impact on and perception of the public.
7. Councilmembers will be flexible in covering Council responsibilities for each other.
8. Council Sub-Committees.
 - a. Sub-committee areas belong to the Council as a whole; they are not seen as territorial.
 - b. Sub-committees shall keep the rest of the Council fully informed. The rest of the Council is responsible for letting a sub-committee know if they want more information or to give input.
 - c. Before sub-committees start moving in new directions, they will obtain direction from the rest of the Council.
 - d. Sub-committee reports will be made under "Council Reports" at Council meetings, when appropriate.
 - e. Appropriate reports will also be included in the City Manager's "Weekly Report".
 - f. Councilmembers may contact Department Heads or the City Manager to be briefed on any sub-committee work.
 - g. Council shall review the performance of citizen committees no less frequently than every six months.

- h. Sub-committees are task oriented with scheduled dates of completion.

D. COUNCIL INTERACTION AND COMMUNICATION WITH STAFF

1. City Manager.

- a. Councilmembers should always feel free to communicate with the City Manager.
- b. When a Councilmember is unhappy about the performance of a Department, they should discuss this with the City Manager, not any other employee [the City Manager will inform the Mayor of any serious violations of this norm].
- c. Concerns about the performance of Department Heads must be taken to the City Manager and/or Mayor first for resolution through proper channels.
- d. In passing along critical information, the City Manager will inform all Councilmembers.
- e. Council will provide ongoing feedback, information, and perceptions to the City Manager, including some response to the “Weekly Report”.
- f. Council will contact the City Manager if there is an emergency.

2. Staff in General.

- a. Councilmembers may make reasonable requests for information directly from Department Heads.
- b. An informal system of direct communication with staff is used but not abused by Council.
- c. Staff will inform Council immediately when an unusual event occurs that the public would be concerned about [e.g., major vehicular accidents; major police activities; areas cordoned off by police or fire, etc.].
- d. The Council and staff will not intentionally blind side each other in public; if there is an issue or a question a Councilmember has regarding an agenda item, that Member will contact staff prior to the meeting.

E. COUNCIL RESPONSIBILITIES FOR KEEPING INFORMED

- 1. Read Commission minutes and staff reports to find out issues being addressed.
- 2. Read documents on agenda items.
- 3. Read City Manager “Weekly Report”.
- 4. Do homework diligently and thoroughly.

F. MAYOR SELECTION

1. Election to Vice Mayor and Mayor requires supporting votes of the majority of Councilmembers, but in the interest of harmony unanimous consensus is to be sought and encouraged.
2. Any Councilmember wanting or not wanting a role has a responsibility to tell all other Councilmembers.
3. As far as possible and until otherwise decided, Councilmembers will take turns as Mayor.
4. Mayorship will be a one-year term, commencing with the first meeting in December
5. Selection of a Mayor is not a lock-step system. The Vice Mayor is generally expected to ascend to Mayor.
6. All Councilmembers are peers, and the Mayor and Vice Mayor serve at the pleasure of the Council

G. MAYOR'S ROLE

1. Each Mayor operates somewhat uniquely from past Mayors; the role is largely defined by the person based on style.
2. The elected Mayor is to chair the meetings with proper decorum and to treat all Councilmembers and the public with respect.
3. The Mayor will inform the Council of any correspondence received or sent in relation to City business, within reason.
4. The Mayor will forward pertinent information to other Councilmembers.

H. CITIZEN COMPLAINTS

1. City residents will be treated with courtesy and respect.
2. Councilmembers will receive copies of citizen written complaints, as received.
3. Councilmembers will be informed on telephone complaints, as appropriate.
4. Staff will inform Council of their response to complaints; copies of written responses should be included in Council packets.
5. Responses to citizens are personalized and professional.
6. Written responses will be selective. Responses will be made to all complaints.

Attachment 3

7. Council should not go to a hands-on mode when complaints occur. Issues will be referred to appropriate staff who will be given adequate time to respond.
8. If a Councilmember wants action based on a citizen complaint, they should go through the City Manager's office to insure proper handling.

I. PUBLIC MEETINGS

1. Agendas.

a. Formation.

1. The City Manager and the City Clerk will prepare a draft agenda and review it with the Mayor for finalization.
2. Any member of the Council may request that an item be placed on a future agenda by contacting the Mayor or by making a request during the Council Items section of the regular meeting agenda.
3. Councilmembers who request that an item be placed on a future agenda shall provide a written description to the City Manager and the Mayor for inclusion into a future Agenda Report. Staff does not prepare detailed reports until directed by the City Manager or the Council as a whole.
4. It is the Mayor's discretion as to which regularly scheduled meeting the requested agenda item will appear, after consultation with the City Manager regarding availability of staff time to prepare necessary reports and the extent and number of items already scheduled for each upcoming Council meeting.

b. Agenda packets shall be available at least 72 hours prior to a regularly scheduled meeting

c. No item on the agenda will be taken up after 11:00 PM without the unanimous consent of the Councilmembers present.

2. Consent Calendar.

- a. Items placed on the Consent Calendar are those considered by the Mayor or the City Manager to be routine in nature; they are enacted in one motion. There is normally no separate discussion of these items, unless requested.
- b. The Consent Calendar is used judiciously for items such as minutes, routine City business, some appeals, items already approved in the Budget, etc.
- c. The Mayor will inquire if any Councilmembers wish to discuss anything on the Consent Calendar and if so, the item shall be pulled off the Consent Calendar for separate discussion.

Attachment 3

- d. If a Councilmember has a question on a Consent Calendar item for their information only, they are encouraged to ask staff ahead of time, rather than having it pulled off for discussion during the meeting.
 - e. If there is time before the meeting, Councilmembers will inform staff of items they wish to pull from the Consent Calendar.
 - f. If additional information is requested by a Councilmember, staff will provide back-up material to all Councilmembers.
3. It is reasonable to expect that staff be prepared to give an oral report on every agenda item.
4. The Mayor works with the City Manager to decide how much information needs to be disseminated at the meeting based on the item.
5. There will be no packing of the audience by individual Councilmembers for specific agenda items.
6. Corrections to minutes should be passed to the City Clerk before the meeting, if possible.
7. Public Comment.
 - a. As required by law.
 - b. Has a three (3) minute time limit enforced at the Mayor's discretion; is announced in advance and consistently applied.
 - c. Is addressed early in the meeting.
 - d. A Councilmember may ask staff to put an item on a future agenda.
 - e. Council may ask staff to respond, when appropriate.
 - f. The following options may be considered by the Mayor during times of high controversy:
 1. The Mayor designates a block of time early in the meeting (20 minutes) and any comments beyond this limit will be held until the end of the meeting.
 2. The Mayor polls the audience for an indication of the number of people wishing to speak, then calls on individuals to speak.
8. The Mayor should survey the audience, as appropriate, to move agenda items up or back to address audience items of concern.
9. Public participation is encouraged on all public agenda items.

Attachment 3

10. Council and staff will treat participants and each other with courtesy. Derogatory or sarcastic comments are inappropriate.
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19. Council meeting become part of the Agenda Packet retained for that meeting, not an attachment to the official minutes prepared by the City Clerk of said meeting.
20. Councilmembers shall not use or receive digital or electronic communications (such as electronic text or visual communications and attachments distributed via email, instant messaging, twitter, or comparable services) regarding an agenda item at any time during the meeting of the City Council at which they are in attendance.

J. CLOSED SESSION IN GENERAL

1. Council will receive written reports for Closed Session items, as appropriate; these reports are to be returned to staff at the end of the meeting.
2. The City Manager will attempt to schedule pre-meeting Closed Sessions if it saves the City money [due to consultant or legal fees, etc.].
3. There is to be no violation of Closed Session confidentiality. Councilmembers will not talk to affected/opposing parties or anyone else (press, etc.) regarding Closed Session items without Council direction and concurrence.
4. The Mayor will make a public report after every Closed Session in the same meeting.

K. SUCCESSOR AGENCY, GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD), AND CLAYTON FINANCING AUTHORITY MEETINGS

1. All general procedural rules apply as related to normal agenda, consent calendar, etc. These meetings generally follow the Council meeting.

L. SPECIAL MEETINGS

1. Any Councilmember may request the Mayor to call a Special Meeting. Special Meetings will be held at the discretion of the Mayor and City Manager following procedures specified in the California Government Code. In addition to the Mayor, a majority of the City Council can call a Special Meeting.

N. MEMBERS OF COMMISSIONS AND COMMITTEES

1. Commissions and Committees are appointed by the Council as advisory bodies.
2. Commissions and Committees need to:
 - a. Consider Council vision.
 - b. Understand their roles, authority, limitations, etc.
 - c. Know annual priorities.
 - d. Work within established process and parameters [e.g., citizen involvement].
 - e. Have a Councilmember serve as liaison.
3. Criteria to be considered in the selection and re-appointment of Commissions.
 - a. Lack of conflicts of interest.
 - b. Attendance [may not miss two consecutive meetings without an excuse].

Attachment 3

- c. Level of participation and preparation.
 - d. Support of community vision and values.
 - e. Respect for staff and public.
 - f. Work for community versus personal purposes.
 - g. Perform as a team player.
 - h. Be a resident [unless there is exceptional need].
 - i. Be competent.
 - j. Representative of community as a group [e.g., differing points of view, area of residence, aspects of community, backgrounds, experts versus generalists, etc.].
 - k. Appointments are to be made by Council as a whole, not on promises by individual Councilmembers or Mayor.
 - l. Commissioners serve at the pleasure of the Council and may be removed if they are in violation of criteria under this section.
4. Selection Process.
- a. Commission candidate application information shall include: Council vision statement, expectations, Brown Act requirements, suggestion to attend a Commission meeting, etc.
 - b. City Council reviews applications, conducts interviews of candidates as appropriate, and appoints Commissioners.
 - c. Information packet (including Brown Act, Minutes, Ordinance forming Commission, Calendar of League of California Cities events) is provided to Commissioners by staff.
5. Commissioners are encouraged to be representative of and involve the entire community.
6. Planning Commissioners shall not use or receive digital or electronic communications (such as electronic text or visual communications and attachments distributed via email, instant messaging, twitter or comparable services) regarding an agenda item at any time during the meeting of the Planning Commission at which they are in attendance.

* * * * *

Revised: 02 May 2023
Revised: 21 May 2019
Revised: 20 February 2007
Revised: 20 August 2002
Adopted: 05 May 1998



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: May 2, 2023

SUBJECT: Status of City Council Future Agenda Item Requests

RECOMMENDATION

It is recommended the City Council discuss the City Council Future Agenda Item Requests and provide direction to staff.

BACKGROUND

Toward the end of each regularly scheduled City Council Meeting, there is a place on the agenda called Council Items where Council Members may provide requests and directives for future meetings.

DISCUSSION

This item be placed on the City Council agenda for the purpose of reviewing the list of requests, both open and completed. The current list was established on December 15, 2020 and continues through our last City Council Meeting held on April 18, 2023. The goal is to determine if Council Members still want items they have previously identified as requests or directives to remain on the list or if they are no longer a priority for the Council Member who made the initial request.

FISCAL IMPACTS

There is no fiscal impact related to discussing this item.

ATTACHMENTS

Attachment 1: City Council Requests Chart 12/15/20 – Present

City Council Requests Since 12/15/2020 – Open

Date	Requester	Request	Status
12/15/2020	Jeff Wan	<i>Clayton Municipal Code</i> regarding Residential Development Requirement of projects with 10 or more units	<i>Take up with Zoning Code Amendments that will follow the Housing Element Update in 2023</i>
1/5/2021	Holly Tillman	Research into Closed Captioning during Zoom meetings	<i>Ongoing. Pleasant Hill is in the process of implementing. Once we have feedback from their implementation, we will be able to bring forward a recommendation and cost estimate.</i>
6/29/2021	Jeff Wan	**STANDING REQUEST OF GHAD** Publish a schedule of GHAD activities	<i>In process- Presentation by City Engineer at 3/21/23 meeting, and future meeting 5/16/23</i>
7/20/2021	Peter Cloven	Environmental Action Plan for Clayton	<i>Budget priority? Should this include a Climate Action Plan specifically?</i>
7/20/2021	Holly Tillman	<i>Clayton Municipal Code</i> to allow Food Truck Vendors	<i>In May, 2022, the Planning Commission initiated the study to have the City evaluate needed code amendments related to food truck vendors as well as sidewalk push-cart vendors as regulated by state law.</i>
7/20/2021	Jeff Wan	City's website to include scheduled work, including completion dates, and specify areas of responsibility in the Landscape Maintenance District.	<i>In process. Trails & Landscape Committee discussed at 11/2/22 meeting.</i>
12/7/2021	Holly Tillman	Poll of City Staff regarding their working relationship with City Council	<i>Request additional detail on desired outcomes and priority.</i>
6/7/2022	Peter Cloven	Review the City's Mission, Vision and Values statements.	<i>Briefly discussed at the Annual Goal-Setting Session 1 on 3/13/23. Possible to review at Annual Goal-Setting Session 2 to be scheduled by permanent City Manager and City Council.</i>

City Council Requests Since 12/15/2020 – Open

Date	Requester	Request	Status
6/21/2022	Peter Cloven	Consider fee schedules for “Arts” groups.	<i>Believed to have been addressed with Clayton non-profit fee adopted at 3/21/23 Council meeting; If not, requires additional information/clarification.</i>
08/02/2022	Jim Diaz	Establish a process for downtown events	<i>Underway; goal to present to the City Council a revised/updated Special Event process in 2023.</i>
9/20/2022	Jeff Wan	Diamond Terrace rent increases and low-income housing	<i>The City has limited jurisdiction over Diamond Terrace, limited to annual confirmation of affordability requirements which apply to rent and do not apply to most utilities or other amenities. Rent affordability compliance will be confirmed again in 2023.</i>
11/15/2022	Holly Tillman	Consider Resolution in Support of Human Rights in Iran (request made by Pinole Mayor at Mayor’s Conference in November)	
12/06/2022	Holly Tillman	Review Council Guidelines including Mayoral Rotation	<i>On 5/2/23 Council meeting</i>
12/20/2022	Kim Trupiano	Diamond Terrace fee increases.	<i>Refer to 9/20/2022 Wan request</i>
2/7/2023	Holly Tillman	Consider CFD to fund additional officer(s)	
2/7/2023	Holly Tillman	Consider Parcel Tax to continue Trails and Landscaping Committee funding	
2/7/2023	Kim Trupiano	City Council Goal Setting Session	<i>Annual 3/13/23, Second meeting to be set by permanent City Manager and City Council</i>
2/21/2023	Peter Cloven	Consider Funding an additional Crossing Guard	

City Council Requests Since 12/15/2020 – Open

Date	Requester	Request	Status
2/21/2023	Holly Tillman	Traffic Calming on Regency Drive/speed bumps	<i>Citywide speeding with mention of Regency discussed at 4/18/23 Council meeting. Speed limit ordinance revision tentatively scheduled at 5/16/23 Council meeting</i>
3/7/2023 & 3/21/2023	Peter Cloven	City Council procedure in addition of a future item to the City Council Agenda discussed in public prior to being placed on the agenda.	<i>Council Guidelines and Procedures Update on 5/2/23 Council meeting</i>
3/21/2023	Kim Trupiano	Policy on posting community events on the city's website and requested the Mount Diablo Interpretive Association to provide the City Council a presentation at its April 18 meeting.	<i>Mt. Diablo Interpretive Association presented 4/18/23</i>
3/21/2023	Jim Diaz	Establishment of an ad-hoc committee for the purpose of Public Safety Services District funding source for the Police Department.	
3/21/2023	Holly Tillman	Consideration of a play structure at Stranahan park and consideration of use fees for other entities such as sports teams.	
4/4/2023	Holly Tillman	Update from the Trails and Landscaping Committee, an update from the Concerts in The Grove Committee, an update from the July 4 Parade Committee, a review of special agreements, and Amendment of the Clayton Municipal Code regarding Food Truck Vendors.	<i>Concerts In the Grove- Info only, and review of special agreements discussion at 5/2/23 Council meeting</i>
4/18/2023	Kim Trupiano	Approval of the Dates for the 2023 Concerts in The Grove, beginning 5/13 through 9/16 (every other weekend)	<i>Info Only at 5/2/23 Council meeting</i>

City Council Requests Since 12/15/2020 – Open

Date	Requester	Request	Status

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
12/15/2020	Jeff Wan	Review of Agenda Item Order (Public Comment in the beginning of the meeting)	<i>Completed 2/16/2021 & 5/18/2021 & 6/1/2021</i>
12/15/2020	Jim Diaz	Review/Re-issue City Council Guidelines and Procedures	<i>Completed</i>
1/5/2021	Holly Tillman	Proclamation for Black History Month, list of cultural heritage days/month	<i>Completed 2/16/2021 & 4/6/2021 & 8/3/2021</i>
1/19/2021	Holly Tillman	Staff to determine installation of an anti-racist library at City Hall	<i>Completed; placed on private property</i>
3/2/2021	Jim Diaz	Consideration of outdoor Cannabis cultivation in Clayton	<i>Completed 5/4/2021 & 11/16/2021 & 12/7/2021</i>
3/2/2021	Jeff Wan	CDD regarding the process of the Clayton Community Church Project	<i>Completed 3/16/2021</i>
3/16/2021	Jim Diaz	Reconsideration of recent (Maheri) claim that was denied (2/16/2022 Council meeting)	<i>Completed 8/3/2021</i>
4/6/2021	Carl Wolfe	Pride Flag to be flown in annually in June	<i>Completed 6/15/2021</i>
4/20/2021	Holly Tillman	Calendar of various committees meeting dates	<i>Completed; sent to Council & posted on website</i>
4/20/2021	Holly Tillman	Removal of Columbus Day from Cultural Heritage Proclamations	<i>Completed 8/3/2021</i>
4/20/2021	Carl Wolfe	Creative dialogue regarding SB9/SB10 and other bills that directly affect Clayton	<i>Briefing on SB9/SB10 by City Attorney on 11/2/2021</i>
4/20/2021	Holly Tillman	Invitation to all new business that opened during COVID to speak at a future Council meeting	<i>Beginning November 1, 2022, implemented a twice-yearly recognition of new businesses at City Council (May and November) with any new</i>

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
			<i>businesses within the prior six months invited to participate and make up to 3 minutes of comments</i>
5/4/2021	Holly Tillman	Addition of Armenian Genocide Remembrance Day to Cultural Heritage Proclamations	<i>Completed; added at 4/5/2022 Council meeting</i>
5/4/2021	Holly Tillman	How to obtain community feedback regarding Clayton Community Library hours	<i>New library hours have been in place since July 1, 2021 with no significant complaints.</i>
5/18/2021	Peter Cloven	Hazard Pay Ordinance	<i>Completed 6/1/2021</i>
5/18/2021	Peter Cloven	Implementation of a Vacancy Tax in Clayton	<i>Vacancy Tax included in Revenue Options staff report on 2/1/2022</i>
6/1/2021	Jim Diaz	Review Non-Governmental Signs code	<i>Completed 8/3/2021</i>
6/1/2021	Jeff Wan	Summer City Council Schedule	<i>Completed 6/15/2021</i>
6/1/2021	Jeff Wan	Information on going back to in-person meetings	<i>Completed 9/21/2021 equipment upgrade for in-person hybrid meetings</i>
6/29/2021	Jim Diaz	Microphone for Assistant to the City Manager during Zoom meetings as she is hard to hear	<i>Completed</i>
6/29/2021	Jeff Wan	Ballot Measure for General Revenue	<i>Completed 9/21/2021 & 2/1/2022 & 2/15/2022</i>
6/29/2021	Jeff Wan	Update to Engineering portion of the City's website to include Pavement Condition Index Report	<i>Completed 8/2021</i>
6/29/2021	Jeff Wan	In-Person City Council meetings to begin prior to 9/30/21	<i>Completed; anticipated date of 4/19/2022</i>
6/29/2021	Jeff Wan	City letters of any concerns once the proposed reclamation plan is submitted to the County by CEMEX Quarry	<i>Completed 3/15/2022 Council meeting</i>

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
7/20/2021	Jeff Wan	Ballot Measure for General Revenue	<i>Completed 2/1/2022 & 2/15/2022</i>
9/21/2021	Jim Diaz	Request Maintenance to provide additional cleaning to The Grove Park during Concerts in The Grove season	<i>Completed/ongoing</i>
9/21/2021	Jim Diaz	City Manager 6-month evaluation	<i>Evaluation completed at 1 year</i>
9/21/2021	Holly Tillman	Review of protocol of City Council/Planning Commission procedures	<i>Considered 3/22/2021 & 3/21/2022 City Council Special Meetings</i>
9/21/2021	Carl Wolfe	City Fountain to run annually on September 11	<i>Fountain Policy updated 8/2/22 to include.</i>
10/5/2021	Jeff Wan	City's arrangements as the Fiscal Agent for Concerts in The Grove along with other arrangements of similar kind	<i>Completed 4/19/2022</i>
10/19/2021	Jeff Wan	City Council to consider alternative City Council meeting dates in order to meet some grant funding deadlines	<i>Completed/extra dates were not needed</i>
12/7/2021	Jim Diaz	CEMEX presentation regarding recent incident	<i>Discussed with Council Ad Hoc on 3/8/2022.</i>
12/7/2021	Jim Diaz Jeff Wan	American Rescue Plan Funds considered for Police and City Staff	<i>Completed 1/4/2022 & 1/18/2022</i>
12/7/2021	Holly Tillman	Updated City Council Policies and Procedures	<i>Discussed at 3/21/2022 Special Meeting.</i>
1/18/2022	Peter Cloven	Bay Area Rapid Transit (BART) redistricting	<i>Completed 2/1/2022</i>
1/18/2022	Carl Wolfe	Landslide area near the school that continues to occur and possible solutions	<i>Maintenance is working with the Mt. Diablo Unified School District Maintenance staff to address school site drainage issues that lead to excessive runoff.</i>

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
2/1/2022	Jim Diaz	Consider additional premium pay for Clayton's two part-time employees	<i>Addressed by Mayor at 2/15/2022 Meeting</i>
2/15/2022	Peter Cloven	CEMEX revised Reclamation plan and formation of ad-hoc committee (Cloven and Diaz)	<i>Completed; Established 3/1/2022 and Ad Hoc met 3/8/2022</i>
2/15/2022	Peter Cloven	Formation of ad-hoc committee including the Finance Director regarding the potential tax measure	<i>5/3/22 – Council direction for no ballot measure in November 2022.</i>
3/1/2022	Jim Diaz	City Council and Planning Commission form a Study Group regarding the Housing Element	<i>Multiple dates have had input from Planning Commission and City Council on the Draft Housing Element; Element submitted to HCD 7/14/22. May 24 (PC), May 31 (CC), June 14 (PC), June 23 (CC).</i>
3/15/2022	Peter Cloven	"Otter Day" proclamation in honor of Dana Hills swim team	<i>Completed at 6/7/22 City Council</i>
4/19/2022	Holly Tillman	How we handle facility rental fees and non-profits and any potential/requested reductions in those fees	<i>Endeavor Hall Ad Hoc Subcommittee on 7/18/22. Additional evaluation to be done with review of Master Fee Schedule.</i>
5/03/2022	Jim Diaz	Bring back/resolve tree claim (from storm in October 2020)	<i>Tree claim is resolved as of August 2021. Claim is closed and lawsuit filing period has passed. No further action to be taken.</i>
5/17/2022	Jim Diaz	Consideration of an additional disabled parking spot downtown adjacent to The Grove Park.	<i>An additional disabled parking space has been added adjacent to an existing space on Center Street @ Marsh Creek adjacent to The Grove Park.</i>

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
6/07/2022	Jim Diaz	Organizational analysis.	<i>Approved in FY2022/23 Budget. Proposals received 7/15/22.</i>
6/07/2022	Carl Wolfe	Run the Clayton fountain on 9/11.	<i>Fountain Operational Policy amended on 8/2/22 to include September 11th.</i>
8/16/2022	Holly Tillman	Establishment of a process, with a possible ribbon cutting ceremony to recognize new businesses in Clayton	<i>City Manager's Weekly Report now indicates new business licenses issued to provide additional advance notice of potential grand openings. Staff will continue to follow up with businesses to get additional information as it is available.</i>
08/16/2022	Peter Cloven	Establishing a Citizen Advisory Committee related to placing a measure on the 2024 Municipal Election ballot.	<i>Community Financial Sustainability Committee established at 10/18/22 Council meeting.</i>
9/20/2022	Carl Wolfe	Clayton Cooling Center and Emergency Operations locations.	<i>The City typically coordinates with the County relative to opening of any emergency shelters or heating/cooling locations; often with the County library being used for that purpose as needed.</i>
9/20/2022	Jeff Wan	City Engineer report out on the Scope of Work on the recent Paving Project.	<i>Completed at 11/15/22 Council meeting with project acceptance.</i>
10/4/2022	Holly Tillman	Update on AB 2011 and SB 6 and how it could affect Clayton.	<i>Completed at 11/15/22 Council meeting.</i>
11/01/2022	Jim Diaz	Request Closed Session regarding Executive Search firms for City Manager search.	<i>Discussed with Councilmember Diaz. Closed out; no need for Closed Session.</i>
12/06/2022	Jeff Wan	Order of the Agenda	<i>Completed at 12/20/2022 Council meeting.</i>
12/06/2022	Jeff Wan	Proposal for Solar Lease Arrangement	<i>Completed at 12/20/2022 Council meeting.</i>

City Council Requests Since 12/15/2020 – Completed

Date	Requester	Request	Status
11/01/2022	Holly Tillman	Request to discuss purpose and need for Council Committees in advance of assignments for 2023.	<i>Completed at 12/20/2022 Council meeting.</i>
1/17/2023	Kim Trupiano	Presentation by Clayton Valley Village and Diamond Terrace fee increases.	<i>Completed at 3/7/23 Council meeting</i>
4/4/2023	Kim Trupiano	Presentation by the Mt Diablo Interpretive Association.	<i>Completed at 4/18/23 Council Meeting</i>



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCIL MEMBERS

FROM: Ron Bernal, Interim City Manager

DATE: May 2, 2023

SUBJECT: Council Member Request - City Special Agreements

RECOMMENDATION

Staff recommends the City Council receive information from Council Member Tillman, discuss and provide direction to staff.

BACKGROUND

At the City Council meeting on April 4, 2023, Council Member Tillman requested an item be brought back to the City Council for the review of special agreements.

DISCUSSION

It is staff's understanding that this would include agreements with various Clayton based non-profits. Staff is currently working on a list of vendors and contracts requested by the Budget and Audit Committee and presented at their March 27th meeting. That committee requested a more comprehensive analysis be performed and the item brought back to the committee at their May 22nd meeting to be considered as part of the Fiscal Year 2023/24 budget review process.

Further information from Council Member Tillman on her request is necessary for the City Council to provide direction to staff on next steps.

FISCAL IMPACTS

Unknown at this time if there would be any fiscal impacts.

ATTACHMENTS

None